

Monday, April 4, 2011

The regular meeting of the Humboldt County Board of Commissioners was called to order on Monday, April 4, 2011, at 9:30 a.m. in the regular place of meeting at the Courthouse, Winnemucca, Nevada. Those present were Chairman Garley Amos Jr., Commissioners Mike Bell, Dan Cassinelli, Tom Fransway and Jim French, District Attorney Michael Macdonald, Administrator Bill Deist and Clerk of the Board Tami Rae Spero.

**DISCUSSION & ACTION ON CORRECTION/APPROVAL OF MINUTES - MARCH 7, 2011**

**REGULAR MEETING AND THE MARCH 21, 2011 REGULAR MEETING:** The following motion was made by Commissioner Bell and passed unanimously:

*To approve the March 7, 2011 meeting minutes as presented.*

The following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve March 21, 2011.*

**PUBLIC COMMENTS:** Chairman Amos asked for public comments. None were offered. Chairman Amos offered his thanks to the Commission and the Administrator for the efficiency of the budget hearings.

**ADMINISTRATIVE REPORT:**

**CONSENT AGENDA:** The following items were presented under the consent agenda by Administrator Deist for the Board's review/action:

1. **REQUEST FOR ADJUSTMENTS TO THE HUMBOLDT COUNTY REAL PROPERTY TAX ROLL:** Copies of requests 10-11-38 through 10-11-43 were provided to the Board for review. *Recommendation: That the Commission approve the adjustments as recommended by the Assessor and Treasurer.*

The following motion was made by Commissioner Fransway and passed unanimously:

*For approval of the Consent Agenda as presented.*

**SOLID WASTE MATTERS:** Administrator Deist stated that he had nothing on this item.

**PUBLIC LANDS PLANNING MATTERS & FORMULATION OF COUNTY POSITION ON BLM, FOREST SERVICE AND THE FEDERAL FISH AND WILDLIFE SERVICE PROPOSED**

**ACTIONS:** Administrator Deist stated that he had nothing on this item.

**2011 LEGISLATIVE MATTERS: POSSIBLE FORMULATION OF COUNTY TESTIMONY/INPUT ON PROPOSED LEGISLATION, RESPONSE TO LEGISLATIVE COMMITTEE REQUESTS, NACO LEGISLATIVE REQUESTS FOR INFORMATION AND RELATED MATTERS:**

Administrator Deist updated the Board on the weekly Speaker of the Assembly

teleconference which had dealt with economic development and proposed cuts to the Cooperative Extension Program; he continued discussing the recent proposal by the Legislature that the Counties pay for Pre-Sentence Investigation Report services provided by the Division of Parole and Probation.

**MISCELLANEOUS REPORTS AND CORRESPONDENCE:**

**OTHER INFORMATION AND UPCOMING MEETINGS:** Administrator Deist informed the Board that there had been a special meeting of the Landfill Committee on March 21, 2011 at which Delong Construction was awarded the recycling grant and discussed the sales tax revenue for this fiscal year for the County; he continued indicating a letter received from NV Energy to the Commission regarding a planned presentation and suggested that an item be placed on the April 18<sup>th</sup> agenda for the Commission to attend the presentation. The Board concurred. Administrator Deist noted an item on the City Council agenda related to the sale of the airport water system to Gold Country Water. Commissioner Fransway asked if the County would receive any of the revenue received from the sale. Administrator Deist responded not necessarily given that the City paid for the system. Upcoming meetings and dates of importance were noted.

**REPORTS FROM COMMISSIONERS REGARDING OTHER BOARDS AND COMMITTEES**

**THEY SERVE ON:** Commissioner Fransway reported on a meeting of Nevada Association of Counties Board of Directors at which the Board met with the Speaker Ocegüera who offered a presentation on AB 449 related to economic development; he continued discussing a presentation which had occurred related to options for the proposed Cooperative Extension cuts and a resolution passed by the Board opposing the IS2 issue related to the peak period non-curtialment penalty rate as to agricultural irrigation. Commissioner Fransway discussed issues raised by NACO staff related to providing testimony to the Legislature, staff's request for a policy and the difficulties in creating such a policy.

**CLAIMS FOR EXPENDITURES OF COUNTY FUNDS:** The following motion was made by Commissioner Fransway and passed unanimously:

*To approve the claims for expenditures as presented.*

**APPROVAL OF CHAIRMAN'S SIGNATURE ON CONTRACTS WITH SCHINDLER**

**ELEVATOR CORPORATION:** A copy of the proposed contract was provided to the Board for review. Buildings & Grounds Director Doug Cain appeared before the Board. Director Cain reviewed the contract presented and the locations of elevators in the County facilities; he noted that in the future he may ask that the individual departments pay for the contracts rather than having the entire amount come out of the Buildings & Grounds budget. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*To approve the Chairman's signature on the Schindler Elevator Corporation contract.*

**SET TO PUBLIC HEARING AN AMENDMENT TO THE HUMBOLDT COUNTY CODE**

**ORDINANCE:** Building & Safety Director Bobby Thomas appeared before the Board. Director Thomas reviewed the proposed changes for the Board. After discussion the following motion was made by Commissioner Fransway and passed unanimously:

*To set to public hearing the amendment to the Humboldt County Building Code ordinance.*

**REVIEW OF PROPOSED 72% REDUCTION IN FUNDING FOR COOPERATIVE EXTENSION AND POSSIBLE DIRECTION REGARDING INPUT TO THE LEGISLATURE AND OTHERS REGARDING THIS PROPOSAL:**

A memo and additional material were provided by Extension Educator Brad Schultz to the Board for review. Cooperative Extension Agent Brad Schultz and 4-H Program Coordinator Sharon Barton appeared before the Board. Agent Schultz reviewed the proposed reductions set forth by UNR President Glick and discussed the alternative proposal being offered and noted that responses are due by Thursday. Commissioner Fransway commented on what the NACO Board of Directors had discussed and what they were planning to do; he offered suggestions for actions that could be taken by Agent Schultz. Administrator Deist noted that it probably would be more appropriate for him to follow through on the suggestions given Agent Schultz's position. Discussion occurred regarding the proposed cuts and the potential effect on the programs offered by the Cooperative Extension, the effect on the salaries of the educators, the level of response needed from the County, the level of support that the County provides to the local program as opposed to other Counties and the potential of the County picking up the reduction in salary for Agent Schultz's position. After discussion the following motion was made by Commissioner Cassinelli and passed unanimously:

*That the County respond to the Extension's response and also to the Board of Regents and to write a letter to Legislature, our Assemblymen and Senator to let them know how the Commission feels about this, that the Commission wants to preserve the program.*

**REQUEST FROM THE PARADISE VALLEY WEED DISTRICT TO DISCUSS POSSIBLE "SWEEP" OF RESERVE FUNDS AND POSSIBLE ADVICE AS TO ACTION THAT SHOULD**

**BE TAKEN:** Provided to the Board for review were a copy of a memo from the Paradise Valley Weed District detailing their request related to fiscal advice (see attached) and a copy of an e-mail response from Assemblyman Pete Goicoechea stating that he has not heard discussion related to a sweep of special district reserve funds by the State. Daryl Riersgard, Paradise Valley Weed District Coordinator and Tom Cassinelli, member Paradise Valley Weed District Board appeared before the Board. Mr. Riersgard

addressed the Board regarding information received by the Weed District regarding a possible sweep by the State of Nevada of reserve funds from entities including weed districts and concerns expressed by the Weed District related to reserve funds held by the district. Mr. Cassinelli discussed how the reserve funds had come about and Mr. Riersgard discussed the ending fund balance for the current fiscal year and the proposed budget for 2011-2012 and the use of funds for the purchase of chemicals to continue their active weed program called the Paradise Medusahead Project. Discussion occurred regarding use of the reserve funds to purchase chemicals for use in the future. Administrator Deist noted that the item is not included in the current budget so an augmentation would be required, that the reserve had been established to protect the ending fund balance of this district and the use of the funds due to fear of a sweep by the State was not good policy; he commented on information providing by members of the Legislature as to potential for any sweeps. Discussion occurred regarding the current budget and the tentative budget and the ability to obligate the funds, the risk of a sweep, that a sweep would occur at the County level first, the concerns of the District about the possible loss of the funds, what would need to occur to augment the budget, that it would be done by the District Board, that a Comptroller may be in place soon to assist with the issue and what the funds would be used to purchase if the augmentation is done. Commissioner Fransway suggested that if the District Board has programs that they plan on implementing next fiscal year and they have the opportunity to purchase the chemicals and not store them then maybe it is a viable option and once the district comes up with the way they want to go they should get with the Administrator.

**REQUEST FROM THE MARTIN BASIN PERMITTEES FOR SUPPORT AND INPUT ON THE MARTIN BASIN RANGELAND PROJECT DRAFT SUPPLEMENT TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT:**

Provided to the Board for review was a copy of a letter from Cooperative Extension Agent Brad Schultz to the Martin Basin Permittees related to improving livestock distribution and a copy of the executive summary for the Martin Basin Rangeland Project Draft Supplement to the Final Environmental Impact Statement. Ron Cerri a Martin Basin Permittee and President of the Nevada Cattleman's Association and Bob Schweigert of Intermountain Range Consultants on behalf of the Santa Rosa Martin Basin permittees appeared before the Board (numerous permittees were in the audience). Mr. Schweigert provided a briefing report dated April 4, 2011 to the Board (see attached); the report included details as to the environmental and economic impacts of the FEIS and supplemental EIS related to the selected alternative of the Record of Decision, the administrative action that the Forest Service has begun taking, the monitoring required by the Record of Decision and the Forest Service regulations, the regional policy of the Forest Service which effectively

prohibits water developments to disperse cattle and the seven requests by the permittees of the County Commission. Mr. Schweigert discussed the issues with the statement and the actions which are putting the permits in jeopardy. Discussion occurred regarding the utilization figures provided in the report, the issues with noticing of the permittees by the Forest Service, the involvement of special interest groups in the process, the permittees being required to monitor their own usage, issues with the locations identified for monitoring, that the County needs to place an emphasis on the economic losses which could occur, the need to work with all the stakeholders in developing the comments, the need to provide those comments to the Congressional delegation, the need to discuss economic impact and the support of the American livestock industry.

Chairman Amos asked for public comment. Jeff Ulrich, Santa Rosa District Ranger offered comments including the objectives of the Forest Service. Discussion occurred regarding grass as a renewable resource, the monitoring of the green strip, concerns with policy changes and the decision to go with alternative 2 rather than alternative 4. After discussion the following motion was made by Commissioner Fransway:

*That staff works with the stakeholders to provide comment in response to the proposed EIS for Martin Basin on the economic impact of Humboldt County, the State and the Feds if implementation is as is and to send information to the Nevada Congressional Delegation and when drafting the comments that comments be included relating to the inclusion of alternative four as potential provisions of the final EIS.*

Mr. Schweigert asked if the motion was intended to include the seven items being requested by the permittees. Commissioner Fransway stated that could be part of staff working with the stakeholders. Chairman Amos called Commissioner Fransway's motion to a vote and it passed unanimously.

**ROAD MATTERS:** Road Superintendent Ben Garrett appeared before the Board.

**REQUEST TO ALLOW THE SUMMIT LAKE TRIBE TO INCLUDE TWO HUMBOLDT COUNTY ROADS IN THEIR INVENTORY:** Provided to the Board for review were a copy of an e-mail from Jon Pena a Civil Project Engineer with WHPacific a consulting firm hired by the Summit Lake Tribe to update their 2010 Indian Reservation Road Inventory which requested the inclusion of 60.5 miles of Humboldt County Roads in the inventory with maps and examples attached (see attached e-mail), a copy of an e-mail from Superintendent Garrett reviewing the request and encouraging the Board to not approve the request (see attached) and a copy of prior action taken by the Board on previous roads. Superintendent Garrett reviewed the request for the Board including that the road areas requested would be 19.8 miles of Cedarville Road and 40.7 miles of Soldier Meadows Road, that this type of request has

been approved in the past as the Tribe indicated that additional funding could be secured for the maintenance of the roadways but no agreement was entered and no funds have been forwarded to Humboldt County for the maintenance of those roads and that in 2008 the Tribe attempted to charge a fee for vehicle usage of roads within the reservation boundary. Superintendent Garrett offered the recommendation that the Board not approve the request. Commissioner French commented on the critical nature of the roads being discussed. The following motion was made by Commissioner Cassinelli and passed unanimously:

*That the Commission send a letter to the Tribe and say no.*

Superintendent Garrett asked if there is anything that could be done regarding the roads previously granted to the Tribe. Discussion occurred regarding if the roads could be taken back as the Tribe had not followed through with the agreement. Administrator Deist suggested that language could be included in the letter related to the previous roads. Discussion occurred regarding 2477 roads, right-of-ways and perpetual right-of-ways.

**REPORT OF PENDING ROAD DEPARTMENT PROJECTS:** Superintendent Garrett reported on herbicide applications, grading on Greeley Crossing, pipe installation on Soldier Meadows and road grading.

**MISCELLANEOUS ROAD RELATED MATTERS:** Discussion occurred regarding the Sperry Lane Bridge as the creek is running high.

*Chairman Amos recessed for the lunch break at 11:59 a.m. to reconvene at 1:30 p.m.*

**INTERVIEW OF CANDIDATE FOR COMPTROLLER - SONDRA SCHMIDT:** Sondra Schmidt appeared before the Board. Ms. Schmidt was interviewed by the Board. Following the interview discussion occurred. The following motion was made by Commissioner Bell and passed unanimously:

*To offer a letter of employment to Sondra Schmidt and have Mr. Deist draft that letter and take care of the details as to salary.*

**PRESENTATION BY PATRICK IRWIN, PROGRAM MANAGER REGARDING THE STATE EMS OFFICE, WHAT THEY PROVIDE, THE BUDGET REQUEST IN THE LEGISLATURE TO CHARGE THE COUNTIES AND THE 800 MHZ RADIO SYSTEM:**

Patrick S. Irwin, Program Manager for the State of Nevada Emergency Medical Systems appeared before the Board. Mr. Irwin addressed the Board regarding SB 471, EMS's involvement with local ambulance services, the conversion of the radio systems to 800 MHZ, the certifications and licenses required for emergency response programs, the proposed emergency response vehicle driver program and grant funding availability. Discussion occurred regarding the 800 MHZ radio system conversion, the EMS office's plan to work

with local agencies to determine what works and what doesn't, the budget for the EMS office and the discussion related to costs associated by County and how that would be determined. Pat Songer, Director of Emergency Medical Services for Humboldt General Hospital offered comment related to the state office. Mr. Irwin discussed areas considering regionalizing the services and the contracts between the State and local agencies. Discussion occurred regarding the need for conformity amongst the local agencies and the State.

Mr. Irwin noted that while the Humboldt County agenda indicates the Joint meeting with Pershing County begins at 2:30 p.m. the Pershing County agenda states 3:30 p.m.

**JOINT MEETING BETWEEN THE HUMBOLDT COUNTY COMMISSION AND THE PERSHING COUNTY COMMISSION:**

Present on behalf of the Pershing County were Commission Chairman Darin Bloyed and Commissioners Patrick Irwin and Carol Shank, District Attorney Jim Shirley, County Clerk Lacey Donaldson and Administrative Assistant to the Commission Karen Wesner.

**CONFLICT COUNSEL AGREEMENT AND MATTERS RELATED THERETO:** Chairman Bloyed discussed Pershing County's concerns about the County Public Defender program and revenue issues but noted that they have decided to stick with the program for another couple of years. District Attorney Shirley commented on the concerns that the Pershing County Public Defender is not being appointed as first level conflict counsel in Humboldt County as required by the conflict counsel contract. Discussion occurred regarding the issue as well as the possibility of Lander County looking into using the public defender as conflict counsel.

**JOINT MEETING BETWEEN THE HUMBOLDT COUNTY COMMISSION, THE PERSHING COUNTY COMMISSION AND THE LANDER COUNTY COMMISSION:**

Present on behalf of Lander County were Commissioners Steve Stienmetz and Dave Mason and County Clerk Sadie Sullivan.

**6<sup>TH</sup> JUDICIAL DISTRICT BUDGET AND MATTERS RELATED THERETO:** Chairman Bloyed commented on the Pershing County Commissions financial concerns for the upcoming budget and employee negotiations. Administrator Deist commented on the status of Humboldt County's budgets and negotiations; he continued noting the issue pending in the Legislature related to the Counties funding Pre-Sentence Investigations. Discussion occurred between the Commissions related to action taken earlier in the meeting by the Humboldt County Commission related to the request to transfer roads into the Summit Lake Tribe's road inventory.

Commissioner Irwin read a proclamation into the record regarding the assistance provided by the Humboldt County Sheriff's Office to the Pershing County Sheriff's Office for an incident which occurred in Imlay in 2010.

*Be it known that upon recommendation of the Pershing County Board of Commissioners, Humboldt County Sheriff Ed Kilgore is hereby honored with the upmost gratitude of his professional response to the incident at Star Creek Canyon in Pershing County, Nevada on October 20, 2010. On October 20, 2010, Sheriff Kilgore immediately dispatched his special tactical trained unit to assist the apprehension of a violent individual who had shot at Pershing County and BLM Officers. The Pershing County Board of Commissioners would like to recognize the professional manner in which Sheriff Kilgore, his Under Sheriff and the Deputies conducted themselves. Because of the prompt response of the Humboldt County Sheriff's Office no officers were seriously injured and the community was protected. We appreciate having neighbors like Humboldt County and we appreciate how Humboldt County elected Sheriff conducted himself. We appreciate having neighbors like Humboldt County.*

Commissioner Irwin read another proclamation into the record related to Sheriff Unger of Lander County and assistance provided to the Pershing County Sheriff's Office.

*Be it known that upon the recommendation of Pershing County Board of Commissioners Lander County Sheriff Ron Unger is hereby honored with the upmost gratitude for his selfless willingness to provide aid to Pershing County Sheriff's Office following an incident at Murphy Mine in Pershing County on the second day of March, 2011. When the call went out for aid, Sheriff Unger responded in a prompt and professional manner. Pershing County Board of Commissioners would like to recognize the professional manner in which Sheriff Unger, his deputies, search and rescue volunteers and other Lander County rescue personnel conducted themselves. Sheriff Unger and the Lander County personnel stayed on site until the very end. Sheriff Unger's action not only made it possible to take action in an effort to save the victim of the accident, he also ensured that no rescue personnel were injured in this incident. We appreciate having neighbors like Lander County and we appreciate how Lander County's elected Sheriff conducted himself when coming to the aide of Pershing County during our time of need.*


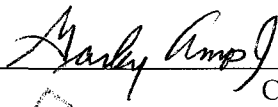
Chairman Amos offered comment on the importance of cooperation between the neighboring counties. Chairman Amos stated that due to an appointment he would need to depart the meeting and turned the chair over to Vice-Chairman Bell at 3:22 p.m.

**PUBLIC COMMENTS:** Vice-Chairman Bell asked for public comments. None were offered.

**ADJOURNMENT:** Commissioner Fransway offered a motion to adjourn and said motion passed with



Vice-Chairman Bell and Commissioners Cassinelli, Fransway and French voting aye and Chairman Amos being absent. The meeting adjourned at 3:25 p.m.

ATTESTED:  Clerk APPROVED:  Chairman

UNOFFICIAL

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**MEMORANDUM**

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**TO: COMMISSIONERS**  
**FROM: ADMINISTRATOR**  
**DATE: March 29, 2011**  
**SUBJECT: CONSENT AGENDA**

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**ACTION:** Approval of the consent agenda is requested pursuant to the following staff recommendations:

1. Request for Adjustments to the Humboldt County Real Property Tax Roll: Attached are requests 10-11-38 – 10-11-43 for your review.

Recommendation: That the Commission approve the adjustments as recommended by the Assessor and Treasurer..

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**MEMORANDUM**

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**TO:** COUNTY COMMISSIONERS  
**FROM:** COUNTY ADMINISTRATOR  
**DATE:** March 14, 2011  
**SUBJECT:** OTHER INFORMATION AND UPCOMING MEETINGS

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**OTHER INFORMATION:**

1. Recycle Grant: The Landfill Committee met in a special meeting on March 21, 2011 to again consider this grant. As you will recall the Committee had requested the two companies making proposals to get together and see if they could not do a cooperative proposal. While that did not work out Delong Construction did expand their proposal to include more in town recycling opportunities and the Committee awarded them the grant.
2. Sales Tax: During the budget discussion you asked how this revenue source was doing this fiscal year. The State has just released the January report and Humboldt County's taxable sales were up again over last year. Year to date our revenue is up over last year from this source so that is positive.

**UPCOMING MEETINGS:**

- |                   |                     |
|-------------------|---------------------|
| 1. April 5, 2011  | HCEA negotiations   |
| 2. April 6, 2011  | Management Team     |
| 3. April 7, 2011  | Insurance Committee |
| 4. April 14, 2011 | HCEA negotiations   |
| 5. April 18, 2011 | Commission          |

4 March 2011

From: Paradise Valley Weed District

To: Bill Diest @ administrator.hcnv.gov

Subj: Request to get on Agenda

Draft letter to BCC (advance copy to Humboldt County Administrator via e-mail)

The purpose of this letter is to seek advice (and possible action) regarding a current budget question for the Paradise Valley Weed District (PVWD). The reason that we are pushing this question to the Commissioner level is the fact that we do not have a Comptroller to turn to for fiscal advice.

Our dilemma is the fact that our organization has slowly but surely put aside extra money each fiscal year since 2003. During this period, we have managed to build a cash reserve of approximately \$40K.

Based on our understanding of the State budget crisis, the current legislature has two options to balance the State budget. They can either raise taxes or they can resort to the "sweep" program that would permit them to legally steal (sweep) money from city, county and county sub-entity budgets that are currently sitting on a reserve. The fear on the "sweep" option is that the Legislature could pass a bill that would allow this underhanded tactic to be employed within a 24 hour period.

As an obligation to our tax paying constituents, who have contributed to our tax base (currently estimated to be \$14,900 per fiscal year), we feel compelled to pursue a plan to protect our cash reserve. If the "sweep" tactic is used, the State of Nevada would be able to wipe out 2.7 years of tax assessments from our community.

At this juncture, we are proposing to spend most of our \$40K cash reserve (also known as the "ending fund balance") as soon as possible. It is our best guess that this plan will need to be executed before the end of the Legislative session or not later than 1 May 2011. Our justification would be to purchase extra chemicals that would enable us to continue the active weed program called the Paradise Medusahead Project. This is a published five-year plan that calls for an aggressive chemical treatment of the 6,000 (plus) acres of Medusahead infestation in our community. This justification has also considered the fact that many if not most of our traditional weed grant programs have dried up.

It is our understanding that we should not spend money that was not included in our approved budget. On the other hand, we are seeking to spend money that we have carefully saved up over the years. In short, extraordinary times call for extraordinary measure. The worst that can be said out this proposal is that we are looking to spend our own money, albeit money held in reserve.

Again, since we have not been able to turn to the normal County Comptroller for coaching advice, we are pushing this question to the Board of County Commissioners (BCC) for guidance.

We are trying to pursue a plan that is open and transparent. There is a good probability that our Weed District is taking steps that many other city and county budget managers are also doing (given the sweep threat).

With this said, our Weed District (Tom Cassinelli and Daryl Riersgard) is willing to appear before the BCC on the 4 April meeting to better explain our situation. By pushing this out to April, we may have a better perspective on where the Legislature is headed. If warranted, Tom and Daryl are prepared to talk to these numbers in more detail. At that point, we will leave this decision in the hands of the BCC.

Respectfully submitted,

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Tom Cassinelli  
Board member

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Daryl Riersgard  
Coordinator

***Briefing Report to Humboldt County Commission***  
***April 4, 2011***  
***Intermountain Range Consultants***  
***On behalf of the Santa Rosa Martin Basin Permittees***

**ENVIRONMENTAL AND ECONOMIC IMPACTS**

The Marin Basin Project FEIS and Supplemental EIS lack the quality of data, and the preponderance of the data do not support, Alternative 2, the selected alternative of the Record of Decision. See IRC Comments, dated April 15, 2009. Under the Forest Service's approach, 85 – 90+% of the areas and habitat groups have improved in condition, by FS's own statements, but this is considered a "failing grade" that requires changes to the livestock authorized utilization levels. Further, where "less-than-satisfactory" circumstances were noted, the data is more than a decade old.

In addition, the FEIS and SEIS do not take a "hard look", as is required by the National Environmental Protection Act (NEPA) at the economic potential impacts of its Alternative 2, the selected alternative of the Record of Decision. The FEIS is superior to the DEIS in that the FEIS reports at page 204 the current (2009) direct and indirect value of the permitted livestock AUM within the Martin Basin Project, at \$252.00, and it reports the current permitted use, totaling 28,281 AUMs. FEIS p. 205.

Having noted the current (2009) value of an AUM, the FEIS and SEIS fail to "take a hard look" at the impacts of the ROD on Humboldt County's economy.

This is not an impossibly complicated process at least for purposes of comparison of Alternatives, especially for upland vegetation, including "Uplands" (a component common to all allotments within the Martin Basin Project Area).

For example, the ROD reduces allowable utilization of herbaceous species from, depending on the allotment, 65% under rest rotation and 60% under deferred rotation, to 50% at the most (i.e. for "functioning" rangelands). With this information, it is possible to state, *for analysis purposes*, that the best case scenario is that there is a potential reduction of the 28,281 AUMs to 22,375 AUMS, on the basis of the "Upland Herbaceous" component alone. At 2009 direct and indirect value of an AUM, there is a potential reduction in value to the county of \$1,488,199.

For another example, the ROD reduces allowable utilization of browse species from 50% to 35% at the most (i.e. for "functioning" rangelands). With this information, it is possible to state, *for analysis purposes*, that the best case scenario is that there is a potential reduction of the 28,281 AUMs to 19,797 AUMS, on the basis of the "Upland

Browse” component alone. At 2009 direct and indirect value of an AUM, there is a potential reduction in value to the county of \$2,138,044.

This is also not an impossibly complicated process at least for purposes of comparison of Alternatives, relative to “Aspen” (a component common to all allotments, and almost all pastures, within the Martin Basin Project Area).

The ROD reduces allowable utilization of herbaceous species from, depending on the allotment, 65% under rest rotation and 60% under deferred rotation, to 45% at the most (i.e. for “functioning” aspen). With this information, it is possible to state, for analysis purposes, that the best case scenario is that there is a potential reduction of the 28,281 AUMs to 20,138 AUMS, on the basis of the “Aspen Herbaceous” component alone. At 2009 direct and indirect value of an AUM, there is a potential reduction in value to the county of \$2,052,060.

The process would be somewhat more complicated for stream riparian, meadows, and cottonwood stands, but the FEIS does not even attempt to do so. However, the FEIS contains the information, in piecemeal, by which such information could be assessed in a coherent manner. This impact would occur on a pasture-by-pasture basis, but would be cumulative in its effect. As an example, the Buttermilk pasture of the Buttermilk Allotment contains seventeen (17) springs. Meadows have been determined to be “functioning” in this pasture. These springs have been categorized by the Forest Service under the Forest Plan, Amendment 2, as follows:

| Category | Number | Forest Plan Allowable Utilization | ROD Allowable Utilization |
|----------|--------|-----------------------------------|---------------------------|
| 2        | 3      | 45%                               | 45%                       |
| 3        | 11     | 60%                               | 45%                       |
| 4        | 1      | 60%                               | 45%                       |
| 5        | 2      | 65%                               | 45%                       |

Since the ROD treats all meadows as “equal”, notwithstanding the Forest Plan Amendment 2, livestock would potentially have to be removed from the pasture when utilization of any of the seventeen meadows is reached. For analysis purposes, it is reasonable to conclude that a result of this change in allowable utilization could potentially result in a  $(65-45/65=)$  31% reduction in AUMs within this pasture, notwithstanding the fact that its meadows have been determined to be “functioning”.

This pasture was grazed in 2009 by 240 cattle for 60 days, or 473 AUMs. Therefore, the operation of the ROD could potentially result in a loss of  $(473*31%=)$  147 AUMs, in this pasture alone, under functioning conditions. The losses would be greater, and can be calculated for the purposes of analysis, for “functioning at risk” and “non-functioning” levels of allowable utilization, and the economic impacts could be cumulated and reported for the public’s and County’s review.

However, the FEIS (including the “Socio/Economic Specialist Report”) does not do so. Also, notwithstanding the permittees’ notifying the Forest Service that the DEIS and FEIS were fatally flawed in both environmental and economic analysis, the SEIS does not cure these flaws.

### **THE FOREST SERVICE HAS BEGUN TAKING ADMINISTRATIVE ACTIONS**

In 2010, the Santa Rosa District issued a number of “Notices of Non-Compliance” (NONC’s). These NONC’s claim violation of the terms and conditions of Allotment Plans or “other instructions as issued by the Forest Officer in Charge”. The Forest Service has done so, notwithstanding that:

- The FS has issued no (not one) AMP to the permittees;
- No Key Areas have been selected in cooperation with the permittees (as is required by the FEIS and the ROD) – these are required by FS regulations to be specifically identified in AMPs and in AOs;
- The FS relied, at least in one instance – West Side Flat Creek - on casual “observations” of the forage, without any direct measurement;
- The FS subjective observation method used is not the FS objective method that the permittees were promised;
- In at least one case - Granite Peak Allotment - the FS sites selected are known concentration areas near troughs or a meadow through which exists the only livestock trail between grazing units;
- In at least one case – Granite Peak Allotment – the FS erroneously based the NONC on an incorrect allowable utilization level;
- In ***EVERY*** case, the NONC’s are based upon observations of fractions of the overall landscape, and even fractions of the riparian areas they purport to monitor.

The NONC’s all carry the language, “Any future violations of annual standards may result in permit suspension or cancellation.”

### **MONITORING REQUIRED BY THE ROD (and FS REGULATIONS).**

The ROD for the original FEIS requires (and the SEIS does not change this requirement) that the permittees are required to monitor the utilization levels, with the FS making “compliance” checks on the quality/quantity/accuracy of the permittees’ monitoring activities.

This situation creates an impossible-to-comply-with “Catch 22” wherein the permittees are required to “guess” where the FS might look, and to monitor that location.

Example: Martin Basin Allotment.

The Martin Basin Allotment contains 7 pastures, each with 7 potential *upland* vegetation types. On its face, this requires the permittees to monitor *at least* 49 locations within the upland portion of the allotment.



In addition, the Martin Basin Allotment contains twenty-six (26) different pasture/stream combinations, requiring a minimum of potentially twenty-six (26) different Key Areas just to monitoring stream riparian condition and utilization.

Along with the twenty-six (26) different pasture/stream combinations, there are potentially at least twenty-six (26) wet meadows associated with these stream systems, and potentially at least twenty-six (26) ecotone areas between the true riparian and the upland areas (which transition zone the Forest has considered to be “dry-to-moist meadows”<sup>1</sup>).

In addition, there exist within the Martin Basin at least ninety-four (94) known springs, any or all of which apparently may be considered by the Forest Service to constitute a “Key Area”.

Finally, the Martin Basin Allotment contains at least seven (7) aspen/pasture combinations.

In total, there are potentially at least one-hundred-thirty-four (134) pasture/vegetation type combinations and as many as two-hundred-twenty-eight (228) areas that must be assessed for Key Area establishment consideration.

#### **FOREST SERVICE REGIONAL POLICY EFFECTIVELY PROHIBITS WATER DEVELOPMENTS TO DISPERSE CATTLE.**

The Region 4 regional policy regarding new livestock water developments states that no new developments will be allowed, because Nevada does not recognize the Forest Service as a beneficial user as it relates to livestock waters.

The Santa Rosa District is thereby prohibited from spending any money, even to review a project that would otherwise be funded by the permittee(s).

This policy effectively limits available livestock water to areas where it is already developed, and to the springs, seeps and streams where the livestock have always watered, which have become the one-and-only focus area of the Forest Service.

#### **REQUEST BY THE SANTA ROSA MARTIN BASIN PERMITTEES OF HUMBOLDT COUNTY COMMISSION.**

1. **Develop a cost analysis, or require the FS to develop a cost analysis, to the County and to the Communities of Paradise Valley, Orovida, McDermitt, and Winnemucca, of the economic impacts of the FS actions. These actions by the FS are intended to be expanded to the whole of the Santa Rosa District (and to the remainder of the State).**