**Nye County Resolution Regarding the Actions of the Ash Meadows Wildlife Refuge and Their Deleterious Effect upon the Patch of Heaven Church Camp**

WHEREAS Ash Meadows National Wildlife Refuge, administered by U.S. Fish and Wildlife Service, is wholly contained within Nye County and is one of the Federal entities that collectively exert control over 98% of the land within Nye County;

WHEREAS Nye County recognizes that this overwhelming percentage of Federally controlled land contributes to an environment of federal overreach and abuse of private property rights and leads to the diminishment of due process and rights granted to Nye County’s residents under the United States Constitution, Bill of Rights, and Nevada Constitution;

WHEREAS U.S. Fish and Wildlife Service has engaged in a prolonged effort to expand land under their control through private land purchases and governmental land transfers in an attempt to expand their sphere of influence and the boundaries of their refuge;

WHEREAS U.S. Fish and Wildlife Service conducted an Environmental Impact Statement to address the effects of their so-called “habitat restoration actions” on native plant and animal species in which short shrift was given to the effects on the Nye County residents and property owners, who are living within the boundaries of this refuge;

WHEREAS U.S. Fish and Wildlife Service embarked on actions not identified in Alternative C, nor in any of the other alternatives, and did not obtain proper and required permits for these actions;

WHEREAS the Patch of Heaven Church Camp owns a forty acre retreat in Ash Meadows that has historically had a babbling spring fed brook running through it including the time immediately prior to the unauthorized diversion of this stream by the refuge;

WHEREAS this stream diversion materially and adversely impacted the aesthetics and the ability of the church camp to continue their ongoing activities, such as total immersion baptisms in the stream and caused the meadows and trees to wither up and die;

WHEREAS the refuge did not obtain a permit from the United States Army Corps of Engineers prior to this stream diversion and wetland destruction (nor at any time afterward) as required by the EPA under the Clean Water Act;

WHEREAS the refuge did not comply with Nye County Ordinances as required by FEMA in Nye County’s role as administrator of the flood plains identified in the FEMA flood maps;

WHEREAS the refuge is not exempt from Federal laws and statutes that are applied to the general public at large;

WHEREAS this blatant disregard for following statutorily required processes and permits, led the refuge to construct an ill-conceived, unsupervised, and inadequately reviewed change in stream channels and storm water flow paths;

WHEREAS less than two weeks after the refuge had completed the stream and storm flow diversions, water overflowed the unpermitted channel, causing water to flood through the center of the church camp, resulting in over $85,000 in property damage and resulting in significant danger to the camp animals and residents;

WHEREAS the property that the church camp owns has a vested surface water right and that the diversion of this stream has resulting in a “taking” of this water right by the federal government;

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of the County of Nye, State of Nevada, hereby strongly requests that the U.S. Fish and Wildlife Service promptly return the waterways to their prior state and flow, as well as promptly and expeditiously compensate the church camp for the damage done to their camp.

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