#### LANDER COUNTY COMMISSIONERS MEETING TOWN BOARD OF BATTLE MOUNTAIN & AUSTIN BOARD OF COUNTY HIGHWAY COMMISSIONERS

January 11, 2018

LANDER COUNTY COURTHOUSE COMMISSIONERS' CHAMBER 50 STATE ROUTE 305 BATTLE MOUNTAIN, NEVADA

Also Via Teleconference At

AUSTIN COURTHOUSE COMMISSION OFFICE 122 MAIN STREET AUSTIN, NEVADA

9:00 A.M Call to Order
Pledge of Allegiance
A Moment of Silence

#### Lander County Commissioners may break for lunch from 12:00pm to 1:15pm

Any agenda item may be taken out of order, may be combined for consideration by the public body, and items may be pulled or removed from the agenda at any time. Commissioners Reports on meetings, conferences and seminars attended Staff Reports on meetings, conferences and seminars attended

Public Comment - For non-agendized items only. Persons are invited to submit comments in writing and/or attend and make comments on any non-agenda item at the Board meeting if any, and discussion of those comments at the discretion of the Board. All public comment may be limited to three (3) minutes per person, again at the discretion of the Board. Reasonable restrictions may be placed on public comments based upon time, place and manner, but public comment based upon viewpoint may not be restricted.

#### \*CONSENT AGENDA\*

All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, without extensive discussion. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed and acted upon separately during this meeting. Consent agenda materials are available at the Lander County Clerk's office for viewing and copies are available for a nominal charge.

- \*(1) Approval of January 11, 2018 Agenda Notice
- \*(2) Approval of November 30, 2017 Meeting Minutes
- \*(3) Approval of December 14, 2017 Meeting Minutes
- \*(4) Approval of the Payment of Bills
- \*(5) Approval of Payroll Change Requests

#### \*COMMISSIONERS\*

\*(1) Discussion and possible action to elect a Chairperson and Vice-Chairperson to the Lander County Board of Commissioners for the 2018 calendar year, and all other matters properly related thereto.

Public Comment

- \*(2) Discussion and possible action regarding appointment of a Lander County Commissioner(s) to the following various 2018 advisory boards:
  - A) Category I:
    - 1. Lander County Board of Equalization;
    - 2. Lander County Convention & Tourism Authority;
    - 3. Lander County Debt Management Commission;
    - 4. Lander County Planning Commission;
    - 5. Lander County Regional Transportation Commission;
  - B) Category II:
    - 1. Lander County Advisory Board to Manage Wildlife;
  - C) Category III:
    - 1. Austin Airport Advisory Board;
    - 2. Battle Mountain Livestock Events Center Advisory Board;
    - 3. Local Emergency Planning Commission;
    - 4. Lander County Economic Development Authority;
    - 5. Lander County Public Lands Use Advisory Planning Commission;
  - D) Category IV:
    - 1. Lander County Conservation District;
    - 2. Lander County Hospital District;
    - 3. Lander County Safety Committee;
    - 4. Central Nevada Regional Water Authority;
    - 5. Department of Energy Board Representative;
    - 6. Humboldt River Basin Water Authority;
    - 7. State Land Use Planning Advisory Committee;
    - 8. Nevada Association of Counties:
    - 9. Nevada Works:
    - 10. Pool Pact;

And all other matters properly related thereto.

Public Comment

\*(3) Update from the Western Counties Alliance regarding Bears Ears National Monument, Grand Staircase-Escalante National Monument, H.R. 3990, and RS2477, and all other

matters properly related thereto.

Public Comment

\*(4) Discussion for possible action to remove George Fennemore as the North Eastern Nevada Regional Development Authority (NNRDA) representative and to assign two Lander County Commissioners to the NNRDA, one as a member and one as an alternate with only one of them being able to vote, and to decide the future of the Lander County Economic Development Authority (LEDA), and all other matters properly related thereto.

Public Comment

\*(5) Discussion and possible action to approve/disapprove a proclamation declaring January 2018 as "National Radon Action Month in Lander County, Nevada", and all other matters properly related thereto.

Public Comment

#### \*AIRPORT\*

\*(6) Discussion for possible action to approve/disapprove the FAA Grant Application and Associated Sponsor Certifications for the Taxiway C project at the Battle Mountain Airport, and authorize the chair or vice-chair to sign, and all other matters properly related thereto.

Public Comment

\*(7) Discussion for possible action regarding the creation of a Battle Mountain Airport Advisory Board as a Category III Board, and all other matters properly related thereto.

Public Comment

\*RECESS THE BOARD OF LANDER COUNTY COMMISSIONERS AND CONVENE THE MEETING OF THE LANDER COUNTY LIQUOR BOARD COMPOSED OF THE LANDER COUNTY BOARD OF COMMISSIONERS AND THE LANDER COUNTY SHERIFF\*

\*(8) Discussion for possible action to approve/disapprove a liquor license for JJ Parmar Inc. (JP Quick Mart), located at 995 Broyles Ranch Road, Battle Mountain, Nevada, for a Gaming and On & Off Site Liquor License, and all other matters properly related thereto.

Page 3 of 6

Public Comment

# \*ADJORN THE MEETING OF THE LANDER COUNTY LIQUOR BOARD AND RECONVENE THE MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS\*

#### \*SHERIFF'S DEPARTMENT\*

\*(9) Discussion for possible action regarding the retirement of the Sheriff's Office canine "Dallas" due to his deteriorating medical condition, and to authorize the giving or selling of "Dallas" to his handler for the amount of \$1.00, and all other matters properly related thereto.

Public Comment

\*(10) Discussion for possible action regarding the augmentation of the current Sheriff's Office budget line 001-012-53121 in the amount of \$18,000.00 for the purchase, training and certification of a replacement Narcotics Detection and Tracking canine and training and certification of the handler, and all other matters properly related thereto.

Public Comment

#### \*PUBLIC WORKS\*

\*(11) Discussion for possible action to approve/disapprove Day Engineering's Professional Engineering Services Proposal for Water Reclamation Facility Overflow Pond Lining at the Battle Mountain Sewer Plant in an amount not to exceed \$73,000.00, and all other matters properly related thereto.

Public Comment

\*(12) Discussion for possible action to approve/disapprove a modified agreement between Lander County and Land Venture Partners, LLC for the land re-alignment for the Battle Mountain Levee Project, and all other matters properly related thereto.

Public Comment

#### \*COMMISSIONERS\*

\*(13) Discussion for possible action for the remaining balance of up to \$75,000.00 out of the original \$120,000.00 Water & Sewer District #2 grant funds for the sewer Preliminary Engineering Report (PER) in Austin to be reallocated and used in paying for the design portion of the Highway 50 Sewer Project, and all other matters properly related thereto.

Public Comment

\*(14) Discussion for possible action regarding property damage to personal vehicle in the Lander County Sheriff's Office Parking lot, and all other matters properly related thereto.

Public Comment

\*(15) Discussion for possible action to approve/disapprove the agreement between Lander County and Holland & Hart for legal representation of Lander County during the Greater Sage-Grouse Land Use Plan Amendments, and all other

Public Comment

\*(16) Discussion for possible action regarding the next step in the hiring of Human Resources Director, and all other matters properly related thereto.

Public Comment

#### \*FINANCE\*

\*(17) Discussion for possible action regarding the FAA Grant money received to be read into minutes, and all other matters properly related thereto.

Public Comment

#### \*CORRESPONDENCE

\*(18) Correspondence/reports/potential upcoming agenda items.

Public Comment

<u>Public Comment</u> - For non-agendized items only. *Persons are invited to submit comments in writing and/or attend and make comments on any non- agenda item at the Board meeting if any, and discussion of those comments at the discretion of the Board. All public comment may be limited to three (3) minutes per person, again at the discretion of the Board. Reasonable restrictions may be placed on public comments based upon time, place and manner, but public comment based upon viewpoint may not be restricted.* 

#### **ADJOURN**

\*Denotes "for possible action". Each such item may be discussed and action taken thereon with information provided at the meeting. Action may be taken according to the "Nevada Open Meeting Law Manual" via a telephone conference call in which a quorum of the Board members is simultaneously linked to one another telephonically.

#### NOTE: TIMES ARE APPROXIMATE

This is the tentative schedule for the meeting. The Board reserves the right to take items out of order to accomplish business in the most efficient manner. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

*Notice to persons with disabilities*: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the County Executive Director in writing at the Courthouse, 50 State Route 305, Battle Mountain, Nevada 89820, or call (775) 635-2885 at least one day in advance of the meeting.

NOTICE: Any member of the public that would like to request any supporting material from the meeting, please contact the clerk's office, 50 State Route 305, Battle Mountain, Nevada 89820 (775) 635-5738.

AFFIDAVIT OF P	OSTINO
State of Nevada	)
	) ss
County of Lander	)

Keith Westengard, Lander County Executive Director of said Lander County, Nevada, being duly sworn. says, that on the 5<sup>th</sup> day of January, 2018, he posted a notice, of which the attached is a copy, at the following places: I) Battle Mountain Civic Center, 2) Battle Mountain Post Office, 3) Lander County Courthouse, 4) Swackhamer's Plaza Bulletin Board, 5) Kingston Community Hall Bulletin Board, and 6) Austin Courthouse in said Lander County, where proceedings are pending.

Kool Was

Keith Westengard, Lander County Executive Director

Subscribed and sworn to before me this 5th day of January, 2018.

Witness Pille Fuller

Name of Agenda: Lander County Board of Commissioners

Date of Meeting: January 11, 2018

#### $\infty$

# KEITH WESTENGARD Lander County Executive Director



ACKNOWLEDGEMENT OF REVIEW & AUTHORIZATION

DATE

Executive Director

102-18

### LANDER COUNTY COMMISSION MEETING

January 11, 2018

### RATIFY SUBMITTED EXPENDITURES IN THE AMOUNT OF \$949,927.87 From Check #105294 thru #105406

Report No: PB1308 LANDER COUNTY Page 1
Run Date: 12/28/17 CHECK REGISTER 12/28/17

	: 12/28/17		CHECK REGIST	ER 12/28/17			
CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
105294	ADVANCED DATA SYSTEMS	INC					
		11/30/17 MONTHLY MAINT.		12/28/17	91941	1,118.00	
		11/30/17 MONTHLY MAINT.		12/28/17	91941	60.00	
		11/30/17 MONTHLY MAINT.		12/28/17	91941	1,070.00	
		11/30/17 MONTHLY MAINT.		12/28/17	91941	1,874.00	
		11/30/17 MONTHLY MAINT.					
				12/28/17	91941	589.00	
		11/30/17 MONTHLY MAINT.		12/28/17	91941	514.00	
		11/30/17 MONTHLY MAINT.		12/28/17	91941	200.00	
		11/30/17 MONTHLY MAINT.		12/28/17	91941	175.00	
		11/30/17 MONTHLY MAINT.		12/28/17	91941	175.00	
105295	AL PARK PETROLEUM						5,775.00
100200	THE THIRD TOTAL OF	10/13/17 FUEL		12/28/17	91945	4.70	
		10/13/17 FUEL		12/28/17	91945	5.38	
		11/7/17 FUEL		12/28/17	91945	13.50	
		11///1/ FUEL		12/28/17	31345	13.50	23.58
105296	ALLISON, MACKENZIE,						23.36
		12/8/17		12/28/17	91948	125.00	
							125.00
105297	PENNY G. OSTERHOUT						
		12/19/17 LOCKSETS/DEADBLT		12/28/17	91940	1,109.50	
105298	AMAZON CAPITAL SERVICE	c					1,109.50
103296	AMAZON CAPITAL SERVICE	12/19/17 DETENTION SUPPLY	•	12/28/17	92041	41.96	
		12/22/17 DETENTION SUPPLY		12/28/17	92041	33.84	
					92041	83.97	
		11/16/17 NEW KEYBOARDS		12/28/17			
		11/16/17 CHRISTMAS ALERT	8	12/28/17	92041	43.68	
		11/2/17 REFURBISH WRK STN		12/28/17	92041	165.96	250 44
100299	WARNER R. AMBROSE						369.41
1 6 2 9 9	WARNER R. AMBROSE	11/27/17-11/30/17		12/28/17	91943	1,860.24	
		,,,,,				-,	1,860.24
105300	AMERICAN JAIL ASSOCIAT	ION					
		11/27/17 MMBRSHP QUICK, R		12/28/17	92042	48.00	
							48.00
105301	AMERICAN JUDGES ASSOC			NOTE OF THE PROPERTY OF THE PARTY.			
		MMBRSHP 12/1/17-11/30/18		12/28/17	92043	175.00	
							175.00
105302	AMPED-OUT-ELECTRICAL, I						
		11/29/17 W&S SHOP		12/28/17	91939	1,052.97	
		12/18/17 BM AIRPORT		12/28/17	91939	170.00	
							1,222.97
105303	ARC HEALTH AND WELLNESS					(2/2/2/12/2/	
		12/8/17 PHYSICAL LCSO		12/28/17	91947	390.06	
							390.06
105304	ATLANTIS CASINO RESORT			/ /		107.40	
		12/6/17 FULLER, NILLA		12/28/17	91946	127.42	127.42
105305	ATIAC TOWING CEDUICE IN	IC.					127.42
105305	ATLAS TOWING SERVICE IN	12/7/17 DOOR PANEL		12/28/17	91942	30.00	
		12/ // I/ DOOR FARED		12/20/1/	71712	50.00	30.00
105306	BLUE MOON PORTABLES						(7,2 1,3,3
203300		11/20/17 WEEKLY SERVICE		12/28/17	91952	165.00	
		11/30/17 WEEKLY SERVICE		12/28/17	91952	165.00	
		,,					330.00
105307	BLUE TARP FINANCIAL, IN	IC.					

Report No: PB1308	LANDER COUNTY	Page
Bir Data 12/20/17	10.00 April 20.00 T T T T T T T T T T T T T T T T T T	rage

	e : 12/28/17			STER 12/28/1	7		Pag
CHECK							CHECK
NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	TOTAL
		12/5/17 HINGE WELD		12/28/17	91950	210.39	
105308	ALSAKER CORPORATION						210.39
103300	ABSARER CORPORATION	12/7/17 FUEL		12/28/17	91953	07.73	
		,,,_,		12/26/1/	91953	87.73	87.73
105309	STACY BROOKS						87.73
		POSTAGE		12/28/17		15.58	
		8/19/17 RAW FOOD WALMA 8/19/17 RAW FOOD WALMA		12/28/17		35.37	
		9/21/17 RAW FOOD WALMA		12/28/17		27.59	
				12/28/17		34.61	
		9/21/17 RAW FOOD RAINE	S	12/28/17		24.02	
		RAW FOOD PONY CANYON		12/28/17		162.87	
		11/14/17 RAW FOOD MIDW		12/28/17		18.70	
		11/14/17 RAW FOOD MIDW		12/28/17		15.03	
		10/30/17 RAW FOOD RAIL	EYS	12/28/17	91951	9.57	
105310	BYRON ALARCON						343.34
		12/19/17 WEB SERVICES		12/28/17	91949	4,375.00	
				10,00,1,	21212	4,373.00	4,375.00
105311	CASHMAN EQUIPMENT						4,575.00
		11/30/17 GASKETS/CREDIT	Г	12/28/17		112.38-	
		11/30/17 MOTOR WIPE		12/28/17	91955	146.95	
		12/8/17 LOADER		12/28/17	91955	1,803.80	
105312	CC COMMUNICATIONS						1,838.37
		12/7/17		12/28/17	92044	10,000.00	
12121212121				12/20/11	32044	10,000.00	10,000.00
105313	IDAHO TRUCK SPECIALTIE						10,000.00
		10/11/17 KINGSTON FIRE		12/28/17	92045	42,080.00	
105314	RON CRESS						42,080.00
	KON CRESS	WATER & SEWER OVERPAYME	NIT	10/00/15			
10		WATER & SEWER OVERPAYME		12/28/17	91954	606.62	
_		WHITE & DEMER OVERPAINE	INI	12/28/17	91954	555.25	
105315	CTS LANGUAGE LINK						1,161.87
		12/1/17 INTERPRETER 911		12/28/17	91979	3.04	
						3.04	3.04
105316	DAKOTA DIESEL REPAIR						3.01
		12/7/17 TIRES		12/28/17	91957	635.18	
105317	DAY ENGINEERING						635.18
103317	DAI ENGINEERING	10/4/12 24/2744 27477			AMERICAN AND CONTRACTOR		
		12/4/17 AUSTIN SEWER PR	EL	12/28/17	91956	500.00	
		12/4/17 BM WASTEWATER		12/28/17	91956	1,385.00	
105318	DESERT TRAILS VETERINA	RV					1,885.00
	DEBUT HUMBO VEIDKINA	11/17/17 SPAY/NEUTER		12/28/17	92046	75.00	
		11/1/1/ 51111/1150151		12/20/1/	92046	75.00	75 00
105319	DISPLAY SALES						75.00
		11/17/17 BULBS LED		12/28/17	91958	228.50	
						220.50	228.50
105320	ECOLAB						220.50
		12/11/17 MACHINE RENTAL		12/28/17	91960	106.45	
105301	DEGUNUADANG DOOR						106.45
105321	ETCHEVERRYS FOOD TOWN	VOV. 6615 6555					
		NOV. 2017 STATEMENT		12/28/17	91961	1,185.40	
							1,185.40

Report No: PB1308 LANDER COUNTY Page 3
Run Date: 12/28/17 CHECK REGISTER 12/28/17

	3 : 12/28/17		CHECK REGIS	TER 12/28/17	7		
CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK
	V2112011	INVOICE DESCRIPTION	F/O #	DATE	I KANS#	AMOUNT	TOTAL
105322	FAST GLASS						
		11/28/17 GLASS REPAIR		12/28/17	91962	145.00	
		12/13/17 VFW BUILDING		12/28/17	91962	785.00	
105323	FASTSIGNS						930.00
103323	PASISIGNS	12/13/17 ROOM ID SIGNS		10/00/17			
		12/13/17 ROOM ID SIGNS		12/28/17	92048	691.59	
105324	CHARLENE FETTERLY						691.59
		12/11/17 4-H SHOW		12/28/17	91963	35.00	
		12/11/17 4-H SHOW		12/28/17	91963	28.52	
				,,	32303	20.32	63.52
105325	DEONILLA R. FULLER						03.32
		12/7/17 HR CLASS		12/28/17	92047	34.00	
		12/7/17 HR CLASS		12/28/17	92047	250.38	
105306	G = G G0110=======						284.38
105326	G & S CONSTRUCTION, INC						
		11/11/17 LTL LGE CNCSSNS		12/28/17	92050	23,800.00	
105327	GALL'S LLC						23,800.00
103327	GADD 5 DDC	12/18/17 BP VEST PETIT, N		10/00/15			
		12/10/1/ BP VEST PETIT, N		12/28/17	92049	985.00	
105328	GEM ST. PAPER & SUPPLY	CO					985.00
		9/14/17 SHINE PLUS		12/28/17	91964	37.46	
		10/19/17 JUG PUMP		12/28/17	91964	2.30	
		10/19/17 JUG PUMP		12/28/17	91964	1.54	
		12/7/17 PUMICE BARS		12/28/17	91964	17.39	
		12/7/17 PUMICE BARS		12/28/17 12/28/17	91964	11.59	
		12/7/17 BATH TISSUE		12/28/17	91964	96.60	
		12/7/17 PAPER/SANDW. BAGS		12/28/17 12/28/17	91964	172.60	
		12/7/17 DISPENSER			91964	244.19	
		12/14/17 PAPER		12/28/17	91964	19.80	
<u> </u>		12/14/17 PAPER		12/28/17	91964	19.79	
		12/14/17 PAPER 12/21/17 CLEANER		12/28/17	91964	19.79	
		12/21/17 CHEANER 12/21/17 CHARCOAL		12/28/17 12/28/17	91964 91964	90.65	
		12/14/17 BATH TISSUE		12/28/17	91964	46.54 58.53	
		12/21/17 CLNG SUPPLIES		12/28/17	91964	374.76	
		12/21/17 CLNG SUPPLIES		12/28/17		173.44	
		12/21/17 DISINFECTANT		12/28/17	91964	59.66	
							1,446.63
105329	GOLD DUST WEST CARSON						* O TO T
		11/27/17 QUICK, ROBERT		12/28/17	91966	266.40	
105330							266.40
105330	GRATE DETECTIONS LLC	/-/					
		12/8/17		12/28/17	91965	1,678.50	AND THE MARKET AND THE PARTY OF
105331	H.E. HUNEWILL CONST.CO.						1,678.50
103331	H.E. HONEWILL CONST.CO.	, 12/6/17 W&S LIFT REHAB		12/20/17	01067	210 607 00	
		12/6/17 LIFT REHAB RETETN		12/28/17 12/28/17	91967 91967	219,687.99	
		12/12/17 PURPLE PIPE		12/28/17	91967	203,353.48 19,067.45	
		12/12/17 WELL 3 MOD		12/28/17	91967	29,022.03	
		12/15/17 AUSTN AIRP. WATR		12/28/17	91967	38,935.00	
							510,065.95
105332	HACH COMPANY						
		11/28/17 AMMONIA		12/28/17	91969	36.98	
							36.98

Report No: PB1308 Run Date : 12/28/17	LANDER COUNTY CHECK REGISTER 12/28/17	Page 4
CHECK		CHECK

CHECK	,,		CHECK RECED.	1210 12/20/1/			CHECK
NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	TOTAL
							101112
105333	HARRY'S BUSINESS MACHI						
		12/13/17 RPR CRD PRNTR		12/28/17	92051	345.22	
105334	HINDONDUDDICK DILG						345.22
105334	HINTONBURDICK, PLLC	11/30/17 ON NURTH CERUITOR		10/00/17	01060	5 200 00	
		11/30/17 ON AUDIT SERVICE		12/28/17	91968	6,300.00	5 200 00
105335	IAAO						6,300.00
100000		2018 DUES DUVALL, LURA		12/28/17	91970	210.00	
		2010 2022 200122, 20121		12/20/17	21370	210.00	210.00
105336	INTERNATIONAL ASSOC. F	OR					220.00
		2018 IAPE MEMBRSHP WILEY		12/28/17	91972	50.00	
		2018 IAPE MEMBRSHP QUICK		12/28/17	91972	50.00	
6 SESSE							100.00
105337	INLAND SUPPLY CO INC			2 1			
		11/29/17 KITCHEN TOWELS		12/28/17	91973	55.79	
105338	INTEGRITY PEST MANAGEM	DATE					55.79
105338	INTEGRITY PEST MANAGEM	ENT 12/18/17 LC BUILDINGS		10/00/17	20250	12 222 22	
		12/18/17 LC BUILDINGS		12/28/17	92052	1,650.00	
105339	INTERWEST SUPPLY CO, I	NC					1,650.00
200000	INIDAMEDI BOITEI CO, I	10/25/17 PLATE		12/28/17	91974	330.50	
		12/6/17 REC. TUBE		12/28/17 12/28/17	91974	186.75	
		12/6/17 FLAT BAR		12/28/17	91974	45.99	
				,_,			563.24
105340	IWORQ SYSTEMS						
		12/14/17 INTERNET SOFTWAR		12/28/17	91971	1,000.00	
							1,000.00
105341	J-U-B ENGINEERS, INC.						
		12/11/17 BM SELF SERVICE		12/28/17	91976	3,343.00	
		12/11/17 AUSTIN JET A TNK		12/28/17	91976	2,750.00	
<u> </u>		12/11/17 BM SELF SERVICE 12/11/17 AUSTIN JET A TNK 12/11/17BM AIRPORT HANGRS 12/11/17 BM PAVEMNT REHAB 12/11/17 AUSTIN AIRPORT 12/12/17 BM GNRL SRVS		12/28/17	91976	2,750.00 3,609.84 27,769.55 18,275.00 2,209.19	
2		12/11/17 BM PAVEMINI REMAB		12/20/17	91976 91976	19 275 00	
		12/12/17 BM GNRL SRVS		12/28/17	91976	2.209 19	
		,,		//	525.0	2,203.23	57,956.58
105342	LUCUS JENKINS						5.,,555.55
		12/15-16/17 AUSTIN COVERG		12/28/17	91975	70.00	
							70.00
105343	KENT'S SUPPLY CENTER, I			V			
		12/12/17 SUPPLIES		12/28/17	91977	64.84	
105344	LANDER HARDWARE LLC						64.84
105344	LANDER HARDWARE LLC	8/1/17 RAID/WDGE HNDL		12/28/17	91978	8.77	
		8/2/17 COMPACT DRILL		12/20/17	91970	169.96	
				12/28/17 12/28/17	91978	19.97	
		8/3/17 HYDRANT		12/28/17	91978	129.99	
		8/4/17 HAND TRK/FAN		12/28/17	91978	127.97	
		8/7/17 RAID/FOGGER		12/28/17	91978	18.57	
		8/7/17 GORILLA TAPE		12/28/17	91978	19.98	
		8/16/17 FOGGER		12/28/17	91978	6.11	
		8/16/17 FOGGER/RAID		12/28/17	91978	4.07	
		8/16/17 FOGGER/RAID		12/28/17	91978	3.40	
		8/16/17 RAID		12/28/17	91978	5.39	
		8/16/17 RAID		12/28/17	91978	3.59	
		8/16/17 RAID		12/28/17	91978	3.00	
		8/3/17 SQUEEGEE/RAID 8/3/17 HYDRANT 8/4/17 HAND TRK/FAN 8/7/17 RAID/FOGGER 8/7/17 GORILLA TAPE 8/16/17 FOGGER/RAID 8/16/17 FOGGER/RAID 8/16/17 RAID 8/16/17 RAID 8/16/17 RAID 8/16/17 RAID 8/16/17 RAID 8/23/17 RAID/TRAP		12/28/17	91978	35.14	

LANDER COUNTY CHECK REGISTER 12/28/17 Report No: PB1308
Run Date : 12/28/17 Page 5

CHECK							CHECK
NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	TOTAL
		8/23/17 HEAD NET/RAID		12/28/17	91978	51.90	
		8/23/17 HEAD NET/RAID 8/24/17 FLOOD BULB 8/24/17 STEEL FLAT/ROD 8/30/17 TIEDOWN RATCHET 8/31/17 BOLT HOOK 10/31/17 HACKSAW 12/5/17 TRUFUEL 12/07/17 VALVE 12/11/17 UTILITY HEATER 12/12/17 PLASTIC CAM 12/12/17 CEMENT SUPPLIES 12/13/17 EXTENSION WAND		12/28/17	91978	59.98	
		8/24/17 STEEL FLAT/ROD		12/28/17	91978	13.58	
		8/30/17 TIEDOWN RATCHET		12/28/17	91978	22.99	
		8/31/17 BOLT HOOK		12/28/17	91978	59.96	
		10/31/17 HACKSAW		12/28/17	91978	60.73	
		12/5/17 TRUFUEL		12/28/17	91978	15.98	
		12/07/17 VALVE		12/28/17	91978	20.98	
		12/11/17 UTILITY HEATER		12/28/17	91978	57.76	
		12/12/17 PLASTIC CAM		12/28/17	91978	26.95	
		12/12/17 CEMENT SUPPLIES		12/28/17	91978	18.77	
		12/13/17 EXTENSION WAND		12/28/17	91978	17.98	
105345	LP INSURNACE SERVICES,						983.47
103343	LF INSURNACE SERVICES,	12/18/17 CSA FEE AGRMNT		12/20/17	01000	3 800 00	
		12/16/17 CSA FEE AGRMNI		12/28/17	91980	2,800.00	2,800.00
105346	MALLORY SAFETY & SUPPLY						7.7.7.7.7.7
		11/2/17 SUPPLIES		12/28/17	91981	122.64	
105345	70377W T WG TILIGETH						122.64
105347	JOSEPH E. MC ELLISTREM	12/16/17 EDCAR A		10/00/17	00053	250.00	
		12/16/17 EDGAR, A		12/28/1/	92053	350.00	250 00
105348	MIDWAY MARKET						350.00
103310	MIDWIT PRINCE	NOVEMBER 2017 STATEMENT		12/28/17	91982	129.56	
		NOVEMBER 2017 STATEMENT		12/28/17 12/28/17	91982	86.37	
				10,00,1.	22202	00.5,	215.93
105349	MIDWAY MARKET						
		NOVEMBER 2017 STATEMENT		12/28/17	91983	1,190.47	
							1,190.47
105350	MILLS ENTERPRISES, INC.						
		NOV 2017 INMATE MEDICAL		12/28/17	91984	351.95	
<u></u>	n and new real real real real real real real real						351.95
105351	NACO						
		12/18/17 NACO MEMBERSHIP		12/28/17	91985	18,770.00	
105352	DYNA PARTS LLC						18,770.00
105352	DINA PARIS LLC	9/14/17 FYDIODED DADTS		12/28/17	91986	4.04	
		0/14/17 EXPLORER PARTS		12/20/17	01006	10.39	
		9/29/17 CUOD HOTET		12/20/17	91986	30,496.00	
		11/20/17 CARLE TIE		12/28/17	91986	24.00	
		11/21/17 FITTING		12/28/17	91986	13.20	
		11/27/17 PIJIG TAP		12/28/17	91986	10.98	
		11/27/17 DRIMER		12/28/17	91986	20.23	
		11/28/17 FILTERS/CLEANER		12/28/17	91986	102.86	
		11/29/17 05 TRIBLER PARTS		12/28/17	91986	206.84	
		12/01/17 2 CYCLE FIEL		12/28/17	91986	10.58	
		12/01/17 WASHER FLUID		12/28/17	91986	7.98	
		12/1/17 OIL/AIR FILTERS		12/28/17	91986	24.66	
		12/5/17 SHOCK/BRAKE PADS		12/28/17	91986	384.64	
		12/5/17 OIL SEAL		12/28/17	91986	27.70	
		12/5/17 OIL SEAL		12/28/17	91986	27.70	
		12/5/17 SOCKET/WRENCH		12/28/17	91986	44.07	
		12/6/17 FILTERS/SEALS		12/28/17	91986	99.68	
		12/6/17 OIL/WHEEL SEAL		12/28/17	91986	15.77-	
		12/6/17 AIR FILTER		12/28/17	91986	68.25	
		9/14/17 EXPLORER PARTS 9/14/17 EXPLORER PARTS 9/28/17 SHOP HOIST 11/20/17 CABLE TIE 11/21/17 FITTING 11/27/17 PLUG TAP 11/28/17 FILTERS/CLEANER 11/28/17 FILTERS/CLEANER 11/29/17 05 TRUBLZR PARTS 12/01/17 2 CYCLE FUEL 12/01/17 WASHER FLUID 12/1/17 OIL/AIR FILTERS 12/5/17 OIL SEAL 12/5/17 OIL SEAL 12/5/17 OIL SEAL 12/5/17 OIL SEAL 12/5/17 FILTERS/SEALS 12/6/17 FILTERS/SEALS 12/6/17 AIR FILTER 12/6/17 PLIERS		12/28/17	91986	24.15	
		The control of the co		00000000000000000000000000000000000000			

Page 6

#### Report No: PB1308 Run Date : 12/28/17 LANDER COUNTY CHECK REGISTER 12/28/17

	: 12/28/17		CHECK REGIS	STER 12/28/17			
CHECK	· · · · · · · · · · · · · · · · · · ·		7/0 "	D 2 mm	mm * ** C !!		CHECK
NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	TOTAL
		12/6/17 BRAKE CALIPER		12/28/17	91986	172.11	
		12/07/17 FILTER KIT		12/28/17	91986	75.67	
		12/7/17 BRAKE CALIPER		12/28/17	91986	170.91	
		12/7/17 CORE DEPOSITS		12/28/17	91986	75.92-	
		12/7/17 WIRE/FILTERS		12/28/17	91986	344.58	
		12/7/17 SHOP SUPPLIES		12/28/17	91986	561.84	
		12/7/17 LED		12/28/17	91986	13.16	
		12/8/17 WINDOW CRANK HNDL		12/28/17	91986	20.24	
		12/12/17 SUPPLIES		12/28/17	91986	20.82	
		12/14/17 RESISTOR/AC/HTR		12/28/17	91986	113.14	
		12/14/17 BLWR MOTE RSISTE		12/28/17	91986	26.65	
		12/14/17 BLWK MOTE RSISTE 12/14/17 FLTR KIT/BRK PDS		12/28/17	91986	272.80	
		12/14/17 UJOINT		12/28/17			
		12/14/17 0001N1 12/14/17 BLSTR PK MINTURS			91986	5.80-	
		12/14/1/ BLSIR PR MINIURS		12/28/17	91986	3.69	
105353	JERRY PHIL NATIONS						33,306.07
103333	ODIAN THIE MATIONS	12/14/17 ADMIN BRK ROOM		12/28/17	91988	103.45	
		12/14/17 LC ROAD BUILDING		12/28/17	91988	45.85	
		12/14/17 BC ROAD BOILDING		12/20/17	21366	45.65	149.30
105354	NATIONAL MEDICAL SERV	. INC					149.30
		11/30/17 JOHNSTON.M		12/28/17	91991	113.00	
		A PROBLEM OF PROPERTY OF THE APPLICATION OF THE APPLICATION APPLICATION OF THE APPLICATIO					113.00
105355	NORCO, INC.						
		11/30/17 ROAD DEPT		12/28/17	91990	20.40	
							20.40
105356	NV DISTRICT ATTORNEY A	ASSO					
		OFFICE DUES		12/28/17	91992	100.00	
		DUES FOR DEPUTIES		12/28/17	91992	25.00	
							125.00
105357	NV DIVISION OF WILDLIE	FE .					
		12/7/17 TOVAR, C		12/28/17	91989	69.00	
105358							69.00
105358	NEVADA DIVISION OF PUE	To the control of the		/ /			
		11/29/17 JUL-17		12/28/17	91987	3,399.25	
		11/29/17 AUG-17		12/28/17	91987	3,399.25	
		11/29/17 SEP-17		12/28/17	91987	3,399.25	
		11/29/17 OCT-17		12/28/17	91987	3,399.25	
		11/29/17 NOV-17		12/28/17	91987	3,399.25	
		11/29/17 DEC-17		12/28/17	91987	3,399.25	
		11/30/17 OPPENHEIN, M		12/28/17	92024	20.00	20 415 50
105250	CMC COMPUTING INC						20,415.50
105359	SMS COMPUTING, INC.	12/15/17		12/28/17	91993	165.00	
		12/15/17		12/28/17	91993	1,059.99	
		12/15/17		12/28/17	91993	1,195.00	
		12/26/17		12/28/17	91993	1,345.00	
		12/26/17		12/28/17	91993	1,195.00	
		12/26/17		12/20/1/	31333	1,133.00	4,959.99
105360	PETTY CASH FOR R&B						4,333.33
103300	FEITI CADII TOR RUD	BM POST OFFICE POSTAGE		12/28/17	91994	28.55	
				,,,		_3.55	28.55
105361	PICTOMETRY INTERNATION	AL					
_0000		11/3/17 2017 IMAGERY PRJT		12/28/17	91995	3,083.00	
						anaban sed 1955 E	3,083.00
105362	TODD A. PLIMPTON						The state of the s
ALL TO COT MOST	newspersons were and histories ( ) the description of the state of the	12/11/17		12/28/17	91999	22,888.80	
		100 \$					

Report No: PB1308	LANDER COUNTY	Page
Run Date : 12/28/17	CHECK REGISTER 12/28/17	

7

CHECK CHECK NUMBER VENDOR INVOICE DESCRIPTION P/0 # DATE TRANS# AMOUNT TOTAL 22,888.80 105363 POINT S BATTLE MTN TIRE & 11/27/17 TRAILER 12/28/17 91996 40.50 11/30/17 WIPERS 12/28/17 91996 7.95 11/30/17 BELLY DUMP 12/28/17 35.00 91996 12/7/17 UNIT 12 12/28/17 91996 175.10 12/12/17 05 SIVERADO DIAG 12/28/17 91996 85.00 343.55 105364 PONY CANYON STOP N GO 10/24/17 FUEL 12/28/17 91944 14.95 9/8/17 FUEL 12/28/17 91944 15.30 30.25 105365 PRECISION DOCUMENT 11/16/17 SCAN PRO 3000 12/28/17 91997 12,729.00 12,729.00 105366 PRINT 'N COPY 12/5/17 QRTRLY FSMA 12/28/17 91998 395.00 12/8/17 PLOTTER PAPER 12/28/17 91998 89.50 484.50 105367 QUEST MEDIA AND SUPPLIES 11/30/17 NOV 17 SUPPORT 12/28/17 92000 388.75 388.75 105368 QUILL CORP 11/1/17 TONER 12/28/17 92001 125.99-12/28/17 11/29/17 TONER 92001 399.98 12/4/17 FLASH DRIVES 12/28/17 92001 104.97 12/4/17 CLIPBOARD/TACKS 12/28/17 92001 22.55 12/14/17 BINDER CLIPS 12/28/17 92001 25.95 427.46 105369 OUILL CORP 11/21/17 OFFICE SUPPLIES 12/28/17 92002 62.99 12/01/17 OFFICE SUPPLIES 12/28/17 92002 132.20 Ċ 12/5/17 OFFICE SUPPLIES 12/28/17 92002 46.99 12/5/17 OFFICE SUPPLIES 12/28/17 92002 62.99 305.17 105370 QUILL CORP 12/5/17 OFFICE SUPPLIES 12/28/17 92003 732.32 732.32 105371 QUILL CORP 12/12/17 TONER 12/28/17 92004 183.87 183.87 105372 QUILL CORP 12/18/17 OFFICE SUPPLIES 92005 12/28/17 345.41 345.41 105373 QUILL CORP 9/19/17 LENS CLEANER DSPN 12/28/17 92006 30.68 12/5/17 CALENDAR 2018 12/28/17 28.99 92006 12/5/17 CALENDARS 2018 12/28/17 92006 30.28 9/19/17 OFFICE SUPPLIES 12/28/17 92006 172.83 9/19/17 STAMPS 12/28/17 92006 12.99 275.77 105374 QUILL CORP 12/28/17 92007 70.98 11/27/17 BINDERS 92007 16.99 11/27/17 BINDERS 12/28/17 11/29/17 DESK PAD 12/28/17 92007 14.99

12/28/17

92007

35.02

11/30/17 OFFICE SUPPLIES

Report No: PB1308 Run Date : 12/28/17 LANDER COUNTY Page 8

CHECK	12/20/1/		CHECK REGI	SIER 12/20/17			
NUMBER		INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK
		intoid biboniiion	1/0 π	DATE	TICANS#	AMOUNT	TOTAL
		11/30/17 3 RING BINDERS		12/28/17	92007	75.96	
		12/06/17 COPY PAPER		12/28/17	92007	105.27	
				100 to 10			319.21
105375	REBEL OIL CO, INC.						
		12/8/17 FUEL		12/28/17	92008	1,204.30	
		12/20/17 FUEL		12/28/17	92008	242.25	
105376	RHP MECHANICAL SYSTEMS						1,446.55
103370	IGHT PRECHANTERS SISTEMS	11/30/17 ADJSTED SETPOINT		10/00/15			
		11/30/17 ADOSTED SETPOINT		12/28/17	92009	115.00	
105377	RURAL REGIONAL CENTER						115.00
	THE RESIDENCE CONTEN	JUL-17 CLINICAL SERVICE		12/28/17	92014	57.52	
		AUG-17 CLINICAL SERVICE		12/28/17	92014	14.38	
		SEP-17 CLINICAL SERVICE		12/28/17	92014	81.51	
				12/20/17	72014	81.51	153.41
105378	SATCOM GLOBAL, INC.						153.41
		12/20/17 SAT PHONE		12/28/17	92010	1,050.00	
						_,	1,050.00
105379	BERRY ENTERPRISES						
		12/15/17 ANIMAL CONTROL		12/28/17	92012	4,445.86	
105380	CIEDRA PREIGUMITANE						4,445.86
105380	SIERRA FREIGHTLINER	/ . /					
		11/6/17 AUSTIN TRK203		12/28/17	92017	117.46	
105381	SILVER STATE INTERNAT.						117.46
100001	SIBVER STATE INTERNAL.	12/12/17 PARTS CREDIT		10/00/17	00010		
		12/12/17 PARTS CREDIT		12/28/17 12/28/17	92018	72.00-	
		12/12/17 STUDS TRLR 240		12/28/17	92018 92018	588.70 33.80	
		,,		12/20/1/	22018	33.80	550.50
105382	SANDI SMITH						350.50
		11/9/17 RAW FOOD BIG LOTS		12/28/17	92019	5.40	
16		11/9/17 RAW FOOD BIG LOTS		12/28/17	92019	3.60	
9,		7/11/17 FAMILY DLR FD SUP		12/28/17	92019	2.40	
		7/11/17 FAMILY DLR FD SUP		12/28/17	92019	1.60	
		7/10-8/3-9/14 WALMART		12/28/17	92019	23.71	
		7/10-8/3-9/14 WALMART		12/28/17	92019	15.81	
		9/14/17 PILOT GAS EXPLORE		12/28/17	92019	27.00	
		8/2-8/21-10/10-11/14 2017		12/28/17	92019	4.87	
		8/2-8/21-10/10-11/14 2017		12/28/17	92019	3.24	
		8/2-8/21-10/10-11/14 2017		12/28/17	92019	2.71	
		10/16/17 COSTCO		12/28/17	92019	15.59	
		10/16/17 COSTCO		12/28/17	92019	10.39	
105383	JANUS NEVADA INC						116.32
103303	DANOS NEVADA INC	7/13/17 BURT, L		10/00/17	02020	1 050 00	
		11/28/17 JOHNSTON, M		12/28/17 12/28/17	92020 92020	1,050.00	
		11/20/17 BOHNSTON, FI		12/20/17	92020	1,050.00	3 100 00
105384	SOUTHERN CARLSON, INC.						2,100.00
	,	12/13/17 REPAIR PROP LOCK		12/28/17	92021	222.32	
		,,		12/20/1/	72021	222.32	222.32
105385	SPB UTILITY SERVICE INC						222.32
		12/1/17 NOV 2017		12/28/17	92022	1,750.88	
		12/1/17 NOV 2017		12/28/17	92022	1,750.88	
							3,501.76
105386	ST OF NEVADA			4			
		WELL 9 WATER RIGHTS		12/28/17	92011	1,122.00	

Report No: PB1308	LANDER COUNTY	Page 10
Run Date : 12/28/17	CHECK REGISTER 12/28/17	(E)

	: 12/28/17		CHECK	REGISTER 12/28/17	9			
CHECK							CHECK	
NUMBER	VENDOR	INVOICE DESCRIPTION	P/O	# DATE	TRANS#	TRUOMA	TOTAL	
							58,388.00	
105401	PATSY WAITS							
		12/15/17 NACO CARSON CIT	Y	12/28/17	92036	11.00		
		12/14/17 COMMISSION MTNG		12/28/17	92036	119.84		
		12/15/17 NACO CARSON CIT	Y	12/28/17	92036	192.60		
105400	Wayner government						323.44	
105402	WASHOE COUNTY	10/11/10 1/000		0.000	200000000			
		12/14/17 MCDOWELL, D		12/28/17	92037	129.00		
		12/14/17 MCDOWELL, D		12/28/17	92037	12.90		
		12/14/17 CAMPBELL, G		12/28/17	92037	300.00		
		12/14/17 JOHNSON, M		12/28/17	92037	300.00		
		12/14/17 MANNING, G		12/28/17	92037	2,300.00		
		12/14/17 EVANS, T		12/28/17	92037	2,300.00		
		12/14/17 DECOMPOSED		12/28/17	92037	300.00		
		12/14/17 HISTOLOGY		12/28/17	92037	41.25		
105403	MEGMEDN NEWSDA GUDDIN	30					5,683.15	
105403	WESTERN NEVADA SUPPLY	ATTEMPT OF THE PROPERTY OF THE						
		10/25/17 AUSTIN ARPRT WEI		12/28/17	92038	110.11		
		11/8/17 AUSTIN ARPRT WELL		12/28/17	92038	2,486.30		
		10/11/17 AUSTIN ARPRT WEI	_	12/28/17	92038	118.32		
		12/6/17 BIN STOCK		12/28/17	92038	297.92		
105404							3,012.65	
105404	WINNEMUCCA PUB. CO., I			2001 March 14 Chrysler - 100 Chrysle				
		11/29/17 PERMIT MCGUINN		12/28/17	92039	85.10		
							85.10	
105405	YESCO LLC							
		12/1/17 625 S BROAD		12/28/17	92040	468.33	8.0	
105406	VOLUMI CORRECTIONAL CRR						468.33	
105406	YOUTH CORRECTIONAL SER							
		1/1/18-3/31/18 3RD QUARTE	2	12/28/17	91959	16,555.25		
							16,555.25	
17	GURGUS TO	77.7.						
•	CHECKS TO	TAL					949,927.87	

January 11, 2018

**APPROVE** 

Check #105412

#### COUNTY OF LANDER SERVICES OF NV. INC.

CORE CONSTRUCTION

DATE 12/29/17

16-01-004 AP15

INVOICE

AMOUNT

65,923.00

9/30/17 FA-54 REC CENTER

REMARKS

CHECK NO

105412

SERVICES OF NV. INC.

\$65,923.00

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

CORE CONSTRUCTION

\*\*\*VOID\*\*\*\*\*\*\*65,923DOLLARS AND00CENTS\*\*\*

CORE CONSTRUCTION 7150 CASCADE VALLEY COURT

LAS VEGAS

NV 89128

WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820 GENERAL ACCOUNT

No. 105412

VOID IF NOT CASHED WITHIN 90 DAYS

94-7074

DATE CHECK NO. AMOUNT 12/29/17 105412 \$65,923.00 \*\*VOID\* \*\*VOID\*\* \*\*VOID\*\*

NON-NEGOTIABLE

# **January 11, 2018**

**APPROVE** 

Check #105276

AMAZON.COM
DATE

BILLING DEPARTMENT

12/20/17

1FVQ-T7XD-PXY3

INVOICE

560.80

AMOUNT

12/12/17 METAL DETECTOR

REMARKS

CHECK NO

105276

\$560.80

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

AMAZON.COM

WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820 GENERAL ACCOUNT No. 105276

3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
.2/20/17	105276	\$560.80
**VOID**	**VOID**	**VOID**

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*560DOLLARS AND80CENTS\*\*\*

AMAZON.COM P.O. BOX 80463 BILLING DEPARTMENT

SEATTLE

WA 98108

NON-NEGOTIABLE

# January 11, 2018

### **APPROVE**

Check #105279

#### DEBORAH CARDOZA

DATE	INVOICE		AMOUNT	REM	ARKS
12/20/17	1712110029		100.00	12/11/17 AUSTIN EN	AS RUN
	CHECK NO	105279	\$100.00	**	

### COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

DEBORAH CARDOZA

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*100DOLLARS ANDOOCENTS\*\*\*

DEBORAH CARDOZA HC65 BOX 139

AUSTIN

NV 89310

# WELLS FARGO BANK BATTLE MOUNTAIN, NV 89820

GENERAL ACCOUNT

No. 105279

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/20/17 **VOID**	105279 **VOID**	\$100.00 **VOID**



# January 11, 2018

### **APPROVE**

Check #105280

#### CHIP COLPITTS

DATE	INVOICE		AMOUNT	REMARKS
12/20/17	1712110029		50.00	12/11/17 AUSTIN EMS RUN
	CHECK NO	105280	\$50.00	**

### COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

CHIP COLPITTS

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*50DOLLARS AND00CENTS\*\*\*

CHIP COLPITTS HC 65 BOX 111

AUSTIN

NV 89310

# WELLS FARGO BANK BATTLE MOUNTAIN, NV 89820

GENERAL ACCOUNT

No. 105280

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/20/17	105280	\$50.00
**VOID**	**VOID**	**VOID**



## January 11, 2018

### **APPROVE**

Check #105282

RICK GOBEL

DATE	INVOICE	AMOUNT	REMARKS
12/20/17	REIMBURSEMENT FOOD	70.00	11/6-11-9 FIRE SHOW
12/20/17	REIMBURSEMENT FUEL	243.42	11/6-11-9 FIRE SHOW

CHECK NO 105282

\$313.42

### COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

RICK GOBEL

WELLS FARCO BANK
BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105282

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

TE CHECK NO. AMOUNT

DATE	CHECK NO.	AMOUNT
12/20/17	105282	\$313.42
**VOID**	**VOID**	**VOID**

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*313DOLLARS AND42CENTS\*\*\*

RICK GOBEL 2210 ALLEN ROAD

BATTLE MOUNTAIN

NV 89820

NON-NEGOTIABLE

January 11, 2018

**APPROVE** 

Check #105283

### COUNTY OF LANDER POOL SUPPLIES

LESLIE'S SWIMMING

12/20/17 12/20/17

00693-146786 00693-147648

INVOICE

AMOUNT

1,687.44 9.999/30/17 ACID/CALCIUM 10/16/17

REMARKS

CHECK NO

105283

\$1,677.45

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

LESLIE'S SWIMMING

WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105283

94-7074

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/20/17	105283	\$1,677.45
**VOID**	**VOID**	**VOID**

\*\*

\*\*\*VOID\*\*\*\*\*\*\*\*1,677DOLLARS AND45CENTS\*\*\*

LESLIE'S SWIMMING PO BOX 501162

POOL SUPPLIES

ST LOUIS

MO 63150

NON-NEGOTIABLE

January 11, 2018

**APPROVE** 

Check #105284

#### ANDREA LOWE

DATE	INVOICE	AMOUNT	REMARKS
12/20/17	1712150005	50.00	12/15/17 AUSTIN EMS RUN
		7	
	CHECK NO 1	05284 \$50.0	0 **

### COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

ANDREA LOWE

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*50DOLLARS AND00CENTS\*\*\*

ANDREA LOWE P.O. BOX 71

AUSTIN

NV 89310

#### WELLS FARGO BANK BATTLE MOUNTAIN, NV 89820

GENERAL ACCOUNT

No. 105284

94-7074

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/20/17 **VOID**	105284 **VOID**	\$50.00 **VOID**



# **January 11, 2018**

**APPROVE** 

Check #105285

#### LUKINS AND ASSOCIATES

REMARKS
LAMINATE SO

### COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

LUKINS AND ASSOCIATES

\*\*\*VOID\*\*\*\*\*\*\*12,295DOLLARS AND22CENTS\*\*\*

LUKINS AND ASSOCIATES 19242 TRANBARGER STREET

ROWLAND HEIGHTS

CA 91748

CHECK NO

105285

### WELLS FARGO BANK BATTLE MOUNTAIN, NV 89820

\$12,295.22

GENERAL ACCOUNT

No. 105285

<u>94-7074</u> 3212

VOID IF NOT CASHED WITHIN 90 DAYS			
AMOUNT			
\$12,295.22 **VOID**			
CONTROL CONTRO			



## January 11, 2018

### **APPROVE**

Check #105286

**Executive Director** 

50 State Route 305 < ➤ Battle Mountain, NV 89820 Phone: (775) 635-2573 < ➤ Fax: (775) 635-9256

#### KATINA MORRIS

DATE	INVOICE		AMOUNT		REMARKS
12/20/17	REIMBURSEMENT FOOD		70.00	11/6-11/9 H	FIRE SHOWS
	CHECK NO	105286	\$70.00	**	

### COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

KATINA MORRIS

WELLS FARGE BANK
BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105286

94-7074 3212

VOID IF NOT CASHED
WITHIN 90 DAYS
DATE CHECK NO. AMOUNT

DATE	CHECK NO.	AMOUNT
12/20/17	105286	\$70.00
**VOID**	**VOID**	**VOID**

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*\*70DOLLARS AND00CENTS\*\*\*

KATINA MORRIS 2210 ALLEN ROAD

BATTLE MOUNTAIN

NV 89820

NON-NEGOTIABLE

## January 11, 2018

### **APPROVE**

Check #105289

#### QT PETROLEUM ON DEMAND

DATE	INVOICE			AMO	JNT			REMARKS
12/20/17	67855			9	995.00	12/7/17	AUSTIN	AIRPORT
	СН	ECK NO	105289		\$995.00	**		

# COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

QT PETROLEUM ON DEMAND

\*\*\*VOID\*\*\*\*\*\*\*\*\*995DOLLARS ANDOOCENTS\*\*\*

QT PETROLEUM ON DEMAND PO BOX 13367

SALEM

OR 97309-1367

# WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105289

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/20/17	105289	\$995.00
**VOID**	**VOID**	**VOID**

# **January 11, 2018**

# **APPROVE**

Check #105293

**Executive Director** 

50 State Route 305 < ➤ Battle Mountain, NV 89820 Phone: (775) 635-2573 < ➤ Fax: (775) 635-9256

#### PATRICIA YOUNG

DATE	INVOICE	AMOUNT	REMARKS	
2/20/17	1712150005	100.00	12/15/17 AUSTIN EMS RUN	

# COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

PATRICIA YOUNG

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*\*100DOLLARS AND00CENTS\*\*\*

PATRICIA YOUNG HC 65 BOX A

AUSTIN

NV 89310

# WELLS FARCO BANK BATTLE MOUNTAIN, NV 89820

GENERAL ACCOUNT

No. 105293

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/20/17	105293	\$100.00
**VOID**	**VOID**	**VOID**



# January 11, 2018 APPROVE

Check #105292

**Executive Director** 

TYLER TECHNOLOGIES, INC.

DATE	INVOICE		AMOUNT	REMARKS
2/20/17	025-208366	FA-50	600.00	11/22/17 LICENSE FEES
				9

# COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

TYLER TECHNOLOGIES, INC.

WELLS FARGO BANK

\$600.00

BATTLE MOUNTAIN, NV 89820 GENERAL ACCOUNT No. 105292

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
.2/20/17	105292	\$600.00
**VOID**	**VOID**	**VOID**

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*\*600DOLLARS AND00CENTS\*\*\*

TYLER TECHNOLOGIES, INC. P.O. BOX 203556

DALLAS

TX 75320-3556

CHECK NO

105292

# January 11, 2018

# **APPROVE**

Check #105263

**Executive Director** 

1-2-18

#### COUNTY OF LANDER PERFORMANCE COMPUTING

SMS COMPUTING, INC.

DATE

12/14/17

AMOUNT

REMARKS

1109473

INVOICE

479.88

5/30/17

CHECK NO

105263

\$479.88

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

SMS COMPUTING, INC.

WELLS FARGO BANK BATTLE MOUNTAIN, NV 89820 GENERAL ACCOUNT No. 105263

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/15/17	105263	\$479.88
**VOID**	**VOID**	**VOID**

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*479DOLLARS AND88CENTS\*\*\*

SMS COMPUTING, INC. 332 S. BRIDGE STREET

PERFORMANCE COMPUTING

WINNEMUCCA,

NV 89445-3111

# **January 11, 2018**

# **APPROVE**

Check #105259

**Executive Director** 

50 State Route 305 < ➤ Battle Mountain, NV 89820 Phone: (775) 635-2573 < ➤ Fax: (775) 635-9256

# COUNTY OF LANDER AUTOMATION, INC.

NATIONAL METER &

DATE	INVOICE	AMOUNT	REMARKS
12/14/17	S1085565.003	2,435.33	12/4/17 BLM HOUSING
12/14/17	S1088036.003	3,368.80	12/4/17 BM HIGH SCHOOL
12/14/17	S1088839.003	1,839.76	12/4/17 SHOP STOCK

CHECK NO 105259

\$7,643.89

# COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

NATIONAL METER &

WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105259

94-7074 3212

VOID IF NOT CASHED
WITHIN 90 DAYS
DATE CHECK NO. AMOUNT

DATE	CHECK NO.	AMOUNT
12/15/17	105259	\$7,643.89
**VOID**	**VOID**	**VOID**

\*\*\*VOID\*\*\*\*\*\*\*\*7,643DOLLARS AND89CENTS\*\*\*

NATIONAL METER & 7220 S FRASER ST.

AUTOMATION, INC.

CENTENNIAL

CO 80112

# **January 11, 2018**

# **APPROVE**

Check #105267

**Executive Director** 

50 State Route 305 < ➤ Battle Mountain, NV 89820 Phone: (775) 635-2573 < ➤ Fax: (775) 635-9256

# COUNTY OF LANDER DMV & PUBLIC SAFETY

ST OF NEVADA

DATE

INVOICE

AMOUNT

REMARKS

12/14/17

2018 SIL 2500

7.00

EXEMPT PLATES

CHECK NO

105267

\$7.00

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

ST OF NEVADA

WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105267

VOID IF NOT CASHED WITHIN 90 DAYS 94-7074 3212

ST OF NEVADA 555 WRIGHT WAY

DMV & PUBLIC SAFETY

CARSON CITY

NV 89711

# January 11, 2018 APPROVE

Check #105258

**Executive Director** 

50 State Route 305 < ➤ Battle Mountain, NV 89820 Phone: (775) 635-2573 < ➤ Fax: (775) 635-9256

#### JACK MARTIN

DATE TO SEE	INVOICE	AMOUNT	REMARKS
12/14/17	ADVANCE AIRFARE	273.92	JAN 8-12 BOISE IDAHO
12/14/17	ADVANCE MEALS	208.00	JAN 8-12 IAAO COURSES

CHECK NO

105258

\$481.92

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

JACK MARTIN

WELLS FARCO BANK
BATTLE MOUNTAIN, NV 89820

GENERAL ACCOUNT

No. 105258

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/15/17	105258	\$481.92
**VOID**	**VOID**	**VOID**

JACK MARTIN PO BOX 14

WINNEMUCCA

NV 89446

# January 11, 2018

# **APPROVE**

Check #105253

**Executive Director** 

KENNEDY, APRIL

DATE INVOICE AMOUNT REMARKS

12/14/17 ADVANCE MEALS 220.00 JAN 8-12 IAAO COURSE 102

CHECK NO

105253

\$220.00

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

KENNEDY, APRIL

WELLS FARGO BANK
BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105253

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

CHECK NO.	AMOUNT
105253 **VOID**	\$220.00 **VOID**
	105253

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*\*220DOLLARS AND00CENTS\*\*\*

KENNEDY, APRIL P.O. BOX 515

BATTLE MOUNTAIN

NV 89820

# January 11, 2018

# **APPROVE**

Check #105252

**Executive Director** 

IDAHO STATE TAX

DATE

12/14/17

12/14/17

INVOICE

IAAO COURSE 102

IAAO COURSES 100/150

500.00 1,140.00

AMOUNT

JAN 8-12 KENNEDY, A JAN 8-12 MARTIN, J

CHECK NO

105252

\$1,640.00

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

IDAHO STATE TAX

naio binila mar

\*\*\*VOID\*\*\*\*\*\*\*1,640DOLLARS ANDOOCENTS\*\*\*

IDAHO STATE TAX P.O. BOX 36

COMMISSION

BOISE

ID 83704

WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105252

VOID IF NOT CASHED WITHIN 90 DAYS 94-7074

REMARKS

DATE	CHECK NO.	AMOUNT
12/15/17	105252	\$1,640.00
**VOID**	**VOID**	**VOID**

# January 11, 2018 APPROVE

Check #105251

Houl West

**Executive Director** 

50 State Route 305 < ➤ Battle Mountain, NV 89820 Phone: (775) 635-2573 < ➤ Fax: (775) 635-9256

MOLLY GONZALEZ

DATE	INVOICE	AMOUNT	REMARKS
12/14/17	ADVANCE MEALS	220.00	JAN 8-12 IAAO COURSES
	CHECK NO 1	05251 \$220.00	**

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

MOLLY GONZALEZ

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*220DOLLARS AND00CENTS\*\*\*

MOLLY GONZALEZ 310 LEMAIRE ROAD

BATTLE MOUNTAIN

NV 89820

## WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105251

94-7074

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/15/17	105251	\$220.00
**VOID**	**VOID**	**VOID**



January 11, 2018

**APPROVE** 

Check #105244

1-2-18

**Executive Director** 

50 State Route 305 < ➤ Battle Mountain, NV 89820 Phone: (775) 635-2573 < ➤ Fax: (775) 635-9256

#### CHAMPION CHEVROLET

DATE		INVOICE	AMOUNT		REMARKS
12/14/17	2018 CH	IEV SILV 2500	29,388.25	12/6/17	

## COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

CHAMPION CHEVROLET

THE TOW CHEVROLL

\*\*\*VOID\*\*\*\*\*\*\*29,388DOLLARS AND25CENTS\*\*\*

CHAMPION CHEVROLET P.O. BOX 7277 800 KIETZKE LANE RENO

NV 89510-7277

# WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105244

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
12/15/17	105244	\$29,388.25
**VOID**	**VOID**	**VOID**

January 11, 2018

**APPROVE** 

Check #105247

**Executive Director** 

#### COUNTY OF LANDER DEAN D. DAY

DAY ENGINEERING

DATE

DATE		INVOICE	AMOUNT	REMARKS
12/14/17	2210	FA-42	9,060.00	12/14/17 WASTE/WATER IMPV
12/14/17	2212	FA-18	22,315.00	12/4/17 TRANSMISSION MAIN

CHECK NO 105247

\$31,375.00

COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

DAY ENGINEERING

\*\*\*VOID\*\*\*\*\*\*\*31,375DOLLARS AND00CENTS\*\*\*

DAY ENGINEERING 5 E PARK STREET

DEAN D. DAY

FALLON

NV 89406-3454

WELLS FARGO BANK BATTLE MOUNTAIN, NV 89820 GENERAL ACCOUNT No. 105247

94-7074

VOID IF NOT CASHED WITHIN 90 DAYS 12/15/17 \*\*VOID\*\* 105247 \$31,375.00 \*\*VOID\*\* \*\*VOID\*\*

January 11, 2018

**APPROVE** 

Check #105431

**Executive Director** 

#### TINA MARIE BISIAUX

DATE	INVOICE		AMOUNT		REMARKS
01/02/18	DECEMBER 2017		230.00	PATCH CHANGES	
	CHECK NO	105431	\$230.00	**	

## COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

TINA MARIE BISIAUX

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*230DOLLARS AND00CENTS\*\*\*

TINA MARIE BISIAUX P.O. BOX 652

BATTLE MOUNTAIN

MV 89820

# WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820 GENERAL ACCOUNT No. 105431

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
01/02/18	105431	\$230.00
**VOID**	**VOID**	**VOID**



# January 11, 2018

# **APPROVE**

Check #105440

faith West 1-3-18

**Executive Director** 

#### MARIANNA MCWILLIAMS

DATE	INVOICE	AMOUNT	REMARKS
01/02/18	STANDBY 12HRS	50.00	12/27/17 AUSTIN EMS
01/02/18	STANDBY 24HRS	100.00	12/28/17 AUSTIN EMS
01/02/18	1712290005	100.00	12/29/17 AUSTIN EMS RUN

CHECK NO

105440

\$250.00

## COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

MARIANNA MCWILLIAMS

WELLS FARGO BANK

BATTLE MOUNTAIN, NV 89820 GENERAL ACCOUNT No. 105440

94-7074 3212

VOID IF NOT CASHED WITHIN 90 DAYS

DATE CHECK NO.	AMOUNT
01/02/18 105440	\$250.00
**VOID** **VOID**	**VOID**

\*\*\*VOID\*\*\*\*\*\*\*\*\*\*250DOLLARS AND00CENTS\*\*\*

MARIANNA MCWILLIAMS 394 RAMAH PLAZA

SPRING CREEK

NV 89815

# January 11, 2018

# **APPROVE**

Check #105445

**Executive Director** 

U.S. CORRECTIONS, LLC

DATE	INVOICE	AMOUNT	REMARKS
01/02/18 01/02/18	144842/2283 144843/2283	1,778.70 1,334.03	12/14/17 LOWE, S 12/14/17 RIGGS, A

CHECK NO 105445

\$3,112.73

#### COUNTY OF LANDER

50 State Route 305 Battle Mountain, NV 89820 (775) 635-2573

PAY TO THE ORDER OF

U.S. CORRECTIONS, LLC

\*\*\*VOID\*\*\*\*\*\*\*\*3,112DOLLARS AND73CENTS\*\*\*

U.S. CORRECTIONS, LLC PO BOX 171078

NASHVILLE

TN 37217

WELLS FARGO BANK BATTLE MOUNTAIN, NV 89820

BATTLE MOUNTAIN, NV 89820
GENERAL ACCOUNT

No. 105445

94-7074

VOID IF NOT CASHED WITHIN 90 DAYS

DATE	CHECK NO.	AMOUNT
01/02/18 **VOID**	105445 **VOID**	\$3,112.73 **VOID**
" A AOTD"	** AOTD**	**VOID**



# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number _1
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS: Discussion and possible action to elect a Chairperson and Vice-Chairperson to the Lander County Board of Commissioners for the 2018 calendar year, and all other matters properly related thereto.
Public Comment:
Background: Doug Mills is the current chair and Sean Bakker is the vice chair.
Recommended Action:

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

#### Agenda Item Number \_\_2\_

#### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding appointment of a Lander County Commissioner(s) to the various 2018 advisory boards:

- A) Category I:
  - 1. Lander County Board of Equalization;
  - 2. Lander County Convention & Tourism Authority;
  - 3. Lander County Debt Management Commission;
  - 4. Lander County Planning Commission;
  - 5. Lander County Regional Transportation Commission;
- B) Category II:
  - 1. Lander County Advisory Board to Manage Wildlife;
- C) Category III:
  - 1. Austin Airport Advisory Board;
  - 2. Battle Mountain Livestock Events Center Advisory Board;
  - 3. Local Emergency Planning Commission;
  - 4. Lander County Economic Development Authority;
  - 5. Ander County Public Lands Use Advisory Planning Commission;
- D) Category IV:
  - 1. Lander County Conservation District;
  - 2. Lander County Hospital District;
  - 3. Lander County Safety Committee;
  - 4. Central Nevada Regional Water Authority;
  - 5. Department of Energy Board Representative;
  - 6. Humboldt River Basin Water Authority;
  - 7. State Land Use Planning Advisory Committee;
  - 8. Nevada Association of Counties:
  - 9. Nevada Works:
  - 10. Pool Pact;

And all other matters properly related thereto.

**Public Comment:** 

Background: See the list of boards with duties and corresponding NRS attached.

Recommended Action: appointment of commissioners to each of the Category I, II, III & IV boards.

# BOARD DESCRIPTIONS





#### **LANDER COUNTY BOARD OF EQUALIZATION**

Category I - Statutory

#### DUTIES - NRS 361.334-361.365

After the assessment roll has been completed pursuant to NRS 361.300, the county board of equalization will meet to equalize assessments. Those wishing to protest their assessments must do so by January 15th or the first business day after January 15th of each year. The board then examines the proof of the protest and determines whether a property is under or overvalued and takes the actions needed to correct the assessment.

#### 3 MEMBER BOARD = 2 PUBLIC, 1 ELECTED OFFICIAL - NRS 361.340

Three members, only one of whom *may* be an elected public officer, in counties having a population of less than 15,000.

#### 4 YEAR TERM

#### MEETS ANNUALLY (on or before the last day of February)

- -The district attorney or his or her deputy shall be present at all meetings of the county board of equalization to explain the law and the board's authority.
- -The county assessor or his or her deputy shall attend all meetings of each panel of the county board of equalization.

#### AGENDAS/MINUTES - Lander County Clerk's Office

MEMBER ROSTER	Appointed	Term Expiration	
Kimberlie Buffington	07-28-2016	06-30-2020	
Marla Sam	07-28-2016	06-30-2020	
Sean Bakker	Commissioner, Voting (if commissioner is one of the 3 members; 3 <sup>rd</sup> member may be public)		



# **LANDER COUNTY CONVENTION & TOURISM AUTHORITY**

Category I

#### **DUTIES - NRS 244A.597**

- 1. Establish, construct, purchase, otherwise acquire, reconstruct, improve, extend and better fairgrounds, exposition buildings, convention halls, auditoriums, fieldhouses, amusement halls, public parks, playgrounds, swimming pools, golf courses, recreation centers, museums, zoos, historical sites, other recreational facilities and buildings therefor, and improvements incidental thereto; (b) To equip and furnish the same;
  - (c) To acquire a suitable site or grounds for any recreational facilities;
  - (d) To issue bonds therefor (or any combination), at one time, or from time to time;
  - (e) To advertise, publicize and promote the recreational facilities located in the county which are owned by the county, the State or an incorporated city in the county.

#### 5 MEMBER BOARD - NRS 244A.599

- -One member to represent the motel operators in the county.
- -One member to represent the hotel operators in the county.
- -One member to represent the other commercial interests in the county.
- -One member to represent the county at large.
- -One member of the board of county commissioners must be appointed by the county commissioners to serve on the board.

2 YEAR TERM (Staggered terms per Resolution 2016-13)

#### MEETS MONTHLY

AGENDAS/MINUTES - Becky Murphy, Secretary

MEMBER ROSTER	Appointed	Term Expiration
Marcia Forgeron (Commercial)	10-13-2016	06-30-2018
Ann Miles (Hotel)	10-27-2016	06-30-2019
Grady Pierce (County at large)	10-13-2016	06-30-2018
Richard Ripley (Motel)	10-27-2016	06-30-2019
Sean Bakker	Commissioner, Voting	
Patsy Waits	Alternate Commissioner, Voting	



#### **LANDER COUNTY DEBT MANAGEMENT COMMISSION**

#### Category I

#### DUTIES - NRS 350.0111-350-0165

To provide a cursory review of proposed bonded indebtedness and make recommendations based upon statutory limits on Ad-Valorem, rates and tax caps. Their powers include approving or disapproving of such debt or taxes deemed unworthy or set limitations for such debt or taxes.

#### 5 MEMBER BOARD - NRS 350.0115

- -One representative of the county.
- -One representative of the school district.
- -One representative of the general improvement district.
- -Two representatives of the public at large.

#### 2 YEAR TERM

#### **MEETS ANNUALLY**

#### AGENDAS/MINUTES - Lander County Clerk's Office

MEMBER ROSTER	Term Expiration	
Todd Thompson (School District)	12-31-2018	
Bart Negro (General Improvement)	12-31-2017	
Louis Lani (Public)	12-31-2017	
Vacant (Public)	12-31-2017	
Doug Mills (County)	Commissioner, Voting	



#### **LANDER COUNTY PLANNING COMMISSION**

Category I

#### DUTIES - NRS 278.030-278.265

Responsible for reviewing and approving or disapproving proposed zoning changes, conditional use changes, and other changes dealing with planning and zoning in Lander County. They also update Master Plans for the area and make recommendations to the Lander County Commission on planning and zoning type of issues.

#### 7 MEMBER BOARD (Per Ordinance 2017-03)

#### **4 YEAR TERM**

#### **MEETS MONTHLY**

AGENDAS - Kyla Bright, Community Services Officer

MINUTES - Tiffany Elkington, Transcriptionist

MEMBER ROSTER	Appointed	Term Expiration
Walt Holland	07-28-2016	06-30-2020
Louis Lani	07-28-2016	06-30-2020
Colt Nelson	08-10-2017	06-30-2021
Monte L. Price	07-28-2016	06-30-2020
Tom Reichert	06-26-2014	06-30-2018
John E. Williams	07-28-2016	06-30-2020
Vacant		06-30-2021



# LANDER COUNTY REGIONAL TRANSPORTATION COMMISSION

Category I

#### NRS 277A

The Regional Transportation Commission, also known as RTC, prepares and approves budgets for the regional street and highway fund, plans short-range and regional plans for transportation and may receive and disburse federal highway funds. They also have the right to exercise the power of eminent domain if a project is for public roads or related to mass transportation.

#### 3 MEMBER BOARD

- -Two members of the board;
- -One representative of the public, who is a resident of the largest town, if any, in the county.

#### 2 YEAR TERM

#### **MEETS QUARTERLY**

#### AGENDAS/MINUTES - Lander County Clerk's Office

MEMBER ROSTER	Appointed	Term Expiration
Keith Piazza	02-23-2017	12-31-2018
Judie Allan	Commissioner, Voting	
Patsy Waits	Commissioner, Voting	



## LANDER COUNTY ADVISORY BOARD TO MANAGE WILDLIFE

Category II - Statutory Board

#### DUTIES - NRS 501.297, NRS 501.303

Review and make recommendations on matters relating to the management of wildlife within Lander County. Their recommendations include setting seasons for fishing, hunting and trapping and the establishment of regulations covering open and closed seasons, bag limits, hours, and other regulations or policies.

#### 5 MEMBER BOARD, Staggered (Per Resolution 2016-09)

NRS 501.260: Three or five members, at the discretion of the board of county commissioners.

#### 3 YEAR TERM

#### **MEETS QUARTERLY**

AGENDAS/MINUTES - Sondra Torgerson, Secretary

MEMBER ROSTER	Appointed	Term Expiration
Philip Gray	10-13-2016	06-30-2018
Shawn Mariluch	07-28-2016	06-30-2019
Scott Torgerson	07-28-2016	06-30-2019
Vacant *James Matheus resigned 10.23.17		06-30-2019
Vacant		06-30-2018



#### **AUSTIN AIRPORT ADVISORY BOARD**

Category III

#### **DUTIES - NRS 244.1945**

Maintain and guide the growth of the Airport. Make operational decisions for the Airport. Provide recommendations to the County Commissioners on the general subject of aviation issues related to the airport. Assist in promoting community compatibility regarding issues, including but not limited to: noise management and public relations, review of proposed changes to the airport element of the master plan. The committee will advance and promote the interest of aviation and protect the general welfare of the people living and working at or near the airport and in the County.

3 MEMBER BOARD + 1 Alternate Position Created on 11-09-17.

2 YEAR TERM

MEETS MONTHLY

AGENDAS/MINUTES - Miteshell Lanham, Austin Executive Secretary

MEMBER ROSTER	Appointed	Term Expiration
Joe Dory	07-28-2016	06-30-2018
Franklin B. Whitman	07-28-2016	06-30-2018
Ray H. Williams Jr.	07-28-2016	06-30-2018
Alternate Vacant		
Patsy Waits	Commissioner, Non-Voting	



## BATTLE MOUNTAIN LIVESTOCK EVENTS CENTER ADVISORY BOARD

Category III

#### **DUTIES - NRS 563**

- 1. The Board shall have possession and care of the Battle Mountain Livestock Events Center and shall be entrusted with the direction of the business and financial affairs of these exhibitions.
- 2. The Board may:
  - (a) Appoint employees and define their duties.
  - (b) Adopt bylaws, rules and regulations.
  - (c) Acquire or lease real and personal property, buildings and improvements.
- 3. The Board shall review:
  - (a) All uses of the real property leased for use as a fairground; and
- (b) Any physical improvements or changes to the facilities at the fairground, to ensure that the use of the property for purposes related to agriculture and livestock continues to comply with the provisions of the trust relating to the fairground imposed upon the conveyance.

#### **5 MEMBER BOARD**

#### 2 YEAR TERM

#### **MEETS MONTHLY**

AGENDAS - Nilla Fuller, Admin Executive Secretary

MINUTES - Tiffany Elkington, Transcriptionist

MEMBER ROSTER	Appointed	Term Expiration
Jason Clark	08-10-2017	06-30-2018
Charlene Fetterly	08-11-2016	06-30-2018
Casey Gunther	08-11-2016	06-30-2018
Alexi Reiva	03-23-2017	06-30-2018
Vacant	06-26-2014	06-30-2018
Doug Mills	Commissioner, Non-Voting	



# LANDER COUNTY ECONOMIC DEVELOPMENT AUTHORITY Category III

#### **DUTIES - NRS 274.100**

- 1. When any federal legislation concerning specially benefited zones is enacted and becomes effective, assist municipalities in preparing and submitting all information and forms necessary to permit the zone to be considered as an eligible area under the federal program.
- 2. Provide information and appropriate assistance to persons desiring to locate and engage in business in a specially benefited zone, to persons already engaged in business in a zone and to designated neighborhood organizations operating there.
- 3. In cooperation with appropriate state and local governmental agencies, coordinate existing state and local programs to assist businesses and assist in simplifying procedures by which businesses within a specially benefited zone must apply for licenses and permits.
- 4. Publicize existing financial incentives and programs for economic development w/ a zone; offer technical assistance in development of financial incentives and alternative sources of revenue to local governments which have specially benefited zones within their jurisdiction.
- 5. Work together with the responsible state and federal agencies to promote the coordination of other relevant programs, including but not limited to programs concerning housing, community and economic development, small business, banking, financial assistance, and training for employment which are carried on in a specially benefited zone.

## 8 MEMBER BOARD = 6 PUBLIC + 2 STATE/FEDERAL (Per Resolution 2008-05)

#### **2 YEAR TERM**

#### MEETS MONTHLY

#### AGENDAS/MINUTES - Kyla Bright, Community Services Officer

MEMBER ROSTER	Appointed	Term Expiration
Sarah Edgar (Public)	10-13-2016	06-30-2018
George Fennemore (Public)	10-13-2016	06-30-2018
Vacant(Public) *Jay Fischer Resigned 11-17	10-13-2016	06-30-2018
Shar Peterson (Public)	06-22-2017	06-30-2019
Jon Sherve (Federal)	07-13-2017	06-30-2019
Lisa Taylor (State)	07-13-2017	06-30-2019
Paula Tomera (Public)	06-22-2017	06-30-2019
Cynthia Walsh (Public)	06-22-2017	06-30-2019
Doug Mills	Commissioner, Non-Voting (Unless Tie)	
Sean Bakker	Alternate Commissioner, Non-Voting (Unless Tie)	



## LANDER COUNTY PUBLIC LANDS USE ADVISORY PLANNING COMMISSION

Category III

#### **DUTIES - NRS 321**

Keep the County Commission informed and involved on all issues relating to public land and natural resources including water quantity and quality, air space and air quality, wild horses, wildlife, grazing allotments, mining, and recreation. Make recommendations to the Commission regarding Environment Impact Statements, EA's, BLM Decisions, etc. Review existing and emerging public lands issues that are of importance to Lander County as it works with federal agencies under the National Environmental Policy Act (NEPA) and other public processes. Prepare the Lander County Policy Plan for Federally Administered Lands.

#### **5 MEMBER BOARD**

#### 2 YEAR TERM

#### **MEETS MONTHLY**

AGENDAS/MINUTES - Miteshell Lanham, Austin Executive Secretary

MEMBER ROSTER	Appointed	Term Expiration
Louis Lani	07-13-2017	06-30-2019
Chris McAviney	07-28-2016	06-30-2018
Dan Tomera	07-28-2016	06-30-2018
Frank Whitman	06-22-2017	06-30-2019
Philip Williams	07-28-2016	06-30-2018
Art Clark III	Commissioner, Non-Voting	
Judie Allan	Alternate Commissioner, Non-Voting	

## LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number _	3	
----------------------	---	--

#### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Update from the Western Counties Alliance regarding Bears Ears National Monument, Grand Staircase-Escalante National Monument, H.R. 3990, and RS2477, and all other matters properly related thereto.

**Public Comment:** 

Background: See attached.

Recommended Action: This is a non-action item.



#### Western Counties Alliance

#### Agenda

1.	RS2477 Roads
2.	Clean Water Act
3.	National Monuments
4.	Geothermal
5.	PILT/SRS
6.	Wild Horse Burro
7.	Other issues

#### **PROCLAMATIONS**

## Presidential Proclamation Modifying the Bears Ears National Monument

LAND & AGRICULTURE

Issued on: December 4, 2017

In Proclamation 9558 of December 28, 2016, and exercising his authority under section 320301 of title 54, United States Code (the "Antiquities Act"), President Barack Obama established the Bears Ears National Monument in the State of Utah, reserving approximately 1.35 million acres of Federal lands for the care and management of objects of historic and scientific interest identified therein. The monument is managed jointly by the Department of the Interior's Bureau of Land Management (BLM) and the Department of Agriculture's United States Forest Service (USFS). This proclamation makes certain modifications to the monument.

Proclamation 9558 identifies a long list of objects of historic or scientific interest. It describes cultural resources such as ancient cliff dwellings (including the Moon House and Doll House Ruins), Moki Steps, Native American ceremonial sites, tools and projectile points, remains of single-family dwellings, granaries, kivas, towers, large villages, rock shelters, caves, and a prehistoric road system, as well as petroglyphs, pictographs, and recent rock art left by the Ute, Navajo, and Paiute peoples. It also identifies other types of historic objects, such as remnants of Native American sheep-herding and

farming operations and early engineering by pioneers and settlers, including smoothed sections of rock, dugways, historic cabins, corrals, trails, and inscriptions carved into rock, and the Hole-in-the-Rock and Outlaw Trails. It also describes landscape features such as the Bears Ears, Comb Ridge, Cedar Mesa, the Valley of the Gods, the Abajo Mountains, and the San Juan River, and paleontological resources such as the fossil remains of fishes, amphibians, reptiles, and mammals, as well as dinosaur trackways and traces of other terrestrial animals. Finally, it identifies several species, including animals like the porcupine, badger, and coyote; birds like the red-tailed hawk, Mexican spotted owl, American kestrel, and turkey vulture; and plants such as the Fremont cottonwood, Abajo daisy, western sandbar willow, and boxelder.

The Antiquities Act requires that any reservation of land as part of a monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected. Determining the appropriate protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the nature of the needed protection, and the protection provided by other laws.

Some of the objects Proclamation 9558 identifies are not unique to the monument, and some of the particular examples of these objects within the monument are not of significant scientific or historic interest. Moreover, many of the objects Proclamation 9558 identifies were not under threat of damage or destruction before designation such that they required a reservation of land to protect them. In fact, objects described in Proclamation 9558 were then — and still are — subject to Federal protections under existing laws and agency management designations. For example, more than 500,000 acres were already being managed to maintain, enhance, or protect their roadless character before they were designated as part of a national monument.

Specifically, the BLM manages approximately 380,759 acres of lands within the existing monument as Wilderness Study Areas, which the BLM is required by law to manage so as not to impair their suitability for future congressional designation as Wilderness. On lands managed by the USFS, 46,348 acres are part of the congressionally designated Dark Canyon Wilderness Area, which, under the 1964 Wilderness Act, 16 U.S.C. 1131-1136, and the Utah Wilderness Act of 1984, Public Law 98-428, the USFS must manage so as to maintain or enhance its wilderness character. Approximately 89,396 acres of the USFS lands are also included in 8 inventoried roadless areas, which are managed under the USFS's 2001 Roadless Rule so as to protect their wilderness character.

A host of laws enacted after the Antiquities Act provide specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and give authority to the BLM and USFS to condition permitted activities on Federal lands, whether within or outside a monument. These laws include the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa-470mm, National Historic Preservation Act, 54 U.S.C. 300101 et seg., Bald and Golden Eagle Protection Act, 16 U.S.C. 668-668d, Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 et seq., Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., Migratory Bird Treaty Act, 16 U.S.C. 703-712, National Forest Management Act, 16 U.S.C. 1600 et seg., Native American Graves Protection and Repatriation Act of 1976, 25 U.S.C. 3001 et seq., and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa-470aaa-11. Of particular note, the Archaeological Resources Protection Act specifically protects archaeological resources from looting or other desecration and imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources. Federal land management agencies can grant a permit authorizing excavation or removal, but only when undertaken for the purpose of furthering archaeological knowledge. The Paleontological Resources Preservation Act contains very similar provisions protecting paleontological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered and threatened species and their habitats. Moreover, the BLM and the USFS were already addressing many of the threats to objects identified in Proclamation 9558 in their governing land-use plans before designation of the monument.

Given the nature of the objects identified on the lands reserved by Proclamation 9558, the lack of a threat of damage or destruction to many of those objects, and the protection for those objects already provided by existing law and governing land-use plans, I find that the area of Federal land reserved in the Bears Ears National Monument established by Proclamation 9558 is not confined to the smallest area compatible with the proper care and management of those objects. The important objects of scientific or historic interest can instead be protected by a smaller and more appropriate reservation of 2 areas: Shash Jáa and Indian Creek. Revising the boundaries of the monument to cover these 2 areas will ensure that, in accordance with the Antiquities Act, it is no larger than necessary for the proper care and management of the objects to be protected within the monument.

The Shash Jáa area contains the heart of the national monument: the iconic twin buttes known as the Bears Ears that tower 2,000 feet above the surrounding landscape and are considered sacred to the Native American tribes that call this area their ancestral home. Many of the significant objects

described by Proclamation 9558 can be found throughout the Shash Jáa area. Ancestral Puebloan occupation of the area began during the Basketmaker II period at least 2,500 years ago, and it left behind objects such as pit houses, storage pits, lithic scatters, campsites, rock shelters, pictographs, and baskets, as well as manos and metates for grinding corn. Occupation dating to the Basketmaker III period, from approximately 500 to 750 C.E., left additional evidence of maize- and bean-based agriculture, along with pottery, bows and arrows, pit houses, kivas, storage rooms, and dispersed villages.

New waves of human settlement occurred around 900 C.E., when the Pueblo I period gave rise to large villages near Comb Wash, and 1050 C.E., when inhabitants from the Pueblo II period built expansive and complex multi-family dwellings. Around 1150 C.E., the dawn of the Pueblo III period, the area's inhabitants increasingly sought shelter in cliff dwellings and left behind evidence of an era of unrest. Several centuries later, the Ute, Paiute, and Navajo came to occupy the area.

East of the Bears Ears is Arch Canyon, within which paleontologists have found numerous fossils from the Permian and Upper Permian eras. Cliff dwellings are hidden throughout the canyon, and the mouth of the canyon holds the fabled Arch Canyon ruin, which spans the Pueblo II and III periods and contains pictographs and petroglyphs ranging from the Archaic to the historic periods.

Just south of Arch Canyon are the north and south forks of Mule Canyon. Five-hundred feet deep, 5 miles long, and decorated with alternating layers of red and white sandstone, these 2 striking canyons contain shelter-cliff dwellings and other archaeological sites, including the scenic and accessible

House on Fire Ruin, which includes differing masonry styles that indicate several episodes of construction and use.

Perched high on the open tablelands above the south fork of Mule Canyon are the Mule Canyon ruins, where visitors can see exposed masonry walls of ancient living quarters and a partially restored kiva. The deep canyons and towering mesas of the Shash Jáa area are full of similar sites, including rock art, remains of single-family dwellings, granaries, kivas, towers (including the Cave Towers), and large villages primarily from the Pueblo II and III periods, along with sites from the Basketmaker and Archaic periods.

The Shash Jáa area also includes Comb Ridge, a north-south trending monocline that originates near the boundary of the Manti-La Sal National Forest, ends near the San Juan River, and contains remnants from the region's thousands of years of human habitation, including cliff dwellings, granaries, kivas, ceremonial sites, and the Butler Wash ruin, a world-famous Ancestral Puebloan ruin with multiple rooms and kivas. Comb Ridge also includes world-class examples of ancient rock art, such as the Butler Wash Kachina Panel, a wall-sized mural of San Juan Anthropomorph figures that dates to the Basketmaker period and is considered to be one of the Southwest's most important petroglyph panels for understanding the daily life and rituals of the Basketmaker people. Significant fossil sites have also been discovered in Butler Wash.

Just north of upper Butler Wash, the aspen-filled Whiskers Draw contains a series of alcoves that have sheltered evidence of human habitation for thousands of years, including Cave 7, the site where Richard Wetherill, as part of the Hyde Expedition in 1893, first identified what we know today as the Basketmaker people. The nearby Milk Ranch Point is home to a rich

concentration of kivas, granaries, dwellings, and other evidence that Pueblo I farmers used this area to cultivate corn, beans, and squash.

The Shash Jáa area also contains the Comb Ridge Fossil site, which includes a trackway created by a giant arthropod (Diplichnites cuithensis), the first recorded instance of such a trackway in Utah. Also, the diverse landscape of the Shash Jáa area provides habitat for the vast majority of plant and animal species described by Proclamation 9558.

Finally, the Shash Jáa area as described on the accompanying map includes 2 non-contiguous parcels of land that encompass the Moon House Ruin, an example of iconic Pueblodecorated architecture, which was likely the last occupied site on Cedar Mesa, as well as Doll House Ruin, a fully intact and well-preserved single room granary that is associated with an extensive agricultural area on the mesa top. These significant ruins are important examples of cultural resource objects that should remain within the monument's boundaries.

The Indian Creek area likewise contains objects of significance described in Proclamation 9558. At its center is the broad Indian Creek Canyon, which is characterized by sheer red cliffs and spires of exposed and eroded layers of Navajo, Kayenta, Wingate, and Cedar Mesa sandstone, including the iconic North and South Six-Shooter Peaks.

Also located within the Indian Creek area is the Canyonlands Research Center. Spanning lands managed by the National Park Service, BLM, USFS, and private landowners, this unique partnership works to increase our understanding of the complex natural systems on the landscape, providing

their custodians with information they need to adapt to the challenges of a changing Colorado Plateau.

Newspaper Rock, a popular attraction in the Indian Creek area, is a roadside rock art panel that has been listed on the National Register of Historic Places since 1976. This site displays a significant concentration of rock art from multiple periods, etched into Wingate sandstone. The older art is attributed to the Ancestral Puebloan people who inhabited this region for 2,000 years, while the more recent rock art is attributed to the Ute people who still live in the Four Corners area.

In addition to Newspaper Rock, the Indian Creek area contains numerous other significant rock art sites, including the distinctive and well-preserved petroglyphs in Shay Canyon. The area also provides opportunities for cultural and scientific research and paleontological study. Dinosaur tracks in the bottom of the Shay Canyon stream bed are a unique visual reminder of the area's distant past. Additional paleontological resources can be found throughout the Indian Creek area, including vertebrate and invertebrate fossils, primarily in the Chinle Formation. The Indian Creek area also includes 2 prominent mesas, Bridger Jack Mesa and Lavender Mesa, which are home to relict plant communities, predominantly composed of pinyon-juniper woodland, with small, interspersed sagebrush parks, that exist only on these isolated islands in the desert sea and are, generally, unaltered by humans. These mesas provide the opportunity for comparative studies of pinyonjuniper woodland and sagebrush communities in other parts of the Colorado Plateau. Additionally, the Indian Creek area includes the exposed Chinle Formation, known for abundant fossilized flora and fauna, including pelecypods, gastropods, arthropods, fishes, amphibians, and reptiles (including

dinosaurs). Finally, the area is well known for vertebrate trackways, including tetrapod footprints.

Some of the existing monument's objects, or certain examples of those objects, are not within the monument's revised boundaries because they are adequately protected by existing law, designation, agency policy, or governing land-use plans. For example, although the modified boundaries do not include the San Juan River or the Valley of the Gods, both of those areas are protected by existing administratively designated Areas of Critical Environmental Concern. Plant and animal species such as the bighorn sheep, the Kachina daisy, the Utah night lizard, and the Eucosma navojoensis moth are protected by the Endangered Species Act and existing land-use plans and policies protecting specialstatus species. Additionally, some of the range of these species falls within existing Wilderness Areas and Wilderness Study Areas. Finally, although Hideout Canyon is likewise not included within the modified boundaries, it is generally not threatened and is partially within a Wilderness Study Area.

The areas described above are the smallest compatible with the protection of the important objects identified in Proclamation 9558. The modification of the Bears Ears National Monument will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.

WHEREAS, Proclamation 9558 of December 28, 2016, designated the Bears Ears National Monument in the State of Utah and reserved approximately 1.35 million acres of Federal lands for the care and management of the Bears Ears buttes and other objects of historic and scientific interest identified therein; and

WHEREAS, many of the objects identified by Proclamation 9558 are otherwise protected by Federal law; and

WHEREAS, it is in the public interest to modify the boundaries of the monument to exclude from its designation and reservation approximately 1,150,860 acres of land that I find are unnecessary for the care and management of the objects to be protected within the monument; and

WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest as described above in this proclamation;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that the boundaries of the Bears Ears National Monument are hereby modified and reduced to those lands and interests in land owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified monument areas identified on the accompanying map shall be known as the Indian Creek and Shash Jáa units of the monument, the latter of which shall include the Moon House and Doll House Ruins. These reserved Federal lands and interests in lands cumulatively encompass approximately 201,876 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected. Any lands reserved by Proclamation 9558 not within the boundaries identified on the accompanying map are hereby excluded from the monument.

At 9:00 a.m., eastern standard time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public and National Forest System lands excluded from the monument reservation shall be open to:

- (1) entry, location, selection, sale, or other disposition under the public land laws and laws applicable to the U.S. Forest Service;
- (2) disposition under all laws relating to mineral and geothermal leasing; and
- (3) location, entry, and patent under the mining laws.

Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed b

y State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to remove any lands from the Manti-La Sal National Forest or to otherwise revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 9558.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 9558 that remain part of the monument in accordance with the terms of this proclamation, except as provided by the following 4 paragraphs:

In recognition of the importance of tribal participation to the care and management of the objects identified above, and to ensure that management decisions affecting the monument reflect tribal expertise and traditional and historical knowledge, Proclamation 9558 established a Commission to provide guidance and recommendations on the development and implementation of management plans and on management of the monument, and to partner with Federal agencies by making continuing contributions to inform decisions regarding the management of the monument. In order to ensure that the full range of tribal expertise and traditional historical knowledge is included in such guidance and recommendations, paragraph 29 of Proclamation 9558 is hereby revised to provide that the Bears Ears Commission shall be known as the Shash Jáa Commission, shall apply only to the Shash Jáa unit as described herein, and shall also include the elected officer of the San Juan County Commission representing District 3 acting in that officer's official capacity.

Proclamation 9558 is hereby revised to clarify that, pending preparation of the transportation plan required by paragraph 34 thereof, the Secretaries of the Interior and Agriculture may allow motorized and non-mechanized vehicle use on roads and trails designated for such use immediately before the issuance of Proclamation 9558 and maintain roads and trails for such use.

Paragraph 35 of Proclamation 9558 governing livestock grazing in the monument is hereby revised to read as follows: "Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation."

Proclamation 9558 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretaries of the Interior and Agriculture may authorize ecological restoration and active vegetation management activities in the monument.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP

#### **PROCLAMATIONS**

# Presidential Proclamation Modifying the Grand Staircase-Escalante National Monument

LAND & AGRICULTURE

Issued on: December 4, 2017

In Proclamation 6920 of September 18, 1996, and exercising his authority under the Act of June 8, 1906 (34 Stat. 225) (the "Antiquities Act"), President William J. Clinton established the Grand Staircase-Escalante National Monument in the State of Utah, reserving approximately 1.7 million acres of Federal lands for the care and management of objects of historic and scientific interest identified therein. The monument is managed by the Department of the Interior's Bureau of Land Management (BLM). This proclamation makes certain modifications to the monument.

Proclamation 6920 identifies a long list of objects of historic or scientific interest within the boundaries of the monument. In the 20 years since the designation, the BLM and academic researchers have studied the monument to better understand the geology, paleontology, archeology, history, and biology of the area.

The Antiquities Act requires that any reservation of land as part of a monument be confined to the smallest area compatible with the proper care and management of the objects of historic or scientific interest to be protected. Determining the appropriate protective area involves examination of a number of factors, including the uniqueness and nature of the objects, the nature of the needed protection, and the protection provided by other laws.

Proclamation 6920 identifies the monument area as rich with paleontological sites and fossils, including marine and brackish water mollusks, turtles, crocodilians, lizards, dinosaurs, fishes, and mammals, as well as terrestrial vertebrate fauna, including mammals, of the Cenomanian-Santonian ages, and one of the most continuous records of Late Cretaceous terrestrial life in the world. Nearly 2 decades of intense study of the monument has provided a better understanding of the areas with the highest concentrations of fossil resources and the best opportunities to discover previously unknown species. While formations like the Wahweap and Kaiparowits occur only in southern Utah and provide an important record of Late Cretaceous fossils, others like the Chinle and Morrison formations occur throughout the Colorado Plateau. The modified monument boundaries take into account this new information and, as described in more detail below, retain the majority of the high-potential areas for locating new fossil resources that have been identified within the area reserved by Proclamation 6920.

Proclamation 6920 also identifies a number of unique geological formations and landscape features within the monument boundaries. These include the Grand Staircase, White Cliffs, Vermilion Cliffs, Kaiparowits Plateau, Upper Paria Canyon System, Upper Escalante Canyons, Burning Hills, Circle Cliffs, East Kaibab Monocline, Grosvenor Arch, and Escalante Natural Bridge, all of which are retained in whole or part within the revised monument boundaries.

The Waterpocket Fold, however, is located mostly within the Capitol Reef National Park and the portions within the monument are not unique or particularly scientifically significant. Therefore, the boundaries of the monument may be modified to exclude the Waterpocket Fold without imperiling the proper care and management of that formation. The more general landscape features discussed in the proclamation, such as serpentine canyons, arches, and natural bridges, are common across the Colorado Plateau both within and outside of the modified boundaries of the monument described below.

Archeological and historic objects identified within the monument are more generally discussed in Proclamation 6920, which specifically identifies only the Hole-in-the-Rock Trail, the Paria Townsite, and Dance Hall Rock as objects of historic or scientific interest, all 3 of which will remain within the revised monument boundaries, although a portion of the Holein-the-Rock Trail will be excluded. Proclamation 6920 also describes Fremont and Ancestral Puebloan rock art panels, occupation sites, campsites, and granaries, as well as historic objects such as those left behind by Mormon pioneers, including trails, inscriptions, ghost towns, rock houses, and cowboy line camps. These are artifacts that are known to generally occur across the Four Corners region, particularly in southern Utah, and the examples found within the monument are not, as described, of any unique or distinctive scientific or historic significance. In light of the prevalence of similar objects throughout the region, the existing boundaries of the monument are not "the smallest area compatible with the proper care" of these objects, and they may be excluded from the monument's boundaries. Further, many of these objects or examples of these objects are retained within the modified boundaries described below.

Finally, with respect to the animal and plant species, Proclamation 6920 characterizes the area as one of the richest floristic regions in the Intermountain West, but it identifies only a few specific species as objects of scientific or historic interest. The revised boundaries contain the majority of habitat types originally protected by Proclamation 6920.

Thus, many of the objects identified by Proclamation 6920 are not unique to the monument, and some of the particular examples of those objects within the monument are not of significant historic or scientific interest. Moreover, many of the objects identified by Proclamation 6920 are not under threat of damage or destruction such that they require a reservation of land to protect them; in fact, many are already subject to Federal protection under existing law and agency management designations. The BLM manages nearly 900,000 acres of lands within the existing monument as Wilderness Study Areas, which the BLM is already required by law to manage so as not to impair the suitability of such areas for future congressional designation as Wilderness.

A host of laws enacted after the Antiquities Act provide specific protection for archaeological, historic, cultural, paleontological, and plant and animal resources and give authority to the BLM to condition permitted activities on Federal lands, whether within or outside a monument. These laws include the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470aa-470mm, National Historic Preservation Act, 54 U.S.C. 300101 et seq., Bald and Golden Eagle Protection Act, 16 U.S.C. 668-668d, Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., Federal Cave Resources Protection Act of 1988, 16 U.S.C. 4301 et seq., Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., Migratory Bird Treaty Act, 16 U.S.C. 703-712, Native American Graves Protection and Repatriation Act of 1976, 25 U.S.C.

3001 et seq., and Paleontological Resources Preservation Act, 16 U.S.C. 470aaa-470aaa-11. Of particular note, the Paleontological Resources Preservation Act, enacted in 2009, imposes criminal penalties for unauthorized excavation, removal, damage, alteration, or defacement of paleontological resources. Federal land management agencies can grant permits authorizing excavation or removal, but only when undertaken for the purpose of furthering paleontological knowledge. The Archaeological Resources Protection Act contains very similar provisions protecting archeological resources. And the Migratory Bird Treaty Act and Endangered Species Act protect migratory birds and listed endangered and threatened species and their habitats.

Especially in light of the research conducted since designation, I find that the current boundaries of the Grand Staircase-Escalante National Monument established by Proclamation 6920 are greater than the smallest area compatible with the protection of the objects for which lands were reserved and, therefore, that the boundaries of the monument should be reduced to 3 areas: Grand Staircase, Kaiparowits, and Escalante Canyons. These revisions will ensure that the monument is no larger than necessary for the proper care and management of the objects.

The Grand Staircase area is named for one of the iconic landscapes in the American West. An unbroken sequence of cliffs and plateaus, considered to be the most colorful exposed geologic section in the world, has inspired wonder in visitors since the days of early western explorers.

The White Cliffs that rise more than 1,500 feet from the desert floor are the hardened remains of the largest sand sea that ever existed. The deep red Vermilion Cliffs, once the eastern shore of the ancient Lake Dixie, contain a

rich fossil record from the Late Triassic period to the early Jurassic period, including petrified wood, fish, dinosaur, and other reptilian bones. Fossil footprints are also common, including those at the Flag Point tracksite, which includes dinosaur fossil tracks adjacent to a Native American rock art panel depicting dinosaur tracks. This area also contains a number of relict vegetative communities occurring on isolated mesa tops, an example of which, No Mans Mesa, was identified in Proclamation 6920.

The archaeology of the Grand Staircase area is dominated by sites constructed by the Virgin Branch of the Ancestral Puebloans — ancient horticulturalists and farmers who subsisted largely on corn, beans, and squash, and occupied the area from nearly 2000 B.C.E. to about 1250 C.E. The landscape was also the home of some of the earliest corn-related agriculture in the Southwest, and it continues to hold remnants of these early farmsteads and small pueblos. The evidence of this history, including remnants of the beginning of agriculture, development of prehistoric farming systems, and the final abandonment of the area, is concentrated in the lower levels of the Grand Staircase. The higher cliffs, benches, and plateaus hold evidence of occupation by Archaic and Late Prehistoric people, including Clovis and other projectile points and residential pit structures that indicate occupation by hunter-gatherers starting about 13,000 years ago.

Following the abandonment of the area by Ancestral Puebloans, the area was re-occupied by a new population of hunter-gatherers, the people known today as the Southern Paiute Indians. The Southern Paiute Indians identify this area as part of their ancestral homeland. Still later Mormon pioneers settled the area, as evidenced by remnants of roads, trails, line shacks, rock houses, and abandoned town sites.

The Kaiparowits area is dominated by a dissected mesa that rises thousands of feet above the surrounding terrain. These vast, rugged badlands are characterized by towering cliffs and escarpments that expose tiers of fossil-rich formations.

In addition to striking scenery, the area is world-renowned for rich fossil resources, including 16 species that have been found nowhere else. The plateau is considered one of the best, most continuous records of Late Cretaceous life in the world. It includes fossils of mollusks, reptiles, dinosaurs, fishes, and mammals, as well as the only evidence in our hemisphere of terrestrial vertebrate fauna from the Cenomanian through Santonian ages. Since 2000, nearly 4,000 new fossil sites have been documented on the plateau. The Dakota, Tropic Shale, Wahweap, and Kaiparowits formations in the area have been found to contain numerous important fossils, including those of early mammals and reptiles (Dakota); marine reptiles, including 5 species of plesiosaur and North America's oldest mosasaur (Tropic Shale); and multiple new species of dinosaurs (Wahweap and Kaiparowits), including the Diabloceratops eatoni, a relative of the Triceratops named for its devil-like horns, and the Lythronax argestes, whose name means "Gore King of the Southwest."

The Kaiparowits area also includes objects of geologic interest, which Proclamation 6920 identified. The rugged canyons and natural arches of the Upper Paria River expose the colorful and varied Carmel and Entrada formations that draw visitors to the area. One of the most famous arches, Grosvenor Arch, is a rare double arch that towers more than 150 feet above the desert floor. The area also contains "hydrothermal-collapse" pipes and dikes that have revealed to researchers a fascinating story of a geologic catastrophe triggered by either a massive earthquake or an asteroid impact.

The western side of the Kaiparowits area includes the majority of the East Kaibab Monocline, which features an erosional "hogback" known as the "Cockscomb," as well as broad exposures of multicolored rocks and intricate canyons. It is considered one of the true scenic and geologic wonders of the area. On the east side of the plateau, the scorched earth of the Burning Hills is a geologic curiosity: a vast underground coal seam that some researchers believe has been burning for eons, sending acrid smoke up through vents in the ground and turning the hillsides brick red. Finally, along the eastern edge of the Kaiparowits Plateau is a series of oddly shaped arches and other rock formations known as the Devil's Garden.

The Kaiparowits area also contains a unique record of human history. The overall archaeology of the Kaiparowits Plateau is dominated by Archaic and Late Prehistoric era sites. There are, however, a few important sites that tell the story of occupation first by the Fremont, who came from an area to the east, and later by Virgin and Kayenta Ancestral Puebloans. These sites show new types of architecture and pottery that mixed traditional Fremont and Ancestral Puebloan styles. Prehistoric cliff structures in parts of the Kaiparowits Plateau are well preserved and provide researchers and visitors an opportunity to better understand the apparently peaceful mixture of 3 cultures starting in the early 1100s. In particular, the Fifty-Mile Mountain area contains hundreds of cultural resource sites, including Ancestral Puebloan habitations, granaries, and masonry structures.

Historical use of the Kaiparowits area plays a very important part in the rich ranching history of southern Utah, which is evidenced by a complex pattern of roads, stock trails, line shacks, attempted farmsteads, and small mining operations. Fifty-Mile Mountain, in particular, contains a number of historic cabins, as well as other evidence of pioneer living, including ruins, rip-gut

fences, and historic trails. It is believed that Zane Grey used the Fifty-Mile Mountain area as a landscape reference point when he wrote "Wild Horse Mesa." There are also a number of historic signature panels across the plateau that document continued grazing and ranching use of the landscape by multiple generations of the same families.

To the east of Fifty-Mile Mountain in the Escalante Desert, Dance Hall Rock stands out as an important landmark of Mormon pioneers. While the Hole-in-the-Rock Trail was under construction in 1879, Mormon pioneers camped in this area and held meetings and dances here. Similarly, as described above, the old Paria Townsite is an important ghost town within the Kaiparowits area, as it served as the only town and post office site within the area at the turn of the 20th century.

The Escalante Canyons area likewise contains objects of significance. The canyonlands of the area provide a fantastic display of geologic activities and erosional forces that, over millions of years, created a network of deep, narrow canyons, high plateaus, sheer cliffs, and beautiful sandstone arches and natural bridges, including the 130-foot-tall Escalante Natural Bridge. Additionally, this area boasts Calf Creek Canyon, a canyon of red alcoved walls with expanses of white slickrock that is named for its use as a natural cattle pen at the end of the 19th century.

To the east of the Canyonlands, Circle Cliffs is a breached anticline with spectacular painted-desert scenery, the result of exposed sedimentary rocks of the Triassic Chinle and Moenkopi formations. The Circle Cliffs area also contains large, unbroken petrified logs up to 30 feet in length. A nearly complete articulated skeleton of Poposauras — a rare bipedal crocodilian fossil — was also found here.

The Escalante Canyons area also contains a high density of Fremont prehistoric sites, including pithouses, villages, storage cysts, and rock art. The canyon of the Escalante River and its tributary canyons contain one of the highest densities of rock art sites in southwestern Utah outside of Capitol Reef National Park, with sites dating from the Archaic to the Historic periods. The Hundred Hands rock art panel is located in the river canyon, and is spiritually significant to all tribes that claim ancestry in the area.

There are also significant historic sites in this area related to grazing and ranching, along with the Boulder Mail Trail, which was used to ferry mail between the small desert outpost towns of Escalante and Boulder beginning in 1902. Today, much of the trail is still visible, and it has become popular with backpackers.

The areas described above are the smallest compatible with the proper care and management of the objects to be protected. The Grand Staircase-Escalante National Monument, as modified by this proclamation, will maintain and protect those objects and preserve the area's cultural, scientific, and historic legacy.

WHEREAS, Proclamation 6920 of September 18, 1996, established the Grand Staircase-Escalante National Monument in the State of Utah and reserved approximately 1.7 million acres of Federal lands for the care and management of the objects of historic and scientific interest identified therein; and

WHEREAS, many of the objects identified by Proclamation 6920 are otherwise protected by Federal law; and

WHEREAS, it is in the public interest to modify the boundary of the monument to exclude from its designation and reservation approximately 861,974 acres of land that I find are no longer necessary for the proper care and management of the objects to be protected within the monument; and

WHEREAS, the boundaries of the monument reservation should therefore be reduced to the smallest area compatible with the protection of the objects of scientific or historic interest, as described above in this proclamation;

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by section 320301 of title 54, United States Code, hereby proclaim that the boundary of the Grand Staircase-Escalante National Monument is hereby modified and reduced to those lands and interests in lands owned or controlled by the Federal Government within the boundaries described on the accompanying map, which is attached to and forms a part of this proclamation. I hereby further proclaim that the modified monument areas identified on the accompanying map shall be known as the Grand Staircase, Kaiparowits, and Escalante Canyons units of the monument. These reserved Federal lands and interests in lands cumulatively encompass approximately 1,003,863 acres. The boundaries described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.

Any lands reserved by Proclamation 6920 not within the boundaries identified on the accompanying map are hereby excluded from the monument.

At 9:00 a.m., eastern standard time, on the date that is 60 days after the date of this proclamation, subject to valid existing rights, the provisions of existing

withdrawals, and the requirements of applicable law, the public lands excluded from the monument reservation shall be open to:

- (1) entry, location, selection, sale or other disposition under the public land laws;
- (2) disposition under all laws relating to mineral and geothermal leasing; and
- (3) location, entry, and patent under the mining laws.

Appropriation of lands under the mining laws before the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law.

Nothing in this proclamation shall be construed to revoke, modify, or affect any withdrawal, reservation, or appropriation, other than the one created by Proclamation 6920.

Nothing in this proclamation shall change the management of the areas designated and reserved by Proclamation 6920 that remain part of the monument in accordance with the terms of this proclamation, except as provided by the following 5 paragraphs:

Paragraph 14 of Proclamation 6920 is updated and clarified to require that the Secretary of the Interior (Secretary) prepare and maintain a management plan for each of the 3 units of the monument with maximum public involvement

including, but not limited to, consultation with federally recognized tribes and State and local governments. The Secretary, through the BLM, shall also consult with other Federal land management agencies in the local area in developing the management plans.

Proclamation 6920 is amended to provide that the Secretary shall maintain one or more advisory committees under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of the above-described management plans, and, as appropriate, management of the monument. Any advisory committee maintained shall consist of a fair and balanced representation of interested stakeholders, including State and local governments, tribes, recreational users, local business owners, and private landowners.

Proclamation 6920 is clarified to provide that, consistent with protection of the objects identified above and other applicable law, the Secretary may allow motorized and nonmechanized vehicle use on roads and trails existing immediately before the issuance of Proclamation 6920 and maintain roads and trails for such use.

Paragraph 12 of Proclamation 6920 governing livestock grazing in the monument is hereby modified to read as follows: "Nothing in this proclamation shall be deemed to affect authorizations for livestock grazing, or administration thereof, on Federal lands within the monument. Livestock grazing within the monument shall continue to be governed by laws and regulations other than this proclamation."

Proclamation 6920 is amended to clarify that, consistent with the care and management of the objects identified above, the Secretary may authorize

ecological restoration and active vegetation management activities in the monument.

If any provision of this proclamation, including its application to a particular parcel of land, is held to be invalid, the remainder of this proclamation and its application to other parcels of land shall not be affected thereby.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand seventeen, and of the Independence of the United States of America the two hundred and forty-second.

DONALD J. TRUMP



#### 115TH CONGRESS 1ST SESSION

### H. R. 3990

To amend title 54, United States Code, to reform the Antiquities Act of 1906, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 2017

Mr. BISHOP of Utah (for himself, Mr. LAMBORN, Mr. McCLINTOCK, Mr. Gosar, Mr. Lamalfa, and Mr. Westerman) introduced the following bill; which was referred to the Committee on Natural Resources

#### A BILL

To amend title 54, United States Code, to reform the Antiquities Act of 1906, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 SECTION 1. SHORT TITLE.
- 4 This Act may be cited as the "National Monument
- 5 Creation and Protection Act".
- 6 SEC. 2. LIMITATION ON SIZE; CLARIFICATION OF ELIGIBLE
- 7 OBJECTS.
- 8 Section 320301 of title 54, United States Code, is
- 9 amended—

1	(1) in subsection (a), by striking "historic land-
2	marks, historic and prehistoric structures, and other
3	objects of historic or scientific interest" and insert-
4	ing "object or objects of antiquity";
5	(2) in subsection (b), by striking "confined to
6	the smallest area compatible with the proper care
7	and management of the objects to be protected" and
8	inserting "in accordance with the limitations out-
9	lined in subsections (e), (f), (g), and (h)"; and
10	(3) by adding at the end the following:
11	"(e) Limitation on Size of National Monu-
12	MENTS.—Except as provided by subsections (f), (g), and
13	(h), after the date of the enactment of this subsection,
14	land may not be declared under this section in a configura-
15	tion that would create a national monument—
16	"(1) that is more than 640 acres; and
17	"(2) whose exterior boundary is less than 50
18	miles from the closest exterior boundary of another
19	national monument declared under this section.
20	"(f) Exception for Monuments of Less Than
21	5,000 Acres.—Subsection (e) shall not apply to the des-
22	ignation of a national monument under this section if the
23	national monument so designated—
24	"(1) would be less than 5,000 acres;

1	"(2) would have all exterior boundaries 50
2	miles or more from the closest exterior boundary of
3	another national monument declared under this sec-
4	tion; and
5	"(3) has been reviewed under the National En-
6	vironmental Policy Act of 1969 (42 U.S.C. 4321 et
7	seq.) by the Secretary of the Interior or the Sec-
8	retary of Agriculture, as appropriate.
9	"(g) Exception for Monuments of 5,000 Acres
10	AND UP TO 10,000 ACRES.—
11	"(1) In general.—Subsection (e) shall not
12	apply to the designation of a national monument
13	under this section if the national monument so des-
14	ignated—
15	"(A) would be at least 5,000 acres but not
16	more than 10,000 acres; and
17	"(B) would have all exterior boundaries 50
18	miles or more from the closest exterior bound-
19	ary of another national monument declaration
20	under this section.
21	"(2) OTHER REQUIREMENT.—A monument de-
22	scribed in this subsection shall be subject to the
23	preparation of an environmental assessment or envi-
24	ronmental impact statement as part of a review
25	under the National Environmental Policy Act of

1	1969 (42 U.S.C. 4321 et seq.). The choice of envi-
2	ronmental review document shall be within the dis-
3	cretion of the Secretary of the Interior or the Sec-
4	retary of Agriculture, as appropriate.
5	"(h) Exception for Monuments 10,000 Acres
6	AND UP TO 85,000 ACRES.—Subsection (e) shall not apply
7	to the designation of a national monument under this sec-
8	tion if the national monument so designated—
9	"(1) would be at least 10,000 acres but not
10	more than 85,000 acres;
11	"(2) would have all exterior boundaries 50
12	miles or more from the closest exterior boundary of
13	another national monument declaration under this
14	section; and
15	"(3) has been approved by the elected gov-
16	erning body of each county (or county equivalent),
17	the legislature of each State, and the Governor of
18	each State within whose boundaries the national
19	monument will be located (and the Governor of each
20	such State has transmitted a copy of each such ap-
21	proval to the President).
22	"(i) Exception for Emergency Designation.—
23	"(1) In general.—Subsection (e) shall not
24	apply to the designation under this section of a na-
25	tional monument of any acreage amount if designa-

1	tion is made to prevent imminent and irreparable
2	harm to the object or objects of antiquity to be pro-
3	tected by the designation.
4	"(2) One year limitation.—A national
5	monument designation under this subsection shall
6	terminate on the date that is one calendar year after
7	the date of the designation.
8	"(3) One time designation.—Land des-
9	ignated as a national monument under this sub-
10	section—
11	"(A) may only be so designated one time;
12	and
13	"(B) may not also be permanently des-
14	ignated as a national monument under this sec-
15	tion.
16	"(4) Rights and uses.—Land designated as a
17	national monument under this subsection shall re-
18	main subject to—
19	"(A) valid existing rights; and
20	"(B) uses allowed on the day before such
21	designation under an applicable Resource Man-
22	agement Plan or Forest Plan.
23	"(j) Presidential Authority To Reduce Size of
24	Declared Monuments.—The President may—

1	"(1) reduce the size of any national monument
2	declared under this section by 85,000 acres or less;
3	or
4	"(2) reduce the size of any national monument
5	declared under this section by more than 85,000
6	acres only if the reduction—
7	"(A) has been approved by the elected gov-
8	erning body of each county (or county equiva-
9	lent), the legislature of each State, and the
10	Governor of each State within whose boundaries
11	the national monument will be located (and the
12	Governor of each such State has transmitted a
13	copy of each such approval to the President);
14	and
15	"(B) has been reviewed under the National
16	Environmental Policy Act of 1969 (42 U.S.C.
17	4321 et seq.) by the Secretary of the Interior
18	or the Secretary of Agriculture, as appropriate.
19	"(k) Non-Federally Owned Property.—After
20	the date of the enactment of this subsection, land may
21	not be declared as a national monument under this section
22	in a configuration that would place non-federally owned
23	property within the exterior boundaries of the national
24	monument without the express written consent of the own-
25	ers of that non-federally owned property.

1	"(l) Effect of Declaration on Federal
2	Funds.—No declaration under this section shall be con-
3	strued to increase the amount of Federal funds that are
4	authorized to be appropriated for any fiscal year.
5	"(m) Water Rights Associated With a Dec-
6	LARATION.—Water rights associated with a declaration
7	under this section—
8	"(1) may not be reserved expressly or by impli-
9	cation by a declaration under this section; and
10	"(2) may be acquired for a declaration under
11	this section only in accordance with the laws of the
12	State in which the water rights are based.
13	"(n) Definitions.—For the purposes of this section:
14	"(1) Declaration; Declared.—The terms
15	'declaration' and 'declared' shall only include the
16	creation or expansion of a national monument under
17	this section.
18	"(2) Land.—The term 'land' shall not include
19	submerged land or water.
20	"(3) Object or objects of antiquity.—
21	"(A) The term 'object or objects of antiq-
22	uity' means—
23	"(i) relies;
24	"(ii) artifacts:

1	"(iii) human or animal skeletal re-
2	mains;
3	"(iv) fossils (other than fossil fuels);
4	and
5	"(v) certain buildings constructed be-
6	fore the date of the enactment of this sub-
7	section.
8	"(B) The term 'object or objects of antiq-
9	uity' does not include—
10	"(i) natural geographic features; and
11	"(ii) objects not made by humans, ex-
12	cept fossils (other than fossil fuels) or
13	human or animal skeletal remains.".

# THE REAL PROPERTY OF THE PARTY OF THE PARTY

## Western Counties Alliance

Ken Brown-Executive Director

### Suggested Steps for RS 2477 Roads Project

1. Organizational Commitment

- 2. Review Maps (Federal, State, and County)
- 3. Do Road Inventory
- 4. Assert Claim
- 5. Design Map
- 6. Choose an option:
  - A. Quiet title
  - B. Recordation
  - C. Recordable Disclaimer
  - D. Title V



Ken Brown-Executive Director

Utah Governor Gary Herbert and Attorney General John Swallow also hailed the decision, which Swallow Said shows "these historic public roads have and will continue to belong to the people of Utah."

Swallow said the federal government's refusal to recognize the routes as state and county roads had "damaged the economy and put motorists at risk" by impeding the routine maintenance.

Melodie Rydalch, spokeswoman for the U.S. Attorney's Office, said the the office was reviewing the decision and would not have further comment.

Heaton said the roads in question were in use for at least 10years before 1976, and in some cases date back to the late 1800's. Kane County is made up of 65 percent federal land, Heaton said. "In order to access the public resources on these lands, you have to travel these roads." The legal battle was a "significant burden" financially, he said. "This is a tremendous vindication. We are simply reasserting the public's rights to travel these roads."

Of the 12 routes deemed roads, four are in the Grand Staircase-Escalante National Monument. The rest are on land managed by the Bureau of Land Management's Kanab office. Waddoups traveled all of the disputed routes with attorneys in the case over two days in December 2010. He presided over a trial in the case in August 2011 and took additional testimony in January 2012. Waddoups heard from county workers and local residents about how each route was used prior to 1976 and then how most were maintained later by the county. Waddoups noted, for example, that Upper Mill Creek was used prior to 1976 for "the apparent purposes of gathering firewood, cutting cedar posts, hunting, and scouting for deer, gathering pine nuts, and general sightseeing."

One Kan County rancher recounted local lore of how John D. Lee cut timber and operated a saw mill in the area in the late 1800's, which led to the route's name. Similar uses were declared for most of the other disputed routes. The state and 22 of Utah's 29 counties have filed more than 20 lawsuits laying claim to more than 12,000 rights-of-way of public land.

"This tsunami of litigation threatens several national parks and monuments as well as iconic Utah wilderness landscapes," said Steve Bloch, litigation director for the Southern Utah Wilderness Alliance in an email. SUWA had filed an amicus brief in the case that focused primarily on whether Kane County asserted its claims in a timely manner. An appeal of the decision is likely, said David Garbett, SUWA attorney. Garbett said Utah and the counties were relying on RS2477 to claim "dirt trails, cow paths, and roads to nowhere as highways." "While undoubtedly some of these claims do encompass well=used and traveled and vital roads, those are roads no one is fighting over," Garbett said, but others are indistinct paths and meandering washes in critical wilderness quality lands.



Ken Brown-Executive Director

#### Judge rules largely in favor of Utah on rural roads dispute

Kane County and state hail ruling by federal judge in long-running dispute



Then-Kane County Commissioner Mark Habbeshaw at the intersection of Johnson Canyon Road and Skutumpah Road in the Grand Staircase National Monument in 2005, where the BLM and Kane County had placed conflicting signs. Kane County's sign, left, indicates OHV/ATV access, which the BLM disputes

By Brooke Adams-The Salt Lake Tribune (First Published Mar 21 2013 06:13 pm)

A federal judge handed a landmark victory to Kane County and the state of Utah on Wednesday in a years-long dispute with the federal government over whether some rural routes should remain in use as roads, or if they should be closed to the public. In two decisions, U.S. District Judge Clark Waddoups found he had jurisdiction to hear Kane County's claim, gave parameters for "reasonable" right-of-way widths on some routes and determined that 12 of 15 routes in dispute were roads and therefore accessible by the public.

The distinction hinged on an 1866 law through which Congress sought to encourage development by allowing local jurisdictions to manage routes across public lands; the law was repealed in 1976 by Revised Statute 2477.

With the revision, Congress retained most remaining public lands and created the Bureau of Land Management. Preexisting claims, however, were grandfathered in and considered valid as long as entities moved to claim them within a 12-year time frame. Waddoups determined that Kane County did so.

Kane County Commission Chairman Doug Heaton said Thursday the ruling vindicates the county in its fight to continue to travel what he described as historic thoroughfares. "We're confident the judge took great pains to get it right," he said. "We're excited the court has ruled in our favor."



Ken Brown-Executive Director

### Judge rules largely in favor of Utah on rural roads dispute

Kane County and state hail ruling by federal judge in long-running dispute

A federal judge handed a landmark victory to Kane County and the state of Utah on Wednesday in a years-long dispute with the federal government over whether some rural routes should remain in use as roads, or if they should be closed to the public. In two decisions, u.s. District Judge Clark Waddoups found he had jurisdiction to hear Kane County's claim, gave parameters for "reasonable" right-of-way widths on some routes and determined that 12 of 15 routes in dispute were roads and therefore accessible by the public.

The distinction hinged on an 1866 law through which Congress sought to encourage development by allowing local jurisdictions to manage routes across public lands; the law was repealed in 1976 by Revised Statute 2477.

With the revision, Congress retained most remaining public lands and created the Bureau of Land Management. Pre-existing claims, however, were grandfathered in and considered valid as long as entities moved to claim them within a 12-year time frame. Waddoups determined that Kane County did so.

Kane County Commission Chairman Doug Heaton said Thursday the ruling vindicates the county in its fight to continue to travel what he described as historic thoroughfares. "We're confident the judge took great pains to get it right," he said. "We're excited the court has ruled in our favor."

Utah Gov. Gary Herbert and Attorney General John Swallow also hailed the decision, which Swallow said shows "these historic public roads have and will continue to belong to the people of Utah." Swallow said the federal government's refusal to recognize the routes as state and county roads had "damaged the economy and put motorists at risk" by impeding routine maintenance.

Melodie Rydalch, spokeswoman for the U.S. Attorney's Office, said the office was reviewing the decision and would not have further comment.

Heaton said the roads in question were in use for at least 10 years before 1976, and in some cases date back to the late 1800s. Kane County is made up of 65 percent federal land, Heaton said. "In order to access the public resources on these lands, you have to travel these roads." The legal battle was a "significant burden" financially, he said. "This is a tremendous vindication. We are simply reasserting the public's rights to travel these roads."

Of the 12 routes deemed roads, four are in the Grand Staircase-Escalante National Monument. The rest are on land managed by the Bureau of Land Management's Kanab office. Waddoups traveled all of the disputed routes with attorneys in the case over two days in December 2010. He presided over a trial in the case in August 2011 and took additional testimony in January 2012. Waddoups heard from county workers and local residents about how each route was used prior to 1976 and then how most were maintained later by the county. Waddoups noted, for example, that Upper Mill Creek was used prior to 1976 for "the apparent purposes of gathering firewood, cutting cedar posts, hunting and scouting for deer, gathering pine nuts, and general sightseeing."

One Kane County rancher recounted local lore of how John D. Lee cut timber and operated a saw mill in the area in the late 1800s, which led to the route's name. Similar uses were declared for most of the other disputed routes. The state and 22 of Utah's 29 counties have filed more than 20 lawsuits laying claim to more than 12,000 rights-of-way on public land.

"This tsunami of litigation threatens several national parks and monuments as well as iconic Utah wilderness landscapes," said Steve Bloch, litigation director for the Southern Utah Wilderness Alliance in an email. SUWA had filed an amicus brief in the case that focused primarily on whether Kane County asserted its claims in a timely manner. An appeal of the: decision is likely, said David Garbett, SUWA attorney Garbett said Utah and the counties were relying on RS 2477 to claim "dirt trails, cow paths and roads to nowhere as highways." "While undoubtedly some of these claims do encompass well-used and traveled and vital roads, those are roads no one is fighting over," Garbett said, but others are indistinct paths and meandering washes in critical wilderness quality lands.

# THE TOTAL STREET

### Western Counties Alliance

Ken Brown-Executive Director

# State of Utah Public Lands Policy Coordination Office

### R.S. 2477 Process at County Level

- 1. Creation of R.S. 2477 Committee this team will gather necessary data and work with the litigation team to help provide evidence. Important members would include:
  - A. County Commissioners
  - B. GIS staff
  - C. County Recorder
  - D. County Road Supervisor
- 2. The Committee reviews county road maps to determine appropriate roads. Though many roads might be R.S. 2477 rights-of-way, cost vs. benefit must be analyzed. A short road that peters out in the sagebrush may have historical evidence, but is it still used today and is the benefit of ownership worth the cost of litigating the road.
- 3. GIS staff uses GPS equipment to map centerline coordinates for each road.
- 4. The GPS data is put together into a database.
- S. Overlay road database on top of historic imagery (if available) and historic USGS maps to determine ifthere is evidence ofthe road pre-1976.
- 6. Cut roads from database that lack historic map or imagery evidence
- 7. Search for additional evidence
  - A. GIO Plats
  - B. Survey Field Notes (in Utah such data is found at http://www.ut.blm.gov/landRecords/fieldnotes\_ut,cfm)
  - C. Historical Photos
  - D. Historical State Department of Transportation Maps and other Historical Maps
  - E. Road Maintenance records (road crew logs)
  - F. County Commission meeting minutes
  - G. Financial Statements/budget line items
  - H. MOUs
- 8. Find and work with potential witnesses to determine if they remember using the roads. Attempt to have at least 2 witnesses per road.

A. Witnesses may have additional evidence such as photos, maps, journals, etc. File NOI with federal government at least six months prior to starting litigation. Include map of each road and GIS information



The purpose of the Bill is to clarify the following

- 1. R.S. 2477 was an unequivocal grant by Congress of a right of way for highways over public lands.
- 2. This open-ended grant, could be accepted by the establishment of a public highway in any of the ways recognized by the law of the state or territory where the subject of lands were situated, without ceremony and without federal land management agency knowledge, involvement or permission.
- 3. State common law and statutory law, not the rules or regulations of a federal land management agency, control to determine how and when a public highway is established for purposes of determining when the R.S. 2477 right of way grant was accepted for any given route, together with the scope of the right of way.
- 4. The term "highway" for R.S. 2477 purposes includes any route over which the general public have a right of passage, including a carriage way, a navigable river or a mere foot path.
- 5. For R.S. 2477 purposes, a road may be "constructed" merely by being formed through repeated use. Mechanical construction is not necessary to establish a route unless required by applicable state law.
- 6. It is left to state law to determine whether a route that was sufficiently "constructed" under state law must also be continuously used by the public for a certain number of years in order for the route to qualify as a highway for R.S. 2477 purposes.
- 7. It is left to state law to determine whether a route should end at some identifiable terminus or destination in order for the route to qualify as a highway for R.S. 2477 purposes.
- 8. Coal Withdrawal lands are subject to R.S. 2477; they are still "public lands, not reserved for public uses," for purposes of the R.S. 2477 statute.
- 9. Congress did not authorize federal land management agencies to promulgate rules and regulations pertaining the validity, recognition or management of an R.S. 2477 right of way.
- 10. Congress did not delegate to federal land management agencies primary jurisdiction or other authority to resolve any claims, disputes, cases or controversies regarding the validity or scope of R.S. 2477 rights of way. Such claims, disputes, cases and controversies can be adjudicated only through the courts.
- 11. Federal land management agencies are not prohibited from making non-binding R.S. 2477 validity and scope determination if done solely for the agency's own internal purposes such as internal land use planning decisions or to determine its own position in court litigation. NEPA does not apply to such internal, non-binding decision-making.
- 12. Federal land management agencies shall not require state and local governments to obtain permission or to consult with the federal agency before performing routine maintenance on R.S. 2477 right of way routes.



- 13. Federal land management agencies shall require state and local governments to consult with the federal agency first before allowing them to proceed with improvement projects that go beyond mere routine maintenance. Specific consultation related duties of federal land management agency re set forth. Federal land management agency to resort to the Courts for resolution of any disagreements over proposed improvement projects. NEPA does not apply to the consultation related actions of the federal land management agency provided proposed improvement project is within the scope of the R.S. 2477 right of way.
- 14. Congress quit-claims and disclaims in favor of state and local governments, the following as having fully vested under R.S. 2477: (a) all routes shown on official federal, state or local governments maps issued on or before October 21, 1976 and (b) all routes shown on official federal, state or local governmental maps issued after October 21, 1976 and on or before October 21, 1986 provided such routes appear on pre-October 21, 1976 aerial photography.



#### Ken Brown-Executive Director

Questions on RS 2477 Legislation

The 10th Circuit decision was a huge victory for counties and this ruling reinforced the position on RS 2477 roads that has been, held-and advocated for years by rural counties and those trying to protect public lands access, Do you agree that, if it could be accomplished, enacting into federal law the basic principles and findings of this 10th Circuit decision would provide the best protection fot county RS 2477 rights of way?

If you think that it is not now "timely" to pursue such legislation, exactly what conditions would have to change to make it timely?

Some people claim that the provisions of H.R. 308, the current RS 2477 legislation go well beyond the holdings of the 10th Circuit and others claim that they diminish the protections of RS 2477 rights of way. Do you agree with either assessment? If so, specifically how does the bill depart from the decision.

Court decisions, such as the 10th Circuit decision, can only be modified or overturned by the Supreme Court on appeal or by the enactment of legislation that changes those aspects of the law upon which the decision rests. Explain specifically how the mere effort to pass legislation would dilute that decision. Why would it not remain in force unless and until modified or overturned by the Supreme Court or by actual legislation?

Could the Supreme Court overturn the 10th Circuit decision?

Is it more or less likely that the Supreme Court will hear an appeal of a case on an issue over which at least 2 circuit courts have disagreed?

Have RS 2477 cases been filed in any other federal circuits?

Explain specifically what is meant by the concern that the introduction of legislation would again "politicize" the RS 2477 issue. When the BLM voluntarily extended the application of this decision nationwide, and 10 senators objected, did this "politicize" the issue?

Could the next administration revoke or completely modify the BLM instructional memorandum that currently applies the 10th Circuit decision principles nationwide? If that would happen, what would be the recourse for states not covered by the 10th Circuit decision?

Have the environmental extremist groups accepted the decision of the 10th Circuit even in the states served by that circuit and agreed not to contest that decision or try to overturn-it by whatever means possible?

The Constitution, Article 4 Section 3, gives exclusive authority over the management and disposition of public lands to Congress. The Interior Department has no independent authority. Since Interior and the

state of Utah have signed an MOU on the roads issue, how could the mere introduction of legislation affect the efforts going on between Interior and Utah in any way?

Could the effort to pass legislation and to agree on recognizing rights or way under the MOU both be pursued at the same time? If not, why not?

Exactly what conditions would make it more "timely" to pursue a legislative solution to the RS 2477 problem?

If the president who is elected in 2008 is less sympathetic to county issues, especially RS 2477 rights and if Congress stays in Democratic control, will it be more or less timely to push for a legislative fix to the problem?



Ken Brown-Executive Director

#### R.S.2477

- Revised Statute 2477 provided the Right-Of-Way for the construction of highways over public lands, not reserved for public uses, is hereby granted. Reserved areas are National Parks, Monuments, Wildlife Refuges, Indian Reservations and Military Installations. When the various forests were created in the early 1900's then those lands were classified as reserved.
- 2. R.S. 2477 was put into law by the congress on July 26, 1866 as part of the mining law. A primary purpose for 2477 was to help develop the west. R.S. 2477 is an access issue. Without access multiple use of public land would have been curtailed in the early days as well as today.
- 3. R.S. 2477 remained in effect for 110 years. Most of the transportation routes were established under its authority.
- 4. The R.S. 2477 grant was not a grant of land, but as a grant of an interest in land or a property right.
- When the Federal Land Policy Management Act (FLPMA) was put into law by the congress on October 21, 1976, R.S. 2477 was repealed. Roads prior to 1976 were grandfathered in. Roads after 1976 required a permit.
- 6. In 2005, the 10th Circuit Court of Appeals rendered a very favorable decision relating to R.S. 2477. One of the best ways to resolved 2477 is to have the congress pass a law which would codify the ingredients of the 10th Circuit decision.

# THE THE PARTY OF T

### Western Counties Alliance

Ken Brown-Executive Director

### R.S. 2477 Rights-Of-Way Recognition Act

- 1. An R.S. 2477 Road is a valid public right-of-way providing that it appears on an official federal, state or local map published prior to October 21, 1976.
- 2. An R.S. 2477 right-of-way is valid for all routes across unreserved public land where a right of public travel was timely established under state law.
- 3. R.S. 2477 does not prevent a road initially constructed by the federal government from becoming an R.S. 2477 right-of-way.
- 4. R.S. 2477 does not require that roads lead to a definite destination in order to qualify as an R.S. 2477 road.
- 5. The R.S. 2477 term "public land not reserved for public uses" includes land subject to coal or other subsurface mineral or energy withdrawals.
- 6. State and local governments need not consult with or obtain permission from any federal agency prior to performing routine maintenance and repair on an R.S. 2477 roads, but must consult with the appropriate federal agency before performing road improvement projects.



JON M. HUNTSMAN, JR. GOVERNOR OFFICE OF THE GOVERNOR SALT LAKE CITY, UTAH 84114-2220

GARY R. HERBERT LIEUTENANT GOVERNOR

News Release
For Immediate Release
September 8, 2005
Contact: Tammy Kikuchi
Director of Communications
(801) 538-1503
Ralph Finlayson
Assistant Attorney General
(801) 538-9594

### Court of Appeals Ruling Favorable to Utah

Salt Lake City, Utah -- The State of Utah and Utah's counties are pleased with a decision rendered Thursday by the United States Court of Appeals for the Tenth Circuit. The Tenth Circuit Court case was between Southern Utah Wilderness Alliance (SUWA) and the Bureau of Land Management (BLM) on the one hand, and three Utah counties - Kane, Garfield and San Juan - on the other.

The case involves 16 road rights-of-way the counties assert are theirs under the federal statute known as R.S. 2477. In the decision, a panel of three judges unanimously rejected the BLM administrative determinations that a judge of the Utah District Court had affirmed in disallowing the roads. The Tenth Circuit Court stated, however, that the BLM lacked authority to conduct those determinations.

The Tenth Circuit Court further rejected numerous standards employed by the BLM determinations, including a requirement that the roads be established by mechanical construction, and rejected the BLM's contention that a 1910 coal withdrawal in the area over which some of the roads run, disqualified the area for establishment of R.S. 2477 roads.

The Tenth Circuit instead upheld the arguments of the counties that the correct law to apply in determining whether the roads are valid under R.S. 2477 is Utah law, which provides that continuous use for 10-years prior to 1976 is sufficient to establish an R.S.2477 right-of-way. The case has been remanded to the District Court for complete review under the standards declared in the Tenth Circuit Court opinion.

- more -

31

"This is a major victory for the counties as well as the State, who have been seeking to establish countywide road systems for general public access," said Ralph Finlayson, Assistant Attorney General. "This case has been in litigation since 1996, when Kane, Garfield and San Juan counties were accused of trespass for performing maintenance on roads they asserted as their rights-of-way under the federal law. Our legal system sometimes requires patience, but the results are worth the wait. I am very happy with the court's decision and applaud the counties for staying the course despite much unwarranted criticism that often found its way into the media," said Mr. Finlayson, who represented Kane and Garfield counties in the case.

. ### .

# 3

### Western Counties Alliance

Ken Brown-Executive Director

### **Suggested RS 2477 Road Committee Members**

- 1. Commissioner
- 2. County Cattlemen
- 3. County farm Bureau
- 4. County Wool Growers
- 5. County NRCS
- 6. At large member
- 7. Public Education
- 8. Recreation
- 9. Local business leader
- 10. County Sherriff
- 11. County Road Department

# THE THE PARTY OF T

### Western Counties Alliance

#### Ken Brown-Executive Director

I.

The United States Congress, for the purpose of promoting the settlement of the Western United States by the establishment of roads, granted a public right of way for the establishment of highways over public lands not reserved for public uses in Section 8 of the Mining Act of 1866, re-enacted and recodified as Revised Statutes 2477 (R.S. 2477), 43 U.s.e. sec.932 (repealed October 21, 1976).

This law constituted a grant that was accepted whenever and wherever roads were established over unreserved federal land, and these roads remain available to this day for public use.

The Federal Land Policy and Management Act of 1976 ("FLPMA") repealed R.S. 2477 but provided that previously granted R.S. 2477 rights-of-way are not prejudiced or affected in any way by the repeal.

State law governs to the extent consistent with the principles set forth herein to determine the existence and scope of R.S.2477:

- a) Mere public use resulted in the establishment of an R.S. 2477 public right-of-way, without the need for gravel or other surface treatment, or mechanical movement of terrain or other "construction."
- b) "Construction," as that term is used in R.S 2477, and any maintenance can be the mere passage of vehicles.
- c) Bulldozers, graders or other mechanical means were not necessary to demonstrate construction or maintenance.
- d) Road upgrades on established RS-2477 public rights-of-way are permissible and consistent with their scope and nature.
- e) RS-2477 rights-of-way arose from a statutory grant and are not permits for which the United States Government is authorized to charge processing fees.
- f) An RS-2477 public right-of-way includes the land reasonably necessary to accommodate the established use, which is commonly wider than what is actually disturbed by the road itself.
- g) R.S. 2477 applied to all categories of federal lands, including but not limited to lands that are now National Park Service Lands, National Forests, National Wildlife Refuges, BLM administered Wilderness Study Areas and BLM administered National Monuments, prior to their reservation.
- h) Exact meets and bounds, or centerline identification, are not necessary for the mere recognition of the existence of a RS-2477 public right of way.
- i) Lands subject to Pickett Act and subsurface mineral withdrawals always have been and still are "unreserved" for purposes of RS-2477.

Without limiting the ability of states and counties to assert, claim and pursue legal recourse with respect to other possible RS-2477 public right-of-way claims as provided by law, Congress hereby acknowledges, confirms, recognized and forever disclaims in favor of the respective state and county of location, as joint tenants, the following as having heretofore validly arose under R.S. 2477:

- a) Any public right-of-way over federal land (or any federal land portion of a public right-of-way over both federal and non-federal land) shown on any federal, state or local government map, survey, plat or other record that issued was published on or before October 21, 1976, excepting those portions that run over federal land already reserved for public uses before the date on which the relevant government map, survey, plat or other official record issued. For purposes of RS-2477 and this subparagraph, lands subject Pickett Act and other subsurface mineral and energy withdrawals do not constitute "federalland already reserved for public uses."
- b) Any public right-of-way over federal land (or any federal land portion of a public right-of-way that crosses over both federal and non-federal land) shown on any federal, state or local government map, survey, plat or other record that issued or was published after October 21, 1976 but no later than October 21, 1986, excepting those portions that run over federal land already reserved for public uses before the date on which the relevant government map, survey, plat or other official record issued; provided, an aerial photograph taken on or before October 21, 1976 shows the existence of a public right-of-way consistent with that shown by the relevant government map, survey, plat or other record, in which case the form, location and scope of right-of-way recognized the aerial photograph shall control. For purposes of RS-2477 and this subparagraph, lands subject to Pickett Act and other subsurface mineral and energy withdrawals do not constitute "federalland already reserved for public uses."

# 1

### Western Counties Alliance

Ken Brown-Executive Director

### **Utah Deserves Title to Thousands of Roads**

Published in the Salt Lake tribune on May 12, 2012 by John E. Swallow and Anthony I. Rampton.

Over the past two weeks, the Utah Attorney General's Office has, on behalf of the State of Utah and respective counties, filed 21 lawsuits seeking quiet title to thousands of Utah roads. Unfortunately, there appears to be public confusion and misinformation as to the basis, nature and purpose of these lawsuits. When the nation was in the throes of Western settlement and expansion, Congress permitted and encouraged the creation of roads across the vast public lands. Contained within the Mining Act of 1866, Congress passed R.S. 2477, a law recognizing and validating these "highways" that had been, or would be, created to facilitate settlement of the West. At the time, "highway" was a broad term that included any road created by either construction or use and open to the public.

R.S. 2477 operated for 110 years, during which time Utah residents carved out of our rugged landscape thousands of roads in their farming, ranching, hunting, mining and general living activities. These are not "roads to nowhere." One need only to speak with the people in these smaller communities to learn of the continuing meaning and importance of these roads in their lives and to their communities.

In 1976, Congress terminated this long-standing grant and repealed R.S. 2477. However, Congress also officially recognized R.S. 2477 roads then in existence. Since 1976, the state has attempted on many occasions to resolve the question of which Utah roads were then in existence. These efforts have come to no avail. Presently, it is the position of the federal government that, to prove the pre-1976 existence of an R.S. 2477 road, a judicial determination is required. Accordingly, the state has filed 21 lawsuits to prove the pre-1976 existence and, therefore, state title to the roads. It should be noted that courts have held that an R.S. 2477 road may be established by either the construction or maintenance of a road using public funds, or by the continuous public use of a road for a decade. "Continuous use" has been held to mean that the road was used whenever the public found the use convenient or necessary.

Using judicially recognized standards, the state has identified the number of claimed R.5. 2477 roads at approximately 12,000. The process of road review has included examination of historical aerial photographs, historical topographic maps, historical road maps, maintenance records, site visits, and the interviews of hundreds of witnesses. This process continues.

Road characteristics vary widely, from paved to two-track, but they are all indeed roads with evidence of historical, continuous use. Wilderness was not a factor considered in making road inclusion determinations. The vast majority of these roads were in continuous public use and, therefore, in state ownership, long before the 1964 passage of the Wilderness Act.

Now is the time to resolve these longstanding issues. The federal government has given the state no choice but to enlist the assistance of the court. Further delay will result in the loss or deterioration of evidence, most significantly the death or disability of the witnesses.

It is neither the intent nor object of these lawsuits to create or destroy anything. Rather, their sole purpose is to prove up congressionally granted title to these roads and, thereby, preserve and protect these historical roads for the continued use and enjoyment of all. Utah's and its smaller communities' economies are dependent upon the continuing use of these roads and we cannot afford to just walk away.

P.O. Box 21 Randolph, UT 84064 Phone: 307-679-3658 (Cell) 435-793-5555 (O/F)

# 2

### Western Counties Alliance

#### Ken Brown-Executive Director

#### What is R.S. 2477?

- Revised Statutes 2477 (R.S.2477) was a grant by Congress to the American public to establish access
  rights across the federal public lands. R.S. 2477 states that "the right of way for the construction of
  highways over public lands, not reserved for public uses, is hereby granted."
- R.S. 2477 rights-of-way were created by the public or by state and local governments to provide public access across federal lands. All valid existing R.S. 2477 rights-of-way have been existence since at least 1976, when the grant of R.S.2477 was repealed. Many of these access routes have been used for over a century. Many are state highways. All are integral parts of the travel infrastructure that allows hunters, campers, business people and other workers, hikers, search and rescue crews, law enforcement, and all Americans to travel across the vast expenses of federal lands which dominate the West.
- RS2477, like all easements, are property rights and are entitled to the same legal protection as any other property right.
- According to every court and administrative action which has addressed R.S. 2477 prior to now, state law
  provides the basis for determination of the existence and scope of R.S. 2477 rights-of-way.
- The scope of any R.S. 2477 right-of-way is defined by state law. Where state law has not established a
  specific scope, the common law of easements, also applied to these rights, defines the scope as that which
  is reasonable and necessary to provide safe travel for legitimate uses. Safety can only be provided by
  continued application of these state law standards.
- R.S. 2477 rights-of-way have been protected by every Congressional action taken for management of the public lands, including specifically the Federal Land Policy Management Act of 1976 (FLPMA), which repealed R.S. 2477.
- Federal regulatory authority over R.S. 2477 is limited by the obligation to honor the vested property right.
   Any action by Federal agencies to limit or divest these rights is contrary to establish legal principles.
- The Department of Interior has published draft regulations purporting to provide a basis for administrative treatment of R.S. 2477 rights-of-way, the federal statute by which state and local governments established rights of access over the federal public lands for 110 years starting in 1866. These regulations would result in a substantial administrative reversal of long-established court-made law and policies; move a giant step toward elimination of historical rights of access to and across federal public lands.
- Established approaches to dealing with R.S. 2477 rights-of-way should not be changed. These rights-of-way were established by the public over a period of 110 years in reliance on the law and administrative interpretations of the grant. Any change in these approaches would create a huge administrative burden and would cause chaos in the many legal relationships which have been created on the basis of existing law.



# State of Utah Public Lands Policy Coordination Office R.S. 2477 Process at County Level

- 1. Creation of R.S. 2477 Committee this team will gather necessary data and work with the litigation team to help provide evidence. Important members would include:
  - B. County Commissioners
  - C. GIS staff
  - D. County Recorder
  - E. County Road Supervisor
- 2. The Committee reviews county road maps to determine appropriate roads. Though many roads might be R.S. 2477 rights-of-way, cost vs. benefit must be analyzed. A short road that peters out in the sagebrush may have historical evidence, but is it still used today and is the benefit of ownership worth the cost of litigating the road.
- 3. GIS staff uses GPS equipment to map centerline coordinates for each road.
- 4. The GPS data is put together into a database.
- S. Overlay road database on top of historic imagery {if available} and historic USGS maps to determine if there is evidence of the road pre-1976.
- 6. Cut roads from database that lack historic map or imagery evidence
- 7. Search for additional evidence
  - A. GlO Plats
  - B. Survey Field Notes (in Utah such data is found at http://www.ut.blm.gov/landRecords/fieldnotes\_ut,cfm)
  - c. Historical Photos
  - D. Historical State Department of Transportation Maps and other Historical Maps
  - E. Road Maintenance records (road crew logs)
  - F. County Commission meeting minutes
  - G. Financial Statements/budget line items
  - H. MOUs
- 8. Find and work with potential witnesses to determine if they remember using the roads. Attempt to have at least 2 witnesses per road.
  - A. Witnesses may have additional evidence such as photos, maps, journals, etc.
- 9. File NOI with federal government at least six months prior to starting litigation. Include map of each road and GIS information



#### Western Counties Alliance Geothermal Disbursements to Counties 2015-2017 Per Energy Act 2005

State	County	2015		2016		2017	
California	Imperial County	\$	39,753	\$	67,582	\$	41,249
	Inyo County	\$	158,775	\$	143,309	\$	71,594
	Lake County	\$	883,150	\$	656,127	\$	733,167
	Lassen County	\$	12,870	\$	13,133	\$	7,730
	Mendocino County	\$	749	\$	753	\$	749
	Mono County	\$	74,302	\$	54,006	\$	50,767
	Siskiyou County	\$	69,485	\$	14,802	\$	1,387
	Sonoma County	\$	1,178,014	\$	926,916	\$	1,136,605
	Total	\$	2,417,098	S	1,876,628	\$	2,043,248
Colorado	Chafee County	\$	0	\$	1,677	\$	681
	Gunnison County	\$	6,259	\$	7,973	\$	426
	Total	\$	6,259	S	7,973	S	1,107
Idaho	Bingham County	\$	0	\$	0	\$	0
	Blaine County	\$	29	\$	0	\$	0
	Bonneville County\$		0	\$	0	\$	0
	Camas	\$	22	\$	0	\$	0
	Canyon County	\$	545	\$	548	\$	546
	Caribou County	\$	0	\$	0	\$	0
一点,可透光地	Cassia County	\$	8,317	\$	8,261	\$	8,328
	Payette County	\$	18,097	\$	18,206	\$	18,115
	Washington County	\$	9,300	\$	9,296	\$	10,051
	Total	S	36,310	S	36,311	S	37,040
Nevada	Churchill County	\$	531,819	\$	439,998	\$	521,711
	Elko County	\$	27,161	\$	20,068	\$	24,697
	Esmeralda County	\$	44,689	\$	29,073	\$	38,511
	Eureka County	\$	14,582	\$	24,215	\$	13,474
	Humboldt County	\$	59,606	\$	50,483	\$	46,478
	Lander County	\$	194,372	\$	254,601	\$	303,731
	Lyon County	\$	8,267	\$	13,163	\$	9,391
	Mineral County	\$	87,876	\$	144,403	\$	153,707
	Nye County	\$	172	\$	160	\$	160
	Pershing County	\$	40,745	\$	46,011	\$	34,669
	Washoe County	\$	47,821	\$	67,623	\$	72,610
	White Pine County	\$	933	\$	939	\$	934
	Total	\$	1,058,049	\$	1,087,737	S	1,220,073
New Mexico	Dona Ana County	\$	8,274	\$	7,212	\$	8,653
	Hidalgo County	S	4,041	\$	5,399	\$	5,908
	Total	\$	12,315	\$	12,611	S	14,561
Oregon	Deschutes County	\$	46,701	\$	37,905	\$	19,852
	Hood River County	\$	0	\$	0	\$	0
	Lake County	\$	16,427	\$	14,574	\$	3,796
	Total	S	63,128	S	52,479	S	23,648
Utah	Beaver County	\$	140,069	\$	127,561	\$	105,072
	Iron County	\$	250	\$	172	\$	172
	Juab County	\$	2,794	\$	633	\$	659
	Millard County	\$	26,261	\$	22,087	\$	26,349
	Total	\$	169,374	S	150,483	S	132,252
Washington	Whatcom County	\$	2,107	\$	2,119	\$	2,107
	Total	S	2,107	S	2,119	S	2,107
THE MALE STATE OF THE STATE OF	Total	Ψ	2,107	1 9	2,117	1 4	2,107

P.O. Box 21 Randolph, UT 84064 Phone: 307-679-3658 (Cell) 435-793-5555(O/F) krbrownwca@allwest.net

Ken Brown-Executive Director

PILT Program Manager Contact Information

Dionna Kiernan, CDFM PILT Program Manager U.S. Department of the Interior Phone: 202-513-7783 Work Cell: 202-341-2066

doi\_pilt@ios.doi.gov

Point of Contact for the National Park Service

Nadine Leisz 202-354-6961 nadine leisz@nps.gov





# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	4

Agenda item Number+_
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS: Discussion for possible action to remove George Fennemore as the North Eastern Nevada Regional Development Authority (NNRDA) and to assign two Lander County Commissioners to the NNRDA, one as a member and one as an alternate, and to decide the future of the Lander County Economic Development Authority (LEDA), and all other matters properly related thereto.
Public Comment:
Background:
Recommended Action:





January 3, 2018

Dear Lander County Commissioners,

The Lander Economic Development Authority (LEDA) would like to express their comments concerns, and questions regarding the validity of this board. It has come to our attention that the future of LEDA will be discussed at the January 11, 2018 Lander County Commission Meeting. Below are considerations we encourage you to contemplate, while making your decision.

Lander Economic Development Authority has always been the leg strength of Lander County's economic growth. We have put in place the Comprehensive Economic Development Strategy (CEDS) and kept it updated annually. CEDS is necessary for federal grants and funding. There are grants available that only an economic authority can apply for. With this in mind our first question is who will be given the task of taking on the CEDS annual update and grant applications if not LEDA?

LEDA has also taken on the task of writing comment letters to the BLM, different mining operations, and any other entity that needs opinions from the county. Some of the different comment letters this year have been for the Fallon Air Force expansion, and the Nevada Department of Water Resources. We would like to continue sending these letters, as they are very impactful to the county. Again, who will be given the task of taking this on?

Throughout the last year, LEDA has been preparing plans for a pedestrian/biking path that will connect with the existing path on State Route 305. This path will follow Broad Street, Broyles Ranch Road, parts of Front Street, and possibly out to the Rodeo Grounds. There will be benches, lighting and trash receptacles at points throughout the trail. We would really like to see this project through, as it will be a wonderful addition to Battle Mountain Streets. We would like to ask, if LEDA is disbanded, would the project be carried forward and if so by whom.

It is the consensus of the board that we not be disbanded, rather continue, taking a smaller roll if necessary. We feel that the roll that we play in the county government and within the community is a very important one. Thank you for taking our comments and questions into consideration while you decide on the future of the Lander Economic Development Authority.

Respectfully,

Board Members of the Lander Economic Development Authority

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	5

### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove a proclamation declaring January 2018 as "National Radon Action Month in Lander County, Nevada", and all other matters properly related thereto.

		1.	٠.	_	A 1	
$\mathbf{r}$	H	n	и	$\sim$	Comment	•
	ч	v		v	CONTINUE	

Background: Proclamation 2018-01 attached

Recommended Action:

#### AGENDA REQUEST FORM (WITH REVISED PROCLAMATION)

COMMISSIONER MEETING DATE: January 11, 2018

NAME <u>Lisa Taylor</u> REPRESENTING: <u>UNCE-Lander County Cooperative Extension</u>

ADDRESS: 815 N. 2ND Street, Battle Mountain, NV 89820

PHONE (H	(\	(W): 775-635-5565 (FAX): 775-635-8309						<b>3</b>	
WHICH	NUMBER	SHOULD	WE	CALL	DURING	NORMAL	BUSINESS HOUR	S: Work	
WHO Will BE ATTENDING THE MEETING: Lisa Taylor and Shannon Berumen  JOB TITLE: Extension Educator and Executive Secretary  SPECIFIC REQUEST TO BE PLACED ON THE AGENDA: Proclamation: National Radon Action Month, January, 2018									
BACKGROUND INFORMATION: Each year, radon education is increasingly promoted along with test kits provided without charge through UNCE (Cooperative Extension) so that local county residents can learn about the serious health concerns of Radon exposure, test their homes and workplaces at no charge in January and February, and gain ways to address (mitigate) elevated radon levels, if needed.									

WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE? We would appreciate the County Commissioners proclaiming January as National Radon Action Month in Lander County by passing, approving, and adopting the prepared Proclamation.

ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST:	YES	NO <u>XX</u>
AMOUNT:		
HASTHIS ISSUEBEEN DISCUSSED AT PRIOR COMMISSION MEETING?	YES XX	NO
WHEN? Each year prior to or in January.		
HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS	YES XX	NO
ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST- NOT ATTHE MEET	ING,	
IS ALLTHEBACKUPMATERIAL ATTACHED TO THIS AGENDAR EQUEST?	YES <u>XX</u>	NO
DISTRICT ATTORNEY'S OFFICE PROVIDED THE REQUIRED REVIEW?  IF THE ITEM IS A CONTRACT AND/OR AGREEMENT, OR REQUIRES LEGAL REVIEW, IT MUST BE DISTRICT ATTORNEY'S OFFICE PROVIDED THE REQUIRED REVIEW?  YELLOW THE REQUIRED REVIEW?		STHE

THE COMMISSIONERS RESERVE THE RIGHT TO REJECT OR RECOMMEND TABLING ALL AGENDA REQUESTS FOR INSUFFICIENT INFORMATION.

ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.

LesalTaylor

DATE \_\_\_12/29/2017 REVISED 1/2/2018 AS PER NILLA REQUEST

BOARD MEETS THE 2<sup>ND</sup> AND 4<sup>TH</sup> THURSDAY OF EACH MONTH COMMISSION FAX (775) 635 5332

### LANDER COUNTY, NEVADA

## PROCLAMATION NO. 2018-01

# NATIONAL RADON ACTION MONTH JANUARY 2018

WHEREAS, many Lander County residents don't know about radon, yet need to know, for the safety and health of their families, as radon is a colorless, odorless, naturally occurring radioactive gas that is the primary cause of lung cancer in smokers; and

WHEREAS, the U.S. EPA estimates 21,000 people in the U.S. die from lung cancer caused by indoor radon exposure, and lung and bronchus cancer kill more people in a year than any other cancer; and

WHEREAS, radon kills more people than secondhand smoke, drunk driving, choking, drowning or home fires:

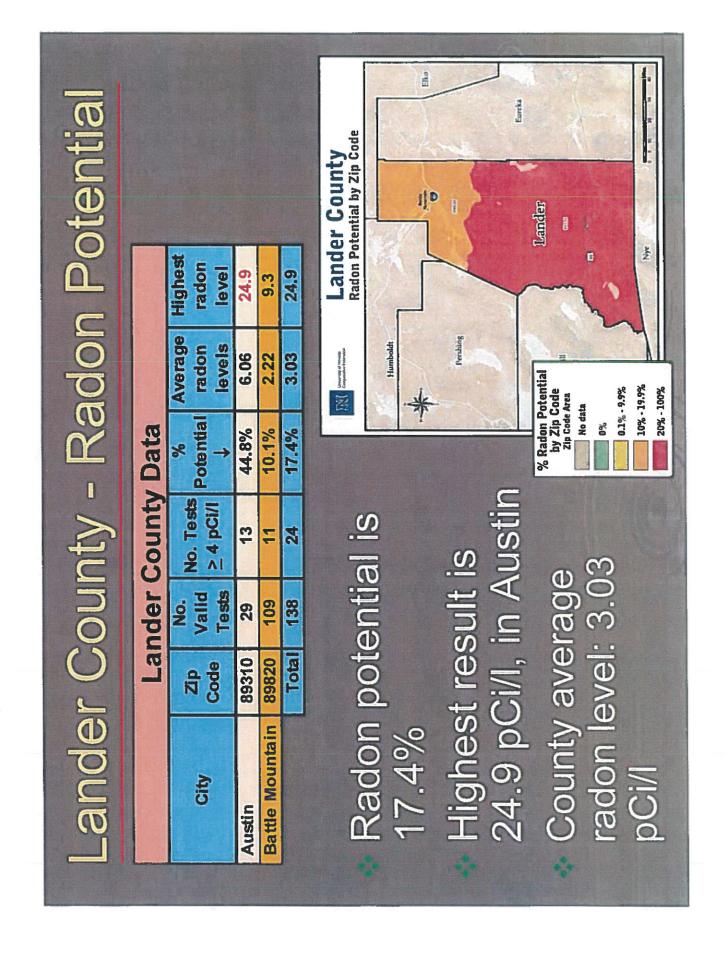
WHEREAS, any home in Lander County may have elevated levels of radon, even if neighboring homes do not, and living in a home with an average radon level of 4 picocuries per liter of air poses a similar risk of developing lung cancer as smoking half a pack of cigarettes a day; and

WHEREAS, testing is the only way to know if a home has an elevated radon level, and testing is easy and inexpensive, and when identified, homes can be fixed; and

WHEREAS, University of Nevada Cooperative Extension, the Nevada Division of Public and Behavioral Health, and the U.S. Environmental Protection Agency support efforts to encourage all Lander County residents to test their homes for radon, mitigate elevated levels of radon, and have new homes built with radon-reducing materials and features.

*THEREFORE*, the Lander County Commissioners, do hereby proclaim January 2018, as National Radon Action Month in Lander County.

Passed, Approved and Adopted this _	day of January, 2017 by
Commissioner	County Clerk
Commissioner	
Commissioner	
Commissioner	(County Seal)
Commissioner	



# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number6	Agenda	Item	Number	6
---------------------	--------	------	--------	---

### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action to approve/disapprove the FAA Grant Application and Associated Sponsor Certifications for the Taxiway C project on the Battle Mountain Airport, and authorize the chair or vice-chair to sign, and all other matters properly related thereto.

**Public Comment:** 

Background: Attached

Recommended Action: Sign application where required as well as each certification.

### AGENDA REQUEST FORM

AGENDA REQUEST FORM	LANDER	COUNTY
COMMISSIONER MEETING DATE: July 11, 2018  IAME REPRESENTING: JUB Engineer	-	1
DDRESS: 250 S Beechwan Ave Bose, ID 83709		-3,
PHONE(H): (W): 208 376 7330 (FAX):		and a
WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSING	ESS	ADA
WHO WILL BE ATTENDING THE MEETING		
Associated Sponsor Certifications for the Taxing	dication on	<u>)</u>
on the Buttle Mountain Airport.		
PORTAL OF THE TAXILLY & PROTECT CORP.	typa 6	ARE
WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE?	SKILL ST	77 KA-
TION WHERE PER SIPED AS HELL AS FACE		KARIA
ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST:	YES	NO 🔀
AMOUNT:		
HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING?	YES 🌉	NOX
WHEN?		•
HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS	YES 🔀	NO
ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST - NOT A	T THE MEETING,	
IS ALL THE BACKUP MATERIAL ATTACHED TO THIS AGENDA REQUEST?	YES_X_	NO
IF THE ITEM IS A CONTRACT AND/OR AGREEMENT, OR REQUIRES LEGAL REVII BY THE DISTRICT ATTORNEY'S OFFICE PRIOR TO AGENDA SETTING OR IT WILL HAS THE DISTRICT ATTORNEY'S OFFICE PROVIDED THE REQUIRED REVIEW?	EW, IT MUST BE F NOT GO ON THE YES ×	AGENDA.
THE COMMISSIONERS RESERVE THE RIGHT TO REJECT OR RECOMMEN REQUESTS FOR INSUFFICIENT INFORMATION.		NO AGENDA
ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.	24 15	
DATE_	E 18,2	2017

BOARD MEETS THE 2<sup>NO</sup> AND 4<sup>TH</sup> THURSDAY OF EACH MONTH COMMISSION FAX (775) 635-5332 165

OMB Number: 4040-0004 Expiration Date: 10/31/2019

Application for Federal Assistance SF-424						
* 1. Type of Submission:	* If Revision, select appropriate letter(s):					
Preapplication New						
Application Continuation	* Other (Specify):					
Changed/Corrected Application Revision						
* 3. Date Received: 4. Applicant Identifier:						
KBAM - Battle Mounta	in Airport					
5a. Federal Entity Identifier:	5b. Federal Award Identifier:					
3-32-0001-027-2018	3-32-0001-027-2018					
State Use Only:	•					
6. Date Received by State: 7. State Application	Identifier:					
8. APPLICANT INFORMATION:						
*a.Legal Name: Lander County, Nevada						
* b. Employer/Taxpayer Identification Number (EIN/TIN):	* c. Organizational DUNS:					
88-6000093	0737929130000					
d. Address:						
* Street1: 50 State Route 350 South						
Street2:						
* City: Battle Mountain						
County/Parish:						
* State:	NV: Nevada					
Province:						
* Country: USA: UNITED STATES						
* Zip / Postal Code: 89820						
e. Organizational Unit:						
Department Name:	Division Name:					
Lander County						
f. Name and contact information of person to be contacted on matters involving this application:						
Prefix: Mr. * First Name	e: Keith					
Middle Name:						
* Last Name: Westengard						
Suffix:						
Title: County Executive Director						
Organizational Affiliation:						
Lander County						
* Telephone Number: (775) 635-2885 Fax Number: (775) 635-5332						
*Email: kwestengard@landercountynv.org						

Application for Federal Assistance SF-424
* 9. Type of Applicant 1: Select Applicant Type:
B: County Government
Type of Applicant 2: Select Applicant Type:
Type of Applicant 3: Select Applicant Type:
* Other (specify):
* 10. Name of Federal Agency:
Federal Aviation Administration
11. Catalog of Federal Domestic Assistance Number:
20.106
CFDA Title:
Airport Improvement Program
* 12. Funding Opportunity Number:
N/A
* Title:
N/A
13. Competition Identification Number:
N/A
Title:
N/A
14. Areas Affected by Project (Citles, Countles, States, etc.):
Add Attachment Delete Attachment View Attachment
* 15. Descriptive Title of Applicant's Project:
Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators (Magnetic Variation). Install Segmented Circle, Lighted Wind Cone, and Supplemental Wind Cones. (Bidding & Construction)
Attach supporting documents as specified in agency instructions.
Add Attachments Delete Attachments View Attachments

Application for Federal Assistance SF-424							
16. Congression	al Districts Of:						
* a. Applicant	2nd			* b. Progra	am/Project 2nd		
Attach an addition	al list of Program/Project	Congressional District	s if needed.				
			Add Attachment	Delete At	tachment View	Attachment	
17. Proposed Pr	oject:						
* a. Start Date:	01/01/2018			* b	. End Date: 10/31/	2018	
18. Estimated Fi	ınding (\$):						
* a. Federal		710,000.00					
* b. Applicant		47,333.00					
* c. State		0.00					
* d. Local		0.00					
* e. Other		0.00					
* f. Program Inco	me	0.00					
*g. TOTAL		757,333.00					
1	on Subject to Review E						
	cation was made availa				ess for review on	•	
	s subject to E.O. 12372		lected by the Stati	e for review.			
C. Program i	s not covered by E.O. 1	23/2.			h		
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)							
Yes No							
If "Yes", provide explanation and attach  Add Attachment Delete Attachment View Attachment							
			Add Attachmen	Delete A	ttachment View	Attachment	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms If I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)							
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.							
Authorized Representative:							
Prefix:	r.	* Firs	t Name: Keith				
Middle Name:							
* Last Name: W	estengard						
Suffix:							
* Title: Executive Director, Lander County							
* Telephone Num	ber: (775)635-2885			Fax Number:	(775) 635-5332		
*Email: kwestengard@landercountynv.org							
* Signature of Au	horized Representative:					* Date Signed:	



# Application for Federal Assistance (Development and Equipment Projects)

# **PART II - PROJECT APPROVAL INFORMATION**

Part II - SECTION A						
The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.						
Item 1.  Does Sponsor maintain an active registra (www.SAM.gov)?	ation in the System for Award Management	⊠ Yes	□No			
Item 2. Can Sponsor commence the work identifing grant is made or within six months after the state of the st	ied in the application in the fiscal year the he grant is made, whichever is later?	⊠ Yes	□No	□ N/A		
Item 3.  Are there any foreseeable events that we provide attachment to this form that lists	ould delay completion of the project? If yes, the events.	Yes	⊠No	□ N/A		
Item 4. Will the project(s) covered by this request environment that require mitigating meast mitigating measures to this application are environmental document(s).	sures? If yes, attach a summary listing of	☐ Yes	⊠No	□ N/A		
Item 5. Is the project covered by this request inc Charge (PFC) application or other Feder identify other funding sources by checking	al assistance program? If yes, please	☐ Yes	⊠No	□ N/A		
☐ The project is included in an <i>approved</i> PFC application.						
If included in an approved PFC	application,					
does the application <i>only</i> address AIP matching share?						
☐ The project is included in another Federal Assistance program. Its CFDA number is below.						
Item 6. Will the requested Federal assistance in 2 CFR Appendix VII to Part 200, States a Indirect Cost Proposals?	clude Sponsor indirect costs as described in and Local Government and Indian Tribe	Yes	⊠No	□ N/A		
If the request for Federal assistance includes a claim for allowable indirect costs, select the applicable indirect cost rate the Sponsor proposes to apply:						
☐ De Minimis rate of 10% as perm	itted by 2 CFR § 200.414.					
☐ Negotiated Rate equal to on	% as approved by (Date) (2 CFR part 200, appendix VII).	(the	e Cogniza	ant Agency)		
Note: Refer to the instructions for limitati	ions of application associated with claiming Spor	nsor indired	ct costs.			

#### **PART II - SECTION B**

#### **Certification Regarding Lobbying**

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

#### PART II - SECTION C

The Sponsor hereby represents and certifies as follows:

**1. Compatible Land Use** – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

Lander County, Nevada has established Airport zoning ordinances (Airport zoning - T.17 ordinance #89-12) that contain guidance for compatible land use planning in the vicinity of the Airport and height restrictions of objects near the airport.

2. **Defaults** – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

None

**4. Consistency with Local Plans** – The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Yes

**5. Consideration of Local Interest** – It has given fair consideration to the interest of communities in or near where the project may be located.

Yes

6. Consultation with Users – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

Yes

7. Public Hearings – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

N/A

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

N/A

OMB CONTROL NUMBER: 2120-0569 OMB EXPIRATION DATE: 8/31/2019

OWE EXPIRATION DATE. BIS 172019
PART II – SECTION C (Continued)
9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:  None
10. <b>Land</b> – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]
Lander County, Nevada possesses ownership of the property surrounding the existing Airport as indicated on Exhibit "A' dated August 8, 2016.
The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.
(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]
N/A
(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]
N/A

<sup>&</sup>lt;sup>1</sup> State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

# PART III - BUDGET INFORMATION - CONSTRUCTION

### **SECTION A - GENERAL**

1. Federal Domestic Assistance Catalog Number: 20.106

2. Functional or Other Breakout: AIP

Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
Administration expense			\$ 5,000
Preliminary expense			
3. Land, structures, right-of-way			
Architectural engineering basic fees			
5. Other Architectural engineering fees			30,000
6. Project inspection fees			120,000
7. Land development			
8. Relocation Expenses			
Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			602,333
12. Equipment			
13. Miscellaneous			
14. Subtotal (Lines 1 through 13)			\$ 757,333
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			757,333
17. Less: Ineligible Exclusions (Section C, line 23 g.)			
18. Subtotal (Lines 16 through 17)			\$ 757,333
19. Federal Share requested of Line 18	The state of the s		710,000
20. Grantee share			47,333
21. Other shares			0
22. TOTAL PROJECT (Lines 19, 20 & 21)			\$ 757,333

	SECTION C – EXCLUSIONS				
W. Harrison	23. Classification (Description of non-participating work)	Amount Ineligible for Participation			
а.					
b.					
C.					
d.					
e.					
f.					
g.	Total				

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE		
24. Grantee Share – Fund Categories	Amount	
a. Securities		
b. Mortgages		
c. Appropriations (by Applicant)		
d. Bonds	47,333	
e. Tax Levies		
f. Non-Cash		
g. Other (Explain):		
h. TOTAL - Grantee share	\$ 47,333	
25. Other Shares	Amount	
a. State	0	
b. Other		
c. TOTAL - Other Shares	\$ 0	
26. TOTAL NON-FEDERAL FINANCING	\$ 47,333	

#### SECTION E - REMARKS

(Attach sheets if additional space is required)

-A Construction Plan Set and Bidding & Contract Documents set are being completed as part of a previous project (AIP-26).

<sup>-</sup>There have been no changes to the previously approved Exhibit "A" dated August 8, 2016.

### **PART IV - PROGRAM NARRATIVE**

(Suggested Format)

PROJECT: AIP 3-32-0001-027-2018
AIRPORT: Battle Mountain Airport
1. Objective:  Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators (Magnetic Variation). Install
Segmented Circle, Lighted Wind Cone, and Supplemental Wind Cones. (Bidding & Construction)
2. Benefits Anticipated:
Realign Taxiway C to be perpendicular to the runway to provide increase operational safety for pilots accessing the runway. Relocated Wind Cones and Segmented Circle outside Runway Object Free Area (ROFA) to meet FAA Safety Standards. Relocate Hold Bars on Runway 3'21 to 295' to meet FAA Safety Standards. Update Runway designation and signs for magnetic variation.
3. Approach: (See approved Scope of Work in Final Application)
The project will consist of the bidding and construction for the Taxiway C Realignment, the Relocation of two (2) supplemental wind cones, lighted wind cone and segmented circle, the Relocation of the hold bars and signing on Runway 3/21 connecting taxiways, the Removal of existing runway designation markings for Runway 3/21 and Runway 12/30, the Re-marking of new runway designation markings for Runway 4/22 and Runway 13/31, and the Installation of new panels in the applicable runway signs.
4. Geographic Location:
Battle Mountain Airport, City of Battle Mountain, Lander County, Nevada
5. If Applicable, Provide Additional Information:
N/A
6. Sponsor's Representative: (include address & telephone number)
Mr. Keith Westengard, Lander County Executive Director 50 State Route 305 South, Battle Mountain, NV 89820 (775) 635-2885

# Section E - Remarks

The following remarks explain the costs for each Cost Classification item in FAA Form 5100-100, Part III (Budget Information – Construction), Section B (Calculation of Federal Grant).

1.	Administration Expense	\$5,000.00
	Includes estimated legal fees, independent contract review, and administrative expense of the sponsor which relate to this project	
2.	Preliminary Expense	N/A
3.	Land, Structures, Right-Of-Way	N/A
4.	Architectural Engineering Basic Fees	N/A
5.	Other Architectural Engineering Fees (Bidding and AGIS)	\$30,000.00
6.	Project Inspection Fees	\$120,000.00
7.	Land Development	N/A
8.	Relocation Expenses	N/A
9.	Relocation Payments to Individuals and Businesses	N/A
10.	Demolition and Removal	N/A
11.	Construction and Project Improvement	\$602,333.00
12.	Equipment	N/A
13.	Miscellaneous	N/A
14.	Total	\$757,333.00
15.	Estimated Income	N/A
16.	Net Project Amount	\$757,333.00
17.	Less Ineligible Exclusions	\$0
18.	Add: Contingencies	\$0
19.	Total Project Amount	\$757,333.00
20.	Federal Share Requested	\$710,000.00
	93.75% of total project amount (Line 19)	

21.	Add Rehabilitation Grants Requested	N/A
22.	Total Federal Grant Requested (Lines 20 and 21)	\$710,000.00
23.	Grantee Share	\$47,333.00
	Local Funds- Lander County, Nevada (6.25%)	
24.	Other Shares	\$0.00
25.	Total Project	\$757,333.00

WORK ITEM (s): Realign Taxiway C (Bidding and Construction)

Republication of the construction of the cons

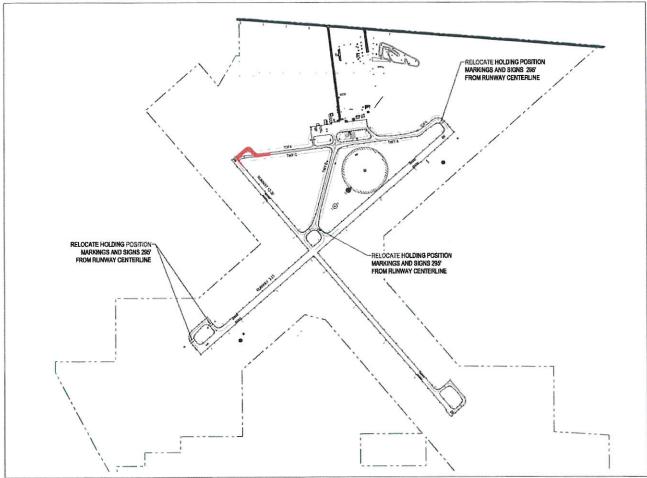
#### **JUSTIFICATION:**

REALIGN TAXIWAY C (APPROX. 800') - TAXIWAY C CURRENTLY CONNECTS RUNWAY 12 AT AN ANGLE SIGNIFICANTLY LESS THAN 90°. THIS CONFIGURATION RESTRICTS THE SIGHTLINE OF THE RUNWAY FOR PILOTS HOLDING AT THIS LOCATION, IMPACTING THE OVERALL SAFETY OF THE AIRPORT. THE REALIGNED TAXIWAY WILL INTERSECT RUNWAY 12 AT A 90° ANGLE SO THAT PILOTS AT THE HOLD BAR WILL HAVE A CLEAR LINE OF SIGHT ON RUNWAY 12-30 PRIOR TO ACCESSING THE RUNWAY, INCREASING THE OVERALL SAFETY.

	SPONSOR SIGNATUI	Ceith Wester	gard, Exec	utive <b>Director</b>	DATE:		
-	COST ESTIMATE:						
	ADMINISTRATION	\$2,000.00	ENGINE	ERING _	N/A	EQUIPMENT	N/A
	LAND	N/A	INSPECT	ION _	\$125,000.00	CONTINGENCIES	N/A
	APPRAISALS	N/A	CONSTR	UCTION _	\$477,333.00	TOTAL COST	\$604,333.00
	ADO USE: PREAPP GRANT NO: NO:		PIAS ODE:	WORK CODE:	FAA PRIOR:	FED \$	

AIRPORT: Battle Mountain Airport LOCAL PRIORITY: 2 OF 4 UPDATED: Dec 2017

WORK ITEM (s): Relocate Hold Bars and Signage (4 EA) (Bidding and Construction)



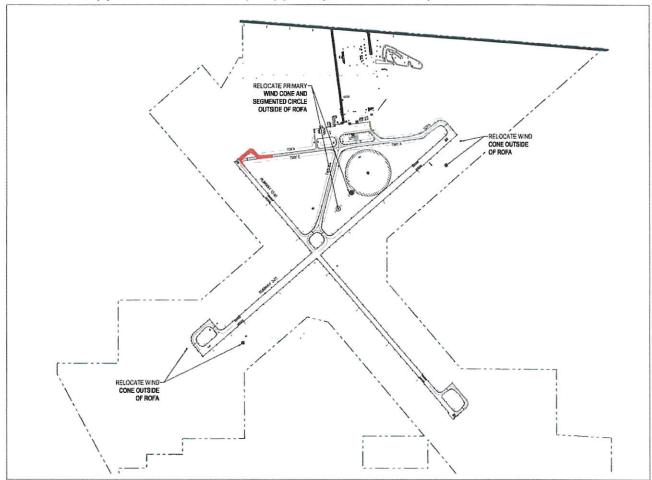
#### JUSTIFICATION:

RELOCATE HOLD BARS AND SIGNING (4 EA) - THE EXISTING HOLD BARS FOR RUNWAY 3-21 ARE SET AT 250' FROM RUNWAY CENTERLINE. CURRENT FAA STANDARD FOR A C-IV RUNWAY (EXISTING) AND C-III RUNWAY (FUTURE) REQUIRE HOLDING POSITIONS TO BE SET AT 250' PLUS 1' FOR EVERY 100' OF ELEVATION ABOVE SEA LEVEL. WITH AN AIRFIELD ELEVATION OF 4,530' ABOVE SEA LEVEL, A NEW HOLDING DISTANCE OF 295' FROM RUNWAY CENTERLINE WILL BE SET TO MEET FAA STANDARDS.

SPONSOR SIGNATU	Keith Westengard, Executive Director			DATE:		
COST ESTIMATE:						
 ADMINISTRATION_	\$1,000.00	ENGINE	ERING _	N/A	EQUIPMENT	N/A
 LAND	N/A	INSPEC	TION _	\$5,000.00	CONTINGENCIES_	N/A
APPRAISALS	N/A	CONST	RUCTION _	\$15,000.00	TOTAL COST	\$21,000.00
ADO USE: PREAPP GRANT NO: NO:		PIAS ODE:	WORK CODE:	FAA PRIOR:	FED \$	

AIRPORT: Battle Mountain Airport LOCAL PRIORITY: 3 OF 4 UPDATED: Dec 2017

WORK ITEM (s): Relocate Wind Cone (3 EA) (Bidding and Construction)



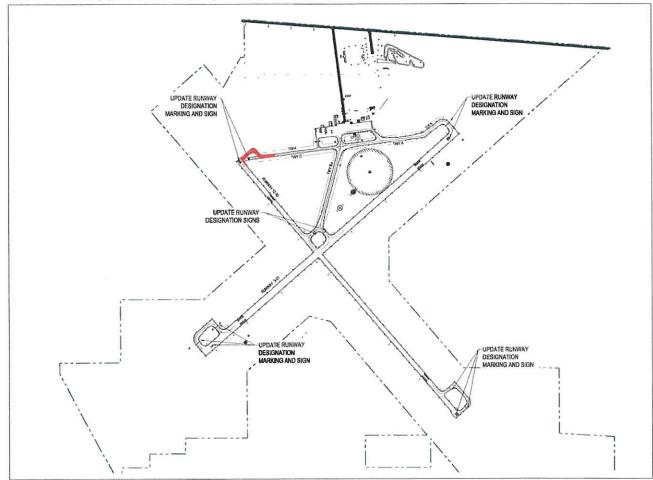
#### JUSTIFICATION:

RELOCATE 2 SUPPLEMENTAL WIND CONES, THE PRIMARY LIGHTED WIND CONE AND SEGMENTED CIRCLE. THESE OBJECTS ARE CURRENTLY LOCATED WITHIN THE RUNWAY OBJECT FREE AREA (ROFA) OF RUNWAY 3-21, CREATING A POTENTIAL SAFETY ISSUE AND FAILING TO MEET FAA STANDARDS FOR AIRPORT GEOMETRIC LAYOUTS. THE LIGHTED WIND CONE AND SEGMENTED CIRCLE WILL BE RELOCATED TO MEET FAA STANDARDS AND IMPROVE AIRFIELD SAFETY. THE SECONDARY WIND CONES AT EACH END OF RUNWAY 3-21 ARE ALSO LOCATED WITHIN THE ROFA OF RUNWAY 3-21 AND WILL BE RELOCATED TO MEET FAA STANDARDS AND IMPROVE AIRFIELD SAFETY.

SPONSOR SIGNATUR		Keith Westengard, Exec	DATE:				
 COST ESTIMATE:	#			I			
ADMINISTRATION_	\$1,000.00	ENGINEERING _	N/A	EQUIPMENT	N/A		
LAND	N/A	INSPECTION	\$10,000.00	CONTINGENCIES_	N/A		
APPRAISALS	N/A	CONSTRUCTION	\$50,000.00	TOTAL COST	\$61,000.00		
ADO USE: PREAPP GRANT NO: NO:		PIAS WORK	FAA PRIOR:	FED\$			

AIRPORT: Battle Mountain Airport LOCAL PRIORITY: 4 OF 4 UPDATED: Dec 2017

WORK ITEM (s): Update Runway Designation Marking and Runway Signing (Bidding and Construction)



#### **JUSTIFICATION:**

THE EXISTING RUNWAY DESIGNATIONS OF 3/21 & 12/30 ARE NO LONGER ACCURATE DUE TO MAGNETIC DECLINATION SHIFTS. THE PROPER RUNWAY DESIGNATIONS WILL NOW BE 4/22 & 13/31, RESPECTIVELY. THE EXISTING DESIGNATION MARKINGS WILL BE REMOVED AND THE ASPHALT SURFACE WILL BE FOG COATED FOR PROTECTION. THE NEW DESIGNATION MARKINGS WILL THEN BE PLACED. THE LIGHTED SIGN PANELS AT TAXIWAY HOLD BARS WILL ALSO BE UPDATED TO MATCH THE NEW RUNWAY DESIGNATIONS. THESE UPDATES WILL ENSURE THAT THE RUNWAY DESIGNATIONS ARE ACCURATE AND MEET FAA STANDARDS.

SPONSOR SIGNATURE:		THE RESIDENCE OF THE PARTY OF T	Ceith West	engard, Exec	DATE:		
COST ESTI	MATE:			Marinina Marina di Serra di Marinina di			
ADMINISTI	RATION	\$1,000.00	ENGIN	EERING _	N/A	EQUIPMENT	\$5,000.00
LAND		N/A	INSPEC	TION _	\$10,000.00	CONTINGENCIES	N/A
APPRAISA	LS	N/A	CONST	RUCTION _	\$60,000.00	TOTAL COST	\$71,000.00
ADO USE: PREAPP NO:	GRANT NO:		IPIAS ODE:	WORK CODE:	FAA PRIOR:	FED \$	



### **ASSURANCES**

### **Airport Sponsors**

#### A. General.

- 1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- 2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- 3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

### B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

### 3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Airport Revenue so long as the airport is used as an airport.

### C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

# 1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

### **Federal Legislation**

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act 40 U.S.C. 276(a), et seq. 1
- c. Federal Fair Labor Standards Act 29 U.S.C. 201, et seq.
- d. Hatch Act 5 U.S.C. 1501, et seq.<sup>2</sup>
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq. 12
- f. National Historic Preservation Act of 1966 Section 106 16 U.S.C. 470(f).
- g. Archeological and Historic Preservation Act of 1974 16 U.S.C. 469 through 469c.<sup>1</sup>
- h. Native Americans Grave Repatriation Act 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 Section 102(a) 42 U.S.C. 4012a.
- 1. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq. 1
- s. Power plant and Industrial Fuel Use Act of 1978 Section 403- 2 U.S.C. 8373.1
- t. Contract Work Hours and Safety Standards Act 40 U.S.C. 327, et seq. 1
- u. Copeland Anti-kickback Act 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 42 U.S.C. 4321, et seq. <sup>1</sup>
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 31 U.S.C. 7501, et seq. 2
- y. Drug-Free Workplace Act of 1988 41 U.S.C. 702 through 706.

z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

### **Executive Orders**

- a. Executive Order 11246 Equal Employment Opportunity<sup>1</sup>
- b. Executive Order 11990 Protection of Wetlands
- c. Executive Order 11998 Flood Plain Management
- d. Executive Order 12372 Intergovernmental Review of Federal Programs
- e. Executive Order 12699 Seismic Safety of Federal and Federally Assisted New Building Construction<sup>1</sup>
- f. Executive Order 12898 Environmental Justice

### **Federal Regulations**

- a. 2 CFR Part 180 OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].<sup>4, 5, 6</sup>
- c. 2 CFR Part 1200 Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 Investigative and Enforcement Procedures 14 CFR Part 16 Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 Procedures for predetermination of wage rates.
- 29 CFR Part 3 Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.<sup>1</sup>
- j. 29 CFR Part 5 Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).<sup>1</sup>
- k. 41 CFR Part 60 Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).<sup>1</sup>
- 49 CFR Part 18 Uniform administrative requirements for grants and cooperative agreements to state and local governments.<sup>3</sup>
- m. 49 CFR Part 20 New restrictions on lobbying.
- n. 49 CFR Part 21 Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 Participation by Disadvantage Business Enterprise in Airport Concessions.

- p. 49 CFR Part 24 Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. 12
- q. 49 CFR Part 26 Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.
- s. 49 CFR Part 28 Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 Seismic safety of Federal and federally assisted or regulated new building construction.

### Specific Assurances

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

#### Footnotes to Assurance C.1.

- <sup>1</sup> These laws do not apply to airport planning sponsors.
- <sup>2</sup> These laws do not apply to private sponsors.
- <sup>3</sup> 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

- Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

### 2. Responsibility and Authority of the Sponsor.

#### a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

### b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

### 3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

#### 4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

# 5. Preserving Rights and Powers.

a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial noncompliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

### 6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

### 7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

#### 8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

### 9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

# 10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

#### 11. Payement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

### 12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and

has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

# 13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

### 14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

### 15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

# 16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans,

specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

# 17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

# 18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

### 19. Operation and Maintenance.

a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal,

state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
- 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
- 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

# 20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

# 21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

### 22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or

to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-

- 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
- charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- The sponsor may prohibit or limit any given type, kind or class of aeronautical
  use of the airport if such action is necessary for the safe operation of the airport or
  necessary to serve the civil aviation needs of the public.

#### 23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

### 24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

### 25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
  - If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or

- operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
- 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
- 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

# 26. Reports and Inspections.

### It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
  - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  - all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

### 27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that —

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

### 28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

### 29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing
  - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
  - the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and

- roads), including all proposed extensions and reductions of existing airport facilities;
- 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
- 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

### 30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.

### b. Applicability

- Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

#### c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The (Name of Sponsor), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

### e. Required Contract Provisions.

- It will insert the non-discrimination contract clauses requiring compliance
  with the acts and regulations relative to non-discrimination in Federallyassisted programs of the DOT, and incorporating the acts and regulations into
  the contracts by reference in every contract or agreement subject to the nondiscrimination in Federally-assisted programs of the DOT acts and
  regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

- a) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
- b) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

#### 31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another

eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

#### 32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

#### 33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

#### 34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated 12/31/2018 (the latest approved version as of this grant offer) and included in this grant, and in accordance

with applicable state policies, standards, and specifications approved by the Secretary.

#### 35. Relocation and Real Property Acquisition.

a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.

b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced

persons as required in Subpart D and E of 49 CFR Part 24.

c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

#### 36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

#### 37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

#### 38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

#### 39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
  - 1) Describes the requests;
  - Provides an explanation as to why the requests could not be accommodated;
  - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

## Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: AIP 3-32-0001-027-2018

Description of Work: Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators

(Magnetic Variation). Install Segmented Circle, Lighted Wind Cone, and Supplemental Wind

Cones. (Bidding & Construction)

#### **Application**

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

#### **Certification Statements**

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1.	A statement has been or will be published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).				
	⊠ Yes □ No □ N/A				
2.	<ol> <li>An ongoing drug-free awareness program (2 CFR § 182.215) has been or will be established prior to commencement of project to inform employees about:</li> </ol>				
	a. The dangers of drug abuse in the workplace;				
	<ul> <li>The sponsor's policy of maintaining a drug-free workplace;</li> </ul>				
	c. Any available drug counseling, rehabilitation, and employee assistance programs; and				
	d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.				
	☑ Yes ☐ No ☐ N/A				

	<ol> <li>Each employee to be engaged in the performance of the work has been or will be given a copy the statement required within item 1 above prior to commencement of project (2 CFR § 182.21</li> </ol>		
		⊠Yes □No □N/A	
	4.	Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:	
		a. Abide by the terms of the statement; and	
		b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.	
		☑ Yes ☐ No ☐ N/A	
	5.	The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).	
		⊠Yes □ No □ N/A	
	6.	One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:	
		<ul> <li>Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and</li> </ul>	
		b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.	
		⊠Yes □No □N/A	
	7.	A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace throug implementation of items 1 through 6 above (2 CFR § 182.200).	
		⊠ Yes □ No □ N/A	
Site	e(s)	of performance of work (2 CFR § 182.230):	
	Na	cation 1 me of Location: Battle Mountain Airport dress: 50 State Route 305 South, Battle Mountain, NV 89820	
	Location 2 (if applicable) Name of Location: Address:  Location 3 (if applicable) Name of Location: Address:		

Attach documentation clarifying any above item marked with a "No" response.

#### **Sponsor's Certification**

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this

day of

Name of Sponsor: Lander County, Nevada

Name of Sponsor's Authorized Official: Mr. Keith Westengard

Title of Sponsor's Authorized Official: Executive Director, Lander County

Signature of Sponsor's Authorized Official:

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



# Selection of Consultants Airport Improvement Program Sponsor Certification

Sponsor: Lander County, Nevada Airport: Battle Mountain Airport

Project Number: AIP 3-32-0001-027-2018

Description of Work:

Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators

(Magnetic Variation). Install Segmented Circle, Lighted Wind Cone, and Supplemental Wind

Cones. (Bidding & Construction)

#### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

#### **Certification Statements**

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1.	Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).			
	⊠Yes □No □N/A			
2.	Sponsor procurement actions ensure or will ensure full and open competition that does not unduly limit competition (2 CFR § 200.319).			
	⊠Yes □No □N/A			
3.	Sponsor has excluded or will exclude any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-forqualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).			
	⊠Yes □No □N/A			

4.	The advertisement describes or will describe specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).				
	⊠Yes □No □N/A				
5.	Sponsor has publicized or will publicize a RFQ that:				
	<ul> <li>Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and</li> </ul>				
	<ul> <li>Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)).</li> </ul>				
	⊠Yes □No □N/A				
6.	Sponsor has based or will base selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).				
	⊠Yes □ No □ N/A				
7.	Sponsor has verified or will verify that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR §180.300).				
	☑Yes ☐ No ☐ N/A				
8.	A/E services covering multiple projects: Sponsor has agreed to or will agree to:				
	<ul> <li>Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and</li> </ul>				
	<ul> <li>Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14).</li> </ul>				
	⊠Yes □ No □ N/A				
9.	Sponsor has negotiated or will negotiate a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).				
	⊠Yes □ No □ N/A				
10.	The Sponsor's contract identifies or will identify costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).				
	⊠Yes □ No □ N/A				
11.	Sponsor has prepared or will prepare a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR §200.318(i)).				
	⊠Yes □ No □ N/A				
12.	Sponsor has incorporated or will incorporate mandatory contact provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)				
	⊠Yes □No □N/A				

- 13. For contracts that apply a time-and-material payment provision (also known as hourly rates, specific rates of compensation, and labor rates), the Sponsor has established or will establish:
  - Justification that there is no other suitable contract method for the services (2 CFR §200.318(j));
  - b. A ceiling price that the consultant exceeds at their risk (2 CFR §200.318(j)); and
  - c. A high degree of oversight that assures consultant is performing work in an efficient manner with effective cost controls in place 2 CFR §200.318(j)).

☑Yes □No □N/A

14. Sponsor is not using or will not use the prohibited cost-plus-percentage-of-cost (CPPC) contract method. (2 CFR § 200.323(d)).

⊠Yes □No □N/A

Attach documentation clarifying any above item marked with "no" response.

#### Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this

day of

Name of Sponsor: Lander County, Nevada

Name of Sponsor's Authorized Official: Mr. Keith Westengard

Title of Sponsor's Authorized Official: Executive Director, Lander County

Signature of Sponsor's Authorized Official: \_\_\_

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.



## Project Plans and Specifications Airport Improvement Program Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: AIP 3-32-0001-027-2018

Description of Work: Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators (Magnetic

Variation). Install Segmented Circle, Lighted Wind Cone, and Supplemental Wind Cones.

(Bidding & Construction)

#### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor (www.dol.gov/). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

#### **Certification Statements**

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

<ol> <li>The plans and specifications were or will be prepared in accordance with applicable federa standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).</li> </ol>		
	☑Yes ☐ No ☐ N/A	
2.	Specifications incorporate or will incorporate a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features tha unduly restrict competition (2 CFR §200.319).	t

3.		The development that is included or will be included in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).			
	Yes	□ No	□ N/A		
4.	(177)		features that are ineligible or unallowable for AIP funding have been or will be blans and specifications (FAA Order 5100.38, par. 3-43).		
	Yes	□ No	□ N/A		
5.	0.50	onsor re	does not use or will not use "brand name" or equal to convey requirements equests and receives approval from the FAA to use brand name (FAA Order -5).		
	Yes	□ No	□ N/A		
6.			does not impose or will not impose geographical preference in their uirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).		
		□ No	□ N/A		
7.	qualified	sources	alified lists of individuals, firms or products include or will include sufficient that ensure open and free competition and that does not preclude potential fying during the solicitation period (2 CFR §319(d)).		
	Yes	□ No	□ N/A		
8.			bid alternates include or will include explicit information that establish a basis for that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).		
	Yes	□ No	□ N/A		
9.			or will be obtained from the FAA if Sponsor incorporates a value engineering ntract (FAA Order 5100.38, par. 3-57).		
	Yes	□ No	□ N/A		
10.			ecifications incorporate or will incorporate applicable requirements and set forth in the federally approved environmental finding (49 USC §47106(c)).		
	Yes	□ No	□ N/A		
11.		-	buildings comply or will comply with the seismic design requirements of 49 CFR order 5100.38d, par. 3-92)		
	☐ Yes	□ No	☑ N/A		
12.			fication include or will include process control and acceptance tests required for per the applicable standard:		
	а. С	Construc	tion and installation as contained in Advisory Circular (AC) 150/5370-10.		
		Yes	□ No □ N/A		

<ul> <li>Snow Removal Equipment as contained in AC 150/5220-20.</li> </ul>				
□Yes □ No 図 N/A				
c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.				
⊠Yes □ No □ N/A				
13. For construction activities within or near aircraft operational areas(AOA):				
<ul> <li>The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.</li> </ul>				
<ul> <li>Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.</li> </ul>				
<ul> <li>Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).</li> </ul>				
☑ Yes ☐ No ☐ N/A				
14. The project was or will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).				
⊠ Yes □ No □ N/A				
Attach documentation clarifying any above item marked with "No" response.				
Sponsor's Certification				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and				
additional documentation for any item marked "no" is correct and complete.				
Executed on this day of , .				
Name of Sponsor: Lander County, Nevada				
Name of Sponsor's Authorized Official: Mr. Keith Westengard				
Title of Sponsor's Authorized Official: Executive Director, Lander County				
Signature of Sponsor's Authorized Official:				
l de la companya de				

# Equipment and Construction Contracts Airport Improvement Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: AIP 3-32-0001-027-2018

Description of Work: Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators

(Magnetic Variation). Install Segmented Circle, Lighted Wind Cone, and Supplemental Wind

Cones. (Bidding & Construction)

#### Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor (www.dol.gov) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a "covered contract" under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

#### **Certification Statements**

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

<ol> <li>A written code or standard of conduct is or will be in effect prior to commencement of the prior that governs the performance of the sponsor's officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).</li> </ol>			
	⊠Yes	□ No	□ N/A

2.	<ol> <li>For all contracts, qualified and competent personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).</li> </ol>			
	☑Yes ☐ No ☐ N/A			
3.	Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included or will include clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.			
	☑ Yes ☐ No ☐ N/A			
4. Sponsors required to have a DBE program on file with the FAA have implemente implement monitoring and enforcement measures that:				
	<ul> <li>Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));</li> </ul>			
	<ul> <li>Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and</li> </ul>			
	<ul> <li>Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)).</li> </ul>			
	☑ Yes ☐ No ☐ N/A			
5.	Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was a will be:			
	<ul> <li>Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;</li> </ul>			
	<ul> <li>Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;</li> </ul>			
	c. Publicly opened at a time and place prescribed in the invitation for bids; and			
	d. Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder.			
	☑ Yes ☐ No ☐ N/A			
6.	For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested or will request FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:			
	<ul> <li>Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;</li> </ul>			
	b. Plan for publicizing and soliciting an adequate number of qualified sources; and			
	<ul> <li>Listing of evaluation factors along with relative importance of the factors.</li> </ul>			
	☐ Yes ☐ No ☒ N/A			
7.	For construction and equipment installation projects, the bid solicitation includes or will include the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).			
	☑ Yes ☐ No ☐ N/A			

8.	Concurrence was or will be obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):		
	a.	Only one qualified person/firm submits a responsive bid;	
	b.	Award is to be made to other than the lowest responsible bidder; and	
	C.	Life cycle costing is a factor in selecting the lowest responsive bidder.	
	ĭ Ye	s □ No □ N/A	
9.	All cons	truction and equipment installation contracts contain or will contain provisions for:	
	a.	Access to Records (§ 200.336)	
	b.	Buy American Preferences (Title 49 U.S.C. § 50101)	
	C.	Civil Rights - General Provisions and Title VI Assurances( 41 CFR part 60)	
	d.	Federal Fair Labor Standards (29 U.S.C. § 201, et seq)	
	e.	Occupational Safety and Health Act requirements (20 CFR part 1920)	
	f.	Seismic Safety – building construction (49 CFR part 41)	
	g.	State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)	
	h.	U.S. Trade Restriction (49 CFR part 30)	
	i.	Veterans Preference (49 USC § 47112(c))	
	⊠ Ye	s □ No □ N/A	
10.		truction and equipment installation contracts exceeding \$2,000 contain or will contain the ns established by:	
	a.	Davis-Bacon and Related Acts (29 CFR part 5)	
	b.	Copeland "Anti-Kickback" Act (29 CFR parts 3 and 5)	
	⊠ Ye	s □ No □ N/A	
11.		truction and equipment installation contracts exceeding \$3,000 contain or will contain a provision that discourages distracted driving (E.O. 13513).	
	⊠ Ye	s □ No □ N/A	
12.	All contr	racts exceeding \$10,000 contain or will contain the following provisions as applicable:	
	а.	Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;	
	b.	Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;	
	C.	Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and	
	d.	Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).	
	⊠ Ye	s 🗆 No 🗀 N/A	

13. All contracts and subcontracts exceeding \$25,000: Measures are in place or will be in place (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).				
☑ Yes ☐ No ☐ N/A				
14. Contracts exceeding the simplified acquisition threshold (currently \$150,000) include or will include provisions, as applicable, that address the following:				
<ul> <li>a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);</li> </ul>				
<ul> <li>Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);</li> </ul>				
c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);				
<ul> <li>d. Conditions specifying administrative, contractual and legal remedies for instances where contractor of vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and</li> </ul>				
<ul> <li>All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251- 1387, and Executive Order 11738.</li> </ul>				
☑ Yes ☐ No ☐ N/A				
Attach documentation clarifying any above item marked with "No" response.				
Sponsor's Certification				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.				
Executed on this day of , .				
Name of Sponsor: Lander County, Nevada				
Name of Sponsor's Authorized Official: Mr. Keith Westengard				
Title of Sponsor's Authorized Official: Executive Director, Lander County				
Signature of Sponsor's Authorized Official:				
I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.				

#### CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION	
Lander County, Nevada	
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTA  Prefix: Mr.	Middle Name:  Suffix:
* SIGNATURE:	* DATE:

# Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

County,	Nevada
	County,

Airport: Battle Mountain Airport

Project Number: AIP 3-32-0001-027-2018

Description of Work: Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators

(Magnetic Variation). Install Segmented Circle, Lighted Wind Cone, and

Supplemental Wind Cones. (Bidding & Construction)

#### **Application**

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 — Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

#### **Certification Statements**

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgment and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1.	The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing were or will be determined to be qualified and competent to perform the work (Grant Assurance).    Yes   No   N/A			
<ol> <li>Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor's performance in complying</li> </ol>				
	<ul> <li>a. Technical standards (Advisory Circular (AC) 150/5370-12);</li> <li>b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and</li> <li>c. Construction safety and phasing plan measures (AC 150/5370-2).</li> </ul>			
3.	Yes No N/A  All acceptance tests specified in the project specifications were or will be performed and documented. (AC 150/5370-12).			
	Yes No N/A			

4.	Sponsor has taken or will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).				
	Σ	Yes No N/A			
5.		y reduction factors required by the specifications were applied or will be applied in computing all payments with a summary made available to the FAA (AC 150/5370-10).			
	$\geq$	Yes No N/A			
6.	Sponsor has notified, or will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:				
	a.	Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);			
	b.	Disputes or complaints concerning federal labor standards (29 CFR part 5); and			
	C.	Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26).			
	$\geq$	Yes No N/A			
7.	con	ekly payroll records and statements of compliance were or will be submitted by the prime stractor and reviewed by the sponsor for conformance with federal labor and civil rights uirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).  Yes \[ \sum \text{No} \sum \text{N/A} \]			
8.		yments to the contractor were or will be made in conformance with federal requirements and ntract provisions using sponsor internal controls that include:			
	a.	Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);			
	b.	Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);			
	C.	Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and			
	27	Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55).  Yes No N/A			
9.		nal project inspection was or will be conducted with representatives of the sponsor and the ntractor present that ensure:			
	a.	Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);			
	b.	Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and			
	C.	Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38);			
	>	Yes No N/A			
10.		e project was or will be accomplished without material deviations, changes, or modifications mapproved plans and specifications, except as approved by the FAA (Order 5100.38).			
	$\geq$	Yes No N/A			

<ol> <li>The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.</li> </ol>				
Yes No N/A				
12. For development projects, sponsor has taken or will take the following close-out actions:				
<ul> <li>Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);</li> </ul>				
<ul> <li>Complete all environmental requirements as established within the project environmental determination (Oder 5100.38); and</li> </ul>				
c. Prepare and retain as-built plans (Order 5100.38).				
∑Yes No N/A				
13. Sponsor has revised or will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).				
∑Yes No N/A				
Attach documentation clarifying any above item marked with "No" response.				
Sponsor's Certification				
Sponsor's Certification  I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.  Executed on this day of .				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.  Executed on this day of .  Name of Sponsor: Lander County, Nevada				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.  Executed on this day of , .  Name of Sponsor: Lander County, Nevada  Name of Sponsor's Authorized Official: Mr. Keith Westengard				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.  Executed on this day of , .  Name of Sponsor: Lander County, Nevada  Name of Sponsor's Authorized Official: Mr. Keith Westengard  Title of Sponsor's Authorized Official: Executive Director, Lander County				



# FAA Form 5100-133, Real Property Acquisition – Airport Improvement Program Sponsor Certification

#### **Paperwork Reduction Act Burden Statement**

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Federal Aviation Administration at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ASP-110.

### Real Property Acquisition Airport Improvement Program Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: AIP 3-32-0001-027-2018

Description of Work: Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators (Magnetic

Variation). Install Segmented Circle, Lighted Wind Cone, and Supplemental Wind Cones.

(Bidding & Construction)

#### **Application**

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on real property acquisition and relocation assistance are in 49 CFR Part 24. The AIP project grant agreement contains specific requirements and assurances on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended.

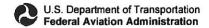
#### **Certification Statements**

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the real property acquisition project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards.

1.	The sponsor's attorney or other official has or will have good and sufficient title as well as title evidence on property in the project.			
	⊠Yes □No □N/A			
2.	If defects and/or encumbrances exist in the title that adversely impact the sponsor's intended use of property in the project, they have been or will be extinguished, modified, or subordinated.  ☐ Yes ☐ No ☒ N/A			
3.	If property for airport development is or will be leased, the following conditions have been met:			
	a. The term is for 20 years or the useful life of the project;			
	b. The lessor is a public agency; and			
	c. The lease contains no provisions that prevent full compliance with the grant agreement.			
	☐ Yes ☐ No ☒ N/A			

4.	Property in the project is or will be in conformance with the current Exhibit A property map, which is based on deeds, title opinions, land surveys, the approved airport layout plan, and project documentation.				
	☑Yes ☐No ☐N/A				
5.	For any acquisition of property interest in noise sensitive approach zones and related areas, property interest was or will be obtained to ensure land is used for purposes compatible with noise levels associated with operation of the airport.				
	☐ Yes ☐ No 図 N/A				
6.	For any acquisition of property interest in runway protection zones and areas related to 14 CFR 77 surfaces or to clear other airport surfaces, property interest was or will be obtained for the following:				
	a. The right of flight;				
	b. The right of ingress and egress to remove obstructions; and				
	<ul> <li>The right to restrict the establishment of future obstructions.</li> </ul>				
	□Yes □No 図N/A				
7.	Appraisals prepared by qualified real estate appraisers hired by the sponsor include or will include the following:				
	<ul> <li>Valuation data to estimate the current market value for the property interest acquired on each parcel; and</li> </ul>				
	<ul> <li>Verification that an opportunity has been provided to the property owner or representative to accompany appraisers during inspections.</li> </ul>				
	□Yes □No 図N/A				
8.	Each appraisal has been or will be reviewed by a qualified review appraiser to recommend an amount for the offer of just compensation, and the written appraisals as well as review appraisal are available to Federal Aviation Administration (FAA) for review.   Yes □ No ☒ N/A				
9.	A written offer to acquire each parcel was or will be presented to the property owner for not less than the approved amount of just compensation.				
	□Yes □No ⊠N/A				
10.	Effort was or will be made to acquire each property through the following negotiation procedures:				
	a. No coercive action to induce agreement; and				
	<ul> <li>Supporting documents for settlements included in the project files.</li> </ul>				
	□Yes □No 図N/A				

11. If a negotiated settlement is not reached, the following procedures were or will be used:				
<ul> <li>Condemnation initiated and a court deposit not less than the just compensation made prior to possession of the property; and</li> </ul>				
<ul> <li>Supporting documents for awards included in the project files.</li> </ul>				
☐ Yes ☐ No ☒ N/A				
12. If displacement of persons, businesses, farm operations, or non-profit organizations is involved, a relocation assistance program was or will be established, with displaced parties receiving general information on the program in writing, including relocation eligibility, and a 90-day notice to vacate.				
☐ Yes ☐ No ☒ N/A				
13. Relocation assistance services, comparable replacement housing, and payment of necessary relocation expenses were or will be provided within a reasonable time period for each displaced occupant in accordance with the Uniform Act.				
☐ Yes ☐ No 図 N/A				
Attach documentation clarifying any above item marked with "No" response.				
Sponsor's Certification				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.				
Executed on this day of , .				
•				
Name of Sponsor: Lander County, Nevada				
Name of Sponsor: Lander County, Nevada				
Name of Sponsor's Authorized Official: Mr. Keith Westengard				



### Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: AIP 3-32-0001-027-2018

Description of Work: Realign a portion of TW C (Approx. 800'). Remark RW 3/21 and 12/30 Designators (Magnetic

Variation). Install Segmented Circle, Lighted Wind Cone, and Supplemental Wind Cones.

(Bidding & Construction)

#### Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

#### **Certification Statements**

1.	The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.
	contractors of their agents.

☑ Yes □ No

<ol> <li>The sponsor's or sub-recipient's officers, employees or agents have not and will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements (2 CFR § 200.318(c)).</li> </ol>				
☑ Yes ☐ No				
<ol><li>The sponsor or sub-recipient certifies that is has disclosed and will disclose to the FAA any known potential conflict of interest (2 CFR § 1200.112).</li></ol>				
⊠ Yes □ No				
Attach documentation clarifying any above item marked with "no" response.				
Sponsor's Certification				
I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.				
Executed on this day of ,				
Name of Sponsor: Lander County, Nevada				
Name of Sponsor's Authorized Official: Mr. Keith Westengard				
Title of Sponsor's Authorized Official: Executive Director, Lander County				
Signature of Sponsor's Authorized Official:				
I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.				

### LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number/
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS: Discussion for possible action regarding the creation of a Battle Mountain Airport Advisory Board, and all other matters properly related thereto.
Public Comment:
Background:
Recommended Action:

### LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	8
--------	------	--------	---

#### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action to approve/disapprove a liquor license for JJ Parmar Inc. (JP Quick Mart), located at 995 Broyles Ranch Road, Battle Mountain, Nevada, for a Gaming and On & Off Site Liquor License, and all other matters properly related thereto.

**Public Comment:** 

Background: Application attached

Recommended Action: Approval



#### AGENDA REQUEST FORM

COMMISSIONER MEETING DATE: 01/11/2018

NAME: Becky Wiley	REPRESENTIN	IG: Lander County Sheriff's Office	
ADDRESS: 2 State Route 305, Batt			
PHONE (H): 775-635-1100	(W): 775-635-1 <u>100</u>	(FAX): 775-635-2577	
WHICH NUMBER SHOULD WE C	ALL DURING NORMAL E	BUSINESS HOURS: 775-635-1100	
WHO WILL BE ATTENDING THE	MEETING: Sheriff Ron Un	ger & Becky Wiley	
JOB TITLE: Sheriff	-		
Λ		TO RESOLVE THIS ISSUE?	
Approvai			-
ARE THERE ANY COSTS ASSOCI	ATED WITH YOUR REQU		
HAS THIS ISSUE BEEN DISCUSSE WHEN?	ED AT A PRIOR COMMISS	SION MEETING? YES NO	
WILL YOU BE PRESENTING WRI	TTEN INFORMATION AT	THE MEETING? YES NO	
HAVE YOU DISCUSSED THIS ISS	UE WITH THE AFFECTEI	D DEPT HEAD?: YES NO	s .
FOR REVIEW BY:			
AMBULANCE EXE ARGENTA J.P. FIRE ASSESSOR GOL AUSTIN J.P. PUB	The state of the s	SENIOR CTRSHERIFFSOCIAL SVCTREASURERW & S	
THE EXECUTIVE DIRECTOR RETABLING ALL AGENDA REQUE			
ALL INFORMATION STATED IS C	CORRECT AND TRUE TO	MY KNOWLEDGE	
cure Field	295	DATE: 12/08/2017	

BOARD MEETS THE  $2^{\text{ND}}$  AND  $4^{\text{TH}}$  .Thursday of each month commission fax (775) 635-5332

# Lander County Sheriff's Office Liquor / Gaming License Application

### THIS LICENSE IS NOT TRANSFERABLE

TO THE OR THE	Date of Application: 12-5-17
PLEASE PRINT OR TYPE	
Name: SINGH JASWINDER  Last First Middle	Social Security #:
6000	Height: 5-11- Weight: 160
Nickname/Maiden/Other: JASS  OBS DOOY/FS PANCH RD-BATTU	Hair: BLACK Eyes: BLACK
Street Address:  Number & Street  City State Zip	MOUNTAIN DO
Nickname/Maiden/Other: JF33  Street Address: 995 BROYLES RANCH RD - BATTU  Number & Street City State Zip  Mailing Address: 1101 HARBOUR COVE CT. SPARICS IN V  Street/RFD/Box City State Zip Of	Gender Race:
Home Telephone #: 775- 560- 4640	Date of Birth: <u>66-15-1963</u>
10 Card # 22000 416 (2 State: NV	Place of Birth: //ww///
Marks/Scars/Tattoos: RIGHT HAMD SIDE ON THE TOP LIP SMO	BLACK MARK
List All Places of Employment (Last three (3) years)	
LOCATION POSITION	FROM-TO REASON FOR LEAVING
MEXICOLINDO 1825 PRATER WAY OWNER	2 2006 NEW LIOURSTORE
DRINCE INC SPARIS PRESID	BIT NOW
NV-89431	
ADDITION EMPLOYMENT HISTORY – USE ADDITIONAL S	HEEIS
Have you ever been arrested? <u>VES</u>	
	les implyded
List all arrests. For the purpose of this application, arrests and convictions must	be included.
List all arrests. For the purpose of this application, arrests and convictions must  DATE CHARGE ARRESTING AGENCY	bę included.  CITY/STATE DISPOSITION
List all arrests. For the purpose of this application, arrests and convictions must  DATE CHARGE ARRESTING AGENCY	CITY/SIAIE
List all arrests. For the purpose of this application, arrests and convictions must  ARRESTING AGENCY  CD and DVD Selling in the State 20th	CITY/SIAIE
List all arrests. For the purpose of this application, arrests and convictions must	CITY/SIAIE
List all arrests. For the purpose of this application, arrests and convictions must  ARRESTING AGENCY  CD and DVD Selling in the State 20th	CITY/SIAIE
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  CD and DVD Selling in the STORE 20th and case No > CRO9 - 0869	& EISTONNO.
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  Charge Arresting agency  CD and DVD Selling in the State 20th and Case No > CRO9 - 0869	& EISTONNO.
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  CD and DVD Selling in The State 20th and Case No CRO9-0869  Additional History-Use additional sheet  Are you a United State Citizen? Yes No If no, What Country	y are you a citizen of?
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  Charge	y are you a citizen of?
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  Charge	y are you a citizen of?
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  Of the charge arresting agency  In the State 2 of the charge arresting agency  Additional History - use additional sheet and a part of the charge arresting agency  And could be additional History - use additional sheet are you a United State Citizen? Yes No If no, What Country Alien Registration#  Passport #:	y are you a citizen of?
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  Of the charge arresting agency  In the State 2 of the charge arresting agency  Additional History - use additional sheet and a part of the charge arresting agency  And could be additional History - use additional sheet are you a United State Citizen? Yes No If no, What Country Alien Registration#  Passport #:	y are you a citizen of?
List all arrests. For the purpose of this application, arrests and convictions must arresting agency  Of the charge arresting agency  In the State 2 of the charge arresting agency  Additional History - use additional sheet and a part of the charge arresting agency  And could be additional History - use additional sheet are you a United State Citizen? Yes No If no, What Country Alien Registration#  Passport #:	y are you a citizen of?
List all arrests. For the purpose of this application, arrests and convictions must arrest charge  CHARGE  CHARGE  CHARGE  CHARGE  CHARGE  CHARGE  CHARGE  ARRESTING AGENCY  ARRESTING AGENCY  ARRESTING AGENCY  ARRESTING AGENCY  ARRESTING AGENCY  COLOR OF COLOR  ADDITIONAL HISTORY-USE ADDITIONAL SHEE  Are you a United State Citizen?  Yes No If no, What Country Alien Registration#  Passport #:  Name of Business:  IT PARMAR INC (JP BUICK MARK Street Address: 495 BROYLES RANCH RD  Number & Street  Mailing Address: 1101 HARBOUR COVE CT.  Number & Street	TS  y are you a citizen of?  ATTLE MOUNTAIN - NV - 89820  City State Zip  City State Zip
List all arrests. For the purpose of this application, arrests and convictions must ARRESTING AGENCY  O CD and DVD Selling in the Stage 20th and Call No CRO9-0869  ADDITIONAL HISTORY - USE ADDITIONAL SHEE  Are you a United State Citizen? Yes No If no, What Country Alien Registration#  Passport #:  Name of Business: JJ DARMAR INC JP BUICK MAR.  Street Address: 995 BROYLES RANCH RD DE Number & Street  Mailing Address: 1101 HARBOUR COVE CF. SPA.  Number & Street  Nevada Re-Sale Certificate #: 1	TS  y are you a citizen of?  ATTLE MOUNTAIN - NV - 89820  City State Zip  City State Zip  D375578\$9
List all arrests. For the purpose of this application, arrests and convictions must arrest charge  CHARGE  CHARGE  CHARGE  CHARGE  ARRESTING AGENCY  ARRESTI	TS  y are you a citizen of?  ATTLE MOUNTAIN - NV - 89830  City State Zip  City State Zip  0375578\$9  0375578\$9
List all arrests. For the purpose of this application, arrests and convictions must arrest arrest and convictions must arrest and convictions must arrest arrest arrest and convictions must arrest arrest and convictions must arrest and convictions must arrest arrest arrest arrest arrest arrest arrest arrest arrest and convictions must arrest ar	### State   St
List all arrests. For the purpose of this application, arrests and convictions must  ARRESTING AGENCY  OD OND DVD Selling in the STORE 20th  and case No > CRO9 - 0869  ADDITIONAL HISTORY - USE ADDITIONAL SHEEL  Are you a United State Citizen? Yes No If no, What Countr  Alien Registration#  Passport #:  Name of Business: J. J. PARMAR INC (JP DUICK MAR  Street Address: 995 BROYLES RANCH RD  Mailing Address: 101 HARBOUR COVE CT.  Number & Street  EIN: 82-3155511 Nevada Re-Sale Certificate #: 1  List names & Addresses of persons holding interest in this business.	### State   St

NAME	ADDRESS	TYPE OF INTEREST	
<u> </u>	ADDITION- USE ADDITIONAL SHEETS		
Has applicant EVER b	een denied a license in Lander County?		
	ed in this application been convicted of a Felony Crime involving Mora	al Turpitude? No	
, , ,			
Managerial Em	is a Corporation, on an attached document, please provide information for all Corporate ployees, and any other persons having interest in the business to be licensed. foreign Corporation, is the Corporation authorized by the Nevada Secretiness in the State of Nevada?		
TYPE OF LICENSE:	Gaming Liquor		
	Check if Renewal Check if Renewal	Data(s):	
		Date(s):	
	How Many? (5) Temporary  "21" Tables On Site Sale	Dates(s).	
	How Many? ☐ Off Site Sale ☐ On & Off Site Sale		
	On a on one one		
Definitions:			
	ite Sale: Alcohol sold and consumed on the premises		
	ite Sale: Alcohol sold and NOT consumed on the premises.		
	Off Site Sale: Alcohol sold that MAY be consumed on the premis	ses.	
Fee Structure:			
Gami	ng: Slot Machines - \$31.00 per slot machine – per Quarter		
	"21" Tables – \$151.00 per table – per Quarter		
Liquo	AND THE STREET AND A STREET AND		
	Temporary - \$10.00		
	On Site Sale - \$40.00 – per Quarter		
Off Site - \$30.00 – per Quarter			
	On & Off Site Sales - \$50.00 – per Quarter		
	PROTECTION AND LOADING PROTURE FINAL PROTECTION CARDO	AND A BUOTOCD ADU	
PLEASE NOT	TE THAT NEW APPLICANTS REQUIRE FINGERPRINT CARDS A	AND A PHOTOGRAPH.	
The undersigned appli	icant certifies that the foregoing information is true and correct to the	ne best of his/her knowledge and	
belief. The undersign	ed states that certification is made with the full knowledge that any	failure to disclose, misstatement,	
omission, or other atte	mpt to mislead may be considered sufficient cause for denial or revoca	ation of this ficelise.	
	cler Smot	uing Employee & ID#	
Арр	Issu OFFICE USE ONLY	inig Employee & 1D#	
Date scheduled for Co	ommission:		
Approved:			
Denied: REVISED 20070323			





### **NEVADA STATE BUSINESS LICENSE**

JJ PARMAR INC
Nevada Business Identification # NV20171679350

Expiration Date: October 31, 2018

In accordance with Title 7 of Nevada Revised Statutes, pursuant to proper application duly filed and payment of appropriate prescribed fees, the above named Is hereby granted a Nevada State Business License for business activities conducted within the State of Nevada.

Valid until the expiration date listed unless suspended, revoked or cancelled in accordance with the provisions in Nevada Revised Statutes. License is not transferable and is not in lieu of any local business license, permit or registration.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on October 20, 2017

Barbara K. Cegavske Barbara K. Cegavske Secretary of State

You may verify this license at www.nvsos.gov under the Nevada Business Search.

License must be cancelled on or before its expiration date if business activity ceases. Failure to do so will result in late fees or penalties which by law <u>cannot</u> be waived.

### LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	9

#### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action regarding the retirement of the Sheriff's Office canine "Dallas" due to his deteriorating medical condition, and to authorize the giving or selling of "Dallas" to his handler for the amount of \$1.00, and all other matters properly related thereto.

The sum of the water of the control
Public Comment:
Background: Attached.
Recommended Action:



#### AGENDA REQUEST FORM

COMMISSIONER MEETING DATE: 01/11/2018

NAME: Robert Quick	REPRESENTIN	G: Lander County Sheriff	s Office
ADDRESS: 2 State Route 305, Battle	Mountain, Nevada 89820		and the second s
PHONE (H): 775-635-1100	(W): 775-635-1 <u>100</u>	(FAX): _775-635-2	577
WHICH NUMBER SHOULD WE CAI	L DURING NORMAL B	USINESS HOURS: 775-	635-1100
WHO WILL BE ATTENDING THE M	EETING: Sheriff / Self	The state of the s	- The state of the
JOB TITLE: Undersheriff			
SPECIFIC REQUEST TO BE PLACED Discussion and possible action regarding deteriorating medical condition and o	ng the retirement of the S		llas" due to his
WHAT ACTION WOULD YOU LIKE Retire the animal	THE BOARD TO TAKE	TO RESOLVE THIS ISS	UE?
ARE THERE ANY COSTS ASSOCIATE AMOUNT:	ED WITH YOUR REQU	TEST:	ES NO
HAS THIS ISSUE BEEN DISCUSSED WHEN?		SION MEETING? YE	ES 🗵 NO
WILL YOU BE PRESENTING WRITT	EN INFORMATION AT	THE MEETING? XY	ES NO
HAVE YOU DISCUSSED THIS ISSUE	WITH THE AFFECTED	DEPT HEAD?: XY	ES NO .
FOR REVIEW BY:			
AIRPORT DIST. // AMBULANCE EXE. D ARGENTA J.P. FIRE ASSESSOR GOLF AUSTIN J.P. PUBLIC	C WORKS	SENIOR CTRSHERIFF SOCIAL SVCTREASURER W & S	
CLERK RECORD COMM. DEVT  THE EXECUTIVE DIRECTOR RES TABLING ALL AGENDA REQUEST	EDER ERVES THE RIGHT TO		MEND
ALL INFORMATION STATED IS CO	RECT AND TRUE TO M	MY KNOWLEDGE  DATE: 61 02	12018

BOARD MEETS THE  $2^{\text{ND}}$  and  $4^{\text{TH}}$  ,Thursday of each month commission fax (775) 635-5332

Elko Veterinary Clinic

Elko, NV

Nov 22, 2017 (775) 738-6116

**CLIENT INFORMATION:** 

Name: Lander County Sheriff's Office

Address: P.O. Box 1625

Battle Mountain, NV 89820

Phone: H: (775) 635-1100 W: (775) 635-1100 ext: 230

PATIENT CHART

Spouse:

Balance: \$ 455.94

PATIENT INFORMATION:

Name: Dallas

Birthday: 10/15/2010 ID 17

Color Yellow Species:

Canine Breed: Labrador Retriever

7 years and 1 month old Age: Rabies Tag:

38000 Weight: 78lbs.

REASON FOR VISIT:

Reminders for: Dallas

01/07/2019 01/25/2020 01/25/2018

Rabies

Distempter Parvo Bordetella/Parainfluenza Intra

Bordetella Lyme Disease

Lepto Rattle Snake Vaccine Glucose Curve Canine

Canine Influenza H3N8 Wellness Exam

11/17/2018

11/17/2017

Last Done

01/08/2016

01/25/2017

01/25/2017

MEDICAL HISTORY:

Code

Description

Qty

History, Physical Exam Findings, Assessment, and Recommendations

Performed: 11/17/2017 **OBSERVATIONS:** 

Check hips. O states P's hips and front right shoulder are still giving P issues cr 11/17

wt 86 did previcox help? yes long term meds likely we did not xray hips last visit xrays today? [x] yes

Getting the Previxcox daily.

#### Main Concern: Lameness

on going issue reluctance to jump up on counters etc as part of search seems to still be favoring right front but today feels reluctant to get hind qtrs under him but does do better

### Patient Physical Examination

<sup>o</sup> F (normal = 100-102.5<sup>o</sup> F) Temperature =101.6

Heart Rate = 90 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm)

Respiratory Rate = pant (normal dog = 10-40, normal cat = 16-40)

Body Weight = 86lbs.

Body Condition Score = 3 (1-5)

Dental Grade = 2 (0-4)

BAR, MM-pink, CRT<2.5 seconds

Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong

Abdomen/ inguinal rings and umbilical region palpate normal

Peripheral lymph nodes palpate normal

Eyes, ears and nose are clear with no inflammation or discharge

Page 1 of 14

P.001/030

Elko Veterinary Clinic Elko, NV

Nov 22, 2017 (775) 738-6116

Skin and coat condition is good Hydration good-normal skin tent/turgor, mm-moist

RADIOGRAPHIC EVALUATION--> 3 views Spine/Hip Series --findings: hips look ok well seated rounded heads and no acetabular lipping marked spondylosis of spine

#### FINDINGS:

discospondylosis of majority of spine Osteoarthrits of phalynges shoulder

#### RECOMMENDATIONS:

Adequan 1.5 ml(s) administered IM [x] AC series of 5 weekly injections / injection #2 repeat injection in 4 to 7 days.

Laser of Whole Spine [x] AMJ

continue previcox daily ok to disp tramadol 50 mg 2 tabs sid to bid gabapentin?

#### Medications

(#30 tablets) Previcox 227 mg is an anti-inflammatory. Side-effects may include GI and renal toxicity. Do not give Previcox to pets that are prone to GI ulceration or have an existing hypersensitivity to NSAIDs. Do not give with any other anti-inflammatory medications. Giving the medication with food may decrease some of the side-effects. Discontinue the medication is you notice black stool or vomiting with blood in it and call the veterinarian. Give one tablet orally once daily.

Ok'd by Dr.:Ac Filled by: amj Verified by: ac

(#100 tablets) Tramadol 50 mg is an analgesic. Side-effects may include agitation, anxiety, inappetence and vomiting. Use with caution if pet has hypersensitivity to tramadol or other opioids. Use with caution if preexisting seizure disorder is present. Give one tablet orally every 12 hours.

Ok'd by Dr.:Ac Filled by: amj Verified by: ac

(#30 capsules) Gabapentin 400 mg Gabapentin is a structural analogue of GABA, an inhibitory neurotransmitter. Gabapentin is used in both dogs and cats to treat chronic pain, particularly of neuropathic origin. The most-common side-effects are mild sedation and ataxia. Gabapentin should be used with caution in animals with decreased liver or renal function. Gabapentin should not be discontinued abruptly because withdrawal may precipitate seizures or rebound pain. The dosage should be decreased over the course of two to three weeks. Overdose would likely cause increased severity of side effects including lethargy, somnolence, depression and ataxia. Give 1 capsule orally once every 24 hours.

Ok'd by Dr.:AC Filled by: AMJ Verified by: AC

will see how patient responds to NSAIDS analgesics and gabepentin owner will bring in as much as possible for laser therapy

concider full blood work with thyroid ck as well AC

Page 2 of 14

234

11/22/2017 07:07

No.: R006 L1

P.002/030

Nov 22, 2017 (775) 738-6116

Performed: 10/11/2017 OBSERVATIONS:

Urgent Care-limping on right front leg, doesn't want to be weight bearing on it...ks 10/11

wt: 78

## Main Concern: Lameness

How long have you noticed a change?
Yesterday
Is there a known history of trauma?
no
Has Dallas been able to bear weight normally on all four legs?
No. Some weight baring, while resting he will not put weight on it
Which leg(s) are affected? Is it a shifting leg lameness?
Right front leg
Has it been an acute and rapid onset?
rapid
Has Dallas had any recent orthopedic surgery?
no
Are there any other concerns/problems for the doctor to address?

P is on glucosamin tablets.

(775)354-3526 Steven

## Patient Physical Examination

Temperature = 100.3  $^{\circ}$  F (normal = 100-102.5  $^{\circ}$  F) Heart Rate = 120 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm) Respiratory Rate = pant (normal dog = 10-40, normal cat = 16-40)

Body Weight = 78lbs. Body Condition Score = 3 (1-5) Dental Grade = 2 (0-4)

BAR, MM-pink, CRT<2.5 seconds
Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong
Abdomen/ inguinal rings and umbilical region palpate normal
Peripheral lymph nodes palpate normal
Eyes, ears and nose are clear with no inflammation or discharge
Skin and coat condition is good
Hydration good-normal skin tent/turgor, mm-moist

Complete Cell Blood Count(CBC)-----> PCV 45.2 %; Platelets 218  $\times 10^3$ /ul; TWBC 6.62  $\times 10^3$ /ul; neutrophils 4.87  $\times 10^3$ /ul; Lymphocytes 0.93  $\times 10^3$ /ul, monocytes 0.37  $\times 10^3$ /ul MCV 59.9. MPV 8.6, PDW 9.0

Blood Chemistry Panel [Comprehensive Panel Chemistry 17]-----> all parameters are with in normal limits except

RADIOGRAPHIC EVALUATION ----> four (4) views were taken ----> findings:

OA of shoulder with lipping of caudal medial humoral condyle; have evididence also of OA of MC-P joints no overt signs of bone tumors

Page 3 of 14

235

11/22/2017 07:07

Nov 22, 2017 (775) 738-6116

FINDINGS:

OA of shoulder and MC-P joints

**RECOMMENDATIONS:** 

11:18am: Called O, got ok for BW. sw

## **Laser Therapy**

Location of treatment: right front shoulder

Treatment #: 1

Contact/Non-Contact: contact

# of Minutes: 3:43 Joules used: 2007J

See Laser Therapy Form

(#30 tablets) Previcox 227 mg is an anti-inflammatory. Side-effects may include GI and renal toxicity. Do not give Previcox to pets that are prone to GI ulceration or have an existing hypersensitivity to NSAIDs. Do not give with any other anti-inflammatory medications. Giving the medication with food may decrease some of the side-effects. Discontinue the medication is you notice black stool or vomiting with blood in it and call the veterinarian. Give one tablet orally once daily for 7 days then as needed

Ok'd by Dr.:ac Filled by: kd Verified by: ac

**Adequan 1.5** ml(s) administered IM [x] series of 5 weekly injections / injection #1 repeat injection in 4 to 7 days.

# History, Physical Exam Findings, Assessment, and Recommendations

Performed: 01/25/2017 OBSERVATIONS:

DHPP bordetella ...ks 1/25

wt: 72.5

Patient History/Lifestyle Status and Vaccinations
Adult Dog Examination
What kind of food are you feeding and how much/frequency?
pedigreee
Any recent vomiting or diarrhea?
no
Any changes in food or water intake?
no
Are there any concerns with Dallas's behavior/obedience?

Page 4 of 14

236

11/22/2017 07:08

Nov 22, 2017 (775) 738-6116

no Has Dallas ever been tested for Heartworm Disease? not quite sure but will test today Is Dallas currently on a heartworm/parasite program?

Does Dallas have a history of vaccination reactions?

Do you travel out of state with Dallas? no

If Yes, Where

If Dallas has not been dewormed with in the last year, deworming will be needed today. Is this ok?

Are there any other concerns/problems for the doctor to address?

been cleaning ears and pulling out brown clumps lipping a little on the front legs.

# 0: Patient Physical Examination

Temperature = 101.2 OF (normal = 100-102.5 F) Heart Rate = 122 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm) Respiratory Rate = pant (normal dog = 10-40, normal cat = 16-40)

Body Weight = 72.5 lbs./oz. Body Condition Score = 4 (1-5) Oral exam/ dental Grade = 1-2 (0-4)

BAR, MM-pink, CRT<2.5 seconds

- Cardiovascular / thoracic auscultation heart rate and rhythm and pulse normal
- Respiratory- normal
- Hydration good-no skin tent with good turgor, mm-moist-normal
- Abdomen inguinal rings and umbilical region palpation is normal
- Peripheral lymph nodes palpate- normal
- GI- normal
- Musculo-skeletal- normal
- Eyes- normal
- Ears are clear with no inflamation or discharge- normal
- Nose clear with no inflammation or discharge normal
- Skin / integument and coat condition normal
- Location of mass/ lumps- (record the location, or erase [])

a routine venapuncture to collect 1 ml of whole blood was performed In house heart worm antigen test was performed [x]

#### FINDINGS:

A: 6 years and 3 months old M Labrador Retriever due for vaccinations and deworming

Heart worm test is current and is due on 1/25/2018 dental grade = 1-2 (1-4)

Heartworm(dirofilaria immitis) antigen test results>negative

Page 5 of 14

237

11/22/2017 07:08

Nov 22, 2017 (775) 738-6116

#### **RECOMMENDATIONS:**

#### **Vaccinations**

Dallas may experience mild side-effects such as lethargy and soreness at the injection site. Severe side effects are hives, facial swelling or vomiting. Please call the Clinic if a severe reaction occurs or Dallas doesn't return to normal in 24-48 hours.

Bordetella/Parainfluenza intranasal vaccination aids in the prevention of acute tracheobronchitis and chronic bronchitis caused by *Bordetella Bronciseptica* a highly contagious airborne disease that is prevalent in northeastern Nevada. All dogs in the Elko and Battle Mountain area are at risk- not only those dogs that are boarded or kenneled. A 12 month duration (pending chance of exposure) Intranasal (nose drops) bordetella vaccination was given in each nostril. Occasionally a dog will experience a cough or sneeze after the intranasal Bordetella vaccination.

The distemper combination vaccine is composed of Parvo Virus, Distemper Virus, Parainfluenza Virus, Adenovirus. A DHPP 3 year duration vaccination was injected subcutaneously (SQ) in the **midline** of the dorsoscapular region.

Drontal Plus (praziquantel/ pyrantel paomate/ febantel ) 136 mg ----> **Give 1.5 tablets with a meal** 45-60lbs........1 tabs 61-90lbs........1.5 tabs 91-120.......2.0 tabs

Do not use in pregnant animals, dogs weighing less than 2 lbs. or puppies less than 3 weeks of age Dr. Authorized: MSP Filled by: TH Verified: MSP

Dallas's owners were informed of the Heartworm test result and Heartworm prevention were recommended. ok to dispense HearTGard Plus [x]

## <u>Medications</u>

(# 1 bottle- 15 grams) Mometamax 15 gm is a topical ear medication composed of an antibiotic (gentamicin), anti-yeast (clotrimazole) and an anti-inflammatory (mometasone). Side-effects may include increased drinking/urination, ear toxicity, kidney toxicity and skin irritation. Do not use in pregnant animals. Do not use in a pet's ear if the ear drum has been ruptured. Apply 5-7 drops to both ears every 24 hours.

Ok'd by Dr.: MSP Filled by: th Verified by: MSP

Refill Activated Gel Syringe, Naloxone 0.4 mg/ml, and Apomorphine 6mg

## History, Physical Exam Findings, Assessment, and Recommendations

Performed: 01/08/2016 OBSERVATIONS:

Bordetella...TG 1/08/16

Weight 84lbs

Patient History/Lifestyle Status and Vaccinations
Adult Dog Examination
What kind of food are you feeding and how much/frequency?
Pedigree Adult. BID
Any recent vomiting or diarrhea?
No
Any changes in food or water intake?
No

Page 6 of 14

238

11/22/2017 07:08

Nov 22, 2017 (775) 738-6116

Are there any concerns with Dallas's behavior/obedience?

No

Has Dallas ever been tested for Heartworm Disease?

No

Is Dallas currently on a heartworm/parasite program?

No

Does Dallas have a history of vaccination reactions?

No

Do you travel out of state with Dallas? ~~

If Yes, Where

No

If Dallas has not been dewormed with in the last year, deworming will be needed today. Is this ok?

No

Are there any other concerns/problems for the doctor to address?

O states that within 3 days of bathing he is very oily.

Recommendations?

## Patient Physical Examination

Temperature =  $101.1^{\circ}$  F (normal =  $100-102.5^{\circ}$  F) Heart Rate = 88 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm) Respiratory Rate = Panting (normal dog = 10-40, normal cat = 16-40)

Body Weight =84.0 lbs./oz. Body Condition Score = 3.0 (1-5) Dental Grade = 1.0 (0-4)

Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong BAR, MM-pink, CRT<2.5 seconds hydration good-normal skin tent/turgor, mm-moist abdomen/ inguinal rings and umbilical region palpate normal peripheral lymph nodes palpate normal

eyes, ears and nose are clear with no inflammation or discharge skin and coat condition is good / owner complaint --> greasy coat

#### FINDINGS:

greasy coat

### **RECOMMENDATIONS:**

Drontal Plus (praziquantel/ pyrantel paomate/ febantel ) 136 mg ----> Give 1.5 tablets with a meal 45-60lbs.......1 tabs 61-90lbs.........1.5 tabs 91-120..........2.0 tabs

Do not use in pregnant animals, dogs weighing less than 2 lbs. or pupples less than 3 weeks of age Filled by: MSP Verified:MSP

### **Vaccinations**

Dallas may experience mild side-effects such as lethargy and soreness at the injection site. Severe side effects are hives, facial swelling or vomiting. Please call the Clinic if a severe reaction occurs or Dallas doesn't return to normal in 24-48 hours.

Page 7 of 14

239

11/22/2017 07:09

No.: R006 L1

P.007/030

Nov 22, 2017 (775) 738-6116

Bordetella/Parainfluenza intranasal vaccination aids in the prevention of acute tracheobronchitis and chronic bronchitis caused by *Bordetella Bronciseptica* a highly contagious airborne disease that is prevalent in northeastern Nevada. All dogs in the Elko and Battle Mountain area are at risk- not only those dogs that are boarded or kenneled. A 12 month duration (pending chance of exposure) *Intranasal* (nose drops) *bordetella vaccination* was given in each nostril. Occasionally a dog will experience a cough or sneeze after the intranasal Bordetella vaccination.

Dallas received a **Rabies vaccination** today which is required by law. It takes 28 days for Dallas to be considered protected from Rabies if this is his first Rabies vaccination.

Rabies 3 year duration vaccination was injected subcutaneously (SQ) to the right side of midline of the dorsoscapular region.

Rx Benzyl Peroxide shampoo ---> weeky as needed for greasy coat MSP

# History, Physical Exam Findings, Assessment, and Recommendations

Performed: 09/16/2015 OBSERVATIONS:

Check rt front paw pad cr 9/16

wt 88

YEsterday, patient was running o/s, took a tumble and a chunk out of his paw pad.

## Patient Physical Examination

temperature =not taken  $^{\rm O}$  F (normal = 100-102.5 $^{\rm O}$  F) heart Rate = 90 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm) respiratory Rate =pant (normal dog = 10-40, normal cat = 16-40)

body Weight = 88.0 lbs./oz. body Condition Score = 2.5 (1-5) dental Grade = 1 (0-4)

Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong BAR, MM-pink, CRT<2.5 seconds hydration good-normal skin tent/turgor, mm-moist abdomen/ inguinal rings and umbilical region palpate normal peripheral lymph nodes palpate normal eyes, ears and nose are clear with no inflammation or discharge skin and coat condition is good abrasion on accessory carpal pad R front foot- mildly inflammed- no discharge. LCF

#### FINDINGS:

Abraded accessory carpal pad R front paw. LCF

#### RECOMMENDATIONS:

Medications

(#8 tablets) Simplicef 200 mg is an antibiotic. Side-effects may include vomiting, rare bleeding disorders and Page 8 of 14

240

11/22/2017 07:09

No.: R006 L1

P.008/030

Nov 22, 2017 (775) 738-6116

allergic reaction is sensitive. Simplicef should not be used in pets that are allergic to cephalosporin antibiotics. There are interactions with cimetidine, ranitidine and antacids. Please give all the antibiotics until gone unless otherwise indicated. Please give with food to improve absorption. Give 1 1/2 tablet orally once daily. Ok'd by Dr.: LCF Filled by: SMW Verified by: LCF

(#6 tablets) Rimadyl 75 mg is an anti-inflammatory. Side-effects may include vomiting, diarrhea and liver toxicity. Animals prone to GI ulceration should not receive Rimadyl. Do not give with other anti-inflammatory medications. Please give with food. If you notice black stool or vomit with blood in it, please discontinue and contact veterinarian. Give 1 tablet orally twice daily. Ok'd by Dr.:LCFFilled by: SMW Verified by: LCF

Monitor and recheck PRN. LCF

## History, Physical Exam Findings, Assessment, and Recommendations

Performed: 06/19/2015 **OBSERVATIONS:** 

Day Admit- O called and the P is having problems with his left ear. O keeps trying to clean them out but there is constant wax and dirt coming out of them.. TG 6/19/15

Weight 95,6lbs

O is from out of town and would like a call if P can go sooner- Call O at 455-5501- AM 6/19/15

#### Main Concern: Ears

How long have you noticed a change? ~~cleaning it every day for about 2 weeks Are the ears painful? ~~NO Is Dallas scratching or shaking his head a lot? Have you tried any medications at home? LIST

~~Washing and washing and it just keeps coming

Does Dallas have a recent history of swimming, bathing, or a moist environment? ~~NO

Are any other pets or people in the house affected? -NO

Was there a traumatic event, and if yes, when?

Any other concerns/problems for the doctor to address?

If needs sedated please call 775-455-5501

Page 9 of 14

Nov 22, 2017 (775) 738-6116

## Patient Physical Examination

Temperature =  $101.1^{\circ}$  F (normal =  $100-102.5^{\circ}$  F) Heart Rate = 120 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm) Respiratory Rate = 50 panting (normal dog = 10-40, normal cat = 16-40)

Body Weight = 95.6 lbs./oz. Body Condition Score = 4 (1-5) Dental Grade = 2 (0-4)

BAR, MM-pink, CRT<2.5 seconds
Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong
Abdomen/ inguinal rings and umbilical region palpate normal
Peripheral lymph nodes palpate normal
Eyes and nose are clear with no inflammation or discharge
Skin and coat condition is good
Hydration good-normal skin tent/turgor, mm-moist

## Videoscope Ear Exam

dark brown exudate and moderate to severe inflammation was noted in both ears the tympanic membranes appear to be intact ( not ruptured) no foreign body or parasites are visible

ear swab cytology---->3+ malassezia (yeast)

#### FINDINGS:

A: findings are consistent with mallasezia yeast otitis externa

#### **RECOMMENDATIONS:**

Scheduled Discharge Appt [TG]
Time Scheduled: 4:45 pm

O is from out of town and would like a call if P can go sooner- Call O at 455-5501- AM 6/19/15

Both ears were flushed with Oxyfresh[x]

Rx. Momentamax 15grams---> place 12 to 15 drops in both ear canals daily for 14 days ( ~12 hour following the ear lavage)

recheck ears in 10 to 14 days

Triamcinolone (Vetalog) [2 mg/ml] - 3.0 ml(s) administered IM [x]

History, Physical Exam Findings, Assessment, and Recommendations

Performed: 12/30/2013

Page 10 of 14

242

11/22/2017 07:10

Nov 22, 2017 (775) 738-6116

#### **OBSERVATIONS:**

Suture Removal and recheck ears

Removed 1 suture and incision started opening up. Will wait another 5 days. O said ears are good we can scope then in 5 days. kmk

FINDINGS:

#### **RECOMMENDATIONS:**

## History, Physical Exam Findings, Assessment, and Recommendations

Performed: 05/31/2013 OBSERVATIONS:

check cyst on back end. and P is having trouble jumping up into the patrol vehichle on his own, last couple days.

k9 is acting hesitant to jump in car.

## Patient Physical Examination

Heart Rate = 140 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bp Respiratory Rate = p (normal dog = 10-40, normal cat = 16-40)

Body Weight = 94 lbs./oz. Body Condition Score = 3 (1-5) Dental Grade = 1 (0-4)

BAR, MM-pink, CRT<2.5 seconds
Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong
Abdomen/ inguinal rings and umbilical region palpate normal
Peripheral lymph nodes palpate normal
Eyes, ears and nose are clear with no inflammation or discharge
Skin and coat condition is good
Hydration good-normal skin tent/turgor, mm-moist

no orthopedic abnormalities noted today very happy and engaged moving around exam room, up and down stairs, jumping up just fine not resentful with palpation of the stifles, hips, patellas ect

#### FINDINGS:

healthy canine

#### **RECOMMENDATIONS:**

sent with trial pack of rimadyl 100 -->1 tab once daily if no improvement, O will bring back for sedation and rads

Page 11 of 14

243

11/22/2017 07:10

Nov 22, 2017 (775) 738-6116

## History, Physical Exam Findings, Assessment, and Recommendations

Performed: 03/06/2013 OBSERVATIONS:

Patient History/Lifestyle Status and Vaccinations

Adult Dog Examination

What kind of food are you feeding and how much/frequency?

Pedigree 4-5 Cups a Day

Are there any concerns with Dallas's behavior/obedience?

No

Is Dallas currently on a heartworm/parasite program?

No

Does Dallas have a history of vaccination reactions?

No

Are there any other concerns/problems for the doctor to address?

Has bad gas, talk to O about switching diet to sensetive stomache formula see if that helps

Rabies and wellness exam

# Patient Physical Examination

Temperature = 100.8 <sup>O</sup> F (normal = 100-102.5 <sup>O</sup> F)
Heart Rate = 140 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm)
Respiratory Rate = Panting (normal dog = 10-40, normal cat = 16-40)

Body Weight = 92 lbs./oz. Body Condition Score = 3 (1-5) Dental Grade = 2 (0-4)

BAR, MM-pink, CRT<2.5 seconds
Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong
Abdomen/ inguinal rings and umbilical region palpate normal
Peripheral lymph nodes palpate normal
Eyes, ears and nose are clear with no inflammation or discharge
Skin and coat condition is good
Hydration good-normal skin tent/turgor, mm-moist

#### FINDINGS:

#### **RECOMMENDATIONS:**

#### Vaccinations

Dallas may experience mild side-effects such as lethargy and soreness at the injection site. Severe side effects are hives, facial swelling or vomiting. Please call the Clinic if a severe reaction occurs or Dallas doesn't return to normal in 24-48 hours.

Dallas received a **Rabies vaccination** today which is required by law. It takes 28 days for Dallas to be considered protected from Rabies if this is his first Rabies vaccination.

Rabies 3 year duration vaccination was injected subcutaneously (SQ) to the right side of midline of the dorsoscapular region.

Hi:

Page 12 of 14

244

11/22/2017 07:10

Nov 22, 2017 (775) 738-6116

Performed: 11/30/2012
OBSERVATIONS:
Suture Removal

FINDINGS:

#### **RECOMMENDATIONS:**

# History, Physical Exam Findings, Assessment, and Recommendations

Performed: 10/20/2012 OBSERVATIONS:

Wellness exam. Questions for MSP -- mcw

dog is doing good, eating and drinking well.

- ~~Owner has questions on nuetering and tail cropping.
- ~~dog has been scratching quite a bit lately. dog is in a new environment, came from California a week ago.
- ~~owner also has dietary questions. Dog is currently eating IAMS proactive, dog was on IAMS lamb, and the stools were very loose, but have firmed up some but not a lot since switching to IAMS proactive.
- ~~owner has own chip she would like put in dog.
- ~~dog is narcotics dog, so owner inquiring about a first aid kit for dog in case of ingestion, owner wondering if it is something they can carry in the ambulance.

# Patient Physical Examination

Temperature=100.2 <sup>O</sup>F(normal=(100-102.5 <sup>O</sup>F)
Heart Rate:=120 bpm (normal dog=60-160bpm, normal cat=120-240bpm)
Respiratory rate= panting (normal dog=10-40, normal cat=16-40)

Body Weight= 86 lbs./oz. Body Condition Score=2 (1-5) Dental grade (1-4)=2

BAR, MM-pink, CRT<2.5 seconds thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong abdomen/ inguinal rings and umbilical region palpate normal peripheral lymph nodes palpate normal eyes, ears and nose are clear with no inflammation or discharge skin and coat condition is good hydration good-normal skin tent/turgor, mm-moist

tail is very long and has tramatic contusion and bleeding a the tip mild generalized pruritis loose stool

Page 13 of 14

245

11/22/2017 07:11

Nov 22, 2017 (775) 738-6116

#### FINDINGS:

dog aggressivbe grade 2 periodontal disease mild pruritis /and loose stoool consistant with allergies

#### **RECOMMENDATIONS:**

Alflex ? microchip implanted in the dorsoscapular region[x] (YES Alan ALFLEX)

advised neuter and possible tail docking need dental cleaning and brushing at home Rx Fortiflora (#30) give 1 package Po SID

ok to give Benadyl 50mg PO BID to TID for itching

gave Anna Will Lehmann's name to contact for ideas on a first aid kit to carry Naloxone injectable in case of a barbiturate ingestion

MSP

For any questions on Dallas's health, please call the clinic.

Page 14 of 14

246

11/22/2017 07:11

No.: R006 L1 P.014/030

Elko Veterinary Clinic

Elko, NV

Nov 22, 2017 (775) 738-6116

**CLIENT INFORMATION:** 

Name: Lander County Sheriff's Office

Spouse:

Address: P.O. Box 1625

Battle Mountain, NV 89820

Balance: \$ 455.94 Phone: H: (775) 635-1100 W: (775) 635-1100 ext: 230

PATIENT CHART

PATIENT INFORMATION:

Name: Dallas Sex:

Birthday: 10/15/2010 17

ID Color Yellow Species: Canine Breed: Labrador Retriever

Age: 7 years and 1 month old Rabies Tag:

Weight:

38000 78lbs.

REASON FOR VISIT:

Reminders for: Dallas

01/07/2019 01/25/2020 01/25/2018

Rabies Distempter Parvo

Bordetella/Parainfluenza Intra Bordetella

Lyme Disease Lepto Rattle Snake Vaccine

Glucose Curve Canine Canine Influenza H3N8

11/17/2018

Wellness Exam

11/17/2017

Last Done

01/08/2016

01/25/2017

01/25/2017

MEDICAL HISTORY: Date By

Code

Description

Qty

SURGERY PERFORMED ON: 12/19/2014

Dental /

**PERFORMED BY: MIKE PERCHETTI** 

Wellness Exam - Dr.

PRE-Surgery:

Perchetti

Dental / Wellness Exam 12/19 VC

Class: Minimal

Risk

Weight 93.2 lbs

Surgery#:

Pre-Surgical History

11290

Dental

Has Dallas eaten in the past 12 hours? No, he has not eaten in the past 12 hours.

Has Dallas been ill recently?

No, he has not been ill recently.

Do you have any other questions/concerns for the doctor to address? No, I do not have any other questions/concerns.

BWT: 93.2 BW: W

Phone: 775-455-5501 Vaccs: Bordetella Medications: No

Pre-Operative Physical Examination

Temperature =  $100.5^{\circ}$  F (normal =  $100-102.5^{\circ}$  F)

Heart Rate = 80 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm)

Respiratory Rate = 10 (normal dog = 10-40, normal cat = 16-40)

Page 1 of 10

Nov 22, 2017 (775) 738-6116

Body Weight = 93.2 lbs./oz. Body Condition Score = 3 (1-5) Dental Grade = 2 (0-4)

BAR, MM-pink, CRT<2.5 seconds
Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong
Abdomen/ inguinal rings and umbilical region palpate normal
Peripheral lymph nodes palpate normal
Eyes, ears and nose are clear with no inflammation or discharge
Skin and coat condition is good
Hydration good-normal skin tent/turgor, mm-moist

### Physical Examination Findings

Attached gum is inflamed and swollen in some areas. Mouth is painful and Halitosis (odor) is noticeable.

There is up to 25% attachment loss in some areas around problem teeth.

There is increased pocket depth and have slight bone loss in problem areas, and some teeth may be showing signs of loosening.

Professional treatment and home care can prevent this form from becoming irreversible.

## **GRADE II Early Periodontitis**

Pre-surgical antibiotic injection - [Flocillin] peniciliin G procaine/ benzathine 3 cc SQ [x]

## Pre-op pain management medications:

NSAID- Carprofen [50 mg/ml] 2 ml SQ [x]

### Pre-Operative Medications used/doses:

Sedative-Acepromazine [10 mg/ml] 0.2 ml IM [x]
Narcotic/pain medication- Butorphanol [10 mg/ml] 0.3 ml IM [x]

### IV catheter/ IV fluid therapy

The hair was clipped and a 5 minute surgical prep was performed with povidone iodine solution and alcohol. A **20** g right cephalic IV cath. was placed, taped and flushed with heparinized saline. A 500ml bag of lactated ringers solution (LRS) was hung and started at **1.5** times maintenance rate.

### Induction Medications used/dose:

Propofol [10 mg/ml] 15 ml IV to effect

#### **IN-Surgery:**

## Oxygen/Inhalent Gas Anesthesia:

Oxygen/Isoflurane Flow Rates: 1.75 Liter/hour 2% ----> 1.5%. Endotracheal tube size 10 mm. The cuff was inflated and the rebreathing bag was monitored.

#### Anesthesia Patient Monitoring

ECG heart monitor and blood pressure monitors were started following anesthetic induction and continued through surgery

Mean arterial pressure(MAP) was greater than 70 throughout surgery

VetGuard monitor was used to monitor ECG, heart rate, body temperature, blood pressure, SpO<sub>2</sub>,

Page 2 of 10

248

11/22/2017 07:12

No.: R006 L1

P.016/030

Nov 22, 2017 (775) 738-6116

PCO2 -----> was normal throughout anesthesia

Respiration was also monitored by watching the rebreathing bag and chest movements.

**DENTAL SCALE and POLISH:** The entire arcade of teeth and oral cavity was examined for any disease process and evaluated and treated as needed. The teeth were scaled with Dentalaire ultrasonic "Piezo" scaler paying close attention to the gingival sulcus and direct contact time with the enamel surface. Ginival sulcus depths were measured and documented as needed for future reference of progression of peridontal condition. Once all tartar and plaque was removed the teeth were polished with Vetroson, a semi-dry, non-splattering Prophy-Polishing cleaning paste. The teeth were rinsed and dryed and then Ora Vet, an electrostatic barrier sealant, was applied to help slow down reattachment of oral bacteria to the surface of the tooth and retard the return of plaque.

no extractions, teeth cleaned up nice. no pockets or missing teeth, sms

## POST- Surgery Videoscope Ear Exam

Videoscope ear exam had wax obstructions but showed no sign of infection, parasites or foreign bodies and the tympanic membranes (ear drums) appeared normal. Ear Cleaning?

## Post-op/post- anesthetic recovery exam

Anesthetic recovery was monitored and observed entirely and was rapid and uneventful. Dallas was extubated when the swallow reflex had returned. Exam by the surgeon prior to discharge to the owner BAR, warm, and fully awake Removed IV Catheter [x]

## Recommended Treatment: At-Home Dental Care

Brushing once daily is best, just as it is for our teeth and gums. There are different styles of brushes available to ensure success. Do not use human toothpaste because pets will just swallow the paste when done being used on the teeth, plus poultry is a more tempting flavor for pets then wintergreen! Oral hygiene rinses are available for those pets that refuse to allow their teeth to be brushed. Used once daily, these rinses will kill bacteria in the mouth for 24 hours and help prevent the formation of plaque and tartar. Treated rawhides are available as possibly the easiest option for dental care. Given once daily, these treats, much like the rinses, will help to ward off bacteria and prevent formation of plaque and tartar. Plus with the treats, there is some mechanical removal of oral debris. Prescription diets are available that are designed to help decrease the amount of bacteria in the mouth and also to physically remove oral debris.

#### <u>Vaccinations</u>

Dallas may experience mild side-effects such as lethargy and soreness at the injection site. Severe side effects are hives, facial swelling or vomiting. Please call the Clinic if a severe reaction occurs or Dallas doesn't return to normal in 24-48 hours.

Bordetella/Parainfluenza intranasal vaccination aids in the prevention of acute tracheobronchitis and chronic bronchitis caused by Bordetella Bronciseptica a highly contagious airborne disease that is prevalent in northeastern Nevada. All dogs in the Elko and Battle Mountain area are at risk- not only those dogs that are boarded or kenneled. A 12 month duration (pending chance of exposure) Intranasal (nose drops) bordetella vaccination was given in each nostril. Occasionally a dog will experience a cough or sneeze after the intranasal Bordetella vaccination. [x]

Page 3 of 10

249

11/22/2017 07:12

No.: R006 L1

P.017/030

Nov 22, 2017 (775) 738-6116

Called Owner [x]sms

Time Owner was Contacted: 10:26 AM

Scheduled Discharge Appt [x] Time Scheduled: 5:05 pm 12/19 VC

SURGERY

PERFORMED ON: 12/16/2013

Dental.

PERFORMED BY : MIKE PERCHETTI, DVM

Dapp3 yr,

Wart

PRE-Surgery: Dental, Dapp 3yr and check cyst on hind end

removal-

78lbs

MSP

Class: Minimal Risk

Pre-Surgical History Other (Please Describe):

Surgery#: 9635

Has Dallas eaten in the past 12 hours?

No, he has not eaten in the past 12 hours.

Has Dallas been ill recently? No, Dallas has not been ill recently.

Do you have any other questions/concerns for the doctor to address?

No, I do not have any other questions/concerns.

BW: CBC/CHEM 10

**BWT: 78#** 

Vaccs: Distemper 3 yr {x}

Phone: 455-5501

Call before extractions

Remove cyst--possibly biopsy based on Dr. impression

## Pet Health Sceen (PHS) #1

CBC- RETIC (9.6), WBC (4.98), LYM (0.85), PLT (117), MPV (8.3), PCT (0.10)

Chemistry 10 Panel- All parameters are within normal limits.

## Pre-Operative Physical Examination

Heart Rate = 147 bpm (normal dog = 60-160 bpm, normal cat = 120-240 bpm)

Respiratory Rate = pant (normal dog = 10-40, normal cat = 16-40)

Body Weight = 78 lbs./oz.

Body Condition Score = 3 (1-5)

Dental Grade = 1 (0-4)

BAR, MM-pink, CRT<2.5 seconds

Thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong

Abdomen/ inguinal rings and umbilical region palpate normal

Peripheral lymph nodes palpate normal

Eyes, ears and nose are clear with no inflammation or discharge

Page 4 of 10

11/22/2017 07:12

Nov 22, 2017 (775) 738-6116

Skin and coat condition is good Hydration good-normal skin tent/turgor, mm-moist

#### Physical Examination Findings

Attached gum is inflamed and swollen in some areas.

Mouth maybe painful and Halitosis (odor) is noticeable.

There is less than 25% attachment loss in some areas around problem teeth.

There is increased pocket depth and have slight bone loss in problem areas, and some teeth may be showing signs of loosening.

Professional treatment and home care can prevent this from becoming irreversible.

### **GRADE I Early Periodontitis**

Pre-surgical antibiotic injection -[Flocillin] peniciliin G procaine/ benzathine 4 cc SQ [x]

## Pre-op pain management medications:

NSAID- Carprofen [50mg/ml] 1.5 ml SQ [x]

### Pre-Operative Medications used/doses:

Sedative-Acepromazine: (10mg/ml) 0.2 ml IM [x]

Narcotic/pain medication- (10mg/ml) Butorphanol: 0.35 ml [M [x]

### IV catheter/ IV fluid therapy

The hair was clipped and a 5 minute surgical prep was performed with povidone iodine solution and alcohol. A **20** g right cephalic IV cath. was placed, taped and flushed with heparinized saline. 1 Liter of lactated ringers solution (LRS) was hung and started at **2** times maintenance rate.

### Induction Medications used/dose:

Propofol [10mg/ml] 10 ml IV to effect

#### **IN-Surgery:**

## Oxygen/Inhalent Gas Anesthesia:

Oxygen/Isoflurane Flow Rates: 1.75 Liter/hour 2% ----> 1.5%. Endotracheal tube size 10.5 fr. The cuff was inflated and the rebreathing bag was monitored.

#### Anesthesia Patient Monitoring

ECG heart monitor and blood pressure monitors were started following anesthetic induction and continued through surgery

Mean arterial pressure(MAP) was greater than 70 throughout surgery

VetGuard monitor was used to monitor ECG, heart rate, body temperature, blood pressure, SpO<sub>2</sub>,

PCO<sub>2</sub> -----> was normal throughout anesthesia

Respiration was also monitored by watching the rebreathing bag and chest movements.

Page 5 of 10

251

11/22/2017 07:13

No.: R006 L1

P.019/030

Nov 22, 2017 (775) 738-6116

**DENTAL SCALE and POLISH:** The entire arcade of teeth and oral cavity was examined for any disease process and evaluated and treated as needed. The teeth were scaled with Dentalaire ultrasonic "Piezo" scaler paying close attention to the gingival sulcus and direct contact time with the enamel surface. Ginival sulcus depths were measured and documented as needed for future reference of progression of peridontal condition. Once all tartar and plaque was removed the teeth were polished with Vetroson, a semi-dry, non-splattering Prophy-Polishing cleaning paste. The teeth were rinsed and dryed and then Ora Vet, an electrostatic barrier sealant, was applied to help slow down reattachment of oral bacteria to the surface of the tooth and retard the return of plaque. See attached dental chart/comments.

Teeth cleaned up well, mild staining on teeth

#### Lump Removal

The patient was placed in dorsal recumbency on a heated surgery table and the surgical site was clipped and a 10 minute surgical prep was performed using Techni-Care and alcohol. Aseptic surgical technique was followed for the entire surgery using a sterile drape, sterile gloves and a sterile surgery pack. An en bloc excision of the lump was made by making an elliptical incision encircling the mass providing at least 0.5 cm margins on all sides. Using metzenbalm scissors, blunt dissection was performed to isolate the lump further. The lump and adjacent tissue were removed. The skin was closed using 3-0 Fluropro SI ina simple interrupted pattern. The lump was not submitted histopathology because it was well circumscribed and consistent with a benign papilloma on gross appearance.

## **POST-Surgery**

#### Videoscope Ear Exam

Videoscope ear exam showed no sign of parasites or forgien bodies and the tympanic membranes (ear drums) appeared normal. Infection noted in both ears. Cleaned both ears with oxyfresh.

## Post-op/post- anesthetic recovery exam

Anesthetic recovery was monitored and observed entirely and was rapid and uneventful. Dallas was extubated when the swallow reflex had returned.

Exam by the surgeon prior to discharge to the owner BAR, warm, and fully awake

Removed IV Catheter [x]

## Recommended Treatment: At-Home Dental Care

Brushing once daily is best, just as it is for our teeth and gums. There are different styles of brushes available to ensure success. Do not use human toothpaste because pets will just swallow the paste when done being used on the teeth, plus poultry is a more tempting flavor for pets then wintergreen! Oral hygiene rinses are available for those pets that refuse to allow their teeth to be brushed. Used once daily, these rinses will kill bacteria in the mouth for 24 hours and help prevent the formation of plaque and tartar. Treated rawhides are available as possibly the easiest option for dental care. Given once daily, these treats, much like the rinses, will help to ward off bacteria and prevent formation of plaque and tartar. Plus with the treats, there is some mechanical removal of oral debris. Prescription diets are available that are designed to help decrease the amount of bacteria in the mouth and also to physically remove oral debris.

#### **Vaccinations**

Dallas may experience mild side-effects such as lethargy and soreness at the injection site. Severe side effects are hives, facial swelling or vomiting. Please call the Clinic if a severe reaction occurs or Dallas doesn't return to normal in 24-48 hours.

The distemper combination vaccine is composed of Parvo Virus, Distemper Virus, Parainfluenza Virus, Adenovirus. A DHPP 3 year duration vaccination was injected subcutaneously (SQ) in the

Page 6 of 10

252

11/22/2017 07:13

Nov 22, 2017 (775) 738-6116

midline of the dorsoscapular region.

## Medications

Mometamax 15 gm is a topical ear medication composed of an antibiotic (gentamicin), anti-yeast (clotrimazole) and an anti-inflammatory (mometasone). Side-effects may include increased drinking/urination, ear toxicity, kidney toxicity and skin irritation. Do not use in pregnant animals. Do not use in a pet's ear if the ear drum has been ruptured. Apply 8-10 drops to both ears every 24 hours for 10 days

Filled by: MAF Verified by: MSP

post op call RTG @ 3:30[x] kmk

SURGERY

PERFORMED ON: 11/09/2012

Tail dock, Dental - DJR PERFORMED BY : DANIEL RICHARDSON DVM

PRE-Surgery:

Class: Minimal Risk

Surgery#: 7690

Pre-Surgical History

Dog tail dock/ dental/ nail trim.

Has Dallas eaten in the past 12 hours? No, he has not eaten in the past 12 hours.

Has Dallas been ill recently? No, Dallas has not been ill recently.

Do you have any other questions/concerns for the doctor to address?

No, I do not have any other questions/concerns.

Wants it the length on Pointer tail.

weight:89 BW: on estimate contact: 775-455-5501

# Pet Health Sceen (PHS) #1

CBC- all parameters are with-in normal limits

**Chemistry Panel** all parameters are with-in normal limits

### Pre-Op Exam

BAR, MM-pink, CRT<2.5 sec

thoracic auscultation-lungs clear, heart rate and rhythm are normal, pulse strong, hydration good-normal skin tent/turgor, mm-moist abdomen and peripheral lymph nodes palpate normal

## Physical Examination Findings

Attached gum is inflamed and swollen in some areas

Mouth is painful and Halitosis (odor) is noticeable

There is up to 25% attachment loss in some areas around problem teeth

There is increased pocket depth and have slight bone loss in problem areas, and some teeth may be showing signs of loosening

Professional treatment and home care can prevent this form from becoming irreversible.

Page 7 of 10

253

11/22/2017 07:14

No.: R006 L1

P.021/030

Nov 22, 2017 (775) 738-6116

### **GRADE II Early Periodontitis**

Pre-surgical antibiotic injection -[Enrofloxacin Baytril [100mg/ml] 1ml administered IM[x] ceftiofur sodium (naxcel 50mg/ml) 2ml SQ [x]

## Pre-op pain management medications:

NSAID- Carprofen [50mg/ml] 2ml SQ

## Pre-Operative Medications used/doses:

Sedative-Acepromazine: (10mg/ml) 0.3ml IM

Narcotic/pain medication- (10mg/ml) Butorphanol: 0.4ml IM

### IV catheter/ IV fluid therapy

The hair was clipped and a 5 minute surgical prep was performed with povidone iodine solution and alcohol. A **20**g right cephalic IV cath. was placed,taped and flushed with heparinized saline. 1 Liter of lactated ringers solution (LRS)was hung and started at **1.5** times maintanance rate.

#### Induction Medications used/dose:

ketamine 100 mg/ml: 1 ml IV diazapam 5 mg/ml: 1 ml IV

#### Oxygen/Gas Anesthesia:

Oxygen/Isoflurane Flow Rates: 1.75 Liter/hour 2 % endotracheal tube size 10.5 mm The cuff was inflated and the rebreathing bag was monitored

DJR

#### IN-Surgery:

#### Oxygen/Gas Anesthesia:

Oxygen/Isoflurane Flow Rates: 1.75 Liter/hour 2 % isoflurane--->1.5 % maintenance

#### Anesthesia Patient Monitoring

ECG heart monitor and blood pressure monitors were started following anesthetic induction and continued through surgery

Mean arterial pressure(MAP) was greater than 70 through out surgery

VetGuard monitor was used to monitor ECG, heart rate, body temperature, blood pressure, SpO<sub>2</sub>,

PCO<sub>2</sub>, -----> was normal through out anesthesia

respiration was also monitored by watching the rebreathing bag and chest movements

**DENTAL SCALE and POLISH:** The entire arcade of teeth and oral cavity was examined for any disease process and evaluated and treated as needed. The teeth were scaled with Dentalaire ultrasonic "Piezo" scaler paying close attention to the gingival sulcus and direct contact time with the enamel surface. Ginival sulcus depths were measured and documented as needed for future reference of progression of peridontal condition. Once all tarter and plaque was removed the teeth were polished with Vetroson, a semi-dry, non-splattering Prophy-Polishing cleaning paste. The teeth were rinsed and dryed and then Ora Vet-an electrostatic barrier sealant, was applied to help slow down reattachment of oral bacteria to the surface of the tooth, and retard the return of plaque. See attached dental chart/comments

slightly discolored / red-tinged upper right canine. in solid. otherwise unremarkable dental. teeth

Page 8 of 10

254

11/22/2017 07:14

No.: R006 L1

P.022/030

Nov 22, 2017 (775) 738-6116

scaled and polished up nicely.djr/amj

#### Tail dock:

Handler marked tail for AMJ.

clipped and prepped the tail aseptically. used sterile gloves, instruments, drape ect. cap, gown, mask. positioned patient in sternal recumbency. draped tail in sterily. applied torniquet to base of tail made a "v" shaped incision / concave shaped incision on the dorsal and ventral aspect of the tail according to handler marks. sharply dissected down to the coccideal vertebra and disarticulated the desired coccideal joint. Sutured vasculature with 2-0 PDS, removed torniquet--> no hemorrhage noted. closed soft tissues at tail tip with 2-0 PDS SI. closed skin with 2-0 prolene SI.

# POST- Surgery Videoscope Ear Exam

Videoscope ear exam showed no sign of infection, parasites or forein bodies and the tympanic membranes( ear drums) appeared normal

## Post-op/post- anesthetic recovery exam

Anesthetic recovery was monitored and observed entirely and was rapid and uneventful. patient was extubated when the swallow reflex had returned. exam by the surgeon prior to discharge to the owner

## Recommended Treatment: At-Home Dental Care

Brushing once daily is best, just as it is for our teeth and gums. There are different styles of brushes available to ensure success. Do not use human toothpaste because pets will just swallow the paste when done being used on the teeth, plus poultry is a more tempting flavor for pets then wintergreen!

Oral hygiene rinses are available for those pets that refuse to allow their teeth to be brushed. Used once daily, these rinses will kill bacteria in the mouth for 24 hours and help prevent the formation of plaque and tartar.

Treated rawhides and kitty treats are available as possibly the easiest option for ~~ dental care. Given once daily, these treats, much like the rinses, will help to ward off bacteria and prevent formation of plaque and tartar. Plus with the treats, there is some mechanical removal of oral debris.

Prescription diets are available that are designed to help decrease the amount of bacteria in the mouth and also to physically remove oral debris.

cephalexin 500 mg; 2 capsules orally BID until gone Rimadyl trial pack 75 mg: 1 tablet BID until gone send pet with e-collar suture removal in 10-14 days

DJR

Chart checked through this time. JF 11/9/12

### 11/10/12

AM BAR>tail dock site looks good, no drainage or concerns. Fed canned adult which dog ate it right down, sis

AM RX: Cephalexin 500mg 2 capsules PO BID [x]sjs
Rimadyl 75mg 1tab PO BID[x]sjs
pet is good to be discharged at any time. suture removal in 10-14 days.

Page 9 of 10

255

11/22/2017 07:15

No.: R006 L1

P.023/030

Nov 22, 2017 (775) 738-6116

must instruct handler to use E-Collar if patient is licking at tail DJR

For any questions on Dallas's health, please call the clinic.

Page 10 of 10

256

11/22/2017 07:15

No.: R006 L1 P.024/030

# Catalyst Dx,ProCyte Dx Date Performed: 10/11/2017 11:40 AM

Patient Info: ID: 42832 17

Name: Dallas Owner: Lander County Sheriff's

Office

Provider: AC

Species: Canine Breed: Labrador Retriever Birthdate: 10/15/2010

Sex: M

Clinic:

Elko Veterinary Clinic 1052 Colt Drive Elko, NV 89801

TIOVICE: AG				
GLU	115	74-143 mg/dL		Comments of the Comments of th
CREA	1.5	0.5-1.8 mg/dL	[	
BUN	20	7-27 mg/dL		
BUN/CREA	13		<del>2.5</del>	
PHOS	4.1	2.5-6.8 mg/dL		
CA	9.2	7.9-12.0 mg/dL		More than 1970
TP	7.1	5.2-8.2 g/dL		
ALB	2.9	2.3-4.0 g/dL		
GLOB	4.2	2.5-4.5 g/dL		
ALB/GLOB	0.7			
ALT	58	10-125 U/L	ſ	Homes of the second of the sec
ALKP	35	23-212 U/L		12 12 12 12 12 12 12 12 12 12 12 12 12 1
GGT	1	0-11 U/L	<u> </u>	
TBIL	< 0.1 <	0.0-0.9 mg/dL		
CHOL	178	110-320 mg/dL		
AMYL	695	500-1500 U/L		
LIPA	673	200-1800 U/L		
RBC	7.54	5.65-8.87 M/µL		(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
НСТ	45.2	37.3-61.7 %	<u></u>	

HGB	16.4	13.1-20.5 g/dL	(Caracina) (Mariana)
MCV	59.9 LOW	61.6-73.5fL	Ministration and the second se
мсн	21.8	21.2-25.9 pg	
МСНС	36.3	32.0-37.9 g/dL	Transport of the Park of the P
RDW	19.3	13.6-21.7 %	
%RETIC	0.3	%	
RETIC	24.1	10.0-110.0 K/µL	
WBC	6.62	5.05-16.76 K/μL	
%NEU	73.6	%	
%LYM	14	%	
%MONO	5.6	%	
%EOS	6.2	%	
%BASO	0.6	%	
NEU	4.87	2.95-11.64 K/μL	GOOD TO THE CONTROL OF T
LYM	0.93 LOW	1.05-5.10 K/µL	The second of th
MONO	0.37	0.16-1.12 K/μL	对 10 10 10 10 10 10 10 10 10 10 10 10 10
EOS	0.41	0.06-1.23 K/μL	
BASO	0.04	0.00-0.10 K/μL	11 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
PLT	218	148-484 K/µL	
MPV	8.6 LOW	8.7-13.2 fL	
PDW	9.0 LOW	9.1-19.4 fL	
PCT	0.19	0.14-0.46 %	報 <u> </u>

#### Catalyst Dx,ProCyte Dx Date Performed: 12/16/2013 10:48 AM

Patient Info: ID: 42832 17 Name: Dallas

Owner: Lander County Sheriff's

Office

Provider: MSP17

Species: Canine Breed: Labrador Retriever

**Birthdate**: 10/15/2010 **Sex**: M

Clinic:

Elko Veterinary Clinic 1052 Colt Drive Elko, NV 89801

Trovices in the Tr				
GLU	108	74-143 mg/dL		
BUN	20	7-27 mg/dL		
CREA	1.2	0.5-1.8 mg/dL		
BUN/CREA	17			
ТР	5.7	5.2-8.2 g/dL		
ALB	2.8	2.3-4.0 g/dL		
GLOB	2.9	2.5-4.5 g/dL		1
ALB/GLOB	1			
ALT	84	10-100 U/L		
ALKP	49	23-212 U/L		
RBC	6.42	5.65-8.87 M/µL	(2) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	
нст	40.6	37.3-61.7 %		
HGB	14.4	13.1-20.5 g/dL		
MCV	63.2	61.6-73.5 fL		
MCH	22.4	21.2-25.9 pg		
мснс	35.5	32.0-37.9 g/dL		
RDW	16.4	13.6-21.7%		
%RETIC	0.2	%		
RETIC	9.6 LOW	10.0-110.0 K/μL		

WBC	4.98 LOW	5.05-16.76 K/µL	Application of the state of the
%NEU	64.3	%	
%LYM	17.1	%	
%MONO	6.4	%	
%EOS	11.8	%	
%BASO	0.4	%	
NEU	3.2	2.95-11.64 K/µL	
LYM	0.85 LOW	1.05-5.10 K/µL	
MONO	0.32	0.16-1.12K/µL	
EOS	0.59	0.06-1.23 K/μL	
BASO	0.02	0.00-0.10 K/μL	
PLT	117 LOW	148-484 K/µL	Provide A Tomorrow (Company of the Company of the C
MPV	8.3 LOW	8.7-13.2 fL	101 (101 (101 (101 (101 (101 (101 (101
PDW	9.7	9.1-19.4 fL	
PCT	0.10 LOW	0.14-0.46%	

# ProCyte\_Dx,Catalyst\_Dx Date Performed: 11/09/2012 11:55 AM

Patient Info: ID: 42832 17 Name: Dallas

Owner: Lander County Sheriff's

Office

Provider: DJR20

Species: Canine

Breed: Labrador Retriever Birthdate: 10/15/2010

Sex: M

Clinic:

Elko Veterinary Clinic 1052 Colt Drive

Elko, NV 89801

TTOVIDET. DST(20				
GLU	93	74-143 mg/dL		The state of the s
BUN	17	7-27 mg/dL		
CREA	1.4	0.5-1.8 mg/dL	<u> </u>	# 1 mm
BUN/CREA	12			
TP	6.2	5.2-8.2 g/dL		
ALB	2.6	2.3-4.0 g/dL		100 (100 (100 (100 (100 (100 (100 (100
GLOB	3.6	2.5-4.5 g/dL		
ALB/GLOB	0.7			
ALT	59	10-100 U/L	-	TANKE TO THE TANKE
ALKP	48	23-212U/L	<u> </u>	
RBC	6.02	5.65-8.87 M/μL		The state of the s
HCT	38.4	37.3-61.7%		
HGB	14	13.1-20.5 g/dL		A Company of Table 1
MCV	63.8	61.6-73.5 fL		
MCH	23.3	21.2-25.9 pg		
MCHC	36.5	32.0-37.9 g/dL		
RDW	15.9	13.6-21.7 %		The state of the s
%RETIC	0.3	%		
RETIC	16.3	10.0-110.0 K/µL		(2) (2) (2) (3) (3) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4

WBC	7	5.05-16.76 K/µL	
%NEU	73.2	%	
%LYM	14.9	%	
%MONO	4.9	%	
%EOS	6.4	%	
%BASO	0.6	%	
NEU	5.13	2.95-11.64 K/μL	
LYM	1.04 LOW	1.05-5.10 K/µL	
MONO	0.34	0.16-1.12K/μL	
EOS	0.45	0.06-1.23K/μL	STATE OF THE STATE
BASO	0.04	0.00-0.10K/µL	The state of the s
PLT	164	148-484 K/µL	April 1996 1
MPV	8.2 LOW	8.7-13.2 fL	TOTAL THE TANKS TOTAL TOTAL TOTAL
PDW	8 LOW	9.1-19.4fL	
РСТ	0.13LOW	0.14-0.46%	HEREN THE PARTY OF

# Memorandum

To: Sheriff Unger

CC: Under Sheriff Quick

From: Deputy Stephen Priest

**Date:** 11/22/2017

Re: Dallas

Due to Dallas's health issues and the decrease in ability to perform his duties fully, I would like to request that he be retired from active service immediately. I would also like to request that Dallas, continue to reside with me and my family, as he has become a part of our family and not just a work partner. I understand that due to Dallas being issued equipment, I may have to purchase him from the County and I am prepared to do this.

Thank you for your consideration,

Deputy Stephen Priest

RECEIVED

NOV 2 2 2017

BY: TIC

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

	Agenda	Item	Number	10	
--	--------	------	--------	----	--

### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action regarding the augmentation of the current Sheriff's Office budget line 001-012-53121 in the amount of \$18,000.00 for the purchase, training and certification of a replacement Narcotics Detection and Tracking canine and training and certification of the handler, and all other matters properly related thereto.

Public Comment:
Background: Attached quotes.
Recommended Action:



## AGENDA REQUEST FORM

COMMISSIONER MEETING DATE: 01/11/2018

NAME: Robert Quick	REPRESENT	ING: Lander County Sh	eriff's Office
ADDRESS: 2 State Route 305,	, Battle Mountain, Nevada 8982	0	
PHONE (H): 775-635-1100	(W): 775-635-1 <u>100</u>	(FAX): _775-6	335-2577
WHICH NUMBER SHOULD V	WE CALL DURING NORMAL	BUSINESS HOURS:	775-635-1100
WHO WILL BE ATTENDING	THE MEETING: Sheriff / Self		<u> </u>
JOB TITLE: Undersh	eriff		
SPECIFIC REQUEST TO BE P Discussion and possible action 001-012-53121 in the amount of Detection and Tracking canine thereto.	regarding the augmentation o of \$18,000 for the purchase, tra	of the current Sheriff's O ining and certification	of a replacement Narcotics
WHAT ACTION WOULD YOU Augment the budget line			
ARE THERE ANY COSTS ASS AMOUNT: \$18,000		(4)	YES NO
HAS THIS ISSUE BEEN DISCUMEN?	USSED AT A PRIOR COMMI	SSION MEETING?	YES NO
WILL YOU BE PRESENTING	WRITTEN INFORMATION A	T THE MEETING?	YES NO
HAVE YOU DISCUSSED THIS	S ISSUE WITH THE AFFECTI	ED DEPT HEAD?:	YES NO
FOR REVIEW BY;			
AIRPORT	DIST. ATTY.	SENIOR CTR.	
	EXE. DIR.	SHERIFF _	2
	FIRE GOLF	SOCIAL SVC TREASURER	
~ (Control of the Control of the Con	PUBLIC WORKS	W & S	
CLERK COMM. DEVT	RECORDER	OTHER _	
THE EXECUTIVE DIRECTO TABLING ALL AGENDA RE			
ALL INFORMATION STATED	) IS CORRECT AND TRUE TO	O MY KNOWI EDGE	
re Field		o III KNO II EEDOE.	Ï 1
e rieid		DATE:	SINCLEGIL

BOARD MEETS THE  $2^{\text{ND}}$  and  $4^{\text{TH}}$  ,Thursday of each month commission fax (775) 635-5332

# Memorandum

To:

Sheriff Unger

CC:

Under Sheriff Quick

From:

Deputy Stephen Priest

Date:

12/1/2017

Re:

New K9

I have spoken to multiple agencies here in Nevada about where they have gotten their K9's when a new one is required. Reno Police, Washoe County Sheriff's Office and Carson City Sheriff's Office have all been buying trained K9's from Von Liche. This is the same company where Dallas was purchased from. Sparks Police and Las Vegas Metro Police have both been purchasing K9s from Adlerhorst International. Both of these companies are located in Southern California and I have attached quotes from both for the purchase and training of a new K9.

Las Vegas Metro Police has also purchased K9s from Gold Coast K9. When I spoke to them they stated that they do not train K9 for tracking that are not also trained in apprehension (bite dogs).

Thank you for your consideration,

Deputy Stephen Priest

RECEIVED

DEC 0 1 2017

BY: XX

1

# Vohne Liche Kennels, Inc. 7953 N Old Rt 31 Denver, IN 46926

# **Cost Quote**

Date	Estimate #
11/8/2017	7577

Bill To	
Lander County Sheriff Office Attn: Accounts Recievable Post Office Box 1625 Battle Mountain, NV 89820	

P.O. No.	Terms	Due Date	VLK Rep		Contact #
	Net 30	12/8/2017	LAP		
Descr	iption		Qty	Rate	Total
Single Purpose Narcotic Detector	Dog Class. 3 Weeks		1	5,000.00	5,000.00
Single Purpose Narcotics Dog. Guarantee: Effective from date of p Skeletal 12 Months. If a genetic or will be replaced. Vet report must a Workability 6 Months, Compatibil	hereditary problem is ecompany K-9 on retu	s found K-9	1	8,000.00	8,000.00T
Combo Discount		De Bare (EB) A grafi The Bare (Bare) Bare	1	-2,000.00	<b>-2</b> ,000.00T
Add tracking to canine				2,000.00	2,000.00
TAX ID # 35-2148814					0.00
This estimate is good inquiry.	for ninety day	s. Thank yo	ou for your	Subtotal	\$13,000.00
(765) 985-2274 Phone (765) 985-2595 Fax			Sales Tax (0.0%)		
www.vohneliche.com				Total USD	

## ADLERHORST INTERNATIONAL LLC

3951 Vernon Ave. Jurupa Valley, CA 92509

# **QUOTE ONLY**

Date	Quote #
11/14/2017	071701

#### Name / Address

Lander County Sheriff's Office Deputy Stephen Priest #2 State Route 305 Battle Mountain NV 89820 775-635-1100/455-6871

nd elbows are x-rayed and a vet check is prior to shipping. bossess the qualities needed to be an assistant ment and the general public as well as meet or rent detection standards, including but not fornia P.O.S.T., SWGDOG, NPCA and		10,000.00	10,000.00T
nipping Surcharge ng prices due to the security and shipping of m Europe into the United States		250.00	250.00
ction Course		5.000.00	5,000.00
Course	20 100 1-10 100 A		5,000.00
nar lerhorst.com/dog-training/patrol/ lerhorst.com/dog-training/class-schedule/ lescription and schedule included above		1,000.00	1,000.00
	ng prices due to the security and shipping of m Europe into the United States  etion Course Course nar lerhorst.com/dog-training/patrol/ lerhorst.com/dog-training/class-schedule/	nipping Surcharge ng prices due to the security and shipping of m Europe into the United States  etion Course Course nar lerhorst.com/dog-training/patrol/ lerhorst.com/dog-training/class-schedule/	nipping Surcharge ng prices due to the security and shipping of m Europe into the United States  etion Course Course 1,000.00 nar 1,000.00 lerhorst.com/dog-training/patrol/ lerhorst.com/dog-training/class-schedule/

All merchandise subject to California sales tax.


Subtotal	\$21,250.00
Sales Tax (7.75%)	\$775.00
Total	\$22,025.00

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	11

#### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action to approve/disapprove Day Engineering's Professional Engineering Services Proposal for Water Reclamation Facility Overflow Pond Lining at the sewer plant in an amount not to exceed \$73,000.00, and all other matters properly related thereto.

**Public Comment:** 

Background: Exhibit "A" Scope of Work Attached

Recommended Action: Approval

## AGENDA REQUEST FORM

COMMISSIONER MEETING DATE: Jan. 11, 2018  NAME BERT RAMOS REPRESENTING: Public WA  ADDRESS: 550W, 2nd H. Bond  PHONE(H): 635-2728 (W): 455-6860 (FAX): 635-  WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSING HOURS: 635-2728  WHO WILL BE ATTENDING THE MEETING BERT RAMOS	-3801 NE	VADA 2
JOB TITLE Public WORKS DIROCHOR		
SPECIFIC REQUEST TO BE PLACED ON THE AGENDA: DISCUSSION & PO Approve I al Sapprove Day Engineering of Solvice Proposal for "Water Regionation For BACKGROUND INFORMATION EVALUATE LA SCORO OF	ssible an ofersional	Lion to Engine ep Flou
	WORK	
WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE	· Appro	ve
ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST:  AMOUNT:	YES	NO
HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING?	YES	NO V
HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS	YES 1/	
ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST - NOT A		NO
IS ALL THE BACKUP MATERIAL ATTACHED TO THIS AGENDA REQUEST?	YES (	No
IF THE ITEM IS A CONTRACT AND/OR AGREEMENT, OR REQUIRES LEGAL REVI BY THE DISTRICT ATTORNEY'S OFFICE PRIOR TO AGENDA SETTING OR IT WILL HAS THE DISTRICT ATTORNEY'S OFFICE PROVIDED THE REQUIRED REVIEW?	FW IT MUST BE	NO REVIEWED E AGENDA.
THE COMMISSIONERS RESERVE THE RIGHT TO REJECT OR RECOMMEN	ID TABLING ALL	
REQUESTS FOR INSUFFICIENT INFORMATION.		
ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.	12 10 01	>
DATE	1014	

BOARD MEETS THE 2<sup>NO</sup> AND 4<sup>TH</sup> THURSDAY OF EACH MONTH COMMISSION FAX (775) 635-5332



### 5 EAST PARK STREET • FALLON, NEVADA 89406 • (775) 423-9090 "EXHIBIT A – SCOPE OF WORK"

December 6, 2017

Mr. Bert Ramos – Lander County Public Works Director LANDER COUNTY PUBLIC WORKS 50 State Route 305 Battle Mountain, Nevada 89820

RE: PROFESSIONAL ENGINEERING SERVICES PROPOSAL FOR WATER RECLAMATION FACILITY OVERFLOW POND LINING

Mr. Ramos;

At the request of Public Works, Day Engineering is pleased to submit the following professional engineering services proposal to provide design, bid assistance and construction administration services for the Water Reclamation Facility Overflow Pond Lining as designated by Public Works. The area of improvements has been identified as shown on the attached map.

TASK 1 – SURVEYING \$ 5,000

Day Engineering will utilize High Desert Engineering from Elko, Nevada for surveying services. Surveying will include developing topography around the existing empty overflow pond in order to produce plan and pond section drawings of the proposed lining improvements. USA locates will be contacted prior to surveying and all existing infrastructure will be presented on the Plans to avoid potential conflicts.

### TASK 2 - 50 PERCENT DESIGN

\$ 19,000

The design includes development of Plans and Construction Documents for bidding purposes. A 50-percent design product will be provided to Lander County Public Works for review and comment prior to completion of the design in preparation of bidding. Design will include plan and sections of the overflow pond and will also include liner weld seams, pipe boots, vents, ladders and details of pertinent components of the Project. Anchor trench details will also be provided.

Construction Documents will include bid and contract documents, general and special conditions and technical specifications. The construction documents will be consistent with the previous projects recently completed. All permitting requirements with NDEP, Bureau of Water Pollution Control will also be provided. A copy of the current State Prevailing Wage Rates for Lander County will be included. Fees associated with permitting are included in this task.

### TASK 3 – FINAL DESIGN

\$ 12,000

Pending Public Works review, a final set of Plans and Specifications will be developed incorporating all comments. Two sets of Plans and Specifications will be submitted to the Bureau of Water Pollution Control for final approval. Any comments provided by the review agency and the County will be incorporated into the final set of Plans and Construction Documents for bid solicitation.

Mr. Bert Ramos – Lander County Public Works Director Professional Engineering Services Proposal December 6, 2017 Page 2

### TASK 4 – BID SOLICITATION

\$ 7,000

Day Engineering will assist Public Works in advertising and soliciting bids for the project including conducting a pre-bid meeting and addressing any addendums that may arise during the bidding process. Plans and Construction Documents reproduction costs are included in this task. Day Engineering will also review bids and present a recommendation for award to the Lander County Public Works Department based on the bid results.

### TASK 5 - CONSTRUCTION ADMINISTRATION

\$ 25,000

Construction administration includes conducting a pre-construction meeting to discuss the Contractor's proposed schedule and proposed construction plan, staging areas and lining schedule as ambient temperature plays a major role in liner installation. Equipment and material submittals will be provided by the Contractor and reviewed by Day Engineering for conformance to the approved Plans and Specifications.

Construction Administration will also include full time inspections during construction. Daily inspections will be performed throughout the entire construction phase of the Project. A testing firm, Black Eagle, from Reno, will be utilized to perform special testing of the liner. The estimated duration of the construction phase is approximately 3 months. Weekly meetings will be conducted to maintain construction schedules and Contractor questions related to field issues will be managed by Day Engineering. All field reports and construction photos will be catalogued and provided to Public Works upon project completion.

In addition to full time inspection, compaction tests at various locations on the pond floor will be conducted in accordance with Orange Book Standards. Thurston Testing out of Elko, Nevada will perform all compaction testing throughout the construction phase of the Contract and monitor compaction efforts. Testing results will be finalized in a summary report and provided to Public Works upon project completion.

Pay requests will be processed by Day Engineering prior to recommendation to Lander County Public Works for approval and payment. Quantities and percentage of tasks completed will be field verified by the Inspector prior to processing of any pay requests. All pay request and change orders as well as project progress meetings and project summaries will be developed by Day Engineering.

### TASK 6 - RECORD DRAWINGS

\$ 5,000

Record drawings of the completed work will be developed and provided to Public Works pending completion of the Project. Two hard copy sets of Record Drawings will be provided including a CD of the Record Drawings in AutoCAD version 17 and PDF format. All field reports and construction photos will also be provided at the conclusion of the Project.

### ENGINEERING SERVICES PROPOSAL TOTAL NOT-TO-EXCEED \$ 73,000

The professional engineering services fee of \$73,000 is a <u>time and materials</u>, not-to-exceed fee pursuant with the attached fee s schedule. Payment of services is due upon receipt of invoices.

Mr. Bert Ramos – Lander County Public Works Director Professional Engineering Services Proposal December 6, 2017 Page 3

Day Engineering appreciates the opportunity to provide this proposal for your review and look forward to a successful project. If you have any questions or wish to discuss any aspect of this proposal, please do not hesitate to call the undersigned at (775) 423-9090.

Sincerely,

DAY ENGINEERING

maitin Ugalde

Martin Ugalde

Enclosures

cc:

Keith Westengard - Lander County Executive Director

Stephanie Colorado - Day Engineering

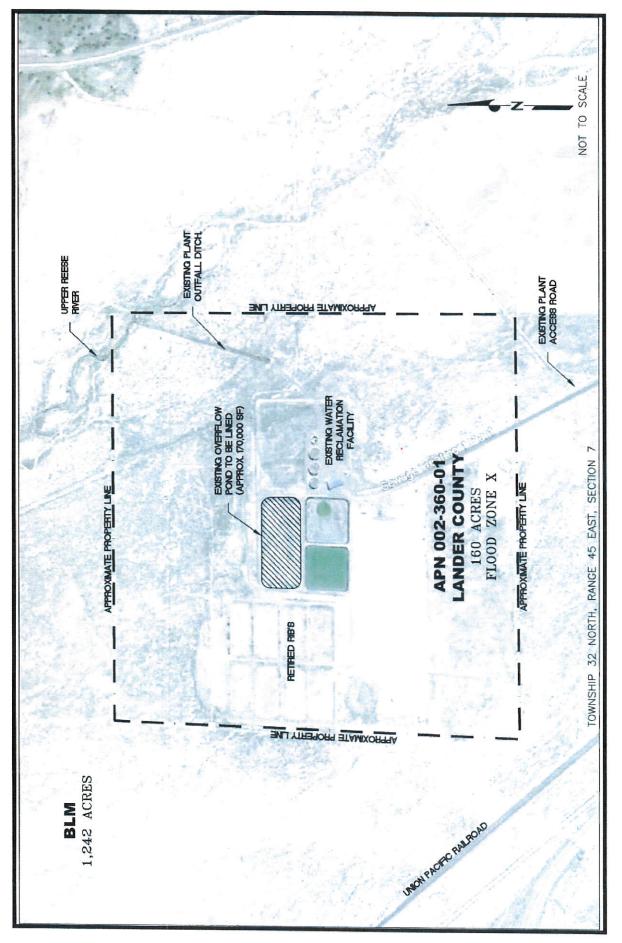
Dean Day, P.E. - Principal, Day Engineering

C:\\$DayEngineering\Lander\Battle Mtn\WWTP Overflow Pond Liner\docs\Proposal.docx

## BATTLE MOUNTAIN WATER RECLAMATION FACILITY OVERFLOW POND LINING PROJECT PRELIMINARY COST ESTIMATE **DECEMBER 2017**

0	<b>OVERFLOW POND LINER</b>	LINER		
ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
Mob Demob	_	ST	\$25,000	\$25,000
Site Grading	_	rs	\$25,000	\$25,000
Geonet	170,000	SF	\$0.85	\$144,500
HDPE Liner	170,000	SF	\$1.00	\$170,000
Unclassified Excavation	_	rs	\$50,000	\$50,000
Re-establish Exist. Perimeter Road	1500	H	\$15	\$22,500
Force Account	_	rs	\$50,000	\$50,000
CONSTRUCTION TOTAL				\$487,000
ENGINEERING (15%)				\$73,050
PROJECT TOTAL				\$560,050

# BATTLE MOUNTAIN WATER RECLAMATION FACILITY OVERFLOW POND LINING





### LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	12	

### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action to approve/disapprove a modified agreement between Lander County and Land Venture Partners, LLC for the land re-alignment for the Battle Mountain Levee Project, and all other matters properly related thereto.

**Public Comment:** 

Background: Modified agreement attached

Recommended Action: Approval of modified agreement.

### New, Modified Contract

### **Project Collateral Listing** 011-080-09, 011-220-01, 011-160-01, 011-160-02, 011-220-03, 011-240-07, 011-190-04, 011-080-07, 011-110-12 Land Owner **Assessor Parcel Numbers** Telephone Number Tax ID/EIN Number Please Provide the Following: \_\_\_\_ W-9 Proof of Ownership \_\_\_\_\_ Lander County Business License Principal Officers: **NAME** TITLE **SIGNATURE** Owners Not Listed Above: **NAME** TITLE **SIGNATURE** , certify that the above lists include all officers, owners and financial partners of the above mentioned firm-corporate structure to the best of my knowledge. (Owner 1 Signature) (Date) (Owner 2 Signature) (Date)

	This Contract made and entered into or the	20
1 (5)	This Contract made and entered into on the day of day between Battle Mountain Land Company, LLC, hereinafter designated as the Owander County, hereinafter designated as the County.	20, ner, and
	Lander County and the Owner agree and bind and obligate themselves as follow	s:
Key Te necess releva	Lander County to provide a domestic water transmission mainline (hereinafter "tance with the plans and specifications to be provided, to the locations outlined in erm and Clarification document. Lander County also agrees and obligates itself to sary and/or required approvals and/or acknowledgements from any agencies who int to the work. Lander County and the Owner, further agrees and obligates them is listed herein.	the attached obtain all se jurisdiction is
amour	Owner agrees, binds, and obligates Land Venture Partners, LLC to pay Lander Cont of \$_500,000.00 Payments will be taken per the below listed Payments Sch	ounty a fixed fee edule.
	Commencement of Work:	
constr delaye variati and/or consid sufficie applica	Construction will commence on or about February 1, 2018 (weather permential completion of the work will be days after commuction. However, this time period may, at Lander County's option, be extended if ad due to weather, fire, strikes, material shortages, or Acts of God, Owner delays, ons in the construction process including, but not limited to, the selection, ordering installation of Owner selections. Failure of Lander County to timely complete shall be default. The date of Substantial completion shall be that date when the world entity enough to enable the Owner to apply for and obtain domestic tie-in approvalation, not included herein, will be required all proposed tie-in locations. All connection per the Lander County fee scheme.	nencement of construction is or other normal og, manufacture, all not be k is completed ls. Separate ction fees will be
	Owner Obligations:	
contra which shall in Howev and re includi trip ch and ag	Owner further agrees to cooperate with and make every reasonable effort to reing Lander County and/or the work. Owner shall allow Lander County and/or emactors and/or subcontractors of Lander County to have continuous access to the post the work is to be performed during the construction period, all hours of the day. Include, but is not limited to leaving the premises unlocked regardless of the preserver, in the event that the Owner temporarily halts the work, Owner assumes any assponsibility for any and all costs associated with, related to, and/or arising from the ing, but not limited to, wages, loss of income, start-up costs, sub-contractor charges, delayed material delivery charges, and material loss charges. Owner further grees that upon execution of this contract, all changes to this agreement can only trual consent of Owner and the Lander County Board of Commissioners.	ployees, remises upon Such access ence of Owner. and all liability he work delay ges, additional er understands
	Payments Schedule:	
sched	The Owner shall provide Lander County \$500,000.00 in accordance with the foule:	llowing payment
1.	\$166,650.00 (33.33%) due at the time of initial contract submittal	Initial
2.	\$166,650.00 (33.33%) due at the End of the construction project	Initial
3.	\$166,700.00 (33.34%) due any time the new waterline is utilized or due by Monday, July 1st, 2019	Initial_

### **Key Terms**

1. Owner is to provide Lander County \$500,000.00 in fixed fee funding, to assist with the Airport Waterline Project.

### 2. Alignment:

 a. Per Sheet C2 (attached), Lander County will execute the initial waterline construction, with tie-in beginning near the County headquarters (Sta: 1+00) and perpetuate to the Lander County Airport (sta: 395+20); ONLY.

### 3. Easements:

- a. Owner agrees to dedicate a 60-foot Public Utility and full Access Easement (Right of Way) to the County, prior to beginning of the project within:
  - i. Station 117+16 to 177+40, per Sheet C2.
  - ii. Roadway that occupies the access easement is to be constructed by the County.
    - Construction will occur after the final payment is applied by Owner to Lander County for the <u>Airport Waterline Project</u>.
    - The County will construct the roadway within the next construction season following such payment.
  - Easements shall be recorded (by Owner) prior to construction, designated locations by the County
- b. Lander County will trade APN: 011-100-15 to Land Venture Partners, LLC as a trade for the easements outlined herein.
  - i. This agreement allows Lander County a Public Utility and Access Easement across what is currently APN: 011-220-01 & 011-080-09 in the amount of roughly 5,300 Linear Feet.
  - ii. No Roadway improvements will be completed by Lander County.
  - iii. Currently the easement is expected to be placed in the bottom third of APN: 011-220-01, running East to West.
  - iv. The final location of the easements shall be determined in the mutual reasonable discretion of Owner and Lander County.
  - v. Title too APN 011-100-15 shall be transferred to Owner prior to construction.
- c. Easements shall be recorded (by Owner) prior to construction, designated locations by the County.
- Each individual parcel with a segregated APN will be provided with one or more mainline stubs for future tie-in. All mainline and stubs will be located within the county Right of Way.
  - a. Maximum of 20 mainline stubs
  - b. Connection Fees still apply

- 5. Consensual Lien (Non-Purchase)
  - a. At the execution of this contract a Non-Purchase in the amount of \$500,000 lien will be placed on the listed parcels offered for collateral.
  - b. A portion of the lien will be discharged at each payment applied by the land Owner,
    - i. Lien Discharge will occur after each payment is applied, per the proposed payment schedule.
    - ii. Upon completion of the payment schedule, Lander County will remove the lien and provide Owner with a full reconveyance in recordable form.
    - Owner will have financier listed as primary lien holder, with Lander County as the second lien holder, unless financier is Owner or affiliated thereof.
    - iv. Owner shall be permitted to finance Owner's obligations under this agreement and grant liens as long as such liens are subordinate to Lander County's rights under this agreement.
- 6. Assignment: This agreement is nontransferable and is specifically created for the Owners, as conveyed to Lander County, Mr. Heath Rushing and Mr. Isaac Morrison, of Battle Mountain Land Company, LLC.
- 7. Attached to this contract as binding language is the original Key Terms and Clarification Document that supports and enforces the language stated Herein. Any and all conflicting language or terms, shall be superseded by this signed document.

The terms and conditions outlined herein shall be valid until February 15, 2018 unless Owner signs this agreement and provides the documentation required under this agreement on or prior to February 15, 2018, in which case this agreement shall be fully enforceable in accordance with its terms. Owner shall provide Lander County five (5) business day's notice of a final submittal, to establish a final submittal meeting. As listed herein, the Owner will provide all ownership documentation, initial payment and this signed agreement to the County prior to entering the meeting. The County, within the submittal meeting, will then provide final execution of the agreement; provided that, for the purpose of clarity, the County shall immediately refund to Owner the initial payment if County fails to counter-execute this agreement, and County's acceptance of the initial payment shall bind County to this provision even in the absence of such counter-execution. Any and all requested changes will not extend or reduce the above referenced term period. All time extensions will be per the Road and Bridge Department Director.

Owner 1 (Print)	_
Owner 1 (Signature)	Date

Owner 2 (Print)		
Owner 2 (Signature)	Date	
Lander County Commissioner Chair/Vice Chair		

## Original Contract approved on 11-30-17

original approved

	Project Collateral	Listing
Land Owner	_	011-080-09, 011-220-01, 011-160-01, 011-160-02, 011-220-03, 011-240-07, 011-190-04, 011-080-07, 011-110-12  Assessor Parcel Numbers
Tax ID/EIN Number	_	Telephone Number
Please Provide the Following:		
Proof of Ownership	W-9	Lander Count Business License
Principal Officers:		
NAME	TITLE	SIGNATURE
Owners Not Listed Above:  NAME	TITLE	SIGNATURE
		STOTATION
I,	, certify that the above la-corporate structure to the b	ists include all officers, owners and financial est of my knowledge.
(Signature)		(Date)

by and	between	entered into on the, hereing, hereinafter designated a	after designated as the	20, e Owner, and
	200	the Owner agree and bir	0.000 (0.000 (0.000 ) 0.000 (0.000	elves as follows:
Key To necess releva	lance with the plans and serm and Clarification docustry and/or required appr	le a domestic water transispecifications to be providument. Lander County alsovals and/or acknowledgeounty and the Owner, fur	led, to the locations or o agrees and obligate ements from any agen	utlined in the attached is itself to obtain all cies whose jurisdiction is
amour		nd obligates Land Venture Syments will be taken per		Lander County a fixed fee ents Schedule.
	Commencement of W	ork:		
constr delaye variati and/or consid sufficie herein	Intial completion of the wuction. However, this time of due to weather, fire, stons in the construction promise installation of Owner selected default. The date of ently enough to enable the will be required all proposition.	nence on or aboutFe ork will be240 ne period may, at Lander or rikes, material shortages, rocess including, but not li ections. Failure of Lander f Substantial completion s e Owner to apply for dom- osed tie-in locations. All of per the Lander County fee	days af County's option, be ex or Acts of God, Owne mited to, the selection County to timely comhall be that date wherestic tie-in. Separate connection fees will be	ter commencement of tended if construction is r delays, or other normal n, ordering, manufacture, uplete shall not be n the work is completed application, not included
	Owner Obligations:			
contra the wo include Howev and re includi trip ch and ag	ing Lander County and/or ctors and/or subcontractor ork is to be performed dur- e, but is not limited to lea- er, in the event that the esponsibility for any and al- ing, but not limited to, wa arges, delayed material d	to cooperate with and male the work. Owner shall a brs of Lander County to having the construction period wing the premises unlocked Owner temporarily halts the costs associated with, reges, loss of income, startelivery charges, and mate of this contract, all change Commissioners.	llow Lander County are eve continuous access od, all hours of the dayed regardless of the property of the property of the property of the property of the work, Owner assumed to, and/or arising costs, sub-contracterial loss charges. Ow	nd/or employees, to premises upon which v. Such access shall esence of Owner. nes any and all liability g from the work delay tor charges, additional ner further understands
	Payments Schedule:			
schedu		le Lander County \$500,00	0.00 in accordance wi	th the following payment
1.	\$166,650.00 (33.33%) c	lue February 1, 2018		Initial
2.	\$166,650.00 (33.33%) c	lue at the End of the cons	struction project	Initial
3.	\$166,700.00 (33.34%) o Monday, July 1st, 2019	lue any time the new wat	erline is utilized or due	e by Initial

### **Key Terms**

1. Land Venture Partners, LLC (LVP) is to provide Lander County \$500,000.00 in fixed fee funding, to assist with the <u>Airport Waterline Project.</u>

### 2. Alignment:

a. Per Sheet C2 (attached), Lander County will execute the initial waterline construction, with tie-in beginning near the County headquarters (Sta: 1+00) and perpetuate to the Lander County Airport (sta: 395+20); ONLY.

### 3. Easements:

- a. LVP agrees to dedicate a 60-foot Public Utility and full Access Easement (Right of Way) to the County, prior to beginning of the project within:
  - i. Station 117+16 to 177+40, per Sheet C2.
  - ii. Roadway that occupies the access easement is to be constructed by the County.
    - Construction will occur after the final payment is applied by LVP to Lander County for the <u>Airport Waterline Project</u>.
    - The County will construct the roadway within the next construction season.
  - Easements shall be recorded (by LVP) prior to construction, designated locations by the County
- b. Lander County will trade APN: 011-100-15 to Land Venture Partners, LLC as a trade for easements outlined herein.
  - This agreement allows Lander County a Public Utility and Access Easement across what is currently APN: 011-220-01 & 011-080-09 in the amount of roughly 5,300 Linear Feet.
  - ii. No Roadway improvements will be completed.
  - Currently the easement is expected to be placed in the bottom third of APN: 011-220-01, running East to West.
- c. Easements shall be recorded (by LVP) prior to construction, designated locations by the County.
- 4. Each individual parcel with a segregated APN will be provided a mainline stub for future tie-in. All mainline and stubs will be located within the county Right of Way.
  - a. Maximum of 20 mainline stubs
  - b. Connection Fees still apply
- 5. Consensual Lien (Non-Purchase)
  - a. At the execution of this contract a Non-Purchase lien will be placed on the listed parcels offered for collateral.
  - A portion of the lien will be discharged at each payment applied by the land Owner,
    - i. Lien Discharge will occur after each payment is applied, per the proposed payment schedule.
    - ii. Upon completion of the payment schedule, Lander County will remove
    - iii. Owner will have financier listed as primary lien holder, second Lander County, unless financier is Owner or affiliated thereof.

Owner 1 (Print)		
Owner 1 (Signature)	Date	
Owner I (Signature)		
Owner 2 (Print)		
Owner 2 (Signature)	Date	
Lander County Commission Chair/Vice Chair	Date	

6. Attached to this contract as binding language is the original Key Terms and Clarification Document that supports and enforces the language stated Herein. Any and all conflicting language or terms, shall be superseded by this signed document.

### LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	13

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action for the remaining balance of up to \$75,000.00 of \$120,000.00 Water & Sewer District #2 grant funds from the \$120,000.00 for the sewer Preliminary Engineering Report (PER) in Austin to be reallocated and used in paying for the design portion of the Highway 50 Sewer Project, and all other matters properly related thereto.

Public Comment:

Background: Lander County DOT is planning on repaving the Hwy 50 through Austin in 2019. Lander County Sewer and Water #2 would like to make this a joint effort to update our sewer and water lines to save money possibly and having to tear up new pavement making repairs after the project is complete, as our system is more that 50 years old without any updating, just maintenance. We are also beginning to see issues regularly, such as broken pipes.

Recommended Action: Approval

### AGENDA REQUEST FORM

LANDERCOUNTY

COMMISSIONER MEETING DATE: January 11, 2018	
IAME Kip Helming and Gwen Jones REPRESENTING: Lander County Sewer and Water #2	
NDDRESS: PO BOX 144, Ausitn, NV 89310	
PHONE(H):(W): 775-864-2676	
WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS	
WHO WILL BE ATTENDING THE MEETING ;KIP Helming and Gwen Jones  OB TITLE Board Chairman and Secretary Clerk	
PECIFIC REQUEST TO BE PLACED ON THE AGENDA: discussion and possible action for the left over unds from the \$120,000.00, for the sewer PER in Austin, to be reallocated and used in paying for the design portion of the sewer project	
If the Highway 50, to Dean Day Engineering for 60% of the design to be completed no leter than April 30, 2018, The remaining portion to be completed by February 20	)19.
SACKGROUND INFORMATION Lander County DOT is planning on repaving the Hwy 50 through Austin in 2018. We would like to make this a joint	
effort to update our sewer and water lines to save money possibley and having to tear up new pavement making repairs after the project is complete, as our	
system is more than 50 years old with out any updating, just maintenance. We are also beginning to see issues regularly, such as broken pipes.	
WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE? approval	
ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST:  YES × NO	
ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST:  YES X  NO	
AMOUNT: \$75,600.00	
AMOUNT: \$75,600.00  HAS THIS ISSUE BEEN DISCUSSED AT A DRIOR COMMUNICION AND THE STATE OF THE ST	
AMOUNT:\$75,600.00  HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? YES NO _X	
AMOUNT:\$75,600.00  HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? YES NOX  WHEN?  HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS YESX NO	
AMOUNT: _\$75,600.00  HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? YES NO _X  WHEN?	
AMOUNT:\$75,600.00  HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? YES NOX  WHEN?  HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS YESX NO  ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST - NOT AT THE MEETING,	
AMOUNT: \$75,600.00  HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING?  WHEN?  HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS YES X NO X  ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST - NOT AT THE MEETING,  IS ALL THE BACKUP MATERIAL ATTACHED TO THIS AGENDA REQUEST?  IF THE ITEM IS A CONTRACT AND/OR AGREEMENT, OR REQUIRES LEGAL REVIEW, IT MUST BE REVIEWED BY THE DISTRICT ATTORNEY'S OFFICE PRIOR TO AGENDA SETTING OR IT WILL NOT GO ON THE AGENDA.	
HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING?  WHEN?  HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS YES X NO  ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST - NOT AT THE MEETING,  IS ALL THE BACKUP MATERIAL ATTACHED TO THIS AGENDA REQUEST?  YES NO X  IF THE ITEM IS A CONTRACT AND/OR AGREEMENT, OR REQUIRES LEGAL REVIEW, IT MUST BE REVIEWED BY THE DISTRICT ATTORNEY'S OFFICE PRIOR TO AGENDA SETTING OR IT WILL NOT GO ON THE AGENDA. HAS THE DISTRICT ATTORNEY'S OFFICE PROVIDED THE REQUIRED REVIEW?  YES NO X	

BOARD MEETS THE 2<sup>ND</sup> AND 4<sup>TH</sup> THURSDAY OF EACH MONTH COMMISSION FAX (775) 635-5332

```
Discussion and possible action to approve/disapprove a
 1
     17)
 2
          funding request from Austin Water & Sewer District #2 in an
          amount not to exceed $120,000 for preliminary engineering and
 3
 4
          environmental report for the sewer mains in Highway 50 in
 5
          Austin, Nevada, and all other matters properly related
 6
          thereto.
 7
 8
          CHAIRMAN MILLS: Item 17. Discussion and possible action
 9
     to approve/disapprove a funding request from Austin Water &
     Sewer District #2 in an amount not to exceed $120,000 for
10
11
     preliminary engineering and environmental report for the sewer
     mains in Austin -- in Highway 50 in Austin, Nevada, and all
12
13
     other matters properly related thereto.
14
          KEITH WESTENGARD: I received a request from Austin
     Sewer/Water District 2 for $120,000 for their project that's
15
     upcoming. And that's why it's on the agenda. And I believe
16
17
     that there's somebody from water/sewer on the line.
18
          CHAIRMAN MILLS: We got someone in Austin?
19
          COMMISSIONER BAKKER: Negative. They hung up.
20
          CHAIRMAN MILLS: I think they just hung up.
21
          KEITH WESTENGARD: Oh.
                                  They don't want to talk to you.
22
          CHAIRMAN MILLS: Forget you guys.
23
          Yeah.
24
25
          (Reestablishing telephone communications with Austin.)
26
27
          MITESHELL LANHAM:
                             Hello?
28
          COMMISSIONER BAKKER: Austin?
29
          MITESHELL LANHAM:
                             We're here.
30
          COMMISSIONER BAKKER:
                                Hey, is --
31
          MITESHELL LANHAM:
                            Gwen's here.
32
          COMMISSIONER BAKKER: Okay. Then she has the floor or he.
33
          GWEN JONES: All right.
          The Austin water and sewer company is asking for the $120,000
34
    based on the fact that we already have our preliminary report to
35
     redo the water system when the county digs up the street --
36
    Austin. And we'd like to get the preliminary engineering report
37
    done for the sewer so that we can do them at the same time. And
38
39
     it'll be a cost savings on everybody's part.
40
```

COMMISSIONER BAKKER: Okay.

```
KEITH WESTENGARD: I -- I just have concerns.
 1
                                                         Are -- are
     is -- are they going to pay us back for this? They're a
 2
     separate entity. So are we looking at this as a grant to them?
 3
 4
          Are they going to repay us for this?
          GWEN JONES: At this point, the board is requesting that it
 5
     be a grant that we do not have to pay back.
 6
 7
          COMMISSIONER BAKKER: Can you guys pay it back?
 8
          GWEN JONES: The -- the board is requesting that it be a
 9
     grant that we do not have to pay back.
10
          COMMISSIONER BAKKER:
                                Okay.
          COMMISSIONER CLARK: Ask your question in a different way.
11
12
          COMMISSIONER BAKKER: Do you guys have money --
13
          CHAIRMAN MILLS: Right.
14
          COMMISSIONER BAKKER: -- to pay back?
15
          GWEN JONES: At this point, no, we do not.
16
          COMMISSIONER BAKKER: Okay.
          That's what I -- that's really all I wanted to know.
17
18
          GWEN JONES: Okay.
          COUNTY CLERK SULLIVAN: May we get Gwen's last name?
19
          COMMISSIONER BAKKER: Gwen, what's your last name?
20
21
          GWEN JONES: Jones.
22
          COMMISSIONER BAKKER: Jones.
                                        Thank you.
23
          GWEN JONES: You're welcome.
24
          CHAIRMAN MILLS: So, as I understand it, in some of the
     discussions I've had with people, this -- this brought up a
25
     whole bunch of other questions about -- is -- is Austin water
26
     district looking to get a grant to do some of these repairs?
27
     You're just looking for the 120,000 from us to do the
28
29
     engineering?
30
          GWEN JONES: At the point, yes.
                                           They're looking at the
     $120,000 to just do the engineering.
31
                                           I believe in the future,
     they will probably request either a grant or a loan, but I can't
32
     speak for sure on which they will choose to do.
33
          CHAIRMAN MILLS: They're going grant -- regrant -- they're
34
35
     going to ask for a grant from us?
36
          GWEN JONES: Yes.
37
          CHAIRMAN MILLS: Oh, that's the first I've heard of that.
         GWEN JONES: Well, it -- it's not in stone. I'm -- because
38
    like I said, I'm not making the final decisions here.
39
         It's what the board, you know -- because if they don't get
40
```

```
the preliminary engineering report, they don't do the sewer, they
 1
 2
     don't do this, they don't do that. But if we do do the
     preliminary engineering report, then we can move forward from that
 3
     point. I don't know how they will raise the funds and/or seek
 4
 5
     other means of funding.
 6
          CHAIRMAN MILLS: And I -- I think that's where a lot of the
     questions come in is what's the likelihood of this project being
 7
 8
     completed?
 9
          Because, apparently, there's no -- there's no future funding
10
     for this in sight.
11
          GWEN JONES: Correct. At the present, there is no future
     funding. I do know that it is something that does need to be
12
13
     taken care of because the sewer lines are probably more than 60
14
     to 80 years old in parts.
          So I don't know what they're looking at for funding, because
15
16
     I can't -- I -- I've only been on --
17
          CHAIRMAN MILLS: So --
18
          GWEN JONES: -- for six months.
          CHAIRMAN MILLS: So the question then becomes, why -- why
19
20
     spend the money on the engineering if you have no means to do
21
     the project at all?
22
          COMMISSIONER CLARK: Help us, Bert.
23
          Did you hang up again?
24
          COMMISSIONER BAKKER: No, they're still there.
25
          COMMISSIONER CLARK: Okay.
          CHAIRMAN MILLS: So did you hear -- did you hear my
26
27
     question?
28
          COMMISSIONER BAKKER: Gwen?
29
          GWEN JONES: No, I did not.
          CHAIRMAN MILLS: I said, what's -- what's the point of
30
31
    putting money up for engineering if you have no means to do the
32
     project at all?
33
          GWEN JONES: Okay.
34
         At this point, with you guys already tearing up the road and
35
    repaving it, that would be over half of the actual cost of
    actually doing the project, at least through the main street.
36
         Where, if we wait, it would be the cost of retearing up the
37
38
    road, repaving the road, --
39
          CHAIRMAN MILLS: Are we --
40
          GWEN JONES: -- and that would be an astronomical cost.
```

Where, if the cost was actually diverted in some aspects to where it's more manageable for us to handle, it is a doable project.

CHAIRMAN MILLS: Is the county doing some roads in Austin? COMMISSIONER ALLAN: NDOT.

GWEN JONES: The NDOT is.

CHAIRMAN MILLS: Oh, NDOT is.

BERT RAMOS: My two cents?

CHAIRMAN MILLS: Bert, what do you got for us?

BERT RAMOS: Bert Ramos, Public Works.

So I looked at this. It looks to me like a money grab by the engineering, personally. Because they want to camera every sewer line in the Town of Austin. And we probably aren't going to go tear up every road in the Town of Austin. The only thing that was initially looked at to be replaced was the water and sewer mains going up Main Street of Austin and the connecting tie-ins that come off of our county streets into Main Street.

And that's not what this is — this full engineer study is for. This full engineer study is for the entire Town of Austin, which is, like I said, I think overreaching. And it's — it's a project that probably won't take place considering that we've paved most of the roads in Austin. And the sewer systems there, everything flows downhill, has a pretty good velocity.

CHAIRMAN MILLS: Downhill.

BERT RAMOS: So it's not really necessary, in my opinion. Now, the -- the sewer line and the water main that are in the Main Street of Austin running up and down Highway 50, when NDOT does come through to pave it, it makes sense to replace the water and sewer lines that are all transite lines, which is a little additional expense getting rid of the pipe because it's asbestos pipe. And they're old. And they do need replaced.

As far as the side streets and what this engineering study is -- is proposing, I think it's -- it's above and beyond what needs to be done. And it's way out of where we're going to go anytime in the future.

I also think that the -- I'm for everything with Austin. But there's a small number of people up there. And this is -- their whole system is aging fast. And it -- and it all ultimately falls back on Lander County's shoulders if we don't get these projects done. But it's also -- like the -- an example that I was given

that makes perfect sense. Like the college kid that goes off to school and still wants the parents to -- they want to have their freedom, but the parents to pay for their rent and pay for everything else. So they -- if they want us to be responsible for some of this, then maybe they -- maybe their board needs to look at possibly turning that over and having us maintain their system.

Because right now -- right now, in my opinion, the maintenance on the system is -- is below par. And it's not at the fault of anybody, because they just -- they're -- they're shorthanded up there. So I'm not trying to point and say that somebody's not trying to do their job or -- it's -- it's just the fact they're shorthanded. And a lot of it they don't have the full knowledge of what it -- their new system that they put in, they have a well out in valley. They've changed their system considerably from what it used to be.

And there might -- there might be -- I don't know. The district attorney might have some opinion on that with -- with everything that's going on with the board up there. But it would make sense to me to support the replacement of the main lines up the main street of Austin. The entire system, which is what they're proposing and the \$120,000, I think, is way above and beyond. That's probably, I mean, a \$40,000 tops, maybe \$30,000 engineering project if you just do the main line up Main Street.

So that's my two cents.

CHAIRMAN MILLS: Can you give us an idea, help us fill in a picture where -- where that water line goes, how much of it are they digging up, how much of it's involved?

BERT RAMOS: I don't know exactly the lineal footage, but it -- so for everybody who's familiar with Austin, it'll go from the cemetery right there at the --

CHAIRMAN MILLS: Okay.

BERT RAMOS: -- right there when you pull into -- coming off of the highway --

CHAIRMAN MILLS: 305?

BERT RAMOS: -- yeah, 305, where it ties in there. It'll come from the cemetery, is my understanding. From there, in the highway, all the way up to -- I don't know that it goes up to the big S curve. But right there before maybe the Gridley store, roughly, which is the turnoff --

CHAIRMAN MILLS: Okay.

BERT RAMOS: -- that goes to the park, the upper turnoff that goes to the park there in Austin.

CHAIRMAN MILLS: And the water and sewer line are both under the road all the way  $\ensuremath{\mathsf{--}}$ 

BERT RAMOS: Yes.

CHAIRMAN MILLS: -- that full distance.

BERT RAMOS: And that's an NDOT road. So we've cut it and ground down and done some repairs on the water main line there in the past. And you're -- you know, you're talking 12 inches of asphalt. So it's not something that if you come back to do later, it's going to be really expensive. And it'd be better if the money's aside and -- and the engineering is all ready and in line so we could tie in with NDOT if they do decide to go forward with their project.

COMMISSIONER ALLAN: Marty, is that a legitimate estimate on costs just for the main line? Thirty, 40,000 for the engineering?

MARTY UGALDE: Yeah. Marty Ugalde, Day Engineering.

I just want to clarify -- I'll answer your question, but I just want to clarify something really quick. The -- the PER, as it's called, the preliminary engineering report, I won't tell you my thoughts on that exactly, except that the funding agencies require a preliminary engineering report. And so this report that -- that we typically need to do or have to do, is to obtain funding.

Funding agencies like USDA, state revolving fund, CDBG, they require a preliminary engineering report to pursue the funding. Because the preliminary engineering reports look at alternatives. Can we put the water or sewer main in a different location? Have we thought about different alternatives to come up with a project? So that's what that's about.

And Bert's correct. That scope includes the whole town. Is it necessary? That's not my call.

So, anyway, to answer your question now, the -- the engineering for the sewer main just in Main Street there, it's about 2100 feet. And it's the limits that Bert mentioned.

I don't know if I can tell you the exact cost on that, but it would -- we typically base the engineering on a percentage of the estimated construction costs. But 40,000, I'm not sure if that's

the right number.

 But the preliminary engineering report that would get the funding for this, that would mean that we would try to get outside funding to do the actual construction and engineering for the design and construction of the placement.

So, with that said, there was an issue last year with a water main in Main Street that was directly underneath a DI or a catch basin. It was NDOT's drainage. And the catch basin was leaking. And it undermined some dirt, the water main. It didn't collapse, but it sunk. And there was a big washout. And it was a big deal. They had to go in and replace that. So the existing water main that's in the street right now is, you know, not in a good location. We'd want to move it away from existing DIs. And the sewer main would be the same — same issue. So — but both water and sewer would be replaced in that particular project. And we'd want to try and get it in — in ahead of NDOT coming through with the paving.

CHAIRMAN MILLS: So that -- so -- so a preliminary engineering report needs to be done in order for Austin to then go out to get grants to pay for the project --

MARTY UGALDE: Correct.

CHAIRMAN MILLS: -- of replacing the water/sewer line? MARTY UGALDE: Correct.

CHAIRMAN MILLS: Is Austin eligible to receive grants?

MARTY UGALDE: According to the state revolving fund -- I
met with Michelle -- with Michelle Stamates with NDEP earlier
this week. And it looks like Austin's median household income,
which is a determining factor on whether they qualify for grant
money from the state revolving fund, is it's too high.

But they might qualify for a grant/loan combination.

And I don't have all the details on that yet. But that would be one of the things that we would look at in the preliminary engineering report. We look at user rates, you know, what kind of money they have. So you have to look at all those things.

But CDBG, I don't think are going to be involved with those types of projects in the future, from what I understand is coming down through the legislation that water and sewer utility projects are no longer going to be funded by CDBG. So that would probably limit us to the state revolving fund or USDA. And both of those would be -- it looks like probably a

```
1
     grant/loan combination if they were going to go that route.
2
          COMMISSIONER ALLAN: The state's going to be paving this
3
     summer? Is that --
4
          BERT RAMOS: What's that?
5
          COMMISSIONER ALLAN: The state will be paving that this
6
     summer?
7
          MARTY UGALDE: Not this summer.
8
          COMMISSIONER ALLAN: Not this --
9
          BERT RAMOS: Probably --
10
          COMMISSIONER ALLAN: -- summer?
11
          BERT RAMOS: -- not this summer. 2018, I think, is what
12
     it's proposed for.
13
          COMMISSIONER ALLAN:
                               Okay.
                                      That's what I was wondering is
14
     timeline. You know, actually, it -- it sounds like they're
     going to have to replace it anyway eventually. The timing is
15
16
     really good to -- to get it done before it is repaved versus
17
     tearing up a brand-new street, which NDOT's probably not going
18
     to allow anyway.
19
          I think that I'd like to make a motion we approve up to
20
    $50,000 for engineering for the preliminary engineering and
21
     environmental report and --
22
          COMMISSIONER BAKKER: Hey, Judie, why don't we do the 120-
23
     and set it aside, and they can bring back the actual cost?
24
          COMMISSIONER ALLAN: Can we do up to --
25
          BERT RAMOS: You might want to make that to the scope of
26
     work just to include the highway as opposed --
27
          MARTY UGALDE: Yeah.
28
          BERT RAMOS: -- to --
29
          MARTY UGALDE: Right.
30
          KEITH WESTENGARD: The whole --
31
          COMMISSIONER ALLAN:
                               Okay.
32
          COMMISSIONER BAKKER: Yeah, but don't you --
33
          COMMISSIONER ALLAN:
                               Okay.
34
          COMMISSIONER BAKKER: -- think put the money aside and they
35
    can bring back the actual costs?
36
          KEITH WESTENGARD: But -- but I would -- I -- like Bert
37
     said, I think we should limit it to just --
38
          COMMISSIONER ALLAN: To --
39
          KEITH WESTENGARD: -- Highway 50.
40
          COMMISSIONER BAKKER: Right.
                                        Right.
```

```
1
          COMMISSIONER ALLAN:
                               Okay.
2
          COMMISSIONER BAKKER: But if they -- they come back and
     they say it's 60,000 and we only put aside 50---
3
4
          COMMISSIONER ALLAN: Fifty. Yeah. Okay.
5
          KEITH WESTENGARD: Right.
6
          COMMISSIONER BAKKER: We can pull 60- from the 120- and pay
7
     for the scope of work just to Highway 50.
8
          KEITH WESTENGARD: Right. But if the scope of work exceeds
9
     Highway 50, then it's on them.
10
          COMMISSIONER ALLAN:
11
          COMMISSIONER BAKKER: Right.
12
          KEITH WESTENGARD: My opinion.
13
          COMMISSIONER BAKKER:
                                Right.
14
          KEITH WESTENGARD:
                             That -- like I --
15
          COMMISSIONER WAITS:
                               No, I agree with that.
16
          COMMISSIONER ALLAN:
                              Yeah, I think it's --
          COMMISSIONER BAKKER: But I don't want to shortchange them
17
18
     either.
19
          COMMISSIONER ALLAN: Yeah.
20
          KEITH WESTENGARD: Because I -- I just --
21
          CHAIRMAN MILLS: Right.
22
          KEITH WESTENGARD:
                            I just reread --
23
          CHAIRMAN MILLS: Don't want to --
24
          KEITH WESTENGARD: -- the letter --
25
          CHAIRMAN MILLS: -- underfund --
26
          KEITH WESTENGARD: -- here.
27
          CHAIRMAN MILLS: -- it.
28
          COMMISSIONER BAKKER: Yeah.
          KEITH WESTENGARD: I -- I just reread their letter here,
29
    and it -- they want this money so that they can apply for
30
31
     construction grant funding. But then they're saying that
32
    they're -- in the end, they're going to come us -- come to you
     guys -- come to the county for a grant request.
33
                                                      And --
34
          CHAIRMAN MILLS: Well, that's -- that's --
35
          KEITH WESTENGARD: If they're a --
36
          CHAIRMAN MILLS: -- quite a -- it's --
37
          KEITH WESTENGARD: -- separate entity --
         CHAIRMAN MILLS: -- quite a pickle. They -- they want to
38
39
    go for grant funding, but they're not eligible for grant
40
    funding, it sounds --
```

```
1
          KEITH WESTENGARD: Well, --
2
          CHAIRMAN MILLS: -- like.
3
          KEITH WESTENGARD: -- now --
4
          UNIDENTIFIED PARTICIPANT: Well --
5
          CHAIRMAN MILLS: So they're going to come back to us for
6
     it.
7
          KEITH WESTENGARD: Now, Kingston -- Kingston kind of went
8
     through this a few years ago because they have to get -- they
9
     have to meet in cer- -- for CDBG, they have to meet certain
10
     income guidelines, but they have to get a certain percentage.
11
     And it's very high. I think it's, like, 90 percent of the -- of
12
     the town or the area, the residents, to answer these -- these
13
     questionnaires. They couldn't get the -- the -- the percentage
14
     of the people to answer. So they're -- they're -- they didn't
15
     qualify. So they might have to go out and -- and walk the beat
16
     and go to doors and talk to people in Austin to -- to meet these
17
     requirements.
18
          COMMISSIONER CLARK: You really have an uphill battle when
19
     you start asking people, what's your income?
20
          KEITH WESTENGARD: Absolutely, you do.
21
          COMMISSIONER CLARK: I -- I --
22
          KEITH WESTENGARD: Right. But that's part of the CDBG
23
     is -- is based on income.
24
          COMMISSIONER CLARK: Yeah.
25
          KEITH WESTENGARD: And Marty's right.
     administration is talking about getting -- getting rid of CDBG
26
27
     or defunding it, which will affect -- there's lot of CDBG grants
28
    out.
29
          COMMISSIONER ALLAN:
                               Marty?
30
          MARTY UGALDE: Yes.
31
          COMMISSIONER ALLAN:
                               Just off the top of your head, can you
32
     give us a square-foot number. You said 2100 feet.
33
          MITESHELL LANHAM:
                            This is Austin. We can barely hear you?
34
          COMMISSIONER ALLAN:
                               I'm sorry. I'm sorry.
35
          Okay. So, Marty, what --
36
          COMMISSIONER BAKKER: Is that better?
37
          MITESHELL LANHAM:
                            Yes.
38
          COMMISSIONER ALLAN: Okay.
39
          What I was curious, Marty, is you've already said roughly
40
     2100 feet.
```

```
MARTY UGALDE: I believe that's right. Yeah.
1
2
          COMMISSIONER ALLAN: Do you have just -- like I said, off
3
     the top of your head, say it's $20 a foot for -- for this work
     so that you -- I mean, they're asking for a million or up to
4
5
     over a million dollars, possibly, to do it.
6
          Is that encompassing the whole --
7
         BERT RAMOS: You can take 15 percent of it, whatever the
8
     job cost is and that's engineering.
9
          COMMISSIONER ALLAN: No, no, no, --
10
          BERT RAMOS: What you're --
11
         COMMISSIONER ALLAN: -- no, Bert.
12
         BERT RAMOS: -- asking for is lineal --
13
         MARTY UGALDE: (Indiscernible.)
14
         BERT RAMOS: -- foot for pipe in place is --
15
          COMMISSIONER ALLAN: That's --
         BERT RAMOS: -- a different -- is a different number.
16
17
         COMMISSIONER ALLAN: Right. And that's what I'm curious
18
     is, do you have that number?
19
         MARTY UGALDE: I could give you a number, I guess, off the
20
     top of my head. My --
21
         UNIDENTIFIED PARTICIPANT: They can be higher.
22
         MARTY UGALDE: -- boss, Dean, he put all these numbers
23
     together. He's kind of the one spearheading this. But if I
24
     were to say, I -- I think it's 8-inch water and sewer.
25
    with -- within the main street there, traffic control
    excavation -- I don't know if there's any -- maybe 60 bucks a
26
27
     foot. And I'm probably high on -- high on that. May- -- maybe
28
     50 bucks a foot each. Water, 50 bucks a foot. Sewer.
29
         BERT RAMOS: You're talking --
30
         COMMISSIONER ALLAN: So --
31
         MARTY UGALDE: Unless we can put it -- yeah.
32
         COMMISSIONER ALLAN: So that's about 210,000, which is a
33
     lot less than the one million.
34
         MARTY UGALDE: Yeah.
                               Again, I'm --
35
         KEITH WESTENGARD: Well, they're taking the whole town.
36
         COMMISSIONER ALLAN: Right. And that's what I'm saying is
37
    we're just breaking out the 2100 feet down Main Street.
         BERT RAMOS: Another thing with Austin, it's a long ways
38
    out for transport. You have additional -- there's a few
39
40
    additional costs that usually go with that. And the commission
```

```
1
     should probably just plan on putting some money aside to pay for
2
     this project. Because if they go ahead and get these grants,
3
     they're -- there is held -- all these grants have binders in
4
          And you don't want the community of Austin paying $250
5
     water bills or, you know, there's -- there's all sorts of
     different stipulations that go in there. They probably aren't
6
7
     going to get the grant anyway, because they -- they don't have
8
     the records that they need to have to -- just to turn in is
9
     simple enough without getting --
10
          CHAIRMAN MILLS: So the likelihood --
11
          BERT RAMOS: -- too deep.
12
          CHAIRMAN MILLS:
                          -- of Austin getting --
13
          BERT RAMOS:
                      Without --
14
          CHAIRMAN MILLS: -- the grants --
15
          BERT RAMOS: -- without getting --
16
          CHAIRMAN MILLS:
                          -- is pretty slim.
17
          BERT RAMOS: -- in too deep to this, the bottom line is, is
18
     the county's probably going to have support this if we're going
19
     to get it done.
20
          KEITH WESTENGARD:
                             The entire project.
21
          BERT RAMOS: Yes.
22
          KEITH WESTENGARD:
                             Come back to you guys for --
23
          COMMISSIONER ALLAN: But I think if we're kind of on the
24
     same track here, you know, moneywise it's still a lot of money.
25
     But it's -- it's considerably less than what they're
26
     anticipating.
27
          BERT RAMOS:
                      Well, by the time you pay to get rid of
28
     transite pipe, it doesn't -- it's -- the price continues to --
29
     there's these little -- there's a bunch of little factors that
30
     go into this that keep building to the price that, you know.
31
     This asbestos pipe isn't cheap to get rid of.
32
          CHAIRMAN MILLS: Uh-huh.
          BERT RAMOS: It has to be wrapped. And it has to --
33
34
     there's a lot of other man hours that get included into a
35
     project like this. And I'd hate to see somebody get -- us to
36
     come in thinking it's going to be cheap and then get hit with
37
     surprises.
38
          COMMISSIONER ALLAN: Understandable.
39
          Well, I'll amend my motion then and approve funding up to
```

120,000 for the Austin Water & Sewer District #2 for their

40

```
1
     preliminary engineering and environmental report.
2
          COMMISSIONER BAKKER:
                                 Second.
3
          BERT RAMOS: Of the highway.
4
          MARTY UGALDE: (Indiscernible.)
5
          COMMISSIONER ALLAN: Of the Highway 50. Thank you, Bert.
6
     Of --
7
          MARTY UGALDE: (Indiscernible.)
8
          COMMISSIONER ALLAN: -- strictly the Highway 50 portion.
9
          COMMISSIONER BAKKER: Second.
10
          CHAIRMAN MILLS: Okay. Judie made a motion.
11
     seconded.
12
          Do we have any public comment?
13
          (No comment.)
14
          CHAIRMAN MILLS: All in favor?
15
          COMMISSIONER BAKKER: Aye.
16
          CHAIRMAN MILLS:
                          Ave.
17
          COMMISSIONER ALLAN:
                                Ave.
18
          COMMISSIONER CLARK:
                                Ave.
19
          MARTY UGALDE:
                         Thank you very --
20
          CHAIRMAN MILLS: Okay.
21
          MARTY UGALDE:
                        -- much.
22
          CHAIRMAN MILLS: Thank you.
23
          MARTY UGALDE:
                         Thank you.
24
          GWEN JONES:
                      Thank you.
25
          COMMISSIONER BAKKER:
                                Thanks, Austin.
26
27
     18)
          Discussion and possible action to approve/disapprove the FY
28
          2017 carryover amount not to exceed $2,200,450 for the
29
          airport water project, and all other matters properly related
30
          thereto.
31
```

CHAIRMAN MILLS: Item Number 18. Discussion and possible action to approve/disapprove the fiscal year -- fiscal year 2017 carryover amount not to exceed \$2,200,450 for the airport water project, and all other matters properly related thereto.

32

33

34

35

36

37

38 39

40

ELIZABETH DIAS: All right. So this is a project that was in fiscal year '16/'17. And when I put it into budget workshop last time, I put in the carryover amount instead of the actual amount. So this is just the correction to get the full amount approved.

5 EAST PARK STREET • FALLON, NEVADA 89406 • (775) 423-9090 P.O. BOX 651 – EUREKA, NEVADA 89316 – (775) 293-1743

### "EXHIBIT A - SCOPE OF WORK"

December 29, 2017

Mr. Kip Helming, Chair LANDER COUNTY COMBINED SEWER AND WATER DISTRICT # 2 P.O. Box 144 Austin, Nevada 89310

RE: PROFESSIONAL ENGINEERING SERVICES PROPOSAL FOR SEWER MAIN LINING ON THE NORTH SIDE OF HIGHWAY 50

Mr. Helming:

Day Engineering is pleased to submit the following professional engineering services proposal to provide design, bid assistance and construction administration services for the Highway 50 Sewer Main Lining. The areas of improvements are identified as described below:

- Approximately 4,000 feet of 8" A/C sewer pipe lining on the north side of Highway 50;
- · Connections to the west side, east side, and north;
- Manhole lining;
- Sewer service replacements;

### TASK 1 - SURVEYING

\$ 10,000

Day Engineering will utilize Summit Engineering from Reno, Nevada for surveying services. They performed the surveying of the proposed Town street realignments in Austin. Surveying will include getting manhole depths and locations to produce plan and profile drawings of the proposed new infrastructure improvements. USA locates will be contacted prior to surveying and all existing infrastructure will be presented on the Plans to avoid potential conflicts.

### TASK 2 - 50 PERCENT DESIGN

\$ 45,600

The design includes development of Plans and Construction Documents for bidding purposes. A 50-percent design product will be provided to Lander County Combined Sewer and Water District # 2, and Lander County Public Works for review and comment prior to completion of the design in preparation of bidding. Design will include plan and profile of the sewer main and will also include details of pertinent components of the Project. Tie-in details as well as details for connections including manholes and sewer services, and trench details will also be provided.

Construction Documents will include bid and contract documents, general and special conditions and technical specifications. The construction documents will be consistent with the previous projects recently completed. All permitting requirements with Nevada Division of Environmental Protection, Bureau of Water Pollution Control (NDEP-BWPC) are included as well as coordinating with the Nevada Department of Transportation (NDOT) for inclusion of the plans and specs in the State highway project. A copy of the current State Prevailing Wage Rates for Lander County will be included.

Mr. Kip Helming
Professional Engineering Services Proposal for Austin Highway 50 Sewer
December 29, 2017
Page 2

### TASK 3 - FINAL DESIGN

\$ 17,000

Pending the District, Public Works, and NDOT review, a final set of Plans and Specifications will be developed incorporating all comments. Two sets of Plans and Specifications will be submitted to NDEP-BWPC and NDOT for final approval. Any comments provided by the review agencies, the District and the County will be incorporated into the final set of Plans and Construction Documents for bid solicitation.

### TASK 4-BID SOLICITATION

\$ 3,000

Day Engineering will assist NDOT in advertising and soliciting bids for the project including attending the pre-bid meeting and addressing any addendums that may arise during the bidding process. Plans and Construction Documents reproduction costs are included in this task. Day Engineering will also review the NDOT bids and present a recommendation for award to the District and County based on the bid results. The water and sewer will bid at the same time under the direction of NDOT.

### TASK 5 - CONSTRUCTION ADMINISTRATION

\$ 40,400

Construction administration includes conducting the NDOT pre-construction meeting to discuss the Contractor's proposed schedule and proposed construction plan, staging areas, system continuity plan for maintaining water service throughout the construction, maintaining public access, etc. Equipment and material submittals will be provided by the Contractor and reviewed by Day Engineering for conformance to the approved Plans and Specifications.

Construction Administration will also include full time inspections during construction including commissioning of the new water main. Daily inspections will be performed throughout the entire construction phase of the Project. The estimated duration of the construction phase is approximately 2 months. NDOT construction meetings will be attended to maintain construction schedules and Contractor questions on sewer main related field issues will be managed by Day Engineering. Testing results by NDOT will be finalized in a summary report and provided upon project completion.

NDOT pay requests will be reviewed by Day Engineering prior to recommendation to the District for approval and payment. Quantities and percentage of tasks completed will be field verified by the Inspector prior to processing of any pay requests. All pay request and change orders as well as project progress meetings and project summaries will be developed by Day Engineering.

### TASK 6 – RECORD DRAWINGS

\$ 10,000

Record drawings of the completed work will be developed and provided to the District pending completion of the Project. Survey locations of all installed utilities will be identified on the Record Drawings for accuracy. Two hard copy sets of Record Drawings will be provided including a CD of the Record Drawings in AutoCAD and PDF format. All field reports and construction photos will also be provided.

ENGINEERING DESIGN (TASKS 1 TO 4) TOTAL NOT-TO-EXCEED \$ 75,600
ENGINEERING CONSTRUCTION SERVICES (TASKS 5 & 6) TOTAL NOT-TO-EXCEED \$ 50,400
ENGINEERING SERVICES PROPOSAL TOTAL NOT-TO-EXCEED \$ 126,000

Mr. Kip Helming Professional Engineering Services Proposal for Austin Highway 50 Sewer December 29, 2017 Page 3

The professional engineering services fee of \$ 75,600 for design and bidding, and the construction services of \$ 50,400 is a not-to-exceed fee. Payment of services is due upon receipt of invoices. Our hourly rate schedule is attached for your information.

Day Engineering appreciates the opportunity to provide this proposal for your review and look forward to a successful project. If you have any questions or wish to discuss any aspect of this proposal, please do not he sitate to call the undersigned at (775) 293-1743.

Sincerely,
DAY ENGINEERING

Dean Day

### AUSTIN HIGHWAY 50 ESTIMATE - 2017 - PAGE 1 OF 2

### SEWER SYSTEM

Construction Item	Quantity	Unit Cost	Total Cost
Mobilization – LS	1		\$ 40,000
Rehab 48" Manholes - EA	12	\$ 15,000	\$ 180,000
Rehab 8" Sewer Main – LF	4,000	\$ 100	\$ 400,000
Sewer Service - EA	20	\$ 5,000	\$ 100,000
Concrete Repair – SF	1,000	\$ 20	\$ 20,000
Pavement Repair on County - SF	10,000	\$ 10	\$ 100,000
2017 CONSTRUCTION		#	\$ 840,000
Non-Construction Item	Quantity	Unit Cost	Total Cost
Construction Contingency ~ %	15		\$ 126,000
Engineering – % of const.	9		\$ 75,600
Inspection & Construction ~ %	6		\$ 50,400
2017 NON-CONSTRUCTION			\$ 252,000
TOTAL COSTS			\$ 1,092,000

#### EXHIBIT B

# SCHEDULE OF RATES AND CHARGES FOR ENGINEERING SERVICES

ENGINEERING & GENERAL SUPERVISION	RATE PER HOUR
Principal or Officer of Firm Project Engineer Field or Design Engineer Draftsman Field or Office Assistant Sub-consultants	\$ 165.00 \$ 125.00 \$ 100.00 \$ 80.00 \$ 60.00 \$ Cost plus 15%
SURVEY	RATE PER HOUR
Four-man party Three-man party Two-man party Land Surveyor	\$ 215.00 \$ 185.00 \$ 150.00 \$ 85.00
CONSTRUCTION INSPECTION	RATE PER HOUR
Resident Engineer Resident Inspector	\$ 125.00 \$ 100.00

## REIMBURSABLE EXPENSES

- 1. Travel from office at \$0.50 per mile, or as actual out-of-pocket cost plus time at above rates for both ways.
- 2. Actual cost of subsistence and lodging.
- 3. Actual cost of long distance telephone calls; telegrams, express charges, and posting other than ordinary first-class.
- 4. Actual cost of materials required for the job and used in surveying, drafting, and allied activities, including printing and reproduction costs.
- 5. Actual cost of special tests and services of special consultants.

Subject: Re: RE: Fw: Austin Hwy. 50 water and sewer costs

From: austinwatersewer@yahoo.com

To: j.cooper@ndep.nv.gov

Date: Thursday, December 28, 2017, 2:54:35 PM PST

Hi Jason,

That is how understand it, from the form sent. I confirmed with Dean that the design portion only is 72,000.00.

Was there anything else I need to complete for you?

Gwen Jones Secretary Clerk

122 Main street/ PO Box 144

Austin, NV 89310

775-964-2676

On Thursday, December 21, 2017, 8:02:31 AM PST, Jason Cooper < j.cooper@ndep.nv.gov> wrote:

Gwen; I started to write this yesterday and realized I never hit send. Sorry.

Based upon the documents you sent, it appears that you are only needing \$72,000 for the design of the water line, rather than the \$200,000 we discussed during the meeting. Please confirm.

With that said, we would want to know that Austin will be funding the rest of the project, including the sewer design and construction, that you outlined in your cost sheet. We were also under the impression there was a storm water pipe issue rather than a sewer pipe issue that you would also be addressing. Does this mean you will now be addressing all three (water, sewer, and storm) and only seeking funding for the water system?

Thanks Gwen.

Jason B. Cooper, EA, CGFM
Administrative Services Officer III
Office of Financial Assistance
Nevada Division of Environmental Protection
901 S. Stewart St., Ste 4001
Carson City NV 89701
p:775.687.9531 f:775.687.9510

From: Gwen Jones [mailto:austinwatersewer@yahoo.com]

Sent: Wednesday, December 20, 2017 9:52 AM

To: Michelle Stamates <MSTAMATE@ndep.nv.gov>; Jason Cooper <j.cooper@ndep.nv.gov>; Couch

Cheryl - RD Carson City NV <cheryl.couch@nv.usda.gov> Subject: Re: Fw: Austin Hwy. 50 water and sewer costs

Hello All,

Attached it the newest numbers from Day Engineering.

When we spoke on Monday I didn't realise that he had combined sewer and water quotes together. We do understand that we are seeking money for Just drinking water.

Thank you for everything, we couldn't be successful with out you.

Gwen Jones Secretary Clerk

122 Main street/ PO Box 144

Austin, NV 89310

775-964-2676

On Tuesday, December 19, 2017, 9:11:19 AM PST, Gwen Jones <a href="mailto:austinwatersewer@yahoo.com">austinwatersewer@yahoo.com</a>> wrote:

Gwen Jones Secretary Clerk

122 Main street/ PO Box 144

Austin, NV 89310

775-964-2676

---- Forwarded Message -----

From: Dean Day <<u>dean@dayengineering.net</u>>
To: Gwen Jones <<u>austinwatersewer@yahoo.com</u>>

Cc: Martin Ugalde <a href="mailto:colorado@gmail.com">davengineering@cccomm.net">cccomm.net</a>; Stephanie Colorado <a href="mailto:stephanie.colorado@gmail.com">stephanie.colorado@gmail.com</a>

Sent: Friday, December 15, 2017, 12:35:54 PM PST

Subject: Austin Hwy. 50 water and sewer costs

Gwen,

See attached costs.

The new plastic water main on the north side will need to be placed adjacent to the existing asbestos-cement water pipe. The south water main is C-900 PVC and is OK.

The 6" asbestos-cement pipe sewer on the south side looked OK, but the 8" sewer on the north side has some issues. Lining the 8" asbestos-cement sewer pipe on the north side with thermally cured in place pipe is the best solution to keep us from digging up the asbestos cement pipe and the hazardous waste disposal costs.

Subject: RE: Highway water and sewer proposals

From: dean@dayengineering.net

To: austinwatersewer@yahoo.com

Cc: dayengineering@cccomm.net

Date: Tuesday, January 2, 2018, 9:39:40 AM PST

Gwen,

Water breaks down like this:

1. Water Engineering Design - \$72,000

2. Water Inspection & Contract Admin. - \$ 48,000

3. Water Construction - \$ 920,000

#### Sewer breaks down like this:

1. Sewer Engineering Design - \$ 75,600

2. Sewer Inspection & Contract Admin. - \$ 50,400

3. Sewer Construction - \$ 966,000

Dean Day

Day Engineering

775-293-1743 cell

From: Gwen Jones [mailto:austinwatersewer@yahoo.com]

Sent: Tuesday, January 02, 2018 8:35 AM To: Dean Day <dean@dayengineering.net> Subject: Re: Highway water and sewer proposals

Hi Dean,

I am still waiting on the Full scope of work for the sewer and water projects. They will need to separate, please.

Gwen Jones Secretary Clerk

Austin, NV 89310

775-964-2676

On Friday, December 29, 2017, 1:17:02 PM PST, Dean Day <<u>dean@dayengineering.net</u>> wrote:

Gwen,

See attached. Hopefully this is what you need.

# Subject: RE: Funding

From: dean@dayengineering.net

To: austinwatersewer@yahoo.com

Cc: dayengineering@cccomm.net

Date: Tuesday, December 26, 2017, 6:00:20 PM PST

Gwen,

#### You want:

- 1. Design contract for water improvements.
- 2. Design contract for sewer improvements.
- 3. Inspection / quality control / contract administration contract for water improvements.
- 4. Inspection / quality control / contract administration contract for sewer improvements.

Is that right? Who are we contracting with, the District or Lander County?

Dean

From: Gwen Jones [mailto:austinwatersewer@yahoo.com]

Sent: Tuesday, December 26, 2017 4:51 PM
To: Dean Day <dean@dayengineering.net>
Co: Dee Brewer Helming <kipndee@juno.com>

Subject: Funding

Hello Dean,

I am getting ready to submit a request to be placed on the Lander County Agenda for funding.

# I need some items from you first:

- 1. Contract for the sewer design with the amount clearly stated.
- 2. Contract for the water design with the amount clearly stated,
- 3. These will both have to be separate contracts, not combined due to the difference in funding sources.
- 4. Contract for the entire sewer project.
- 5. Contract for the entire drinking water project.
- 6. Again, they have to be separate due to funding issues and sources.

Thank you,

Gwen Jones Secretary Clerk 122 Main street/ PO Box 144 Austin, NV 89310 775-964-2676

313

# Subject: Sewer PER & TV final cost

From: dean@dayengineering.net

To: austinwatersewer@yahoo.com Cc: dayengineering@cccomm.net

Date: . Tuesday, January 2, 2018, 7:36:18 PM PST

Gwen,

This e-mail will serve as our final cost estimate to complete the Sewer PER. Our original estimate for the Sewer PER was \$ 48,000. The sewer TV firm ended up being much higher than planned, and \$ 37,157 billed against \$ 25,000 estimated cost. That was \$ 12,157 over our estimate. Therefore, the final cost of the Sewer PER will be \$ 48,000 plus \$12,157 or \$ 60,157. We are sending you a progress billing for \$ 2,500 that raises our total billed now as \$ 42,657.00. That leaves us \$ 17,500 to finish the Sewer PER. Sorry for the inconvenience, hopefully this clarifies things.

Dean Day

Day Engineering

775-293-1743 cell

Hi Gwen,

I hope you had a nice holiday. See responses in red below. Hope they answer your questions adequately. If not, please let me know.

Thanks.

marty

From: Gwen Jones [mailto:austinwatersewer@yahoo.com]

Sent: Tuesday, January 02, 2018 1:30 PM
To: Dean Day <a href="mailto:dean@dayengineering.net">dean@dayengineering.net</a>>

Cc: Billy Gandolfo <gbilly 88@gmail.com>; Richard Lee Williams <fr65williams@gmail.com>; Dee Brewer

Helming <kipndee@juno.com>

Subject: PER Sewer

Hi Dean,

I was wondering where we are with the PER for the sewer. I have been given a deadline of February 1st. Dean should have the report completed by Feb. 1st.

Also, I don't have a copy of the change in pricing for the Sewer PER from the 120,000.00 to the 45,000.00

could you send it to me when you get a chance? I only have the recorded verbal from Marty. See attached Lander County Commission Mtg. dates where they asked for

a revised scope (April 13th), the meeting where the revised scope of \$48,000 was presented and approved not to exceed \$120,000 (May 3rd) and the signed Agreement and Proposal to Lander County.

I estimated \$45,000 at one of your meetings and presented \$48,000 to the Commissioners as a revised scope but the discussion at the Commission Meeting included the not to

exceed of \$120,000 if more televising was required or more was required to complete the report after the televising was done. The televising did require more than estimated.

The Lander County Commissioners would like to see a good portion of the sewer PER prior to the January 11th

meeting, more than just the pictures. I would appreciate a copy or if you need I can send it in. Dean will submit a rough draft by the meeting on the 11th.

Looking for some costs for bagging and disposing the asbestos cement pipe as one of the alternatives.....not necessarily the method but have to identify

alternatives for funding sources.

A question, I thought the designs had to be 60% finished by the end of April 2018? Why is the agreement say 50%?

also why is there not a deadline included? Typical proposals for design include a 50-percent design submittal to the owner for review and comment before the plans are

finalized for bidding. This way, if the owner wants changes, the design is not too far along. The 60-percent design submittal was requested by NDOT by the end of April 2018.

Depending on when the design is commenced (signed agreement), a 60-percent design will be submitted to NDOT per their request and the same submittal will be delivered

to Austin for review as well. Also, NDEP Bureau of Safe Drinking Water and Bureau of Water Pollution Control are involved in the review process. Plans and specs will be submitted

to those agencies for their comments too. The deadline is included in the Agreement at the top of Page 3 for the fiscal year 2017-2018 or July 1, 2017 to June 30, 2018.

When will we receive the final design? As the Board will have to approve it before it is sent to NDOT. Final design will be completed once all the review comments are received by

Austin, NDOT and NDEP. All review comments will be incorporated into the final design, after which the project will be publicly advertised.

I was under the impression if the county is going to fund the project as a whole that Sadie will be in charge of bid

solicitations for the project, and she will inform me. Please advise if my information is not accurate. Typically and as has been the case with the last five projects Day Engineering

has done for Lander County (Austin and Battle Mountain), Day Engineering submits the advertisement language to the Battle Mtn Bugle for advertising as a local paper and also to

various plan houses such as the Reno Builder, Sierra Plan Source, the Dodge Reports and McGraw Hill. A pre-bid meeting is conducted aby Austin and Day Engineering prior to

5 EAST PARK STREET • FALLON, NEVADA 89406 • (775) 423-9090 P.O. BOX 651 – EUREKA, NEVADA 89316 – (775) 293-1743

# "EXHIBIT A – SCOPE OF WORK"

December 29, 2017

Mr. Kip Helming, Chair LANDER COUNTY COMBINED SEWER AND WATER DISTRICT # 2 P.O. Box 144 Austin, Nevada 89310

RE: PROFESSIONAL ENGINEERING SERVICES PROPOSAL FOR WATER MAIN REPLACEMENT ON THE NORTH SIDE OF HIGHWAY 50

Mr. Helming;

Day Engineering is pleased to submit the following professional engineering services proposal to provide design, bid assistance and construction administration services for the Highway 50 Water Main Replacement. The areas of improvements are identified as described below:

- Approximately 2,000 feet of 8" PVC pipe on the north side of Highway 50;
- 6" and 4" connections to the west side, east side, and north;
- Fire hydrant replacements;
- Water service replacements;
- · Replacement of pressure reducing valve west of town;

#### TASK 1 - SURVEYING

\$ 10,000

Day Engineering will utilize Summit Engineering from Reno, Nevada for surveying services. They performed the surveying of the proposed Town street realignments in Austin. Surveying will include getting valve depths and locations to produce plan and profile drawings of the proposed new infrastructure improvements. USA locates will be contacted prior to surveying and all existing infrastructure will be presented on the Plans to avoid potential conflicts.

## TASK 2 - 50 PERCENT DESIGN

\$ 42,000

The design includes development of Plans and Construction Documents for bidding purposes. A 50-percent design product will be provided to Lander County Combined Sewer and Water District # 2, and Lander County Public Works for review and comment prior to completion of the design in preparation of bidding. Design will include plan and profile of the water main and will also include details of pertinent components of the Project. Tie-in details as well as details for connections including hydrant and water services, trench and thrust block details will also be provided.

Construction Documents will include bid and contract documents, general and special conditions and technical specifications. The construction documents will be consistent with the previous projects recently completed. All permitting requirements with Nevada Division of Environmental Protection, Bureau of Safe Drinking Water (NDEP-BSDW) are included as well as coordinating with the Nevada Department of Transportation (NDOT) for inclusion of the plans and specs in the State highway project. A copy of the current State Prevailing Wage Rates for Lander County will be included.

Mr. Kip Helming Professional Engineering Services Proposal for Austin Highway 50 Water December 29, 2017 Page 2

#### TASK 3 - FINAL DESIGN

\$ 17,000

Pending the District, Public Works, and NDOT review, a final set of Plans and Specifications will be developed incorporating all comments. Two sets of Plans and Specifications will be submitted to NDEP-BSDW and NDOT for final approval. Any comments provided by the review agencies, the District and the County will be incorporated into the final set of Plans and Construction Documents for bid solicitation.

#### TASK 4 – BID SOLICITATION

\$3,000

Day Engineering will assist NDOT in advertising and soliciting bids for the project including attending the pre-bid meeting and addressing any addendums that may arise during the bidding process. Plans and Construction Documents reproduction costs are included in this task. Day Engineering will also review the NDOT bids and present a recommendation for award to the District and County based on the bid results. The water and sewer construction will bid at the same time under the direction of NDOT.

#### TASK 5 - CONSTRUCTION ADMINISTRATION

\$ 38,000

Construction administration includes conducting the NDOT pre-construction meeting to discuss the Contractor's proposed schedule and proposed construction plan, staging areas, system continuity plan for maintaining water service throughout the construction, maintaining public access, etc. Equipment and material submittals will be provided by the Contractor and reviewed by Day Engineering for conformance to the approved Plans and Specifications.

Construction Administration will also include full time inspections during construction including commissioning of the new water main. Daily inspections will be performed throughout the entire construction phase of the Project. The estimated duration of the construction phase is approximately 2 months. NDOT construction meetings will be attended to maintain construction schedules and Contractor questions on water main related field issues will be managed by Day Engineering. Testing results by NDOT will be finalized in a summary report and provided upon project completion.

NDOT pay requests will be reviewed by Day Engineering prior to recommendation to the District for approval and payment. Quantities and percentage of tasks completed will be field verified by the Inspector prior to processing of any pay requests. All pay request and change orders as well as project progress meetings and project summaries will be developed by Day Engineering.

## TASK 6-RECORD DRAWINGS

\$ 10,000

Record drawings of the completed work will be developed and provided to the District pending completion of the Project. Survey locations of all installed utilities will be identified on the Record Drawings for accuracy. Two hard copy sets of Record Drawings will be provided including a CD of the Record Drawings in AutoCAD and PDF format. All field reports and construction photos will also be provided.

ENGINEERING DESIGN (TASKS 1 TO 4) TOTAL NOT-TO-EXCEED \$ 72,000
ENGINEERING CONSTRUCTION SERVICES (TASKS 5 & 6) TOTAL NOT-TO-EXCEED \$ 48,000
ENGINEERING SERVICES PROPOSAL TOTAL NOT-TO-EXCEED \$ 120,000

Mr. Kip Helming Professional Engineering Services Proposal for Austin Highway 50 Water December 29, 2017 Page 3

The professional engineering services fee of \$72,000 for design and bidding, and the construction services of \$48,000 is a not-to-exceed fee. Payment of services is due upon receipt of invoices. Our hourly rate schedule is attached for your information.

Day Engineering appreciates the opportunity to provide this proposal for your review and look forward to a successful project. If you have any questions or wish to discuss any aspect of this proposal, please do not hesitate to call the undersigned at (775) 293-1743.

Sincerely, DAY ENGINEERING

Dean Day

# AUSTIN HIGHWAY 50 ESTIMATE - 2017 - PAGE 2 OF 2

# **WATER SYSTEM**

Construction Item	Quantity	Unit Cost	Total Cost
Mobilization – LS	1		\$ 40,000
Temp. Water Piping – LS	1		\$ 30,000
8" Water Main – LF	2,800	\$ 70	\$ 196,000
Restrained Joints - EA	150	\$ 400	\$ 60,000
8" Valve – EA	20	\$ 2,000	\$ 40,000
6" Connection – EA	8	\$ 10,000	\$ 80,000
4" Connection – EA	5	\$ 5,000	\$ 25,000
6" Water Main – LF	150	\$ 60	\$ 9,000
6" Valve – EA	4	\$ 1,500	\$ 6,000
4" Water Main - LF	60	\$ 50	\$ 3,000
4" Valve – EA	4	\$ 1,000	\$ 4,000
Fire Hydrant Assembly – EA	7	\$ 5,000	\$ 35,000
Water Service ~ EA	30	\$ 3,000	\$ 90,000
Concrete Repair – SF	1,000	\$ 20	\$ 20,000
Pavement Repair on County - SF	10,000	\$ 10	\$ 100,000
4'x6' Concrete Vault – EA	1		\$ 15,000
New Valves & Pipe in Ex. Vault - LS	1		\$ 40,000
New Lid on Ex. Vault - LS	1		\$ 7,000
2017 CONSTRUCTION			\$ 800,000
Non-Construction Item	Quantity	Unit Cost	Total Cost
Construction Contingency - %	15		\$ 120,000
Engineering – % of const.	9		\$ 72,000 design
Inspection & Construction – %	6		\$ 48,000
2017 NON-CONSTRUCTION			\$ 240,000
TOTAL COSTS			\$ 1,040,000

# LANDER COUNTY COMBINED SEWER & WATER DISTRICT #2

General Improvement District P.O. Box 144 or 122 Main Street

Austin, Nevada 89310 Phone: (775) 964-2676 Fax: (775) 964-1417

Date: <u>Jan 3, 2018</u>
To: Keith Westengard
Fax Number: 775.635.5332
From: Gwen Jones 2005+WD#Z
Total number of pages including the cover sheet:
25
I moach on bills to our clients

Company Info   Charges/Fees   Rate Tables   Bill Allocation   Online	e Billing   Preferences   Table Maint.   Sort Order
	Witzerd Print Sor Delete: Help Cencel Save Edit
Rate Schedule: 14 Metered	Rate schedules:
Description: Residential Full Service	Use the wizard to
tinit of Measure: Gallon	(14) 13 of 15
Meldred Service Rates	
Water Rates	Other Charges Charge Names
Rate For First 5000 Gallons = 20.61 Base Charge Rate For Next 9999999 Gallons = 0.00127 Per Callon	Flat Rate Service or Multiplier Amount
Rate For Next 9999999 Gallons = 0 Per Gallon	Charge Amount: Apply New
Rate For Next 9999999 Gallons = 0 Per Gallon Rate For Next 9999999 Gallons = 0 Per Gallon	Water
Rate For Next 9999999 Gallons = 0 Per Gallon	Sewer
Rate For Next 9999999 Gallons = 0 Per Gation	Obligation Rate 16.22
Rate For Next 9999999 Gallons = 0 Per Gallon Rate For Next 9999999 Gallons = 0 Per Gallon	Rate 0.00
Rate For Next 9999999 Callons = 0 Per Gallon	
Rate For Next 9999999 Gallons = 0 Per Gallon Overage Rate 9999999 Gallons = 0 Per Gallon	
California (Carlo and Armada (Carlo and Armada (Carlo and Armada)	Sales Tax Rate (%)   0.00 Apply
Sewer Rates	AMEDIC COPIES
	Water Sciver Conversions
Rate For Next 9999999 Gallons = 0 Per Callon	Options
Rate For Next 9999999 Gallons = 0 Per Gallon Rate For Next 9999999 Gallons = 0 Per Gallon	Altaply account multiplier to base rate.
Rate For Next 9999999 Gallions = 0 Per Gallon	
Rate For Next 9999999 Gallons = 0 Per Gallon	
Rate For Next 9999999 Gallons = 0 Per Gallon Rate For Next 9999999 Gallons = 0 Per Gallon	
Rate For Next 9999999 Gallons = 0 Per Gallon	
Rate For Next 9999999 Gallons = 0 Per Gallon Rate For Next 9999999 Gallons = 0 Per Gallon	Alternative Base:
Overage Rate 9999999 Gallons = 0 Per Gallon	Rotte For First 0 = 0
Current 57.14	
Current 57.16 ncrease => water 26y	e 18.94
	2 11.05
ncrease => Sewer 20	of 19.89
40	yR 11.61
surrent funding - 74.58	now! Best case w/out hel
current funding- 74.58 (with min a 40 yr total-	19.82
	95.99 remove of 1,5%)
Canarie	rfucrease of 1.5%)

Company Info   Charges	Fees   Rate Tables	Bill Allocation   Onli	ne Billing   Prefere	rices [	್ಷಿಕ್ಕಾಗಿ ಕ್ರಾಪ್ತಿಸ್ಕಾಗಿ ಸ್ಥಾಪ್ತಿಸಿಕ್ಕಾಗಿ ಸ್ಥಾಪ್ತಿಸಿಕ್ಕಾಗಿ ಸ್ಥಾಪ್ತಿಸಿಕ್ಕಾಗಿ ಸ್ಥಾಪ್ತಿಸಿಕ್ಕಾಗಿ ಸ್ಥಾಪ್ತಿಸಿಕ್ಕಾಗಿ	nt, S	rt Order
		18 (p)	98 L Wiscord Print		te Help	Concel Sav	e Bat
Rate Schedule: 2	747		Rate schedules: -		77 . 7070		
	Metered ▼j.					Use the wiz	ard to
Description:	Commercial Full Service		14 4 2 0	f 15	P P	create a r	
Unit of Measure:	Gallon	<b>-</b> J			Listerman	iațe tab	ie .
Métered Service Rates				32 - ES	- Engants		a paka
Water Rates			7		γ		
Rate For First 5	000 Gallons = 26.92	Base Charge	Other Cha	-	4	Charge Name	5
	999 Gallons = 0.00127	Per Gallon	Hat Rate Service or	Multiplier		Acol	y New
Rate For Next 9999	999 Gallons = 0	Per Gallon			Charge Am		charge
Rate For Next 9999	999 Gallons = 0	Per Gallon	Water			5	r !
	999 Gallons = 0	Per Gallon	Sewer			your or	_ !
	999 Gallons = 0	Per Gallon				3	-
	999 Gallons = 0	Per Gallon	Obligation Rate			16.22	r- 1
	999 Gallons = 0	Per Gallon	0.00		}		\
[ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [ [	999 Gallons = 0	Per Gallon	Rate		1	0.00	1
	999 Gallons = 0	Per Gallon	Rate			0.00 !-	Γ"
	999 Gallons = 0 999 Gallons = 0	Per Gallon Per Gallon	Sales Tax Rate (	36) .	0.00	•	Apply (
Sewer charges based on Water	iraho!	10 22 W. W. W. W. W. W. C.	1 500 and 10 10 10 10 10 10 10 10 10 10 10 10 10	12 142			
Sewer Rates			Adjustment Codons	الله الأراث المالية ال			
	000 Galtons = 37.48		Water		Sewer	Conve	เลเอกร
	999 Gallons = 0.00406	Base Charge	- Options				
	999 Gallons = 0,00406	Per Gallon Per Gallon	[11]			14	-
	999 Gallons = 0	Per Gallon	Apply account multip	mer to bas	erate.		-3
	999 Gallons = 0	Per Gallon		5		8	
	999 Gallons = 0	Per Gallon				× .	
Rate For Next 99999	999 Gallons = 0	Per Gallon		**		185	
Rate For Next 99999	999 Gallons = 0	Per Gallon			9		
	999 Gallons = 0	Per Gallon	18				
	999 Gallons = 0	Per Gallon	BILL		36		
	999 Gallons = 0	Per Gallon	Alternative Base:	ŗ	n =		~~~
Overage Rate 999999	99 Gallons = 0	Per Gallon	Rate For First	3	0 =	1	v
The state of the s			TA When the same of the same o	our compared to	Control of the Contro	- White commence were	

current 80.62

Increase => Water 20 yr 18.94; 40 yr = 11.05 Sewer 20 yr; 19.89; 40 yr = 11.61 Current funding => 98.04 per month. USDA 50/50 water

> 40 yr = 103.28 20 yr = 119.45

(plus 1.5% morease annually)

\$ 546000.00 Term 40 % 2.125 ZIP 89310 Jan V 2018 V Calculate

1/2/0

# Loan Summary

\$1,690

\$810,990

Monthly Payment

Total of 480 Payments

\$264,990

Dec, 2057

Total Interest Paid

Pay-off Date

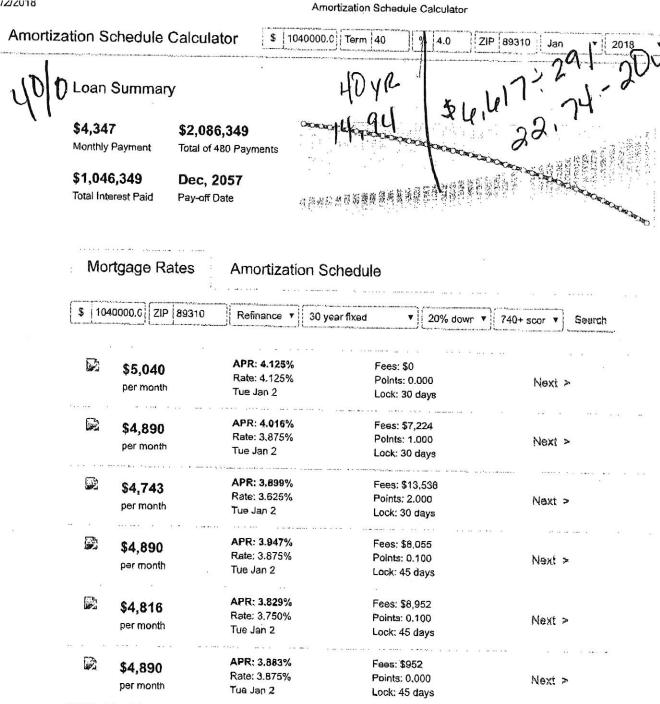
5.81 per client

Mortgage Rates

Amortization Schedule

546	6000.00 ZIP   89310	Refinance ▼ 30 year fixe	ed • 20% dowr •	740÷ scor ▼	Search
	E	(21)	*** ***		\$B
	\$2,567	APR: 4.022%	Fees: \$4,153		
	per month	Rate: 3.875%	Points: 1,000	Next >	
	per month	Tue Jan 2	Lock: 30 days		
No.	\$2,646	APR: 4.125%	Fees: \$0		the tree many
	WARD	Rate: 4.125%	Points: 0.000	Next >	
	per month	Tue Jan 2	Lock: 30 days	1,000	
المعطلة	\$2.646	APR: 4.125%	Fees: \$0	manne acomor in ve	V4 - 44 - 1
-4	\$2,646	Rate: 4.125%	Points: 0.000	Next >	
	per month	Tue Jan 2	Lock: 30 days	A JAMPI	
	00 500	APR: 4,037%	Face: \$7.793		
1	\$2,529	Rate: 3.750%	Fees: \$7,783	۸)	
	per month	Tue Jan 2	Points: 2,000	Next >	
		rad dan E	Lock; 30 days		
33	\$2,607	APR: 4.059%	Fees; \$3,355		
	per month	Rate: 4.000%	Points: 0.100	Next >	
	per monun	Tue Jan 2	Lock: 45 days		
	\$2,583	APR: 3.941%	Fees: \$1,077		****
-		Rate: 3.925%	Points; 0,000	Next >	
	per month	Tue Jan 2	Lock: 45 days	) tual -	
"E4	fo 000	APR: 4.250%	Fees: \$0		
P-4	\$2,686	Rate: 4.250%	Points: 0,000	Next >	
	per month	Tue Jan 2	Lock: 45 days	ivex: >	
		APR: 3,890%	Foor: \$2 275		O DECREO PUBLICA
	\$2,529	Rate: 3.750%	Fees: \$3,275		
	per month	Tue Jan 2	Points: 1.100 Lock: 45 days	Next >	//
L.		ADD: 2 00esc		··· · ······ <b>x</b>	(0) hi
2	\$2,544	APR: 3.885%	Fees: \$5,077		
	per month	Rate: 3.800%	Points: 0.100	Oxev	/ 1
	E 21 MAINN	Tue Jan 2	Lock: 45 days	W	10 00 C
	\$2,646	APR: 4.215%	Fees: \$1,239	70	o occ
		Rate: 4.125%	Points: 0.838	<b>60</b>	X C
	per month	Wed Dec 27	Lock: 60 days	1	THE Y

Many lenders have different rates on their own Websites than those posted on Bankrate.com. In order to get the Bankrate.com late, please trentify yourself as a Bankrate.com customer. If you believe that you have received an inaccurate quote or are otherwise not satisfied with the services provided to you by the lender you choose, please click here. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to their without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthinase of the individual and the external which



per month Tue Jan 2 Lock: 45 days 1 APR: 4.000% Fees; \$59 \$4,965 Rate: 4.000% Points: 0.000 < txelf per month Tue Jan 2 Lock: 30 days

APR: 3.870%

Rate: 3.750%

APR: 4.250%

Rate: 4,250%

Tue Jan 2

Many landers have different rates on their own Websites than those posted on Bankrate.com, in order to get the Bankrate.com rate, please identify yourself as a Bankrate.com oustomer. If you believe that you have received an inaccurate quote or are otherwise not satisfied with the services pro you by the lender you choose, please <u>click here</u>. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to cast without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthineas of the individual and the loan differs from the one used for Bankrate.com quotes. For criteria used in surveys of rates above, <u>click here</u>. These quotes are from the one used for Bankrate.com quotes, the property of the property o

Fees: \$3.645

Points: 1.100

Lock: 45 days

Points: 0.000

Fees: \$0

Nex! >

Noxt >

\$4,816

per month

\$5,116

7 Calculate

# Amortization Schedule Calculator Loan Summary

\$4,564

\$2,190,666 Monthly Payment

Total of 480 Payments

\$1,098,666

Total Interest Paid

Dec. 2057

Pay-off Date

30'L 204°C \$ |1092000.0|| Term |40 ZIP 89310

Mortgage Rates

Amortization Schedule

U9.	2000.0   ZIP   89310	Refinance ▼	30 year fixed	<b>V</b>	20% dowr ▼	740+ scor ▼	Search
		•(i)					
		APR: 3.894%		Fees: \$13,	536	•	
	\$4,980	Rate: 3,625%		Points: 2.0		Marsh	_
	per month	Tue Jan 2		Lock: 30 d		Next	, D
				LOCK. 30 U			
	\$5,135	APR: 4.013%		Fees: \$7,2	24		
	196 77 (1) <b>2</b> (2) 4 (4) (5) (4) (5) (4) (5)	Rate: 3.875%		Points: 1.0	00	Next	>
	per month	Tue Jan 2		Lock: 30 d	ays		
,	•	APR: 4.125%		Fees: \$0			
	\$5,292	Rate: 4,125%		Points: 0.0	00	Monak	•
	per month	Tue Jan 2		Lock: 30 d		Next	<i>y</i>
					ays	e e e	
	\$5,372	APR: 4.250%		Fees; \$0			
	ASSE	Rate: 4.250%		Points: 0.0	00	Next	>
	per month	Tue Jan 2		Lock: 45 da	ays	,,,,,,,	
	<b>*</b> = 0 = 7	APR: 3.826%		Fees: \$8,9	52		
	\$5,057	Rate: 3.750%		Points: 0.1		Next	_
	per month	Tue Jan 2		Lock; 45 da		(ABV)	
	E G				ian een		4 M.M. **
	\$5,135	APR: 3.944%		Fees: \$8,0	55		
	*	Rate: 3.875%		Points: 0.1	00	Next	>
	per month	Tue Jan 2		Lock: 45 da	ays		
3.2	ФР 040	APR: 4.000%	tere at a second or the Bernardson	Fees: \$59			
	\$5,213	Rate: 4.000%		Points: 0.0	00	Next	>
	per month	Tue Jan 2		Lock: 30 da		11420	70
		APD: 0.0004			An meetic i	5 W 5 W 7	
	\$5,135	APR: 3.882%		Fees: \$952			
	per month	Rate: 3.875%		Points: 0.0		Next	20
	por monut	Tue Jan 2		Lock; 45 de	ays		
¥	<b>¢</b> E 0.57	APR: 3.868%		Fees: \$3,6	45		
	<b>\$5,057</b>	Rate: 3.750%		Points: 1.1		Next	>
	per month	Tue Jan 2		Lock: 45 da		MEN	

Many lenders have different rates on their own Websites than those posted on Bankrate.com. In order to get the Bankrate.com rate, please identify yourself as a Bankrate.com customer. If you believe that you have received an inaccurate quote or are otherwise not satisfied with the services provided to you by the lender you choose, please click here. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to change without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthiness of the individual and the extent to which the loan differs from the one used for Bankrate.com quotes. For criteria used in surveys of rates above, click here. These quotes are from banks, thrifts, and brokers, some of whom have paid for a link to their own Web sits, where you can find additional information.

Calculate

# Amortization Schedule Calculator \$ 1040000.0 Term 20 % 2.5 ZIP 89310 Jan v 2018 v Calculate

200

Loan Summary

\$5,511

\$1,322,638

Monthly Payment

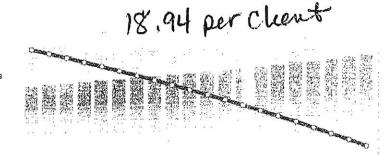
Total of 240 Payments

\$282,638

Dec, 2037

Total Interest Paid

Pay-off Date



Mortgage Rates

Amortization Schedule

\$ 1040000.0 ZIP 89310

Refinance ▼ 20 year fixed

20% dowr ▼

740+ scor ▼

Search .

There are currently no rates available for the products you selected, Please try another search.

Many lenders have different rates on their own Websites than those posted on Bankrate.com. In order to get the Bankrate.com rate, please identify yourself as a Bankrate.com customer. If you believe that you have received an insecurate quote or are otherwise not satisfied with the services provided to you by the lender you choose, please <u>click here</u>. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to change without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthiness of the individual and the extent to which the loan differs from the one used for Bankrate.com quotes, For criteria used in surveys of rates above, <u>click here</u>. These quotee are from banks, thrifts, and brokers, some of whom have paid for a link to their own Web site, where you can find additional information.

This should only be used to estimate your repayments since it doesn't include taxes or insurance.

Home | Loan Calculator | Mortgage Calculator | Mortgage Rates | Auto Loan Calculator

© 2005-2018 Amortization-calc.com

Water 20 yr

Amortization Schedule Calculator

Loan Summary

\$3,218

\$1,544,743

Monthly Payment

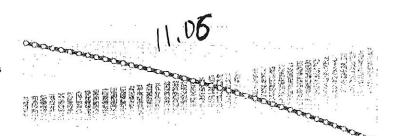
Total of 480 Payments

\$504,743

Dec, 2057

Total Interest Pald

Pay-off Date



Mortgage Rates :

Amortization Schedule

104	0000.0   ZIP   89310	Refinance ▼ 30 year fixe	ed ▼ 20% dowr ▼	740+ scor ▼   Search
	* * * * *	E 2		*
	\$5,040	APR: 4-125%	Fees: \$0	
	100	Rate: 4.125%	Points; 0.000	Next »
	per month	Tue Jan 2	Lock: 30 days	
200	\$4,816	APR: 4.026%	Fees: \$13,536	
	IF (IF)	Rate: 3.750%	Points: 2.000	Next >
4 v. v.	per month	Tue Jan 2	Lock: 30 days	
	\$4,890	APR: 4.016%	Fees: \$7,224	THE STATE OF THE S
		Rate: 3.875%	Points: 1.000	Next >
	per month	Tue Jan 2	Lock: 30 days	
C.	\$5,116	APR: 4.250%	Fees: \$0	
-,	75 165-\$100 No V7	Rate: 4.250%	Points: 0.000	Next >
	per month	Tue Jan 2	Lock: 45 days	
			<u> </u>	
	\$4,816	APR: 3.829%	Fees: \$6,952	202 0
	per month	Rate: 3.750%	Points: 0.100	Next >
	1	Tue Jan 2	Lock: 45 days	
	\$4,890	APR: 3.947%	Fees: \$8,055	
		Rate: 3.875%	Points: 0.100	Next >
<b>3</b>	per month	Tue Jan 2	Lock: 45 days	
7 d	\$4,890	APR: 3.883%	Fees: \$952	W MX
		Rate: 3.875%	Points: 0.000	Next >
	per month	Tue Jan 2	Lock; 45 days	
	\$4,816	APR: 3.870%	Fees; \$3,645	and a contract of the second o
JA		Rate: 3.750%	Points: 1,100	. Next >
	per month	Tue Jan 2	Lock: 45 days	

Many lenders have different rates on their own Websites than those posted on Bankrate.com. In order to get the Bankrate.com rate, please identify yourself as a Bankrate.com customer. If you believe that you have received an inaccurate quote or are otherwise not satisfied with the services provided to you by the lender you choose, please click here. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to change without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthiness of the individual and the extent to which the load differs from the one used for Bankrate.com quotes. For criteria used in surveys of rates above, click here. These quotes are from banks, thrifts, and brokers, some of whom have paid for a link to their own Web alte, where you can find additional information.

This should only be used to estimate your repayments since it doesn't include taxes or insurance.

Water 40 yr

% 2.125

Amortization Schedule Calculator

1092000.0 | Term 40

ZIP 89310

▼ 2018

Calculate

Loan Summary

\$3,379

\$1,621,980

Monthly Payment

Total of 480 Payments

\$529,980

Dec, 2057

Total Interest Paid

Pay-off Date

Mortgage Rates

Amortization Schedule

109	2000.C ZIP 89310	Refinance ▼ 30 year fixed	▼ 20% dowr ▼	740+ scor ▼	Search
	K 2 K 200 D K 100K 100	APR: 4.125%			
	\$5,292	Rate: 4,125%	Fees: \$0		
	per month	Tue Jan 2	Points: 0.000	Next >	•
	Mark in Normania constraint material contribution of the contribut	rue vall 2	Lock: 30 days		
	\$5,135	APR: 4.013%	Fees: \$7,224		
	41 TO CONT. CONT. CONT.	Rate: 3.875%	Points: 1.000	Next >	<b>5</b>
	per month	Tue Jan 2	Lock: 30 days		
	¢¢ oez	APR: 4.021%	Fees; \$13,536	**************************************	
TOWART.	<b>\$5,057</b>	Rate: 3.750%	Points: 2.000	Next >	÷
	per month	Tue Jan 2	Lock: 30 days	، مورس،	
		APR: 3.868%	Fees; \$3,645	5 107	227 27 87
(Par-T	\$5,057	Rate: 3.750%	Points: 1,100	Naxt 2	a.
	per month	Tue Jan 2	Lock: 45 days	110/11	
173E	3	APR: 3,826%	P	¥	
	\$5,057	Rate: 3,750%	Fees: \$8,952		
	per month	Tue Jan 2	Points: 0.100	Next >	•
			Lock: 45 days		
	\$5,135	APR: 3.882%	Fees: \$952		
	× 100	Rate: 3,875%	Points; 0.000	Next >	•
• ····	per month	Tue Jan 2	Lock: 45 days		
	¢E 270	APR: 4.250%	Fees: \$0		S.*
(ASA)	\$5,372	Rate: 4.250%	Points: 0.000	Next >	•
	per month	Tue Jan 2	Lock: 45 days	13 wells ?	
		APR: 3.944%	Fees: \$8,055		
MEG	<b>\$5,135</b>	Rate: 3.875%	Points: 0.100	Next >	
	per month	Tue Jan 2	Lock: 45 days	INCANT W	ro.

Many lenders have different rates on their own Websites than those posted on Benkrate.com. In order to get the Bankrate.com rate, please identify yourself as a Bankrate.com customer. If you believe that you have received an inaccurate quote or are otherwise not satisfied with the services provided to you by the lender you choose, please dick here. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to change without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthiness of the individual and the extent to which the loan differs from the one used for Bankrate.com quotes. For criteria used in surveys of rates above, gick here. These quotes are from banks, thrifts, and brokers, some of whom have paid for a link to their own Web alte, where you can find additional information.

Sewer. nce. 40 yr

This should only be used to estimate your repayments since it doesn't include taxes or insurance.

Amortization Schedule Calculator \$ 1016400.0 Term 40 % 2.125 ZIP 89310 Jan v 2018 v Calculator 
Loan Summary

\$ 3,145 \$1,509,689 Monthly Payment Total of 480 Payments

\$ 493,289 Dec, 2057 Total Interest Paid Pay-off Date

Mortgage Rates

Amortization Schedule

\$ 1016400.0 ZIP 89310 Refinance ▼ 30 year fixed ▼ 20% dowr ▼ 740+ scor ▼ Search

There are currently no rates available for the products you selected. Please try another search.

Many lenders have different rates on their own Websites than those posted on Bankrate.com. In order to get the Bankrate.com rate, please identify yourself as a Bankrate.com customer. If you believe that you have received an inaccurate quote or are otherwise not satisfied with the services provided to you by the lender you choose, please <u>dick here</u>. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to change without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthiness of the individual and the extent to which the loan differs from the one used for Bankrate.com quotes. For criteria used in surveys of rates above, <u>click here</u>. These quotes are from banke, thritte, and brokers, some of whom have paid for a link to their own Web site, where you can find additional information.

This should only be used to estimate your repayments since it doesn't include taxes or insurance.

Home | Loan Calculator | Mortgage Calculator | Mortgage Rates | Auto Loan Calculator

© 2005-2018 Amortization-calc.com

Sewer 40 yr after 75,400 pd.

Amortization Schedule Calculator ZIP 69310 Loan Summary 19.89 per client \$5,787 \$1,388,770 Monthly Payment Total of 240 Payments \$296,770 Dec, 2037 Total Interest Paid Pay-off Date Mortgage Rates Amortization Schedule \$ 1092000.0 ZIP 89310 Refinance ▼ 20 year fixed

# There are currently no rates available for the products you selected. Please try another search.

Many lenders have different rates on their own Websites than those posted on Bankrate.com. In order to get the Bankrate.com rate, please identify yourself as a Bankrate.com customer. If you believe that you have received an inaccurate quote or are otherwise not satisfied with the services provided to you by the lender you choose, please click here. The rates above were collected by Bankrate.com on the dates specified. Rates are subject to change without notice and may vary from branch to branch. Rate/APR and terms may vary based on the creditworthiness of the individual and the extent to which the loan differs from the one used for Bankrate.com quotes. For criteria used in surveys of rates above. click here. These quotes are from banks, thrifts, and brokers, some of whom have paid for a link to their own Web elte, where you can find additional information.

This should only be used to estimate your repayments since it doesn't include taxes or insurance.

Home | Loan Calculator | Mortgage Celculator | Mortgage Rates | Auto Loan Calculator © 2005-2018 Amortization-calc.com

Sewer 20 VR

740+ scor

Calculate



USDA-RD-CFTAT-2017 Community Facilities Technical Assistance and Training Grant Department of Agriculture **Utilities Programs** 

« Back | Link

- Synopsis
- Version History
- Related Documents

Package

Print Synopsis Details 2

If you would like to receive email notifications of changes to this grant opportunity click send me change notification emails. You only need to provide your email address.

General	Inform	nation

Document Type:

Grants Notice

Version:

Synopsis 2

Funding Opportunity Number:

USDA-RD-CFTAT-2017

Posted Date:

May 26, 2017

Funding Opportunity Title:

Community Facilities

Last Updated Date:

May 26, 2017

Technical Assistance and Training Grant

Original Closing Date for Applications: Jul 24, 2017

Opportunity Category:

Discretionary

Current Closing Date for Applications: Jul 24, 2017

Opportunity Category Explanation:

Grant

Archive Date: Estimated Total Program Funding:

Aug 23, 2017 \$1,500.000

Funding Instrument Type:

Award Ceiling:

Category of Funding Activity:

Agriculture

Community Development

Award Floor:

\$150,000 \$0

Category Explanation:

Expected Number of Awards:

CFDA Number(s):

10.766 -- Community

Facilities Loans and Grants

Cost Sharing or Matching Requirement: No

Eligibility

Eligible Applicants:

Native American tribal organizations (other than Federally recognized tribal governments)

Public and State controlled institutions of higher education

State governments

Nonprofits that do not have a 501(c)(3) status with the IRS, other than institutions of higher education

City or township governments

Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education

Public housing authorities/Indian housing authorities Native American tribal governments (Federally recognized)

Special district governments Independent school districts

Private institutions of higher education

County governments

Additional Information on Eligibility: There are two types of applicants. They are Technical Assistance Providers and Ultimate Recipients.

Generally speaking, both types of applicants must be a public body, nonprofit corporation, Federally

Recognized Indian Tribe or Indian Tribe located on Federal and State reservations.

Additional Information

Agency Name:

Utilities Programs

Description:

The Agency will make grants to public bodies and private nonprofit corporations, (such as States, counties, cities, townships, and incorporated towns and villages, boroughs, authorities, districts, and Indian tribes on Federal and State reservations) to provide associations Technical Assistance and/or training with respect to essential

community facilities programs. The Technical Assistance and/or training will assist communities, Indian Tribes, and Nonprotit Corporations to identify and plan for community facility needs that exist in their area. Once those needs have been identified, the Grantee can assist in identifying public and private resources to finance those

identified community facility needs.

Link to Additional Information: Notice of Solicitation of Applications for the CF TAT Grant

Grantor Contact Information: If you have difficulty accessing the full announcement electronically, please contact:

Nathan Chitwood Regional Coordinator, RI-IS Phone 573 876-0965

Email contact for Nathan Chitwood

BOARD FOR FINANCING WATER PROJECTS	REVISION DATE	PAGE
	06/20/2007	Page 1 of 3
POLICY		
SUBJECT: REASONABLE WATER RATES		

# STATEMENT OF POLICY:

The Policy on reasonable water rates was implemented in March 1998. Revisions occurred on November 9, 2006, and June 20, 2007.

#### PURPOSE:

To establish a policy / procedure for reasonable water rates for eligible public water systems.

## BACKGROUND:

The Division of Environmental Protection together with the Board for Financing Water Projects (Board) evaluates water rates in communities receiving AB 198/237 Grant Program funds. The Division uses a simplified procedure to evaluate rates (described below) which should not be confused with accounting relationships or audit procedures and terms which are governed by Generally Accepted Accounting Practices, etc.

After evaluation of a utility's water rates and as a condition for receiving State grant funds, the Board may require a utility to make financial changes which will enhance the viability of the utility.

The Board's objective in evaluating rates is to ensure that the water rates in place in a community are sufficient to ensure the financial strength of the utility. Through the rate analysis, the Division confirms that grant recipients will have sufficient revenues to: 1) operate and maintain their systems; 2) retire the debt which may have been incurred in constructing their systems; and 3) replace portions of the system which become functionally obsolete or worn out. Further, the rate analysis is performed to ensure that potential grant recipients are "helping themselves" by charging a "reasonable rate" for water. Some systems become candidates for State grant funds because long term revenue deficiencies have precluded the upkeep of their systems. Other systems become grant candidates due to their inability to fund treatment or other new requirements in safe drinking water regulations.

Ultimately the Board's goal is to ensure that communities receiving a grant will have funds to continuously renew and upgrade their systems. When this is accomplished, it is expected that the utility will have achieved financial self-sufficiency.

The Board also endeavors to provide grants where State funds can restore the financial self-sufficiency of a water utility. This objective is deemed met if the project can be demonstrated to be "economically justified and financially feasible."

BOARD FOR FINANCING WATER PROJECTS	REVISION DATE	PAGE
POLICY	06/20/2007	Page 2 of 3
SUBJECT: REASONABLE WATER RATES		

"Economic justification" requires that the project obtain benefits proportional to its costs, and that the selected project alternative is the most economical of the alternatives considered. This evaluation generally requires the applicant to consider the present worth of the cost of operations and maintenance in addition to initial capital costs. This concept also requires consideration of a "no project" alternative.

When customers regard the water commodity to be worth its cost and are willing to (and have the purchasing power to) pay that cost for an average amount of water, a proposed project is considered to be "financially feasible." Projects that are financially feasible will have revenues that meet or exceed expenses.

#### **BOARD POLICY:**

#### REASONABLE RATES

A determination as to whether the grant applicant is charging "reasonable rates" must be made before the Board can award a grant. As the grant funding for projects comes from the sale of bonds which are paid from property taxes throughout the State, the Board has an obligation to see that grant recipients are contributing a reasonable amount toward water rates before the State awards any grant funds.

It is the Board's policy that unless there are exceptional circumstances:

- 1) Customers in a community where the median household income (MHI) is at or above the State MHI based on the current US census must pay no less than 2% of the MHI for an average calendar year monthly water usage rate of 15,000 gallons (i.e., 2% x \$50,000 = \$1,000 per year or \$83.33 per month) in order to be eligible to receive grant funding on a water project.
- 2) Customers in a community where the MHI is below the State MHI based on the current US census must pay no less than 1 ½ % of the MHI for an average calendar year monthly water usage rate of 15,000 gallons (i.e., 1 ½ % x \$24,000 = \$360 per year or \$30 per month) in order to be eligible to receive grant funding on a water project.

These water rates are in keeping with the expectations of other states and funding institutions. The Board may determine that higher or lower rates are reasonable. The Board may also consider other factors impacting the financial strength of the community when making its determination (e.g., property tax rates) as to a "reasonable rate." These water rates must be in effect and being charged at the time of the first construction pay request. No grant funding will be disbursed if the water rates being charged do not meet this Board policy.

BOARD FOR FINANCING WATER PROJECTS	REVISION DATE	PAGE
	06/20/2007	Page 3 of 3
POLICY	*	
SUBJECT: REASONABLE WATER RATES	1	

#### RATE COMPONENTS

As noted earlier, water rates are expected to provide revenue for three purposes. The first and most essential use is for operations and maintenance. Falling in this category are the day-to-day expenses of sustaining the system. Costs placed in this category include salaries and benefits, chemicals, electrical and telephone utilities, repair materials and supplies, small tools, equipment, fuel, etc. Salaries can be further described as including the costs of field and shop labor, but also the cost of administrative efforts such as meter reading and water invoice preparation. A good system of accounts in a utility will help its managers and directors to understand how much each of various activities contributes to the total cost of running the system.

Second, water rate revenues are used to retire debt. Debt retirement means making the payments on loans obtained by the utility. Loans may have been received from credit unions or banks, or through the sale of general obligation or revenue bonds. Loans impact both the balance sheet and income statement of a utility. The amount of the loan payment due in the current year must be obtained from current water rates, or some other source such as property taxes which can be collected by the utility.

Third, water rate revenues are used to fund depreciation. Depreciation is simply a value assigned to the loss in value of a utility's assets. It recognizes that over time, each of the components of a system wears out or becomes functionally obsolete. All systems must have regular investments in new facilities or they will fall behind current standards for performance, reliability, and safety. The Division and the Board regard continual reinvestment in a system to be crucial to its ongoing viability.

From: Fred Steinman <fred@unr.edu>

To: Dee Helming <kipndee@luno.com>

Sent: Mon, Jun 19, 2017 10:02 PM

Subject: RE: Another question

Hi Dee,

Thanks for your email. I'm not sure if you were looking for median household income or per capita income (typically 'median income' refers to median household income while per capita income is used as a measure of an individual's annual income. I've provided median household income and per capita income below.

Here is median household income for the U.S. nationally, state of Nevada, Lander County, Austin, Battle Mountain and Kingston separately:

United States: \$53,482 State of Nevada: \$52,205 Lander County: \$76,558

Austin: \$36,463

Battle Mountain: \$84,861

Kingston: \$42,713

Source: MEDIAN INCOME IN THE PAST 12 MONTHS (IN 2014 INFLATION-ADJUSTED DOLLARS), 2010-2014 American

Community Survey 5-Year Estimates, US Census Bureau

United States: \$28,555 State of Nevada: \$26,515 Lander County: \$29,302

Austin: \$36,977

Battle Mountain: \$32,731

Kingston: \$29,308

Source: PER CAPITA INCOME IN THE PAST 12 MONTHS (IN 2014 INFLATION-ADJUSTED DOLLARS), 2010-2014 American

Community Survey 5-Year Estimates, US Census Bureau

These (median household income and per capita income) estimates are for 2014...2014 is the most recent year with data for each jurisdiction. 2015 was available for all jurisdictions listed above except for Austin. Given that this is for a grant, I imagine they want the most recent year that data is available for for each jurisdiction so that the comparison across each jurisdiction can be made.

Hope this helps. And if the folks at the Water Department have any questions about this, please feel free to forward my contact information to them and I'd be happy to help.

I'll also have your tourism-related question answered by tomorrow morning.

Hope all is well!

Best,

Fred

Frederick Steinmann, DPPD
Assistant Research Professor
Leadership and Economic Development Specialist
University Center for Economic Development
The College of Business
University of Nevada, Reno
Ansari Business, Room 415J
Mail Stop 0024
Reno, NV 89557

Phone (Office): 775.784.1655 Phone (Mobile): 775.997.4636 Fax (Office): 775.784.1773

Email: fred@unr.edu

NLP: http://www.unr.edu/business/research-and-outreach/nevada-leadership-institute

NLP on Facebook: https://www.facebook.com/NevadaLeadershipInstitute?ref=hl

UCED: http://www.unr.edu/business/research-and-outreach/uced

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential, proprietary, and/or privileged information protected by law. If you are not the intended recipient, you may not use, copy, or distribute this e-mail message or its attachments. If you believe you have received this e-mail message in error, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

The University of Nevada, Reno is committed to Equal Employment Opportunity/Affirmative Action in recruitment of its students and employees and does not discriminate on the basis of race, color, religion, sex, age, creed, national origin, veteran status, physical or mental disability, and sexual orientation. The University of Nevada employs only United States citizens and aliens lawfully authorized to work in the United States. Women and under-represented groups are encouraged to apply.

From: Dee Helming [mailto:kipndee@luno.com]

Sent: Monday, June 19, 2017 7:22 PM
To: Frederick A Steinmann < fred@unr.edu>

**Subject:** Another question

HI Fred

With all the Lander County stuff that you've done, do you have the median Income for Austin, Kingston and Battle Mountain separately?

The Water Dept needs it for a grant they are working on.

Dee

BOARD FOR FINANCING WATER PROJECTS	REVISION DATE	PAGE
POLICY	7/24/09	Page 1 of 5
SUBJECT: SCALE TO DETERMINE GRANT AMO	DUNT	

# STATEMENT OF POLICY:

It is the policy of the Board for Financing Water Projects to establish meaningful factors that can be applied objectively to determine the scale of project funding to be awarded for drinking water projects, in accordance with NRS 349.981 and NRS 349.983.

# PURPOSE:

To establish a scale to determine the grant amount the Board for Financing Water Projects can award to each grantee.

# REFERENCE:

NRS 349.983 2. states "In making its determination of which purveyors of water are to receive grants pursuant to paragraph (a) of subsection 1 of NRS 349.981, the board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons." The board has the discretion to choose which applicants will receive a grant based upon population served by the water system.

# MATCHING MONEY FROM OTHER SOURCES

SCALE TO DETERMINE GRANT AMOUNT AS A PERCENTAGE OF THE TOTAL ELIGIBLE COSTS (NRS 349.983 3.)

According to NRS 349.983 3. "Each recipient of a grant shall provide an amount of money for the same purpose. The board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the total cost of the project for which the grant is awarded. The scale must be based upon the average household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the board determines to be relevant."

BOARD FOR FINANCING WATER PROJECTS	REVISION DATE	PAGE
	7/24/09	Page 2 of 5
POLICY		
SUBJECT: SCALE TO DETERMINE GRANT AM	OUNT	

## **BOARD POLICY:**

Based upon NRS 349.983 (3)., the board must provide grants of money between 25% and 85.0% of the total eligible costs.

Each recipient of a grant shall provide an amount of money for the same purpose which shall be the difference between the grant amount and the eligible project costs.

MINIMUM GRANT AMOUNT WILL BE 25% OF THE ELIGIBLE PROJECT COSTS. EACH POINT ADDS TO THE GRANT AMOUNT ACCORDING TO THE FOLLOWING CRITERIA:

I. <u>P</u>	ROJECT NEED	<u>POINTS</u>	
E	A. Acute health concern per current Drinking Water State Revolving Fund Loan (SRF) priority list.  B. Chronic health concern per current SRF priority list.  C. System condition per current SRF priority list.	15 10 5	
F	Project Points		5
Discount V	A. State Median Household Income (MHI)/Public Water Supply Median Household Income per current SRF priority list, recent income survey or year 2000 census:  1.75 or more (very low income)  1.60 - 1.74  1.45 - 1.59  1.30 - 1.44  1.15 - 1.29  1.00 - 1.14	75 50 30 20	ACCORDING TO: USCENSUS BUREAU - 2011-2015 COMMUNITY SURVEY  STATE MHI = \$51,847  AUSTIN(CCD) MHI = 43,958  51,847 = 43,958
1	Project Points		10 1.18

BOARD FOR FINANCING WATER PROJECTS	REVISION DATE	PAGE	
	7/24/09	Page 3 of 5	
POLICY			
SUBJECT: SCALE TO DETERMINE GRANT AMO	TNUC		
<ul> <li>B. Monthly Residential Water Rate on Date of Ap</li> <li>1. Below the Board's policy for month rates</li> <li>2. At or above the Board's policy for month rates</li> </ul>	nly water	'REASONABLE' (15,000 GAL AUSTIN MHI 43,958 * 11	used) * 1.5% / 12
water rates  Project Points	20	0	v
C. Property Tax Rate:  At State Ceiling of \$3.64 per \$100 of as value  \$3.28 - \$3.63 \$2.95 - \$3.27 \$2.65 - \$2.94 \$2.64 or less	osessed  OF TAXATION 3 2 0	AUSTIN'S 2 20.61 (BAS + 10,000 GA + 1/2 SOF 0	56 INCLIDE 5000 GAL) AL + .00127, IF 16.22
Project Points		5	(1)
D. Persons Regularly Served per Safe Drinking W Information System maintained by the Bureau of Drinking Water:  Fewer than 500  500 -999  1000 - 1999  2000 - 3999  4000 - 5999  6000 and above	ater of Safe  25 15 8 4 2 0		
Project Points		25	
III. OTHER FACTOR(S) THAT THE BOARD DETERMINES T RELEVANT, INCLUDING:	TO BE POINTS	Į.	
A. This project will reduce water leakage and othe losses by at least 25%		NOT DEMONSTRAT	Æδ

BOARD FOR FINANCING WATER PROJECTS	REVISION DATE	PAGE	
POLICY	7/24/09	Page 4 of 5	
SUBJECT: SCALE TO DETERMINE GRANT AMO	DUNT		
<ul> <li>B. Approved &amp; up-to-date Water Conservation Pla (NRS 540.131, .141, and .151)</li> <li>C. Water Conservation Effectiveness (based upon equivalents NAC 445A.66325)</li> <li>D. Metered community charging financially responsetered rates</li> <li>E. Asset management plan in place</li> <li>F. O&amp;M, Cross-connection control and Emergency plans in place and being implemented</li> <li>G. Wellhead protection program in place</li> <li>H. Project management in place</li> <li>I. Daily inspections by qualified inspector planned</li> <li>J. Applicant has obtained alternate funding up to the maximum financial extent possible</li> <li>Project Points</li> <li>IV. DEDUCTIONS</li> </ul>	residential	PATES ARE BELL NOT EXCUMENTS	ed Od'Rea Ed
<ul> <li>A. Second home/vacation home account for &gt;30% connections</li> <li>B. Applicant is at or above State MHI and has not funded a capital replacement fund.</li> <li>C. Applicant did not perform adequately on prior a project as demonstrated by preventable project cost over-runs.</li> <li>D. Applicant failed to submit required financial an reports for prior grant project.</li> <li>E. Opportunity for local or regional cooperation not Points Deducted</li> </ul>	-30 adequately -30 grant delays and -25 d progress -10	AUSTIN TIDES I TMF CAR REMAIN - 30	NOT HAVE ACITY TO SUSTAIN
Total Project Points		<u> 37</u>	
MAXIMUM POINTS A MAXIMUM GRANT AMOUNT IS 85% OF		Costs	
Number of points $37/2.5 = +25 = 0$	Grant Percent40_	<u>%</u>	
Grant Amount =% x eligible project costs of \$_	= a grant of	\$	- "
MUSTIN COULD WORK WITH LANDER CO TO C ECHNICAL SUPPORT - + 20 (PENNETTET	CONSOLIDATE MAN	VAGEMENT, FIN	auces "

DOCUMENT ITEMS IIIB, IIIC. IIIF -+7

GRANT COLVED CHANGE TO 54%

	7/24/09	Page 5 of 5
POLICY		
SUBJECT: SCALE TO DETERMINE GRANT AMOU	UNT	

Eligible Project Costs of \$	less the grant amount of §	=
the amount of matching money required fro	om other sources, \$	

Officlope

# Scenario A: Top 2 alternatives are chosen. Funding from the Capital Improvement Grant Program at 40% and DWSRF program are used.

*	Capital Improvement Grant funds <sup>A</sup>	DWSRF Principal Forgiveness <sup>B</sup>	DWSRF Loan Funds <sup>C</sup>	Total
Total Project Cost	402,800.00	0	604,200.00	1,007,000.00
Bond Issuance Costs			35,000.00	35,000.00
Total Funds Needed	402,800.00	ta.	639,200.00	1,042,000.00

Based upon 40% eligible grant as determined by the program grant scale (funds must also be available in Grant Program). Currently not eligible

#### Loan Information

General Obligation Interest Rate 2.50%			3.00% 4.00%		
	Loan Terms	20 years	20 years	20 years	
	Number of system connections	230	230	230	
	Present Value of Interest Expense	148,763.74	175,018.59	224,453.26	
	System Annual Debt Service Expense	40,808.34	42,733,21	46,732.87	
	Required debt service expense per connection per month	\$14.79	\$15.48	\$16.93	

# Scenario B: Top 2 alternatives are chosen. Funding from the Capital Improvement Grant Program at 54% and DWSRF program are used.

	Capital Improvement Grant funds <sup>A</sup>		DWSRF Loan Funds <sup>C</sup>	Total
Total Project Cost	543,780.0	0 0	463,220.00	1,007,000.00
Bond Issuance Costs			35,000.00	35,000.00
Total Funds Needed	543,780.0	0 -	498,220.00	1,042,000.00

Based upon 54% eligible grant as determined by the program grant scale (funds must also be available in Grant Program)

Currently not eligible

#### CLoan Information

General Obligation Interest Rate	2.50%	3.00%	4.00%
Loan Terms	20 years	20 years	20 years
Number of system connections	230	230	230
Present Value of Interest Expense	115,952.87	(36,417.02	174,948.53
System Annual Debt Service Expense	31,807.77	33,308.10	36,425.61
Required debt service expense per connection per month	\$11.52	\$12.07	\$13.20

#### Scenario C: Top 2 alternatives are chosen. Funding from the DWSRF program only. Total Capital Principal Loan Funds<sup>c</sup> Improvement Forgiveness Grant funds 1,007,000.00 1,007,000.00 Total Project Cost 35,000.00 35,000.00 Bond Issuance Costs Total Funds Needed 1,042,000.00 1,042,000.00 Loan Information General Obligation Interest Rate 4.00% 20 years Loan Terms 20 years 20 years 230 230 Number of system connections 230 285,308,77 365,895.33 Present Value of Interest Expense 242,509.10 System Annual Debt Service Expense 66,524.23 69,662.08 76,182.18 Required debt service expense \$25.24 \$27.60 \$24.10

per connection per month

# Pipeline Inspection Report

-Asset Information-Upstream MH: ? Rim to Invert: Rim to Grade: Downstream MH: SSMH 1 Rim to Invert: Rim to Grade: PSR: Pipe Size: 8 in. | Circular Material: Concrete Pipe (non-reinforced) Street: HWY 50 City: AUSTION System Owner: Drainage Area: Sewer Use: Sanitary Lining Method: Length: (unspecified) Year Built: Location Code:

Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info: N 39.49 W117.068

Inspection Information-

Date: 20171009 10:25

Surveyed By: TOMMIE

Certificate #: 000000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

Sketch

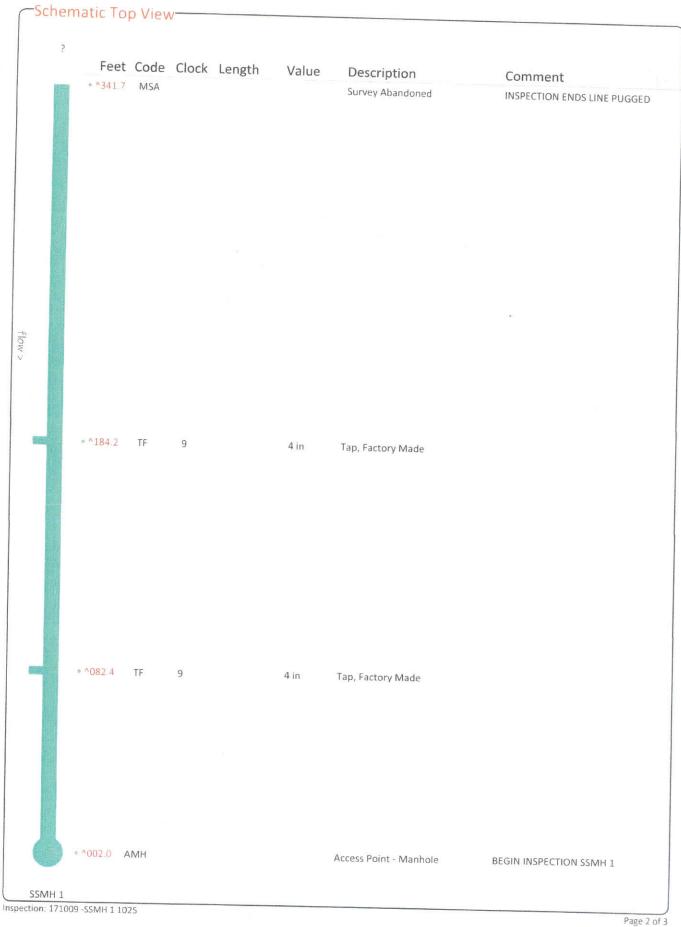
SSMH 1

Camera direction

DS

341.7 ft. televised

(asset length not specified)



## Snapshots-



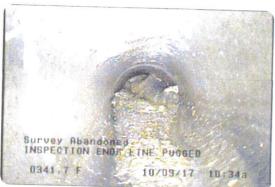
Access Point - Manhole at 002.0 feet | BEGIN INSPECTION SSMH 1



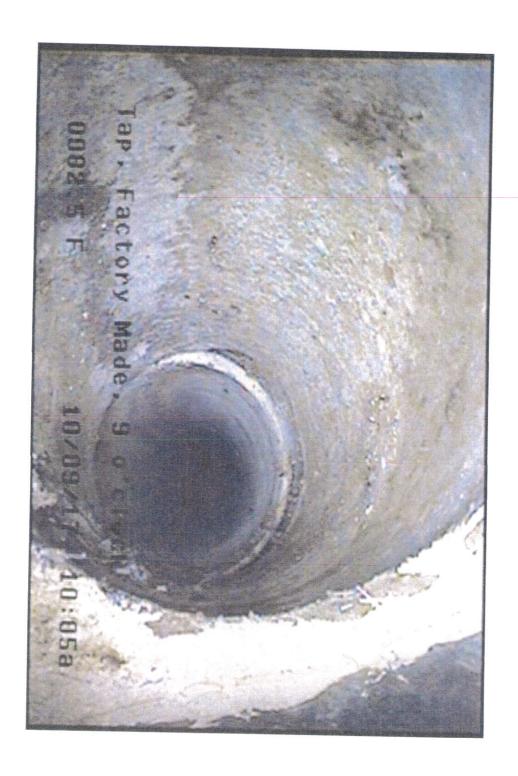
Tap, Factory Made at 184.2 feet, 9 o'clock, 4 in

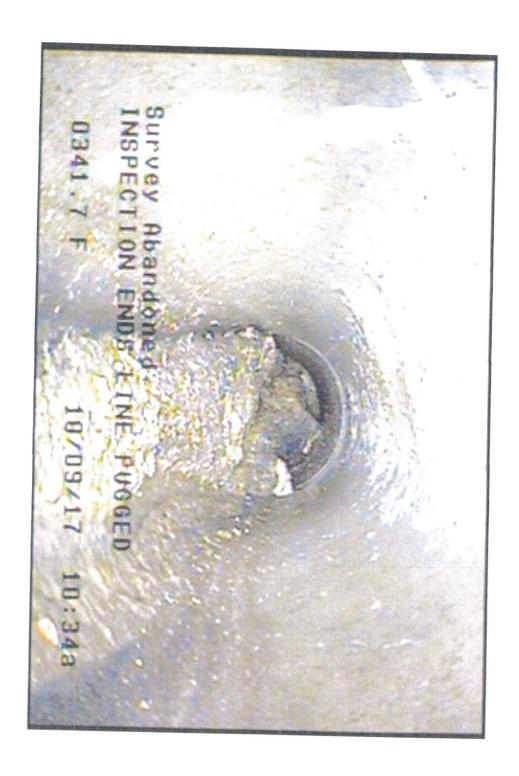


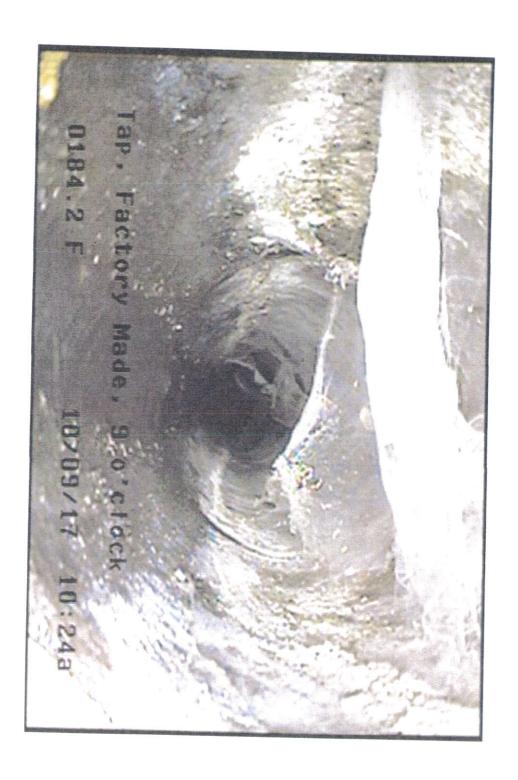
Tap, Factory Made at 082.4 feet, 9 o'clock, 4 in

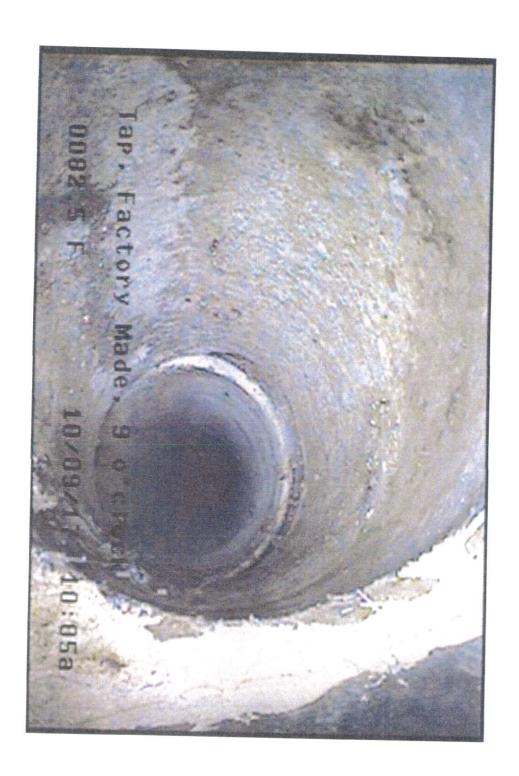


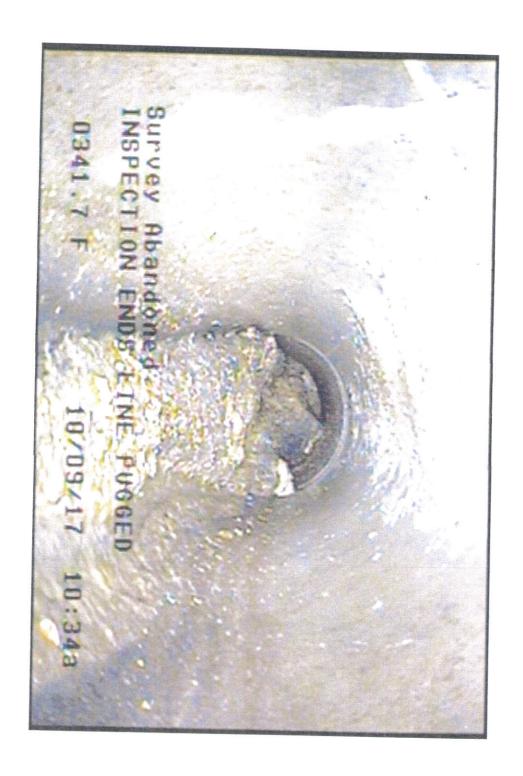
Survey Abandoned at 341.7 feet | INSPECTION ENDS LINE PUGGED

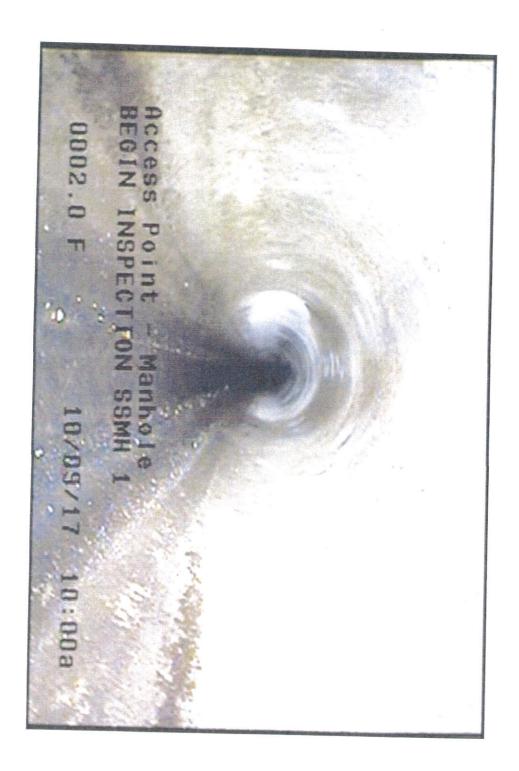












# Pipeline Inspection Report

# -Asset Information-Upstream MH: ? Rim to Invert: Rim to Grade: Downstream MH: SSMH 1 Rim to Invert: Rim to Grade: PSR: Pipe Size: 8 in. | Circular Material: Concrete Pipe (non-reinforced) Street: HWY50 City: AUSTION System Owner: Drainage Area: Sewer Use: Sanitary Lining Method: Length: (unspecified)

# Project Information Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

# -Inspection Information-

Date: 20171009 13:01

Surveyed By: TOMMIE

Certificate #: 000000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

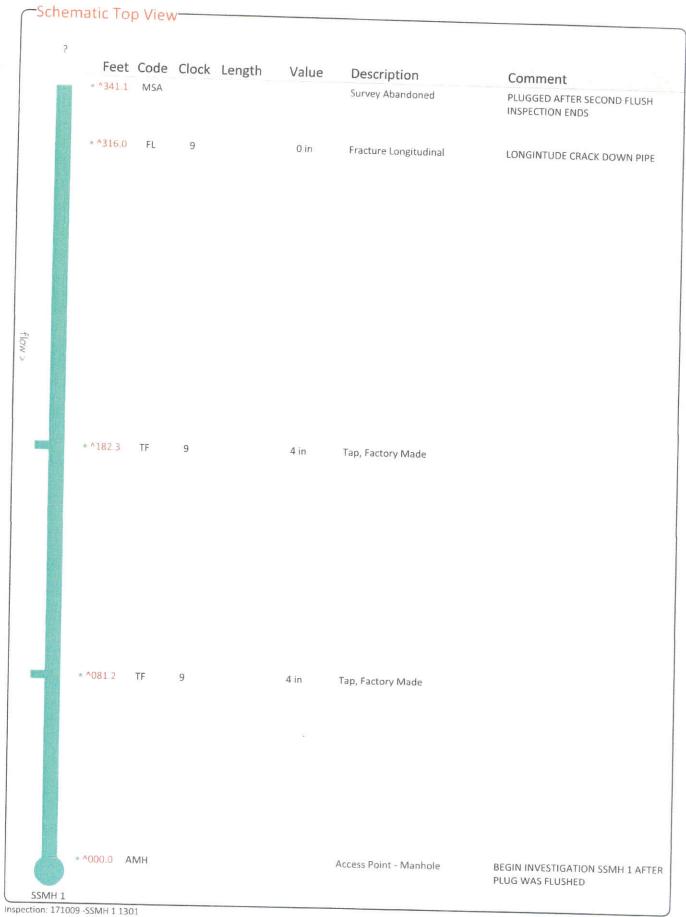
Weather:

Location Details:

# Sketch ? Camera direction US DS 341.1 ft. televised (asset length not specified)

Year Built:

Location Code:



Page 2 of 3

# Snapshots



Access Point - Manhole at 000.0 feet | BEGIN INVESTIGATION SSMH 1 AFTER PLUG WAS FLUSHED



Tap, Factory Made at 182.3 feet, 9 o'clock, 4 in



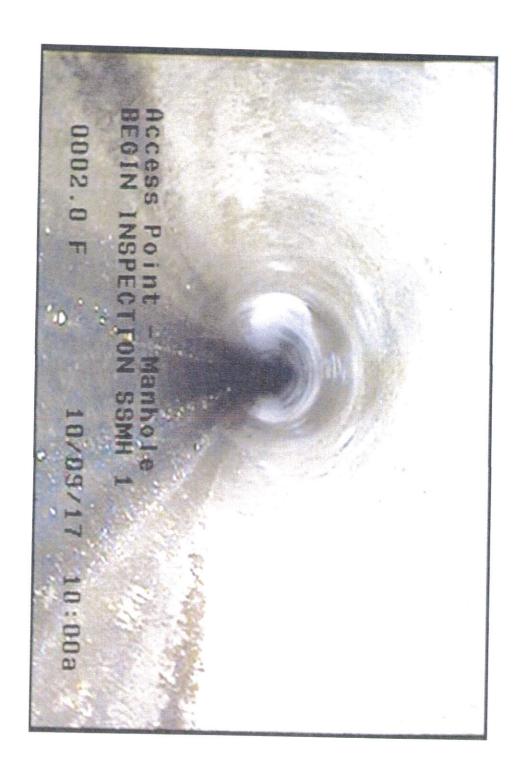
Survey Abandoned at 341.1 feet | PLUGGED AFTER SECOND FLUSH INSPECTION ENDS



Tap, Factory Made at 081.2 feet, 9 o'clock, 4 in



Fracture Longitudinal at 316.0 feet, 9 o'clock, 0 in | LONGINTUDE CRACK DOWN PIPE



# Pipeline Inspection Report

# -Asset Information-

Upstream MH: ?

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 1

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

# Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info: N 39.49 W117.068

# Inspection Information-

Date: 20171009 10:25

Surveyed By: TOMMIE

Certificate #: 000000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

## Sketch

5

US

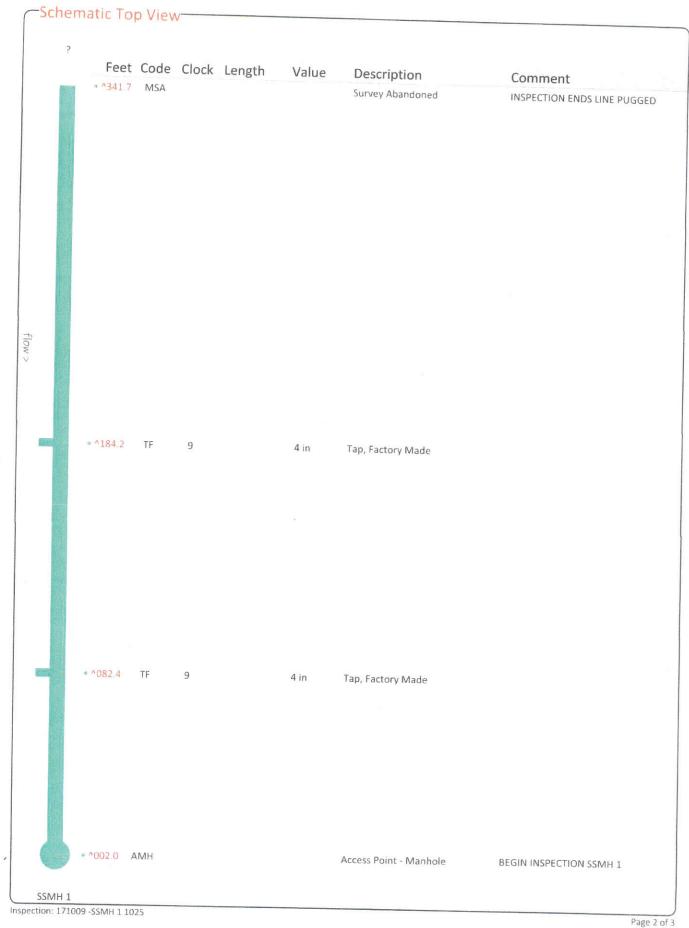
< camera direction

DE

**SSMH1** 

341.7 ft. televised

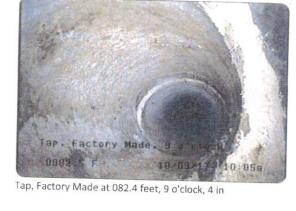
(asset length not specified)



# Snapshots-

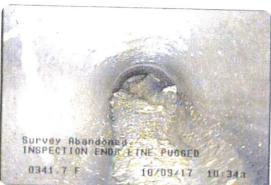


Access Point - Manhole at 002.0 feet | BEGIN INSPECTION SSMH 1

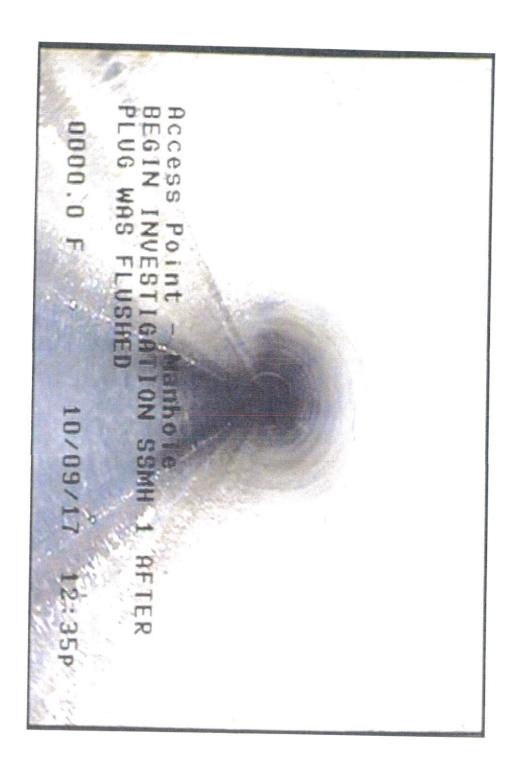




Tap, Factory Made at 184.2 feet, 9 o'clock, 4 in



Survey Abandoned at 341.7 feet | INSPECTION ENDS LINE PUGGED



# Pipeline Inspection Report

# -Asset Information-

Upstream MH: ?

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 1

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

# Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info: MAN HOLE 54" DEEP

# -Inspection Information-

Date: 20171009 14:26

Surveyed By: TOMMIE

Certificate #: 000000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

# Sketch-

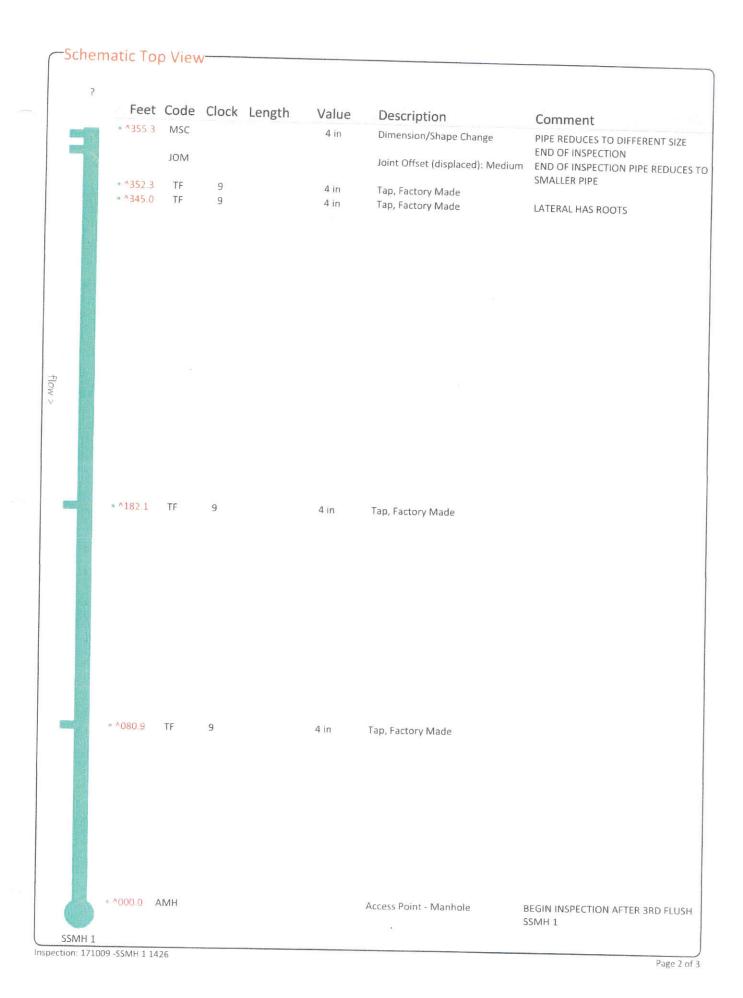
< camera direction

DE

SSMH1

355.3 ft. televised

(asset length not specified)



## Snapshots



Access Point - Manhole at 000.0 feet | BEGIN INSPECTION AFTER 3RD FLUSH SSMH 1



Tap, Factory Made at 182.1 feet, 9 o'clock, 4 in



Tap, Factory Made at 352.3 feet, 9 o'clock, 4 in



Dimension/Shape Change at 355.3 feet, 4 in | PIPE REDUCES TO DIFFERENT SIZE END OF INSPECTION



Tap, Factory Made at 080.9 feet, 9 o'clock, 4 in



Tap, Factory Made at 345.0 feet, 9 o'clock, 4 in | LATERAL HAS ROOTS



Joint Offset (displaced): Medium at 355.3 feet | END OF INSPECTION PIPE REDUCES TO SMALLER PIPE

Inspection: 171009 -SSMH 1 1426

Page 3 of 3

# Pipeline Inspection Report

# -Asset Information-

Upstream MH: SSMH 1

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 2

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

## -Project Information-

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

# -Inspection Information-

Date: 20171009 11:16

Surveyed By: TOMMIE

Certificate #: 000000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

### Sketch-

SSMH1

camera direction >

US

247.9 ft. televised

(asset length not specified)

SSMH 2

DS

Inspection: 171009 SSMH 1-SSMH 2 1116

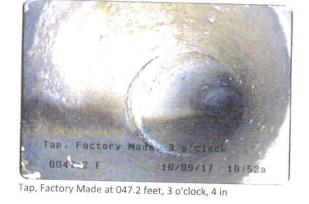


Page 2 of 3

## Snapshots-



Access Point - Manhole at 000.0 feet  $\mid$  BEGIN INSPECTION SSMH 1





Hole in Pipe: Void Visible at 091.0 feet, 9 o'clock, 1 in | HOLE IN PIPE



Deformed Vertically at 109.3 feet, 5% (diameter) | DEFORMED AT LATERAL



Tap, Factory Made at 111.6 feet, 3 o'clock, 4 in | LATERAL PLUGGED



Tap, Factory Made at 128.4 feet, 3 o'clock, 4 in | LATERAL CAPPED



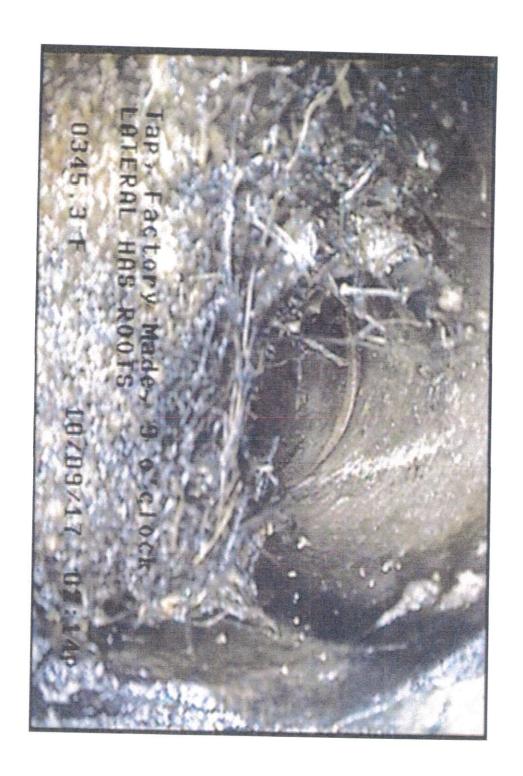
Tap, Factory Made at 160.6 feet, 2 o'clock, 4 in



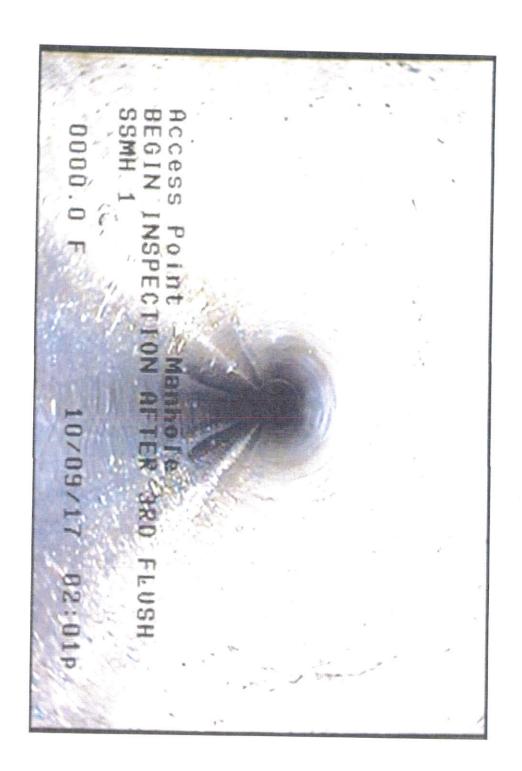
Access Point - Manhole at 247.9 feet | END INSPECTION SSMH 2

Inspection: 171009 SSMH 1-SSMH 2 1116

Page 3 of 3







# Pipeline Inspection Report

# -Asset Information-

Upstream MH: SSMH 2

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 3

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

# Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info: N 39.49 W 117.06

# -Inspection Information-

Date: 20171009 11:53

Surveyed By: TOMMIE

Certificate #: 000000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

## -Sketch-

SSMH 2

camera direction >

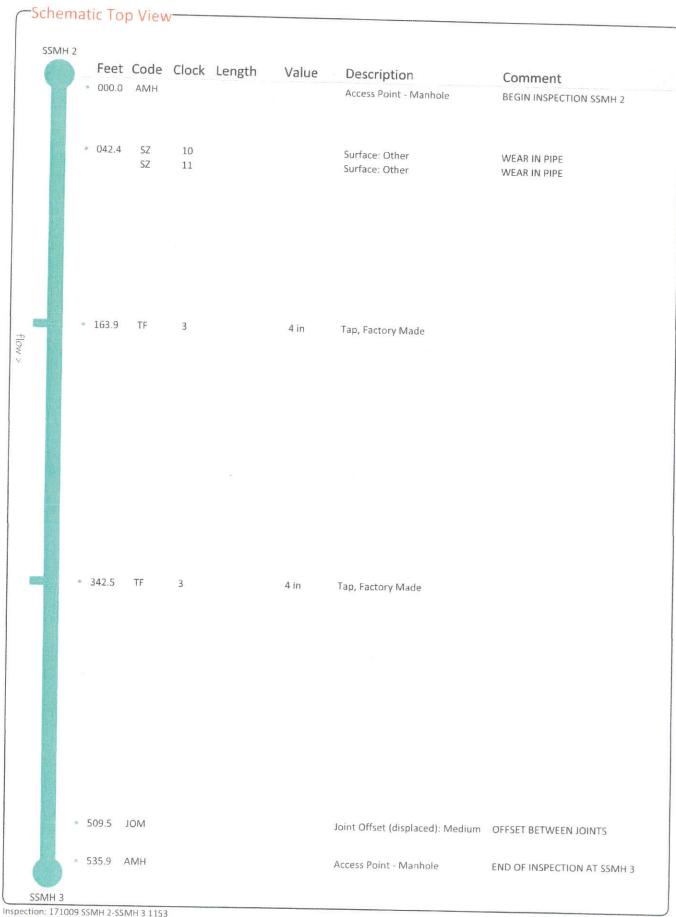
C

535.9 ft. televised

(asset length not specified)

SSMH 3

DS



Page 2 of 3

## Snapshots



Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 2



Surface: Other at 042.4 feet, 11 o'clock | WEAR IN PIPE



Surface: Other at 042.4 feet, 10 o'clock | WEAR IN PIPE



Tap, Factory Made at 163.9 feet, 3 o'clock, 4 in



Tap, Factory Made at 342.5 feet, 3 o'clock, 4 in



Joint Offset (displaced): Medium at 509.5 feet | OFFSET BETWEEN JOINTS

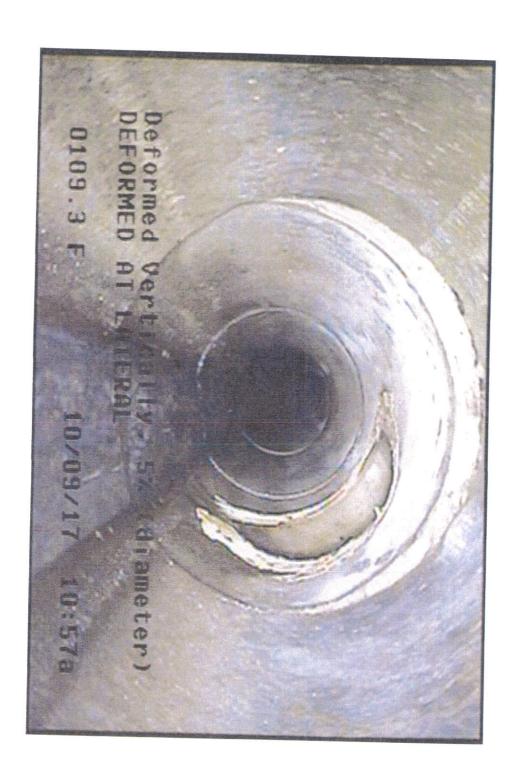


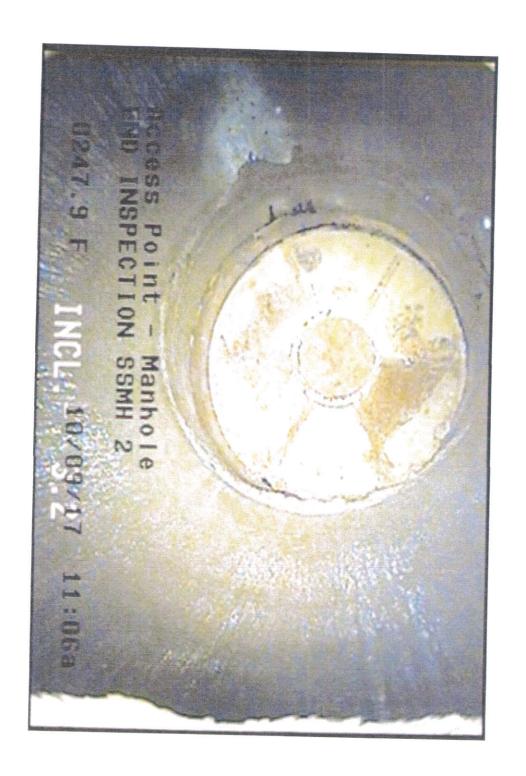
Access Point - Manhole at 535.9 feet  $\mid$  END OF INSPECTION AT SSMH 3

Inspection: 171009 SSMH 2-SSMH 3 1153









# Pipeline Inspection Report

# —Asset Information— Upstream MH: SSMH 3 Rim to Invert:

Downstream MH: SSMH 4

Rim to Invert: Rim to Grade:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method: Other

Length: (unspecified)

Year Built:

Location Code:

#### Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

#### Inspection Information

Date: 20171011 11:21

Surveyed By: TOMMIE

Certificate #: 000000000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

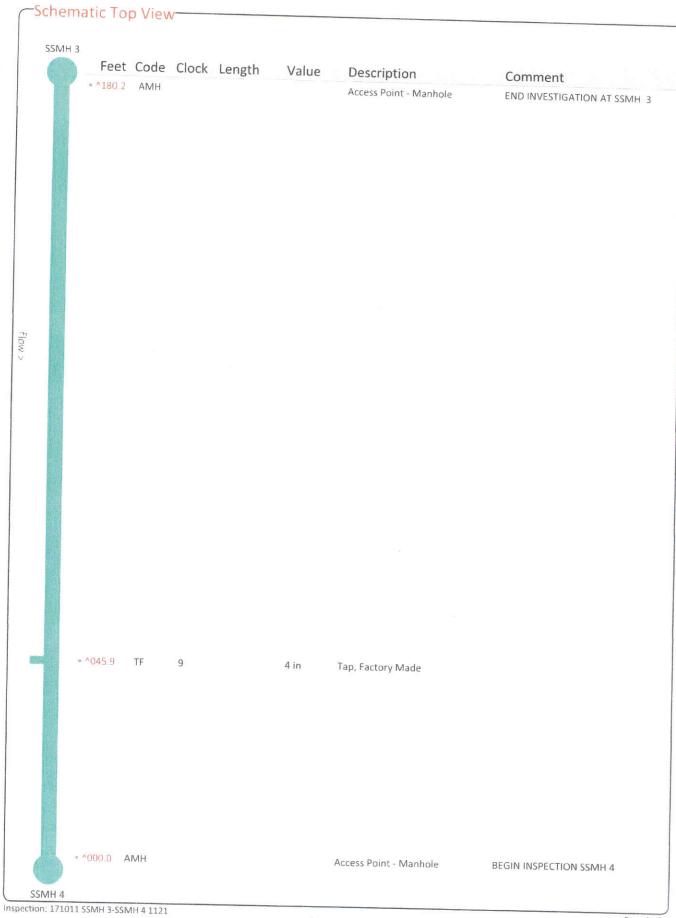
Length Surveyed:

Weather:

Location Details:

# Sketch 55MH 3 Camera direction US 180.2 ft. televised (asset length not specified)

Inspection: 171011 SSMH 3-SSMH 4 1121





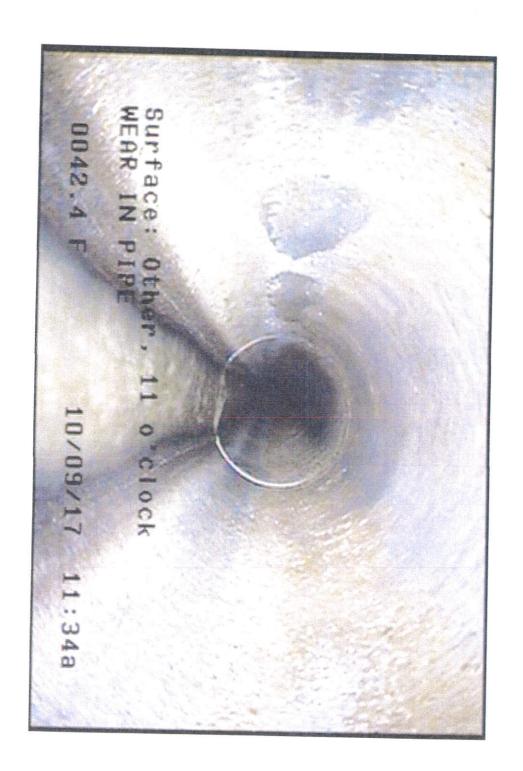
Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 4

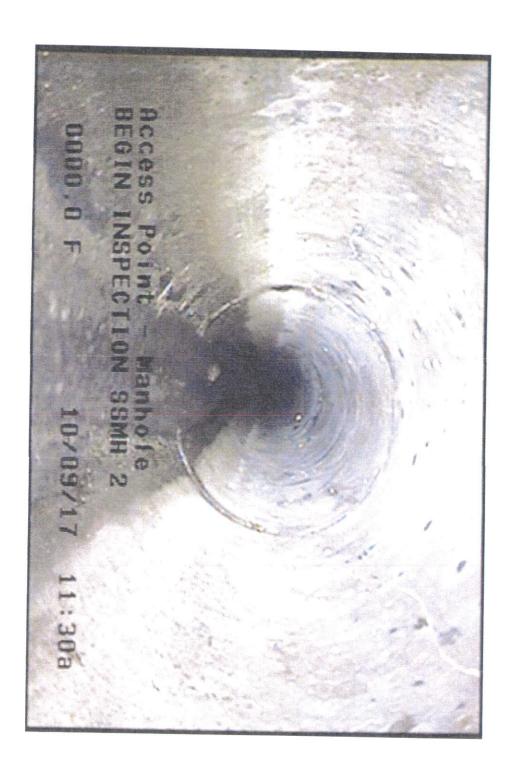


Tap, Factory Made at 045.9 feet, 9 o'clock, 4 in



Access Point - Manhole at 180.2 feet | END INVESTIGATION AT SSMH  $\,3\,$ 







## Pipeline Inspection Report

#### -Asset Information-

Upstream MH: SSMH 4

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 5

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

#### Project Information-

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

#### Inspection Information

Date: 20171011 11:42

Surveyed By: TOMMIE

Certificate #: 000000000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### Sketch-

55MH 4

camera direction >

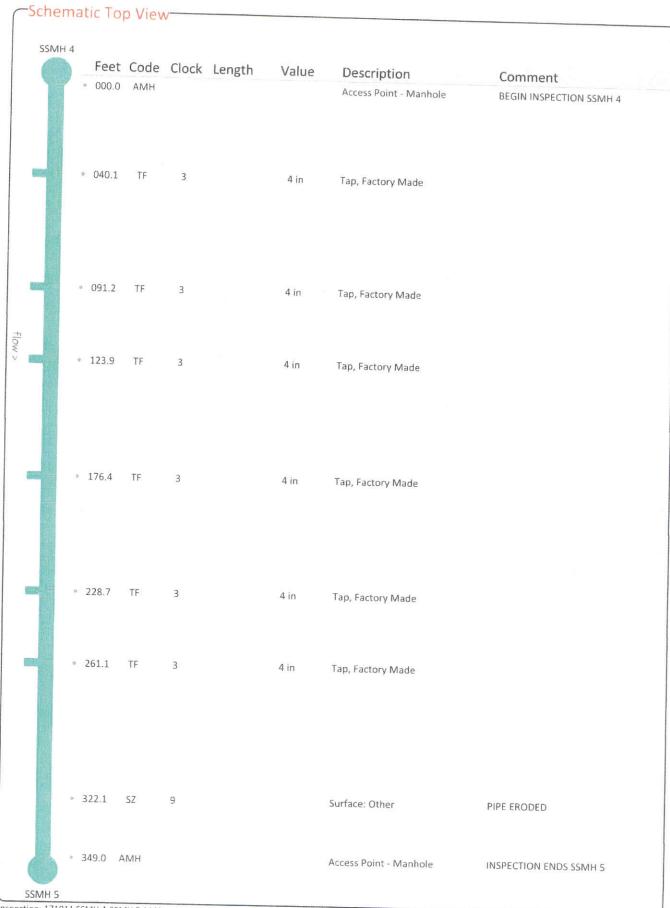
US

349.0 ft. televised

(asset length not specified)

Inspection: 171011 SSMH 4-SSMH 5 1142

SSMH 5



Inspection: 171011 SSMH 4-SSMH 5 1142



Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 4



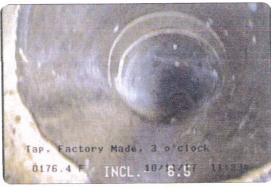
Tap, Factory Made at 040.1 feet, 3 o'clock, 4 in



Tap, Factory Made at 091.2 feet, 3 o'clock, 4 in



Tap, Factory Made at 123.9 feet, 3 o'clock, 4 in



Tap, Factory Made at 176.4 feet, 3 o'clock, 4 in



Tap, Factory Made at 228.7 feet, 3 o'clock, 4 in



Tap, Factory Made at 261.1 feet, 3 o'clock, 4 in



Surface: Other at 322.1 feet, 9 o'clock | PIPE ERODED

Inspection: 171011 SSMH 4-SSMH 5 1142

Page 3 of 4

#### -Snapshots (continued)-



Access Point - Manhole at 349.0 feet | INSPECTION ENDS SSMH 5

Inspection: 171011 SSMH 4-SSMH 5 1142

## Pipeline Inspection Report

#### -Asset Information-

Upstream MH: SSMH 5

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 6

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

#### Project Information-

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

#### Inspection Information

Date: 20171011 13:26

Surveyed By: TOMMIE

Certificate #: 000000000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### -Sketch-

SSMH 5

US

< camera direction

DS

SSMH 6

311.7 ft. televised

(asset length not specified)

Inspection: 171011 SSMH 5-SSMH 6 1326

SSMH	5						
and the same of th	Feet	Code	Clock	Length	Value	Description	Comment
	* ^311.7					Survey Abandoned	LATERAL INTRUDING CAMERA WII
	• ^298.0	TF TF	9		4 in	Tap, Factory Made	NOT GET BY
	296.0	IF	9		4 in	Tap, Factory Made	
	* ^262.6	TF	9		4 in	Tap, Factory Made	
	• ^245.4	TF	9		4 in	Tap, Factory Made	LATERAL CAPPED INLET ON LEFT SI
	<ul><li>^215.4</li><li>^212.7</li></ul>	TF JOM	9		4 in	Tap, Factory Made Joint Offset (displaced): Medium	SAG IN PIPE AT LATERAL PER REPAI REPAIR IN SEWER AT LATERAL
	a ^176.7	TF	9		4 in	Tap, Factory Made	
	* ^110.0	TF	9				
			2		4 in	Tap, Factory Made	
	* ^093.9	TF	9		4 in	Tap, Factory Made	
	* ^056.9	TF	0				
	030.3	i.e	9		4 in	Tap, Factory Made	
	^038.3	TF	9		4 in	Tap, Factory Made	
	^002.0 A	МН				Access Point - Manhole	BEGIN INSPECTIONSSMH 6



Access Point - Manhole at 002.0 feet | BEGIN INSPECTIONSSMH 6



Tap, Factory Made at 038.3 feet, 9 o'clock, 4 in



Tap, Factory Made at 056.9 feet, 9 o'clock, 4 in



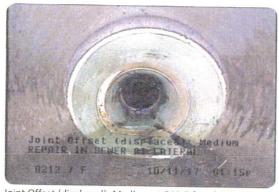
Tap, Factory Made at 093.9 feet, 9 o'clock, 4 in



Tap, Factory Made at 110.0 feet, 9 o'clock, 4 in



Tap, Factory Made at 176.7 feet, 9 o'clock, 4 in



Joint Offset (displaced): Medium at 212.7 feet | REPAIR IN SEWER AT LATERAL



Tap, Factory Made at 215.4 feet, 9 o'clock, 4 in | SAG IN PIPE AT LATERAL PER REPAIR

Inspection: 171011 SSMH 5-SSMH 6 1326

Page 3 of 4

#### -Snapshots (continued)



Tap, Factory Made at 246.4 feet, 9 o'clock, 4 in | LATERAL CAPPED INLET ON LEFT SIDE



Tap, Factory Made at 262.6 feet, 9 o'clock, 4 in



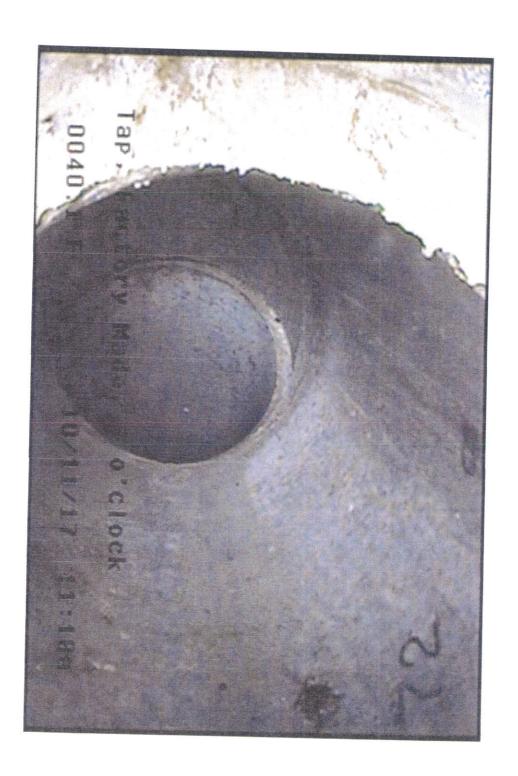
Tap, Factory Made at 298.0 feet, 9 o'clock, 4 in

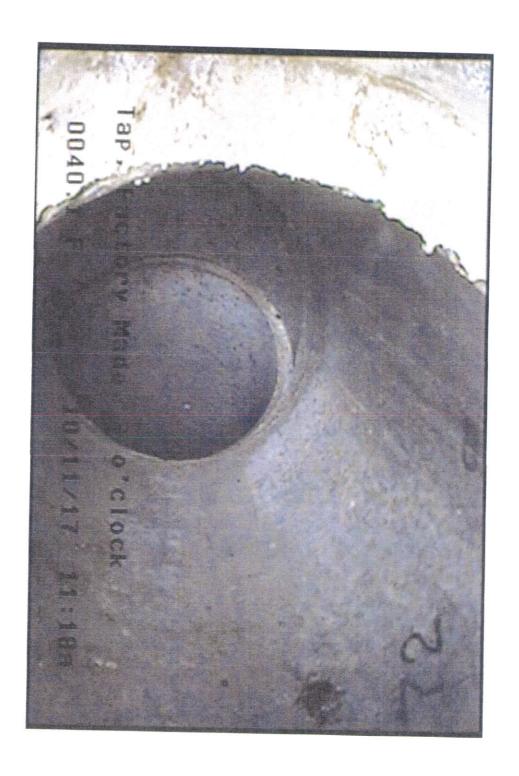


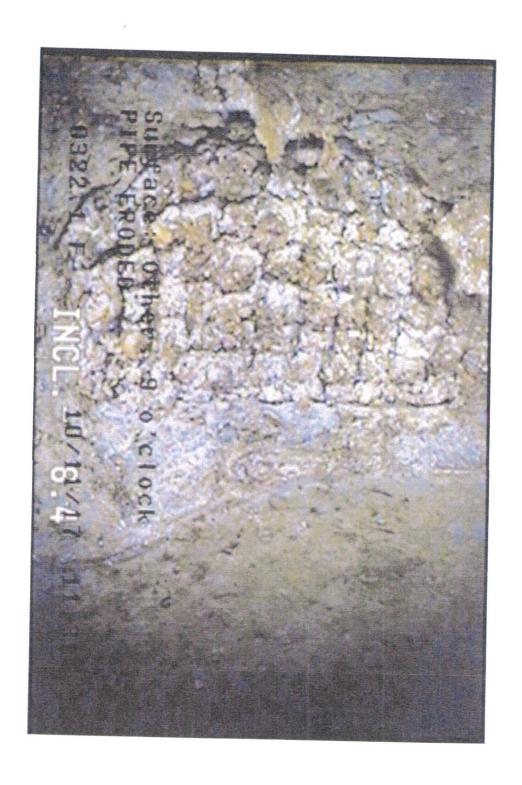
Survey Abandoned at 311.7 feet | LATERAL INTRUDING CAMERA WILL NOT GET BY



Tap, Factory Made at 311.7 feet, 9 o'clock, 4 in







## Pipeline Inspection Report

#### -Asset Information-

Upstream MH: SSMH 5

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 6

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

#### Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info:

#### Inspection Information

Date: 20171011 14:09

Surveyed By: TOMMIE

Certificate #: 000000000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### -Sketch-

55MH 5

camera direction >

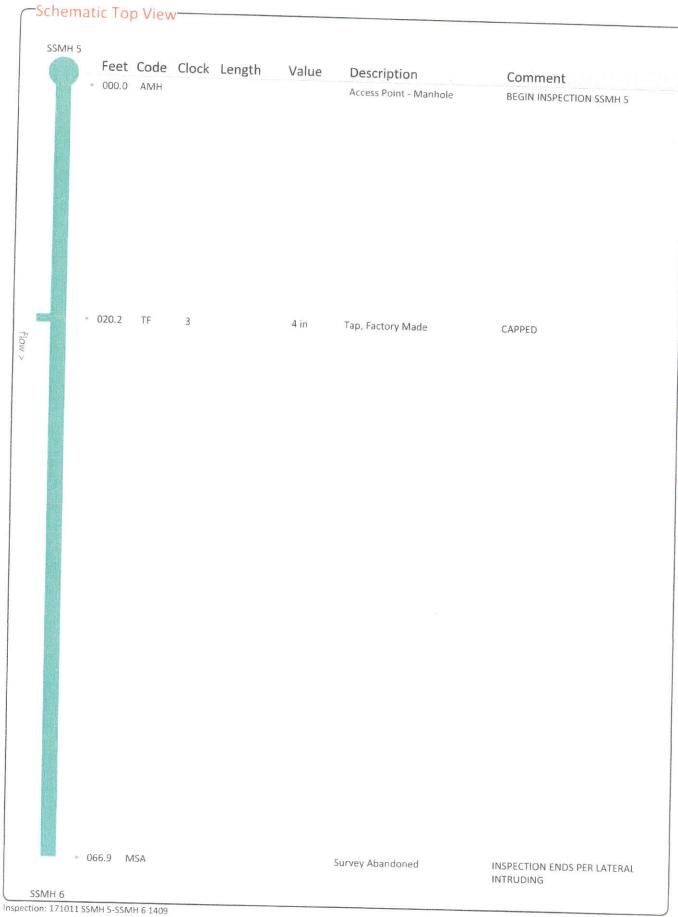
110

66.9 ft. televised

(asset length not specified)

55MH 6

Inspection: 171011 SSMH 5-SSMH 6 1409





Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 5



Tap, Factory Made at 020.2 feet, 3 o'clock, 4 in | CAPPED



Survey Abandoned at 066.9 feet | INSPECTION ENDS PER LATERAL INTRUDING

Inspection: 171011 SSMH 5-SSMH 6 1409

# Pipeline Inspection Report

#### Asset Information

Upstream MH: SSMH 6

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 7

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

#### Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

#### -Inspection Information-

Date: 20171011 14:29

Surveyed By: TOMMIE

Certificate #: 000000000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### -Sketch-

55MH 6

US

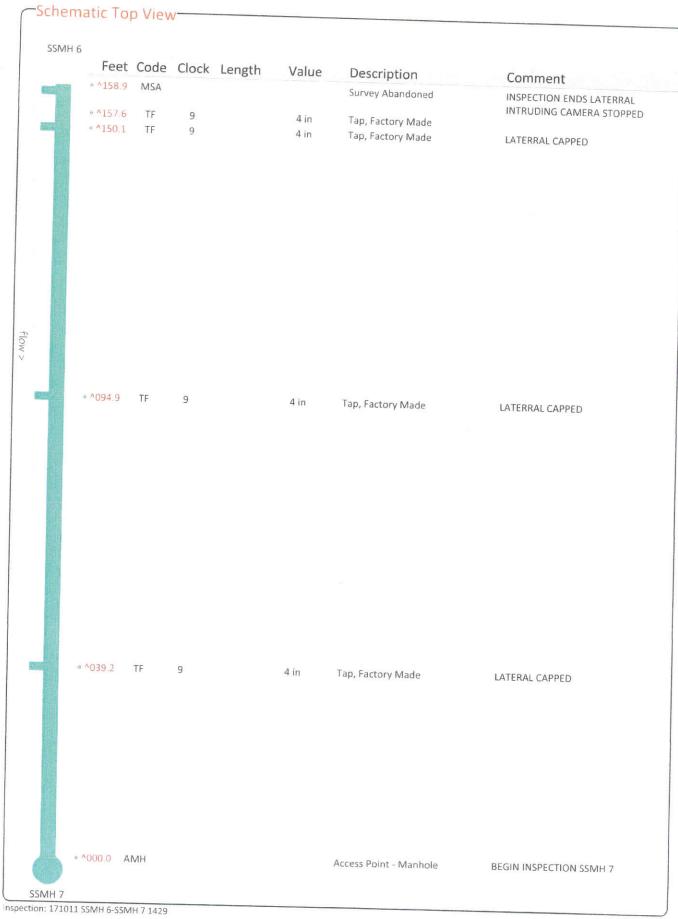
< camera direction

158.9 ft. televised

(asset length not specified)

Inspection: 171011 SSMH 6-SSMH 7 1429

SSMH 7





Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 7



Tap, Factory Made at 094.9 feet, 9 o'clock, 4 in | LATERRAL CAPPED



Tap, Factory Made at 157.6 feet, 9 o'clock, 4 in



Tap, Factory Made at 039.2 feet, 9 o'clock, 4 in | LATERAL CAPPED



Tap, Factory Made at 150.1 feet, 9 o'clock, 4 in | LATERRAL CAPPED



Survey Abandoned at 158.9 feet | INSPECTION ENDS LATERRAL INTRUDING CAMERA STOPPED

Inspection: 171011 SSMH 6-SSMH 7 1429

# Pipeline Inspection Report

#### -Asset Information-

Upstream MH: SSMH 6

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 7

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

Sketch-

#### Project Information-

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

#### Inspection Information

Date: 20171011 15:46

Surveyed By: TOMMIE

Certificate #: 000000000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

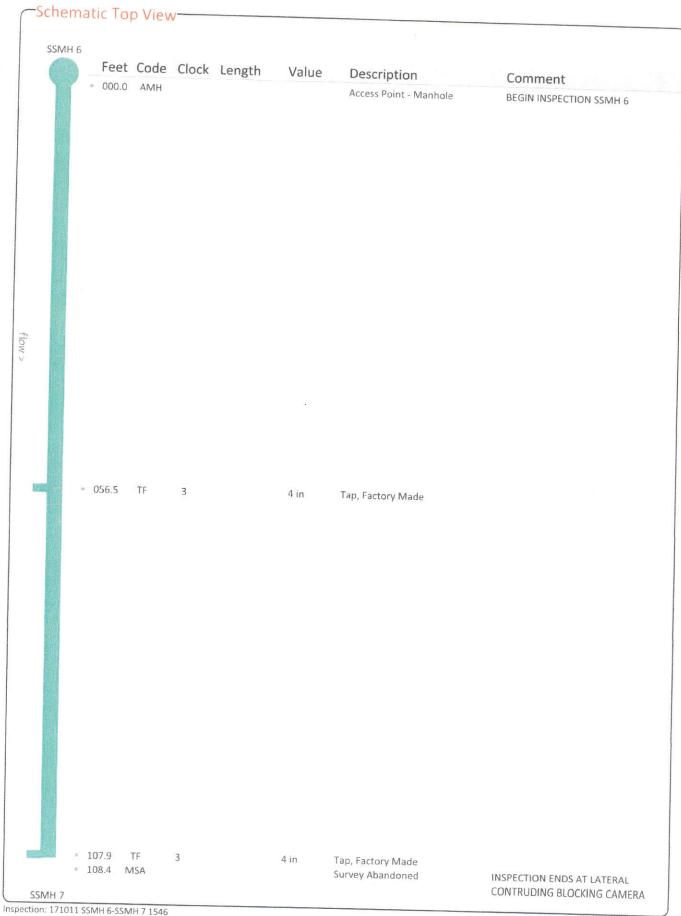
Weather:

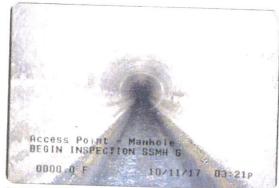
Location Details:

# SSMH 6 camera direction > US DS 108.4 ft. televised

(asset length not specified)

Inspection: 171011 SSMH 6-SSMH 7 1546





Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 6



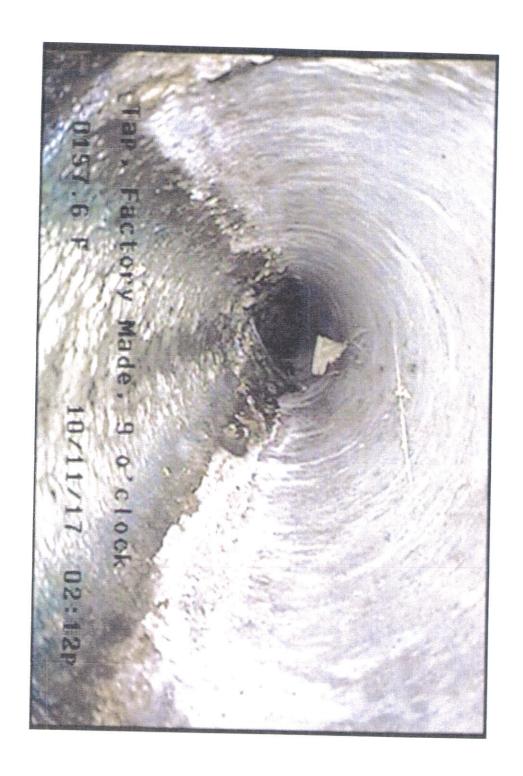
Tap, Factory Made at 056.5 feet, 3 o'clock, 4 in



Tap, Factory Made at 107.9 feet, 3 o'clock, 4 in



Survey Abandoned at 108.4 feet | INSPECTION ENDS AT LATERAL CONTRUDING BLOCKING CAMERA



# Pipeline Inspection Report

#### -Asset Information-

Upstream MH: SSMH 13

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 14

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 10 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

#### Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

#### -Inspection Information-

Date: 20171012 15:24

Surveyed By: TOMMIE

Certificate #: 00000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### Sketch-

55MH13

US

< camera direction

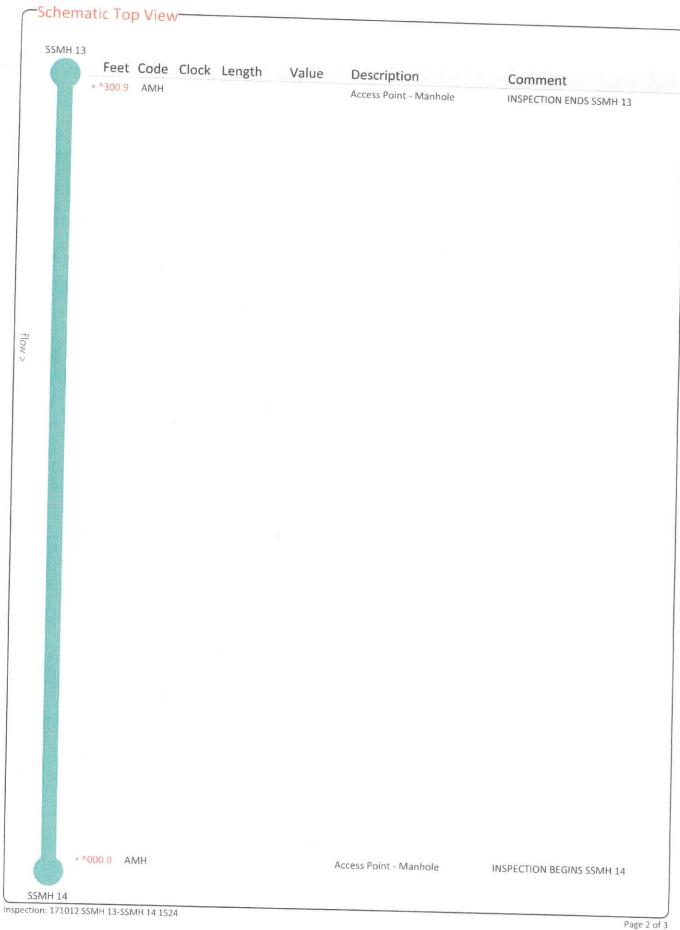
DS

55MH14

300.9 ft. televised

(asset length not specified)

Inspection: 171012 SSMH 13-SSMH 14 1524





Access Point - Manhole at 000.0 feet | INSPECTION BEGINS SSMH 14



Access Point - Manhole at 300.9 feet | INSPECTION ENDS SSMH 13

Inspection: 171012 SSMH 13-SSMH 14 1524



# Pipeline Inspection Report

#### -Asset Information-

Upstream MH: SSMH 14

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 15

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 10 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

#### Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info:

#### Inspection Information—

Date: 20171012 15:17

Surveyed By: TOMMIE

Certificate #: 00000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### -Sketch-

SSMH 14

110

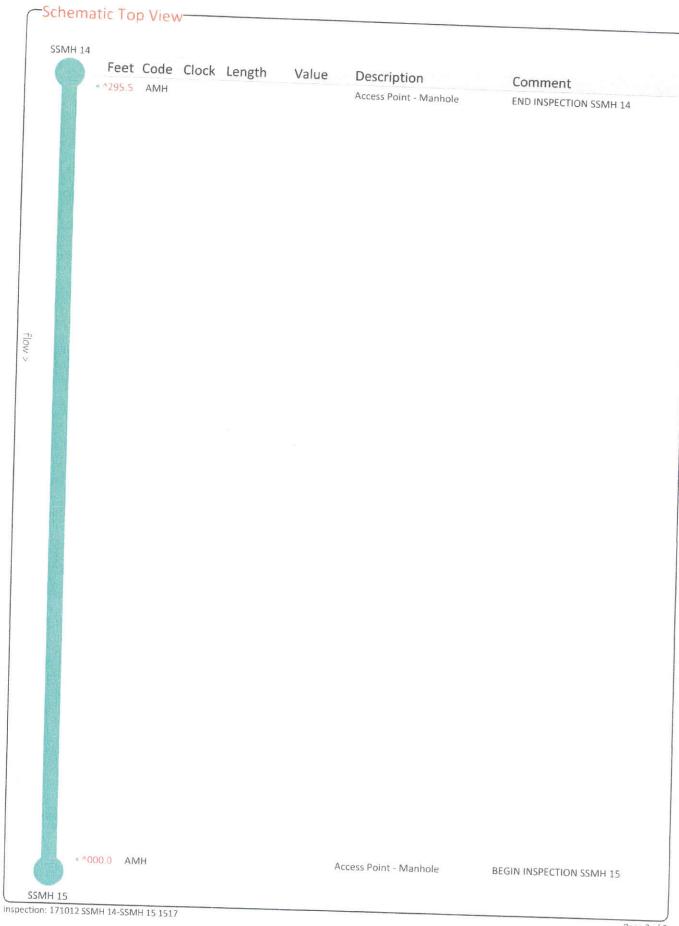
< camera direction

SSMH 15

295.5 ft. televised

(asset length not specified)

Inspection: 171012 SSMH 14-SSMH 15 1517



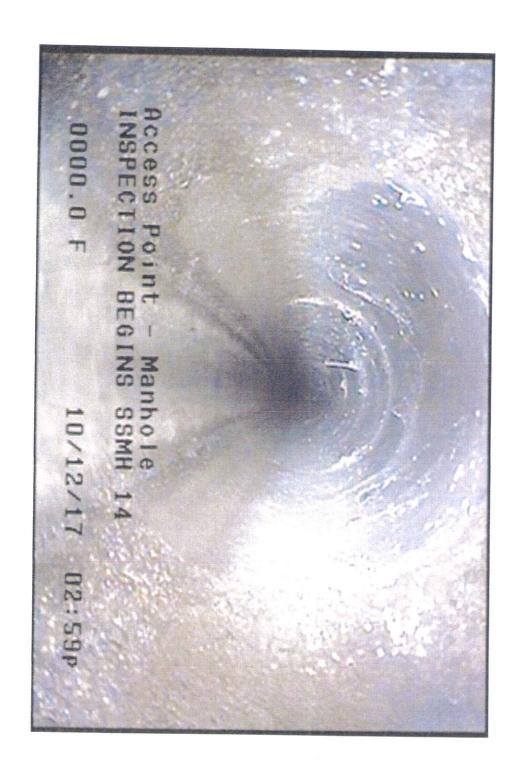


Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 15



Access Point - Manhole at 295.5 feet | END INSPECTION SSMH 14

Inspection: 171012 SSMH 14-SSMH 15 1517



Lining Method:

Location Code:

Year Built:

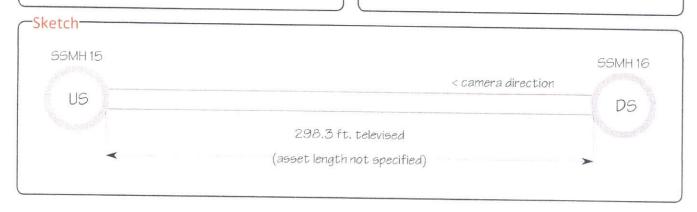
Length: (unspecified)

## Pipeline Inspection Report

# Asset Information Upstream MH: SSMH 15 Rim to Invert: Rim to Grade: Downstream MH: SSMH 16 Rim to Invert: Rim to Grade: PSR: Pipe Size: 10 in. | Circular Material: Concrete Pipe (non-reinforced) Street: HWY 50 City: AUSTION System Owner: Drainage Area: Sewer Use: Sanitary

Project Information
Project: AUSTION SEWER
Work Order:
Survey Customer: DAY ENGINEERING
PO Number:
Additional Info:

# PO Number: Additional Info: Inspection Information Date: 20171012 12:57 Surveyed By: TOMMIE Certificate #: 00000000 Camera Direction: Upstream Purpose: Routine Assessment Pre-Cleaning: Jetting Date Cleaned: Flow Control: Length Surveyed: Weather: Location Details:



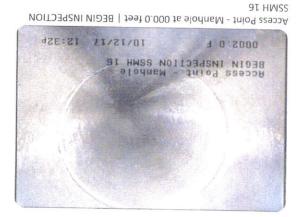
Inspection: 171012 SSMH 15-SSMH 16 1257

Inspection: 171012 SSMH 15-SSMH 16 1257 9T HWSS BECIN INSPECTION SSMH 16 Access Point - Manhole HMA 0.000^ \* END INSPECTION SSMH 15 Access Point - Manhole HMA E.865^ • Comment Description Feet Code Clock Length Value ST HWSS -Schematic Top View

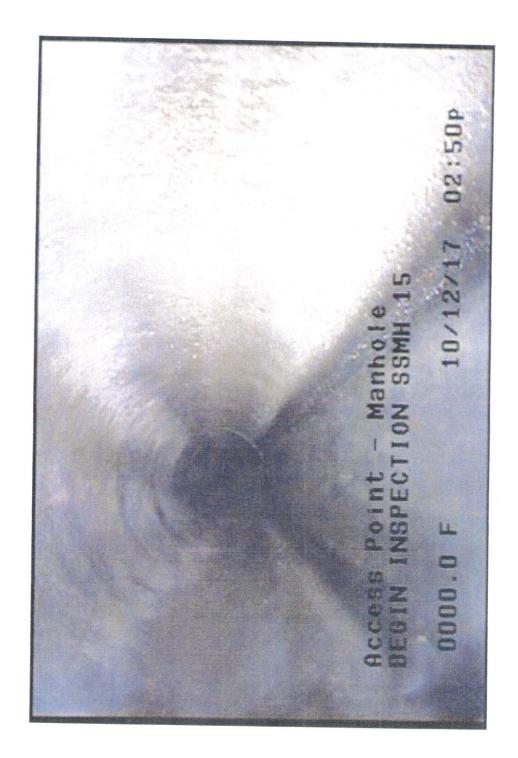
Page 2 of 3

Access Point - Manhole at 298.3 feet | END INSPECTION





-stodsden2-



Lining Method:

Location Code:

Year Built:

Length: (unspecified)

# Pipeline Inspection Report

# Upstream MH: SSMH 16 Rim to Invert: Rim to Grade: Downstream MH: SSMH 17 Rim to Invert: Rim to Grade: PSR: Pipe Size: 10 in. | Circular Material: Concrete Pipe (non-reinforced) Street: HWY 50 City: AUSTION System Owner: Drainage Area: Sewer Use: Sanitary

Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number: Additional Info:

Inspection Information

Date: 20171012 09:04

Surveyed By: TOMMIE

Certificate #: 00000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

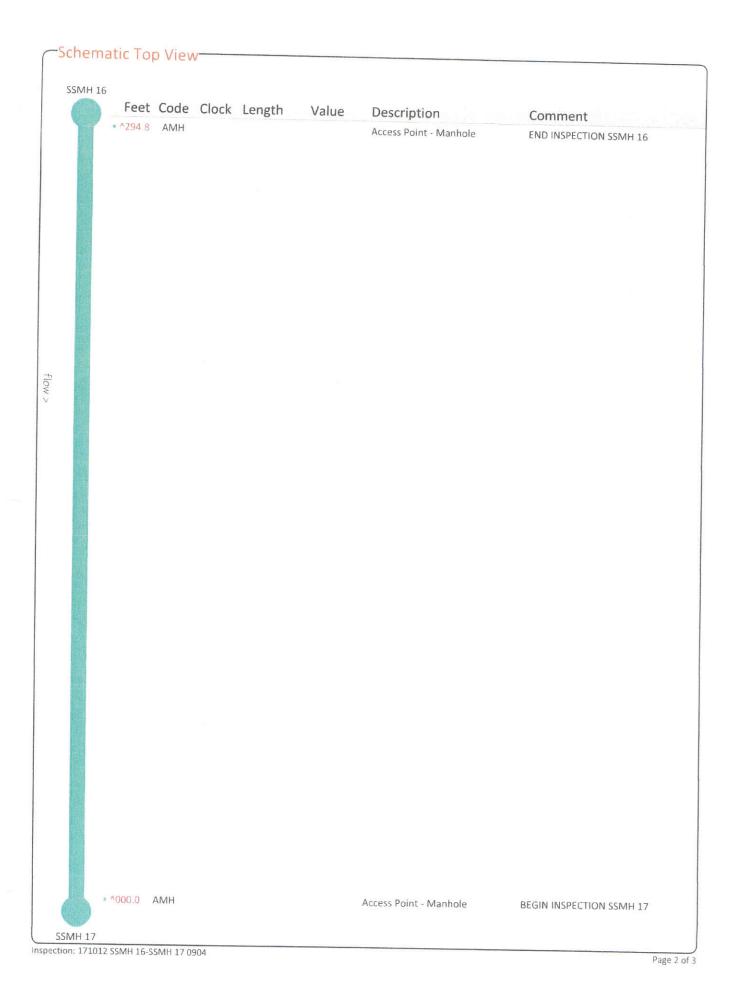
Flow Control:

Length Surveyed:

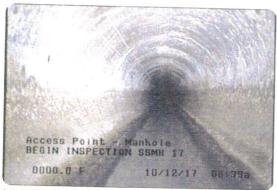
Weather:

Location Details:

# SSMH16 SSMH17 < camera direction DS 294.8 ft. televised (asset length not specified)



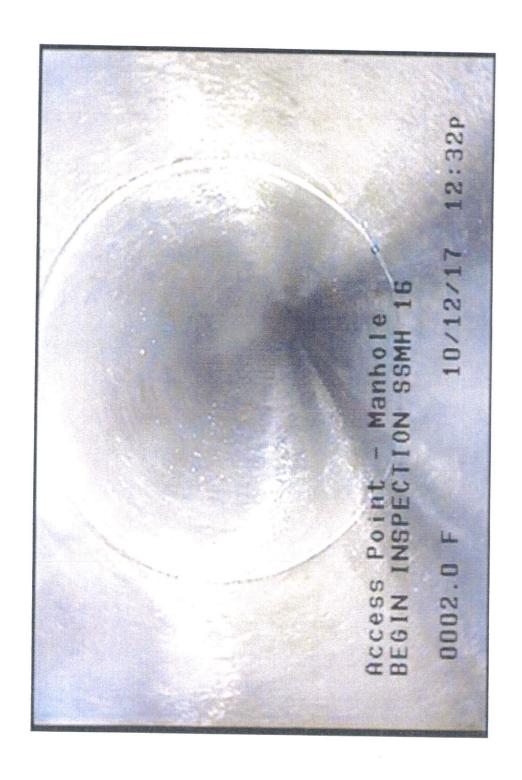
#### Snapshots



Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 17



Access Point - Manhole at 294.8 feet | END INSPECTION SSMH 16



# Pipeline Inspection Report

# -Asset Information-

Upstream MH: SSMH 7

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 8

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

#### Project Information—

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info:

### Inspection Information

Date: 20171013 08:02

Surveyed By: TOMMIE

Certificate #: 0000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### Sketch-

SSMH7

camera direction >

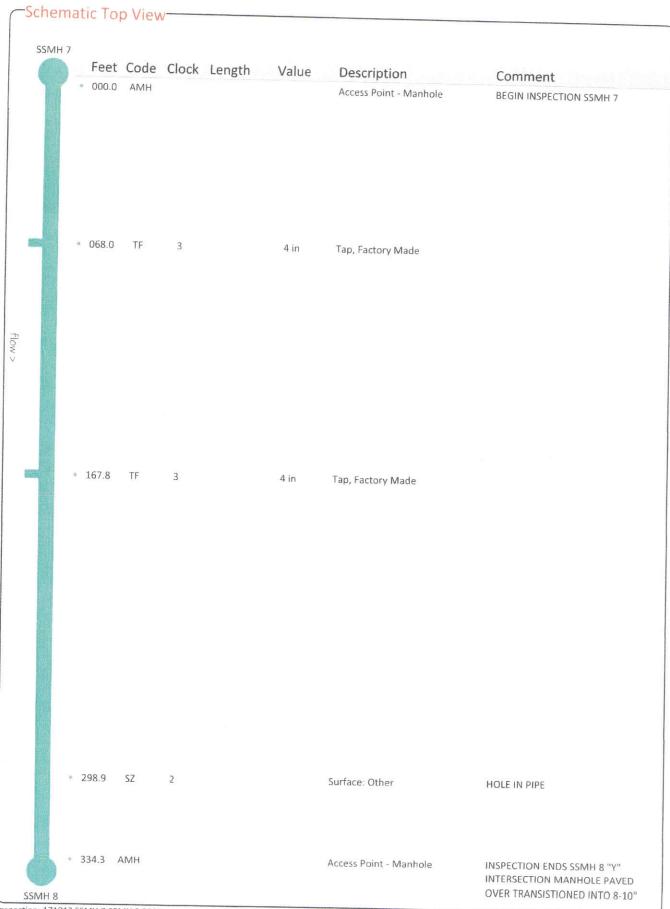
110

334.3 ft. televised

(asset length not specified)

55MH 8

Inspection: 171013 SSMH 7-SSMH 8 0802



Inspection: 171013 SSMH 7-SSMH 8 0802

#### Snapshots



Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 7



Tap, Factory Made at 068.0 feet, 3 o'clock, 4 in



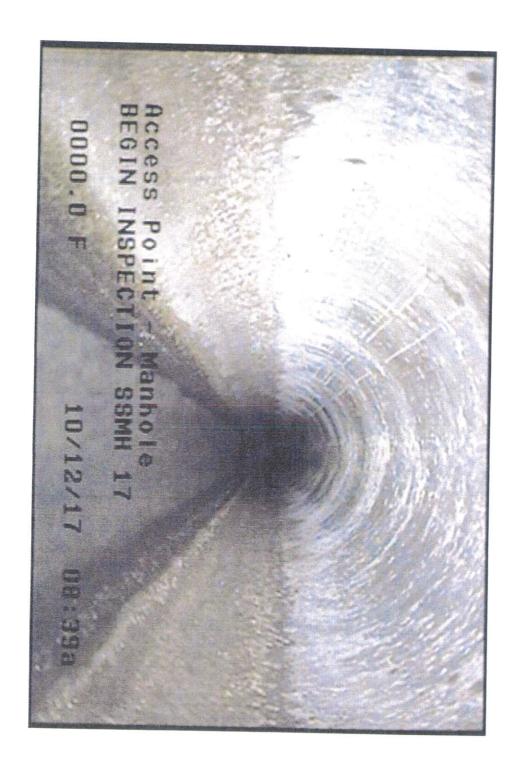
Tap, Factory Made at 167.8 feet, 3 o'clock, 4 in



Surface: Other at 298.9 feet, 2 o'clock | HOLE IN PIPE



Access Point - Manhole at 334.3 feet | INSPECTION ENDS SSMH 8 "Y" INTERSECTION MANHOLE PAVED OVER



# Pipeline Inspection Report

# -Asset Information-

Upstream MH: SSMH 7

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 8

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 8 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

# Project Information—

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info:

# Inspection Information—

Date: 20171013 08:02

Surveyed By: TOMMIE

Certificate #: 0000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

# -Sketch-

SSMH7

camera direction >

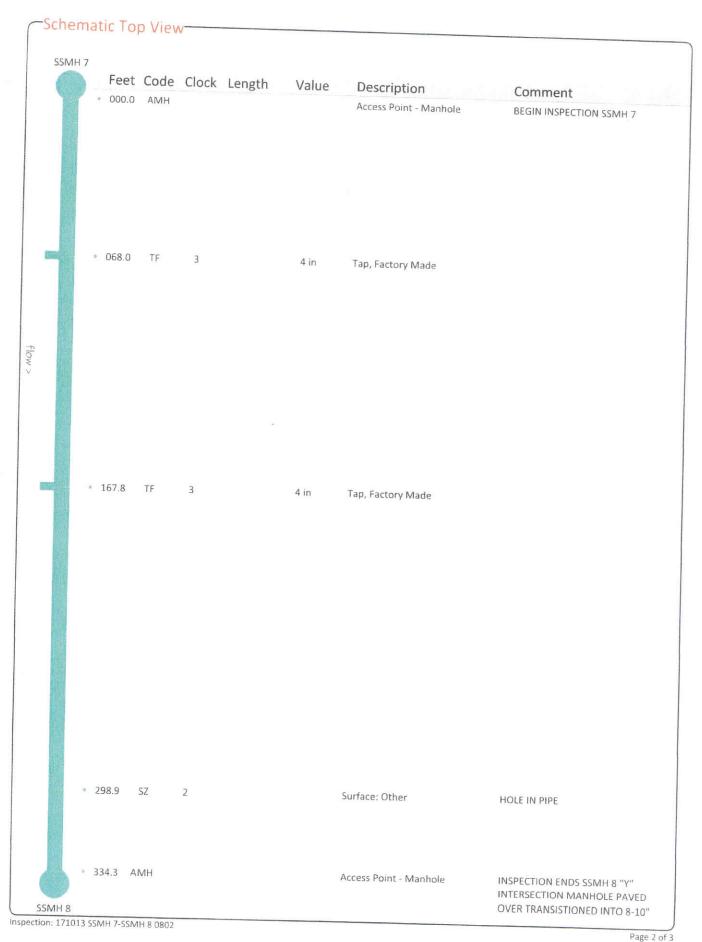
UE

334.3 ft. televised

(asset length not specified)

SSMH 8

DS



## Snapshots-



Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 7



Tap, Factory Made at 068.0 feet, 3 o'clock, 4 in



Tap, Factory Made at 167.8 feet, 3 o'clock, 4 in



Surface: Other at 298.9 feet, 2 o'clock | HOLE IN PIPE



Access Point - Manhole at 334.3 feet | INSPECTION ENDS SSMH 8 "Y" INTERSECTION MANHOLE PAVED OVER

# Pipeline Inspection Report

# -Asset Information-

Upstream MH: SSMH 12

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 13

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 10 in. | Circular

Material: Concrete Pipe (non-reinforc∈d)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

# -Project Information

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info:

# -Inspection Information-

Date: 20171013 09:07

Surveyed By: TOMMIE

Certificate #: 0000000

Camera Direction: Upstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

#### Sketch-

SSMH 12

US

< camera direction

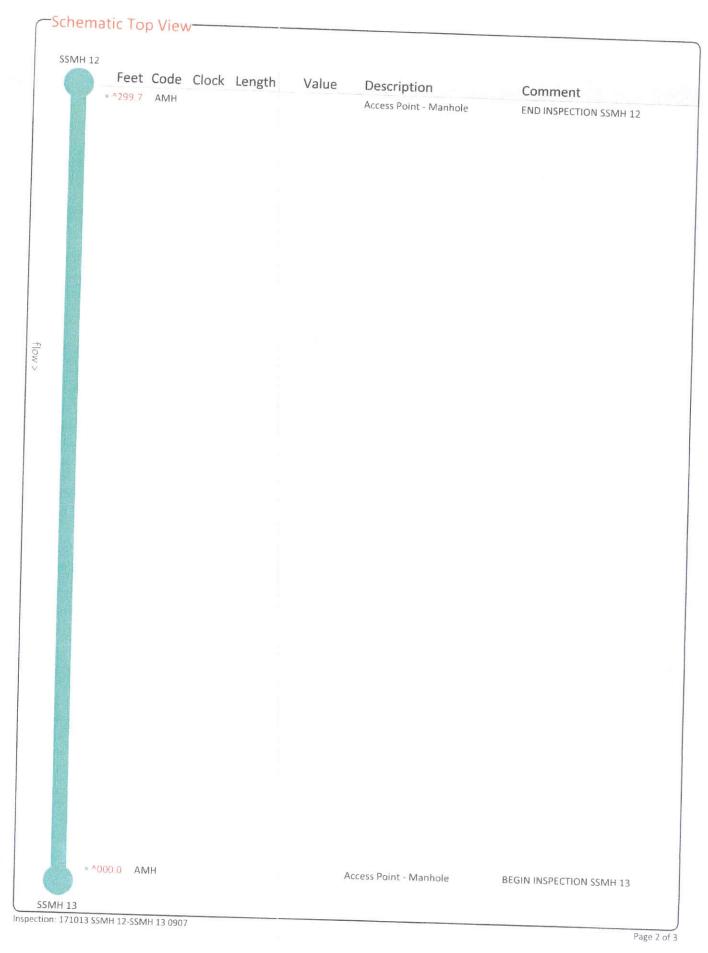
DO

SSMH 13

299.7 ft. televised

(asset length not specified)

Inspection: 171013 SSMH 12-SSMH 13 0907



# -Snapshots

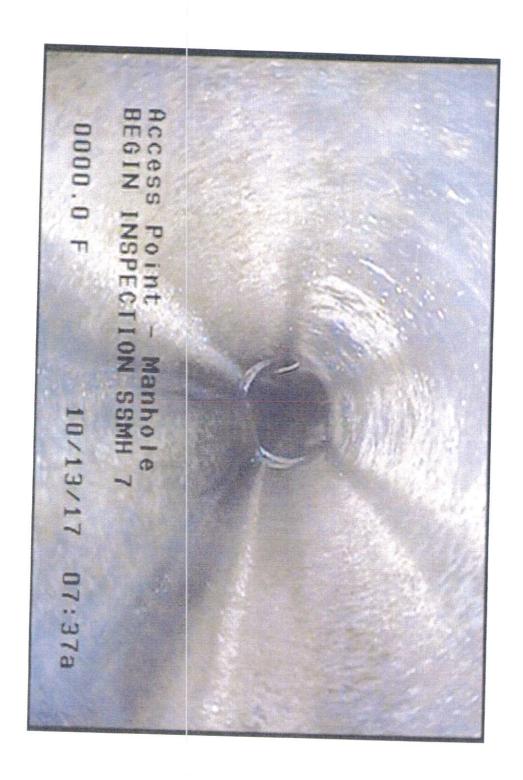


Access Point - Manhole at 000.0 feet | BEGIN INSPECTION SSMH 13



Access Point - Manhole at 299.7 feet | END INSPECTION SSMH 12

Inspection: 171013 SSMH 12-SSMH 13 0907



# Pipeline Inspection Report

-Asset Information-

Upstream MH: SSMH 17

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 18

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 10 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

-Project Information-

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info:

Inspection Information

Date: 20171013 09:46

Surveyed By: TOMMIE

Certificate #: 0000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

-Sketch-

SSMH 17

camera direction >

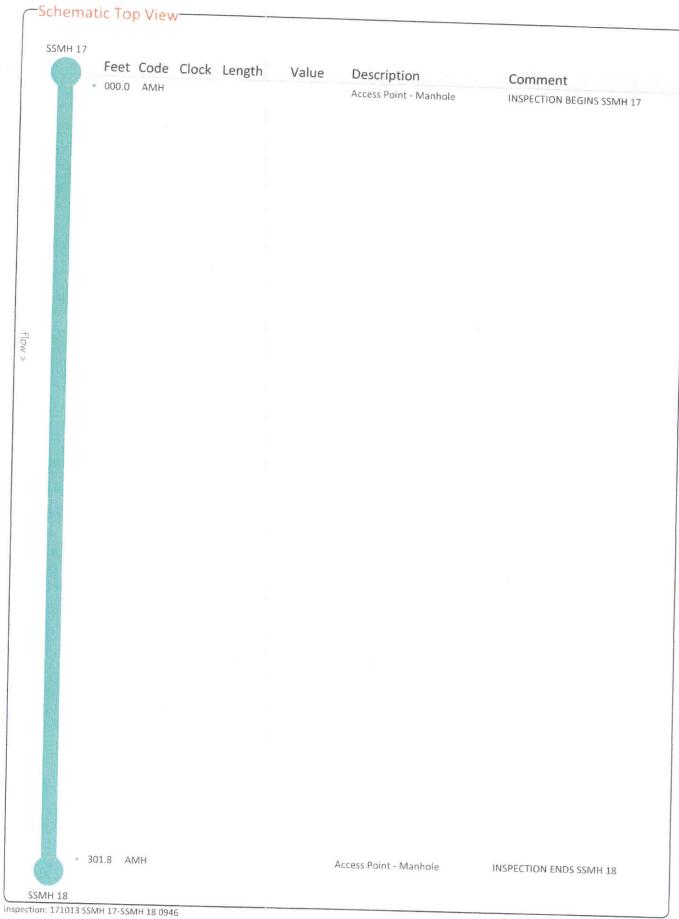
US

301.8 ft. televised

(asset length not specified)

SSMH 18

Inspection: 171013 SSMH 17-SSMH 18 0946



Page 2 of 3

# Snapshots

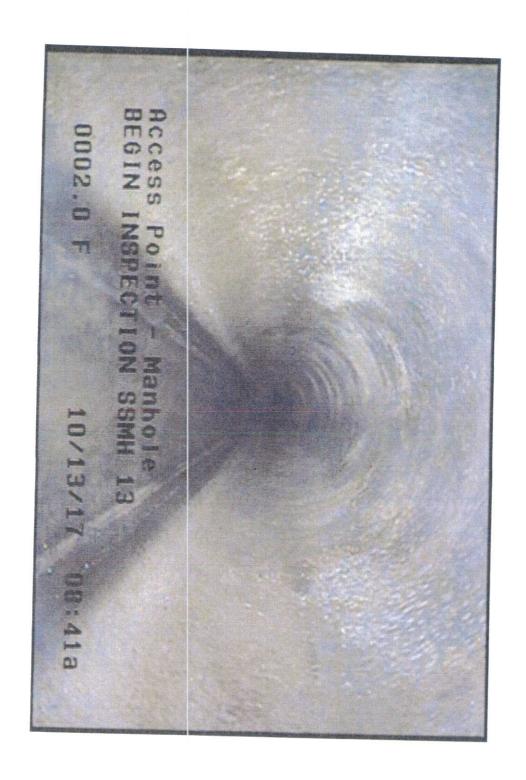


Access Point - Manhole at 000.0 feet | INSPECTION BEGINS SSMH 17



Access Point - Manhole at 301.8 feet | INSPECTION ENDS SSMH 18

Inspection: 171013 SSMH 17-SSMH 18 0946



# Pipeline Inspection Report

# -Asset Information-

Upstream MH: SSMH 18

Rim to Invert:

Rim to Grade:

Downstream MH: SSMH 19

Rim to Invert:

Rim to Grade:

PSR:

Pipe Size: 10 in. | Circular

Material: Concrete Pipe (non-reinforced)

Street: HWY 50

City: AUSTION

System Owner:

Drainage Area:

Sewer Use: Sanitary

Lining Method:

Length: (unspecified)

Year Built:

Location Code:

# Project Information—

Project: AUSTION SEWER

Work Order:

Survey Customer: DAY ENGINEERING

PO Number:

Additional Info:

# Inspection Information

Date: 20171013 09:57

Surveyed By: TOMMIE

Certificate #: 0000000

Camera Direction: Downstream

Purpose: Routine Assessment

Pre-Cleaning: Jetting

Date Cleaned:

Flow Control:

Length Surveyed:

Weather:

Location Details:

# -Sketch-

SSMH 18

camera direction >

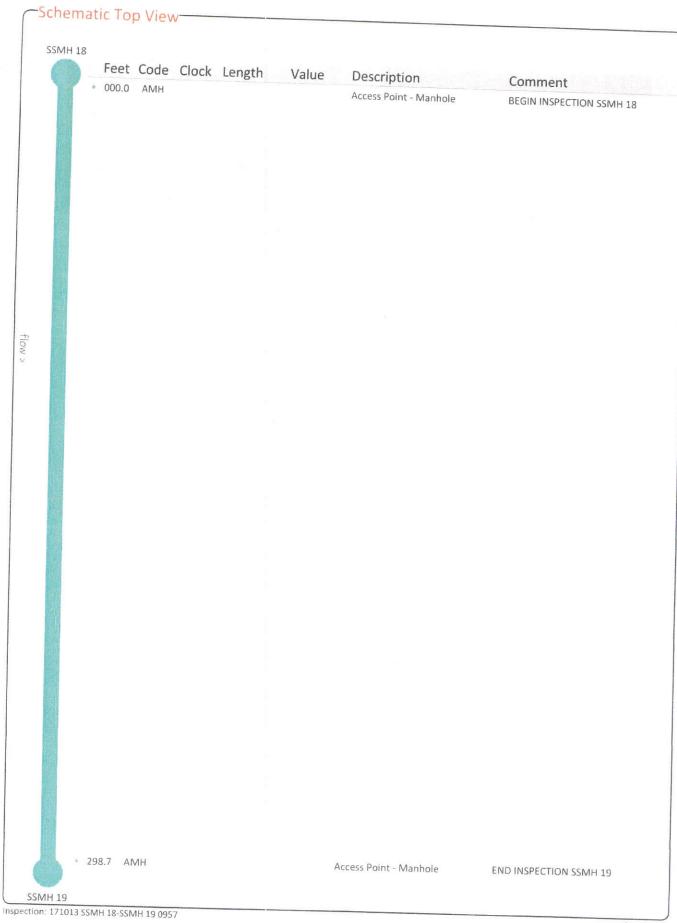
US

298.7 ft. televised

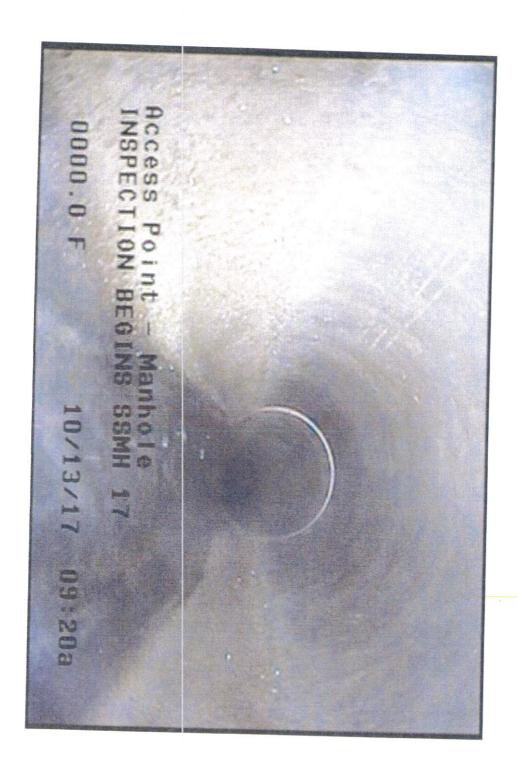
(asset length not specified)

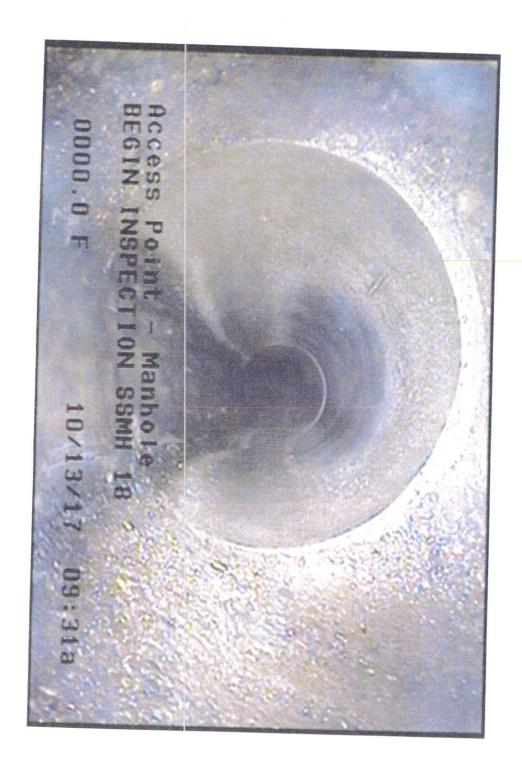
55MH 19

DC



Page 2 of 3







PO BOX 651 • EUREKA, NEVADA 89316 • (775) 293-1743 5 EAST PARK STREET • FALLON, NEVADA 89406 • (775) 423-9090

Client:

Mr. Kip Helming - District Chairman

Lander County Combined Sewer and Water GID #2

P.O. Box 144

Austin, Nevada 89310

Billing Date: 03 January 2018

Invoice No:

Austin Sewer Preliminary Engineering Report Services per Lander County Commissioner Approval for US Hwy 50 Section Only (May 3, 2017) Not-to-Exceed \$120,000 and Signed Contract (August 23, 2017), original estimate of \$ 48,000 for just Main Street in parenthesis. The televising was \$ 37,157, which was \$ 12,157 over budget. The new estimate including the televising is \$ 60,157.

Date	Description	C	harges	
Nov 2017	Project Planning (100% @ \$ 2,000)	\$	2,000.00	
	Existing Facilities (100% @ \$2,500)	\$	2,500.00	
	Cleaning and TV Inspection (\$ 25,000)* (UTV			
	charged \$ 32,310.75, and subconsultants mark-up			
	is 15%)	\$	37,157.00	
	Need for Project (100% @ \$ 1,000)	\$	1,000.00	
	Alternatives Considered (\$ 3,000)	\$	0.00	
	Selection of an Alternate (\$ 5,000)	\$	0.00	
	Proposed Project (\$ 4,500)	\$	0.00	
	Final Report (\$ 5,000)	\$	0.00	
	Total Billed To Date	\$	42,657.00	
1.40	Minus Previous Billings	(\$	40,157.00)	

#### Please pay this amount:

\*Sewer cleaning and TV inspection services were only performed on the two gravity sewer mains within US Hwy 50; however, sewer cleaning included unexpected heavy root removal, NDOT required a traffic control plan / certified traffic control and occupancy permit, and some manhole lids required excavation of up to two feet in NDOT right-ofway to properly expose them for access of equipment.

Terms: 30 days, 1% per month late charge over 30 days.

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number14
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS: Discussion for possible action regarding property damage to personal vehicle in the Lander County Sheriff's Office Parking lot, and all other matters properly related thereto.
Public Comment:
Background: Correspondence and quotes attached.
Recommended Action:



#### AGENDA REQUEST FORM

COMMISSIONER MEETING DATE: 01/11/2017

NAME: Spencer Roberts	REPRESEN	TING: Lander County	Sheriff's Office
ADDRESS: 2 State Route 305, Battle	Mountain, Nevada 89	820	
PHONE (H): 775-635-1100	(W): _775-635-11(	00 (FAX): <u>77</u>	5-635-2577
WHICH NUMBER SHOULD WE CA	LL DURING NORM	AL BUSINESS HOURS	S: 775-635-1100
WHO WILL BE ATTENDING THE I	MEETING: Spencer R	oberts	
JOB TITLE: Deputy Sheriff			
SPECIFIC REQUEST TO BE PLACE A Lander County patrol vehicle struct properly fix my personal property.	k my personal vehicle i		I am requesting funds to
WHAT ACTION WOULD YOU LIK			
I am asking for funds to fix my perso	nal property correctly.	•	
ARE THERE ANY COSTS ASSOCIA AMOUNT: \$8,053.00	ATED WITH YOUR R	EQUEST:	
HAS THIS ISSUE BEEN DISCUSSE. WHEN?	D AT A PRIOR COM	MISSION MEETING?	☐ YES ⊠NO
WILL YOU BE PRESENTING WRIT	TEN INFORMATION	N AT THE MEETING?	ĭ YES □ NO
HAVE YOU DISCUSSED THIS ISSU	JE WITH THE AFFEC	CTED DEPT HEAD?:	XYES □NO .
FOR REVIEW BY:			
AMBULANCE EXE. ARGENTA J.P. FIRE ASSESSOR GOLI AUSTIN J.P. PUBL	S. S	SENIOR CTR. SHERIFF SOCIAL SVC. TREASURER W & S OTHER	
THE EXECUTIVE DIRECTOR RETABLING ALL AGENDA REQUE			
ALL INFORMATION STATED IS C	ORRECT AND TRUE	TO MY KNOWLEDG	E
ire Field June All		DATE: 12/	07/2017

BOARD MEETS THE  $2^{\text{ND}}$  and  $4^{\text{TH}}$  .Thursday of each month commission fax (775) 635-5332

On June 16th 2017 I had my personal vehicle parked at the Lander County Sheriff's Office while I was on duty. At around lunch time I received a call from the animal control officer and she stated she had accidentally struck my vehicle (1973 Dodge Coronet) with her patrol vehicle's door. Upon my investigation I found there to be pieces of paint missing and a slight crease in my door. I contacted my supervisors as did the animal control officer. I was advised to go to three different body shops and get quotes for how much the damage was going to cost. At Dick's Auto body they told me there was no possible way to match the paint due to it being a custom color from a custom shop and gave me a quote of \$8,053 for a whole new paint job. Atlas Towing told me the same thing, that there was no possible way to match the paint and it needed a whole new paint job, they gave me a quote of \$9538.18. Battle Mountain Auto Body told me he thought he could maybe match the paint and gave me a quote of \$515.30. When I finished and turned them in, Undersheriff Quick submitted it to the county insurance.

The Insurance company contacted me directly and asked me to fill out a paper with what all has been fixed on my car so they could better value it. I filled out the paper and sent it to them via email. Upon their conclusion they stated my car was only worth around \$4,000 and the paint job was not worth totaling out a classic car. They settled on Battle Mountain Auto Body's quote of \$515.30. I felt this was unfair due to me not being at any fault for the damage. I told them that I had invested more than \$8,000 into the car to get it running and in nice condition. I was told the only way to get more money was to total the car.

I am asking if the county so feels fit to help me with the \$8,053 to be able to properly fix the damage caused to my personal vehicle, at no fault of my own. Thank you.

# Memo

To:

**Undersheriff Quick** 

From:

Roberts, Spencer

CC

Date:

August 11, 2017

Re:

**Property Damage** 

Hello Sir.

On June 16th 2017 the animal control officer struck my personal car with the door of her patrol vehicle while it was parked in the Lander county sheriff's office parking lot. She notified her supervisor and I of what had happened. Rochester informed her she needed to fill out a blue team to which she did. He also informed me that I needed to get 3 quotes from body shops to see what the cost would be to fix the damage. I took it to Bart Negro who estimated it would cost about \$515.30. When I talked to him about it he said as long as there is a paint code he can match the paint, but I do not have a paint code because it is from a custom paint. He then later told me he thinks he can match the paint. I took it to Dick's auto body and was told by Todd Price and his paint guy from Idaho that there is no way to match the paint and it would cost about \$8,053.60 to repair the damages. I then took it to Atlas towing and Brian Gardner told me there is no way to match the paint because it is custom and has some type of pearl overlay. His estimate was \$9538.18. I would recommend taking it to Atlas because he put in his quote the entire job to fix it so it will be right. Bart had changed his mind and "thinks" he could match the paint which may cost more in the long run, and it most likely would not be done in a timely matter. Todd Price told me to do all the prep work (removing all the parts and sand it) myself, so he doesn't seem motivated either. Brian Gardner is the only one that seems to want the work therefore I recommend him to the job. Attached are the estimates.

Thank you.



# Atlas Towing & Recovery

BODY SHOP P.O. Box 595 Battle MTN NV 89820 Phone:775-635-5007 Fax:775-635-5040

Physical Medical		Lan Lan	Phone: 775-635	5-5007 Fax:77	75-635-5040				
NAME <	Spen	er Roberts			PHONE		DATE	9-17	
STREET 431 W Antelope				city BM			1, ,		
YEAR 19	13	COLOR YELV MH	MAKE DOUGE		MODEL (	CAIE_			
REGISTRATION NO. SERIAL NO. ODOMETER				ESTIMA	TE PREPARED	ВУ			
INSURANCE	CO.	The Contract			ADJUSTOR			21 12 12 12	<del></del>
REPLACE	REPAIR		DESCRIPTION			PARTS	LABOR	REFINISH	SUBLET
	V	RIH From	Door - Dent in	Body Line			3	3.5	
Υ		- Paint Com	plete CAC Remi	1.0	Link.			100	
		Burnous, Q	ead Paret Am	westly to	Malan				
		A Unkagun	Paler & Pearl o	verla. I'm	Novation	references only see	125		
		- 4door Car	Cut in Door Do	LIMINS TO	11 1	***************************************	<i> </i>	-	
				1 1					
		PANT & MAKENAL						9250	
	A								
			1013						
776.42		1411	y lord						
			1010						
H 3								<u> </u>	
4-4	4 -								
- #1.1		-						<del>                                     </del>	
			OWN CO.						-
0.3949								<del> </del>	
95					TOTALS		128	35	
The abo	ve is an	estimate based on ou	r inspection and does not	Pain					
cover an work has	y addition s been s	nal parts or labor which tarted. Occasionally, w	may be required after the		† *S			25.00	
work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.							20.00		
on parts	and labo	r are current and subject	t to change.						
AUTHORIZATION FOR REPAIR. You are hereby authorized to make the above repairs:									
·//···································									
				TOTAL		\$	95:	25 17	
DATE:		7-10-19-12-12-1	90.7			\$	10	20.10	-
			4	46					

# BATTLE MOUNTAIN AUTO BODY

170 N. Reese St. P.O. Box 1237 BATTLE MOUNTAIN, NEVADA 89820 (775) 635-5321

TREET COLOR MAJE OF COLOR MAJE						
YEAR 7 COLOR MAKE MODEL MODEL MODEL SERIAL NO. ODOMETER ESTIMATE PREPARED BY  INSURANCE CO.  REPLACE REPAIR DESCRIPTION PARTS LABOR REFINISH SUBLET						
REGISTRATION O. SERIAL NO. ODOMETER ESTIMATE PREPARED BY  INSURANCE CO.  REPLACE REPAIR  DESCRIPTION  PARTS LABOR REHINISH SUBLET						
REGISTRATION O. SERIAL NO. ODOMETER ESTIMATE PREPARED BY  INSURANCE CO.  ADJUSTOR  DESCRIPTION  PARTS LABOR REFINISH SUBLET						
INSURANCE CO.  ADJUSTOR  REPLACE REPAIR  DESCRIPTION  DESCRIPTION  PARTS LABOR REFINISH SUBLET						
REPLACE REPAIR DESCRIPTION PARTS LABOR REHINISH SUBLET						
PARTS LABOR REHINISH SUBLET						
PARTS LABOR REHINISH SUBLET						
7 Pepul ( + , + , + , + , + , + , + , + , + , +						
Totals						
The above is an estimate based on our inspection and does not cover any additional parts or labor which may be required after the						
work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection.  TOTAL LABOR 6.5 \$ 360.5						
work has been started. Occasionally, worn or damaged parts are discovered which may not be evident on the first inspection. Because of this, the above prices are not guaranteed. Quotations on parts and labor are current and subject to change.						
TOTAL CUE						
AUTHORIZATION FOR REPAIR. You are hereby authorized to make the above repairs:						
SIGNED:						
DATE:						
447						

#### **DICKS AUTO BODY**

Workfile ID: Federal ID: License Number:

19099870 880344309 BD000139

IT'S YOUR CAR \*\*\* IT'S YOUR CHOICE ALICIADBS@HOTMAIL.COM, 255 n 2ND ST, BATTLE MOUNTAIN, NV 89820

> Phone: (775) 635-9028 FAX: (775) 635-9044

#### **Preliminary Estimate**

Customer: ROBERTS, spencer

ROBERTS, spencer

Policy #:

Date of Loss:

Claim #:

Days to Repair: 0

Type of Loss: Point of Impact:

Insured:

Owner: ROBERTS, spencer

**Inspection Location:** 

DICKS AUTO BODY

ALICIADBS@HOTMAIL.COM

255 n 2ND ST

BATTLE MOUNTAIN, NV 89820

Repair Facility

(775) 635-9028 Business

Job Number:

Insurance Company:

VEHICLE

1973 DODG Coronet

VIN:

WH41G3G224527

Interior Color:

Exterior Color:

Production Date:

Mileage In:

Mileage Out:

Condition:

Job #:

Vehicle Out:

License:

State:

7/24/2017 5:16:04 PM

085220

Page 1

448

#### **Preliminary Estimate**

# Customer: ROBERTS, spencer

1973 DODG Coronet

Job Number:

Line		Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	#	Rpr	RF DOOR				3.0	2.8
2	#	R&I	,MIRROR, INT PANEL, OS DOOR HANDLE				1.0	
3	#		CAN NOT MATCH PAINT COLOR		1			
4	#		HAZ WASTE		1	3.50		
5	#		CORROSION PROTECTION		1	5.00	0.5	
6	#	Refn	complete exterior of car					50.0
7	#	Refn	sand/ strip/ prime					50.0
				SUBTOTALS		8,50	4.5	102.8

ESTIMATE TOTALS				
Basis		Rate	Cost \$	
			8.50	
4.5 hrs	@	\$ 60.00 /hr	270.00	
102.8 hrs	@	\$ 60.00 /hr	6,168.00	
			1,500.00	
			7,946.50	
\$ 1,508.50	@	7.1000 %	107.10	
			8,053.60	
			0.00	
			0.00	
			8,053.60	
	4.5 hrs 102.8 hrs	4.5 hrs @ 102.8 hrs @	4.5 hrs @ \$ 60.00 /hr 102.8 hrs @ \$ 60.00 /hr	

Estimate calculated using a preset user threshold amount for the paint and material cost.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda	Item	Number	15

#### THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion for possible action to approve/disapprove the agreement between Lander County and Holland & Hart for legal representation of Lander County during the Greater Sage-Grouse Land Use Plan Amendments, and all other matters properly related thereto.

**Public Comment:** 

Background: Agreement attached.

Recommended Action: Approval



Laura K. Granier Phone (775) 327-3089 Fax (775) 786-6179 lkgranier@hollandhart.com

December 7, 2017

Theodore C. Herrera District Attorney Lander County, Nevada 50 State Route 305 Battle Mountain, NV 89820 da@landercountynv.org ebarela@landercountynv.org

> Legal Representation Re:

Dear Mr. Herrera:

Thank you very much for asking Holland & Hart LLP to represent Lander County, Nevada (the "County"), in the matter described below. We look forward to working with you. This letter confirms our discussion, summarizes our understanding of our representation of the County and addresses certain aspects of how we will undertake this representation. References to "you" and "your" in this letter refer to the County, rather than to its employees, officers, directors, managers, stockholders, or members in their individual capacities, nor will it refer to any of the County's affiliated entities. During the course of this representation, our client will be the County and not the aforementioned individuals or entities other than the County, unless otherwise agreed to in writing by us. Our goal is to provide you with the legal services you need, when you need them and for a reasonable charge. Holland & Hart has consistently worked hard to be flexible and cost-conscious, and to include our clients whenever possible in the frequent decisions which must be made about where and when to devote Holland & Hart's time and resources. We encourage and welcome your thoughts, questions and directions at any time on all aspects of our work including staffing decisions, time commitments and billing procedures.

My understanding of our representation is as follows: assist the County with preparing scoping comments on the Greater Sage-Grouse Land Use Plan Amendments, and any other matters that you request and we agree to in writing. If the above is not a correct summary of what you have asked us to undertake, please let me know immediately.

Our engagement is limited to the matter described above. You and we have agreed that our representation is solely of the County regarding the Greater Sage-Grouse Land Use Plan Amendments and does not constitute a representation of the

Holland & Hart LLP Attorneys at Law

Phone (775) 327-3000 Fax (775) 786-6179 www.hollandhart.com 5441 Kietzke Lane Second Floor Reno, NV 89511



County on any other issue. As we have discussed, our firm may currently represent clients on matters adverse to such other departments, agencies or branches and we reserve the right to do so in the future.

As a condition to our undertaking this matter for the County, you have agreed that this firm may represent existing or new clients in any future matter that is not substantially related to our work for the County, even if the interests of such clients in those other matters are directly adverse to the County. This will also confirm that we advised you to consult with independent counsel, and that you have had an adequate opportunity to do so, before providing your consent and agreeing to this advance waiver.

We understand and agree that this is not an exclusive agreement, and that you are free to retain any other counsel of your choosing. We recognize that we shall be disqualified from representing any other client with interest directly adverse to yours (i) in any matter which is substantially related to our representation of you and (ii) with respect to any matter where there is a reasonable probability that confidential information you furnished to us could be used to your disadvantage. You understand and agree that, with those exceptions, we are free to represent other clients, including clients whose interests may conflict with yours in litigation, business transactions, or other legal matters. Subject to the foregoing, you agree that our representing you in this matter and other matters will not prevent or disqualify us from representing clients adverse to you in other matters and that you consent in advance to our undertaking such adverse representations.

While this letter is intended to deal with the specific legal services described above, these terms and conditions will also apply to any additional legal services that you request and we may agree to provide that are outside the initial scope of our representation.

I contemplate that our work for you on this matter will be staffed by me, Sandi Snodgrass and Erica Nannini. My current hourly rate is \$430; Sandi's is \$425; and Erica's rate is \$250. It is possible that other attorneys and service providers may be called upon to work on your behalf. In each such case, their names and hourly rates will appear on our monthly statements. In general, these are our ranges of current hourly rates: Partners, \$300 - \$860; other attorneys, \$195 - \$670; and other service providers, \$60 - \$645. Our rates generally change each year on January 1st and we will notify you of those changes in the first billing statement that includes the charges for any adjusted rate.

We will begin work upon receipt of a retainer of \$2,500. Please remit payment to Holland & Hart LLP, Accounts Payable, 5441 Kietzke Lane, 2nd Floor, Reno, Nevada 89511. In the alternative, I have also enclosed the wire transfer instructions for our



trust account, for your convenience in submitting the retainer. Subsequent billings will be credited against the retainer. Upon depletion of the retainer, we will so advise you and will ask you to pay all future statements upon receipt.

Our customary practice, which I will follow with respect to this engagement, is to bill for our services and expenses monthly. We expect payment of our statements upon your receipt of them. The attached billing procedure statement ("How We Charge for Our Services and Expenses") contains a more complete description of how we charge and bill for our services and expenses. I welcome any questions you may now have about our billing procedure or may have in the future about any statement we send to you as the work progresses.

Unless our engagement is by its nature a continuing one (as when we are initially engaged to handle one of a series of separate matters that will be referred to us in connection with an ongoing project) or unless the engagement letter specifically reflects that our engagement is intended to continue beyond the current matter, our engagement will cease upon completion of the matter for which you have engaged us. After completion of the matter, changes may occur in laws or regulations that are applicable to you that could have an impact upon your future rights and liabilities. Upon conclusion of the tasks we have been asked to perform in connection with this engagement, we will have no duty to inform you of future developments or changes in the law affecting any of your interests including your interests in the matter subject to this engagement. To the extent that we voluntarily provide you with newsletters, documents or information concerning such matters following the conclusion of this engagement, such provision shall be considered a matter of courtesy only and shall not be considered the fulfillment or basis of any duty or the re-establishment of any attorney-client relationship.

We will maintain records related to this engagement in formats and organization that we, in our sole professional judgment, determine are efficient and appropriate for the conduct of this engagement. After the engagement ends, meaning the date of our last bill for services in this matter, we will maintain or destroy these records in accordance with our then-existing record retention policy. If the firm determines that the records should be destroyed, and fewer than 15 years have elapsed from the conclusion of the engagement, we will first give you written notice of our intention to destroy the records at your last address known to us. The notice will inform you that the records will be destroyed 60 days after the date of the notice unless you notify the firm in writing that you want the records to be sent to you at your expense. If the notice is returned to us as undeliverable, we will destroy the records, as the lack of a correct forwarding address will indicate that you have abandoned them. If at any time you request transfer of the records to which you are entitled, we reserve the right to transfer them in the paper and/or electronic formats and organization in which we maintained them. In that event or if you request destruction of the records, we reserve the right to



retain (at our expense) a copy of any part of the records for any reason, such as to comply with legal or ethical obligations.

I believe that the foregoing covers the essential elements of our engagement. If for any reason this letter does not accurately reflect your understanding of the terms of our engagement, please contact me immediately. Otherwise, please indicate your acceptance of these terms by signing a copy of this engagement letter and returning it to me as soon as possible. In any event, unless we hear from you to the contrary, we will proceed with our representation of you on the terms described in this letter.

Sincerely,

Laura K. Granier

of Holland & Hart LLP

Hans V. Granies

The above letter correctly sets forth our agreement.

LANDER COUNTY, NEVADA

Date:	, 2017	By:	
		Name:	
		Title:	



#### HOW WE CHARGE FOR OUR SERVICES AND EXPENSES

We at Holland & Hart LLP ("H&H") want each client relationship to be productive and satisfying for both parties. We believe one way to accomplish that goal is to explain at the outset how we charge for our services and expenses. Our usual practice is to send a statement for services and expenses monthly. Our statement describes in summary fashion the services we have performed on your behalf in order that you have a current understanding of any charges and expenses. If we have a written agreement for some other arrangement, we will proceed accordingly. Our responsibility is to ensure that you receive an accurate and fair statement. In return, we expect prompt payment of our statements. We encourage you to raise any questions or comments regarding any statement. If you fail to keep your account current, we reserve the right to terminate our representation in accordance with applicable ethical rules. We also reserve the right to assess a late payment charge at the rate of 1% per month on any unpaid balance beginning on the 30th day after the date of the statement.

#### Fees For Services

A specific attorney is responsible for each matter we undertake for you. In addition to serving as your primary contact and either performing or overseeing all services provided for you, this attorney will review and approve each statement you receive from us. Our engagement letter sets forth the terms on which we will charge you for our services. If we are providing services on an hourly basis, our engagement letter discloses the current hourly billing rate of the attorneys and other service providers who will work on matters for you. From time to time other attorneys and service providers may be involved in your work. Their names and hourly rates will be reflected in our statements. Please note that we review and adjust our billing rates annually, and our adjusted billing rates typically take effect on January 1. You will be advised of changes in billing rates in the first statement that includes charges for services at any such adjusted rate.

#### **Expenses**

You will be invoiced for certain direct expenses incurred in the course of providing legal services to you. We charge expenses to your bill with no mark-up for handling and no surcharge for the cost of carrying the charge until you make payment. Thus, filing fees, incorporation fees, charges from court reporters and similar expenses will appear on your bill at the amount actually disbursed by us on your behalf. Notwithstanding the previous sentence, unless we otherwise agree, we expect you to pay directly (or prepay through the use of a retainer) any expenses over \$1,000 invoiced by persons or companies outside our firm for your account. Several categories of expenses involving a service provided, in whole or in part, using our equipment or staffed with our personnel are billed to you in the manner described below:

- 1. **Photocopying**. We do not charge for routine photocopying or small copy projects. We will send large copy projects to outside copy facilities when confidentiality concerns permit and will bill you for the actual charges incurred. We are always happy, upon your request and where appropriate, to send materials for copying to you or to your designated vendors who will bill you directly.
- 2. Messengers. We charge the same amount for messenger services as outside providers charge for the same service.
- 3. Computerized Legal Research. We have fixed-price, discounted contracts with our providers that include many, but not all, of their services. We compute and charge for the cost of searches performed on your behalf by allocating our actual contract cost over all searches performed for clients. We must necessarily make certain estimates to arrive at this allocation, but the objective is to recover only the firm's actual cost for legal research services performed for our clients. For research services not covered by our fixed-price contracts, we charge the actual cost of the searches billed to the firm.
- 4. Overnight Couriers. We use United Parcel Service ("UPS") and other recognized couriers for the bulk of our overnight courier services. We pass through the UPS or other courier's scheduled charge to us.



#### Litigation Support and Trial Preparation

H&H provides a variety of litigation support and trial preparation services and products. These services and products include discovery management, trial consulting, witness preparation, jury selection, preparation of multimedia trial exhibits, trial setup and document imaging. The charges for these services and products will be established by agreement between the H&H responsible attorney and the client at the inception of the engagement, or in the alternative, when the need for such services arises.

#### REPORTABLE TRANSACTIONS

Certain transactions become "reportable transactions" under the Internal Revenue Code and the associated regulations if an advisor, including a lawyer, requires them to be kept confidential. H&H does not require such confidentiality. Accordingly, H&H agrees that you (and your employees, representatives or other agents) may disclose to any and all persons, without limitation of any kind, (i) the Federal income tax treatment and the facts relevant to understanding the Federal income tax treatment of our representation of you and any transaction with which we may assist, and (ii) all materials of any kind (including opinions or other tax analyses) that are provided to you by H&H relating to such tax treatment and such facts. In addition, H&H does not claim that any tax information (as opposed to tax legal advice) provided by it is proprietary or exclusive.

#### NEVADA DISCLOSURE PURSUANT TO RULES OF PROFESSIONAL CONDUCT RULE 7.5A (c)(5)(ii)

As you know, H&H has offices located in Las Vegas, Reno, and Carson City, which are staffed with lawyers who are admitted to practice law in the State of Nevada. In addition, we have lawyers admitted in other jurisdictions where H&H has offices, including Colorado, Utah, New Mexico, Wyoming, Montana, Idaho, and Washington D.C. For this matter, we may or will seek assistance from other lawyers who are not admitted in Nevada but who will work with our Nevada-admitted lawyers. As the engagement proceeds, we may enlist the services of other firm lawyers, not admitted in Nevada, in order to provide all of the legal services you have requested. Under Rule 7.5A of the Nevada Rules of Professional Conduct, we are required to make this disclosure. If you have questions about it, now or in the future, please let us know.



#### Wire/ACH Transfer Instructions for Client Trust Funds for Nevada

Bank Name:

Nevada State Bank

Bank Address:

750 E. Warm Springs Road

Las Vegas, Nevada 89119

ABA Number:

122400779

Account Name:

Holland & Hart LLP

Account Number:

612 032 623

SWIFT Code (Int'l wires only)

**ZFNBUS55** 

Reference:

Laura K. Granier



RECORDING REQUESTED BY: LANDER COUNTY CLERK'S OFFICE

ADDRESS: 50 STATE ROUTE 305

CITY/STATE/ZIP: BATTLE MOUNTAIN, NV 89820

Letter indicating continued representation by Laura K. Granier for Lander County.

November 30, 2017 Commissioners Meeting

Item #7

This page added to provide information required by NRS 111.312 Sections 1-2

This cover page must be typed or printed.

### DAVIS GRAHAM & STUBBS

August 28, 2017

Theodore Herrera Lander County E-mail: <u>da@landercountynv.org</u>

Re: Departure of Laura Granier from Davis Graham & Stubbs LLP

Dear Mr. Herrera,

On August 16, 2017, Laura K. Granier left Davis Graham & Stubbs LLP. As of August 17, 2017, Ms. Granier has been practicing at Holland & Hart LLP, and her new office address is 5441 Kietzke Lane, Suite 200, Reno, Nevada 89511. Ms. Granier's telephone number is (775) 327-3000 and her new email address is Ikgranier@hollandhart.com.

Following Ms. Granier's departure from DGS, you may choose whether you want Ms. Granier to continue her representation of you or to have another lawyer at DGS continue to represent you. Alternatively, you may engage another attorney of your choosing. You may decide to use Ms. Granier on some matters and DGS or another attorney on other matters. If you choose to have Ms. Granier continue to represent you as to a particular matter, the electronic and physical files pertaining to that matter will be transferred to Ms. Granier at her new office location.

In order to facilitate a smooth transition, please advise Ms. Granier and Randy Hubbard (of DGS) in writing at your earliest convenience of your choice of attorney. For your convenience, attached is a list of open matters that Ms. Granier has handled or overseen for you. You may respond by noting your choice and signing the form below, and then emailing a copy of the form to both Ms. Granier and <a href="mailto:clientauthorization@dgslaw.com">clientauthorization@dgslaw.com</a>.

If you have any questions about this transition, how your continuing work and representation will be staffed by the law firms, or other issues, please feel free to call either of us. Randy Hubbard can be reached at 303.892.7468 or at <a href="mailto:randy-hubbard@dgslaw.com">randy-hubbard@dgslaw.com</a> Thank you for your prompt attention to this request.

Traura

Sincerely,

Randall E. Hubbard

Davis Graham & Stubbs LLP

August 28, 2017 Page 2

The following are your open matters for which our records indicate that Ms. Granier has responsibility. Please indicate your preferences regarding your choice of attorney by filling in the blank following each listed matter as follows:

- If you want Laura Granier to represent you on a matter, please insert the name "Granier" in the blank.
- If you want another lawyer at DGS to represent you on a matter, please insert the letters "DGS" in the blank.
- If you want another lawyer to represent you on a matter, please insert the word "Other" in the blank
  and, on another page, state the name, firm and address of the lawyer you wish to be represented by
  and to whom you authorize the transfer of all paper and electronic files.

The matters on which Ms. Granier has worked and to which this letter applies are as follows:

Matter Name	<b>Matter Status</b>	<b>Future Representation</b>
Sagegrouse LUPA Litigation (DGS File No. 121230-0001)	Open	
		MINAMLE
Signature	12-14 Date	-17

Approved as to form:

Theodore Horrora

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number _16
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS: Discussion for possible action regarding the next step in the hiring of Human Resources Director for Lander County
Public Comment:
Background:
Recommended Action:

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number _17
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS: Discussion for possible action regarding the FAA Grant money received to be read into minutes and all other matters properly related thereto.
Public Comment:
Background: attached.
Recommended Action:

## AGENDA REQUEST FORM

COMMISSIONER MEETING DATE: Jan. 11, 2018	
NAME Cindy Benson REPRESENTING: Finance	Tal
ADDRESS: 50 State Route 305, Battle Mtn., NV	1
PHONE(H): 775-635-2573 (W): 775-635-2573 (FAX): 775-635-5332	and E
WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS	ADAZ
WHO WILL BE ATTENDING THE MEETING Cindy Benson  JOB TITLE Fiscal Officer  SPECIFIC REQUEST TO BE PLACED ON THE ACCOURT.	
THE AGENDA! PAA Grant Money receiv	red
to be read into the minutes	
BACKGROUND INFORMATION	
what action would you like the BOARD TO TAKE TO RESOLVE THIS ISSUE? <u>Read in</u> the minutes.	to_
ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST:  YES	NO X
AMOUNT:	.,0
	NO X
WHEN?	
HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS YES	NO X
ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST – NOT AT THE MEETING,	
	NO
IF THE ITEM IS A CONTRACT AND/OR AGREEMENT, OR REQUIRES LEGAL REVIEW, IT MUST BE REBY THE DISTRICT ATTORNEY'S OFFICE PRIOR TO AGENDA SETTING OR IT WILL NOT GO ON THE ATTORNEY'S OFFICE PROVIDED THE REQUIRED REVIEW?  YES	EVIEWED AGENDA. NO <u>X</u>
THE COMMISSIONERS RESERVE THE RIGHT TO REJECT OR RECOMMEND TABLING ALL REQUESTS FOR INSUFFICIENT INFORMATION.	agenda
ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.	
BOARD MEETS THE 2 <sup>ND</sup> AND ATH THURSDAY OF THE WARD	

BOARD MEETS THE 2<sup>NO</sup> AND 4<sup>TH</sup> THURSDAY OF EACH MONTH COMMISSION FA¥6(775) 635-5332

FAA Grant Money Received	Amount	Date
Battle Mountain Taxiway & Pavement Rehab	\$427,903.47 \$30,261.23 \$234,128.81 \$123,005.96 \$12,155.53 \$79,836.91 \$907,291.91	09/06/17 09/06/17 09/06/17 10/03/17 10/19/17 12/13/17
Austin Master Plan	\$119,457.80 \$111,781.70 \$255,206.45 \$486,445.95	09/06/07 10/18/17 12/13/17

# LANDER COUNTY COMMISSIONERS MEETING 1/11/2018

Agenda Item Number _18
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS: Correspondence/reports/potential upcoming agenda items.
Public Comment:
Background:
Recommended Action:

- 1. Monthly Reports to Lander County Commissioners. November, 2017.
- 2. Jay Fischer. Letter of Resignation from Lander County Economic Development Authority (LEDA).
- 3. United States Department of the Interior. Bureau of Land Management. Mount Lewis Field Office. 2017 Mill Fire Wildfire Management and Livestock Closure Decisions.
- United States Department of the Interior. Bureau of Land Management.
   Mount Lewis Field Office. 2017 Raven Fire Wildfire Management and Livestock Closure Decisions.
- United States Department of the Interior. Bureau of Land Management.
   Mount Lewis Field Office. 2017 Phoenix Fire Wildfire Management and Livestock Closure Decisions.
- State of Nevada. Department of Conservation & Natural Resources. Notice of Decision. Water Pollution Control Permit Number NEV0060050. Cortez Joint Venture dba Barrick Cortez Inc. Toiyabe Mine Project.

## MONTHLY REPORTS TO LANDER COUNTY COMMISSIONERS

## NOVEMBER, 2017

- 1) LANDER COUNTY CLERK MONIES COLLECTED FOR THE MONTH OF NOVEMBER, 2017
- 2) AUSTIN JUSTICE OF THE PEACE MONIES COLLECTED FOR THE MONTH OF NOVEMBER, 2017
- 3) ARGENTA JUSTICE COURT FINES/FORFEITS FOR THE MONTH OF NOVEMBER, 2017
- 4) LANDER COUNTY RECORDER TOTAL AMOUNT REMITTED TO TREASURER FOR THE MONTH OF NOVEMBER, 2017
- 5) LANDER COUNTY TREASURER TECHNOLOGY FEES FOR THE MONTH OF NOVEMBER, 2017

## **Lander County Clerk's Office**

#### **Monies Collected for the Month of:**

## NOVEMBER, 2017

ACCOUNT	<u>AM</u>	OUNT
TOTAL STATE FEES	\$	723.00
TOTAL COUNTY FEES	\$	1,034.77
TOTAL LAW LIBRARY FUND	\$	210.00
TOTAL DOMESTIC VIOLENCE	\$	25.00
TOTAL LEGAL AID FUND	\$	218.00
TOTAL DRUG TEST FEES	\$	560.00
TOTAL MONIES COLLECTED FOR		
THE MONTH OF NOVEMBER, 2017	\$	2,770.77

LANDER COUNTY CLERK

Sadie Sullivan

#### Clerk's Report to Auditor of Costs and Fees Collected

Page:

Approved by State Board of Accounts for LANDER County - 2017

To Auditor of LANDER County, NEVADA Collecting for Period: 10/31/2017 thru 11/30/2017



Account	Prior Collections	Collections This Period	Year To Date Collections
61 AA FEE - GENETIC MARKER ANALYSIS	915.00	207.00	1,122.00
6I AA FEE - JUSTICE #085-32003	2,135.00	483.00	2,618.00
6I AA FEE - JUVENILE #286-32006	610.00	138.00	748.00
6I AA FEE - STATE (A #090-32005	10,322.00	2,271.00	12,593.00
6I AA FEE - STATE (G #090-000-32013	1,521.00	345.00	1,866.00
6I BAIL FORFEITURES #001-35030	19,226.00	5,610.00	24,836.00
61 BAIL/BOND PROCESSING FEE	37.50	0.00	37.50
61 BOND FILING FEE VICTIMS OF CRIME	50.00	0.00	50.00
6I CIVIL FEES	37.50	0.00	37.50
61 CIVIL FEES - COURT ACCOUNT/	25.00	0.00	25.00
6I COUNTY FINES/FORF #001-35030	720.00	275.00	995.00
61 DEPARTMENT OF WILDLIFE - COUNTY	0.00	0.00	0.00
61 DEPARTMENT OF WILDLIFE CIVIL FEES	0.00	0.00	0.00
61 DOMESTIC VIOLENCE FEE	0.00	0.00	0.00
61 DUI SPECIALTY COURT FEE (AOC)	0.00	0.00	
61 EPAYMENT CONVENIENCE FEE	810.42	170.15	0.00 980.57
61 FACILITY ASSESSME #285-34201	3,079.00	690.00	
61 FELONY/GROSS MISD FORF -	0.00	0.00	3,769.00
SPECIALTY CO	0.00	0.00	0.00
61 FELONY/GROSS MISD FORF - VICTIMS	0.00	0.00	0.00
OF C			
61 FINE - STATE OF N #090-35030	0.00	0.00	0.00
61 FINE -LANDER COUN #090-35030	0.00	0.00	0.00
6I LC98-3 OTHER #01-32009	10.00	0.00	10.00
61 MISCELLANEOUS FEE #0.01-000-38080	15.00	0.00	15.00
61 NON SUFFICIENT FUNDS	0.00	0.00	0.00
6I NRS 4.065 (SB#62) #090-32015	1.00	0.00	1.00
61 OVERPAYMENTS TO THE COUNTY	0.00	0.00	0.00
6I SPECIALTY COURT F #090-32207	2,152.15	483.00	2,635.15
61 SUBSTANCE ABUSE FEE (CHEMICAL FEE)	0.00	0.00	0.00
Totals:	41,666.57	10,672.15	52,338.72

State of NEVADA LANDER County, SS:

I SWEAR THAT THE ABOVE IS A TRUE AND CORRECT STATEMENT OF ALL COSTS AND FEES BELONGING TO THE ABOVE NAMED COUNTY COLLECTED BY ME FOR THE PERIOD SHOWN.

CLERK OF THE AUST() JUSTICE COURT COURT

LANDER COUNTY CLERK

## FILED

# ARGENTA JUSTICE COURT MONTHLY FINANCIAL STATEMENT ZUIT DEC -5 PM 12: 27

#### LANDER COUNTY CLERK

I, Max W. Bunch, JUSTICE OF THE PEACE OF ARGENTA TOWNSHIP, LANDER COUNTY, NEVADA, DO HEREBY SWEAR, UNDER OATH, THAT THE FOLLOWING IS A TRUE AND CORRECT ACCOUNTING OF ALL FEES RECEIVED BY ME FOR THE MONTH ENDING NOVEMBER, 2017.

**GIBBS** 

(WEDDING)

\$ 70.00

**TOTAL** 

\$ 70.00

MAX W. BUNCH

JUSTICE OF THE PEACE

State of Nevada County of Lander

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5<sup>TH</sup>, DAY OF December, 2017

OTARY PUBLIC

ELIZABETH A ESPARZA

NOTARY PUBLIC

STATE OF NEVADA

Appt. No. 16-3917-10

My Appt. Expires Oct. 15, 2020

Disbursed Total

22,895.00

FINES & FEES MONTH OF NOVEMBER 2017

Account	Pavee Name	Check	Check	Disbursed Amount	Number
		Number	Status Code		of Cases
6H AA FEE - STATE (AOC)	LANDER COUNTY TREASURER	N/A	N/A	5,194.00	162
6H AA FEE - JUSTICE	LANDER COUNTY TREASURER	N/A	N/A	1,180.00	161
6H AA FEE - JUVENILE	LANDER COUNTY TREASURER	N/A	N/A	336.00	160
6H AA FEE - STATE (GENERAL)	LANDER COUNTY TREASURER	N/A		840.00	160
6H AA FEE - GENETIC MARKER ANALYSIS	LANDER COUNTY TREASURER	N/A	N/A	0.4	160
6H BAIL/BOND PROCESSING FEE BOND	LANDER COUNTY TREASURER	N/A	N/A	112.50	6
FEEC					
6H CIVIL FEES	LANDER COUNTY TREASURER	N/A	N/A	504.75	14
6H CIVIL FEES - COURT ACCOUNT	LANDER COUNTY TREASURER	N/A	N/A	285.00	20
6H COPY FEES	LANDER COUNTY TREASURER	N/A	N/A	2.25	0
6H DEPARTMENT OF WILDLIFE - COUNTY	LANDER COUNTY TREASURER	N/A	N/A	200.00	12
6H DEPARTMENT OF WILDLIFE CIVIL	LANDER COUNTY TREASURER	N/A	N/A	69.00	₽
TEES					
6H FACSIMILE FEES	LANDER COUNTY TREASURER	N/A	N/A	235.50	0
6H FINE - STATE OF NEVADA	LANDER COUNTY TREASURER	N/A	N/A	25.00	↦
6H COUNTY FINES/FORFEITURES	LANDER COUNTY TREASURER	N/A	N/A	1,745.00	20
6H FACILITY ASSESSMENT FEE	LANDER COUNTY TREASURER	N/A	N/A	1,690.00	161
6H LC98-3 OTHER	LANDER COUNTY TREASURER	N/A	N/A	140.00	13
6H MARRIAGE FEE - STATE	LANDER COUNTY TREASURER	N/A	N/A	5.00	0
6H NRS 4.065 (SB#62)	LANDER COUNTY TREASURER	N/A	N/A	14.00	13
6H SPECIALTY COURT FEE (MISD)	LANDER COUNTY TREASURER	N/A	N/A	1,183.00	161
6H STATE FORFEITURES	LANDER COUNTY TREASURER	N/A	N/A	0.	143
6H BOND FILING FEE VICTIMS OF CRIME	LANDER COUNTY TREASURER	N/A	N/A	150.00	9

\*\*\* End of Report \*\*\*

# STATE OF NEVADA COUNTY OF LANDER

MAX W. BUNCH, Justice of the Peace of Argenta Township, Lander County, Nevada, being first duly sworn deposes and says:

That since filing my last report the above fines have been collected, which are being That all causes and matters heretofore submitted to him have been decided.

submitted to the Treasurer of Lander County.

Subscribed and sworn to before me this 30th day of November, 2017.

Justice of the Peace

SOLT NOVER COUNTY CLERK

LIFED

#### **Lander County Recorder**

Lesley L Bunch 50 State Route 305 Battle Mountain, NV 89820

## FILED

## 2017 NOV 31 AM 10: 21

## LANDER COUNTY CLERK

#### MONTHLY REPORT

The following fees were collected for the period of November 1, 2017 through November 30, 2017.

ACCOUNT	AMOUNT
RECORDINGS	\$18,736.00
OUTSTANDING RCD	\$0.00
OVERPYMT KEPT	\$6.00
OVERPYMT VOUCHER	\$171.25
AB 6 NOD FORECLOSURE MEDIATION FUND	\$360.00
AB 6 NOD BUDGET SHORTFALL	\$600.00
AB 259 NOD INDIGENT	\$40.00
REAL PROPERTY TRANSFER TAX (General)	\$1,934.90
REAL PROPERTY TRANSFER TAX (State .10)	\$351.80
REAL PROPERTY TRANSFER TAX (State 1.30)	\$4,573.40
COPY WORK	\$238.00
SB 14 DOMESTIC VIOLENCE FUND	\$35.00
TECHNOLOGY FEE	\$7,835.00
FUND TO ASSIST (Previous Foster Care)	\$1,567.00
LEGAL SERVICES FOR INDIGENT	\$4,701.00
COMPENSATION OF INVESTIGATORS APPOINTED BY DISTRICT COURT	\$1,567.00
DEPARTMENT OF MINERALS (State)	\$18,030.00
MAPS	\$20,822.00
TOTAL AMOUNT REMITTED TO TREASURER:	\$81,568.35

Lander County Recorder

\$38,571.40 \$7,835.00 (2,916.85)  \$43,489.55  \$2,159,475.14 (1,705.25) (1,705.25) \$2,157,769.89 \$2,157,769.89 \$2,198,074.69 4,918.15 (1,705.25) \$50.00 \$0.00 \$2.201,287.59	Lander County	November 2017 Beginning Balance Recorder Assessor CLERK November 2017 Ending Balance	BEGINNING BALANCE November 2017 REVENUE EXPENDITURES Interest 2017 Adjustment ENDING BALANCE November 2017	BEGINNING BALANCE November 2017 REVENUE EXPENDITURES Adj Btwn Fnds Interest 2017 Adjustment ENDING BALANCE-November 2017	RECORDER  BEGINNING BALANCE November 2017  REVENUE  Expenditures  Adjustment  ENDING BALANCE November 2017  ASSESSOR	IVEL OLVING MOMENT OF MOVELIBER 70 II
	Lander County Treasurer/Gene Etcheverry	\$2,198,074.69 4,918.15 (1,705.25) \$0.00 \$2,201,287.59	\$28.15 \$0.00 \$0.00 \$0.00 \$28.15	\$2,159,475.14 (1,705.25) - - \$2,157,769.89		

Report No: PB2030 LANDER COUNTY.

Run Date: 12/06/17 PUBLIC BUDGET ACCOUNTING

Page 87 ELAPSED TIM 42 %

STATEMENT OF BUDGETED REVENUES & EXPENDITURES COMPARED TO ACTUAL

300 TECHNOLOGY FEES PERIOD ENDING 11/30/17

	FINAL AMENDED	****** ACTUAL ****** CURRENT YEAR		OVER - UNDER	
	BUDGET	PERIOD	TO DATE	BUDGET	용
REVENUES					
31010 REAL PROPERTY TAXES-	.00	.00	.00	.00	0
32221 RECORDER TECH FEES	8,500.00	7,835.00	10,562.00	2,062.00-	124
32223 ASSESSOR TECH FEES	300,000.00	1,705.75-	20,398.96	279,601.04	6
32224 DIST COURT TECH FEES	.00	.00	.00	.00	0
38007 INTEREST-RECORDER	21.00	.00	.00	21.00	0
38009 INTEREST-ASSESSOR	2,125.00	.00	.00	2,125.00	0
38013 INTEREST-DIST. COURT	.00	.00	.00	.00	0
38046 ASSESR TECH NET PRO	.00	.00	.00	.00	0
38080 MISCELLANEOUS REVENU	.00	.00	.00	.00	.0
38122 GRANT-OTS CRASH	.00	.00	.00	.00	0
39009 TRANS IN FMV	.00	.00	.00	.00	.0
TOTAL REVENUES	310,646.00	6,129.25	30,960.96	279,685.04	9
					. —
EXPENDITURES					
59045 TRANS OF REVENUES	.00	.00	.00	.00	0
	<del></del>				
TOTAL		.00	.00	. 00	0
					-
067 RECORDER					
53920 SERVICE AND SUPPLIES	17,500.00	1,356.88	4,301.15	13,198.85	24
53991 MINOR EQUIP/FURNITUR	5,000.00	1,559.97	1,954.97	3,045.03	39
59015 TRANS OUT INTEREST	.00	.00	.00	.00	0
59950 MISCELLANEOUS	2,500.00	.00	.00	2,500.00	0
TOTAL RECORDER	25,000.00	2,916.85	6 256 12	10 512 00	15-12-2
	23,000.00	2,510.65	6,256.12	18,743.88	25
068 ASSESSOR					
53920 SERVICE AND SUPPLIES	550,000.00	.00	29,312.00	520,688.00	_
53991 MINOR EQUIP/FURNITUR	315,000.00	.00	4,295.00	310,705.00	, 5
54010 NEW FIXED ASSETS	770,000.00	.00	.00	770,000.00	1
54095	.00	.00	.00		0
59045 TRANS OF REVENUES	.00	.00		.00	0
59405	.00	.00	.00	.00	0
33 103	.00	.00	.00	.00	0
TOTAL ASSESSOR	1,635,000.00	.00	33 607 00	1,601,393.00	
			33,007.00	1,001,323.00	2_
069 DISTRICT COURT					
53920 SERVICE AND SUPPLIES	.00	.00	.00	0.0	•
53991 MINOR EQUIP/FURNITUR	.00	.00	.00	.00	0
3332 (	.00	.00	.00	.00	0
TOTAL DISTRICT COURT	.00	.00	.00	.00	
	-		.00	.00	
TOTAL EXPENDITURES	1,660,000.00	2,916.85	39,863.12	1,620,136.88	2
			, 3 0 0 1 2 2	_, 525, 136, 66	
NET REV & EXPENDITURE	1,349,354.00-	3,212.40	8,902.16-	1,340,451.84-	0
	=======================================				====

t No: IKZU55 12/05/17 09:28:27

LANDER COUNTY TREASURER TREASURER'S ACCOUNTING LEDGER FUR ACCOUNTS: 000 THBU 999 - 11/01/17 THRU 11/30/17

Page /3

Balance FDA No. Act IF Debit Amount Credit Amount No. Receipt Description Date 4T-300 TECHNOLOGY FEES TYPE - FUND 2,198,074.69 Beginning Balance 2,198,154.69 300-000-32221-000 RECURDER TECH FEES 709 WEEK ENDING 11-03-17 300 CR 11/06/17 80.00 300 CR 11/07/17 1,773.71-2,196,380.98 300-000-32223-000 ASSESSUR TECH FEES 714 16/17 NET PRODS ADJINAT 300 CR 11/08/17 726 FY 17/18 NET PROCEEDS 2.34 2,196,383.32 300-000-32223-000 ASSESSUR TECH FEES 2,196,523.32 300-000-32221-000 RECORDER TECH FEES 140.00 300 CR 11/13/17 741 WEEK ENDING 11-10-17 2,195,840.43 300-000-00000-000 327 SPEC EXPND 11-02-17 300 DS 11/17/17 682, 89 R 2,195,755.44 300-000-00000-000 097 CONN GILLS 11-09-17 300 DS 11/17/17 84, 99 7,070.00 2,202,825.44 300-000-32221-000 RECURDER TECH FEES 781 WEEK ENDING 11-17-17 300 CR 11/20/17 300 03 11/30/17 2,148.97 2,200,676.47 300-000-00000-000 307 COMM BILLS 11-30-17 2,200,680.24 300-000-32223-000 ASSESSUR TECH FEES 317 2015-16 REAL FROP 300 CR 11/30/17 3.77 3.90 2,200,684,14 300-000-32223-000 ASSESSUR TECH FEES 818 2016-17 REAL PROF 300 CR 11/30/17 23.51 2,200,707.65 300-000-32223-000 ASSESSUR TECH FEES 819 2017-18 REAL PROP 300 CR 1,1/30/17 2,200,709.70 300-000-32223-000 ASSESSOR TECH FEES 300 CR 11/30/17 2.05 820 2016-17 PERS PRUF 300 CR 11/30/17 32.39 2,200,742.09 300-000-32223-000 ASSESSUR TECH FEES 821 2017-18 PERS FROP 2,201,287.09 300-000-32221-000 RECURDEN TECH FEES 545.00 324 HEEK ENDING 11-30-17 300 CR 11/30/17 2,916.85 6,129.25 HT-300 TECHNOLOGY FEES ENDING DALANCE 2,201,287.09

#### Jay R. Fischer

385 Jillian Drive Battle Mountain, Nevada 89820 775-455-6626

November 6, 2017

Lander County Economic Development Authority (LEDA) 50 state Route 305
Battle Mountain, NV 89820

Re: Letter of Resignation

Dear LEDA Board

Please accept this letter of resignation for my seat on the LEDA board. I have recently sold my home in Battle Mountain and am moving to Reno to peruse contract work opportunities under my company, Reese River Hydrologic, LLC.

It has been my honor to serve on this board with a group of intelligent and motivated individuals. The prospects for Lander County are bright due to your efforts.

I wish you all the best.

Sincerely,

Jay Fischer

Principle - Reese River Hydrologic, LLC

774-455-6626

jay\_fischer@sbcglobal.net



## United States Department of the Interior



#### BUREAU OF LAND MANAGEMENT Mount Lewis Field Office 50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

https://www.blm.gov/nevada

In Reply Refer To: 6711/9217/9220/9264 (NVB010)

DEC 1 4 2017

Dear Interested Public

Enclosed please find the 2017 Mill Fire Wildfire Management and Livestock Closure Decisions. If you have any questions, please contact Anna O'Brien Emergency Stabilization and Rehabilitation Lead 775-635-4175.

Sincerely.

Jon D. Sherve Field Manager

Mount Lewis Field Office

#### Enclosures

2017 Mill Fire Wildfire Management and Livestock Closure Decisions

Mill Fire Map

Mill Fire: Fence Lines Map

Mill Fire: Planting Overview Map

cc: Interested Public



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT Mount Lewis Field Office 50 Bastian Road Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

http://www.blm.gov/nevada

DEC 1 4 2017

In Reply Refer To:

6711/9217/9220/9264 (NVB0100)

#### <u>2017 Mill Fire</u> Wildfire Management and Livestock Closure Decisions

Dear Permittees:

#### **INTRODUCTION:**

During the summer of 2017 the Mill Fire burned approximately 479 acres with 249 acres being on privately owned land, and 230 acres on public land within the Mount Lewis Field Office (MLFO), Argenta Allotment (refer to the enclosed Mill Fire map). The fire was determined to be human caused. After an interdisciplinary review, it was determined that rehabilitation was needed to maintain and/or restore important resources affected by the fire. The fire started in the Mill Creek Campground, one of three designated campgrounds in the Battle Mountain District Office (BMDO). Before the fire was contained the entire campground burned, which resulted in extensive damage to recreation resources, including structures, campsites, and valuable stream stabilizing vegetation.

The fire burned Greater Sage-Grouse (GRSG) habitat, year round pronghorn and mule deer habitat, and other wildlife habitat areas. A rehabilitation plan was developed to determine the treatments needed to maintain and/or restore these resources and to establish a healthy, stable ecosystem. The Mill Fire has increased the potential of wind and water erosion, and the spread of noxious weeds and invasive/non-native plant species. If left untreated, damage to these important resources could reduce ecological conditions and rangeland health. To promote the success of vegetative treatments and promote natural recovery, rest from livestock grazing is required. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation (ES&R) Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons or until objectives are met.

#### BACKGROUND:

The Mill Fire started on Wednesday June 28, 2017, and was contained on July 1, 2017. The fire started in the Mill Creek Campground and consumed one of three vault-toilets. All wooden vehicle barricades burned, one campsite picnic table was consumed, and an interpretive kiosk sign burned completely. The campground's two pedestrian bridges were both consumed, and posts and braces were burned on a fence that excluded the campground from livestock use, which rendered it non-functioning. The southernmost portion of the fire engulfed 6.3 acres of an

area designated for Off-Highway Vehicle (OHV) recreation use in the Shoshone OHV Trail System.

Mill Creek runs through the affected campground (1.22 miles of creek on public land and 0.67 miles on private land within the burn area). The creek was lined primarily with old growth *Populus sp* (Cottonwood), *Acer negundo* (Box Elder), *Fraxinus* sp (Ash), along with *Salix* sp (Willow) and other native and non-native woody species in the campground. Upstream of the the campground there is primarily *Salix* sp (Willow) along with *Populus* sp (Cottonwood), *Acer negundo* (Box Elder), and other old growth native and non-native trees. An initial survey estimates at least 50 percent of the cottonwoods will not survive. Willows can be more resistant to fire and may have lower mortality. The creek itself has a few pre-burn erosion control measures in place, though these measures will be ineffectual in the wake of the wildfire. The fire removed all forbs and grasses that were stabilizing the bank, exponentially increasing the effect of erosion the campground.

The area that the Mill fire burned is considered very steep. The lowest point in the burnt area is approximately 5160 feet above mean sea level, with an elevation gain of 800 feet within the 479 burned acres. This means that erosion both from wind and water are expected to occur until plant matter regrows, which will assist in stabilizing the soil. This erosion could negatively affect roads, properties, and water quality downslope of the fire, through sediment movement and changes in terrain for years to come. Erosion will increase the disturbed areas, where invasive exotic vegetation thrives, and contribute to soil loss in the burn area. Areas of the burned mountainsides are adjacent to Mill Creek. Without vegetation and other stabilizing measures, these banks/mountainsides will erode into the stream, significantly changing the layout of the area.

The burn falls in GRSG habitat. There are 146 public and 7 private acres of other habitat management area (OHMA) GRSG habitat, and 30 public and 130 private acres of general habitat management area (GHMA). By the introduction of fire to the site, the seasonal use of the area has been reduced, so the stabilization and rehabilitation measures should not disturb any GRSG seasonal habitat. Within the burn area, there is 148 acres of mule deer winter habitat, and about 238 acres of year-round pronghorn habitat.

The Mill Fire burned a portion of the Argenta Grazing Allotment. There are two permittees that use the Mill Creek Drainage. Livestock can be present any time after March 1 through the first snow fall in September or October. There was approximately 188 acres that burned that would have been available to grazing prior to the fire. There is approximately 21 Animal Unit Months (AUM) effected by the Mill Fire.

The Mill Fire burned through six different ecological sites: Loamy 8-10 and 5-8, Shallow Loam 10-14, South Slope 12-16, and North Slope 14+ precipitation zone (p.z.) and one still-unnamed forestry site. Loamy 8-10 p.z. should be composed of a plant community dominated by *Achnatherum thurberianum* (Thurber's Needlegrass) and *Artemisia tridentata ssp wyomingensis* (Wyoming Big Sagebrush). Loamy 5-8 p.z. should have a community dominated by *Atriplex confertifolia* (Shadscale), *Picrothamnus desertorum* (Bud Sagebrush), and *Achnatherum hymenoides* (Indian Ricegrass). North Slope 14+ p.z. should be dominated by *Artemisia tridentata ssp. vaseyana* (Mountain Big Sagebrush) and *Festuca idahoensis* (Idaho Fescue).

South Slope 12-16 p.z. should be dominated by *Pseudorogneria spicata ssp. spicata* (Bluebunch Wheatgrass) and Mountain Big Sagebrush. Shallow Loam 10-14 p.z. should be dominated by Thurber's Needlegrass, Bluebunch Wheatgrass, and *Artemisia tridentata* (Big Sagebrush). Finally, the unnamed Forestry Site should be composed of a plant community dominated by Thurber's Needlegrass, Wyoming Big Sagebrush, *Juniperus osteosperma* (Utah Juniper), and *Pinus monophylla* (Singleleaf Pinyon). For a list of the plant-species composition for each ecological site, see attached table.

Within the burn perimeter, there are three known noxious species: *Acroptilon repens* (Russian Knapweed), *Cardaria draba* (Hoary Cress), and *Tribulus terrestris* (Puncturevine). Other invasive exotic plants found within the burn were *Bromus tectorum* (Cheat Grass), *Cirsium vulgare* (Bull Thistle), *Alyssum desertorum* (Desert Madwort), *Ceratocephala testiculata* (Bur Buttercup), *Convolvulus arvensis* (Field Bindweed), *Descurainia sophia* (Tansy Mustard), *Lactuca serriola* (Prickly Lettuce), *Melilotus officinalis* (Sweet Clover), *Salsola kali* (Russian Thistle), *Rumex crispus* (Curly Doc) and *Lepidium perfoliatum* (Clasping Pepperweed). Since the site is a recreation site, there is a high likelihood that other invasive exotic and noxious plants were within the burned area.

Near the Mill Fire area is the 2013 Goats Peak Fire and the 2000 Whiskey Fire. These fires and others in the northern Battle Mountain District in similar ecological sites, can help form a template for the Mill Fire recovery. In the old burns there was good recovery in some of the higher areas. In those areas sagebrush had recovered along with other native plants. There was little recovery from previous wildfires at lower elevations and in flatter terrain. Invasive exotic plants have become the predominate vegetation. This means that native recruitment will augment seeding in the higher zones of the fire. The other fires establish a precedent for heavy erosion on any waterways post-fire.

Emergency stabilization will focus on Mill Creek and stabilizing the banks and surrounding hills to prevent further erosion. Rehabilitation efforts will focus on re-vegetating native grasses, forbs and shrubs, to enhance ecological diversity and to reestablish vegetation on and around the campground. Re-seeding will reduce the extent of invasive exotic plants in the area. The expectation is to re-establish the correct plants within their ecological zones, and to reduce the potential for fires within this area in the future.

On October 31, 2017 the MLFO sent out a public consultation letter for the Mill Fire. This consultation letter was issued with a 15 day comment period. It discussed the proposed ES&R treatments for the burn area, grazing closures, and the recommendations for the vegetative objectives/criteria for reintroduction of livestock to the burn areas. The letter served as the opportunity for the interested public, partners, and stakeholders, along with the state, local, and tribal governments, to provide comment to the proposed ES&R projects that had been developed by the ES&R interdisciplinary team.

At the conclusion of the comment period, two sets of comments were received. Some comments were integrated into this decision, while others are addressed in Appendix A of the DNA. Therefore, it is my decision to implement the management actions identified for Wildlife Management and Grazing Closure Decisions for the Mill Fire.

#### WILDFIRE MANAGEMENT DECISION:

This Decision is issued under 43 CFR §4190.1 and is effective upon issuance. The BLM MLFO has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage, due to the effects of the Mill Fire.

The following is a list of treatments, which were brought forward in the Mill Fire Emergency Stabilization and Rehabilitation plan in order to protect resources impacted by the fire.

#### Within the Campground Area:

- The remnants of the burnt facilities (fence, wooden barriers, kiosks, footbridge, vault toilet, picnic tables, etc.) will be replaced with similar infrastructure that meets modern specifications and be compliant with the Americans with Disability Act (ADA).
- Pre-fire there was a large grove of *Populus* sp (Cottonwood), *Acer negundo* (Box Elder), along with *Salix* sp (Willow) and other native and non-native woody species that lined Mill Creek and ran through the campground. Prior to allowing the public back into the campground, all hazardous dead or partially dead trees will be removed, both from the campground proper, and from the BLM land that is immediately surrounding the campground.
- The campground will be closed to all human use until all hazards are mitigated and facilities that burnt down are replaced.
- A jack rail fence will replace the burnt fence surrounding the campground, and extend down to the edge of BLM land. Due to the high prevalence of fires, the likelihood of archeological sites in the area, heavy use of the area, and because it is easily removed and reused, a metal jack rail fence was deemed the best option.

#### Stabilizing the Creek Bank:

- Mill Creek runs through the burnt area and therefore stabilization of the banks, as well as surrounding hillsides, is critical so that the waterway is not detrimentally impacted from winter rain and snow run-off. Stabilization methods will include check dams placed along the creek to create sediment traps, and the use of wood mulch along banks and close hillsides to slow the movement of soil downhill and into the creek. All tree work done in the area will assist in also meeting this objective.
- Planting seedlings along the bank of Mill Creek will replace the burnt old-growth trees that lined the campground and stream. Prior to the wildfire, the cottonwood trees provided their sprouting sucker roots and the network of willow roots that stabilize the creek banks and hillsides, and provided a recreational draw to the campground. Replacement tree species have less potential to be killed by future wildfires, grow quickly to provide shade and stabilize banks with their network of roots, so these trees will not require constant maintenance. New tree species will significantly reduce safety issues at the recreation site from the constant breakage of the cottonwood trees. Slower growing trees than the cottonwoods were added to the tree planting list, to help maintain the bank in post-rehabilitation efforts.
- There will be three different sections of tree plantings. First, the campground area will consist of a wider mix of trees: *Cornus sericea* (Red-Twig Dogwood), *Ribes aureum* (Current), *Prunus virginiana* (Chokecherry), *Acer negundo* (Box-Elder), *Pinus*

monophylla (Singleleaf Pinyon), plus other native trees will grow in the area and meet the above criteria. Second, on BLM administered public lands upstream from the campground there will be a mix of cottonwood trees and Salix sp (Willows). In the third planting area, which is not adjacent to the campground, only willows will be planted. All willows will be stob plantings of trees cut on site. A large percentage of the cottonwoods are being donated to the project by the U.S. Forest Service's Lucky Peak Nursery. The Nevada Division of Wildlife (NDOW) has proposed assisting with tree planting along the streambed on the private property. It is hoped that some of the revegetation efforts could be accomplished during a BLM community volunteer event after the campground area has been made safe.

#### Reseeding the Area and Temporally Closing it to Cattle:

- The Mill Fire burned in the Argenta Allotment. The burned area will be closed to livestock grazing until monitoring data indicates that recovery objectives have been met, or for a minimum of two growing seasons. The recovery objective is to have three or more permanently established desirable perennial plants/square meter, in both seeded/unseeded areas of the wildfire. Once this objective is met the area can be reopened to grazing.
- A temporary fence will be placed around the northeast side of the road that bisects the fire. These fences will keep large animals (e.g. cattle, wild horses) from grazing the recently seeded burnt area. The fences will be about 3.8 miles long, and will protect the stabilization treatments, while closing a minimal amount of the unburned areas outside the fire perimeter to grazing. This fence will help facilitate closure of the burn from grazing, until the site objectives are met, or after a minimum of two growing seasons. To aid the removal of any animals that may get in the exclosure, gates will be placed every mile and at corners. Flagging and markers will be placed along common existing animal trails that the fence bisects, to help animals recognize recent changes in the area.
- Sage-grouse deterrents (reflectors) will be placed between the posts. The fence will be constructed in accordance with wildlife standards, including a smooth bottom wire for pronghorns. BLM standards and best management practices will be used throughout the project. The fence should be constructed before the growing season in 2018. This time frame should minimize the detrimental effects of grazing sprouting seeding treatments, and be done prior to cattle being placed on the pastures in April. When site objectives are met and the closure is lifted, the fence will be removed.
- The proposed treatment is to drill seed approximately 100 acres, and to broadcast seed with soil incorporation approximately 63 acres with a mixture of native grasses and forbs. While all seeds are subject to availability, the drill seed mix will primarily consist of eight grasses: Achnatherum hymenoides (Indian Ricegrass), Bromus marginatus (Mountain Brome). Elymus wawawaiensis (Snakeriver Wheatgrass), Poa secunda (Sandberg Bluegrass), Elymus elymoides (Bottlebrush Squirreltail), Festuca idahoensis (Idaho Fescue), Leymus cinereus (Great Basin Wildrye), and Pseudorogneria spicata ssp. spicata (Bluebunch Wheatgrass). There will also be three forbs: Achillea millefolium (Western Yarrow), Balsamorhiza sagitatta (Arrowleaf Balsamroot) and Cripis acuminate (Tapertip Hawksbeard); and one shrubs/subshrubs Artemisia tridentata vr wyomingensis (Wyoming Sagebrush). The broadcast mix will be the same except for the sagebrush that will be left out. The seeding equipment will avoid rock outcrops, unburned islands, and

any identified cultural sites. Seeding will occur in the fall, winter, and early spring, shortly before anticipated winter snowfall to assist with propagation.

#### <u>Invasive Exotic Plants and Noxious Weed Treatments:</u>

- Removing *Bromus Tectorum* (Cheat Grass) in the fire perimeter should assist in the reseeding and seedling plantings and the rehabilitation of the fire. 163 acres in the area around the campground will be the focus area for spraying. To accomplish this, a BLM approved herbicide (Imazapic) will be sprayed at the recommended rate within the fire perimeter. If sprayed in the early spring, a glyphosate herbicide will be added to the mix to increase the mortality rate of the Cheat Grass. Imazapic is a relatively selective herbicide, and while it will kill/suppress Cheat Grass, it will not affect the majority of the seeds that are going to be planted. All of the grasses that are being planted are either listed as safe on the label, or has research showing Imazapic will not kill it. The shrubs and forbs are more questionable, though they are not mentioned on the label at all and are not in the list of what the chemical will kill. While glyphosate will kill every plant it come into contact with, it has no residual and can be applied early enough that only Cheat Grass is growing, or only applied in spots that need the extra assistance.
- With the knowledge that noxious weeds, such as *Cardaria draba* (Hoary Cress), *Tribulus terrestris* (Puncture Vine), and *Acroptilon repens* (Russian Knapweed) exist in the perimeter of the fire, an aggressive approach to the removal of these plants is needed. The interior of the fire should be inventoried for the presence of noxious weeds. All these plants will be treated with BLM-approved herbicide, or manually removed to stop their spread, and to reduce their impact on the other proposed ES and BAR treatments. After treatment, monitoring for effectiveness, and determining if retreatment is required should be completed. These treatments will be done for up to five years.
- With a high rate of invasive exotic plants already in place pre-burn, there is a high likelihood of these plants growing to such prevalence that the native seeded/planted plants cannot thrive. The best way to manage the area so that the stabilization and rehabilitation work can thrive, is to spot treat all invasive exotic plants throughout the campground. To accomplish this, a BLM approved herbicide will be sprayed at the recommended rate in the fire perimeter.
- All herbicide sprayed within 10 feet of the mean high watermark of Mill Creek will be an aquatically approved herbicide. All application of this herbicide will minimize the potential for drift into the water itself, even though this is allowable by the chemical label. Ways to minimize drift can include standing in the water and spraying towards the bank, paying close attention to the wind direction and velocity, and unless it is a perennial that spreads with either rhizomes or stolens, consider not spraying at all and manually removing plants. With the potential for an organic producer being down stream of the campground, all spraying which warrants the application of an aquatic herbicide will be communicated to that permittee.

#### Monitoring:

- All areas/treatments will be monitored for 3-5 years, to verify that all treatments are meeting expectations, and to confirm that no additional treatments will be needed.
- Monitoring would be completed to analyze the effectiveness and success of the rehabilitation treatments. Permanent representative monitoring sites would be established to monitor density, the production of seeded species, native release and noxious/invasive weed encroachment. Density and cover measurements would be used to determine the effectiveness of the seeding treatment. Measurement techniques will adhere to best management practices and BLM standards. Photo points will be established to qualitatively assess and document site conditions through time.
- Monitoring will be focused on addressing the following questions: 1) Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion? 2) Is there evidence that a self-sustaining community has been established? 3) Are vegetative reproduction and establishment of the desirable species occurring?
- When possible, all monitoring sites will have adjacent, non-treated reference sites established to compare results of treatments.

#### Objectives:

#### Seeded and Native Release:

- An average of three perennial species/square meter rooted firmly in the soil. Perennial plants that would count toward the three perennial species/square meter objective include, though are not limited to: *Pseudorogneria spicata ssp. spicata* (Bluebunch Wheatgrass), *Agropyron cristatum* (Crested Wheatgrass), *Agropyron fragile* (Siberian Wheatgrass), *Achnatherum thurberianum* (Thurber's Needlegrass), *Achnatherum hymenoides* (Indian Ricegrass), *Elymus elymoides* (Bottlebrush Squirreltail), *Festuca idahoensis* (Idaho Fescue), *Artemisia tridentate* (Sagebrush), and other perennial plants that are similar in stature and present in the Ecological Site Descriptions (ESD). A "tug" test will be utilized at monitoring locations to determine how firmly rooted a plant is. Plants will be selected at random and pulled by the field monitors. Plants that can be removed from the soil without tearing roots or stems are not considered firmly rooted.
- Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approve methods will be taken, and
- If the seeding and native revegetation do not met the objectives, an interdisciplinary team will meet to decide if the site has the potential to meet objectives, if additional treatments are added. Up to five years of additional treatments may be requested on this site.

#### Invasive Exotic Plants and Noxious Weeds:

- Reduction of eighty percent cover of Infestation.
- All treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative. This will allow the infestations and types of treatments to be monitored and compared.
- If the Invasive exotic and noxious weed treatments do not met the objectives, an interdisciplinary team will meet to decide if the site has the potential to meet objectives,

if additional treatments are added. Up to five years of additional treatments may be requested on this site.

#### Seedling Plantings:

- An eighty percent overall survival rate of trees planted within the campground.
- Seedling survival will be monitored by counting the number of live seedlings during the summer, when there are leaves to indicate that each plant is still among the living
- If the seedling survival rate does not meet the objectives, an interdisciplinary team (IDT) will meet to decide if the site has the potential to meet objectives, if additional treatments are added. Up to five years of additional treatments may be requested on this site.

#### **Erosion Control:**

- Erosion indicators are to stay within the class 1-3 range, with signs ranging from none to common, or to be comparable to PFC (Proper Function Condition) data taken in previous years.
- Mill Creek and surrounding area will be monitored by a fluvial geomorphologist, who specializes in the shape, form, sediment level, etc. of streams. Observations from the monitoring will determine if the objectives have been met.
- If the stream and hillsides are not meeting objectives, then an IDT will meet to decide if the site has the potential to meet objectives, if additional treatments are added. Up to five years of additional treatments may be requested on this site.

#### Rational:

This Decision on DNA 2017 Mill Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0007-DNA) is effective upon issuance, in accordance with 43 CFR 4190.1, to allow implementation of treatments within a time frame consistent with the urgent nature of burned area rehabilitation to mitigate the effects of wildfire and fire suppression activities on natural resources. Such resources include wildlife habitat, soil structure and forage values for wildlife, wild horses, and livestock. Implementation of the treatments for the Mill Fire will minimize the potential of invasion and establishment of invasive and/or noxious weeds, provide quality forage for wildlife, wild horses and livestock, and facilitate meeting the Northern Great Basin Resource Advisory Council's (RAC) Standards and Guidelines.

Analysis of the burned area and the associated range sites was completed to determine the suitability and location of the seeding treatments. Species selected for the treatment are adapted to the range sites chosen for treatment and will facilitate a quicker vegetative response that will stabilize soils, reduce erosion, improve infiltration, provide competition for invasive non-native species, and replace organic litter that was consumed by the fires. In order to increase the likelihood of successes, the seeding treatment will occur within the winter months in order to take advantage of available soil moisture. Research and implementation of previous Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) plans has shown success with the timing and application methods that will be utilized to implement the seeding treatment. It is expected that vegetation establishment will be successful on all sites, although the presence or absence of timely moisture will be a limiting factor.

Temporary fencing is necessary to protect the significant amount of investment being put into the fire rehabilitation. By temporarily excluding wild horses, large ungulates, and cattle, seeded and planted species will have the opportunity to develop robust root systems and provide a naturalized seed source to continue the rehabilitation of the burned area with less active management required.

This Decision on DNA 2017 Mill Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0007-DNA) conforms to the Shoshone-Eureka Resource Management Plan (RMP), as amended, the Northern Great Basin RAC Standards and Guidelines and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan dated September 10, 2008. The proposed treatments are specifically accounted for in the Emergency Stabilization and Rehabilitation Plan.

#### **Decision Authority:**

The authority for this Decision on DNA 2017 Mill Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0007-DNA) is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4190.1 Effect of wildfire management decisions.

- (a) Notwithstanding the provisions of 43 CFR §4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:
  - (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and
  - (2) Projects to stabilize and rehabilitate lands affected by wildfire.

#### **Appeal Provisions:**

This Decision on DNA 2017 Mill Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0007-DNA) may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 at the below address. If an appeal is taken, your notice of appeal must be filed within this office to Jon D. Sherve, Field Manager, Mount Lewis Field Office within 30 days from the effective date of this decision. The appellant has the burden of showing that the decision appealed from is in error. Notwithstanding the provisions of 43 CFR §4.21(a)(1), filing a notice of appeal does not automatically suspend the effect of the decision.

United States Department of the Interior Office of the Secretary Board of Land Appeals 4015 Wilson Blvd., Arlington, Virginia 22203 If you wish to file a petition pursuant to regulation 43 CFR §4.21(b) and §4190.1(a) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

WHERE TO FILE

NOTICE OF APPEAL. . . .

U.S. Department of the Interior

Bureau of Land Management Battle Mountain Field Office

50 Bastian Road

Battle Mountain, NV 89820

**SOLICITOR** 

ALSO COPY TO. . . .

U.S. Department of the Interior Office of the Field Solicitor

Pacific Southwest Region

2800 Cottage Way, Room E-1712

Sacramento, CA 95825

A petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,

(2) The likelihood of the appellant's success on the merits,

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

# **GRAZING CLOSURE DECISION:**

This Decision on DNA 2017 Mill Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0007-DNA) is issued effective upon issuance in accordance 43 CFR §4110.3-3(b) and 43 CFR §4160.3(f). The Bureau of Land Management has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage due to wildfire and that continued grazing use poses an imminent likelihood of significant resource damage.

Therefore, it is my decision to implement the following actions:

- 1. Close the burned area associated with the Mill Fire to livestock grazing beginning March 2018. The fire will remain closed for a minimum of two growing seasons or until vegetation objectives are achieved.
- 2. Due to the size and vegetative communities associated with the fire, there will be a reduction of AUMs associated with the permits held by Chiara Ranch.

The following is the season of use and AUMs for the Allotment as well as the temporary suspension of AUMs associated with the fire:

Permittee	Allotment	Pasture	Livestock Type	Season of Use	Permitted AUMs	Temporary AUM Suspension
Chiara Ranch	Argenta Allotment	Mill Creek	Cattle	March 1 <sup>st</sup> to November 30 <sup>th</sup>	1,018	21

### Rationale:

This Decision on DNA 2017 Mill Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0007-DNA) is being issued effective upon issuance, in accordance with 43 CFR §4110.3-3(b), in order to provide an opportunity for the burn area to recover, to allow for successful establishment of seeding treatments and to limit the likelihood of significant damage to natural resources. Rest from livestock grazing is required in order to successfully re-establish perennial vegetation, restore plant vigor and seed production, minimize active soil erosion and minimize the post fire invasive and noxious weed establishment (BLM H-1742-1 pg 35). The establishment of vegetation criteria accompanied by annual monitoring will ensure that perennial vegetation will be fully recovered from the effects of the burn prior to the re-introduction of livestock grazing. The growing season for key perennial grasses in the burned area approximately begins in April and ends in August depending upon the year and the species type.

The BLM believes that achieving the average of three perennial grasses/square meter is an indication there would likely be adequate amounts of roots and above ground cover, to limit the redistribution and loss of soil resources; keep invasive species such as Cheat Grass, if present, as a minor component of the plant community; allow fire-affected areas to be productive enough to allow livestock grazing to resume. In addition to the seeded species, there may be perennial and annual forbs and/or grasses present, all of which can contribute to the overall stability of the site. Given the variety of plant species that are likely to grow after the fire, and their spatial variability across these landscapes, BLM will be analyzing the density data and related field notes, and photographs to assess plant vigor and cover, to help determine when the density objective is met.

If the establishment objectives are not met by the end of the second growing season after the seed is applied, the burned area would be evaluated to determine the potential to meet the objectives and identify potential limiting factors. Some of the factors to be considered in this evaluation will be: the relationship between the native release of pre-existing plants and seeded species, as it pertains to site stability, the amount of total precipitation, amount of growing season precipitation, how close to meeting the establishment objectives are at the end of the first and second growing seasons, and what benefits, if any, an additional growing season of rest might provide.

Monitoring will be conducted annually following the growing season. Monitoring sites will be established in 2018.

# **Decision Authority:**

The authority for this decision on DNA 2017 Mill Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0007-DNA) is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4110.3-3(b): When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR §4.21.

§4160.3(f): Notwithstanding the provisions of §4.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision and shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals when the authorized officer has made a determination in accordance with §4110.3-3(b), or §4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provided in §4.21(a)(1) of this title.

# **Appeal Provisions:**

In accordance with 43 CFR §4.470, and §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR §4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR §4.471 and §4160.4, an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Jon Sherve, Field Manager, Mount Lewis Field Office. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor.

WHERE TO FILE

NOTICE OF APPEAL. . . .

U.S. Department of the Interior

Bureau of Land Management

Battle Mountain Field Office

50 Bastian Road

Battle Mountain, NV 89820

SOLICITOR

ALSO COPY TO. . . .

U.S. Department of the Interior Office of the Field Solicitor

Pacific Southwest Region

2800 Cottage Way, Room E-1712

Sacramento, CA 95825

Pursuant to 43 CFR §4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied;

(2) The likelihood of the appellant's success on the merits;

(3) The likelihood of immediate and irreparable harm if the stay is not granted; and,

(4) Whether the public interest favors granting the stay.

43 CFR §4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

At the conclusion of any document that a party must serve, the party or it's representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR §4.422(c)(2)).

Sincerely

Jon D. Sherve

Field Manager

Mount Lewis Field Office

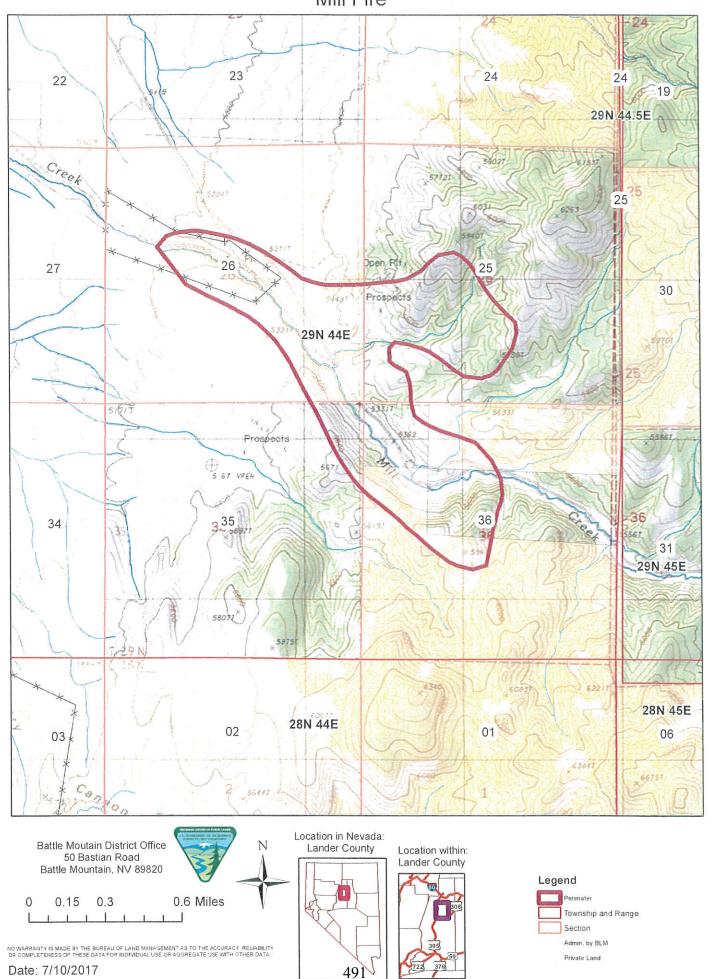
Enclosure(s)

Mill Fire Map

Mill Fire: Proposed Fence Lines Map Mill Fire: Planting Overview Map

cc: Interested Public

Mill Fire



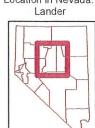
# Mill Fire: Fence Lines





NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY. RELIABILITY OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA."

Date: 10/31/2017



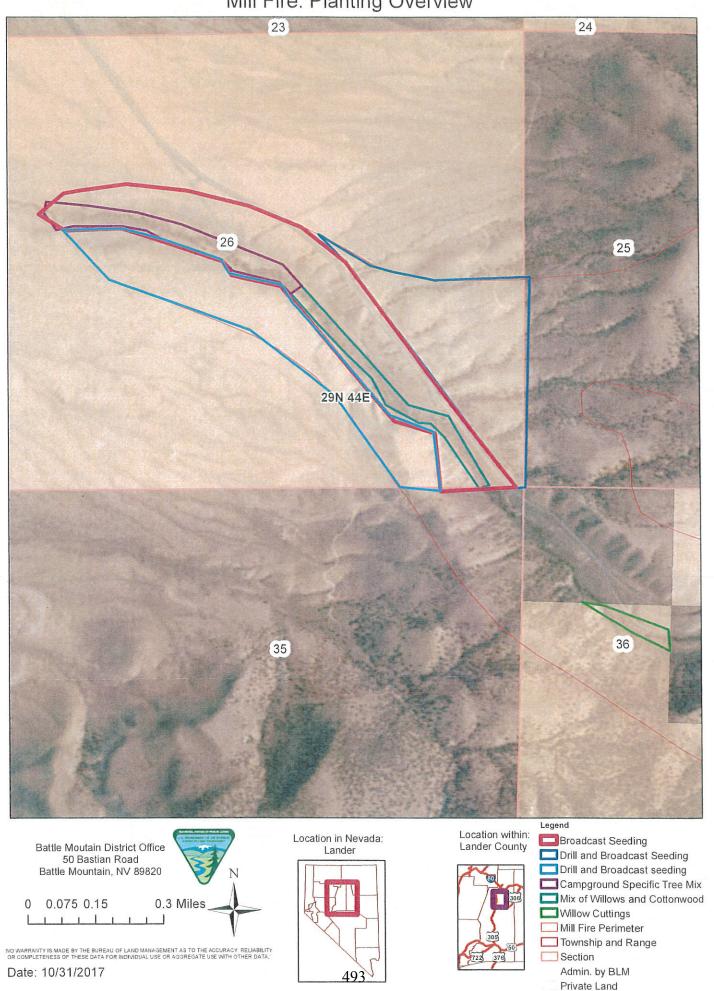


Leaend

- Mill Fire Perimeter
  Barb Wire Fence
  Jack Rail Fence
- Jack Rail Fence
  Township and Range
  Section

Admin. by BLM Private Land

# Mill Fire: Planting Overview





# United States Department of the Interior



BUREAU OF LAND MANAGEMENT Mount Lewis Field Office 50 Bastian Road Battle Mountain, Nevada 89820

Phone: 775-635-4000 Fax: 7

Fax: 775-635-4034

https://www.blm.gov/nevada

In Reply Refer To: 6711/9217/9220/9264 (NVB010)

DEC 1 4 2017

Dear Interested Public

Enclosed please find the 2017 Raven Fire Wildfire Management and Livestock Closure Decisions. If you have any questions, please contact Anna O'Brien Emergency Stabilization and Rehabilitation Lead 775-635-4175.

Sincerely,

Jon D. Sherve Field Manager

Mount Lewis Field Office

Enclosures

2017 Raven Fire Wildfire Management and Livestock Closure Decisions

Raven Fire: Overview Map Raven Fire: Treatment Map

cc: Interested Public



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT Mount Lewis Field Office 50 Bastian Road Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

http://www.blm.gov/nevada

In Reply Refer To: 6711/9217/9220/9264 (NVB0100)

DEC 1 4 2011

# **2017 Raven Fire Wildfire Management and Livestock Closure Decisions**

Dear Permittees:

# **INTRODUCTION:**

During the summer of 2017, the Raven Fire burned approximately 424 acres, with 5 acres being on privately owned land, and the remaining acres on public lands in the Mount Lewis Field Office (MLFO). The fire was caused by lightning. After an interdisciplinary review, it was determined that emergency stabilization and rehabilitation (ES&R) would be needed to maintain and/or restore important resources affected by the fire.

The fire burned in year round Mule Deer habitat, a Wild Horse and Burro Management Area (HMA), and other wildlife habitat areas. A rehabilitation plan was developed to determine the treatments needed to maintain and/or restore these resources and to establish a healthy, stable ecosystem. The Raven Fire has increased the potential of wind and water erosion, and the spread of noxious weeds and invasive/non-native plant species. If left untreated, damage to these important resources could reduce ecological conditions and rangeland health. To promote the success of vegetative treatments and promote natural recovery, rest from livestock grazing is required. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons or until objectives are met.

# BACKGROUND:

The Raven Fire ignited in the Ravenswood Mountain range and was caused by lightning. The fire started on Saturday July 26, 2017 and was contained on August 1, 2017. The fire burned 424 acres on land managed by the Battle Mountain District Office (BMDO). Five acres were burned on private land, and the rest are on public land administered by the Bureau of Land Management (BLM). The Raven Fire burned in the new Pass-Ravenwood (HMA) and year-round mule deer habitat. The wildfire burned in the Manhattan Mountain Allotment. The area that the Raven Fire burned is considered very steep; the lowest point in the burnt area is roughly 6380 feet above sea level with an elevation gain of 620 feet in the 424 burned acres.

This means that erosion from wind and water are expected to occur until plant matter regrows, to assist in holding the hold soil in place. The soils in the fire-perimeter area are loamy or on steep slopes and are prone to erosion. Since the fire burned most of the vegetation, trees, and duff holding the soil in place, the chance for wind and water erosion issues are anticipated to increase. The erosion could negatively

affect properties, and water quality downslope of the fire, through sediment movement and changes in terrain for years to come. Erosion will increase the disturbed areas where invasive exotic vegetation thrives and contribute to soil loss in the burn area. Keeping topsoil and seeds onsite by minimizing erosion will assist in the stabilization of the area for wildfire.

The Raven Fire potentially burned through 18 different ecological sites. Of these sites there are 2 forestry sites: an unnamed (050) site in the 24 ecological site series that should be composed of Achnatherum thurberianum (Thurber's Needlegrass), Artemisia tridentata ssp. Wyomingensis (Wyoming Big Sagebrush), Juniperus osteosperma (Utah Juniper), and Pinus monophylla (Singleleaf Pinyon Pine); and a site called PIMO-CELE3/ARTRV/FEID-PSSPS (061) in the 25 ecological site series. That site should be made up of Festuca idahoensis (Idaho Fescue), Pseudoroegneria spicata ssp spicata (Bluebunch Wheatgrass), Artemisia tridentata ssp. vaseyana (Mountain Big Sagebrush), Cercocarpus ledifolius (Curl-leaf Mountain Mahogany) and Singleleaf Pinyon Pine. Within the range sites there are 7 in the 24 ecological site series. Loamy 8-10 P.Z. (005) which should be predominantly Thurber's Needlegrass, and Wyoming Big Sagebrush. Dry Floodplain (006) which has Leymus cinereus (Basin Wildrye) and Artemisia tridentata ssp. tridentate (Basin Big Sagebrush) as its main components. The Mountain Range (016) should have Idaho Fescue, Poa (Bluegrass), Wyoming Big Sagebrush, and Grayia spinose (Spiny Hopsage) making it up. The Loamy 12-14 P.Z. should be Idaho Fescue, Bluebunch Wheatgrass and Mountain Big Sagebrush. Claypan 12-16 P.Z. (027) is the same as Loamy 12-14 except the Mountain Sagebrush is replaced by Artemisia arbuscula (Low Sagebrush). South Slope 8-12 P.Z. (028) is Bluebunch Wheatgrass and Artemisia tridentate (Big Sagebrush). The final site in the 24 series is Shallow Calcareous Loam 10-14 P.Z. (031) which should be made up of Thurber's Needlegrass, Bluebunch Wheatgrass, and Artemisia novia (Black Sagebrush). The 25 ecological site series has three potential sites in this burn. The Moist Floodplain (001) which should be predominantly made up of Basin Wildrye, Levmus triticoides (Creeping Wildrye) and Salix ssp (Willow). Loamy Bottom 8-14 P.Z. (003) should be Basin Wildrye and Basin Big Sagebrush. Finally, in the 25 series Loamy 10-12 P.Z. (014) has Thurber's Needlegrass, Bluebunch Wheatgrass, and Basin Big Sage. Out of the four ecological sites potentially found in the area within the 28 series there is the Loamy 10-12 P.Z. (007) which should predominantly be composed of Thurber's Needlegrass, Bluebunch Wheatgrass, Mountain and Wyoming Big Sagebrush; the Shallow Silty 8-10 P.Z. (009) with Achantherum hymenoides (Indian Ricegrass), Elymus elymoides (Squirreltail), and Atriplex confertifolia (Shadscale); Loamy 8-14 (010) with Indian Ricegrass, Hesperostipa comata (Needle and Thread), and Wyoming Big Sagebrush; and finally the Loamy Bottom 14+ P.Z. (024) which should predominantly be Basin Wildrye, and Bluegrass. Loamy Bottom 14+ P.Z. (024) which should predominantly be Basin Wildrye, Poa nevadensis (Sandberg Bluegrass) and Mountain Big Sagebrush. While the area has the potential to carry all the above ecological sites, prior to the burn this area was in a Phase 3 Pinyon and Juniper (PJ) stand.

Inside the burn perimeter, there are no known noxious species, though invasive exotic plants were found in the burn area, such as *Bromus tectorum* (Cheat Grass), and *Lepidium perfoliatum* (Clasping Pepperweed). Since the site is now considered a disturbed site, there is a high probability that other invasive exotics and noxious plants will be established.

The Raven fire burned in an area known to possess cultural resources. Known to exist in the area is a large lithic scatter, a historic mine complex, and possibly historic ethno-historic mustang (wild horse) hunting camp with standing wooden structures. Within the area there are many sites considered eligible for nomination to the National Register of Historic Places (NRHP). Any damaged wooden structures or buried components could potentially require stabilization or mitigation.

Wildfire suppression staff and the fire's Resource Advisors (READ) reported fire damage to a spring exclosure fence, a trough, and some range improvement pipping. Emergency stabilization will focus on stabilizing the surrounding hills to prevent further erosion. Rehabilitation efforts will focus on re-

vegetating native grasses, forbs, and shrubs, to enhance ecological diversity, and to re-establish vegetation on/around the area. Re-seeding and chemical control will reduce the extent of invasive exotic plants in the area. The expectation is to re-establish the correct plants in their ecological zones, and to reduce the potential for wildfires in this area in the future.

On November 14, 2017, the MLFO sent out a public consultation letter for the Raven Fire. This consultation letter was issued with a 15 day comment period. It discussed the proposed ES&R treatments for the burn area, grazing closures, and the recommendations for the vegetative objectives/criteria for reintroduction of livestock to the burn areas. The letter served as the opportunity for the interested public, partners, and stakeholders, along with the state, local, and tribal governments, to provide comment to the proposed ES&R projects that had been developed by the ES&R interdisciplinary team.

At the conclusion of the comment period, no comments were received. Therefore, it is my decision to implement the management actions identified for Wildlife Management and Grazing Closure Decisions for the Mill Fire.

## **WILDFIRE MANAGEMENT DECISION:**

This Decision is issued under 43 CFR §4190.1 and is effective upon issuance. The BLM MLFO has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage, due to the effects of the Raven Fire.

The following is a list of treatments, which were brought forward in the Raven Fire Emergency Stabilization and Rehabilitation plan in order to protect resources impacted by the fire.

# Reseeding the Burn Area and Temporally Closing it to Cattle Use:

- The proposed treatment is to aerially seed approximately 419 acres, with a mixture of native forbs and grass seeds, within the Raven Fire. Within the seed mix is four perennial grasses: Achantherum hymenoides (Indian Ricegrass), Festuca idahoensis (Idaho Fescue), Poa secunda (Sandberg Bluegrass) and Elymus wawawaiensis (Snakeriver Wheatgrass), a sagebrush: Artemisia tridentata ssp wyomingensis (Wyoming Big Sagebrush and two forbs: Achillea millefolium (Western Yarrow) and Balsamorhiza sagittata (Arrowleaf Balsamroot). This mix is a variety of plants that are known to grow in these ecological sites or are known to grow well in these areas once planted and will provide needed vegetative cover. The Primary purpose of the selected seed mixture is to stabilize the soil, and to facilitate the regrowth of habitat for wild horses, and mule deer.
- Seeded areas would be closed until site-specific criteria have been attained. To facilitate this approximately five miles of temporary fence will be placed around the perimeter of the fire. New fencing will be constructed in accordance with wildlife standards, including a smooth bottom wire for the movement of prong-horned antelope. Corners will be easy panels and gates that will be placed at a minimum of every mile, to allow for removal of livestock that unintentionally get in the exclosure. BLM standards and best management practices will be used during the project. Fencing should be constructed before the growing season in 2018. This time frame should minimize the detrimental effects of grazing on seeding treatments, and will be done prior to cattle being released in the allotment. However, due to the size of the fire a temporary reduction in Animal Unit Months (AUMs) will not be necessary. Once site objectives are met and the closure is lifted, the fence will be removed.
- The Raven Fire burned 0.38 miles of fence line that surrounds the spring exclosure, which is meant to keep wild horses and cattle out of the spring. It will be replaced with a fence that meets modern BLM standards. To keep the water available for animal use a new trough and a compatible spring box and pipping system will be installed, to replace the burned trough and

spring box. Without the exclosure the probability of further degeneration of the spring into becoming non-functional is likely. Replacing the spring box and pipping will provide water for livestock and wildlife. It will also increase distribution of livestock and wildlife throughout the area, which will reduce heavy use at remaining water sites within the allotment.

### Cultural Resources Protection:

- Stabilize and protect any known/ found cultural resources within the fire perimeter. Known to
  exist in the area are a large lithic scatter, a historic mine complex, and possibly historic ethnohistoric mustang (wild horse) hunting camp with standing wooden structures. Within the area
  there are many sites considered eligible for nomination to the National Register of Historic
  Places (NRHP). Any damaged wooden structures or buried components could potentially
  require stabilization or mitigation.
- Protection could range from just inventorying as needed to prevent further damage while doing other Stabilization and Rehabilitation treatments to removing and curating.

## Invasive Exotic Plants and Noxious Weed Treatments:

- Removing *Bromus Tectorum* (Cheat Grass) in the fire perimeter should assist in the reseeding/seedling plantings and fire rehabilitation. A BLM approved herbicide (Imazapic) will be sprayed at recommended rates in the fire perimeter to accomplish this objective. If sprayed in the early spring, a glyphosate herbicide will be added to the mix to increase the mortality rate of the Cheat Grass. Imazapic is a relatively selective herbicide, so while it will kill/suppress Cheat Grass, it will not affect the majority of the seeds that are planted. All of the grasses being planted are either listed as safe on the label, or there has been research that shows Imazapic will not kill them. Shrubs and forbs are more questionable and are not mentioned on the label. They are not on the list of what the chemical will kill. While glyphosate will kill every plant it comes in contact with, since it has no residual, it can be applied early when the Cheat Grass is growing, or applied in spots that need extra attention.
- While the Raven Fire's READ did not find Nevada listed noxious weeds in the fire's perimeter, there is a high likelihood that equipment/vehicles on the fire brought in noxious weeds, which can last in the soil for significantly longer than most native species. If there was a historic infestation in the area, there is a high likelihood that the infestation will return with this natural disturbance. The burn has the potential to release more water within the spring, which will increase the potential for wildlife/wild horses to use the area. This will increase the potential for animals to bring in new infestations of noxious weeds. The fire will be monitored for the establishment of Noxious Weeds and all such plants found will be treated with BLM approved Integrated Pest Management practices. If herbicide is utilized it will be a BLM approved herbicide.

## Monitoring:

- All areas/treatments will be monitored for 3-5 years, to verify that all treatments are meeting expectations, and to confirm that additional treatments are not required.
- Monitoring would be done to analyze the effectiveness and success of the rehabilitation
  treatments. Permanent representative monitoring sites would be established to monitor density,
  the production of seeded species, native release and noxious/invasive weed encroachment.
  Density and cover measurements would be employed, to determine the effectiveness of the
  seeding treatment. Measurement techniques will adhere to best management practices and BLM
  standards. Photo points will be established to qualitatively assess and document site conditions
  through time.
- Monitoring will focus on addressing the following questions: 1) Have desirable

- species been successfully established? 2) Do they provide sufficient cover to adequately protect the site from soil erosion? 3) Is there evidence that a self-sustaining community has been established? 4) Is vegetative reproduction and establishment of desirable species occurring?
- When possible, all monitoring sites will have adjacent, non-treated reference sites established, to compare results of the treatments.

## Objectives:

## Seeded and Native Release:

- An average of three perennial species/square meter rooted firmly in the soil. Perennial plants that would count toward the three perennial species/square meter objective include, though are not limited to: *Pseudorogneria spicata ssp. spicata* (Bluebunch Wheatgrass), *Agropyron cristatum* (Crested Wheatgrass), *Agropyron fragile* (Siberian Wheatgrass), *Achnatherum thurberianum* (Thurber's Needlegrass), *Achnatherum hymenoides* (Indian Ricegrass), *Elymus elymoides* (Bottlebrush Squirreltail), *Festuca idahoensis* (Idaho Fescue), *Artemisia tridentate* (Sagebrush), and other perennial plants that are similar in stature and present in the Ecological Site Descriptions (ESD).
- Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approved methods will be utilized.
- To determine how firmly rooted a plant is in the ground, a "tug" test will be used at monitoring locations. Plants will be selected at random and pull-tested by the field monitors. Plants that can be removed from the soil without tearing the roots or stems are not considered firmly established.
- If the seeding and native revegetation do not meet the objectives, an interdisciplinary team (IDT) will meet to decide if the site has the potential to meet objectives, or if additional treatments are required. Additional treatments may be requested on this site for up to 5 years.

### Cultural Resources Protection:

 Meet all required State Historic Preservation Office (SHPO) stipulations for protecting the known and potential historic and pre-historic sites.

## Invasive Exotic Plants and Noxious Weeds:

- Reduction of eighty percent cover of infestation.
- All treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative. This will allow the infestations and types of treatments to be monitored and compared.
- If invasive exotic/noxious weed treatments do not met objectives, an IDT will meet to decide if the site still has the potential to meet ES&R objectives. Up to five years of additional treatments may be requested on this site.

### Rational:

This Decision on DNA 2017 Raven Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0010-DNA) is effective upon issuance, in accordance with 43 CFR 4190.1, to allow implementation of treatments within a time frame consistent with the urgent nature of burned area rehabilitation to mitigate the effects of wildfire and fire suppression activities on natural resources. Such resources include wildlife habitat, soil structure and forage values for wildlife, wild horses, and livestock. Implementation of the treatments for the Raven Fire will minimize the potential of invasion and establishment of invasive and/or noxious weeds, provide quality forage for wildlife, wild horses and

livestock, and facilitate meeting the Northern Great Basin Resource Advisory Council's (RAC) Standards and Guidelines.

Analysis of the burned area and the associated range sites was completed to determine the suitability and location of the seeding treatments. Species selected for the treatment are adapted to the range sites chosen for treatment and will facilitate a quicker vegetative response that will stabilize soils, reduce erosion, improve infiltration, provide competition for invasive non-native species, and replace organic litter that was consumed by the fires. In order to increase the likelihood of successes, the seeding treatment will occur within the winter months in order to take advantage of available soil moisture. Research and implementation of previous Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) plans has shown success with the timing and application methods that will be utilized to implement the seeding treatment. It is expected that vegetation establishment will be successful on all sites although the presence or absence of timely moisture will be a limiting factor.

Temporary fencing is necessary to protect the significant amount of investment being put into the fire rehabilitation. By temporarily excluding wild horses, large ungulates, and cattle, seeded and planted species will have the opportunity to develop robust root systems and provide a naturalized seed source to continue the rehabilitation of the burned area with less active management required.

This Decision on 2017 Raven Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0010-DNA)conforms to the Shoshone-Eureka Resource Management Plan (RMP), as amended, the Northern Great Basin RAC Standards and Guidelines and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan dated September 10, 2008. The proposed treatments are specifically accounted for in the Emergency Stabilization and Rehabilitation Plan.

### **Decision Authority:**

The authority for this Decision on 2017 Raven Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0010-DNA) is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4190.1 Effect of wildfire management decisions.

- (a) Notwithstanding the provisions of 43 CFR §4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:
  - (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and
  - (2) Projects to stabilize and rehabilitate lands affected by wildfire.

# **Appeal Provisions:**

This Decision on 2017 Raven Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0010-DNA) may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 at the below address. If an appeal is taken, your notice of appeal must be filed within this office to Jon D. Sherve, Field Manager,

Mount Lewis Field Office within 30 days from the effective date of this decision. The appellant has the burden of showing that the decision appealed from is in error. Notwithstanding the provisions of 43 CFR §4.21(a)(1), filing a notice of appeal does not automatically suspend the effect of the decision.

United States Department of the Interior Office of the Secretary Board of Land Appeals 4015 Wilson Blvd., Arlington, Virginia 22203

If you wish to file a petition pursuant to regulation 43 CFR §4.21(b) and §4190.1(a) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

WHERE TO FILE

NOTICE OF APPEAL. . . .

U.S. Department of the Interior

Bureau of Land Management Battle Mountain Field Office

50 Bastian Road

Battle Mountain, NV 89820

SOLICITOR

ALSO COPY TO. . . .

U.S. Department of the Interior Office of the Field Solicitor

Pacific Southwest Region

2800 Cottage Way, Room E-1712

Sacramento, CA 95825

A petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

### **GRAZING CLOSURE DECISION:**

This Decision on 2017 Raven Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0010-DNA) is issued effective upon issuance in accordance 43 CFR §4110.3-3(b) and 43 CFR §4160.3(f). The Bureau of Land Management has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage due to wildfire and that continued grazing use poses an imminent likelihood of significant resource damage.

Therefore, it is my final decision to implement the following actions:

1. Close the burned area associated with the Raven Fire to livestock grazing beginning March 2018. The fire will remain closed for a minimum of two growing seasons or until vegetation objectives are achieved.

2. Due to the size and vegetative communities associated with the fire, there will be a reduction of AUMs associated with the permits held by Silver Creek Ranch.

The following is the season of use and AUMs for the Allotment as well as the temporary suspension of AUMs associated with the fire:

Permittee	Allotment	Pasture	Livestock Type	Season of Use	Permitted AUMs	Temporary AUM Suspension
Silver Creek	Manhattan	Manhattan	Cattle	October 1st	1,742	0
Ranch	Mountain Allotment	Mountain	Cattle	to May 30th	1,772	

### Rationale:

This Decision on 2017 Raven Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0010-DNA) is being issued effective upon issuance, in accordance with 43 CFR §4110.3-3(b), in order to provide an opportunity for the burn area to recover, to allow for successful establishment of seeding treatments and to limit the likelihood of significant damage to natural resources. Rest from livestock grazing is required in order to successfully re-establish perennial vegetation, restore plant vigor and seed production, minimize active soil erosion and minimize the post fire invasive and noxious weed establishment (BLM H-1742-1 pg 35). The establishment of vegetation criteria accompanied by annual monitoring will ensure that perennial vegetation will be fully recovered from the effects of the burn prior to the re-introduction of livestock grazing. The growing season for key perennial grasses in the burned area approximately begins in April and ends in August depending upon the year and the species type.

The BLM believes that achieving the average of three perennial grasses/square meter is an indication there would likely be adequate amounts of roots and above ground cover, to limit the redistribution and loss of soil resources; keep invasive species such as Cheat Grass, if present, as a minor component of the plant community; allow fire-affected areas to be productive enough to allow livestock grazing to resume. In addition to the seeded species, there may be perennial and annual forbs and/or grasses present, all of which can contribute to the overall stability of the site. Given the variety of plant species that are likely to grow after the fire, and their spatial variability across these landscapes, BLM will be analyzing the density data and related field notes, and photographs to assess plant vigor and cover, to help determine when the density objective is met.

If the establishment objectives are not met by the end of the second growing season after the seed is applied, the burned area would be evaluated to determine the potential to meet the objectives and identify potential limiting factors. Some of the factors to be considered in this evaluation will be: the relationship between the native release of pre-existing plants and seeded species, as it pertains to site stability, the amount of total precipitation, amount of growing season precipitation, how close to meeting the establishment objectives are at the end of the first and second growing seasons, and what benefits, if any, an additional growing season of rest might provide.

Monitoring will be conducted annually following the growing season. Monitoring sites will be established in 2018.

### Decision Authority:

The authority for this decision on 2017 Raven Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0010-DNA) is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4110.3-3(b): When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR §4.21.

§4160.3(f): Notwithstanding the provisions of §4.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision and shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals when the authorized officer has made a determination in accordance with §4110.3-3(b), or §4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provided in §4.21(a)(1) of this title.

# **Appeal Provisions:**

In accordance with 43 CFR §4.470, and §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR §4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR §4.471 and §4160.4, an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Jon Sherve, Field Manager, Mount Lewis Field Office. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor.

WHERE TO FILE NOTICE OF APPEAL. . . .

SOLICITOR

U.S. Department of the Interior Bureau of Land Management

Battle Mountain Field Office

50 Bastian Road

Battle Mountain, NV 89820 U.S. Department of the Interior

ALSO COPY TO. . . . Office of the Field Solicitor

Pacific Southwest Region 2800 Cottage Way, Room E-1712

Sacramento, CA 95825

Pursuant to 43 CFR §4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR §4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

At the conclusion of any document that a party must serve, the party or it's representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR §4.422(c)(2)).

Sincerely, Ind. Sherre

Jon D. Sherve Field Manager

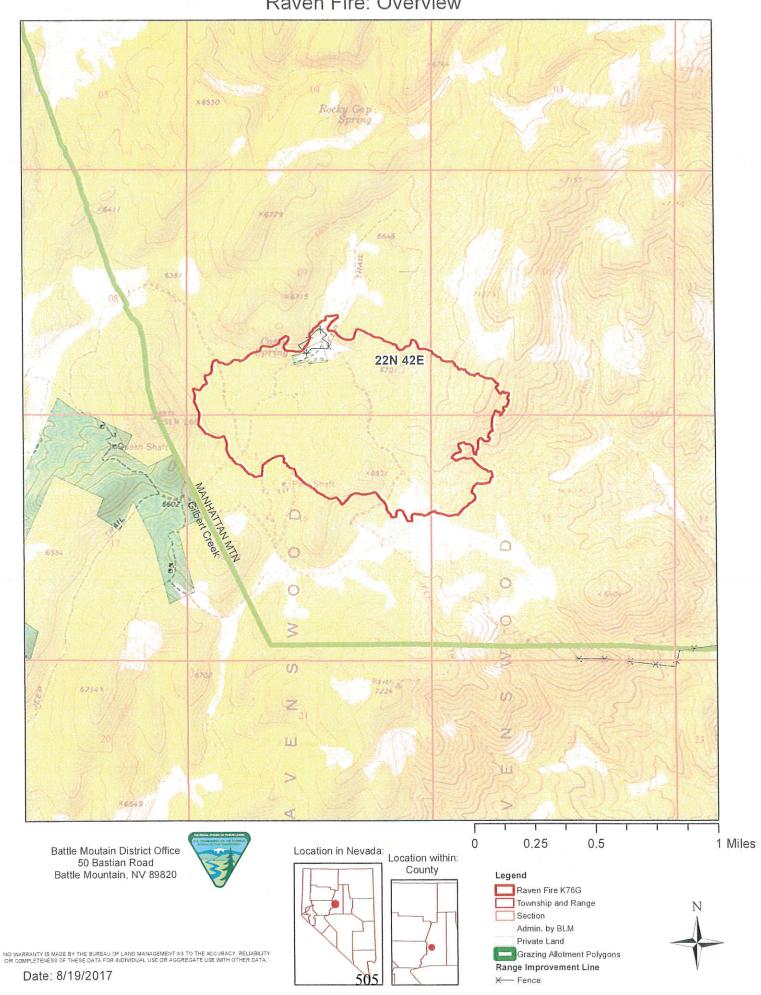
Mount Lewis Field Office

Enclosure(s)

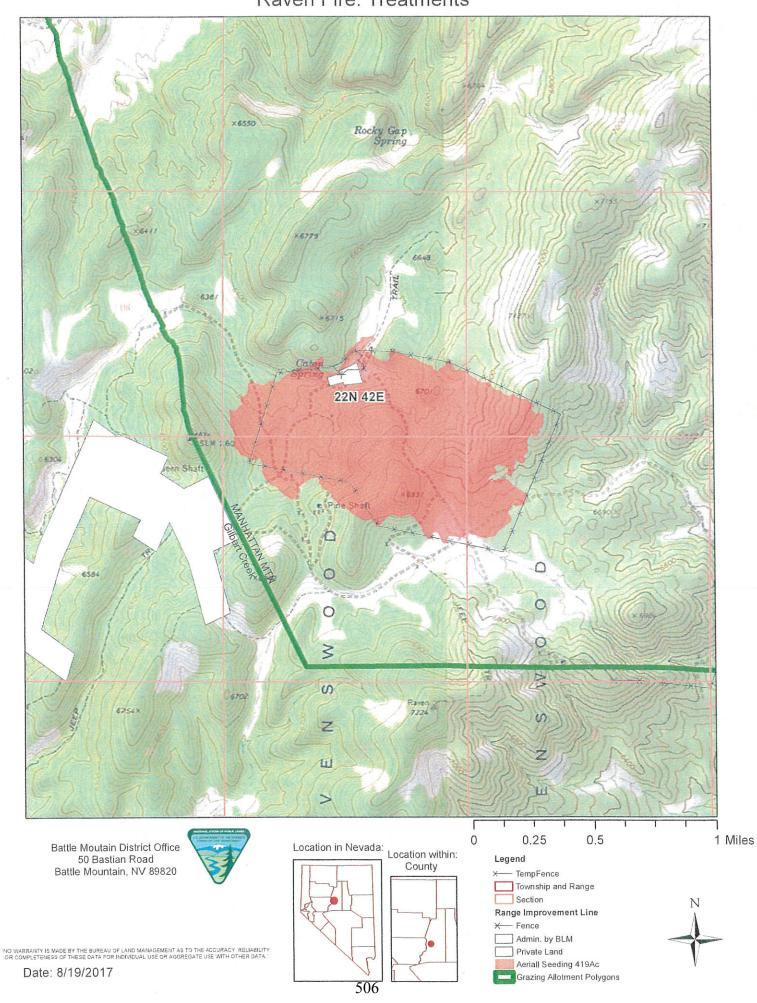
Raven Fire: Overview Map Raven Fire: Fence Lines Map Raven Fire: Planting Map

cc: Interested Public

# Raven Fire: Overview



Raven Fire: Treatments





# United States Department of the Interior



BUREAU OF LAND MANAGEMENT Mount Lewis Field Office 50 Bastian Road Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

https://www.blm.gov/nevada

DEC 1 4 2017

In Reply Refer To:

6711/9217/9220/9264 (NVB010)

Dear Interested Public

Enclosed please find the 2017 Phoenix Fire Wildfire Management and Livestock Closure Decisions. If you have any questions, please contact Anna O'Brien Emergency Stabilization and Rehabilitation Lead 775-635-4175.

Sincerely,

Jon D. Sherve Field Manager

Mount Lewis Field Office

Enclosures

2017 Phoenix Fire Wildfire Management and Livestock Closure Decisions

Phoenix Fire: Overview Map

Phoenix Fire: Proposed Fence Lines Map Phoenix Fire: Planting Overview Map

cc: Interested Public



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT Mount Lewis Field Office 50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

http://www.blm.gov/nevada

DEGLA LUIT

In Reply Refer To: 6711/9217/9220/9264 (NVB0100)

# **2017 Phoenix Fire Wildfire Management and Livestock Closure Decisions**

Dear Permittees:

# **INTRODUCTION:**

During the summer of 2017, the Phoenix Fire burned approximately 6,900 acres with 51 acres being on privately owned land, and the remaining acres on public lands in the Winnemucca District (WDO). Due to proximity and the longstanding agreement between the districts about management of the allotment, the Battle Mountain District (BMDO) is doing the post fire emergency stabilization and rehabilitation (refer to the enclosed Phoenix Fire map for details). The wildfire was determined to be caused by lightning. After an interdisciplinary review, it was determined that rehabilitation was needed to maintain and/or restore important natural resources affected by the fire.

The fire burnt Greater Sage-Grouse (GRSG) habitat, year round pronghorned antelope and mule deer habitat and other wildlife habitat areas. A rehabilitation plan was developed to determine the treatments needed to maintain and/or restore these resources, and to establish a healthy, stable ecosystem. The Phoenix Fire has increased the potential of wind and water erosion, the spread of Noxious Weeds and invasive/non-native plant species. If left untreated, damage to these important resources could reduce ecological conditions and rangeland health. To promote the success of vegetative treatments and promote natural recovery, rest from livestock grazing is required. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District Programmatic Emergency Stabilization and Rehabilitation (ES&R) Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons, or until resource objectives are met.

## **BACKGROUND:**

The Phoenix Fire ignited on July 23, 2017 in Buffalo Valley, Pershing County, Nevada. The area burned is managed jointly by the WDO and BMDO. The WDO has general administrative control on the land, while the BMDO manages the grazing program. For this reason, and the sheer number of large wildfires experienced by the WDO during the 2017 fire season, the BMDO is taking the lead on stabilization and rehabilitation efforts. The fire burned over 6,900 acres of land, the majority of which (6,849 acres) are administered by the BLM, and are part of the Buffalo Valley allotment. For the GRSG, 4,245 acres of general habitat and 1,732 acres of other habitat burned. 1,924 acres of year round pronghorn habitat, 195 acres of critical summer mule deer habitat, and 2,270 acres of critical winter habitat for mule deer burned. Finally, 6,345 acres of the Tobin Range Herd Management

Area (HMA) was consumed in the wildfire. Some sections of wood post fencing was burned in the fire. Roughly 3 miles of fence was affected by the fire, though not all of it burned, and some of the wire may still be reusable from the existing fence.

The area the Phoenix Fire burned in ranges from low elevation and precipitation zones (5-8 inches) to middle elevation and precipitation zones (14 inches plus). In northern Nevada, trends indicate that the lower precipitation zones show a decreased chance of natural recovery. This is consistent with resistance and resilience concepts developed for the sagebrush steppe. Empirical evidence is available from the 1995 Buffalo Fire that burned 3 miles to the north. Cursory inspections show that the fire did not recover well, as the brush component still has not recovered and the site is heavily invaded by exotics. Without human intervention this wildfire area is unlikely to return to the preburn ecological site characteristics, and it may permanently cross the threshold into an annual invasive monoculture.

Cardaria draba (Hoary Cress), Bromus tectorum (Downy Brome), Alyssum desertorum (Desert Madwort), Halogeton glomeratus (Saltlover), Acroptilon repens (Russian Knapweed), and Lepidium perfoliatum (Clasping Pepperweed) were all found in the burn area. While only two of these are Noxious Weeds, all are invasive exotic plants. These plants will all detrimentally impact the ability to re-establish seeded areas, since they thrive under natural disturbances created by the fire. There is a high potential for Taeniatherum caput-medusae (Medusahead), Lepidium latifolium (Tall White Top) and Cardaus nutans (Musk Thistle) to move into the perimeter area, based on the fact that these species have been reported in the surrounding area, and along the road heading towards the fire. The detrimental spread of these species on the site will easily prevent it from meeting resource objectives, if temporary closures are removed. All Noxious Weeds are required to be treated by Nevada State Law.

Emergency stabilization will focus on stabilizing creek banks and nearby hills to prevent further soil erosion. Rehabilitation efforts will focus on re-vegetating native grasses, forbs and shrubs, to enhance ecological diversity, and to reestablish vegetation on the site. Re-seeding will reduce the extent of invasive exotic plants in the area. The prospect is to re-establish the correct plants in their ecological zones, and to reduce the potential for fires in this area in the future.

On November 13, 2017, the MLFO sent out a public consultation letter for the Phoenix Fire. This consultation letter was issued with a 15 day comment period. It discussed the proposed ES&R treatments for the burn area, grazing closures, and the recommendations for the vegetative objectives/criteria for reintroduction of livestock to the burn areas. The letter served as the opportunity for the interested public, partners, and stakeholders, along with the state, local, and tribal governments, to provide comment to the proposed ES&R projects that had been developed by the ES&R interdisciplinary team.

At the conclusion of the comment period, no comments were received. Therefore, it is my decision to implement the management actions identified for Wildlife Management and Grazing Closure Decisions for the Phoenix Fire.

# WILDFIRE MANAGEMENT DECISION:

This Decision is issued under 43 CFR §4190.1 and is effective upon issuance. The BLM MLFO has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage, due to the effects of the Phoenix Fire.

The following is a list of treatments that were brought forward in the Phoenix Fire ES&R Plan, to protect resources impacted by the fire.

# Stabilizing Creek Banks:

• The Indian and North Indian Creeks run through the Phoenix Fire. Consequently, stabilization of the surrounding hillsides is critical, so that the waterway is not detrimentally impacted from winter rain and snow run-off. Stabilization methods will include check dams placed along to create sediment traps, and straw wattles along banks and close hillsides, to slow the movement of soil downhill and into the creek.

# Reseeding the Burn Area and Temporally Closing it to Cattle Use:

- The Phoenix Fire will be reseeded with three different methods. Approximately 6,063 acres fall within the flats and can be treated via ground seeding with a mix of drill, and broadcast (with and without chain harrow incorporation). Then in the higher steeper slopes (approximately 629 acres) seeds will be applied aerially. While all seeds are subject to availability, the drill seed mix will primarily consist of 6 grasses: Agropyron fragile (Siberian Wheatgrass), Leymus cinereus (Great Basin Wildrye), Distichlis spicata (Inland Saltgrass), Elymus wawawaiensis (Snakeriver Wheatgrass), Elymus elymoides (Bottlebrush Squirreltail), Achnatherum hymenoides (Indian Ricegrass). There will also be one forb: Sphaeralcea munroana (Munroes Globemallow), and one shrub/subshrub: Atriplex confertifolia (Shadescale). Six different grasses will be applied aerially on the fire. These grasses are Agropyron fragile (Siberian Wheatgrass), Leymus cinereus (Great Basin Wildrye), Elymus elymoides (Bottlebrush Squirreltail), Achnatherum hymenoides (Indian Ricegrass), Pseudoroegneria spicata ssp. spicata (Bluebunch Wheatgrass) and Festuca idahoensis (Idaho Fescue). The ground seeding equipment will avoid rock outcrops, unburned islands, and any identified historic properties. Seeding will occur in the fall, winter, and early spring, shortly before anticipated winter snowfall to assist with propagation.
- The Phoenix Fire burned in the Buffalo Valley and South Buffalo Allotments. The burned area will be closed to livestock grazing, until monitoring data indicates that recovery objectives have been met, or for a minimum of two growing seasons. The recovery objective is to have three or more permanently established desirable perennial plants/square meter, in both seeded/unseeded areas of the wildfire. Once this objective is met, the area can be reopened to grazing.
- To facilitate the closure, approximately 15 miles of fence will be installed around the lower elevations of the fire, encompassing the ground seeding area. The fence should be constructed before the growing season in 2018. This time frame should minimize the detrimental effects of grazing on sprouting seeding treatments. Once site objectives are met and the closure is lifted, the fence will be removed. The fence will be metal T-post and barbed wire construction with 3 strands of barbed wire and 1 smooth bottom wire. Corners will be easy panels and gates will be placed at a minimum of every mile, to allow for removal of animals that are able to get past the fence. Sage grouse fence markers will be placed as well.

### Invasive Exotic Plants and Noxious Weed Treatments:

• Invasive plants like *Cardaria draba* (Hoary Cress), *Bromus tectorum* (Cheat Grass), *Alyssum desertorum* (Desert Madwort), *Halogeton glomeratus* (Saltlover), Acroptilon *repens* (Russian Knapweed), and *Lepidium perfoliatum* (Clasping Pepperweed) were found in the area.

Despite only two of these being Noxious Weeds, all of them are invasive exotics, which thrive in fire created disturbances, making it difficult for seeded areas to establish. In addition, there are reports of *Taeniatherum caput-medusae* (Medusahead) in Buffalo Valley and Pershing County, though none was found near the fire. All Noxious Weeds are required to receive treatment by state law, and given the pre-fire density of Cheat Grass and Desert Madwort, the recovery potential of the site is limited without some treatments.

- Removing *Bromus Tectorum* (Cheat Grass) in the fire perimeter should assist in the reseeding and seedling plantings, and the rehabilitation of the fire. To accomplish this, a BLM approved herbicide (Imazapic) will be sprayed at the recommended rate within the fire perimeter. Imazapic is a relatively selective herbicide, and while it will kill/suppress Cheat Grass, it will not affect the majority of the seeds that are going to be planted. All of the grasses that are being planted are either listed as safe on the label, or there has been research that shows Imazapic will not kill it. Shrubs and forbs are more sensitive to Imazapic, though they are not mentioned on the label at all, and are not in the list of what the chemical will kill. If sprayed in the early spring, before most native plants are sprouting, a Glyphosate herbicide may be added to the mix to increase the mortality rate of the Cheat Grass. While glyphosate will kill every plant it comes in contact with, it has no residual, and can be applied early enough that only Cheat Grass is growing, or only applied in spots that need the extra assistance.
- Since there was a high rate of invasive exotic plants already in place pre-burn, there is a high likelihood these plants will grow to such prevalence that the native seeded/planted plants cannot thrive. The best way to manage the area so that stabilization and rehabilitation work can thrive, is to spot treat all invasive exotic plants in the burn area. A BLM approved herbicide will be sprayed at the recommended rate in the fire perimeter to accomplish the objectives.
- All treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative. This will allow the infestations and types of treatments to be monitored and compared.

# Monitoring:

- All areas/treatments will be monitored for 3-5 years, to verify that all treatments are meeting expectations, and to confirm that no additional treatments are needed.
- Monitoring would be done to analyze the effectiveness and success of the rehabilitation treatments. Permanent representative monitoring sites would be established to monitor density, the production of seeded species, native release, and noxious/invasive weed encroachment. Density and cover measurements would be employed to determine the effectiveness of the seeding treatment. Measurement techniques will adhere to best management practices and BLM standards. Photo points will be established to qualitatively assess and document site conditions through time.
- Monitoring will occur as part of the BMD 2008 Programmatic ES&R Plan.
- Monitoring will focus on addressing the following questions: 1) Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion? 2) Is there evidence that a self-sustaining community has been established? 3) Are vegetative reproduction and establishment of the desirable species occurring?
- When possible, all monitoring sites will have adjacent, non-treated reference sites established, to compare results of the treatments.

## Objectives:

## Seeded and Native Release:

- Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approve methods will be taken.
- To determine how firmly rooted a plant is in the ground, a "tug" test will be used at monitoring locations. Plants will be selected at random and pull-tested by the field monitors. Plants that can be removed from the soil without tearing the roots or stems are not considered firmly established.
- An average of three perennial species/square meter rooted firmly in the soil. Perennial plants that would count toward the three perennial species/square meter objective include, though are not limited to: *Pseudorogneria spicata ssp. spicata* (Bluebunch Wheatgrass), *Agropyron cristatum* (Crested Wheatgrass), *Agropyron fragile* (Siberian Wheatgrass), *Achnatherum thurberianum* (Thurber's Needlegrass), *Achnatherum hymenoides* (Indian Ricegrass), *Elymus elymoides* (Bottlebrush Squirreltail), *Festuca idahoensis* (Idaho Fescue), *Artemisia tridentata* (Sagebrush), and other perennial plants that are similar in stature and present in the Ecological Site Descriptions (ESD).
- If the seeding and native revegetation do not met the objectives, a BLM interdisciplinary team (IDT) will meet to decide if the site has the potential to meet objectives, or if additional treatments are required. Additional treatments may be requested on this site for 5 years.

# Invasive Exotic Plants and Noxious Weeds:

- Reduction of eighty percent cover of infestation.
- If invasive exotic and noxious weed treatments do not met objectives, an IDT will meet to decide if the site has the potential to meet objectives, if additional treatments are added. Up to five years of additional treatments may be requested on this site.

### **Erosion Control:**

- Erosion indicators are to stay within the class 1-3 range, with signs ranging from none to common, or to be comparable to Proper Function Condition (PFC) data taken in previous years.
- The Phoenix Fire and its nearby area will be monitored by a fluvial geomorphologist that specializes in the shape, form, sediment level, et cetera of streams. Observations from the monitoring will determine if the objectives have been met.
- If creeks and hillsides are not meeting objectives, an IDT will meet to decide if the site has the potential to meet objectives, if additional treatments are added. Up to five years of additional treatments may be requested on this site.

#### Rational:

This Decision on DNA 2017 Phoenix Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0011-DNA) is effective upon issuance, in accordance with 43 CFR 4190.1, to allow implementation of treatments within a time frame consistent with the urgent nature of burned area rehabilitation to mitigate the effects of wildfire and fire suppression activities on natural resources. Such resources include wildlife habitat, soil structure and forage values for wildlife, wild horses, and livestock. Implementation of the treatments for the Phoenix Fire will minimize the potential of invasion and establishment of invasive and/or Noxious Weeds, provide

quality forage for wildlife, wild horses and livestock, and facilitate meeting the Northern Great Basin Resource Advisory Council's (RAC) Standards and Guidelines.

Analysis of the burned area and the associated range sites was completed to determine the suitability and location of the seeding treatments. Species selected for the treatment are adapted to the range sites chosen for treatment and will facilitate a quicker vegetative response that will stabilize soils, reduce erosion, improve infiltration, provide competition for invasive non-native species, and replace organic litter that was consumed by the fires. In order to increase the likelihood of successes, the seeding treatment will occur within the winter months in order to take advantage of available soil moisture. Research and implementation of previous Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) plans has shown success with the timing and application methods that will be utilized to implement the seeding treatment. It is expected that vegetation establishment will be successful on all sites although the presence or absence of timely moisture will be a limiting factor.

Temporary fencing is necessary to protect the significant amount of investment being put into the fire rehabilitation. By temporarily excluding wild horses, large ungulates, and cattle, seeded and planted species will have the opportunity to develop robust root systems and provide a naturalized seed source to continue the rehabilitation of the burned area with less active management required.

This Decision on DNA 2017 Phoenix Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0011-DNA)conforms to the Shoshone-Eureka Resource Management Plan (RMP), as amended, the Northern Great Basin RAC Standards and Guidelines and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan dated September 10, 2008. The proposed treatments are specifically accounted for in the Emergency Stabilization and Rehabilitation Plan.

# Decision Authority:

The authority for this Decision on DNA 2017 Phoenix Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0011-DNA) is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4190.1 Effect of wildfire management decisions.

- (a) Notwithstanding the provisions of 43 CFR §4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:
  - (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and
  - (2) Projects to stabilize and rehabilitate lands affected by wildfire.

# **Appeal Provisions:**

This Decision on DNA 2017 Phoenix Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0011-DNA) may be appealed to the Interior Board of Land

Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 at the below address. If an appeal is taken, your notice of appeal must be filed within this office to Jon D. Sherve, Field Manager, Mount Lewis Field Office within 30 days from the effective date of this decision. The appellant has the burden of showing that the decision appealed from is in error. Notwithstanding the provisions of 43 CFR §4.21(a)(1), filing a notice of appeal does not automatically suspend the effect of the decision.

United States Department of the Interior Office of the Secretary Board of Land Appeals 4015 Wilson Blvd., Arlington, Virginia 22203

If you wish to file a petition pursuant to regulation 43 CFR §4.21(b) and §4190.1(a) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

WHERE TO FILE

U.S. Department of the Interior

NOTICE OF APPEAL. . . . Bureau of Land Management

Battle Mountain Field Office

50 Bastian Road

Battle Mountain, NV 89820 U.S. Department of the Interior

Office of the Field Solicitor Pacific Southwest Region

2800 Cottage Way, Room E-1712

Sacramento, CA 95825

A petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied,

(2) The likelihood of the appellant's success on the merits,

(3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

## **GRAZING CLOSURE DECISION:**

SOLICITOR

ALSO COPY TO. . . .

This Decision on DNA 2017 Phoenix Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0011-DNA) is issued effective upon issuance in accordance 43 CFR §4110.3-3(b) and 43 CFR §4160.3(f). The Bureau of Land Management has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage due to wildfire and that continued grazing use poses an imminent likelihood of significant resource damage.

Therefore, it is my final decision to implement the following actions:

- 1. Close the burned area associated with the Phoenix Fire to livestock grazing beginning March 2018. The fire will remain closed for a minimum of two growing seasons or until vegetation objectives are achieved.
- 2. Due to the size and vegetative communities associated with the fire, there will be a reduction of AUMs associated with the permits held by Goemmer Land & Livestock.

The following is the season of use and AUMs for the Allotment as well as the temporary suspension of AUMs associated with the fire:

Permittee	Allotment	Pasture	Livestock Type	Season of Use	Permitted AUMs	Temporary AUM Suspension
Goemmer Land & Livestock	Buffalo Valley Allotment	Buffalo Valley	Cattle	3/1 to 4/30	1,047	37
Goemmer Land & Livestock	Buffalo Valley Allotment	Buffalo Valley	Cattle	8/1 to 2/28	3,638	129
Goemmer Land & Livestock	South Buffalo Allotment	Tobin	Cattle	5/1 to 7/31	1,579	69

### Rationale:

This Decision for DNA 2017 Phoenix Fire Emergency Stabilization and Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0011-DNA) is being issued effective upon issuance, in accordance with 43 CFR §4110.3-3(b), in order to provide an opportunity for the burn area to recover, to allow for successful establishment of seeding treatments and to limit the likelihood of significant damage to natural resources. Rest from livestock grazing is required in order to successfully re-establish perennial vegetation, restore plant vigor and seed production, minimize active soil erosion and minimize the post fire invasive and noxious weed establishment (BLM H-1742-1 pg 35). The establishment of vegetation criteria accompanied by annual monitoring will ensure that perennial vegetation will be fully recovered from the effects of the burn prior to the reintroduction of livestock grazing. The growing season for key perennial grasses in the burned area approximately begins in April and ends in August depending upon the year and the species type.

The BLM believes that achieving the average of three perennial grasses/square meter is an indication there would likely be adequate amounts of roots and above ground cover, to limit the redistribution and loss of soil resources; keep invasive species such as Cheat Grass, if present, as a minor component of the plant community; allow fire-affected areas to be productive enough to allow livestock grazing to resume. In addition to the seeded species, there may be perennial and annual forbs and/or grasses present, all of which can contribute to the overall stability of the site. Given the variety of plant species that are likely to grow after the fire, and their spatial variability across these landscapes, BLM will be analyzing the density data and related field notes, and photographs to assess plant vigor and cover, to help determine when the density objective is met.

If the establishment objectives are not met by the end of the second growing season after the seed is applied, the burned area would be evaluated to determine the potential to meet the objectives and identify potential limiting factors. Some of the factors to be considered in this evaluation will be: the relationship between the native release of pre-existing plants and seeded species, as it pertains to site

stability, the amount of total precipitation, amount of growing season precipitation, how close to meeting the establishment objectives are at the end of the first and second growing seasons, and what benefits, if any, an additional growing season of rest might provide.

Monitoring will be conducted annually following the growing season. Monitoring sites will be established in 2018.

# **Decision Authority:**

The authority for this decision on DNA 2017 Phoenix Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2018-0011-DNA) is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4110.3-3(b): When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR §4.21.

§4160.3(f): Notwithstanding the provisions of §4.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision and shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals when the authorized officer has made a determination in accordance with §4110.3-3(b), or §4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provided in §4.21(a)(1) of this title.

### **Appeal Provisions:**

In accordance with 43 CFR §4.470, and §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR §4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR §4.471 and §4160.4, an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Jon Sherve, Field Manager, Mount Lewis Field Office. Within 15 days of filing the appeal and any petition for

stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor.

WHERE TO FILE

U.S. Department of the Interior

NOTICE OF APPEAL. . . .

ALSO COPY TO. . . .

Bureau of Land Management Battle Mountain Field Office

50 Bastian Road

Battle Mountain, NV 89820

SOLICITOR

U.S. Department of the Interior

Office of the Field Solicitor Pacific Southwest Region

2800 Cottage Way, Room E-1712

Sacramento, CA 95825

Pursuant to 43 CFR §4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied;

(2) The likelihood of the appellant's success on the merits;

(3) The likelihood of immediate and irreparable harm if the stay is not granted; and,

(4) Whether the public interest favors granting the stay.

43 CFR §4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

At the conclusion of any document that a party must serve, the party or it's representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR §4.422(c)(2)).

Sincerely, Shane

Jon D. Sherve Field Manager

Mount Lewis Field Office

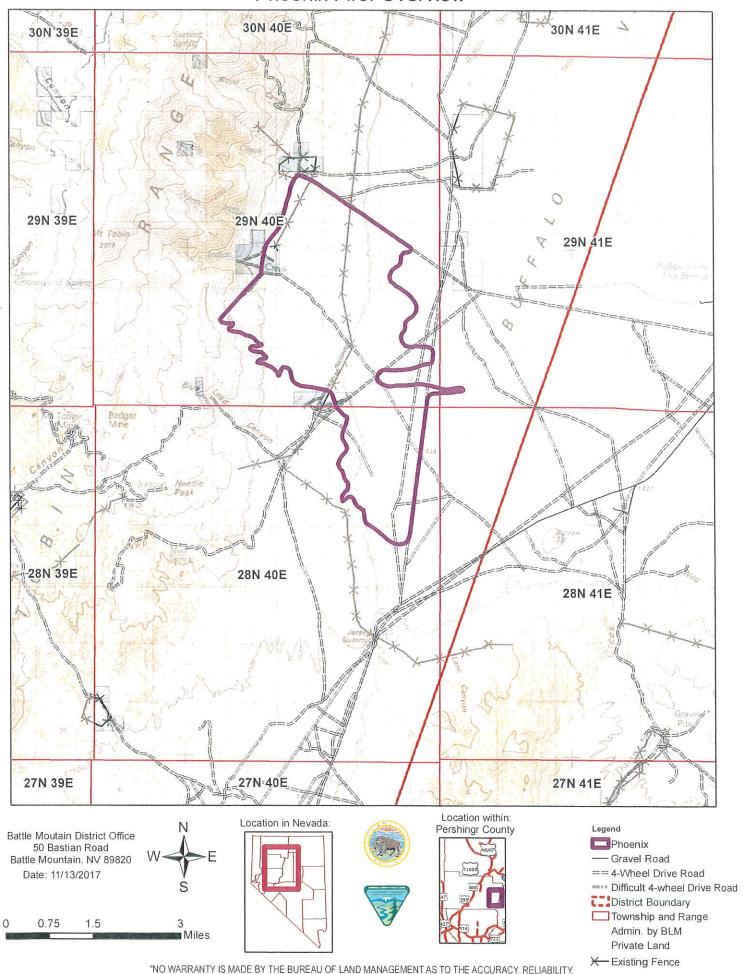
Enclosure(s)

Phoenix Fire Map

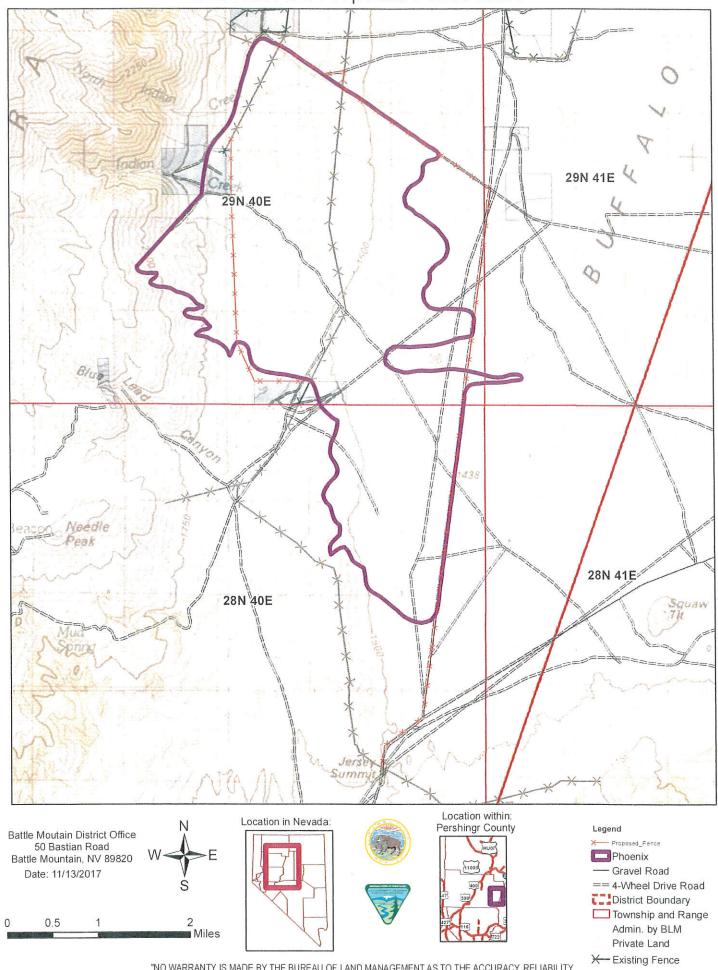
Phoenix Fire: Proposed Fence Lines Map Phoenix Fire: Planting Overview Map

cc: Interested Public

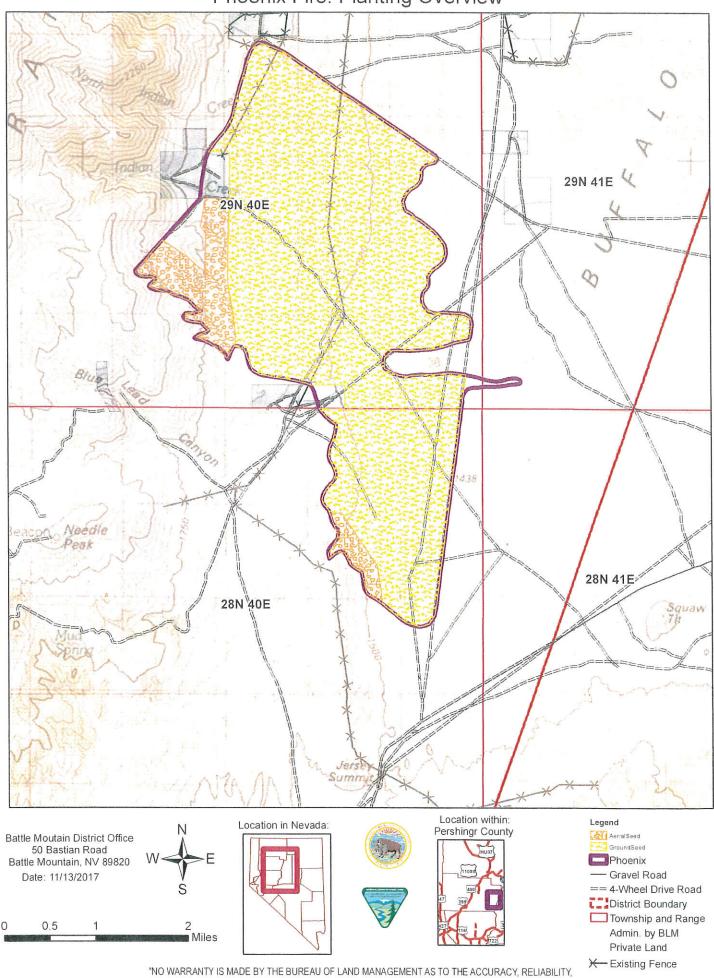
# Phoenix Fire: Overview



# Phoenix Fire: Proposed Fence Lines



# Phoenix Fire: Planting Overview





Department of Conservation & Natural Resources

Brian Sandoval, Governor Bradley Crowell, Director Greg Lovato, Administrator

22 December 2017

### NOTICE OF DECISION

# WATER POLLUTION CONTROL PERMIT NUMBER NEV0060050

Cortez Joint Venture dba Barrick Cortez Inc.
Toiyabe Mine Project

The Administrator of the Nevada Division of Environmental Protection (the Division) has decided to renew Water Pollution Control Permit NEV0060050 to Cortez Joint Venture dba Barrick Cortez Inc. This Permit authorizes the closure of approved mining facilities in Lander County, Nevada. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through 445A.447, to assure that the waters of the State will not be degraded by this operation, and that public safety and health will be protected.

The Permit will become effective 6 January 2018. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, 1 January 2018, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Karl W. McCrea at (775) 687-9407 or visit the Bureau of Mining Regulation and Reclamation website at <a href="https://ndep.nv.gov/posts/category/land">https://ndep.nv.gov/posts/category/land</a>.

No comments were received during the public comment period.

### STATE OF NEVADA

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

Water Pollution Control Permit - Closure

Permittee:

Cortez Joint Venture dba Barrick Cortez Inc.

**Toiyabe Mine Project** 

HC66 Box 1250

Crescent Valley, NV 89821-1250

Permit Number:

NEV0060050

Review Type/Year/Revision:

Renewal 2018, Fact Sheet Revision 00

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this Permit authorizes the Permittee to close the **Toiyabe Mine Project**, in accordance with the limitations, requirements and other conditions set forth in this Permit. The Permittee is not authorized to mine or process ore.

The facility is located in Section 18, Township 25 North (T25N), Range 47 East (R47E), and Section 13, T25N, R46E, Mount Diablo Baseline and Meridian. The facility is located in the Toiyabe Range in east central Lander County, along the west flank of Bald Mountain, Nevada, approximately 30 miles south of the town of Crescent Valley.

The Permittee must comply with all terms and conditions of this Permit and all applicable statutes and regulations.

This Permit is based on the assumption that the information submitted in the application of 8 April 2014, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being closed as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application which may affect the ability of the Permittee to comply with applicable regulations or Permit conditions.

This Permit is effective as of 6 January 2018, and shall remain in effect until 24 December 2022, unless modified, suspended, or revoked.

Signed this 2/5 day of December 2017.

Joseph Sawyer, P.E.

Chief, Bureau of Mining Regulation and Reclamation

## I. Specific Facility Conditions and Limitations

- A. In accordance with operating, closure, and facility design plans reviewed and approved by the Division the Permittee shall:
  - 1. Close the facility in accordance with those plans;
  - 2. Contain within the existing fluid management system all process fluids including all meteoric waters which enter the system as a result of the 100-year, 24-hour storm event. Any new process components or material modifications of existing process components shall be designed to contain all process fluids including all meteoric waters which enter the system as a result of the 500-year, 24-hour event; and
  - 3. Not release or discharge any process or non-process contaminants from the fluid management system except as approved by the Division in accordance with this Permit and any associated plans, reports, studies, and designs.
- B. Schedule of Compliance: None required.
- C. The fluid management system covered by this Permit consists of the following process components:
  - 1. Lined heap leach pads and solution collection areas;
  - 2. Solution collection pipes and lined solution collection ditches;
  - 3. Lined evapotranspiration basin;
  - 4. Heap leach pad distribution box, dosing tank and distribution box, and infiltration field;
  - 5. Transfer pipes, valves, and pumps used in conveyance, control or detection of process fluids between process components; and
  - 6. All vaults, tanks, basins, sumps, and infiltration field piping used to contain and distribute solution.

## D. Monitoring Requirements:

Ide	entification	<u>Parameter</u>	Frequency
1.	Heap Draindown		
	Heap Leach Pad Distribution Box 1, (HLPDB1) <sup>(5)</sup>	Profile I <sup>(1)</sup> , flow (gpm)	Quarterly <sup>(6)</sup>
	Dosing Tank Distribution Box, (DTDB) <sup>(5)</sup>		
2.	Evapotranspiration Basin (ETB)		
	Piezometer	Depth to water in basin (feet bgs)	Quarterly <sup>(6)</sup>

<u>Identification</u>		<u>Parameter</u>	Frequency
3.	Site Monitoring Wells		
	WBT-08 WBT-10;	Profile I <sup>(1)</sup> , Groundwater elevation (feet AMSL), Collar elevation (feet AMSL);	Annual;
	WBT-01 WBT-05 WBT-07 WBT-11	Profile I <sup>(1)</sup> , Groundwater elevation (feet AMSL), Collar elevation (feet AMSL)	Quarterly <sup>(6)</sup>
4.	Springs		J.E.
	Upper Wood Spring (UWS) Upper Wood Spring 2 (UWS2)	Profile I <sup>(1)</sup> , estimated flow (gpm)	Semi-Annual (2 <sup>nd</sup> & 3 <sup>rd</sup> Quarter) <sup>(6)</sup>
5.	Open Pits		
	North Pit Main Pit South Pit;	Presence of Water <sup>(2)</sup> ;	Quarterly;
	Each Pit Lake that forms	Profile III <sup>(3)</sup> , photograph. lake surface elevation (feet AMSL), area (acres), maximum lake depth (feet);	Quarterly, when present;
		Water temperature (°F), field pH (SU), and specific conductance ( $\mu$ S/cm) at lake surface, and for any lake $\geq$ 25 feet in depth, the same measurements at intermediate and bottom depths, plus the measurement depth (feet).	Monthly, when present

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
6. Waste Rock Dumps		
Dump No. 1 Dump No. 2;	Physical stability, presence of water <sup>(4)</sup> ;	Quarterly;
Each seep that is flowing	Profile I <sup>(1)</sup> , photograph, field pH (SU), field specific conductance (µS/cm)	Quarterly

The Permittee may request a reduction of the monitoring frequency after four quarters of complete monitoring based on justification other than cost. Such reductions may be considered modifications to the Permit and require payment of modification fees.

### **Abbreviations:**

Bgs = below ground surface; gal = gallons; gpm = gallons per minute; gpd = gallons per day; AMSL = above mean sea level;  $CaCO_3$  = calcium carbonate; °F = degrees Fahrenheit; N = nitrogen; NAC = Nevada Administrative Code; NDEP = Nevada Division of Environmental Protection; SU = standard units; mg/L = milligrams per liter; SC = specific conductance; TDS = total dissolved solids; WAD = Weak Acid Dissociable;  $\mu$ S/cm = microSiemens per centimeter.

#### Footnotes:

#### (1) Profile I:

Alkalinity (as CaCO <sub>3</sub> )	Cadmium	Magnesium	Silver
Bicarbonate	Calcium	Manganese	Sodium
Total	Chloride	Mercury	Sulfate
Aluminum	Chromium	Nitrate+Nitrite (as N)	Thallium
Antimony	Copper	Nitrogen, Total (as N)	Total Dissolved Solids
Arsenic	Fluoride	pH (± 0.1 SU) (7)	WAD Cyanide
Barium	Iron	Potassium	Zinc
Beryllium	Lead	Selenium	

(2) For presence of water, state whether the pit surface is dry, damp, or wet (ponded or flowing water). If sufficient water is present for sampling, the Permittee shall perform the required monitoring for pit lakes.

### (3) Profile III:

Alkalinity (as CaCO <sub>3</sub> )	Copper	Phosphorus
Bicarbonate	Fluoride	Potassium
Total	Iron	Selenium
Aluminum	Lead	Sodium
Antimony	Lithium	Strontium
Arsenic	Magnesium	Sulfate
Barium	Manganese	Thallium
Beryllium	Mercury	Tin
Boron	Molybdenum	Total Dissolved Solids
Cadmium	Nickel	Total Suspended Solids
Calcium	Nitrate+Nitrite (as N)	Uranium
Chloride	Nitrogen, Total (as N)	Vanadium
Chromium	pH (± 0.1 SU) (7)	Zinc

- (4) Provide a visual evaluation of each waste rock storage facility for physical stability (e.g., stable, unstable, or slope failure), presence of water, and seepage. If visibly unstable, or slope failure, describe. For presence of water, identify whether the surface and toes of the waste rock storage facility are dry, damp, or wet (ponded or flowing water). If seepage is emanating from any portion of a waste rock storage facility, the Permittee shall perform the required monitoring for seeps.
- (5) Monitoring and sampling of heap draindown solutions shall be conducted on the same day at the first downstream fluid distribution box (HLPDB1) and at the dosing tank distribution box (DTDB) immediately upstream of the fluid distribution system dosing tanks.
- (6) In the event that freezing conditions or difficulty accessing the site are suspected, samples shall be collected early in the fourth quarter and late in the first quarter, as applicable. More than one site sampling visit may be required during a quarter to obtain samples.
- (7) All sample analyses resulting in a pH value less than or equal to 5.0 SU shall also be analyzed for acidity (mg/L, as CaCO<sub>3</sub> equivalent)
- E. Quarterly and annual monitoring and release reporting shall be in accordance with Part II.B.
- F. All sampling and analytical accuracy shall be in accordance with Part II.E.

#### G. Permit Limitations

- 1. The facility shall not discharge to the environment (infiltration field) any solution containing WAD cyanide greater than 0.2 mg/L or nitrate+nitrite (as N) greater than 10 mg/L, as determined at the DTDB in accordance with Part I.D.1.
- 2. Failure to meet a Schedule of Compliance date or requirement.
- 3. Division approval is required prior to the construction or decommissioning of any facility groundwater monitoring well or piezometer.
- 4. Failure to complete approved permanent closure actions in accordance with an approved final plan for permanent closure schedule and applicable regulations.
- 5. The facility shall not degrade waters of the State (surface water or groundwater) to the extent that applicable water quality standards or reference values are exceeded.

Exceedances of theses limitations may be Permit violations and shall be reported as specified in Part II.B.4.

- H. The facility shall collect precipitation data (inches of water) from a Division approved location. A written and/or electronic record of daily accumulations of precipitation shall be maintained at the office of record of the Permittee.
- I. The Permittee shall inspect all control devices, systems and facilities quarterly, and during (when possible) and after major storm events. These inspections are performed to detect evidence of:
  - 1. Deterioration, malfunction, or improper operation of control or monitoring systems;
  - 2. Sudden changes in the data from any monitoring systems;
  - 3. The presence of liquids in leak detection systems; and
  - 4. Severe erosion or other signs of deterioration in dikes, diversions, closure covers, or other containment devices.

If detected, the Permittee shall report the above conditions in accordance with Part II.B.4, except such a report is not required for the presence of liquids in leak detection systems unless a leak detection limitation in Part I.G is exceeded.

- J. Prior to initiating permanent closure activities at the facility, or at any process component or other source within the facility, the Permittee must have an approved final plan for permanent closure.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this Permit and every year thereafter until the Permit is terminated or the facility has received final closure certification from the Division.

- L. The Permittee shall not dispose of or treat Petroleum-Contaminated Soil (PCS) on the mine site without first obtaining from the Division approval of a PCS Management Plan.
- M. When performing dust suppression activities, the Permittee shall use best management practices and appropriate selection of water source and additives to prevent degradation of waters of the State. If a dust suppressant exceeds a water quality standard and the corresponding natural background water concentration in the area where dust suppression will occur, the Permittee shall demonstrate no potential to degrade waters of the State.
- N. Continuing Investigations: None required.

## II. General Facility Conditions and Limitations

### A. General Requirements

- 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the Permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued Permit if he or she determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
- 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, and systems installed or used by the Permittee to achieve compliance with the terms and conditions of this Permit.
- 3. Whenever the Permittee becomes aware that he or she failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this Permit and appropriate enforcement action.

# B. Reporting Requirements

- 1. The Permittee shall submit quarterly reports, in both hard copy and a Division-approved electronic format, which are due to the Division on or before the 28<sup>th</sup> day of the month following the quarter and must contain the following:
  - a. Analytical results of water quality samples collected from all monitoring locations required by Parts I.D.1, I.D.3, I.D.4, and I.D.6, reported on NDEP Form 0190 or equivalent;
  - b. Water levels for site monitoring wells and piezometers identified in Parts I.D.2 and I.D.3;
  - c. Flow rates identified in Part I.D.1 and I.D.4;

- d. Analytical results of the pit lake solution collected from monitoring locations identified in Part I.D.5, reported on NDEP Form 0290 or equivalent;
- e. All other monitoring data identified in Parts I.D.5 and I.D.6;
- f. A record of releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

- 2. The Permittee shall submit an annual report in both hard copy and a Division-approved electronic format, by February 28<sup>th</sup> of each year, for the preceding calendar year, which contains the following:
  - Analytical results of water quality samples collected from locations WBT-08 and WBT-10 identified in Part I.D.3, reported on NDEP Form 0190 or equivalent;
  - b. Water levels for monitoring wells WBT-08 and WBT-10 identified in Part I.D.3;
  - c. A synopsis of releases on NDEP Form 0390 or equivalent;
  - d. A brief summary of site operations, construction, and any problems with the fluid management system;
  - e. A table of total monthly precipitation amounts recorded in accordance with Part I.H, reported for the history since initial Permit issuance;
  - f. An updated version of the facility monitoring and sampling procedures and protocols;
  - g. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization;
  - h. Graphs of draindown flow rates (HLPDB1 and DTDB), pH, total dissolved solids (TDS), sulfate, nitrate + nitrite (as N), WAD cyanide, arsenic, antimony, chromium, iron and mercury concentration (as applicable), versus time for all fluid sampling points. These graphs shall display a five-year history previous to the date of submittal. Additional parameters may be required by the Division if deemed necessary.
- 3. Release Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all releases must be reported as per NAC 445A.347 or NAC 445A.3473, as appropriate.
  - a. A release of any quantity of hazardous substance, as defined at NAC 445A.3454, to surface water, or that threatens a vulnerable resource, as

defined at NAC 445A.3459, must be reported to the Division as soon as practicable after knowledge of the release, and after the Permittee notifies any emergency response agencies, if required, and initiates any action required to prevent or abate any imminent danger to the environment or the health or safety of persons. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b.

- b. A release of a hazardous substance in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 Code of Federal Regulations (CFR) Part 302 must be reported as required by NAC 445A.3473 and Part II.B.3.a.
- c. A release of a non-petroleum hazardous substance not subject to Parts II.B.3.a. or II.B.3.b., released to soil or other surfaces of land, and the total quantity is equal to or exceeds 500 gallons or 4,000 pounds, or that is discovered in or on groundwater in any quantity, shall be reported to the Division no later than 5:00 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b. Smaller releases, with total quantity greater than 25 gallons or 200 pounds and less than 500 gallons or 4,000 pounds, released to soil or other surfaces of land, or discovered in at least 3 cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
- d. Petroleum Products and Coolants: If a release is subject to Parts II.B.3.a. or II.B.3.b., report as specified in Part II.B.3.a. Otherwise, if a release of any quantity is discovered on or in groundwater, or if the total quantity is equal to or greater than 100 gallons released to soil or other surfaces of land, report as specified in Part II.B.3.c. Smaller releases, with total quantity greater than 25 gallons but less than 100 gallons, released to soil or other surfaces of land, or if discovered in at least 3 cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
- 4. The Permittee shall report to the Administrator any noncompliance with the Permit.
  - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5:00 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
    - i. Name, address, and telephone number of the owner or operator;
    - ii. Name, address, and telephone number of the facility;
    - iii. Date, time, and type of incident, condition, or circumstance;

- iv. If reportable hazardous substances were released, identify material and report total gallons and quantity of contaminant;
- v. Human and animal mortality or injury;
- vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
- vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
- b. A written summary shall be provided within 10 days of the time the Permittee makes the oral report. The written summary shall contain:
  - i. A description of the incident and its cause;
  - ii. The periods of the incident (including exact dates and times);
  - iii. If reportable hazardous substances were released, the steps taken and planned to complete, as soon as reasonably practicable, an assessment of the extent and magnitude of the contamination pursuant to NAC 445A.2269;
  - iv. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
  - v. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
  - i. Determine the effect and extent of each incident;
  - ii. Minimize any potential impact to the waters of the State arising from each incident;
  - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
  - iv. Minimize the endangerment of the public health and safety which arises from each incident.
- d. If required by the Division, the Permittee shall submit, as soon as reasonably practicable, a final written report summarizing any related actions, assessments, or evaluations not included in the report required in Part II.B.4.b., and including any other information necessary to determine and minimize the potential for degradation of waters of the State and the impact to human health and the environment. Submittal of the final report does not relieve the Permittee from any additional actions, assessments, or evaluations that may be required by the Division.

### C. Administrative Requirements

- 1. A valid Permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed and termination of the Permit has been approved in writing by the Division, the Permittee shall apply for Permit renewal not later than 120 days before the Permit expires.
- 2. Except as required by NAC 445A.419 for a Permit transfer, the Permittee shall submit current Permit contact information described in paragraphs (a) through (c) of subsection 2 of NAC 445A.394 within 30 days after any change in previously submitted information.
- 3. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 4. All reports required by this Permit, including, but not limited to, monitoring reports, corrective action reports, and as-built reports, as applicable, and all applications for Permit modifications, shall be submitted in both hard copy and a Division-approved electronic format.
- 5. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this Permit, or to determine compliance with this Permit.
- 6. The Permittee shall maintain a copy of, and all modifications to, the current Permit at the office of record of the Permittee at all times.
- 7. The Permittee is required to retain during closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart or data logger recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.
- 8. The provisions of this Permit are severable. If any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not thereby be affected.
- 9. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this Permit. Issuance of this Permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of Federal, State, or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this Permit. NRS 445A.675 provides that any person who violates a Permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

## D. Division Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

- 1. Enter the premises of the Permittee where a regulated activity is conducted or where records are kept per the conditions of this Permit;
- 2. Have access to and copy any record that must be kept per the conditions of this Permit;
- 3. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this Permit; and
- 4. Sample or monitor for any substance or parameter at any location for the purposes of assuring Permit and regulatory compliance.

## E. Sampling and Analysis Requirements

- 1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- 2. For each measurement or sample taken pursuant to the conditions of this Permit, the Permittee shall record the following information:
  - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
  - b. The person(s) who inspected, observed, measured, or sampled.
- 3. Samples must be taken, preserved, and labeled according to Division approved methods.
- 4. Standard environmental monitoring chain of custody procedures must be followed.
- 5. Samples shall be analyzed by a laboratory certified or approved by the State of Nevada, as applicable for the method(s) being performed. The Permittee must identify in all required reports the certified and approved laboratories used to perform the analyses, laboratory reference numbers, and sample dates, and for the electronic version of each report only, include all associated laboratory analytical reports, including test results, test methods, chain-of-custody forms, and quality assurance/quality control documentation.
- 6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and be reliable to at least two significant digits. The analytical methods used must have a practical quantitation limit (PQL) equal to or less than one-half the reference value for Profile I and Profile III parameters. Laboratories shall report the lowest reasonable PQL based on in-house method detection limit studies. Samples for Profile I parameters shall be filtered and analyzed for the dissolved fraction, unless otherwise required by the Division; samples for Profile III parameters shall be unfiltered and analyzed for the total recoverable fraction. Unless otherwise approved by the Division, analytical

results that are less than the PQL shall be reported quantitatively by listing the PQL value preceded by the "<" symbol.

## F. Permit Modification Requirements

- 1. Any material modification, as defined at NAC 445A.365, plan to construct a new process component, or proposed change to Permit requirements must be reported to the Division by submittal of an application for a Permit modification, or if such changes are in conformance with the existing Permit, by submittal of a written notice of the changes. The Permit modification application must comply with NAC 445A.391 through 445A.399, 445A.410, 445A.412, 445A.414, 445A.4155, 445A.416, 445A.417, 445A.440, and 445A.442, as applicable. The construction or modification shall not commence, nor shall a change to the Permit be effective, until written Division approval is obtained.
- 2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in a previously submitted application or report, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials and areas to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as Permit modification.
- 3. The Permittee shall notify the Division in writing at least 30 days before the introduction of process solution into a new process component or into an existing process component that has been materially modified, or of the intent to commence active operation of that process component. Before introducing process solution or commencing active operation, the Permittee shall obtain written authorization from the Division.
- 4. The Permittee must obtain a written determination from the Administrator of any planned process component construction or material modification, or any proposed change to Permit requirements, as to whether it is considered a Permit modification, and if so, what type.
- 5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with Permit requirements.

Prepared by:

Karl W. McCrea

Date:

21 December 2017

Revision 00:

Renewal 2018; effective date 6 January 2018

#### **FACT SHEET**

(Pursuant to Nevada Administrative Code (NAC) 445A.401)

Permittee Name:

Cortez Joint Venture dba Barrick Cortez Inc.

**Project Name:** 

**Toiyabe Mine Project** 

**Permit Number:** 

NEV0060050

Review Type/Year/Revision:

Renewal 2018, Fact Sheet Revision 00

### A. Location and General Description

**Location:** The facility is located in Section 18, Township 25 North (T25N), Range 47 East (R47E), and Section 13, T25N, R46E, Mount Diablo Baseline and Meridian. The Toiyabe Mine facility is located in the Toiyabe Range in East Central Lander County, along the west flank of Bald Mountain, Nevada, approximately 30 miles south of the town of Crescent Valley, Nevada.

**General Description:** The Permittee is no longer actively mining or processing ore at the mine site. Remaining mine components consist of three open pits, two waste rock dumps, two reclaimed leach pads, an evapotranspiration cell, and an infiltration field.

The Project is located entirely on public lands, encompassing approximately 91.6 acres, all of which are on unpatented mining claims administered by the Bureau of Land Management, Battle Mountain Field Office. The Project is in post-closure monitoring.

#### B. Synopsis

Mineralization on the Toiyabe property was discovered in 1966 by Homestake Mining Company (Homestake). Over the next few years, Homestake staked claims and conducted exploration drilling, and in 1969 abandoned the property. Homestake relocated the claims in 1976 and continued exploration until 1986, when Homestake sold the property to N.A. Degerstrom, Inc., who subsequently sold the property to Inland Gold and Silver Corporation (Inland). Inland began ore production in 1987; leaching operations began in 1988 with the issuance of Water Pollution Control Permit NEV0060050. Inland continued mining until 1991 and active leaching until 1992. Cortez Gold Mines (CGM) acquired the property in 1996 and the Permit was transferred from Inland to CGM. Barrick acquired CGM in a merger acquisition of Placer Dome in 2005. The site was placed into post-closure monitoring on 16 May 2008. The 2017 Renewal continues with post-closure monitoring and does not allow any mining or processing.

Figure 1 below provides a site map.

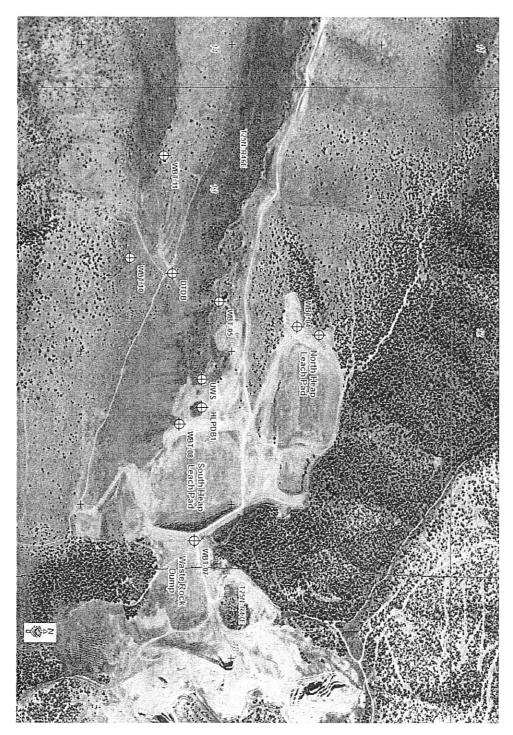


Figure 1 – Site map of the Toiyabe Mine Project

#### Pits

The mine has three separate pits, the North Pit (also referred to as 401), the Main Pit and the South Pit. Table 1 below provides the approximate dimensions of the various pits. The pit floors are several hundred feet above the water table, and dewatering was never

required. However, fracture-controlled groundwater, the depth of which varies widely on a seasonal basis, may exist as little as 40 feet below the bottom of the South Pit. No accumulation of persistent meteoric water in the pits has been observed.

Table 1. Pit Dimensions

Identification	Length, feet	Width, feet	Depth, feet
North Pit (401)	1000	400	300
Main Pit	400	600	200
South Pit	900	500	220

Total surface area disturbance of all pits is approximately 41 acres.

During operation, approximately 7.8 million tons of material was removed from the pits, including 2.4 million tons of oxidized gold ore and 5.4 million tons of waste rock. Of this amount, approximately 2.2 million tons of waste rock from the South Pit was used to backfill the northwest extension of the Main Pit, thereby splitting the Main Pit into two separate pits: Main Pit and North Pit.

Post-closure monitoring of the North Pit, Main Pit and South Pit requires quarterly of the pits for ponded water and, if ponded water is present, to take a field pH, field specific conductance, photos, and a water quality sample (Profile III). The Permittee will also be required to inspect annually (Spring) all pits for stability, safety and access restriction.

#### Waste Rock Dumps

Two waste rock dumps, Dump No. 1 and Dump No. 2, are located west of the pits and east of the north-south trending surface water drainage divide. Dump No. 1 contains approximately 1.4 millions tons of material and Dump No. 2 contains approximately 1.2 million tons of material. Both dumps have been regraded and revegetated. No seepage has been observed from the toes of dumps.

Waste rock produced from the pits included calcareous and silicic argillite rocks of the Vinini Formation, located above the Roberts Mountain Thrust. No sulfide material was encountered and this material exhibited no acid generation potential. Acid-base accounting analysis of the waste rock indicated ratios of acid neutralizing potential (ANP) to acid generating potential (AGP) ranging from 796 to 1,283 for Dump No. 1 and 560 to 1,335 for Dump No. 2.

The Permittee is required to inspect the waste rock dumps annually (spring) for mass and physical stability, and designate surfaces as dry, damp, or wet (visible flow or ponding). Should a discharge be present from any portion of any waste rock dump, the Permittee shall measure field pH and field specific conductance; collect and submit a water quality sample for a Nevada Division of Environmental Protection (Division) Profile I analysis, take photos, and document the event.

### **Heap Leach Pads**

There are two heap leach pads on the mine site. The South Heap Leach Pad (Heap #1) covers approximately 14.2 acres and contains approximately 1.4 million tons of processed ore, of which about 0.9 million tons were crushed and agglomerated. The South pad was constructed on a base consisting of approximately 500,000 tons of compacted mine waste hauled from the Main Pit area. It was placed as engineered fill at the head of a westward-sloping drainage and graded at a 3-percent slope toward the process ponds. A 14-inch thick clay subbase was compacted over the mine waste prior to installation of a 3/8-inch thick geotextile blanket and an overlying 60-mil High-Density Polyethylene (HDPE) liner.

The North Heap Leach Pad (Heap #2) covers approximately 17 acres and contains approximately 1.0 million tons of processed ore of which about 0.9 million tons were crushed and agglomerated. The North pad was constructed on a leveled ridge crest; the base was built by grading (5-percent slope to the west) and compacting the existing clay loam soil material. A 40-mil HDPE liner was installed over a 3/8-inch-thick geotextile blanket liner protector.

In the Fall of 2000, both heaps were reshaped and regraded to a nominal 3H:1V (horizontal:vertical) slope. Topsoil/growth media, at a minimum of 18-inches thick, was placed and seeded. Prior to these reclamation activities, in order to stabilize heap draindown chemistry, the heaps had undergone seasonal rinsing for seven years. Since March 2000, the weak acid dissociable (WAD) cyanide concentration in the heap draindown solution at the heap leach pad distribution box, (HLPDB1), where solution flows into the evapotranspiration basin (ETB), has been less than 0.2 mg/L (milligrams per liter) and pH has been within the range of 6.5 – 8.5 standard units (SU) since March 2001. Solution at the dosing tank distribution box (DTDB), which discharges solution to the infiltration field, has had WAD cyanide less than 0.2 mg/L since June 2004, and pH has been within the range of 6.5 – 8.5 SU since inception.

Leached ore consists of limestone, limey siltstone and shale of the Roberts Mountain and Wenban Formations. Minor amounts of Tertiary intrusive rocks were present near ore zones. All ore produced from the pits was oxidized material; no sulfide material was encountered, these mined materials exhibit no acid generation potential. Acid-base accounting of representative spent heap leach material (ore) composites indicated net neutralization potential (NNP) of +243 and +284 tons CaCO<sub>3</sub>/kilotons of material for the South and North heaps, respectively, with resulting ratios of ANP to AGP of 784 and 916, respectively.

Review of the heap draindown flow rates since the Fall of 2000 indicates seasonal variability ranging from zero recordable flow to 12 (gallons per minute) gpm, with an overall average flow rate of approximately 1.4 gpm. The wet winter of 2016/2017 resulted in a short-term increase in the spring of 2017 to a seasonal high of approximately 6 gpm; long-term draindown modeling predicted an average of less than 0.3 gpm. The draindown flow rate, as of August 2017, was 0.75 gpm. Table 2 below provides average concentrations and ranges and current water quality for the heap leach pad draindown (53 sampling events – March 1999 thru July 2017) and dosing tank distribution basin (13

sampling events May 2003 thru July 2017). Average solution concentrations are based on an average of all available analyses.

Table 2 - Average Concentration, Range, and Current Concentration of Heap Leach Pad Draindown Distribution Box (HLPDB1) and Dosing Tank Distribution Box (DTDB)

Parameter	Division Profile I Reference Values (mg/L, except as noted)	HLPDB1 Average Concentration and (Range) (mg/L, except as noted)	HLPDB1 Current Concentration as of 3Q2017 (mg/L, except as noted)	DTDB Average Concentration and (Range) (mg/L, except as noted)	DTDB Current Concentration as of 3Q2017 (mg/L, except as noted)
Alkalinity, HCO <sub>3</sub>		283 (185 – 371)	282	164 (122 – 259)	259
Arsenic	0.010	1.31 (0.293 – 2.78)	1.88	1.18 (0.733 – 1.79)	0.733
Iron	0.6	$0.37 \\ (0.025 - 0.75)$	0.67	0.362 $(0.024 - 0.58)$	0.18
Mercury	0.002	0.0088 (0.001 – 0.027)	0.014	0.0105 $(0.002 - 0.016)$	0.003
Nitrate + Nitrite (as N)	10	42 (3.35 – 90)	22.8	49.4 (9.5 – 74.2)	9.5
pH (SU)	6.5 – 8.5	8.2 (7.0 – 10.1)	8.0	8.02 (7.45 – 8.50)	8.5
Sulfate	500	378 (83 – 710)	370	389 (152 – 551)	152
Total Dissolved Solids	1,000	1,335 (296 – 2,300)	1,130	1,364 (70 – 1,860)	700
WAD Cyanide	0.2	0.080 (0.010 - 0.48)	0.11	$0.161 \\ (0.020 - 0.230)$	0.040

Continued monitoring of combined heap leach pad draindown solution chemistry and flow will be achieved through sampling of HLPDB1, located prior to entering the ETB. The water level in the ETB will also be monitored. An additional sample water quality and flowrate measurement will be collected at the DTDB, located prior to discharge to the infiltration field dosing tank. These data will help to determine the effectiveness of the ETB on flowrate and chemistry.

#### **Process Ponds**

There were three solution ponds on site: barren and pregnant process solution ponds, and an emergency overflow pond, which was located downgradient of the South Heap (Heap #1). Both the barren and pregnant solution ponds each had a maximum capacity of approximately 1.5 million gallons. The barren and pregnant pond liner system consisted of compacted clay overlain by two 40-mil HDPE liners. The leak detection system for these two ponds consisted of a polyethylene drainage net and two-inch diameter HDPE pipe installed between the two liners.

The emergency overflow pond, which had a maximum capacity of 1.0 million gallons, was permanently closed during the first phase of closure activities. The liner was removed and the fill material used during construction of the pond was excavated and utilized during heap leach pad cover placement.

The barren pond was permanently closed and reclaimed in 2003. Pond closure consisted of in-place stabilization of sediment by covering with a 24- to 30-inch thick layer of select backfill and cutting and folding the exposed HDPE liners over the backfilled floor of the pond. Process building foundation demolition material was then graded into the backfilled part of the barren pond and completely covered by backfilling the pond with local material to approximate natural grade with a finished free-draining surface to promote runoff.

In December 2001, to reduce the reliance on the infiltration field during the growing season, the pregnant pond was converted into an evapotranspiration basin (ETB). The evapotranspiration basin was not modeled for either evapotranspiration or chemical attenuation ability. Excess draindown solution from the ETB is directed to the sub-surface infiltration field for long-term disposal.

The system collects fluid via two 10-inch solid HDPE return lines, from the North and South heap leach pads, which are joined and routed to the distribution box (HLPDB1). The fluid then flows into the ETB via a buried 4-inch diameter, schedule 40, polyvinyl chloride (PVC) pipe. Once the ETB fills to design capacity near the soil-gravel interface, fluids are backed up to the HLPDB1 and overflow 1,400 feet via buried 6-inch diameter, schedule 40, PVC pipe to the dosing tank distribution box (DTDB). The DTDB then overflows to two dosing tanks, each equipped with twin "dosing siphons". The fluids released from the siphons are routed to the infiltration field, which consists of a series of lateral trenches and enclosed perforated and solid pipe to distribute and percolate solution into shallow subsurface soils.

Distribution box HLPDB1, a precast concrete vault, was installed immediately north of the evapo-transpiration basin to direct heap draindown to the ETB. The vault also allows for measuring of the draindown flowrate and sample collection. A similar vault was installed for distribution box DTDB to direct flow to the dosing tanks.

The infiltration field is constructed approximately 1,400 feet west-southwest of the evapotranspiration basin (converted pregnant pond). It consists of two dual-dosing siphon systems which convey solution through two 6-inch diameter pipes to four distribution reservoirs, two reservoirs for each 6-inch pipe, each of which then discharges the solution through an infiltration chamber consisting of three staggered lengths of ¾-inch diameter perforated PVC piping. The dosing system is designed such that, in the event of failure of both siphons, all solutions would be split using a system of T-connections in series to convey solution to the infiltration chambers. The entire infiltration field encompasses approximately 5 acres.

All solution conveyance piping was single-walled. At the time of submittal (2000), and since discharge to the infiltration field is considered a controlled solution treatment and disposal method, the use of single-wall piping was approved. However, current Division policy would likely require the use of double-walled pipe for any buried solution conveyance, regardless of the long-term treatment method.

#### **Structures:**

Non-process buildings and facilities included an office trailer, security trailer, a shed housing two diesel generators, a laboratory building, a supply trailer, a 10,000-gallon diesel fuel tank, and a 5,000-gallon gasoline tank. Process—related facilities included the mine shop, ore crusher, agglomeration facility and cement silo. These buildings and facilities, including the extraction tanks and related piping located in the process building, were removed between 2000-2002. The process building shell was removed in 2003.

# C. Receiving Water Characteristics

The Toiyabe Mine is located at an elevation of 7,200 feet above mean sea level (amsl). The estimated average annual precipitation, ranges from 14.7 inches to 17.6 inches, occurring mostly as snow. Estimated pan evaporation is 41 inches. Drainages within the Project boundary are primarily ephemeral and typically flow only in response to snowmelt and rainfall. One exception is Wood Springs Canyon, which has two known intermittent springs, Upper Wood Spring (UWS) and Upper Wood Spring No. 2 (UWS2), which typically have a longer seasonal flow. Upper Wood Spring is located approximately 150 feet west of the former solution ponds and flows until late summer; Upper Wood Spring No. 2 is approximately 2,600 feet downgradient and typically goes dry by mid-summer. There are no springs or seeps in the vicinity of the waste rock dumps or pits and there are no known downstream users of surface water originating at the site.

Two production wells previously serviced the mine. Due to the lack of groundwater resources onsite, the main water supply well was located approximately 6.7 miles south of the mine on the flank of Grass Valley and produced up to 150 gpm. An auxiliary well, TWS, is located between the two waste rock dumps, taps into groundwater in fractured bedrock and was used only on an intermittent basis, as it produced less than 10 gpm. Quarterly monitoring data, beginning in 1996, has shown this well to contain naturally elevated concentrations of arsenic, ranging from 0.042 to 0.122 mg/L, and indicating an overall slightly increasing trend.

## **Groundwater Monitoring Wells**

Three types of groundwater zones/regimes have been identified at the mine: perched zones in the alluvium near the heaps; an alluvial groundwater zone; and a fracture-controlled groundwater zone found in the bedrock near the dumps and pits. Below the heap leach pads, shallow perched zones occur at depths of less than 20 feet and at approximately 60 feet; an alluvial aquifer exists at depths ranging from 116 feet below ground surface (bgs) on the east side of the pads to 281 feet bgs on the west side of the pads. Near the dumps, the static water level was measured at 124 feet bgs in fractured bedrock. Drilling in the pit area to depths exceeding 1,000 feet bgs intersected variable amounts of fracture-controlled groundwater at varying depths.

Groundwater monitoring beneath the North leach pad had been accomplished by well WBT-04, which is located approximately 500 feet east of the pad. Monitoring of the groundwater quality beneath the South leach pad has been accomplished through monitoring well WBT-08, located approximately 10 feet from the southwest toe of the heap. Groundwater downgradient of the ETB has been monitored by WBT-05, located approximately 1000 feet directly downgradient of the ETB.

At a meeting between Cortez and the Division on 15 May 2012, Division personnel suggested that since Monitoring Well WBT-04 has been sporadically dry since June 2006, monitoring well WB-02 should be investigated and possibly sampled as a replacement for WTB-04, going forward. Field investigation by Cortez indicated that WBT-02 was also dry so water samples have, since the third quarter of 2011, been taken from monitoring well WBT-01 as a replacement for WBT-04. Both wells WBT-04 and WBT-01 are located downgradient of the North heap leach pad (HLP). WBT-04 is approximately 198 feet downgradient from the western toe of the heap whereas WBT-01 is approximately 173 feet downgradient. The wells are approximately 300 feet apart from each other in a north-south direction. The wells were both drilled in the same formation, to a total depth of 300 feet bgs and screened at 295 feet to 300 feet.

Wells WBT-01 and WBT-4 have been monitored since 2001, and with the exception of arsenic, which averages 0.019 mg/L for both wells, comparison of the water quality correlates very well, and the groundwater meets Division Profile I reference values for all constituents.

Monitor well WBT-07, located upgradient of the South Pad, meets all Division Profile I reference values with the exception of arsenic. Arsenic values, as compared to background well TWS, have been elevated. As part of the 2002 renewal, a Schedule of Compliance (SOC) item was included in Permit Part I.B.2 that required an investigation into the elevated arsenic. SRK Consulting submitted a report in July 2004, entitled "Toiyabe Mine Draft Investigation Plan", as required by the SOC item. This report essentially stated that the auxiliary water well, TWS, is representative of background groundwater chemistry and that, at the writing of the report, the concentration of arsenic in WBT-07 was decreasing/trending towards pre-2000 levels. Review of the arsenic concentrations since 2003, i.e., 0.543 mg/L, indicates an overall decreasing trend. As of July 2017, the arsenic concentration was 0.075 mg/L.

However, the upward trending nitrate and zinc concentrations in well WBT-07, although not exceeding the Profile I reference value, are of concern to the Division. The background groundwater concentration for nitrate at TWS is non-detect (0.1 mg/L), whereas the nitrate concentrations at WBT-07 suggest an upward trending, albeit erratic, pattern. Historic results range from a low of 0.5 mg/L to a high of 6.1 mg/L, having an average concentration of 3.4 mg/L. Zinc concentrations also indicate an occasional increasing level since the fourth quarter of 2003, ranging from approximately 0.02 mg/L to 4.6 mg/L. As there is no zinc present in the HLPDD, the presence of zinc may be a result of localized mineralization or poor sampling practices. Until such time as the concentration either decreases to background levels or stabilizes at some concentration, the Permittee will be required to continue monitoring of these wells. If concentrations exceed the Division reference values, an investigation and corrective action plan may be required.

Additionally, in 2012, the Division became concerned with the elevated levels of alkalinity in well WBT-07. The Permittee initiated a study to investigate the concern, the conclusions of which are provided below:

 The total alkalinity concentration in WBT-07, while greater that that of other monitoring wells at the Toiyabe site (approximately 100 to 200 mg/L as CaCO3), ranges from 550 to 730 mg/L CaCO3. This is similar to the concentration observed in WBT-07 since 2000. Other constituents have typically remained constant in WBT-07 over the period of record.

- The alkalinity in WBT-07 occurs at a circumneutral pH and total alkalinity is consistent with the carbonate alkalinity (after accounting for unit conversions). Therefore the elevated alkalinity appears to be total carbonate alkalinity, rather than a result of hydroxide alkalinity. Hydroxide alkalinity is commonly used for maintaining pH in cyanide leach solutions.
- Based on the observations and interpretations that (a) the elevated alkalinity in WBT-07 is bicarbonate alkalinity, (b) the residual draindown solution from the HLP has much lower alkalinity than in WBT-07, (c) the sodium enrichment observed in HLPDB1 is absent in WBT-07, and (d) the calcium and magnesium enrichment observed in WBT-07 is absent in HLPDB1, the anomalous water quality observed in WBT-07 appears to not be associated with heap leach process solutions.
- The partial pressure of carbon dioxide (CO<sub>2</sub>) in WBT-07 is elevated relative to other wells at the site, but has generally decreased over the period of record. The water composition in WBT-07 is consistent with the weathering of magnesium and calcium carbonate minerals in response to elevated CO<sub>2</sub>.

Monitoring of the groundwater beneath the infiltration field will continue to be accomplished through wells WBT-10 and WBT-11. Well WBT-10 is located approximately 100 feet northeast (up-gradient) of the infiltration field. Groundwater generally flows in a southwesterly direction.

Well WBT-11 was installed in November 2002 and is located approximately 200 feet directly downgradient of the furthest lateral extent of the infiltration lines. During drilling and installation of well WBT-11, lithological data were collected that indicated zones of fine-grained material which included sandy and gravely clay, clayey sands, clayey gravels, silty clayey sands and clay in suspension encountered throughout the entire horizon.

Both WBT-10 and WBT-11 water quality data indicates that groundwater meets all Division Profile I reference values, however, comparison of nitrate concentrations in groundwater from WBT-11 background (based on initial chemistry when drilled) to current chemistry indicate that the nitrate has more than doubled from the background level of approximately 2 mg/L to an average of approximately 5.3 mg/L. In contrast, WBT-10 has remained relatively stable, averaging approximately 1.8 mg/l.

Well WBT-10 shall be monitored on an annual basis whereas WBT-11 shall continue to be sampled on a quarterly basis to verify background water quality adjacent to and downgradient of the infiltration field and monitor groundwater chemistry. If either well indicates elevated levels of constituents above the Division Profile I reference values, the operator may be required to investigate and remediate, as warranted.

Table 3 – Groundwater Monitoring Well Construction Details & Location

Monitor Well	Total Depth,	Total Depth, Depth to		Location Relative to		
I.D.	Feet bgs	Water, Feet bgs	Feet bgs	Component		
	1	North Heap Leach				
WBT-01	300	273	295 – 300	Downgradient		
WBT-02	300	240	295 – 300	Cross-gradient		
WBT-04	300	280	295 - 300	Downgradient		
South Heap Leach						
WBT-05	120	96	115 - 120	Downgradient		
WBT-07	240	164	235 - 240	Upgradient		
WBT-08	200	185	195 - 200	Downgradient		
Infiltration Field						
WBT-10	310	278	245 - 305	Up-gradient		
WBT-11	220	165	180 - 210	Downgradient		

Table 4 - Average Concentration, Range, and Current Concentration of Monitoring Wells WBT-10 and WBT-11

	Division	WBT-10	WBT-10	WBT-11	WBT-11
Parameter	Profile I	Average	Current	Average	Current
	Reference	Concentration	Concentration	Concentration	Concentration
	Values	and (Range)	as of 1Q2017	and (Range)	as of 3Q2017
	(mg/L,	(mg/L, except as	(mg/L, except	(mg/L, except as	(mg/L, except
9	except as	noted)	as noted)	noted)	as noted)
	noted)	17.		156	
Alkalinity, HCO <sub>3</sub>		174 (147 - 187)	167	156 (149 - 178)	153
Arsenic	0.010	0.009 (<0.005 – 0.016)	0.01	<0.005 (<0.005 –0.013)	< 0.005
Iron	0.6	<0.020	< 0.020	<0.020 (<0.020 - 0.064)	<0.020
Mercury	0.002	<0.001	< 0.001	<0.001	< 0.001
Nitrate + Nitrite (as N)	10	1.8 (1.5 – 2.3)	2.0	5.3 (2.9 – 6.9)	4.3
pH (SU)	6.5 – 8.5	8.1 (7.3 – 8.5)	8.3	8.1 (7.7– 8.4)	8.3
Sulfate	500	25 (22 - 32)	25	46 (40 - 57)	41
Total Dissolved Solids	1,000	270 (130 - 670)	270	348 (310 - 390)	330
WAD Cyanide	0.2	<0.010 (<0.010 - 0.030)	·<0.010	<0.010 (<0.010 – 0.010)	<0.010

#### D. Procedures for Public Comment

The Notice of the Division's intent to issue a Permit authorizing the facility to close, subject to the conditions within the Permit, is being sent to the **Battle Mountain Bugle** in Battle

Mountain for publication. The Notice is being mailed to interested persons on the Bureau of Mining Regulation and Reclamation mailing list. Anyone wishing to comment on the proposed Permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

### E. Proposed Determination

The Division has made the tentative determination to issue the Permit.

# F. Proposed Limitations, Schedule of Compliance, Monitoring, Special Conditions

See Section I of the Permit.

## G. Rationale for Permit Requirements

The site is in post-closure monitoring. The heap draindown chemistry has remained stable since the 2002 renewal and is of relatively good quality. The modeled long-term heap draindown curve indicates a discharge of less than 0.3 gpm. The remaining fluid management components, the ETB, infiltration field, and groundwater monitoring wells will continue to be monitored. The ETB is a double-lined former process pond and the infiltration field has its own upgradient (WBT-10) and downgradient (WBT-11) monitoring wells. These well locations are designed to recognize any potential impacts to waters of the State in the least amount of time.

#### H. Federal Migratory Bird Treaty Act

Under the Federal Migratory Bird Treaty Act, 16 U.S. Code 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 Code of Federal Regulations 10, 15 April 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (e.g., by covering

Cortez Joint Venture dba Barrick Cortez Inc. Toiyabe Mine Project Permit No. NEV0060050 (Renewal 2018, Fact Sheet Revision 00) Page 12 of 12

with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by: Karl W. McCrea

Date:

21 December 2017

Revision 00:

Renewal 2018; effective date 6 January 2018