



STATE OF NEVADA
STATE CONSERVATION COMMISSION
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MINUTES
STATE CONSERVATION COMMISSION MEETING

Friday, March 27, 2015, 1:00 p.m.
Natural Resources Conservation Service 1365 Corporate Boulevard
Reno, Nevada

The Nevada State Conservation Commission held a meeting on March 27, 2015, at the Natural Resources Conservation Service Office at 1365 Corporate Boulevard, Reno, Nevada. The meeting was teleconferenced and video conferenced to all Nevada NRCS office.

Board Members Present: Chairman Joe Sicking, Paradise/Sonoma CD, Vice Chairman Eric Rieman, Carson Valley CD, Maggie Orr, Lincoln County CD (by video conference), Leland Wallace, Esmeralda County CD, Dr. Sherm Swanson, CABNR-NAES, Jake Tibbitts, Eureka CD, Tina Mudd, Nevada Department of Agriculture, and Agee Smith, Northeast Elko CD.

Board Members Absent: Kathy Mort, Stillwater CD.

Others Present: Astor Boozer, NRCS Regional Conservationist for the West, Tim Rubald, Conservation Districts Program Manager, Sandy Quilici, DCNR Director's Office, Kevin Benson, Deputy Attorney General, Bill Elder, State Resource Conservationist, Gary Roeder, Assistant State Conservationist - Programs (ASTC-P), Dennis Workeman, Acting State Conservationist, Gerry Miller, Elko Area Conservation Staff Specialist (video), Jamie Jasmine, NRCS District Conservationist - Elko (video), Anthony Stobiecki, Vya CD, Diane Hagelthorn, Vya CD, Steve Weaver, Winnemucca Area Conservation Staff Specialist (video), Andy Lacca, NRCS District Conservationist - Winnemucca (video), Tom Seley, Tonopah CD (video), two Smith Valley CD members (video), Ben Bolton, Ely Area Conservation Staff Specialist (video), and Carl Clinger, Big Meadow CD.

I. CALL TO ORDER, DETERMINATION OF A QUORUM

- A. A quorum was established and Chairman Sicking called the meeting to order at 1:10 p.m. The participants introduced themselves.

II. PUBLIC COMMENTS There were no public comments.

III. BRIEF UPDATE ON CONSERVATION DISTRICTS PROGRAM – *NOT FOR POSSIBLE ACTION*

- A. Tim Rubald, Conservation Districts Program Manager, said Ben Bolton is the new Conservation Staff Specialist for the Ely area and Mr. Rubald and Commissioner Orr have spent some time with him.

Mr. Rubald has tried to attend as many of the district meetings as possible. He said that June 1st is the deadline for the districts' planning documents, budgets, and annual plans. He will send out a reminder.

IV. DISCUSSION AND REVIEW OF REQUEST BY THE LANDER CONSERVATION DISTRICT FOR A REVISION OF THE GRANT RECEIVED JUNE 2014. - *FOR POSSIBLE ACTION*

A. Mr. Rubald said the letter (*See Attachment I*) needs more specifics. There were specifics discussed at the last district meeting that were voted on, but there were two people that chose not to vote so it did not pass. The district is planning a field trip tomorrow to the site. This originally was on private and BLM land; there was work to be done on a spring. It included some rocking and some sheet spreading. Now it has been decided to stay off the BLM land because the NEPA (National Environmental Policy Act) has not been done.

To develop the spring, a solar pump would be added and pump water to a different location to get better utilization and provide for sage grouse. The spring box would be fenced off to protect the water source. There would be two tanks; one low near the spring and one higher. Mr. Rubald recommended not approving the project until more details are provided by the Lander CD.

Chairman Sicking said they need permission from the land owner or the permittee. Mr. Rubald said he is not sure, specifically, how the Argenta allotment is managed. There is some leased land and some privately owned. Mr. Rubald said this involves one section of privately owned ground. Commissioner Tibbitts said the spring is on private land that runs on to BLM. Mr. Rubald said they have talked of pumping the water so the project is all on private land and doesn't run to BLM.

Chairman Sicking said this needs to have more detail before we approve changes.

Commissioner Mudd asked when the money needs to be spent. Mr. Rubald said by June 30th. If the money is not spent by that time the amount will be deducted from the CD's normal funding of \$3500 in October (if found in good standing).

Commissioner Tibbitts said they are requesting approval from the Commission to move forward with this modification. Mr. Rubald said this is a change from the original proposal, but it is still an improvement to the meadow.

Commissioner Tibbitts said a requirement was to be shovel ready, this is not and it would not be fair to the other CD's to approve this project.

Commissioner Orr said the CD should be encouraged to make this a shovel ready project. Chairman Sicking helped to form this to a motion saying the project will be disapproved at this time, but the CD is encouraged to apply at the next round of grants. Commissioner Tibbitts seconded the motion with an amendment stating there is still an opportunity to get this done by June 30th and to resubmit. There was a vote and the motion passed unanimously. ***ACTION TAKEN***

V. DISCUSSION AND POSSIBLE ADOPTION OF DRAFT REGULATIONS FOR THE ANTICIPATED CHANGE FROM EQUAL DISTRIBUTION TO A COMPETITIVE GRANT PROCESS FOR SAGE GROUSE HABITAT GRANTS TO DISTRICTS. *FOR POSSIBLE ACTION*

A. Mr. Rubald said there is a draft regulation to change the non-competitive grant fund to a competitive grant fund in the packet. If the bill passes, which it should, temporary regulations will need to be formed. Once the bill is passed and approved by the governor there will need to be a workshop and public hearing. That takes 45 days. It could be completed by the last week in May. Mr. Rubald provided a draft of the regulation (*See Attachment II*). Mr. Rubald will have Deputy Attorney General Kevin Benson look over the draft and asked the Commission for any additions.

Commissioner Rieman asked if this includes the Bi-State Sage Grouse units and Mr. Rubald said yes.

Commissioner Mudd asked if the Technical Team would be able to review all the projects. Mr. Rubald replied yes they should.

Commissioner Tibbitts said on Page 2, item c, number 1. – it says “one application period and deadline per fiscal year”. It should have added after “year” – “when funds are available”; Mr. Rubald agreed.

Commissioner Tibbitts suggested on Page 2, item e, number 1. – to remove the 2nd sentence and add “or in kind” after “with a cash”. It was agreed.

Commissioner Tibbitts said on Page 3, item f, number 4. – it says “Grant funds awarded to Conservation Districts must be expended”. There should be something to say “the grant funds not expended will be returned.” After discussion it was agreed to say “Grant funds not used will be returned. Required reports needed for this project will in future years be required for the district to receive future grant funding.” Mr. Rubald said he will make the changes before the workshop is scheduled. ***NO ACTION TAKEN***

VI. DISCUSSION AND REVIEW OF LEGISLATION INTRODUCED IN THE CURRENT LEGISLATIVE SESSION - * FOR POSSIBLE ACTION*

A. Mr. Rubald said SB45 (*See Attachment III*) should be through the Legislature by Tuesday at noon. It should pass and then it goes to the Governor for signature which can take ten days. Once signed we can work on the temporary regulations.

B. Mr. Rubald said SB65 (*See Attachment IV*) is a water bill that the Commission discussed at the last meeting and this bill has had numerous modifications.

Chairman Sicking asked if the bill addressed supplemental water – there are instances of surface rights being sold, but the water is still being pumped by the applicant. Mr. Rubald said he did not know; there are still changes being made to the bill.

C. SB81 (*See Attachment V*) After discussion it was agreed that the water law should be updated and more conservation practices should be added with incentives in place for those conserving water. The user should be encouraged to conserve water rather than (in some cases) wasting water to show usage in order not to forfeit a water right. Recognized conservation should allow the maintenance of the right even though they are not using their full allocation.

Chairman Sicking recessed the meeting at 2:10 p.m. for a break and then a discussion with Mr. Astor Boozer, Regional Conservationist with NRCS.

2:25 p.m. Mr. Boozer said the recruitment to replace Nevada State Conservationist, Bruce Petersen, is open for 10-14 days. There should be 10-15 applicants. The applications are reviewed by Human Resources and then sent to Mr. Boozer where the number is reduced to five. Hopefully by mid-May the interviews will be completed.

Dennis Workeman is the Acting State Conservationist who is qualified and knows the state. Dennis can handle agreements and has signature authority for funding, etc.

Mr. Boozer said he will be in Reno for various meetings this year and will attend the Annual State Meeting.

He said NRCS can offer technical assistance with drought issues.

Commissioner Orr asked Mr. Boozer to hire a leader; the staff needs to help/support the field offices. Mr. Boozer agreed.

Commissioner Smith commented the local groups don't seem to be heard as before by the State Technical Committee. Mr. Boozer said the Committee provides recommendations. The local groups should prioritize their items and share with the Committee. The Technical Committee talks about funding and knowing the priorities helps.

Commissioner Tibbitts asked if ranking questions should be brought to the State Conservationist. Mr. Boozer said yes; questions should be asked of the State Conservationist and the Technical Committee. Commissioner Tibbitts said EQIP ranking seems to sometimes go to other projects, not particularly conservation projects. Mr. Boozer said that should be brought up with the State Conservationist and Technical Team.

Marlene Wallace asked about the program on well efficiency. Can criteria involve redrilling wells due to drought? Mr. Boozer said we would need to look at the projects and more about reboring. Commissioner Wallace said currently the owner can't be paid for ten years and due to the drought that is too long. Mr. Boozer said this may require a statute change (in the Farm Bill).

3:27 p.m. Chairman Sicking reconvened the Commission Meeting.

VIII. PUBLIC COMMENTS

Carl Clinger from Lovelock said there are 114 producers on about 40,000 acres with no water coming from Rye Patch Reservoir (for 3 years) and little water from the Humboldt River. The groundwater appropriation is equal to 1,117,701 acre feet. The perennial yield is 476,000. The ground will require deep tilling and more work than normal because of the drought. We grow alfalfa and small grains. Normally we rotate out about 20-25% of the crops each year. The alfalfa plants are struggling and there is also a tremendous rodent problem (eating the tops of the plants). There is not an NRCS program that helps with this.

Mr. Clinger brought this issue to the State Technical Committee last fall where he made a motion to form a coalition to try to do something meaningful on the Humboldt River. He gathered information and gave a presentation to the National Riparian Service Team where it was learned that an initiative may be needed. How do we create an initiative?

Mr. Boozer said there is the opportunity of the second round of Regional Conservation Partnership Program (RCPP). The opportunity to have locally led projects through the CD's taken to the Technical Team is an opportunity.

Commissioner Tibbitts said to maybe develop a statewide RCPP. Mr. Boozer said talk about what is exactly needed first.

Mr. Gary Roeder said this involves several CD's so the first step is to meet and discuss what is needed.

Commissioner Swanson said there are issues with the Humboldt that need improvement. A PFC (proper functioning condition) assessment should be done and there is a groundwater lowering issue. There is well metering now. The upstream users get water and the lower users do not. If there is a Humboldt River Initiative there are a lot of stakeholders involved, a lot of data to be collected, and negotiations are needed between the users.

Chairman Sicking added that the Humboldt River is federally regulated which makes it harder to get projects done because of the additional requirements.

Mr. Roeder said it starts with local leadership, involve the mining companies, and start talks.

Mr. Stobiecki with Vya CD said they had made some riparian improvements and have seen more forage now and an increase in wildlife. It needs to start with small steps.

VI. DISCUSSION AND REVIEW OF LEGISLATION INTRODUCED IN THE CURRENT LEGISLATIVE SESSION - *FOR POSSIBLE ACTION*

D. Discussion of other Bills. Commissioner Tibbitts said SB476 (*See Attachment VI*) will have a hearing next Thursday in Senate Natural Resources. The State Association voted on the items in this bill which was from input from the districts. It clarifies that CD's do have special expertise to serve as coordinating agencies for the purposes of the federal National Environmental Policy Act (NEPA). However, it was meant to say cooperating agencies, there is some language clean-up to be done.

This empowers the local level to self-tax a per parcel fee of up to \$25 per parcel to go towards the CD. The fee is not automatically set at \$25; there is a petition process that 10% of the registered voters or a majority of the supervisors of the CD petition the County Commission to put it on a ballot for the next election. The petition will outline the fee to be imposed.

There are concerns because the Legislature does not want to impose a tax. But this is more about empowering the people to decide.

This allows weed districts and conservation districts to combine forces and has the possibility of a tax.

Commissioner Smith made a motion to support SB476. Commissioner Mudd seconded the motion, there was a vote and the motion passed unanimously. * **ACTION TAKEN** *

Commissioner Tibbitts asked the Commissioners to come to the hearing to show support. Chairman Sicking said he would be there. Commissioner Tibbitts also said there is a form on the Legislative website that can be filled out to show support of the bill.

VII. COMMISSIONER ITEMS - *NOT FOR POSSIBLE ACTION*

- A. Comments and Reports Commissioner Orr said the new Conservation Staff Specialist, Ben Bolton, is already participating and becoming involved. He should be great.

Commissioner Swanson said he has talked with Dean Bill Payne of CABNR and Dean Payne was an organizer of a conference on desertification (the persistent degradation of dryland ecosystems). This is a problem around the world and in Nevada. Dean Payne pointed out in the report the solution for resource management of dry land is the local expertise of the people who live there and have managed it.

Commissioner Tibbitts said Dean Payne is a strong advocate of agriculture and what conservation districts are doing.

NEXT COMMISSION MEETING - *FOR POSSIBLE ACTION*

- B. Agenda items for future consideration. The next agenda will include the approval of the last meeting minutes.
- C. Date, time and location of next meeting. Mr. Rubald said he will schedule a public workshop and public hearings. Chairman Sicking said we will leave the next meeting date open for now.

VIII. PUBLIC COMMENTS

Mr. Clinger asked to how to proceed with the Humboldt River problems.

Commissioner Tibbitts said it is up to the 8 or 9 CD's. The CD's should develop what they want and bring it to the Commission for us to support and consider.

Mr. Stobiecki said a working group needs to be involved. The Commission could ask for the districts' cooperation in trying to start the initiative. For the state to look at it this as something significant it is helpful the Commission is putting it in their minutes and saying they may initiate the discussions.

Commissioner Mudd suggested the local Humboldt River CD's put this on their agendas and start the dialogue.

Commissioner Swanson suggested having a meeting in Winnemucca with the CD's involved to tell us their conservation concerns for the Humboldt River Basin.

Commissioner Tibbitts said maybe a "workshop" in July in Winnemucca or after the next Commission meeting.

Commissioner Orr said her concern is if we put this on our agenda without offering assistance to the districts that it would be overwhelming. Maybe provide a facilitator to go to those districts to help them get a list of their concerns.

Chairman Sicking said to ask them to talk about this at their CD meetings and then bring it to us.

Commissioner Smith asked if Tim would send a letter to the CD's giving a heads up on this. Commissioner Tibbitts said he would like to work with Tim on the Association level.

Mr. Rubald said yes.

IX. ADJOURNMENT - *FOR POSSIBLE ACTION*

The meeting was adjourned at 4:30 p.m.