

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

January 24, 2019

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 24, 2019 Agenda Notice
- * (2) Approval of November 29, 2018 Meeting Minutes
- * (3) Approval of December 13, 2018 Meeting Minutes
- * (4) Approval of December 31, 2018 Meeting Minutes
- * (5) Approval of January 7, 2019 Meeting Minutes
- * (6) Approval of the Payment of Bills

(7) Approval of Payroll Change Requests**COMMISSIONERS***

- *(1)** Discussion and possible action to approve/disapprove the purchase of two (2) Urban/Brush fire trucks in an amount not to exceed \$350,000.00 for the Battle Mountain Volunteer Fire Department, and all other matters properly related thereto.

Public Comment

- *(2)** Discussion and possible action regarding approval/disapproval of a Parcel Map for 235 Pleasant Hill Drive, Battle Mountain, Nevada, APN 011-071-09, splitting one (1) 3.8 acre parcel into two (2) parcels, and all other matters properly related thereto.

Public Comment

- *(3)** Discussion and possible action regarding the annual Lander County Local Emergency Planning Committee (LEPC) Letter of Promulgation and authorization for the chair to sign, and all other matters properly related thereto.

Public Comment

AIRPORT

- *(4)** Discussion and possible action to approve/disapprove a grant application for the design only portion of the reconstruction and expansion of the West Airport Apron at the Battle Mountain Airport, and authorize the County Manager to sign, and all other matters properly related thereto.

Public Comment

- *(5)** Discussion only regarding the status of current and upcoming projects at the Austin and Battle Mountain Airport's, and all other matters properly related thereto.

Public Comment

BOARD APPOINTMENTS

- *(6)** Discussion and possible action regarding the appointment of one individual to serve as a Lander County Representative on the Lander County Conservation District, position

expiring two (2) years from appointment and to consider the following:

a) Jerry Annis;

and all other matters properly related thereto.

Public Comment

FINANCE

- *(7) Discussion and possible action to approve/disapprove the Plan of Corrective Action Letter to be sent to the State of Nevada Department of Taxation, and all other matters properly related thereto.

Public Comment

- *(8) Discussion and possible action regarding the direction the Board of Lander County Commissioners would like to take for the FY2019/20 budget, and all other matters properly related thereto.

Public Comment

***CORRESPONDENCE**

- *(9) Correspondence/reports/potential upcoming agenda items.

Public Comment

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.*

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 Manager 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 POSTING

State of Nevada)
) ss
County of Lander)

Keith Westengard, Lander County Manager of said Lander County, Nevada, being duly sworn, says, that on the 18th day of January, 2019, he posted a notice, of which the attached is a copy, at the following places: 1) 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.

Keith Westengard, Lander County Manager



Subscribed and sworn to before me this 18th day of January, 2019.

Witness



Name of Agenda: Lander County Board of Commissioners

Date of Meeting: January 24, 2019

Presentation by Kerri J. Ormerod, with the University of Nevada Cooperative Extension. She covered the Drought Impact Report, which indicates the severity of drought, in the State of Nevada. As of January 1st, 2019, the majority of the state is currently in moderate drought. The north eastern portion of the state is severe drought, and the western portion of the state, along the Sierra mountain range is abnormally dry.

The report directly deals with improving Nevada's monitoring, research and data reporting. The report briefly touches on the Southern Nevada Water Association, and their attempt to pipeline groundwater from Eastern Nevada to Las Vegas.

The authority had planned to build a 250 mile pipeline to pump water from basins in Spring Valley, Cave Valley, Dry Lake, and Delamar Valley. At this time, water officials have denied all SWA's rights for those basins. It has been appealed, and is going to the Nevada Supreme Court. Ms. Ormerod's report on "Living with Drought" was quite extensive, and can be accessed through www.unce.unr.edu/drought/

Also attending the meeting were Senator Hanson, and Assemblywoman Hanson. As a group AB 30, 51, 62, and BDR 278 were discussed.

- 30 **In brief**, relates to conflicts in permitting, gives the State Engineer the authority to avoid conflict, and approve an application. (copy attached)
- 51 **In brief**, requiring the State Engineer to adopt regulations relating to the conjunctive management of groundwater and surface water. Inclusive of "groundwater users, includes, without limitations, an owner of a domestic well. (copy attached)
- 62 **In brief**, revising time period in which the State Engineer may grant an extension for diversion of water completion; authorizing the State Engineer, under certain circumstances, to suspend the limitation on time (copy attached)
- 278.150 **In brief**, Master plan to integrate land use planning and water resources planning. Planning, preparing and adopting a comprehensive, long-term plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning. (copy attached)

ASSEMBLY BILL NO. 30—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 16, 2018

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the appropriation of
water. (BDR 48-214)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION — Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to water; authorizing the State Engineer, under
certain circumstances, to consider the approval of a
proposal to avoid or eliminate conflicts between an
applicant for a permit to appropriate water and the
existing holders of water rights and owners of domestic
wells; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Engineer to reject an application for a permit to
2 appropriate water to beneficial use if there is no unappropriated water at the source
3 of supply or if the proposed use or change of use of the water conflicts with
4 existing rights or protectable interests in existing domestic wells or threatens to
5 prove detrimental to the public interest. (NRS 533.370) **Section 1** of this bill
6 provides that before rejecting an application because the proposed use or change
7 conflicts with existing rights or protectable interests, the State Engineer may
8 consider certain proposals to avoid or eliminate the conflict. **Section 1** authorizes
9 the State Engineer to approve the application for such a permit on the conditions
10 that before the water is appropriated for beneficial use: (1) every measure or action
11 included in the proposal that the State Engineer determines is necessary to avoid or
12 eliminate the conflict is taken; and (2) the conflict is avoided or eliminated.
13 **Sections 2-9** of this bill make conforming changes.



- 2 -

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding
thereto a new section to read as follows:

1. *If there is water available for appropriation in the proposed source of supply, before rejecting an application because the proposed use or change set forth in an application conflicts with existing rights or protectable interests in domestic wells as set forth in NRS 533.024, the State Engineer may instead consider a proposal to avoid or eliminate the conflict, which may include, without limitation:*

(a) *An agreement between the applicant and each holder of existing rights and owner of a domestic well with whom the application conflicts;*

(b) *A monitoring, management and mitigation plan; or*

(c) *Any other plan to avoid or eliminate the conflict or replenish the source of supply impacted or depleted by the conflict.*

2. *If the State Engineer determines that a proposal submitted pursuant to subsection 1 will avoid or eliminate the conflict, the State Engineer may approve the application on the condition that before the applicant appropriates the water for beneficial use:*

(a) *Every measure or action included in the proposal that the State Engineer determines is necessary to avoid or eliminate the conflict is taken; and*

(b) *The conflict is avoided or eliminated.*

Sec. 2. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.



* A B 3 0 *

2. Except as otherwise provided in subsection 10 ~~11~~ and section 1 of this act, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.



* A B 3 0 *

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is



* A B 3 0 *

1 located and if the former owner of the water right or real property on
2 which a domestic well is located had previously filed a written
3 protest against the granting of an application, the successor in
4 interest must be allowed to pursue that protest in the same manner
5 as if the successor in interest were the former owner whose interest
6 he or she succeeded. If the successor in interest wishes to pursue the
7 protest, the successor in interest must notify the State Engineer in a
8 timely manner on a form provided by the State Engineer.

9 10. The provisions of subsections 1 to 9, inclusive, do not
10 apply to an application for an environmental permit or a temporary
11 permit issued pursuant to NRS 533.436 or 533.504.

12 11. The provisions of subsection 8 do not authorize the
13 recipient of an approved application to use any state land
14 administered by the Division of State Lands of the State Department
15 of Conservation and Natural Resources without the appropriate
16 authorization for that use from the State Land Registrar.

17 12. As used in this section, "domestic well" has the meaning
18 ascribed to it in NRS 534.350.

19 **Sec. 3.** NRS 533.371 is hereby amended to read as follows:

20 533.371 The State Engineer shall reject the application and
21 refuse to issue a permit to appropriate water for a specified period if
22 the State Engineer determines that:

- 23 1. The application is incomplete;
- 24 2. The prescribed fees have not been paid;
- 25 3. The proposed use is not temporary;
- 26 4. There is no water available from the proposed source of
27 supply without exceeding the perennial yield or safe yield of that
28 source;

29 5. ~~[The]~~ *Except as otherwise provided in section 1 of this act,*
30 *the proposed use conflicts with existing rights; or*

31 6. The proposed use threatens to prove detrimental to the
32 public interest.

33 **Sec. 4.** NRS 533.450 is hereby amended to read as follows:

34 533.450 1. Except as otherwise provided in NRS 533.353,
35 any person feeling aggrieved by any order or decision of the State
36 Engineer, acting in person or through the assistants of the State
37 Engineer or the water commissioner, affecting the person's interests,
38 when the order or decision relates to the administration of
39 determined rights or is made pursuant to NRS 533.270 to 533.445,
40 inclusive, *and section 1 of this act*, or NRS 533.481, 534.193,
41 535.200 or 536.200, may have the same reviewed by a proceeding
42 for that purpose, insofar as may be in the nature of an appeal, which
43 must be initiated in the proper court of the county in which the
44 matters affected or a portion thereof are situated, but on stream
45 systems where a decree of court has been entered, the action must be



* A B 3 0 *

1 initiated in the court that entered the decree. The order or decision of
2 the State Engineer remains in full force and effect unless
3 proceedings to review the same are commenced in the proper court
4 within 30 days after the rendition of the order or decision in
5 question and notice thereof is given to the State Engineer as
6 provided in subsection 3.

7 2. The proceedings in every case must be heard by the court,
8 and must be informal and summary, but full opportunity to be heard
9 must be had before judgment is pronounced.

10 3. No such proceedings may be entertained unless notice
11 thereof, containing a statement of the substance of the order or
12 decision complained of, and of the manner in which the same
13 injuriously affects the petitioner's interests, has been served upon
14 the State Engineer, personally or by registered or certified mail, at
15 the Office of the State Engineer at the State Capital within 30 days
16 following the rendition of the order or decision in question. A
17 similar notice must also be served personally or by registered or
18 certified mail upon the person who may have been affected by the
19 order or decision.

20 4. Where evidence has been filed with, or testimony taken
21 before, the State Engineer, a transcribed copy thereof, or of any
22 specific part of the same, duly certified as a true and correct
23 transcript in the manner provided by law, must be received in
24 evidence with the same effect as if the reporter were present and
25 testified to the facts so certified. A copy of the transcript must be
26 furnished on demand, at actual cost, to any person affected by the
27 order or decision, and to all other persons on payment of a
28 reasonable amount therefor, to be fixed by the State Engineer.

29 5. An order or decision of the State Engineer must not be
30 stayed unless the petitioner files a written motion for a stay with the
31 court and serves the motion personally or by registered or certified
32 mail upon the State Engineer, the applicant or other real party in
33 interest and each party of record within 10 days after the petitioner
34 files the petition for judicial review. Any party may oppose the
35 motion and the petitioner may reply to any such opposition. In
36 determining whether to grant or deny the motion for a stay, the court
37 shall consider:

38 (a) Whether any nonmoving party to the proceeding may incur
39 any harm or hardship if the stay is granted;

40 (b) Whether the petitioner may incur any irreparable harm if the
41 stay is denied;

42 (c) The likelihood of success of the petitioner on the merits; and

43 (d) Any potential harm to the members of the public if the stay
44 is granted.



6. Except as otherwise provided in this subsection, the petitioner must file a bond in an amount determined by the court, with sureties satisfactory to the court and conditioned in the manner specified by the court. The bond must be filed within 5 days after the court determines the amount of the bond pursuant to this subsection. If the petitioner fails to file the bond within that period, the stay is automatically denied. A bond must not be required for a public agency of this State or a political subdivision of this State.

7. Costs must be paid as in civil cases brought in the district court, except by the State Engineer or the State.

8. The practice in civil cases applies to the informal and summary character of such proceedings, as provided in this section.

9. Appeals may be taken to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution from the judgment of the district court in the same manner as in other civil cases.

10. The decision of the State Engineer is prima facie correct, and the burden of proof is upon the party attacking the same.

11. Whenever it appears to the State Engineer that any litigation, whether now pending or hereafter brought, may adversely affect the rights of the public in water, the State Engineer shall request the Attorney General to appear and protect the interests of the State.

Sec. 5. NRS 533.475 is hereby amended to read as follows:

533.475 The State Engineer and the assistants of the State Engineer shall have power to arrest any person violating any of the provisions of NRS 533.005 to 533.470, inclusive, *and section 1 of this act* and to turn that person over to the sheriff or other competent police officer within the county. Immediately on delivering any such person so arrested into the custody of the sheriff, the State Engineer or assistant making such arrest shall immediately, in writing, and upon oath, make a complaint before the justice of the peace against the person so arrested.

Sec. 6. NRS 533.480 is hereby amended to read as follows:

533.480 Any person violating any of the provisions of NRS 533.005 to 533.475, inclusive, *and section 1 of this act* shall be guilty of a misdemeanor.

Sec. 7. NRS 533.515 is hereby amended to read as follows:

533.515 1. No permit for the appropriation of water or application to change the point of diversion, manner of use or place of use under an existing water right may be denied because of the fact that the point of diversion described in the application for the permit, or any portion of the works in the application described and to be constructed for the purpose of storing, conserving, diverting or



1 distributing the water are situated in any other state; but in all such
2 cases where the place of intended use, or the lands, or part of the
3 lands identified as the place of use, are situated within this state, the
4 permit must be issued as in other cases, pursuant to the provisions of
5 NRS 533.324 to 533.450, inclusive, *and section 1 of this act*, and
6 chapter 534 of NRS.

7 2. The permit must not purport to authorize the doing or
8 refraining from any act or thing, in connection with the system of
9 appropriation, not properly within the scope of the jurisdiction of
10 this state and the State Engineer to grant.

11 **Sec. 8.** NRS 533.520 is hereby amended to read as follows:

12 533.520 1. Any person who files an application for a permit
13 to appropriate water from above or beneath the surface of the
14 ground for use outside this State, or to change the point of diversion
15 under an existing water right which has a place of use outside of this
16 State, or to change the place of use of water from a location in this
17 State to a location outside this State under an existing right, must
18 file an application with the State Engineer for a permit to do so
19 pursuant to provisions of NRS 533.324 to 533.450, inclusive, *and*
20 *section 1 of this act*, and chapter 534 of NRS.

21 2. The State Engineer may approve such an application if the
22 State Engineer determines that the applicant's use of the water
23 outside this State complies with the requirements of NRS 533.324 to
24 533.450, inclusive, *and section 1 of this act* and those provisions of
25 chapter 534 of NRS pertaining to the appropriation of water. In
26 making the determination, the State Engineer shall consider:

- 27 (a) The supply of water available in this State;
- 28 (b) The current and reasonably anticipated demands for water in
29 this State;
- 30 (c) The current or reasonably anticipated shortages of water in
31 this State;
- 32 (d) Whether the water that is the subject of the application could
33 feasibly be used to alleviate current or reasonably anticipated
34 shortages of water in this State;
- 35 (e) The supply and sources of water available to the applicant in
36 the state in which the applicant intends to use the water;
- 37 (f) The demands placed on the applicant's supply of water in the
38 state in which he or she intends to use the water; and
- 39 (g) Whether the request in the application is reasonable, taking
40 into consideration the factors set forth in paragraphs (a) to (f),
41 inclusive.

42 3. The State Engineer may, as a condition to the approval of
43 such an application, require the applicant to file a certificate from
44 the appropriate official in the state in which the water is to be used,
45 indicating to the satisfaction of the State Engineer that the intended



1 use of the water would be beneficial and that the appropriation is
2 feasible.

3 4. A person who is granted a permit pursuant to this section
4 shall comply with the laws and regulations of this State governing
5 the appropriation and use of water, as amended from time to time,
6 and any change in the point of diversion, manner of use or place of
7 use of water under a permit issued pursuant to this section is subject
8 to the requirements of this section.

9 5. The State Engineer may, as a condition of the approval of
10 any permit granted pursuant to this section, require that the use of
11 water in another state be subject to the same regulations and
12 restrictions that may be imposed upon the use of water in this State.

13 6. Upon submittal of an application under this section, the
14 applicant and, if the applicant is a natural person, the personal
15 representative of the person, are subject to the jurisdiction of the
16 courts of this State and to service of process as provided in
17 NRS 14.065.

18 **Sec. 9.** NRS 534.110 is hereby amended to read as follows:

19 534.110 1. The State Engineer shall administer this chapter
20 and shall prescribe all necessary regulations within the terms of this
21 chapter for its administration.

22 2. The State Engineer may:

23 (a) Require periodical statements of water elevations, water
24 used, and acreage on which water was used from all holders of
25 permits and claimants of vested rights.

26 (b) Upon his or her own initiation, conduct pumping tests to
27 determine if overpumping is indicated, to determine the specific
28 yield of the aquifers and to determine permeability characteristics.

29 3. The State Engineer shall determine whether there is
30 unappropriated water in the area affected and may issue permits
31 only if the determination is affirmative. The State Engineer may
32 require each applicant to whom a permit is issued for a well:

33 (a) For municipal, quasi-municipal or industrial use; and

34 (b) Whose reasonably expected rate of diversion is one-half
35 cubic foot per second or more,
36 to report periodically to the State Engineer concerning the effect
37 of that well on other previously existing wells that are located within
38 2,500 feet of the well.

39 4. It is a condition of each appropriation of groundwater
40 acquired under this chapter that the right of the appropriator relates
41 to a specific quantity of water and that the right must allow for a
42 reasonable lowering of the static water level at the appropriator's
43 point of diversion. In determining a reasonable lowering of the static
44 water level in a particular area, the State Engineer shall consider the
45 economics of pumping water for the general type of crops growing



* A B 3 0 *

1 and may also consider the effect of using water on the economy of
2 the area in general.

3 5. This section does not prevent the granting of permits to
4 applicants later in time on the ground that the diversions under the
5 proposed later appropriations may cause the water level to be
6 lowered at the point of diversion of a prior appropriator, so long as
7 any protectable interests in existing domestic wells as set forth in
8 NRS 533.024 and the rights of holders of existing appropriations
9 can be satisfied under such express conditions ~~that~~ *or a proposal to*
10 *avoid or eliminate a conflict is approved by the State Engineer*
11 *pursuant to section 1 of this act.* At the time a permit is granted for
12 a well:

13 (a) For municipal, quasi-municipal or industrial use; and

14 (b) Whose reasonably expected rate of diversion is one-half
15 cubic foot per second or more,

16 ↪ the State Engineer shall include as a condition of the permit that
17 pumping water pursuant to the permit may be limited or prohibited
18 to prevent any unreasonable adverse effects on an existing domestic
19 well located within 2,500 feet of the well, unless the holder of the
20 permit and the owner of the domestic well have agreed to alternative
21 measures that mitigate those adverse effects.

22 6. Except as otherwise provided in subsection 7, the State
23 Engineer shall conduct investigations in any basin or portion thereof
24 where it appears that the average annual replenishment to the
25 groundwater supply may not be adequate for the needs of all
26 permittees and all vested-right claimants, and if the findings of the
27 State Engineer so indicate, the State Engineer may order that
28 withdrawals, including, without limitation, withdrawals from
29 domestic wells, be restricted to conform to priority rights.

30 7. The State Engineer:

31 (a) May designate as a critical management area any basin in
32 which withdrawals of groundwater consistently exceed the perennial
33 yield of the basin.

34 (b) Shall designate as a critical management area any basin in
35 which withdrawals of groundwater consistently exceed the perennial
36 yield of the basin upon receipt of a petition for such a designation
37 which is signed by a majority of the holders of certificates or
38 permits to appropriate water in the basin that are on file in the Office
39 of the State Engineer.

40 ↪ The designation of a basin as a critical management area pursuant
41 to this subsection may be appealed pursuant to NRS 533.450. If a
42 basin has been designated as a critical management area for at least
43 10 consecutive years, the State Engineer shall order that
44 withdrawals, including, without limitation, withdrawals from
45 domestic wells, be restricted in that basin to conform to priority



1 rights, unless a groundwater management plan has been approved
2 for the basin pursuant to NRS 534.037.

3 8. In any basin or portion thereof in the State designated by the
4 State Engineer, the State Engineer may restrict drilling of wells in
5 any portion thereof if the State Engineer determines that additional
6 wells would cause an undue interference with existing wells. Any
7 order or decision of the State Engineer so restricting drilling of such
8 wells may be reviewed by the district court of the county pursuant to
9 NRS 533.450.

10 **Sec. 10.** This act becomes effective upon passage and
11 approval.

Ⓢ



* A B 3 0 *

REQUIRES TWO-THIRDS MAJORITY VOTE (§ 4)

A.B. 51

ASSEMBLY BILL NO. 51—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2018

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the management of
water. (BDR 48-213)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§ 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

EXPLANATION—Matter in *bolded italics* is new; matter between brackets [~~omitted material~~] is material to be omitted.

AN ACT relating to water; requiring the State Engineer to adopt regulations relating to the conjunctive management of groundwater and surface water; authorizing the State Engineer to impose certain special assessments related to a program for the conjunctive management of groundwater and surface water; providing that certain water rights are not subject to abandonment or forfeiture; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law declares that it is the policy of this State to manage conjunctively
- 2 all waters of this State, regardless of the source of water. (NRS 533.024) **Section 3**
- 3 of this bill requires the State Engineer to adopt regulations related to the
- 4 conjunctive management of groundwater and surface water. The regulations may
- 5 include, without limitation: (1) requirements or guidelines for establishing
- 6 mitigation plans; (2) the creation of a program for the conjunctive management of
- 7 groundwater and surface water in a particular hydrographic basin to mitigate
- 8 conflicts between groundwater and surface water users; and (3) any other provision
- 9 necessary to conjunctively manage groundwater and surface water, determine the



* A B 5 1 *

amount of conflict between groundwater and surface water users or resolve a conflict between groundwater and surface water users.

Section 4 of this bill authorizes the State Engineer to levy certain special assessments related to a program for the conjunctive management of groundwater and surface water. Section 7 of this bill provides that the partial abatements of property taxes does not apply to any such special assessment, consistent with other assessments levied against groundwater and surface water users.

Section 5 of this bill provides that a right to groundwater or surface water that is not being used because of a program for the conjunctive management of groundwater or surface water is not subject to forfeiture or abandonment for as long as the program is in effect.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 2 to 5, inclusive, of this act, "groundwater user" includes, without limitation, an owner of a domestic well.*

Sec. 3. 1. *The State Engineer shall adopt regulations related to the conjunctive management of groundwater and surface water. In adopting such regulations, the State Engineer must recognize existing uses of water while protecting water rights that are senior in priority.*

2. *The regulations adopted pursuant to this section may include, without limitation:*

(a) *Requirements or guidelines for establishing a mitigation plan to address conflicts between groundwater and surface water users.*

(b) *The creation of a program for the conjunctive management of groundwater and surface water in a hydrographic basin in the State in order to mitigate conflicts between groundwater and surface water users.*

(c) *Any other provision that the State Engineer finds necessary to conjunctively manage groundwater and surface water, determine the amount of conflict between groundwater and surface water users or resolve a conflict between groundwater and surface water users.*

Sec. 4. 1. *If the State Engineer creates a program for the conjunctive management of groundwater and surface water in a hydrographic basin, the State Engineer:*

(a) *Is not required to curtail a groundwater user who has a conflict with a surface water user whose water right is senior in priority if the State Engineer finds that curtailment will not be*



- 3 -

1 effective to provide water for the beneficial use of the surface
2 water user.

3 (b) May require a groundwater user to furnish replacement
4 water to a surface water user so long as the replacement water is
5 of sufficient quality.

6 (c) May levy a special assessment annually or at such times as
7 needed against the taxable property of a groundwater user for the
8 purpose of providing compensation for a conflict or injurious
9 depletion of a surface water user whose water right is senior in
10 priority to the groundwater user's water right or protectable
11 interest in a domestic well, as applicable. Any such special
12 assessment must be proportionate to the amount of conflict caused
13 by the groundwater user to the surface water user whose water
14 right is senior in priority.

15 (d) May levy a special assessment annually or at such times as
16 needed against the taxable property of water users in the basin to
17 pay for the expenses of administering the program.

18 2. Any charge or fee levied pursuant to subsection 1 must be:

19 (a) Collected on the tax roll in the same manner, by the same
20 persons, and at the same time as the county's general taxes. Such
21 charge or fee is a lien against the property.

22 (b) Accounted for separately and may only be used for the
23 purposes described in subsection 1.

24 Sec. 5. If the State Engineer creates a program for the
25 conjunctive management of groundwater and surface water in a
26 hydrographic basin, a right to groundwater or surface water that
27 is not being used because of the program is not subject to a
28 determination of abandonment or forfeiture for as long as the
29 program is in effect.

30 Sec. 6. NRS 534.090 is hereby amended to read as follows:

31 534.090 1. Except as otherwise provided in this section ~~and~~
32 and section 5 of this act, failure for 5 successive years after
33 April 15, 1967, on the part of the holder of any right, whether it is
34 an adjudicated right, an unadjudicated right or a right for which a
35 certificate has been issued pursuant to NRS 533.425, and further
36 whether the right is initiated after or before March 25, 1939, to use
37 beneficially all or any part of the underground water for the purpose
38 for which the right is acquired or claimed, works a forfeiture of both
39 undetermined rights and determined rights to the use of that water to
40 the extent of the nonuse.

41 2. If the records of the State Engineer or any other documents
42 obtained by or provided to the State Engineer indicate 4 or more
43 consecutive years of nonuse of all or any part of a water right which
44 is governed by this chapter:



1 (a) The State Engineer shall notify the owner of the water right,
2 as determined in the records of the Office of the State Engineer, by
3 registered or certified mail of the nonuse and that the owner has 1
4 year after the date of the notice of nonuse in which to use the water
5 right beneficially and to provide proof of such use to the State
6 Engineer or apply for relief pursuant to subsection 3 to avoid
7 forfeiting the water right.

8 (b) If, after 1 year after the date of the notice of nonuse pursuant
9 to paragraph (a), proof of resumption of beneficial use is not filed in
10 the Office of the State Engineer, the State Engineer shall, unless the
11 State Engineer has granted a request to extend the time necessary to
12 work a forfeiture of the water right, send a final notice to the owner
13 of the water right, as determined in the records of the Office of the
14 State Engineer, by registered or certified mail, that the water right is
15 held for forfeiture. If the owner of the water right, within 30 days
16 after the date of such final notice, fails to file the required proof of
17 resumption of beneficial use or an application for an extension of
18 time to prevent forfeiture, the State Engineer shall declare the right,
19 or the portion of the right not returned to beneficial use, forfeited.
20 The State Engineer shall send notice of the declaration of forfeiture,
21 by registered or certified mail, to the owner of record, as determined
22 in the records of the Office of the State Engineer, of the water right
23 that has been declared forfeited.

24 (c) If, after receipt of a notice of the declaration of forfeiture
25 pursuant to paragraph (b), the owner of record of the water right
26 fails to appeal the ruling in the manner provided for in NRS
27 533.450, and within the time provided for therein, the forfeiture
28 becomes final. Upon the forfeiture of the water right, the water
29 reverts to the public and is available for further appropriation,
30 subject to existing rights.

31 3. The State Engineer may, upon the request of the holder of
32 any right described in subsection 1, extend the time necessary to
33 work a forfeiture under subsection 2 if the request is made before
34 the expiration of the time necessary to work a forfeiture. Except as
35 otherwise provided in subsection 4, the State Engineer may grant,
36 upon request and for good cause shown, any number of extensions,
37 but a single extension must not exceed 1 year. In determining
38 whether to grant or deny a request, the State Engineer shall, among
39 other reasons, consider:

40 (a) Whether the holder has submitted proof and evidence that
41 the holder is proceeding in good faith and with reasonable diligence
42 to resume use of the water beneficially for the purpose for which the
43 holder's right is acquired or claimed;

44 (b) The number of years during which the water has not been
45 put to the beneficial use for which the right is acquired or claimed;



* A B 5 1 *

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Whether the water right is located in a basin within a county under a declaration of drought by the Governor, United States Secretary of Agriculture or the President of the United States;

(e) Whether the holder has demonstrated efforts to conserve water which have resulted in a reduction in water consumption;

(f) Whether the water right is located in a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110;

(g) The date of priority of the water right as it relates to the potential curtailment of water use in the basin;

(h) The availability of water in the basin, including, without limitation, whether withdrawals of water consistently exceed the perennial yield of the basin; and

(i) Any orders restricting use or appropriation of water in the basin.

↪ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall declare the water right, or the portion of the right not returned to beneficial use, forfeited.

4. If the State Engineer grants an extension pursuant to subsection 1 in a basin:

(a) Where withdrawals of groundwater consistently exceed the perennial yield of the basin; or

(b) That has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110,

↪ a single extension must not exceed 3 years, but any number of extensions may be granted to the holder of such a right.



1 5. The failure to receive a notice pursuant to subsection 2 or 3
2 does not nullify the forfeiture or extend the time necessary to work
3 the forfeiture of a water right.

4 6. A right to use underground water whether it is vested or
5 otherwise may be lost by abandonment. If the State Engineer, in
6 investigating a groundwater source, upon which there has been a
7 prior right, for the purpose of acting upon an application to
8 appropriate water from the same source, is of the belief from his or
9 her examination that an abandonment has taken place, the State
10 Engineer shall so state in the ruling approving the application. If,
11 upon notice by registered or certified mail to the owner of record
12 who had the prior right, the owner of record of the prior right fails to
13 appeal the ruling in the manner provided for in NRS 533.450, and
14 within the time provided for therein, the alleged abandonment
15 declaration as set forth by the State Engineer becomes final.

16 **Sec. 7.** NRS 361.47111 is hereby amended to read as follows:

17 361.47111 "Ad valorem taxes" does not include any
18 assessments levied pursuant to NRS 533.190, 533.285 or 534.040 ~~[-]~~
19 *or section 4 of this act.*

20 **Sec. 8.** The provisions of NRS 354.599 do not apply to any
21 additional expenses of a local government that are related to the
22 provisions of this act.

23 **Sec. 9.** This act becomes effective:

24 1. Upon passage and approval for the purpose of adopting
25 regulations and performing any other administrative tasks that are
26 necessary to carry out the provisions of this act; and

27 2. On July 1, 2019, for all other purposes.

30



A.B. 62

ASSEMBLY BILL NO. 62—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 19, 2018

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions related to water. (BDR 48-215)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

AN ACT relating to water; revising the time period for which the State Engineer may grant an extension for the completion of work for the diversion of water; authorizing, under certain circumstances, the State Engineer to suspend the limitation of time for the completion of work set forth in a permit or an extension previously granted; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Upon approving an application for a permit to appropriate water, existing law authorizes the State Engineer to extend, under certain circumstances, the deadline by which construction related to the appropriation of water or the application of water to a beneficial use must be completed or made. With limited exceptions, any number of extensions may be granted, but a single extension may not exceed 5 years. (NRS 533.380, 533.390, 533.410)

Section 2 of this bill revises the provisions relating to extending the deadline by which construction related to the appropriation of water must be completed. If a permit has been issued for a project that includes the municipal use of water, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 15 years. If a permit has been issued for a project that is not a municipal use and that includes the diversion of 2 or more cubic feet of water per second or the cultivation of at least 100 acres of land, the State Engineer may grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 10 years. If a permit has been issued for any other purpose, the State Engineer may



* A B 6 2 *

grant one or more extensions, but the total number of extensions may not extend the construction deadline for more than 5 years.

Section 2 also authorizes the State Engineer to suspend the limitation of time for the completion of construction set forth in a permit or any extension if the permit holder submits sufficient proof to the State Engineer demonstrating that the person has been unable to complete the work because of certain pending administrative or court actions.

Sections 1 and 3 of this bill make conforming changes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, ~~grant any number of extensions of~~ *extend the* time within which construction work must be completed ~~or~~ *or* water must be applied to a beneficial use under any permit therefor issued by the State Engineer ~~but a single extension of time must not exceed 5 years.~~ *in accordance with the provisions of this section and*



1 NRS 533.390 and 533.410. An application for the extension must in
2 all cases be:

3 (a) Made within 30 days following notice by registered or
4 certified mail that proof of the work is due as provided for in NRS
5 533.390 and 533.410; and

6 (b) Accompanied by proof and evidence of the good faith and
7 reasonable diligence with which the applicant is pursuing the
8 perfection of the application.

9 ↳ The State Engineer shall not grant an extension of time unless the
10 State Engineer determines from the proof and evidence so submitted
11 that the applicant is proceeding in good faith and with reasonable
12 diligence to perfect the application. The failure to provide the proof
13 and evidence required pursuant to this subsection is prima facie
14 evidence that the holder is not proceeding in good faith and with
15 reasonable diligence to perfect the application.

16 4. Except as otherwise provided in subsection 5 and NRS
17 533.395, whenever the holder of a permit issued for any municipal
18 or quasi-municipal use of water on any land referred to in paragraph
19 (b) of subsection 1, or for any use which may be served by a county,
20 city, town, public water district or public water company, requests
21 an extension of time to apply the water to a beneficial use, the State
22 Engineer shall, in determining whether to grant or deny the
23 extension, consider, among other factors:

24 (a) Whether the holder has shown good cause for not having
25 made a complete application of the water to a beneficial use;

26 (b) The number of parcels and commercial or residential units
27 which are contained in or planned for the land being developed or
28 the area being served by the county, city, town, public water district
29 or public water company;

30 (c) Any economic conditions which affect the ability of the
31 holder to make a complete application of the water to a beneficial
32 use;

33 (d) Any delays in the development of the land or the area being
34 served by the county, city, town, public water district or public
35 water company which were caused by unanticipated natural
36 conditions; and

37 (e) The period contemplated in the:

38 (1) Plan for the development of a project approved by the
39 local government pursuant to NRS 278.010 to 278.460, inclusive; or

40 (2) Plan for the development of a planned unit development
41 recorded pursuant to chapter 278A of NRS,

42 ↳ if any, for completing the development of the land.

43 5. The provisions of subsections 1 and 4 do not apply to an
44 environmental permit or a temporary permit issued pursuant to NRS
45 533.436 or 533.504.



6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 2. NRS 533.390 is hereby amended to read as follows:

533.390 1. Any person holding a permit from the State Engineer shall, on or before the date set for the completion of the work, file in detail a description of the work as actually constructed. This statement must be verified by the affidavit of the applicant or the applicant's agent or attorney.

2. Should any person holding a permit from the State Engineer fail to file with the State Engineer the proof of completion of work, as provided in this chapter, the State Engineer shall advise the holder of the permit, by registered or certified mail, that it is held for cancellation, and should the holder, within 30 days after the mailing of such advice, fail to file the required affidavit, the State Engineer shall cancel the permit. For good cause shown, upon application made prior to the expiration of the 30-day period, the State Engineer may, in his or her discretion, grant ~~an extension~~ *one or more extensions* of time in which to file the instruments. *If a permit has been issued for:*

(a) A project that includes the municipal use of water, the State Engineer may extend the deadline for the completion of work for not more than 15 years from the date set for the completion of the work. In addition to the requirements set forth in NRS 533.380, the person holding the permit must demonstrate to the State Engineer that:

(1) Additional time is necessary to organize the financing and construction of the work due to the size of the project; and

(2) The person has spent at least \$50,000 on the construction of the work, including, without limitation, expenditures for the purchase of rights-of-way or property.

(b) A project that does not include the municipal use of water and includes the diversion of 2 or more cubic feet of water per second or the cultivation of 100 acres of land or more, the State Engineer may extend the deadline for the completion of work for not more than 10 years from the date set for the completion of the work in the permit.

(c) Any other purpose, the State Engineer may extend the deadline for the completion of work for not more than 5 years from the date set for the completion of the work in the permit.



* A B 6 2 *

- 5 -

1 3. The limitation of time for the completion of work set forth
 2 in a permit or an extension granted pursuant to this section may
 3 be suspended by the State Engineer if, at the time that proof of
 4 completion of work is due pursuant to the permit or an extension,
 5 as applicable, the person holding the permit submits to the State
 6 Engineer sufficient proof that the person has been unable to
 7 complete the work because of a pending:

8 (a) Application with the Federal Government, the State or a
 9 local government for some type of consent or approval that is
 10 necessary to complete construction of the project, including,
 11 without limitation, a right-of-way or any permit or other approval
 12 related to development of land.

13 (b) Court action or adjudication which may affect the person's
 14 water rights which are involved in the project.

15 ➤ The person holding the permit is not required to submit an
 16 application or fee for an extension in order for the State Engineer
 17 to suspend the limitation of time for completion of the work
 18 pursuant to this subsection.

19 Sec. 3. NRS 533.410 is hereby amended to read as follows:

20 533.410 If any holder of a permit from the State Engineer fails,
 21 before the date set for filing in the permit or the date set by any
 22 extension granted by the State Engineer, to file with the State
 23 Engineer proof of application of water to beneficial use, and the
 24 accompanying map, if a map is required, the State Engineer shall
 25 advise the holder of the permit, by registered or certified mail, that
 26 the permit is held for cancellation. If the holder, within 30 days after
 27 the mailing of this notice, fails to file with the State Engineer the
 28 required affidavit and map, if a map is required, or an application
 29 for an extension of time to file the instruments, the State Engineer
 30 shall cancel the permit. For good cause shown, upon application
 31 made before the expiration of the 30-day period, the State Engineer
 32 may grant an extension of time in which to file the instruments. *The*
 33 *State Engineer may grant any number of extensions pursuant to*
 34 *this section but a single extension of time must not exceed 5 years.*

35 Sec. 4. This act becomes effective upon passage and approval.

(30)



POSSIBLE LANGUAGE TO INTEGRATE LAND USE PLANNING AND WATER RESOURCES PLANNING

Proposed language to be added is blue bolded and italicized

~~Proposed language to be deleted is red strikethrough~~

NRS 278.150 Master plan: Preparation and adoption by planning commission; adoption by governing body of city or county.

1. The planning commission shall prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region which in the commission's judgment bears relation to the planning thereof.

2. The plan must be known as the master plan, and must be so prepared that all or portions thereof, except as otherwise provided in subsections 3, 4 and 5, may be adopted by the governing body, as provided in NRS 278.010 to 278.630, inclusive, as a basis for the development of the city, county or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby.

3. In counties whose population is less than 100,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion:

(a) ~~a~~ **An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160 and**

(b) **A water resources plan as described in paragraph (i) of subsection 1 of NRS 278.160.**

4. In counties whose population is 100,000 or more but less than 700,000, if the governing body of the city or county adopts only a portion of the master plan, it shall include in that portion:

(a) A conservation plan of the conservation element, as described in subparagraph (1) of paragraph (a) of subsection 1 of NRS 278.160;

(b) The housing element, as described in paragraph (c) of subsection 1 of NRS 278.160;

(c) A population plan of the public facilities and services element, as described in subparagraph (2) of paragraph (e) of subsection 1 of NRS 278.160; and

(d) An aboveground utility plan of the public facilities and services element, as described in subparagraph (3) of paragraph (e) of subsection 1 of NRS 278.160; and

(e) **A water resources plan as described in paragraph (i) of subsection 1 of NRS 278.160.**

5. In counties whose population is 700,000 or more, the governing body of the city or county shall adopt a master plan for all of the city or county that must address each of the elements set forth in paragraphs (a) to (h) (i), inclusive, of subsection 1 of NRS 278.160.

[Part 8:110:1941; A 1947, 834; 1943 NCL § 5063.07] — (NRS A 1973, 1241; 1979, 530; 1995, 2225; 2001, 1679; 2011, 1183; 2013, 1499, 3219; 2017, 1353)

NRS 278.160 Elements of master plan.

1. Except as otherwise provided in this section and NRS 278.150 and 278.170, the master plan, with the accompanying charts, drawings, diagrams, schedules and reports, may include such of the following elements or portions thereof as are appropriate to the city, county or region, and as may be made the basis for the physical development thereof:

(a) A conservation element, which must include:

(1) A conservation plan for the conservation, development and utilization of natural resources, including, without limitation, water and its hydraulic force, underground water, water supply, solar or wind energy, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals and other natural resources. The conservation plan must also cover the reclamation of land and waters, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan, prevention, control and correction of the erosion of soils through proper clearing, grading and landscaping, beaches and shores, and protection of watersheds. The conservation plan must also indicate the maximum tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

(II) May include a provision concerning the acquisition and use of land that is under federal management within the city, county or region, including, without limitation, a plan or statement of policy prepared pursuant to NRS 321.7355.

(3) In any county whose population is 700,000 or more, a rural neighborhoods preservation plan showing general plans to preserve the character and density of rural neighborhoods.

(e) A public facilities and services element, which must include:

(1) An economic plan showing recommended schedules for the allocation and expenditure of public money to provide for the economical and timely execution of the various components of the plan.

(2) A population plan setting forth an estimate of the total population which the natural resources of the city, county or region will support on a continuing basis without unreasonable impairment.

(3) An aboveground utility plan that shows corridors designated for the construction of aboveground utilities and complies with the provisions of NRS 278.165.

(4) Provisions concerning public buildings showing the locations and arrangement of civic centers and all other public buildings, including the architecture thereof and the landscape treatment of the grounds thereof.

(5) Provisions concerning public services and facilities showing general plans for sewage, drainage and utilities, and rights-of-way, easements and facilities therefor, including, without limitation, any utility projects required to be reported pursuant to NRS 278.145. If a public utility which provides electric service notifies the planning commission that a new transmission line or substation will be required to support the master plan, those facilities must be included in the master plan. The utility is not required to obtain an easement for any such transmission line as a prerequisite to the inclusion of the transmission line in the master plan.

(6) A school facilities plan showing the general locations of current and future school facilities based upon information furnished by the appropriate county school district.

(f) A recreation and open space element, which must include a recreation plan showing a comprehensive system of recreation areas, including, without limitation, natural reservations, parks, parkways, trails, reserved riverbank strips, beaches, playgrounds and other recreation areas, including, when practicable, the locations and proposed development thereof.

(g) A safety element, which must include:

(1) In any county whose population is 700,000 or more, a safety plan identifying potential types of natural and man-made hazards, including, without limitation, hazards from floods, landslides or fires, or resulting from the manufacture, storage, transfer or use of bulk quantities of hazardous materials. The safety plan may set forth policies for avoiding or minimizing the risks from those hazards.

(2) A seismic safety plan consisting of an identification and appraisal of seismic hazards such as susceptibility to surface ruptures from faulting, to ground shaking or to ground failures.

(h) A transportation element, which must include:

(1) A streets and highways plan showing the general locations and widths of a comprehensive system of major traffic thoroughfares and other traffic ways and of streets and the recommended treatment thereof, building line setbacks, and a system of naming or numbering streets and numbering houses, with recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) A water resources element that addresses:

(1) The known legally and physically available surface water, groundwater and effluent supplies.

(2) The demand for water that will result from future growth projected in the master plan, added to existing uses.

(3) An analysis of how the demand for water that will result from future growth projected in the master plan will be served by the water supplies identified in subsection (1) of this paragraph or a plan to obtain additional sustainable water supplies.

(j) An urban agricultural element, which must include a plan to inventory any vacant lands owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, prohibits the preparation and adoption of any such element as a part of the master plan.

Tab 7

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201505


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

TETON SIGNS

01/03/19

201505

01/02/19

5170 FA-22

12/28/18 CUSTOM BRACKETS

1,425.00

1,425.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201504


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

PEGGY RENEE SURLA

01/03/19

201504

01/02/19

12/26/18 - 12/28/18

GENERAL ELECTION 2018

381.34

381.34

PLEASE DETACH AND FILE

***Cindy Benson
Lander County Fiscal Officer***



ACKNOWLEDGEMENT OF REVIEW & AUTHORIZATION

DATE

Cindy Benson

Fiscal Officer

01-07-19

LANDER COUNTY COMMISSION MEETING

January 24, 2019

RATIFY

SUBMITTED EXPENDITURES IN THE AMOUNT OF \$141,980.83

From Check #201507 thru #201541

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

Report No: PE1308
Run Date : 01/03/19
LANDER COUNTY
CHECK REGISTER 1/07/19

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
201507	AMPED-OUT-ELECTRICAL, LLC	12/12/18 #8 WELL HEATER		1/07/19	96142	1,670.22	
		12/26/18 DOG POUND		1/07/19	96142	1,502.13	3,172.35
201508	B M CHAMBER OF COMMERCE	LEDA MEMBERSHIP		1/07/19	96144	75.00	75.00
201509	TINA MARIE BISIAUX	PATCH CHANGES		1/07/19	96143	260.00	260.00
201510	BOSS TANKS, INC.	12/20/18 CULVERT/HEADGATE		1/07/19	96145	2,406.00	2,406.00
201511	MAX W. BUNCH	RETIREMENT GIFT/ROBE CLING		1/07/19	96146	106.54	106.54
201512	DEBORAH CARDOZA	12/22/18 AUSTIN EMS RUN		1/07/19	96147	100.00	
		12/25/18 AUSTIN EMS RUN		1/07/19	96147	100.00	
		12/26/18 AUSTIN EMS RUN		1/07/19	96147	100.00	300.00
201513	CHIP COLPITTS	12/22/18 AUSTIN EMS RUN		1/07/19	96148	50.00	
		12/25/18 AUSTIN EMS RUN		1/07/19	96148	50.00	
		12/26/18 AUSTIN EMS RUN		1/07/19	96148	50.00	150.00
201514	ECOLAB	12/10/18 MACHINE RENTAL		1/07/19	96149	95.61	95.61
201515	GEM ST. PAPER & SUPPLY CO	11/15/18 MAXITHINS		1/07/19	96150	92.36	
		12/27/18 BATTERIES		1/07/19	96150	37.50	
		12/27/18 BATTERIES		1/07/19	96150	37.50	167.36
201516	GRAPHICS UNLIMITED	12/21/18 GRAPHICS WTR TNK		1/07/19	96155	1,191.00	1,191.00
201517	H.B. HUNEWILL CONST.CO.,	12/13/18 CONNECT NEW WELL		1/07/19	96151	999.00	999.00
201518	I&E ELECTRIC	11/30/18 PUMP 9A SERVICE		1/07/19	96175	24,011.75	
		11/30/18 WELL 9A SCADA		1/07/19	96175	18,942.00	
		11/30/18 BLDG/PUMP HOOKUP		1/07/19	96175	18,492.15	
		11/30/18 WELL 4 PUMP		1/07/19	96175	19,030.00	80,475.90
201519	INLAND SUPPLY CO INC	12/12/18 DUST MOP		1/07/19	96152	79.56	
		12/19/18 DUST MOP		1/07/19	96152	13.26	
		12/19/18 SSS DISINFECTANT		1/07/19	96152	47.80	140.62
201520	BINGMAN ENTERPRISES, INC.	11/25/18 2ND INSTALLATION		1/07/19	96176	1,500.00	1,500.00
201521	LANDER HARDWARE LLC	12/6/18 MAILBOXES		1/07/19	96153	57.18	

LANDER COUNTY
CHECK REGISTER 1/07/19Report No: FB1308
Run Date : 01/03/19

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
201522	JAUNITA MCKEEN	12/6/18 SNOW SHOVEL		1/07/19	96153	51.98	
		12/13/18 STEP LADDER/VLV		1/07/19	96153	205.31	
		12/20/18 BATTERIES		1/07/19	96153	62.96	
		1/2/19 SUPPLIES		1/07/19	96153	79.46	456.89
201523	NACO	12/26/18 AUSTIN EMS RUN		1/07/19	96154	100.00	100.00
201524	DYNA PARTS LLC	12/17/18 REGULAR/FILT		1/07/19	96157	21,366.00	21,366.00
		12/17/18 FUSE HOLDER		1/07/19	96156	16.60	
		12/20/18 SHOP SUPPLIES		1/07/19	96156	361.37	
		12/20/18 SCOTSEAL PLUS		1/07/19	96156	74.92	
		12/20/18 FILTERS		1/07/19	96156	125.12	
		12/20/18 GLOVES		1/07/19	96156	444.16	
201525	SMS COMPUTING, INC.	12/27/18 ASSESSOR		1/07/19	96160	412.50	412.50
201526	POINT S BATTLE MTN TIRE &	12/27/18 02 FORD EXPLORER		1/07/19	96158	405.15	405.15
201527	POWERPLAN	12/17/18 PARTS		1/07/19	96159	158.46	158.46
201528	QUILL CORP	12/19/18 LENS CLEANER		1/07/19	96161	61.36	61.36
201529	QUILL CORP	12/13/18 3PK PENS		1/07/19	96162	20.37	20.37
201530	QUILL CORP	12/17/18 COFFEE/PAPER		1/07/19	96163	438.37	
		12/18/18 DIGITAL BACKUPS		1/07/19	96163	831.48	
201531	QUILL CORP	12/21/18 TONER		1/07/19	96164	101.99	1,269.85
201532	RAIN BIRD INTERNATIONAL	12/21/18 FLAG/STATUE LGHT		1/07/19	96165	2,069.20	101.99
201533	RHP MECHANICAL SYSTEMS	11/30/18 PLANNED SERVICE		1/07/19	96166	1,795.00	2,069.20
201534	KAREN R. STEPHENS	ROGERS TRIAL		1/07/19	96168	896.50	1,795.00
201535	SWEENEY CONSTRUCTION	12/27/18 HEALTH NRS BLDG		1/07/19	96167	626.90	896.50
		12/27/18 DOG POUND		1/07/19	96167	1,747.42	
		12/27/18 LANDFILL		1/07/19	96167	435.00	
201536	T.L. ASHFORD & ASSOCIATES	12/28/18 BARCODE LABELING		1/07/19	96169	695.00	2,809.32

Report No: PB1308
Run Date : 01/03/19

LANDER COUNTY
CHECK REGISTER 1/07/19

Page 3

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
201537	TYLER TECHNOLOGIES, INC.	12/17/18 SOFTWARE		1/07/19	96170	8,182.80	695.00
		12/17/18 SOFTWARE		1/07/19	96170	2,045.70	
201538	KEITH WESTENGARD	12/17/18 POOL PACT		1/07/19	96173	284.49	10,228.50
		12/17/18 POOL PACT		1/07/19	96173	92.00	
201539	WINNEMUCCA PUB. CO., INC.	10/31/18 ELECTION QUESTINS		1/07/19	96171	6,440.00	376.49
201540	WINNEMUCCA PUB. CO., INC.	1/9/19 PLANNING		1/07/19	96172	156.70	6,440.00
201541	PATRICIA YOUNG	12/25/18 AUSTIN EMS RUN		1/07/19	96174	100.00	156.70
						100.00	100.00
							141,980.83

CHECKS TOTAL

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201583



Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

KEITH WESTENGARD

01/15/19

201583

01/14/19
01/14/19

ADVANCE FUEL
ADVANCE MEALS

1/16-17/19 FIRE MARSHALL
1/16-17/19 FIRE MARSHALL

298.70
104.00

402.70

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201582


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

WELLS FARGO PAYMENT

01/15/19

201582

01/14/19	8433/0033	1/3/19	MAX BUNCH	1,279.21
01/14/19	8433/0633	1/3/19	ANNA PENOLA	1,654.98
01/14/19	8433/1059	1/3/19	KEITH WESTENGARD	495.55
01/14/19	8433/1370	1/3/19	BILLY GANDOLFO	99.99
01/14/19	8433/1705	1/3/19	KYLA BRIGHT	66.16-
01/14/19	8433/2355	1/3/19	ROBIN SMITH	15.26-
01/14/19	8433/2468	1/3/19	DENISE FORTUNE	543.36
01/14/19	8433/2582	1/3/19	PAULA TOMERA	156.52
01/14/19	8433/4152	1/3/19	KIM SCHACHT	201.78
01/14/19	8433/4709	1/3/19	THEODORE HERRERA	550.00
01/14/19	8433/5275	1/3/19	CYNTHIA BENSON	326.76
01/14/19	8433/5283	1/3/19	DEONILLA FULLER	.42-
01/14/19	8433/5533	1/3/19	SADIE SULLIVAN	1,073.54
01/14/19	8433/9928	1/3/19	PATSY WAITS	82.14
01/14/19	8433/9944	1/3/19	BARTOLO RAMOS	4,114.31

10,496.30

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201580


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

TETON SIGNS

01/15/19

201580

01/14/19
01/14/19
01/14/19

5173 FA-22
5178
5188

1/10/19 NEW BRACKET
1/10/19 DOOR SEALS
1/10/19 REFLECTIVE WRAP

975.00
1,950.00
7,550.00

10,475.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201579

Cindy Benson

Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

PEGGY RENEE SURLA

01/15/19

201579

01/14/19

10/29/18 - 11/1/18

EARLY VOTING

613.46

613.46

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201555


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

JOHN MAULDIN

01/15/19

201555

01/14/19

REIMBURSEMENT

1/3/19 G CAMERA

428.36

428.36

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

January 24, 2019

APPROVE

Check #201542


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

ALL JACKED UP 4X4

01/15/19

201542

01/11/19

LC EMR GATOR PARTS

1/7/18 UPFITTING PARTS

10,317.96

10,317.96

PLEASE DETACH AND FILE

LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __1__

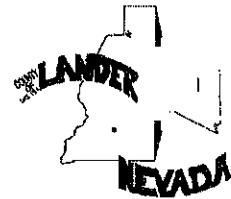
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove the purchase of two (2) Urban/Brush fire trucks in an amount not to exceed \$350,000.00 for the Battle Mountain Volunteer Fire Department, and all other matters properly related thereto.

Public Comment:

Background: **Attached**

Recommended Action:



AGENDA REQUEST FORM

COMMISSIONER MEETING DATE: 01/24/2019

NAME: Ron Unger REPRESENTING: Lander County Sheriff's Office

ADDRESS: 2 State Route 305, Battle Mountain, Nevada 89820

PHONE (H): 775-635-1100 (W): 775-635-1100 (FAX): 775-635-2577

WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS HOURS: 775-635-1100

WHO WILL BE ATTENDING THE MEETING: Self, BM Fire Chief Bart Negro

JOB TITLE: BM Assistant Fire Chief

SPECIFIC REQUEST TO BE PLACED ON THE AGENDA:
Discussion and possible action regarding the purchase of an Urban/Brush Fire Apparatus for the Battle Mountain Volunteer Fire Department, and other matters properly related thereto.

WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE? _____

ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST: ☒ YES ☐ NO
AMOUNT: 350,000

HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? ☐ YES ☒ NO
WHEN? _____

WILL YOU BE PRESENTING WRITTEN INFORMATION AT THE MEETING? ☒ YES ☐ NO

HAVE YOU DISCUSSED THIS ISSUE WITH THE AFFECTED DEPT HEAD?: ☒ YES ☐ NO

FOR REVIEW BY:

AIRPORT _____	DIST. ATTY. _____	SENIOR CTR. _____
AMBULANCE _____	EXE. DIR. _____	SHERIFF _____
ARGENTA J.P. _____	FIRE _____	SOCIAL SVC. _____
ASSESSOR _____	GOLF _____	TREASURER _____
AUSTIN J.P. _____	PUBLIC WORKS _____	W & S _____
CLERK _____	RECORDER _____	OTHER _____
COMM. DEVT. _____		

THE EXECUTIVE DIRECTOR RESERVES THE RIGHT TO REJECT OR RECOMMEND
TABLING ALL AGENDA REQUESTS FOR INSUFFICIENT INFORMATION.

ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.....

Signature Field

Ron Unger

DATE: 1-2-2018

BOARD MEETS THE 2ND AND 4TH THURSDAY OF EACH MONTH
COMMISSION FAX (775) 635-5332

B.M.V.E.D.

2019. INTERNATIONAL 4x4 - 7400
URBAN / WILDLAND FIRE TRUCK

#1 CHASSIS - (EXTENDED CAB) APPROX - \$116,800⁰⁰

#2 CHASSIS - (4 DOOR CAB) APPROX - \$122,400⁰⁰

1000 GAL. DANKO TANK & PUMP UNIT - \$28,063⁰⁰

★ RADIO APPROX - 3500⁰⁰ ★

LIGHTS & SIREN - APPROX - 3385⁰⁰

LABOR 2 HRS @ 65⁰⁰ - APPROX - 1400⁰⁰

8285⁰⁰

SIDE BOX'S - APPROX - 4000⁰⁰ - 6000⁰⁰

FLAT BED INSTALLED APPROX - 8000⁰⁰

★ LABOR (INSTALLING TANK/BOX'S) = APPROX - 5000⁰⁰

★ = MAY NOT NEED

#1 \$172,150⁰⁰ (EXTENDED CAB) APPROX COMPLETED TOTAL

#2 \$177,650⁰⁰ (4 DOOR CAB) APPROX COMPLETED TOTAL

- NOTE - SIDE BOX PRICE - 6' L X 30" H X 20" DEEP = 1820 EA.
3' L X 30" H X 20" DEEP = 1240 EA
2' L X 30" H X 20" DEEP = 1100 EA

INTERNATIONAL®

October 25, 2018

Prepared For:

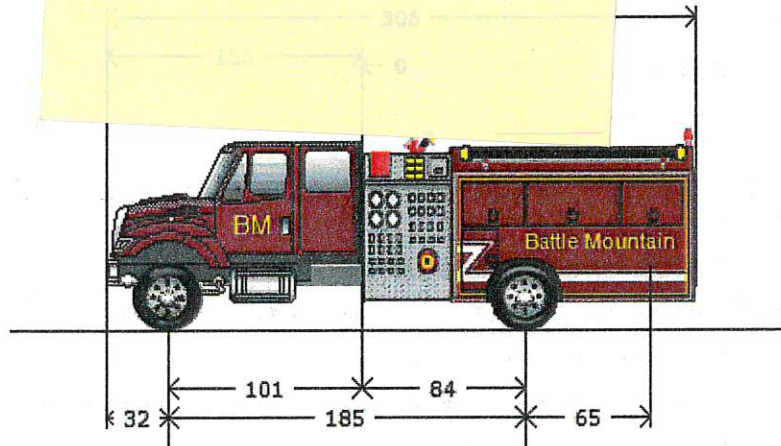
Battle Mountain Volunteer Fire Dept
Jimbo Unger
25 East Second St
Battle Mountain, NV 89820-
(775)340 - 0585
Reference ID: N/A

TRUCK WITH
FLAT BED
INSTALLED

Presented By:

SILVER STATE INTL
Bo Burgarello
2255 LARKIN CIRCLE
SPARKS NV 89431 -
(775)685-6000

Thank you for the opportunity to provide you with the following quotation on a new International truck. I am sure the following detailed specification will meet your operational requirements and I look forward to serving your business needs.



Model Profile
2019 HV507 SFA (HV507)

AXLE CONFIG: 4X4
APPLICATION: Fire/Pumper (Emergency)
MISSION: Requested GVWR: 35000. Calc. GVWR: 37320
Calc. Start / Grade Ability: 26.15% / 2.81% @ 55 MPH
Calc. Geared Speed: 81.3 MPH
DIMENSION: Wheelbase: 185.00, CA: 84.00, Axle to Frame: 65.00
ENGINE, DIESEL: {Cummins L9 330} EPA 2017, 330HP @ 2000 RPM, 1000 lb-ft Torque @ 1400 RPM, 2200 RPM
Governed Speed, 330 Peak HP (Max)
TRANSMISSION, AUTOMATIC: {Allison 3000 EVS} 5th Generation Controls, Close Ratio, 5-Speed with Overdrive, with PTO
Provision, Less Retarder, Includes Oil Level Sensor, Max, GVW N/A
CLUTCH: Omit Item (Clutch & Control)
AXLE, FRONT DRIVING: {Meritor MX-16-120} Single Reduction, 16,000-lb Capacity, with Hub Piloted Wheel Mounting
AXLE, REAR, SINGLE: {Meritor RS-23-160} Single Reduction, 23,000-lb Capacity, Driver Controlled Locking Differential,
200 Wheel Ends Gear Ratio: 4.56
CAB: Extended Conventional
TIRE, FRONT: (2) 11R24.5 Load Range H G282 MSD (GOODYEAR), 475 rev/mile, 75 MPH, Drive
TIRE, REAR: (4) 11R24.5 Load Range H G282 MSD (GOODYEAR), 475 rev/mile, 75 MPH, Drive
SUSPENSION, RR, SPRING, SINGLE: Vari-Rate; 23,500-lb Capacity
PAINT: Cab schematic 100WK
Location 1: 2304, Red (Prem)
Chassis schematic 932WK
Wheel: 9219, Winter White (Std)

INTERNATIONAL®

Vehicle Specifications
2019 HV507 SFA (HV507)

October 25, 2018

<u>Code</u>	<u>Description</u>
HV50700	Base Chassis, Model HV507 SFA with 185.00 Wheelbase, 84.00 CA, and 65.00 Axle to Frame.
1ANB	AXLE CONFIGURATION {Navistar} 4x4
	<u>Notes</u> ; Pricing may change if axle configuration is changed.
1CAJ	FRAME RAILS Heat Treated Alloy Steel (120,000 PSI Yield); 10.866" x 3.622" x 0.433" (276.0mm x 92.0mm x 11.1mm); 456.0" (11582mm) Maximum OAL
1MDS	BUMPER, FRONT Full Width, Aerodynamic, Polished Stainless Steel; 0.125" Material Thickness, Includes Mounting Holes for 1 CPI Bumper Mounted Siren
1WDR	FRAME EXTENSION, FRONT Bolt On Type; 20" In Front of Grille, without Crossmember
1WGG	WHEELBASE RANGE 181" (460cm) Through and Including 205" (520cm)
2ERX	AXLE, FRONT DRIVING {Meritor MX-16-120} Single Reduction, 16,000-lb Capacity, with Hub Piloted Wheel Mounting
3ADE	SUSPENSION, FRONT, SPRING Parabolic Taper Leaf, Shackle Type, 16,000-lb Capacity, with Shock Absorbers
4091	BRAKE SYSTEM, AIR Dual System for Straight Truck Applications
4193	BRAKES, FRONT, AIR CAM 16.5" x 6", Includes 24 SqIn Long Stroke Brake Chambers
4732	DRAIN VALVE {Berg} with Pull Chain, for Air Tank
4AZA	AIR BRAKE ABS {Bendix AntiLock Brake System} Full Vehicle Wheel Control System (4-Channel)
4EBT	AIR DRYER {Bendix AD-IP} with Heater
4ETG	BRAKE CHAMBERS, FRONT AXLE {MGM} 24 SqIn
4EXU	BRAKE CHAMBERS, REAR AXLE {Bendix EverSure} 30/30 Spring Brake
4LAA	SLACK ADJUSTERS, FRONT {Haldex} Automatic
4LGA	SLACK ADJUSTERS, REAR {Haldex} Automatic
4NDB	BRAKES, REAR, AIR CAM S-Cam; 16.5" x 7.0"; Includes 30/30 Sq.In. Long Stroke Brake Chamber and Spring Actuated Parking Brake
4SPA	AIR COMPRESSOR {Cummins} 18.7 CFM Capacity
4VGG	AIR DRYER LOCATION Mounted Inside Left Rail, Behind Transfer Case Mounting
4VKJ	AIR TANK LOCATION (2) Mounted Under Battery Box, Outside Left Rail, Back of Cab, Perpendicular to Rail
5708	STEERING COLUMN Tilting
5CAW	STEERING WHEEL 4-Spoke; 18" Dia., Black
5PSL	STEERING GEAR {Sheppard M110} Power
7BEU	AFTERTREATMENT COVER Aluminum
7BLD	EXHAUST SYSTEM Single, Horizontal Aftertreatment Device, Frame Mounted Right Side, Under Cab, for Single Vertical Tail Pipe, Frame Mounted Right Side Back of Cab, for All-Wheel Drive
7SCP	ENGINE EXHAUST BRAKE for Cummins ISB/B6.7/ISL/L9 Engine with Variable Vane Turbo Charger
7WBU	EXHAUST HEIGHT 11' 6"
7WDN	MUFFLER/TAIL PIPE GUARD (1) Non-Bright Aluminum
7WDT	TAIL PIPE (1) Straight Type, Non-Bright, for Single Exhaust

<u>Code</u>	<u>Description</u>
8000	ELECTRICAL SYSTEM 12-Volt, Standard Equipment
8GXD	ALTERNATOR {Leece-Neville AV160P2013} Brush Type; 12 Volt 160 Amp. Capacity, Pad Mount, with Remote Sense
8HAA	BODY BUILDER WIRING To Rear of Frame, with Stop, Tail, Turn, and Marker Lights Circuits, Ignition Controlled Auxiliary Feed and Ground, Less Trailer Socket
8MMG	BATTERY SYSTEM {Deka/EAST PENN 9A31 AGM} Maintenance-Free (3) AGM 12-Volt 2775CCA Total
8NAA	TAIL LIGHT WIRING MODIFIED Includes: Wiring for Standard Lt & Rt Tail Lights; Separate 8.0' of Extra Cable Wiring for Lt & Rt Body Mounted Tail Lights
8RML	RADIO AM/FM/WB/Clock/Bluetooth/USB Input/3.5MM Auxiliary Input, MP3, Apple Device Play & Control, Bluetooth for Phone & Music
8RMZ	SPEAKERS (2) 6.5" Dual Cone Mounted in Both Doors, (2) 5.25" Dual Cone Mounted in Both B-Pillars
8RNC	CB RADIO Accommodation Package; Header Mounted; Feeds From Accessory Side of Ignition Switch; Includes Power Source and Two (2) Antennas, Antenna Bases with Wiring on Both Side Mirrors
8VAY	HORN, ELECTRIC Disc Style
8VTR	BATTERY BOX Aluminum, with Plastic Cover; Mounted 35" Back of Cab, Left Side Perpendicular to Frame Rail
8WGL	WINDSHIELD WIPER SPD CONTROL Force Wipers to Slowest Intermittent Speed When Park Brake Set and Wipers Left on for a Predetermined Time
8WPH	CLEARANCE/MARKER LIGHTS (5) {Truck Lite} Amber LED Lights, Flush Mounted on Cab or Sunshade
8WTK	STARTING MOTOR {Delco Remy 38MT Type 300} 12 Volt; less Thermal Over-Crank Protection
8WWJ	INDICATOR, LOW COOLANT LEVEL with Audible Alarm
8XAH	CIRCUIT BREAKERS Manual-Reset (Main Panel) SAE Type III with Trip Indicators, Replaces All Fuses
8XBK	SWITCH, AUXILIARY Switch 40 amp Circuit for Customer Use; Includes Wiring Connection at PDC and Control in Cab
8XGT	TURN SIGNALS, FRONT Includes LED Side Turn Lights Mounted on Fender
8XHN	HORN, AIR Black, Single Trumpet, with Lanyard Pull Cord
9585	FENDER EXTENSIONS Rubber
9AAB	LOGOS EXTERIOR Model Badges
9AAE	LOGOS EXTERIOR, ENGINE Badges
9HAN	INSULATION, UNDER HOOD for Sound Abatement
9HBM	GRILLE Stationary, Chrome
9HBN	INSULATION, SPLASH PANELS for Sound Abatement
9WBC	FRONT END Tilting, Fiberglass, with Three Piece Construction; for WorkStar/HV
9WBT	GRILLE EMBER SCREEN Mounted to Grille and Cowl Tray to Keep Hot Embers out of Engine and HVAC Air Intake System
10060	PAINT SCHEMATIC, PT-1 Single Color, Design 100
	<u>Includes</u> : PAINT SCHEMATIC ID LETTERS "WK"
10632	PAINT IDENTITY, PT-2 Single Color, Instruction No. 932. Wheels

INTERNATIONAL®**Vehicle Specifications**
2019 HV507 SFA (HV507)**October 25, 2018**

<u>Code</u>	<u>Description</u>
10761	PAINT TYPE Base Coat/Clear Coat, 1-2 Tone
10769	PAINT CLASS Premium Color
10AAV	OVER THE AIR PROGRAMMING {Navistar} for Cummins Engines
10SLV	PROMOTIONAL PACKAGE Government Silver Package
11001	CLUTCH Omit Item (Clutch & Control)
12703	ANTI-FREEZE Red, Extended Life Coolant; To -40 Degrees F/ -40 Degrees C, Freeze Protection
12926	RADIATOR HOSES Silicone; Molded
12EHV	ENGINE, DIESEL {Cummins L9 330} EPA 2017, 330HP @ 2000 RPM, 1000 lb-ft Torque @ 1400 RPM, 2200 RPM Governed Speed, 330 Peak HP (Max)
12THT	FAN DRIVE {Horton Drivemaster} Direct Drive Type, Two Speed with Residual Torque Device for Disengaged Fan Speed
12UWZ	RADIATOR Cross Flow, Series System; 1228 Sqin Aluminum Radiator Core with Internal Water to Oil Transmission Cooler and 1167 In Charge Air Cooler
12VBB	AIR CLEANER Dual Element
12VGN	FEDERAL EMISSIONS {Cummins L9} EPA, OBD and GHG Certified for Calendar Year 2018
12VXT	THROTTLE, HAND CONTROL Engine Speed Control; Electronic, Stationary, Variable Speed; Mounted on Steering Wheel
12WZB	EMISSION COMPLIANCE Low NOx Idle Engine, Complies with California Clean Air Regulations; Includes "Certified Clean Idle" Decal on Hood
12XAT	ENGINE CONTROL, REMOTE MOUNTED Provision for; Includes Wiring for Body Builder Installation of PTO Controls; with Ignition Switch Control for Cummins ISB/B6.7 or ISL/L9 Engines
13AUL	TRANSMISSION, AUTOMATIC {Allison 3000 EVS} 5th Generation Controls, Close Ratio, 5-Speed with Overdrive, with PTO Provision, Less Retarder, Includes Oil Level Sensor, Max, GVW N/A
13TKA	TRANSFER CASE {Meritor T-4210 2} 2 Spd, 10000 lb-ft Total Capacity, with Provision for PTO, with Electric Over Air Control
13WDB	TRANSFER CASE LUBE {EmGard 50W} Synthetic; 1 thru 14.99 Pints
13WDT	SHIFT CONTROL PARAMETERS {Allison} 3 Speed S1 Secondary Shift Schedule for 5 or 6 Speed Allison Gen4/Gen 5 3000 & 4000 Series Transmissions
13WDV	OIL COOLER, TRANSFER CASE Remote Mounted Back of Cab
13WET	TRANSMISSION SHIFT CONTROL for Column Mounted Stalk Shifter
13WLP	TRANSMISSION OIL Synthetic; 29 thru 42 Pints
13WUE	ALLISON SPARE INPUT/OUTPUT for Emergency Vehicle Series (EVS); Fire/Pumper, Tank, Aerial/Ladder
13XAM	PTO LOCATION Dual, Left and Right Side of Transmission
14ARB	AXLE, REAR, SINGLE {Meritor RS-23-160} Single Reduction, 23,000-lb Capacity, Driver Controlled Locking Differential, 200 Wheel Ends : Gear Ratio: 4.56
14SAN	SUSPENSION, RR, SPRING, SINGLE Vari-Rate; 23,500-lb Capacity
15LMR	FUEL/WATER SEPARATOR {Racor 400 Series,} with Primer Pump, Includes Water-in-Fuel Sensor
15LMU	LOCATION FUEL/WATER SEPARATOR Mounted Outside Left Rail, 8" Back of Cab
15SRE	FUEL TANK Top Draw, Non-Polished Aluminum, D-Style, 19" Tank Depth, 50 US Gal (189L), with Quick Connect Outlet, Mounted Left Side, Under Cab

<u>Code</u>	<u>Description</u>
15WCS	FUEL COOLER Less Thermostat; Mounted in Front of Cooling Module
15WDG	DEF TANK 7 U.S. Gal. 26.5L Capacity, Frame Mounted Outside Left Rail, Under Cab
15WTM	AUXILIARY FUEL DRAW TUBE Located at Auxiliary Port on Fuel Tank
16BAM	AIR CONDITIONER with Integral Heater & Defroster
16CAB	CAB Extended Conventional
16GDC	GAUGE CLUSTER Base Level; English with English Speedometer and Tachometer, for Air Brake Chassis, Includes Engine Coolant Temperature, Primary and Secondary Air Pressure, Fuel and DEF Gauges, Oil Pressure Gauge, Includes 3 Inch Monochromatic Text Display
16HKT	IP CLUSTER DISPLAY On Board Diagnostics Display of Fault Codes in Gauge Cluster
16KAV	SEAT, DRIVER {National} Non-Suspension, High Back with Integral Head Rest, Vinyl, with Fixed Back
16LUM	SEAT, PASSENGER {National} Non Suspension, High Back with Integral Headrest, Vinyl, with Fixed Back, with Under Seat Storage
16SMV	SEAT, REAR {National} BENCH; Full Width; Vinyl, with Fixed Mid Back
16SNM	MIRRORS (2) Thermostatically Controlled Heated Heads, Black Heads, Brackets and Arms, 7.55" x 14.1" Flat Glass, 7.48" x 6.77" Convex Glass Both Sides
16VCA	SEAT BELT All Red; 4 to 6
16VKC	CAB INTERIOR TRIM Classic, for Extended Cab
	<u>Includes</u>
	: CONSOLE, OVERHEAD Molded Plastic with Dual Storage Pockets, Retainer Nets and CB Radio Pocket; Located Above Driver and Passenger
	: DOME LIGHT, CAB Door Activated and Push On-Off at Light Lens, Timed Theater Dimming, Integral to Overhead Console, Center Mounted
	: SUN VISOR (2) Padded Vinyl; 2 Moveable (Front-to-Side) Primary Visors, Driver Side with Toll Ticket Strap
16WEE	CAB SOUND INSULATION Includes Dash Insulator and Engine Cover Insulator
16WSK	CAB REAR SUSPENSION Air Bag Type
16XCK	WINDOW, MANUAL (2) and Manual Door Locks, Left and Right Doors
16XJN	INSTRUMENT PANEL Flat Panel
16XWD	SUNSHADE, EXTERIOR Aerodynamic, Painted Roof Color; Includes Integral Clearance/Marker Lights
16ZBT	ACCESS, CAB Steel, Driver & Passenger Sides, Two Steps Per Door, for use with Regular and Extended Cabs
27DTD	WHEELS, FRONT {Maxion 90542} DISC; 24.5x8.25 Rims, Painted Steel, 2-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs
28DTD	WHEELS, REAR {Maxion 90542} DUAL DISC; 24.5x8.25 Rims, Painted Steel, 2-Hand Hole, 10-Stud, 285.75mm BC, Hub-Piloted, Flanged Nut, with Steel Hubs
60AAB	BDY INTG, REMOTE POWER MODULE (2) Mounted Under Cab or On Battery Box; Up to 6 Outputs & 6 Inputs each, Max. 20 amp. per Channel, Max. 80 amp. Total per Power Module (Includes 12 Latched Switches)
60ACE	BDY INTG, SWITCH DUAL OUTPUT 2 Position Latched Rocker, Backlit, with "ON" Indicator Mounted on Dash, for 1; Auxiliary Load 40 amp Maximum; Power Available Only in "Ignition" or "Accessory" Position; Controls 2 Remote Power Modules (requires 2 Remote Power Module outputs)
7384228105	(2) TIRE, FRONT 11R24.5 Load Range H G282 MSD (GOODYEAR), 475 rev/mile, 75 MPH, Drive
7384228105	(4) TIRE, REAR 11R24.5 Load Range H G282 MSD (GOODYEAR), 475 rev/mile, 75 MPH, Drive

INTERNATIONAL®**Vehicle Specifications**
2019 HV507 SFA (HV507)**October 25, 2018****Code****Description****Services Section:**

40128

WARRANTY Standard for HV507, HV60B, HV607 Models, Effective with Vehicles Built July 1, 2017 or Later,
CTS-2025A

<u>Description</u>	(US DOLLAR)	<u>Price</u>
Factory List Prices:		
Product Items	\$175,691.00	
Service Items	\$0.00	
Total Factory List Price Including Options:		\$175,691.00
Freight	\$2,200.00	
Total Freight:		\$2,200.00
Total Factory List Price Including Freight:		\$177,891.00
Less Customer Allowance:		(\$61,169.48)
Total Vehicle Price:		\$116,721.52
Total Sale Price:		\$116,721.52
Total Per Vehicle Sales Price:		\$116,721.52
Net Sales Price:		\$116,721.52

Please feel free to contact me regarding these specifications should your interests or needs change. I am confident you will be pleased with the quality and service of an International vehicle.

Approved by Seller:

Accepted by Purchaser:

Official Title and Date

Firm or Business Name

Authorized Signature

Authorized Signature and Date

This proposal is not binding upon the seller without
Seller's Authorized Signature

Official Title and Date

The TOPS FET calculation is an estimate for reference purposes only. The seller or retailer is responsible for calculating and reporting/paying appropriate FET to the IRS.

Sheriff Ron Unger

From: Dave Knobbe <dknobbe@danko.net>
Sent: Tuesday, January 15, 2019 8:29 AM
To: sheriffrunger@landerso.org
Subject: Danko
Attachments: Battle Mountain-NV.pdf

Hello Ron

Attached are the specifications for the 1000 gallon skid unit, the cost including shipping comes to \$28,063.00. The price was last quoted in August of 2018 so we are able to hold it about \$200.00 from that point.

This type of unit will take about 8-10 weeks to build, the tank is result. As far as dimensions you can provide us the width and length you need for the entire skid unit and we can do a drawing. The height will change depending on those dimensions.

If you get everyone to OK the plan, we can email you the paperwork to get the unit on order. WE will wait to hear from you.

Thank you

David Knobbe

Apparatus Sales

Direct: 402.568.2105

Cell: 402.380.1223

Toll Free: 866.568.2200

Fax: 877.568.2443

Email: david@danko.net

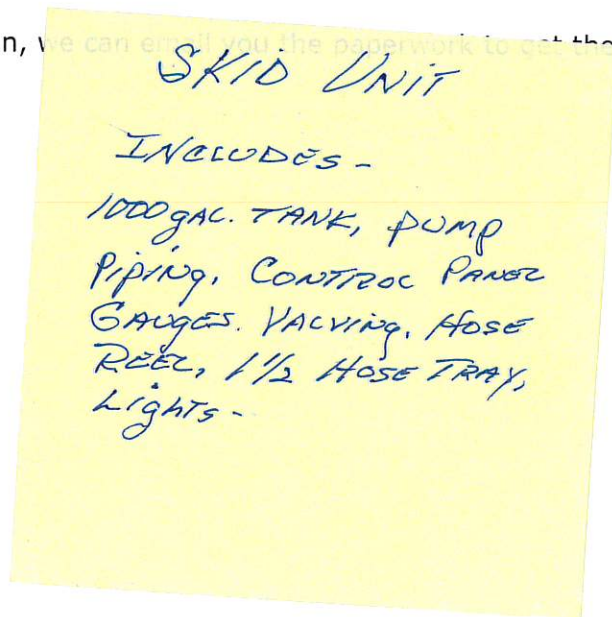
www.danko.net

One Source for Fire-Rescue-EMS



FIRE | RESCUE | EMS

This e-mail message may contain privileged or confidential information. If you are not the intended recipient, please do not disclose, use, distribute or copy this message or attachment(s) in any way. If you receive this e-mail by mistake, please inform the sender and delete it as well as any attachment(s). Thank you.



BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

DANKO SKID UNIT UPF Defender Poly Tank

FIRE PUMP

A Waterous 2515LE pump shall be provided and bolted directly to the specified engine and capable of the following performance:

Max Pressure - 75 GPM	@	135 PSI
Max Flow - 150 GPM	@	90 PSI

NOTE: The above manufacturer performance rating is based on maximum full throttle with a flooded suction prior to the installation of associated piping.

The impeller shall be high strength corrosion resistant bronze, fully enclosed, double hubbed to balance hydraulic thrust, and mechanically balanced to eliminate vibration. The volute shall be constructed of high strength aluminum alloy, anodized for superior corrosion resistance. A drain valve shall be located on bottom of the pump volute.

The pump shall have a two (2) year warranty covering material and workmanship. Normal wear items (packing, anodes, mechanical seals, etc.) are not covered by this warranty.

The pump shall be firmly mounted to the skid frame or platform behind the water tank.

PUMP ENGINE

A Kubota D902-EB vertical 4-cycle liquid cooled 23 HP diesel engine shall be supplied and mounted to the pump. The engine shall be constructed of Dura-Bore cast iron cylinder sleeves, and also feature easy one-sided maintenance, a full pressure lubrication system with an automotive style oil filter and oil fill tube with dipstick. There shall be a rain cap installed on top of the exhaust.

The electric starter on pump engine shall be connected to the 12-volt electrical system.

PUMP ENGINE START CONTROL MODULE

A Deep Sea DSE3110 manual and auto start control module shall be provided and mounted near the pump engine. The control module shall feature a back-lit LCD display, start input, and full engine monitoring and protection.

PUMP ENGINE THROTTLE

The pump engine shall be supplied with a vernier style throttle mounted near the pump operators position. The operation of the remote throttle shall consist of seven full turns from idle to wide open engine speed. The throttle shall have a red center button to quickly return the engine to idle when depressed.

BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

PUMP PANEL LIGHT

The pump operator's control panel shall be illuminated with a shield installed over the light to protect it from the elements. A properly labeled on/off switch shall be supplied and mounted on the operators panel.

DISCHARGE PRESSURE GAUGE

There shall be one (1), discharge pressure gauge installed in line with the plumbing. The gauge shall be a minimum of 2-1/2" in diameter with a white face and black text.

PUMP ENGINE OIL DRAIN

An engine oil drain valve shall be provided and installed on the engine. The oil drain valve shall have a nipple to accept 3/8" ID hose to allow draining of the engine oil.

PUMP ENGINE FUEL

There shall be no fuel tank provided. This is to allow the end user to connect to their chassis fuel tank (common fuel).

GUZZLER PRIMER

A Guzzler 3/4" hand primer, model 400-H, shall be used for priming operations. The primer is a self-priming, manually operated diaphragm pump. It shall be equipped with a durable, horizontal handle.

PUMP SYSTEM CERTIFICATION

The pump shall be tested after the pump and all its associated piping and equipment have been installed on the skid unit by the apparatus manufacturer.

XL PLUMBING

Plumbing shall be a combination of heavy duty stainless steel pipe and fittings, and high pressure rubber hose.

A Danko XL stainless steel manifold shall be used for all discharge's. The Danko XL manifold is engineered to allow adding a foam system or additional discharge's easy and fast.

The high pressure rubber hose is designed to handle air, mild chemicals and water and is resistant to abrasion and UV protected.

The stainless steel pipe and fittings shall have a polished natural mill finish.

BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

DISCHARGE MANIFOLD

A stainless steel welded pipe manifold shall be attached to the pump discharge with four (4) 1/4" bolts to facilitate all outlets and reduce friction loss. The manifold assembly shall be constructed of 2" round tubing and capable of accommodating up to two (2) 1" discharges and three (3) 1-1/2" discharge outlets.

SUCTION MANIFOLD

A stainless steel welded pipe manifold shall be attached to the suction side of the pump with a Victaulic clamp for easy removal for service and maintenance. The manifold shall have a tee to facilitate a 2" tank to pump and 2-1/2" intake.

VALVES

All valves, unless otherwise specified, shall be an Akron 8800 heavy duty brass, quarter-turn, full flow, swing out, non-locking valve with a stainless steel ball. The valve body is constructed of high quality brass.

All Akron 8800 series valves shall be supplied with a R1 handle with a round knob attached.

TANK TO PUMP

The tank to pump shall be equipped with a 2" Akron 8820 full flow, quarter turn ball, swing-out type valve with a flexible hose to reduce vibration of the pump engine.

PUMP TO TANK/RECIRCULATE VALVE

One (1) 1" tank fill/recirculate line with a 1" Akron 8810 full flow, quarter turn ball valve shall be plumbed directly from the pump discharge to tank with a flexible hose to reduce vibration of the pump engine.

GATED INTAKE

One (1), 2-1/2" female intake shall be mounted to the pump inlet and controlled with a 2-1/2" Akron 8825 full flow, quarter turn ball valve. The intake shall terminate with a chrome 2-1/2" NPT female x 2-1/2" NH female swivel fitting with a screen to prevent foreign objects from entering the pump.

PLUG WITH CHAIN

One (1), 2-1/2" NH chrome plug with chain shall be supplied for the intake.

HOSE BED

One (1), treadbrite aluminum hose bed shall be mounted above the water tank. The hose bed shall be capable of storing 150' of 1-3/4" hose flat.

A hinged treadbrite cover shall be supplied on top of the preconnect hose bed with a rubber securing latch to prevent hose from unintentionally deploying.

There shall be matting in the hose bed area to provide traction and drainage should water enter the area.

BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

1" DISCHARGE

One (1) 1" NH discharge(s) shall be provided with a 1" Akron 8810 full flow, quarter-turn valve. The discharge shall terminate with a chrome plated 1" NPT male x 1" NH male fitting and be directed towards the rear of the skid.

CAP WITH CHAIN

One (1), 1" NH vented chrome cap with chain shall be supplied for the discharge.

1-1/2" DISCHARGES

Two (2) 1-1/2" NH discharges shall be provided with 1-1/2" Akron 8815 full flow, quarter-turn valves. The discharges shall terminate with chrome 1-1/2" NPT male x 1-1/2" NH male fittings and be directed to the rear.

CAP WITH CHAIN

Two (2), 1-1/2" NH vented chrome cap's with chain's shall be supplied for the discharge's.

BOOSTER REEL

One (1), Hannay model EF4040-17-18 steel electric booster reel(s), with a capacity of 150' of 1" booster hose shall be supplied. The reel(s) shall be painted graphite in color. A 1" Akron 8810 full flow, quarter turn valve shall be plumbed from the pump discharge and connected to the booster reel with a flexible hose to reduce vibration from the pump engine.

The booster reel(s) is equipped with a standard 1" 90 degree ball bearing swivel joint with 1" female NPT threads and a standard outlet with 1" male NST threads.

The reel(s) shall be capable of withstanding pressures to 1000 psi and temperature ranges from -60° F to 250° F.

Two (2), sets of chrome guide rollers shall be supplied with the booster reel. The left side roller set shall be mounted high and the right side roller set shall be mounted low. The rollers shall provide assistance in pulling the hose off from the reel and guiding it on after use.

Two (2), booster reel rewind switches shall be installed, one on each side of the skid unit.

One (1), 1" x 150' section(s) of 300 lb. working pressure rubber booster hose coupled with 1" NH couplings shall be supplied for the booster reel(s).

The booster reel shall be mounted lengthwise above the water tank and deploy to the side(s) of the apparatus.

BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

WATER TANK

The water tank shall be a UPF Defender 1 series custom built tank with a capacity of 1,000 US gallons.

The tank shall have a LIFETIME WARRANTY as supplied by the tank manufacturer.

The tank shall be constructed of 1/2" thick UPF PT-2E polypropylene sheet stock with AccTuff resin. The material shall be of a certified, high quality, non-corrosive, stress relieved thermoplastic, black in color, and UV stabilized for maximum protection. All joints and seams are to be fully nitrogen welded and electronically tested for maximum strength. The unit shall incorporate transverse partitions manufactured of 3/8" UPF PT2E polypropylene (natural in color) which shall interlock with a series of longitudinal partitions constructed of 1/2" PT2E polypropylene (black in color). All swash partitions shall be so designed to allow for maximum water and air flow between compartments and are fully welded to each other as well as to the inside of the tank.

The exterior of the tank shall be textured poly.

There shall be a minimum of two (2) standard tank outlets: one for the tank-to-pump suction line, which shall be sized to provide adequate water flow to the pump; and, one for tank fill line, which shall be sized according to the NFPA minimum size chart for water tanks. All auxiliary outlets and inlets must meet all NFPA guidelines in effect at the time of manufacture.

The water tank shall be tested and certified as to capacity on a calibrated and certified tilting scale. Each tank shall be weighed empty and full to provide precise fluid capacity. Each Poly-Tank® III is delivered with a Certificate of Capacity delineating the weight empty and full and the resultant capacity based on weight.

A tag shall be installed on the apparatus in a convenient location and contain pertinent information including a QR code readable by commercially available smart phones. The information contained on the tag shall include the capacity of the water and foam (s), the maximum fill and pressure rates, the serial number of the tank, the date of manufacture, the tank manufacturer, and contact information. The QR code will allow the user to connect with the tank manufacturer for additional information and assistance.

There shall be one (1), external sump as standard per tank. The sump shall be constructed of 1/2" PT2E polypropylene. The tank shall have a suction of the internal draw type and will incorporate a dip tube with an anti-swirl plate directly above the sump. The sump shall have a threaded outlet for drain and clean-out. A cutout shall be provided in the cargo or deck floor of the apparatus to access the drain and/or clean-out plug.

TANK DRAIN VALVE

There shall be a 3" FNPT fitting located in the floor of the sump. It shall have a 3" x 1-1/2" reducer and a 1-1/2" Watts full flow, quarter turn valve.

BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

TANK COVER MOUNTING BLOCKS

The water tank cover shall incorporate two (2) mounting blocks that can accommodate sliding nut fasteners. These mounting blocks shall be welded to the tank cover running from the rear edge of the tank forward and used to mount a booster reel or other equipment if selected.

FILL TOWER

The tank shall have a combination vent and manual fill tower with lid. The fill tower shall be constructed of 1/2" PT3™ polypropylene and shall be a minimum of 12" wide x 16" long x 10" high.

The fill tower shall be blue in color indicating that it is a water-only fill tower. The tower shall have a 1/4" thick removable polypropylene screen and a PT3™ polypropylene hinged cover.

The capacity of the tank shall be engraved on the top of the fill tower lid. Inside the fill tower there shall be a combination vent/overflow pipe. The vent overflow shall be a minimum of schedule 40 polypropylene pipe with a minimum I.D. of 6" that is designed to run through the tank, and shall be piped to discharge water below the apparatus body and behind the rear wheels.

The fill tower shall be located at the left rear corner of the tank.

A weighted steel rod handle shall be mounted on the fill tower to prevent it from accidentally opening.

VISUAL WATER TANK SIGHT LEVEL GAUGE

There shall be an external visual sight gauge located on the rear wall of the tank.

POLY WATER TANK MOUNTING

The polypropylene water tank shall be required to be mounted directly to the apparatus deck using provisions on the tank for mounting both front and rear. The mounts shall be of 1/2" PT2E polypropylene and shall incorporate predrilled, scalloped and reinforced welded tabs which must allow for three (3) 3/8" bolts to be inserted through the tab for the purpose of securing the tank to the apparatus deck.

There shall be a minimum of 1/4" rubber pad installed between the apparatus deck and the bottom of the tank to prevent chafing.

The polypropylene tank shall also have one internal mounting block built within the bottom center of the tank. The tank must be fastened to the undercarriage cross tubing with one (1) steel U-clamps. The U-clamp shall be fastened to the tank with six (6), 1/2" diameter steel bolts. Rubber pads shall be located between the U-clamps and the cross members of the undercarriage.

Any deviation to these mounting requirements shall void the tank warranty.

BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

SCOTTY FOAM EDUCTOR/MIXER

A Scotty "Through the Pump" foam system model 4171 shall be supplied and plumbed. The Scotty system will educt foam concentrate from 0% to 3.75% at flow rates from 15 to 125 gpm at 100 psi with a maximum operating pressure of 300 psi.

NOTE: When the through the pump foam system is in operation you cannot recirculate the water flow.

FOAM CELL

One (1), twelve (12) gallon foam cell shall be constructed by UPF as an integral part of the polypropylene water tank. The foam cell can be used for either Class A or Class B foam and shall be completely resistant to any reaction caused by the foam or any additives that may be used under normal circumstances. The seams shall be nitrogen welded and spark tested for maximum strength.

The foam tank shall have a manual fill tower with lid and shall be constructed of 1/2" PT3™ polypropylene and have minimum dimension's of 8" x 8" outer perimeter.

The tower shall be located as indicated by the apparatus manufacturer and have a 1/4" thick removable polypropylene screen and a molded cover.

Inside the fill tower, approximately 1-1/2" down from the top, there shall be an anti-foam fill tube that extends down to the bottom of the tank. A pressure vacuum vent shall be provided in the lid of the fill tower.

FOAM CELL CLASSIFICATION

The foam cell shall be green in color to represent Class A foam.

SHUT OFF VALVE

A 1/2" shut-off valve shall be installed between the foam cell and the foam system for ease of maintenance.

ALUMINUM PUMP FRAME

An aluminum frame shall be constructed with square aluminum tubing and angle supports. The frame will provide a secure means of mounting the fire pump to the apparatus deck.

12-VOLT ELECTRICAL

All electrical components of the unit shall be wired to a terminal stud block with high temperature, copper, multi-strand, crosslink-coated wire enclosed in a protective loom.

WORK LIGHT

One (1), 12-Volt LED work light shall be mounted on the tank to light up the work area. An ON/OFF switch shall be located at the rear of the skid unit.

BATTLE MOUNTAIN FIRE DEPARTMENT

BATTLE MOUNTAIN, NV

BASIC LIMITED WARRANTY

Danko Emergency Equipment Company shall warrant to each original purchaser that the apparatus is free of defects in material and workmanship for a period of one (1) year.

STAINLESS STEEL PLUMBING WARRANTY

Danko Emergency Equipment Company shall warrant to each original purchaser that the apparatus stainless steel plumbing shall be free of defects for a period of ten (10) years.

SHIPPING

The skid unit shall be crated at the factory and shipped via freight to the specified purchaser's address.

NOTE: A forklift will be required to unload the skid upon receipt.
(Average Crated Skid Weight 1,000 lbs, may vary depending on tank size and selected options.)









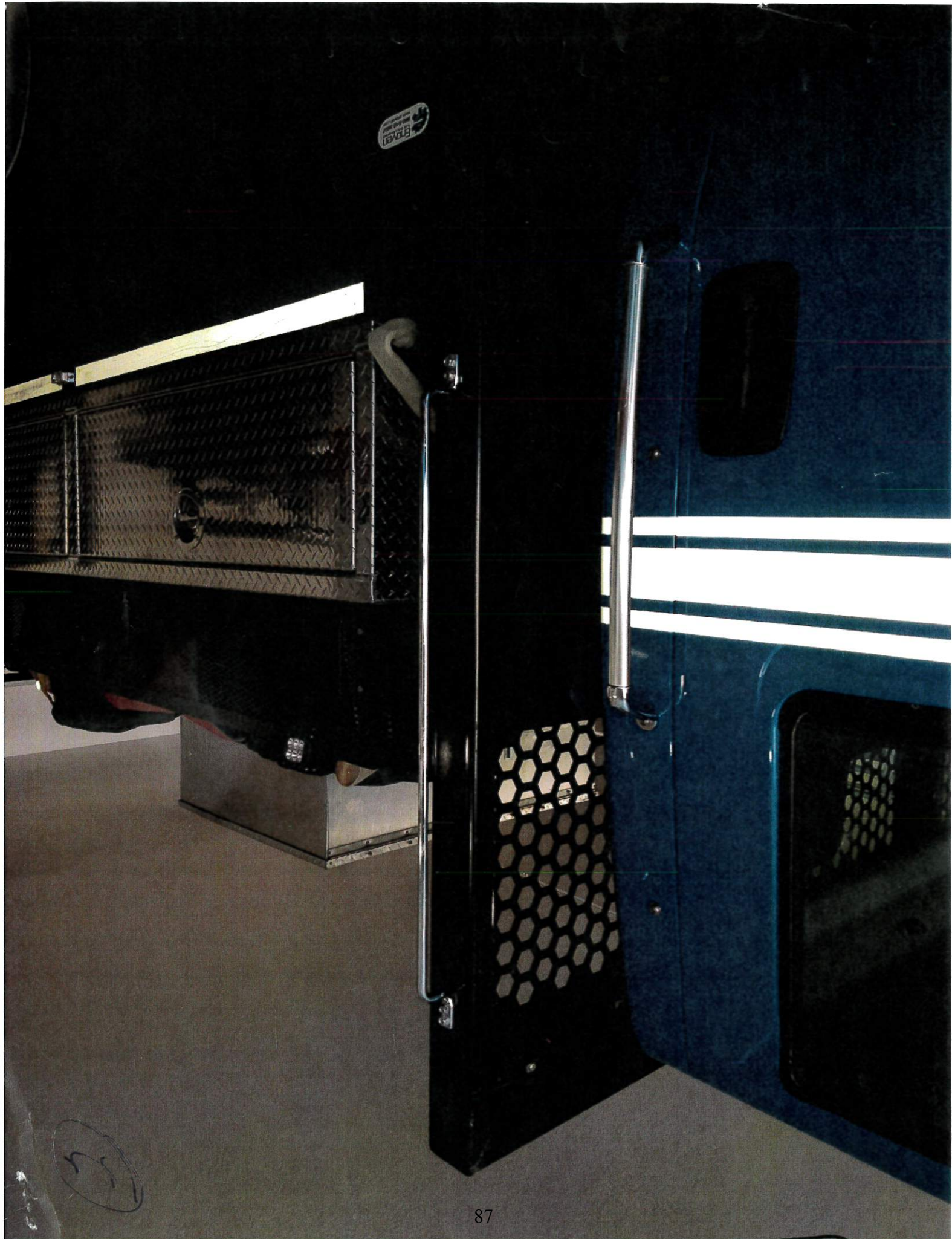




84

(4)







3

BYLAWS OF THE
BATTLE MOUNTAIN
VOLUNTEER
FIRE DEPARTMENT

BATTLE MOUNTAIN VOLUNTEER FIRE DEPARTMENT BYLAWS 2007

ARTICLE 1 ORGANIZATION

This organization shall be known as The Battle Mountain Volunteer Fire Department and hereto referred to BMVFD.

ARTICLE 11 PURPOSE

Its objective is to protect life and property and act as an efficient fire-fighting unit in the town of Battle Mountain and the outlying territories. It will operate under regulations of the federal, state and county governing agencies.

ARTICLE 111 DEFINITIONS

The membership shall consist of

- (A) Active Firemen
- (B) Probationary Firemen
- (C) Inactive Reserve Firemen
- (D) Honorary Firemen

1. Active Fireman are members of the BMVFD, U.S. Citizens of good moral Character.
 - A Who respond to a minimum of 40% of fire calls or
 - B Attend a minimum of two business meetings quarterly and
 - C Attend a minimum of two training meetings quarterly
 - D Complies with all federal, state and county regulations
 - E Complies with the standards of conduct within the BMVFD
 - F Maintains a current Nevada Driver's License
 - G Receives and passes a physical examination when required to assure s/he has the physical capability to perform the duties of a fireman. (Lander County is responsible for payment of said physical exams)
2. Probationary Firemen are temporary firemen who have not fulfilled the six Month's requirement, as outlined in ARTICLE VII.
3. Inactive Reserve Firemen are post members of BMVFD with at least seven Months of continuous service as an active fireman who request such status And are accepted by 51% of the membership present at a business meeting Where such a request is made.
 - Any and all training, physicals, or anything relevant to a retired Fireman is at the Fire Chief's discretion, and Fire Chief must contact the inactive Fireman in writing with thirty days prior notice.
4. Any person may be presented with honorary Fireman's status by a 51% vote Of members present at a regularly scheduled business meeting.
 - An honorary Fireman is not an active member allocation slot.
 - The Fire Chief has the option to appoint an honorary fireman.

ARTICLE IV MEETINGS

The department shall hold a business meeting the first Tuesday of each month and a training meeting the third Tuesday of each month. Business meetings and training meetings will begin at 7:00 p.m. Roll call will be taken at every meeting. Members may obtain an excused absence by contacting an officer prior to the meeting. A quorum shall consist of 51% of active firemen including a presiding officer of command.

ARTICLE V
VOTING

- A. On any matters that come before the general membership during a regularly Scheduled business meeting, a 51% majority vote of a quorum is necessary For the matter to carry. All sealed proxies will be accepted.
- B. On any matters that come before members during an officer's meeting, a 51% Majority vote is necessary for the matter to carry. In order for a matter to be Voted on there must be four officers present at the meeting.

ARTICLE VI MEMBERSHIP

BMFD shall contain the following offices:

- 1 Fire Chief Executive Officer
- 1 Assistant Fire Chief
- 2 Fire Captains
- 1 Secretary/Treasurer

NOTE: All positions are subject to approval by the Lander County Commission. Members may hold only one office at a time.

- A. The total active membership shall not exceed twenty-five members unless Deemed necessary by the officers and membership and approved by the County commission.
- B. All officers shall be elected by active members of the BMVFD to serve for a Period of two years.
- C. After an investigation by the Chief, all officers may be subject to removal from Office for just cause by 51% vote of the active membership.
- D. The Captains may be elected or appointed at the Chief's discretion.
- E. Elections shall be held every odd numbered year at the regularly scheduled February business meeting. For the office of Asst Chief, 1 Fire Captain, Secretary/ Treasure. Every even number year for the office of Fire Chief, 1 captain.
- F. All incumbent officers will be placed on the ballot for re-election. Incumbents Have the option of withdrawing from election prior to the vote.
 - Nominations will be accepted from the floor with a motion and a second from membership
 - The Fire Chief has the option of filling vacancies during an elected term by means of a special election or appointment.
 - All appointments of promotions shall be based upon ability, experience and interest.
- G. In the absence of the Chief, the Assistant Fire Chief assumes all of the duties And responsibilities of the chief.
- H. All Offices will be voted on by the membership.

ARTICLE VII NEW MEMBERS

The department shall elect new members after a thorough investigation as to the moral character, physical and mental ability of the applicant. Members must be a minimum age of twenty-one and have been a resident of Battle Mountain for at least one year.

Any person desiring to become a member of the BMVFD shall first fill out an application giving name, age and previous fire training, EMS training, and experience. The department will provide the application blank. S/he will return the application to the department's secretary who will present the application to the membership at a regularly scheduled business meeting.

Further action will be taken on an application when a motion is raised by the general membership asking for an investigation of the applicant. The presiding officer shall appoint a committee of three to personally contact the applicant. A date as to when the committee will report their findings to the membership will be established. The report of the committee will contain supplemental information pertinent to the applicant's favorable or unfavorable candidacy. At the designated reading of the committee's findings, all members shall have the opportunity to present additional information pertinent to the application. After the reading of the committee report and the presentation of information by members, a vote by ballot shall be taken to elect or reject the applicant to probationary membership. A three-fourths majority of members present will elect. During the probationary period, a complete fireman's physical shall be obtained at not cost to the fireman from the local clinic. Failure to obtain the physical shall be grounds for termination or suspension until the physical is obtained. A copy of the bylaws will be provided to the probationary fireman. S/he is expected to understand and comply with all conditions outlined in the bylaws.

The period of probation for the applicant shall end in six months from the date of election to temporary membership. At the end of the six-month period, applicants name will be presented to the general membership for election active fireman. A three-fourths majority of members present will elect.

ARTICLE VIII DUTIES

The Chief is the executive officer of the fire department. It shall be the duty of the Chief to enforce/oversee the following regulations:

1. Direct and take charge of emergency fire scenes.
2. Formulate a plan for fire supervision in the district.
3. Establish regular maintenance for all BMVFD equipment.
4. Conduct monthly business meetings.
5. Supervise BMVFD officers in the completion of their elected duties.

The Assistant Chief shall become Acting Chief in his absence. Furthermore, he shall assist the Chief in carrying out his responsibilities. The Assistant Chief shall receive all charges made against members and take appropriate action. The Chief shall investigate any charges made against the Assistant Chief.

The Captains shall be responsible to the Chief for the condition of equipment in their charge. They shall be in charge of all BMVFD members assigned to their crew and direct them at emergency scenes and training sessions.

The Secretary/Treasurer shall receive, receipt and take charge of all monies of the department. He shall maintain records in such fashion whereby they will stand the scrutiny of an audit. He shall be custodian of all financing records of the department. The Secretary/Treasurer will perform other such duties as may be required in the interest of the department.

The Secretary/Treasurer shall keep a full and complete record of all meetings of the department. S/he shall receive and answer all communications. S/he shall be custodian of all written record of the department. The Secretary/Treasurer will report on each member's attendance and response to emergency call quarterly for general membership discussion. The Secretary/Treasurer will perform other such duties as may be required in the interest of the department.

ARTICLE IX FINANCES

The Secretary/Treasurer has the authority to transfer any monies through the department working accounts.

Dispersement of purchases in excess of \$500.00 must be passed by an affirmative vote of two-thirds of the active membership at any regularly scheduled business meeting. Proxy vote in absenteeism will be accepted.

The Secretary/Treasurer, Chief and Assistant Chief will be the only members authorized to sign checks. One-signature checks are null and void.

The Secretary/Treasurer will report the status of all financial accounts at each business meeting. Furthermore, an annual audit of all BMVFD monies may be made each March. The Chief may appoint an auditor at the February business meeting. The audit may be reviewed by membership in the April business meeting.

When taking office. The incoming Secretary/Treasurer must verify financial balances to the membership.

The Secretary/Treasurer, Chief, or Assistant Chief shall present an itemized budget to the membership for their vote of approval prior to it's submission to the Lander County Commissioners. The budget is subject to approval by the Lander County Commissioners. (The Fire Chief may appoint a committee to develop the annual budget.)

The BMVFD general membership may from time to time give a financial scholarship or grant as they deem appropriate with the understanding that financial scholarships are available to high school seniors only of fire department personnel first then to any other high school senior going into the field of fire science. The scholarships will be awarded for tuition or books only through Battle Mountain High School or the higher education accounting departments. The scholarship may be reimbursed individually only with a receipt from the appropriate institution.

ARTICLE X STANDARDS OF CONDUCT

BMVFD members have assumed the responsibility to serve and protect persons and property to the best of his/her ability. Furthermore, members are expected to perform their duty in a safe, efficient, and orderly manner.

Consequently, BMVFD members will:

- A. Act professionally at all times. Members will use their training and Experience to the best of their ability.
- B. Serve all people equally, regardless of race, religion or status.
- C. Maintain a standard of integrity. (It shall be considered misconduct to Steal, destroy or deface BMVFD property; abuse equipment; or falsify Any BMVFD records, reports, or documents. This behavior may result In disciplinary action).
- D. Maintain working relations with all BMVFD members. (Sexual Harassment and/or harassment including intimidation, hostile or Offensive language and behavior unwelcome or unwanted sexually Oriented conversations, suggestions, requests, demands, physical Contact or attention will not be tolerated. Members will refrain from Public reprimands of other members, gossip, or unbecoming behavior At all times. Members are encouraged to settle differences with other Members in face-to face conferences at the fire hall or in a private Setting).
- E. Maintain working relations with public. Members will make every effort To be courteous and polite when dealing with public. It is understood That intense, emergency situations public relations is second to public Safety.

ARTICLE XI LEAVE OF ABSENCE

An active member may request a leave of absence from the Fire Chief for temporary transfer of employment, illness, injury or unforeseen emergencies for up to six consecutive months. Members making requests for longer leaves of absence shall become inactive members. At the time when the inactive member wishes to become active, s/he may submit an application. The application will be voted on when the next vacancy within the department occurs.

ARTICLE XII DISCIPLINE

Strict obedience to orders of superior officers shall be observed without argument. Any member of the department who is disobedient, shows a lack of interest, or violates any of the by-laws of the department shall be subject to disciplinary action. Disciplinary action could result in suspension or removal from the department. When any charge is considered serious enough to warrant suspension by a majority of the officers, the charged member shall be notified and a special meeting called. The member has the right to appeal to the general membership, and suspension will require a two-thirds majority vote of active members present at the special meeting.

- A. Any member responding to emergency situations while under the influence of alcohol or drugs may be subject to severe disciplinary action to include possible suspension and/or termination from the Department.
- B. Any member who fails to respond to a minimum of 40% of fire calls or attend at least two business and training meetings quarterly shall be notified that continued lack of interest during the next quarter will result in one of the following:
 - 1. The member will be identified as an inactive fireman
 - 2. The member will be invited to attend the next regularly scheduled business meeting to show just cause as to why a two-thirds majority vote of members attending the meeting should not lead to termination of membership with BMVFD.

ARTICLE XIII
AMENDMENTS TO THE CONSTITUTION

51% of the active membership can propose and pass amendments to this constitution with a two-thirds majority vote.

LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __2__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding approval/disapproval of a Parcel Map for 235 Pleasant Hill Drive, Battle Mountain, Nevada, APN 011-071-09, splitting one (1) 3.8 acre parcel into two (2) parcels, and all other matters properly related thereto.

Public Comment:

Background: **attached**

Recommended Action: **Approval of the Parcel Map for APN 011-071-09**

LANDER COUNTY PLANNING COMMISSION

January 9, 2019

AGENDA ITEM NUMBER 1

- 1) *Discussion for possible action regarding approval/disapproval of the following Parcel Map, and other matters properly related thereto:

Applicant: Chantelle Batton/Raymond Etcheverry
Location: 235 Pleasant Hill Drive Battle Mountain
APN: 011-071-09
Type: To split one (1) parcel into Two (2) parcels

Applicant wishes to split 3.8-acre parcel into 2 parcels Zoned A-1:

Parcel 1: 85,236 sq/ft

Parcel 2: 85,354 sq/ft

The allowable septic system density without is 99 per square mile. There are approximately 124 existing systems within that area. At complete build out with current and proposed division, there is a possibility of 189 septic systems.

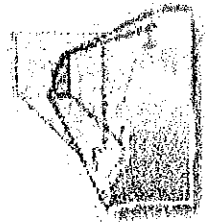
This issue has been forwarded on to the Public Works Director for possibility of adding into the sewer plan.

Staff Comments: Notice of this request was sent to staff:

Keith Westengard, Lander County Executive Director
Anna Penola, Building Official
Bert Ramos, Public Works Director
Lura Duvall, County Assessor
Ted Herrera, Lander County District Attorney

Lander County Planning Commission

315 South Humboldt Street
Battle Mountain NV 89820
Phone: (775) 635-2860
Fax: (775) 635-1120



PARCEL MAP APPROVAL APPLICATION

APPLICANT / OWNER INFORMATION

Applicant(s): Chantelle Batton
 Address: 7184 Voyage Dr Sparks NV 89436 Phone Number: (775) 830-5666
 Legal Owner(s): Raymond P. Etcheverry, Trustee
 Address: 816 Gold Court Phone Number: (775) 635-2677
 Applicant's Representative or Engineer: Christopher S. Konakis, PLS, WRS

PROJECT INFORMATION

Property Location: 235 Pleasant Hill Drive
 Assessor's Parcel Number: 011 - 071 - 09
 Current Zoning: A1 - ONE-ACRE AGRICULTURAL DISTRICT

Total Number of Parcels and Acreage:

The parent parcel is to be subdivided into two separate parcels as follows:

Parcel 1 = 85,236 SQFT
 Parcel 2 = 81,354 SQFT

Public Utilities will be furnished as follows:

Electricity: NV Energy Water Municipal System Sewage Septic

Type of street / road improvements proposed are as follows:

N/A

Existing and proposed fire protection improvement as follows:

N/A

Proposed use on each parcel:

Single Family Residential

SIGNATURE(S)

I hereby certify that the information stated above and on forms, plans and other materials submitted along with this application form is true and correct to the best of my knowledge. It is my responsibility to inform Lander County of any changes to information represented in this submittal.

Date: _____

Applicant's Signature



Date: 12/19/18

Applicant's Signature (If the person applying is not the owner)

REQUIRED AT TIME OF APPLICATION

The following must accompany this application:

- A copy of the Grant Bargain and Sale Deed.
- 3 copies of the proposed Parcel Map prepare in accordance with Chapter 16.12 of Lander County Code for review by County Surveyor, Planning Dept & Assessor / Treasurer.
- 12 copies of proposed Parcel Map, (may be 11 x 17).
- Mylar of proposed Parcel Map with all appropriate signatures & any changes required by review.
- If property is improved, include all existing buildings, building setbacks and any other pertinent information.
- Any bonding of roads if applicable.
- A water right per parcel if applicable.
- \$105.00 fee should a waiver letter from the County Surveyor be requested
- \$400.00 certification review (non-refundable).

The following is due by _____ in order to be on the _____ 3:00 p.m.
Planning Commission Agenda.

[Close Window](#)[Personal Property](#)[Sales Data](#)[Secured Tax Inquiry](#)[Recorder Website](#)**Parcel Detail for Parcel # 011-071-09****Prior Parcel # 008-251-09****Location**Property Location [235 PLEASANT HILL DRIVE](#)

Town

District [8.0 - Battle Mountain Road Special](#)Subdivision [LOT 6 BLK A MVE](#) Lot Block

Property Name

[Add'l Addresses](#)[Assessor Maps](#)[Legal Description](#)[Ag Land](#)**Ownership**Assessed Owner Name [ETCHEVERRY, RAYMOND - TRUSTEE](#)Mailing Address [RAYMOND P. ETCHVERRY FAM TRUS](#)[816 GOLD COURT](#)[BATTLE MOUNTAIN, NV 89820-0000](#)[Ownership History](#)[Document History](#)Legal Owner Name [ETCHEVERRY, RAYMOND - TRUSTEE](#)Vesting Doc #, Date [205864 12/08/1997](#) Year / Book / Page [97 / 449 / 188](#)

Map Document #s

DescriptionTotal Acres [3.820](#)Square Feet [0](#)Ag Acres [.000](#)W/R Acres [.000](#)**Improvements**Single-family Detached [0](#) Non-dwelling Units [1](#) Bedrooms / Baths [0 / .00](#)Single-family Attached [0](#) Mobile Home Hookups [0](#) Stories [.0](#)Multiple-family Units [0](#) Wells [1](#) Garage Square Ft... [0](#)Mobile Homes [0](#) Septic Tanks [0](#) Attached / DetachedTotal Dwelling Units [0](#) Buildings Sq Ft [0](#)Residence Sq Ft [0](#)[Improvement List](#)Basement Sq Ft [0](#)[Improvement Sketches](#)

Basement

[Improvement Photos](#)Finished Basement SF [0](#) Bedrooms / Baths [0 / .00](#)**Appraisal Classifications**Current Land Use Code [280](#)[Code Table](#)Zoning Code(s) [A1](#)Re-appraisal Group [4](#)Re-appraisal Year [2018](#)Original Construction Year [1993](#) Weighted Year**Assessed Valuation**

Assessed Values	2018-19	2017-18	2016-17
Land	7,056	7,056	7,056
Improvements	6,724	6,693	6,662
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0

Net Assessed Value [13,780](#) [13,749](#) [13,718](#)

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation

Taxable Values	2018-19	2017-18	2016-17
Land	20,160	20,160	20,160
Improvements	19,211	19,123	19,034
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0

Net Taxable Value [39,371](#) [39,283](#) [39,194](#)

Increased (New) Values

Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)



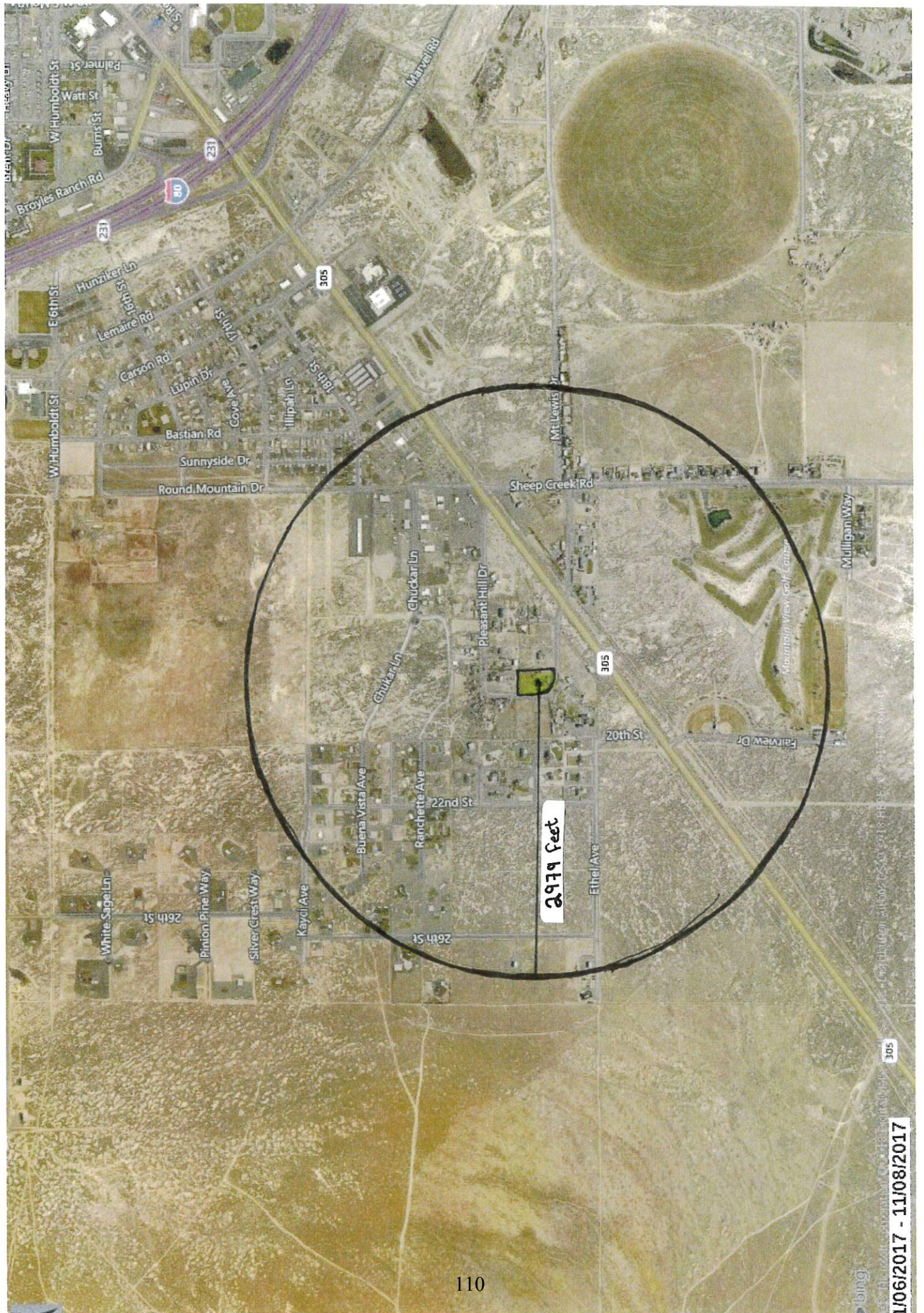
Information Required for a Leachfield Review:

1. Results of the percolation test(s)
 - a. Tests must be done as prescribed in NAC 444.796
 - b. The number of percolation test required for a map should be:
4 tests/ten acres (or fraction thereof) and 1 test for each additional 10 acres (or fraction thereof)

EXAMPLE: for a 67 acre site:
 $4 + 5.7 = 9.7$ or 10 percolation tests required
 - c. The test holes must be done at the location(s) of the proposed leachfield(s). Provide a map which illustrates the test sites locations.
2. A soils classification at the proposed leachfield
 - a. Soil examination pit(s) are to be dug at least five feet below the bottom of the proposed leachfield trench.
 - b. Description of the color, texture, and structure of the soils, and any noted variation in these properties through the layers of the soils in the pits and/or logs. Also note any saturation or moisture in the soils which may indicate seasonal high groundwater.
 - c. Description of prominent features such as roots, fines, caliche (or other impermeable zone), bedrock, etc., which could impact effluent movement.
3. Provide the depth (feet) to the seasonal high groundwater level at the proposed leachfield sites)
4. Give the location of all wells within 400 feet of the site on a map. State whether the wells are hydraulically down-gradient of the site.
5. Give the location (on map or sketch) of all surface water sources (i.e. stream, pond, ditch, lake, spring, etc.) within 500 feet of the proposed leachfield site(s) Note whether the surface water sources are down-gradient or up-gradient of the site.
6. State whether the nearest community sewer collection line is over 400 feet away from the site boundary.
7. If the density of the development is greater than 2 lots per acre, calculate whether the nearest available sewer is further than a distance in feet calculated by multiplying the number of lots in the subdivision by 100. (e.g. 20 lots in 5 acres, $100 \times 20 = 2000$ feet).
8. Provide the plan for septage disposal (conventional septic systems, denitrifying units or mound or engineered systems).
9. State the relationship of the site to the 50-year and 100-year flood plains.
10. Describe all past land usage at the site. (e.g. agricultural, mining, industrial, etc.)
11. Transcribe a circle with a 2,979-foot radius from the center of the property. Count the total number of equivalent dwelling units (EDU's) inside this circle which are on or proposed to be on, septic systems. (Note: This will involve contacting the local planning department to get the number of approved but not yet built lots.)

_____ EDU's on septic systems inside square mile circle.

1 EDU is defined as a unit producing 350 gallons per day of sewage.



LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __3__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding the annual Lander County Local Emergency Planning Committee (LEPC) Letter of Promulgation and authorization for the chair to sign, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action: **Approval**

Lander County Manager

50 State Route 305
Battle Mountain, NV 89820
(775) 635-2885
Fax- (775) 635-5332



Lander County Emergency Operations Plan

Letter of Promulgation

To the Citizens of Lander County,

Forces of nature or manmade accidents may create emergency conditions where our friends and neighbors must band together to respond and mitigate the effects of an unforeseeable natural disaster, accident, hazardous material release, or act of terrorism. Planning and preparedness are necessary elements to protect the health and safety of our citizens, public and private property, and surrounding environment. Regardless of the size and complexity of the incident, Lander County will initiate quick response and decisive action to mitigate the effects of the event.

Depending upon the magnitude of the natural disaster, the complexity of the response will require extensive planning to ensure unity of effort with the various response activities. Processes and procedures must be established for a more decisive and coordinated response.

Materials containing hazardous constituents when properly controlled, are important in everyday life. Uncontrolled, they may cause injury, death, destruction, and lingering effects that may last for many years. To meet the risk, a concerted effort must be made to identify, locate, quantify, and possess knowledge of the hazardous materials within Lander County. The routes and modes of transportation of these chemicals must also be known in order to assess the overall possible danger posed by these materials and prepare for a focused response.

Lastly, our world has significantly changed over the past 35 years. Terrorism has become the weapon of choice by domestic and international enemies of freedom and liberty. Attacks may be in form of chemical, biological, or high explosive detonations. Even though Lander County is not a likely target, we must be prepared nonetheless.

The results of this local planning effort are set forth in this Lander County Emergency Operations Plan. The plan includes the study of the problem itself, the resources available to handle the problem and the emergency procedures that would be used in the case of a potential incident. The plan contains Records of Reviews/Changes, Table of Contents, and four sections which include the Basic Plan and Organizational Overview, twelve annexes specifying incident types, resource management and communications.

Chairman, Lander County Commission
Lander County, Nevada

Chairman, Local Emergency Planning
Committee Lander County, Nevada

Co-Chairman, Local Emergency Planning
Committee Lander County, Nevada

Effective date: January 24, 2019

promulgate

verb

pro·mul·gate | \ 'prä-məl-, gāt; ⓘ prō-'məl-, prə-'məl-, 'prō-(,)məl- ⓘ \
promulgated; promulgating

Definition of *promulgate*

transitive verb

1 : to make (an idea, belief, etc.) known to many people by open declaration : proclaim ... the huge meeting served primarily as the occasion on which to promulgate the official doctrine ...— Roger Shattuck From the beginning our objective has been to develop and promulgate new models for the calculus-based introductory course.— John S. Rigden et al.

2a : to make known or public the terms of (a proposed law) The law was promulgated in February 1993.

b : to put (a law or rule) into action or force ... more than 200 colleges and universities have promulgated behavioral codes that punish various forms of harassment ...— Ken Myers

↓ [Other Words from *promulgate*](#) ↓ [Synonyms](#) ↓ [Choose the Right Synonym](#) ↓ [Did You Know?](#) ↓ [More](#)

[Example Sentences](#) ↓ [Learn More about *promulgate*](#)

Keep scrolling for more

Other Words from *promulgate*

promulgation \ ,prä-məl-'gā-shən; ⓘ ,prō-(,)məl-, (,)prō-,məl- \ noun

promulgator \ 'prä-məl-,gā-tər; ⓘ prō-'məl-, prə-'məl-, 'prō-(,)məl- \ noun

Synonyms for *promulgate*

Synonyms

advertise, announce, annunciate, blare, blaze, blazon, broadcast, declare, enunciate, flash, give out, herald, placard, post, proclaim, publicize, publish, release, sound, trumpet

[Visit the Thesaurus for More](#) ⓘ

Choose the Right Synonym for *promulgate*

declare, announce, proclaim, promulgate mean to make known public formalities in making known. the referee *declared* the contest a draw an for the first time. *announced* their engagement at a party proclaim imp authoritatively. the president *proclaimed* a national day of mourning p dogma, doctrine, or law. *promulgated* an edict of religious toleration

LEARN MORE FROM M-W

The Verb
Advent
'Weigh
'Weight

Did You Know?

The origin of *promulgate* is a bit murky, or perhaps we should say "milky." It comes from Latin *promulgatus*, which in turn derives from *pro-*, meaning "forward," and *-mulgare*, a form that is probably related to the verb

mulgēre, meaning "to milk" or "to extract." *Mulgēre* is an ancestor of the English word *emulsion* ("mixture of mutually insoluble liquids"), and it is also related to the Old English word that became *milk* itself. Like its synonyms *declare*, *announce*, and *proclaim*, *promulgate* means to make known publicly. It particularly implies the proclaiming of a dogma, doctrine, or law.

Examples of *promulgate* in a Sentence

Her ideas have been widely *promulgated* on the Internet. The law was *promulgated* in April 1988.

Recent Examples on the Web

One sleight of hand is that HHS is *promulgating* the rule through the Centers for Medicare and Medicaid Services, not the Food and Drug Administration, which regulates safety and efficacy disclosures in drug advertisements. — The Editorial Board, *WSJ*, "Trump's Drug Price Bust," 18 Oct. 2018 In *promulgating* the pay rules, the government agencies noted that excessive salaries to actors were harming the quality of Chinese film and television production. — Don Lee, *latimes.com*, "In China's 'money worshiping' movie industry, stars' high pay becomes a target of the central government," 5 July 2018

These example sentences are selected automatically from various online news sources to reflect current usage of the word 'promulgate.' Views expressed in the examples do not represent the opinion of Merriam-Webster or its editors. [Send us feedback](#).

See More 

First Known Use of *promulgate*

1530, in the meaning defined at [sense 1](#)

History and Etymology for *promulgate*

Latin *promulgatus*, past participle of *promulgare*, from *pro-* forward + *-mulgare* (probably akin to *mulgēre* to milk, extract) — more at [emulsion](#)

Keep scrolling for more

Learn More about *promulgate*

Share *promulgate*



Resources for *promulgate*



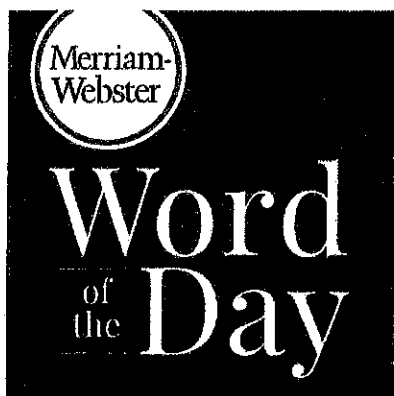
[Time Traveler! Explore the year a word first appeared](#)

Listen to Our Podcast about *promulgate*

LEARN MORE FROM M-W



ART19



promulgate

[SUBSCRIBE](#)
[DOWNLOAD](#)


00:00 / 02:14 Listen on



Apple Podcasts



Spotify



Theme music by Joshua Stamper ©2006 [New Jerusalem Music/ASCAP](#)

Get Word of the Day delivered to your inbox!

Your email address

Sign Up 

From the Editors at Merriam-Webster

[Trending: Trump: Fake News...](#)

[Trending: Trump: Fake News 'Promulgated' by Fools](#)

[Searches rise 2000% after tweet](#)

Dictionary Entries near *promulgate*

[prompt side](#)

[promptuary](#)

[prompture](#)

[promulgate](#)

[promulge](#)

[promulger](#)

[promuscidate](#)

Statistics for *promulgate*

Last Updated

16 Jan 2019

Look-up Popularity

Top 10% of words

LEARN MORE FROM M-W



Time Traveler for *promulgate*

The first known use of *promulgate* was in 1530

[See more words from the same year](#)

Keep scrolling for more

More Definitions for *promulgate*

promulgate

verb



English Language Learners Definition of *promulgate*


: to make (an idea, belief, etc.) known to many people

: to make (a new law) known officially and publicly

[See the full definition for *promulgate* in the English Language Learners Dictionary](#)

promulgate

transitive verb


prom·ul·gate | \ 'prä-məl-, gāt, prō-'mäl-  \
promulgated; promulgating


Legal Definition of *promulgate*

1 : to make known or public

2 : to put (as a regulation) into effect

Other Words from *promulgate*

promulgation \ ,prä-mäl-'gā-shən, ,prō-,mäl-  \ noun

promulgator \ 'prä-mäl-,gā-tər, prō-'mäl-  \ noun

Keep scrolling for more

More from Merriam-Webster on *promulgate*

Rhyming Dictionary: [Words that rhyme with *promulgate*](#)

Thesaurus: [All synonyms and antonyms for *promulgate*](#)

Spanish Central: [Translation of *promulgate*](#)

Nglish: [Translation of *promulgate* for Spanish Speakers](#)

Britannica English: [Translation of *promulgate* for Arabic Speakers](#)

LEARN MORE FROM M-W



LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __4__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove a grant application for the design only portion of the reconstruction and expansion of the West Airport Apron at the Battle Mountain Airport, and authorize the County Manager to sign, and all other matters properly related thereto.

Public Comment:

Background: The FAA has provided approval to apply for an AIP grant for the reconstruction and expansion west GA Apron (Design only) for FY 2019. The attached page from the grant provides more information on the project description, justification and estimated costs.

Recommended Action: Grant approval for the County Manager to sign the Grant Application and associated Sponsor certifications and proceed with the FY 19 project.



Agenda Request Form

COMMISSION MEETING DATE Jan. 7, 2019 (Special)

NAME David Meyer & Tom Lemenager REPRESENTING J-U-B Engineers, Inc.

ADDRESS 250 S. Beechwood Ave Ste. 201, Boise, Idaho 83709

PHONE(C) 208-869-0859 (W) 208-376-7330 (FAX) _____

WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS HOURS? 208-869-0859

WHO WILL BE ATTENDING THE MEETING? David Meyer & Tom Lemenager

JOB TITLE Aviation Engineer & Senior Aviation Project Manager

SPECIFIC REQUEST TO BE PLACED ON THE AGENDA: Discussion and approval for signature of a grant application for the next FAA-funded project at the Battle Mountain Airport. The project is a design-only reconstruction and expansion of the West Airport Apron.

BACKGROUND INFORMATION: The FAA has provided approval to apply for an AIP grant for the Reconstruct and Expand West GA Apron (Design Only) for FY 2019. The attached page from the grant provides more information on the project description, justification, and estimated costs.

WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE? Grant approval for the County Manager, Keith Westengard, to sign the three (3) copies of the Grant Application and associated Sponsor certifications and proceed with the FY19 project.

ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST? YES X NO _____

AMOUNT: \$12,000 (estimated County portion)

HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? YES _____ NO X

WHEN? _____

HAS THIS ISSUE BEEN REVIEWED 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 X NO _____

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 REQUIRED REVIEW? YES X NO _____

THE COMMISSION RESERVES THE RIGHT TO REJECT OR RECOMMEND TABLING ALL AGENDA REQUESTS FOR INSUFFICIENT INFORMATION.

ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.

SIGNATURE: David Meyer, P.E.

DATE: 12/13/18

SAFETY COMMITTEE MEETS THE 2ND & 4TH THURSDAY OF EACH MONTH

PART IV – PROGRAM NARRATIVE
(Suggested Format)

PROJECT: AIP 3-32-0001-028-2019

AIRPORT: Battle Mountain Airport

1. Objective:

Reconstruct and Expand West GA Apron (Design Only)

2. Benefits Anticipated:

The Pavement for the West side of the GA Apron has greatly deteriorated and needs to be replaced. The existing surface has experienced cracking, surface oxidation, and produces significant Foreign Object Debris (FOD). The PCI numbers are estimated to be in the upper 20's and lower 30's. Expansion of the GA Apron to the West will provide increased parking on the apron and access to newly constructed hangars located NW of the GA Apron.

3. Approach: (See approved Scope of Work in Final Application)

The project will consist of the design only for the Reconstruction and Expansion of West Portion of the GA Apron. Project Plans and Specifications will be produced and a Construction Safety and Phasing Plan (CSPP) will also be developed. Bidding and Construction will be completed as part of a separate grant in FY2020.

4. Estimated Funding (\$):

* a. Federal	180,000.00
* b. Applicant	12,000.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	192,000.00

6. Sponsor's Representative: (include address & telephone number)

Mr. Keith Westengard, Lander County Manager
50 State Route 305, Battle Mountain, NV 89820
(775) 635-2885

Application for Federal Assistance SF-424

*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☒ New
☐ Continuation
☐ Revision

*** If Revision, select appropriate letter(s):**

*** Other (Specify):**

*** 3. Date Received:**

4. Applicant Identifier:

KBAM - Battle Mountain Airport

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

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):**

88-6000093

*** c. Organizational DUNS:**

0737929130000

d. Address:

*** Street1:**

50 State Route 305

Street2:

*** City:**

Battle Mountain

County/Parish:

*** State:**

NV: Nevada

Province:

*** Country:**

USA: UNITED STATES

*** Zip / Postal Code:**

89820

e. Organizational Unit:

Department Name:

Lander County

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

*** First Name:**

Keith

Middle Name:

*** Last Name:**

Westengard

Suffix:

Title:

County Manager

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 (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

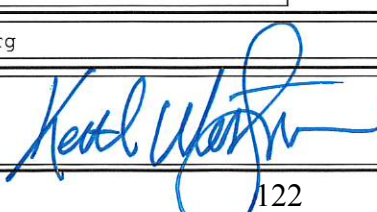
Reconstruct and Expand West GA Apron (Design Only)

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant: <input type="text" value="2nd"/>	* b. Program/Project: <input type="text" value="2nd"/>
Attach an additional list of Program/Project Congressional Districts if needed.	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="View Attachment"/>
17. Proposed Project:	
* a. Start Date: <input type="text" value="01/01/2019"/>	* b. End Date: <input type="text" value="10/31/2019"/>
18. Estimated Funding (\$):	
* a. Federal	<input type="text" value="180,000.00"/>
* b. Applicant	<input type="text" value="12,000.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="192,000.00"/>
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <input type="text"/> .	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<input type="text"/>	<input type="button" value="Add Attachment"/> <input type="button" value="Delete Attachment"/> <input type="button" value="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)	
<input checked="" type="checkbox"/> ** I AGREE	
** 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: <input type="text" value="Mr."/>	* First Name: <input type="text" value="Keith"/>
Middle Name: <input type="text"/>	
* Last Name: <input type="text" value="Westengard"/>	
Suffix: <input type="text"/>	
* Title: <input type="text" value="County Manager, Lander County"/>	
* Telephone Number: <input type="text" value="(775) 635-2885"/>	Fax Number: <input type="text" value="(775) 635-5332"/>
* Email: <input type="text" value="kwestengard@landercountynv.org"/>	
* Signature of Authorized Representative: 	* Date Signed: <input type="text" value="12-24-18"/>



U.S. Department
of Transportation
Federal Aviation
Administration

FAA Form 5100-100, Application for Federal Assistance (Development and Equipment Projects)

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 28 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; no assurance of confidentiality is provided. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, ASP-110.

INSTRUCTIONS FOR FORM 5100-100

PART I – Application for Federal Assistance

Part I of the Application for Federal Assistance consists of a completed Standard Form (SF) 424. The remaining parts of Form 5100-100 (Parts II, III and IV) represent continuation pages that the Sponsor must attach to the associated SF-424 form. The signature of the Sponsor's authorized representative on the SF-424 form represents acceptance of the representations and certifications made within the corresponding FAA 5100-100 form.

PART II – Project Approval Information

This information is necessary for the Federal Aviation Administration to evaluate this request for Federal assistance. Responses do not require an explanation unless explicitly requested by the question.

SECTION A. STATUTORY CONDITIONS

Item 1 – Indicate whether the Sponsor maintains an active registration in the Federal System for Award Management (SAM). Pursuant to 2 CFR §25.200(b), a Sponsor must maintain an active registration in the Central Contractor Registration repository (housed within SAM) with current information at the time of the application and during the active period of the Federal award.

Item 2 – Indicate whether the Sponsor can commence the project within the same fiscal year the grant is made or within 6 months of when the grant is made, whichever is later. Attach explanation for negative responses. This information is considered when allocating discretionary funds. (49 U.S.C. § 47115(d)(2))

Item 3 – Indicate whether the Sponsor can complete the project without unreasonable delays. If applicable, provide listing of foreseeable events (winter shutdown, land acquisition issues, non-aeronautical events, etc.) that have potential to delay completion of the project. (49 USC § 47106(a))

Item 4 – Indicate whether the environmental review (i.e. environmental assessment, mitigated FONSI, etc.) identified impacts or effects on the environment that require mitigating measures that lessen the impact or effect on the environment. If yes, provide a summary listing of mitigating measures. (49 U.S.C. § 47106(c))

Item 5 – Indicate whether the project covered by this request is also covered by an approved Passenger Facility Charge (PFC) application or other Federal assistance program by selecting all applicable check boxes (49 U.S.C. § 40117(d) and 2 CFR § 200.403). If the approved PFC application only addresses the Sponsor's AIP matching share, select the appropriate check box.

If the project, or portions thereof, is covered by another Federal assistance program, identify the Federal assistance program by name and the Catalog of Federal Domestic Assistance (CFDA) number.

Item 6 – Indicate whether the Sponsor intends to seek reimbursement of Sponsor indirect costs as defined by 2 CFR §200.414 and 2 CFR Appendix VII to Part 200. This information request **does not** include the indirect costs claimed by a for-profit entity (e.g. consultant).

- The de minimis rate may only be used if the Sponsor has not previously received a negotiated Indirect Cost Rate (ICR) and does not exceed the limitations prescribed in Appendix VII to Part 200.
- A Sponsor with an existing approved negotiated ICR must identify the ICR value, the name of the cognizant agency that approved the ICR and the date of approval.

Limitations of use: Per policy, Sponsor's may only apply an approved ICR to allowable direct salary expenses that are reasonable and necessary to carry-out the project.

SECTION B. CERTIFICATION REGARDING LOBBYING

This section addresses the Sponsor's declaration regarding lobbying activities. The declaration made in the section are under signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached.

Title 31 U.S.C. § 1352 establishes that no appropriated funds may be expended by a recipient of a Federal grant to pay any person for influencing or attempting to influence an officer or employee of any agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this covered Federal assistance action. Pursuant to 40 CFR part 20, this certification attests that the Sponsor has not made, and will not make, any payment prohibited payment by 31 U.S.C. § 1352.

SECTION C. REPRESENTATIONS AND CERTIFICATION

1. **Compatible Land Use** (49 U.S.C. § 47107(a)(10)) – Identify actions the Sponsor has taken to assure land uses in close proximity to the airport are compatible with normal airport operations.
2. **Defaults** – Confirm that Sponsor is not in default on any obligation to the United States or any agency of the United States government.
3. **Possible Disabilities** – Confirm that Sponsor has no facts or circumstances (i.e. legal, financial or otherwise) that might adversely affect the Sponsor in completing the project and carrying out the provisions of the associated Grant Assurances.
4. **Consistency with Local Plans** (49 U.S.C. § 47106(a)) – Confirm project is consistent with plans (existing at the time the project is approved) of public agencies authorized by the State in which the airport is located to plan.
5. **Consideration of Local Interests** (49 U.S.C. § 47106(b)) – Confirm the Sponsor has given fair consideration to the community in and near the project.
6. **Consultation with Users** (49 U.S.C. § 47105(a)) – Confirm the Sponsor has consulted with airport users that will be affected by the project.
7. **Public Hearings** (49 U.S.C. § 47106(c)) – For projects involving the location of an airport, runway or major runway extension, confirm the Sponsor:
 - a. Provided an opportunity for a public hearing to consider economic, social and environmental effects of the project.
 - b. Has voting representation from the communities in which the project is located; or has advised the communities that they have the right to petition the Secretary about the proposed project.
8. **Air and Water Quality Standards** – Confirm Sponsor will comply with applicable air and water quality standards.
9. **Exclusive Rights** (49 U.S.C. § 47107(a)) – Identify all instances of exclusive rights to conduct aeronautical services at the airport.
10. **Land** (49 U.S.C. § 47106(b)) –
 - a. Identify property interests specific to the development project and/or land acquisition. The declaration of property interest is to be based upon a title opinion submitted by an attorney. When identifying the property interest, use the same parcel numbers as used to identify the property on the associated Exhibit A property map.
Example: "Sponsor maintains property interest as depicted within the property table on the Exhibit A property map dated ___/___/___ originally filed with AIP Project ###."
 - b. Complete this subpart if the Sponsor proposes a project for which they have not yet obtained appropriate property interests. Note that the work may not commence until Sponsor obtains acceptable property interests. Identify such property by parcel number that corresponds to the associated Exhibit A property map.
 - c. Complete this subpart when acquiring property interests under the grant. Identify such property by parcel number that corresponds to the associated Exhibit A property map.

PART III – Budget Information

SECTION A. GENERAL

1. Federal Domestic Assistance Catalog Number - Show the Federal Domestic Assistance Catalog Number from which the assistance is requested.

2. Functional or Other Breakout: Indicate "Airport Improvement Program". Prepare a separate set of Part III forms for other Federal program categories.

SECTION B. CALCULATION OF FEDERAL GRANT

When applying for a new grant, use the Total Amount Column only. Use all columns when requesting revisions of previously awarded amounts.

Line 1 - Enter amounts needed for administration expenses, which may include such items as: legal fees, mailing/shipping expenses, audit fees and documented Sponsor employee time that is necessary to administer the grant.

Line 2 - Enter amounts pertaining to allowable preliminary expenses. These include such expenses as independent fee estimate preparation, advertising expenses and permits.

Line 3 - Enter amounts directly associated with the acquisition of land, existing structures, and related right-of-way.

Line 4 - Enter fees for architectural engineering basic services.

Line 5 - Enter amounts for architectural engineering special services (e.g. surveys, tests and borings).

Line 6 - Enter fees for inspection, testing and monitoring of construction and related programs.

Line 7 - Enter amounts associated with the development of land where the primary purpose of the grant is land improvement. Site work normally associated with major construction should be excluded from this category and shown on line 11.

Line 8 - Enter the dollar amounts needed to provide relocation advisory assistance, and the net amounts for replacement (last resort) housing. Do not include relocation administration expenses on this Line; include them on Line 1.

Line 9 - Enter the estimated amount of relocation payments to be made to displaced persons, business concerns, and non-profit organizations for moving expenses and replacement housing.

Line 10 - Enter the cost of demolition or removal of improvements on developed land. Reduce the costs on this line by the amount of expected proceeds from the sale of salvage, if so instructed by the Federal grantor agency. Otherwise, show the proceeds on Line 15.

Line 11 - Enter amounts for the actual construction of, addition to or restoration of a facility. Include in this category the amounts of project improvements such as grading, drainage, paving, marking, lighting, buildings, seeding/sodding, etc.

Line 12 - Enter amounts for equipment. Examples include ARFF vehicles, SRE equipment, AWOS equipment, interactive training, NAVAID equipment, etc.)

Line 13 - Enter miscellaneous amounts for items not specifically covered by previous categories.

Line 14 - Enter the sum of Lines 1-13.

Line 15 - Enter the estimated amount of program income that will be earned during the grant period and applied to the program. Examples include vehicle trade-in value, sale of millings resulting from project, credits passed on from contractor, etc. This line may be used to indicate applied liquidated damages.

Line 16 - Enter the difference between Line 14 and Line 15.

Line 17 - Enter the aggregate amount for those items, which are a part of the project but not subject to Federal participation. Refer to Section C, exclusions.

Line 18 - Enter the subtotal sum of Lines 16 and 17. (This is the amount to which the matching share ratio prescribed in program legislation is applied.)

Line 19 - Indicate the total amount of the Federal assistance requested. This value is determined by multiplying the grant participation rate by the amount indicated in line 18.

Line 20 - Indicate the amount of the Grantee's share (from Section D).

Line 21 - Indicate the amount of other shares (from Section D)

Line 22 - Indicate sum of Lines 19, 20 and 21.

SECTION C. EXCLUSIONS

Line 23 a-g - Identify and list those costs which are part of the project cost but are not subject to Federal participation because of program legislation or Federal grantor agency instructions. The total amount on Line g should agree with the amount shown on Line 17 of Section B.

SECTION D. PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

Line 24 a-g - Show the source of the grantee's share. If cash is not immediately available, specify the actions completed to date and those actions remaining to make cash available under Section E - Remarks. Indicate also the period of time that will be required after execution of the grant agreement to obtain the funds. If there is a non-cash contribution, explain what this contribution will consist of.

Line 24h - Indicate total of Lines 24 a-g. This amount must equal the amount in Section B, Line 20.

Line 25a - Show the amount that will be contributed by a State or state agency, only if the applicant is not a State or state agency. If there is a non-cash or other contribution, explain what the contribution will consist of under Section E - Remarks.

Line 25b - Show the amount that will be contributed from other sources. If there is a non-cash contribution, explain what the contribution will consist of under Section E - Remarks.

Line 25c - Show the total of Lines 25a and 25b. This amount must be the same as the amount shown in Section B, Line 21.

Line 26 - Enter the totals of Lines 24h and 25c.

SECTION E. OTHER REMARKS

Make any remarks pertinent to the project and provide any other information required by these instructions or the grantor agency. Attach additional sheets, if necessary.

PART IV – Program Narrative

Prepare the program narrative statement in accordance with the following instructions for all new grant programs. Requests for supplemental assistance should be responsive to Item 5b only. Requests for continuation or refunding or other changes of an approved project should be responsive to Item 5c only.

1. OBJECTIVES AND NEED FOR THIS ASSISTANCE

Provide a short and concise description of the proposed improvement. Include a narrative on why this improvement is needed.

2. RESULTS OR BENEFITS EXPECTED

Identify results and benefits to be derived. For example, include a description of who will occupy the facility and show how the facility will be used. For land acquisition or development projects, explain how the project will benefit the public.

3. APPROACH

- a. Outline a plan of action pertaining to the scope and detail of how the Sponsor proposes to accomplish the work.
- b. Cite factors, which might accelerate or decelerate the work, and your reason for taking this approach as opposed to others. Describe any unusual features of the project such as construction approach, reductions in cost or time or extraordinary social and community involvements.
- c. Provide projections of project milestone dates. As a minimum, identify target dates for defining project costs (i.e. bid opening or completion of negotiations), anticipated issuance of notice-to-proceed and anticipated project completion date.
- d. Identify monitoring and oversight mechanisms the Sponsor proposes to implement.
- e. List key individuals and entities such as consultant, Sponsor personnel and contractor who will work on the project. Provide a short description of the nature of their effort or contribution.

4. GEOGRAPHIC LOCATION

Identify location of the project. This will typically be the name of the airport.

5. IF APPLICABLE, PROVIDE THE FOLLOWING INFORMATION:

- a. Describe the relationship between this project and other work planned, anticipated or underway under the Federal Assistance listed under Part II, Section A, Item 5.
- b. Explain the reason for all requests for supplemental assistance and justify the need for additional funding.
- c. If there have been significant changes in the project objectives, location, approach or time delays, explain and justify. For other requests for changes or amendments, explain the reason for the change(s). If the scope, budget, or objectives have changed or an extension of time is necessary, explain the circumstances and justify.

6. SPONSOR'S REPRESENTATIVE

Identify contact information of Sponsor's representative.

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 registration in the System for Award Management (www.SAM.gov)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Item 2. Can Sponsor commence the work identified in the application in the fiscal year the grant is made or within six months after the grant is made, whichever is later?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Item 3. Are there any foreseeable events that would delay completion of the project? If yes, provide attachment to this form that lists the events.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Item 4. Will the project(s) covered by this request have impacts or effects on the environment that require mitigating measures? If yes, attach a summary listing of mitigating measures to this application and identify the name and date of the environmental document(s).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Item 5. Is the project covered by this request included in an approved Passenger Facility Charge (PFC) application or other Federal assistance program? If yes, please identify other funding sources by checking all applicable boxes.	
<input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> The project is included in another Federal Assistance program. Its CFDA number is below.	
Item 6. Will the requested Federal assistance include Sponsor indirect costs as described in 2 CFR Appendix VII to Part 200, States and Local Government and Indian Tribe Indirect Cost Proposals?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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:	
<input type="checkbox"/> De Minimis rate of 10% as permitted by 2 CFR § 200.414.	
<input type="checkbox"/> Negotiated Rate equal to % as approved by (the Cognizant Agency) on (Date) (2 CFR part 200, appendix VII).	
<i>Note: Refer to the instructions for limitations of application associated with claiming Sponsor indirect costs.</i>	

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

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. Land – (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 December 2018.

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

¹ 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

SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense			\$ 5,000
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			187,000
5. Other Architectural engineering fees			
6. Project inspection fees			
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			
12. Equipment			
13. Miscellaneous			
14. Subtotal (Lines 1 through 13)			\$ 192,000
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			192,000
17. Less: Ineligible Exclusions (Section C, line 23 g.)			
18. Subtotal (Lines 16 through 17)			\$ 192,000
19. Federal Share requested of Line 18			180,000
20. Grantee share			12,000
21. Other shares			0
22. TOTAL PROJECT (Lines 19, 20 & 21)			\$ 192,000

SECTION C – EXCLUSIONS

23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	
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)	12,000
d. Bonds	
e. Tax Levies	
f. Non-Cash	
g. Other (Explain):	
h. TOTAL - Grantee share	\$ 12,000
25. Other Shares	Amount
a. State	
b. Other	
c. TOTAL - Other Shares	
26. TOTAL NON-FEDERAL FINANCING	\$ 12,000

SECTION E – REMARKS

(Attach sheets if additional space is required)

- There have been no changes to the previously approved Exhibit "A"
- A Construction Plan Set and Bidding and Construction Documents will be completed as part of this grant.
- Title VI Assurances are included.

PART IV – PROGRAM NARRATIVE
(Suggested Format)

PROJECT: AIP 3-32-0001-028-2019
AIRPORT: Battle Mountain Airport
1. Objective: Reconstruct and Expand West GA Apron (Design Only)
2. Benefits Anticipated: The Pavement for the West side of the GA Apron has greatly deteriorated and needs to be replaced. The existing surface has experienced cracking, surface oxidation, and produces significant Foreign Object Debris (FOD). The PCI numbers are estimated to be in the upper 20's and lower 30's. Expansion of the GA Apron to the West will provide increased parking on the apron and access to newly constructed hangars located NW of the GA Apron.
3. Approach: (See approved Scope of Work in Final Application) The project will consist of the design only for the Reconstruction and Expansion of West Portion of the GA Apron. Project Plans and Specifications will be produced and a Construction Safety and Phasing Plan (CSPP) will also be developed. Bidding and Construction will be completed as part of a separate grant in FY2020.
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 Manager 50 State Route 305, 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 direct 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	\$187,000.00
5.	Other Architectural Engineering Fees	N/A
6.	Project Inspection Fees	N/A
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	N/A
12.	Equipment	N/A
13.	Miscellaneous	N/A
14.	Total	\$192,000.00
15.	Estimated Income	N/A
16.	Net Project Amount	\$192,000.00
17.	Less Ineligible Exclusions	\$0
18.	Add: Contingencies	\$0
19.	Total Project Amount	\$192,000.00
20.	Federal Share Requested	\$180,000.00
	93.75% of total project amount (Line 19)	

21.	Add Rehabilitation Grants Requested	N/A
22.	Total Federal Grant Requested (Lines 20 and 21)	\$180,000.00
23.	Grantee Share	\$12,000.00
	Local Funds- Lander County, Nevada (6.25%)	
24.	Other Shares	\$0.00
25.	Total Project	\$192,000.00

CIP/APPLICATION DATA SHEET

AIRPORT: BATTLE MOUNTIAN AIRPORT **LOCAL PRIORITY:** 1 OF 1 **UPDATED:** DEC 2018

WORK ITEM (s): RECONSTRUCT AND EXPAND WEST GA APRON (DESIGN ONLY)



RECONSTRUCT

EXPAND

JUSTIFICATION:

THE PAVEMENT FOR THE WEST SIDE OF THE GA APRON HAS GREATLY DETERIORATED AND NEEDS TO BE REPLACED. THE EXISTING SURFACE HAS EXPERIENCED CRACKING, SURFACE OXIDATION, AND PRODUCES SIGNIFICANT FOREIGN OBJECT DEBRIS (FOD). THE PCI NUMBERS ARE ESTIMATED TO BE IN THE UPPER 20'S AND LOWER 30'S. EXPANSION OF THE GA APRON TO THE WEST WILL INCREASE PARKING ON THE APRON AND ACCESS TO NEWLY CONSTRUCTED HANGARS LOCATED NW OF THE GA APRON.

SPONSOR SIGNATURE:

MR. KEITH WESTENGARD, COUNTY MANAGER

DATE: 12-24-18

COST ESTIMATE:

ADMINISTRATION	<u>\$5,000.00</u>	ENGINEERING	<u>\$187,000.00</u>	EQUIPMENT	<u>N/A</u>
LAND	<u>N/A</u>	INSPECTION	<u>N/A</u>	CONTINGENCIES	<u>N/A</u>
APPRAISALS	<u>N/A</u>	CONSTRUCTION	<u>N/A</u>	TOTAL COST	<u>\$192,000.00</u>

ADO USE:

PREAPP **GRANT** **NPIAS** **WORK** **FAA**
NO: _____ **NO:** _____ **CODE:** _____ **CODE:** _____ **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.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- 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
- l. 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.¹
- 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 Opportunity¹
- 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 Construction¹
- 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].^{4, 5, 6}
- 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.¹
- i. 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.¹
- 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).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- 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.^{1 2}
- 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.¹
- 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.

¹ These laws do not apply to airport planning sponsors.

² These laws do not apply to private sponsors.

³ 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.

⁴ 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.

- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ 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 non-compliance 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. Pavement 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
 - 2) 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.
 - i. 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:
 - 1) 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
 - 2) 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;
 - 2) 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
 - 1) 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.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination 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 02/20/2018 (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;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 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.



FAA Airports

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 2/20/2018

View the most current versions of these ACs and any associated changes at:
http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/

NUMBER	TITLE
70/7460-1L Change 1	Obstruction Marking and Lighting
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1 - 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28F	Notices to Airmen (NOTAMs) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1 - 2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel

NUMBER	TITLE
150/5210-19A	Driver's Enhanced Vision System (DEVs)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26, Changes 1 - 2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes
150/5300-13A, Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6F	Airport Pavement Design and Evaluation

NUMBER	TITLE
150/5320-12C, Changes 1 - 8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retroreflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43H	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures

NUMBER	TITLE
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13 Change 1	Planning and Design Guidelines for Airport Terminal Facilities
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10G	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 1/29/2018

NUMBER	TITLE
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17, Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering and Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

STANDARD DOT TITLE VI ASSURANCES

Lander County, Nevada (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 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 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
 - (a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
 - (b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor 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:
 - (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - (b) the period during which the Sponsor retains ownership or possession of the property.
7. It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.

STANDARD DOT TITLE VI ASSURANCES (Continued)

8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED 12-24-18

Lander County, Nevada
(Sponsor)


(Signature of Authorized Official)

CONTRACTOR CONTRACTUAL REQUIREMENTS

ATTACHMENT 1

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations. The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination. The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. the contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or lease of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports. The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contract is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance. In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions. The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

ATTACHMENT 2

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. The (grantee, licensee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.
2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

**REQUIRED STATEMENTS
AIRPORT IMPROVEMENT PROGRAM PROJECTS**

AIRPORT: Battle Mountain Airport

LOCATION: Battle Mountain, Nevada

AIP PROJECT NO.: AIP 3-32-0001-028-2019

STATEMENTS APPLICABLE TO THIS PROJECT Reconstruct and Expand West GA Apron (Design Only)

- ☒ a. **INTEREST OF NEIGHBORING COMMUNITIES:** In formulating this project, consideration has been given to the interest of communities that are near (Exact name of airport) Battle Mountain Airport.
- ☒ b. **THE DEVELOPMENT PROPOSED IN THIS PROJECT** will not require the use of publicly owned land from a public park, recreation area, wildlife and fowl refuge, or a historical site under Federal, State, or Local jurisdiction.
- ☒ c. **FBO COORDINATION:** The airport development proposed in this project has been coordinated with the Fixed Base Operator(s) utilizing (Exact name of airport) Battle Mountain Airport, and they have been informed regarding the scope and nature of this project.
- ☒ d. **THE PROPOSED PROJECT IS CONSISTENT** with existing approved plans for the area surrounding the airport.

The above statements have been duly considered and are applicable to this project. (Provide comment for any statement not checked).

BY: 

DATE: 12-24-18

TITLE: Lander County Manager

SPONSORING AGENCY: Lander County, Nevada

NOTE: Where opposition is stated to an airport development project, whether expressly or by proposed revision, the following specific information concerning the opposition to the project must be furnished.

- a. Identification of the Federal, state, or local governmental agency, or the person or persons opposing the project;
- b. The nature and basis of opposition;
- c. Sponsor's plan to accommodate or otherwise satisfy the opposition;
- d. Whether an opportunity for a hearing was afforded, and if a hearing was held, an analysis of the facts developed at the hearing as they relate to the social, economic, and environmental aspects of the proposed project and its consistency with the goals and objectives of such urban planning as has been carried out by the community.
- e. If the opponents proposed any alternatives, what these alternatives were and the reason for nonacceptance;
- f. Sponsor's plans, if any, to minimize any adverse effects of the project;
- g. Benefits to be gained by the proposed development; and
- h. Any other pertinent information which would be of assistance in determining whether to proceed with the project.

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 any 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 Lobby 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.

Signed


Sponsor's Authorized Representative

Date

12-24-18

Title

Lander County Manager

TITLE VI PRE-AWARD SPONSOR CHECKLIST

Airport/Sponsor: Battle Mountain Airport / Lander County

AIP #: AIP 3-32-0001-028-2019

Project Description(s): Reconstruct and Expand West GA Apron (Design Only)

- 1) Please describe any of the following IF they apply to your project: Title VI issues raised at public hearing(s) and the conclusions made; EIS data concerning the race, color, or national origin of the affected community; steps taken or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin.
☒ None
- 2) Please list any airport related Title VI lawsuits or complaints filed in the preceding year against the sponsor. Include a summary of the findings.
☒ None (If "None", continue with questions 3 and 4).
- 3) Please list any current applications for federal funding (other than FAA) of airport related projects which exceed the amount for this grant.
☒ None
- 4) Please list any airport related Title VI compliance review(s) received by the sponsor in the preceding two years. Include who conducted the review and any findings of noncompliance.
☒ None

To be completed by the Civil Rights Staff:

Review completed and approved: _____
Signature

Date: _____

This checklist is only required for projects that involve one of the following: Environmental Assessment or Impact Statement (EIS); airport or runway relocation; major runway extension; relocation of any structure of person; or impact to access or preservation of any burial ceremonial or other sacred or historical structures or lands of any indigenous or ethnic population.

Return to: FAA, Civil Rights, Northwest Mountain Region; 1601 Lind Ave. SW; Renton, WA 98057-3356. FAX: (425) 227-1009 Phone (425) 227-2009

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

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: 3-32-0001-028-2019

Description of Work: Reconstruct and Expand West GA Apron (Design Only)

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.

☒ Yes ☐ No

2. 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)).

☒ Yes ☐ No

3. 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).

☒ 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 24th day of December, 2018.

Name of Sponsor: Lander County, Nevada

Name of Sponsor's Authorized Official: Keith Westengard

Title of Sponsor's Authorized Official: Lander County Manager

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.

Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: 3-32-0001-028-2019

Description of Work: Reconstruct and Expand West GA Apron (Design Only)

Application

49 USC § 47105(d), authorizes the Secretary to require the 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
2. Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor's performance in complying with:
 - a. Technical standards (Advisory Circular (AC) 150/5370-12);
 - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
 - c. Construction safety and phasing plan measures (AC 150/5370-2).☐ Yes ☐ No ☒ N/A
3. 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).
☐ Yes ☐ No ☒ N/A
5. Pay reduction factors required by the specifications were applied or will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).
☐ 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).
- ☐ Yes ☐ No ☐ N/A
7. Weekly payroll records and statements of compliance were or will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).
☐ Yes ☐ No ☒ N/A
8. Payments to the contractor were or will be made in conformance with federal requirements and contract 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
 - d. 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. A final project inspection was or will be conducted with representatives of the sponsor and the contractor 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. The project was or will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).
☐ Yes ☐ No ☒ N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

☐ Yes ☐ No ☐ N/A

12. For development projects, sponsor has taken or will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- 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

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 24th day of December, 2018.

Name of Sponsor: Lander County, Nevada

Name of Sponsor's Authorized Official: Keith Westengard

Title of Sponsor's Authorized Official: Lander County Manager

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.

Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: 3-32-0001-028-2019

Description of Work: Reconstruct and Expand West GA Apron (Design Only)

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. 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:
 - a. The dangers of drug abuse in the workplace;
 - b. The sponsor's policy of maintaining a drug-free workplace;
 - 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

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

☒ 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:

- a. 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
- 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 through implementation of items 1 through 6 above (2 CFR § 182.200).

☒ Yes ☐ No ☐ N/A

Site(s) of performance of work (2 CFR § 182.230):

Location 1

Name of Location: Battle Mountain Airport

Address: 50 State Route 305, 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.

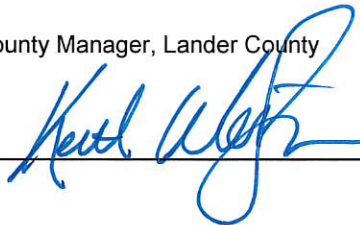
Executed on this 24th day of December, 2018.

Name of Sponsor: Lander County, Nevada

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

Title of Sponsor's Authorized Official: County Manager, 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.

Equipment and Construction Contracts Airport Improvement Sponsor Certification

Sponsor: Lander County, Nevada

Airport: Battle Mountain Airport

Project Number: 3-32-0001-028-2019

Description of Work: Reconstruct and Expand West GA Apron (Design Only)

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.

1. A written code or standard of conduct is or will be in effect prior to commencement of the project that governs the performance of the sponsor's officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

☒ Yes ☐ 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:

- 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);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. 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.

☐ 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 24th day of December, 2018.

Name of Sponsor: Lander County, Nevada

Name of Sponsor's Authorized Official: Keith Westengard

Title of Sponsor's Authorized Official: Lander County Manager

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: 3-32-0001-028-2019

Description of Work: Reconstruct and Expand West GA Apron (Design Only)

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.

1. The plans and specifications were or will be prepared in accordance with applicable federal 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).
☒ 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 that unduly restrict competition (2 CFR §200.319).
☒ Yes ☐ No ☐ N/A

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. Development and features that are ineligible or unallowable for AIP funding have been or will be omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).
☒ Yes ☐ No ☐ N/A
5. The specification does not use or will not use "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).
☒ Yes ☐ No ☐ N/A
6. The specification does not impose or will not impose geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).
☒ Yes ☐ No ☐ N/A
7. The use of prequalified lists of individuals, firms or products include or will include sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).
☒ Yes ☐ No ☐ N/A
8. Solicitations with bid alternates include or will include explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).
☒ Yes ☐ No ☐ N/A
9. Concurrence was or will be obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).
☒ Yes ☐ No ☐ N/A
10. The plans and specifications incorporate or will incorporate applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).
☒ Yes ☐ No ☐ N/A
11. The design of all buildings comply or will comply with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)
☐ Yes ☐ No ☒ N/A
12. The project specification include or will include process control and acceptance tests required for the project by as per the applicable standard:
- a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.
☒ Yes ☐ No ☐ N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

☐ Yes ☐ No ☒ 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):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

☒ 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 24th day of December, 2018.

Name of Sponsor: Lander County, Nevada

Name of Sponsor's Authorized Official: Keith Westengard

Title of Sponsor's Authorized Official: Lander County Manager

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: 3-32-0001-028-2019

Description of Work: Reconstruct and Expand West GA Apron (Design Only)

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-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).
☒ 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:

- a. 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.

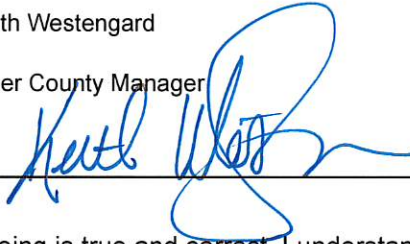
Executed on this 24th day of December, 2018.

Name of Sponsor: Lander County, Nevada

Name of Sponsor's Authorized Official: Keith Westengard

Title of Sponsor's Authorized Official: Lander County Manager

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
1/24/2019

Agenda Item Number __5__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion only regarding the status of the current and upcoming projects at the Austin and Battle Mountain Airport's, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action: **This is a non-action item.**



Agenda Request Form

COMMISSION MEETING DATE Jan. 7, 2019 (Special)

NAME David Meyer & Tom Lemenager REPRESENTING J-U-B Engineers, Inc.

ADDRESS 250 S. Beechwood Ave Ste. 201, Boise, Idaho 83709

PHONE(C) 208-869-0859 (W) 208-376-7330 (FAX) _____

WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS HOURS? 208-869-0859

WHO WILL BE ATTENDING THE MEETING? David Meyer & Tom Lemenager

JOB TITLE Aviation Engineer & Senior Aviation Project Manager

SPECIFIC REQUEST TO BE PLACED ON THE AGENDA: Discussion only of the status of the current and upcoming projects at the Austin Airport and the Battle Mountain Airport.

BACKGROUND INFORMATION: There are 6 current, 2 upcoming, and 2 more prospective projects at the Lander County airports (Austin & Battle Mountain). A status update was last given in May 2018.

WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE? No action needed

ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST? YES ___ NO X

AMOUNT: _____

HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? YES ___ NO X

WHEN? _____

HAS THIS ISSUE BEEN REVIEWED 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 ___ N/A 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 REQUIRED REVIEW? YES ___ NO ___ N/A X

THE COMMISSION RESERVES THE RIGHT TO REJECT OR RECOMMEND TABLING ALL AGENDA REQUESTS FOR INSUFFICIENT INFORMATION.

ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.

SIGNATURE: David Meyer, P.E. DATE: 12/13/18

SAFETY COMMITTEE MEETS THE 2ND & 4TH THURSDAY OF EACH MONTH

LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __6__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding the appointment of one individual to serve as a Lander County Representative on the Lander County Conservation District, position expiring two (2) years from appointment and to consider the following:

a) Jerry Annis;

And all other matters properly related thereto.

Public Comment:

Background: Letter of Interest attached

Recommended Action:

Dear Mr. Westengard and Lander County Commission,

January 8, 2019

My name is Jerry Annis, and am writing you to express interest in the vacancy for the County appointed position on the Lander County Conservation District board of supervisors. I have served as an elected LCCD board member for the past eight years, and did not seek reelection at the end of my most previous term, with the intent of applying for the open County appointed seat.

I am a resident of Battle Mountain, and have a sincere interest in natural resources management. I am a full time employee of Ormat Nevada as an operator at their Jersey Valley plant, and am married to Kati, a teacher at E. Lemaire JHS, and also a partner in the Saval ranch, which has operated out of Battle Mountain for over one hundred years. Sustainable management of our natural resources through collaboration with private land owners and all government agencies is of great importance to me. I feel that my past experience on the LCCD board gives me a unique ability to communicate LCCD matters with the Lander County Commissioners. I would be happy to meet with Mr. Westengard and/or members of the County Commission to answer any questions that you may have regarding my ability to serve.

I can be reached by phone at 635-2700, or by email at jerryannis@hotmail.com. Thank you very much for your consideration.

Sincerely,

Jerry Annis

PO Box 625

Battle Mountain



LANDER COUNTY
ADMINISTRATION
2019 JAN -8 PM 3:13

LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __7__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove the Plan of Corrective Action Letter to be sent to the State of Nevada Department of Taxation, and all other matters properly related thereto.

Public Comment:

Background: Letter of corrective action attached.

Recommended Action:

AGENDA REQUEST FORM

MEETING DATE: January 24, 2019

NAME: Cindy Benson

ADDRESS: 50 State Route 305

PHONE (H): _____ WORK: 775-635-2573 FAX: 775-635-9256

WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS HOURS: 775-635-2573

WHO WILL BE ATTENDING THE MEETING: Cindy Benson

JOB TITLE: Fiscal Officer

SPECIFIC REQUEST TO BE PLACED ON THE AGENDA: Plan of Corrective Action letter to be approved by the
Commissioners to be sent to the Department of Taxation.

WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE?

To approve this letter.

ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST? YES _____ NO X

AMOUNT: _____

HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING? YES _____ NO X

WHEN? _____

WILL YOU BE PRESENTING WRITTEN INFORMATION AT THE MEETING? YES _____ NO X

HAVE YOU DISCUSSED THIS ISSUE WITH THE AFFECTED DEPT HEAD? YES X NO _____

FOR REVIEW BY:

CLERK	<u>X</u>	SHERIFF	_____	JUSTICE COURT	_____
ASSESSOR	_____	WELFARE	_____	DISTRICT ATTORNEY	_____
BUILDING	_____	PLANNING DEPT.	_____	TREASURER	_____
AIRPORT	_____	FINANCE DEPT.	<u>X</u>	SWIM. POOL	_____
ROAD & BRIDGE	<u>X</u>	RECORDER	_____	HOSPITAL	_____
EXEC DIRECTOR	<u>X</u>	WATER & SEWER	_____	CIVIC CENTER	_____
FAIR & REC.	_____	GOLF COURSE	_____	COMMISSIONERS	_____

THE EXECUTIVE DIRECTOR RESERVES THE RIGHT TO REJECT OR RECOMMEND TABLING ALL AGENDA REQUESTS FOR INSUFFICIENT INFORMATION.

ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE.

SIGNATURE: _____

Cindy Benson

Lander County
Keith Westengard - Executive Director
50 State Route 305
Battle Mountain, NV 89820
P: 775-635-2885 f: 775-635-5332



January 24, 2019

Keri Gransbery, Budget Analyst
Nevada Department of Taxation
1550 College Parkway, Suite 115
Carson City, NV 89706-7937

RE: Plan of Corrective Action for Fiscal Year 17-18

Dear Keri,

Following is Lander County's Plan of Corrective Action regarding the compliance issue raised on pages 143-144 of our County's audited financial statements for the fiscal year ended June 30, 2018.

- **2018-002 Final Budget Adoption**
NRS 334.598 states that the final budget is to be adopted on or before June 1st of each year.
 - **2018-002 Final Budget Adoption – Corrective Action**
This finding has already been addressed. New personnel has been put into this position to ensure that all financial documents are sent to the Department of Taxation in a timely manner.
- **2017-005 Purchasing Requirements**
NRS 332.045 states that contracts between certain dollar amounts must be advertised and the County must publish the notice to bid on the County website.
 - **2017-005 Purchasing Requirements – Corrective Action**
The notice to bid will be published in the local paper and also be placed on the County's website by the Clerk's office. The County Manager will oversee that this procedure is being done correctly.

Respectfully,

Keith Westengard
County Manager

cc: Commissioners
HintonBurdick, PLLC

THOSE VOTING AYE:

- ✓ Commissioner Bryan Sparks
- ✓ Commissioner Kathy Ancho
- ✓ Commissioner Judy Allan
- ✓ Commissioner Patsy Waits
- ✓ Commissioner Art Clark

THOSE VOTING NAY:

Commissioner _____

THOSE ABSENT:

Commissioner _____

Patsy Waits, Chair

Lander County Board of Commissioners

ATTEST: _____

SADIE SULLIVAN
Lander County Clerk

LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __8__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding the direction the Board of Lander County Commissioners would like to take for the FY2019/20 budget, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
1/24/2019

Agenda Item Number __9__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:
Correspondence/reports/potential upcoming agenda items.

Public Comment:

Background:

Recommended Action:

1. State of Nevada Department of Conservation & Natural Resources. 30-day Public Notice Period for Renewal of Statewide General Permit, NV050000. To regulate discharge of Stormwater Associated with Industrial Activities, to water of the United States.
2. State of Nevada Department of Conservation & Natural Resources. Notice of Decision. Water Pollution Control Permit Number NEV2018110. Battick Gold Exploration Inc. Toiyabe Exploration Project II.



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources
Bradley Crowell, Director
Greg Lovato, Administrator

January 9, 2019

Lander County Commissioner
50 State Route 305
Battle Mountain, NV 89820

RE: 30-day Public Notice Period for Renewal of Statewide General Permit, NVR050000, to regulate discharge of Stormwater Associated with Industrial Activities, to waters of the United States

Dear Lander County Commissioners:

The Division has completed development of a draft water pollution control discharge permit to regulate discharge of Stormwater Associated with Industrial Activities, to waters of the United States (permit NVR050000). Attached is a copy of the Notice of Proposed Action. I have asked the Lahontan Valley News to publish the Notice of Proposed Action in the legal section on January 9, 2019; the Ely Times to publish the Notice of Proposed Action in the legal section on January 11, 2019; and the Elko Daily Free Press, Humboldt Sun, Nevada Appeal, Reno Gazette-Journal and the Las Vegas Review Journal to publish the Notice of Proposed Action in the legal section on January 12, 2019. The Notice of Proposed Action and the Fact Sheet will be posted on the NDEP website: <https://ndep.nv.gov/posts/category/water>.

Comments on the proposed action or a request for a public hearing may be submitted to this office during a thirty (30) day period following the date of newspaper publication of the Notice of Proposed Action, ending February 11, 2019. If we find that a significant degree of public interest exists with respect to the proposed permit, a public hearing will be held.

If no hearing is held, we would expect to issue the permit containing the final determinations of the Administrator shortly after the expiration of the thirty (30) day comment period.

Please contact me at (775) 687-9429 or at kblack@ndep.nv.gov should you have any questions regarding this draft permit or the permit process.

Sincerely,

Kristie Black
Environmental Scientist III
Bureau of Water Pollution Control

Enclosures: NVR050000 Notice of Proposed Action

Notice Of Proposed Action - BWPC - 2019 MSGP

January 09, 2019

The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes and/or the Clean Water Act, where applicable.

The Administrator proposes to re-issue the Statewide General Permit, NVR050000, to regulate discharge of Stormwater Associated with Industrial Activities, to waters of the United States. This permit maintains compliance with the provisions of the U.S. Clean Water Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes. Eligible dischargers shall submit a Notice of Intent (NOI), filing fee, and must have completed a Stormwater Pollution Prevention Plan (SWPPP) that is kept and maintained on the Permittee's site. On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, the Federal Clean Water Act, as amended, and implementing regulations, the Administrator proposes to issue Statewide General Permit NVR050000 to discharge. The Division has made the tentative determination to issue the permit for a five (5) year period.

Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance, or request a hearing pursuant to the Nevada Administrative Code, Water Pollution Control, should submit their comments or request, in writing, within thirty (30) days of the date of newspaper publication, hand delivered or postmarked no later than 5:00 P.M. on Monday February 11, 2019, either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, NV 89701



NOTICE OF PROPOSED ACTION

The Administrator, Division of Environmental Protection, Carson City, Nevada is issuing the following notice of proposed action under the Nevada Revised Statutes and/or the Clean Water Act, where applicable.

The Administrator proposes to re-issue the Statewide General Permit, NVR050000, to regulate discharge of Stormwater Associated with Industrial Activities, to waters of the United States. This permit maintains compliance with the provisions of the U.S. Clean Water Act as amended (33 U.S.C. 1251 et seq: the "Act") and Chapter 445A of the Nevada Revised Statutes. Eligible dischargers shall submit a Notice of Intent (NOI), filing fee, and must have completed a Stormwater Pollution Prevention Plan (SWPPP) that is kept and maintained on the Permittee's site.

On the basis of preliminary review of the requirements of the Nevada Revised Statutes, as amended, the Federal Clean Water Act, as amended, and implementing regulations, the Administrator proposes to issue Statewide General Permit NVR050000 to discharge. The Division has made the tentative determination to issue the permit for a five (5) year period.

Persons wishing to comment upon or object to the proposed determinations by the Administrator regarding permit issuance, or request a hearing pursuant to the Nevada Administrative Code, Water Pollution Control, should submit their comments or request, in writing, within thirty (30) days of the date of newspaper publication, hand delivered or postmarked no later than **5:00 P.M. on Monday February 11, 2019**, either in person or by mail to:

Department of Conservation and Natural Resources
Division of Environmental Protection
Bureau of Water Pollution Control
901 South Stewart Street, Suite 4001
Carson City, NV 89701

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. All comments or objections received within the thirty (30) day period will be considered in the formulation of final determination(s) regarding the application. If written comments indicate a significant degree of public interest in the proposed permit, the Administrator shall hold a public hearing. A public notice of such hearing will be issued not less than thirty (30) days prior to the hearing date.

If no hearing is held and the determinations of the Administrator are substantially changed from the tentative determinations, the Administrator will give public notice of the revised determinations. Additional comments and objections will be considered at that time.

The applications, proposed permits, comments received, and other information are on file and may be copied or copies may be obtained by writing to the above address or by contacting Michelle Grover, Bureau of Water Pollution Control, at (775) 687-9440 or at m.grover@ndep.nv.gov. The office facsimile number is (775) 687-4684. For further information, the fact sheet for this project can be viewed at the following website: <https://ndep.nv.gov/posts/category/water>.

Please bring the forgoing notice to the attention of all persons whom you know would be interested in this matter.



FACT SHEET
(pursuant to NAC 445A.236)

Permit Name: 2019 Multi-Sector General Permit (2019 MSGP) for “Stormwater Discharges Associated with Industrial Activities”

Permit Number: NVR050000

Location: Currently, there are approximately 726 separate industrial facilities permitted statewide.

I. Background

Prior to the Water Quality Act of 1987, there were numerous questions regarding the appropriate means of regulating stormwater discharges within the National Pollutant Discharge Elimination System (NPDES) program due to the serious water quality impacts of stormwater discharges, the variable nature of stormwater, and the large number of stormwater point sources. The United States Environmental Protection Agency (U.S. EPA) undertook numerous regulatory actions in an attempt to address these unique discharges. Congress, with the addition of section 402(p) of the Clean Water Act (CWA), established a structured and phased approach to address stormwater discharges and fundamentally altered the way stormwater is addressed under the CWA as compared with other point source discharges of pollutants.

In 1990, pursuant to section 402(p), U.S. EPA promulgated the Phase I stormwater regulations. The Phase I regulations required NPDES permit coverage for discharges associated with industrial activity and from “large” and “medium” municipal separate storm sewer systems (MS4s). In 40 CFR 122.26(b)(14), U.S. EPA defined the term “stormwater discharge associated with industrial activity” in a comprehensive manner to cover a wide variety of facilities. The Nevada Division of Environmental Protection (the Division) received authorization to administer the NPDES program in Nevada on November 19, 1975. The NPDES permitting program applies throughout Nevada, except on Tribal lands, where U.S. EPA continues to be the permitting authority.

II. Purpose

The purpose of this Fact Sheet is to describe the permitting requirements of the 2019 MSGP for stormwater discharges associated with industrial activity, including the non-metals mining sectors. This Fact Sheet will also describe the details for significant changes from the 2008 Industrial Stormwater General Permit, hereinafter referred to as the 2008 ISGP. The following categories listed in 40 CFR 122.26(b)(14) are included for coverage under this permit: categories i, ii, iii (except for facilities defined

Language in Section 2.4.2 of the 2019 MSGP has been revised to address notification of an incomplete application and states as follows: *"The Division will notify an applicant of an incomplete application within 7 days of receipt of the NOI Certification Page in the Bureau of Water Pollution Control."*

Owner/Operator Responsibility

Section 2.1 of the 2019 MSGP is new to this permit and has been added to clarify and define "Owner/Operator", "Owner/Operator Responsibility", and "Multiple Operators" requirements. This section follows as such:

2.1 Owner/Operator Responsibility

2.1.1 All Operators. *All operators are required to obtain coverage for stormwater discharges associated with industrial activities covered under this permit. In some cases, an "operator" may be the facility owner, in other cases the operator may be a contractor. In the event of a default by the "Operator" submitted on the Notice of Intent (NOI), the Division will consider the "Owner" submitted on the NOI as the responsible "Operator". For the purpose of this permit, an "Operator" is any individual that has the day to day operational control of those activities at the facility necessary to ensure compliance with the SWPPP requirements or other permit conditions.*

2.1.2 Multiple Operators. *Where there are multiple operators associated with the same site, each operator is required to file an NOI for permit coverage. Operators shall ensure, either directly or through coordination with other operators, that their activities do not render another operator's pollutant discharge controls ineffective.*

Change of Owner/Operator

The Division has revised the requirements for change of Owner/Operator responsibility. To be consistent with the Division's general permits, the following is the revised Section 2.4.5 of the 2019 MSGP:

2.4.5 Change of Owner/Operator – *For industrial sites where the owner/operator changes, including instances where an operator is added after an NOI has been submitted, the following shall apply:*

- 2.4.5.1** *Current operator shall notify the succeeding owner/operator of the existence of this permit by letter, a copy of which shall be forwarded to the Division for file record;*
- 2.4.5.2** *New operator shall update SWPPP documents as needed or develop and implement a new SWPPP to comply with permit requirements in Section 6.0; and submit an NOI no later than 14 calendar days prior to taking over operational control of the site; and*
- 2.4.5.3** *Current operator shall submit a Notice of Termination (NOT) within 30 calendar days after the new owner/operator assumes responsibility for the site.*

The Division has added to the 2019 MSGP the requirement to submit to the Division an Exceedance Report in the event that monitoring pursuant to Section 7.0 exceeds a numeric effluent limit. The Permittee shall submit the Exceedance Report to the Division no later than 30 calendar days after receiving the facility's lab results.

For one year after the exceedance, monitoring shall be conducted quarterly and the quarterly monitoring shall be kept with the SWPPP. If after one year no additional exceedances are found, then the normal monitoring schedule can resume.

Sector-Specific Requirements

The Division has added Section 9.0 to the 2019 MSGP to clarify additional requirements for Sector-Specific industrial activities. The Sector-Specific Requirements are in addition to any requirements specified elsewhere in the permit.

General Permit Conditions

Section 10.0 of the 2019 MSGP has been expanded to be consistent with the *General Permit Conditions* language now standardized in all newly issued permits from the Division's Bureau of Water Pollution Control.

Definitions

Appendix A has been expanded and clarified to ensure Permittee understanding of the terms used in the permit.

Incorporation of the above is consistent with Nevada's requirements for its other General Permits for Stormwater Discharges.

IV. Categories of Facilities Covered by the 2019 MSGP

Coverage under this permit is available for stormwater discharges to waters of the State that meet the definition of Waters of the United States from the following 29 specified sectors of industrial activity (excluding the metals-mining industry Sector G). The sector descriptions are based on the four digit Standard Industrial Classification (SIC) codes and two letter Industrial Activity Codes consistent with the definition of stormwater discharge associated with industrial activity at 40 CFR 122.26(b)(14)(i-ix and xi). Appendix B of the permit provides for specific information on each sector. A summary of covered sectors is provided in Table 1 below.

- Within 120 days of the effective date of this permit, the Permittee shall update the SWPPP as necessary to comply with the requirements of Section 6.0 of this permit.
- The Permittee shall continue to comply with the terms and conditions of the expired 2008 Industrial General Permit NVR050000 until 120 days after the effective date of this permit or until the SWPPP is updated, whichever comes first..

New Dischargers seeking authorization for stormwater discharges under this general permit shall submit a NOI and filing fee with the Division no later than 14 days prior to the start of the permitted activity. Following receipt of the NOI Certification Page and applicable Application Fee, the Division will determine if the NOI is complete and confirm coverage by providing an Approval Letter with a site authorization number. If the Division determines the NOI is incomplete, coverage may not be "approved" until a completed NOI is submitted. The Division will notify an applicant of an incomplete application within 7 days of receipt of the NOI Certification Page in the Bureau of Water Pollution Control.

VI. Permit Coverage Area

This general permit covers the State of Nevada except for Tribal Lands. U.S. EPA Region 9 is the permitting authority for stormwater discharges on Tribal Lands.

VII. Permit Requirements

This permit is in response to requirements of the Federal Clean Water Act and implementing federal regulations, and is based on BMPs such as education, diversion, detention, covered storage, spill response, and good housekeeping. This permit is a continuation of a program began in 1993 under the first general permit, GNV0022241 and continued with the subsequent and previous General Permit identified as NVR050000. Like the previous permit, this permit authorizes certain Stormwater Discharges Associated with Industrial Activity to Waters of the State of Nevada that meet the definition of Waters of the United States.

VIII. Rationale for Permit Requirements

The conditions set in the 2019 MSGP language are the minimum requirements to maintain and implement an effective stormwater program consistent with U.S. EPA rules (Title 40 of the CFR Part 122).

IX. Proposed Determination

The Division has made the tentative determination to renew permit NVR050000 for a period of five (5) years.



10 January 2019

NOTICE OF DECISION

**WATER POLLUTION CONTROL PERMIT
NUMBER NEV2018110**

**Barrick Gold Exploration Inc.
Toiyabe Exploration Project II**

The Administrator of the Nevada Division of Environmental Protection (the Division) has decided to issue new Water Pollution Control Permit NEV2018110 to Barrick Gold Exploration Inc. This Permit authorizes the construction, operation, and closure of approved discharge 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 25 January 2019. 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, 20 January 2019, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Lisa A. Kreskey at (775) 687-9415 or visit the Division website at <https://ndep.nv.gov/posts/category/land>.

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

Discharge Permit

Permittee: **Barrick Gold Exploration Inc.**
Toiyabe Exploration Project II
293 Spruce Road
Elko, NV 89801

Permit Number: **NEV2018110**
Review Type/Year/Revision: **New Permit 2019, 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 construct, operate, and close the **Toiyabe Exploration Project II**, in accordance with the limitations, requirements, and other conditions set forth in this Permit. The Permittee is authorized to discharge up to **36,000 gallons per day**.

The facility is located in Lander County, within Sections 33-35, Township 26 North (T26N), Range 46 East (R46E); Sections 7, 18, 19, T25N, R47E; Sections 1-3, 10-15, 23-26, T25N, R46E, Mount Diablo Baseline and Meridian, approximately 40 miles southeast of Battle Mountain, Nevada.

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 12 October 2018, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated 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 **25 January 2019**, and shall remain in effect until **25 January 2024**, unless modified, suspended, or revoked.

Signed this 9th day of **January 2019**.



Joseph Sawyer, P.E.
Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

A. In accordance with operating plans and facility design plans reviewed and approved by the Division the Permittee shall:

1. Construct, operate, and close the facility in accordance with those plans;
2. Except for the discharge authorized by this Permit, and any other approved uses, contain within the fluid management system all dewatering water and all meteoric waters that enter the system as a result of the 25-year, 24-hour storm event; and
3. Not release or discharge any contaminants from the fluid management system that would result in degradation of waters of the State.

B. Schedule of Compliance: None required.

C. The fluid management system covered by this Permit consists of the following water management process components:

1. All Project boreholes and their associated chambered sumps; and
2. All components used to collect, convey, manage, and control the discharge water, including but not limited to, pumps, pipes, valves, vents, flow meters, fittings, tanks, drains, basins, sumps, ditches, berms, culverts, drill rigs, mobile equipment, run-off/run-on structures, and devices for controlling erosion or sedimentation.

D. Monitoring Requirements:

Identification	Parameter	Frequency
1. <u>Outfall Monitoring</u> Each Active Sump ⁽¹⁾	Date, borehole sump ID, sump location ⁽²⁾ , maximum surface discharge flow rate (gpm), daily discharge (gpd), duration of discharge (hours) ⁽³⁾ ; Profile I ⁽⁴⁾	Daily; Monthly on first day of surface discharge
2. <u>Total Project Daily Surface Discharge Flow</u> Total from All Active Sumps ⁽¹⁾	Date, total surface discharge flow (gpd)	Daily

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
3. <u>Discharge Flow Distance</u> Each Surface Discharge	Borehole sump ID, endpoint location ⁽⁵⁾ and photograph ⁽⁶⁾ , flow path distance (feet) from sump to endpoint ⁽⁵⁾	Daily ⁽⁷⁾
4. <u>Discharge to Surface Water or Stream Channel</u> Receiving Body at Discharge Inflow Point ⁽⁸⁾ ; Storm Event Monitoring on Date of Discharge to Surface Water or Stream Channel	Date, borehole sump ID, receiving body ID ⁽⁸⁾ , inflow point location ⁽⁸⁾ , volume discharged (gal) ⁽⁸⁾ , discharge duration (hours) ⁽⁸⁾ ; Storm duration (hours), precipitation (inches) ⁽⁸⁾	Per discharge event

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 and Definitions:

BMP = best management practice; CaCO₃ = calcium carbonate; ft = feet; gal = gallons; gpm = gallons per minute; gpd = gallons per day; GPS = global positioning satellite; mg/L = milligrams per liter; N = nitrogen; NAC = Nevada Administrative Code; NAD = North American Datum; NDEP = Nevada Division of Environmental Protection; SU = standard units; UTM = Universal Transverse Mercator

Footnotes:

- (1) A sump is considered active while it is receiving drilling water or discharging to the surrounding land surface.
- (2) Use GPS to determine locations in UTM coordinates (in meters) Zone 11, NAD 1983, and provide a map showing all locations monitored per Part II.B.1.
- (3) Determine the maximum rate of discharge in gpm, and the total discharge in gpd, from each active sump to the surrounding land surface each day, and describe the method of quantification used. Also report how many hours each active sump discharged each day. If there is no surface discharge from the

outfall that day, report 0 gpm, 0 gpd, and 0 hours. Also identify the hydrographic basin and whether the borehole is being abandoned or is being completed as a monitoring well or piezometer.

(4) Profile I:

Alkalinity (as CaCO ₃)	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) ⁽⁹⁾	Zinc
Barium	Iron	Potassium	-
Beryllium	Lead	Selenium	-

- (5) As used herein, the discharge endpoint is the furthest downgradient point reached by a surface discharge.
 - (6) For each surface discharge, take a photograph looking downgradient showing the discharge endpoint⁽⁵⁾ for visual evidence that the discharge flowed to that point but no further.
 - (7) Monitor the endpoint⁽⁵⁾ location of each surface discharge daily, but in the monitoring report required in Part II.B.1., include only the furthest downgradient location and photograph⁽⁶⁾, and the maximum flow distance, reached during the quarter.
 - (8) As used herein, the discharge inflow point is the point where water discharged from a particular outfall comingles with a surface water body or enters an otherwise dry stream channel, whichever occurs first. Provide the type of receiving body (e.g., creek, river, wetland, pond, lake, reservoir, dry channel, etc.), receiving body name, if it has one, and inflow point location. Estimate the total volume of discharge water that flows into the receiving body and the duration of the discharge to the receiving body. Specify whether or not the discharge to surface water or stream channel occurred during a storm event, and if so, report the storm duration and total amount of precipitation. If there is no discharge to a surface water or stream channel, there is no inflow point monitoring requirement.
 - (9) 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 CaCO₃ equivalent).
- E. Quarterly and annual monitoring reports 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 maximum instantaneous surface discharge flow rate from an individual outfall is 25 gpm. The maximum total Project daily surface discharge for all outfalls combined is 36,000 gpd.
2. There shall be no discharge except from the outfalls identified in the Permit application, or from other outfalls in the Project area that comply with all Permit requirements and are identified in quarterly monitoring reports.
3. There shall be no discharge to surface water or a stream channel that exceeds an applicable water quality standard at NAC 445A.121. There shall be no discharge that infiltrates beneath the land surface and exceeds both a drinking water standard and the natural background groundwater concentration for the same parameter, unless the Division has approved a demonstration that the discharge does not have the potential to degrade groundwater.
4. There shall be no discharge to surface water, except during a storm event that causes surface runoff and if such a discharge cannot be reasonably prevented.
5. No chemicals shall be added to the discharge water, except as approved by the Division prior to use. A proposal to add a chemical to an approved discharge may require submittal of a new permit application and fee. The application must specify the type of chemical, the proposed dosage rate, and include a safety data sheet (SDS) with aquatic life toxicity information and any other supporting documentation which demonstrates that the proposed chemical will not create any adverse environmental effects.
6. There shall be no objectionable odors from the discharge area.
7. There shall be no discharge of floating or suspended solids, or visible foam, in other than trace amounts. Drilling mud and other visible residue shall not be left in a stream channel where it may be carried into waters of the State during a flow event. Other discharged contaminants shall not be left in a stream channel if it would create the potential for exceedance of a water quality standard.
8. Best management practices (BMPs) shall be employed for energy dissipation and for management of water flow and water quality, at the outfall. Additional BMPs shall be installed in the discharge flow path, as warranted, to minimize erosion and sedimentation.
9. In accordance with Part I.M., the following BMPs shall be employed during dust suppression activities: only clarified water shall be used, no runoff shall be created, and dust suppression activities shall be suspended when the ground surface is saturated or frozen.
10. The facility shall not degrade waters of the State to the extent that applicable water quality standards and background concentrations are exceeded.

Exceedances of these limitations may be Permit violations and shall be reported as specified in Part II.B.4.

- H. The Project shall maintain an automated or manual calibrated rain gauge, which shall be monitored at least daily to record precipitation (inches of water). A written and/or electronic record of all daily accumulations of precipitation shall be maintained on site.
- I. The Permittee shall inspect all control devices, systems, and facilities weekly, and also 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 device (if applicable);
 - 3. Unauthorized discharges; and
 - 4. Severe erosion or other signs of deterioration in sumps, dikes, diversions, or other containment devices.
- J. Prior to permanently ceasing a permitted discharge, or prior to initiating permanent closure activities at the Project, or at any component within the Project, the Permittee must have an approved final plan for permanent closure, which shall include, but may not be limited to, plans to stabilize, as defined at NAC 445A.379, all applicable components of the fluid management system and applicable lands disturbed by the Project.
- K. The Permittee shall remit an annual review and services fee in accordance with Nevada Administrative Code (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 BMPs 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 28th day of the month following the quarter and must contain the following:
 - a. Analytical results from the sumps identified in Part I.D.1, reported on NDEP Form 0190 or equivalent;
 - b. Photographs of discharge(s) identified in Part I.D.3, labeled with date and sump ID;
 - c. A location map showing outfalls, discharge endpoints, and surface water inflow points, as identified in Parts I.D.1, I.D.3, and I.D.4;
 - d. Outfall flow monitoring, total Project flow monitoring, flow distance, and all other non-analytical monitoring results identified in Parts I.D.1, I.D.2, I.D.3, and I.D.4, reported in tabular format, as appropriate;
 - e. A notice of new discharges in accordance with NAC 445A.258 for any outfalls not identified in Part I.C. or in previous quarterly reports; and
 - f. A record of releases, and the remedial actions taken, on NDEP Form 0490 or equivalent.

Facilities which have not initiated permitted activities must submit a quarterly report identifying the status of the Project. Subsequent to any noncompliance or any Project expansion which may lead to an increased discharge rate or frequency, the Division may require an accelerated monitoring frequency. If the Permittee monitors any parameter at a location designated herein more frequently than required by this Permit, using methods that comply with the requirements in Part II.E, the results of such monitoring shall be included in the quarterly monitoring report.

2. The Permittee shall submit an annual report, in both hard copy and a Division-approved electronic format, by February 28th of each year, for the preceding calendar year, which contains the following:

- a. A synopsis of releases on NDEP Form 0390 or equivalent;
 - b. A brief summary of site operations, including construction and expansion activities and major problems with the fluid management system;
 - c. A table of total monthly precipitation amounts recorded in accordance with Part I.H, reported for either a five-year history previous to the date of submittal or the history since initial Permit issuance, whichever is shorter;
 - d. An updated version of the Project monitoring and sampling procedures and protocols;
 - e. A graph of total Project daily surface discharge flows versus time. The graph shall display either a five-year history previous to the date of submittal or the history since initial Permit issuance, whichever is shorter; and
 - d. Graphs of volume, depth, elevation, freeboard, arsenic, chloride, fluoride, nitrate + nitrite (as N), pH, sulfate, and total dissolved solids (TDS) (as applicable), versus time for all fluid monitoring points. These graphs shall display either a five-year history previous to the date of submittal or the history since initial Permit issuance, whichever is shorter. 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 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

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 180 days before the Permit expires, pursuant to NAC 445A.241.
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 permitted facilities at all times.
7. The Permittee is required to retain during operation, 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, analytical methods performed (electronic version of report only), laboratory reference numbers, sample dates, and laboratory test dates.
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 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.

F. Permit Modification Requirements

1. Any material modification, as defined at NAC 445A.365, plan to construct a new water management 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 discharge at any location within the State outside of the Project area which is owned or operated by the Permittee but not identified and characterized in a previously submitted Permit application, the Permittee shall submit to the Division an application for a new Permit which identifies the locations of the proposed outfalls, and characterizes the potential for the discharge to release pollutants and degrade waters of the State. The discharge shall not commence until the new Permit is issued and effective.
3. The Permittee shall notify the Division in writing at least five days before commencing the discharge authorized by this Permit of the intent to begin active operation of the Project.

4. The Permittee must obtain a written determination from the Administrator of any planned water management 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. If a toxic effluent standard or prohibition is established under NAC 445A for a toxic pollutant that is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this Permit, this Permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.

Prepared by: L.A. Kreskey
Date: 10 January 2019
Revision 00: New Permit; effective 25 January 2019.

FACT SHEET
(Pursuant to Nevada Administrative Code (NAC) 445A.236)

Permittee Name: **Barrick Gold Exploration Inc.**

Project Name: **Toiyabe Exploration Project II**

Permit Number: **NEV2018110**

Review Type/Year/Revision: **New Permit 2019, Fact Sheet Revision 00**

A. Location of Discharge

The Toiyabe Exploration Project II is located in Lander County, within Sections 33-35, Township 26 North (T26N), Range 46 East (R46E); Sections 7, 18, 19, T25N, R47E; Sections 1-3, 10-15, 23-26 T25N R46E, Mount Diablo Baseline and Meridian, approximately 40 miles southeast of Battle Mountain, Nevada.

Site is accessed from the town of Battle Mountain by traveling east on Interstate 80 approximately 30 miles to the Beowawe Exit and turning south onto State Highway 306. Drive south for approximately 30 miles; then shortly before the Pipeline Mine, take a left turn onto the Cortez Gold Mine Road; a sign on the right shows "Cortez Hills Mine" just before the turn. Proceed 12 miles to the Cortez Canyon Road and turn left (south). This turn is approximately 0.7 miles *before* the entrance to the ranch. Proceed south for 4.7 miles; stay to the left at the fork; then turn left immediately afterward; proceed south for approximately 6 miles on an unmarked dirt road to the Project site.

B. Description of Discharge

In an effort to manage drilling fluid generated as a result of the Toiyabe Exploration Project, Temporary Water Pollution Control Permit TNEV2017113 (expired on 4 March 2018), authorized the discharge of up to 43,200 gallons per day (gpd) of drilling fluid into constructed collection sumps located adjacent to each drill pad.

Since the Division has no regulatory authority to renew Temporary Discharge Permits, Barrick Gold Exploration Inc. (Permittee) applied for a 5-year Water Pollution Control Permit on 12 October 2018 for the Toiyabe Exploration Project.

Eleven locations have initially been identified for exploratory drilling at the Project site. Additionally, boreholes may be added in subsequent years. The number of boreholes is not limited by this Permit, but all boreholes and sumps must be located within the specified Project area and must comply with all Permit requirements. The location of all active drill sumps must be identified in each quarterly monitoring report, along with a notice of new discharges in accordance with NAC 445A.258, subsection 1. The drilling program requires the construction of drill pads and collection sumps to manage excess drilling fluid generated. Following completion of drilling activities, the boreholes will be plugged and abandoned pursuant to Nevada Division of Water Resources regulatory requirements, then the pads and sumps will be backfilled and graded. Table 1 displays the locations of the initial boreholes.

Table 1: Initial boreholes planned for the drilling project. All data are in meters, Universal Transverse Mercator, North American Datum 1983.

Drill Hole ID	Easting	Northing
A	520150	4436270
B	519590	4435840
C	520360	4435830
D	519410	4435220
E	520340	4435150
F	520950	4435140
G	519510	4434680
H	520330	4434640
I	520940	4434670
J	520340	4433710
K	520860	4433560

At each borehole, excess drill water will be discharged to a two chambered sump, approximately 15 feet wide by 20 feet long by 15 feet deep (total volume at crest approximately 9,000 cubic feet). Each sump is divided into two chambers, "A" and "B", separated with weed-free straw bales/wattles for trapping drill cuttings and silt. The drilling fluid is pumped to Sump A, which captures the coarse cuttings and some of the suspended solids (drilling mud). Overflow from Sump A filters through the straw bales/wattles to Sump B, where the drilling fluid is further clarified via settling. The drilling water is managed to preclude surface discharges when possible, but in some cases the available sump capacity is exceeded and excess drilling water is discharged to the surrounding land surface. Any overflow discharge from Sump B to the surrounding land surface is monitored, sampled, and analyzed for Profile I parameters, and the surface discharge flow rate is measured or estimated, as best as practicable, for reporting and comparison with Permit limits. Best management practices (BMPs) shall be utilized to clarify the surface discharge at each overflowing sump, and to dissipate the energy of the overflow for the purpose of limiting the erosion and sediment transport caused by the discharge.

Because the earthen sumps do not include engineered containment, discharge to groundwater also occurs as drilling water infiltrates into the subsurface through sump walls and bottoms. Discharge to groundwater may also occur as infiltration along the flow path of a surface discharge. Typically, before a sump overflows to the surrounding land surface, the Permittee will use a pump to convey the clarified water out of the sump in a more controlled manner. The discharge will be via a non-perforated pipe to a perforated pipe wherein the overflow is dispersed over the ground surface. Sprinklers may also be used to disseminate excess water. This process is active only when Sump B has reached overflow capacity. When the water level has declined and stabilized below the overflow status in Sump B, the water discharge process is not necessary. Overflow will not be discharged into or near any drainage, except during a storm event that causes surface runoff and if such a discharge cannot be reasonably prevented.

Discharge will be intermittent and seasonal during dryer months with the maximum permitted discharge of 36,000 gpd and a maximum instantaneous discharge rate from an individual outfall of 25 gallons per minute.

Hydrologic pump tests of boreholes or wells may be performed under this Permit only if compliance is maintained with all Permit requirements. If this may not be possible (for example, if the pump test discharge flow rate will exceed Permit limits, or if it is anticipated that the pump test water may flow into an existing surface water body, other than as a result of a concurrent storm event), a separate permit must be obtained prior to such testing.

C. **Proposed Determination**

The Division has made the tentative determination to issue the Permit.

D. **Receiving Water Characteristics**

The closest monitoring wells to the site are those at the Toiyabe Mine Project (Water Pollution Control Permit NEV0060050), approximately 1.5 miles to the southeast. There are 8 wells that are monitored per the Permit. See Table 2.

Table 2: Toiyabe Mine Project Monitoring Well Data.

Well I.D.	Total Depth (ft. bgs) ^(a)	Depth to Water, (ft. bgs) ^(a)	Screen Interval, (ft. bgs) ^(a)
WBT-01	300	273	295 – 300
WBT-02	300	240	295 – 300
WBT-04	300	280	295 - 300
WBT-05	120	96	115 - 120
WBT-07	240	164	235 - 240
WBT-08	200	185	195 - 200
WBT-10	310	278	245 - 305
WBT-11	220	165	180 - 210

(a) ft. bgs = feet below ground surface.

The above wells primarily monitor groundwater downgradient of the three closed heap leach pads. There are no wells within the Project area itself. Therefore, groundwater chemistry is not known. There are no regulated surface water bodies within 1 mile of the Project area.

E. **Proposed Effluent Limitations, Schedule of Compliance, Monitoring, Special Conditions**

See Section I of the Permit.

F. **Rationale for Permit Requirements**

The Permittee shall not discharge a pollutant that would result in the degradation of existing or potential underground sources of drinking water, or that would cause an exceedance of an applicable surface water quality standard or regulation.

The primary methods for ensuring compliance will be required routine monitoring and reporting, augmented by Division site inspections. Specific monitoring requirements can be found in the Permit.

G. **Procedures for Public Comment**

The Notice of the Division's intent to issue a Permit authorizing the discharge, subject to the conditions within the Permit, is being sent to the **Battle Mountain Bugle** 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. The public hearing must be conducted in accordance with NAC 445A.238.

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. 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 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: L.A. Kreskey
Date: 10 January 2019
Revision 00: New Permit; effective 25 January 2019