



STATE OF NEVADA
STATE CONSERVATION COMMISSION
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MINUTES

STATE CONSERVATION COMMISSION MEETING

Richard H. Bryan Building
Tahoe Hearing Room, 2nd Floor
901 S. Stewart Street, Carson City, Nevada
Monday, October 15, 2018, at 10:00 a.m.

Board Members Present: Chairman Joe Sicking, Paradise-Sonoma CD; Leland Wallace, Esmeralda County CD (by teleconference); Maggie Orr, Lincoln County CD; Agee Smith, Northeast Elko CD (by teleconference); Jake Tibbitts, Eureka CD, and Dr. Sherm Swanson, UNCE/CABNR (by teleconference).

Board Members Absent: Vice Chairman Eric Rieman, Carson Valley CD; Kevin Roukey, Washoe-Storey CD and Meghan Brown, NV Dept. of Agriculture.

Others Present: Bettina Scherer, Conservation Districts Program Manager; Sandy Quilici, NDCNR Director's Office; Nancy Sicking; Connie Lee, NvACD (by teleconference); Lori Story, Deputy Attorney; General; Bobby Jones, NDOW/NRCS Shared Habitat Biologist (by teleconference); Melany Aten, Winnemucca Conservation Staff Specialist; Tim Rubald, Volunteer and Dominique Etchegoyhen, Deputy Director NDCNR.

I. CALL TO ORDER, DETERMINATION OF A QUORUM

- A. Chairman Sicking called the meeting to order at 10:07 a.m.
A quorum was confirmed and introductions were made.

II. PUBLIC COMMENTS There were no public comments.

III. REVIEW AND CONSIDERATION OF APPROVAL OF MINUTES - * FOR POSSIBLE ACTION *

- A. Commissioner Orr made a motion to approve the minutes, Commissioner Tibbitts seconded the motion, there was a vote and the motion passed unanimously. ***ACTION TAKEN***

IV. BRIEF UPDATE ON CONSERVATION DISTRICTS PROGRAM - * FOR DISCUSSION ONLY *

- A. Bettina Scherer communicated that 2 fleet vehicles have been acquired for the Conservation Districts Program, a Jeep for the Program Manager and a Ford F250 Pick-Up for Melany Aten, the Winnemucca Conservation Staff Specialist. Now, the Program Fleet is complete, with 4 vehicles (4). Gerry Miller, the Conservation Staff Specialist in Elko, has moved his office location from the Nevada Department of Agriculture on Idaho Street to the Division of Forestry on Falcon Way. To contact him, please use his cell phone number or his email.

V. REVIEW OF CONSERVATION DISTRICT REPORTS - *** FOR POSSIBLE ACTION***

A. Commissioner Tibbitts asked Bettina if there were any items of concern. Bettina said Lahontan Conservation District's Annual Report and Final Financial Statements were submitted on the 9th. Via phone conversation with their District Clerk, the final deadlines were new to her, as she had taken over as the new LCD and SCD clerk, just after all final paperwork was submitted last calendar year. All other documentation was timely submitted for both Conservation Districts. The district clerk, Christy Sullivan, communicated that the report was submitted late, due to the need for board review and approval of updates.

B. Washoe-Storey CD did not submit a final financial report; Bettina was unsuccessful in contacting Kevin Roukey to obtain the report before the Commission Meeting.

C. Big Meadow and Southern Nye CD's did not fully expend their operating stipends in FY17-18. Per NAC 548.120 subsection 1: Any money which has not been committed for expenditure before July 1 next following the date on which the money was granted must be deducted from any grant awarded to the conservation district for the fiscal year next following the fiscal year for which the money was granted.

D. Commissioner Tibbitts inquired about Carson Valley CD's reference to possible State Conservation Commission assistance in their Annual Report.

Dominique Etchegoyhen said there have been challenges because FEMA did not respond to the 2017 flooding in the same manner it had responded to the 1997 New Year's flood. In 1997, FEMA provided funding to the Carson Water Conservancy District for the reparation of irrigation structures in the Carson River. In 2017, however, FEMA determined that the same private irrigation structures were ineligible, which has created some discord in the Carson Valley.

There are also concerns regarding the routine maintenance of irrigation structures in the Carson River. Landowners say the federal and state processes are onerous. The Nevada Revised Statutes (NRS) provide for the routine maintenance of "permitted" irrigation structures. The State is working to develop a streamlined process that will enable the landowners to permit these irrigation structures so they would have pre-approval to conduct routine maintenance. This process would apply to the state agencies but likely would not apply to the Army Corps.

Chairman Sicking said Mason Valley CD tried for an erosion control permit but could not get it, and the result was flooding in the canal. Dominique said both the Nevada Division of Environmental Protection (NDEP) and the Nevada Division of State Lands (NDSL), provide for emergency work in the river.

Commissioner Tibbitts said the Carson Valley CD wants the SCC to help with a solution. Dominique said the state has met with the Carson Water Subconservancy District to develop and their new legal representation, Patrick King. Mr. King is working with Ed James to draft streamlined state permit language and reach consensus between parties. There is draft permit language that has been presented to the Carson Valley Conservation District that the District board has not yet voted to approve. The draft will then be submitted to the State for approval to help streamline the permitting process. Both Carson Valley Conservation District and Dayton Valley Conservation District have expressed interest in this process.

Commissioner Tibbitts suggested that as a future agenda item, to show the Commission is receptive to the problem; Carson Valley Conservation District be invited to a Commission meeting to present their concerns to the Commission. Commissioner Orr said this would indicate the Commission is trying to understand their problem.

Commissioner Tibbitts made a motion to approve the plans as is; Commissioner Orr seconded the motion; there was a vote and the motion passed unanimously ***ACTION TAKEN***

E. Bettina said the tracking logs show that Carson Valley CD, Nevada-Tahoe CD, Washoe/Storey CD, and Conservation District of Southern Nevada were late in submitting two (2) or more meetings' worth of agendas or minutes and Washoe-Storey never submitted a Final Financial Report. Chairman Sicking suggested withholding funding and suspending their Good Standing Determination until the missing paperwork is received and their standing be reviewed at the next business meeting after they are submitted. ***NO ACTION TAKEN***

VI. DISCUSSION AND POSSIBLE DETERMINATION OF DISTRICTS 'IN GOOD STANDING' STATUS FOR FISCAL YEAR 2017-2018 - *FOR POSSIBLE ACTION*

A. Commissioner Tibbitts asked does the statute say we must have the minutes. Bettina said yes. It's within NAC 548.110.

NAC 548.110 Prerequisites for conservation district to be in good standing. ([NRS 548.160](#), [548.175](#), [548.178](#))

To be in good standing, a conservation district must:

1. Hold regularly scheduled meetings of the governing board of the conservation district.
2. Hold such meetings at least three times each year, one of which must be an annual meeting, except that not more than one meeting of the governing board held during a calendar month may be used to satisfy the requirements of this subsection.
3. Properly give notice of each such meeting, prepare an agenda and issue it in conformance with the requirements of [chapter 241](#) of NRS.
4. File the agenda for and the minutes taken at each such meeting with the Program within 30 working days after the meeting.
5. Hold an election of supervisors on one of the first 10 days of November in each even-numbered year and submit the results of the election to the Program before November 30 of that year.
6. Not later than June 1 of each year, or such later date as approved by the Commission, develop a work plan and budget and submit the work plan and budget to the Program.
7. Not later than September 30 of each year, or such later date as approved by the Commission, develop an annual report and financial report for the fiscal year ending the immediately preceding June 30 and submit the annual report and financial report to the Program.

(Added to NAC by Conservation Comm'n, eff. 9-5-90; A 12-26-95; R158-07, 12-4-2007; R081-12, 12-20-2012)

B. Commissioner Tibbitts said they should submit an explanation why any paperwork was late or missing in a testimonial to the Commission and submit the required paperwork as soon as possible. Tim Rubald said if the Districts were not to be found in Good Standing, a District may appeal the Commission's decision and testify at the next regularly scheduled business meeting. The formal appeal process, if a district is not found in good standing, can take 30-60 days.

Commissioner Tibbitts said Bettina could let them know their standing was suspended because they had not submitted all required paperwork and Commission would revisit their determination as a continuance in a future meeting.

Conservation Staff Specialist Melany Aten said Washoe-Storey CD is having a hard time holding meetings and they are trying to recruit new supervisors. Commissioner Tibbitts said they have to make the effort; we are allowing them to submit the needed paperwork and explain why the documentation is missing.

Commissioner Tibbitts suggested certified letters be sent to the 4 CD's that were not on time stating that Commission will suspend their standing determination and funding until such paperwork is received. If certified letters are sent out, there is a tracking record that a District received the notification. A district has 60 days after the letters are sent out to respond. Any required documentation may be submitted before the 60 day period expires and the Commission may review their standing at the next regularly scheduled meeting.

Commissioner Tibbitts made a motion to find all CD's except Carson Valley, Conservation District of Southern Nevada, Nevada-Tahoe, and Washoe/Storey in good standing and the suspended 4 CD's determination of good standing will be addressed at a future meeting. Commissioner Orr seconded the motion; there was a vote and the motion passed unanimously. ***ACTION TAKEN***

C. Commissioner Tibbitts said Southern Nye CD and Big Meadow CD can only be funded the amount that they expended. The remaining funds that were not expended will be distributed among the CDs in good standing. We would need to wait for the CD's that are appealing.

Commissioner Tibbitts made a motion to authorize and release the funding to the CDs in good standing with Southern Nye and Big Meadow receiving a reduced amount. We will delay the distribution of the balance until the next meeting.

Commissioner Orr seconded the motion; there was a vote and the motion passed unanimously. ***ACTION TAKEN***

VII. DISCUSSION OF THE HUMBOLDT RIVER BASIN NETWORKS'S ACTIVITIES AND DEVELOPMENTS SINCE THE 06-14-2018 MEETING - *FOR POSSIBLE ACTION*

A. Commissioner Orr said the HRBN will not be on the NvACD General Session Day. ***NO ACTION TAKEN***

VIII. DISCUSSION OF LAS VEGAS METROPLEX (LAS METROPLEX) NOTICE FOR PREPARATION FOR ENVIRONMENTAL ASSESSMENT (EA) - *FOR POSSIBLE ACTION*

A. Chairman Sicking was asked in a letter for comments from the Commission. Commissioner Tibbitts said we should respond and thank them for the acknowledgment of the Commission. We should mention the NRS 548.113 {Legislative declaration: Special expertise of conservation districts. It is hereby declared, as a matter of legislative determination, that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as cooperating agencies for the purpose of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., and any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and any other federal laws regarding land management} which states CD's special expertise in the NEPA process and note the affected CD's and to please reach out to them in the future as public workshops are scheduled.

Bettina will form a letter by October 31st. Commissioner Tibbitts made a motion to approve the sending of the letter. Commissioner Orr seconded the motion; there was a vote and the motion passed unanimously. ***ACTION TAKEN***

IX. PERIODIC REVIEW OF STRATEGIC PLAN AND ACTION PLAN - *FOR POSSIBLE ACTION*

A. Commissioner Tibbitts said on page 4 the 'Nevada Society for Range Management' should read '*Nevada Section Society for Range Management*'.

B. Commissioner Tibbitts said at the end of December we should look at the due dates and change as needed. Commissioner Orr said on page 28 of 49 Step#5 {Employ the NACD master MOU with BLM to develop state and local level MOUs that accomplish similar goals} this should be completed soon. ***NO ACTION TAKEN***

X. FOLLOW UP ON CORRESPONDENCE ITEMS OUTLINED IN 06-14-18 MEETING - *FOR POSSIBLE ACTION*

A. Bettina said she has a card for the Whipple family for the members to sign. Commissioner Orr will address and send the card.

B. Commissioner Tibbitts suggested sending a thank letter to Cathy McAdoo and another letter to the Board of Regents. Bettina had a draft thank you letter prepared; the members added their changes/comments. A similar letter will be sent to the Board of Regents. Commissioner Tibbitts made a motion to approve the card and letter as amended. Commissioner Orr seconded the motion; there was a vote and the motion passed unanimously. ***ACTION TAKEN***

XI. AGENCY UPDATES - *FOR DISCUSSION ONLY*

A. Nevada Department of Agriculture – *Meghan Brown, Plant Industry Division* There was no report today.

B. UNR-College of Agriculture Biotechnology and Natural Resources – *Dr. Sherm Swanson, Range and Riparian Extension State Specialist for University of Nevada Cooperative Extension and Scientist for Nevada Agricultural Experiment Station* Commissioner Swanson said they have been hiring and filling positions. There is an Extension Conference October 23rd and 24th which would be a good networking opportunity.

C. Natural Resources Conservation Service – *Ray Dotson, State Conservationist* Bettina said Karri Honaker has replaced Bill Elder as State Resource Conservationist.

D. Nevada Department of Wildlife – *Bobby Jones, NDOW/NRCS shared Habitat Biologist* Mr. Jones said NDOW has been working on fire rehab projects. There has been work with the Washoe-Storey CD on a sage-grouse display.

The Mason Valley and Smith Valley CD's have been working on noxious weed removal and reseeding. They are also doing pinyon/juniper maintenance and meadow restoration.

E. Nevada Association of Conservation Districts – *Maggie Orr, President* Commissioner Orr said the Nevada Youth Range Camp was good this year. There were three scholarships awarded this year.

Pool Pact completed the 1st round with 14 CD's signed up.

At the Annual Meeting, there will be time to visit the Cowboy Arts and Gear Museum in Elko. There will be Range Monitoring Handbook available from Sherm Swanson and Associated authors. Dave Voth will be giving a presentation on EDD maps. Gary McCuin will help with the Resource Needs Assessment Guide.

F. Sagebrush Ecosystem Technical Team – *Kelly McGowan, Program Manager* There was no report today.

G. Others – There were no other reports.

XII. COMMISSIONER ITEMS - *FOR DISCUSSION ONLY*

A. Commissioner Orr wanted to thank the program for how it works with the NvACD.

XIII. NEXT COMMISSION MEETING - *FOR POSSIBLE ACTION*

A. Chairman said items for the next meeting will include the CD's appeals and looking at the Action Plan due dates.

B. It was agreed the next meeting will be November 14th in Elko after the NvACD meeting. ***NO ACTION TAKEN***

XIV. PUBLIC COMMENTS

Bettina said she was able to attend the National Association of State Conservation Agencies (NASCA) meeting in New York. Each geographic area appoints a regional rep to participate in subcommittees. Bettina has been added to represent the Western States on NASCA's policy groups. This group was selected as most of the meetings are via teleconference and there was less travel involved. No meetings have occurred to date and none were scheduled.

Bettina said there is an MOU between Pheasants Forever and Nevada Partners. Here is the story from the NV NRCS website:

Nevada Partners Sign New Agreement to Accelerate Sagebrush Conservation Reno, Nev. - On October 19, state, federal, and non-profit organizations signed a cooperative Memorandum of Understanding, or MOU, to enhance and expand proactive sagebrush conservation and restoration across Nevada. Signed in Reno, Nevada, this MOU also prioritizes conservation in the Bi-State area along the California/Nevada border.

The purpose of this MOU is to provide a collaborative framework to accomplish common goals related to the restoration, enhancement, and conservation of sage-steppe habitat.

“This partnership is modeled on the highly successful Burley Project in Idaho and will allow Nevada partners to cooperatively pool resources across the state,” said Pheasants Forever and Sage Grouse Initiative Field Capacity Coordinator Michael Brown.

The primary components to this partnership and MOU are to accelerate sagebrush ecosystem conservation across state, federal, and private property by investing in these proactive efforts:

- Control invading conifers in mutually agreed upon priority watersheds
- Implement practices across landownerships designed to reduce the risk of fire and invasive species in the Great Basin Region
- Restore and enhance wet meadow habitats in mutually agreed upon priority watersheds.

Participating non-profit groups and agencies include: Pheasants Forever; USDA’s Natural Resources Conservation Service; Bureau of Land Management; U.S Fish and Wildlife Service; Nevada Department of Wildlife; Humboldt-Toiyabe National Forest; Nevada Department of Agriculture; and the Nevada Department of Conservation and Natural Resources.

XV. ADJOURNMENT - *FOR POSSIBLE ACTION*

Chairman Sicking made a motion to adjourn, Commissioner Orr seconded the motion, there was a vote and the meeting was adjourned at 12:05 p.m. *** ACTION TAKEN***