

Intergovernmental Executive Committee

Fallon Range Training Complex

Draft Meeting Minutes

Tuesday, Aug. 8, 2023

1:00 p.m. PDT

Virtual Meeting and In-Person at the:

Fallon Convention Center

100 Campus Way

Fallon, NV 89406

This meeting was also held virtually pursuant to NRS 241.023.

Join the meeting online: <https://mantech.zoomgov.com/j/1609816626>

Call in by phone: 1-669-254-5252

Webinar ID: 160 981 6626

Pursuant to NRS 241.020, the Agenda for this meeting was posted at the following locations: State of Nevada Website (<https://notice.nv.gov/>), the Fallon Range Training Complex (FRTC) Modernization website (www.frtcmodernization.com/IEC), the Clearinghouse website (<http://clearinghouse.nv.gov/>), and the Churchill County Administration Building (155 Taylor St., Fallon, NV 89406).

Please Note:

- Public Comment was limited to three (3) minutes per person. The Committee reserves the right to reduce the time or limit the total time allowed for public comment.
- Presentations should be approximately 15 minutes in length plus 15 minutes for questions and answers.
- Items on the agenda may be taken out of order, combined, or removed, or discussion delayed, at the direction of the Committee.
- Documentation and supporting agenda items are available on the FRTC website at www.FRTCmodernization.com/IEC

Intergovernmental Executive Committee (IEC) Elected Positions				
Government/Agency	Name	In Person	Zoom	Not Present
Nevada Department of Agriculture	Chair J.J. Goicoechea	√		
Churchill County	Vice-Chair Bus Scharmann	√		
IEC Members				
Government/Agency	Name	In Person	Zoom	Not Present
Department of the Navy	Shane Tanner, Captain			√
Department of the Navy	Dan Muller, Commander	√		
Bureau of Land Management	Jon Raby, State Director			√
Bureau of Land Management	Kim Dow, District Manager	√		
Bureau of Indian Affairs	Colleen LaBelle, WNA Superintendent			√
Bureau of Indian Affairs	Seann Woster, Regional Archaeologist			√
Nevada Department of Wildlife	Alan Jenne, Director			√
Nevada Department of Wildlife	Matt Maples, Habitat Division, Wildlife Staff Specialist	√		
Nevada Department of Wildlife	Tony Wasley, Director			√
Nevada Department of Conservation and Natural Resources	James Settelmeyer, Director		√	
Nevada Department of Conservation and Natural Resources	Chad Stephens, Deputy Director	√		
Nevada Department of Conservation and Natural Resources	Dominique Etchegoyhen, Deputy Director			√
Nevada Department of Conservation and Natural Resources	Scott Carey, State Lands Planner			√
Nevada Department of Agriculture	J.J. Goicoechea, Director	√		
Nevada Department of Agriculture	Doug Farris, Division Administrator			√
Nevada Division of Minerals	Mike Visher, Administrator	√		
Nevada Division of Minerals	Rob Ghiglieri, Deputy Administrator			√
Churchill County	Bus Scharmann, Commissioner	√		
Churchill County	Jim Barbee, County Manager	√		
Lyon County	Scott Keller, Commissioner	√		
Lyon County	Andrew Haskin, County Manager		√	
Mineral County	Cassie Hall, Commissioner	√		
Pershing County	Shayla Hudson, Commissioner			√
Pershing County	Carol Shank, Commissioner			√

Nye County	Bruce Jabbour, Commissioner (1069)			√
Nye County	Lorinda Wichman, Natural Resources Director			√
Eureka County	Rich McKay, Commissioner			√
Eureka County	Jake Tibbitts, Natural Resources Manager	√		
Fallon Paiute Shoshone Tribe	Cathi Tuni, Chairwoman	√		
Walker River Paiute Tribe	Andrea Martinez, Chairman	√		
Walker River Paiute Tribe	Elveda Martinez, Water Resources Coordinator		√	
Yomba Shoshone Tribe	Marisa Weaselboy		√	
Pyramid Lake Paiute Tribe	James Phoenix, Chairman			√
Lovelock Paiute Tribe	Debbie George, Chairwoman			√
Duckwater Shoshone Tribe	Warren Graham, Tribal Chairman and Tribal Historic Preservation Officer			√
Duckwater Shoshone Tribe	Debbie O'Neil, Vice-Chairwoman		√	
Battle Mountain Band Te-Moak Tribe of Western Shoshone	Clorinda Guzman, Chairwoman			√
Elko Band Council Te-Moak Tribe of Western Shoshone	Danena Ike, Chairwoman			√
Elko Band Council Te-Moak Tribe of Western Shoshone	Leah Brady, Council Member			√
Fort McDermitt Paiute and Shoshone Tribes	Arlo Crutcher, Chairman			√
Reno-Sparks Indian Colony	Arlan D. Melendez, Chairman			√
South Fork Band Council Te-Moak Tribe of Western Shoshone	Duane Garcia, Chairman			√
Washoe Tribe of Nevada and California	Serrell Smokey, Chairman			√
Wells Band Council Te-Moak Tribe of Western Shoshone	Harvey Healey, Chairman			√
Wells Band Council Te-Moak Tribe of Western Shoshone	Andrea Wood, Vice Chairwoman			√
Winnemucca Indian Colony of Nevada	Judy Rojo, Chairwoman			√
Summit Lake Paiute Tribe	Randi Lone Eagle, Chairwoman		√	
Summit Lake Paiute Tribe	Nedra Crane, Vice Chairwoman			√
Te-Moak Tribe of Western Shoshone	Joseph Holley, Chairman			√
Yerington Paiute Tribe	Elwood Emm, Chairman			√

IEC Liaisons and Support

Government/Agency	Name	In Person	Zoom	Not Present
Naval Air Station Fallon	Toni Burton, Tribal Coordinator	√		
Naval Air Station Fallon	Robin Schofield, Community Planning and Liaison Officer	√		
ManTech	Allison Turner, Moderator	√		

Call to Order, Welcome, and Roll Call of Committee Members

- Chair J.J. Goicoechea, Nevada Department of Agriculture, called the meeting to order at 1:00 p.m.
- Ms. Toni Burton, IEC Liaison, called roll. The list of attendees/absentees is above.

Verification of Agenda Posting

- The agenda for this meeting was posted in accordance with NRS 241.020.

Approval of Agenda

- No additions or corrections to the agenda were noted.
- Vice Chair Bus Scharmann, Churchill County, motioned to approve the agenda; Mr. Jake Tibbitts, Eureka County, seconded the motion. IEC members voted to approve the meeting minutes by consensus voice vote; the motion passed with no dissent or abstentions.

Public Comment

- Chair Goicoechea opened the floor for providing public comments on the agenda, noting a three-minute time limit per person. He then began the comment period with in-person comments.
- Ms. Natasha Gibson of the Bishop Paiute Tribe began her comment in her native language. She then stated in English that she was not notified of the IEC meeting as a member of her tribal nation. Her comments consisted of dissatisfaction for the lack of tribal representation at the meeting, worry for the future generations of her Tribe as well as many others, and the misuse and degradation of sacred lands.
- Ms. Kaycee Royer stated she is an attorney representing Jack and Rachel Payne. The Payne's are multi-generational ranchers who employ numerous people throughout northern Nevada. She stated that she is attending the meeting to gain a better understanding of the IEC and how the expansion will impact the Payne's and other private property owners in the area. She noted that the FRTC expansion significantly impacts their business and private property rights, and encouraged the IEC to conduct individualized outreach with private landowners.
- No further public comments were received during this public comment period. The public comment period was closed.

New/Old Business

- *Point of Contact on FRTC Website.* There is now an email and phone number on the website for use if the public has questions that are not answered by the information on the website.

Approval of Meeting Minutes from April 24, 2023

- Ms. Kim Dow, Bureau of Land Management (BLM), motioned to approve the April meeting minutes; Mr. Mike Visher, Nevada Division of Minerals, seconded the motion. IEC members voted to approve the meeting minutes by consensus voice vote; the motion passed with no dissent or abstentions.

Discussion/Possible Action: Nevada Department of Transportation

Mr. Ryan Hornback, Nevada Department of Transportation (NDOT) provided a brief to the IEC on the State Route (SR) 361 Realignment Project.

- *SR 361 Reroute.* The expansion of B-16 necessitates relocation of SR 361. The funding for relocation is provided by the Navy, and an environmental study will be conducted, with NDOT seeking public comment during this process. QUANTM software will be used to take a surface survey of the area, engineering inputs will be placed into the program, and different alignments plotted so that NDOT can choose a corridor that is both cost efficient and safe. A 2-mile-long corridor along the north side is currently the best solution.
- *Environmental Screening.* Eagles and nests, as well as mining and grazing, are concerns. Tribes are encouraged to be engaged so their concerns are heard and considered. There is the possibility of naturally occurring asbestos in the area.
- *Stakeholders.* Stakeholders include U.S. Navy, county officials, BLM, Federal Highway Administration, resource agencies, Fallon residents, and Tribes.
- *Next Steps.* Next steps include addressing and mitigating concerns, receiving public comments on the updated reports and amendments, and starting the environmental impact analysis process. Comments can be provided on the public website (www.dot.nv.gov/sr361). There will be a plan to keep a road open until the realignment is complete so that public travel is not impacted. Hunting and recreation areas will also be maintained in the area until completion.

Discussion/Possible Action: BLM Update

Mr. Mark Mazza, BLM Stillwater Field Office, updated the IEC on livestock grazing and mining claims.

- **Livestock Grazing**
 - BLM Carson City and Winnemucca District Offices had conversations with all permittees impacted by the future bombing range closures. Common questions included specific dates of closures.
 - The Navy is focusing first on making the B-16 bombing range operational. Impacted allotments will be issued a 2-year closure notification letter in accordance with BLM regulations.
 - Intent is to maintain grazing operations until bombing ranges are fully operational (fenced).
- **Mining Claims**
 - Each claimant has different circumstances related to their access needs, so they are encouraged to ask questions about their claims directly to the BLM Carson City District.
 - New claims under the National Defense Authorization Act (NDAA) will not be valid on any withdrawn areas.

Ms. Shedra Rakestraw, BLM Stillwater Field Office, updated the IEC on real estate actions.

- The National Environmental Policy Act (NEPA) requires federal agencies to assess the environmental effects of their proposed actions prior to decisions being made.
- B-16 Sand Canyon Realignment
 - BLM is the lead agency on the NEPA analysis.
 - A portion of the existing Sand Canyon Road will be closed to general traffic, resulting in an impact on the community.
 - A Project Information Form has been completed and submitted for this project. This form identifies the project and resource specialists will be brought in to assist in the overall understanding of the environment.
 - The Navy is funding the project and BLM is working to develop a comprehensive timeline.
- Bureau of Indian Affairs – Walker River Paiute Tribe Trust Land
 - The Bureau of Indian Affairs (BIA) is the lead agency for an Environmental Site Assessment (ESA) for Walker River Paiute Tribe Trust Lands.
 - This is land that will be transferred to the Walker River Paiute Tribe to account for the change in land use.
 - Currently, BLM is meeting with BIA and Walker River Paiute Tribe for field visits to review the parcels. The next step will be assisting BIA with completing the ESA.
 - Walker River Paiute Tribe land parcels were identified on a map.
- Checkerboard Resolution Area
 - Newlands project lands overlaps with NDAA 2023 Checkerboard Resolution Area (approximately 171,000 acres).
 - BLM is the lead agency on the NEPA analysis.
 - Work in the Checkerboard Resolution Area is planned to begin in fiscal year (FY) 2024.
 - Currently, coordination with the BLM Winnemucca District is occurring due to jurisdiction crossover.
 - A strategic plan for FY2024, and identification of priority areas in the checkerboard, will be developed.
- Bureau of Reclamation Newlands Project
 - Newlands project lands overlaps with NDAA 2023 (approximately 239,000 acres).
 - BLM identifying priorities across the BLM Carson City and Winnemucca District Offices.
 - BLM reviewed Newlands acres that overlap NDAA 2023 Congressional map.
 - There is a need to identify which parcels of land can be directly conveyed from the Bureau of Reclamation to Churchill County.
 - Currently, the overlapping land has been reviewed and the BLM Nevada State Office needs to verify Title Records and maps.
 - The next step is to discuss the conveyance process between the BLM and Bureau of Reclamation.

Discussion/Possible Action: Navy Update

- **Legislative/Implementation Update**
 - Ms. Liz Barris, Navy FRTC Modernization Program Manager, provided a status update on the accomplishments of the FY2023 NDAA, including overall accomplishments and specific Tribal engagement and outreach actions.

- Since passing in December 2022, there have been three \$20-million-dollar payouts made, with funds transferred to Churchill County, Fallon Paiute Shoshone Tribe, and Walker River Paiute Tribe.
 - The Navy is funding infrastructure efforts because the relocations (e.g., Sand Canyon, Great Basin pipeline, etc.) are occurring off of Navy land, so the Navy is not the lead for NEPA or construction.
 - New updated and integrated natural resource and fire management plans are being prepared.
 - All commitments on the timeline will be met in a broad sense, but specific dates are subject to change (e.g., timing of the fence).
 - Ms. Barris summarized current commitments in progress, as well as upcoming planned commitments and completed projects.
- **Natural Resources Update**
 - Ms. Ann Schofield, Natural Resources Specialist at NAS Fallon, provided an update on the Navy's natural resources program.
 - *Integrated Natural Resources Management Plan Update and Revisions.* Ms. Schofield shared that efforts are now being focused on incorporating new FRTC lands so that the contract can be awarded by the end of August, seeking meaningful input from Sikes Act partners, Tribes, and counties. The 2-year timeline is identified in the NDAA, so new operation and effect signatures and NEPA will be required for the anticipation of an EA.
 - *Wildland Fire Management Plan.* The Wildland Fire Management Plan will be revised to include the new lands, and Fallon has secured funding this year to implement that contract to analyze the new expansion lands for fire risk and identify skills management projects that are necessary to protect habitat and infrastructure on those ranges from wildfire. An EA will be required and is anticipated to be initiated in the next fiscal year. Public comments and input from all stakeholders will be pursued.
 - *Sage Grouse Noise Study.* The U.S. Geological Survey is developing the study plan to evaluate the potential effects of military overflights on sage grouse. Desktop analysis is in progress; fieldwork is set to begin in 2024.
 - *B-17 Bighorn Sheep Hunt Memorandum of Agreement.* The draft Memorandum of Agreement is being aligned with NDAA language and maps prior to finalization and signature.
 - *Conservation Law Enforcement Officers.* The Navy had been coordinating with BLM to fund two Conservation Law Enforcement Officers (CLEOs) but it was determined non-viable. Navy is currently pursuing in-house CLEO positions.
 - **Cultural Resources Survey Update**
 - Mr. Mike Baskerville, archaeologist at NAS Fallon, provided an update on the Navy's cultural resources surveys.
 - *B-20.* The total inventory area is 118,000 acres. There was a delay in surveys due to weather and environmental conditions, but surveys have resumed, resulting in approximately 73,122 acres (approximately 62%) surveyed to date. The inventory to this point has recorded Paleo-Indian sites, historic mining sites, and others. Each field crew has a minimum of one Native American archaeological technician assigned to them.

- *B-17*. Approximately 12,355 acres of the 34,595 acres contracted to be inventoried (around 38%).
 - *Integrated Cultural Resources Management Plan and Programmatic Agreement*. The draft Programmatic Agreement (PA) is being reviewed internally. Fallon National Historic Preservation Act (NHPA) Section 106 practices will be generally consistent with BLM strategies. Development of a revised Integrated Cultural Resource Management Plan (ICRMP) is being planned for as the Navy is executing options to begin the revision this fiscal year.
 - *Additional Range Studies*. As part of the climate resiliency project, completion of a paleo-environmental study was suggested. This research is intended to address gaps in knowledge related to the area's environmental history. This will assist in developing natural resource management strategies that match regional environmental trends. This will also assist in understanding pre-contract changes in technology and resource procurement strategies.
- **Tribal Engagement Update**
 - Ms. Toni Burton, Tribal Relations Coordinator at NAS Fallon, provided an update on the Navy's Tribal Engagement program.
 - *Tribal Access and MOA*. This agreement was established to create a procedure on accessing the FRTC ranges based on the needs of all the Tribes and the Navy. The progress so far has included the Navy sending revisions and requirements from the NDAA, Tribal leadership discussing said revisions, and the Navy receiving the revision with tribal comments. The next step is Tribal consultation after Naval review for final version and signatures.
 - *Ethnographic studies* are ongoing with coordination and consultation between Far Western and Tribal members.
 - *SR-361 Realignment*. The realignment is an important topic, especially for the Yomba Shoshone tribe, they were present at the July 18 public meeting. Ms. Burton has worked with NDOT to ensure they have Tribal contacts and are listening to any concerns the Tribes have.
 - *NAGPRA Consultation and Coordination*. Collection is stored at the Nevada State Museum (NSM). The schedule included presentation and introduction to NSM (February 2023), tribal consultations with Tribal Historic Preservation Offices and Cultural and Tribal Leadership (June 2023), a Tribal working group to discuss repatriation protocol and future findings (July 2023). The Tribal Engagement team will post a "Notice of Inventory Completion" in the Federal Register, host a site visit for repatriation location, and follow the guidance of Tribes to complete repatriation.
 - **Airspace Update**
 - Commander Patterson, Operations Officer for the Naval Aviation Warfighting Development Center, provided an update on the airspace associated with the FRTC Modernization.
 - *Fallon Airspace Constraints*. There is a lot of military training that occurs in the western portion of our country including Utah, Nevada, and Oregon, so airspace needs to be used more efficiently in order to not block off commercial air traffic routes.

- *FRTC Airspace Overview.* CDR Patterson provided brief descriptions and definitions for the different airspace terminology. Visual Flight Rules (VFR) are regulations that allow aircraft to operate in clear visual conditions such as sunny, clear days. Instrument Flight Rules (IFR) are rules that govern flight under conditions in which flight by outside visual reference is not safe. Military Operations Area (MOA) is airspace established to separate certain military flights from other non-military flights. Restricted Areas (RA) is airspace where flight of aircraft is subject to restriction to segregate hazardous activities (e.g. dropping bombs) from civilian aircraft. Air Traffic Control Assigned Airspace (ATCAA) is airspace of defined vertical and lateral limits assigned by Air Traffic Control for the purpose of providing a separation between the specified activities being conducted in the assigned airspace from other IFR air traffic. VFR Corridor is airspace with defined vertical and lateral boundaries in which VFR aircraft may operate without Air Traffic Control clearance or communication with Air Traffic Control.
- The next few slides showed a variety of images depicting the current extent of the FRTC airspace and the modernized airspace in 3D images. Images showed current RAs and MOAs in comparison to what the modernized RAs and MOAs would look like.
- *Airspace Implementation.* The implementation of airspace expansion and modification will happen in phases. Phase 1 is the Reno MOA and ATCAA. Phase 2 is the expansion of the current FRTC, and addition of new MOAs agreed to between Federal Aviation Administration, Oakland Center, and Salt Lake City Center. Phase 3 is establishing the remainder of the FRTC including the Diamond, Duckwater, and Smokie ATCAAs. Phase 4 is the modification of R-4803 and establishment of R-4804C. R-4804A and B, R-4813C, R-4816A and B, R-4816 North low, and R-4816 South Low are pending land acquisitions identified for expansion.
- *GPS Interference.* Mr. Tibbitts raised a concern with possible GPS jamming impacting farmers that use precision fertilizer and pesticide application. Mr. Tibbitts also noted conflicting statements in the FRTC modernization EIS regarding GPS jamming public notices and GPS jamming not being used.

Call for Agenda Items for Next IEC Meeting

- Mr. Barbee, Churchill County, requested an update on the production and finalization of the official modernization map as called out in the NDAA; a review of MOAs that address access, including big game; and an update on direct conveyances to Churchill County as well the checkerboard resolution component.
- Mr. Visser requested public access to shapefiles for the official modernization map.

Scheduling of Next IEC Meeting

- The next IEC meeting will be held during the weeks of Nov. 6–10 or 13–17 in Carson City. A Doodle Poll will be sent out for the members to vote for their preferred date and time.

Public Comment/Public Question

- Chair Goicoechea again opened the floor for public comments or public questions, noting the three-minute time limit per person. Ms. Robin Schofield, IEC Liaison, reviewed instructions for how to comment via comment card or on Zoom.

- *Tribes and the Land Agreement.* Ms. Schofield read a question turned in via a comment card asking when the Tribal Council spoke about the land agreement, did they provide proof of Tribal members were in agreement with the land agreement? The person requested this be read into the public record.
- *Airspace Concerns.* Mr. John Powell with JP Aerospace requested more precise airspace maps than those shown during today's meeting. Stating that in the text, it says that there will be expansion slightly to the north and the MOA is right on the property line of an airport, a balloon launch facility. Since it is on the property line, there is a need for more precise maps to make sure this won't be a major impact. He also asked about the potential for electronic interference and the type of public notification that will be sent out. Mr. Jerry Burns, NAWDC, stated the Navy has more precise GPX files and they are still being refined. When ready, the Navy can provide GPX or shapefiles. Regarding public notification and jamming, the Navy sends out notices anytime they are going to operate a system that may interfere with any portion of the frequency spectrum through NOTAM. The Navy employs an onsite frequency spectrum manager who approves use of any GPS-jamming system prior to its activation.
- *Noise and Quality of Life.* Mr. Jim Estill of Copper Kettle stated there is noise at his home now and is worried about a substantial increase. He asked why studies will be done for wildlife (sage grouse, sheep) but not for his family and home that has multiple people, chickens, sheep, horses, and other animals. He is worried about a potential decrease in quality of life and property value. He is also concerned with what will be done with the horses in the areas where they are fenced so when land ownership changes, horse ownership will change as well.
 - Ms. Dow stated that BLM is finishing up a Clan Alpine Environmental Assessment for horse gathers, and their next priority is to work on the Lahontan Herd Management Area gather plan. BLM's gather schedule is set by the BLM headquarters office. The district office is elevating the issue to headquarters as a priority.
 - CDR Muller stated the Navy has a phone number for noise complaints that will be posted on the website. Mr. Burns also informed the group of the noise studies conducted in previous environmental impact analyses, which resulted in the findings of no additional noise generated from an expanded range complex as the type and tempo of training would remain the same as current levels and noise contours would not change.
- *Local Business.* Mr. Jack Payne informed the IEC of a gas station in Middlegate which is the only gas station in the area, so it is crucial. He noted that it uses diesel generators to power electric car chargers which seems counterintuitive. Mostly asked about the gas station and the possibility of providing power to this gas station to save the waste of the diesel generators.
- *Water Quality.* Ms. Shaina Gibson, Bishop Paiute Tribe, asked about programs in place to keep the local water quality safe and prevent damage to it and keep track of it. Are there any programs in place given past issues and experiences? Most homes use well water in the area. Mr. Burns stated that the Navy is concerned about the migration of munitions constituents and has a program called a range condition assessment performed every five years. The assessments that have been done in the past have not shown any indication that constituents have migrated.
- *Dust Pollution.* Ms. Gibson expressed concern regarding dust pollution and potential migration to nearby counties due to military activity. Chair Goicoechea recommended this question be referred to the Nevada Department of Conservation of Natural Resources.

- *Research Access.* Mr. Brian Law asked via Zoom if there will be access issues for researchers as he is a geologist that does research in the B-17 area and if there will be access for him or any other researchers that use equipment in the area. Mr. Burns stated that there will be access to the expanded area until it is fenced off, and then there will be a managed access program, including for research. There will be construction and modifications and improvements to access roads and infrastructure.
- *Tribal involvement and engagement.* Ms. Natasha Gibson stated how native and Tribal people are not being heard as a part of this process. Why do people feel suppressed into not using their voice? How come the inherent value of this land to the native people as a sacred land is not being taken into account? How are these decisions being made without the original people being heard? Is this war over agriculture? How will the people eat and hunt? Is this cash over people? Ms. Burton stated that the Navy has been notifying and reaching out to Tribes on this project since 2015. She asked for Tribal members to speak to their leaders and ask them to get involved.
- *Land Jurisdiction.* Ms. Rena Ballew of the Bureau of Reclamation stated that most of the land that's involved in the Churchill County land bill is under the jurisdiction of the Bureau of Reclamation, and there are processes that need to be completed before BLM can complete their processes. She asked if the Bureau of Reclamation should be a member of the IEC or a Department of Interior liaison since a good deal of Reclamation land is within this action. Ms. Schofield reviewed the process for becoming a member of the IEC, which includes submitting a letter requesting to become a member or a liaison, which would then be voted on by the IEC.

Adjourn

- Ms. Dow motioned to adjourn the meeting; the motion was seconded by Mr. Barbee. The meeting was adjourned at 3:16 p.m.