

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

November 8, 2018

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

Also Via Teleconference At

AUSTIN COURTHOUSE
COMMISSION OFFICE
122 MAIN STREET
AUSTIN, NEVADA

9:00 A.M

Call to Order
Pledge of Allegiance
A Moment of Silence

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

Any agenda item may be taken out of order, may be combined for consideration by the public body, and items may be pulled or removed from the agenda at any time.

Commissioners Reports on meetings, conferences and seminars attended

Staff Reports on meetings, conferences and seminars attended

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

CONSENT AGENDA

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

- * (1) Approval of November 8, 2018 Agenda Notice
- * (2) Approval of October 11, 2018 Meeting Minutes
- * (3) Approval of October 25, 2018 Meeting Minutes
- * (4) Approval of the Payment of Bills
- * (5) Approval of Payroll Change Requests

COMMISSIONERS

- *(1) Discussion only regarding the November 27, 2018 Nevada Department of Transportation (NDOT) Workshop scheduled for 9:00 am in the Community Meeting Room of the Lander County Administration Building, and all other matters properly related thereto.

Public Comment

- *(2) Discussion and possible action to approve/disapprove a medical marijuana cultivation facility license to Lander Leaf Growers, a pre-qualified applicant located in northern Lander County, and all other matters properly related thereto.

Public Comment

- *(3) Discussion and possible action to approve/disapprove a medical marijuana cultivation facility license, a medical marijuana production facility license, a recreational marijuana cultivation facility license and a recreational marijuana production facility license to Pure Growers, a pre-qualified applicant located in northern Lander County, and all other matters properly related thereto.

Public Comment

- *(4) Discussion and possible action to discuss the fees associated with the use of the Battle Mountain Civic Center for the Lander County Convention and Tourism Authority, and all other matters properly related thereto.

Public Comment

- *(5) Discussion only regarding an update of the Austin Realignment Project as presented by Summit Engineering, and all other matters properly related thereto.

Public Comment

- *(6) Discussion and possible action to set a date, time and location for an Austin Town Hall meeting to discuss the Austin Youth Center, and all other matters properly related thereto.

Public Comment

PLANNING

- *(7) Discussion and possible action regarding approval/disapproval of parcel map for Mt. Lewis, LLC located at Mount Lewis Drive, Battle Mountain, Nevada, as APN 002-320-12, splitting seven (7) acre parcel into four (4) parcels, that was approved by the Planning Commission on September 12, 2018, and all other matters properly related thereto.

Public Comment

- *(8) Discussion and possible action to approve/disapprove the parcel map for Gospill Land, LLC located at Willow Creek/Mountain Spring Road, Battle Mountain, Nevada, APN 011-120-03 to split one (1) parcel of 17.42 acres into four (4) parcels, that was approved by the Planning Commission on September 12, 2018, and all other matters properly related thereto.

Public Comment

COMMISSIONERS

- *(9) Discussion and possible action regarding ratification of a grant application and map submitted by the Lander Economic Development Authority (LEDA) for a bike/pedestrian path to include benches, trash receptacles, lighting and landscaping to connect with the existing SR 305 and Broad Street path, and all other matters properly related thereto.

Public Comment

- *(10) Discussion and possible action regarding the Old Courthouse and all of the furniture within, and to come up with a plan for disposal, and all other matters properly related thereto.

Public Comment

- *(11) Discussion and possible action to accept or decline the canvas of the votes for the November 6, 2018 General Election, and all other matters properly related thereto.

Public Comment

- *(12) Discussion only regarding a proposed BDR providing counties with populations of less than 100,000 the option to enact a diesel tax of up to .05 cents/per gallon to pay for road maintenance, and all other matters properly related thereto.

Public Comment

- *(13) Discussion and possible action to approve/disapprove regarding a request to submit an amicus brief supporting Lyon County, Walker River Irrigation District, et al. in the case captioned Mineral County; and Walker Lake Working Group, Appellants, vs. Lyon County; Centennial Livestock; Bridgeport Ranchers; Schroeder Group; Walker River Irrigation District; State of Nevada Department of Wildlife; and County of Mono, California, Respondents, before the Nevada Supreme Court concerning issues including: (1) Whether the public trust doctrine applies to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent? (2) If so, whether the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation? Discussion, consideration and possible action regarding: (a) Authorization for county manager and district attorney's office on behalf of Lander County to support and/or join the Carson Water Subconservancy District (CWSD) or another party or entity in the preparation and submission of an amicus brief in this matter, and all other matters properly related thereto.

Public Comment

***CORRESPONDENCE**

- *(14) 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 2nd day of November, 2018, 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 2nd day of November, 2018

Witness



Name of Agenda: Lander County Board of Commissioners

Date of Meeting: November 8, 2018

Cindy Benson
Lander County Fiscal Officer



ACKNOWLEDGEMENT OF REVIEW & AUTHORIZATION

DATE

Cindy Benson
Fiscal Officer

11-05-18

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE/DISAPPROVE
SUBMITTED EXPENDITURES IN THE AMOUNT OF \$852,098.64
From Check #200844 thru #200940

Report No: PBI308
Run Date : 11/05/18
CHECK

LANDER COUNTY
CHECK REGISTER 11/08/18

Page 1

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
200844	AMERICAN RED CROSS	10/10/18 LIFE GUARDING		11/08/18	95441	36.00	36.00
200845	AMPED-OUT-ELECTRICAL, LLC	10/17/18 RODEO GROUNDS		11/08/18	95438	810.00	810.00
200846	ARTISTIC FENCE CO., INC.	10/31/18 AUTOMATED GATE		11/08/18	95549	19,944.00	19,944.00
200847	ASSESSED VALUATION	10/29/18 KINGSTON LAND		11/08/18	95439	975.00	975.00
200848	ATLANTIS CASINO RESORT	9/17/18 QUICK, ROBERT 9/17/18 WILEY, BECKY 10/10/18 WESTENGARD, K 10/25/18 WESTENGARD, K		11/08/18 11/08/18 11/08/18 11/08/18	95440 95440 95440 95440	262.18 262.18 120.53 188.72	833.61
200849	AUTO & TRUCK ELECTRIC	10/24/18 PARTS		11/08/18	95437	293.00	293.00
200850	B M GENERAL HOSPITAL	8/30/18 RAD 57 9/6/18 N95 MASKS 9/18/18 ONSITE AEDS 3 9/11/18 BANDAGES 9/11/18 VACCINES 9/16/18 VACCINES 10/19/18 NITRILE GLOVES		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95444 95444 95444 95444 95444 95444 95444	5,047.00 37.20 2,906.79 32.29 1,923.64 2,053.24 1,866.73	13,866.89
200851	B&B GARNER INC.	10/17/18 TANKER 1		11/08/18	95445	795.50	795.50
200852	BUSINESS CARD	10/19/18 10/19/18 10/18/18 10/17/18 10/12/18 10/18/18 10/19/18		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95561 95561 95561 95561 95561 95561 95561	536.94 536.94 84.00 84.00 300.00 100.00 162.14	1,804.02
200853	ELIZABETH BARELA	11/12-15/18 NACO 11/12-15/18 NACO 10/23/18 TESTING 10/23/18 TESTING 10/23/18 TESTING		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95550 95550 95550 95550 95550	103.00 198.38 23.00 178.76 104.61	607.75
200854	BOARD OF REGENTS	MEMBERSHIP		11/08/18	95551	60.00	60.00
200855	BOB BARKER COMPANY, INC.	10/15/18 SANDALS/TROUSERS		11/08/18	95443	469.06	469.06
200856	KYLA BRIGHT						

Report No: PB1308
Run Date : 11/05/18

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CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
		11/12-15/18 NACO		11/08/18	95442	138.00	138.00
200857	C & B OPERATIONS,LLC DBA:	10/19/18 FUEL FILTER		11/08/18	95448	277.83	
		10/19/18 PARTS		11/08/18	95448	516.76	
		10/19/18 CANOPY		11/08/18	95448	952.32	1,746.91
200858	CASHMAN EQUIPMENT	10/17/18 PARTS		11/08/18	95447	862.20	
		10/15/18 REPAIR OF BLADE		11/08/18	95447	5,499.37	6,361.57
200859	CIVIL AIR PATROL MAGAZINE	10/24/18 1/2 PAGE COLOR		11/08/18	95449	595.00	595.00
200860	CUMMINS ROCKY MOUNTAIN	10/10/18 FULL SERVICE		11/08/18	95446	1,942.35	1,942.35
200861	DALE'S SERVICE, INC.	9/1-10/31/18 SELF-SERVICE		11/08/18	95562	51,714.44	
		9/1-10/31/18 FUELING SYST		11/08/18	95562	74,769.56	126,484.00
200862	DAY ENGINEERING	9/4/18 AUSTIN WALL		11/08/18	95450	2,500.00	
		9/4/18 AUSTIN RD REPAVE		11/08/18	95450	5,980.00	8,480.00
200863	DESERT TRAILS VETERINARY	9/28/18 SPAY/NEUTER		11/08/18	95451	50.00	
		10/16/18 SPAY/NEUTER		11/08/18	95451	50.00	
		10/16/18 SPAY/NEUTER		11/08/18	95451	50.00	
		10/16/18 SPAY/NEUTER		11/08/18	95451	50.00	200.00
200864	EAGLE COMMUNICATIONS, LLC	11/1/18 PARTS/EQUIPMENT		11/08/18	95552	7,157.84	7,157.84
200865	ECOLAB	10/11/18 MACHINE RENTAL		11/08/18	95454	106.45	106.45
200866	ETCHEVERRYS FOOD TOWN	10/16/18 EASY OFF CLEANER		11/08/18	95453	5.49	
		10/16/18 PRO CYCLE		11/08/18	95453	16.00	21.49
200867	EUREKA VETERINARY CLINIC	10/17/18 SPAY/NEUTER		11/08/18	95452	50.00	50.00
200868	FAST GLASS	10/23/18 REPLACE GLASS		11/08/18	95456	95.00	95.00
200869	CHARLENE FETTERLY	10/24/18 TRI COUNTY FAIR		11/08/18	95455	23.00	23.00
200870	GEM ST. PAPER & SUPPLY CO	11/1/18 VAC DUAL MOTOR		11/08/18	95457	388.49	
		10/25/18 DISPENSER/SOAP		11/08/18	95457	170.26	
		10/16/18 SEAT COVER		11/08/18	95457	22.59-	
		10/25/18 SUPPLIES		11/08/18	95457	95.39	
		10/24/18 GARDS MAXI PAD		11/08/18	95457	35.43-	

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CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
							596.12
200871	H.E. HUNEWILL CONST.CO.,	9/6/18 HOT TAP WATERLINE		11/08/18	95460	5,421.80	
		9/6/18 PATCH ASPHALT		11/08/18	95460	3,888.91	
							9,310.71
200872	HIGH DESERT ENGINEERING	10/16/18 SURVEY WELL		11/08/18	95459	675.00	
							675.00
200873	HIGH SIERRA LOCKSMITHS	11/2/18 2 LEVER LOCKS		11/08/18	95553	485.00	
		11/2/18 KEYS 2002 FORD		11/08/18	95553	420.00	
							905.00
200874	HOOF BEAT GATES & CORRALS	10/22/18 SHELTER		11/08/18	95555	4,847.00	
							4,847.00
200875	HOY CHRISSINGER KIMMEL	10/31/18 WATER TRANSMISSN		11/08/18	95554	210.00	
							210.00
200876	HUGHES NETWORK SYSTEMS,	10/20/18 INTERNET		11/08/18	95458	214.41	
							214.41
200877	INLAND SUPPLY CO INC	8/20/18 LINERS		11/08/18	95461	309.95	
		10/16/18 CLEANER/SUPPLIES		11/08/18	95461	127.36	
		10/16/18 LINERS		11/08/18	95461	161.40	
		10/25/18 CENTERPULL TOWEL		11/08/18	95461	65.04	
							663.75
200878	INTEGRITY PEST MANAGEMENT	10/24/18 200 MAIN ST		11/08/18	95463	100.00	
		10/24/18 2595 HWY 50		11/08/18	95463	85.00	
		10/24/18 124 MAIN ST		11/08/18	95463	75.00	
		10/24/18 135 COURT ST		11/08/18	95463	90.00	
		10/24/18 122 MAIN ST		11/08/18	95463	90.00	
		10/24/18 155 MAIN ST		11/08/18	95463	90.00	
		10/24/18 67 MAIN ST		11/08/18	95463	90.00	
		10/24/18 112 MAIN ST		11/08/18	95463	90.00	
		10/24/18 151 MAIN ST		11/08/18	95463	90.00	
		10/24/18 AUSTIN AIRPORT		11/08/18	95463	110.00	
							910.00
200879	INTERWEST SUPPLY CO, INC	10/18/18 FLAT BAR		11/08/18	95462	232.88	
		10/25/18 GRAB HOOK		11/08/18	95462	80.00	
							312.88
200880	JONES WEST FORD	10/27/18 19 FORD EXPLORER		11/08/18	95465	28,050.25	
							28,050.25
200881	JOHN CRAIG,CAROL CRAIG,	10/26/18 DRIVE ROLL KIT		11/08/18	95464	81.75	
							81.75
200882	LANDER HARDWARE LLC	9/5/18 RESPIRATOR		11/08/18	95466	14.99	
		10/5/18 HEATER/STAKES		11/08/18	95466	55.97	
		10/8/18 GLOVES/KEYS		11/08/18	95466	17.49	
		10/11/18 KNOB TULIP		11/08/18	95466	13.99	
		10/11/18 COFFEEMAKER		11/08/18	95466	109.99	
		10/16/18 MARKING PAINT		11/08/18	95466	6.99	

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		10/16/18 REGULATOR HOSE		11/08/18	95466	27.99	
		10/16/18 REGULATOR/HOSE		11/08/18	95466	2.00	
		10/18/18 VINYL/BUSHINGS		11/08/18	95466	72.93	
		10/18/18 TUBE VINYL		11/08/18	95466	6.45	
		10/24/18 CUSTOM CUT KEYS		11/08/18	95466	1.75	
		10/25/18 ROPE GLOVE		11/08/18	95466	13.99	
		10/29/18 LIQUID NAILS		11/08/18	95466	4.18	
		10/31/18 BULBS		11/08/18	95466	9.98	354.69
200883	LEXIS-NEXIS	10/31/18 OCT-18 BILLING		11/08/18	95556	594.00	594.00
200884	LP INSURNACE SERVICES, INC	10/17/18 DECEMBER 2018		11/08/18	95467	2,800.00	2,800.00
200885	MACLEOD WATTS, INC.	10/31/18 COUNTY/PEBP PLAN		11/08/18	95468	5,600.00	5,600.00
200886	MALLORY SAFETY & SUPPLY	10/19/18 12PK GLASSES		11/08/18	95469	82.02	82.02
200887	MICHAEL CLAY CORPORATION	OCT 2018 AIRPORT HANGERS		11/08/18	95557	82,006.85	82,006.85
200888	NACO	COMMISSIONER ELECT		11/08/18	95472	225.00	
		COMMISSIONER ELECT		11/08/18	95472	250.00	
		KEITH WESTENGARD		11/08/18	95472	250.00	725.00
200889	DYNA PARTS LLC	9/17/18 BUG BGONE/CARWASH		11/08/18	95470	14.28	
		9/26/18 TIRE VAL/WASHER		11/08/18	95470	23.04	
		10/9/18 SUPPLIES		11/08/18	95470	44.99	
		10/10/18 HEADLIGHT		11/08/18	95470	44.70	
		10/10/18 OIL FILTER		11/08/18	95470	5.33	
		10/11/18 FLASH LIGHT		11/08/18	95470	18.62	
		10/15/18 OXY350/ACETYLENE		11/08/18	95470	230.74	
		10/15/18 BFLUID DOT 3-32		11/08/18	95470	4.99	
		10/16/18 FILTER		11/08/18	95470	3.91	
		10/16/18 GAUGE		11/08/18	95470	27.49	
		10/16/18 FILTER EXCHANGE		11/08/18	95470	.30	
		10/16/18 BFLUID/BRKFLUID		11/08/18	95470	20.98	
		10/18/18 FUSES		11/08/18	95470	349.86	
		10/18/18 HITCH PIN		11/08/18	95470	17.88	
		10/18/18 SOCKET		11/08/18	95470	3.58	
		10/22/18 FILTERS		11/08/18	95470	80.28	
		10/23/18 FITTING		11/08/18	95470	4.14	
		10/23/18 SW30CONV		11/08/18	95470	45.48	
		10/23/18 CAR WASH SOAP		11/08/18	95470	13.98	
		10/23/18 SUPPLIES		11/08/18	95470	8.43	
		10/24/18 SOCKET SET/SUPPS		11/08/18	95470	171.41	
		10/24/18 UNIT #2		11/08/18	95470	86.94	
		10/24/18 FITTING		11/08/18	95470	21.42	
		10/24/18 BRAKE WASHER		11/08/18	95470	2,661.56	
		10/24/18 TAPE		11/08/18	95470	25.50	3,929.83

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200890	NATIONAL ELEVATOR	9/28/18 ANNUAL TESTING		11/08/18	95478	550.00	550.00
200891	NATIONWIDE DRAFTING &	9/28/18 STAMPS/STAPLES		11/08/18	95471	87.89	87.89
200892	THE DIGGERS GROUP LLC	9/20/18 TUNE UP KIT		11/08/18	95475	60.53	60.53
200893	NEWMAN TRAFFIC SIGNS	9/10/18 TRAFFIC SIGN 10/19/18 TRAFFIC SIGNS		11/08/18 11/08/18	95474 95474	102.76 702.10	804.86
200894	NATIONAL MEDICAL SERV.INC	9/30/18 MOORE-HANSEN		11/08/18	95477	113.00	113.00
200895	NORTHERN NV CHAPTER ICC	ANNA PENOLA		11/08/18	95574	20.00	20.00
200896	STATE OF NEVADA	10/1/18 AUSTIN/KINGSTON 10/2/18 BM FAIRGROUNDS		11/08/18 11/08/18	95476 95476	2,400.00 500.00	2,900.00
200897	NV WATER RESOURCES ASSOC.	2019 NWRA MEMBERSHIP DUES		11/08/18	95473	560.00	560.00
200898	ANNA PENOLA	11/12-15/18 NACO NACO BASKET		11/08/18 11/08/18	95481 95558	138.00 45.00	183.00
200899	SMS COMPUTING, INC.	10/15/18 ROAD & BRIDGE 10/15/18 ROAD & BRIDGE 10/26/18 ASSESSOR 10/26/18 ASSESSOR 10/26/18 ASSESSOR		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95482 95482 95482 95482 95482	40.00 40.00 1,195.00 1,345.00 1,195.00	3,815.00
200900	PEZONELLA ASSOCIATES, INC	9/29/18 OUTSIDE SERVICES		11/08/18	95566	1,469.00	1,469.00
200901	POINT S BATTLE MTN TIRE &	8/1/18 2013 FORD F150 9/6/18 MOUNT DISMOUNT 10/5/18 UNIT 40 10/10/18 RESCUE 4 10/9/18 USED TIRES TRAILER 10/15/18 2015 FORD F350 10/19/18 UNIT 9 10/23/18 UNIT 42 10/24/18 RESCUE 2 10/23/18 FLAT REPAIR 10/31/18 2013 FORD F150 10/30/18 2012 CHEV EQUINX		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95479 95479 95479 95479 95479 95479 95479 95479 95479 95479 95479 95479	76.50 54.00- 74.20 1,544.31 359.00 70.44 223.15 75.20 252.35 15.00 138.92 62.40	2,837.47
200902	POWERPLAN	10/22/18 PARTS		11/08/18	95480	85.18	

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							85.18
200903	PRIORITY DISPATCH CORP.	10/12/18 EMD C19731		11/08/18	95483	730.00	730.00
200904	QUAL CON CONTRACTORS, INC	OCT 2018 TAXIWAY C		11/08/18	95559	180,204.55	180,204.55
200905	QUILL CORP	10/3/18 NOTEBOOK 10/3/18 CUPS/PAPER/FILES 10/3/18 TONER 10/3/18 CALENDARS 10/3/18 CALENDAR 10/3/18 NOTEBOOKS		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95484 95484 95484 95484 95484 95484	13.79 971.35 72.99 19.98 14.99 27.58	1,120.68
200906	QUILL CORP	10/15/18 HEATER 10/15/18 HEATER 10/18/18 SIGNATURE STAMP 10/22/18 CALENDAR 10/22/18 PAPER/CALENDARS 10/24/18 TONER		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95485 95485 95485 95485 95485 95485	30.99 30.99 28.48 16.99 73.70 91.99	273.14
200907	QUILL CORP	10/9/18 COPY PAPER		11/08/18	95486	147.36	147.36
200908	QUILL CORP	10/16/18 DESK SORTER 10/16/18 LABEL SUPPLIES		11/08/18 11/08/18	95560 95560	20.89 282.01	302.90
200909	STEVEN AGUILAR	10/11/18 ANTIFREEZE		11/08/18	95487	537.50	537.50
200910	RESEARCH AND CONSULTING	CONSULTING SERVICES		11/08/18	95488	3,577.03	3,577.03
200911	DESMOND SKEATH	10/15/18 REPAIR FURNACE 10/27/18 REPAIR FURNACE		11/08/18 11/08/18	95533 95533	48.00 45.00	93.00
200912	ROBIN SMITH	11/12-15/18 NACO		11/08/18	95564	138.00	138.00
200913	SONSRAY MACHINERY LLC	9/28/18 CASE MOTOR GRADER		11/08/18	95491	269,700.00	269,700.00
200914	ST OF NEVADA	10/2/18 GONZALEZ, MOLLY C		11/08/18	95493	25.00	25.00
200915	ST OF NEVADA	11/1/18 L.C. RETIREES		11/08/18	95573	5,759.79	5,759.79
200916	STRYKER EMS EQUIPMENT, INC	10/15/18 WHEEL GUIDE		11/08/18	95492	629.82	629.82
200917	SUPER 8 MOTEL						

Report No: PB1308
Run Date : 11/05/18

LANDER COUNTY
CHECK REGISTER 11/08/18

Page 8

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
200931	FRANK WHITMAN	10/12/18 CNRWA		11/08/18	95544	119.90	119.90
200932	WINNEMUCCA PUB. CO., INC.	1 YR RENEWAL		11/08/18	95543	35.00	35.00
200933	WINNEMUCCA PUB. CO., INC.	9/30/18 ELECTION QUESTION		11/08/18	95569	6,440.00	
		10/17/18 VOTER REG CLOSUR		11/08/18	95569	335.70	6,775.70
200934	WINNEMUCCA PUB. CO., INC.	10/31/18 NOV 14 MEETING		11/08/18	95570	89.58	89.58
200935	YESCO LLC	11/1/18 625 S. BROAD		11/08/18	95546	468.33	468.33
200936	YESCO LLC	10/22/18 COOP EXT SIGN		11/08/18	95571	690.00	
		10/22/18 BHVRL HLTH SIGN		11/08/18	95571	1,610.00	2,300.00
200937	DEREK ZACHARIAS	11/25/18 INVESTIGATOR		11/08/18	95563	715.00	715.00
200938	ROSS ZIMMERMAN	10/12/18 SPAY/NEUTER		11/08/18	95548	75.00	
		10/17/18 SPAY/NEUTER		11/08/18	95548	50.00	125.00
200939	ZONES, INC.	9/21/18 NOTEBOOK CASE		11/08/18	95547	43.00	
		9/24/18 MS USB-C		11/08/18	95547	165.00	
		9/25/18 SURFACE BOOK		11/08/18	95547	3,984.00	
		9/25/18 SURFACE PRO		11/08/18	95547	1,855.00	
		9/27/18 MS EXTND HARDWARE		11/08/18	95547	283.00	6,330.00
200940	4IMPRINT	10/26/18 SWEATSHIRTS		11/08/18	95572	384.98	384.98
CHECKS TOTAL							852,098.64

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200804

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

PATSY WAITS

10/25/18

200804

10/24/18

1810130009

10/13/18 AUSTIN EMS RUN

50.00

50.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200803

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA
10/24/18 5142

TETON SIGNS

10/25/18

10/23/18 LEPC TRLR WRAP

200803

6,325.00

6,325.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200802

Cindy Benson

Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

JESSI SWANGER

10/25/18

200802

10/24/18

ADVANCE MEALS

11/4-5/18 PROPERTY EXAM

46.00

46.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200800

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

NANCEE STALLARD

10/25/18

200800

10/24/18
10/24/18

10/15/18 - 10/19/18
10/8/18 - 10/12/18

ELECTION PROJECT
ELECTION PROJECT

663.20
663.20

1,326.40

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200794

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

MOLLY GONZALEZ

10/25/18

200794

10/24/18

ADVANCE MEALS

11/4-5/18 REAL PROP EXAM

46.00

46.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200791

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

CHARLENE FETTERLY

10/25/18

200791

10/25/18

ADVANCE LODGING

11/7-9/18 4-H PROF DEVELOP

106.00

106.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200789

Cindy Benson

Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

CHIP COLPITTS

10/25/18

200789

10/24/18
10/24/18
10/24/18
10/24/18

1810110040
1810120048
1810140021
1810210012

10/11/18 AUSTIN EMS RUN
10/12/18 AUSTIN EMS RUN
10/14/18 AUSTIN EMS RUN
10/21/18 AUSTIN EMS RUN

50.00
50.00
50.00
50.00

200.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200788

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

DEBORAH CARDOZA

10/25/18

200788

10/24/18	1810110040	10/11/18 AUSTIN EMS RUN	100.00
10/24/18	1810120048	10/12/18 AUSTIN EMS RUN	100.00
10/24/18	1810140021	10/14/18 AUSTIN EMS RUN	100.00
10/24/18	1810210012	10/21/18 AUSTIN EMS RUN	100.00

400.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200786

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

AMAZON CAPITAL SERVICES

10/25/18

200786

10/24/18

112-0757186-6293020

8/28/18 BATTERY

240.00

240.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200810


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

AMAZON CAPITAL SERVICES

11/02/18

200810

11/02/18	112-5802013-1817844	9/21/18 BATTERIES	25.58
11/02/18	112-5802013-1817844	9/21/18 BATTERIES	25.57
11/02/18	112-5802013-1817844	9/21/18 BATTERIES	25.57

76.72

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200817

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

ELIZABETH ESPARZA

11/02/18

200817

11/02/18
11/02/18

ADVANCE MEALS
ADVANCE MILEAGE

11/7-9/18 NV SPCLTY CRT
11/7-9/18 NV SPCLTY CRT

138.00
236.53

374.53

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200819

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

ANN JOHNSTONE

11/02/18

200819

11/02/18

10/20/18 - 10/27/18

EARLY VOTING

696.36

696.36

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200824


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

DANA C. LONGCHAMPS

11/02/18

200824

11/02/18

10/9/18 - 10/27/18

EARLY VOTING

696.36

696.36

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200826

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

MIDWAY MARKET

11/02/18

11/02/18

ACCT #1134

SEPTEMBER STATEMENT

200826

806.09

806.09

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200835

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

STEVEN SMITH

11/02/18

200835

11/02/18

PER DIEM ADVANCE

11/6/18 DRUG CRT CNFRNC

440.25

440.25

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200836

Cindy Benson
Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

NANCEE STALLARD

11/02/18

200836

11/02/18

10/22/18 - 10/26/18

ELECTION PREPARATION

911.90

911.90

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200838

Cindy Benson

Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

PEGGY RENEE SURLA

11/02/18

11/02/18

10/23/18 - 10/26/18

EARLY VOTING

200838

431.08

431.08

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200839

Cindy Benson

Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA
11/02/18 5146

TETON SIGNS

11/02/18

10/26/18 COMM GRAPHICS

200839

1,225.00

1,225.00

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE

Check #200841


Cindy Benson – Fiscal Officer

COUNTY OF LANDER
BATTLE MOUNTAIN, NEVADA

MICHELE TOLBERT

11/02/18

200841

11/02/18

10/20/18 - 10/27/18

EARLY VOTING

696.36

696.36

PLEASE DETACH AND FILE

Cindy Benson
Lander County Fiscal Officer



ACKNOWLEDGEMENT OF REVIEW & AUTHORIZATION

DATE

Cindy Benson
Fiscal Officer

11-05-18

LANDER COUNTY COMMISSION MEETING

November 8, 2018

APPROVE/DISAPPROVE
SUBMITTED EXPENDITURES IN THE AMOUNT OF \$852,098.64
From Check #200844 thru #200940

Report No: P 008
Run Date : 11/08/18

LANDER COUNTY
CHECK REGISTER 11/08/18

Page 1

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
200844	AMERICAN RED CROSS	10/10/18 LIFEGUARDING		11/08/18	95441	36.00	36.00
200845	AMPED-OUT-ELECTRICAL, LLC	10/17/18 RODEO GROUNDS		11/08/18	95438	810.00	810.00
200846	ARTISTIC FENCE CO., INC.	10/31/18 AUTOMATED GATE		11/08/18	95549	19,944.00	19,944.00
200847	ASSESSED VALUATION	10/29/18 KINGSTON LAND		11/08/18	95439	975.00	975.00
200848	ATLANTIS CASINO RESORT	9/17/18 QUICK, ROBERT 9/17/18 WILEY, BECKY 10/18/18 WESTENGARD, K 10/25/18 WESTENGARD, K		11/08/18 11/08/18 11/08/18 11/08/18	95440 95440 95440 95440	262.18 262.18 120.53 188.72	833.61
200849	AUTO & TRUCK ELECTRIC	10/24/18 PARTS		11/08/18	95437	293.00	293.00
200850	B M GENERAL HOSPITAL	8/30/18 RAD 57 9/6/18 N95 MASKS 9/18/18 ONSITE AEDS 3 9/11/18 BANDAGES 9/11/18 VACCINES 9/16/18 VACCINES 10/19/18 NITRILE GLOVES		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95444 95444 95444 95444 95444 95444 95444	5,047.00 37.20 2,906.79 32.29 1,923.64 2,053.24 1,866.73	13,866.89
200851	B&B GARNER INC.	10/17/18 TANKER 1		11/08/18	95445	795.50	795.50
200852	BUSINESS CARD	10/19/18 10/19/18 10/18/18 10/17/18 10/12/18 10/18/18 10/19/18		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95561 95561 95561 95561 95561 95561 95561	536.94 536.94 84.00 84.00 300.00 100.00 162.14	1,804.02
200853	ELIZABETH BARELA	11/12-15/18 NACO 11/12-15/18 NACO 10/23/18 TESTING 10/23/18 TESTING 10/23/18 TESTING		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95550 95550 95550 95550 95550	103.00 198.38 23.00 178.76 104.61	607.75
200854	BOARD OF REGENTS	MEMBERSHIP		11/08/18	95551	60.00	60.00
200855	BOB BARKER COMPANY, INC.	10/15/18 SANDALS/TROUSERS		11/08/18	95443	469.06	469.06
200856	KYLA BRIGHT						

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LANDER COUNTY
CHECK REGISTER 11/08/18

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CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
		11/12-15/18 NACO		11/08/18	95442	138.00	
200857	C & B OPERATIONS, LLC DBA:						138.00
		10/19/18 FUEL FILTER		11/08/18	95448	277.83	
		10/19/18 PARTS		11/08/18	95448	516.76	
		10/19/18 CANOPY		11/08/18	95448	952.32	
200858	CASHMAN EQUIPMENT						1,746.91
		10/17/18 PARTS		11/08/18	95447	862.20	
		10/15/18 REPAIR OF BLADE		11/08/18	95447	5,499.37	
200859	CIVIL AIR PATROL MAGAZINE						6,361.57
		10/24/18 1/2 PAGE COLOR		11/08/18	95449	595.00	
200860	CUMMINS ROCKY MOUNTAIN						595.00
		10/10/18 FULL SERVICE		11/08/18	95446	1,942.35	
200861	DALE'S SERVICE, INC.						1,942.35
		9/1-10/31/18 SELF-SERVICE		11/08/18	95562	51,714.44	
		9/1-10/31/18 FUELING SYST		11/08/18	95562	74,769.56	
200862	DAY ENGINEERING						126,484.00
		9/4/18 AUSTIN WALL		11/08/18	95450	2,500.00	
		9/4/18 AUSTIN RD REPAVE		11/08/18	95450	5,980.00	
200863	DESERT TRAILS VETERINARY						8,480.00
		9/28/18 SPAY/NEUTER		11/08/18	95451	50.00	
		10/16/18 SPAY/NEUTER		11/08/18	95451	50.00	
		10/16/18 SPAY/NEUTER		11/08/18	95451	50.00	
		10/16/18 SPAY/NEUTER		11/08/18	95451	50.00	
200864	EAGLE COMMUNICATIONS, LLC						200.00
		11/1/18 PARTS/EQUIPMENT		11/08/18	95552	7,157.84	
200865	ECOLAB						7,157.84
		10/11/18 MACHINE RENTAL		11/08/18	95454	106.45	
200866	ETCHEVERRYS FOOD TOWN						106.45
		10/16/18 EASY OFF CLEANER		11/08/18	95453	5.49	
		10/16/18 PRO CYCLE		11/08/18	95453	16.00	
200867	EUREKA VETERINARY CLINIC						21.49
		10/17/18 SPAY/NEUTER		11/08/18	95452	50.00	
200868	FAST GLASS						50.00
		10/23/18 REPLACE GLASS		11/08/18	95456	95.00	
200869	CHARLENE FETTERLY						95.00
		10/24/18 TRI COUNTY FAIR		11/08/18	95455	23.00	
200870	GEM ST. PAPER & SUPPLY CO						23.00
		11/1/18 VAC DUAL MOTOR		11/08/18	95457	388.49	
		10/25/18 DISPENSER/SOAP		11/08/18	95457	170.26	
		10/16/18 SEAT COVER		11/08/18	95457	22.59-	
		10/25/18 SUPPLIES		11/08/18	95457	95.39	
		10/24/18 GARDS MAXI PAD		11/08/18	95457	35.43-	

Report No: P 003
Run Date : 11/15/18

LANDER COUNTY
CHECK REGISTER 11/08/18

Page 3

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANSH	AMOUNT	CHECK TOTAL
							596.12
200871	H.E. HUNEWILL CONST.CO.,	9/6/18 HOT TAP WATERLINE		11/08/18	95460	5,421.80	
		9/6/18 PATCH ASPHALT		11/08/18	95460	3,888.91	
							9,310.71
200872	HIGH DESERT ENGINEERING	10/16/18 SURVEY WELL		11/08/18	95459	675.00	
							675.00
200873	HIGH SIERRA LOCKSMITHS	11/2/18 2 LEVER LOCKS		11/08/18	95553	485.00	
		11/2/18 KEYS 2002 FORD		11/08/18	95553	420.00	
							905.00
200874	HOOF BEAT GATES & CORRALS	10/22/18 SHELTER		11/08/18	95555	4,847.00	
							4,847.00
200875	HOY CHRISSINGER KIMMEL	10/31/18 WATER TRANSMISSN		11/08/18	95554	210.00	
							210.00
200876	HUGHES NETWORK SYSTEMS,	10/20/18 INTERNET		11/08/18	95458	214.41	
							214.41
200877	INLAND SUPPLY CO INC	8/20/18 LINERS		11/08/18	95461	309.95	
		10/16/18 CLEANER/SUPPLIES		11/08/18	95461	127.36	
		10/16/18 LINERS		11/08/18	95461	161.40	
		10/25/18 CENTERPULL TOWEL		11/08/18	95461	65.04	
							663.75
200878	INTEGRITY PEST MANAGEMENT	10/24/18 200 MAIN ST		11/08/18	95463	100.00	
		10/24/18 2595 HWY 50		11/08/18	95463	85.00	
		10/24/18 124 MAIN ST		11/08/18	95463	75.00	
		10/24/18 135 COURT ST		11/08/18	95463	90.00	
		10/24/18 122 MAIN ST		11/08/18	95463	90.00	
		10/24/18 155 MAIN ST		11/08/18	95463	90.00	
		10/24/18 67 MAIN ST		11/08/18	95463	90.00	
		10/24/18 112 MAIN ST		11/08/18	95463	90.00	
		10/24/18 151 MAIN ST		11/08/18	95463	90.00	
		10/24/18 AUSTIN AIRPORT		11/08/18	95463	110.00	
							910.00
200879	INTERWEST SUPPLY CO, INC	10/18/18 FLAT BAR		11/08/18	95462	232.88	
		10/25/18 GRAB HOOK		11/08/18	95462	80.00	
							312.88
200880	JONES WEST FORD	10/27/18 19 FORD EXPLORER		11/08/18	95465	28,050.25	
							28,050.25
200881	JOHN CRAIG,CAROL CRAIG,	10/26/18 DRIVE ROLL KIT		11/08/18	95464	81.75	
							81.75
200882	LANDER HARDWARE LLC	9/5/18 RESPIRATOR		11/08/18	95466	14.99	
		10/5/18 HEATER/STAKES		11/08/18	95466	55.97	
		10/8/18 GLOVES/KEYS		11/08/18	95466	17.49	
		10/11/18 KNOB TULIP		11/08/18	95466	13.99	
		10/11/18 COFFEEMAKER		11/08/18	95466	109.99	
		10/16/18 MARKING PAINT		11/08/18	95466	6.99	

Report No: F 11/13/18
Run Date : 11/13/18

LANDER COUNTY
CHECK REGISTER 11/08/18

Page 4

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
		10/16/18 REGULATOR HOSE		11/08/18	95466	27.99	
		10/16/18 REGULATOR/HOSE		11/08/18	95466	2.00-	
		10/18/18 VINYL/BUSHINGS		11/08/18	95466	72.93	
		10/18/18 TUBE VINYL		11/08/18	95466	6.45	
		10/24/18 CUSTOM CUT KEYS		11/08/18	95466	1.75	
		10/25/18 ROPER GLOVE		11/08/18	95466	13.99	
		10/29/18 LIQUID NAILS		11/08/18	95466	4.18	
		10/31/18 BULBS		11/08/18	95466	9.98	
200883	LEXIS-NEXIS						354.69
		10/31/18 OCT-18 BILLING		11/08/18	95556	594.00	
200884	LP INSURNACE SERVICES, INC						594.00
		10/17/18 DECEMBER 2018		11/08/18	95467	2,800.00	
200885	MACLEOD WATTS, INC.						2,800.00
		10/31/18 COUNTY/PEBP PLAN		11/08/18	95468	5,600.00	
200886	MALLORY SAFETY & SUPPLY						5,600.00
		10/19/18 12PK GLASSES		11/08/18	95469	82.02	
200887	MICHAEL CLAY CORPORATION						82.02
		OCT 2018 AIRPORT HANGERS		11/08/18	95557	82,006.85	
200888	NACO						82,006.85
		COMMISSIONER ELECT		11/08/18	95472	225.00	
		COMMISSIONER ELECT		11/08/18	95472	250.00	
		KEITH WESTENGARD		11/08/18	95472	250.00	
200889	DYNA PARTS LLC						725.00
		9/17/18 BUG BGONE/CARWASH		11/08/18	95470	14.28	
		9/26/18 TIRE VAL/WASHER		11/08/18	95470	23.04	
		10/9/18 SUPPLIES		11/08/18	95470	44.99	
		10/10/18 HEADLIGHT		11/08/18	95470	44.70	
		10/10/18 OIL FILTER		11/08/18	95470	5.33	
		10/11/18 FLASH LIGHT		11/08/18	95470	18.62	
		10/15/18 OXY350/ACETYLENE		11/08/18	95470	230.74	
		10/15/18 BFLUID DOT 3-32		11/08/18	95470	4.99	
		10/16/18 FILTER		11/08/18	95470	3.91	
		10/16/18 GAUGE		11/08/18	95470	27.49	
		10/16/18 FILTER EXCHANGE		11/08/18	95470	.30	
		10/16/18 BFLUID/BRKFLUID		11/08/18	95470	20.98	
		10/18/18 FUSES		11/08/18	95470	349.86	
		10/18/18 HITCH PIN		11/08/18	95470	17.88	
		10/18/18 SOCKET		11/08/18	95470	3.58	
		10/22/18 FILTERS		11/08/18	95470	80.28	
		10/23/18 FITTING		11/08/18	95470	4.14	
		10/23/18 5W30CONV		11/08/18	95470	45.48	
		10/23/18 CAR WASH SOAP		11/08/18	95470	13.98	
		10/23/18 SUPPLIES		11/08/18	95470	8.43	
		10/24/18 SOCKET SET/SUPPS		11/08/18	95470	171.41	
		10/24/18 UNIT #2		11/08/18	95470	86.94	
		10/24/18 FITTING		11/08/18	95470	21.42	
		10/24/18 BRAKE WASHER		11/08/18	95470	2,661.56	
		10/24/18 TAPE		11/08/18	95470	25.50	
							3,929.83

Report No: 11/08/18
Run Date : 11/08/18

LANDER COUNTY
CHECK REGISTER 11/08/18

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CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
200890	NATIONAL ELEVATOR	9/28/18 ANNUAL TESTING		11/08/18	95478	550.00	550.00
200891	NATIONWIDE DRAFTING &	9/28/18 STAMPS/STAPLES		11/08/18	95471	87.89	87.89
200892	THE DIGGERS GROUP LLC	9/20/18 TUNE UP KIT		11/08/18	95475	60.53	60.53
200893	NEWMAN TRAFFIC SIGNS	9/10/18 TRAFFIC SIGN 10/19/18 TRAFFIC SIGNS		11/08/18 11/08/18	95474 95474	102.76 702.10	804.86
200894	NATIONAL MEDICAL SERV.INC	9/30/18 MOORE-HANSEN		11/08/18	95477	113.00	113.00
200895	NORTHERN NV CHAPTER ICC	ANNA PENOLA		11/08/18	95574	20.00	20.00
200896	STATE OF NEVADA	10/1/18 AUSTIN/KINGSTON 10/2/18 BM FAIRGROUNDS		11/08/18 11/08/18	95476 95476	2,400.00 500.00	2,900.00
200897	NV WATER RESOURCES ASSOC.	2019 NWRA MEMBERSHIP DUES		11/08/18	95473	560.00	560.00
200898	ANNA PENOLA	11/12-15/18 NACO NACO BASKET		11/08/18 11/08/18	95481 95558	138.00 45.00	183.00
200899	SMS COMPUTING, INC.	10/15/18 ROAD & BRIDGE 10/15/18 ROAD & BRIDGE 10/26/18 ASSESSOR 10/26/18 ASSESSOR 10/26/18 ASSESSOR		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95482 95482 95482 95482 95482	40.00 40.00 1,195.00 1,345.00 1,195.00	3,815.00
200900	PEZONELLA ASSOCIATES, INC	9/29/18 OUTSIDE SERVICES		11/08/18	95566	1,469.00	1,469.00
200901	POINT S BATTLE MTN TIRE &	8/1/18 2013 FORD F150 9/6/18 MOUNT DISMOUNT 10/5/18 UNIT 40 10/10/18 RESCUE 4 10/9/18 USED TIRES TRAILR 10/15/18 2015 FORD F350 10/19/18 UNIT 9 10/23/18 UNIT 42 10/24/18 RESCUE 2 10/23/18 FLAT REPAIR 10/31/18 2013 FORD F150 10/30/18 2012 CHEV EQUINX		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95479 95479 95479 95479 95479 95479 95479 95479 95479 95479 95479 95479	76.50 54.00 74.20 1,544.31 359.00 70.44 223.15 75.20 252.35 15.00 138.92 62.40	2,837.47
200902	POWERPLAN	10/22/18 PARTS		11/08/18	95480	85.18	

Report No: 11/08/18
Run Date : 11/05/18

LANDER COUNTY
CHECK REGISTER 11/08/18

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CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
200903	PRIORITY DISPATCH CORP.	10/12/18 EMD C19731		11/08/18	95483	730.00	85.18
200904	QUAL CON CONTRACTORS, INC	OCT 2018 TAXIWAY C		11/08/18	95559	180,204.55	730.00
200905	QUILL CORP	10/3/18 NOTEBOOK 10/3/18 CUPS/PAPER/FILES 10/3/18 TONER 10/3/18 CALENDARS 10/3/18 CALENDAR 10/3/18 NOTEBOOKS		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95484 95484 95484 95484 95484 95484	13.79 971.35 72.99 19.98 14.99 27.58	180,204.55
200906	QUILL CORP	10/15/18 HEATER 10/15/18 HEATER 10/18/18 SIGNATURE STAMP 10/22/18 CALENDAR 10/22/18 PAPER/CALENDARS 10/24/18 TONER		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95485 95485 95485 95485 95485 95485	30.99 30.99 28.48 16.99 73.70 91.99	1,120.68
200907	QUILL CORP	10/9/18 COPY PAPER		11/08/18	95486	147.36	273.14
200908	QUILL CORP	10/16/18 DESK SORTER 10/16/18 LABEL SUPPLIES		11/08/18 11/08/18	95560 95560	20.89 282.01	147.36
200909	STEVEN AGUILAR	10/11/18 ANTIFREEZE		11/08/18	95487	537.50	302.90
200910	RESEARCH AND CONSULTING	CONSULTING SERVICES		11/08/18	95488	3,577.03	537.50
200911	DESMOND SKEATH	10/15/18 REPAIR FURNACE 10/27/18 REPAIR FURNACE		11/08/18 11/08/18	95533 95533	48.00 45.00	3,577.03
200912	ROBIN SMITH	11/12-15/18 NACO		11/08/18	95564	138.00	93.00
200913	SONSRAY MACHINERY LLC	9/28/18 CASE MOTOR GRADER		11/08/18	95491	269,700.00	138.00
200914	ST OF NEVADA	10/2/18 GONZALEZ, MOLLY C		11/08/18	95493	25.00	269,700.00
200915	ST OF NEVADA	11/1/18 L.C. RETIREES		11/08/18	95573	5,759.79	25.00
200916	STRYKER EMS EQUIPMENT, INC	10/15/18 WHEEL GUIDE		11/08/18	95492	629.82	5,759.79
200917	SUPER 8 MOTEL						629.82

CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
200931	FRANK WHITMAN	10/12/18 CNRWA		11/08/18	95544	119.90	119.90
200932	WINNEMUCCA PUB. CO., INC.	1 YR RENEWAL		11/08/18	95543	35.00	35.00
200933	WINNEMUCCA PUB. CO., INC.	9/30/18 ELECTION QUESTION 10/17/18 VOTER REG CLOSUR		11/08/18 11/08/18	95569 95569	6,440.00 335.70	6,775.70
200934	WINNEMUCCA PUB. CO., INC.	10/31/18 NOV 14 MEETING		11/08/18	95570	89.58	89.58
200935	YESCO LLC	11/1/18 625 S. BROAD		11/08/18	95546	468.33	468.33
200936	YESCO LLC	10/22/18 COOP EXT SIGN 10/22/18 BHVRL HLTH SIGN		11/08/18 11/08/18	95571 95571	690.00 1,610.00	2,300.00
200937	DEREK ZACHARIAS	11/25/18 INVESTIGATOR		11/08/18	95563	715.00	715.00
200938	ROSS ZIMMERMAN	10/12/18 SPAY/NEUTER 10/17/18 SPAY/NEUTER		11/08/18 11/08/18	95548 95548	75.00 50.00	125.00
200939	ZONES, INC.	9/21/18 NOTEBOOK CASE 9/24/18 MS USB-C 9/25/18 SURFACE BOOK 9/25/18 SURFACE PRO 9/27/18 MS EXTND HARDWARE		11/08/18 11/08/18 11/08/18 11/08/18 11/08/18	95547 95547 95547 95547 95547	43.00 165.00 3,984.00 1,855.00 283.00	6,330.00
200940	4IMPRINT	10/26/18 SWEATSHIRTS		11/08/18	95572	384.98	384.98
CHECKS TOTAL							852,098.64

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __1__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion only regarding the November 27, 2018 Nevada Department of Transportation (NDOT) Workshop scheduled for 9:00 am in the Community Meeting Room of the Lander County Administration Building, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __2__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove a medical marijuana cultivation facility license to Lander Leaf Growers, a pre-qualified applicant located in northern Lander County, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

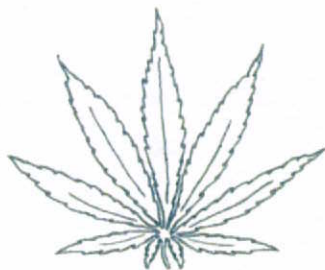
LANDER COUNTY

MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE LICENSE GRANTED 11/08/18

*SUBJECT TO THE QUARTERLY RENEWAL FEE

BUSINESS NAME: LANDER LEAF GROWERS

BUSINESS LOCATION: 1075 ALLEN ROAD, BATTLE MOUNTAIN, NV--NORTHERN LANDER COUNTY



A handwritten signature in black ink, appearing to read "Doug Mills", is written over a horizontal line.

DOUG MILLS, CHAIR

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __3__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove a medical marijuana cultivation facility license, a medical marijuana production facility license, a recreational marijuana cultivation facility license and a recreational marijuana production facility license to Pure Growers, a pre-qualified applicant located in northern Lander County, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY

MEDICAL MARIJUANA PRODUCTION FACILITY LICENSE

LICENSE GRANTED 11/08/18

*SUBJECT TO THE QUARTERLY RENEWAL FEE

BUSINESS NAME: PURE GROWERS

BUSINESS LOCATION: 905 ALLEN ROAD, BATTLE MOUNTAIN, NV--NORTHERN LANDER COUNTY



A handwritten signature in black ink, appearing to read "DM", written over a horizontal line.

DOUG MILLS, CHAIR

LANDER COUNTY

RECREATIONAL MARIJUANA PRODUCTION FACILITY LICENSE

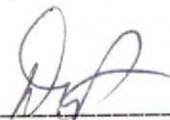
LICENSE GRANTED 11/08/18

*SUBJECT TO THE QUARTERLY RENEWAL FEE

BUSINESS NAME: PURE GROWERS

BUSINESS LOCATION: 905 ALLEN ROAD, BATTLE MOUNTAIN, NV--NORTHERN LANDER COUNTY





DOUG MILLS, CHAIR

LANDER COUNTY

MEDICAL MARIJUANA CULTIVATION FACILITY LICENSE

LICENSE GRANTED 11/08/18

*SUBJECT TO THE QUARTERLY RENEWAL FEE

BUSINESS NAME: PURE GROWERS

BUSINESS LOCATION: 905 ALLEN ROAD, BATTLE MOUNTAIN, NV--NORTHERN LANDER COUNTY



DOUG MILLS, CHAIR

LANDER COUNTY

RECREATIONAL MARIJUANA CULTIVATION FACILITY LICENSE

LICENSE GRANTED 11/08/18

*SUBJECT TO THE QUARTERLY RENEWAL FEE

BUSINESS NAME: PURE GROWERS

BUSINESS LOCATION: 905 ALLEN ROAD, BATTLE MOUNTAIN, NV--NORTHERN LANDER COUNTY



A handwritten signature in dark ink, appearing to read "DM", written over a horizontal line.

DOUG MILLS, CHAIR

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __4__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to discuss the fees associated with the use of the Battle Mountain Civic Center for the Lander County Convention and Tourism Authority, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

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

October 27, 2016

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 will break from lunch from 12:00pm to 1:15pm
Commissioners Reports on meetings, conferences and seminars attended
Staff Reports on meetings, conferences and seminars attended

Public Comment - For non-agenized 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 Agenda Notice October 27, 2016
- *(2) October 13, 2016 Meeting Minutes
- *(3) Payment of Bills
- *(4) Payroll Change Requests

COMMISSIONERS

- *(1) Discussion and presentation of "Assessment of Drought Resilience of the Battle Mountain and Austin Public Water Supply Systems: Results of a Groundwater Modeling Study by the Desert Research Institute" by John Cobourn, and all other matters properly related thereto.

Public Comment

- *(2) Discussion and possible action to approve/disapprove the route for the Annual Parade of Lights to be held December 3, 2016, and all other matters properly related thereto.

Public Comment

- *(3) Discussion and possible action regarding the fees charged to the Lander County Convention & Tourism Authority for the use of the Battle Mountain Civic Center for special events, and all other matters properly related thereto.

Public Comment

- *(4) Discussion of advertisement of grants received by 11th Judicial Youth and Family Services; Youth Apprenticeship Program, \$14,850; Project Magic \$25,274; Alcohol/Marijuana Wise/Nicotine 101/Other Drugs \$3,300; and all other matters properly related thereto.

Public Comment

- *(5) Discussion and possible action to approve/disapprove a contract to detain Lander County Youth in Northeastern Nevada Juvenile Detention Center in Elko County, and all other matters properly related thereto.

Public Comment

AIRPORT

- *(6) Discussion and presentation by Steve Marshall of JUB Engineering regarding Austin Airport Master Plan Introduction, and all other matters properly related thereto.

Public Comment

ASSESSORS

- *(7) Discussion and possible action regarding Resolution 2016-12 directing the County Assessor to prepare and publish the 2017/18 Secured Tax Roll, and all other matters properly related thereto.

Public Comment

PLANNING

- *(8) Discussion and possible action regarding approval of a Parcel Map for Nancee and Larry Stallard, located at 155 Mulligan Way, Battle Mountain, Lander County Assessor Parcel Number 011-110-12, splitting one (1) 75.93 acre parcel into three (3) 1 acre parcels and leaving one (1) parcel at 72.93 acres; and all other matters properly related thereto.

Public Comment

UPDATES

- *(9) Update from the Building Official, and all other matters properly related thereto.

Public Comment

- *(10) Update from the Human Resources Director, and all other matters properly related thereto.

Public Comment

- *(11) Update from Lander County EMS, and all other matters properly related thereto.

Public Comment

PUBLIC WORKS

- *(12) Update from the Public Works Director regarding status of projects, and all other matters properly related thereto.

Public Comment

- *(13) Discussion and possible action to approve/disapprove the Public Works Director to advertise for bid for a metal shop for the Lander County Landfill in an amount not to exceed \$120,000.00, and all other matters properly related thereto.

Public Comment

COMMISSIONERS

- *(14) Discussion and possible action to approve/disapprove the job description for the Executive Assistant to the Executive Director, and all other matters properly related thereto.

Public Comment

- *(15) Discussion and possible action to approve/disapprove the job description for the Public Works Administrative Assistant, and all other matters properly related thereto.

Public Comment

- *(16) Discussion and possible action to approve/disapprove the travel expenses of the District 4 Lander County Commissioner to be elected November 8, 2016 to the Annual NACO Conference in Pahrump, Nevada held November 14 through November 17, 2016, and all other matters properly related thereto.

Public Comment

- *(17) Discussion and possible action regarding the approval/disapproval of lease renewal between Bullock Mechanical and Lander County in the amount of \$336.00 for the 1,120 square foot building located at 142 W. Third Street, Battle Mountain, NV 89820, and all other matters properly related thereto.

Public Comment

- *(18) Discussion and possible action to approve/disapprove Resolution 2016-13 that would appoint two individuals on the Lander County Convention and Tourism Authority to serve a one time three year term, then revert to a two year term, and all other matters properly related thereto.

Public Comment

- *(19) Discussion and possible action regarding request of the District Attorney to declare a critical labor shortage pursuant to NRS 286.523 for the position of Chief Deputy District Attorney, and all other matters properly related thereto.

Public Comment

FINANCE

- *(20) Update on budget review, contracts, financial update, and all other matters properly related thereto.

Public Comment

CORRESPONDENCE

- *(21) Correspondence/reports/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 discussion/action item with information provided at the meeting. Action may be taken according to the "Nevada Open Meeting Law Manual" via a telephone conference call in which a quorum of the Board members is simultaneously linked to one another telephonically.

NOTE: TIMES ARE APPROXIMATE

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

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

NOTICE: Any member of the public that would like to request any supporting material from the meeting, please contact Keith Westengard, Lander County Executive Director, 50 State Route 305, Battle Mountain, Nevada 89820 (775) 635-5738.

AFFIDAVIT OF POSTING
State of Nevada)

County of Lander) ss
)

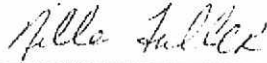
Keith Westengard, Lander County Executive Director of said Lander County, Nevada, being duly sworn, says, that on the 21st day of October 2016, he posted a notice, of which the attached is a copy, at the following places: 1) Battle Mountain Civic Center, 2) Battle Mountain Post Office, 3) Lander County 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 Executive Director



Subscribed and sworn to before me this 21st day of October, 2016

Witness



Name of Agenda: Lander County Commissioner's Meeting

Date of Meeting: October 27, 2016

1 CHAIRMAN BAKKER: Okay. Doug made a motion. Patsy
2 seconded it.

3 Any public comment?

4 (No comment.)

5 CHAIRMAN BAKKER: All in favor?

6 COMMISSIONER MILLS: Aye.

7 CHAIRMAN BAKKER: Aye.

8 COMMISSIONER WAITS: Aye.

9 COMMISSIONER CLARK: Aye.

10 DAWN McCLARY: Thank you.

11 CHAIRMAN BAKKER: Okay. Thank you --

12 COMMISSIONER WAITS: Thank you, Dawn.

13 CHAIRMAN BAKKER: -- Dawn.

14 COMMISSIONER WAITS: Good --

15 COMMISSIONER MILLS: Thanks.

16 COMMISSIONER WAITS: -- luck in your new position.

17 DAWN McCLARY: Thank you.

18

19 3) Discussion and possible action regarding the fees charged to
20 the Lander County Convention & Tourism Authority for the use
21 of the Battle Mountain Civic Center for special events, and
22 all other matters properly related thereto.

23

24 CHAIRMAN BAKKER: Three, discussion and possible action
25 regarding the fees charge to the Lander County Convention and
26 Tourism Authority for the use of the Battle Mountain Civic
27 Center for the special events, and all the matters properly
28 related thereto.

29 Also, we're going to open up 18.

30

31 18) Discussion and possible action to approve/disapprove
32 Resolution 2016-13 that would appoint two individuals on the
33 Lander County Convention and Tourism Authority to serve a
34 one-time, three-year term, then revert to a two-year term,
35 and all other matters properly related thereto.

36

37 CHAIRMAN BAKKER: Discussion and possible action to
38 approve/disapprove Resolution 2016-13 that would appoint two
39 individuals to -- on the Lander County Convention and Tourism
40 Authority to serve a one-time, three-year term to revert to a

1 two-year term, and all other matters properly related thereto.
2 Okay.
3 GRADY PIERCE: I'm Grady Pierce. Lander County Convention
4 and Tourism, if you have any questions.
5 MARSHA FORGERON: Marsha Forgeron, new member and learning.
6 COMMISSIONER WAITS: Good morning.
7 CHAIRMAN BAKKER: Any questions?
8 COMMISSIONER WAITS: Just what positions that we're going
9 to put in what term slots. That's all.
10 COMMISSIONER MILLS: Do you -- do you have a preference on
11 who does the three-year terms?
12 GRADY PIERCE: No.
13 DISTRICT ATTORNEY HERRERA: Commission, what I suggested
14 last time and it wasn't part of the motion, so somebody had to
15 bring it up again, was that the -- the two positions that --
16 that no one competed against, maybe perhaps they should be the
17 three years. And that would be -- that would be the other two
18 positions aside from these two individuals here that would be --
19 CHAIRMAN BAKKER: So Rich and Ann.
20 DISTRICT ATTORNEY HERRERA: Yes. And --
21 COMMISSIONER MILLS: Oh, Ann Miles?
22 CHAIRMAN BAKKER: Uh-huh.
23 DISTRICT ATTORNEY HERRERA: And you only --
24 COMMISSIONER WAITS: So Rich and Anne would be the --
25 GRADY PIERCE: Three years.
26 CHAIRMAN BAKKER AND DISTRICT ATTORNEY HERRERA: Three
27 years.
28 COMMISSIONER WAITS: Three-year.
29 DISTRICT ATTORNEY HERRERA: One time, three years.
30 GRADY PIERCE: One time only. So we're staggered.
31 DISTRICT ATTORNEY HERRERA: So they'd be staggered there.
32 That's just a suggestion.
33 COMMISSIONER WAITS: Okay.
34 GRADY PIERCE: That's fine with -- with -- with me.
35 COMMISSIONER WAITS: Actually, that's the motel/hotel
36 anyway. And that's probably a good one to leave --
37 DISTRICT ATTORNEY HERRERA: Yep.
38 COMMISSIONER WAITS: -- with the continuity on that type of
39 thing.
40 DISTRICT ATTORNEY HERRERA: Yep.

1 COMMISSIONER WAITS: I agree.
2 CHAIRMAN BAKKER: Someone want to make a motion on that?
3 COMMISSIONER WAITS: I'll -- I'll --
4 DISTRICT ATTORNEY HERRERA: So it's basically filling in
5 the blanks. If you look at the resolution, --
6 COMMISSIONER WAITS: Okay.
7 DISTRICT ATTORNEY HERRERA: -- you have to name the names
8 so we can fill in the blanks.
9 COMMISSIONER WAITS: Okay. I'll make a motion that we
10 approve the Resolution 2016-13 that would appoint two
11 individuals to the Lander County Convention and Tourism
12 Authority to serve a one-time, three-year term and that would be
13 the motel and hotel representatives. And authorize the chair to
14 sign.
15 COMMISSIONER MILLS: I'll second.
16 CHAIRMAN BAKKER: Patsy made a motion. Doug seconded.
17 Any public comment?
18 (No comment.)
19 CHAIRMAN BAKKER: All in favor?
20 COMMISSIONER MILLS: Aye.
21 CHAIRMAN BAKKER: Aye.
22 COMMISSIONER WAITS: Aye.
23 COMMISSIONER CLARK: Aye.
24 CHAIRMAN BAKKER: Okay. Now --
25 DISTRICT ATTORNEY HERRERA: And this is a -- a joint
26 resolution. So as soon as it's all signed, we will be sending
27 it to --
28 COMMISSIONER CLARK: Yeah.
29 GRADY PIERCE: Our board.
30 CHAIRMAN BAKKER: Their board.
31 COMMISSIONER WAITS: Giving it to Convention and Tourism
32 for your board.
33 CHAIRMAN BAKKER: Okay. And then issue number three.
34 Charging the Convention and Tourism to use the civic center.
35 GRADY PIERCE: We -- you know, obviously this was back when
36 we managed the -- the civic center, we always let the county
37 government utilize the facility with no fee.
38 And I guess we would just like to have that same respect
39 back.
40 COMMISSIONER WAITS: Rich, the question that came up was

1 when we were looking at that, we -- we queried into the same
2 thing. We thought the government offices did not pay a fee, but
3 they assured us that they did, that the school had paid.
4 GRADY PIERCE: Right.
5 COMMISSIONER CLARK: The Resource Center has paid.
6 GRADY PIERCE: The Resource Center had paid?
7 COMMISSIONER CLARK: Yeah, when they have their crab feed.
8 When -- when you have alcohol, you have to pay.
9 GRADY PIERCE: Well, --
10 COMMISSIONER CLARK: I know where you're coming from,
11 Grady. I don't have a problem with it.
12 GRADY PIERCE: Right. I guess --
13 COMMISSIONER CLARK: This is just the way it's really been.
14 GRADY PIERCE: The -- but what we're doing is not a -- a
15 fundraiser for a particular group. What we're doing is to help
16 the entire community.
17 COMMISSIONER CLARK: The Resource Center is a 503.
18 GRADY PIERCE: Well, yeah, I guess you can take your stance
19 however you want as far as whether you want to bring people to
20 Lander County or you don't. I know we do. We want to promote,
21 and we want to bring people in. But just down to the dollars
22 and cents and, you know, I guess we'll just have to figure that
23 out.
24 COMMISSIONER CLARK: How much money do you have in your
25 bank account?
26 GRADY PIERCE: That's irrelevant to what --
27 COMMISSIONER CLARK: No, it's not irrelevant.
28 GRADY PIERCE: It is irrelevant.
29 COMMISSIONER CLARK: No, it's not.
30 GRADY PIERCE: How much money do you have?
31 COMMISSIONER CLARK: It's public record. How much do you
32 have?
33 GRADY PIERCE: Well, same as yours.
34 COMMISSIONER CLARK: How much do you have?
35 GRADY PIERCE: Not as much as you.
36 COMMISSIONER CLARK: You still haven't given me a figure,
37 Grady.
38 Last time I checked it was 980,000. And it was 600,000.
39 Are you hurting for money?
40 GRADY PIERCE: Yes.

1 COMMISSIONER CLARK: What's your balance? It's public
2 record. You know it.
3 GRADY PIERCE: I know it.
4 COMMISSIONER CLARK: Well, tell me.
5 GRADY PIERCE: But if we're not frugal with it, it won't be
6 there. Do you see the motels full every night? No.
7 COMMISSIONER CLARK: That wasn't my question. My question
8 is: What is your balance?
9 GRADY PIERCE: Yes, we have enough to -- to -- to rent the
10 civic center.
11 COMMISSIONER CLARK: You still haven't answered my
12 question, Grady, because you know you have a fat bank account.
13 It's that simple.
14 COMMISSIONER MILLS: I think I would say that how much
15 money someone has is irrelevant to the question or -- or the
16 discussion.
17 GRADY PIERCE: Yeah, I mean, it's about using a facility
18 for an event --
19 COMMISSIONER MILLS: Right. To me, it's --
20 GRADY PIERCE: -- that sponsors and helps the community.
21 COMMISSIONER MILLS: To me, it's more about treating
22 similar organizations similarly. So if it's a 501(c)(3), they
23 all get a similar rate for the civic center. If it was a
24 private individual, they all pay a similar rate. If it's a
25 county entity or a government entity, they pay a similar rate.
26 That's what I would be more concerned about.
27 GRADY PIERCE: Right, I mean, --
28 CHAIRMAN BAKKER: What does the schools pay, then?
29 GRADY PIERCE: I think the last -- I haven't been on there
30 for two years, but the last I knew it was \$5,000 a year.
31 CHAIRMAN BAKKER: \$5,000 a year?
32 GRADY PIERCE: Yeah. And that opened it up to the entire
33 year, whenever they needed or wanted it.
34 DISTRICT ATTORNEY HERRERA: Is that true?
35 UNIDENTIFIED PARTICIPANT: That is correct.
36 CHAIRMAN BAKKER: Okay.
37 COMMISSIONER MILLS: Then I would -- I would say that if
38 Convention and Tourism wants to do it, you could -- we could
39 come up with an annual rate or a per-use rate.
40 GRADY PIERCE: So does that mean that --

1 ROBIN SMITH: Robin Smith, for the record.
2 CHAIRMAN BAKKER: Oh. What's up?
3 GRADY PIERCE: (Indiscernible.)
4 ROBIN SMITH: I'd think that if you're going to do an
5 annual rate for Convention and Tourism and the school, then you
6 have to look at all of the 501(c)(3)s. It has to be fair across
7 the board.
8 If you guys want to honor their contract this year because
9 it was already set in place for a no-fee, that's fine. But I
10 think moving forward, if one club has to follow the rate
11 schedule, all clubs need to. Not saying Convention and Tourism
12 is a club, but there's other -- the Bass Club brings people into
13 this town. Family Resource for the crab feed brings people into
14 this town. Yes, you guys bring people into this town for the
15 chukar tournament, but other organizations --
16 GRADY PIERCE: Well --
17 ROBIN SMITH: -- do too. And if they have to pay, then
18 I --
19 GRADY PIERCE: Then --
20 ROBIN SMITH: -- think --
21 GRADY PIERCE: -- you're right.
22 ROBIN SMITH: -- it's only fair to be straight across the
23 board.
24 COMMISSIONER CLARK: What's your recommendation, --
25 COMMISSIONER MILLS: That's --
26 COMMISSIONER CLARK: -- Robin?
27 ROBIN SMITH: Well, I mean, I don't think this needs to
28 turn into a huge deal. If we want to honor their contract this
29 year, that's fine. Moving forward, I think we need to sit tr--
30 -- stay to our rate schedule that we agreed on last commission
31 meeting. Fair is fair.
32 COMMISSIONER WAITS: I don't look at it quite the same
33 because they -- they are a board set up by the NRS statute. And
34 that's still just a little bit different than somebody that has
35 an individual club that they're doing things for.
36 ROBIN SMITH: Okay.
37 COMMISSIONER WAITS: You can't --
38 ROBIN SMITH: -- Family --
39 COMMISSIONER WAITS: -- compare that.
40 ROBIN SMITH: -- Resource Center. Are they under the NRS

1 statute? Is the school? I mean, where is the line drawn?
2 Where --
3 COMMISSIONER WAITS: Well, but their --
4 ROBIN SMITH: -- is the line drawn?
5 COMMISSIONER WAITS: But their mission is not to obtain the
6 -- and collect the taxes that go back in grants for all of the
7 county. I mean, it's just -- I look at it differently. I --
8 GRADY PIERCE: Yeah. No, it --
9 You're right. It -- it could go either way. And we could
10 be here all day. But, yeah, I mean. Yeah, I can see, you know,
11 there's no happy medium so however we decide to leave this.
12 COMMISSIONER WAITS: Well, on the other side too is we
13 still -- now that the county has taken it over, has to -- has
14 to, you know, maintain the costs that -- that we have too. But
15 I don't think it should be anything excessive. And I think we
16 can still treat that a little bit differently than we do every
17 other individual club.
18 CHAIRMAN BAKKER: I feel, honestly -- and if we come up
19 with an annual rate, I would actually be okay with that. That's
20 not a bad idea. But when you say the county got it for free, we
21 didn't get it for free, because we paid all the maintenance,
22 minor or major. So it was like we were paying for maintenance
23 to use the building. And you guys collected the fees, which is
24 fine. But there has to be -- it can't just be nothing. Because
25 if you look at it from a business standpoint, you can say -- say
26 Convention and Tourism wasn't using it and we could find someone
27 else to rent it out for that whole week, they would be paying.
28 GRADY PIERCE: Right.
29 CHAIRMAN BAKKER: The county would be making money.
30 GRADY PIERCE: And that might be the best solution too is
31 that we don't use that facility.
32 CHAIRMAN BAKKER: And then the county wouldn't be out
33 nothing either one way or the other.
34 GRADY PIERCE: No, and that -- that would be good.
35 CHAIRMAN BAKKER: Because we never made money off of it --
36 GRADY PIERCE: Right.
37 CHAIRMAN BAKKER: -- in the past. So if you don't use it
38 and you don't do an event, the county itself wouldn't be losing
39 money one way or the other. Because there wouldn't be no
40 maintenance.

1 GRADY PIERCE: You're right.
2 CHAIRMAN BAKKER: And there wouldn't be no upkeep.
3 GRADY PIERCE: Running that facility, you're right. You
4 can't lose money. I mean, you're making money hand over fist.
5 So -- so it's -- it's a good -- good move that you took that
6 back.
7 COMMISSIONER CLARK: You're shaking your head no, Robin.
8 ROBIN SMITH: That building does not make money hand over
9 fist. I'm sorry.
10 COMMISSIONER CLARK: Okay.
11 ROBIN SMITH: And you know that. You guys ran it for five
12 years.
13 GRADY PIERCE: Five?
14 ROBIN SMITH: Or Paula was in there five years. I don't
15 know, however many years you guys ran it. But you know that
16 that building's not making money hand over fist. And giving the
17 facility away for free just puts the county farther and farther.
18 GRADY PIERCE: So when -- when it is rented, we would have
19 the full support staff of people there monitoring and -- and
20 keeping things moving along.
21 ROBIN SMITH: Yes. And as you did when you got it for the
22 bike race.
23 GRADY PIERCE: Hm.
24 CHAIRMAN BAKKER: So what do you guys want to do?
25 COMMISSIONER MILLS: Well, I just think they should be
26 treated the same as other organizations. I'm --
27 And I'm fine with giving it to them for the chukar feed
28 this year at no charge. That's fine with me.
29 But going in the future, I think they should be treated the
30 same as everyone else.
31 COMMISSIONER WAITS: I'll make a motion that we -- we allow
32 them to use the facility for the chukar feed this year at no
33 cost to honor our contract.
34 But that you go back to your board and see if you would
35 consider an annual fee or a separate fee or if you don't want to
36 use the facility at all. I'm going to leave it up to your board
37 to -- to take a look at that and talk about it and then bring it
38 back to our board.
39 GRADY PIERCE: So --
40 COMMISSIONER MILLS: Um.

1 COMMISSIONER WAITS: I mean, it's very evident that it's
2 leaning towards that they want to charge you.
3 GRADY PIERCE: Correct.
4 COMMISSIONER WAITS: Before they just say automatically, I
5 think we should do it like everybody else, --
6 GRADY PIERCE: Correct.
7 COMMISSIONER WAITS: -- I would like a chance for your
8 board to have the input on that. Because your comment was,
9 perhaps we don't want to use it. Well, then if we don't want to
10 use it, we're not going to set a fee.
11 GRADY PIERCE: Right.
12 COMMISSIONER WAITS: So if you don't want to -- you might
13 think about, well, let's have two or three things there and go
14 with an annual fee. And I'd like the input from your board
15 first --
16 GRADY PIERCE: Okay.
17 COMMISSIONER WAITS: -- before we make that decision.
18 COMMISSIONER MILLS: I think I'm -- I'm okay with that. So
19 I would -- I'll second that motion.
20 CHAIRMAN BAKKER: Patsy made a motion. Doug seconded.
21 Any public comment?
22 ALECIA: I -- I agree that they should say --
23 CHAIRMAN BAKKER: Hey, Alecia, you've --
24 ALECIA: -- it should be a --
25 CHAIRMAN BAKKER: -- got to state your name.
26 ALECIA: Alecia (indiscernible), --
27 CHAIRMAN BAKKER: Okay.
28 ALECIA: -- for the record.
29 COUNTY CLERK SULLIVAN: You've got to actually come up and
30 (indiscernible).
31 ALECIA: First on the public -- as a citizen, I think they
32 -- everyone should pay straight across. I think you probably
33 should do a fee because it might come up later again with
34 another organization. And they should prove that they're a
35 501(c)(3). We have to do it whether we're doing the Burners or
36 the Sober Seniors. If whoever you're doing, you have to give
37 you guys, Convention and Tourism, you have to prove to them your
38 bank accounts and your 501(c)(3)s. So I think that -- that
39 should be an effort in there.
40 And then secondly, as a business owner, they say they're

1 doing it for the best of the community. They spend a great
2 amount of money out of town when there's local businesses that
3 could help them with some of those prizes. Their ATV, you're
4 not going to be able to buy that here. There are a lot of
5 things that they do. And they send a big trailer out of town,
6 fill it up with thousands and thousands of dollars of
7 merchandise that they could buy at lots of places here in town.
8 So that's my two cents.

9 GRADY PIERCE: Yeah. No, we -- we -- to combat that, we --
10 we spend a great deal of money in Lander County for prizes with
11 different businesses that have --

12 ALECIA: What percentage is that?

13 GRADY PIERCE: Probably 6 percent. Well, I take that back,
14 with the guns, probably 50 or 60.

15 MARSHA FORGERON: I was about to say, it's about half.

16 CHAIRMAN BAKKER: Yeah, but don't they buy the guns out of
17 town?

18 GRADY PIERCE: No.

19 MARSHA FORGERON: No.

20 CHAIRMAN BAKKER: Did they buy them in town this year?

21 GRADY PIERCE: Yeah. Always buy them --

22 CHAIRMAN BAKKER: Because I know --

23 GRADY PIERCE: -- in town.

24 CHAIRMAN BAKKER: -- last year they went to Cabela's in
25 Reno. Last year they bought damn -- darn near everything in
26 Reno --

27 GRADY PIERCE: That's --

28 CHAIRMAN BAKKER: -- because I was at those meetings.

29 GRADY PIERCE: That's because there was no one in Lander
30 County that had the ability to sell a gun.

31 CHAIRMAN BAKKER: You can go to Ace.

32 GRADY PIERCE: He --

33 CHAIRMAN BAKKER: They order them.

34 GRADY PIERCE: -- didn't want to.

35 CHAIRMAN BAKKER: Huh?

36 GRADY PIERCE: After he got broken into --

37 CHAIRMAN BAKKER: He -- he will --

38 GRADY PIERCE: -- he was gun --

39 CHAIRMAN BAKKER: -- order --

40 GRADY PIERCE: -- shy.

1 CHAIRMAN BAKKER: -- guns for you.
2 GRADY PIERCE: He was gun-shy. He told us no.
3 CHAIRMAN BAKKER: Okay, --
4 GRADY PIERCE: But now --
5 CHAIRMAN BAKKER: -- what about the gun --
6 GRADY PIERCE: -- this year he --
7 CHAIRMAN BAKKER: -- safes?
8 GRADY PIERCE: -- is.
9 CHAIRMAN BAKKER: What about -- 95 percent of everything
10 was bought in Reno last year --
11 GRADY PIERCE: Uh-huh.
12 CHAIRMAN BAKKER: -- and the year before.
13 COMMISSIONER CLARK: You know, nobody argues that you guys
14 aren't doing a good job. You're doing a good job.
15 The argument comes --
16 GRADY PIERCE: No, --
17 COMMISSIONER CLARK: -- over money.
18 GRADY PIERCE: -- I don't think so.
19 COMMISSIONER CLARK: That's --
20 GRADY PIERCE: The money?
21 COMMISSIONER CLARK: The money. That's the issue. I mean,
22 that had been the issue with the contract. And that's the issue
23 right now, fair payment.
24 CHAIRMAN BAKKER: Anyway.
25 GRADY PIERCE: Huh? No, you're right. I just -- I had
26 just thought that maybe a lot of the old animosity had died.
27 But I guess it hasn't. So -- so we'll just stay the course.
28 COMMISSIONER CLARK: Well, define animosity. I mean, we're
29 just trying to be fair with this.
30 One person pays. The other person should pay.
31 CHAIRMAN BAKKER: Ted, can we get clarification that they
32 need to be a 501(c)(3) or if they're governmental?
33 DISTRICT ATTORNEY HERRERA: They're a separate entity.
34 They're a legal entity. Subdivision of State of Nevada by NRS
35 statute.
36 CHAIRMAN BAKKER: So they governmental, though? Or what's
37 the --
38 DISTRICT ATTORNEY HERRERA: Well, they're -- they're just
39 like the -- the hospital board --
40 CHAIRMAN BAKKER: Okay.

1 DISTRICT ATTORNEY HERRERA: -- or the hospital district.
2 Do you charge them? I -- I don't -- it's a matter of what
3 policy you want to develop. I can't look at any ordinance or
4 statute to help you out on this one.
5 CHAIRMAN BAKKER: Okay.
6 DISTRICT ATTORNEY HERRERA: I guess that's the best answer.
7 You -- you have to set a policy on -- on your relationship with
8 this other governmental agency -- entity, I should say. That's
9 what it is. It's a policy decision.
10 COMMISSIONER WAITS: Well, there's not another governmental
11 agency that --
12 DISTRICT ATTORNEY HERRERA: Well --
13 COMMISSIONER WAITS: -- that simply collects the taxes and
14 gives them all out --
15 DISTRICT ATTORNEY HERRERA: They're a --
16 COMMISSIONER WAITS: -- as grants.
17 DISTRICT ATTORNEY HERRERA: -- governmental entity.
18 COMMISSIONER WAITS: I mean, back to the county. I mean,
19 that's a little bit different than the hospital, even though
20 it's maybe set up the same through NRS. They're still --
21 they're unique. They're different.
22 DISTRICT ATTORNEY HERRERA: They are. They are. But
23 there's nothing in the statute and the ordinance. And I'll
24 empha- -- reemphasize to help you out on this.
25 COMMISSIONER WAITS: I --
26 DISTRICT ATTORNEY HERRERA: You have to set a policy is my
27 only point.
28 COMMISSIONER WAITS: I understand.
29 CHAIRMAN BAKKER: Any other public comment?
30 (No comment.)
31 CHAIRMAN BAKKER: Okay. All in favor?
32 COMMISSIONER MILLS: Aye.
33 CHAIRMAN BAKKER: Aye.
34 COMMISSIONER WAITS: Aye.
35 COMMISSIONER CLARK: Aye.
36 CHAIRMAN BAKKER: Okay. Thank you, guys.
37
38
39
40

Battle Mountain
Civic Center
625 S. Broad St
Battle Mountain, NV 89820
775-635-3336



INVOICE

Lander County Convention & Tourism
Paula Tomera
635-1112
Chukar Feed and Tournament

DATE: Oct 31 - Nov. 4, 2018
INVOICE # 103111418
PO #

DESCRIPTION	AMOUNT
Building Rental Fees @ \$200.00 per day x 5 days	\$1,000.00
Alcohol deposit - <i>Refundable</i>	\$500.00
Dishes	\$100.00
Silverware	\$50.00
Steam Tables x 4 @ 25.00 per table	\$200.00
CODE TO CIVIC CENTER	
052-000-36010	
Thank you for allowing Battle Mountain Civic Center	
the opportunity to host your event.	
Please remit to: Battle Mountain Civic Center	
625 S Broad St	
Battle Mountain, NV 89820	
TOTAL	\$1,850.00

Make all checks payable to Battle Mountain Civic Center

THANK YOU FOR YOUR BUSINESS!

Battle Mountain
Civic Center
625 S. Broad St
Battle Mountain, NV 89820
775-635-3336



INVOICE

Lander County Convention & Tourism
Paula Tomera
635-1112
Human Powered Bike Races

DATE: Sept. 8 -16, 2018
INVOICE # 981618
PO #

DESCRIPTION	AMOUNT
Building Rental Fees @ \$200.00 per day x days	\$1,800.00
Alcohol Deposit - refundable	\$500.00
CODE TO CIVIC CENTER	
052-000-36010	
Thank you for allowing Battle Mountain Civic Center	
the opportunity to host your event.	
Please remit to: Battle Mountain Civic Center	
625 S Broad St	
Battle Mountain, NV 89820	
TOTAL	\$2,300.00

Make all checks payable to Battle Mountain Civic Center

THANK YOU FOR YOUR BUSINESS!

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __5__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion only regarding an update of the Austin Realignment Project as presented by Summit Engineering, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __6__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to set a date, time and location for an Austin Town Hall meeting to discuss the Austin Youth Center, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __7__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding approval/disapproval of parcel map for Mt. Lewis, LLC located at Mount Lewis Drive, Battle Mountain, Nevada, as APN 002-320-12, splitting seven (7) acre parcel into four (4) parcels, that was approved by the Planning Commission on September 12, 2018, and all other matters properly related thereto.

Public Comment:

Background: This item as heard and approved in front of the Planning Commission on 9-12-2018. The allowable septic system density without an engineering report is 99 per square mile. There are approximately 74 existing systems. At complete buildout there is a possibility of 82 septic systems. Other information is attached.

Recommended Action: Review and approve/disapprove the attached parcel map application

LANDER COUNTY PLANNING COMMISSION

September 12, 2017

AGENDA ITEM NUMBER 10

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

Applicant: Mt Lewis LLC
Location: Mount Lewis Drive, Battle Mountain, NV
APN: 002-320-12
Type: To split one (1) parcel into four (4) parcels

Applicant wishes to split 7-acre parcel into four parcels:

Parcel 1: 0.51 acres

Parcel 2: 0.51 acres

Parcel 3: 0.51 acres

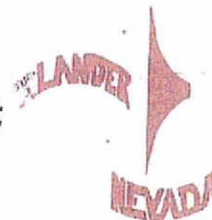
Parcel 4: 5.47 acres

The allowable septic system density without an engineering report is 99 per square mile. There are approximately 74 existing systems within that area.

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
Community Development



PARCEL MAP APPROVAL APPLICATION

APPLICANT/OWNER INFORMATION

Applicant(s): Robert Branstad Address: 617 Porth South
Phone Number: 510-334-2232 Calistoga CA 94515
Legal Owner(s): MT Lewis LLC Address: 2300 Caldwell Blvd
Phone Number: 510-334-2232 Nampa, IDAHO 83651
Applicant's Representative or Engineer: Robert Branstad

PROJECT INFORMATION

Property Location: Battle Mt. NV 89820 / Cross St. Sheep Ranch
Assessor's Parcel Number: 002-320-12 (new) 002-320-06 Parcel 1 (or 13) (previous parcel)
Current Zoning: CR R3
Total Number of Parcels and Acreage: 13 parcels - 7 Acres totals

Public Utilities will be furnished as follows:

Electricity: NV energy Water: Town of Battle Mts Sewage: private Septic

Existing and proposed street dedications are as follows: none

Type of street improvements proposed are as follows: none

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

Existing and proposed fire protection improvements are as follows: None

Proposed use on each parcel: Single Family Residential

SIGNATURE(S)

I here by 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.

Owner's Signature

Robert B. BARNES, MARCH 1998

Date

2/20/17

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

Date

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.

315 South Humboldt Street < > Battle Mountain NV 89820

Phone: (775) 635-2860 < > Fax: (775) 635-1120

Lander County Parcel Map

Page 2 of 2

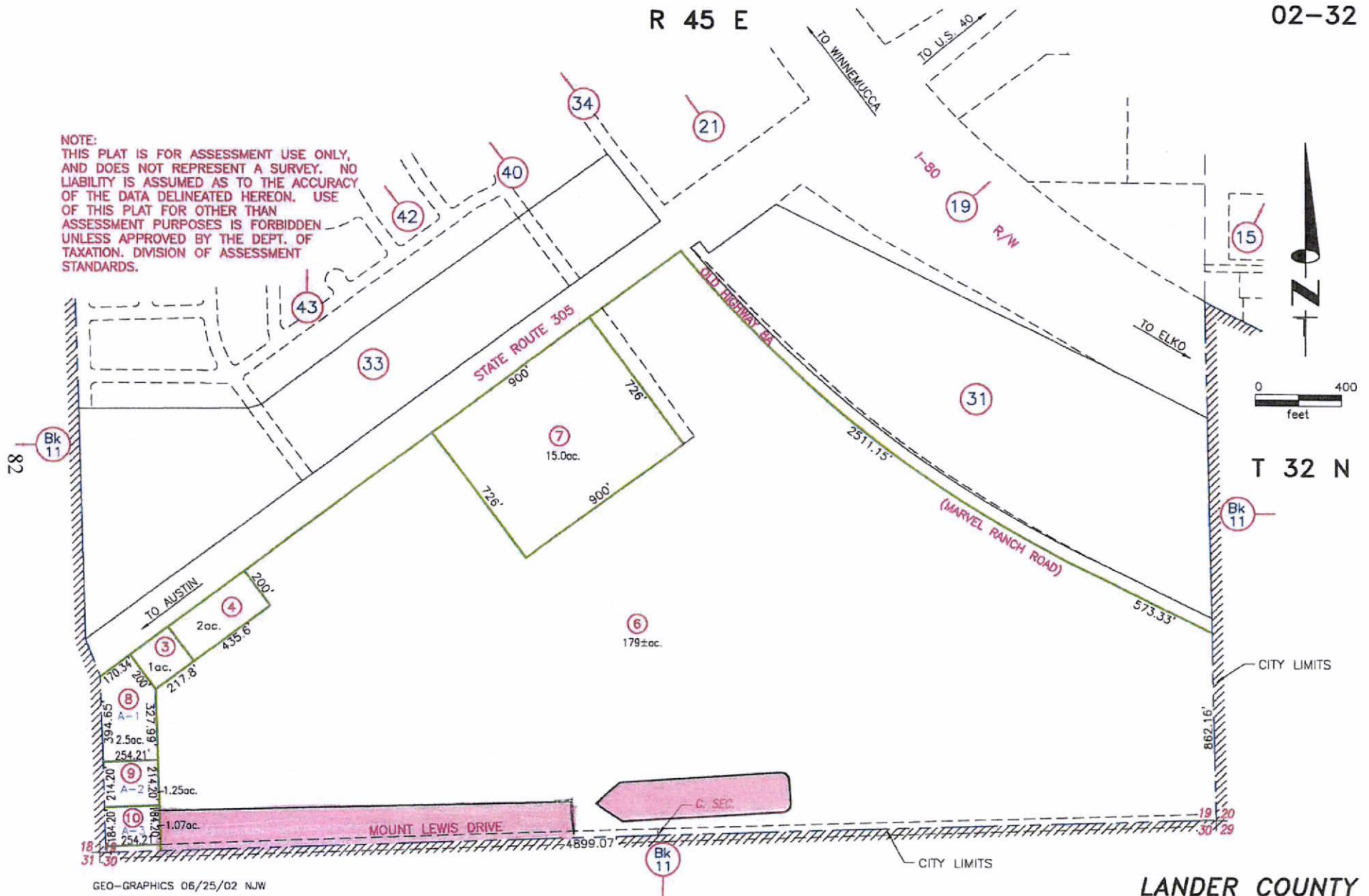

[Close Window](#)
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[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Website](#)

Parcel Detail for Parcel # 002-320-12

Prior Parcel # 002-320-06																																																																																									
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Location Property Location MOUNT LEWIS DRIVE Town IN SW4SW4 19/32/45 District 2.0 - Battle Mountain Town Subdivision PARC B, BOWEN ETAL MAP Lot Block Property Name </div> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Add'l Addresses</div> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Assessor Maps</div> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Legal Description</div> <div style="border: 1px solid black; padding: 2px;">Ag Land</div> </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Ownership Assessed Owner Name MT LEWIS LLC Mailing Address <div style="background-color: #f0f0f0; padding: 2px;">2300 CALDWELL BLVD</div> <div style="background-color: #f0f0f0; padding: 2px;">NAMPA, ID 83651</div> Legal Owner Name MT LEWIS LLC <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Vesting Doc #, Date 280722 06/15/2017 </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Year / Book / Page 17 / 692 / 649 </div> Map Document #s 275405 </div> <div style="display: flex; justify-content: flex-end; margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Ownership History</div> <div style="border: 1px solid black; padding: 2px;">Document History</div> </div>																																																																																								
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Description Total Acres 7.000 Square Feet 0 Ag Acres .000 W/R Acres .000 Improvements <div style="display: flex; justify-content: space-between;"> <div> Single-family Detached 0 Single-family Attached 0 Multiple-family Units 0 Mobile Homes 0 Total Dwelling Units 0 </div> <div> Non-dwelling Units 0 Mobile Home Hookups 0 Wells 0 Septic Tanks 0 Buildings Sq Ft 0 Residence Sq Ft 0 Basement Sq Ft 0 Finished Basement SF 0 </div> <div> Bedrooms / Baths 0 / .00 Stories .0 Garage Square Ft... 0 Attached / Detached Basement Bedrooms / Baths 0 / .00 </div> </div> <div style="margin-top: 5px;"> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Improvement List</div> <div style="border: 1px solid black; padding: 2px; margin-right: 5px;">Improvement Sketches</div> <div style="border: 1px solid black; padding: 2px;">Improvement Photos</div> </div> </div>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;"> Appraisal Classifications Current Land Use Code 140 Code Table Zoning Code(s) R4 TC C1 C2 <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Re-appraisal Group 1 Re-appraisal Year 2015 </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> Original Construction Year Weighted Year </div> </div>																																																																																								
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OF THIS PLAT FOR OTHER THAN
ASSESSMENT PURPOSES IS FORBIDDEN
UNLESS APPROVED BY THE DEPT. OF
TAXATION, DIVISION OF ASSESSMENT
STANDARDS.





Master Plan Reference

- Property to the east and south of subject parcel are zoned R2-MO (12,000sf lots, ¼ acre. Manufactured Housing Overlay.)
- Property to the west and north of subject parcel is zoned R4 (Multiple Family Residence one residence for every 1250sf.)
- Lander County Master plan calls for a minimum of 2.5 acre parcels if municipal water and sewer service is not available unless a subdivision map is filed.
- Lander County master plan also states: (PSF.5.32) New development proposing lot sizes where a gross density exceeds 2.5 acres per unit or smaller shall not be approved if it proposes to use on-site sewage treatment and disposal systems, unless it qualifies for one of the following exceptions:
 - a. The development combines or reconfigures existing parcels, which have the legal right to use individual on-site sewage treatment systems, and the new or recombined lots are equal to or larger than the existing parcels.
 - b. The proposed developed is on land already Zoned A-1 (RR-1) and contains 3 or fewer lots where sewer serves is not available.
 - c. The development is designated for R3 (.5 Acre) or less dense development by the appropriate Lander County Land Use Plan map and:
 - (1a) The area is scheduled to be sewered within the next five years as shown in the Capital Improvements Program; and
 - (1b) The development is served by a community water system and will have minimum ½ acre lot sizes; and
 - (1c) The project includes dry sewer lines and is designated for future connection to a community sewer system. Requirements for dry sewer lines shall be reviewed by the County engineer; and
 - (1d) The conditions of project approval require the creation of a financing mechanism, such as an improvement district for sewers, so that lot or homeowners will make regular payments toward future sewer connection and construction costs;
- The requested zoning change may result in the addition of 13 septic tanks for the subject parcel map. 99 septic systems per mile are allowed in this area without further engineering. There are currently 74 septic systems in this area. At complete build-out under current zoning, there would be approximately 91 septic systems.

Subsequent parcel map defined Lander County Code.

16.04.030

"Subsequent parcel map" means any map that proposes to divide land which was included in a map approved by the county board of commissioners within the preceding three hundred sixty-five days of the date of application of the proposed map. Subsequent parcel maps shall be treated as subdivision maps. Any improvements required on the preceding map causing the proposed map to be classified as a subsequent parcel map must be completed prior to signing of the map by the board.

NRS Reference

NRS 278.462 Requirements which may be imposed by governing body.

The governing body or, if authorized by the governing body, the planning commission or other authorized person:

1. May require street grading, drainage provisions and lot designs as are reasonably necessary.
2. If it anticipates, based upon duly adopted ordinances and plans, that the parcels will be used for residential, commercial or industrial purposes, may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions only as necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the governing body, the planning commission or other authorized person may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.
3. For a second or subsequent parcel map with the respect to:
 - (a) A single parcel; or
 - (b) A contiguous tract of land under the same ownership, may require any reasonable improvement, but not more that would be required if the parcel were a subdivision.

NAC Reference

NAC 444.790 Lot Size. (NRS 439.200, 444.650)

1. A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public right-of-ways, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well.
2. For a lot that is part of a tentative map that is approved before January 1, 2000, a minimum area of $\frac{1}{4}$ acre (10,890 square feet), including public streets or alleys or other public right-of-ways, land or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by community water supply.
3. For a lot that is part of a tentative map that is approved on or after January 1, 2000, a minimum area of $\frac{1}{2}$ acre (21,780 square feet), including public streets or alleys or other public rights-of-ways, land or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __8__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove the parcel map for Gospill Land, LLC located at Willow Creek/Mountain Spring Road, Battle Mountain, Nevada, APN 011-120-03 to split one (1) parcel of 17.42 acres into four (4) parcels, that was approved by the Planning Commission on September 12, 2018, and all other matters properly related thereto.

Public Comment:

Background: This item was heard and approved in front of the Planning Commission on 9-12-2018. The allowable septic system density without an engineering report is 99 per square mile. There are approximately 74 existing systems. At complete build out there is a possibility of 82 septic systems. Other information is attached.

Recommended Action: Review and approve/disapprove the attached parcel map application.



Lander County Commission Agenda Request Form

COMMISSIONER MEETING DATE 11/08/2018

NAME ROBERT BRANSTAD REPRESENTING GOSPILL LAND, LLC

ADDRESS 2300 CALDWELL BLVD NAPA IDAHO 83651

PH: (208)-867-0088

WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS HOURS? LISTED

WHO WILL BE ATTENDING THE MEETING: ROBERT BRANSTAD

JOB TITLE: OWNER

SPECIFIC REQUEST TO BE PLACED ON THE AGENDA: DISCUSSION FOR POSSIBLE ACTION REGARDING APPROVAL/DISAPPROVAL OF PARCEL MAP FOR GOSPILL LAND, LLC LOCATED AT WILLOW CREEK/MOUNTAIN SPRINGS ROAD, BATTLE MOUNTAIN AS APN 011-120-03 TO SPLIT ONE PARCEL OF 17.42 ACRES INTO FOUR PARCELS.

BACKGROUND INFORMATION: THIS ITEM WAS HEARD AND APPROVED IN FRONT OF THE PLANNING COMMISSION ON 09-12-2018. THE ALLOWABLE SEPTIC SYSTEM DENSITY WITHOUT AN ENGINEERING REPORT IS 99 PER SQUARE MILE. THERE ARE APPROXIMATELY 74 EXISTING SYSTEMS. AT COMPLETE BUILD OUT THERE IS A POSSIBILITY OF 82 SEPTIC SYSTEMS.

WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE? PLEASE REVIEW AND APPROVE/DISAPPROVE THE ATTACHED PARCEL MAP APPLICATION.

ARE THERE ANY COSTS ASSOCIATED WITH YOUR REQUEST?

YES X NO

AMOUNT \$ 400.00

HAS THIS ISSUE BEEN DISCUSSED AT A PRIOR COMMISSION MEETING?

YES NO X

WHEN?

HAS THIS ISSUE BEEN REVIEWED AND APPROVED BY AFFECTED DEPT HEADS?

YES X NO

ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST, NOT AT THE MEETING:

IS ALL THE BACK UP 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 THE REQUIRED REVIEW?

YES NO

THE COMMISSIONERS RESERVE THE RIGHT TO REJECT OR RECOMMEND TABLING ALL AGENDA REQUESTS FOR INSUFFICIENT INFORMATION.
ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE:

SIGNATURE 

DATE 10-30-18

The Lander County Board of Commissioners meets the 2nd and 4th Thursday of each month

LANDER COUNTY PLANNING COMMISSION

September 12, 2017

AGENDA ITEM NUMBER 9

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

Applicant: Gospill Land LLC
Location: Willow Creek/Mountain Springs Road Battle Mountain, NV
APN: 011-120-03
Type: To split one (1) parcel into four (4) parcels

Applicant wishes to split 17.42 acre parcel into four parcels:

Parcel A 0.50 acres
Parcel B 0.84 acres
Parcel C 0.53 acres
Parcel D 14.86 acres

The allowable septic system density without an engineering report is 99 per square mile. There are approximately 74 existing systems within that area.

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

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

Lander County Community Development



PARCEL MAP APPROVAL APPLICATION

APPLICANT/OWNER INFORMATION

Applicant(s): Gospill Land LLC Phone: 708.867.0088
Address: 2300 Calderwood Blvd. Nampa, Id. 83651
Legal Owner(s): Same Phone: _____
Address: _____
Applicant's Representative or Engineer and contact information if applicable: John Merton
775.633.4414

PROJECT INFORMATION

Property Location: Willow Creek Road/Mountain Springs
Assessor's Parcel Number: 011-120-03
Current Zoning: R2-MD
Total Number of Parcels and Acreage: 3 new parcels (.50ac, .84ac, .53ac)
Remaining parcel (14.86ac)
Public Utilities will be furnished as follows:
Electricity: NV Energy Water: Municipal Sewage: Septic
(built)
Existing and proposed street dedications are as follows: Willow Creek-Extended
Type of street or other improvements proposed are as follows: None
Existing and proposed fire protection improvements are as follows: LC Fire Dept.

Proposed use on each parcel is as follows (if applicable): Single family Residential

SIGNATURE(S)

I here by 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.

Owner's Signature

Date

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

Date

Application is due by 8/10/18 in order to be heard at the Sep 6:00 p.m.
Planning Commission meeting.

This application will not be placed on the Planning Commission Agenda until all requirements of the Lander County Code Title 16 have been met. The Planning Commission will forward its recommendations to the Board of County Commissioners for final determination.

REQUIRED AT TIME OF APPLICATION

The following must accompany this application:

- A copy of the Grant Bargain and Sale Deed or Affidavit attesting to ownership.
- One (1) copy of the proposed Parcel Map prepared in accordance with Chapter 16.12 of Lander County Code for review by the appropriate departments.
- One electronic copy (pdf) of the Proposed Parcel Map.
- If property is improved, include all existing buildings, building setbacks, and any other pertinent information.
- Any bonding of roads or improvements if applicable.
- A water right per parcel if applicable.
- \$105.00 fee should a waiver from the County Surveyor be requested.
- \$400.00 certification review (non-refundable).
- Note that the Mylar of the proposed Parcel Map with appropriate signatures and any changes required will need to be submitted before the Planning Commission meeting date.

It is strongly recommended that all applicants or their representative attend (or be available by phone) the planning commission hearing as their application may be deferred or denied for lack of evidence.



Close Window

Personal Property

Sales Data

Secured Tax Inquiry

Recorder Website

Parcel Detail for Parcel # 011-120-03

Prior Parcel # 011-120-01

Location

Property Location MOUNTAIN SPRINGS DRIVE

Town

District 8.0 - Battle Mountain Road Special

Subdivision Lot Block

Property Name

Add'l Addresses

Assessor Maps

Legal Description

Ag Land

Ownership

Assessed Owner Name GOSPILL LAND, LLC

Mailing Address

2300 CALDWELL BLVD

NAMPA, ID 83851

Legal Owner Name GOSPILL LAND, LLC

285171

Vesting Doc #, Date 02/26/2018 Year / Book / Page 18 / 702 / 357

Map Document #s 199098 268274 281392

Ownership History

Document History

Description

Total Acres 17.420

Square Feet 0

Ag Acres .000

W/R Acres .000

Improvements

Single-family Detached 0 Non-dwelling Units 0 Bedrooms / Baths 0 / .00

Single-family Attached 0 Mobile Home Hookups 0 Stories .0

Multiple-family Units 0 Wells 0 Garage Square Ft... 0

Mobile Homes 0 Septic Tanks 0 Attached / Detached

Total Dwelling Units 0 Buildings Sq Ft 0

Improvement List Residence Sq Ft 0

Improvement Sketches Basement Sq Ft 0 Basement

Improvement Photos Finished Basement SF 0 Bedrooms / Baths 0 / .00

Appraisal Classifications

Current Land Use Code 120 Code Table

Zoning Code(s) R2-MO

Re-appraisal Group 4 Re-appraisal Year 2018
Original Construction Year Weighted Year

Assessed Valuation

Assessed Values	2018-19	2017-18	2016-17
Land	13,105	13,105	13,105
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	13,105	13,105	13,105

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	37,443	37,443	37,443
Improvements	0	0	0
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	37,443	37,443	37,443

Increased (New) Values

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

Back to Search List

11-12

T 32 N 13

S 00°36'41"E 2682.06'

48.62ac.

R 45 E

14

20.78ac.

17.42cc.

$\overline{S01^{\circ}12'35''E}$

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AMEND 11-120-03 AND 11-120-06, DOC #281392 03-28-18 NJW

LANDER COUNTY

Master Plan Reference

- Properties surrounding subject parcel are zoned R2-MO (12,000sf lots, ¼ acre. Manufactured Housing Overlay.)
- Lander County Master plan calls for a minimum of 2.5 acre parcels if municipal water and sewer service is not available unless a subdivision map is filed.
- Lander County master plan also states: (PSF.5.32) New development proposing lot sizes where a gross density exceeds 2.5 acres per unit or smaller shall not be approved if it proposes to use on-site sewage treatment and disposal systems, unless it qualifies for one of the following exceptions:
 - a. The development combines or reconfigures existing parcels, which have the legal right to use individual on-site sewage treatment systems, and the new or recombined lots are equal to or larger than the existing parcels.
 - b. The proposed developed is on land already Zoned A-1 (RR-1) and contains 3 or fewer lots where sewer serves is not available.
 - c. The development is designated for R3 (.5 Acre) or less dense development by the appropriate Lander County Land Use Plan map and:
 - (1a) The area is scheduled to be sewered within the next five years as shown in the Capital Improvements Program; and
 - (1b) The development is served by a community water system and will have minimum ¼ acre lot sizes; and
 - (1c) The project includes dry sewer lines and is designated for future connection to a community sewer system. Requirements for dry sewer lines shall be reviewed by the County engineer; and
 - (1d) The conditions of project approval require the creation of a financing mechanism, such as an improvement district for sewers, so that lot or homeowners will make regular payments toward future sewer connection and construction costs;
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1. A minimum area of 1 acre (43,560 square-feet), including public streets and alleys or other public right-of-ways, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well.
2. For a lot that is part of a tentative map that is approved before January 1, 2000, a minimum area of $\frac{1}{4}$ acre (10,890 square feet), including public streets or alleys or other public right-of-ways, land or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by community water supply.
3. For a lot that is part of a tentative map that is approved on or after January 1, 2000, a minimum area of $\frac{1}{2}$ acre (21,780 square feet), including public streets or alleys or other public rights-of-ways, land or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.



LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __9__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding ratification of a grant application and map submitted by Lander Economic Development Authority (LEDA) for a bike/pedestrian path to include benches, trash recepticals, lighting and landscaping to connect with the existing SR 305 and Broad Street path, and all other matters properly related thereto.

Public Comment:

Background: LEDA has been working to update and expand the existing SR 305/Broad Street bike/pedestrian path. They are now prepared to submit the grant application that is due on the 9th of Novwember. Please see attached application and map for reference.

Recommended Action:

November 6, 2018

Ms. Janice Keillor
State Trails Administrator
Nevada Division of State Parks
901 S. Stewart St., Suite 5005
Carson City, NV 89701

Mr. Art Krupicz
Grants and Cultural Resource Assistant
Nevada Division of State Parks
901 S. Stewart St., Suite 5005
Carson City, NV 89701

Re: 2019 Recreational Trails Program Grant Application

Dear Ms. Keillor and Mr. Krupicz

The Lander Economic Development Authority (LEDA) appreciates the opportunity to submit the attached application for a Recreation Trails Program Grant for our Battle Mountain Recreational Trail Expansion Project. The project expands and enhances Battle Mountain's existing pedestrian/bicycle trail to connect more residential areas to more recreational and commercial areas.

The project is compliant with Section 1302 (e)(2)(c) of the National Recreational Trails Act as the trail expansion would not be used for motorized traffic. The project is located entirely on areas owned by Lander County and would not require any Federal action to authorize.

As with the existing trail, the expanded pedestrian/bicycle trail would be maintained by the Lander County Public Works Department for a period of no less than 25 years.

If you have any further questions regarding this application, please direct them to the Lander County Planning and Zoning Department (775-635-2860) for action by LEDA.

Sincerely,

George Fennemore
Board Member



Welcome to Nevada's
"Lander of opportunity."

**Lander Economic
Development
Authority**

315 South Humboldt St.
Battle Mountain, NV 89820



STATE OF NEVADA
Recreational Trails Program
2019 Grant Application

CFDA 20.219

APPLICATIONS DUE: **NOVEMBER 9, 2018, 12:00 PM**
APPLICATIONS MUST BE RECEIVED BY THIS TIME, POSTMARKS WILL NOT BE ACCEPTED

PLEASE SUBMIT: **3 FULL COLOR COPIES (DOUBLE SIDED) &
ONE ELECTRONIC COPY ON A FLASH DRIVE**

TO: **NEVADA DIVISION OF STATE PARKS
901 S. STEWART STREET, SUITE 5005
CARSON CITY, NV 89701
ATTN: RTP GRANT PROGRAM**

DO NOT ATTACH ITEMS THAT ARE NOT REQUIRED.

EMAILS WILL NOT BE ACCEPTED.

For assistance, please contact:

Janice Keillor
State Trails Administrator
(775) 684-2787
jkeillor@parks.nv.gov

Art Krupicz
Grants & Projects Analyst
(775) 684-2775
akrupicz@parks.nv.gov

Application

Nevada Recreational Trails Program

SECTION I

1. **Applicant Name:** Lander County Economic Development Authority
2. **Project Name:** Battle Mountain Recreational Trail Expansion Project
3. **Project Dates:** *Start:* July 1, 2018 *Completion:* December 1, 2018
4. **TAX ID or EIN #** _____
5. **DUNS #** _____
6. **Classification of Applicant: (check one)**
Government: ☐ Federal ☐ State ☒ County ☐ Local/Municipal
Organization: ☐ Partnership ☐ Non-profit ☐ For Profit ☐ Individual ☐ Other
7. **Grant Manager / Primary Point-of-Contact (if grant is awarded):**
Name: _____ Title: _____
E-mail: _____ Phone: _____
Address: _____
City, State, Zip: _____
8. **Land Owner:** Lander County, Nevada
9. **Classification of Land Control: (check all that apply)**
☐ Public Land ☐ Private Land ☒ Combination, County, City,
☐ R&PP: attach copy of lease with expiration date. If other lease, attach copy
10. **Project Costs: (Please do not submit match not directly related to the project)**
Grant Request: _____
Match Amount: _____ (20% of total amount for diverse & educ. projects; 5% for moto)
Total Project Amount: _____
10(a). What are your sources of match?
☐ Federal ☐ Private ☐ In-kind ☒ City/County ☒ Pre-Project Planning ☐ Other
Please describe source(s):
Lander County Economic Development Authority will conduct the project pre-planning. A Lander County Commissioner will serve as the project planner and construction manager. Lander County Public Works will execute some aspects of the construction and assume maintenance of the project.
11. **Project Category(s)**
☐ Education
☐ Education with motorized component
☐ Non-motorized for single use
☒ Non-motorized for diverse use
☐ Diverse use (motorized and non-motorized)
☐ Motorized for single use
☐ Motorized for diverse use

12. **Trail Use: (check all that apply)**

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Pedestrian (urban/path) | <input type="checkbox"/> Mountain Biking | <input type="checkbox"/> Equestrian |
| <input type="checkbox"/> Pedestrian (hiking/trail) | <input checked="" type="checkbox"/> Bicycle Path (paved) | <input type="checkbox"/> Snowshoe/cross country ski |
| <input type="checkbox"/> Education | <input type="checkbox"/> Interpretation/maps/brochures | <input type="checkbox"/> ADA accessible |
| <input type="checkbox"/> OHV/Motorized | <input type="checkbox"/> Other: _____ | |

13. **Type of Project: (check all that apply)**

- ☐ Educational or trails training
☐ Maintenance or restoration of existing trails
☒ Trailside and trailhead facilities
☐ Purchase or lease of trail construction equipment
☒ Construction of new trails
☐ other _____

14. **Scope of Work** (400 words maximum – describe exactly what work will be completed, include miles of trail or other measurable goals). Please be specific to the actual project being built.

The existing 2.5-mile pedestrian/bicycle trail along State Route 305 (Broad St.) will be expanded on three existing Lander County owned streets a) 0.6 miles of Front St., b) 0.4 miles of Reese Rd., and c) 0.3 miles of Broyles Ranch Rd. The expansions would consist of lane markings to designate areas of the roadway for pedestrian/bicycle use. These expansions will provide walking/bicycle trails that connect the residential areas of Battle Mountain to the Downtown Core, Lion's Park, Belaustegi Park, the Cookhouse Museum, the Battle Mountain Recreational Cent, the Battle Mountain Golf Course, fairgrounds, the Levee Trail, the Humboldt River, and the California Immigrate Trail system. Thus, the expanded trail would enable non-motorized resident access to commercial and recreational resources. To enhance resident trail use, 10 focal areas would be constructed along the trail. These areas would consist of a solar-powered lamppost/trail marker, bench trash receptacle, and trash receptacle.

15. **Project Location:**

- A. Congressional District(s) number (check all that apply) ☐1 ☒2 ☐3 ☐4
- B. County: Lander County
- C. Municipality/Town/City: Battle Mountain (unincorporated)
- D. Latitude: 40.6421334 Longitude: -116.9342671
- E. Township: 32 North Range: 45 East

16. **Standards/Guidelines Applied to Project:**

- ☐ Universal Access to Outdoor Recreation - A Design Guide
☐ Designing Sidewalks & Trails for Access
☐ AASHTO's Guide for the Development of Bicycle Facilities
☐ USFS Standard Specifications for Construction & Maintenance of Trails
☐ BLM Handbook 9114-1 Trails
☐ IMBA International Mountain Biking Association
OTHER: _____

17. Environmental Compliance (see page 10 of the RTP Handbook for more information)

Education projects with no ground disturbing activities may skip to Question 18.

17(a). Is a Federal agency involved in this project as an applicant, partner, or landowner?

☐ Yes

☒ No

If yes, environmental clearances have likely been completed for your project area. Please indicate which NEPA document was produced. Please attach the document to this application:

☐ Categorical Exclusion (CE)

☐ Record of Decision (ROD)

☐ Finding of No Significant Impact (FONSI)

If you have Federal involvement and have attached one of the NEPA documents above, you may skip to Question 18.

If there are no Federal partners or land owners involved, the project will need to be reviewed by the FHWA. Please provide the following information:

17(b). Describe the extent of ground disturbance for this project. Specifically, describe the length, width, and depth of the most significant instances of excavation/digging.

None _____

17(c). Describe both current and past uses of the project area.

Lander County public roadway

17(d). Describe any known cultural resources in the project area. This may include historic buildings, archaeology sites, and any other objects estimated to be over 50 years old.

None _____

- 17(e). Please attach the following three (3) maps:
- General location map (showing project area within the state or county)
 - Topographic map (7.5 minute series quadrangle, 1:24,000 scale) with project boundary and map name
 - Topographic maps are preferred but aerial photos will suffice
 - Detail map indicating specific project elements (e.g., structures, trail alignment)
 - For all maps, please include a key, north arrow, scale, and map name (if available)
 - Maps larger than 11x17 will not be accepted

- 17(f). Please attach the following photographs:
- At least two (2) overviews of the project area from different angles and distances
 - Please include photos of known cultural resources, if present.

- 17(g). If available, please attach shapefiles of the project area (these are produced via GPS and end with the filename “.shp”; they may also be found within larger files ending in “.mxd”). These are not required for this application but are appreciated, if available.

18. **List all permits** required to complete project:
Revocable Application and Permit for Occupancy of Nevada Department of Transportation
Right-of-Way

19. **Additional approvals**

If the project involves any of the situations listed below, applicants must provide the following documentation:

- 19(a). **Crossing of public highway:** Include a statement or letter certifying that the appropriate official (having jurisdiction over the public road at the point where the trail crosses the road) has reviewed this project and approved of the proposed crossing.
- 19(b). **Crossing of railroad-gas-power lines, or utility rights-of-way:** Include documentation certifying that the appropriate official has reviewed this project and that the proposed crossing meets their approval.
- 19(c). **Crossing of streams or encroachment on any wetlands:** Project applicants planning to construct, operate, maintain, enlarge, or abandon any obstruction that will affect a watercourse, its 100-year floodway, or any lake, pond reservoir, marsh, or wetland, must obtain an appropriate USACE 404 and/or other applicable permits.

Any state or local government agency or public utility working in a 100-year flood plain which has been identified by the National Flood Insurance Program, must also obtain a permit.

In addition, project applicants may be required to prepare an erosion and sedimentation control plan for stream crossings or general construction activities.

19(d). Building structure or providing a water supply: Local agency applicants must secure a copy of any building permits that may be required by the local township code enforcement officer or a statement indicating that a permit is not necessary. Federal and State agency applicants are to follow their normal procedures.

19(e). Sewer and water permitting: Project applicants must include a copy of the sewage disposal permit issued by a certified municipal sewage enforcement officer or the local township if a comfort station is to be constructed. Project applicants serving any non-residential use with their own water source must provide the appropriate permit from the county or state health official with jurisdiction.

20. Projects that include a paved bicycle path: Is the project included in both local and state bicycle plans?

☐ Yes, plan title(s) _____

☒ No

☐ Not Applicable. Please describe:

21. Has the applicant received funding from the Recreational Trails Program in the past?

☒ No ☐ Yes

Number of projects funded: _____

Amount of funding Received: \$ _____

Number of projects Completed: _____

SECTION II

Proposed Budget: Provide your budget details in the following table. Please follow this format as much as possible and be very specific, as your application will rate higher. Reminder: all match must be directly related to the building of the trail/facility or educational project. If a cost is not eligible for reimbursement it is most likely not eligible to be used for match. Do not add extra match above what is required. Matching funds beyond the minimum requirement do not affect the score.

Item Description	Federal Grant	Federal Match	Non-Federal Match	Total
Design and Engineering Costs (provide detail)			\$600 (Design drawings and maps)	\$600
Planning costs within past 18 months (for match only; provide detail)				
Direct labor costs <u>Salaries or actual costs</u>			XXX (Equipment installation)	XXX
<u>Volunteer or donated labor</u> - # hrs of labor @\$23.56/hr				
Equipment purchase, rent, or lease (provide detail) – cost @ # of days	\$20,410 (Equipment purchase)			\$20,410
Contracts (construction, etc.) Include copy of estimate or identify what contract will include				
Materials (provide details)				
Gas and Maintenance (.535/mile for 2018)				
Other: be specific				
Other: be specific				
Other: be specific				
Other: be specific				
Totals			XXX	XXX

Percentages				100%
-------------	--	--	--	------

SECTION III

Narrative: Each response is scored via a standardized rubric. See page 27 of the RTP Manual for more information.

Address the following sixteen (16) questions in the order listed below.

Please limit each response to 3 paragraphs or less.

Type directly into this application.

Supporting documents may be attached in support of your responses.

Project Need

1. Describe how this project fits with current community development plans.

This project is consistent with Section 5 of the Battle Mountain Master Plan and Section 9.2 of the Lander County Comprehensive Economic Development Strategy. Specifically, Battle Mountain has experienced 70% residential growth since 2000 creating the need for additional commercial and recreational services. The community has responded through public and private investment in parks, recreational areas and new businesses. This project will increase access and utilization of these services, especially by juvenile residents who are reliant on pedestrian and bicycle access.

2. Describe the project's ability to enhance recreation options for an underserved area or population. "Underserved" is defined as an area or population with inadequate services, facilities, and/or a lack of access to recreation opportunities.

This project will provide walking/bicycle trails that connect the residential areas of Battle Mountain to the Downtown Core, Lion's Park, Belaustegi Park, the Cookhouse Museum, the Battle Mountain Recreational Cent, the Battle Mountain Golf Course, fairgrounds, the Levee Trail, the Humboldt River, and the California Immigrate Trail system. Thus, the expanded trail would enable non-motorized resident access to commercial and recreational resources. Currently access to recreational areas depends on motorized transit.

Project Quality

3. Describe project schedule(s) and contingency plans.

This project entails 1.3 miles of line painting on pavement and installation of lampposts, benches, and trash receptacles at 10 focal point locations. Procurement of materials is expected to take eight weeks with a four week construction period. The proposed schedule aligns with a Fall construction period conducive to outdoor painting and focal point installations. The schedule allows for eight weeks of contingency for delays in procuring materials or scheduling installation work.

4. Describe the confirmed partnerships for this project.

The partners in this project are the Lander County Commissions, the Lander County Public Works Department and the Lander County Economic Development Authority. The partners are pursuing this project under their mandates to improve the quality of life for residents of Lander County.

5. Describe the nature and extent of public engagement with this project and what is being done to mitigate any concerns conveyed by the public.

This project has been discussed as part of the Battle Mountain Master Plan. There have been no concerns conveyed.

6. Describe the implementation of best practices in each phase of the project (e.g., planning, budgeting, construction, etc.).

This project has been discussed as part of the Battle Mountain Master Plan. There have been no concerns conveyed.

Alignment with Nevada's Recreation Goals

7. How will the project contribute to the maintenance and/or rehabilitation of existing outdoor infrastructure?

This project expands and enhances an existing trail, thereby promoting its use and engaging Lander County Public Works in the routine maintenance of the trail via regularly scheduled attention to the 10 focal areas.

8. How will safety be implemented in the design, maintenance, and management of the project?

This project separates pedestrian and bicycle traffic from active roadways. Installation and maintenance will be conducted under Lander County Public Works safety program for work along public roadways.

9. How does the project increase connectivity between trails, facilities, or other locations?

Pedestrian and bicycle access to the existing trail system from residential areas other than those adjacent to Broad St. would require movement along a roadway without a designated pedestrian/bicycle trail. This project would enhance more access to the trail, and would also extend the trail to new recreational areas, namely Belaustegi Park, the Cookhouse Museum, the fairground, the levee trail, the Humboldt River, and the California Immigrant Trail system. Furthermore, trail utilization would be improved through the addition of 10 focal areas that included signage, lighting, seating, and dog-walking support.

10. How does the project engage youth?

Non-motorized trail options are particularly suited to use by youth for movement between recreational areas in Battle Mountain.

11. How will the project contribute (or otherwise complement) the development, maintenance, and/or management of new outdoor recreation facilities?

This project complements the use, development, maintenance, and management of current and new recreation facilities by expanding use access to more residents.

12. How does the project contribute to the economic vitality of its community?

This project satisfies the need for additional recreational opportunities to sustain the growing residential population of Battle Mountain (i.e., 70% growth since 2000). The need and benefit of

these additional recreational activities have been identified in Section 5 of the Battle Mountain Master Plan and Section 9.2 of the Lander County Comprehensive Economic Development Strategy.

13. How will the project contribute to the conservation and/or rehabilitation of water and habitat?

This project will promote recreational use of the trail systems along the Humboldt River and California Immigrant Trail without any additional development in those areas. Non-motorized recreational use supports water resources and habitat uplift through public awareness.

Applicant History

14. Summarize the grant management experiences of both the organization and the personnel responsible for this specific project.

Lander County Economic Development Authority has successfully completed the Future Industrial Needs Discovery Project and the Renewable Energy Development Study under Federal grants. Therefore, Lander County has demonstrated ability to receive, deploy, and report on grant funding while achieving project results. Lander County received the 2010 U.S. Department of Interior Sustainable Development Award for work conducted under these grants.

15. Summarize your organization's project management record.

Lander County Economic Development Authority partners with the Lander County finance department to manage grants under the rules and reporting guidelines required by grantors. This partnership has successfully managed the Future Industrial Needs Discovery Project (\$400,000 grant) and the Renewable Energy Development Study (\$98,000 grant) in compliance with grant procedures and successful completion of scope.

16. Describe your organization's capacity to maintain facilities for the next 25 years.

The Lander County Public Works Department is a permanent department of the Lander County government. This department has current responsibility for maintaining County roadways, public services, and recreational areas. The project's 1.3 miles of pathway and 10 focal areas will be an incremental addition to their maintenance responsibilities.

SECTION IV

Maps, Photographs, and other Graphics: If you already compiled graphics in response to Section I, Question 17 (Environmental Compliance), those will suffice. ***Education projects do not require graphics.***

If you have not yet compiled graphics, please assemble the following:

Three (3) specific maps:

- General location map (showing project area within the state and/or county)
- Topographic map (7.5 minute series quadrangle, 1:24,000 scale) with project boundary and map name

- Topographic maps are preferred but aerial photos will suffice
- Detail map indicating specific project elements (e.g., structures, trail alignment)
- For all maps, please include a key, north arrow, scale
- Maps larger than 11x17 will not be accepted

Photographs:

- At least two (2) overviews of the project area from different angles and distances.

SECTION V

Transmittal Letter(s): All applicants must submit at least one transmittal letter with this application, signed by an individual with the authority to bind the organization to a legal agreement.

If there is **no Federal involvement**, the letter must verify the following:

- a) The project will not facilitate motorized activities on trails that have been predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred (Section 1302 (e)(2)(c) of the National Recreational Trails Act);
- b) A commitment to maintain the project's features for 25 years.

If the project **involves any Federal agencies** (as applicant, partner, and/or landowner), please include a letter of support from each Federal partner. Their letter(s) must verify the following:

- a) They have read the application and agree to any responsibilities assigned to them for this project;
- b) The project will not facilitate motorized activities on trails that have been predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred (Section 1302 (e)(2)(c) of the National Recreational Trails Act);
- c) The project is in compliance with all applicable laws and in particular the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA);
- d) Construction of trails for motorized activity are situated upon land allocated for use other than wilderness or have been released to uses other than wilderness by an Act of Congress, and that such construction is otherwise consistent with an approved land and resources management plan;
- e) A commitment to maintain the project's features (e.g., trails, buildings) for 25 years.

SECTION VI

Authorized Signature of Applicant

The signature below indicates approval of this project and authorizes this request for funding from the Nevada Recreational Trails Program.

Signature

Name (print or type)

Title

Agency / Organization

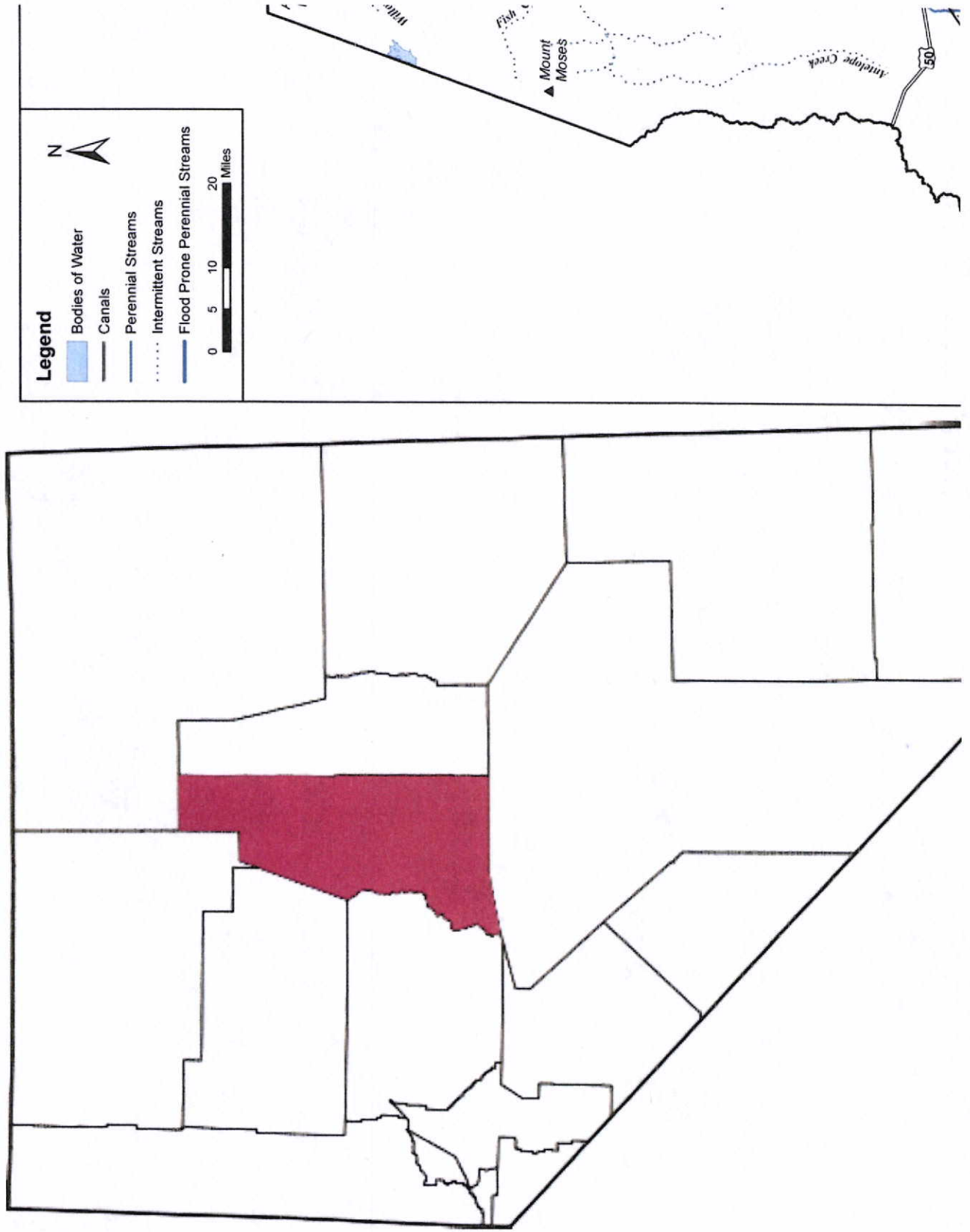
Date

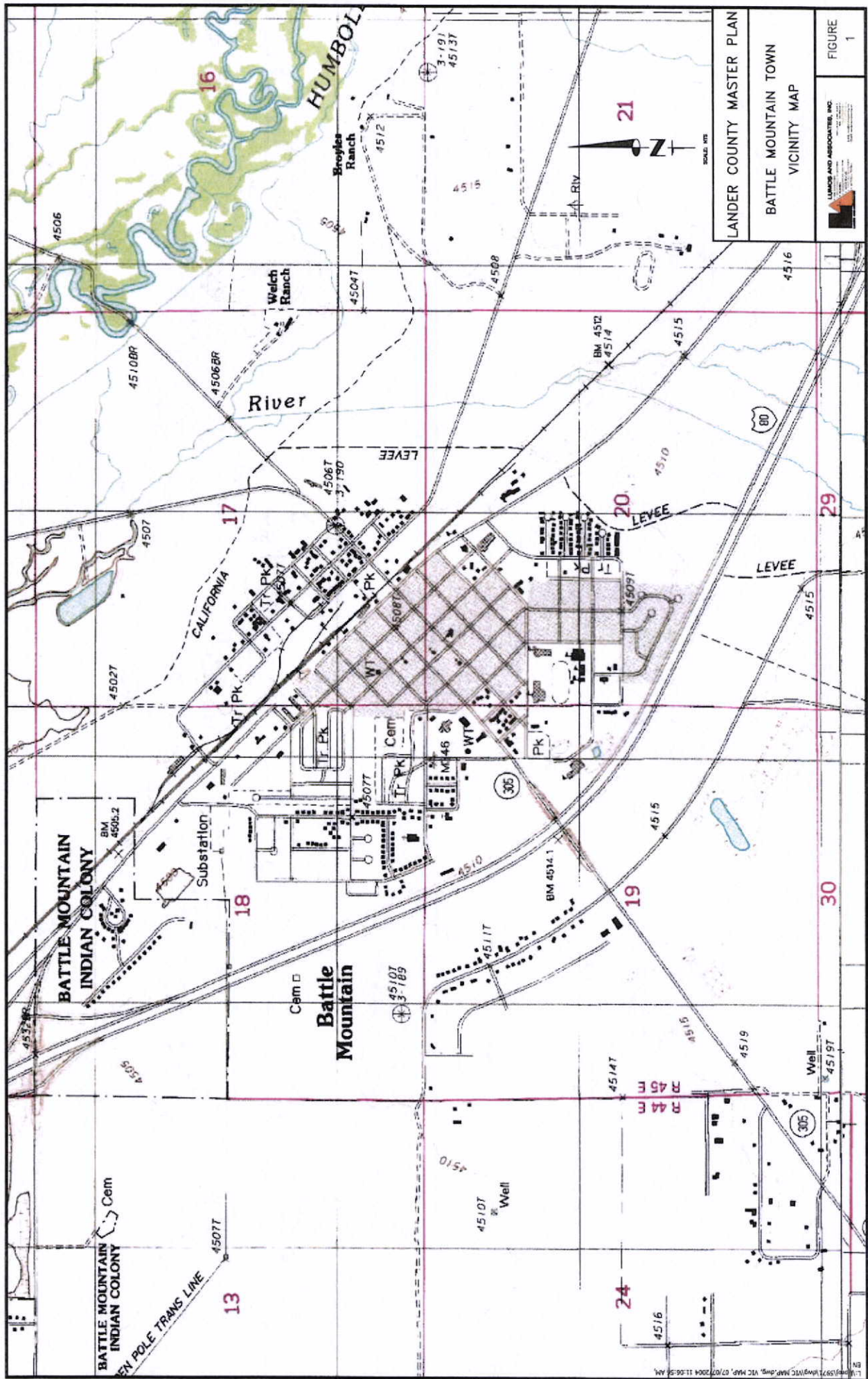
PRESENTATION TO THE RTP COMMITTEE

The RTP application process requires a presentation to the RTP Committee. Presentations are limited to 10 minutes in length and provide an opportunity to further explain your project. In addition, the committee can ask questions about the project and clarify any details.

The RTP Committee meets for two days in November. You are not required to attend the entire two-day meeting. Shortly after the application deadline, NDSP staff will contact you with the specific date and time of your presentation. Applicants must be in attendance for their allotted presentation time, to merit final consideration. In-person attendance is preferred, but not required. Applicants who must deliver their presentation remotely (i.e., video or voice) will be accommodated. The method of presentation delivery does not influence scores.

Lander County and Battle Mountain Location Map





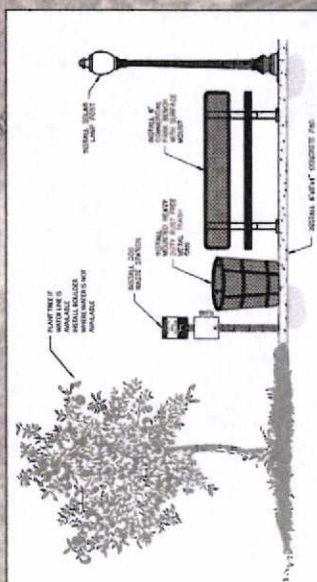


BY: JG
DATE: JULY 2018
SCALE: AS SHOWN

SHEET 1 OF 1 SHEETS

PEDESTRIAN PATH
BATTLE MOUNTAIN, LANDER COUNTY, NEVADA

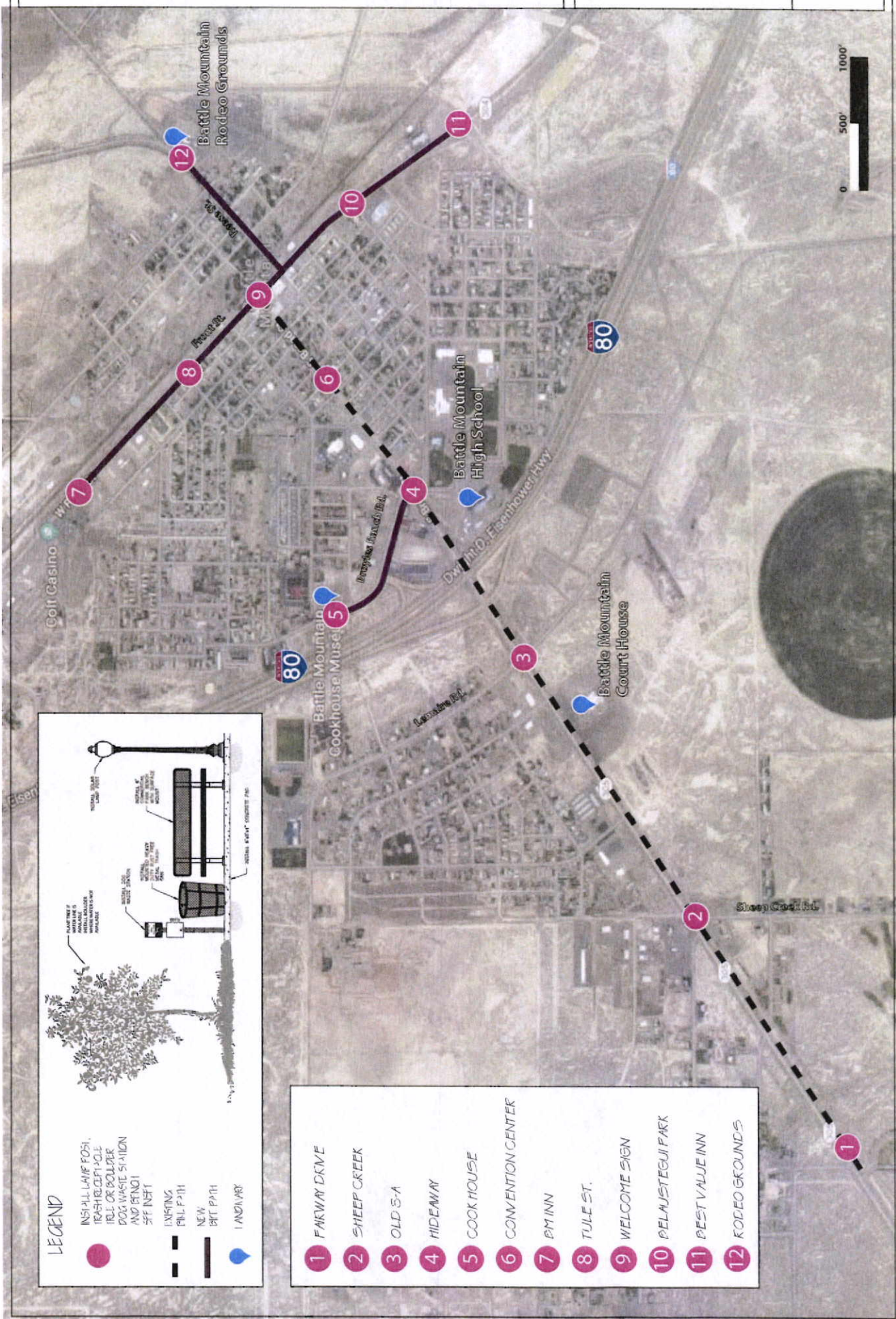
PLAN



LEGEND

- EXISTING PATH
- NEW PATH
- LANDMARK
- WELCOME SIGN
- PELAUSTEQUI PARK
- PEST VALLEY INN
- RODEO GROUNDS

- 1 FAIRWAY DRIVE
- 2 SHEEP CREEK
- 3 OLD S-A
- 4 HIDEAWAY
- 5 COOK HOUSE
- 6 CONVENTION CENTER
- 7 PM INN
- 8 TULE ST.
- 9 WELCOME SIGN
- 10 PELAUSTEQUI PARK
- 11 PEST VALLEY INN
- 12 RODEO GROUNDS



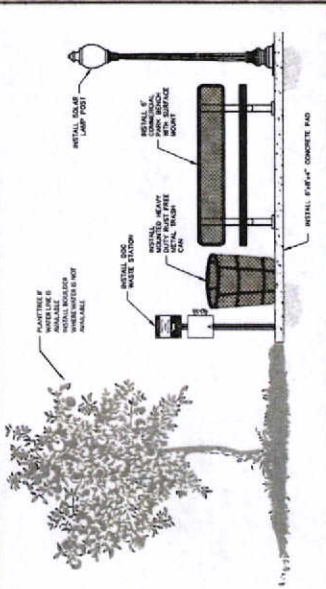


BY: JG
DATE: JULY 2018
SCALE: AS SHOWN

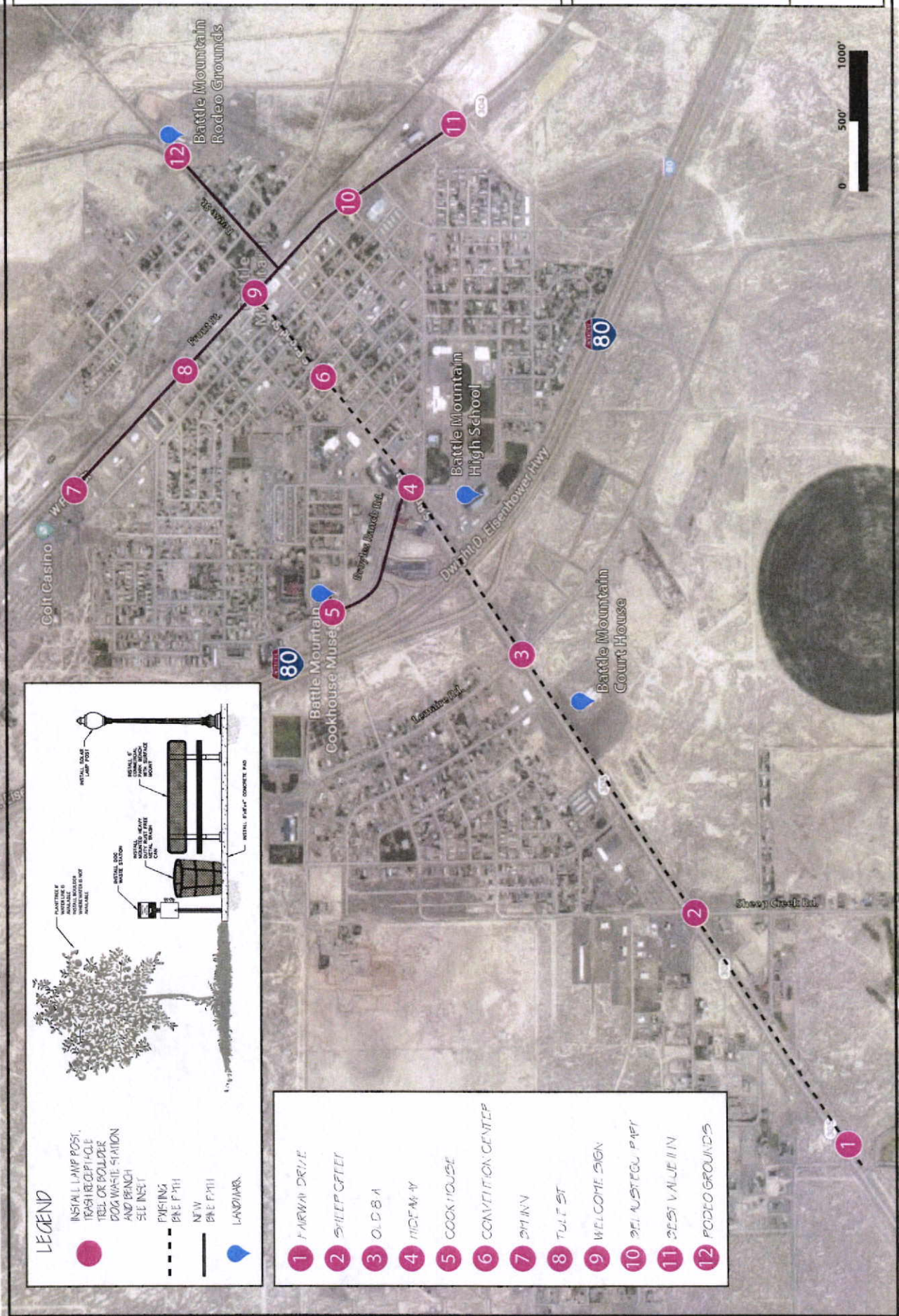
SHEET 1 OF 1 SHEETS

PEDESTRIAN PATH
BATTLE MOUNTAIN, LANDER COUNTY, NEVADA

PLAN



- 1 FAIRWAY DRIVE
- 2 SHEEP CREEK
- 3 OLDBA
- 4 MIDWAY
- 5 COOKHOUSE
- 6 CONVENTION CENTER
- 7 DINN
- 8 TULIST
- 9 WELCOME SIGN
- 10 DE LAUSTOL PAF
- 11 DESI VALU IIN
- 12 PODELO GROUNDS



	Lamp Post	Bench	Trash Can
Fairway Drive		1	1
Sheep Creek		1	1
Old 8A		1	1
Hideaway		1	1
Cook House	1	1	1
Convetion center	1	1	1
BM Inn	1	1	1
Tule St	1	1	1
Welcome Sign	1	1	1
Belaustegui Park	1	1	1
Rodeo Grounds	1	1	1
	7	11	11
Price Each	\$1,599.00	\$349.88	\$487.96
Total	\$11,193.00	\$3,848.68	\$5,367.56
	Total		\$20,409.24

Lamp Post	ZL-5000 Cast Aluminum LED Post Light	https://www.illuminatorwholesaler.com/ecommerce/catalogsearch/result/?q=Solar+Post+Lights
Bench	Heavy-Duty Park Bench w/ Back - Diamond Expanded Metal - Surface Mount (6' L)	https://www.schooloutfitters.com/catalog/product_info/pfam_id/PFAM32919/products_id/PRO44071
Trash Can	EX Series Diamond Expanded Metal Outdoor Trash Can (32 Gallons)	https://www.schooloutfitters.com/catalog/product_info/pfam_id/PFAM6601/products_id/PRO17047

November 6, 2018

Ms. Janice Keillor
State Trails Administrator
Nevada Division of State Parks
901 S. Stewart St., Suite 5005
Carson City, NV 89701

Mr. Art Krupicz
Grants and Cultural Resource Assistant
Nevada Division of State Parks
901 S. Stewart St., Suite 5005
Carson City, NV 89701

Re: 2019 Recreational Trails Program Grant Application

Dear Ms. Keillor and Mr. Krupicz

I am a Battle Mountain community member and would like to express my support for the Battle Mountain Recreational Trail Expansion Project. This trail represents one of the current recreational facilities that is used by the Battle Mountain community.

The expansion and enhancement of the trail would further promote and growth recreational opportunities in Battle Mountain as the trail would now connect our primary residential, commercial, educational, and other recreational areas together.

The enhancements on the trail, namely the benches, lamp posts, and trash cans, would facilitate and encourage trail use by members of the community of different mobility levels.

I would request that you consider Lander County's application for your 2019 grant.

Sincerely,

Fee: _____	Permit No.: _____
Milepost: _____	District: _____
System No.: _____	_____
Applicant: _____	_____
Type of Work: _____	_____
FOR DEPARTMENT USE ONLY	

REVOCABLE APPLICATION AND PERMIT FOR OCCUPANCY OF
NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
(Under the provisions of NRS 408.423, 408.210 and NAC 408)

1. Location where excavation, construction, installation and/or occupancy is proposed

Broad Street (SR 305; Battle Mountain)

from Front St. to Fairway Drive

Local name of highway

Street address or nearest cross street

2. Describe in detail the type and scope of work; capacity or size of facility; stages and time frame for development; scheduled dates for start and completion. Attach 4 sets of detailed plans or drawings. The project will install five sets of improvements along the existing multiple use walking/bike trail, with each set of improvements consisting of a solar powered street lamp, a park bench, and a metal trash can. The five locations will be at the 1) the south east corner of the intersection of SR 305 and Fairway Drive; 2) the southeast corner of the intersection of SR 305 and Sheep Creek Road, 3) the southwest corner of the intersection of SR 305 and Old Route 8-A, 4) the southside of Broad Street near the HideAway restaurant, and 5) the south side of Broad Street due east from the Battle Mountain Convention Center. Please refer to the attached map labels #1, #2, #3, #4, and #6.

Per NDOT requirements, improvements along roadways without curbs will be a minimum of 30 feet from the active roadway.

3. PERMITTEE hereby acknowledges that he has received and read a copy of the specific Terms and Conditions Relating to Right-of-Way Occupancy Permits issued by the State of Nevada Department of Transportation, and accepts said terms and conditions and any additional terms and conditions stated in this permit.
4. **SPECIFIC TERMS AND CONDITIONS APPURTENANT TO THIS PERMIT ARE LISTED ON PAGE 2.**
5. THE PERMIT SHALL BE SIGNED AND RETURNED TO THE DISTRICT OFFICE.

Name of PERMITTEE (Type or Print)

Signature of PERMITTEE

Address

Title

Phone No.

City, State, Zip

Date of Application

Phone No.

Fax No.

Permittee's I.D. No. or Parcel No.

This Right-of-Way Occupancy permit is granted to the PERMITTEE in accordance with the provisions of Chapter 408 NRS, and NAC 408 and subject to the terms and conditions stipulated to perform the work described.

Dated this _____ day of _____, 20_____

STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION

By _____
Director or District Engineer

Fee: _____	Permit No.: _____
Milepost: _____	District: _____
System No.: _____	_____
Applicant: _____	_____
Type of Work: _____	_____
FOR DEPARTMENT USE ONLY	

REVOCABLE APPLICATION AND PERMIT FOR OCCUPANCY OF
NEVADA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
(Under the provisions of NRS 408.423, 408.210 and NAC 408)

6. Location where excavation, construction, installation and/or occupancy is proposed

Front Street (Battle Mountain)	from 650 W. Front Street to Belastegui Park
Local name of highway	Street address or nearest cross street

7. Describe in detail the type and scope of work; capacity or size of facility; stages and time frame for development; scheduled dates for start and completion. Attach 4 sets of detailed plans or drawings. The project will install four sets of improvements along the existing multiple use walking/bike trail, with each set of improvements consisting of a solar powered street lamp, a park bench, and a metal trash can. The four locations will be at the 1) north side of 650 W. Front Street 2) the north side of Front Street across from Tule Street, 3) the north side of Front Street across from Broad Street, and 4) the north side of Front Street at Belaustegui Park. Please refer to the attached map and labels #7, #8, #9, and #10.

Per NDOT requirements, improvements along roadways without curbs will be a minimum of 30 feet from the active roadway.

8. PERMITTEE hereby acknowledges that he has received and read a copy of the specific Terms and Conditions Relating to Right-of-Way Occupancy Permits issued by the State of Nevada Department of Transportation, and accepts said terms and conditions and any additional terms and conditions stated in this permit.
9. **SPECIFIC TERMS AND CONDITIONS APPURTENANT TO THIS PERMIT ARE LISTED ON PAGE 2.**
10. THE PERMIT SHALL BE SIGNED AND RETURNED TO THE DISTRICT OFFICE.

Name of PERMITTEE (Type or Print)

Signature of PERMITTEE

Address

Title

Phone No.

City, State, Zip

Date of Application

Phone No.

Fax No.

Permittee's I.D. No. or Parcel No.

This Right-of-Way Occupancy permit is granted to the PERMITTEE in accordance with the provisions of Chapter 408 NRS, and NAC 408 and subject to the terms and conditions stipulated to perform the work described.

Dated this _____ day of _____, 20_____

STATE OF NEVADA, DEPARTMENT OF TRANSPORTATION

By _____
Director or District Engineer



Lander County Commission Agenda Request Form

COMMISSIONER MEETING DATE 11/08/2018

NAME KYLA BRIGHT REPRESENTING LEDA

ADDRESS 50 STATE ROUTE 305

PH: (775)635-2860

WHICH NUMBER SHOULD WE CALL DURING NORMAL BUSINESS HOURS? (775) 635-2860

WHO WILL BE ATTENDING THE MEETING: KYLA BRIGHT

JOB TITLE: LIASON FOR LEDA

SPECIFIC REQUEST TO BE PLACED ON THE AGENDA: DISCUSSION AND POSSIBLE ACTION REGARDING RADIFICATION OF A GRANT APPLICATION AND MAP SUBMITTED BY LANDER ECONOMIC DEVELOPMENT AUTHORITY (LEDA) FOR A BIKE/PEDESTRIAN PATH INCLUDING BENCHES, TRASH RESEPTICALS, LIGHTING, AND LANDSCAPING TO CONNECT WITH THE EXISTING SR 305 AND Broad STREET PATH.

BACKGROUND INFORMATION: LANDER ECONOMIC DEVELOPMENT AUTHORITY HAS BEEN WORKING TO UPDATE AND EXPAND THE EXISTING SR 305/BROAD STREET BIKE/PEDESTRIAN PATH. THEY ARE NOW PREPARED TO SUBMIT THE GRANT APPLICATION THAT IS DUE ON THE 9TH OF NOVEMBER. PLEASE SEE ATTACHED APPLICATION AND MAP FOR REFERENCE.

WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE TO RESOLVE THIS ISSUE? PLEASE REVIEW AND RATIFY THE DECISION MADE BY LEDA TO APPLY FOR THE GRANT TO FUND THE UPDATE AND EXPANTION OF THE SR 305/BROAD STREET BIKE/PEDESTRIAN PATH.

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 AND APPROVED BY AFFECTED DEPT HEADS?

YES X NO ___

ALL BACKUP MATERIAL MUST BE PROVIDED WITH AGENDA REQUEST, NOT AT THE MEEING:

IS ALL THE BACK UP MATERIAL ATTACHED TO THIS AGENDA REQUEST?

YES X NO ___

IT THE ITEM IS A CONTRACT AND/OR AGREEMENT, OR REQUIRES LEGAL REVIEW, IT MUST BE REVIEWED BY THE DISTRIC ATTORNEY'S OFFICE PRIOR TO AGENDA SETTING OR IT WILL NOT GO ON THE AGENDA.

HAS THE DISTRICTATTORNEY'S OFFICE PROVIDED THE REQUIRED REVIEW?

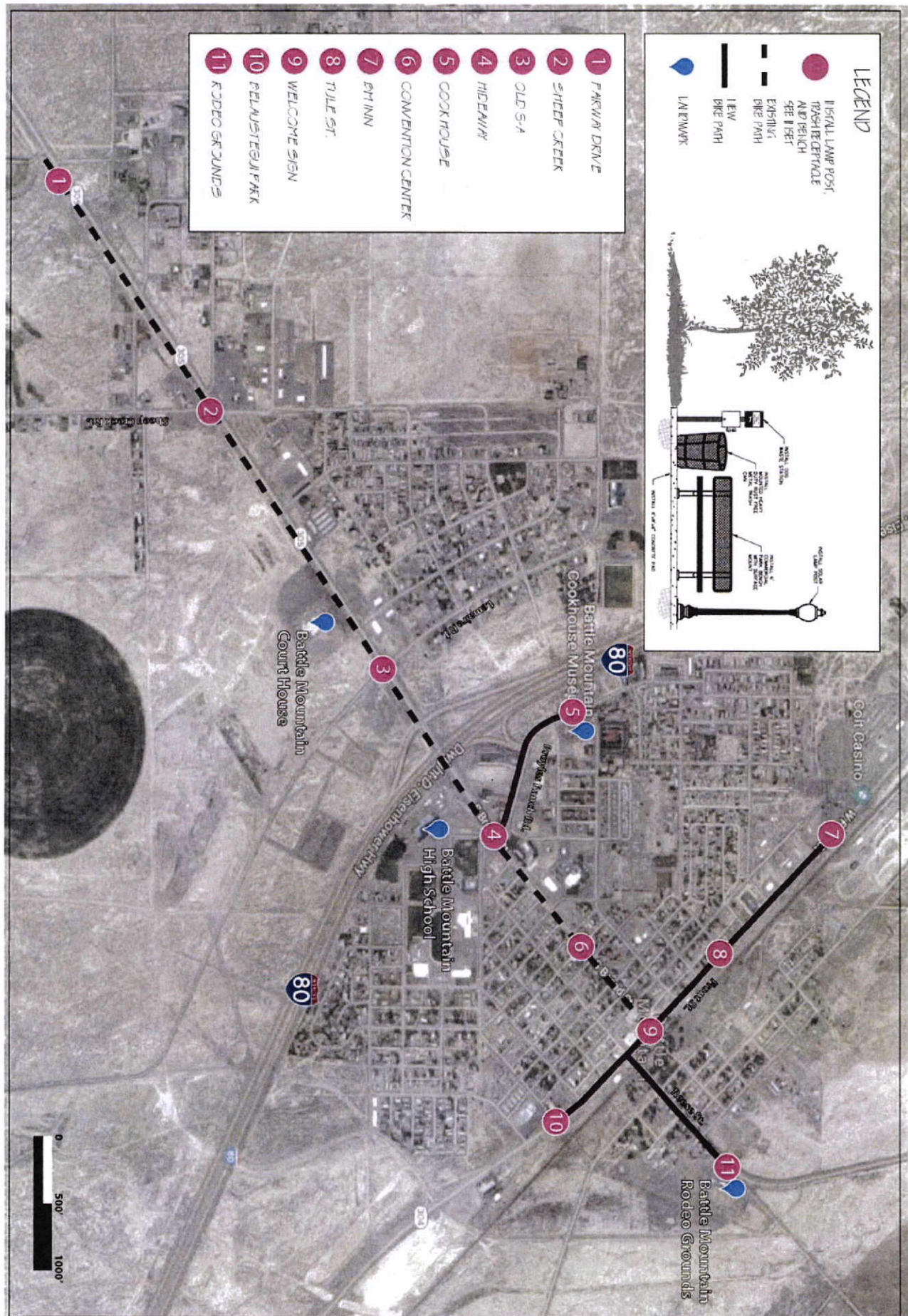
YES ___ NO ___

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

ALL INFORMATION STATED IS CORRECT AND TRUE TO MY KNOWLEDGE:

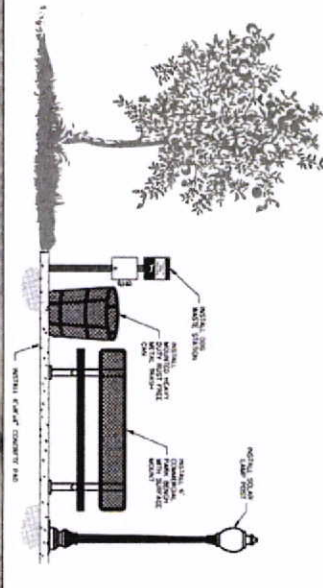
SIGNATURE _____ DATE _____

The Lander County Board of Commissioners meets the 2nd and 4th Thursday of each month



LEGEND

- TRAIL LAMP POST, TRASH RECEPTACLE AND BENCH SEE B SET
- EXISTING PIKE PATH
- NEW PIKE PATH
- LANE MARK



- 1 PARKWAY DRIVE
- 2 SHEEP CREEK
- 3 OLD S-A
- 4 HIDEAWAY
- 5 COOK HOUSE
- 6 CONVENTION CENTER
- 7 EPHRAIM
- 8 TULE ST.
- 9 WELCOME SIGN
- 10 DELAUNDELL PARK
- 11 RODEO GROUNDS



SHEET 1 of 1 SHEETS

BY : JG
DATE : JULY 2018
SCALE : AS SHOWN

PLAN

PEDESTRIAN PATH
101 BATTLE MOUNTAIN, LANDER COUNTY, NEVADA



STATE OF NEVADA
Recreational Trails Program
2019 Grant Application

CFDA 20.219

APPLICATIONS DUE:

NOVEMBER 9, 2018, 12:00 PM

APPLICATIONS MUST BE RECEIVED BY THIS TIME, POSTMARKS WILL NOT BE ACCEPTED

PLEASE SUBMIT:

**3 FULL COLOR COPIES (DOUBLE SIDED) &
ONE ELECTRONIC COPY ON A FLASH DRIVE**

TO:

**NEVADA DIVISION OF STATE PARKS
901 S. STEWART STREET, SUITE 5005
CARSON CITY, NV 89701
ATTN: RTP GRANT PROGRAM**

DO NOT ATTACH ITEMS THAT ARE NOT REQUIRED.

EMAILS WILL NOT BE ACCEPTED.

For assistance, please contact:

**Janice Keillor
State Trails Administrator
(775) 684-2787
jkeillor@parks.nv.gov**

**Art Krupicz
Grants & Projects Analyst
(775) 684-2775
akrupicz@parks.nv.gov**

Application

Nevada Recreational Trails Program

SECTION I

1. **Applicant Name:** _____
2. **Project Name:** _____
3. **Project Dates:** *Start:* _____ *Completion:* _____
4. **TAX ID or EIN #** _____
5. **DUNS #** _____
6. **Classification of Applicant: (check one)**
Government: ☐ Federal ☐ State ☐ County ☐ Local/Municipal
Organization: ☐ Partnership ☐ Non-profit ☐ For Profit ☐ Individual ☐ Other
7. **Grant Manager / Primary Point-of-Contact (if grant is awarded):**
Name: _____ Title: _____
E-mail: _____ Phone: _____
Address: _____
City, State, Zip: _____
8. **Land Owner:** _____
9. **Classification of Land Control: (check all that apply)**
☐ Public Land ☐ Private Land ☐ Combination, County, City,
☐ R&PP: attach copy of lease with expiration date. If other lease, attach copy
10. **Project Costs: (Please do not submit match not directly related to the project)**
Grant Request: _____
Match Amount: _____ (20% of total amount for non-moto & diverse; 5% for moto and education)
Total Project Amount: _____ (Grant Request divided by 0.8 for non-moto & diverse and 0.95 for moto and education)
10(a). What are your sources of match?
☐ Federal ☐ Private ☐ In-kind ☐ City/County ☐ Pre-Project Planning ☐ Other
Please describe source(s):

11. **Project Category(s)**
☐ Education
☐ Education with motorized component
☐ Non-motorized for single use
☐ Non-motorized for diverse use
☐ Diverse use (motorized and non-motorized)
☐ Motorized for single use
☐ Motorized for diverse use

12. Trail Use: (check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Pedestrian (urban/path) | <input type="checkbox"/> Mountain Biking | <input type="checkbox"/> Equestrian |
| <input type="checkbox"/> Pedestrian (hiking/trail) | <input type="checkbox"/> Bicycle Path (paved) | <input type="checkbox"/> Snowshoe/cross country ski |
| <input type="checkbox"/> Education | <input type="checkbox"/> Interpretation/maps/brochures | <input type="checkbox"/> ADA accessible |
| <input type="checkbox"/> OHV/Motorized | <input type="checkbox"/> Other: _____ | |

13. Type of Project: (check all that apply)

- ☐ Educational or trails training
☐ Maintenance or restoration of existing trails
☐ Trailside and trailhead facilities
☐ Purchase or lease of trail construction equipment
☐ Construction of new trails
☐ other _____

14. Scope of Work (400 words maximum – describe exactly what work will be completed, include miles of trail or other measurable goals). Please be specific to the actual project being built.

15. Project Location:

A. Congressional District(s) number (check all that apply) ☐1 ☐2 ☐3 ☐4

B. County: _____

C. Municipality/Town/City: _____

D. Latitude: _____ Longitude: _____

E. Township: _____ Range: _____

16. Standards/Guidelines Applied to Project:

- ☐ Universal Access to Outdoor Recreation - A Design Guide
☐ Designing Sidewalks & Trails for Access
☐ AASHTO's Guide for the Development of Bicycle Facilities
☐ USFS Standard Specifications for Construction & Maintenance of Trails
☐ BLM Handbook 9114-1 Trails
☐ IMBA International Mountain Biking Association
OTHER: _____

17. Environmental Compliance (see page 10 of the RTP Handbook for more information)

Education projects with no ground disturbing activities may skip to Question 18.

17(a). Is a Federal agency involved in this project as an applicant, partner, or landowner?

- ☐ Yes
☐ No

If yes, environmental clearances have likely been completed for your project area. Please indicate which NEPA document was produced. Please attach the document to this application:

- ☐ Categorical Exclusion (CE)
☐ Record of Decision (ROD)
☐ Finding of No Significant Impact (FONSI)

If you have Federal involvement and have attached one of the NEPA documents above, you may skip to Question 18.

If there are no Federal partners or land owners involved, the project will need to be reviewed by the FHWA. Please provide the following information:

17(b). Describe the extent of ground disturbance for this project. Specifically, describe the length, width, and depth of the most significant instances of excavation/digging.

17(c). Describe both current and past uses of the project area.

17(d). Describe any known cultural resources in the project area. This may include historic buildings, archaeology sites, and any other objects estimated to be over 50 years old.

- 17(e). Please attach the following three (3) maps:
- General location map (showing project area within the state or county)
 - Topographic map (7.5 minute series quadrangle, 1:24,000 scale) with project boundary and map name
 - Topographic maps are preferred but aerial photos will suffice
 - Detail map indicating specific project elements (e.g., structures, trail alignment)
 - For all maps, please include a key, north arrow, scale, and map name (if available)
 - Maps larger than 11x17 will not be accepted
- 17(f). Please attach the following photographs:
- At least two (2) overviews of the project area from different angles and distances
 - Please include photos of known cultural resources, if present.
- 17(g). If available, please attach shapefiles of the project area (these are produced via GPS and end with the filename ".shp"; they may also be found within larger files ending in ".mxd"). These are not required for this application but are appreciated, if available.

18. List all permits required to complete project:

19. **Additional approvals**

If the project involves any of the situations listed below, applicants must provide the following documentation:

- 19(a). **Crossing of public highway:** Include a statement or letter certifying that the appropriate official (having jurisdiction over the public road at the point where the trail crosses the road) has reviewed this project and approved of the proposed crossing.
- 19(b). **Crossing of railroad-gas-power lines, or utility rights-of-way:** Include documentation certifying that the appropriate official has reviewed this project and that the proposed crossing meets their approval.
- 19(c). **Crossing of streams or encroachment on any wetlands:** Project applicants planning to construct, operate, maintain, enlarge, or abandon any obstruction that will affect a watercourse, its 100-year floodway, or any lake, pond reservoir, marsh, or wetland, must obtain an appropriate USACE 404 and/or other applicable permits.

Any state or local government agency or public utility working in a 100-year flood plain which has been identified by the National Flood Insurance Program, must also obtain a permit.

In addition, project applicants may be required to prepare an erosion and sedimentation control plan for stream crossings or general construction activities.

19(d). Building structure or providing a water supply: Local agency applicants must secure a copy of any building permits that may be required by the local township code enforcement officer or a statement indicating that a permit is not necessary. Federal and State agency applicants are to follow their normal procedures.

19(e). Sewer and water permitting: Project applicants must include a copy of the sewage disposal permit issued by a certified municipal sewage enforcement officer or the local township if a comfort station is to be constructed. Project applicants serving any non-residential use with their own water source must provide the appropriate permit from the county or state health official with jurisdiction.

20. Projects that include a paved bicycle path: Is the project included in both local and state bicycle plans?

- ☐ Yes, plan title(s) _____
☐ No
☐ Not Applicable. Please describe:

21. Has the applicant received funding from the Recreational Trails Program in the past?

☐ No ☐ Yes

Number of projects funded: _____

Amount of funding Received: \$ _____

Number of projects Completed: _____

SECTION II

Proposed Budget: Provide your budget details in the separate budget section (*2019 NV RTP Application_Budget Section*). Please follow the existing format and be very specific, as your application will rate higher. Reminder: all match must be directly related to the building of the trail/facility or educational project. If a cost is not eligible for reimbursement it is most likely not eligible to be used for match. Do not add extra match above what is required. Matching funds beyond the minimum requirement do not affect the score.

SECTION III

Narrative: Each response is scored via a standardized rubric. See page 27 of the RTP Manual for more information.

Address the following sixteen (16) questions in the order listed below.

Please limit each response to 3 paragraphs or less.

Type directly into this application.

Supporting documents may be attached in support of your responses.

Project Need

1. Describe how this project fits with current community development plans.
2. Describe the project's ability to enhance recreation options for an underserved area or population. *"Underserved" is defined as an area or population with inadequate services, facilities, and/or a lack of access to recreation opportunities.*

Project Quality

3. Describe project schedule(s) and contingency plans.
4. Describe the confirmed partnerships for this project.
5. Describe the nature and extent of public engagement with this project and what is being done to mitigate any concerns conveyed by the public.
6. Describe the implementation of best practices in each phase of the project (e.g., planning, budgeting, construction, etc.).

Alignment with Nevada's Recreation Goals

7. How will the project contribute to the maintenance and/or rehabilitation of existing outdoor infrastructure?
8. How will safety be implemented in the design, maintenance, and management of the project?
9. How does the project increase connectivity between trails, facilities, or other locations?
10. How does the project engage youth?
11. How will the project contribute (or otherwise complement) the development, maintenance, and/or management of new outdoor recreation facilities?
12. How does the project contribute to the economic vitality of its community?
13. How will the project contribute to the conservation and/or rehabilitation of water and habitat?

Applicant History

14. Summarize the grant management experiences of both the organization and the personnel responsible for this specific project.
15. Summarize your organization's project management record.
16. Describe your organization's capacity to maintain facilities for the next 25 years.

SECTION IV

Maps, Photographs, and other Graphics: If you already compiled graphics in response to Section I, Question 17 (Environmental Compliance), those will suffice. *Education projects do not require graphics.*

If you have not yet compiled graphics, please assemble the following:

Three (3) specific maps:

- General location map (showing project area within the state and/or county)
- Topographic map (7.5 minute series quadrangle, 1:24,000 scale) with project boundary and map name
 - Topographic maps are preferred but aerial photos will suffice
- Detail map indicating specific project elements (e.g., structures, trail alignment)
- For all maps, please include a key, north arrow, scale
- Maps larger than 11x17 will not be accepted

Photographs:

- At least two (2) overviews of the project area from different angles and distances.

SECTION V

Transmittal Letter(s): All applicants must submit at least one transmittal letter with this application, signed by an individual with the authority to bind the organization to a legal agreement.

If there is **no Federal involvement**, the letter must verify the following:

- a) The project will not facilitate motorized activities on trails that have been predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred (Section 1302 (e)(2)(c) of the National Recreational Trails Act);
- b) A commitment to maintain the project's features for 25 years.

If the project **involves any Federal agencies** (as applicant, partner, and/or landowner), please include a letter of support from each Federal partner. Their letter(s) must verify the following:

- a) They have read the application and agree to any responsibilities assigned to them for this project;

- b) The project will not facilitate motorized activities on trails that have been predominantly used by non-motorized trail users and on which, as of May 1, 1991, motorized use is either prohibited or has not occurred (Section 1302 (e)(2)(c) of the National Recreational Trails Act);
- c) The project is in compliance with all applicable laws and in particular the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA);
- d) Construction of trails for motorized activity are situated upon land allocated for use other than wilderness or have been released to uses other than wilderness by an Act of Congress, and that such construction is otherwise consistent with an approved land and resources management plan;
- e) A commitment to maintain the project's features (e.g., trails, buildings) for 25 years.

SECTION VI

Authorized Signature of Applicant

The signature below indicates approval of this project and authorizes this request for funding from the Nevada Recreational Trails Program.

Signature

Name (print or type)

Title

Agency / Organization

Date

PRESENTATION TO THE RTP COMMITTEE

The RTP application process requires a presentation to the RTP Committee. Presentations are limited to 10 minutes in length and provide an opportunity to further explain your project. In addition, the committee can ask questions about the project and clarify any details.

The RTP Committee meets for two days in December. You are not required to attend the entire two-day meeting. Shortly after the application deadline, NDSP staff will contact you with the specific date and time of your presentation. Applicants must be in attendance for their allotted presentation time, to merit final consideration. In-person attendance is preferred, but not required. Applicants who must deliver their presentation remotely (i.e., video or voice) will be accommodated. The method of presentation delivery does not influence scores.



STATE OF NEVADA
RECREATIONAL TRAILS PROGRAM
APPLICANT HANDBOOK

CFDA 20.219

Please review this handbook before proceeding with an application.

For assistance, please contact:

Janice Keillor
State Trails Administrator
(775) 684-2787
jkeillor@parks.nv.gov

Art Krupicz
Grants & Projects Analyst
(775) 684- 2775
akrupicz@parks.nv.gov



Nevada Division of State Parks
Department of Conservation and Natural Resources

Brian Sandoval
Governor, State of Nevada

Brad Crowell
Director, Department of Conservation and Natural Resources

Eric Johnson
Administrator, NDSP

Tim Hunt
Chief of Planning and Development, NDSP

Janice Keillor
Parks and Recreation Program Manager, NDSP
State Trails Administrator

The policy of the Department of Conservation and Natural Resources is to fully comply with the intent of Title VI of the Civil Rights Act of 1964. Title VI provides that no person in the United States shall, on grounds of race, color, or national origin, be excluded from participating in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

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QUICK FACTS

Grant Opens:	August 24, 2018
Applications Due:	November 9, 2018
Committee Meeting:	December 5-6, 2018, 8-5pm each day
Meeting Location:	Clark County Wetlands Park Meeting Room 7050 E. Wetlands Park Lane Las Vegas, NV 89129
Available Funding:	\$1,250,000
Permissible Uses:	New trail construction Trail restoration Trail head facilities (restrooms, signage, kiosks, etc.) Purchase of tools to construct and/or renovate trail Land acquisition for trail purposes Safety and educational programs Engineered trail design/maintenance documents
Grants available to:	Governmental agencies Non-profit organizations Tribal governments
Match Requirements:	20% for nonmotorized and education 5% for motorized

RECREATIONAL TRAILS PROGRAM SUMMARY

The Recreational Trails Program (RTP) is a federally-assisted, State-administered program through the Federal Highway Administration (FHWA). RTP funding is authorized under the "Fixing America's Surface Transportation (FAST) Act. Specifically, the funds are from the Transportation Alternatives (TA) set-aside under the Surface Transportation Block Grant Program. RTP legislation requires the Governor of each State to designate an agency to administer the program. The Governor of Nevada has delegated administration of the program through the Nevada Department of Transportation (NDOT) to the Nevada Division of State Parks (NDSP).

States may distribute funds in the form of grants to city, county, state, and federal governmental entities, Native American tribes, and special government districts such as General Improvement Districts and private individuals or organizations.

The RTP is designed to supplement and assist current federal, state, local, and volunteer trail efforts. Through financial and technical assistance, and improved communications among all trail interests, the program expands the quantity and quality of recreational trails in America. This program requires states to: (1) designate an official to be responsible for the trails program, (2)

create a recreational trails advisory committee and (3) use the funds to meet the goals of the legislation.

The Nevada Recreational Trails Advisory Committee is charged with evaluating applications and making recommendations on projects to be funded. It consists of both motorized and nonmotorized trail users, government officials, and other representatives of diverse user groups generally.

Applicants may submit more than one application. In addition, applicants may be the lead on an application and a partner for others. However, grantees should prioritize their own projects if they are submitting multiple applications since they would be competing against themselves. Applications will be pre-screened and, if incomplete, will not be forwarded to the committee for review.

DISTRIBUTION OF FUNDS

Nevada's FY 2019 RTP apportionment for projects is approximately **\$1,250,000**.

40 % or \$500,000 shall be used for recreational trail or related projects that facilitate diverse recreational trail use within a recreational trail corridor, trailside, or trailhead, regardless of whether the project is for diverse motorized use, for diverse nonmotorized use, or to accommodate both motorized and nonmotorized recreational trail use;

30 % or \$375,000 shall be used for uses relating to motorized recreation; and

30 % or \$375,000 shall be used for uses relating to nonmotorized recreation.

The State has the option of using up to 5% for education projects. If the State chooses not to use the 5%, this money is redistributed into the assured access funding categories (motorized, nonmotorized and diversified) according to the required 40/30/30 distribution.

Federal requirements allow a maximum of 7% of the state's apportionment to be used by the state to administer the program.

PROJECT CATEGORIES

There are six categories of RTP projects that were developed to aid applicants in describing their projects and to assist the RTP committee in assessing the potential impact projects might have. The funding categories are defined as:

Category 1 – Educational.

Education projects are allotted 5% of the annual RTP apportionment and are funded at the discretion of the State based on applicant interest, overall need, and the amount of projects being submitted in other categories. Funds in this category can be used for trail education programs related to safety, environmental protection, creation of publications, and training. Education programs cannot be for law-enforcement training and must support the maintenance and use of recreational trails.

Category 2 - Nonmotorized for single use.

Projects in this category compete for the 30% of funds available for nonmotorized recreation. These projects are primarily intended to benefit only one mode of nonmotorized recreational trail use, such as pedestrian only, or equestrian only. Projects serving various pedestrian uses (such as walking, hiking, running, bird-watching, education, interpretation, backpacking, etc.) constitute a single use for the purposes of this category. Note: wheelchair use by mobility-impaired individuals, whether operated manually or powered, constitutes pedestrian use, not motorized trail use. Projects serving various nonmotorized human-powered snow uses (such as skiing, snow shoeing, etc.) constitute a single use for this category.

Category 3 - Nonmotorized for diverse use.

These projects compete for funds available to either nonmotorized or diverse recreation (which together account for 70% of available RTP funds). These projects are primarily intended to benefit more than one mode of nonmotorized recreational trail use such as: walking, bicycling, and skating; both pedestrian and equestrian use; and pedestrian use in summer and cross-country ski use in winter.

Category 4 - Diverse use (motorized and nonmotorized).

These projects compete for the 40% of funds available for diverse recreation. They are intended to benefit both nonmotorized and motorized recreational trail use. This category includes projects where motorized use is permitted, but is not the predominant beneficiary. This category includes projects where motorized and nonmotorized uses are separated by season, such as equestrian use in summer and snowmobile use in winter. Other examples: a common trailhead project serving separate ATV and bicycle trails; purchasing a machine to groom both snowmobile and cross-country ski trails.

Category 5 - Motorized for single use.

These projects compete for the 30% of funding available for motorized recreation. These projects are primarily intended to benefit only one mode of motorized recreational use, such as snowmobile trail grooming. A project may be classified in this category if the project also benefits some nonmotorized uses (i.e., nonmotorized uses are not excluded), but the primary intent must be for the benefit of motorized use.

Category 6 - Motorized for diverse use.

These projects compete for funds available for either motorized or diverse recreation (which together account for 70% of available RTP funds). These projects are primarily intended to benefit more than one mode of motorized recreational use, such as: motorcycle and ATV use; or ATV use in summer and snowmobile use in winter. A project may be classified in this category if the project also benefits some nonmotorized uses (it is not necessary to exclude nonmotorized uses), but the primary intent must be for the benefit of motorized use.

Intended Use	Examples	Funding Categories
Educational	Trail Education, Youth camps	Education
Nonmotorized Single Use	Pedestrian only, equestrian only	Nonmotorized
Nonmotorized Diverse Use	Pedestrian, bicycle, and equestrian (shared)	Nonmotorized and Diverse
Diverse Use	Equestrian in summer, snowmobile in winter	Diverse
Motorized Single Use	Motorcycles only	Motorized
Motorized Diverse Use	Motorcycles and snowmobiles	Motorized and Diverse

PERMISSIBLE USES

According to RTP Legislation: 23 U.S.C. 206:

A grantee may use funds received from the Recreational Trails Program to:

1. Provide for trail related educational programs, completed and reimbursed by September 30, 2019;
2. Purchase trail building tools: non-profit citizen volunteer organizations ONLY. They must be in conjunction with current trail projects (don't have to be RTP funded projects) and must be inventoried and reported to State Parks annually for five years after receipt from a grant;
3. Develop urban trail linkages near homes and workplaces; community gardens with trail components;
4. Maintain existing recreational trails, including the grooming and maintenance of trails across snow;
5. Restore areas damaged by unauthorized recreational use, long time wear and tear, and natural disasters;
6. Develop trailside and trailhead facilities;
7. Provide features that facilitate the access and use of trails by persons with disabilities;
8. Acquire easements for trails, or for trail corridors;

9. Acquire fee simple title to property from a willing seller when the objective of the acquisition cannot be accomplished by acquisition of an easement or by other means;
10. Construct new trails facilities including signage;
11. Maintenance of previous RTP projects that have not been funded within five (5) years of current application;
12. Construction of new trails crossing federal lands if the construction is approved by all State and/or Federal agencies charged with management of the impacted lands. **Applicant must include the NEPA decision document, proof of section 106 compliance, and tribal consultation; as well as a support letter from the agencies involved;**
13. Landscaping of trail facilities only if a relatively small portion of an overall project;
14. Utilities that are directly related to the trail project such as lighting, drinking fountains, horse washing stations, toilets, electric, irrigation etc.

USES NOT PERMITTED

A grantee may not use funds received from the Recreational Trails Program for:

1. The purchase of promotional items such as pens, cups, shoelaces, key chains, baseball caps, paperweights, magnets, matchbooks, patches, t-shirts, scissors, balloons, or buttons. Nor may the value of such items be used as a match for Federal funds.
2. Condemnation of any kind or interest in property;
3. Construction of any recreational trail on federal land that is inconsistent with approved land and resource management plans;
4. Trail Feasibility Studies: Permissible use relates to actual on-the-ground trail projects.
5. Trail Planning: A project proposal solely for the purpose of trail planning is not eligible for funding. However, if trail planning is a relatively small portion of an overall trail project (15%), it may be allowed.
6. Sidewalks or bike lanes: RTP funds should not be used to provide sidewalks along or adjacent to public roads or streets, unless the path or sidewalk is needed to complete a missing link between other recreational trails. Bike lanes in the road are not eligible.
7. Parks: Parks and park-related features such as picnic areas, day use, camping areas, or amphitheaters are not eligible. Trail components or associated facilities must specifically serve the purpose and safe use of the recreational trail.

8. Operations: Trail or park operations are not eligible (annual management and/or maintenance of a facility or area).
9. Law Enforcement costs.

MATCHING REQUIREMENTS

1. There is a required matching share from a grantee. In Nevada, the match requirements are: 20% of a grant request for nonmotorized and education projects and 5% of the amount requested for motorized projects.
2. Federal funds can be used toward the 20% matching share; the total federal share cannot exceed 95% of the total project cost (non-federal funds must provide a minimum of 5% of the total project cost).
3. All match must be directly related to the project in the grant application. If the project covers a broad recreation use, do not include the costs of items or tasks that are not directly related to the project proposal.
4. The matching share may include volunteer labor, in-kind services, cash, materials, and services at fair market value. Do not inflate your match. Match expenditures must meet the same eligibility standards as grant monies.
5. Public trail work days are permissible and the costs (including volunteer hours) can be used as match (volunteer rate valued at \$24.69 per hour, per *Independent Sector*, August 2018).
6. If planning or environmental compliance was done *before* your application was approved, it can be used as *match* (but only if the planning/environmental was done within the 18 months preceding your RTP award). If planning or environmental have not been done by the time of your grant award, they can be covered by the grant.
7. Indirect costs - If the applicant has an ICAP (Indirect Cost Allocation Plan) recognized by a Federal agency, they may claim that percentage of the federal grant amount. They may choose not to claim that amount and use those costs as match. The ICAP must be current and not expired. A copy of the current ICAP documentation must be provided to NDSP.
8. If a grantee does not have an ICAP, they may claim up to 10% *de-minimus* of the federal grant amount. If a grantee wishes to develop an ICAP, it must submit one with this application to State Parks, who will work with FHWA to accept ICAP proposals prior to grant award. The ICAP must be listed in the application budget and must be matched.
9. For the year 2018 grants, trained volunteer hours-in-kind has a value of \$24.69 per hour, for use as match.
10. The 2018 mileage rate is 54.5 cents per mile for gas and maintenance of the vehicle.

DESIGN STANDARDS

Grantees are required to identify the standards used for each trail project. A final inspection will be conducted to ensure that the design standards stated on the application were consistently applied. The final reimbursement will not be released until the project has passed a final inspection, as determined by NDSP.

Bicycle transportation facilities must meet or exceed the guidelines in AASHTO's *Guide for the Development of Bicycle Facilities*. Signs should conform to the *Manual on Uniform Traffic Control Devices* and/or *Standard Highway Signs* (particularly for trails within or crossing highway rights-of-way). The latter manual does allow some variable dimensions for trail signs.

NOTE: All proposed projects that include bicycle transportation paths and routes should be included in both Local and State Bicycle Plans (sidewalks and bike lanes are not eligible).

ENVIRONMENTAL AND CULTURAL REQUIREMENTS

All RTP projects must comply with environmental and cultural resource regulations in order to avoid impacts to historic buildings, archaeological sites, and sensitive ecological areas. More specifically, all projects that use Federal funds are subject to both the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA). While RTP funds are managed by a state entity (NDSP), they originate with the Federal Highway Administration (FHWA). As a result, RTP projects must comply with both NEPA and NHPA.

This section is designed to guide RTP applicants through the process. Applicants need to understand the general process and be ready to supply particular documents as needed.

To receive an award, it is not necessary for a project to have finished the compliance processes (NEPA and NHPA), but it will improve the chances of getting funded as the project will be more "shovel ready".

If you are awarded an RTP grant, environmental and cultural compliance must be completed before NDSP can issue a Notice to Proceed.

The processes for each Act often overlap, but in all cases the RTP applicant must first establish whether a Federal agency is involved with the project.

If You Have a Federal Partner

If a Federal agency is involved with your project, it is up to that entity to complete the NEPA/NHPA process. Applicants must contact their Federal partners in order to obtain particular NEPA documents. These documents can take one of several forms:

- *Categorical Exclusion (CE)*
- *Finding of No Significant Impact (FONSI, which is attached to an Environmental Assessment – EA)*
- *Record of Decision (ROD, which is attached to an Environmental Impact Statement – EIS).*

If NEPA was completed within your project area, one (or more) of these documents will be on file with your Federal partners. Please obtain a copy of the document and attach it to the RTP application. There are no further environmental or cultural requirements for the application.

If You Do Not Have a Federal Partner

If your project does not involve any Federal entities, the required NEPA/NHPA clearances were not likely done. If this is the case, NDSP and its partners will complete much of the work for you. More specifically, NDSP will work with the FHWA-Nevada Division to establish NEPA compliance; and with NDOT to establish NHPA compliance. This process begins after a grant is awarded and takes up to a year to complete.

Even though NDSP completes these clearances on your behalf, there are still several elements that applicants must compile as part of the application process:

1. Project Area: to determine if an RTP project will impact cultural resources, the project area must be made clear on maps. Officially called the "Area of Potential Effect (APE)", this boundary is best shown on a topographic map. If providing a topo map, please be sure to include the map name. However, for the RTP application, the project boundary can be depicted on an aerial photo, which is more easily obtained through common websites, apps, and other sources.
2. Ground-disturbing Activity: if the project includes ground disturbance, please make clear the nature and extent of the work. Describe the length, width, and depth of the project activity. For example, if a kiosk is being installed at a trailhead, how deep will the footings go?
3. Land Use (past and present): Were there any past disturbances in the area? What are current conditions like? This information need not be detailed, but NDSP staff appreciates any context that project partners might have.
4. Known Resources: Are there cultural resources already known to be on the property? These would include archaeology sites, as well as any buildings or other objects estimated to be 50 years or older.
5. Photographs: provide a general overview of the project area from different angles and distances. Please include photographs of known cultural resources, as described above.

Applicants who need to establish NEPA and/or NHPA compliance are free to hire their own vendors for these processes. However, the project will still need to go through FHWA and NDOT for review. If you are considering vendors for these processes, please contact NDSP grant staff for more details.

PROGRAM TECHNICAL ASSISTANCE

Technical assistance is available through NDSP. Grants staff are available to answer questions regarding procedures, completion of required documents (e.g., quarterly reports and reimbursement requests), and other inquiries.

COMMITTEE MEETING AND PRESENTATION

In addition to completing the application, each applicant will be required to attend the RTP committee meeting and present their proposal (either in-person or remotely). The advisory committee consists of both motorized and nonmotorized trail users, government officials, and other representatives of diverse user groups. The agenda for this meeting will be announced shortly after the application deadline (when the total number of applicants is known). The meeting announcement will include information about the required applicant presentation as well.

NOTIFICATION OF GRANT ACCEPTANCE AND FUNDING APPROVAL

The Park and Recreation Program Manager will notify all applicants of grant eligibility following the grant application deadline. Following the committee meeting, projects selected for a grant award will be submitted to the FHWA for final approval.

Only after NDSP has been notified of FHWA's approval will individual grant agreements be approved. Funds will be allocated to projects based on the priority scoring and conditions set forth by the Administrator of State Parks. Eligible projects that do not score high enough to receive funding are eligible to re-apply another year.

No project will be considered active or otherwise eligible for reimbursement until a Notice to Proceed is issued.

PROJECT IMPLEMENTATION

Upon receipt of a fully executed Project Agreement and Notice to Proceed, the grantee shall initiate activities on the project. Costs incurred by grantees *prior* to receipt of a fully executed Project Agreement and Notice to Proceed are not eligible for funding unless specifically authorized as planning or environmental compliance match as described under the "Matching Requirements" section and specifically listed in the funding agreement.

Key Factors in implementing an RTP project:

1. Once approved, the grant application and funding agreement are both part of the binding contract. The grantee shall treat the application as a binding contract and plan the implementation of the project accordingly.
2. The project shall be completed by the date cited in the Project Agreement issued by NDSP to the grantee and is generally not to exceed three years.
3. Project implementation shall include the timely submission of all quarterly progress reports. The grantee shall be aware that NDSP must report the progress of all active RTP projects to the FWHA-Nevada Division office. The NDSP report is based on quarterly reports submitted by grantees. Failure to submit the required quarterly progress reports on a timely basis could affect one's ability to obtain RTP grants in the future.

4. The Recreational Trails Program is a reimbursable grant program. The grantee can only submit requests for reimbursements *after* the costs are incurred, not in advance. Credit for the sponsor's match can only be awarded after the match has been accomplished and appropriately justified through complete documentation of costs. Grantees may request reimbursement as needed while the project is underway. Costs incurred prior to project approval and issuance of a Notice to Proceed, are not eligible for reimbursement unless authorized as a planning or environmental compliance match, as described in the "Matching Requirements" section. Payments usually take over one month to process.
5. A reimbursement request MUST be submitted within nine (9) months of project approval, otherwise the project may become inactive and funds may be reallocated to other programs.
6. Receipts and/or invoices from vendors and proof of payment must support requests for reimbursements. This requirement also applies to match funds.
7. Final requests for reimbursement will be approved only if the match specified in the project application has been fulfilled. 10% of the grant will be withheld until all match is met. Failure to provide match or complete the project can result in repayment of previous reimbursements in full.
8. All requests for reimbursement must be submitted on the Request for Reimbursement form (Appendix C).
9. Deviations from the project scope will require an amendment to the project agreement. The grantee must consult with the NDSP grant staff before implementing any changes. After consultation, the grantee shall submit in writing a request to amend the scope. NDSP staff will process the request per the guidelines outlined under "Project Deadlines and Extensions" (page 19). Any amendments to the scope must keep the project within its original intent and funding category. In addition, environmental and cultural compliance must be re-established.
10. Land owned or acquired by the grantee shall maintain a deed restriction which characterizes the property as an outdoor recreational site open, accessible, and maintained for the use and benefit of the general public for ninety-nine (99) years. **Land under ownership or lease by the grantee shall be dedicated as an outdoor recreation trail open, accessible, and maintained for the use and benefit of the general public for a minimum of twenty-five (25) years after the project completion date, as set forth in the Project Agreement.** A lease must not be revocable at will and must contain a clause which enables the grantee to dedicate the land for that period. All deed dedications must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner.
11. The grantee must prove sufficient control and tenure of the project site so that a loss of use will not occur without appropriate mitigation.

FINANCIAL RESPONSIBILITY

The grantee shall be responsible for the financial management of approved projects and shall appoint a financial manager or supervisor who will be responsible for financial administration of the project. The appointed financial manager shall adopt and install the appropriate internal controls to ensure the project is accomplished in the most efficient and economical manner.

PROCUREMENT PROCEDURES

For federal, state, and local agency projects, the internal agency procurement procedures shall apply to all procurement activities and contract work, unless otherwise waived by proper authorities. Please refer to page 19 for more information.

TRAVEL COMPENSATION

Reimbursement to the grantee for travel, meals, or lodging shall be subject to amounts and limitations used by the State of Nevada, as they are amended from time to time. Travel costs should be clearly delineated in the project budget.

ACCOUNTING PROCEDURES

The total reimbursable funds made available for an approved project shall not exceed the approved budget as identified in the project agreement. Grantees shall be reimbursed only for actual expenses made in accordance with the project agreement and project application.

Grantees may recover administrative costs if they have a current ICAP with a cognizant federal agency. Administration costs must pertain to the approved federal project cost and be included in the approved budget.

The grantee shall:

1. Keep adequate records on the particular project.
2. Fully support quarterly reimbursement requests with complete documentation of funds spent and match, such as invoices paid, timesheets, volunteer documentation and copies of checks and submit them in an orderly manner.
3. Provide accounting procedures necessary to assure proper disbursement and accounting for money paid.
4. Base the accounting procedures on generally accepted accounting standards and meet the following minimum requirements unless NDSP agrees to specific exceptions:
 - a) Establishment of separate accounts and supporting documentation. Each project account should be identified by the number assigned to the project by NDSP.
 - b) Identification of all receipts in sufficient detail to show the dates and sources of such receipts. Receipts and/or invoices should be labeled and costs clearly marked as to whether they apply to the grant share or matching share.
 - c) Itemization of all supporting records of project expenditures in sufficient detail to show the exact nature of expenditures.

- d) When payment is by check, the canceled check should be properly identified and filed. Receipts and/or invoices must support all cash disbursements.
- e) Do not submit more information than what is required for justification.

The Federal Highway Administration and State of Nevada can audit projects. Records maintained by NDSP are subject to FHWA and state audits as well.

NDSP will maintain all records provided by the grantee until such audits are conducted. The grantee shall retain all project records (including design plans, specifications, contracts, vouchers, etc.) for four years after the completion of the project.

As a grantee of federal funds, each grantee must comply with the audit requirements of the Single Audit Act of 1984 and the Single Audit Act Amendments of 1996. The Single Audit Act threshold is \$750,000 in federal expenditures. The \$750,000 audit threshold means that state and local governments, and non-profit organizations acting as RTP grantees are required to hire an independent firm to audit them when the *total of all federal grants* awarded to the sponsor in a sponsor's fiscal year reaches \$750,000. In such circumstances, the grantee shall provide NDSP with a copy of the findings of that audit.

Documentation for Sponsor's Matching Share

The same amount of back-up justification is required for match as for reimbursements. If the grantee's matching share includes volunteer labor, the grantee shall keep volunteer sign-in sheets which show the volunteer's name, date worked, number of hours worked, and type of work (i.e., clearing, planting, crew supervisor, equipment operator, etc.).

If "In-Kind Services" or "Hard Cash" are applied as match, the grantee will be required to provide adequate documentation in a format that fully accounts for the services or funds expended. The same amount of back-up justification is required for match as for reimbursements. Donated skilled labor (e.g., carpenter, mason, surveyor, crew supervisor, equipment operator) is valued at the average or regular market rate. Donations of cash, labor, or equipment must also be documented. Timesheets are required for all "work force labor" used as match. Payroll registers are also accepted.

If a construction company is donating equipment or services (e.g., a grader or excavation work) some type of record must be kept indicating both the value and type of donation. For example, the number of hours a grader was in operation and the operator's standard market rate of compensation would have to be documented.

QUARTERLY PROGRESS REPORTS

Grantees shall submit quarterly progress reports (Appendix B) throughout the duration of the grant. Each grantee must submit quarterly progress reports to NDSP on or before January 10, April 10, July 10, and October 10 of each year. The first quarterly report shall be due the first of these four dates that occurs after the issuance of the Notice to Proceed. NDSP shall report the quarterly progress of all active RTP projects to the FHWA Division Office in Nevada.

Grantees who do not submit quarterly progress reports on time may risk losing their grant funds and/or eligibility for future grant awards.

Projects must begin within nine (9) months of the grant award or they can be terminated.

REIMBURSEMENT REQUESTS

Grantees must submit reimbursement requests on the Request for Reimbursement form (Appendix C). Reimbursement requests do not need to be submitted with quarterly reports and can be submitted as often as needed. The first request must be submitted within 9 months after issuance of the Notice to Proceed and at least every 9 months thereafter.

Failure to submit a reimbursement request every 9 months may cause the project to become inactive and at risk of losing their grant funds.

The grantee must demonstrate that both the grant share and the matching share are being met in the proper ratio. For motorized projects, the amount of match submitted should be at least 5% of the amount reimbursed at any given time. For education and diverse projects, the amount of match submitted should be at least 20% of the amount reimbursed at any time.

NOTE: Reimbursement requests undergo a two-step process. First, they are reviewed by NDSP. Second, they are reviewed and processed by the FHWA. While NDSP and its partners regularly review the process and implement new efficiencies, **the reimbursement process can still take several months. Grantees must factor this time into their budget planning.**

CONSTRUCTION COMPLETION AND INSPECTION

At the completion of each project and before the final reimbursement, the grantee will request NDSP to conduct an on-site inspection of the project. The inspection will verify the project was completed per the approved Project Agreement, and all funded items are accounted for. The grantee may be asked to submit a final report, map, and photos demonstrating how the grant deliverables have been met.

Program compliance and project inspections will include, but not be limited to:

- Compliance with specifications and guidelines stated in project application.
- General project compliance and account records.
- Conformance to approved project scope.
- Compliance with environmental and cultural requirements.
- Compliance with design standards.
- Accessibility for persons with disabilities.
- Compliance with project timelines.

RECORD RETENTION

The grantee shall retain all program and financial records for four years after the project is complete. At a minimum, the following records shall be maintained and made available for audit, with copies forwarded to NDSP:

- Payroll register by pay period showing the names, hours worked, hourly rate, benefits, deductions, gross pay and net pay.
- Final Cost Summary of all payroll registers indicating applicable totals.
- Time Sheets signed by both employees and their respective supervisors, including volunteers.
- Receipts/Invoices for purchased materials.
- Receipts/Invoices for all design and construction costs.
- Each receipt/invoice shall include the date paid and check number.
- Canceled checks or copies thereof.

RECREATIONAL TRAIL RESPONSIBILITIES

At the federal level, the administration of the RTP program rests with the FHWA. In Nevada, the FHWA-Nevada Division oversees RTP activities. Responsibility for the state's compliance with the terms of the program rests with NDSP. Grantees are responsible for keeping accurate and clear records, and completing each project within the terms of the Project Agreement and Project Application in accordance with all federal and state guidelines, including this handbook.

PENALTIES

Failure to comply with the provisions of this grants manual and other established guidelines may be considered cause for NDSP to cancel the grant, request repayment, or withhold future payments to the grantee until discrepancies are corrected.

PROJECT DEADLINES AND EXTENSIONS

Grantees will be given 36 months to complete an RTP project, with the exception of education projects. **All Education projects must be completed by September 30, 2019.**

Requests for extensions will only be considered if they facilitate completion of a viable project and protect the taxpayers' investment.

NDSP does not guarantee approval of extensions requests. If approved, extensions will be in six-month increments or in increments deemed prudent by NDSP.

Before submitting a request for an extension, all grantees should meet the criteria listed below:

- Submit requests for extensions in writing for receipt by the Recreational Trails Program Manager 3 months before the expiration date of the grant.
- Fully justify requests for time extensions, illustrating unavoidable delays.

- The Federal Highway Administration will not approve extensions and a major scope change. In this instance, the project/grant would be cancelled and the applicant would have to reapply during the next grant cycle, and with a new scope and budget. If grantee has received approval for a minor scope change, NDSP may consider approving an extension.
- To receive favorable consideration for a time extension, the grantee should have submitted timely quarterly progress reports throughout the life of the grant. For reporting purposes, quarterly progress reports submitted after the 10th of the month following the end of the previous quarter are considered late. Quarterly progress reports received after the 15th of the month following the end of the quarter are considered missing.

If an extension is necessary, grantees are strongly encouraged to determine how much time it will take to complete the project and request one extension accordingly. Multiple time extensions will only be considered if:

- Significant progress was made throughout the life of the project, including during the first extension.
- The grantee encounters problems caused by external factors completely beyond their control (new regulatory requirements, catastrophic events).
- Unforeseen circumstances arise during construction (physical, site specific problems).

TERMINATING A GRANT

A grant award agreement may be terminated for the following reasons:

Termination without Cause

Any discretionary or vested right of renewal notwithstanding, an agreement may be terminated upon written notice by mutual consent of both parties or unilaterally by either party without cause.

State Termination for Non-appropriation

The State may terminate an agreement if, for any reason, the Contracting Agency's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired. In such a circumstance, the Grantee waives any and all claim(s) for damages, effective immediately upon receipt of written notice (or any date specified therein).

Cause Termination for Default or Breach

A default or breach may be declared with or without termination. An agreement may be terminated upon written notice of default or breach as follows:

1. If Grantee fails to provide or satisfactorily perform any of the conditions, work, deliverables, goods, documentation, or services within the time requirements specified in the agreement and its amendments; or

2. If any authorization, waiver, permit, qualification or certification required of the grantee to complete the project is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or
3. If Grantee becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the bankruptcy court; or
4. If it is found by the State that any quid pro quo or gratuities were offered or given by Grantee (or any agent or representative of Grantee) to any officer or employee of the State of Nevada with a view toward securing a contract or securing favorable treatment; or
5. If it is found by the State that Grantee has failed to disclose any material conflict of interest relative to the performance of the grant agreement.

Period for Corrections

Termination upon a declared default or breach may be exercised only after service of formal written notice and the subsequent failure of the defaulting party (within 15 calendar days of receipt of that notice) to provide evidence, satisfactory to the State, showing that the declared default or breach has been corrected.

Settling Affairs upon Termination

In the event of termination of this contract for any reason, the parties agree that the provisions of this paragraph survive termination:

1. The grantee shall account for and be responsible for all claims for fees and expenses for the project as identified in the project agreement;
2. Grantee shall preserve, protect and promptly deliver into State possession all proprietary information;
3. In the case of Cause Termination for Default or Breach, the Grantee will reimburse NDSP all federal grant monies previously received through the RTP program for the project in question.

Remedies

Except as otherwise provided for by law or this handbook, which will become of part of the grant agreement contract, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. It is specifically agreed that reasonable attorneys' fees shall include without limitation \$154.36 per hour for State-employed attorneys. The State may set off consideration against any unpaid obligation of Grantee to any State agency in accordance with NRS 353C.190.

FEDERAL GUIDANCE

Please refer to the following links for financial guidance related to the RTP grant program.

http://www.fhwa.dot.gov/environment/recreational_trails/guidance/financial_management/

http://www.fhwa.dot.gov/environment/transportation_enhancements/guidance/allowcosts.cfm

http://www.fhwa.dot.gov/environment/recreational_trails/legislation

**APPENDIX A
EXAMPLE AGREEMENT**

**STATE OF NEVADA
NDSP
Recreational Trails Program Project Agreement**

Grantee: Trail Blazers, Inc.	Project Number: FY 2018-06
Project Name: Ridge Runner Trailhead	
Period Covered by Agreement: From: Date of Notice to Proceed To: 12/31/2018	
Scope of Work: Development of a trailhead with two panel kiosk and 3 directional signs and carsonite/stickers. 5 yards of gravel for parking area and ADA parking signs. Desing, purchase and installa tion of one tail map panel for inside kiosk. Standards applied to this project: USFS Standard Specifications for Construction & Maintenance of Trails, Universal Access to Outdoor Recreation – A Design Guide	
Total Project Cost: \$ 125,765	Federal Grant Share: \$ 76,206 <u>61%</u>
See: Attachment A –Budget	Matching Share: \$ 49,559 <u>39%</u>
The following attachments are hereby incorporated into this agreement: <input checked="" type="checkbox"/> Project Scope (from application) <input checked="" type="checkbox"/> Project Budget (from application)	
<p>This Agreement and its integrated attachment(s) constitute the entire agreement of the parties and as such are intended to be the complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Contract specifically displays a mutual intent to amend a particular part of this Contract, general conflicts in language between any such attachment and this Contract shall be construed consistent with the terms of this Contract. Unless otherwise expressly authorized by the terms of this Contract, no modification or amendment to this Contract shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.</p> <p>The grantee agrees to submit quarterly progress reports and requests for reimbursement. Reports must be submitted to the Nevada NDSP on the forms provided by the Division on the dates listed below, in accordance with Nevada's FY 2014 Recreational Trails Program Manual.</p>	

Quarters and due dates:

1 st quarter	January 1 through March 31	Report due:	April 10
2 nd quarter	April 1 through June 30	Report due:	July 10
3 rd quarter	July 1 through September 30	Report due:	October 10
4 th quarter	October 1 through December 31	Report due:	January 10

Land owned by the grantee, or in the case of a nonprofit grantee or governmental entity, which is acquired with RTP funds, shall have a deed restriction upon said property as an outdoor recreational site open, accessible and maintained for the use and benefit of the general public for ninety-nine (99) years. Land under ownership of the grantee or controlled such as by lease, upon which RTP funding for trail access development or maintenance is being used, shall be dedicated as an outdoor recreation trail open, accessible and maintained for the use and benefit of the general public for a minimum of twenty-five (25) years after the project completion date as set forth in the Project Agreement. A lease must not be revocable at will and must contain a clause which enables the grantee to dedicate by deeded easement, the land for the twenty-five (25) year period. All deed dedications must be recorded in the public property records by the grantee, or in the case of a nonprofit grantee, by the land owner. The grantee must have and prove sufficient control and tenure of the project site that a conversion of use will not occur without appropriate mitigation to the satisfaction of NDSP and FHWA.

The State of Nevada hereby promises, in consideration of the promises made by the Grantee herein, to take the necessary steps and action and to attempt to enter into an agreement with the Federal Highway Administration to obtain Federal Money for that portion of the project referred to as Federal Assistance, to accept such funds from the United States and to tender to the Grantee that portion of the obligation which is required as the Federal Grant.

The Grantee hereby promises, in consideration of the promises made by the State of Nevada herein, to execute the project described above in accordance with the terms of this agreement and as described in the Nevada Recreational Trails Program Grants Manual.

In witness whereof, the parties hereto have executed this agreement as of the date below:

STATE OF NEVADA

GRANTEE

By: Jane Doe

By: Jack Moe

Signature

Signature of Representative

Jane Doe

Jack A. Moe

Typed Name

Typed Name

State Trails Coordinator

Trail Blazers, Inc.

Title

Name of Board/Commission/Agency

6/24/2017

6/23/2017

Date

Date

Reimbursement checks should be made payable to:

Name of Agency/Individual: Trail Blazers, Inc.

Address: 785 Lightning Fast Construction Lane

City, State, Zip: Carson City, NV 89701

DUNS #: 09876668

Tax Identification #: 88-6987098

APPENDIX B
EXAMPLE QUARTERLY REPORT

RECREATIONAL TRAILS PROGRAM
QUARTERLY PROGRESS REPORT

Project Number: 2018-06 Grant Expiration Date: 12/31/2018
Project Name: Ridge Runner Trailhead
Contact: Jack A. Moe
Phone Number: 775-333-9999
Date Submitted: 7-7-17

Submission Period (*Check one*):
☐ January 1- March 31 (due April 10)
☒ **April 1- June 30 (due July 10)**
☐ July 1- September 30 (due October 10)
☐ October 1- December 31 (due January 10)

Quarterly Progress: (*Narrative description of work accomplished this quarter as it pertains to the scope of work.*)

Gravel, kiosk and all signs purchased and installed. Design underway for panel, (draft is enclosed)

APPENDIX C
EXAMPLE REIMBURSEMENT

REQUEST FOR REIMBURSEMENT

(Submit this form only if requesting reimbursement and/or match)

Project # 2018-06

Dates This Request Covers From: July 30, 2018 to December 31, 2018

INSTRUCTIONS

1. Complete each blank.
2. Round to the nearest dollar—do not show decimals on top table.
3. Attach receipts, copies of checks or vouchers documenting proof that payment has been made for this reimbursement request. Documentation must be clearly marked as match or reimbursement.
4. The grantee must demonstrate that both the grant share and the matching share are being met in the proper ratio. The applicant must submit sufficient match so that the match total in Column F is equal (or more than) the match percentage in Column C.

A	B	C	D	E	F	G
Grant Award			Requests for Reimbursements			Balance Remaining (B-F)
Type	Amount	%	This Request	Previous Requests	Total (D + E)	
Grant	\$50,000	83%	\$ 1,724	\$ 100	\$ 1,824	\$ 48,176
Match	\$ 10,000	17%	\$ 2,839	\$ 100	\$ 2,939	\$ 7,061
Total	\$ 60,000	100%	\$4,563	\$ 200	\$ 4,763	\$ 55,237

Please list invoices and amounts and other documentation.

Grant Share Request:

Please provide an itemized list of expenditures applied toward the grant share for this request. (Please, only information pertinent to the reimbursement justification) Please list invoices and amounts here and attach backup documentation/copies

11/24/17	CC Building permit	\$1,320.00
12/03/17	Vital Signs	\$404.00
	TOTAL	\$1724.00

Matching Share:

Please provide an itemized list of expenditures applied toward the matching share for this request. (Please, only information pertinent to the match justification)

12/30/17	CC Building Permit	\$2,786.86
12/17/17	Lowes	\$51.85
	TOTAL	\$2,838.71

(note that this is rounded to nearest on the uppermost table (\$2,839))

Jack A. Marshall
Signature

June 31, 2015
Date

APPENDIX D
EXAMPLE OF DOCUMENTING IN-KIND VOLUNTEER LABOR - MATCH SHARE

Volunteer Sign-In Sheet –Ward Charcoal Ovens State Historic Trail

Name	Date	Assignment	Hours	Rate	Total
J. Smith	11-5-18	Clear brush	8	\$15	\$120
	11-10-18	Clear brush	8	15	120
	11-20-18	Remove debris	8	15	120
	12-1-18	Clear brush	8	15	120
	12-5-18	Clear brush	8	15	120
	12-12-18	Clear brush	8	15	120
S. Jones	11-5-18	Clear brush	8	\$15	120
	11-10-18	Trail work	8	15	120
	12-1-18	Trail work	8	15	120
	12-5-18	Trail work	8	15	120
	12-12-18	Trail work	8	15	120
B. Brown	11-5-18	Clear brush	8	\$15	120
	11-15-18	Trail work	8	15	120
	12-1-18	Trail work	8	15	120
	12-5-18	Remove debris	8	15	120
	12-12-18	Remove debris	10	15	120
K. Wilson	11-5-18	Remove debris	8	\$15	120
	11-12-18	Remove debris	8	15	120
	11-13-18	Clear brush	8	15	120
R. Davis	11-5-18	Construct kiosk	8	\$15	176
	11-6-18	Construct kiosk	8	15	176
	12-1-18	Construct kiosk	8	15	176
	12-5-18	Construct kiosk	8	15	176
	12-12-18	Construct kiosk	10	15	220
C. Freeman	11-5-18	Crew leader	8	\$15	176
	11-6-18	Crew leader	8	15	176
	11-10-18	Crew leader	8	15	176
	11-15-18	Crew leader	8	15	176
	12-1-18	Crew leader	8	15	176
	12-5-18	Crew leader	10	15	220
	12-12-18	Crew leader	10	15	220
TOTALS					\$4554

APPENDIX E
EXAMPLE OF APPROVED BUDGET

(ALWAYS ROUND CENTS UP OR DOWN TO THE NEAREST DOLLAR)

Budget

Applicant: Trail Blazers, Inc.

Project Name: Ridge Runner Trailhead

Item Description	Grant	Match	Total
Design and Engineering Costs:	\$3,400	\$0	\$3,400
1. Project Design & Brochure Layout			
Salaries or actual costs	\$0	\$6,872	\$6,872
1. Brochure design: 80 hrs @\$22=\$1,760			
2. In-kind labor: 220 hrs @\$22= \$4,840			
3. Travel Costs: 160 mi x \$1.70= \$272			
Volunteer or donated labor	\$0	\$42,357	\$42,357
1. 2,640 hrs unskilled labor @\$15/hr=\$39,600			
2. 117 hrs skilled labor@\$23.56/hr=\$2,757			
Special Service Purchase Contract	\$3,033	\$0	\$3,033
1. Brochures-NV State Printer = \$1,800			
2. Design & Fabricate 4-18x24 Interpretive Panels = \$1,233			
Purchase or rental of equipment:	\$	\$515	\$515
1. White Pine County - Dump truck			
Construction Contract-for bridge installation	\$22,000	\$0	\$22,000
Purchase of Materials	\$47,773	\$0	\$47,773
1. Trail side benches: 6 x \$252.84 = \$1,517			
2. 3 bridges: 3 x \$9,700 = \$29,100			
3. Trail traffic counter: \$1,809			
4. Carsonite trail markers: \$2,847			
5. Kiosk: \$927			
6. 4 sets of mounting hardware: \$244			
7. Base material; 300cuy@ \$22 = \$6600			
8. Pavers: 2200 at \$1.77=\$3,894			
7. Misc. materials: \$835			
Other (be specific)			
TOTAL	\$76,206	\$49,744	\$125,950

APPENDIX F
PRIORITIES FROM THE 2016 NEVADA COMPREHENSIVE OUTDOOR RECREATION PLAN

Priority 1

Maintain and rehabilitate existing facilities

Keep older and other existing facilities (restrooms, trails, signs, etc.) in proper working order and looking good.

Priority 2

Ensure safety

Ensure that all facilities are safe as possible and reduce conflicts between users (hiker-equestrian-biker-OHV).

Priority 3

Increase connectivity between trails, facilities, and other locations

Make sure that trails and paths are connected, making an inter-linked system for hikers, bikers, riders, and others to explore.

Priority 4

Engage youth

Encourage children, young adults, and families to explore the outdoors more frequently.

Priority 5

Develop new facilities

Build new restrooms, trails, signs, and other amenities in areas that need them.

Priority 6 (tie)

Integrate with economic security and growth

Develop outdoor recreation opportunities that help local and/or regional economies grow.

Priority 6 (tie)

Conserve water and habitat

Build new facilities and restore older ones with water and habitat conservation in mind.

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _10__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding the Old Courthouse and all of the furniture within, and to come up with a plan for disposal, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _11_

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to accept or decline the canvas of the votes for the November 6, 2018 General Election, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

CANVASS AND ABSTRACT OF THE VOTE OF
LANDER COUNTY, STATE OF NEVADA
2018 GENERAL ELECTION
HELD ON NOVEMBER 6TH, 2018

STATE OF NEVADA)
) SS.
COUNTY OF LANDER)

I, SADIE SULLIVAN, Clerk of said County, do hereby certify the attached to be a full, true, and correct statement of votes cast in said County, polled at the 2018 General Election held on Tuesday, November 6th, 2018; and I hereby certify that the complete number of votes cast in said County is set forth in the attached documents.

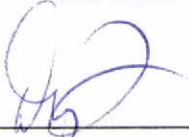
Witness my hand and Official Seal, this 8th day of November, 2018.



SADIE SULLIVAN, LANDER COUNTY CLERK

WE, THE UNDERSIGNED Board of County Commissioners of Lander County, State of Nevada, do hereby accept the attached Abstract of Votes to be a full, true, and correct statement of the votes of Lander County, Nevada, polled at the General Election held on Tuesday, November 6th, 2018.

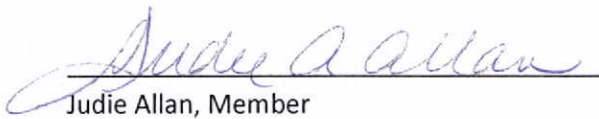
Dated this 8th day of November, 2018.




Doug Mills, Chairman



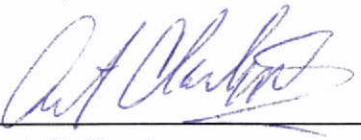
Sean Bakker, Vice Chairman



Judie Allan, Member



Patsy Waits, Member



Art Clark III, Member

Election Summary Report

General Election

LANDER COUNTY

November 06, 2018

Summary for: All Contests, All Precincts, All Tabulators, All Counting Groups
Election Night Results

Precincts Reported: 9 of 9 (100.00%)

Registered Voters: 2,100 of 2,988 (70.28%)

Ballots Cast: 2,100

U.S. Senator (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Bakari, Kamau A.	IAP	25	
Hagan, Tim	LPN	36	
Heller, Dean	REP	1,588	
Michaels, Barry	NPP	30	
Rosen, Jacky	DEM	350	
None Of These Candidates	NP	64	
Total Votes		2,093	
		Total	

Rep in Congress, District 2 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Amodei, Mark E.	REP	1,692	
Koble, Clint	DEM	376	
Total Votes		2,068	
		Total	

Governor (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Best, Russell	IAP	26	
Bundy, Ryan	NPP	100	
Laxalt, Adam Paul	REP	1,571	
Lord, Jared	LPN	21	
Sisolak, Steve	DEM	316	
None Of These Candidates	NP	57	
Total Votes		2,091	
		Total	

Lieutenant Governor (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Hansen, Janine	IAP	121	
Marshall, Kate	DEM	427	
Roberson, Michael	REP	1,425	
Uehling, Ed	NPP	35	
None Of These Candidates	NP	82	
Total Votes		2,090	
		Total	

Secretary of State (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Araujo, Nelson	DEM	393	
Cegavske, Barbara K.	REP	1,585	
None Of These Candidates	NP	112	
Total Votes		2,090	
		Total	

State Treasurer (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Beers, Bob	REP	1,561	
Conine, Zach	DEM	347	
Hoge, Bill	IAP	72	
None Of These Candidates	NP	107	
Total Votes		2,087	
		Total	

State Controller (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Byrne, Catherine	DEM	407	
Knecht, Ron	REP	1,566	
None Of These Candidates	NP	115	
Total Votes		2,088	
		Total	

Attorney General (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Duncan, Wes	REP	1,528	
Ford, Aaron	DEM	345	
Hansen, Joel F.	IAP	117	
None Of These Candidates	NP	94	
Total Votes		2,084	
		Total	

State Senate, District 14 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Boszak, Wendy	DEM	394	
Hansen, Ira	REP	1,672	
Total Votes		2,066	
		Total	

State Assembly, District 32 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Hansen, Alexis M.	REP	1,677	
Povilaitis, Paula	DEM	382	
Total Votes		2,059	
		Total	

County Assessor (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Duvall, Lura	REP	1,916	
Total Votes		1,916	
		Total	

County Clerk (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Miller, Leann	NPP	499	
Sullivan, Sadie	REP	1,571	
Total Votes		2,070	
		Total	

County Commissioner District 1 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Sparks, Bryan	REP	1,918	
Total Votes		1,918	
		Total	

County Commissioner District 2 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Clark, Art III	REP	1,033	
Dimitroff, Harry L. Sr.	NPP	1,024	
Total Votes		2,057	
		Total	

County Commissioner District 5 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Ancho, Kathleen V.	REP	1,392	
Moreno, Manuel II	NPP	667	
Total Votes		2,059	
		Total	

County District Attorney (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Herrera, Theodore C.	REP	1,807	
Total Votes		1,807	
		Total	

County Recorder (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Bunch, Lesley L.	REP	1,917	
Total Votes		1,917	
		Total	

County Treasurer (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Bisiaux, Tina Marie	REP	1,020	
Johnson, Jusdivia	NPP	1,037	
Total Votes		2,057	
		Total	

Justice of the Supreme Court, Seat C (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Cadish, Elissa	NP	652	
Tao, Jerry	NP	775	
None Of These Candidates	NP	576	
Total Votes		2,003	
		Total	

Justice of the Supreme Court, Seat F (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Silver, Abbi	NP	1,386	
None Of These Candidates	NP	577	
Total Votes		1,963	
		Total	

Justice of the Supreme Court, Seat G (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
Harter, Mathew	NP	793	
Stiglich, Lidia	NP	640	
None Of These Candidates	NP	556	
Total Votes		1,989	
		Total	

Justice of the Peace, Argenta (Vote for 1)

Precincts Reported: 5 of 5 (100.00%)

		Total	
Times Cast		1,879 / 2,670	70.37%
Candidate	Party	Total	
Fortune, Denise	NP	1,162	
Melver, Toby	NP	678	
Total Votes		1,840	
		Total	

Justice of the Peace, Austin (Vote for 1)

Precincts Reported: 4 of 4 (100.00%)

		Total	
Times Cast		221 / 318	69.50%
Candidate	Party	Total	
Gandolfo, Billy	NP	181	
Total Votes		181	
		Total	

State Ballot Question No. 1 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
YES	NP	1,031	
NO	NP	1,030	
Total Votes		2,061	
		Total	

State Ballot Question No. 2 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
YES	NP	872	
NO	NP	1,187	
Total Votes		2,059	
		Total	

State Ballot Question No. 3 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
YES	NP	305	
NO	NP	1,770	
Total Votes		2,075	
		Total	

State Ballot Question No. 4 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
YES	NP	1,249	
NO	NP	820	
Total Votes		2,069	
		Total	

State Ballot Question No. 5 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
YES	NP	834	
NO	NP	1,241	
Total Votes		2,075	
		Total	

State Ballot Question No. 6 (Vote for 1)

Precincts Reported: 9 of 9 (100.00%)

		Total	
Times Cast		2,100 / 2,988	70.28%
Candidate	Party	Total	
YES	NP	673	
NO	NP	1,389	
Total Votes		2,062	
		Total	

Statement of Votes Cast

General Election

LANDER COUNTY

November 06, 2018

SOVC for: All Contests, All Districts, All Counting Groups

Precinct	Registered Voters	Cards Cast	Voters Cast	% Turnout
US SENATE				
UNITED STATES SENATE				
Argenta 01	463	322	322	69.55%
Argenta 02	627	400	400	63.80%
Argenta 03	171	144	144	84.21%
Argenta 04	686	498	498	72.59%
Argenta 05	723	515	515	71.23%
Southern Lander County 06	84	59	59	70.24%
Austin 07	117	79	79	67.52%
Gillman Springs Ranch 08	17	12	12	70.59%
Kingston 09	100	71	71	71.00%
Precinct 99	0	0	0	N/A
UNITED STATES SENATE - Total	2,988	2,100	2,100	70.28%
Cumulative				
Cumulative	0	0	0	N/A
Cumulative - Total	0	0	0	N/A
US SENATE - Total	2,988	2,100	2,100	70.28%

U.S. Senator (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
Precinct 99	0	0
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Bakari, Kamau A. (IAP)	Hagan, Tim (LPN)
US SENATE		
UNITED STATES SENATE		
Argenta 01	5	9
Argenta 02	4	6
Argenta 03	2	2
Argenta 04	4	4
Argenta 05	8	12
Southern Lander County 06	0	0
Austin 07	2	2
Gillman Springs Ranch 08	0	0
Kingston 09	0	1
Precinct 99	0	0
UNITED STATES SENATE - Total	25	36
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	25	36

Precinct	Heller, Dean (REP)	Michaels, Barry (NPP)	Rosen, Jacky (DEM)	None Of These Candidates (NP)	Total Votes
US SENATE					
UNITED STATES SENATE					
Argenta 01	240	4	56	7	321
Argenta 02	268	11	92	16	397
Argenta 03	106	2	29	3	144
Argenta 04	418	3	55	13	497
Argenta 05	388	10	75	22	515
Southern Lander County 06	52	0	4	1	57
Austin 07	58	0	15	2	79
Gillman Springs Ranch 08	11	0	1	0	12
Kingston 09	47	0	23	0	71
Precinct 99	0	0	0	0	0
UNITED STATES SENATE - Total	1,588	30	350	64	2,093
Cumulative					
Cumulative	0	0	0	0	0
Cumulative - Total	0	0	0	0	0
US SENATE - Total	1,588	30	350	64	2,093

Rep in Congress, District 2 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
Precinct 99	0	0
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Amodei, Mark E. (REP)	Koble, Clint (DEM)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	264	54	318
Argenta 02	289	101	390
Argenta 03	111	30	141
Argenta 04	433	61	494
Argenta 05	421	89	510
Southern Lander County 06	53	4	57
Austin 07	64	12	76
Gillman Springs Ranch 08	9	3	12
Kingston 09	48	22	70
Precinct 99	0	0	0
UNITED STATES SENATE - Total	1,692	376	2,068
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,692	376	2,068

Governor (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Best, Russell (IAP)	Bundy, Ryan (NPP)
US SENATE		
UNITED STATES SENATE		
Argenta 01	2	12
Argenta 02	2	24
Argenta 03	1	10
Argenta 04	3	23
Argenta 05	14	26
Southern Lander County 06	0	1
Austin 07	4	3
Gillman Springs Ranch 08	0	0
Kingston 09	0	1
UNITED STATES SENATE - Total	26	100
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	26	100

Precinct	Laxalt, Adam Paul (REP)	Lord, Jared (LPN)	Sisolak, Steve (DEM)	None Of These Candidates (NP)	Total Votes
US SENATE					
UNITED STATES SENATE					
Argenta 01	248	4	44	11	321
Argenta 02	266	7	85	13	397
Argenta 03	102	2	28	0	143
Argenta 04	406	3	50	13	498
Argenta 05	385	3	69	15	512
Southern Lander County 06	52	0	4	1	58
Austin 07	55	1	15	1	79
Gillman Springs Ranch 08	9	0	3	0	12
Kingston 09	48	1	18	3	71
UNITED STATES SENATE - Total	1,571	21	316	57	2,091
Cumulative					
Cumulative	0	0	0	0	0
Cumulative - Total	0	0	0	0	0
US SENATE - Total	1,571	21	316	57	2,091

Lieutenant Governor (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Hansen, Janine (IAP)	Marshall, Kate (DEM)
US SENATE		
UNITED STATES SENATE		
Argenta 01	15	76
Argenta 02	26	103
Argenta 03	11	33
Argenta 04	25	68
Argenta 05	29	97
Southern Lander County 06	4	5
Austin 07	7	22
Gillman Springs Ranch 08	0	3
Kingston 09	4	20
UNITED STATES SENATE - Total	121	427
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	121	427

Precinct	Roberson, Michael (REP)	Uehling, Ed (NPP)	None Of These Candidates (NP)	Total Votes
US SENATE				
UNITED STATES SENATE				
Argenta 01	204	9	17	321
Argenta 02	242	8	16	395
Argenta 03	86	7	5	142
Argenta 04	377	6	21	497
Argenta 05	364	3	21	514
Southern Lander County 06	49	0	1	59
Austin 07	48	1	1	79
Gillman Springs Ranch 08	9	0	0	12
Kingston 09	46	1	0	71
UNITED STATES SENATE - Total	1,425	35	82	2,090
Cumulative				
Cumulative	0	0	0	0
Cumulative - Total	0	0	0	0
US SENATE - Total	1,425	35	82	2,090

Secretary of State (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Araujo, Nelson (DEM)	Cegavske, Barbara K. (REP)
US SENATE		
UNITED STATES SENATE		
Argenta 01	63	237
Argenta 02	105	270
Argenta 03	34	104
Argenta 04	66	406
Argenta 05	87	397
Southern Lander County 06	2	54
Austin 07	14	58
Gillman Springs Ranch 08	3	9
Kingston 09	19	50
UNITED STATES SENATE - Total	393	1,585
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	393	1,585

Precinct	None Of These Candidates (NP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	21	321
Argenta 02	20	395
Argenta 03	5	143
Argenta 04	26	498
Argenta 05	30	514
Southern Lander County 06	3	59
Austin 07	6	78
Gillman Springs Ranch 08	0	12
Kingston 09	1	70
UNITED STATES SENATE - Total	112	2,090
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	112	2,090

State Treasurer (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Beers, Bob (REP)	Conine, Zach (DEM)
US SENATE		
UNITED STATES SENATE		
Argenta 01	236	51
Argenta 02	263	91
Argenta 03	107	27
Argenta 04	404	55
Argenta 05	385	85
Southern Lander County 06	49	4
Austin 07	54	16
Gillman Springs Ranch 08	11	1
Kingston 09	52	17
UNITED STATES SENATE - Total	1,561	347
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	1,561	347

Precinct	Hoge, Bill (IAP)	None Of These Candidates (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	12	22	321
Argenta 02	16	23	393
Argenta 03	3	5	142
Argenta 04	13	25	497
Argenta 05	20	23	513
Southern Lander County 06	2	4	59
Austin 07	5	4	79
Gillman Springs Ranch 08	0	0	12
Kingston 09	1	1	71
UNITED STATES SENATE - Total	72	107	2,087
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	72	107	2,087

State Controller (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Byrne, Catherine (DEM)	Knecht, Ron (REP)
US SENATE		
UNITED STATES SENATE		
Argenta 01	56	239
Argenta 02	110	263
Argenta 03	30	106
Argenta 04	71	401
Argenta 05	101	385
Southern Lander County 06	4	54
Austin 07	14	60
Gillman Springs Ranch 08	1	9
Kingston 09	20	49
UNITED STATES SENATE - Total	407	1,566
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	407	1,566

Precinct	None Of These Candidates (NP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	26	321
Argenta 02	22	395
Argenta 03	5	141
Argenta 04	26	498
Argenta 05	26	512
Southern Lander County 06	1	59
Austin 07	5	79
Gillman Springs Ranch 08	2	12
Kingston 09	2	71
UNITED STATES SENATE - Total	115	2,088
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	115	2,088

Attorney General (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Duncan, Wes (REP)	Ford, Aaron (DEM)
US SENATE		
UNITED STATES SENATE		
Argenta 01	233	52
Argenta 02	249	94
Argenta 03	102	23
Argenta 04	397	61
Argenta 05	383	80
Southern Lander County 06	53	4
Austin 07	56	14
Gillman Springs Ranch 08	9	1
Kingston 09	46	16
UNITED STATES SENATE - Total	1,528	345
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	1,528	345

Precinct	Hansen, Joel F. (IAP)	None Of These Candidates (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	19	17	321
Argenta 02	30	21	394
Argenta 03	11	5	141
Argenta 04	24	15	497
Argenta 05	24	26	513
Southern Lander County 06	1	1	59
Austin 07	2	6	78
Gillman Springs Ranch 08	2	0	12
Kingston 09	4	3	69
UNITED STATES SENATE - Total	117	94	2,084
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	117	94	2,084

State Senate, District 14 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Boszak, Wendy (DEM)	Hansen, Ira (REP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	61	258	319
Argenta 02	102	291	393
Argenta 03	33	107	140
Argenta 04	63	429	492
Argenta 05	93	414	507
Southern Lander County 06	4	54	58
Austin 07	13	62	75
Gillman Springs Ranch 08	3	9	12
Kingston 09	22	48	70
UNITED STATES SENATE - Total	394	1,672	2,066
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	394	1,672	2,066

State Assembly, District 32 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Hansen, Alexis M. (REP)	Povilaitis, Paula (DEM)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	262	53	315
Argenta 02	290	101	391
Argenta 03	114	28	142
Argenta 04	426	62	488
Argenta 05	412	94	506
Southern Lander County 06	54	4	58
Austin 07	59	17	76
Gillman Springs Ranch 08	11	1	12
Kingston 09	49	22	71
UNITED STATES SENATE - Total	1,677	382	2,059
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,677	382	2,059

County Assessor (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Duvall, Lura (REP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	295	295
Argenta 02	356	356
Argenta 03	126	126
Argenta 04	465	465
Argenta 05	479	479
Southern Lander County 06	52	52
Austin 07	76	76
Gillman Springs Ranch 08	11	11
Kingston 09	56	56
UNITED STATES SENATE - Total	1,916	1,916
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	1,916	1,916

County Clerk (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Miller, Leann (NPP)	Sullivan, Sadie (REP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	68	250	318
Argenta 02	108	283	391
Argenta 03	46	98	144
Argenta 04	110	385	495
Argenta 05	135	371	506
Southern Lander County 06	4	55	59
Austin 07	9	68	77
Gillman Springs Ranch 08	3	9	12
Kingston 09	16	52	68
UNITED STATES SENATE - Total	499	1,571	2,070
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	499	1,571	2,070

County Commissioner District 1 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Sparks, Bryan (REP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	308	308
Argenta 02	360	360
Argenta 03	129	129
Argenta 04	465	465
Argenta 05	478	478
Southern Lander County 06	51	51
Austin 07	64	64
Gillman Springs Ranch 08	11	11
Kingston 09	52	52
UNITED STATES SENATE - Total	1,918	1,918
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	1,918	1,918

County Commissioner District 2 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Clark, Art III (REP)	Dimitroff, Harry L. Sr. (NPP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	138	179	317
Argenta 02	176	220	396
Argenta 03	60	80	140
Argenta 04	275	219	494
Argenta 05	250	257	507
Southern Lander County 06	35	20	55
Austin 07	57	15	72
Gillman Springs Ranch 08	7	5	12
Kingston 09	35	29	64
UNITED STATES SENATE - Total	1,033	1,024	2,057
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,033	1,024	2,057

County Commissioner District 5 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Ancho, Kathleen V. (REP)	Moreno, Manuel II (NPP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	197	119	316
Argenta 02	248	145	393
Argenta 03	98	46	144
Argenta 04	363	127	490
Argenta 05	333	173	506
Southern Lander County 06	44	13	57
Austin 07	50	25	75
Gillman Springs Ranch 08	9	3	12
Kingston 09	50	16	66
UNITED STATES SENATE - Total	1,392	667	2,059
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,392	667	2,059

County District Attorney (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Herrera, Theodore C. (REP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	273	273
Argenta 02	342	342
Argenta 03	125	125
Argenta 04	439	439
Argenta 05	457	457
Southern Lander County 06	41	41
Austin 07	65	65
Gillman Springs Ranch 08	11	11
Kingston 09	54	54
UNITED STATES SENATE - Total	1,807	1,807
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	1,807	1,807

County Recorder (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Bunch, Lesley L. (REP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	292	292
Argenta 02	362	362
Argenta 03	133	133
Argenta 04	465	465
Argenta 05	479	479
Southern Lander County 06	52	52
Austin 07	70	70
Gillman Springs Ranch 08	11	11
Kingston 09	53	53
UNITED STATES SENATE - Total	1,917	1,917
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	1,917	1,917

County Treasurer (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Bisiaux, Tina Marie (REP)	Johnson, Jusdivia (NPP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	148	169	317
Argenta 02	174	217	391
Argenta 03	50	90	140
Argenta 04	274	217	491
Argenta 05	233	271	504
Southern Lander County 06	48	10	58
Austin 07	53	24	77
Gillman Springs Ranch 08	9	3	12
Kingston 09	31	36	67
UNITED STATES SENATE - Total	1,020	1,037	2,057
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,020	1,037	2,057

Justice of the Supreme Court, Seat C (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Cadish, Elissa (NP)	Tao, Jerry (NP)
US SENATE		
UNITED STATES SENATE		
Argenta 01	117	105
Argenta 02	136	148
Argenta 03	43	52
Argenta 04	132	183
Argenta 05	162	194
Southern Lander County 06	14	28
Austin 07	19	41
Gillman Springs Ranch 08	2	6
Kingston 09	27	18
UNITED STATES SENATE - Total	652	775
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	652	775

Precinct	None Of These Candidates (NP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	93	315
Argenta 02	98	382
Argenta 03	40	135
Argenta 04	163	478
Argenta 05	141	497
Southern Lander County 06	10	52
Austin 07	14	74
Gillman Springs Ranch 08	3	11
Kingston 09	14	59
UNITED STATES SENATE - Total	576	2,003
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	576	2,003

Justice of the Supreme Court, Seat F (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Silver, Abbi (NP)	None Of These Candidates (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	211	96	307
Argenta 02	275	101	376
Argenta 03	93	40	133
Argenta 04	321	146	467
Argenta 05	343	148	491
Southern Lander County 06	38	10	48
Austin 07	53	20	73
Gillman Springs Ranch 08	7	4	11
Kingston 09	45	12	57
UNITED STATES SENATE - Total	1,386	577	1,963
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,386	577	1,963

Justice of the Supreme Court, Seat G (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	Harter, Mathew (NP)	Stiglich, Lidia (NP)
US SENATE		
UNITED STATES SENATE		
Argenta 01	116	105
Argenta 02	155	134
Argenta 03	55	44
Argenta 04	192	126
Argenta 05	201	154
Southern Lander County 06	20	22
Austin 07	30	26
Gillman Springs Ranch 08	5	6
Kingston 09	19	23
UNITED STATES SENATE - Total	793	640
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	793	640

Precinct	None Of These Candidates (NP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Argenta 01	90	311
Argenta 02	88	377
Argenta 03	37	136
Argenta 04	155	473
Argenta 05	143	498
Southern Lander County 06	10	52
Austin 07	15	71
Gillman Springs Ranch 08	0	11
Kingston 09	18	60
UNITED STATES SENATE - Total	556	1,989
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	556	1,989

Justice of the Peace, Argenta (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
UNITED STATES SENATE - Total	1,879	2,670
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	1,879	2,670

Precinct	Fortune, Denise (NP)	Melver, Toby (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	180	136	316
Argenta 02	243	147	390
Argenta 03	99	43	142
Argenta 04	289	196	485
Argenta 05	351	156	507
UNITED STATES SENATE - Total	1,162	678	1,840
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,162	678	1,840

Justice of the Peace, Austin (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	221	318
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	221	318

Precinct	Gandolfo, Billy (NP)	Total Votes
US SENATE		
UNITED STATES SENATE		
Southern Lander County 06	49	49
Austin 07	66	66
Gillman Springs Ranch 08	11	11
Kingston 09	55	55
UNITED STATES SENATE - Total	181	181
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	181	181

State Ballot Question No. 1 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	YES (NP)	NO (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	159	157	316
Argenta 02	196	195	391
Argenta 03	65	75	140
Argenta 04	251	240	491
Argenta 05	257	252	509
Southern Lander County 06	26	31	57
Austin 07	40	36	76
Gillman Springs Ranch 08	3	9	12
Kingston 09	34	35	69
UNITED STATES SENATE - Total	1,031	1,030	2,061
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,031	1,030	2,061

State Ballot Question No. 2 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	YES (NP)	NO (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	130	187	317
Argenta 02	187	206	393
Argenta 03	63	78	141
Argenta 04	196	290	486
Argenta 05	215	293	508
Southern Lander County 06	12	45	57
Austin 07	34	43	77
Gillman Springs Ranch 08	3	9	12
Kingston 09	32	36	68
UNITED STATES SENATE - Total	872	1,187	2,059
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	872	1,187	2,059

State Ballot Question No. 3 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	YES (NP)	NO (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	33	287	320
Argenta 02	61	333	394
Argenta 03	14	127	141
Argenta 04	76	415	491
Argenta 05	79	433	512
Southern Lander County 06	14	43	57
Austin 07	15	63	78
Gillman Springs Ranch 08	1	11	12
Kingston 09	12	58	70
UNITED STATES SENATE - Total	305	1,770	2,075
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	305	1,770	2,075

State Ballot Question No. 4 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	YES (NP)	NO (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	187	131	318
Argenta 02	245	148	393
Argenta 03	91	50	141
Argenta 04	293	200	493
Argenta 05	302	207	509
Southern Lander County 06	29	28	57
Austin 07	48	29	77
Gillman Springs Ranch 08	4	8	12
Kingston 09	50	19	69
UNITED STATES SENATE - Total	1,249	820	2,069
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	1,249	820	2,069

State Ballot Question No. 5 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	YES (NP)	NO (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	128	193	321
Argenta 02	174	220	394
Argenta 03	44	97	141
Argenta 04	205	291	496
Argenta 05	216	293	509
Southern Lander County 06	19	38	57
Austin 07	21	56	77
Gillman Springs Ranch 08	4	8	12
Kingston 09	23	45	68
UNITED STATES SENATE - Total	834	1,241	2,075
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	834	1,241	2,075

State Ballot Question No. 6 (Vote for 1)

Precinct	Times Cast	Registered Voters
US SENATE		
UNITED STATES SENATE		
Argenta 01	322	463
Argenta 02	400	627
Argenta 03	144	171
Argenta 04	498	686
Argenta 05	515	723
Southern Lander County 06	59	84
Austin 07	79	117
Gillman Springs Ranch 08	12	17
Kingston 09	71	100
UNITED STATES SENATE - Total	2,100	2,988
Cumulative		
Cumulative	0	0
Cumulative - Total	0	0
US SENATE - Total	2,100	2,988

Precinct	YES (NP)	NO (NP)	Total Votes
US SENATE			
UNITED STATES SENATE			
Argenta 01	110	209	319
Argenta 02	148	245	393
Argenta 03	42	99	141
Argenta 04	143	348	491
Argenta 05	160	347	507
Southern Lander County 06	14	42	56
Austin 07	26	50	76
Gillman Springs Ranch 08	3	9	12
Kingston 09	27	40	67
UNITED STATES SENATE - Total	673	1,389	2,062
Cumulative			
Cumulative	0	0	0
Cumulative - Total	0	0	0
US SENATE - Total	673	1,389	2,062

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _12__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion only regarding a proposed BDR providing counties with populations of less than 100,000 the option to enact a diesel tax of up to .05 cents/per gallon to pay for road maintenance, and all other matters properly related thereto.

Public Comment:

Background: Attached

Recommended Action:



Keith Westengard <kwestengard@landercountynv.org>

NACO Rural Diesel Fuel Tax BDR - Revenue Information

1 message

Vinson Guthreau <vguthreau@nvnaco.org>
To: Dagny Stapleton <dstapleton@nvnaco.org>
Bcc: kwestengard@landercountynv.org

Mon, Oct 29, 2018 at 9:52 AM

Hello everyone,

I have attached updated revenue information based on NACO's proposed BDR providing counties with populations of less than 100,000 the option to enact a diesel tax of up to 5 cents per gallon to pay for road maintenance. These figures also include a revenue breakout for those counties that would be eligible for truck parking revenue.

Let us know if you have any questions, this information should be helpful as we move closer to the legislative session.

Thank you,

--

Vinson W. Guthreau
Deputy Director
Nevada Association of Counties
Office: 775-883-7863
Mobile: 775-527-4888

Save the Date
November 13-15



Diesel Gallons Sold-Diesel Tax Generation FY 17-18 Data.xlsx
12K

COUNTY	FY 17-18 CLEAR DIESEL GALLONS SOLD	PROPOSED 1 CENT DIESEL TAX GENERATES	PROPOSED 5 CENT DIESEL TAX GENERATES	LESS: IFTA/TRUCK PARKING
CARSON CITY	7,889,062	78,891	394,453	
CHURCHILL	5,982,390	59,824	299,120	
DOUGLAS	5,738,089	57,381	286,904	
ELKO	42,288,840	422,888	2,114,442	211,444
ESMERALDA	76,504	765	3,825	
EUREKA	955,619	9,556	47,781	
HUMBOLDT	21,794,699	217,947	1,089,735	108,973
LANDER	4,676,736	46,767	233,837	
LINCOLN	1,341,978	13,420	67,099	
LYON	51,941,430	519,414	2,597,072	259,707
MINERAL	2,131,178	21,312	106,559	
NYE	8,293,617	82,936	414,681	
PERSHING	12,076,885	120,769	603,844	60,384
STOREY	5,492,079	54,921	274,604	
WHITE PINE	<u>8,100,752</u>	<u>81,008</u>	<u>405,038</u>	<u>-</u>
RURAL TOTAL	178,779,858	1,787,799	8,938,993	640,509

**ANNUAL NET
PROCEEDS**

394,453
299,120
286,904
1,902,998
3,825
47,781
980,761
233,837
67,099
2,337,364
106,559
414,681
543,460
274,604
405,038
8,298,484

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number 13

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove regarding a request to submit an amicus brief supporting Lyon County, Walker River Irrigation District, et al. in the case captioned Mineral County; and Walker Lake Working Group, Appellants, vs. Lyon County; Centennial Livestock; Bridgeport Ranchers; Schroeder Group; Walker River Irrigation District; State of Nevada Department of Wildlife; and County of Mono, California, Respondents, before the Nevada Supreme Court concerning issues including: (1) Whether the public trust doctrine applies to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent? (2) If so, whether the abrogation of such adjudicated or vested rights constitute a “taking” under the Nevada Constitution requiring payment of just compensation? Discussion, consideration and possible action regarding: (a) Authorization for county manager and district attorney’s office on behalf of Lander County to support and/or join the Carson Water Subconservancy District (CWSD) or another party or entity in the preparation and submission of an amicus brief in this matter, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

July 20, 2018

Gordon H. DePaoli
E-MAIL: gdepaoli@woodburnandwedge.com
DIRECT DIAL: (775) 688-3010

Jeff Fontaine
Humboldt River Basin Water Authority
400 Bunker Hill Drive
Carson City, Nevada 89703

Re: *Mineral County; and Walker Lake Working Group, Appellants vs. Walker River Irrigation District, et al., Respondents, In the Supreme Court of the State of Nevada, Case No. 75917*
Our File No. 1709.0286

Dear Mr. Fontaine:

We represent the Walker River Irrigation District in the referenced matter. This matter was before the Ninth Circuit Court of Appeals on a Rule 12(b) jurisdictional dismissal from the United States District Court for the District of Nevada. Mineral County contends that fully perfected water rights recognized by and administered under the Walker River Decree, which was entered in 1936, must be modified to preserve minimum levels in Walker Lake. It alleges that those water rights must be modified so that "at least 127,000 acre feet of flows annually [are] reserved from the Walker River" for the benefit of Walker Lake, and that the public trust doctrine mandates that modification.

The Ninth Circuit has certified the following question to the Nevada Supreme Court: ① "Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?" In addition, if the Nevada Supreme Court determines the public trust doctrine does apply and allows for or requires the reallocation of rights settled under the doctrine of prior appropriation, the Ninth Circuit has also invited the Nevada Supreme Court to consider an additional question. That additional question is "Does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?" ② A copy of the Ninth Circuit's Order is enclosed.

We have now received an Order from the Nevada Supreme Court. It has accepted the first question and has established a briefing schedule. Our brief will be due in about 60 days, assuming this schedule does not change. We will keep you informed of any changes to the schedule. A copy of the Nevada Supreme Court's Order is enclosed.

It is our position that Nevada's comprehensive water law does not provide for involuntary modifications of fully perfected water rights. It is also our position that Nevada's water law does not violate the public trust doctrine because it does not allow for modification of fully perfected water rights. Finally, it is our position that if the Court determines that the public

WOODBURN AND WEDGE

Attorneys and Counselors at Law

6000 N. Red Rock Blvd., Reno, Nevada 89521

P.O. Box 1427 - Reno, NV 89509

Phone: (775) 784-1000 Fax: (775) 784-1001

WOODBURN | WEDGE

Jeff Fontaine, Humboldt River Basin Water Authority
July 20, 2018
Page 2 of 2

trust doctrine requires that Nevada's water law provide for modification of fully perfected water rights, it is for the legislature, in the first instance, to amend the law to provide the standards for when such modifications would be required and to what extent.

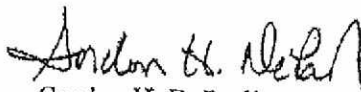
A ruling otherwise from the Nevada Supreme Court would mean that all perfected Nevada water rights, whether perfected under the law prior to Nevada's statutory water law or perfected under that statutory water law, and whether surface or underground water could be involuntarily modified. Such a ruling will substantially undermine the reliability of all Nevada water rights, and that will adversely affect Nevada's present and future economy.

We are asking that you consider submitting an amicus brief on behalf of your entity or agency supporting our position. You should be aware that in the Ninth Circuit, Mineral County had the amicus support of 35 law professors from 33 law schools and from the Sierra Club and the Natural Resources Defense Council. Mineral County may very well receive similar support before the Nevada Supreme Court.

In addition, should it be an issue, we ask that you support the District's position that allowing the modification of fully perfected water rights as Mineral County seeks here would constitute a taking under the Nevada Constitution, and require just compensation. As you can see from the Nevada Supreme Court's Order, it is not yet clear whether it will consider that question. At present, it does not appear that it will consider that issue. We will keep you informed of any changes on that issue.

If you would like to have copies of all of the briefs before the Ninth Circuit, please let us know, and we will provide them to you. In addition, if you have any questions, please do not hesitate to contact us.

Sincerely,


Gordon H. DePaoli

GHD:hd
Enclosures

FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAY 22 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FILED

MAY 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

No. 75917

No. 15-16342

D.C. No.

3:73-cv-00128-RCJ-WGC

MONO COUNTY, County Counsel,

Plaintiff-Appellee,

MINERAL COUNTY,

Intervenor-Plaintiff-
Appellant,

WALKER LAKE WORKING GROUP,

Defendant-Appellant,

and

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Intervenor-Plaintiff,

v.

WALKER RIVER IRRIGATION
DISTRICT; NEVADA DEPARTMENT
OF WILDLIFE; FENILI FAMILY
TRUST, c/o Peter Fenili and Veronica
Fenili, Trustees; SIX N RANCH, INC., c/o
Richard and Cynthia Nuti; MICHAEL
NUTI; NANCY NUTI; RALPH E. NUTI;

ORDER CERTIFYING A
QUESTION TO THE SUPREME
COURT OF NEVADA

RECEIVED

MAY 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

18-19831

MARY E. NUTI; LAWRENCE M. NUTI;
LESLIE NUTI; MICA FARMS, LLC, c/o
Mike Faretto; JOHN AND LURA
WEAVER FAMILY TRUST, c/o Lura
Weaver, Trustee; SMITH VALLEY
GARAGE, INC., c/o Dan Smith and
Shawna Smith; DONALD GIORGI;
LORIE MCMAHON; MERLE
MCMAHON; CENTENNIAL
LIVESTOCK; LYON COUNTY;
ANNETT'S MONO VILLAGE; F.I.M.
CORPORATION; R.N. FULSTONE
COMPANY; JAMES T. FOUSEKIS,
Trustee; CHRIS H. GANSBERG, Jr.;
FAYE E. GANSBERG; TODD
GANSBERG; HUNEWILL LAND &
LIVESTOCK CO., INC.; DAVID
SCEIRINE; PAMELA HAAS; VIRGINIA
LAKE MUTUAL WATER COMPANY,

Defendants-Appellees.

Before: A. Wallace Tashima, Raymond C. Fisher and Jay S. Bybee, Circuit
Judges.

ORDER

Pursuant to Rule 5 of the Nevada Rules of Appellate Procedure, we
respectfully certify to the Supreme Court of Nevada the question of law set forth in
Section III of this order. The answer to the certified question may determine an
issue pending before this court and its resolution will have significant implications

for Nevada state water law. There is no clearly controlling precedent in the decisions of the Nevada Supreme Court.

We hold Mineral County's public trust claim for the reallocation of the waters of Walker River and the Takings Clause claim in abeyance pending the result of certification.

I. Background

The circumstances here are virtually identical to those that led to the Nevada Supreme Court's decision in *Mineral County v. Nevada Department of Conservation & Natural Resources*, 20 P.3d 800, 802-05 (Nev. 2001), in which Mineral County and the Walker Lake Working Group (the "Working Group") brought essentially the same suit as this one. In *Mineral County*, the Nevada Supreme Court ultimately declined to exercise jurisdiction in light of the federal district court's continuing and exclusive jurisdiction over the Walker River Basin litigation. *See id.* at 807. We reproduce the relevant background here in brief.

A. The Walker River Basin and Walker Lake's Decline

The Walker River Basin covers about 4000 square miles; running northeast from its origins in the Sierra Nevada Mountains in California before turning south and ultimately flowing into Walker Lake in Nevada. The first quarter of the basin lies in California, and California accounts for a majority of the precipitation and

surface water flow into the basin. The vast majority of the water is consumed across the border in Nevada.

Walker Lake is about 13 miles long, five miles wide and 90 feet deep – a large lake by most any measure. But its size and volume have shrunk significantly since they were first measured in 1882. By 1996, Walker Lake had retained just 50 percent of its 1882 surface area and 28 percent of its 1882 volume. Today's Walker Lake also suffers from high concentrations of total dissolved solids ("TDS") – meaning it has a high salt content, low oxygen content and a high temperature.

These conditions have drastically degraded the lake's environmental and economic well-being. The high TDS concentrations have proven so inhospitable to fish species that, according to Mineral County, much of the lake's fishing industry "has been eliminated for the time being." Walker Lake's decline also threatens its status as an important shelter for migratory birds, and it has "drive[n] away the many Nevadans and other Americans who used Walker Lake for recreational enjoyment and economically productive activities." Although the parties dispute the cause of Walker Lake's troubles, it seems clear that upstream appropriations play at least some part, together with declining precipitation levels and natural lake recession over time.

B. Litigation Over Water Rights in the Basin

In an effort to protect and rehabilitate Walker Lake, Mineral County intervened in the long-running litigation over water rights in the Walker River Basin. That litigation began in 1902, when one cattle and land company sued another in the United States District Court for the District of Nevada over appropriations from the Walker River. After considerable back and forth in state and federal court -- including a Supreme Court decision holding that the Nevada federal court had prior, exclusive jurisdiction over the action, *see Rickey Land & Cattle Co. v. Miller & Lux*, 218 U.S. 258, 262 (1910) -- the case ended in 1919.

Five years later, the United States brought a new action in Nevada federal court, seeking to establish the water rights of the Walker Lake Paiute Tribe. After 12 more years of litigation -- bringing us to 1936 -- that proceeding resulted in the Walker River Decree. The Walker River Decree adjudicated the water rights of hundreds of claimants under the doctrine of prior appropriation.¹ The Decree also created the Walker River Commission and the United States Board of Water

¹ Under the doctrine of prior appropriation, "[t]he first appropriator of the water of a stream passing through the public lands . . . has the right to insist that the water shall be subject to his use and enjoyment to the extent of his original appropriation, and that its quality shall not be impaired so as to defeat the purpose of its appropriation." *Lobdell v. Simpson*, 2 Nev. 274, 277-78 (1866) (quoting *Butte Canal & Ditch Co. v. Vaughn*, 11 Cal. 143, 153-54 (1858)).

Commissioners. The federal district court in Nevada has maintained jurisdiction over the Decree and its administration ever since.

In 1987, the Paiute Tribe intervened in the Walker River litigation to establish procedures for reallocating water rights under the Decree. Since that proceeding's conclusion in 1988, the Nevada State Engineer reviews all applications to change allocations under the Decree in Nevada, subject to review by the Nevada federal district court. It appears that Nevada's prior appropriation law, which has largely been codified, governs the Engineer's decisions and the district court's review. *See, e.g., Nev. Rev. Stat. § 533.370; see also Greg Walch, Water Law: Treading Water Law -- A Nevada Water Rights Primer*, 6 Nev. Law. 18, 18 (Nov. 1998) (discussing the history of prior appropriation and its codification in Nevada). Next, in 1991, the Paiute Tribe and the United States sought recognition of the Tribe's right to a certain additional amount of water from the Walker River, under a principle that Native American tribes have superior water rights based on their relationship to the federal government. That case is pending before this panel. *See United States v. Walker River Irrigation Dist.*, No. 15-16478.

C. Mineral County's Intervention

In 1994, Mineral County moved to intervene in the Decree litigation. The district court granted the motion in 2013. The amended complaint in intervention alleges that “[a]ctivities and businesses attributable to the presence and use of Walker Lake represent[] approximately 50% of the economy of Mineral County.” The complaint asks the Decree court, “pursuant to its continuing jurisdiction under . . . the . . . Decree, [to] reopen and modify the final Decree to recognize the rights of Mineral County . . . and the public to have minimum levels [of water] to maintain the viability of Walker Lake.” Mineral County seeks recognition “that a minimum of 127,000 acre/feet [of water] per year to Walker Lake is . . . required under the doctrine of maintenance of the public trust.”²

The Working Group – already a party to this litigation as a right-holder under the Decree – supports Mineral County’s position. Because of the posture of this case, the Working Group is considered a defendant as to Mineral County’s intervention. But the Working Group “always has supported efforts to transfer

² Under the public trust doctrine, states hold navigable waterways within their borders in trust for the good of the public. *See Lawrence v. Clark County*, 254 P.3d 606, 607 (Nev. 2011); *see also Mineral County*, 20 P.3d at 807 (Rose, J., concurring) (“In its most fundamental terms, the public trust doctrine provides that . . . all of a state’s navigable waterways are held in trust by the state for the benefit of the people and that a state official’s control of those waters is forever subject to that trust.”).

water rights for use in Walker Lake . . . and has supported the enforcement of the public trust doctrine for this same purpose.”

In 2015, the district court dismissed the amended complaint in intervention. First, the district court held Mineral County lacked standing to assert its public trust claim. It concluded Mineral County’s claim “was based purely on a *parens patriae* theory” of standing – i.e., that Mineral County did not assert any of its own interests, only those of its citizens – and that a county lacks the ability to sue as *parens patriae*.

Notwithstanding its conclusion on standing, the district court also addressed the merits of Mineral County’s public trust claim. It concluded the public trust doctrine may factor into *future* allocations of water, but that using the doctrine to reallocate rights already adjudicated under the Decree would constitute a taking and require just compensation. Invoking the political question doctrine, the court concluded it lacked authority to order Nevada to effectuate such a taking. The district court also held, without analysis, that Walker Lake is not part of the Walker River Basin under the Decree, and therefore that the Decree prohibits allocating any water specifically to the lake.

Mineral County timely appealed. We have concluded the district court erred in dismissing the amended complaint in intervention for lack of standing.³ The remaining issue -- whether the Walker River Decree can be amended to allow for certain minimum flows of water to reach Walker Lake -- depends on whether the public trust doctrine applies to rights previously adjudicated and settled under the doctrine of prior appropriation and permits alteration of prior allocations.⁴ This is an important question of Nevada water law we believe should be decided by the Nevada Supreme Court.

II. Discussion

The Nevada Supreme Court expressly recognized the public trust doctrine under Nevada law in *Lawrence v. Clark County*, 254 P.3d 606 (Nev. 2011). *Lawrence* involved an attempt by the Nevada legislature to transfer state-owned land to Clark County. *See id.* at 608. Because the land may have been a navigable waterway when Nevada joined the United States, the Nevada State Land Registrar refused to transfer title, citing the public trust's prohibition on alienating land held

³ In a concurrently filed memorandum disposition, we hold Mineral County has standing to assert its public trust claim. Furthermore, we have concurrently decided that Walker Lake is within the Walker River Basin. *See United States v. U.S. Bd. of Water Comm'rs*, No. 15-16316.

⁴ We hold the subsequent takings claim in abeyance pending the result of certification.

in trust for the public. *See id.* The Nevada Supreme Court remanded after setting out a three-part test for assessing whether the public trust doctrine permits alienation of state land. *See id.* at 616-17.⁵

Lawrence, although formally recognizing the doctrine for the first time, traced public trust principles in Nevada law back to the state's founding, concluding the doctrine was "based on a policy reflected in the Nevada Constitution, Nevada statutes, and the inherent limitations on the state's sovereign power." *Id.* at 613. The court also noted it had applied public trust principles in several of its earlier decisions. One of those decisions, *Mineral County v. Nevada Department of Conservation & Natural Resources*, appears to be particularly relevant here.

Mineral County involved the very case now under consideration, filed by Mineral County and the Working Group directly in the Nevada Supreme Court while the county's motion to intervene in this case was pending. Although the Nevada Supreme Court dismissed the action based on the federal court's prior exclusive jurisdiction, two aspects of *Mineral County* are relevant here. First, the

⁵ This test appears to be of limited relevance here because it addresses alienation of trust lands. The issues here involve the scope of the public trust doctrine and its relationship to the doctrine of prior appropriation and Nevada's statutory water law.

Nevada Supreme Court effectively invited the federal court to certify the public trust question at issue here. *See Mineral County*, 20 P.3d at 807 n.35 ("[Mineral County and the Working Group] argue that if their motion to intervene in the federal court is eventually granted, they will seek to have this court decide the scope of the public trust doctrine pursuant to the federal abstention doctrine. If the federal court reviews this question, it can certify a question regarding the public trust doctrine pursuant to NRAP 5; therefore, the issue need not necessarily be addressed via the extraordinary remedy of a writ.").

Second, in *Mineral County*, Justice Rose (joined by Justice Shearing) wrote a concurrence addressing in broad strokes the public trust doctrine's application in this case. Justice Rose opined:

Although the original objectives of the public trust were to protect the public's rights in navigation, commerce, and fishing, the trust has evolved to encompass additional public values -- including recreational and ecological uses. Additionally, although the original scope of the public trust reached only navigable water, the trust has evolved to encompass non-navigable tributaries that feed navigable bodies of water. This extension of the doctrine is natural and necessary where, as here, the navigable water's existence is wholly dependent on tributaries that appear to be over-appropriated.

... [T]he existence of the public trust doctrine in Nevada appears to be beyond debate. . . . This court has itself recognized that . . . public ownership of water is the

most fundamental tenet of Nevada water law. Additionally, we have noted that those holding vested water rights do not own or acquire title to water, but merely enjoy a right to the beneficial use of the water. This right, however, is forever subject to the public trust, which at all times forms the outer boundaries of permissible government action with respect to public trust resources. In this manner, then, the public trust doctrine operates simultaneously with the system of prior appropriation.

....

If the current law governing the water engineer does not clearly direct the engineer to continuously consider in the course of his work the public's interest in Nevada's natural water resources, then the law is deficient. It is then appropriate, if not our constitutional duty, to expressly reaffirm the engineer's continuing responsibility as a public trustee to allocate and supervise water rights so that the appropriations do not substantially impair the public interest in the lands and waters remaining.

Id. at 807-09 (footnotes and internal quotation marks omitted). No Nevada Supreme Court decision has formally adopted Justice Rose's concurrence, but *Lawrence* discussed it as persuasive authority in the development of Nevada's public trust law. See 254 P.3d at 610-11.

In light of *Lawrence*, all parties agree the public trust doctrine exists in Nevada. They disagree, however, over the doctrine's scope and whether it permits reallocation of rights settled under the separate doctrine of prior appropriation by

the Walker River Decree. No controlling Nevada precedent reconciles these doctrines, and the parties advance conflicting proposals.

Mineral County, for example, contends the public trust doctrine requires the State Engineer to reconsider previous allocations and, in doing so, to reserve a specified minimum flow for Walker Lake regardless of any other rights or considerations. Although Mineral County points to a number of general principles suggesting the public trust doctrine applies to Walker Lake in *some* form, it has not presented authority for a version of the doctrine that holds absolute supremacy over the competing doctrine of prior appropriation.

The Lyon County appellees sit at the opposite end of the spectrum. They contend, essentially, that once water rights have been adjudicated and settled by decree, they are vested and no longer within the purview of the public trust doctrine. Lyon County is correct that Nevada considers water rights settled by decree "vested." See Nev. Rev. Stat. § 533.090 *et seq.* (entitled "Adjudication of Vested Water Rights"). Nevada law refers to water rights settled by decree as "final" and "conclusive," *id.* § 533.210, and the Nevada State Engineer -- charged with administering Nevada's statutory water law -- may neither "carry out his or her duties . . . in a manner that conflicts with any . . . decree or order issued by a state or federal court," *id.* § 533.0245, nor authorize any change in water use that

"is inconsistent with any applicable federal or state decree," *id.* § 533.3703. There is, moreover, significant authority stressing the importance of finality in the adjudication of water rights. *See, e.g., Arizona v. California*, 460 U.S. 605, 620 (1983) ("Certainty of rights is particularly important with respect to water rights in the Western United States. . . . The doctrine of prior appropriation . . . is itself largely a product of the compelling need for certainty in the holding and use of water rights.").

Lyon County's position nonetheless appears to suffer from the same shortcoming as that of Mineral County. It does not explain why the public trust doctrine must completely yield to the doctrine of prior appropriation (or, more precisely, to the decrees resulting from adjudications under the prior appropriation doctrine and Nevada's statutory water law). The principles of finality on which Lyon County rests are encapsulated in Nevada's statutes and endorsed by the Supreme Court, but it is not clear they would compel Nevada to conclude that rights already adjudicated are exempt from the public trust.

There is significant authority suggesting rights already adjudicated may not be always and forever exempt from the public trust. For example, the Nevada Supreme Court has held:

the most fundamental tenet of Nevada water law [is that] "the water of all sources of water supply within the boundaries of the state whether above or beneath the surface of the ground, *belongs to the public*." Indeed, even those holding certificated, vested, or perfected water rights do not own or acquire title to water.

Desert Irrigation, Ltd. v. Nevada, 944 P.2d 835, 842 (Nev. 1997) (alteration omitted) (quoting Nev. Rev. Stat. § 533.025). Based on this statement, Justice Rose concluded in *Mineral County* that even "those holding vested water rights" hold "[t]his right . . . forever subject to the public trust." 20 P.3d at 808. Quoting Justice Rose, *Lawrence* said the same thing in its exposition of the public trust doctrine (albeit without holding that vested water rights are subject to the public trust). See 254 P.3d at 611; see also *Mineral County*, 20 P.3d at 808-09 (Rose, J., concurring) (opining that "the public trust doctrine operates simultaneously with the system of prior appropriation" and urging the Nevada Supreme Court "to expressly reaffirm the [Nevada State] [E]ngineer's continuing responsibility as a public trustee to allocate and supervise water rights [pursuant to the public trust doctrine]"). Thus, Nevada might not altogether exempt vested, adjudicated rights from the public trust doctrine.

Under Justice Rose's view, that water rights have been settled by adjudication and decree may be relevant to balancing the public trust doctrine

against competing principles of Nevada water law. But it does not necessarily mean the public trust – itself a fundamental principle of law – cannot disturb them.

Faced with a similar question in *National Audubon Society v. Superior Court*, 658 P.2d 709 (Cal. 1983), the California Supreme Court outlined the competing values underlying the public trust doctrine and doctrine of prior appropriation and, rather than deeming one doctrine supreme, balanced them:

This case brings together for the first time two systems of legal thought: the appropriative water rights system which since the days of the gold rush has dominated California water law, and the public trust doctrine which, after evolving as a shield for the protection of tidelands, now extends its protective scope to navigable lakes. Ever since we first recognized that the public trust protects environmental and recreational values, the two systems of legal thought have been on a collision course. They meet in a unique and dramatic setting which highlights the clash of values. Mono Lake is a scenic and ecological treasure of national significance, imperiled by continued diversions of water; yet, the need of Los Angeles for water is apparent, its reliance on rights granted by the board evident, the cost of curtailing diversions substantial.

... The prosperity and habitability of much of this state requires the diversion of great quantities of water from its streams for purposes unconnected to any navigation, commerce, fishing, recreation, or ecological use relating to the source stream. The state must have the power to grant nonvested usufructuary rights to appropriate water even if diversions harm public trust uses. Approval of such diversion without considering public trust values, however, may result in needless destruction of those values.

Id. at 712 (citations omitted). This approach appears similar to the one Justice Rose described – albeit in only general terms – in his *Mineral County* concurrence. An approach along these lines would permit, but not require, reallocation of water rights that were previously settled. *See Mineral County*, 20 P.3d at 808-09 (Rose, J., concurring) (the two systems operate simultaneously, and the State Engineer must at least “consider” the public trust in making allocation decisions).⁶

We conclude that whether, and to what extent, the public trust doctrine applies to appropriative rights settled under the Walker River Decree is an open question. Because this question has significant implications for Nevada’s water laws and because we cannot be certain how the Nevada Supreme Court would resolve this matter, certification on this question of law is appropriate.

III. Question Certified to the Nevada Supreme Court

The question of law we certify is:

⁶ Lyon County and the Nevada Department of Wildlife (NDOW) also suggest Nevada law already incorporates the public trust doctrine by requiring that appropriated water be put to a “beneficial use.” The Nevada Supreme Court has not yet considered this question. As in *National Audubon*, “no responsible body has ever” expressly considered the public trust in making allocation decisions. *Nat’l Audubon*, 658 P.2d at 728; *see also Mineral County*, 20 P.3d at 808 (Rose, J., concurring) (“If the current law governing the water engineer does not clearly direct the engineer to continuously consider . . . the public’s interest in Nevada’s natural water resources, then the law is deficient.”).

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?

IV. Conclusion

Mineral County's appeal presents an open and important question under Nevada law that may be determinative of an issue essential to the resolution of the claims raised in the present case. We therefore respectfully request that the Supreme Court of Nevada accept and decide the question certified. "We recognize that the [Nevada Supreme] Court may, in its discretion, reword the certified question." *Progressive Gulf Ins. Co. v. Faehrich*, 627 F.3d 1137, 1140 (9th Cir. 2010). We further agree to abide by the decision of the Nevada Supreme Court as specified in Rule 5 of the Nevada Rules of Appellate Procedure, which states "[t]he written opinion of the Supreme Court stating the law governing the questions certified . . . shall be res judicata as to the parties." Nev. R. App. P. 5(g).

In light of our decision to certify the issue set forth above, the submission of this appeal for decision is withdrawn, and all further proceedings in this case before our court are stayed pending final action by the Supreme Court of Nevada,

⁷ If the Nevada Supreme Court determines the public trust doctrine applies and allows for reallocation of rights settled under the doctrine of prior appropriation, it may wish to answer a further question: does the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation?

save for any petition for rehearing regarding this order or the concurrently filed memorandum disposition. The Clerk is directed to administratively close this docket, pending further order. The Clerk of this court shall forward a copy of this order, under official seal, to the Supreme Court of Nevada, along with copies of all briefs and excerpts of record that have been filed with this court. The parties shall notify the Clerk of this court within 14 days of any decision by the Nevada Supreme Court to accept or decline certification. If the Nevada Supreme Court accepts certification, the parties shall then notify the Clerk of this court within 14 days of the issuance of the Nevada Supreme Court's opinion.

Supplemental Material

Pursuant to Rule 5 of the Nevada Rules of Appellate Procedure, we include here the designation of the parties who would be the appellants and respondents in the Nevada Supreme Court, as well as the names and addresses of counsel.

Appellants:

Mineral County, Nevada and Walker Lake Working Group

Sean A. Rowe
Mineral County District Attorney
P.O. Box 1210
Hawthorne, NV 89415

Simeon M. Herskovits
Advocates for Community & Environment
P.O. Box 1075
El Prado, NM 87529-1075

Attorneys for Mineral County, Nevada and Walker Lake Working Group

Respondents:

Lyon County, Nevada et al. (Centennial Livestock, Bridgeport Ranchers and the Schroeder Group)

Stephen B. Rye, District Attorney
Lyon County
31 S. Main Street
Yerington, NV 89447
Attorney for Lyon County

Jerry M. Snyder
429 West Plumb
Reno, NV 89509
Attorney for Lyon County

Roderick E. Walston
Steven G. Martin
Best Best & Krieger LLP
2201 N. Main Street, Suite 390
Walnut Creek, CA 94596
Attorneys for Centennial Livestock

Therese A. Ure
Schroeder Law Offices, P.C.
440 Marsh Avenue
Reno, NV 89509
Attorney for the Schroeder Group

Walker River Irrigation District

Gordon H. DePaoli
Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511
Attorneys for Walker River Irrigation District

Dale E. Ferguson
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, NV 89511
Attorneys for Walker River Irrigation District

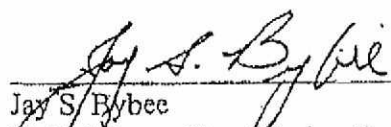
Nevada Department of Wildlife

Adam Paul Laxalt, Attorney General
Bryan L. Stockton, Senior Deputy Attorney General
100 North Carson Street
Carson City, NV 89701-4717
Attorneys for Nevada Department of Wildlife

County of Mono, California

Stacey Simon, Acting County Counsel
Stephen M. Kerins, Deputy County Counsel
Office of the County Counsel
County of Mono
P.O. Box 2415
Mammoth Lakes, CA 93546
Attorneys for County of Mono, California

QUESTION CERTIFIED; PROCEEDINGS STAYED.



Jay S. Bybee
United States Circuit Judge, Presiding

IN THE SUPREME COURT OF THE STATE OF NEVADA

MINERAL COUNTY; AND WALKER
LAKE WORKING GROUP,
Appellants,

vs.

LYON COUNTY; CENTENNIAL
LIVESTOCK; BRIDGEPORT
RANCHERS; SCHROEDER GROUP;
WALKER RIVER IRRIGATION
DISTRICT; STATE OF NEVADA
DEPARTMENT OF WILDLIFE; AND
COUNTY OF MONO, CALIFORNIA,
Respondents.

No. 75917

FILED

JUL 18 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER ACCEPTING CERTIFIED QUESTION AND
DIRECTING BRIEFING*

This matter involves a legal question certified to this court under NRAP 5 by the United States Court of Appeals for the Ninth Circuit. Specifically, the Ninth Circuit has certified the following question of law to this court:

Does the public trust doctrine apply to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent?

In determining whether to accept a certified question, this court considers three factors: (1) will this court's answer be determinative of part of the federal case, (2) is there any clearly controlling Nevada precedent, and (3) will the answer help settle important questions of law. *Volvo Cars of N. Am. v. Ricci*, 122 Nev. 746, 137 P.3d 1161 (2006). We conclude that those factors are met with respect to the above question. See *Mineral Cty. v. Nev. Dep't of Conserv. & Natural Res.*, 117 Nev. 235, 237, 245 n.35, 20 P.3d 800, 801, 807 n.35 (2001) (refusing to entertain writ petition raising this question because case was pending in another forum (federal district

SUPREME COURT
OF
NEVADA

(13) 1947A

18-27461

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _14__

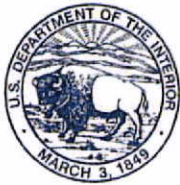
THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:
Correspondence/reports/potential upcoming agenda items.

Public Comment:

Background:

Recommended Action:

1. United States Department of the Interior. Bureau of Land Management. Tuscaror Field Office. Notice of Decision Sheep Creek Fire ES&R Treatments.
2. United States Department of the Interior. Bureau of Land Management. Mount Lewis Field Office. Public Consultation for the 2018 Crum Fire Mount Lewis Field Office.
3. United States Department of the Interior. Bureau of Land Management. Mount Lewis Field Office. Public Consultation for the 2018 Power Fire Mount Lewis Field Office.
4. State of Nevada. Department of Conservation & Natural Resources. Corrective Action Plan.
5. United States Department of the Interior. Bureau of Land Management. Mount Lewis Field Office. Draft Environmental Impact Statement.
6. United States Department of the Interior. Bureau of Land Management. Winnemucca District Office. Rangeland Management Specialist replacement.
7. United States Department of the Interior. Bureau of Land Management. Mount Lewis Field Office. 2018 Dry Creek Wildfire Management and Livestock Closure Decisions.
8. United States Department of the Interior. Bureau of Land Management. Mount Lewis Field Office. 2018 Copper Fire Wildfire Management and Livestock Closure Decisions.
9. United States Department of the Interior. Bureau of Land Management. Mount Lewis Field Office. 2018 Francis Fire Wildfire Management and Livestock Closure Decisions.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Tuscarora Field Office
3900 East Idaho Street
Elko, Nevada 89801
<http://www.blm.gov/nv>



In Reply Refer To:
1742/4190 (NVE0200)

OCT 18 2018

25 Ranch, LLC
P.O. Box 3

Battle Mountain, NV 89820

CERTIFIED MAIL NO. 7017 1450 0001 8790 3627 RETURN RECEIPT REQUESTED

NOTICE OF DECISION SHEEP CREEK FIRE ES&R TREATMENTS

Dear Permittees and Interested Parties:

The Bureau of Land Management (BLM), Tuscarora Field Office has completed the Sheep Creek Fire Emergency Stabilization and Rehabilitation (ES&R) Treatments Determination of NEPA Adequacy (DNA), DOI-BLM-NV-E020-2018-0032-DNA, and it is available online at <https://go.usa.gov/xPN2h>. The Sheep Creek Fire burned approximately 30,510 acres of public land and 29,232 acres of private land for a total of 59,742 acres of land. The southwestern fire perimeter begins approximately 7 miles northeast of Battle Mountain, Nevada in Lander County. The majority of the fire burned in areas of previous fires including the 2001 Sheep Fire, the 2012 North Battle Mountain Fire, the 2016 Izzenhood Fire, and the 2017 Roosters Comb Fire.

Greater sage-grouse (GRSG) habitats within the fire perimeter include Priority Habitat Management Areas (PHMA), General Habitat Management Areas (GHMA), and Other Habitat Management Areas (OHMA). North of the fire perimeter, there is one active lek within a 4-mile buffer. The fire burned within pronghorn antelope summer and crucial winter range, elk and bighorn sheep year-round range, and mule deer crucial winter range. Other resource concerns include the establishment of invasive species and noxious weeds, soil erosion, and watershed function.

Fire intensities were variable depending on slope, aspect and fuel loading. The majority of the Sheep Creek Fire burned at low to moderate intensities, with higher intensities in the drainages. Because the fire perimeter is located within GRSG habitat and provides important habitat for antelope, elk, and deer, it is important to reestablish species such as big sagebrush, which don't typically recover quickly after fire, and provide important cover and forage for wildlife.

This Decision only authorizes emergency stabilization and rehabilitation treatments not related to livestock grazing, that shall be placed in full force and effect under the authority of 43 CFR 4190.1(a), based on the vegetation and soil within the burned area being at immediate risk to erosion and other long term damage.

DECISION

Drill Seeding

Drill seed approximately 915 acres of BLM administered land with a mixture of Russian wildrye, Snake River wheatgrass, Siberian wheatgrass, Sandberg's bluegrass, Indian ricegrass and Rocky Mountain

beeplant. Drill seeding will take place in areas of gentle topography conducive to drill seeding. Drill seeding will be done in the fall/winter of 2019/2020 following an imazapic treatment in the fall of 2018.

Aerial Seeding

Approximately 12,184 acres will be aerially seeded in the fall/winter of 2018 with species appropriate for the site based on resistance, resilience and ecological site descriptions as well as local knowledge of site conditions and potential. The topography on the selected sites does not allow for drill seeding and higher elevations as well as slope aspects make aerial success more likely. Establishment of the seeded species will stabilize soils, provide competition against noxious and invasive weeds, such as cheatgrass, and meet GRSG habitat requirements. Aerial seeding will be coordinated with snowfall conditions, if time permits.

Fall/Winter 2018: Aerial Mule Deer Mix

Aerial seed approximately 5,392 acres with a mixture of Wyoming big sagebrush, Sandberg's bluegrass, forage kochia, and Western yarrow using a full coverage pattern. The main focus of the treatment is to reestablish the burned sagebrush habitat with the appropriate cover and structure to support upland game habitat objectives.

Fall/Winter 2018: Aerial Watershed Mix

Approximately 564 acres of drainages will be aerially seeded with Basin big sagebrush, Snake River wheatgrass, thickspike wheatgrass, and Basin wildrye using a full coverage pattern. The main focus of the treatment is to reestablish the burned watersheds with the appropriate cover and structure to stabilize soils and support GRSG and upland game habitat objectives.

Fall/Winter 2018: Aerial Sagebrush Mix

Approximately 11,170 acres will be seeded with Wyoming and Basin big sagebrush, and Western yarrow in an every other coverage pattern (5,585 actual acres seeded).

Fall/Winter 2019: Aerial Kochia Mix

Approximately 643 acres will be seeded with forage kochia along roads within the Sheep Creek Fire following an imazapic treatment in the fall of 2018. These treatment areas will be approximately 400 feet wide and will be seeded at full coverage. The main focus of this treatment is to protect the long term investment of Emergency Stabilization and Rehabilitation efforts within the burned area.

Fences

Approximately 6 miles of temporary fence within or in close proximity to the Sheep Creek Fire perimeter may need to be constructed to meet management goals and to protect the seeded areas. Salvaged fence material from previous fire protection fences will be used whenever possible to reduce costs. Flight diverters will be installed on any temporary fences that are being installed within 1.25 miles of any active or pending GRSG leks.

Noxious Weeds and Invasive Plants

Aerially apply imazapic (commonly known as 'Plateau') on approximately 1,558 acres impacted by the Sheep Creek Fire in the fall of 2018. Follow-up treatments will include drill seeding and aerially seeding with kochia along roadways in the fall/winter of 2019. With the elimination of the standing cheatgrass it is anticipated that the herbicide treatment will provide a good control of cheatgrass for two growing seasons to allow the existing vegetation to recover and the seedlings to establish with limited competition.

Noxious weed inventories and treatments will be conducted on new and existing infestations found within and/or close proximity to the Sheep Creek Fire perimeter several years post-fire. The known noxious weeds near or within the fire perimeter include Scotch thistle, Musk thistle, hoary cress, bull thistle (non-native invasive), puncturevine, Russian knapweed, and yellow starthistle. It is anticipated that there will be an increase in the amount of noxious weeds resulting from the disturbance created by the fire and fire suppression activities.

Inventory methods will be a broad scale ocular observation for qualitative and quantitative data. Infestations found will be documented using the global positioning system (GPS) for mapping and will be included in the plan for treatment at the next appropriate treatment time. The access roads through the fire and the dozerlines will also be surveyed.

Treatments will consist of an integrated weed management approach emphasizing mechanical and chemical methods. Chemical treatments will be done in accordance with all label requirements and conform to the BLM Chemical Pest Control Handbook H-9011-1. Chemicals used will be approved for use on BLM administered lands and applied following standard safety and operating procedures.

Monitoring

Post-treatment monitoring studies will be conducted for five years to evaluate the effectiveness of the proposed treatments or to determine if additional treatments are needed, and to determine the time frame for re-opening lands for grazing. Monitoring will be conducted on the proposed actions each year following treatment (2019-2023) to determine the success of the treatments. Specific monitoring method(s) used will depend on the establishment objectives developed. Vegetative monitoring techniques used will be consistent with the Assessment and Inventory Monitoring (AIM) protocol.

Cultural

Section 106 will be completed before all ground-disturbing treatments are implemented. Inventory strategies will vary depending on the type(s) of treatment and cultural resource potential. At a minimum, standards in the Nevada State Protocol Agreement between the BLM, Nevada and the Nevada State Historic Preservation Office (SHPO) will be met. Potential adverse effects will be mitigated through project modification or complete avoidance.

Tribal Consultation

Consultation with Native American Tribes is an on-going and collaborative process. Project- and plan-specific notification for each fire is being made to the Tribal Councils with ties to each fire area. This notification includes identifying the fire area, discussing proposed ESR plans, and describing means of specific project implementation. Tours of the fire areas are also being offered to Tribes.

Stipulations

1. The seasonal timing and buffer distances for Greater sage-grouse have been modified based on coordination with NDOW.
2. Flight diverters will be installed on any temporary fences constructed or repaired within 1.2 miles of any active or pending sage-grouse leks.

Required Design Features

The Required Design Features (RDF) applied to this project are RDF Gen 12, RDF Gen 13, RDF Gen 19, RDF Gen 20, and RDF Gen 22. See DOI-BLM-NV-E020-2018-0032-DNA for the RDF descriptions and documentation of RDF selection.

LAND USE PLAN CONFORMANCE AND COMPLIANCE WITH APPLICABLE LAWS

Land Use Plan Conformance

The proposed action conforms to the 1987 Elko Resource Management Plan (RMP), as it was amended for fire management on September 29, 2004. The decision for fire rehabilitation from the Approved Fire

Management Amendment, page 20, is to "Conduct fire rehabilitation activities to emulate historic or pre-fire ecosystem structure, functioning, diversity and/or to restore a healthy stable ecosystem." The proposed action is consistent with resource objectives of the plan:

Emergency Fire Rehabilitation

1. Evaluate all wildfires as soon as possible to determine if reseeding is necessary to recover ecological processes and achieve habitat objectives appropriate for the biological needs of sage-grouse and prevent the invasion of noxious weeds or other exotic invasive species.
2. Assure that long-term wildfire rehabilitation objectives are consistent with the potential natural vegetation community.
3. Align long-term objectives for seedings with the habitat needs of sage-grouse. Seedings should include an appropriate mix of grasses, forbs, and shrubs, including sagebrush, that will recover the ecological processes and habitat features of the potential natural vegetation. Emphasize native plant species when these species are adapted to the site, are available in sufficient quantities, and are economically and biologically feasible.
4. Reseed all burned lands occurring in sage-grouse habitat within 1 year unless natural recovery of the native plant community is expected.

The proposed action also conforms to the Nevada and Northeastern California Greater Sage-Grouse Approved RMP Amendment. The proposed action is consistent with the Sagebrush-steppe, invasive species, and livestock grazing objectives and Management Decisions within the Amendment. It is also consistent with the Post-Fire Management Objective to retain, protect, and improve intact unburned sagebrush communities in burned areas incorporating the FIAT assessment. It is also consistent with the following Management Decisions:

MD VEG 3: Use BLM GRSG habitat maps, habitat objectives (see Table 2-2 for GRSG habitat objectives), ecological site potential, state and transition models, and concepts of resistance and resilience (Appendix H) to prioritize habitat restoration projects, including those following wildfire, to address the most limiting GRSG habitat vegetation components and to connect seasonal ranges. Habitat restoration includes the following:

- i. Restoring sagebrush canopy in PHMAs and GHMAs to meet GRSG habitat objectives (Table 2-2)
- ii. Reestablishing perennial grasses and native forbs in PHMAs and GHMAs
- iii. Reducing or removing pinyon or juniper in PHMAs and GHMAs to enhance seasonal range connectivity and to maintain sagebrush canopy and understory integrity
- iv. Restore areas affected by wildfire and the continuing invasive annual fire cycle to meet GRSG habitat objectives (Table 2-2)
- v. Prioritize restoration in areas that have not crossed an ecological threshold

MD VEG 7: In PHMAs and GHMAs, give preference to native seeds for restoration, based on availability, adaptation (ecological site potential), and probability of success. Where the probability of success or adapted seed availability is low, nonnative seeds may be used, as long as they support GRSG habitat objectives. Choose native plant species outlined in Ecological Site Descriptions (ESDs), where available, to revegetate sites. Emphasize use of local seed collected from intact stands or greenhouse cultivation. If the commercial supply of appropriate native seeds and plants is limited, work with the BLM Native Plant Materials Development Program, Natural Resource Conservation Service (NRCS)

Plant Material Program, or State Plant Material Programs. If currently available supplies are limited, use the materials that provide the greatest benefit for GRSG. In all cases, seed must be certified as weed free.

MD VEG 8: To increase seeding success and to ensure effective soil and seed contact, consider the use of specialized seed drills or other proven and effective methods that may become available based on new science.

MD VEG 11: In perennial grass, invasive annual grass, and conifer-invaded cover types, restore sagebrush steppe with local sagebrush seedlings or planted seedlings where feasible.

MD VEG 12: Continue to coordinate with NDOW, CDFW, and NRCS for all development or habitat restoration proposals in PHMAs and GHMAs. Also, coordinate with the Nevada SETT, tribes, and local working groups on projects proposed in sagebrush ecosystems.

MD VEG 21: Assess invasive annual grass presence and distribution before implementing vegetation restoration projects to determine if treatments are required to treat invasive annual grasses.

MD VEG 22: Treat sites in PHMAs and GHMAs that contain invasive species infestations through an integrated pest management (IPM) approach, using fire, chemical, mechanical, and biological (e.g., targeted grazing) methods, based on site potential and in accordance with FIAT (Appendix H). Treat areas that contain cheatgrass and other invasive or noxious species to minimize competition and favor establishment of desired species.

MD FIRE 34: Review Objective SSS 4 and apply MDs SSS 1 through SSS 4 when reviewing and analyzing projects and activities proposed in GRSG habitat.

MD FIRE 35: Prioritize post-fire treatments in PHMAs and GHMAs to maximize benefits to GRSG and its habitat. Focus post-fire treatments on replacing or reestablishing burned sagebrush habitat with the appropriate cover and structure to support GRSG habitat objectives (Table 2-2).

MD FIRE 36: In post-fire rehabilitation plans in PHMAs and GHMAs, design revegetation projects to accomplish the following:

- Maintain and enhance unburned intact sagebrush communities when at risk from adjacent threats
- Stabilize soils
- Reestablish hydrologic function
- Maintain and enhance biological integrity
- Promote plant resiliency
- Limit expansion or dominance of [f] invasive species
- Reestablish native species

MD FIRE 37: Implement post-fire treatments in PHMAs and GHMAs that emphasize stabilizing, rehabilitating, and restoring sagebrush ecosystems damaged by wildfires, including controlling invasive species.

MD FIRE 38: Increase post-fire treatment activities in PHMAs and GHMAs through the use of integrated funding opportunities with other resource programs and partners.

MD FIRE 39: Following post-fire treatments, monitor and implement management actions in PHMAs and GHMAs that promote healthy perennial grass, shrub and forb communities, and lentic (slow-moving freshwater) and lotic (rapid freshwater) riparian habitats so as to further restoration and ensure long term persistence of seeded or pre-burn native plants, in accordance with GRSG habitat objectives (Table 2-2).

MD FIRE 40: Evaluate the potential for sagebrush island plantings based on ESDs in large burn areas that may lack sufficient sagebrush seed sources in order to ensure the reestablishment of sagebrush in GRSG habitat.

MD FIRE 41: Monitor post-fire rehabilitation treatments on a multiple-year basis to ensure that project objectives are achieved.

MD FIRE 42: Use GRSG habitat objectives (Table 2-2) and emphasize the use of native plant species in post-fire rehabilitation (e.g. reseeding), recognizing that nonnative species may be necessary, depending on the availability of native seed and prevailing site conditions. Selected species shall maintain site ecological function based on pre-burn conditions and anticipated threat of invasive and noxious weed establishment. Use ESDs and state and transition models if available.

Noxious weed treatments were not identified as an issue in the development of the Elko RMP and were not specifically addressed in the document. However, weed management is clearly consistent with the terms, conditions, and decisions of the RMP as previously documented in the FY2000 Normal Fire Rehabilitation Plan Environmental Assessment. The Elko Field Office Noxious Weed Strategy Plan (September 2004) outlines the priority factors for weed treatments. Only BLM approved herbicides and adjuvants shall be applied on BLM administered lands.

Compliance with the National Environmental Policy Act (NEPA)

The proposed actions have been analyzed in the following NEPA documents and were found to have no significant impacts:

- FY2000 Normal Fire Rehabilitation Plan Environmental Assessment (NFRPEA), (BLM/EK/PL-2000-037), which was completed to update and replace the FY93 Normal Fire Rehabilitation Plan Environmental Assessment (EA) (EA-NV-010-92-060)
- Programmatic EA of Integrated Weed Management on Bureau of Land Management Lands (BLM/EK/PL-1998/008)
- Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement Record of Decision, Approved September 2007
- Esmeralda Fire Complex (B0JT) Emergency Stabilization And Rehabilitation Plan EA (BLM/EK/PL2005/015)
- Sheep Fire (C5W7), Emergency Stabilization And Rehabilitation Plan EA (BLM/EK/PL-2007/005)
- Winters Fire (C1FR) Emergency Stabilization and Rehabilitation EA (BLM/EK/PL-2006/026)
- Tuscarora Sagebrush Habitat Restoration Initiative EA, Finding Of No Significant Impact

RATIONALE

I have decided to implement the proposed action, as described, because:

1. The project will meet the need for restoring lands damaged by wildfire to a management-approved condition, consistent with agency and Departmental policies and procedures.
2. The action conforms to the applicable RMP and is consistent with current BLM and Departmental policies and procedures.
3. The project has been planned to incorporate environmental design features and monitoring requirements. There are no extraordinary circumstances having significant effects that will require an environmental analysis.

AUTHORITY

This project is approved for implementation beginning immediately. This decision is placed in full force and effect under the authority of 43 CFR 4190.1(a).

PROVISIONS FOR APPEAL

This decision is subject to administrative appeal. Within 30 days of receipt of this decision, parties who are adversely affected and believe it is incorrect have the right to appeal to the Department of the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. Appellants must follow procedures outlined in Form 1842-1, "Information on Taking Appeals to the Board of Land Appeals." An appeal should be in writing and specify the reasons, clearly and concisely, as to why the decision is in error. Appellants are requested to supply this office with a copy of the Statement of Reasons.

Carmille L. Howes

18 OCT 18

for
Melanie A. Peterson
Field Manager
Tuscarora Field Office

Date

Enclosures:

Sheep Creek Fire ES&R Treatment Map

Form 1842-1, Information on Taking Appeals to the Board of Land Appeals

CC:

26 Ranch, Inc.

1546 Cole Blvd., Suite 270

Lakewood, CO 80401

CERTIFIED MAIL NO. 7017 1450 0001 8790 3719 RETURN RECEIPT REQUESTED

American Ag Credit
P.O. Box 2088
Elko, NV 89803

CERTIFIED MAIL NO. 7017 1450 0001 8790 3726 RETURN RECEIPT REQUESTED

Carl Slagowski
HC 65 Box 30
Carlin, NV 89822

CERTIFIED MAIL NO. 7017 1450 0001 8790 3733 RETURN RECEIPT REQUESTED

Congressman Mark Amodei
Attn: Martin Paris, Rural Representative
905 Railroad St., Suite 104 D
Elko, NV 89801

Ellison Ranching Co.
HC 32 Box 240
Tuscarora, NV 89834

CERTIFIED MAIL NO. 7017 1450 0001 8790 3740 RETURN RECEIPT REQUESTED

Eureka County Department of Natural Resources
P.O. Box 682
Eureka, NV 89316

CERTIFIED MAIL NO. 7017 1450 0001 8790 3757 RETURN RECEIPT REQUESTED

Eureka County District Attorney
Attn: Theodore Beutel
P.O. Box 190
Eureka, NV 89316

CERTIFIED MAIL NO. 7017 1450 0001 8790 3764 RETURN RECEIPT REQUESTED

Jerry Todd
P.O. Box 73
Eureka NV 89316

CERTIFIED MAIL NO. 7017 1450 0001 8790 3771 RETURN RECEIPT REQUESTED

Jim Baumann
P.O. Box 308
Eureka, NV 89316

CERTIFIED MAIL NO. 7017 1450 0001 8790 3788 RETURN RECEIPT REQUESTED

Kathy Gregg
6145 Galena Dr.
El Dorado, CA 95623-4540

CERTIFIED MAIL NO. 7017 1450 0001 8790 3795 RETURN RECEIPT REQUESTED

Ken Conley
HC 62 Box 62646
Eureka, NV 89316

CERTIFIED MAIL NO. 7017 1450 0001 8790 3801 RETURN RECEIPT REQUESTED

Lander County Board of County Commissioners

50 State Route 305

Battle Mountain, NV 89820

CERTIFIED MAIL NO. 7017 1450 0001 8790 3818 RETURN RECEIPT REQUESTED

Laurel Marshall

HC 62 Box 62114

Eureka, NV 89316

CERTIFIED MAIL NO. 7017 1450 0001 8790 3825 RETURN RECEIPT REQUESTED

Lenny Fiorenzi

P.O. Box 193

Eureka, NV 89316

CERTIFIED MAIL NO. 7017 1450 0001 8790 3832 RETURN RECEIPT REQUESTED

Mike Marvel

P.O. Box 1194

Battle Mountain, NV 89820

CERTIFIED MAIL NO. 7017 1450 0001 8790 3849 RETURN RECEIPT REQUESTED

Natural Resources Management Advisory Commission

John Baldwin

540 Court St., Suite 104

Elko, NV 89801

CERTIFIED MAIL NO. 7017 1450 0001 8790 3856 RETURN RECEIPT REQUESTED

Nevada Cattlemen's Association

P.O. Box 310

Elko, NV 89803

CERTIFIED MAIL NO. 7017 1450 0001 8790 3863 RETURN RECEIPT REQUESTED

Nevada Department of Agriculture

David Voth, Rangeland Health Program Manager

4780 E. Idaho St.

Elko, NV 89801

CERTIFIED MAIL NO. 7017 1450 0001 8790 3870 RETURN RECEIPT REQUESTED

Nevada Department of Wildlife

Attn: Caleb McAdoo

60 Youth Center Rd.

Elko, NV 89801

CERTIFIED MAIL NO. 7017 1450 0001 8790 3887 RETURN RECEIPT REQUESTED

Nevada State Clearing House

Department of Administration

901 S. Stewart St., Suite 5003

Carson City, NV 89701

CERTIFIED MAIL NO. 7017 1450 0001 8790 3894 RETURN RECEIPT REQUESTED

Resource Concepts, Inc
Attn: John L. McLain
340 N. Minnesota St.
Carson City, NV 89703-4152

CERTIFIED MAIL NO. 7017 1450 0001 8790 3900 RETURN RECEIPT REQUESTED

Steve Foree
312 Blakeland Dr.
Spring Creek, NV 89815

CERTIFIED MAIL NO. 7017 1450 0001 8790 3917 RETURN RECEIPT REQUESTED

Sustainable Grazing Coalition
Attn: Richard A Orr
P.O. Box 145
Caliente NV 89008

CERTIFIED MAIL NO. 7017 1450 0001 8790 3924 RETURN RECEIPT REQUESTED

U.S. Fish & Wildlife Service
Carolyn Swed
1340 Financial Blvd., Suite 234
Reno, NV 89502

CERTIFIED MAIL NO. 7017 1450 0001 8790 3931 RETURN RECEIPT REQUESTED

U.S. Senator Dean Heller
Ashley Carrigan
400 S. Virginia St., Suite 738
Reno, NV 89501-2125

Western Watersheds Project
C/O Paul Ruprecht
P.O. Box 12356
Reno, NV 89510

CERTIFIED MAIL NO. 7017 1450 0001 8790 3948 RETURN RECEIPT REQUESTED

Wildlands Defense
Katie Fite
P.O. Box 125
Boise, ID 83701

CERTIFIED MAIL NO. 7017 1450 0001 8790 3955 RETURN RECEIPT REQUESTED



2018 Sheep Creek Fire Proposed ES & R Treatments



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ELKO DISTRICT OFFICE



"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT
AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE
DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA."

X-X- Temporary ESR Fence

Aerial Watershed Mix

Aerial Mule Deer Mix

Aerial Sagebrush Mix

Imazapic & Aerial Kochia Mix

Imazapic & Drill Seeding

LEGEND



Fire Perimeter

Land Status



Private



Public

Data Published In:
North American Datum 1983 (NAD83)
UTM Coordinates, Zone 11, Meters

1:130,000

0 1 2 3 4

Miles



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF
APPEAL.....

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

Bureau of Land Management
Melanie A. Peterson
Tuscarora Field Office Manager
3900 E. Idaho St.
Elko, NV 89801

WITH COPY TO
SOLICITOR.....

Office of the Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

3. STATEMENT OF REASONS

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO
SOLICITOR.....

Office of the Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

4. ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5. PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6. REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office -----	Alaska
Arizona State Office -----	Arizona
California State Office -----	California
Colorado State Office -----	Colorado
Eastern States Office -----	Arkansas, Iowa, Louisiana, Minnesota, Missouri and, all States east of the Mississippi River
Idaho State Office -----	Idaho
Montana State Office -----	Montana, North Dakota and South Dakota
Nevada State Office -----	Nevada
New Mexico State Office ----	New Mexico, Kansas, Oklahoma and Texas
Oregon State Office -----	Oregon and Washington
Utah State Office -----	Utah
Wyoming State Office -----	Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
Phone: 775-635-4000 Fax: 775-635-4034
www.blm.gov/nevada

In Reply Refer To:
4130/6711/9217/9220/9264 (NVB0100)

PUBLIC CONSULTATION FOR THE 2018 CRUM FIRE MOUNT LEWIS FIELD OFFICE

Dear Interested Public:

Introduction:

During the summer of 2018, the Crum Fire burned approximately 2,878 acres with 1,712 acres being on privately owned land, and 1,166 acres on public land within the Mount Lewis Field Office (MLFO), Argenta Allotment (refer to the enclosed Crum Fire map). An investigation determined that the wildland fire was caused by lightning. An interdisciplinary review determined rehabilitation was needed to maintain and/or restore important resources affected by the fire.

The fire burned Greater Sage-Grouse (GRSG), mule deer, winter pronghorn habitat, and other wildlife habitat areas. An Emergency Stabilization and Burn Area Rehabilitation (ES&R) plan was developed to determine the treatments needed to maintain and/or restore these resources and to establish a healthy, stable ecosystem. The Crum Fire has increased the potential of wind and water erosion, and the spread of noxious weeds and invasive/non-native plant species. If left untreated, damage to these important resources could reduce ecological conditions and rangeland health.

The fire has been divided into two different treatment areas, the upland treatment area and the lowland treatment area. In the lowland treatment area, which is approximately 727 acres in size, fire burned through a converted annual grassland. To help implement successful rehabilitation, the BLM, in coordination with the permittee, will develop a targeted grazing treatment. The purpose of targeted grazing in the low lands is to suppress cheatgrass growth in the spring, reduce overall fine fuels and to provide a better opportunity for seeding establishment. Under this program, all livestock will be removed from the burn prior to when desirable perennial forage species enter their growing season. Livestock will remain excluded from the burn using a fence installed on private lands. Once the desirable perennial forage species go into dormancy, the BLM will coordinate with the permittee on the appropriateness of grazing the burn again. Upon the achievement of the Invasive Exotic and Noxious Species Objective, as discussed in the objectives section, the BLM will drill seed the low lands and a complete grazing close will be implemented.

The upland treatment area is approximately 440 acres of BLM land and occurs on steep slopes. A closure will be issued upon the Grazing Closure Decision in the upland treatment area. The purpose of this closure will be to promote the success of vegetative treatments and promote natural recovery. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons or until objectives are met.

Background:

The Crum Fire was caused by lightning. The Crum Fire burned 1118 acres of Greater Sage Grouse's General Habitat Management Area (GHMA) and 48 acres of Other Habitat Management Area (OHMA). The Crum occurred entirely in winter pronghorn antelope habitat with 1139.8 acres of the fire classified as winter Mule Deer habitat. The whole fire is in the Argenta Allotment.

The Crum Fire potentially burned through 10 different ecological sites. All of the ecological sites are range sites in the 24 Nevada series. The ecological sites and expected plant species for each site are as follows:

- Loamy 5-8 p.z. (R024XY002NV) - *Achnatherum hymenoides* (Indian Ricegrass), *Atriplex confertifolia* (shadscale), and *Picrothamnus desertorum* (bud sagebrush)
- Silty 4-8 p.z. (R024XY004NV) - Indian ricegrass and *Krascheninnikovia lanata* (winterfat)
- Loamy 8-10 p.z. (R024XY005NV) - *Achnatherum thurberianum* (Thurber's needlegrass), and *Artemisia tridentata* ssp. *Wyomingensis* (Wyoming big sagebrush)
- Mountain Range (R024XY016NV) - *Festuca idahoensis* (Idaho fescue), *Poa* (bluegrass), and *Artemisia arbuscula* and *novia* (low and black sagebrush)
- Droughty Loam 8-10 p.z. (R024XY020NV) - Indian ricegrass, Thurber's needlegrass, Wyoming big sage, and *Grayia spinosa* (Spiny Hopsage)
- Loamy Slope 12-14 p.z. (R024XY021) - Idaho fescue, *Pseudoroegneria spicata* ssp. *spicata* (bluebunch wheatgrass), and *Artemisia tridentata* ssp. *vaseyana* (mountain big sagebrush)
- North Slope 14+ p.z. (R024XY023NV) - Idaho fescue and mountain big sagebrush
- Claypan 12-16 p.z. (R024XY027NV) - Idaho fescue, bluebunch wheatgrass and low sagebrush
- South Slope, 12-16 p.z. (R024XY029NV) - Bluebunch Wheatgrass and Mountain Big Sagebrush
- Shallow Loam 10-14 p.z. (R024XY035NV) - Thurber's needlegrass, bluebunch wheatgrass, and *Artemisia tridentata* (big sagebrush)

Part of the area the Crum Fire burned in the 1996 Slaven II Fire. The burn severity of the Crum fire was high; this fire burned hot and fast and there is no remaining stubble in the fire area. Historic trends for natural recovery following fire in Nevada indicate that the lower precipitation zones show a decreased chance of natural recovery, which is consistent with the resistance and resilience concepts developed for the sagebrush steppe. Empirical evidence is also available from the nearby 1999 Mule Fire and the 1996 Slaven II Fire which show without post fire ecological

stabilization, this ecotype is unlikely to recover and may convert into a *Bromus tectorum* (cheatgrass) monoculture. Often times these systems have a high potential for re-burning and causing catastrophic, large-scale fires.

The Crum Fire burned in the Shoshone Mountain Range. The northern portion of the Crum Fire is flat with a less than 10% slope but in the southern area slopes reach greater than 60%. The lowest portion of the burn is approximately 4660 feet above sea level and the fire rises up to 6680 feet with the majority of the gain being in the southern portion of the fire. The Crum Fire on the western edge of the fire runs Hill Top Canyon Road. This road serves a common thoroughfare to houses and ranches farther back in mountain range, as well as a recreation corridor for the Town of Battle Mountain. There is a high potential for increased erosion following the Crum Fire to affect the road.

Along Hill Top Canyon Road runs the only perennial stream within the fire perimeter, which is known as Rock Creek. There are several other drainages, which have intermittent streams. These drainages concentrate water flows during precipitation events and periods of snowmelt. Following fire, there is increased risk of heavy erosion through these systems. This can negatively affect watershed health and stability as well as water quality for years to come. In the flats, wind erosion blowing into the Town of Battle Mountain and affecting the quality of life in Lander County's largest town is also a viable concern. Most invasive exotic vegetation thrives following disturbance, but does not provide a sufficient replacement for perennial vegetation to prevent increased erosion within the burned area.

Within the burn perimeter and the area immediately adjacent to it, there are five known populations of different noxious weeds. Populations included are *Tamarix ramosissima* (saltcedar), *Cardaria draba* (hoary cress), *Onopordum acanthium* (Scotch thistle), *Acroptilon repens* (Russian knapweed) and *Carduus nutans* (musk thistle). Other invasive exotic plants were found within the burn like cheatgrass, *Alyssum desertorum* (desert madwort), *Halogeton glomeratus* (saltlover), and *Lepidium perfoliatum* (clasping pepperweed). Within the surrounding areas and the road leading to the fire there has been reports of *Lepidium latifolium* (tall white top), *Cirsium vulgare* (bull thistle), and *Tribulus terrestris* (puncture vine). Due to the proximity to populated areas and livestock operations within the areas of the Crum Fire, there is an increased risk of external seed sources contributing to invasive and exotic species presence in this burn.

Objectives:

Post fire, the greatest challenge in the Great Basin Ecoregion is reducing the spread of invasive exotic species. Additionally, there is an increased risk of severe erosion during precipitation events and the introduction and spread of Nevada noxious weed species. Therefore, the BLM has established the following objectives as standards for success on this rehabilitation project.

Each treatment will be reviewed annually to see if the objectives are being met or if the site is moving towards meeting the objectives. If it is determined that objectives are not being met or if the site is not moving towards meeting the objective a BLM interdisciplinary team will meet to decide if the site has the potential to meet the prescribed objectives. They may determine at this

time additional treatments will be required to meet objectives. If additional treatments are necessary, they may plan up to an additional five years of treatments.

Desirable Perennial Plant Communities Objective:

Establishment of perennial species is a primary objective. Healthy perennial plant communities stabilize soil, dissipate wind and water energy, enable increased infiltration of precipitation and improve overall habitat for wildlife. Healthy communities are also more resilient to future disturbances and are able to more effectively compete with invasive exotic and noxious species. The following outlines the BLM's desirable perennial plant community objective.

- An average of three perennial species/square meter which are rooted firmly in the soil. Species that qualify in meeting this objective must meet one or more of the following:
 - Is a species expected within the ecological site description for the site;
 - Is a species that fills a functional role as a species on the ecological site description; or
 - Is a species that is included within the seed mix.

Invasive Exotic and Noxious Species Objective:

To ensure successful establishment, invasive exotic and noxious species populations must be suppressed within this project area. The BLM has several treatment methods proposed to meet the following objective.

- Reduce or maintain the average cover of invasive exotic and noxious species populations to twenty percent or less.

Monitoring:

This rehabilitation effort represents a significant financial investment by the BLM. To ensure the best possible outcome, the BLM will monitoring all treatment areas for three to five years. Monitoring will be done to evaluate the success of rehabilitation treatments. The BLM will establish permanent representative monitoring sites within the burned area.

Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approved methods will be taken. Monitoring techniques will be implemented through methods in BLM technical references and in accordance with the 2008 Battle Mountain ES&R EA.

Alongside density study methods, the BLM will conduct a tug test. The BLM will use the tug test to determine how firmly individual plants are rooted. Plants that can be removed from the soil without tearing the roots or stems are not considered to be firmly established.

Additionally, the BLM will establish photo point monitoring, which will be repeated annually. When possible, all monitoring sites will have adjacent, non-treated reference sites established, to compare results of the treatments.

Monitoring will focus on addressing the following questions:

1. Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion?
2. Is there evidence that a desirable self-sustaining communities are being established?
3. Is there vegetative reproduction occurring along with the establishment of the desirable species?

Wildfire Management Treatments:

Reseeding the Burned Area:

The Crum Fire will be reseeded in two separate treatments. Each treatment will consist of different seed mixes. There will be a division between treatments will be between upland treatment area and the lowland treatment area. Due to price and availability of seed at the time of purchase, the seed mix may change without notice. Any changes to seed mixes will take into consideration the local site soil and climatic conditions to provide the best possible chance for success. Preference in the seed mix will be given to native species over non-native species to fill the same functional roles. All seedings will occur during the fall, winter or spring. If possible, seedings will be implemented shortly before anticipated snowfall to increase the chance for success. The two treatments are explained in further detail as follows:

The lowland treatment area consists of approximately 727 acres of BLM managed land. Due to the low potential in the flats for perennial plant communities to reestablish, the BLM, in coordination with the grazing permittee, will implement a targeted grazing regimen. The targeted grazing regimen is discussed in further detail under the livestock grazing closure below. The objective will be to attain invasive exotic objectives, which are outlined in the objectives section below. Upon attaining the exotic objectives, the BLM may drill seed the lowland treatment area. The drill seed mix will avoid any rock outcrops, unburned islands and any identified cultural sites. The lowland treatment area seed mix will consist of six perennial grasses; Indian ricegrass, *Agropyron fragile* (Siberian wheatgrass), *Elymus elymoides* (bottlebrush squirreltail), *Leymus cinereus* (basin wildrye), Idaho fescue and *Poa Secunda* (Sandberg bluegrass), one shrub; Wyoming big sagebrush and three forbs; *Linum lewisii* (Lewis flax), *Sphaeralcea munroana* (Munro's globemallow) and *Bassia prostrata* (forage kochia)

The upland treatment area consists of 440 acres of BLM managed land. This treatment will be implemented as soon as possible and will be implemented through broadcast seeding or aerially seeding. The upland treatment area seed mix will consist of five perennial grass species: Indian ricegrass, Siberian wheatgrass, bottlebrush squirreltail, Sandberg bluegrass and *Psathyrostachys juncea* (Russian wildrye); one forb: *Sphaeralcea munroana* (Munro's globemallow); and one shrub: shadscale.

A livestock grazing closure will be implemented to allow the seeded species to establish. The grazing closure will remain in effect until the objectives as outlined above are met or for a minimum of two growing seasons. The grazing closure is discussed further under the grazing closure section below.

Invasive Exotic Plants and Noxious Weed Treatments:

Invasive exotic plants and Nevada listed noxious weeds are known to occur within the Crum Fire perimeter and in the surrounding landscape. In order to maximize a successful rehabilitation outcome, the BLM must strive to reduce both invasive exotic plants and Nevada listed noxious weeds. These species will often times outcompete desirable native and non-native species and disrupt the overall function of any given ecosystem. Several examples of invasive exotic plants are known to occur within the area of the Crum Fire include cheatgrass, desert madwort, Saltlover, and Claspig Pepperweed. Nevada listed noxious weed species like saltcedar, hoary cress, Scotch thistle, Russian knapweed and musk thistle were also found within the fire perimeter. Additional known populations of Nevada listed noxious weed species outside the fire perimeter include tall whitetop, puncture vine and bull thistle. Nevada State Law requires that all populations of noxious weeds shall be treated.

There is an increased potential for these populations to establish and expand within burned areas. Invasive exotic and noxious weed species can have seeds banks that persist through a burn and are often times the first species to germinate following a fire. Existing seed sources can be supplemented by wind, vehicles, and livestock moving through the area. Given the extent of invasive exotic species populations, especially in the lowland treatment area, there is a limited potential for recovery without specific invasive exotic and noxious weed species treatments. The BLM is proposing both chemical and targeted grazing treatments to manage the spread of invasive exotic and noxious weed species populations.

The BLM generally spot treats populations of noxious weed species and most invasive exotic species as part of post fire rehabilitation. The BLM will use an approved herbicide mix, which will be sprayed at a recommended rate. Monitoring and treatments will be funded under this project for a period of five years.

The BLM will split the use of the use of Imazapic by the lowland project area and the upland project area. Imazapic is a relatively selective herbicide. It is used primarily to suppress cheatgrass; it will not affect the majority of the seeds that are going to be planted. If this treatment occurs prior to the growing season of desirable perennial species, then the BLM will consider the inclusion of a Glyphosate herbicide. Glyphosate herbicides will kill all plants it comes into contact with as long as they are actively growing. The BLM will implement this treatment as soon as feasibly possible following the Wildfire Management Treatment Decision in the upland treatment area. Initially, the BLM will not treat the lowland treatment area with Imazapic.

The targeted grazing treatment is the intended treatment to reduce cheatgrass fuel loads in the lowland treatment area. Grazing Treatments will occur for short durations and at high intensity. Timing will occur in the early spring before perennial grasses are expected to green up. There may be an option for fall use as well depending on climatic conditions, fine fuel loads and in coordination with the grazing permittee. If monitoring indicates that the targeted grazing program is not effective in sufficiently reducing cheatgrass fuel loads, then the BLM will consider the use of Imazapic in the lowland use area. This treatment is discussed in further detail in the Grazing Closure Section.

All chemical treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative.

A Document of Land Use Plan Conformance and NEPA Adequacy (DNA) to the 2008 Programmatic Emergency Stabilization and Rehabilitation (ES&R) Environmental Assessment (EA) would be completed for the above projects prior to issuance of an implementation decision regarding the Wildfire Management Treatments.

Grazing Closure:

The permittee affected by the Crum Fire is Julian Tomera Ranches, Inc. The fire burned in one use area within the Argenta Allotment. Julian Tomera Ranches, Inc. is permitted for 9,237 Animal Unit Months (AUMs) for livestock use throughout the Argenta Allotment (table 1). Between Julian Tomera Ranches and all the other permittees on the Argenta Allotment, the average-stocking rate is 8.05 Acres/AUM.

Table 1: Current Permit Terms and Conditions

Permittee	Allotment	Use Area	Livestock Type	Beginning of Season of Use	Ending of Season of Use	Permitted AUMs
Julian Tomera Ranches, Inc	Argenta	All	Cattle	3/1	2/28	9,237

The BLM is proposing three separate temporary grazing closures based on the two treatment areas and on the timing of seedings (Table 2). The BLM is proposing to close the upland treatment area immediately upon issuance of the Closure Decision. The upland treatment area is largely defined by steep slopes. The BLM will be relying on the permittee implementing stockmanship and the steep slopes to keep livestock off this grazing closure.

The lowland treatment area will initially receive no reduction in AUMs. The BLM has worked with the permittee to establish a two to three year targeted grazing program. Under this program, the BLM will close the burn to grazing during the growing season of desirable perennial species. If targeted grazing can meet the Invasive Exotic and Noxious Species Objective, then the BLM will implement a full grazing closure with a temporary AUM reduction as outlined in Table 2.

Table 2: Recommended Grazing Closure & Reduction

Treatment Area/Treatment	Livestock Type	Dates of Closure	Acres	Proposed Temp Reduction
Upland Treatment Area	Cattle	Year Round	440	54
Lowland Treatment Area Before Seeding	Cattle	Growing Season	727	0
Lowland Treatment Area After Seeding	Cattle	Year Round	727	90

Table 3 further outlines the total available AUMs to Julian Tomera Ranches in the overall Argenta Allotment, both prior to implementing seeding in the lowland treatment area and

following the implementation of seeding in the lowland treatment area. The total AUMs will be a sum of reductions in the upland and in the lowland treatment area.

Table 3: AUM Reductions Based on Lowland Seeding Implementation

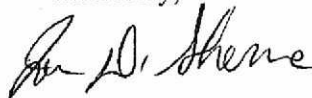
Treatment	Permitted AUM	Upland Temp Reduction	Lowland Temp Reduction	Available AUMs Under Treatment
Prior to Lowland Seeding	9,237	54	0	9,183
Following Lowland Seeding	9,237	54	90	9,093

All grazing closures will be in effect for two years from when seeding occurs. If objectives are not achieved within that period, the BLM will form an Interdisciplinary Team to evaluate the effectiveness of treatments. At this time, the BLM may decide to implement additional treatments or to extend/modify grazing closures. The decision to extend a grazing closure will require a reasonable chance for further rest to meet objectives.

The permittees and interested public are being informed that prior to the start of the 2019 grazing season, the Battle Mountain District Office will issue a decision and notice of closure, which will temporarily close a portion of the Argenta Allotment burned by the Crum Fire. This closure would continue in effect until conditions outlined above are met. Decisions temporarily closing areas to livestock grazing would be issued as final decisions in full force and effect pursuant to Title 43, Code of Federal Regulations (CFR) Subparts 4110.3-3(b) and 4160.3(f).

In accordance with BLM policy, this letter serves as the opportunity for the interested public, partners, stakeholders, state, local and tribal governments, to provide comments to the ES&R projects that have been developed by the Battle Mountain ES&R IDT. Please submit any comments in writing to the above address within 15 days of the date posted on this letter. If you have any questions, please contact Anna O'Brien, District ES&R Lead at (775) 635-4000.

Sincerely,

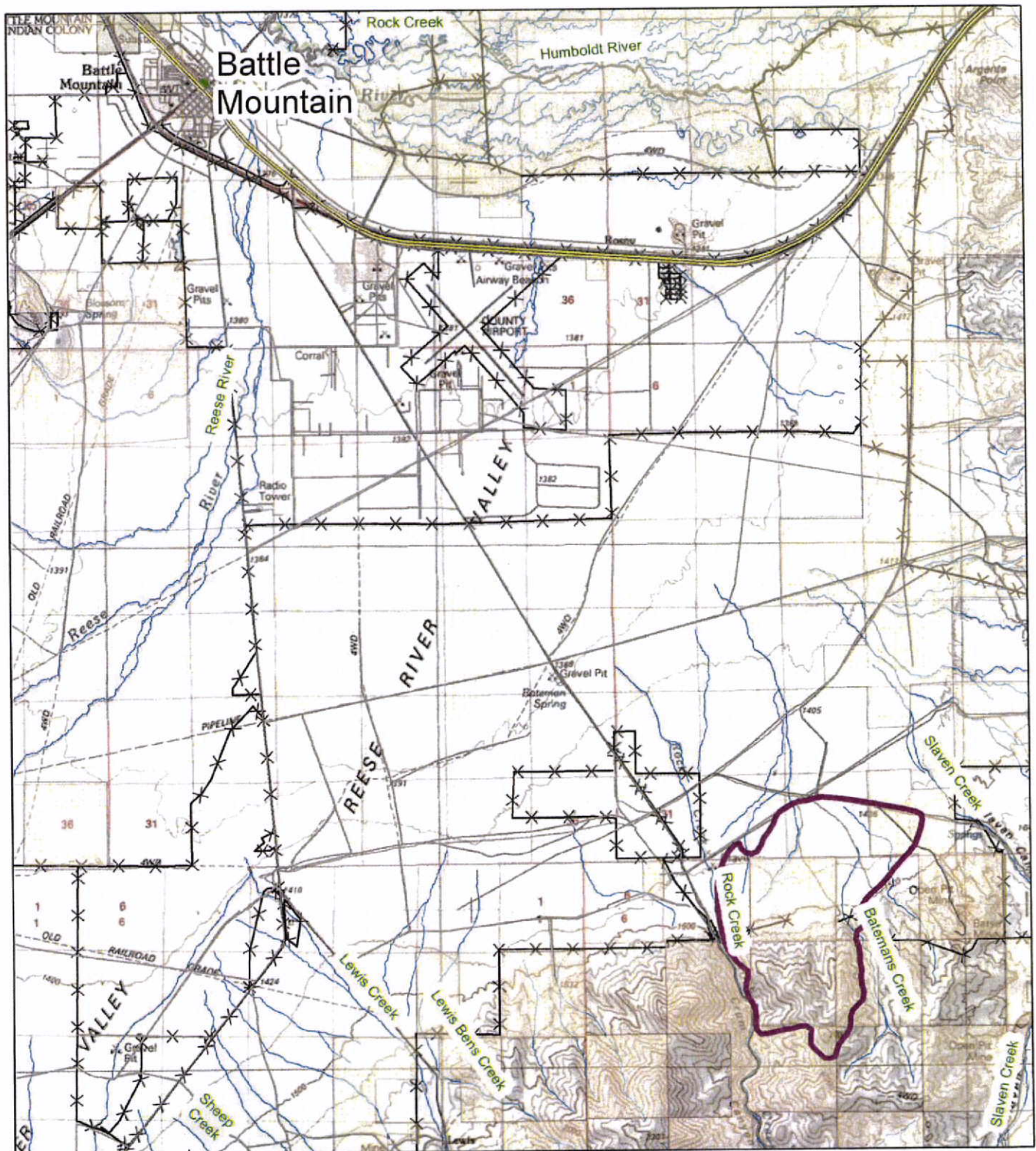


Jon D. Sherve
Field Manager
Mount Lewis Field Office

Enclosures

- Map: 2018 Crum Fire: Location
- Map: 2018 Crum Fire: Perimeter
- Map: 2018 Crum Fire: Proposed Fence Lines
- Map: 2018 Crum Fire: Proposed Plantings

2018 Crum Fire: Location



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018

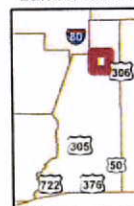


0 0.75 1.5 3 Miles

Location in Nevada:



Location within:
Lander County

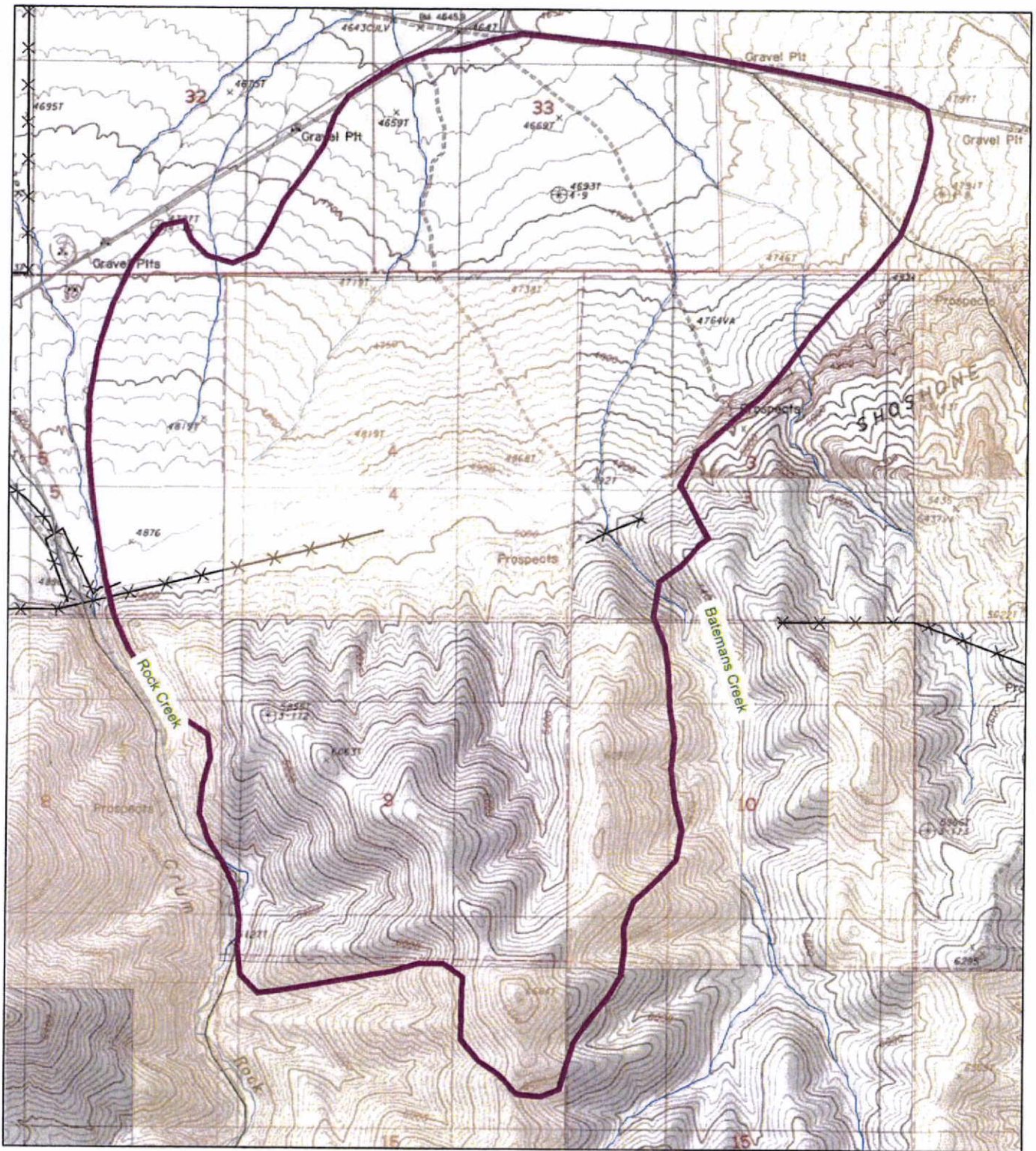


Legend

- Crum Fire
- Interstate
- Local Road
- Unclassified Road Cities and Towns Admin. by BLM
- Bureau of Indian Affairs
- Bureau of Reclamation
- Private Land
- ✕ Existing Fence
- Streams

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Crum Fire: Perimeter



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018



0 0.175 0.35 0.7 Miles

Location in Nevada:



Location within:
Lander County

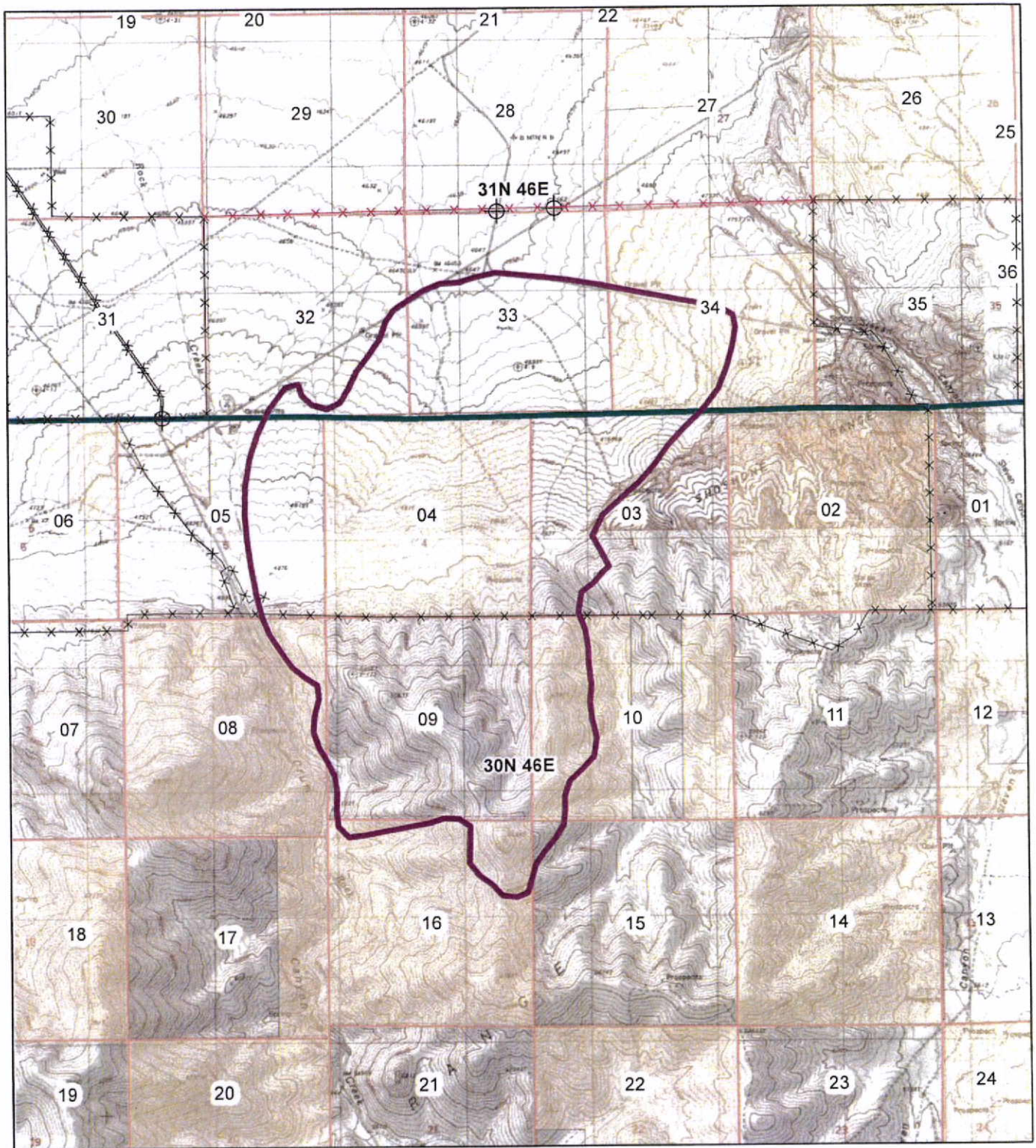


Legend

- Crum Fire
- Local Road
- Unclassified Road
- Admin. by BLM
- Private Land
- Existing Fence
- Streams

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Crum Fire: Proposed Fence Line



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 9/17/2018

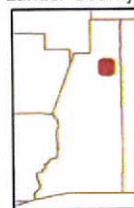
0 0.325 0.65 1.3 Miles



Location in Nevada:



Location within:
Lander County

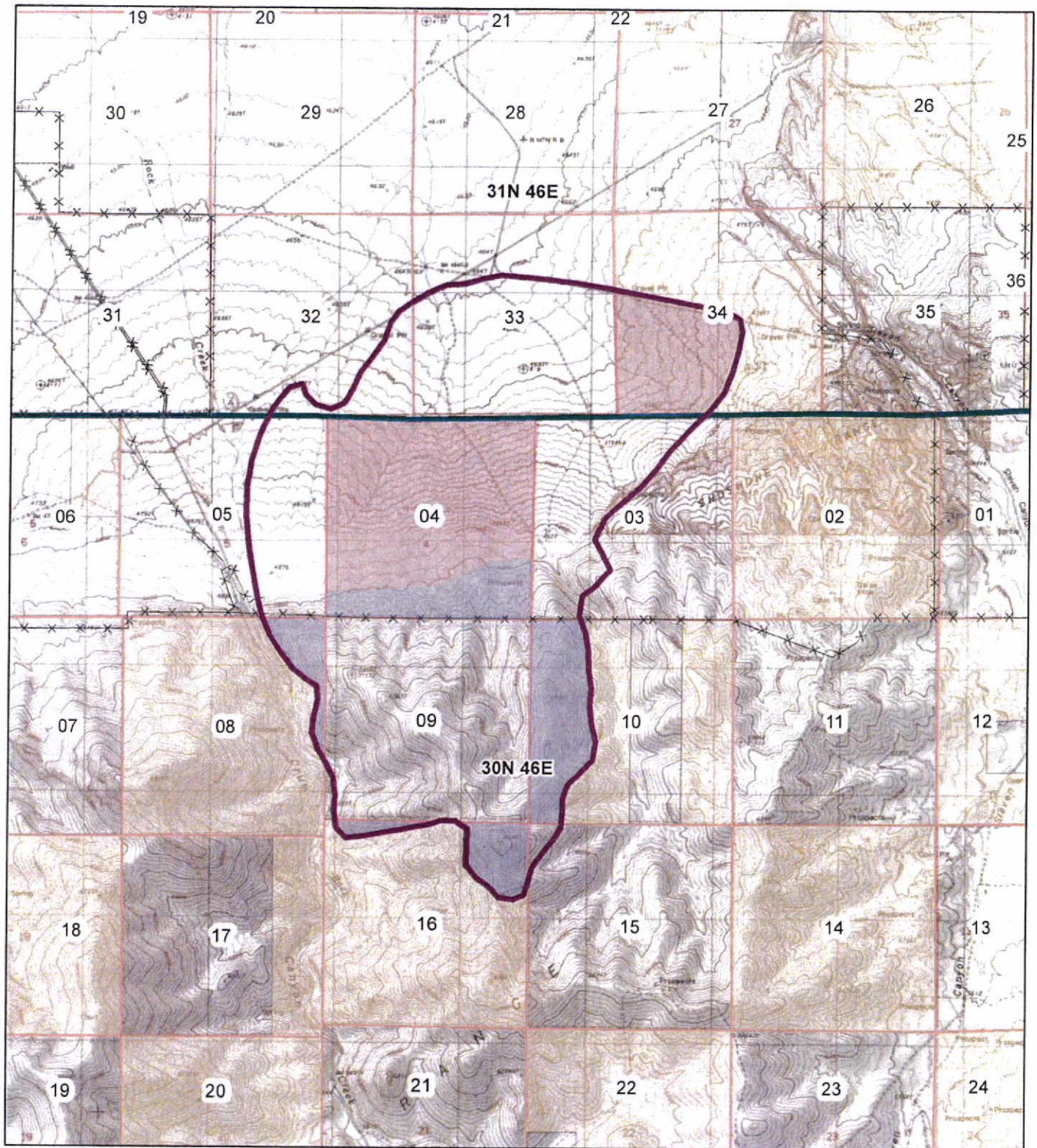


Legend

- Crum Perimeter
- x Proposed Fences
- ⊕ Proposed Cattle Guards
- x Existing Fence Lines
- Township and Range
- Section
- Admin. by BLM
- Private Land

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Crum Fire: Proposed Plantings



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 9/17/2018

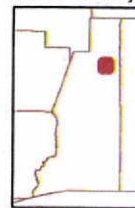


0 0.325 0.65 1.3 Miles

Location in Nevada:



Location within:
Lander County



Legend

- Crum Perimeter
- Uplands: Aerial or Broadcast Seed
- Lowlands: Drill Seed
- Existing Fence Lines
- Township and Range
- Section
- Admin. by BLM
- Private Land

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United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mount Lewis Field Office

50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

www.blm.gov/nevada

In Reply Refer To:

4130/6711/9217/9220/9264 (NVB0100)

OCT 18 2018

PUBLIC CONSULTATION FOR THE 2018 POWER FIRE MOUNT LEWIS FIELD OFFICE

Dear Interested Public:

Introduction:

During the summer of 2018, the Power Fire burned approximately 1,086 acres with 523 acres being on privately owned land, and 563 acres on public land within the Mount Lewis Field Office (MLFO), Argenta Allotment (refer to the enclosed Power Fire map). An investigation determined that the wildland fire was human caused. After an interdisciplinary review, it was determined that rehabilitation was needed to maintain and/or restore important resources affected by the fire.

The fire burned Greater Sage-Grouse (GRSG), Mule Deer, winter Pronghorn habitat, and other wildlife habitat areas. An Emergency Stabilization and Burn Area Rehabilitation (ES&R) plan was developed to determine the treatments needed to maintain and/or restore these resources and to establish a healthy, stable ecosystem. The Power Fire has increased the potential of wind and water erosion, and the spread of noxious weeds and invasive/non-native plant species. If left untreated, damage to these important resources could reduce ecological conditions and rangeland health. To promote the success of vegetative treatments and promote natural recovery, rest from livestock grazing is required. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons or until objectives are met.

Background:

The Power Fire was caused by a power line. The Power Fire burned 30.2 acres of general habitat (GHMA) and 516.9 acres of other habitat (OHMA) Greater Sage Grouse habitat along with winter Pronghorn and Mule Deer habitat. Parts of the private land also falls within these habitats. The fire burned within the Argenta Allotment, and abuts the Beacon Light road and the Beowawe Geothermal Power Plant.

The burn severity of the fire was low; this is due to the fact that the fire did not burn very hot. There were standing tall bunch grasses that were only partially burned and some unburned tops of sagebrush throughout the burn. Pre-burn this part of the landscape had not cured out fully and the little greenery in the grasses and shrubs kept this fire from growing more than 1086 acres and kept it from becoming catastrophic or burning into old fires.

The Power Fire potentially burned through 6 different ecological sites, one of which while not classified as an actual ecological site and called Playa. The rest of the ecological sites are range sites in the 24 and 25 Nevada series. The ecological sites and expected plant species for each site are as follows:

- Loamy 5-8 precept zone (p.z.) (R024XY002NV) - *Achantherum hymenoides* (Indian Ricegrass), *Atriplex confertifolia* (Shadscale), and *Picrothamnus desertorum* (Bud Sagebrush)
- Sodic Terrace 6-8 p.z. (R024XY003NV) - *Elymus elymoides* (Bottlebrush Squirreltail), Shadscale, and *Sarcobatus vermiculatus* (Black Greasewood)
- Loamy 8-10 p.z. (R024XY005NV) - *Achnatherum thurberianum* (Thurber's Needlegrass), and *Artemisia tridentata* ssp. *Wyomingensis* (Wyoming Big Sagebrush)
- Sodic Flat 6-8 p.z. (R024XY011NV) - *Leymus cinereus* (Basin Wildrye), *Distichlis spicata* (Inland Saltgrass), and Black Greasewood
- Loamy 8-10 p.z. (R025XY019NV) - Indian Ricegrass, Thurber's Needlegrass, and Wyoming Big Sagebrush.

The area that the Power Fire burned had not burned in recent history. However, in northern Nevada historic trends for natural recovery following fires indicate that the lower precipitation zones show a decreased chance of natural recovery. This is consistent with resistance and resilience concepts developed for the sagebrush steppe. Empirical evidence is available from the 2007 Beowawe, 2007 Sansine, 2007 Power, 2001 Whirlwind, and 1999 Mule Fires, which show without post fire stabilization this ecotype is unlikely to recover and may convert into a *Bromus Tectorum* (Cheat Grass) monoculture. Often times these systems have a high potential for re-burning, causing catastrophic, large-scale fires.

The area that the Power Fire burned is rather flat, though a portion by the Beacon Light road has a steep drop-off. The lowest portion of the burn is approximately 4860 feet above sea level and the fire rises up to 5200 feet elevation, with the majority of the gain being right next to the road. This road is a main access road to both the power plant and connecting the town of Battle Mountain to both outlying farms and the town of Beowawe. The potential for any erosion that happens on the hill by the road to impact the road itself is high. Also within the fire, there are multiple drainages that bisect the fire. While at the time of the fire there was no water in these drainages they do hold intermittent streams and the potential for any rain or snowmelt to cause erosion within the drainages is highly likely. This erosion could negatively affect properties and water quality downslope of the fire through sediment movement and changes in terrain for years to come. Erosion will also increase the disturbed areas where invasive exotic vegetation thrives and contribute to soil loss within the burn area.

Within the burn perimeter, there are no known noxious species but other invasive exotic plants were found within the burn like *Bromus tectorum* (Cheat Grass), *Alyssum desertorum* (Desert

Madwort), *Halogeton glomeratus* (Saltlover), and *Lepidium perfoliatum* (Clasping Pepperweed). Within the surrounding areas and the road leading to the fire there has been reports of *Acroptilon repens* (Russian Knapweed), *Cardaria draba* (Hoary Cress), *Carduus nutans* (Musk Thistle), *Lepidium latifolium* (Tall White Top), *Onopordum acanthium* (Scotch Thistle), *Taeniatherum caput-medusae* (Medusahead), *Tamarix ramosissima* (Saltcedar), and *Tribulus terrestris* (Puncture Vine). Due to the proximity to populated areas and livestock operations within the general area of the fire, there is an increased risk of external seed sources contributing to invasive and exotic species presence in the burn.

Objectives:

Post fire, the greatest challenge in the Great Basin Ecoregion is reducing the spread of invasive exotic species. Additionally, there is an increased risk of severe erosion during precipitation events and the introduction and spread of Nevada noxious weed species. Therefore, the BLM has established the following objectives as standards for success on this rehabilitation project.

Each treatment will be reviewed annually to see if the objectives are being met or if the site is moving towards meeting the objectives. If it is determined that the objectives are not being met or if the site is not moving towards meeting the objective a BLM interdisciplinary team will meet to decide if the site has the potential to meet the prescribed objectives. They may determine at this time additional treatments will be required to meet objectives. If additional treatments are necessary, they may plan up to an additional five years of treatments.

Desirable Perennial Plant Communities Objective:

Establishment of perennial species is a primary objective. Healthy perennial plant communities stabilize soil, dissipate wind and water energy, enable increased infiltration of precipitation and improve overall habitat for wildlife. Healthy communities are also more resilient to future disturbances and are able to more effectively compete with invasive exotic and noxious species. The following outlines the BLM's desirable perennial plant community objective.

- An average of three perennial species/square meter which are rooted firmly in the soil. Species that qualify in meeting this objective must meet one or more of the following:
 - Is a species expected within the ecological site description for the site;
 - Is a species that fills a functional role as a species on the ecological site description;
 - or
 - Is a species that is included within the seed mix?

Invasive Exotic and Noxious Species Objective:

To ensure successful establishment, invasive exotic and noxious species populations must be suppressed within this project area. The BLM has several treatment methods proposed to meet the following objective.

- Reduce or maintain the average cover of invasive exotic and noxious species populations to twenty percent or less.

Monitoring:

This rehabilitation effort represents a significant financial investment by the BLM. To ensure the best possible outcome, the BLM will monitoring all treatment areas for three to five years. Monitoring will be done to evaluate the success of rehabilitation treatments. The BLM will establish permanent representative monitoring sites within the burned area.

Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approved methods will be taken. Monitoring techniques will be implemented through methods in BLM technical references and in accordance with the 2008 Battle Mountain ES&R EA.

Alongside density study methods, the BLM will conduct a tug test. The BLM will use the tug test to determine how firmly individual plants are rooted. Plants that can be removed from the soil without tearing the roots or stems are not considered to be firmly established.

Additionally, the BLM will establish photo point monitoring, which will be repeated annually. When possible, all monitoring sites will have adjacent, non-treated reference sites established, to compare results of the treatments.

Monitoring will focus on addressing the following questions:

1. Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion?
2. Is there evidence that a desirable self-sustaining communities are being established?
3. Is there vegetative reproduction occurring along with the establishment of the desirable species?

Wildfire Management Treatments:

Reseeding the Burned Area:

The Power Fire will be reseeded in two separate treatments. Each treatment will consist of different seed mixes. 537 acres will be predominantly drill seeded while the rest will broadcast seeded. Due to price and availability of seed at the time of purchase, the seed mix may change without notice. Any changes to seed mix will take into consideration the local site soil and climatic conditions to provide the best possible chance for success. Preference in the seed mix will be given to native species over non-native species to fill the same functional roles. All seedings will occur during the fall, winter, or spring. If possible, seedings will be implemented shortly before anticipated snowfall to increase the chance for success. The two treatments are explained in further detail as follows:

The proposed drill seed mix will primarily consist of 5 perennial grasses: *Achnatherum hymenoides* (Indian Ricegrass), *Agropyron fragile* (Siberian Wheatgrass) *Elymus elymoides* (Bottlebrush Squirreltail), *Leymus cinereus* (Basin Wildrye), *Achnatherum thurberianum* (Thurbers Needlegrass); 3 shrubs: *Atriplex confertifolia* (Shadscale), *Grayia spinosa* (Spiny Hopsage), and *Artemisia tridentata ssp. Wyomingensis* (Wyoming Big Sagebrush); and 3 forbs: *Achillea millefolium* (Western Yarrow), *Sphaeralcea munroana* (Munroes Globemallow) and

Bassia prostrata (Forage Kochia). The drill mix will be used on the flats on public land throughout the fire and will avoid rock outcrops, unburned islands, and any identified cultural sites.

Along the roads and under the power lines, a broadcast seeder will be used with and without a chain harrow incorporating the seed. The proposed mix for broadcast seeding is a green-strip mix. Green-strip mixes are often utilized in areas of high fire potential like along roadways and below power lines due to the slower curing of the vegetation and the fact that some of these species are less flammable than other native vegetation. The slower curing means that the vegetation stays greener longer and a fire that starts in green vegetation is more likely to die off on its own or to not move as far or fast allowing a longer response time for the first responders prior to the fire moving outside the green-strip area. The green-strip mix is proposed to consist of 6 perennial grasses: *Achantherum hymenoides* (Indian Ricegrass), *Agropyron fragile* (Siberian Wheatgrass), *Elymus elymoides* (Bottlebrush Squirreltail), *Leymus cinereus* (Basin Wildrye), *Distichlis spicata* (Inland Saltgrass), and *psathyrostachys juncea* (Russian Wildrye); and 1 forb: *Bassia prostrata* (Forage Kochia). Seeding will occur in the fall, winter, and early spring, shortly before anticipated winter snowfall to assist with propagation.

A livestock closure will be implemented to allow the seeded species to establish. The grazing closure will remain in effect until the objectives outlined above are met or for a minimum of two growing seasons. The grazing closure is discussed further under the grazing closure section below. To facilitate the closure, approximately 7 miles of fence will be installed around perimeter of the fire. The fence should be constructed before the growing season and prior to turnout in that pasture/ allotment. This time frame should minimize the detrimental effects of grazing on sprouting seeding treatments. Once site objectives are met and the closure is lifted, the fence will be removed. The fence will be metal T-post and barbed wire construction with 3 strands of barbed wire and 1 smooth bottom wire. Corners will be metal rails and gates will be placed at a minimum of every mile, to allow for removal of animals that are able to get past the fence. Sage grouse fence markers will be placed along the length if the fence comes within 1/4 a mile of any leks.

Invasive Exotic Plants and Noxious Weed Treatments:

Invasive exotic plants and Nevada listed noxious weeds are known to occur within the Power Fire perimeter and in the surrounding landscape. In order to maximize a successful rehabilitation outcome, the BLM must strive to reduce both invasive exotic plants and Nevada listed noxious weeds. These species will often times outcompete desirable native and non-native species and disrupt the overall function of any given ecosystem. Several examples of invasive exotic plants are known to occur within the area of the Power Fire include Cheat Grass, Desert Madwort, Saltlover, and Claspig Pepperweed. While no known Nevada listed noxious weed species were found within the fire there are populations of Russian Knapweed, Hoary Cress, Musk Thistle, Tall White Top, Scotch Thistle, Medusahead, Saltcedar, and Puncture Vine outside the fire perimeter. Nevada State Law requires that all populations of noxious weed be treated.

There is an increased potential for these populations to establish and expand within burned areas. Invasive exotic and noxious weed species can have seeds banks that persist through a burn and are often times the first species to germinate following a fire. Existing seed sources can be

supplemented by wind, vehicles, and livestock moving through the area. Given the extent of invasive exotic species populations, especially in the lowland treatment area, there is a limited potential for recovery without specific invasive exotic and noxious weed species treatments. The BLM is proposing both chemical and targeted grazing treatments to manage the spread of invasive exotic and noxious weed species populations.

The BLM generally spot treats populations of noxious weed species and most invasive exotic species as part of post fire rehabilitation. The BLM will use an approved herbicide mix, which will be sprayed at a recommended rate. Monitoring and treatments will be funded under this project for a period of five years.

To reduce the Cheat Grass and assist the reseeding measures and the native recovery the BLM will use Imazapic within the fire perimeter. Imazapic is a relatively selective herbicide. It is used primarily to suppress Cheat Grass; it will not affect the majority of the seeds that are going to be planted. If this treatment occurs prior to the growing season of desirable perennial species, then the BLM will consider the inclusion of a Glyphosate herbicide. Glyphosate herbicides will kill all plants it comes into contact with as long as they are actively growing. The BLM will implement this treatment in the fall or early spring.

All chemical treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative.

A Document of Land Use Plan Conformance and NEPA Adequacy (DNA) to the 2008 Programmatic Emergency Stabilization and Rehabilitation (ES&R) Environmental Assessment (EA) would be completed for the above projects, prior to issuance of an implementation decision regarding the Wildfire Management Treatments.

Grazing Closure:

There are two permittees that were affected by the Power Fire, Henry Filippini, Jr. and Elko Land and Livestock Company. The fire burned in one use area within the Argenta Allotment. Permitted Animal Use Months (AUMs) for permittees affected by the Power Fire are shown in Table 1. The average-stocking rate on the Argenta Allotment is 8.05 acres/AUM.

Table 1: Current Permit Terms and Conditions

Permittee	Allotment	Use Area	Livestock Type	Beginning of Season of use	End of Season of use	Permitted AUM
Elko Land and Livestock Company	Argenta	All	Cattle	11/15	3/1	393
Henry Filippini, Jr.	Argenta	All	Cattle	3/16	12/31	460

The BLM is proposing to temporarily reduce permitted AUMs within the fire perimeter upon issuance of the Closure Decision. See Table 2 for the recommended grazing closure and reduction times and AUMs. The Power Fire burned approximately 1,086 acres of BLM Managed Lands. When the average-stocking rate of 8.05 acres/AUM is applied to the affected BLM acres, there is a total recommended temporary reduction of 135 AUMs.

Table 2: Recommended Grazing Closure and Reduction

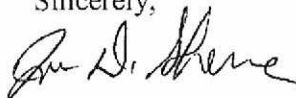
Permittee	Permitted AUMs	Proposed Temp Reduction	Available AUMs Under Temp Reduction
Henry Filippini, Jr.	460	73	387
Elko Land and Livestock Company	393	62	331

All grazing closures will be in effect for two years from when seeding occurs. If objectives are not achieved within that period, the BLM will form an Interdisciplinary Team to evaluate the effectiveness of treatments. At this time, the BLM may decide to implement additional treatments or to extend/modify grazing closures. The decision to extend a grazing closure will require a reasonable chance for further rest to meet objectives.

The permittees and interested public are being informed that prior to the start of the 2019 grazing season, the Battle Mountain District Office will issue a decision and notice of closure, which will temporarily close a portion of the Argenta Allotment burned by the Power Fire. This closure would continue in effect until conditions outlined above are met. Decisions temporarily closing areas to livestock grazing would be issued as final decisions, in full force and effect pursuant to Title 43, Code of Federal Regulations (CFR) Subparts 4110.3-3(b) and 4160.3(f).

In accordance with BLM policy, this letter serves as the opportunity for the interested public, partners, stakeholders, state, local and tribal governments, to provide comments to the ES&R projects that have been developed by the Battle Mountain ES&R IDT. Please submit any comments in writing to the above address within 15 days of the date posted on this letter. If you have any questions, please contact Anna O'Brien, District ES&R Lead at (775) 635-4000.

Sincerely,

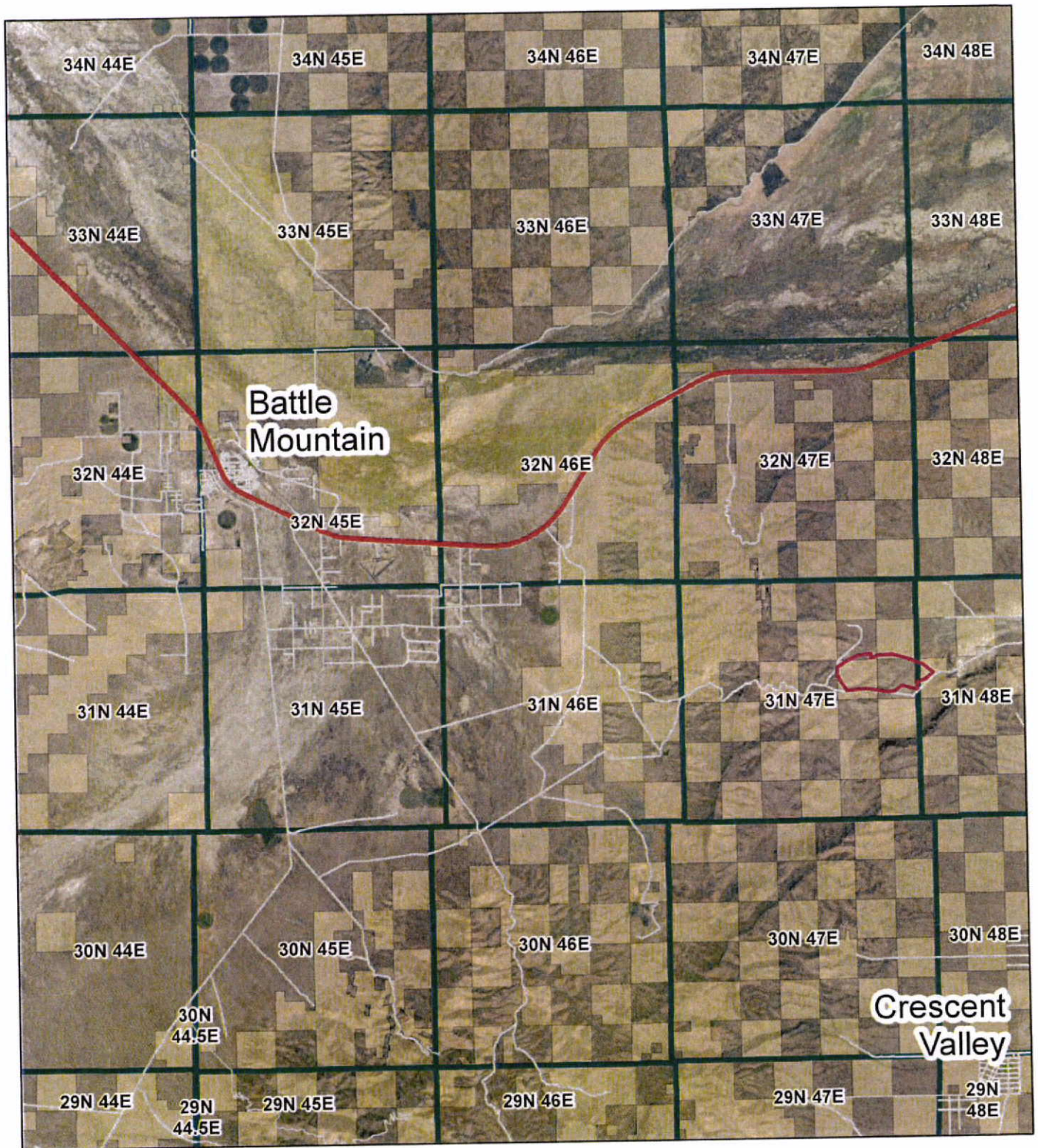


Jon D. Sherve
Field Manager
Mount Lewis Field Office

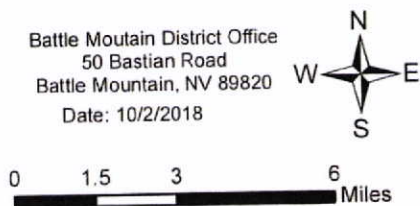
Enclosures

- Map: 2018 Power Fire: Location
- Map: 2018 Power Fire: Perimeter
- Map: 2018 Power Fire: Proposed Fence Lines
- Map: 2018 Power Fire: Proposed Plantings

2018 Power Fire: Location



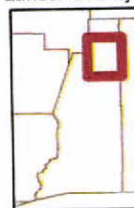
Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 10/2/2018



Location in Nevada:



Location within:
Lander County

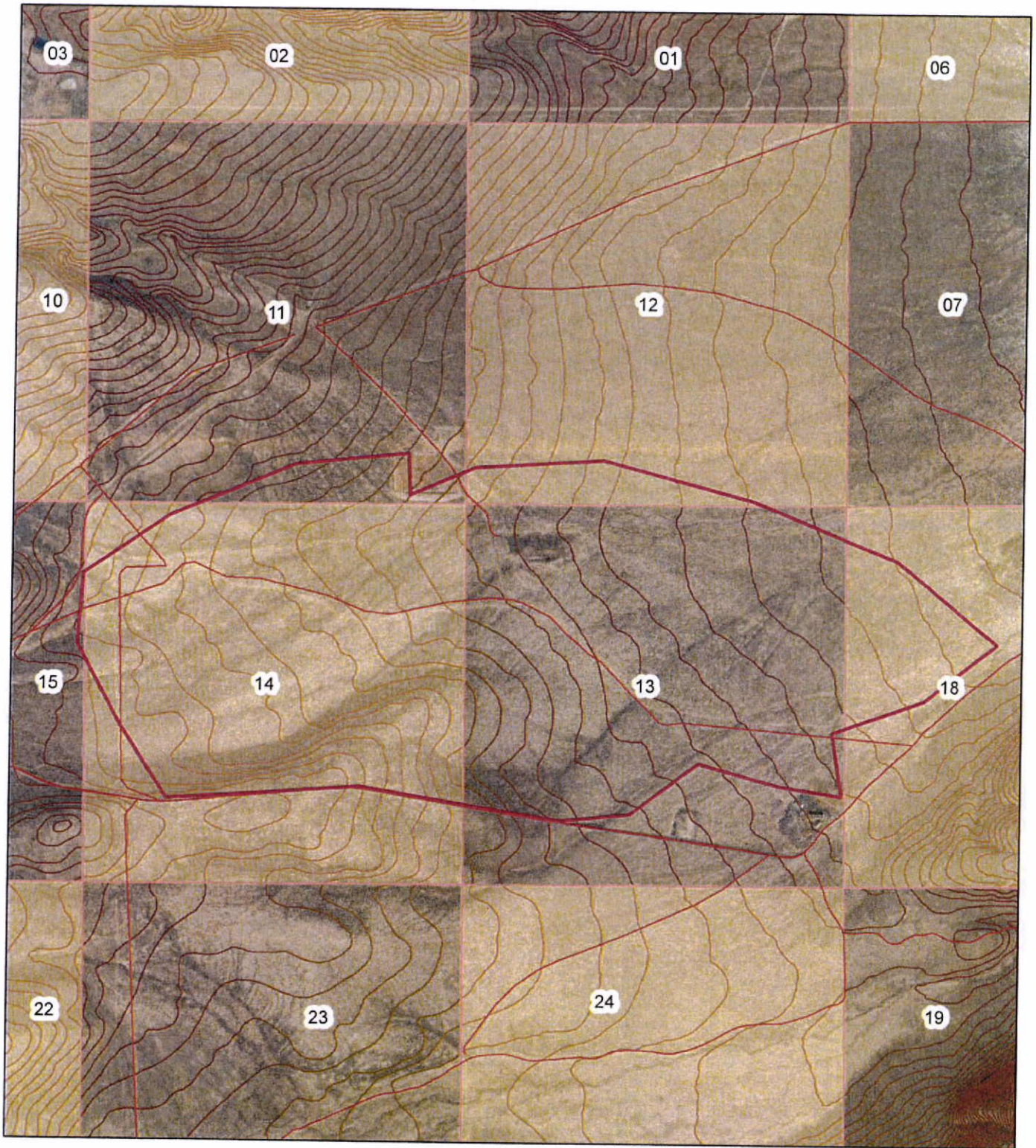


Legend
 Perimeter
 Interstate
 State
 County
 Private
 Unknown Ownership

Cities and Towns
 Township and Range
 Admin. by BLM
 Bureau of Indian Affairs
 Bureau of Reclamation
 Private Land

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Power Fire: Perimeter

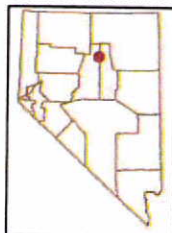


Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 7/5/2018



0 0.175 0.35 0.7 Miles

Location in Nevada:



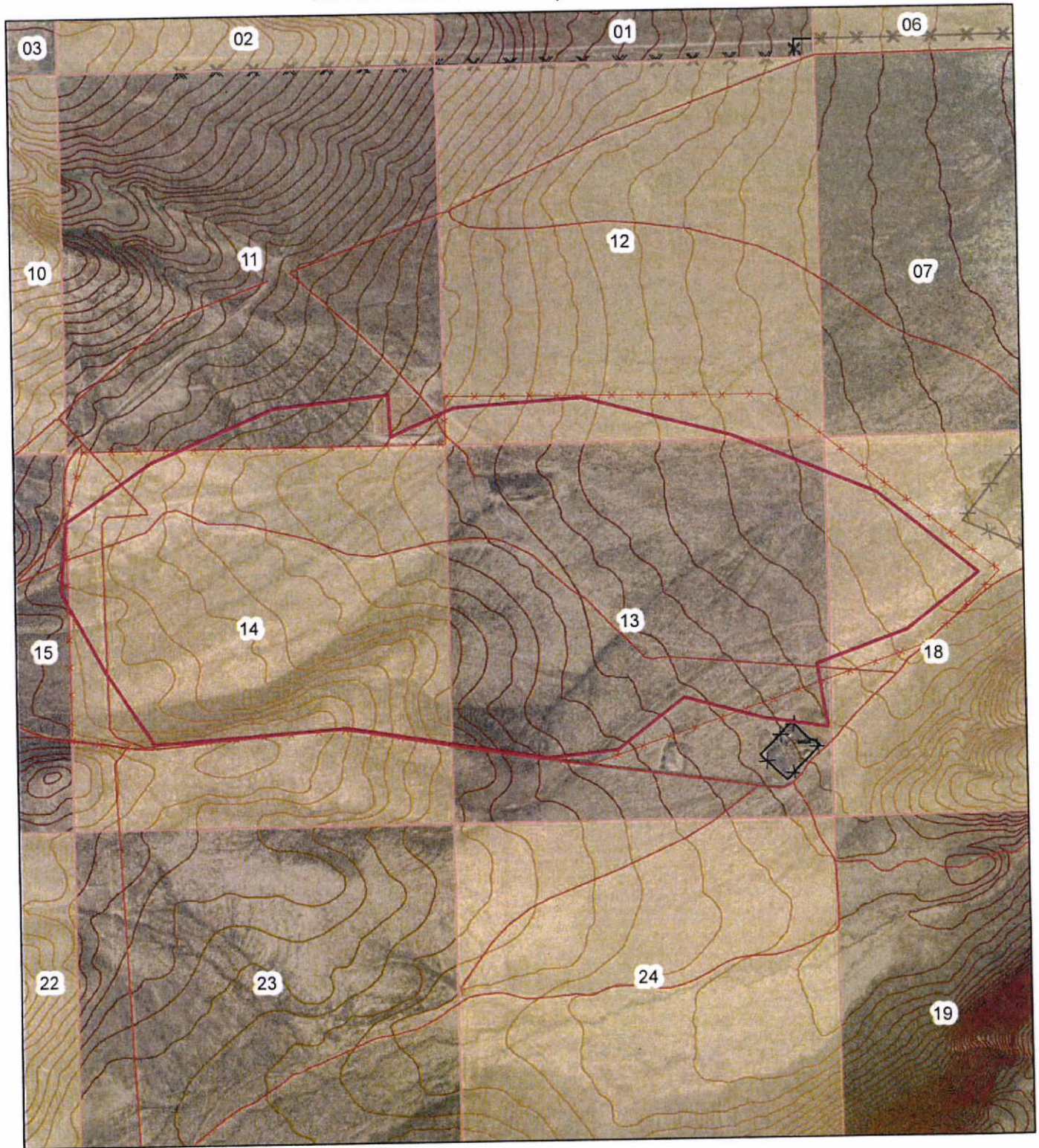
Location within:
Lander County



- Legend**
- Perimeter
 - Roads
 - District Boundary
 - County Boundary
 - Section
 - Admin. by BLM
 - Private Land
 - Contours 20ft

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Power Fire: Proposed Fence Lines



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 7/5/2018



0 0.175 0.35 0.7 Miles

Location in Nevada:



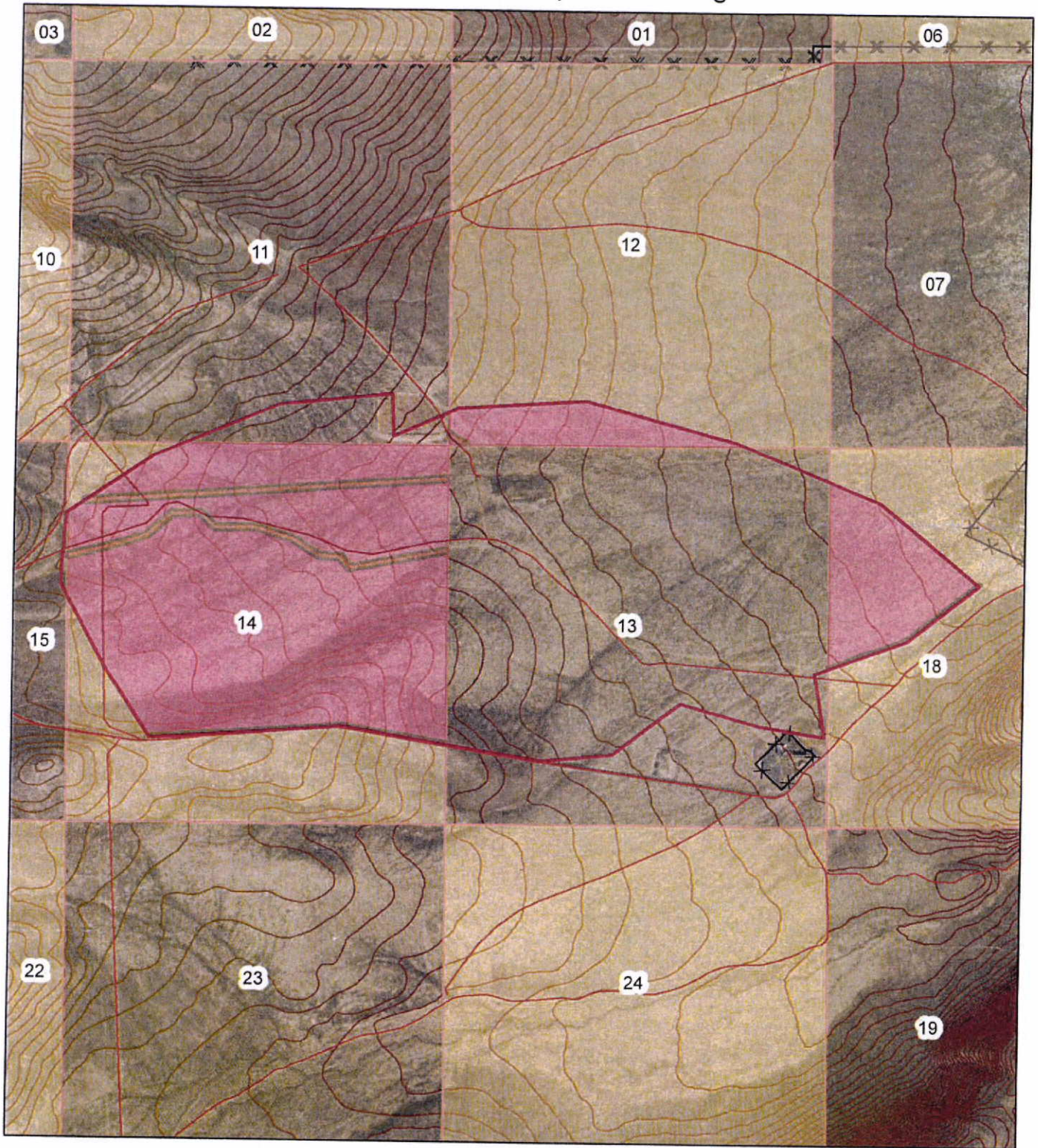
Location within:
Lander County



- Legend**
- ESR_Fence_Line_Power
 - Perimeter
 - Roads
 - District Boundary
 - County Boundary
 - Section
 - Admin. by BLM
 - Private Land
 - Existing Fence
 - Contours 20ft

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY,
OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Power Fire: Proposed Plantings

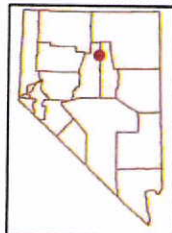


Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 7/5/2018



0 0.175 0.35 0.7 Miles

Location in Nevada:



Location within:
Lander County



Legend

Perimeter

Comments

Drill Seeding

GreenMix

Roads

District Boundary

County Boundary

Section

Admin. by BLM

Private Land

Existing Fence

Contours 20ft

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NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

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

October 22, 2018

Battle Mountain Truck Stop LLC
c/o: Damon Borden
6409 East Sharp Avenue
Spokane Valley, WA 99212

Subject: *Corrective Action Plan*

Facility: Broadway Colt Service Center
660 West Front Street, Battle Mountain, Nevada
Facility ID # 5-000283
Petroleum Fund Case # 2014000004

Dear Mr. Borden:

The Nevada Division of Environmental Protection (NDEP) has received and reviewed the *Corrective Action Plan* (CAP) dated July 10, 2018, for the referenced facility (Site), and provided by Tracy Johnston, Certified Environmental Manager (CEM), of McGinley & Associates (McGinley) on behalf of Battle Mountain Truck Stop, LLC. The CAP was received in our Carson City Office on July 19, 2018 and includes the evaluation of several remedial alternatives, McGinley's recommended remedial approach and a preliminary remedial design.

The CAP evaluated 3 remedial alternatives for the impacted soil and groundwater. The 3 remedial alternatives included Excavation and Groundwater Pump and Treat (GPT); Vapor Extraction (VE) and GPT; and Air Sparge (AS) and VE. The CAP evaluated the constraints and costs associated with each alternative. Typically a site with shallow contamination would favor the excavation alternative, however the high groundwater and existing underground utilities would add significant costs and complications. Based on costs, physical site constraints and other factors, McGinley recommends the AS and VE alternative to remediate the impacted soil and groundwater. Additional information regarding the pilot test and the remedial design was provided in an electronic correspondence dated October 19, 2018.

The proposed preliminary remedial design included AS points with a radius of influence of approximately 30 feet. Several of the product recovery wells will be utilized as VE wells. Due to the shallow groundwater and the anticipated limited radius influence of the VE wells, McGinley recommends that slotted piping be installed in the new piping trenches and connected to the VE system to supplement the VE wells. Following the NDEP approval of the proposed CAP, McGinley will prepare construction plans and specifications for the remediation system and submit a remedial design report.

The NDEP concurs with McGinley's recommendations. The design report including the construction plans and specifications will be submitted **no later than December 21, 2018**. NDEP requests all report documents be submitted in digital portable document format (pdf; e.g., compact disc or e-mail) concurrent with a hardcopy document. Please be advised that NDEP has a 20 megabyte limit for e-mail attachments.

Mr. Damon Borden
Broadway Colt Service Center
Corrective Action Plan
Facility ID: 5-000283
Petroleum Fund ID: 2014000004
October 22, 2018; Page 2 of 2

Please contact Michael Friend with any questions or comments at (775) 687-9371 or mpfriend@ndep.nv.gov.

Sincerely,



Michael Friend, P.E.
Professional Engineer
Remediation and LUST Branch
Bureau of Corrective Actions

cc: Jonathan McRae, Supervisor, UST/LUST Branch, NDEP Bureau of Corrective Actions, Carson City, NV
jmcrac@ndep.nv.gov
Todd Croft, Supervisor, Remediation and LUST Branch, NDEP Bureau of Corrective Actions, Las Vegas, NV
tcroft@ndep.nv.gov
Mike Cabbie,
Frederick "Rick" J. Perdomo, Senior Deputy Attorney General, Office of the Attorney General, Carson City, NV
rperdomo@ag.nv.gov
Tracy Johnston, McGinley and Associates, Inc., tjohnston@mcgin.com
Justin Fike, McGinley and Associates, Inc., jfike@mcgin.com

cc: Chairman, Lander County Board of Commissioners, 50 State Route 305 S., Battle Mountain, NV 89820-4300
Bartolo (Bert) Ramos, Public Works Director, 50 State Route 305 S., Battle Mountain, NV 89820

Adjacent Property Owners:

Battle Mountain Truck Stop LLC, C/O Daniel Alsaker, P.O. Box 14646, Spokane, WA 99214
Bureau of Land Management, 50 Bastion Road, Battle Mountain, NV 89820
NV Energy, P.O. Box 30065, Reno, NV 89520-3065
Southern Pacific Railroad, 915 L Street, Suite 1180, Sacramento, CA 95814
D Thompson Properties, LLC, D. Thompson, 750 NE Columbia Blvd., Portland, OR 97211



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mount Lewis Field Office

50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

www.blm.gov/nevada

In Reply Refer To:

3809 (NVB0100)

NVN-067575 (16-1A)

DOI-BLM-NV-B010-2016-0052-EIS

OCT 23 2018

Dear Interested Public:

The Bureau of Land Management is seeking input regarding the release of the Draft Environmental Impact Statement (DEIS) for a proposal by Barrick Cortez Inc. to expand its Cortez Hills Project. This is an open pit and underground gold mine located south of Crescent Valley, in Lander and Eureka Counties, Nevada. The public comment period ends December 5, 2018.

The BLM has scheduled three public comment meetings in the following locations:

- Tuesday, November 6, 2018 – BLM Battle Mountain District Office, 50 Bastian Road, Battle Mountain
- Wednesday, November 7, 2018 – Crescent Valley Town Hall, Crescent Valley
- Thursday, November 8, 2018 – Elko Convention Center, 700 Moren Way, Elko

The public meetings will be held from 6 p.m. to 8 p.m. These meetings provide the public and interested agencies an opportunity to learn about the mine expansion project and to help identify issues and provide public comments on the DEIS. Early public involvement is crucial to identify potential issues that may need to be addressed through the process.

The proposed project would consist of new and expanded facilities at the Cortez Hills Mine on BLM-administered lands. If the proposed project is approved and developed, there would be an increase of 3,798 acres of mining-related surface disturbance within the Amended Plan of Operations (APO) area including: expansion of pits and waste rock facilities, construction and expansion of water management facilities and construction and operation of additional ancillary facilities. The APO would include increasing the existing approved plan boundary by 4,279 acres – from 58,093 acres to 62,372 acres. In addition, Barrick Cortez Inc. has requested that the underground mine be expanded deeper than is currently authorized to reach new ore deposits.

The BLM has identified preliminary issues relating to water management, vegetation resources, wildlife (including migratory birds), special status species (including Greater sage-grouse), cultural resources, geological resources, paleontological resources, soils, recreational values,



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Winnemucca District Office
Humboldt River Field Office
5100 East Winnemucca Boulevard
Winnemucca, Nevada 89445
Phone: (775) 623-1500 Fax: (775) 623-1740
Email: wfoweb@blm.gov
www.blm.gov/nv/st/en/fo/wfo.html

In Reply Refer To:
4000 (NV010.12)

Dear Permittee / Stakeholder:

The purpose of this letter is to apprise you on staffing within the Winnemucca District, specifically the Range Program. The Humboldt River Field Office recently recruited a new Rangeland Management Specialist (RMS), Kruze Kinder. Kruze has been hired in replacement of Morgan Lawson. With the hire of Kruze the Winnemucca District has a remaining two range positions open, one RMS and the Supervisory Range Management Specialist positions. We are hoping to fill these as soon as possible.

The allotment list enclosed is to determine the RMS assigned to your allotment. This list also includes phone numbers for your point of contact within the Winnemucca Range Program. Thank you for your past, present and future patience, understanding and willingness to work with us here, your local BLM.

Sincerely,

David Kampwerth
Field Manager
Humboldt River Field Office

cc: State Range Lead, Nevada
District Manager, Battle Mountain
District Manager, Elko
District Manager, Carson City
District Manager, Ely
Interested Publics

BLM Winnemucca District RMS Contact List
As of October 11, 2018

Angie Arbonies 623-1588 Wes Barry 623-1584 Sabrina McCue 623-1766
Kruze Kinder 623-1572 Lena Hite 623-1565

Primary RMS for Allotment Highlighted in YELLOW if necessary		
Allot Name	Operator Display Name	RMS
ABEL CREEK	FIVE FINGERS GRAZING ASSOCIATION, L.L.C	LENA
ABEL CREEK	T FIVE RANCH LLC	LENA
ALDER CREEK	ALDER CREEK DENIO RANCH, LLC	WES
ANDORNO	WILSON RANCH, INC.	LENA
ANTELOPE	WILSON RANCH, INC.	LENA
ASA MOORE	JOE AND D'ANN BIDAURRETA	SABRINA
BILK CREEK	DUFURRENA SHEEP COMPANY	KRUZE
BLOODY RUN	T QUARTER CIRCLE RANCHES, INC	KRUZE
BLOODY RUN	CRAWFORD CATTLE	WES
BLUE MOUNTAIN	DELONG RANCHES, INC.	ANGIE
BLUE WING/7 TROUGHS	ESTILL RANCHES LLC	ANGIE
BLUE WING/7 TROUGHS	JOHN ESPIL SHEEP COMPANY, INC.	ANGIE
BLUE WING/7 TROUGHS	DUFURRENA SHEEP COMPANY	KRUZE
BLUE WING/7 TROUGHS	C-PUNCH RANCH INC.	WES
BOTTLE CREEK	DUFURRENA SHEEP COMPANY	KRUZE
BOTTLE CREEK	DELONG RANCHES, INC.	LENA
BOTTLE CREEK	MEL HUMMEL	LENA
BOTTLE CREEK	ROBERT & SUSAN HOENCK	LENA
BOTTLE CREEK	WILSON RANCH, INC.	LENA
BUFFALO	BARTELL RANCH, LLC	KRUZE
BUFFALO HILLS	JOLA ANN MOTT	ANGIE
BUFFALO HILLS	STEVEN REDD	ANGIE
BULLHEAD	CRAWFORD CATTLE	WES
BUTTERMILK	KENNETH BUCKINGHAM	SABRINA
BUTTERMILK	LUCAS 7HL GRAZING LLC	SABRINA
CHIMNEY CREEK	PORCUPINE CREEK RANCH, LLC	KRUZE
CLEAR CREEK	ROBERT PARLASCA L.L.C.	KRUZE
COAL CANYON-POKER	JOHN OLAGARAY	LENA
COAL CANYON-POKER	BINGO G. WESNER	SABRINA
COAL CANYON-POKER	DUNCAN FAMILY 2002 TRUST	SABRINA
COYOTE	ESTILL RANCHES LLC	ANGIE
COYOTE	LENA S. AND WILLEY COURTNEY	ANGIE
COYOTE HILLS	JOHN W. UGALDE	LENA
CROWLEY CREEK	BARTELL RANCH, LLC	KRUZE
DAVEYTOWN	HENRY V. MCERQUIAGA	KRUZE
DAVEYTOWN	HOME RANCH LLC	WES
DEER CREEK	TODD AND JOSI WEAGANT	ANGIE

DESERT QUEEN	CERESOLA ESTATE DBA CERESOLA BROTHERS	SABRINA
DESERT QUEEN	GREEN GOAT RESTORATION LLC	SABRINA
DESERT QUEEN	STAN CERESOLA	SABRINA
DESERT VALLEY	DELONG RANCHES, INC.	LENA
DESERT VALLEY	MEL HUMMEL	LENA
DIAMOND S	CRAWFORD CATTLE	WES
DOLLY HAYDEN	MARVEL LAND AND LIVESTOCK, LLC	SABRINA
DOUBLE H	GRACE M. MCERQUIAGA FAMILY TRUST	KRUZE
DYKE HOT	WOODWARD RANCH LLC	WES
EDEN VALLEY	FRANK AND KATHY BENGGA	KRUZE
FLAT CREEK	KIRK D. MADER	LENA
FORT SCOTT	HS RANCH	KRUZE
GALLAGHER FLAT	GRACE M. MCERQUIAGA FAMILY TRUST	KRUZE
GALLAGHER FLAT	HENRY V. MCERQUIAGA	KRUZE
GOLCONDA BUTTE	CRAWFORD CATTLE	WES
GOLDBANKS	ELLC GRAZING MEMBERSHIP LLC	SABRINA
GOLDBANKS	MARVEL LAND AND LIVESTOCK, LLC	SABRINA
GRANITE	KENNETH BUCKINGHAM	SABRINA
GRANITE	ROBERT BUCKINGHAM	SABRINA
HANSON CREEK	HS RANCH	KRUZE
HAPPY CREEK	HAPPY CREEK, INC.	ANGIE
HARMONY	E. JAMES AND BETHANY THOMPSON	KRUZE
HARMONY	PEDROLI RANCHES	KRUZE
HOLE IN THE WALL	JERSEY VALLEY CATTLE COMPANY, LLC	SABRINA
HOME STATION GAP	JERSEY VALLEY CATTLE COMPANY, LLC	SABRINA
HORSE CREEK	HENRY V. MCERQUIAGA	KRUZE
HOT SPRINGS PEAK	JERRY HARPER	KRUZE
HUMBOLDT HOUSE	JOHN BELL	LENA
HUMBOLDT HOUSE	JOHN OLAGARAY	LENA
HUMBOLDT HOUSE	THE ROSE OF SNOWVILLE LLC	WES
HUMBOLDT SINK	CARL CLINGER	SABRINA
HUMBOLDT SINK	GREEN GOAT RESTORATION LLC	SABRINA
HUMBOLDT VALLEY	T QUARTER CIRCLE RANCHES, INC	KRUZE
HUMBOLDT VALLEY	HUMBOLDT RANCHES	LENA
HUMBOLDT VALLEY	THACKER PROPERTIES, INC.	LENA
HUMBOLDT VALLEY	THE ROSE OF SNOWVILLE LLC	WES
INDIAN CREEK	FORREST AND LILLA BELL FAMILY TRUST	LENA
IRON POINT	GENE AND JO CHRISTISON FAMILY TRUST	SABRINA
IRON POINT	JIM & SUE CHRISTISON	SABRINA
IRON POINT	PINSON RANCH	SABRINA
JACKSON MOUNTAIN	DELONG RANCHES, INC.	ANGIE
JERSEY VALLEY	JERSEY VALLEY CATTLE COMPANY, LLC	SABRINA
JORDAN MEADOWS	HOME RANCH LLC	WES
KINGS RIVER	JAMES R. BUELL, VMD	SABRINA
KLONDIKE	THE SHINING K, LLC	LENA
KNOTT CREEK	KNOTT CREEK RANCH R.D.D. INCORPORATED	ANGIE

LEADVILLE	ROBERT R. DEPAOLI	ANGIE
LITTLE HORSE CREEK	HENRY V. MCERQUIAGA	KRUZE
LITTLE HORSE CREEK	THEODORE MCERQUIAGA	KRUZE
LITTLE OWYHEE	CRAWFORD CATTLE	WES
LONG CANYON	LEON FREY	LENA
LOWER QUINN	WILSON RANCH, INC.	LENA
MAJUBA	JOHN ESPIL SHEEP COMPANY, INC.	ANGIE
MAJUBA	DUFURRENA SHEEP COMPANY	KRUZE
MAJUBA	THE ROSE OF SNOWVILLE LLC	WES
MARTIN CREEK	DANIEL AND DEMETRIA GORDAN	LENA
MELODY	E. JAMES AND BETHANY THOMPSON	KRUZE
MORMAN DAN	DELONG RANCHES, INC.	ANGIE
MULLINIX	JOHN BELL	LENA
OSGOOD	GENE AND JO CHRISTISON FAMILY TRUST	SABRINA
OSGOOD	JIM & SUE CHRISTISON	SABRINA
OSGOOD	PINSON RANCH	SABRINA
PAIUTE MEADOWS	PAIUTE MEADOWS GRAZING ASSOCIATION, LLC	ANGIE
PARADISE HILL	KEN SMITH	KRUZE
PINE FOREST	PINE FOREST LAND & STOCK COMPANY	ANGIE
PLEASANT VALLEY	CRAWFORD CATTLE	WES
PLEASANT VALLEY	VESCO RANCH	WES
POLE CANYON	RODEO CREEK & POLE CANYON GRAZING ASSOCIATION	ANGIE
POLE CREEK	JOHN AND JOHNA BELL	LENA
PRINCE ROYAL	JOHN BELL	LENA
PRINCE ROYAL	JOHN OLAGARAY	LENA
PROVO	FIVE FINGERS GRAZING ASSOCIATION, L.L.C	LENA
PUEBLO MOUNTAIN	MOSER RANCH LLC	LENA
PUMPERNICKEL	CHESTER F. DAWSON EXEMPTION TRUST	SABRINA
PUMPERNICKEL	ELLC GRAZING MEMBERSHIP LLC	SABRINA
PUMPERNICKEL	RICHARD & NANCY ROSASCO	SABRINA
PUMPERNICKEL	ROGER JOHNSON	SABRINA
RAGGED TOP	JOHN ESPIL SHEEP COMPANY INC.	ANGIE
RAGGED TOP	JOHN OLAGARAY	LENA
RAWHIDE	THE SHINING K, LLC	LENA
RAWHIDE	JOHN OLAGARAY	LENA
RAWHIDE	CRAWFORD CATTLE	WES
RAWHIDE	VESCO RANCH	WES
REBEL CREEK	RON & DENISE CERRI	KRUZE
ROCK CREEK	RICHARD & NANCY ROSASCO	SABRINA
RODEO CREEK	RODEO CREEK & POLE CANYON GRAZING ASSOCIATION	ANGIE
RYEPATCH	FORREST AND LILLA BELL FAMILY TRUST	LENA
RYEPATCH	JOHN BELL	LENA
RYEPATCH	JOHN OLAGARAY	LENA
SAND DUNES	MIKE MCNINCH	KRUZE
SAND DUNES	PEDROLI RANCHES	KRUZE

SAND DUNES	T QUARTER CIRCLE RANCHES, INC	KRUZE
SAND PASS	T QUARTER CIRCLE RANCHES, INC	KRUZE
SCOTT SPRINGS	CRAWFORD CATTLE	WES
SINGUS	KEYSTONE RANCH INC	SABRINA
SOD HOUSE	HAPPY CREEK INC	ANGIE
SOLDIER MEADOWS	BTAZ NEVADA LLC	ANGIE
SOLID SILVER	ROBERT BUCKINGHAM	SABRINA
SONOMA	PIQUET T&G TRUST AND LEVI P. PIQUET	KRUZE
SOUTH ROCHESTER	THE SHINING K, LLC	LENA
SOUTH ROCHESTER	JOHN OLAGARAY	LENA
SOUTH ROCHESTER	CRAWFORD CATTLE	WES
SPRING CREEK	PETE J. MARVEL AND KATHI F. MARVEL FAMILY TRUST	LENA
STAR PEAK	JOHN OLAGARAY	LENA
STAR PEAK	SALVADOR GALINDO	LENA
STAR PEAK	THACKER PROPERTIES, INC.	LENA
STAR PEAK	THE SHINING K, LLC	LENA
SUGAR LOAF	ROBERT GORDON	LENA
THOMAS CREEK	E. JAMES AND BETHANY THOMPSON	KRUZE
THOMAS CREEK	GARTH AMOS	KRUZE
U C	UC RANCH LLC	WES
UPPER QUINN RIVER	RON & DENISE CERRI	KRUZE
UPPER QUINN RIVER	SNAPFIELD GRAZING ASSOCIATION LLC	KRUZE
WASHBURN	STEVE AND AMORITA MAHER	KRUZE
WHITE HORSE	HUMBOLDT RANCHES	LENA
WILDER-QUINN	CASEY, PETE & NAOMI	KRUZE
WILDER-QUINN	DUFURRENA SHEEP COMPANY	KRUZE
WILDER-QUINN	QUINN RIVER CROSSING RANCH, LLC	KRUZE
WILLIAM STOCK	NINETY SIX RANCH	LENA
WILLIAM STOCK	T FIVE RANCH LLC	LENA
WILLOW CREEK	RON & DENISE CERRI	KRUZE



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
Phone: 775-635-4000 Fax: 775-635-4034
<https://www.blm.gov/nevada>

In Reply Refer To:
6711/9217/9220/9264 (NVB010)

Dear Interested Public

Enclosed please find the 2018 Dry Creek Fire Wildfire Management and Livestock Closure Decisions. If you have any questions, please contact Anna O'Brien Emergency Stabilization and Rehabilitation Lead 775-635-4175.

Sincerely,

Jon D. Sherve
Field Manager
Mount Lewis Field Office

Enclosures

- 2018 Dry Creek Fire Wildfire Management and Livestock Closure Decisions
- Map: 2018 Dry Creek: Location
- Map: 2018 Dry Creek Fire: Perimeter
- Map: 2018 Dry Creek Fire: Proposed Plantings
- List of Interested Parties

cc: Interested Public



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
Phone: 775-635-4000 Fax: 775-635-4034
<http://www.blm.gov/nevada>

In Reply Refer To:
6711/9217/9220/9264 (NVB0100)

OCT 26 2018

2018 Dry Creek Fire Wildfire Management and Livestock Closure Decisions

Dear Permittees:

INTRODUCTION:

During the summer of 2018, the Dry Creek Fire burned approximately 434 acres, all of which was on public land within the Bureau of Land Management (BLM), Battle Mountain District Office (BMDO), Mount Lewis Field Office (MLFO), Dry Creek Allotment (refer to the enclosed Dry Creek Fire maps). The fire was determined to be caused by lightning. After an interdisciplinary review, it was determined that rehabilitation was needed to maintain and/or restore important resources affected by the fire.

The fire burned Greater Sage-Grouse, Mule Deer, and other wildlife habitat areas. An Emergency Stabilization and Burn Area Rehabilitation (ES&R) plan was developed to determine the treatments needed to maintain and/or restore these resources and to establish a healthy, stable ecosystem. The Dry Creek Fire has increased the potential of wind and water erosion, and the spread of noxious weeds and invasive/non-native plant species. If left untreated, these important resources could exhibit reduced ecological conditions and rangeland health. To promote the success of vegetative treatments and natural recovery, rest from livestock grazing is required. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons or until objectives are met.

BACKGROUND:

The Dry Creek Fire started on Wednesday July 25, 2018, and was contained on the 27th. The Dry Creek Fire falls wholly in Battle Mountain's best Priority Habitat Management Area (PHMA) for the Greater Sage-Grouse. It is also summer Mule Deer Habitat. The entire fire area is located within the Dry Creek Allotment.

The area in which the Dry Creek Fire burned contains the largest population of Greater Sage-Grouse in central Nevada. It is also known as some of the best Mule Deer habitat in the county. The Nevada Division of wildlife has placed this fire as the highest priority for restoration in central Nevada and will be assisting in the restoration process.

The Dry Creek Fire potentially burned through 11 different ecological sites, one of which is not classified but just called Rock Outcrop. Seven of these ecological sites are range sites in the 24 Nevada series, two are in the 25 Nevada series (one of which is a forestry site), and two are in the 28 Nevada Series. The ecological sites and dominant plant species for each site are as follows:

- Mountain Ridge (R024XY016NV)- *Festuca idahoensis* (Idaho Fescue), *Poa* (Bluegrass) *Artemisia arbuscula* (Low Sagebrush) and *Artemisia nova* (Black Sagebrush)
- Claypan 10-12 precipitation zone (p.z.) (R024XY018NV)- *Achnatherum thurberianum* (Thurber's Needlegrass), *Pseudoroegneria spicata* ssp. *spicata* (Bluebunch Wheatgrass), and Low Sagebrush
- Loamy Slope 12-14 p.z. (R024XY021NV)- Idaho Fescue, Bluebunch Wheatgrass and *Artemisia tridentata* ssp. *vaseyana* (Mountain Big Sagebrush)
- Claypan 12-16 p.z. (R024XY027NV)- Idaho Fescue, Bluebunch Wheatgrass and Low Sagebrush
- South Slope 12-16 p.z. (R024XY029NV)- Bluebunch Wheatgrass, and Mountain Sagebrush
- Loamy Slope 14+ p.z. (R024XY032NV)- *Bromus marginatus* (Mountain Brome), Idaho Fescue and Mountain Big Sagebrush
- Stony Loam 14+ p.z. (R024XY034NV)- Idaho Fescue, Bluebunch Wheatgrass, *Artemisia tripartita* (Threetip Sagebrush), and Mountain Big Sagebrush
- Wet Meadow (R025XY005NV)- *Deschampsia caespitosa* (Tufted Hairgrass)
- Unnamed (F025XY065NV)- Mountain Brome, *Elymus trachicaulus* (Slender Wheatgrass), *Symphoricarpos oreophilus* (Mountain Snowberry), and *Populus tremuloides* (Quaking Aspen)
- Loamy Bottom 14+ p.z. (R028BY024NV)- Basin Wildrye and Mountain Sagebrush
- Loamy 16+ p.z. (R028BY029NV)- *Achnatherum lettermanii* (Letterman's Needlegrass), Mountain Brome, and Mountain Big Sagebrush

The area that the Dry Creek Fire burned had not historically burned. The burn severity of the Dry Creek fire was high; this fire burned hot and fast and there is no remaining stubble in the fire area. Historic trends for natural recovery following fire in Nevada indicate that the lower precipitation zones show a decreased chance of natural recovery, which is consistent with resistance and resilience concepts developed for the sagebrush steppe. Empirical evidence available from the 2000 and 2013 Ferguson and the 1999 Trail Canyon fires, that all burned in neighboring mountain ranges and similar ecoregions and elevation, helped inform management of past fire recovery in these areas. These fires show that without post fire ecological stabilization and rehabilitation, this area is unlikely to recover and may convert to a *Bromus tectorum* (Cheat Grass) monoculture. Often times, these systems have a high potential for re-burning and causing catastrophic, large-scale fires.

The Dry Creek Fire burned in the Simpson Park Mountain Range. The area that the Dry Creek Fire burned is steep with most of fire being above a 30% slope. The lowest portion of the burn is approximately 7,220 feet above sea level and the elevation reaches up to 8,700 feet. The Dry Creek Fire also burned a minor road in the area. Also, within the fire are multiple drainages that have intermittent streams. These drainages concentrate water flow during precipitation events and periods of snowmelt. Following fire, there is increased risk of heavy erosion throughout these systems. This erosion could negatively affect private properties and water quality downslope of the fire area. Most invasive exotic vegetation establishes and thrives following disturbance, and does not effectively stabilize soils compared to perennial vegetation.

Within the burn perimeter and the area immediately adjacent to it, there is one known noxious weed populations, *Carduus nutans* (Musk Thistle). There is also a high likelihood that there are other noxious weeds in the area that were not found while fighting the fire. Invasive exotic plants were found within the burn like, *Bromus tectorum* (Cheat Grass), *Alyssum desertorum* (Desert Madwort), *Halogeton glomeratus* (Saltlover), and *Lepidium perfoliatum* (Clasping Pepperweed). Due to the new disturbance, it is highly likely that external seed sources will contribute to invasive and exotic species establishment in this burn.

Objectives:

Post fire, the greatest challenge in the Great Basin Ecoregion is reducing the spread of invasive exotic species. Additionally, there is an increased risk of severe erosion during precipitation events and the introduction and spread of Nevada noxious weed species. Therefore, the BLM has established the following objectives as standards for success on this rehabilitation project.

Each treatment will be reviewed annually to see if the objectives are being met or if the site is moving towards meeting the objectives. If it is found that the objectives are not being met or if the site is not moving towards meeting the objectives then a BLM interdisciplinary team will meet to decide if the site has the potential to meet the prescribed objectives. They may determine at this time additional treatments will be required to meet objectives. If additional treatments are necessary, they may plan up to an additional five years of treatments.

Desirable Perennial Plant Communities Objective:

Establishment of perennial species is a primary objective. Healthy perennial plant communities stabilize soil, dissipate wind and water energy, enable increased infiltration of precipitation and improve overall habitat for wildlife. Healthy communities are also more resilient to future disturbances and are able to more effectively compete with invasive exotic and noxious species. The following outlines the BLM's desirable perennial plant community objective.

- An average of three perennial species/square meter which are rooted firmly in the soil. Species that qualify in meeting this objective must meet one or more of the following:
 - It is a species expected within the ecological site description for the site
 - It is a species that fills a functional role as a species on the ecological site description
 - It is a species that is included within the seed mix

Invasive Exotic and Noxious Species Objective:

To ensure successful establishment, invasive exotic and noxious species populations must be suppressed within this project area. The BLM has several treatment methods proposed to meet the following objective.

- Reduce or maintain the average cover of invasive exotic and noxious species populations to twenty percent or less.

Monitoring:

This rehabilitation effort represents a significant financial investment by the BLM. To ensure the best possible outcome, the BLM will monitor all treatment areas for three to five years. Monitoring will be done to evaluate the success of rehabilitation treatments. The BLM will establish permanent representative monitoring sites within the burned area.

Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approved methods will be taken, to show how the vegetation is recovering. Monitoring techniques will be implemented through methods in BLM technical references and in accordance with the 2008 Battle Mountain ES&R EA.

Alongside density study methods, the BLM will conduct a tug test for perennial species. The BLM will use the tug test to determine how firmly individual plants are rooted. Plants that can be removed from the soil without tearing the roots or stems are not considered to be firmly established.

Additionally, the BLM will establish photo point monitoring, which will be repeated annually. When possible, all monitoring sites will have adjacent, non-treated reference sites established, to compare results of the treatments.

Monitoring will focus on addressing the following questions:

- Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion?
- Is there evidence that desirable self-sustaining communities are being established?
- Is there vegetative reproduction occurring along with the establishment of the desirable species?

On October 2, 2018, the MLFO sent out a public consultation letter for the Dry Creek Fire. This consultation letter was issued with a 15 day comment period. It discussed the proposed ES&R treatments for the burn area, grazing closures, and the recommendations for the vegetative objectives/criteria for reintroduction of livestock to the burn areas. The letter served as the opportunity for the interested public, partners, and stakeholders, along with the state, local, and tribal governments, to provide comment to the proposed ES&R projects that had been developed by the ES&R interdisciplinary team.

At the conclusion of the comment period, comments were received, and some of the comments were integrated into this Decision and its DNA, while others are addressed in appendix A of the DNA. Therefore, it is my decision to implement the management actions identified for Wildlife Management and Grazing Closure Decisions for the 2018 Dry Creek Fire.

WILDFIRE MANAGEMENT DECISION:

This Decision is issued under 43 CFR §4190.1 and is effective upon issuance. The BLM MLFO has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage, due to the effects of the Francis Fire.

The following is a list of treatments, which were brought forward in the 2018 Francis Fire Emergency Stabilization and Rehabilitation plan in order to protect resources impacted by the fire.

Reseeding the Burned Area:

The Dry Creek Fire will be reseeded aerially. Any changes to seed mix will take into consideration the local site soil and climatic conditions, to provide the best possible chance for success. Preference in the seed mix will be given to native species over non-native species to fill the same functional roles. All seedings will occur during the fall, winter, or spring. If possible, seedings will be implemented shortly before anticipated snowfall to increase the chance for success. The two treatments are explained in further detail as follows:

The proposed drill seed mix will primarily consist of 6 perennial grasses: *Bromus marginatus* (Mountain Brome), *Elymus elymoides* (Bottlebrush Squirreltail), *Festuca idahoensis* (Idaho Fescue), *Leymus cinereus* (Great Basin Wildrye), *Pseudoroegneria spicata* ssp. *spicata* (Bluebunch Wheatgrass), and *Poa nevadensis* (Nevada Bluegrass). There will also be one shrub in this mix *Artemisia tridentata* ssp. *vaseyana* (Mountain Big Sagebrush). Battle Mountain District will be donating forbs to the mix that are already in the district's seed supplies. Seeding will occur in the fall, winter, and early spring, shortly before anticipated winter snowfall to assist with propagation.

A livestock closure will be implemented to allow the seeded species to establish. The grazing closure will remain in effect until the objectives outlined above are met or for a minimum of two growing seasons. The grazing closure is discussed further under the grazing closure section below. To facilitate the closure,

the rancher will work closely with the Range Staff and through actively push cattle, and implementing strategic supplement placement, they will keep the cattle off the burn. This burn happened right by their ranch house and in steep enough territory that they should be able to keep the cattle off the fire with minimal work.

Stabilizing the Creek and Hillside:

The Dry Creek Fire is already showing signs of rill and sheet erosion down by the creek and road. Erosion control utilizing wood or straw bales, mulch, or fabric will occur in areas where the erosion is active. This will promote streambank stabilization in the creek, prevent high amounts of erosion and required maintenance on the road, prevent blowouts of culverts, and inhibit high rates for sedimentation on private lands below the burn perimeter.

Invasive Exotic Plants and Noxious Weed Treatments:

Invasive exotic plants and Nevada noxious weeds are known to occur within the Dry Creek Fire perimeter and in the surrounding landscape. In order to maximize a successful rehabilitation outcome, the BLM must strive to reduce both invasive exotic plants and Nevada listed noxious weeds. These species will often times outcompete desirable native and non-native species and disrupt the overall function of any given ecosystem. Several examples of invasive exotic plants are known to occur within the area of the Copper Fire include *Bromus tectorum* (Cheat Grass), *Alyssum desertorum* (Desert Madwort), *Halimolobos glomeratus* (Saltlover), and *Lepidium perfoliatum* (Clasping Pepperweed). *Carduus nutans* (Musk Thistle), a Nevada listed noxious weed species was also found within the fire. Nevada State Law requires that all populations of noxious weed be treated.

There is an increased potential for these populations to establish and expand within burned areas. Invasive exotic and noxious weed species can have seed banks that persist through a burn and are often times the first species to germinate following a fire. Existing seed sources can be supplemented by wind, vehicles, and livestock moving through the area. Given the extent of invasive exotic species populations, especially in the lowland treatment area, there is a limited potential for recovery without specific invasive exotic and noxious weed species treatments. The BLM is proposing both chemical and targeted grazing treatments to manage the spread of invasive exotic and noxious weed species populations.

The BLM generally spot treats populations of noxious weed species and most invasive exotic species as part of post fire rehabilitation. The BLM will use an approved herbicide mix, which will be sprayed at a recommended rate. Monitoring and treatments will be funded under this project for a period of five years.

The BLM will use Imazapic within the fire perimeter to reduce the Cheat Grass, assist the reseeding measures, and promote native plant recovery. Imazapic is a relatively selective herbicide. It is used primarily to suppress Cheat Grass, and it will not affect the success of seeding efforts. If this treatment occurs prior to the growing season of desirable perennial species, then the BLM will consider the inclusion of a Glyphosate herbicide. Glyphosate herbicides will kill all plants it comes into contact with as long as they are actively growing. The BLM will implement this treatment in the fall or early spring.

All chemical treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative.

Rational:

This Decision on DNA 2018 Dry Creek Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0008-DNA) is effective upon issuance, in accordance with 43 CFR 4190.1, to allow implementation of treatments within a time frame consistent with the urgent nature of burned area rehabilitation to mitigate the effects of wildfire and fire suppression activities on natural

resources. Such resources include wildlife habitat, soil structure and forage values for wildlife, wild horses, and livestock. Implementation of the treatments for the Dry Creek Fire will minimize the potential of invasion and establishment of invasive and/or noxious weeds, provide quality forage for wildlife, wild horses and livestock, and facilitate meeting the Northern Great Basin Resource Advisory Council's (RAC) Standards and Guidelines.

Analysis of the burned area and the associated range sites was completed to determine the suitability and location of the seeding treatments. Species selected for the treatment are adapted to the range sites chosen for treatment and will facilitate a quicker vegetative response that will stabilize soils, reduce erosion, improve infiltration, provide competition for invasive non-native species, and replace organic litter that was consumed by the fires. In order to increase the likelihood of successes, the seeding treatment will occur within the winter months in order to take advantage of available soil moisture. Research and implementation of previous Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) plans has shown success with the timing and application methods that will be utilized to implement the seeding treatment. It is expected that vegetation establishment will be successful on all sites although the presence or absence of timely moisture will be a limiting factor.

Temporary fencing is necessary to protect the significant amount of investment being put into the fire rehabilitation. By temporarily excluding wild horses, large ungulates, and cattle, seeded and planted species will have the opportunity to develop robust root systems and provide a naturalized seed source to continue the rehabilitation of the burned area with less active management required.

This Decision on *2018 Dry Creek Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0008-DNA)* conforms to the Shoshone-Eureka Resource Management Plan (RMP), as amended, the Northern Great Basin RAC Standards and Guidelines and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan dated September 10, 2008. The proposed treatments are specifically accounted for in the Emergency Stabilization and Rehabilitation Plan.

Decision Authority:

The authority for this Decision on *2018 Dry Creek Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0008-DNA)* is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4190.1 Effect of wildfire management decisions.

(a) Notwithstanding the provisions of 43 CFR §4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:

- (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and
- (2) Projects to stabilize and rehabilitate lands affected by wildfire.

Appeal Provisions:

This Decision on *2018 Dry Creek Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0008-DNA)* may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 at the below address. If an appeal is taken, your notice of appeal must be filed within this office to Jon D. Sherve, Field Manager, Mount Lewis Field Office within 30 days from the effective date of this decision. The appellant has the burden of showing that the decision appealed from is in error. Notwithstanding the provisions of 43 CFR §4.21(a)(1), filing a notice of appeal does not automatically suspend the effect of the decision.

United States Department of the Interior
Office of the Secretary
Board of Land Appeals
4015 Wilson Blvd., Arlington, Virginia 22203

If you wish to file a petition pursuant to regulation 43 CFR §4.21(b) and §4190.1(a) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

WHERE TO FILE
NOTICE OF APPEAL. . . .

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, NV 89820
U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

SOLICITOR
ALSO COPY TO. . . .

A petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

GRAZING CLOSURE DECISION:

This Decision on *2018 Dry Creek Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0008-DNA)* is issued effective upon issuance in accordance 43 CFR §4110.3-3(b) and 43 CFR §4160.3(f). The Bureau of Land Management has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage due to wildfire and that continued grazing use poses an imminent likelihood of significant resource damage.

Therefore, it is my final decision to implement the following actions:

1. Close the burned area associated with the Dry Creek Fire to livestock grazing beginning March 2019. The fire will remain closed for a minimum of two growing seasons or until vegetation objectives are achieved.
2. Due to the size and vegetative communities associated with the fire, there will be a reduction of AUMs associated with the permits held by Dry Creek Ranch.

The current permitted Animal Use Months (AUMs) and the permittee affected by the Dry Creek Fire is shown in Table 1.

Table 1: Current Terms and Conditions

Permittee	Allotment	Pasture	Livestock Type	Season of Use	Permitted AUMs
Dry Creek Ranch	Dry Creek Allotment	Mountain	Cattle	April 1 st to July 31 st	1,765

The BLM is will temporarily reduce permitted AUMs within the fire perimeter upon issuance of the Closure Decision. See Table 2 for further delineation of the temporary reduction of AUMs.

Table 2: Grazing Closure Reduction Delineation

Permittee	Permitted AUMs	Proposed Temp Reduction	Available AUMs Under Temp Reduction
Dry Creek Ranch	1,765	46	1,719

All grazing closures will be in effect for two growing seasons from when seeding occurs. If objectives are not achieved within that period, the BLM will form an Interdisciplinary Team to evaluate the effectiveness of treatments. At this time, the BLM may decide to implement additional treatments or to extend/modify grazing closures. The decision to extend a grazing closure will be based on the likelihood for further rest to allow the site to meet objectives; these objectives were delineated above in the section titled "Objective".

Rationale:

This Decision on *2018 Dry Creek Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0008-DNA)* is being issued effective upon issuance, in accordance with 43 CFR §4110.3-3(b), in order to provide an opportunity for the burn area to recover, to allow for successful establishment of seeding treatments and to limit the likelihood of significant damage to natural resources. Rest from livestock grazing is required in order to successfully re-establish perennial vegetation, restore plant vigor and seed production, minimize active soil erosion and minimize the post fire invasive and noxious weed establishment (BLM H-1742-1 pg 35). The establishment of vegetation criteria accompanied by annual monitoring will ensure that perennial vegetation will be fully recovered from the effects of the burn prior to the re-introduction of livestock grazing. The growing season for key perennial grasses in the burned area approximately begins in April and ends in August depending upon the year and the species type.

Decision Authority:

The authority for this decision on *2018 Dry Creek Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0008-DNA)* is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4110.3-3(b): When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR §4.21.

§4160.3(f): Notwithstanding the provisions of §4.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision and shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals when the authorized officer has made a determination in accordance with §4110.3-3(b), or §4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provided in §4.21(a)(1) of this title.

Appeal Provisions:

In accordance with 43 CFR §4.470, and §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR §4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR §4.471 and §4160.4, an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Jon Sherve, Field Manager, Mount Lewis Field Office. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor.

WHERE TO FILE
NOTICE OF APPEAL. . . .

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, NV 89820

SOLICITOR
ALSO COPY TO. . . .

U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

Pursuant to 43 CFR §4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

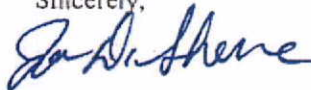
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR §4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR §4.422(c)(2)).

Sincerely,



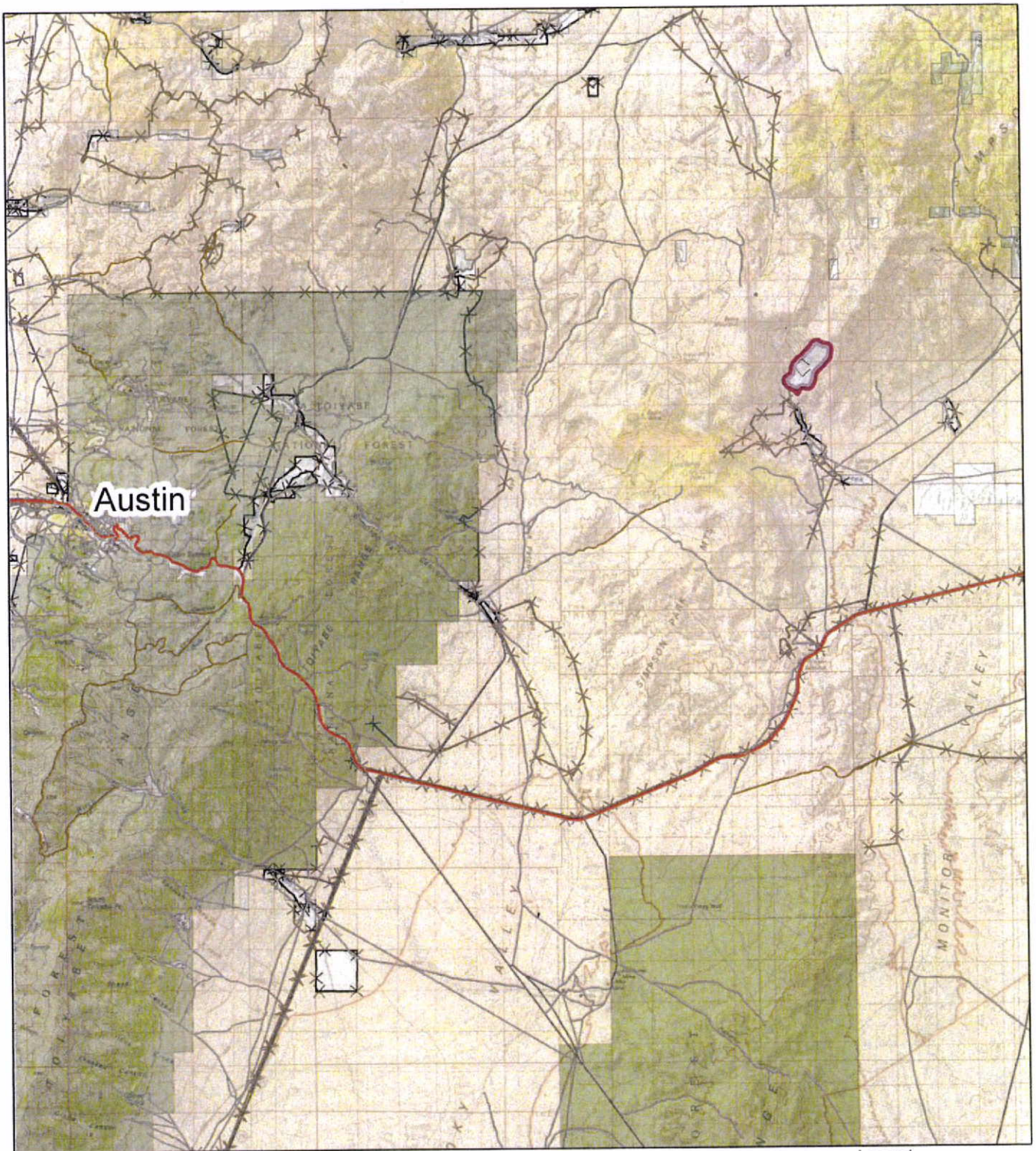
Jon D. Sherve
Field Manager
Mount Lewis Field Office

Enclosure(s)

Map: 2018 Dry Creek Fire Map: Location
Map: 2018 Dry Creek Fire Map: Perimeter
Map: 2018 Dry Creek Fire Map: Proposed Plantings
List of Interested Parties

cc: Interested Public

2018 Dry Creek Fire: Location

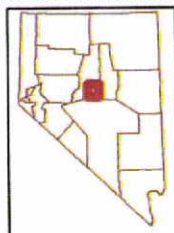


Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/7/2018

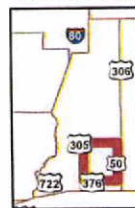


0 1.5 3 6 Miles

Location in Nevada:



Location within:
Lander County

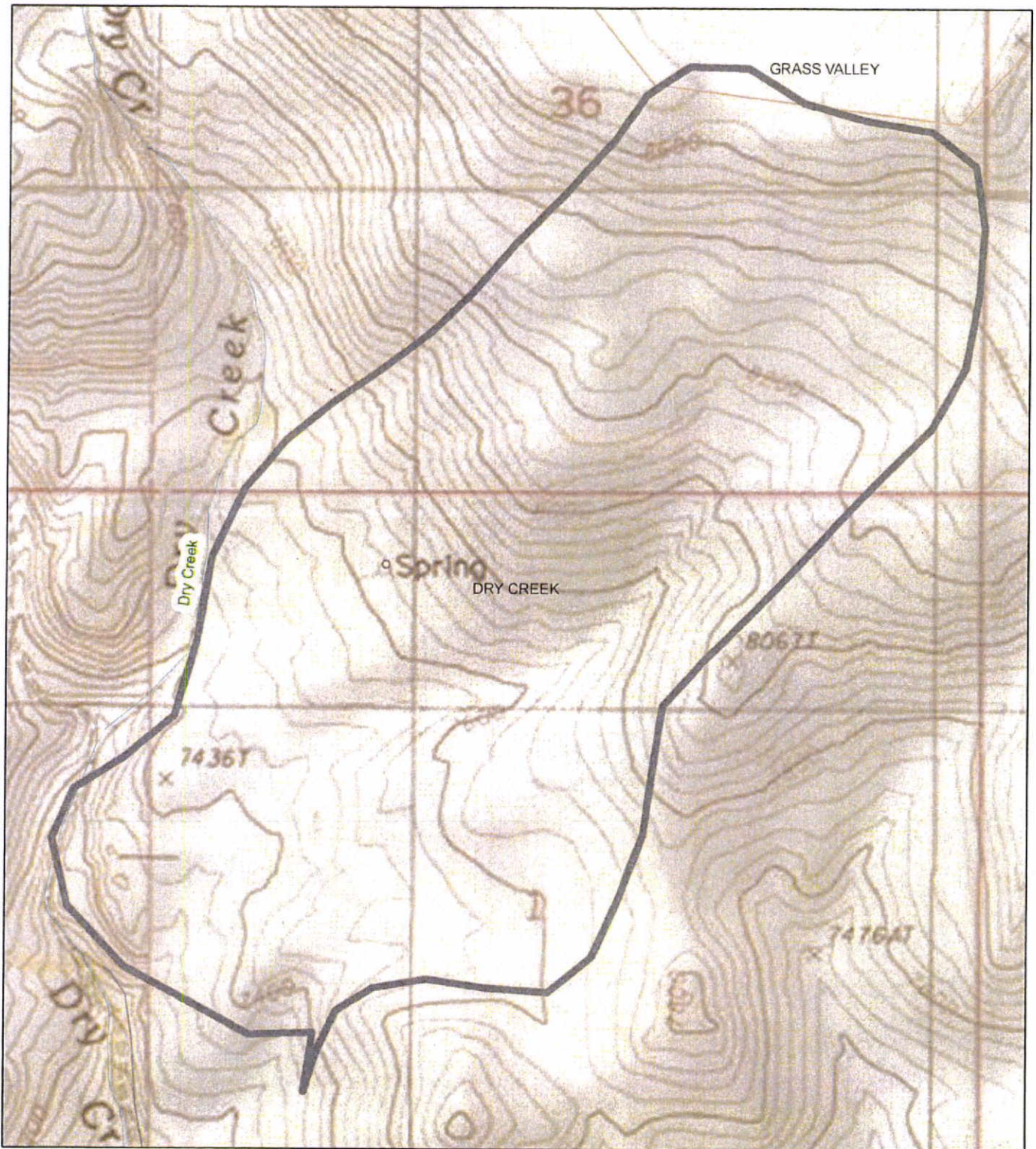


Legend

- 2018 Dry Creek Fire
- US Route
- Local Road
- 4-Wheel Drive Trail
- Unclassified Road
- Cities and Towns
- Admin. by BLM
- US Forest Service
- Private Land
- ✕ Existing Fence

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Dry Creek Fire: Perimeter

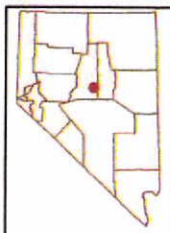


Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018



0 0.075 0.15 0.3 Miles

Location in Nevada:



Location within:
Lander County



- Legend
- Perimeter_Dry Creek
 - Unclassified Road
 - Admin. by BLM
 - Grazing_Pasture
 - Grazing Allotment Polygons
 - SpringSeep
 - Streams

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Dry Creek Fire: Proposed Plantings

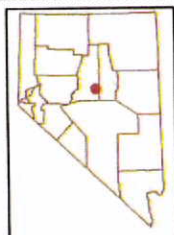


Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018



0 0.075 0.15 0.3 Miles

Location in Nevada:



Location within:
Lander County



Legend

- Seedling Planting
- Proposed Aerial Seeding
- 2018 Dry Creek Fire
- Unclassified Road
- Admin. by BLM
- Streams

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

Cathy Cecil
7033 Divot Drive
LaVerne, CA 91750

Glenn Alexander
227 North Highland Dr.
Winnemucca, NV 89445

Lorinda Whitman
HC60 Box 51363
Round Mountain, NV 89045

Steven Carier
P.O. Box 27
Lund, NV 89317

American Farm Mortgage Company
Lynn Ashby
8901 Greenway Commons Pl, Suite 200
Louisville, KY 40220

Badger/Chiara Ranches
Dan/Eddyann Filippini
HC-61, Box 65 Badger Ranch Road
Battle Mountain, NV 89820

Barrick Cortez Inc. Ranches
Al Plank
HC 66 Box 1250
Crescent Valley, NV 89821

Barrick Cortez Inc. Ranches
Doug Groves
HC-66, Box 1250
Crescent Valley, NV 89821

BTaz NV
John Young
P.O. Box 1167
Round Mountain, NV 89045

Center for Biological Diversity
Patrick Donnelly
PO Box 364414
North Las Vegas, NV 89036

Churchill County Commissioners
155 N Taylor St., #110
Fallon, NV 89406

Damele Partnership
Pete and Tom Damele
HC-31, Box 10
Austin, NV 89310

Esmeralda County Commissioners
Nancy Boland
P.O. BOX 517
Goldfield, NV 89013

Eureka County DNR
P.O. Box 682
Eureka, NV 89316

Eureka County DNR
Jim Baumann
P.O. Box 308
Eureka, NV 89316

Gandolfo Ranch
William Gandolfo
HC61 Box 6165
Austin, NV 89310

Grass Valley Ranch LLC
Jerry Lancaster
HC65, Box 500
Austin, NV 89310

Great Basin Resource Watch
John Hadder
P.O. Box 207
Reno, NV 89504

Harry Brown Family Trust
Harry Brown
HC-61, Box 6145
Austin, NV 89310

L&N Livestock
Lance Knudsen
HC 65, Box 50
Carlin, NV 89822

Lander Co Commissioners
50 State Route 305
Battle Mountain, NV 89820

Lander County Planning
Kyla Bright
50 State Route 305
Battle Mountain, NV 89820

Lander County PLUAC
Phillip Williams
P.O. Box 767
Austin, NV 89310

Lander County Public Lands
Frank Whitman
PO Box 239
Austin, NV 89310

N-6 Grazing Board
Henry Filippini Jr.
HC 61 Box 70
Battle Mountain, NV 89820

NDOW
Caleb McAdoo
60 Youth Center Road
Elko, NV 89801

NDOW
Jeremy Lutz
525 Round Mountain Drive
Battle Mountain, NV 89820

Nevada Cattleman's Association
Kaley Sproul
P.O. Box 310
Elko, NV 89803

Nevada Department of Transportation
Steve Cooke
1263 S. Stewart Street
Carson City, NV 89701

Nevada Department of Wildlife
Alan Jenne
1100 Valley Road
Reno, NV 89512

Nevada Department of Wildlife
Clint Garrett
P.O. Box 592
Eureka, NV 89316

Nevada Department of Wildlife
Teri Slatauski
P.O. Box 1032
Tonopah, NV 89049

Nevada Department of Wildlife - Ely
Moir Kolada
1218 N. Alpha St.
Ely, NV 89301

Nevada State Clearinghouse
Skip Canfield
901 S. Stewart Street, Suite 5003
Carson City, NV 89701

NightWatch Marine
Pam Harrington
3089 Crescent Ave.
Crescent Valley, NV 89821

NRAC
Gary McCuin
P.O. Box 611
Eureka, NV 89316

NRAC
Jim Wise
P.O. Box 327
Eureka, NV 89316

NRAC
Ken Conley
HC 62 Box 646
Eureka, NV 89316

NRAC
Leo Damele
HC 62 Box 62310
Eureka, NV 89316

NRAC
Mike Protani
P.O. Box 654
Eureka, NV 89316

NRAC
Mike Rebaleati
P.O. Box 321
Eureka, NV 89316

NRAC
Paul Etzler
P.O. Box 351
Eureka, NV 89316

NV Depart. Of Agriculture
David Voth
4780 East Idaho Street
Elko, NV 89801

Nye County Commissioner
PO BOX 153
Tonopah, NV 89049

Paris Ranch
Bert Paris
HC81 Box 140
Battle Mountain, NV 89820

Sadler Ranch
Levi Shoda
HC62, Box 62175
Eureka, NV 89316

Synergy Resource Solutions, Inc
Jack Alexander
5393 Hamm Road
Bellgrade, MT 59714

Town of Tonopah
James Eason
P.O. Box 151
Tonopah, NV 89049

U.S Fish & Wildlife Service - Reno
1340 Finacial Blvd, Suite 234
Reno, NV 89502

W. Shoshone Descendants of Big Smokey
Felix Ike
1949 Circle Way
Elko, NV 89801

Western Watersheds Project
Kelly Fuller
P.O. Box 779
Depoe Bay, OR 97341

Western Watersheds Project
Scott Lake
P.O. Box 2863
Boise, ID 83701

White Sage Grazing
Jerry and Tana Masterpool
573 CR 3525
Paradise, TX 76073

Wild Horse Education
Laura Leigh
2016 Lemmon Dr. #316
Reno, NV 89506

Wildlands Defense
Katie File
P.O. Box 125
Bosie, ID 83701



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
Phone: 775-635-4000 Fax: 775-635-4034
<https://www.blm.gov/nevada>

In Reply Refer To:
6711/9217/9220/9264 (NVB010)

Dear Interested Public

Enclosed please find the 2018 Copper Fire Wildfire Management and Livestock Closure Decisions. If you have any questions, please contact Anna O'Brien Emergency Stabilization and Rehabilitation Lead 775-635-4175.

Sincerely,

Jon D. Sherve
Field Manager
Mount Lewis Field Office

Enclosures

2018 Copper Fire Wildfire Management and Livestock Closure Decisions
Map: 2018 Copper and Copper Fire: Location
Map: 2018 Copper Fire: Perimeter
Map: 2018 Copper Fire: Proposed Fence Lines and Plantings
List of Interested Parties

cc: Interested Public



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Mount Lewis Field Office

50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

<http://www.blm.gov/nevada>



In Reply Refer To:

6711/9217/9220/9264 (NVB0100)

CCT 26 2010

2018 Copper Fire Wildfire Management and Livestock Closure Decisions

Dear Permittees:

INTRODUCTION:

During the summer of 2018, the Copper Fire burned approximately 716 acres, all of which was on public land within the Bureau of Land Management (BLM), Battle Mountain District Office (BMDO), Mount Lewis Field Office (MLFO), Carico Lake Allotment (refer to the enclosed Copper Fire maps). The fire was determined to be caused by lightning. After an interdisciplinary review, it was determined that rehabilitation was needed to maintain and/or restore important resources affected by the fire.

The fire burned Greater Sage-Grouse, Pronghorn, Mule Deer, and other wildlife habitat areas. An Emergency Stabilization and Burn Area Rehabilitation (ES&R) plan was developed to determine the treatments needed to maintain and/or restore these resources and to establish a healthy, stable ecosystem. The Copper Fire has increased the potential of wind and water erosion, and the spread of noxious weeds and invasive/non-native plant species. If left untreated, these important resources could exhibit reduced ecological conditions and rangeland health. To promote the success of vegetative treatments and natural recovery, rest from livestock grazing is required. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons or until objectives are met.

BACKGROUND:

The Copper Fire started on Saturday July 21, 2018, and was contained the following day. The Copper Fire burned 322 acres of Greater Sage-Grouse's Other Habitat Management Area (OHMA) and 263 acres of General Habitat Management Area (GHMA). The Pronghorned Antelope habitat is split between 692 acres of winter habitat and 24 acres of year round habitat. The whole fire is in winter Mule Deer habitat. The entire fire area is also in the Carico Lake Allotment.

The Copper Fire potentially burned through 3 different ecological sites, one of which is not classified but just called Rock Outcrop. All of the ecological sites are range sites in the 24 Nevada series. The ecological sites and dominant plant species for each site are as follows:

- Loamy 5-8 precipitation zone (p.z.) (R024XY002NV)- *Achantherum hymenoides* (Indian Ricegrass), *Atriplex confertifolia* (Shadscale), and *Picrothamnus desertorum* (Bud Sagebrush)
- Silty 4-8 p.z. (R024XY004NV)- Indian Ricegrass and *Krascheninnikovia lanata* (Winterfat)

The area that the Copper Fire burned had not historically burned. The burn severity of the Copper fire was high; this fire burned hot and fast and there is no remaining stubble in the fire area. Historic trends for natural recovery following fire in Nevada indicate that the lower precipitation zones show a decreased chance of natural recovery, which is consistent with resistance and resilience concepts developed for the sagebrush steppe. Empirical evidence available from the nearby 1999 Filippini, 2007 Elephant Head, and 2016 Carico fires, that all burned in neighboring mountain ranges and similar ecoregions and elevation, helped inform management of past fire recovery in these areas. These fires show that without post fire ecological stabilization and rehabilitation, this area is unlikely to recover and may convert to a *Bromus tectorum* (Cheat Grass) monoculture. Often times, these systems have a high potential for re-burning and causing catastrophic, large-scale fires.

The Copper Fire was located within the Toiyabe Mountain Range. The area that the Copper Fire burned is relatively flat with a less than 10 % slope. The lowest portion of the burn is approximately 4,840 feet above sea level and the elevation reaches up to 5,040 feet. The Copper Fire also burned some minor roads in the area. There is a high potential for increased erosion to impact these roads. Also, within the fire are multiple drainages that have intermittent streams. These drainages concentrate water flow during precipitation events and periods of snowmelt. Following fire, there is increased risk of heavy erosion throughout these systems. This erosion could negatively affect private properties and water quality downslope of the fire area. Most invasive exotic vegetation establishes and thrives following disturbance, and does not effectively stabilize soils compared to perennial vegetation.

Within the burn perimeter and the area immediately adjacent to it, there are no known noxious weed populations. The likelihood that there are unreported noxious weeds in the area is high based on the known infestations in similar areas near the fire perimeter. Invasive exotic plants were found within the burn, *Bromus tectorum* (Cheat Grass), *Alyssum desertorum* (Desert Madwort), *Halogeton glomeratus* (Saltlover), and *Lepidium perfoliatum* (Clasping Pepperweed). Due to the new disturbance, it is highly likely that external seed sources will contribute to invasive and exotic species establishment in this burn.

Objectives:

Post fire, the greatest challenge in the Great Basin Ecoregion is reducing the spread of invasive exotic species. Additionally, there is an increased risk of severe erosion during precipitation events and the introduction and spread of Nevada noxious weed species. Therefore, the BLM has established the following objectives as standards for success on this rehabilitation project.

Each treatment will be reviewed annually to see if the objectives are being met or if the site is moving towards meeting the objectives. If it is found that the objectives are not being met or if the site is not moving towards meeting the objectives then a BLM interdisciplinary team will meet to decide if the site has the potential to meet the prescribed objectives. They may determine at this time additional treatments will be required to meet objectives. If additional treatments are necessary, they may plan up to an additional five years of treatments.

Desirable Perennial Plant Communities Objective:

Establishment of perennial species is a primary objective. Healthy perennial plant communities stabilize soil, dissipate wind and water energy, enable increased infiltration of precipitation and improve overall habitat for wildlife. Healthy communities are also more resilient to future disturbances and are able to more effectively compete with invasive exotic and noxious species. The following outlines the BLM's desirable perennial plant community objective.

- An average of three perennial species/square meter which are rooted firmly in the soil. Species that qualify in meeting this objective must meet one or more of the following:

- It is a species expected within the ecological site description for the site
- It is a species that fills a functional role as a species on the ecological site description
- It is a species that is included within the seed mix

Invasive Exotic and Noxious Species Objective:

To ensure successful establishment, invasive exotic and noxious species populations must be suppressed within this project area. The BLM has several treatment methods proposed to meet the following objective.

- Reduce or maintain the average cover of invasive exotic and noxious species populations to twenty percent or less.

Monitoring:

This rehabilitation effort represents a significant financial investment by the BLM. To ensure the best possible outcome, the BLM will monitor all treatment areas for three to five years. Monitoring will be done to evaluate the success of rehabilitation treatments. The BLM will establish permanent representative monitoring sites within the burned area.

Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approved methods will be taken to show how the vegetation is recovering. Monitoring techniques will be implemented through methods in BLM technical references and in accordance with the 2008 Battle Mountain ES&R EA.

Alongside density study methods, the BLM will conduct a tug test for perennial species. The BLM will use the tug test to determine how firmly individual plants are rooted. Plants that can be removed from the soil without tearing the roots or stems are not considered to be firmly established.

Additionally, the BLM will establish photo point monitoring, which will be repeated annually. When possible, all monitoring sites will have adjacent, non-treated reference sites established, to compare results of the treatments.

Monitoring will focus on addressing the following questions:

- Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion?
- Is there evidence that desirable self-sustaining communities are being established?
- Is there vegetative reproduction occurring along with the establishment of the desirable species?

On October 2, 2018, the MLFO sent out a public consultation letter for the Copper Fire. This consultation letter was issued with a 15 day comment period. It discussed the proposed ES&R treatments for the burn area, grazing closures, and the recommendations for the vegetative objectives/criteria for reintroduction of livestock to the burn areas. The letter served as the opportunity for the interested public, partners, and stakeholders, along with the state, local, and tribal governments, to provide comment to the proposed ES&R projects that had been developed by the ES&R interdisciplinary team.

At the conclusion of the comment period, comments were received, and some of the comments were integrated into this Decision and its DNA, while others are addressed in appendix A of the DNA. Therefore, it is my decision to implement the management actions identified for Wildlife Management and Grazing Closure Decisions for the 2018 Copper Fire.

WILDFIRE MANAGEMENT DECISION:

This Decision is issued under 43 CFR §4190.1 and is effective upon issuance. The BLM MLFO has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage, due to the effects of the Copper Fire.

The following is a list of treatments, which were brought forward in the 2018 Copper Fire Emergency Stabilization and Rehabilitation plan in order to protect resources impacted by the fire.

Reseeding the Burned Area:

The Copper Fire will be reseeded with a drill seeder. Any changes to seed mix will take into consideration the local site soil and climatic conditions, to provide the best possible chance for success. Preference in the seed mix will be given to native species over non-native species to fill the same functional roles. All seedings will occur during the fall, winter, or spring. If possible, seedings will be implemented shortly before anticipated snowfall to increase the chance for success. The two treatments are explained in further detail as follows:

The proposed drill seed mix will primarily consist of 6 perennial grasses: *Achnatherum hymenoides* (Indian Ricegrass), *Elymus elymoides* (Bottlebrush Squirreltail), *Leymus cinereus* (Great Basin Wildrye), *Poa secunda* (Sandberg's Bluegrass), *Distichlis spicata* (Inland Saltgrass) and *Hesperostipa comata* (Needle and Thread Grass). 4 shrubs: *Atriplex confertifolia* (Shadscale), *Artemisia tridentata* ssp. *Wyomingensis* (Wyoming Big Sagebrush) and *Grayia spinosa* (Spiny Hopsage) and *Sarcobatus vermiculatus* (Black Greasewood); and 2 forbs: *Bassia prostrata* (Forage Kochia), and *Sphaeralcea munroana* (Munroes Globemallow). The drill mix will be used on the flats on public land throughout the fire and will avoid rock outcrops, unburned islands, and any identified historic properties. Seeding will occur in the fall, winter, and early spring, shortly before anticipated winter snowfall to assist with propagation.

A livestock closure will be implemented to allow the seeded species to establish. The grazing closure will remain in effect until the objectives outlined above are met or for a minimum of two growing seasons. The grazing closure is discussed further under the grazing closure section below. To facilitate the closure, approximately 5 miles of fence will be installed around the perimeter of the fire. The fence should be constructed before the growing season and prior to turnout in that pasture/ allotment. This time frame should minimize the detrimental effects of grazing on sprouting seeding treatments. Once site objectives are met and the closure is lifted, the fence will be removed. The fence will be metal T-post and barbed wire construction with 2 strands of barbed wire and 1 smooth bottom wire. Corners will be easy panels and gates will be placed at a minimum of every mile, to allow for removal of animals in the event that livestock enter the exclosure accidentally. Sage-Grouse fence markers will be placed along the fence line if it falls within ¼ a mile of any leks.

Invasive Exotic Plants and Noxious Weed Treatments:

Invasive exotic plants are known to occur within the Copper Fire perimeter and in the surrounding landscape. In order to maximize a successful rehabilitation outcome, the BLM must strive to reduce both invasive exotic plants and Nevada listed noxious weeds. These species will often times outcompete desirable native and non-native species and disrupt the overall function of any given ecosystem. Several examples of invasive exotic plants are known to occur within the area of the Copper Fire include *Bromus tectorum* (Cheat Grass), *Abyssum desertorum* (Desert Madwort), *Halogeton glomeratus* (Saltlover), and *Lepidium perfoliatum* (Clasping Pepperweed). There were no known Nevada listed noxious weed species found within the fire. Nevada State Law requires that all populations of noxious weed be treated.

There is an increased potential for these populations to establish and expand within burned areas. Invasive exotic and noxious weed species can have seed banks that persist through a burn and are often times the first species to germinate following a fire. Existing seed sources can be supplemented by wind, vehicles, and livestock moving through the area. Given the extent of invasive exotic species populations, especially in the lowland treatment area, there is a limited potential for recovery without specific invasive exotic and noxious weed species treatments. The BLM is proposing both chemical and targeted grazing treatments to manage the spread of invasive exotic and noxious weed species populations.

The BLM generally spot treats populations of noxious weed species and most invasive exotic species as part of post fire rehabilitation. The BLM will use an approved herbicide mix, which will be sprayed at a recommended rate. Monitoring and treatments will be funded under this project for a period of five years.

The BLM will use Imazapic within the fire perimeter to reduce the Cheat Grass, assist the reseeding measures, and promote native plant recovery. Imazapic is a relatively selective herbicide. It is used primarily to suppress Cheat Grass, and it will not affect the success of seeding efforts. If this treatment occurs prior to the growing season of desirable perennial species, then the BLM will consider the inclusion of a Glyphosate herbicide. Glyphosate herbicides will kill all plants it comes into contact with as long as they are actively growing. The BLM will implement this treatment in the fall or early spring.

All chemical treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative.

Rational:

This Decision on DNA 2018 Copper Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0007-DNA) is effective upon issuance, in accordance with 43 CFR 4190.1, to allow implementation of treatments within a time frame consistent with the urgent nature of burned area rehabilitation to mitigate the effects of wildfire and fire suppression activities on natural resources. Such resources include wildlife habitat, soil structure and forage values for wildlife, wild horses, and livestock. Implementation of the treatments for the Copper Fire will minimize the potential of invasion and establishment of invasive and/or noxious weeds, provide quality forage for wildlife, wild horses and livestock, and facilitate meeting the Northern Great Basin Resource Advisory Council's (RAC) Standards and Guidelines.

Analysis of the burned area and the associated range sites was completed to determine the suitability and location of the seeding treatments. Species selected for the treatment are adapted to the range sites chosen for treatment and will facilitate a quicker vegetative response that will stabilize soils, reduce erosion, improve infiltration, provide competition for invasive non-native species, and replace organic litter that was consumed by the fires. In order to increase the likelihood of successes, the seeding treatment will occur within the winter months in order to take advantage of available soil moisture. Research and implementation of previous Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) plans has shown success with the timing and application methods that will be utilized to implement the seeding treatment. It is expected that vegetation establishment will be successful on all sites although the presence or absence of timely moisture will be a limiting factor.

Temporary fencing is necessary to protect the significant amount of investment being put into the fire rehabilitation. By temporarily excluding wild horses, large ungulates, and cattle, seeded and planted species will have the opportunity to develop robust root systems and provide a naturalized seed source to continue the rehabilitation of the burned area with less active management required.

This Decision on *2018 Copper Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0007-DNA)* conforms to the Shoshone-Eureka Resource Management Plan (RMP), as amended, the Northern Great Basin RAC Standards and Guidelines and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan dated September 10, 2008. The proposed treatments are specifically accounted for in the Emergency Stabilization and Rehabilitation Plan.

Decision Authority:

The authority for this Decision on *2018 Copper Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0007-DNA)* is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4190.1 Effect of wildfire management decisions.

(a) Notwithstanding the provisions of 43 CFR §4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:

- (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and
- (2) Projects to stabilize and rehabilitate lands affected by wildfire.

Appeal Provisions:

This Decision on *2018 Copper Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0007-DNA)* may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 at the below address. If an appeal is taken, your notice of appeal must be filed within this office to Jon D. Sherve, Field Manager, Mount Lewis Field Office within 30 days from the effective date of this decision. The appellant has the burden of showing that the decision appealed from is in error. Notwithstanding the provisions of 43 CFR §4.21(a)(1), filing a notice of appeal does not automatically suspend the effect of the decision.

United States Department of the Interior
Office of the Secretary
Board of Land Appeals
4015 Wilson Blvd., Arlington, Virginia 22203

If you wish to file a petition pursuant to regulation 43 CFR §4.21(b) and §4190.1(a) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

WHERE TO FILE
NOTICE OF APPEAL. . . .

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, NV 89820
U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

SOLICITOR
ALSO COPY TO. . . .

A petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

GRAZING CLOSURE DECISION:

This Decision on *2018 Copper Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0007-DNA)* is issued effective upon issuance in accordance 43 CFR §4110.3-3(b) and 43 CFR §4160.3(f). The Bureau of Land Management has made the determination that vegetation, soil, and other resources on the public lands are at imminent risk of erosion or other damage due to wildfire and that continued grazing use poses an imminent likelihood of significant resource damage.

Therefore, it is my final decision to implement the following actions:

1. Close the burned area associated with the Copper Fire to livestock grazing beginning February 2019. The fire will remain closed for a minimum of two growing seasons or until vegetation objectives are achieved.
2. Due to the stocking rate within this pasture and the size of the fire compared to the overall pasture acreage, no AUMs associated with the permits held by Barrick Cortez, Inc will be temporarily reduced.

Table 1 shows the season of use and AUMs for the Allotment as well as the temporary suspension of AUMs associated with the fire.

Table 1: Current Terms and Conditions

Permittee	Allotment	Pasture	Livestock Type	Season of Use	Permitted AUMs	Temporary AUM Reduction
Barrick Cortez, Inc.	Carico Lake Allotment	Cortez Joint Venture	Cattle	February 1 st to March 31 st	1,742	0

All grazing closures will be in effect for two growing seasons from when seeding occurs. If objectives are not achieved within that period, the BLM will form an Interdisciplinary Team to evaluate the effectiveness of treatments. At this time, the BLM may decide to implement additional treatments or to extend/modify grazing closures. The decision to extend a grazing closure will be based on the likelihood

for further rest to allow the site to meet objectives; these objectives were delineated above in the section titled "Objective".

Rationale:

This Decision on *2018 Copper Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0007-DNA)* is being issued effective upon issuance, in accordance with 43 CFR §4110.3-3(b), in order to provide an opportunity for the burn area to recover, to allow for successful establishment of seeding treatments and to limit the likelihood of significant damage to natural resources. Rest from livestock grazing is required in order to successfully re-establish perennial vegetation, restore plant vigor and seed production, minimize active soil erosion and minimize the post fire invasive and noxious weed establishment (BLM H-1742-1 pg 35). The establishment of vegetation criteria accompanied by annual monitoring will ensure that perennial vegetation will be fully recovered from the effects of the burn prior to the re-introduction of livestock grazing. The growing season for key perennial grasses in the burned area approximately begins in April and ends in August depending upon the year and the species type.

Decision Authority:

The authority for this decision on *2018 Copper Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0007-DNA)* is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4110.3-3(b): When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR §4.21.

§4160.3(f): Notwithstanding the provisions of §4.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision and shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals when the authorized officer has made a determination in accordance with §4110.3-3(b), or §4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provided in §4.21(a)(1) of this title.

Appeal Provisions:

In accordance with 43 CFR §4.470, and §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR §4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR §4.471 and §4160.4, an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Jon Sherve, Field Manager, Mount Lewis Field Office. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor.

WHERE TO FILE
NOTICE OF APPEAL. . . .

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, NV 89820

SOLICITOR
ALSO COPY TO. . . .

U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

Pursuant to 43 CFR §4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

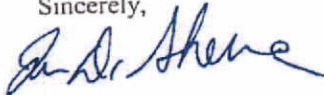
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR §4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR §4.422(c)(2)).

Sincerely,



Jon D. Sherve
Field Manager
Mount Lewis Field Office

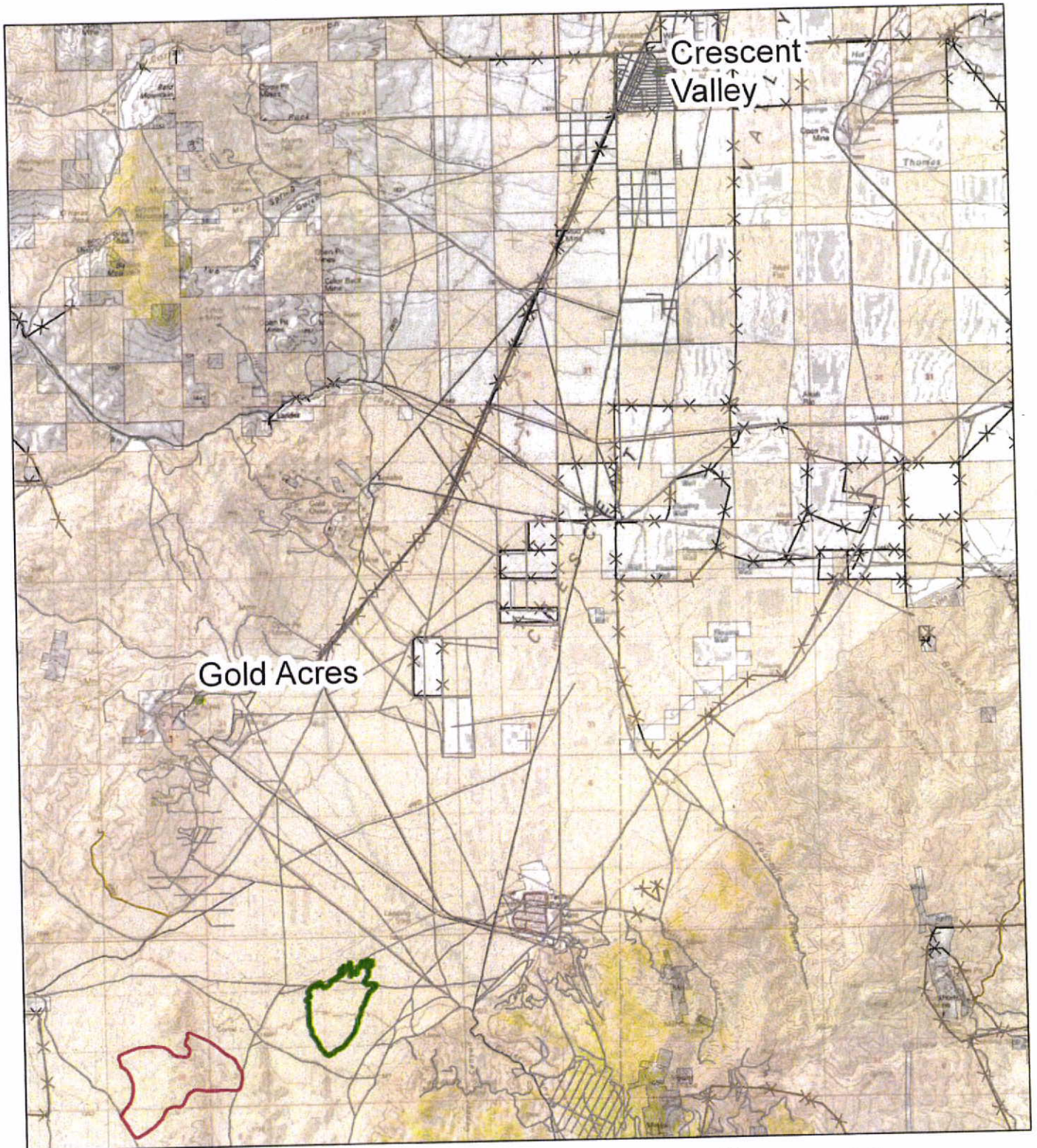
Enclosure(s)

Map: 2018 Copper and Copper Fire: Location

Map: 2018 Copper Fire: Perimeter
Map: 2018 Copper Fire: Proposed Fence Lines and Plantings
List of Interested Parties

cc: Interested Public

2018 Francis and Copper Fire: Location

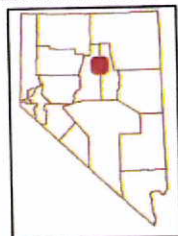


Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018



0 1 2 4 Miles

Location in Nevada:



Location within:
Lander County

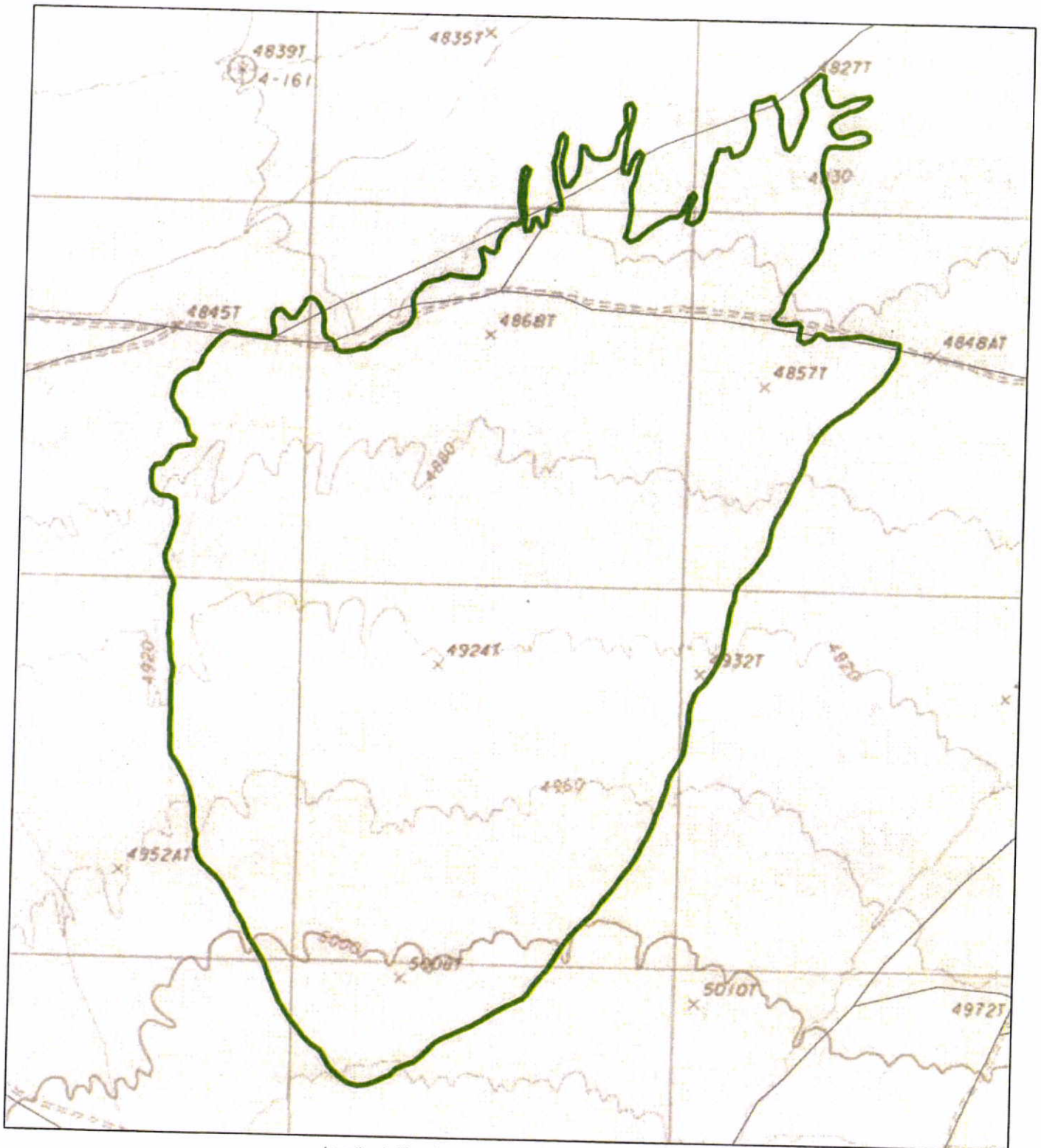


Legend

- 2018 Francis Fire
- 2018 Copper Fire
- Local Road
- 4-Wheel Drive Trail
- Unclassified Road
- Cities and Towns
- Admin. by BLM
- Private Land
- ✕ Existing Fence

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

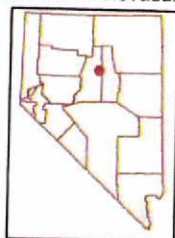
2018 Copper Fire: Perimeter



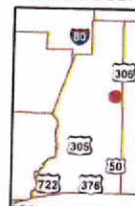
Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018



Location in Nevada:



Location within:
Lander County



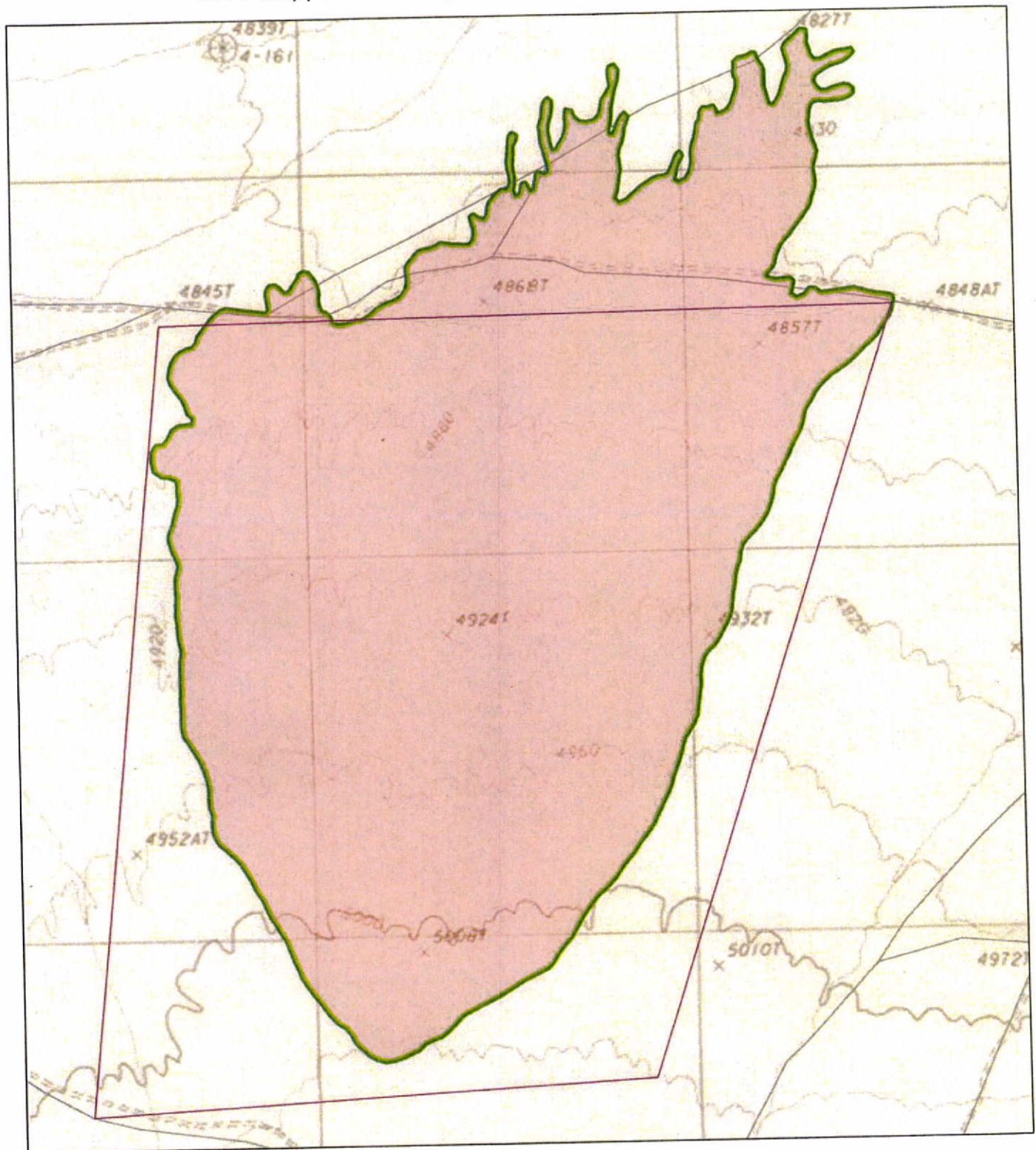
Legend

- 2018 Copper Fire
- Unclassified Road
- Admin. by BLM

0 0.1 0.2 0.4 Miles

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2018 Copper Fire: Proposed Fence Lines and Plantings



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018



Location in Nevada:



Location within:
Lander County



- Legend
- Proposed Fence
 - Drill Seeding
 - 2018 Copper Fire
 - Unclassified Road
 - Admin. by BLM

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

Cathy Ceci
7033 Divot Drive
LaVerne, CA 91750

Glenn Alexander
227 North Highland Dr.
Winnemucca, NV 89445

Lorinda Whitman
HC60 Box 51363
Round Mountain, NV 89045

Steven Carter
P.O. Box 27
Lund, NV 89317

American Farm Mortgage Company
Lynn Ashby
8901 Greenway Commons Pl, Suite 200
Louisville, KY 40220

Badger/Chiara Ranches
Dan/Eddyann Filippini
HC-61, Box 65 Badger Ranch Road
Battle Mountain, NV 89820

Barrick Cortez Inc. Ranches
Al Plank
HC 66 Box 1250
Crescent Valley, NV 89821

Barrick Cortez Inc. Ranches
Doug Groves
HC-66, Box 1250
Crescent Valley, NV 89821

BTAZ NV
John Young
P.O. Box 1167
Round Mountain, NV 89045

Center for Biological Diversity
Patrick Donnelly
PO Box 364414
North Las Vegas, NV 89036

Churchill County Commissioners
155 N Taylor St., #110
Fallon, NV 89406

Elko Land and Livestock Company
Hanes Holman
1655 Mountain City Highway
Elko, NV 89801

Elko Land and Livestock Company
Jeff White
1655 Mountain City Highway
Elko, NV 89801

Elison Ranching Company
Bill Hall
HC-32, Box 240
Tuscarora, NV 89834

Esmeralda County Commissioners
Nancy Boland
P.O. BOX 517
Goldfield, NV 89013

Eureka County DNR
P.O. Box 682
Eureka, NV 89316

Eureka County DNR
Jim Baumann
P.O. Box 308
Eureka, NV 89316

Filippini Ranch
Shawn Mariluch
HC 61, Box 75
Battle Mountain, NV 89820

Gandolfo Ranch
William Gandolfo
HC61 Box 6165
Austin, NV 89310

Grass Valley Ranch LLC
Jerry Lancaster
HC65, Box 500
Austin, NV 89310

Great Basin Resource Watch
John Hadder
P.O. Box 207
Reno, NV 89504

Harry Brown Family Trust
Harry Brown
HC-61, Box 6145
Austin, NV 89310

JWF Ranching
John Filippini
HC 66-46
Crescent Valley, NV 89821

L&N Livestock
Lance Knudsen
HC 65, Box 50
Carlin, NV 89822

Lander Co Commissioners
50 State Route 305
Battle Mountain, NV 89820

Lander County Planning
Kyla Bright
50 State Route 305
Battle Mountain, NV 89820

Lander County PLUAC
Phillip Williams
P.O. Box 767
Austin, NV 89310

Lander County Public Lands
Frank Whitman
PO Box 239
Austin, NV 89310

N-6 Grazing Board
Henry Filippini Jr.
HC 61 Box 70
Battle Mountain, NV 89820

NDOW
Caleb McAdoo
60 Youth Center Road
Elko, NV 89801

NDOW
Jeremy Lutz
525 Round Mountain Drive
Battle Mountain, NV 89820

Nevada Cattleman's Association
Kaley Sproul
P.O. Box 310
Elko, NV 89803

Nevada Department of Transportation
Steve Cooke
1263 S. Stewart Street
Carson City, NV 89701

Nevada Department of Wildlife
Alan Jenne
1100 Valley Road
Reno, NV 89512

Nevada Department of Wildlife
Clint Garrett
P.O. Box 592
Eureka, NV 89316

Nevada Department of Wildlife - Ely
Moir Kolada
1218 N. Alpha St.
Ely, NV 89301

Nevada State Clearinghouse
Skip Canfield
901 S. Stewart Street, Suite 5003
Carson City, NV 89701

NightWatch Marine
Pam Harrington
3089 Crescent Ave.
Crescent Valley, NV 89821

NRAC
Gary McQuinn
P.O. Box 611
Eureka, NV 89316

NRAC
Jim Wise
P.O. Box 327
Eureka, NV 89316

NRAC
Ken Conley
HC 62 Box 646
Eureka, NV 89316

NRAC
Leo Damele
HC 62 Box 62310
Eureka, NV 89316

NRAC
Mike Protani
P.O. Box 654
Eureka, NV 89316

NRAC
Mike Rebaleati
P.O. Box 321
Eureka, NV 89316

NRAC
Paul Etzler
P.O. Box 351
Eureka, NV 89316

NV Depart. Of Agriculture
David Voth
4780 East Idaho Street
Elko, NV 89801

Nye County Commissioner
PO BOX 153
Tonopah, NV 89049

Paris Ranch
Bert Paris
HC61 Box 140
Battle Mountain, NV 89820

Sadler Ranch
Levi Shoda
HC62, Box 62175
Eureka, NV 89316

Silver Creek Ranch, INC
Pauline Inchauspe
HC-61, Box 61230
Austin, NV 89310

Smith's Lodge
Gerald Smith
340 Bouna Vista Drive
Battle Mountain, NV 89820

Synergy Resource Solutions, Inc
Jack Alexander
5393 Hamm Road
Bellgrade, MT 59714

Tomera Ranches
Dan Tomera
P.O. Box 644
Battle Mountain, NV 89820

Tomera Ranches
Paul Tomera
P.O. Box 767
Battle Mountain, NV 89820

Tomera Ranches
Pete Tomera
P.O. Box 276
Battle Mountain, NV 89820

Town of Tonopah
James Eason
P.O. Box 151
Tonopah, NV 89049

U.S Fish & Wildlife Service - Reno
1340 Finacial Blvd, Suite 234
Reno, NV 89502

W. Shoshone Descendants of Big Smokey
Felix Ike
1949 Circle Way
Elko, NV 89801

Western Watersheds Project
Kelly Fuller
P.O. Box 779
Depoe Bay, OR 97341

Western Watersheds Project
Scott Lake
P.O. Box 2863
Boise, ID 83701

White Sage Grazing
Jerry and Tana Masterpool
573 CR 3525
Paradise, TX 76073

Wild Horse Education
Laura Leigh
2016 Lemmon Dr. #316
Reno, NV 89506

Wildlands Defense
Katie Fite
P.O. Box 125
Bosie, ID 83701



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Mount Lewis Field Office

50 Bastian Road

Battle Mountain, Nevada 89820

Phone: 775-635-4000

Fax: 775-635-4034

<https://www.blm.gov/nevada>

In Reply Refer To:

6711/9217/9220/9264 (NVB010)

Dear Interested Public

Enclosed please find the 2018 Francis Fire Wildfire Management and Livestock Closure Decisions. If you have any questions, please contact Anna O'Brien Emergency Stabilization and Rehabilitation Lead 775-635-4175.

Sincerely,

Jon D. Sherve

Field Manager

Mount Lewis Field Office

Enclosures

- 2018 Francis Fire Wildfire Management and Livestock Closure Decisions
- Map: 2018 Francis and Francis Fire: Location
- Map: 2018 Francis Fire: Perimeter
- Map: 2018 Francis Fire: Proposed Fence Lines and Plantings
- List of Interested Parties

cc: Interested Public



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Mount Lewis Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
Phone: 775-635-4000 Fax: 775-635-4034
<http://www.blm.gov/nevada>

In Reply Refer To:
6711/9217/9220/9264 (NVB0100)

OCT 26 2018

2018 Francis Fire Wildfire Management and Livestock Closure Decisions

Dear Permittees:

INTRODUCTION:

During the summer of 2018, the Francis Fire burned approximately 1,275 acres, all of which was on public land within the Bureau of Land Management (BLM), Battle Mountain District Office (BMDO), Mount Lewis Field Office (MLFO), Carico Lake Allotment (refer to the enclosed Francis Fire maps). The fire was determined to be caused by lightning. After an interdisciplinary review, it was determined that rehabilitation was needed to maintain and/or restore important resources affected by the fire.

The fire burned Greater Sage-Grouse, Pronghorn, Mule Deer, and other wildlife habitat areas. An Emergency Stabilization and Burn Area Rehabilitation (ES&R) plan was developed to determine the treatments needed to maintain and/or restore these resources and to establish a healthy, stable ecosystem. The Francis Fire has increased the potential of wind and water erosion, and the spread of noxious weeds and invasive/non-native plant species. If left untreated, these important resources could exhibit reduced ecological conditions and rangeland health. To promote the success of vegetative treatments and natural recovery, rest from livestock grazing is required. The 1987 Shoshone Eureka Resource Management Plan (RMP) Amendment Record of Decision and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan, dated September 10, 2008, requires that seeded areas be rested from livestock grazing for a minimum of two growing seasons or until objectives are met.

BACKGROUND:

The Francis Fire started on Tuesday July 24, 2018, and was contained the following day. The Francis Fire burned 760 acres of Greater Sage-Grouse's Other Habitat Management Area (OHMA). The entire fire area is year round Pronghorned Antelope habitat and is within the Bald Mountain Herd Management Area for Wild Horses. The fire area is in winter Mule Deer habitat, of which 47 of the burned acres are considered critical winter habitat necessary for the survival of the Mule Deer in the area. The entire fire area is in the Carico Lake Allotment.

The Francis Fire potentially burned through 8 different ecological sites, one of which is not classified but just called Rock Outcrop. All of the ecological sites are range sites in the 24 Nevada series. The ecological sites and dominant plant species for each site are as follows:

- Loamy 5-8 precipitation zone (p.z.) (R024XY002NV)- *Achantherum hymenoides* (Indian Ricegrass), *Atriplex confertifolia* (Shadscale), and *Picrothamnus desertorum* (Bud Sagebrush)

- Sodie Terrace 6-8 p.z. (R024XY003NV)- *Elymus elymoides* (Bottlebrush Squirrelltail), Shadscale, and *Sarcobatus vermiculatus* (Black Greasewood)
- Loamy 8-10 p.z. (R024XY005NV)- *Achnatherum thurberianum* (Thurber's Needlegrass), and *Artemisia tridentata* ssp. *Wyomingensis* (Wyoming Big Sagebrush)
- Dry Floodplain (R024XY006NV) *Leymus cinereus* (Basin Wildrye), and *Artemisia tridentata* ssp. *tridentata* (Basin Big Sagebrush)
- Droughty Loam 8-10 p.z. (R024XY020NV)- Indian Ricegrass, Thurber's Needlegrass, Wyoming Big Sage, and *Grayia spinosa* (Spiny Hopsage)
- Gravelly Fan (R024XY041)- Indian Ricegrass, Basin Wildrye, Wyoming Big Sagebrush, and Spiny Hopsage
- Shallow Loam 8-10 p.z. (R024XY047NV)- Indian Ricegrass, Thurber's Needlegrass, and Wyoming Big Sagebrush.

The area that the Francis Fire burned had not historically burned. The burn severity of the Francis fire was high; this fire burned hot and fast and there is no remaining stubble in the fire area. Historic trends for natural recovery following fire in Nevada indicate that the lower precipitation zones show a decreased chance of natural recovery, which is consistent with resistance and resilience concepts developed for the sagebrush steppe. Empirical evidence available from the nearby 1999 Filippini, 2007 Elephant Head, and 2016 Carico fires, that all burned in neighboring mountain ranges and similar ecoregions and elevation, helped inform management of past fire recovery in these areas. These fires show that without post fire ecological stabilization and rehabilitation, this area is unlikely to recover and may convert to a *Bromus tectorum* (Cheat Grass) monoculture. Often times, these systems have a high potential for re-burning and causing catastrophic, large-scale fires.

The Francis Fire was located within the Toiyabe Mountain Range. The eastern and western edges of the Francis Fire are flat with a less than 10 % slope. In the center of the fire's burn perimeter slopes reach greater than 60 %. The lowest portion of the burn is approximately 5,000 feet above sea level and the elevation reaches up to 5,680 feet. The Francis Fire also burned some minor roads in the area. There is a high potential for increased erosion to impact these roads. Also, within the fire are multiple drainages that have intermittent streams. These drainages concentrate water flow during precipitation events and periods of snowmelt. Following fire, there is increased risk of heavy erosion throughout these systems. This erosion could negatively affect private properties and water quality downslope of the fire area. Most invasive exotic vegetation establishes and thrives following disturbance, and does not effectively stabilize soils compared to perennial vegetation.

Within the burn perimeter and the area immediately adjacent to it, there are no known noxious weed populations. The likelihood that there are unreported noxious weeds in the area is high based on the known infestations in similar areas near the fire perimeter. Invasive exotic plants were found within the burn, *Bromus tectorum* (Cheat Grass), *Alyssum desertorum* (Desert Madwort), *Halogeton glomeratus* (Saltlover), and *Lepidium perfoliatum* (Clasping Pepperweed). Due to the new disturbance, it is highly likely that external seed sources will contribute to invasive and exotic species establishment in this burn.

Objectives:

Post fire, the greatest challenge in the Great Basin Ecoregion is reducing the spread of invasive exotic species. Additionally, there is an increased risk of severe erosion during precipitation events and the introduction and spread of Nevada noxious weed species. Therefore, the BLM has established the following objectives as standards for success on this rehabilitation project.

Each treatment will be reviewed annually to see if the objectives are being met or if the site is moving towards meeting the objectives. If it is found that the objectives are not being met or if the site is not moving towards meeting the objectives then a BLM interdisciplinary team will meet to decide if the site has the potential to meet the prescribed objectives. They may determine at this time additional treatments will be required to meet objectives. If additional treatments are necessary, they may plan up to an additional five years of treatments.

Desirable Perennial Plant Communities Objective:

Establishment of perennial species is a primary objective. Healthy perennial plant communities stabilize soil, dissipate wind and water energy, enable increased infiltration of precipitation and improve overall habitat for wildlife. Healthy communities are also more resilient to future disturbances and are able to more effectively compete with invasive exotic and noxious species. The following outlines the BLM's desirable perennial plant community objective.

- An average of three perennial species/square meter which are rooted firmly in the soil. Species that qualify in meeting this objective must meet one or more of the following:
 - It is a species expected within the ecological site description for the site
 - It is a species that fills a functional role as a species on the ecological site description
 - It is a species that is included within the seed mix

Invasive Exotic and Noxious Species Objective:

To ensure successful establishment, invasive exotic and noxious species populations must be suppressed within this project area. The BLM has several treatment methods proposed to meet the following objective.

- Reduce or maintain the average cover of invasive exotic and noxious species populations to twenty percent or less.

Monitoring:

This rehabilitation effort represents a significant financial investment by the BLM. To ensure the best possible outcome, the BLM will monitor all treatment areas for three to five years. Monitoring will be done to evaluate the success of rehabilitation treatments. The BLM will establish permanent representative monitoring sites within the burned area.

Density and cover measurements will be used to determine the effectiveness of the seeding treatments. Monitoring measurements like Line-Intercept, Gap, Density, Height, and other BLM approved methods will be taken to show how the vegetation is recovering. Monitoring techniques will be implemented through methods in BLM technical references and in accordance with the 2008 Battle Mountain ES&R EA.

Alongside density study methods, the BLM will conduct a tug test for perennial species. The BLM will use the tug test to determine how firmly individual plants are rooted. Plants that can be removed from the soil without tearing the roots or stems are not considered to be firmly established.

Additionally, the BLM will establish photo point monitoring, which will be repeated annually. When possible, all monitoring sites will have adjacent, non-treated reference sites established, to compare results of the treatments.

Monitoring will focus on addressing the following questions:

Have the desirable species been successfully established, and do they provide sufficient cover to adequately protect the site from soil erosion?

- Is there evidence that desirable self-sustaining communities are being established?
- Is there vegetative reproduction occurring along with the establishment of the desirable species?

On October 2, 2018, the MLFO sent out a public consultation letter for the Francis Fire. This consultation letter was issued with a 15 day comment period. It discussed the proposed ES&R treatments for the burn area, grazing closures, and the recommendations for the vegetative objectives/criteria for reintroduction of livestock to the burn areas. The letter served as the opportunity for the interested public, partners, and stakeholders, along with the state, local, and tribal governments, to provide comment to the proposed ES&R projects that had been developed by the ES&R interdisciplinary team.

At the conclusion of the comment period, comments were received, and some of the comments were integrated into this Decision and its DNA, while others are addressed in appendix A of the DNA. Therefore, it is my decision to implement the management actions identified for Wildlife Management and Grazing Closure Decisions for the 2018 Francis Fire.

WILDFIRE MANAGEMENT DECISION:

This Decision is issued under 43 CFR §4190.1 and is effective upon issuance. The BLM MLFO has made the determination that vegetation, soil, and other resources on the public lands are at immediate risk of erosion or other damage, due to the effects of the Francis Fire.

The following is a list of treatments, which were brought forward in the 2018 Francis Fire Emergency Stabilization and Rehabilitation plan in order to protect resources impacted by the fire.

Reseeding the Burned Area:

The Francis Fire will be reseeded in two separate treatments. Each treatment will consist of different seed mixes. 607 acres is proposed to be aerially seeded and the rest will be drill seeded. Due to price and availability of seed at the time of purchase, the seed mix may change without notice. Any changes to seed mix will take into consideration the local site soil and climatic conditions, to provide the best possible chance for success. Preference in the seed mix will be given to native species over non-native species to fill the same functional roles. All seedings will occur during the fall, winter, or spring. If possible, seedings will be implemented shortly before anticipated snowfall to increase the chance for success. The two treatments are explained in further detail as follows:

The proposed drill seed mix will primarily consist of 6 perennial grasses: *Achantherum hymenoides* (Indian Ricegrass), *Elymus elymoides* (Bottlebrush Squirreltail), *Leymus cinereus* (Great Basin Wildrye), *Poa secunda* (Sandberg's Bluegrass), *Distichlis spicata* (Inland Saltgrass) and *Hesperostipa comata* (Needle and Thread Grass). 4 shrubs: *Atriplex confertifolia* (Shadscale), *Artemisia tridentata ssp. Wyomingensis* (Wyoming Big Sagebrush) and *Grayia spinosa* (Spiny Hopsage) and *Sarcobatus vermiculatus* (Black Greasewood); and 2 forb: *Bassia prostrata* (Forage Kochia), and *Sphaeralcea munroana* (Munroes Globemallow). The drill mix will be used on the flats on public land throughout the fire and will avoid rock outcrops, unburned islands, and any identified historic properties.

The aerial mix is proposed to be applied where the ground is too steep for any other seed application. The aerial mix is proposed to consist of 5 perennial grasses: *Achantherum hymenoides* (Indian Ricegrass), *Elymus elymoides* (Bottlebrush Squirreltail), *Leymus cinereus* (Great Basin Wildrye), *Poa secunda* (Sandberg's Bluegrass) and *Pseudoroegneria spicata ssp. spicata* (Bluebunch Wheatgrass). 2 shrubs: *Artemisia tridentata ssp. Wyomingensis* (Wyoming Big Sagebrush) and *Krascheninnikovia lanata*

(Winterfat); and 1 forb: *Sphaeralcea munroana* (Munroes Globemallow). Seeding will occur in the fall, winter, and early spring, shortly before anticipated winter snowfall to assist with propagation.

A livestock closure will be implemented to allow the seeded species to establish. The grazing closure will remain in effect until the objectives outlined above are met or for a minimum of two growing seasons. The grazing closure is discussed further under the grazing closure section below. To facilitate the closure, approximately 7 miles of fence will be installed around the perimeter of the fire. The fence should be constructed before the growing season and prior to turnout in that pasture/ allotment. This time frame should minimize the detrimental effects of grazing on sprouting seeding treatments. Once site objectives are met and the closure is lifted, the fence will be removed. The fence will be metal T-post and barbed wire construction with 2 strands of barbed wire and 1 smooth bottom wire. Corners will be easy panels and gates will be placed at a minimum of every mile, to allow for removal of animals in the event that livestock enter the exclosure accidentally. Sage-Grouse fence markers will be placed along the fence line if it falls within $\frac{1}{4}$ a mile of any leks.

Invasive Exotic Plants and Noxious Weed Treatments:

Invasive exotic plants are known to occur within the Francis Fire perimeter and in the surrounding landscape. In order to maximize a successful rehabilitation outcome, the BLM must strive to reduce both invasive exotic plants and Nevada listed noxious weeds. These species will often times outcompete desirable native and non-native species and disrupt the overall function of any given ecosystem. Several examples of invasive exotic plants are known to occur within the area of the Francis Fire include *Bromus tectorum* (Cheat Grass), *Alyssum desertorum* (Desert Madwort), *Halogeton glomeratus* (Saltlover), and *Lepidium perfoliatum* (Clasping Pepperweed). There were no known Nevada listed noxious weed species found within the fire. Nevada State Law requires that all populations of noxious weed be treated.

There is an increased potential for these populations to establish and expand within burned areas. Invasive exotic and noxious weed species can have seed banks that persist through a burn and are often times the first species to germinate following a fire. Existing seed sources can be supplemented by wind, vehicles, and livestock moving through the area. Given the extent of invasive exotic species populations, especially in the lowland treatment area, there is a limited potential for recovery without specific invasive exotic and noxious weed species treatments. The BLM is proposing both chemical and targeted grazing treatments to manage the spread of invasive exotic and noxious weed species populations.

The BLM generally spot treats populations of noxious weed species and most invasive exotic species as part of post fire rehabilitation. The BLM will use an approved herbicide mix, which will be sprayed at a recommended rate. Monitoring and treatments will be funded under this project for a period of five years.

The BLM will use Imazapic within the fire perimeter to reduce the Cheat Grass, assist the reseeding measures, and promote native plant recovery. Imazapic is a relatively selective herbicide. It is used primarily to suppress Cheat Grass, and it will not affect the success of seeding efforts. If this treatment occurs prior to the growing season of desirable perennial species, then the BLM will consider the inclusion of a Glyphosate herbicide. Glyphosate herbicides will kill all plants it comes into contact with as long as they are actively growing. The BLM will implement this treatment in the fall or early spring.

All chemical treatments will be entered into the National Invasive Species Information Management System (NISIMS) or a BLM accepted alternative.

Rational:

This Decision on DNA 2018 Francis Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0006-DNA) is effective upon issuance, in accordance with 43 CFR 4190.1, to allow implementation of treatments within a time frame consistent with the urgent nature of burned area rehabilitation to mitigate the effects of wildfire and fire suppression activities on natural resources. Such resources include wildlife habitat, soil structure and forage values for wildlife, wild horses, and livestock. Implementation of the treatments for the Francis Fire will minimize the potential of invasion and establishment of invasive and/or noxious weeds, provide quality forage for wildlife, wild horses and livestock, and facilitate meeting the Northern Great Basin Resource Advisory Council's (RAC) Standards and Guidelines.

Analysis of the burned area and the associated range sites was completed to determine the suitability and location of the seeding treatments. Species selected for the treatment are adapted to the range sites chosen for treatment and will facilitate a quicker vegetative response that will stabilize soils, reduce erosion, improve infiltration, provide competition for invasive non-native species, and replace organic litter that was consumed by the fires. In order to increase the likelihood of successes, the seeding treatment will occur within the winter months in order to take advantage of available soil moisture. Research and implementation of previous Emergency Stabilization (ES) and Burned Area Rehabilitation (BAR) plans has shown success with the timing and application methods that will be utilized to implement the seeding treatment. It is expected that vegetation establishment will be successful on all sites although the presence or absence of timely moisture will be a limiting factor.

Temporary fencing is necessary to protect the significant amount of investment being put into the fire rehabilitation. By temporarily excluding wild horses, large ungulates, and cattle, seeded and planted species will have the opportunity to develop robust root systems and provide a naturalized seed source to continue the rehabilitation of the burned area with less active management required.

This Decision on 2018 Francis Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0006-DNA) conforms to the Shoshone-Eureka Resource Management Plan (RMP), as amended, the Northern Great Basin RAC Standards and Guidelines and the Battle Mountain District (BMD) Programmatic Emergency Stabilization and Rehabilitation Plan dated September 10, 2008. The proposed treatments are specifically accounted for in the Emergency Stabilization and Rehabilitation Plan.

Decision Authority:

The authority for this Decision on 2018 Francis Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0006-DNA) is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4190.1 Effect of wildfire management decisions.

(a) Notwithstanding the provisions of 43 CFR §4.21(a)(1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision. Wildfire management includes but is not limited to:

- (1) Fuel reduction or fuel treatment such as prescribed burns and mechanical, chemical, and biological thinning methods (with or without removal of thinned materials); and

- (2) Projects to stabilize and rehabilitate lands affected by wildfire.

Appeal Provisions:

This Decision on *2018 Francis Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0006-DNA)* may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 at the below address. If an appeal is taken, your notice of appeal must be filed within this office to Jon D. Sherve, Field Manager, Mount Lewis Field Office within 30 days from the effective date of this decision. The appellant has the burden of showing that the decision appealed from is in error. Notwithstanding the provisions of 43 CFR §4.21(a)(1), filing a notice of appeal does not automatically suspend the effect of the decision.

United States Department of the Interior
Office of the Secretary
Board of Land Appeals
4015 Wilson Blvd., Arlington, Virginia 22203

If you wish to file a petition pursuant to regulation 43 CFR §4.21(b) and §4190.1(a) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named on this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR §4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

WHERE TO FILE
NOTICE OF APPEAL. . . .

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, NV 89820

SOLICITOR
ALSO COPY TO. . . .

U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

A petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

GRAZING CLOSURE DECISION:

This Decision on *2018 Francis Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0006-DNA)* is issued effective upon issuance in accordance 43 CFR §4110.3-3(b) and 43 CFR §4160.3(f). The Bureau of Land Management has made the determination that vegetation,

soil, and other resources on the public lands are at immediate risk of erosion or other damage due to wildfire and that continued grazing use poses an imminent likelihood of significant resource damage.

Therefore, it is my final decision to implement the following actions:

1. Close the burned area associated with the Francis Fire to livestock grazing beginning March 2019. The fire will remain closed for a minimum of two growing seasons or until vegetation objectives are achieved.
2. Due to the stocking rate within this pasture and the size of the fire compared to the overall pasture acreage, no AUMs associated with the permits held by Barrick Cortez, Inc will be temporarily reduced.

Table 1 shows the season of use and AUMs for the Allotment as well as the temporary suspension of AUMs associated with the fire.

Table 1: Current Terms and Conditions

Permittee	Allotment	Pasture	Livestock Type	Season of Use	Permitted AUMs	Temporary AUM Reduction
Barrick Cortez, Inc.	Carico Lake Allotment	Toiyabe Mountain	Cattle	April 1st to June 6th	1,795	0

All grazing closures will be in effect for two growing seasons from when seeding occurs. If objectives are not achieved within that period, the BLM will form an Interdisciplinary Team to evaluate the effectiveness of treatments. At this time, the BLM may decide to implement additional treatments or to extend/modify grazing closures. The decision to extend a grazing closure will be based on the likelihood for further rest to allow the site to meet objectives; these objectives were delineated above in the section titled "Objective".

Rationale:

This Decision on *2018 Francis Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0006-DNA)* is being issued effective upon issuance, in accordance with 43 CFR §4110.3-3(b), in order to provide an opportunity for the burn area to recover, to allow for successful establishment of seeding treatments and to limit the likelihood of significant damage to natural resources. Rest from livestock grazing is required in order to successfully re-establish perennial vegetation, restore plant vigor and seed production, minimize active soil erosion and minimize the post fire invasive and noxious weed establishment (BLM H-1742-1 pg 35). The establishment of vegetation criteria accompanied by annual monitoring will ensure that perennial vegetation will be fully recovered from the effects of the burn prior to the re-introduction of livestock grazing. The growing season for key perennial grasses in the burned area approximately begins in April and ends in August depending upon the year and the species type.

Decision Authority:

The authority for this decision on *2018 Francis Fire Emergency Stabilization, Rehabilitation, and Grazing Closure (DOI-BLM-NV-B010-2019-0006-DNA)* is contained in Title 43 of the Code of Federal Regulations (CFR) including, but not limited to the following:

§4110.3-3(b): When the authorized officer determines that the soil, vegetation, or other resources on the public lands require immediate protection because of conditions such as drought, fire, flood, insect infestation, or when continued grazing use poses an imminent likelihood of significant resource damage, after consultation with, or a reasonable attempt to consult with, affected permittees or lessees, the interested public, and the State having lands or responsible for managing resources within the area, the authorized officer shall close allotments or portions of allotments to grazing by any kind of livestock or modify authorized grazing use notwithstanding the provisions of paragraph (a) of this section. Notices of closure and decisions requiring modification of authorized grazing use may be issued as final decisions effective upon issuance or on the date specified in the decision. Such decisions shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals in accordance with 43 CFR §4.21.

§4160.3(f): Notwithstanding the provisions of §4.21(a) of this title pertaining to the period during which a final decision will not be in effect, the authorized officer may provide that the final decision shall be effective upon issuance or on a date established in the decision and shall remain in effect pending the decision on appeal unless a stay is granted by the Office of Hearings and Appeals when the authorized officer has made a determination in accordance with §4110.3-3(b), or §4150.2(d). Nothing in this section shall affect the authority of the Director of the Office of Hearings and Appeals or the Interior Board of Land Appeals to place decisions in full force and effect as provided in §4.21(a)(1) of this title.

Appeal Provisions:

In accordance with 43 CFR §4.470, and §4160.4, any person whose interest is adversely affected by a final decision of the authorized officer may appeal the decision for the purpose of a hearing before an administrative law judge. The appeal must be filed within 30 days after receipt of the final decision. In accordance with 43 CFR §4.470, the appeal shall state clearly and concisely the reason(s) why the appellant thinks the final decision of the authorized officer is wrong.

Pursuant to 43 CFR §4.471 and §4160.4, an appellant also may petition for a stay of the final decision pending appeal by filing a petition for stay along with the appeal within 30 days after receipt of the final decision.

The appeal and any petition for stay must be filed at the office of the authorized officer, Jon Sherve, Field Manager, Mount Lewis Field Office. Within 15 days of filing the appeal and any petition for stay, the appellant also must serve a copy of the appeal and any petition for stay on any person named in the decision and listed at the end of the decision, and on the Office of the Solicitor.

WHERE TO FILE
NOTICE OF APPEAL. . . .

U.S. Department of the Interior
Bureau of Land Management
Battle Mountain Field Office
50 Bastian Road
Battle Mountain, NV 89820

SOLICITOR
ALSO COPY TO. . . .

U.S. Department of the Interior
Office of the Field Solicitor
Pacific Southwest Region
2800 Cottage Way, Room E-1712
Sacramento, CA 95825

Pursuant to 43 CFR §4.471(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

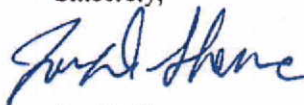
- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR §4.471(d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

Any person named in the decision from which an appeal is taken (other than the appellant) who wishes to file a response to the petition for a stay may file with the Hearings Division a motion to intervene in the appeal, together with the response, within 10 days after receiving the petition. Within 15 days after filing the motion to intervene and response, the person must serve copies on the appellant, the Office of the Solicitor and any other person named in the decision (43 CFR §4.472(b)).

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR §4.422(c)(2)).

Sincerely,



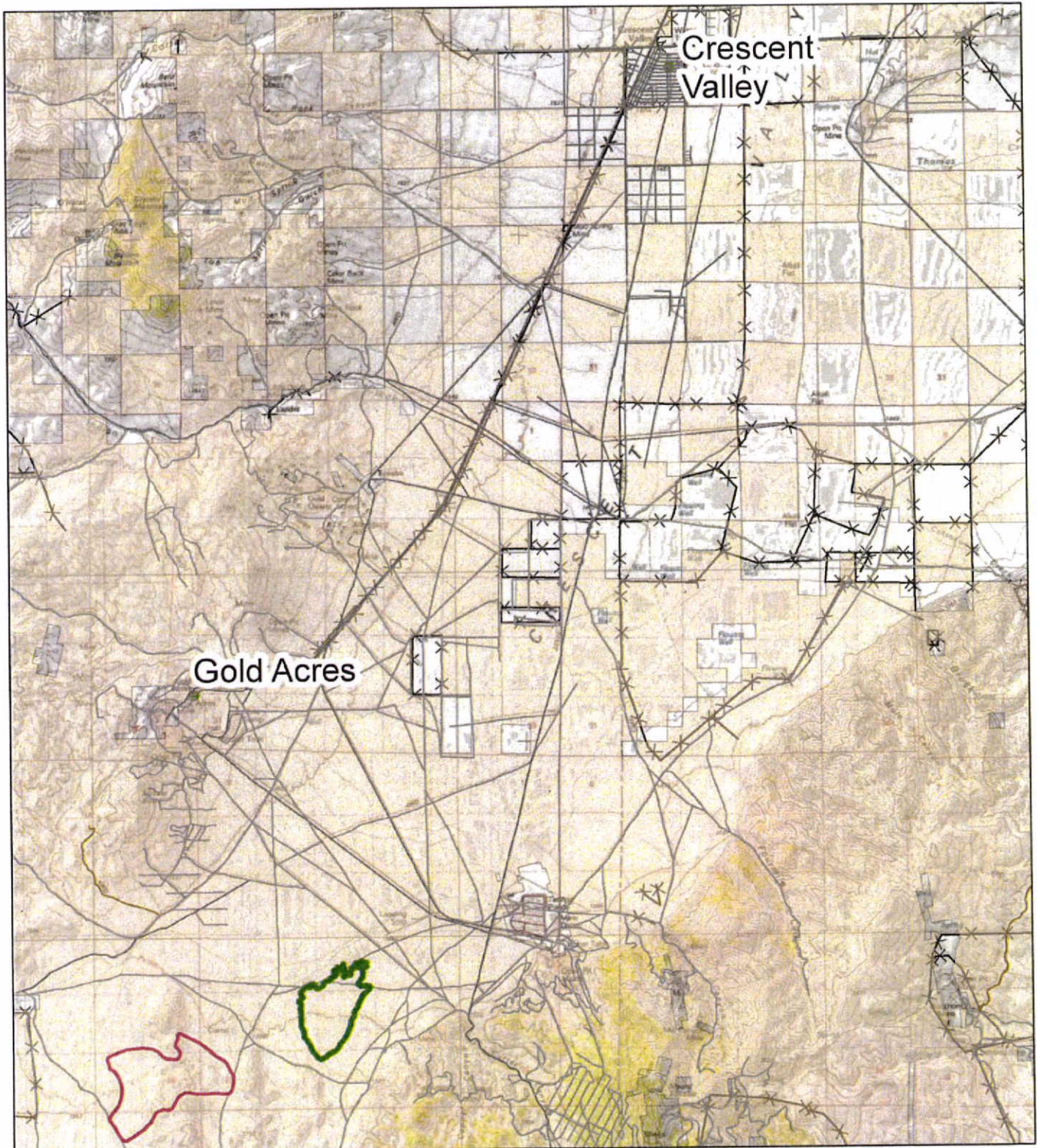
Jon D. Sherve
Field Manager
Mount Lewis Field Office

Enclosure(s)

Map: 2018 Francis and Copper Fire: Location
Map: 2018 Francis Fire: Perimeter
Map: 2018 Francis Fire: Proposed Fence Lines and Plantings
List of Interested Parties

cc: Interested Public

2018 Francis and Copper Fire: Location



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018

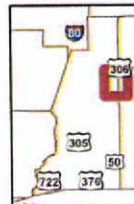


0 1 2 4 Miles

Location in Nevada:



Location within:
Lander County

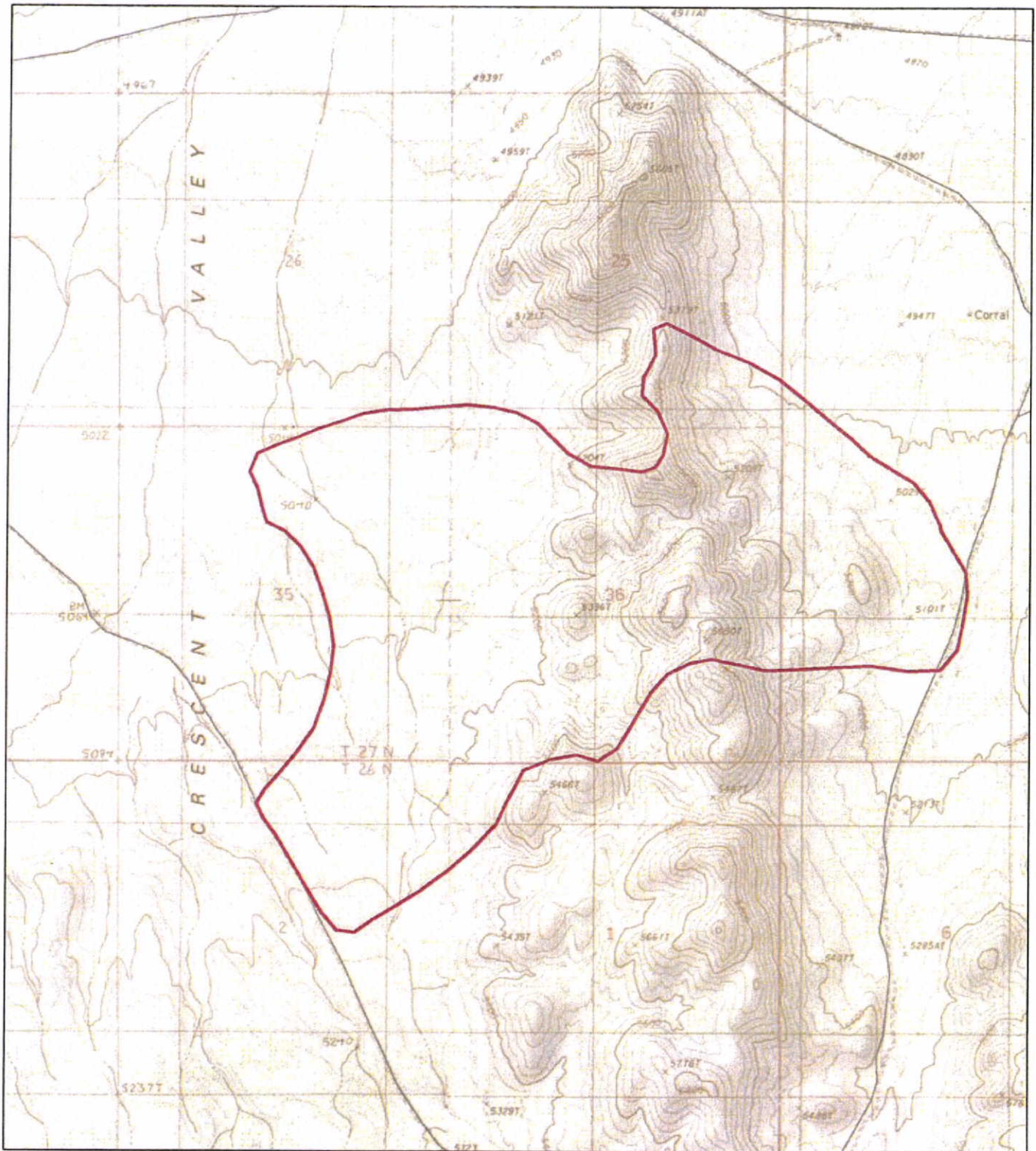


Legend

- 2018 Francis Fire
- 2018 Copper Fire
- Local Road
- 4-Wheel Drive Trail
- Unclassified Road
- Cities and Towns
- Admin. by BLM
- Private Land
- X Existing Fence

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Francis Fire: Perimeter



Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018



0 0.2 0.4 0.8 Miles

Location in Nevada:



Location within:
Lander County

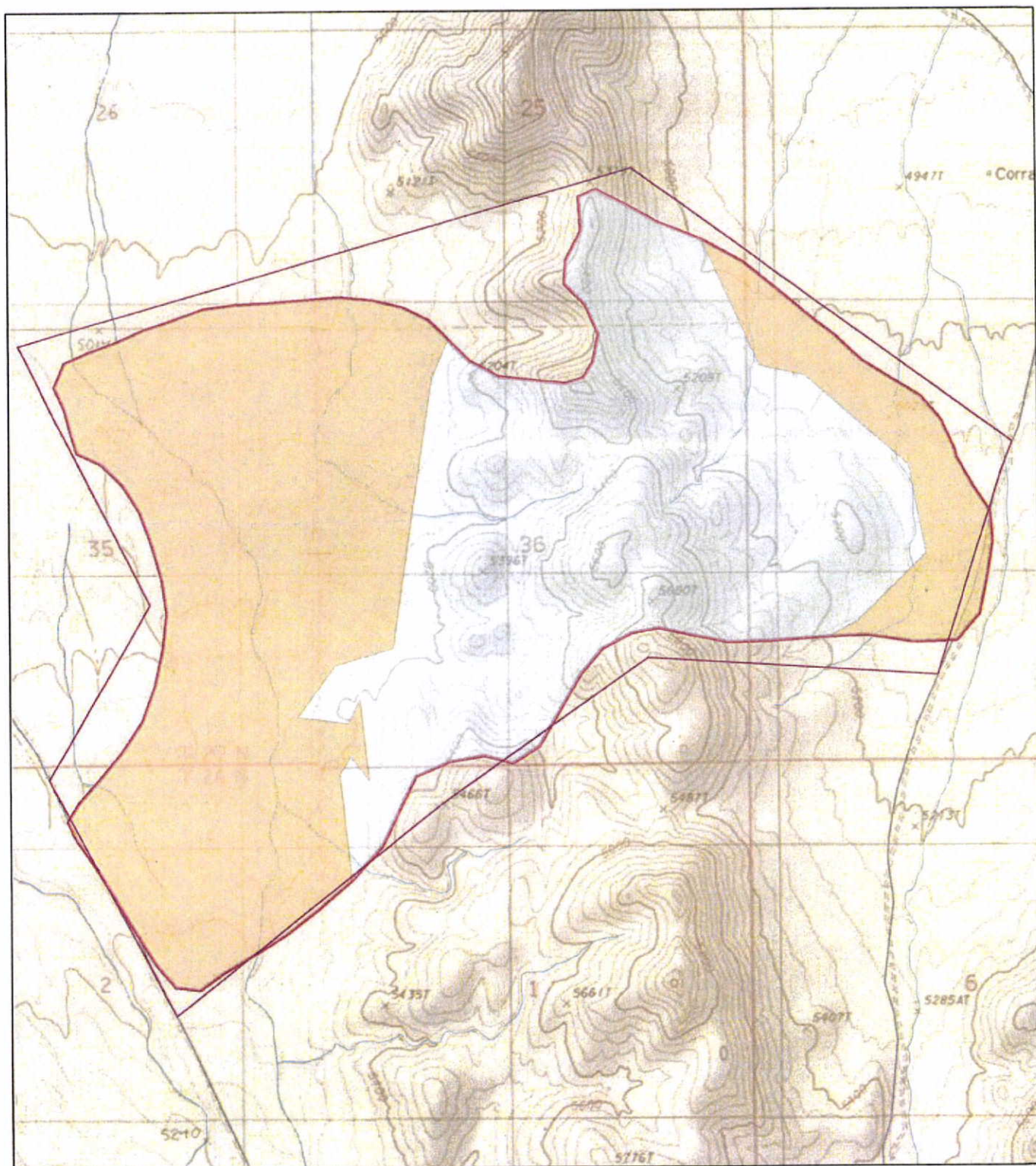


Legend

- 2018 Francis Fire
- Unclassified Road
- Admin. by BLM

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

2018 Francis Fire: Proposed Fence Lines and Plantings

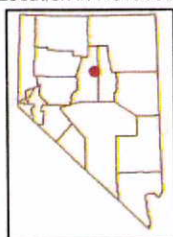


Battle Mountain District Office
50 Bastian Road
Battle Mountain, NV 89820
Date: 8/6/2018

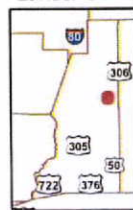


0 0.15 0.3 0.6 Miles

Location in Nevada:



Location within:
Lander County



- Legend
- Francis Fence
 - Aerial Seeding
 - Drill Seeding
 - Perimeter_Francis
 - Unclassified Road
 - Admin. by BLM
 - Streams

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA"

Cathy Ceci
7033 Divot Drive
LaVerne, CA 91750

Glenn Alexander
227 North Highland Dr.
Winnemucca, NV 89445

Lorinda Whitman
HC60 Box 51363
Round Mountain, NV 89045

Steven Carter
P.O. Box 27
Lund, NV 89317

American Farm Mortgage Company
Lynn Ashby
8901 Greenway Commons Pl, Suite 200
Louisville, KY 40220

Badger/Chiara Ranches
Dan/Eddyann Filippini
HC-61, Box 65 Badger Ranch Road
Battle Mountain, NV 89820

Barrick Cortez Inc. Ranches
Al Plank
HC 66 Box 1250
Crescent Valley, NV 89821

Barrick Cortez Inc. Ranches
Doug Groves
HC-66, Box 1250
Crescent Valley, NV 89821

BTAA NV
John Young
P.O Box 1167
Round Mountain, NV 89045

Center for Biological Diversity
Patrick Donnelly
PO Box 364414
North Las Vegas, NV 89036

Churchill County Commissioners
155 N Taylor St., #110
Fallon, NV 89406

Elko Land and Livestock Company
Hanes Holman
1655 Mountain City Highway
Elko, NV 89801

Elko Land and Livestock Company
Jeff White
1655 Mountain City Highway
Elko, NV 89801

Ellison Ranching Company
Bill Hall
HC-32, Box 240
Tuscarora, NV 89834

Esmeralda County Commissioners
Nancy Boland
P.O. BOX 517
Goldfield, NV 89013

Eureka County DNR
P.O. Box 682
Eureka, NV 89316

Eureka County DNR
Jim Baumann
P.O. Box 308
Eureka, NV 89316

Filippini Ranch
Shawn Mariluch
HC 61, Box 75
Battle Mountain, NV 89820

Gandolfo Ranch
William Gandolfo
HC61 Box 6165
Austin, NV 89310

Grass Valley Ranch LLC
Jerry Lancaster
HC65, Box 500
Austin, NV 89310

Great Basin Resource Watch
John Hadder
P.O. Box 207
Reno, NV 89504

Harry Brown Family Trust
Harry Brown
HC-61, Box 6145
Austin, NV 89310

JWF Ranching
John Filippini
HC 66-46
Crescent Valley, NV 89821

L&N Livestock
Lance Knudsen
HC 65, Box 50
Carlin, NV 89822

Lander Co Commissioners
50 State Route 305
Battle Mountain, NV 89820

Lander County Planning
Kyla Bright
50 State Route 305
Battle Mountain, NV 89820

Lander County PLUAC
Philip Williams
P.O. Box 767
Austin, NV 89310

Lander County Public Lands
Frank Whitman
PO Box 239
Austin, NV 89310

N-6 Grazing Board
Henry Filippini Jr.
HC 61 Box 70
Battle Mountain, NV 89820

NDOW
Caleb McAdoo
60 Youth Center Road
Elko, NV 89801

NDOW
Jeremy Lutz
525 Round Mountain Drive
Battle Mountain, NV 89820

Nevada Cattleman's Association
Kaley Sproul
P.O. Box 310
Elko, NV 89803

Nevada Department of Transportation
Steve Cooke
1263 S. Stewart Street
Carson City, NV 89701

Nevada Department of Wildlife
Alan Jenne
1100 Valley Road
Reno, NV 89512

Nevada Department of Wildlife
Clint Garrett
P.O. Box 592
Eureka, NV 89316

Nevada Department of Wildlife - Ely
Moir Kolada
1218 N. Alpha St.
Ely, NV 89301

Nevada State Clearinghouse
Skip Canfield
901 S. Stewart Street, Suite 5003
Carson City, NV 89701

NightWatch Marine
Pam Harrington
3089 Crescent Ave.
Crescent Valley, NV 89821

NRAC
Gary McCuin
P.O. Box 611
Eureka, NV 89316

NRAC
Jim Wise
P.O. Box 327
Eureka, NV 89316

NRAC
Ken Conley
HC 62 Box 646
Eureka, NV 89316

NRAC
Leo Damele
HC 62 Box 62310
Eureka, NV 89316

NRAC
Mike Protani
P.O. Box 654
Eureka, NV 89316

NRAC
Mike Rebaleati
P.O. Box 321
Eureka, NV 89316

NRAC
Paul Etzler
P.O. Box 351
Eureka, NV 89316

NV Depart. Of Agriculture
David Voth
4780 East Idaho Street
Elko, NV 89801

Nye County Commissioner
PO BOX 153
Tonopah, NV 89049

Paris Ranch
Bert Paris
HC61 Box 140
Battle Mountain, NV 89820

Sadler Ranch
Levi Shoda
HC62, Box 62175
Eureka, NV 89316

Silver Creek Ranch, INC
Pauline Inchauspe
HC-61, Box 61230
Austin, NV 89310

Smith's Lodge
Gerald Smith
340 Beuna Vista Drive
Battle Mountain, NV 89820

Synergy Resource Solutions, Inc
Jack Alexander
5393 Hamm Road
Bellgrade, MT 59714

Tomera Ranches
Dan Tomera
P.O. Box 644
Battle Mountain, NV 89820

Tomera Ranches
Paul Tomera
P.O. Box 767
Battle Mountain, NV 89820

Tomera Ranches
Pete Tomera
P.O. Box 276
Battle Mountain, NV 89820

Town of Tonopah
James Eason
P.O. Box 151
Tonopah, NV 89049

U.S Fish & Wildlife Service - Reno
1340 Finacial Blvd, Suite 234
Reno, NV 89502

W. Shoshone Descendants of Big Smokey
Felix Iko
1949 Circle Way
Elko, NV 89801

Western Watersheds Project
Kelly Fuller
P.O. Box 779
Depoe Bay, OR 97341

Western Watersheds Project
Scott Lake
P.O. Box 2863
Boise, ID 83701

White Sage Grazing
Jerry and Tana Masterpool
573 CR 3525
Paradise, TX 76073

Wild Horse Education
Laura Leigh
2016 Lemmon Dr. #316
Reno, NV 89506

Wildlands Defense
Katie Fite
P.O. Box 125
Bosie, ID 83701

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __1__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion only regarding the November 27, 2018 Nevada Department of Transportation (NDOT) Workshop scheduled for 9:00 am in the Community Meeting Room of the Lander County Administration Building, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __2__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove a medical marijuana cultivation facility license to Lander Leaf Growers, a pre-qualified applicant located in northern Lander County, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __3__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove a medical marijuana cultivation facility license, a medical marijuana production facility license, a recreational marijuana cultivation facility license and a recreational marijuana production facility license to Pure Growers, a pre-qualified applicant located in northern Lander County, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __4__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to discuss the fees associated with the use of the Battle Mountain Civic Center for the Lander County Convention and Tourism Authority, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __5__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion only regarding an update of the Austin Realignment Project as presented by Summit Engineering, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __6__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to set a date, time and location for an Austin Town Hall meeting to discuss the Austin Youth Center, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __7__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding approval/disapproval of parcel map for Mt. Lewis, LLC located at Mount Lewis Drive, Battle Mountain, Nevada, as APN 002-320-12, splitting seven (7) acre parcel into four (4) parcels, that was approved by the Planning Commission on September 12, 2018, and all other matters properly related thereto.

Public Comment:

Background: This item as heard and approved in front of the Planning Commission on 9-12-2018. The allowable septic system density without an engineering report is 99 per square mile. There are approximately 74 existing systems. At complete buildout there is a possibility of 82 septic systems. Other information is attached.

Recommended Action: Review and approve/disapprove the attached parcel map application.

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __8__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove the parcel map for Gospill Land, LLC located at Willow Creek/Mountain Spring Road, Battle Mountain, Nevada, APN 011-120-03 to split one (1) parcel of 17.42 acres into four (4) parcels, that was approved by the Planning Commission on September 12, 2018, and all other matters properly related thereto.

Public Comment:

Background: This item was heard and approved in front of the Planning Commission on 9-12-2018. The allowable septic system density without an engineering report is 99 per square mile. There are approximately 74 existing systems. At complete build out there is a possibility of 82 septic systems. Other information is attached.

Recommended Action: Review and approve/disapprove the attached parcel map application.

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number __9__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding ratification of a grant application and map submitted by Lander Economic Development Authority (LEDA) for a bike/pedestrian path to include benches, trash recepticals, lighting and landscaping to connect with the existing SR 305 and Broad Street path, and all other matters properly related thereto.

Public Comment:

Background: LEDA has been working to update and expand the existing SR 305/Broad Street bike/pedestrian path. They are now prepared to submit the grant application that is due on the 9th of Novwember. Please see attached application and map for reference.

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _10__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action regarding the Old Courthouse and all of the furniture within, and to come up with a plan for disposal, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _11__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to accept or decline the canvas of the votes for the November 6, 2018 General Election, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _12__

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion only regarding a proposed BDR providing counties with populations of less than 100,000 the option to enact a diesel tax of up to .05 cents/per gallon to pay for road maintenance, and all other matters properly related thereto.

Public Comment:

Background: **Attached**

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number 13

THE REQUESTED ACTION OF THE LANDER COUNTY COMMISSION IS:

Discussion and possible action to approve/disapprove regarding a request to submit an amicus brief supporting Lyon County, Walker River Irrigation District, et al. in the case captioned Mineral County; and Walker Lake Working Group, Appellants, vs. Lyon County; Centennial Livestock; Bridgeport Ranchers; Schroeder Group; Walker River Irrigation District; State of Nevada Department of Wildlife; and County of Mono, California, Respondents, before the Nevada Supreme Court concerning issues including: (1) Whether the public trust doctrine applies to rights already adjudicated and settled under the doctrine of prior appropriation and, if so, to what extent? (2) If so, whether the abrogation of such adjudicated or vested rights constitute a "taking" under the Nevada Constitution requiring payment of just compensation? Discussion, consideration and possible action regarding: (a) Authorization for county manager and district attorney's office on behalf of Lander County to support and/or join the Carson Water Subconservancy District (CWSD) or another party or entity in the preparation and submission of an amicus brief in this matter, and all other matters properly related thereto.

Public Comment:

Background:

Recommended Action:

LANDER COUNTY COMMISSIONERS MEETING
11/8/2018

Agenda Item Number _14__

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

Public Comment:

Background:

Recommended Action: