

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
December 15th, 2017, 9:30 a.m.
NACO Office
304 S. Minnesota Street
Carson City, NV 89703

AGENDA

Some NACO Board members may attend via video link or phone from other locations. Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Call to Order, Roll Call and Pledge of Allegiance

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. NACO President's Report.
4. NACO Executive Director's Report.
5. Approval of Minutes of the November 17, 2017 NACO Board of Directors Meeting. **For Possible Action.**
6. Discussion and Approval of NACO's 2018 Budget. **For Possible Action**
7. Introduction and Update from the Director of the University of Nevada Cooperative Extension, and CABNR Associate Dean for Engagement, Ivory Lyles.
8. Discussion Regarding the Opioid Epidemic in Nevada and Options for Counties to Engage in Legal Action Against Opioid Manufacturers. **For Possible Action.**
9. Presentation from the Department of Employment, Training, and Rehabilitation on State Economic Data Available to Counties, Christopher Robison, Supervising Economist.
10. Presentation and Discussion on the Coalition Against Bigger Trucks Initiative, Pam Mann. **For Possible Action.**

Note: The NACO Board of Directors May Interrupt the Open Meeting and Exclude the Public from the Meeting for the Limited Purpose of Receiving the Information and for Deliberation Relative to Agenda Items #11 (b) below:

11. Update and **Possible Action** Regarding Public Lands and Natural Resources Issues Including:
 - a. NACO's Engagement in the Bureau of Land Management's and U.S. Forest Service's Greater Sage Grouse Resource Management Plan Amendments.
 - b. The Ongoing Lawsuit Filed by the State of Nevada and Nine Nevada Counties Regarding the BLM's and U.S. Forest Service's Greater Sage Grouse Resource Management Plans.
 - c. Comments on the U.S. Fish and Wildlife Service's Proposed Mitigation Policy Revisions.
 - d. Cooperating Agency Status for the U.S. Forest Service's Upcoming Noxious Weed Management Plan.

- e. The Center for Biological Diversity's Lawsuit against the U.S. Fish and Wildlife Service Seeking to Vacate their Decision not to List the Bi-State Sage Grouse as an Endangered Species and NACO's Motion to Intervene on behalf of the Service.

12. National Association of Counties and Western Interstate Region Board Member Updates.

13. NACO Board Member Updates.

14. Public Comment - Please Limit Comments to 3 Minutes

Adjournment.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Evans at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: www.nvnaco.org

This agenda was posted at the following locations:

NACO Office 304 S. Minnesota Street, Carson City, NV 89703

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Elko County Manager's Office 540 Court Street #101, Elko NV 89801

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

The following links and/or pages are support for agenda
Item 4

<http://adsd.nv.gov/Boards/COA/COA/>

The following links and/or pages are support for agenda
Item 5

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
November 17, 2017, 9:30 a.m.

UNADOPTED MINUTES

ATTENDANCE: Vice President Waits, Past President Wichman, Humboldt County Commissioner French, Elko County Commissioner Dahl, Washoe County Commissioner Herman, Churchill County Commissioner Olsen, Esmeralda County Commissioner Bates, Storey County Commissioner McGuffey, Douglas County Commissioner Thaler, Mineral County Commissioner Tipton, Eureka County Commissioner Goicoechea, Lyon County Commissioner Alt, Pershing County Commissioner Shank and Nancy Parent, Nevada Clerks and Election Officials Association.

REMOTE ATTENDANCE: President Elect Weekly, Clark County Commissioner Kirkpatrick and Bob Roshak, Nevada Sheriff's and Chief's Association.

OTHER ATTENDANCE: Dean Bill Payne, University of Nevada College of Agriculture, Biotechnology and Natural Resources; Lee Bonner, NDOT and Ronald Mobley, BLM Nevada.

The meeting was called to order by Vice President Waits who informed the Board that President Elect Weekly would be taking over the meeting shortly.

1. **Public Comment.** Dean Payne informed the Board that the new Director of Cooperative Extension, Dr. Ivory Lyles had started with the University on Nov. 1st and he is expected to attend the December meeting of the Board.
2. **Approval of Agenda.** The agenda was approved on a motion by Commissioner Tipton with second by Commissioner Bates.
3. **NACO President's Report.** President Elect Weekly extended President Phillips' regrets for not being able to attend the meeting. President Elect Weekly noted that he would speak with President Phillips about placing an item on a future agenda regarding federal policy to allow heavier and longer commercial truck traffic on our roads and the impact to counties.
4. **NACO Executive Director's Report.** Dagny informed the Board that Mr. Phil Cowee had been appointed to head the Nevada USDA Rural Development office. She noted that he is from Lyon County and had formerly worked as the Finance Director for the Lyon County School District. She also informed the Board that of the six names the Board had submitted to Governor Sandoval for appointment to the Nevada Right to Council Commission, Mayor Crowell, Commissioner Tipton, former Nye County Commissioner Joni Eastley and former Assemblyman Tom Grady had been appointed as NACO's representatives to the Commission. Dagny noted that links to the Unmanned Aerial Systems (UAS) Pilot Program were included in the packet, and informed the Board that counties can apply to be a part of the program to develop rules and regulations regarding to drones, as well as to partner with industry if they are interested in economic development related to drones. She also informed the Board that the State Demographer had reached out to NACO regarding to the 2020 Census LUCA Program and that the deadline to sign up for participation is December 15th. She noted that participation is important as it relates directly to the amount of federal dollars counties receive. Dagny concluded by reminding the Board that registration for the NACo Legislative Conference in March in Washington D.C. was open. The Board was asked to make sure that Amanda is informed of who from each county will be attending the Conference.
5. **Approval of Minutes of the October 20, 2017 NACO Board of Directors Meeting.** The minutes were approved on a motion by Commissioner Herman with second by Commissioner Tipton. Commissioner French abstained as he was not in attendance at the meeting.

6. **Final Update on NACO's 2017 Annual Conference.** Dagny referenced the summary of the budget and income from the conference included in the agenda packet. Amanda noted that Humboldt County's donation of the use of the facility and the convention center authority board's waiving of the 15% catering fee was a large part of the financial success of the event. She noted that a survey had been sent out regarding the Conference and thanked those who had completed it. President Elect Weekly lead a thanks to Humboldt County for hosting and thanked staff for their hard work. Commissioner Thaler inquired about the income brought in from the Silent Auction. Amanda noted that it was the highest since she had been at NACO. Commissioner McGuffey noted that he was very impressed with the way the event was handled and noted that Amanda is instrumental in executing the Conference. Commissioner Bates made special note of the Humboldt County Staff and how helpful and friendly they were.
7. **Approval of NACO Board Meeting Dates for 2018.** Dagny referenced the proposed calendar in the agenda packet and noted that President Elect Weekly had requested that two meetings be brought to Clark County; she also noted that in the past NACO meetings had been held in different locations around that State and that there was room in the budget to accommodate. President Elect Weekly informed the Board that he would raise funds to assist with staff travel for the meetings and Commissioner Kirkpatrick said that she would partner with President Elect Weekly to raise the funds. Commissioner Tipton noted that during her term as President the Association's meetings were held throughout the State but that the practice had been suspended but that she believes is important. President Elect Weekly informed the Board that he is planning a tour of the other counties after the first of the year. Vice President Waits noted that she believes it is a wonderful idea and inquired about moving the April meeting to the 20th. The calendar was approved with the change to the April meeting date on a motion by Past President Wichman with second by Commissioner Tipton.
8. **Preliminary Discussion of NACO's 2018 Budget.** Dagny informed the Board that she has been working on the budget for a while with cooperation from Jeff as it came at the beginning of her transition. She noted the dues calculation included in the packet and that the public lands portion is proposed at .5% as per the actions of the Board the previous year. She also noted that the total dues revenue for 2018 would increase by 1% over 2017. She referenced the line item breakdown and associated descriptions. She discussed the increase in the line item for healthcare costs per her discussion with the insurance provider and the increase in the Board meeting line item to support the two meetings in Clark County. Dagny continued the review of the budget with a discussion of staff salaries. The proposed budget contains an increase in Tori's salary of 9%, which is comparable to the low end of similar positions around the State, and a change in her title from Public Lands and Natural Resources Coordinator to Public Lands and Natural Resources Director.. She also discussed Tori's legal representation of the Association in those public lands related legal matters that the Board has approved, and proposed to use the Special Studies and Litigation line item in the budget for additional compensation for Tori's legal work, on a case by case basis. The proposed budget also includes a 3% increase for Amanda, and Dagny noted that what she would like to do is conduct an analysis of Amanda's current responsibilities, her original job description, and possible new duties, and bring an additional salary adjustment for Amanda back to the Board in early 2018. She noted that there is room for both proposals in the Budget due to cost savings associated with the Executive Director transition and that both proposals were items that she and Jeff had been discussing prior to the transition. Past President Wichman noted that the proposals are excellent. Commissioner McGuffey inquired as to the effective dates of the increases and it was clarified that the proposed increases would take effect on January 1 and that any additional adjustment in Amanda's salary above the 3% would be brought back to the Board following an evaluation of her position. Commissioner Thaler inquired as to how the additional funds for Tori would work, and whether they would count as salary or bonus and also be subject to benefit contributions. Commissioner French and Past President Wichman agreed that Tori's work product is excellent and mentioned that she has been recognized by other states and counties. Dagny assured the Board that she will look into the legalities of the proposed bonus structure and bring those findings back to the Board. Vice President Waits inquired as to the salary for the Deputy Director and Dagny informed the Board that the range announced was \$65K to \$79K and that the high range had been built into the budget proposal. She said that the actual salary would depend on the person hired. The budget will be brought back to the Board for final approval in December.

9. **Approval of the appointment of Jeff Fontaine to serve as NACO's representative on the Health and Human Services Grants Management Advisory Committee.** Mr. Fontaine was appointed to the Committee on a motion by Past President Wichman with second by Commissioner French.
10. **Approval of the Reappointment of Jessica Colvin, Clark County CFO, to Serve as One of Three NACO Representatives on the Committee on Local Government Finance.** Ms. Colvin was reappointed to the Committee on a motion by Commissioner Tipton with second by Past President Wichman.
11. **Presentation on the Southern Nevada Public Lands Management Act, Ron Mobley, Special Legislation Program Manager, BLM Nevada.** Dagny provided a brief overview of the program and reminded the Board that she is the Association's representative on SNPLMA. Mr. Mobley gave a brief history of the Act and noted that about 30K acres have been disposed of generating nearly \$3.4B with 1,459 projects approved. The funds can be used for the development of parks, trails and natural areas in Clark, White Pine, Lincoln counties and Carson City; and conservation easements and hazardous fuels projects in Douglas, Washoe, Nye, Clark and Carson City. He also discussed environmental sensitive land acquisitions including conservation easements, and the process for developing and applying for conservation easements. Discussion among the Board included the number of acres of conservation easements acquired (roughly 2200 in Douglas County) and the length of the process. There was also general discussion about the SNPLMA program and its history. complete.
12. **Update and Discussion on the ACLU's Lawsuit Against the State of Nevada and Governor Sandoval Regarding Indigent Criminal Defense in Nevada.** Dagny informed the Board that the long-threatened lawsuit against the State of Nevada regarding indigent legal defense in the rural counties had been filed. She noted that the good news was that the counties were not named in the suit, only the State as the Brief includes evidence that pivots back to the State's responsibilities and the unfunded mandate to the counties. She informed the Board that it is believed that the ACLU recognized NACO's work on indigent defense over the last several sessions (NACO submitted bills regarding indigent legal defense 4 of the last 5 Sessions). There have also been lawsuits in other States that affirmed the responsibility of the states to provide indigent defense. Commissioner Tipton inquired as to a meeting of the Right to Counsel Commission and Dagny informed the Commissioner that it is currently unknown when the meeting will be called but it is expected any day. Commissioner McGuffey noted that as a former Judge the topic of indigent defense has been on his radar for some time and offered his assistance.
13. **NACO Committee of the Emeritus Update Including Possible Approval of Materials for Counties to Use for Outreach to Candidates for County Offices.** Past President Wichman informed the Board that it was her pleasure to serve as the Chair of the Committee of the Emeritus for the past two years. She referenced the two documents included in the agenda packet. Regarding the Outreach to Candidates for County Offices document, she noted that she hopes it will cause candidates to think about and research the actual responsibilities of the positions. Past President Wichman also spoke to the ambassadorship to Legislators struggling to understand the rural counties and encouraged the Board to reach out to urban Legislators and let them know about the rural counties. Commissioner Tipton noted that the draft of the Becoming a County Commissioner is excellent and noted that it could be tailored to other elected offices. Dagny informed the Board that the intent was to include other elected officials and to do outreach and motivate high quality people to run for county office. She requested direction from the Board as to where it could be shared and approval of the document. Ms. Parent noted that they may not be able to distribute the document but she would pole her fellow Clerks and election officials and get back to staff. The document was approved on a motion by Commissioner Tipton with second by Commissioner French. Dagny inquired if any of the counties had staff that could help polish up the brochure to let her know. She also reminded the Board of the upcoming Dec. 1 workshop on Medicaid as well as the three subsequent workshops being hosted by the Committee.
14. **Discussion and Possible Action Regarding a Bill Proposed by Senator Cortez Masto to Direct the Secretary of Transportation to Establish the Strengthening Mobility and Revolutionizing Transportation (SMART) Challenge Grant Program to Promote Technological Innovation in Our**

Nation's Cities. Dagny informed the Board that the Senator had reached out asking NACO to support the bill. She noted that it is a bi-partisan bill and it requests the Secretary of Transportation to create grants counties can use, for both small and large counties, for technology related to transportation. She noted that NACo and some of the RTC's support the bill. Commissioner Tipton inquired as to pros and cons of the bill and Dagny said after studying the bill that she believes it is rather innocuous. Commissioner French inquired as to if there would be additional funds needed and Dagny clarified that it is a request for funds to be set aside and would not require a budget augmentation. Mr. Bonner noted that grants would take funding from somewhere else. Support was approved on a motion by Commissioner Tipton with second by Commissioner French.

15. Update and Possible Action Regarding Public Lands and Natural Resources Issues Including:

a) Greater Sage-Grouse.

- i. Discussion on NACO's Engagement in the Greater Sage Grouse Land Use Plan Amendments and possible discussion of the Complaint for Declaratory and Injunctive Relief Filed by the State of Nevada and Nine Nevada Counties.** Tori referred to the 2015 Record of Decision including the landscape scale planning decisions and the lawsuit filed and won that requires the agency to redo their plan amendment. Per the Secretarial order the NEPA process cannot take longer than one year and the scoping comment period would end Nov. 30. She noted that it is important to engage in the scoping process and that some of the affected counties had hired a consultant to prepare comments and that NACO would be submitting comments as well. She noted that technical information would be important during the EIS process as well, which would occur over the next ten months and also require comment. Vice President Waits inquired as to how many counties had engaged a consultant and Commissioner French noted that six counties had contracted with Holland & Hart for scoping comments. Commissioner French also noted that it is important for non-sage grouse counties to become involved because from a policy standpoint the protocol used for this process for sage grouse would likely be repeated for other species. Past President Wichman inquired as the use of RCI and Holland & Hart and Commissioner French noted that Laura Granier who handled the lawsuit is now with Holland & Hart and her involvement in the scoping process is important to ensure that nothing gained in the suit would be left on the table during the scoping process. Tori clarified that the EIS is the ideal time for additional counties' involvement. Commissioner McGuffey inquired as to what was being requested of the non-affected counties and it was noted that Storey County has Cooperating Agency status and should comment. Commissioner French noted that he would be taking the draft Comments in item ii back to his Commission and requesting approval.
- ii. Possible Approval of NACO's Scoping Comments on the Greater Sage Grouse Land Use Plan Amendments (82Fed. Reg. 47248)(Oct. 11, 2017).** Tori referenced the list of five items to be addressed in the comment letter that were included in the packet – she requested approval of the items and direction to allow her to work with the Public Lands and Natural Resources Committee to finalize the comment letter. Approval and direction was given as requested on a motion by Past President Wichman with second by Commissioner Tipton.

- b) The Center for Biological Diversity's Lawsuit against the U.S. Fish and Wildlife Service Seeking to Vacate their Decision not to List the Bi-State Sage Grouse as an Endangered Species and NACO's Motion to Intervene on behalf of the F&WS.** Tori referenced the filing of the brief in partnership with the Nevada Attorney General's office and Mono County, California on October 27th. She informed the Board that the plaintiff's reply is due December 15th, the Department of Justice's reply will be filed January 30th, February 6th our final reply will be due and oral arguments will take place on March 16th in San Francisco. Commissioner Tipton asked whether any progress is being made and Tori said that she thinks it is important that we are acting as an intervenor because the court in San Francisco likely has a lack of knowledge in this area and are used to seeing NGO's suing; but that it is important and rare for a state and local governments to support an agency in this type of case. Tori noted that cross administration support was also important in proving the benefit of local conservation efforts.

- c) Discussion and Possible Approval of a Letter from NACO in Support of S. 282, The Public Lands Renewable Energy Development Act (PLERDA).** Tori informed the Board that a similar bill has been brought since 2013 and that there is a line item within the Act that requires cost

sharing of 25% to counties for renewable energy developments. Dagny noted that the Association has supported almost identical Legislation previously and that NACo is in support of the Act as well. Tori noted that one letter is addressed to House leadership and one is addressed to the Senate committee where the Act seems to be stalled. Dagny also noted that approval was also needed for her to sign in lieu of President Phillips as he is currently out of the country. The letters were approved to be signed by Dagny on a motion by Commissioner French with second by Commissioner Bates.

16. National Association of Counties and Western Interstate Region Board Member Updates.

Commissioner Tipton informed the Board that she would be attending the Board of Directors winter meeting in early December. Commissioner Dahl noted that he had reported on the recent WIR meeting in October and reiterated that the group's overarching priority is wildfire.

17. NACO Board Member Updates. Updates were given by members of the Board on issues and events occurring in their counties.

18. Public Comment. None was given.

The meeting was adjourned at 12:10 p.m.

DRAFT

The following links and/or pages are support for agenda
Item 6

Proposed 2018 NACO Budget - Approved by the NACO Board **/**/17

REVENUES

Unreserved Fund Balance	\$61,602
Membership Dues	\$352,846
Public Lands Assessment	\$130,924
Associate Membership	\$16,520
Conference Revenue	\$88,192
IAF/Supplemental Contract	\$70,000
Interest & Investment Income	\$15,000
Transfers from Investments	\$0
National Programs	\$11,000
Equipment & Vehicle Reserve	\$110,468
Vacation Leave Reserve	\$35,291
Total	\$891,843

EXPENSES

Staff Salaries	\$305,857
Benefits	
PERS	\$85,640
Health/Dental/Vision/Life Insurance	\$39,366
Workers Comp/FICA	\$5,500
Audit	\$8,400
Board Meetings	\$10,000
Conference Expenses	\$45,000
Donations/Sponsorships	\$1,500
Equipment Lease & Maintenance	\$7,522
Equipment Purchases	\$4,500
County Leadership Institute	\$2,200
Legislative Expenses	\$3,000
Liability & Auto Insurance	\$5,040
Office Supplies	\$3,500
Postage	\$500
Printing	\$1,000
Professional Services	\$17,142
PEHB Liability	\$1,552
Building Operating Expenses	\$18,403
Building Capital Projects	\$6,000
Publications/Dues/Professional Fees	\$7,743
Telephone	\$13,200
Video-Conferencing Hosting & Warranty	\$9,528
Staff Travel	\$20,000
Representative Travel	\$15,000
Special Studies & Litigation	\$15,000
Vehicle Registration Maintenance	\$3,000
WIR Dues	\$9,991
Equipment & Vehicle Reserve	\$110,468
Vacation Leave Reserve	\$35,291
Unreserved Fund Balance	\$81,000
Total	\$891,843

PROPOSED 2018 BUDGET DESCRIPTION

NACO REVENUES

UNRESERVED FUND BALANCE: The unreserved fund balance is projected to be \$61,602 which represents the projected carry forward from 2017. The unreserved fund balance projected for 2016 was \$43,000.

MEMBERSHIP DUES: The 2018 NACO dues for all counties are calculated to be a total of \$352,846. The 2017 dues were \$349,552. The NACO Dues Schedule was developed to recognize the various unique characteristics of each county, while at the same time providing a systematic method of assessment that considers the changes occurring yearly in our member county revenues. As such, the 2018 dues are based upon the FY 16 audited S-1 revenues for each county and the 2016 certified population figures. The 2018 dues for two counties decreased by more than 10% each based on lower revenues.

PUBLIC LANDS ASSESSMENT: The NACO Bylaws were approved at the November 16, 2016 Membership meeting to include a new revenue which is based on a percentage, as determined by the Board to apply to all counties, equivalent to the most recent federal Payment in Lieu of Taxes (PILT) payment made to each county not to exceed 0.5%. The Assessment for 2018 is based on 0.5%.

ASSOCIATE MEMBERSHIPS: \$16,520 is anticipated as revenue from associate members. The 2017 actual is \$15,000.

CONFERENCE REVENUE: \$88,192 is anticipated for 2018, this is \$10,000 more than the actual amount for 2017.

INDIGENT ACCIDENT FUND/ SUPPLEMENTAL FUND: \$70,000 is budgeted by NACO for administration of the Indigent Accident Fund, this amount was increased by \$10,000 during the 2017 Legislative Session. The current contract extends through June 2019.

INTEREST INCOME: \$15,000 has been budgeted for investments that are managed by Raymond James Financial Advisors which is \$2,752 less than the amount budgeted for 2017. The interest received this year has decreased from what was projected.

TRANSFER FROM INVESTMENTS: There are no transfers from investments for 2017. In past years transfers from investments have been made for large capital improvements, as approved by the NACO Board.

NATIONAL PROGRAMS: Through agreements entered into by the Board, the Association receives revenue from NACo for marketing the U.S. Communities Program, Nationwide Retirement Services (deferred compensation) and the Caremark Discount Prescription Card Program. The Association also receives royalties based on county participation in the U.S. Communities Program and Nationwide Retirement Services as well as constituent use of the Caremark Discount Prescription Card. We anticipate receiving \$11,000 in revenue for participation in these national programs, the same as in 2017. NACO can generate additional revenue as well as savings for counties by increasing the use of the national programs.

EQUIPMENT AND VEHICLE RESERVE: \$110,468 is allocated for NACO's equipment, vehicle reserve fund, and building and is based on straight-line depreciation. The total accumulated depreciation as determined by the independent auditor is \$262,001, an increase of \$34,890 over the most recent audited fiscal year (2016).

VACATION AND SICK LEAVE RESERVE: \$35,291 is the potential accrued vacation and sick leave liability for all NACO staff. This is currently an unbudgeted liability.

NACO EXPENSES

STAFF SALARIES AND BENEFITS: The 2018 budget calls for continuing with a full-time NACO staff of four: Executive Director, Deputy Director, Office Manager and Public Lands and Natural Resources Director. Salaries for NACO employees are \$305,857 which includes a 3% salary increase for the Office Manager and an 9% increase for the Public Lands and Natural Resources Director effective January 1, 2017. Total staff salaries are below the 2017 budgeted amount; however, a comprehensive review of the Office Manager's job description compared to current responsibilities will be conducted in 2018, and may warrant an additional salary increase. Office Manager salary will be brought before the NACO Board again in 2018. All employees are members of the employer funded Public Employees Retirement System. The PERS contribution rate is currently 28.00%. NACO employees are also provided life insurance, health, dental and vision insurance. The 2018 budget reflects an expected additional increase in health insurance costs. The Workers' Compensation is provided under the Public Agency Insurance Pool.

AUDIT: \$8,400 is budgeted for our independent auditor, Michael Bertrand, to conduct the 2018 NACO Audit. The actual amount for 2016 was \$8,325, and for 2017 was \$7,225.

BOARD MEETINGS: \$10,000 is allocated for the 2018 Board meetings, this is an increase of \$6,000 over 2017 and includes the estimated cost of staff travel to two meetings in Clark County.

CONFERENCE EXPENSE: \$45,000 is allocated for the 2016 NACO Annual Conference which is to be held in Minden, Douglas County in November. This is \$2,600 more than what was budgeted in 2017.

DONATIONS/SPONSORSHIPS: \$1,500 is being proposed for donations during 2017 to support other groups affiliated with the mission of NACO. This is the same as last year.

EQUIPMENT LEASES AND MAINTENANCE: \$7,522 is allocated for office equipment leases and maintenance. This figure represents the lease of a copier, scanner and fax machine, as well as maintenance costs for equipment, and is the same amount budgeted for 2017.

EQUIPMENT PURCHASES AND SYSTEM MAINTENANCE: \$4,500 is allocated for computer and other office equipment. This is the same amount that was budgeted for 2017.

COUNTY LEADERSHIP INSTITUTE: \$2,200 is allocated in 2018 to support attendance for one participant in the National Association of Counties Leadership Institute training program.

LEGISLATIVE EXPENSES: \$3,000 is requested for legislative expenses during 2018 to support active dialogue with members of the legislature and lobbying team efforts on behalf of the membership. This is the same amount that was budgeted in previous years.

LIABILITY AND AUTO INSURANCE: NACO is a member of the Nevada Public Agency Insurance Pool. \$5,040 is allocated for general liability for the office and NACO vehicle, an increase of \$840.

OFFICE SUPPLIES: \$3,500 is allocated for office supplies, which is the same amount budgeted for 2017.

POSTAGE: \$500 is allocated for postage, which is \$75 less than budgeted last year.

PRINTING: \$1,000 is allocated for general printing, the same as budgeted last year.

PROFESSIONAL SERVICES: \$17,142 has been allocated to pay for professional services during the year. This includes payroll processing, bookkeeping services and IT services. This is the same amount budgeted as last year.

PEHB LIABILITY: \$1,552 has been budgeted for the prorated subsidy for a former NACO employee who has retired from the State and is currently receiving Public Employee's Health Benefits. This is an increase of \$100 over the last year.

BUILDING OPERATING EXPENSES: \$18,403 is budgeted for taxes, utilities, landscaping/snow removal, janitorial services, and minor maintenance and repair. This is the same amount budgeted in 2017.

BUILDING CAPITAL IMPROVEMENT PROGRAM: \$6,000 is budgeted for minor improvements and repairs such as painting, window glazing, roof repairs etc. and is the same as last year.

PUBLICATIONS/DUES/REGISTRATION FEES: \$7,743 is allocated for newspapers and magazine subscriptions, membership dues in other organizations and registration fees to outside conferences and meetings. This includes costs for legal research subscriptions and legal fees and includes an increase of \$924 for 2018.

TELEPHONE: \$13,200 is allocated for telephone expenses, internet, and cell phones for NACO staff. This is the same amount as budgeted for 2017.

VIDEO-CONFERENCE HOSTING & WARRRANTY: \$9,528 is budgeted for the operation and maintenance of NACO's video-conferencing system, the same as 2016.

STAFF TRAVEL: \$20,000 is allocated for NACO travel for 2018, the same as 2017. It includes travel to the NACo Legislative Conference, the NACo Annual Conference, the annual NCCAE meeting, and any other travel that may be required of the NACO staff in the course of carrying out the mission of NACO, including visiting and serving our membership on site.

REPRESENTATIVE TRAVEL: \$15,000 is allocated for the NACO President, NACo and WIR Board members and other NACO Board members for travel pursuant to NACO's travel policy. This is the same amount that was budgeted for 2017.

SPECIAL STUDIES AND LITIGATION: \$15,000 is allocated for special studies including but not limited to technical studies related to legislative issues and legal research and litigation.

VEHICLE REGISTRATION AND MAINTENANCE: \$3,000 is budgeted for 2018, the same as 2017.

W.I.R. DUES: \$9,991 is budgeted for WIR annual dues for 2017.

EQUIPMENT RESERVE & BUILDING DEPRECIATION: \$110,468 is allocated for equipment reserve. The total accumulated depreciation as determined by the independent auditor, for both equipment and building depreciation is \$262,001. The audited cost for replacement of furniture and equipment is \$173,614.

VACATION/SICK LEAVE RESERVE: \$35,291 is the accrued vacation and sick leave liability. This is an unbudgeted liability.

UNRESERVED FUND BALANCE: \$81,000 is estimated for 2018, which is 9%.

County	Revenue Component		Population Component ⁽¹⁾			PILT Component		2018 Dues ⁽²⁾	2017 Dues	Change
	FY 16 Audited Revenues	Base Assessment	2016 Certified Population	Per Capita Assessment	Population Assessment	2017 County PILT Payment	PILT Assessment (0.5%)			
Carson City	\$93,291,218	\$21,500	55,182	0.06	\$3,311	\$109,045	\$545	\$25,356	\$25,292	\$64
Churchill	\$27,976,850	\$13,000	25,266	0.08	\$2,021	\$2,260,796	\$11,304	\$26,325	\$26,077	\$248
Clark	\$3,028,444,032	\$24,500	2,166,181	0.03	\$64,985	\$3,457,840	\$17,289	\$106,775	\$104,897	\$1,878
Douglas	\$78,138,727	\$21,500	48,235	0.08	\$3,859	\$671,200	\$3,356	\$28,715	\$28,645	\$70
Elko	\$48,781,612	\$15,500	53,997	0.06	\$3,240	\$3,559,616	\$17,798	\$36,538	\$36,141	\$397
Esmeralda	\$5,596,482	\$6,500	964	0.15	\$145	\$148,090	\$740	\$7,385	\$5,357	\$2,028
Eureka	\$18,034,551	\$10,500	1,959	0.15	\$294	\$360,133	\$1,801	\$12,595	\$15,044	-\$2,450
Humboldt	\$30,193,042	\$13,000	16,853	0.1	\$1,685	\$1,766,335	\$8,832	\$23,517	\$23,353	\$164
Lander	\$25,752,241	\$13,000	6,257	0.12	\$751	\$1,003,801	\$5,019	\$18,770	\$21,164	-\$2,394
Lincoln	\$10,923,467	\$8,500	5,057	0.12	\$607	\$893,189	\$4,466	\$13,573	\$13,484	\$89
Lyon	\$45,138,271	\$15,500	53,644	0.06	\$3,219	\$2,148,161	\$10,741	\$29,459	\$29,155	\$305
Mineral	\$9,636,388	\$6,500	4,578	0.15	\$687	\$714,477	\$3,572	\$10,759	\$10,703	\$56
Nye	\$51,889,711	\$18,000	45,737	0.08	\$3,659	\$3,153,811	\$15,769	\$37,428	\$37,227	\$201
Pershing	\$12,959,091	\$8,500	6,693	0.12	\$803	\$1,102,628	\$5,513	\$14,816	\$12,708	\$2,108
Storey	\$17,377,340	\$10,500	4,043	0.15	\$606	\$38,392	\$192	\$11,298	\$11,286	\$13
Washoe	\$452,204,933	\$24,500	448,316	0.04	\$17,933	\$3,547,161	\$17,736	\$60,168	\$59,533	\$636
White Pine	\$20,896,222	\$13,000	10,413	0.1	\$1,041	\$1,250,115	\$6,251	\$20,292	\$17,654	\$2,638
Total		\$244,000	2,953,375		\$108,846	\$26,184,790	\$130,924	\$483,769	\$477,718	\$6,051

(1) Certified by Governor; provided by the State of Nevada Demographer

(2) 2018 Dues = Base Assessment + (2016 Population X Per Capita Assessment) + (2017 County PILT Payment X PILT Assessment)

The following links and/or pages are support for agenda
Item 8

<https://opioid.snhd.org>

<http://www.naco.org/articles/over-100-counties-lining-sue-big-pharma>

<http://www.naco.org/national-city-county-task-force-opioid-epidemic>

The following links and/or pages are support for agenda
Item 10

<https://cabt.app.box.com/v/information/file/244096388426>

Longer Double-Trailer Trucks Endanger Motorists and Damage Infrastructure

Prepared by CABT, January 2017

A few large trucking companies are pushing Congress to force states to allow longer double-trailer trucks, or “Double 33s.” These longer double-trailer trucks would replace not only today’s shorter, 28-foot double-trailer trucks, but also many 53-foot single-trailer trucks that commonly operate on the road today. Longer double-trailer trucks would add new dangers for motorists and damage our infrastructure.

Double 33s are 91 feet in length—that is 10 feet longer than the current doubles they are intended to replace and 17 feet longer than current single-trailer trucks. Congress in 2015 rejected these longer double-trailer trucks¹, and USDOT in its 2016 Comprehensive Truck Size and Weight Limits Study, recommended that Congress not approve these or any other longer or heavier trucks².

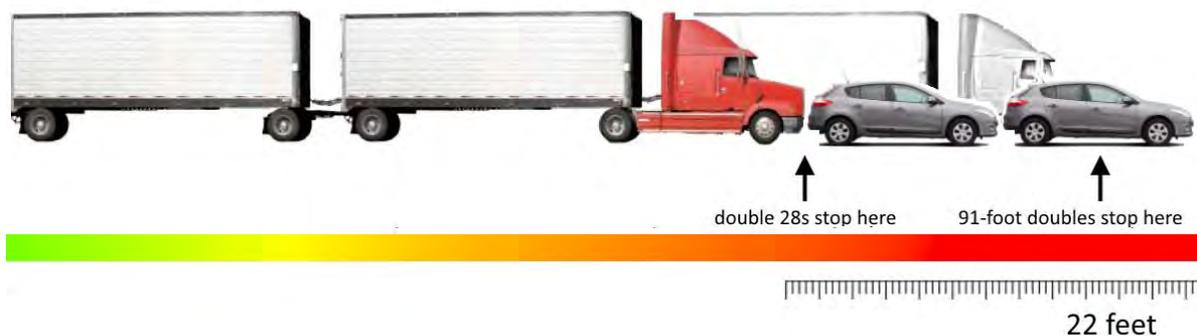
Double 33s Would Replace Single-Trailer Trucks

Double-trailer trucks represent a relatively small percentage of trucks operating on our roads today. The majority of combination trucks in operation are 53-foot single-trailer trucks. If Congress requires states to allow the longer doubles, today’s truck traffic would change dramatically. Since Double 33s have 24 percent more capacity than 53-foot trailers, market forces would push companies currently operating single-trailer trucks to replace their fleets with Double 33s. According to a 2015 analysis, this would incur a massive shift from single-trailer trucks to Double 33s, resulting in approximately **42 to 101 billion additional miles of double-trailer truck travel on our nation’s highways**³.

Longer Double-Trailer Trucks Would Add New Dangers to the Highways

An influx of double-trailer trucks on the highway would have severe safety implications for motorists. Studies have consistently shown that multi-trailer trucks—doubles and triple-trailer trucks—are more dangerous than single-trailer trucks. A 2013 Marshall University-led study⁴ found that double-trailer trucks have an **11 percent higher fatality rate** than single-trailer trucks. This finding is consistent with findings made by USDOT in a 2000 study⁵. Below are several reasons these trucks are more dangerous:

1. Longer stopping distances. Double 33s take 252 feet to stop—that is 17 feet longer stopping distance than today’s single-trailer trucks and 22 feet longer than today’s twin-trailer trucks⁶.



¹ On Nov. 10, 2015, the Senate rejected increasing the length of double-trailer trucks as part of the surface transportation reauthorization bill on a 56-31 floor vote; and on Nov. 18, 2015, the U.S. Senate rejected increasing the length of double-trailer trucks on the omnibus spending bill on a voice vote.

² USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress.*

³ Mingo, Roger D., and Mark L. Burton, Mark L.; 2015. *Mandated Twin 33 Trailers Produce Costly Shifts in Freight Movement.*

⁴ Marshall University, 2013. *An Analysis of Truck Size and Weight: Phase I – Safety.*

⁵ USDOT; 2000. *Comprehensive Truck Size and Weight Study.*

⁶ USDOT; 2015. *Comprehensive Truck Size and Weight Limits Study, Highway Safety and Truck Crash Comparative Analysis Technical Report.*

2. Increased rollover propensity and rearward amplification. Double 33s experience increased rollover vulnerability, poorer stability and compromised avoidance maneuver compared to single-trailer trucks⁷.

3. More wear and tear. Double-trailer configurations have 58 percent higher out-of-service violation rates than single-trailer trucks⁸. This is especially important because a 2016 study by the Insurance Institute for Highway Safety (IIHS) found that trucks with any out-of-service violation are 362 percent more likely to be involved in a crash⁹.

Double 33s Would Cause Significant Infrastructure Damage

According to its 2016 USDOT study, Double 33s would increase pavement damage by 1.8 percent to 2.7 percent¹⁰, which translates to **\$1.2 to \$1.8 billion in estimated pavement damage every year**¹¹.

Also, USDOT found that nearly 2,500 Interstate and other National Highway System bridges would need to be strengthened or reinforced to handle the longer double-trailer trucks, costing taxpayers up to **\$1.1 billion**¹². The study accounts for only 20 percent of bridges—the other 80 percent of bridges on state and local roads would be more vulnerable to the longer trucks.

Many Trucking Companies Oppose Double 33s

The Truckload Carriers Association (TCA), representing over 700 trucking companies, strongly opposes longer double-trailer trucks. In fact, TCA wrote to Members of Congress in 2015 to express their concerns over increasing the length of double-trailer trucks, stating that these trucks would increase costs of delivering freight, decrease fuel efficiency, incur additional expenses to train or retrain drivers, increase the potential for driver injuries while coupling and decoupling trailers, and exacerbate truck parking problems¹³.

The Double 33s Mandate Would Override State Laws

This legislation would preempt state laws and require every state to allow longer double-trailer trucks on their roads, even if they determined that their roadways were not capable of safely accommodating the longer trucks or that they would damage their pavement and bridges.

⁷ Ibid.

⁸ Ibid.

⁹ Insurance Institute for Highway Safety; 2016. *Crash Risk Factors for Interstate Large Trucks in North Carolina*.

¹⁰ USDOT; 2015. *Comprehensive Truck Size and Weight Limits Study, Volume 1: Technical Reports Summary*.

¹¹ R.D. Mingo and Associates; 2015. *Analysis of 2012 FHWA Highway Statistics and selected Cost Allocation studies*.

¹² Ibid.

¹³ Truckload Carriers Association; October, 20, 2015. Letter to House Transportation and Infrastructure Committee Chairman Bill Shuster and Ranking Member Peter DeFazio.

The following links and/or pages are support for agenda
Item 11a



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December 1, 2017

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RE: Scoping Comments on Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments. 82 Fed. Reg. 47248 (Oct. 11, 2017).

Dear Mr. Magaletti,

As the state association for all 17 of Nevada's counties, the Nevada Association of Counties ("NACO") greatly appreciates the opportunity to provide scoping comments for the Bureau of Land Management's ("BLMs") Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements or Environmental Assessments 82 Fed. Reg. 47248 (Oct. 11, 2017)¹. This scoping letter is timely submitted, within the 45-day scoping period beginning on October 11, 2017 and ending November 28, 2017, and extended to December 1, 2017.

A plan amendment is required in the State of Nevada. The Court Order described in the Notice of Intent is a result of a lawsuit filed by nine of NACO's member counties, Humboldt,

¹ This letter also applies to the U.S. Forest Service's parallel efforts.

Eureka, Elko, White Pine, Lincoln, Washoe, Pershing, Churchill, and Lander Counties.² A plan amendment has been ordered in the State of Nevada, as the Court Order from this lawsuit requires that the BLM prepare a Plan Amendment for sage-grouse plans in Nevada.³

In addition to the issues outlined by Court Order, Nevada Counties request that, due to new information and circumstances, the BLM also include the additional issues outlined below in the plan amendment. A Supplemental EIS, or plan amendment, must be prepared by an agency when "(1) changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS; or (2) new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS."⁴ To determine whether these two factors are present, the Agency must apply "a 'rule of reason,' if there remains major federal action to occur, and if the new information is sufficient to show that the remaining action will affect the quality of the human environment in a significant manner or to a significant extent not already considered."⁵ This "rule of reason" is applied the same way the decision whether to create an EIS is applied.⁶ Significant new information has been discovered and circumstances have been identified since the final Record of Decision was signed in September 2015.

State-specific plan amendments are imperative to achieve the goal of sage-grouse conservation, as each state's geography, governmental capacity, and wildlife management plans and programs are different. The 2011 Fish and Wildlife Service Settlement Agreements resulted in an accelerated listing schedule for the greater sage-grouse, which resulted in an equally accelerated land use plan decision-making process that does not incorporate local stakeholder input, inadequately protects habitat and negatively impacts local economies.

NACO engaged throughout the Greater Sage-Grouse Plan Amendment Process finalized in 2015 at 80 Fed. Reg. 57633 (Sept. 24, 2015), and the recently cancelled Sagebrush Focal Area Mineral Withdrawal at 82 Fed. Reg. 47248 (Oct. 11, 2017). The information provided by NACO and its member counties during those NEPA processes are hereby incorporated by reference.

Issues to be Addressed

NACO has identified the following issues that should be addressed in the SEIS through this plan amendment process:

1. Sagebrush Focal Area removal or adjustment.

² These comments are made in good faith with the aim to provide collaborative, thoughtful and substantive information to help inform decision-making on this important issue. This engagement does not waive any of the rights of NACO's nine member counties in the ongoing litigation *W. Expl., LLC v. United States DOI*, 250 F. Supp. 3d 718 (D. Nev. 2017).

³ The Notice of Intent states that the Sagebrush Focal Areas (SFAs) are the only reason an SEIS was needed. However, the Court granted standing to Eureka County, determining that non-SFA mapping over the town of Eureka created a harm to the county. This means that all of the mapping is included in the Court Order, not just SFAs.

⁴ 23 C.F.R. § 771.130(a)

⁵ *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 363 (1989).

⁶ *Id.* at 373-74.



2. Address Habitat Objectives (Table 2-2) to reflect reality and true ecological potential (based on Ecological Site Descriptions and associated State and Transition Models).
3. Eliminate the net conservation gain requirement because net conservation gain is premised on the previous administration's landscape-scale land use planning and mitigation policies, which the Trump administration has revoked, and implement site-specific mitigation requirements based on site-specific data on habitat conditions.
4. Address erroneous and inflexible use of landscape-scale mapping, require improved site-specific habitat mapping, and base management actions on field-verified habitat data. Consider eliminating the landscape-scale maps and instead require site-specific, field-verified habitat data for project level decision-making and any mitigation requirements.
5. Include an actual socioeconomic analysis of proposed restrictions and management actions to be adopted – which was missing from the last land use plan amendment EIS, despite the fact that NACO and its member counties provided extensive socioeconomic information during the NEPA process. The SEIS should include the socioeconomic information prepared for the proposed Sagebrush Focal Areas (“SFAs”) mineral withdrawal.
6. Address the need for a consistent mitigation framework.
7. Develop clear adaptive management processes that work and provide flexibility for all land uses if they are creating the proper results on the ground (results based management).
8. Provide interim relief through policy guidance wherever appropriate.

It is essential that the SEIS evaluate the specific habitat and socioeconomic conditions in the Nevada/Northeastern California planning area, which differ from other planning areas and other states.

Examples of Impacts to Counties from the Current Land Use Plan

This section is meant to illustrate some of the harms counties in Nevada are experiencing as a result of the current land use plan. Counties on the periphery are impacted indirectly or could be subject to management actions in the future should conditions change.

Public lands are inextricably tied to the economy and culture in Nevada—and the Federal Land Management and Policy Act and the National Environmental Policy Act both acknowledge this fact and require that the BLM work closely with state and local governments to ensure consistent planning and avoid wasteful governance. In interpreting these two key laws, the Ninth Circuit has held that a county has a proprietary interest in its ability to enforce land-use regulations, revenue collection and taxation, and in protecting natural resources from harm.⁷ So too, did Secretarial Order 3353 recognize these important responsibilities. The Court in the Nevada sage-

⁷ See *City of Sausalito v. O'Neill*, 386 F.3d 1186, 1198 (9th Cir. 2004) (citing *Scotts Valley Band of Pomo Indians of Sugar Bowl Rancheria v. United States*, 921 F.2d 924, 928 (9th Cir. 1990) (land-use); *Colorado River Indian Tribes v. Town of Parker*, 776 F.2d 846, 848-49 (9th Cir. 1985) (revenue collection and taxation); *Fireman's Fund Ins. Co. v. City of Lodi*, 302 F.3d 928, 944 (9th Cir. 2002) (natural resources). *W. Expl., LLC v. United States DOI*, 250 F. Supp. 3d 718, 732 (D. Nev. 2017).



grouse litigation recognized the harm of the land use plan amendments to the counties' land use planning, road maintenance and environmental plan implementation.⁸

The current land use plans are inconsistent with adopted state and local government plans, policies, and efforts, and do not incorporate local stakeholder input. This concern was expressed unanimously by the State and local governments across Nevada [throughout and following the land use planning process]. NACO requests that the BLM strive for increased coordination with the plans adopted by Nevada's counties in the SEIS and plan amendment, as required under FLPMA,⁹ adequately explain inconsistencies among the plans as required under NEPA,¹⁰ and explain the extent to which it will reconcile its proposed action with county plans.¹¹ The BLM analysis failed to determine that our State and local plans, policies, and proposals would not benefit and conserve GSG and habitat in Nevada. Consistency review and local stakeholder engagement is crucial if the BLM is to produce a final product that balances national and local needs and effectively protects sage grouse habitat.

Improper Mapping: Community Development and Land Tenure

Improper mapping and inflexibility has already caused undue interference with community development and removal of lands identified for disposal by designating towns, homes, roads, landfills, and structures as high value habitat.¹² The following examples of improper mapping were immediately apparent:

⁸ *W. Expl., LLC v. United States DOI*, 250 F. Supp. 3d 718, 732 (D. Nev. 2017).

⁹ FLPMA 202(c)(9) requires the Secretary to develop a federal LUPA that is consistent with State and local plans "to the maximum extent" the State and local plans are consistent with Federal law and the purposes of FLPMA. 43 U.S.C.1712(c)(9).

¹⁰ NEPA regulations highlight in 40 CFR 1502.16 that the environmental consequences section of any EIS "shall include discussions of: (c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See §1506.2(d).)"

¹¹ 40 CFR 1506.2 states that "(c) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable State and local requirements, unless the agencies are specifically barred from doing so by some other law ... (d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law."

¹² "...the Plan Amendments incorrectly designated the town of Eureka, US Highway 50, State Route 278, County landfill, power lines, multiple subdivisions of homes, farms with alfalfa field and irrigations systems, and hay barns, as PHMA. (*Id.*) Because there are explicit land use restrictions for PHMA, the effect of having a town and other landmarks designated as PHMA obviously will affect county land use and planning.... The Court finds the evidence offered through Mr. Goicoechea's declarations sufficient to demonstrate that the Plan Amendments have injured the County's proprietary interests in maintaining its roads and utility programs, as well as protecting the local environment." *W. Expl., LLC v. United States DOI*, 250 F. Supp. 3d 718, 735 (D. Nev. 2017)



- In Eureka County, the Town of Eureka was classified as PHMA habitat.
- Areas identified for disposal to implement Congressional Acts have been removed from Land Tenure Maps.
- The Washoe County School District had evaluated eighty acres of public lands for a future middle school site adjacent to a large residential community. The final map classified this land as PHMA or sage-grouse habitat.
- Humboldt County's current landfill footprint will require expansion to meet growth predictions within the next 10-15 years. The landfill and county shooting gallery is entirely surrounded by federal lands, which have been marked as PHMA in the final habitat map.
- Improper habitat delineations in the Plan Amendments have compromised county water plans that are in advanced stages for Diamond Valley, where two-thirds of the County's residents reside.
- In White Pine County, a 30-by-100 foot site was needed by the Baker Water District to replace a leaking water tank which provides drinking water to its residents. The final map classified this land as PHMA, precluding them from addressing a critical infrastructure need. This issue was resolved satisfactorily, but only because it was brought to the attention of the Secretary of the Interior.

Many of these examples had simply been improperly mapped as habitat and could be easily corrected, especially if local land use planning, data, and needs are taken into account. Most of these conflicts remain and there are many yet to surface, including those outlined by individual county scoping comments. Rather than adopting one erroneous landscape-scale map that requires an amendment to substantially modify, NACO requests that the BLM consider not adopting any such restrictive map or perhaps, if some map is deemed necessary, using habitat zones in a manner similar to that which it has done to protect other species – with absolute clarity that such maps shall be subject to ground truthing and site-specific data relative to decision-making. This alternative has allowed the BLM to utilize ground-truthing for increased mapping and zoning flexibility, rather than try to apply a one-size-fits-all mapping approach to a highly dynamic biological and physical system. The BLM should reconsider this approach – especially in light of Secretary Zinke's recent decision to rescind the landscape-scale land use planning policies in Secretarial Order 3330. The requirement to use site-specific habitat data rather than the landscape scale maps in making land use decisions should be considered in both interim guidance and in the SEIS/plan amendment.

Even if these examples are within de-facto sage-grouse habitat, it is our position that the BLM should have the flexibility to make some tradeoffs—especially where critical county functions are involved. In a state like Nevada, where 85 percent of the lands are public, a "net gain" as applied to land disposals is unworkable.¹³ Nevada's State and private lands are mostly small and dispersed—when more land is needed it is because there is nowhere else to grow.

¹³ For example, the Court illustrates "Under the BLM Plan, a 3 percent human disturbance cap immediately applies to lands classified as PHMA. (NV 90678 — NV 90679.) Thus, the BLM Plan essentially requires Washoe to go through the



The land use plans also remove from tenure land identified as necessary to carry out Congressional Land Acts. While the ROD states it may not be construed to conflict with Land Acts, the land tenure maps show as off limits those lands that were mutually identified over several years as the best lands available to carry out Land Acts like the Lincoln County (Lincoln County Conservation, Recreation and Development Act) and White Pine County Land Acts (White Pine County Conservation, Recreation, and Development Act). This creates internal confusion and undermines years of negotiation and relationship-building.

Travel Restrictions

The Injuries to NACO's member counties and their residents as a result of the travel restrictions include: (1) ranches, hunters, recreationists, and exploration geologists will be prohibited from road-access to county lands and cross-country travel; (2) the seasonal and daily travel restrictions as well as proposed road closures may impede or even eliminate access to adjacent private land sections and deprive landowners of access to their private property; and (3) road closures interfere with the County's obligation to maintain their roads and provide for public safety.

Following the litigation, travel restrictions in the land use plan remain problematic because there are conflicts with existing county roads that do not have an underlying BLM authorization. The BLM must consider these issues and properly analyze proposed restrictions to avoid creating adverse impacts. Valid existing rights cannot be impacted under the express provisions of the ROD but questions arise around un-adjudicated pre-FLPMA ROWs (RS 2477). Counties have been unaccepting of BLM's proposal to apply for ROWs on existing county roads—roads that have existed for decades before FLPMA. Mines are being forced to take upon themselves seasonal travel restrictions, including them as Applicant Committed Measures. Such demands do not recognize valid existing rights as that term is defined in the ROD which purports to respect property rights including mining rights under the U.S. Mining Law which includes access to mining claims and also to existing roads. This is an example of inconsistent and potentially unlawful implementation/use of the ROD that should be immediately addressed through guidance and considered for further clarification in the SEIS/plan amendment.

Further, the inflexibility of timing restrictions on use of roads within a certain distance of leks or habitat creates unnecessary harms (especially combined with the erroneous mapping). There are not even options for net conservation gain/mitigation in the land use plan for timing restrictions. The inability to access materials needed for road repairs during this time will leave damage to washouts, drainage crossing, culverts and cattleguards, making the roads unsafe as the roads in the area are heavily traveled and the counties often needs gravel material during the prohibited months. The travel restrictions also limit the counties' ability to access weed-infested

additional burden of showing that the disposal of the lands that the County seeks would provide a net conservation gain to the sage-grouse or that disposal of the lands would not have any direct or indirect adverse impact on conservation of the sage-grouse. (*See* NV 90707.)" *W. Expl., LLC v. United States DOI*, 250 F. Supp. 3d 718, 737 (D. Nev. 2017)



roads in the springtime for their noxious and invasive weed treatment programs—which contributes to further habitat degradation.

Wildfire

The three primary threats to the sage-grouse as identified in the Service's 2010 findings are "the widespread present and potential impacts of wildfire, the loss of native habitat to invasive species, and conifer encroachment." Yet the existing Plan's Habitat Objectives (Table 2-2) have created a perverse incentive that has increased, rather than reduced, the occurrence of wildfire and invasive species because it allows for fuel loading and continual spread of invasive species. The changes that reduced livestock grazing and other multiple uses on federally-managed public lands have led to habitat decadence and overgrowth. This has caused catastrophic wildland fires that have destroyed millions of acres of greater sage-grouse and other wildlife habitat.

In 2017, 933,751 greater sage-grouse habitat acres were burned in Nevada. (See Sagebrush Ecosystem Council Meeting September 14, 2017; acreage as of September 8, 2017).¹⁴ The concern that this would occur was expressed several times by counties and livestock operators but were ignored during the public comment period of the 2015 sage-grouse plans. This was discussed in great detail during sage-grouse litigation hearings. Other tools that have proven useful for fire management have also been restricted, including prescribed fire and targeted grazing.¹⁵

The current land use plan fails to recognize that managed livestock grazing represents an important and cost-effective tool to achieve desired habitat conditions and to reduce wildfires. The livestock grazing restrictions in the land use plan have caused environmental harm in Nevada (and a nuisance and trespass) because they have increased the volume of highly flammable non-native invasive annual grasses and led to more wildfires. The increased fuels that result from the economically burdensome and technically ill-advised livestock grazing restrictions in the current land use plan place a burden upon county fire districts and result in destruction of critical GSG habitat.

Wild Horse and Burros

The one species on federal land that State and local governments do not manage is Wild Horses and Burros, or "Free-Roaming Equids" as listed on the COT threats table. The failure to adequately address free-roaming equids was identified by the FWS as a threat to the sage-grouse across every population unit in the Great Basin Region in Nevada. According to the COT, this threat is more widespread than mining, energy, or urbanization. ROD Table 1-2. The failure to address the overpopulation of wild horses and burros has caused irreparable damage to the range, sage-grouse habitat, and damage to counties' ability to protect natural resources from harm.

Grazing Restrictions

¹⁴ 716,455 Bureau of Land Management acres; 22,990 Bureau of Indian Affairs acres; 3,831 Forest Service Acres; 190,157 Private Land acres; 319 Other Federal Land acres.

¹⁵ ROD at 1-19



Under current sage-grouse plans, the BLM has moved forward with allotment reductions without first reducing horse and burro populations to AML and without working with livestock operators to use grazing as a tool to improve sage-grouse habitat and reduce wildfires. To move forward with allotment reductions without first assessing other key threats within the BLM's control constitutes a significant harm to counties' local economies and community culture.

Avian Predation

Likewise, NACO requests that the BLM adequately consider information it has submitted regarding nest and youngling greater sage-grouse predation as a significant cause to loss of populations in the west and the need for management practices to reduce predation. NACO's member counties have submitted substantial information and data to the BLM from researchers who consider predation to be the primary limiting factor for the GSG populations, with avian predators cited as the primary predators in Nevada.

New scientific information

New science and information has become available and new issues have been identified since the ROD was signed in 2015, especially with respect to socioeconomic impacts, mining impacts to greater sage-grouse habitat, grazing guidelines, wildfire management tools, sage-grouse life-cycle and habitat needs, wild horse and burro population impacts, and new developments in the State Plan, among others.

Mineral Potential Report and Mining Impacts

NACO's scoping comments for the Sagebrush Focal Area EIS discusses in detail the various reasons why the science does not support the SFA boundaries.

During the EIS process, the BLM and USGS developed a significant new Mineral Potential Report that should be used in determining the extent of potential impacts to sage-grouse.¹⁶ Significantly, the Report showed that in Nevada, the reasonably foreseeable mineral development amounts to only 3,326 acres of disturbance compared to the 2,766,939 acres of SFA boundaries in Nevada. These numbers reflected an even lesser impact to the sage-grouse than what the U.S. Fish and Wildlife anticipated when it stated in its October 2, 2015 decision, "Overall, the extent of [mining] projects directly affects less than 0.1 percent of the sage-grouse occupied range. Although direct and indirect effects may disturb local populations, ongoing mining operations do not affect the sage-grouse range wide."¹⁷ Significantly, the Agency could not calculate the impact to the sage-

¹⁶ Day, W.C., Frost, T.P., Hammarstrom, J.M., and Zientek, M.L., eds., 2016, Mineral Resources of the Sagebrush Focal Areas of Idaho, Montana, Nevada, Oregon, Utah, and Wyoming: U.S. Geological Survey Scientific Investigations Report 2016-5089, <http://dx.doi.org/10.3133/sir20165089>.

¹⁷ 80 Fed. Reg. 59858 (Oct. 2, 2015).



grouse, and the Service's threats analysis from its COT Report, reflected in Table 1-2 in the ROD, shows that mining poses only localized threats in four of the six Population Units found in Nevada.

Socioeconomic Data

The BLM has yet to produce any quantitative analysis outside of the mineral withdrawal process. This means there is no current data that analyzes over 20.4 million acres worth of restrictions in Nevada. The socioeconomic devastation to local planning and economies in the land use plan includes excessive regulation and restrictions including but not limited to: nesting and lek buffers as much as 11.2 miles, and seasonal restrictions and land use withdrawals that will serve severe negative impacts to local and regional cultures and economies. These actions alone will restrict or terminate natural resource uses such as utility transportation, livestock operations, mineral extraction, wind energy, oil and gas development and solar energy additionally serving negative impacts to exploration and recreational uses. The BLM must fully consider the severe socioeconomic impact of the SFA, PHMA, and GHMA designations in the faulty landscape-scale habitat maps in the EIS and ROD — information which has been provided to the BLM on numerous occasions¹⁸—rather than claim that the impact could not be quantified.

Significant new socioeconomic data was produced as a result of the SFA Withdrawal process. The SFA Withdrawal alone, which covers only a piece, 2,767,552 acres, of the sage-grouse restrictions from the 2015 land use plan amendments, would eliminate *at a minimum* 1,705 jobs and \$694 million dollars of annual tax revenue in Nevada alone.¹⁹ Over a period of 20 years, the total economic impact to the State of Nevada is \$13.88 billion. Additionally, there would be \$117 million lost in annual labor earnings in Nevada, or a \$2.34 billion loss of labor earnings and the associated economic and tax benefits to the counties over a 20-year period.²⁰ This lack of information prevents the BLM from making a truly informed decision about the tradeoffs involved given alternative management actions and is certain to harm counties into the foreseeable future.

The numbers articulated above may still grossly under-represent the economic impacts to Nevada exclusive to mining, as they did not include projected employment, lithium, corporate headquarters located in Washoe County, or the "substantial amounts of tax revenue from sales, use, and property tax" to the counties and the State.²¹ The DEIS also did not address the fact the demand for the withdrawn minerals or for Lithium is projected to increase.

¹⁸ For example, grazing restrictions will result in an annual loss to Elko County of \$31 million of agricultural productivity and the wind energy restrictions will cost the county over \$500 million. Livestock grazing restrictions will cost Eureka County \$7 to \$15 million annually.

¹⁹ \$845 million, 2,031 jobs under No Action Alternative less \$151 million, 326 jobs under the Proposed Action. SFA DEIS at xi.

²⁰ DEIS at xi, \$141 million under the No Action Alternative less \$24 million under the Proposed Action.

²¹ DEIS at 3-79, 4-43 "...does not capture 'forward linkages' that could result from the use of the commodities produced by those mines. In the case of the projected lithium mine in Humboldt County, the forward economic linkages in Nevada related to development of the projected mine could be substantial."

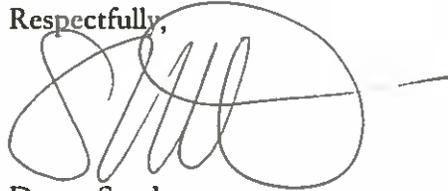


NACO has requested and it is critically important that statewide socioeconomic data is collected and used for this plan amendment process.

Conclusion

Thank you for considering these important issues. If there is any additional information we can provide, or questions we can answer, please do not hesitate to contact myself, or Tori Sundheim, NACO's Public Lands and Natural Resources Coordinator, at Tsundheim@nvnaco.org.

Respectfully,



Dagny Stapleton
Executive Director

DS/ts

Cc:

Brian Sandoval, Governor
Bill Dunkelberger, Nevada Forest Supervisor, U.S. Forest Service
John Ruhs, Acting Deputy Director, Bureau of Land Management
Nevada Sagebrush Ecosystem Council



The following links and/or pages are support for agenda
Item 11c

<https://www.federalregister.gov/documents/2017/11/06/2017-23965/mitigation-policies-of-the-us-fish-and-wildlife-service-request-for-comments>