STATE LAND USE PLANNING ADVISORY COUNCIL

MINUTES

April 11, 2008

At the following location:
Lyon County Commissioner's Chambers
County Administrative Building
27 S. Main Street
Yerington, NV 89447

Members Present

Bill Whitney, Washoe County
Don Tibbals, Lyon County
Glenn Bunch, Mineral County
Butch Borasky, Nye County
Steve Coombs, Lincoln County
Eleanor Lockwood, Churchill County
Juan Guzman, Carson City
Judy Overton, Eureka County
Louis Lani, Lander County
Robert Conner, Douglas County
Robin Bell, White Pine County
Sheri Eklund-Brown, Elko County
Tom Fransway, Humboldt County
Roger Mancebo, Pershing County

Members Absent

Bill Kirby, Esmeralda County
Barbara Ginoulias, Clark County
Robert Kershaw, Storey County

Others Present

Pam Wilcox, Nevada Division of State Lands
Jim Lawrence, Nevada Division of State Lands
Skip Canfield, AICP, Nevada Division of State Lands (State Land Use Planning Agency)
Paul A. Williams, Nevada Division of State Lands (State Land Use Planning Agency)
Donna Giboney, Storey County
Cindy Bell, Ely citizen
Sue Silver, C.P.A.
Don Smith, C.P.A.
Phyllis Hunewill, Lyon County Commissioner
Dawne Combs, Lincoln County
Tom Grady, Assemblyman, District 38
Jim Sanford, Yerington citizen

CALL TO ORDER

Chairman Mancebo called the meeting to order at 8:35 AM and asked for self introductions. Upon completion, he asked for any corrections to the agenda. **Mr. Williams s**tated that Matt Tuma, from Senator Reid's office would be speaking on the 11:00 am item, and Michael Hampton would be addressing the 1:00 pm agenda item. With those adjustments, the agenda was found acceptable.

AGENCY REPORT

Ms. Wilcox welcomed the Members to Yerington, and informed the Council that she would be retiring at the end of this fiscal year. She stated that she was pleased that her Deputy Director, Jim Lawrence has been appointed as her replacement. She indicated that she has served for twenty-five years which makes her the longest serving administrator in the State System. She is especially proud of been able to serve with representatives from all the counties on addressing planning issues throughout the years. In response to questions, she stated that she has worked under four Governors; and while the big issue when she started was the MX missile siting, it really has been about water, open space, and wilderness, among others. All of these are topics of today's agenda.

Mr. Lawrence indicated that he was very pleased to be appointed as Ms. Wilcox's successor. He, as the Deputy Administrator, has worked with many groups. He has always enjoyed working with the SLUPAC members, and looks forward to continuing this relationship into the future.

Mr. Canfield, AICP reminded the members that Mr. Williams and he are the staff of the State Land Use Planning Agency and they offer free technical planning assistance to any local agency, the citizen planners, that requests it on a full range of issues like the development of Master Plans to training on a wide-range of issues like the make-up of zoning ordinances, etc. He then reviewed the current projects, including the update of the Master Plan in Caliente and the development of a Master Plan for Austin. He emphasized that as the professional planner, our role is to provide technical assistance to the local citizen planners who develop the policy part of these plans. This allows the local residents to take ownership of these plans.

Mr. Canfield stated that another role the SLUPA staff performs is to act as liaison between local agencies and the federal agencies on the NEPA issues on all of the Public Lands. They work with many of the County representatives to develop Public Land Policy Plans, which are Elements of the County's Master Plan. With them in place, like the ones in White Pine and Elko Counties, those local agencies now have a say in how those public lands in their areas are used. He felt that these Public Lands Policy Plans are an important tool for local agencies to have more of a say in decisions made by Federal Agencies. He stressed that they are very important with regards to dealing with Congressional Land Bills, because the local Community can develop policies in them, with maps that describe those lands which the local entities want to be disposed of, as well as used for a wide range of uses from OHV's to wilderness. He could not emphasize enough the value of having such plans in place. also, he pointed out the he would be a presenter at the APA National Conference this month in Las Vegas, and his topic will be guiding citizen planners in developing the Public Land Policy Plan for White Pine County. He pointed out how the SLUPA staff has been involved in the Public Land Bill process, most recently in Mineral, Lyon, and Esmeralda Counties. He stated their role has been to make certain that State and the local voices are heard as a part of the process.

He stated the another role of the SLUPA staff is to act as a liaison between the State agencies and local jurisdiction, and he used as an example the new requirement of notifying commanders of military installations within 1,000 ft. if a discretionary request is proposed. He has been working with the Nevada National guard personnel and the local agencies in Clark County to make this new noticing requirement work.

Finally, he outlined the Mount Charleston license plate grant program and NDSL's responsibility to administer the proceeds with the round one application now open. He expects that at least four applications should be submitted for improved public access or environmental improvements in the Mount Charleston Area.

Mr. Williams described an additional free service available from the SLUPA staff is training related to any aspect of planning ranging from how to run a meeting to how to develop a finding for approval or denial of a development request. He stated they have developed a Planner's Guide which offers invaluable information on many aspects of planning. He indicated that SLUPA has published the 2008 Edition of "Laws Relating to Planning", which is available for $29.00. Finally, he stated that State Lands has in development a state-wide land based data system tied into GIS which has as one aspect the ability to provide mapping statewide which should be an invaluable tool for planning. Finally, he pointed out the facilities services available in the county complex and indicated that he would be collecting for lunch during the morning break.

Member Conner inquired as to when this system would be online. **Mr. Lawrence** responded that the system involved a series of tracks. The contract to develop the data base has just been let. Another track is to get the huge amount of State paper records which needs to be gone through and cleaned up to make sure that that data is ready to be imported into the new system. He felt that the new system should be done by the first of the year, but that it would take time for us to get the State information entered. Therefore, he thought that it would be more likely that the system would be operational more in the spring of 2009.

Member Whitney asked Mr. Canfield if the Mount Charleston Program was the only program SLUPA administered? **Mr. Canfield** responded that the Tahoe Team, in State Lands, also administers the Tahoe License Plate Program. **Member Whitney** inquired as to how long it took to build up the $250,000 in the Mount Charleston Program? **Mr. Canfield** stated that the funds have been building since 2002.

Ms. Wilcox pointed out that there was now a State Commission that reviews requests for new special license plates and the approval process can be quite lengthy. **Mr. Canfield** said that the Mount Charleston request for projects really started in 2005, and we are just now starting to get concrete projects submitted for consideration.

ELECTION OF OFFICERS

Chairman Mancebo asked for an explanation of the Executive Council. **Ms. Wilcox** stated per NRS 321.755, the Executive Council consists of four members of SLUPAC and the Administrator. Historically, the four SLUPAC members were the Chairman, Vice-Chairman and two other members. She stated that they serve for a two year period, and their responsibility is to consider and make recommendations for land use planning in areas of environmental concern, and to resolve inconsistencies between the land use plans of local governmental entities. She pointed out that there has never been such a request, but if there were it would happen fairly quickly. Therefore, in selecting the members of the Executive Council availability should be a key consideration.

Chairman Mancebo declared nominations for Chairman opened. **Member Whitney** nominated Member Mancebo**. Member Eklund-Brown** seconded the nomination. Being no other nominations, **Chairman Mancebo** declared the nominations closed, and called for nominations for Vice-Chairman. **Member Guzman** nominated Member Eklund-Brown. **Member Whitney** seconded the motion. Being no other nominations, **Chairman Mancebo** declared the nominations closed, and called for nominations for two members of the Executive Council. **Member Eklund-Brown nominated** Member Whitney. **Member Conner** seconded the motion**. Member Eklund-Brown** nominated Member Conner as the second member of the Executive Council. The motion was seconded by **Member Whitney. Chairman Mancebo** closed the nomination and called for a vote on the election of officers, which carried unanimously.

OVERVIEW OF SLUPAC, ITS LEGISLATIVE FUNCTION, AND REVIEW OF BYLAWS

Ms. Wilcox reviewed the origins of the State Land Use Planning Agency and SLUPAC. It was created at a time when direction was coming out of Washington DC for centralized land use planning at the State level. In fact, many States established central planning authority, but in Nevada, the legislature felt that there should be some State level monitoring, but not centralized land use planning. Therefore, SLUPAC was created as a coordinating function, and to some extent a watchdog agency. She felt that the SLUPAC members play an important role in coordinating land use planning throughout the state, and to share information so that there is good land use planning all over the State. Also, they advise the Administrator as to the operation of the State Land Use Planning agency, and the administrator takes the advice of SLUPAC very seriously.

Mr. Williams reviewed the SLUPAC Bylaws section by section. **Vice-Chairman Eklund-Brown** inquired why alternates were not able to vote on item being forwarded to the Governor? **Ms. Wilcox** responded saying that there is no real statutory authority for Alternates, but rather they were established under the SLUPAC Bylaws. Therefore, it was felt that only the Governor's appointees should be providing advice to the Governor.

BREAK

Chairman Mancebo called for a break at 9:19 am. He reconvened the meeting at 9:40 am.

LAND USE AND WATER AVAILABILITY-ITS HISTORY AND RELATED ISSUES

Chairman Mancebo suggested that the Council members go over the reasons for putting this matter on the agenda. **Ms. Wilcox** read the excerpt from the October 18, 2007 minutes wherein various Council members raised this matter. **Member Lockwood** stated that Churchill County is concerned because it is at the end of the Carson River. They have been managing their water resources for over thirty years. They have adopted and maintained a water resources plan, at a sustainable growth rate. Their concern is that other surrounding jurisdictions may elect to grow at substantially higher rates and may look at other jurisdictions to provide the necessary water to accommodate it. Rather, they would like to work with the adjoining jurisdictions to bring master planning and water resource planning to a more regional level, maybe through SLUPAC.

Tracy Taylor, State Engineer, Nevada Division of Water Resources, apologized for being late. He described the duties of the State Engineer, including his limited responsibilities related to land use. He pointed out that with the enactment of SB-275, the State Engineer can require the establishment of a dedication of water rights in designated basins. In response to questions, he indicated that their water planner is in the process of contacting all of the Counties, and if they have a water rights dedication Ordinance in place that that is acceptable. In other cases, the State is only interested in designated basins and letters have or are being sent to all counties describing those basins and the appropriate amount of water right dedication for each newly created parcel.

He also pointed out that the legislature in 1995 did add the speculation provision to the criterion he must use to evaluate a permit. Therefore, an applicant must show good faith and beneficial use. So the established land use can be a factor in evaluating a permit. Also, the applicant must demonstrate the financial ability to construct the works necessary to convey the water to the parcels that would be using it.

Vice-Chairman Eklund-Brown asked does that mean that you must have a contract with a public entity? **Mr. Taylor** responded that that is not required by the NRS, but the State Supreme Court has ruled that you must have a contract with a public purveyor.

Member Lani stated mining entities are acquiring Ag water and trying to convert it to mining and milling. What are their options other than that? His concern was that when the mine shuts down the water becomes personal property that can be sold to whoever has the most money. **Mr. Taylor** confirmed that could be the case. He stated that mining is temporary in nature, and that in most cases the de-watering process ends up putting the water back on the ranches as irrigation.

Vice-Chairman Eklund-Brown said that a rancher indicated to her that certain applicants are taking surface water rights and converting them to underground water rights. **Mr. Taylor** stated that the two water rights are different and are permitted separately. He indicated that there have been applicants that have applied to inject water into the ground, thus converting surface rights or underground rights. An example would be the Carson River basin Cities who need water year-round for municipal use, so they injected it during high water and take it out during low water times under a water recovery permit. Though in most cases, the applicant is not permitted to take back as much water that is put into the ground. He indicated that a lot of recharge is occurring all over the state.

Vice-Chairman Eklund-Brown stated that the other issue that has come up is the jurisdiction of the Army Corps. They are claiming jurisdiction over the tributaries to the Humboldt? **Mr. Taylor** stated that it cannot be for the use of the water, rather they have jurisdiction over wetlands **Vice-Chairman Eklund-Brown** said in our case it is a culvert. **Mr. Taylor** indicated that if they put it in he guessed they have jurisdiction.

Member Bell asked about the 40,000 acre feet that was initially granted in Spring Valley included 8,000 acre feet reservation for White Pine County and wondered if that was guaranteed? **Mr. Taylor** stated that one of the statues regulating inter-basin transfers prevents the State Engineer from unduly limiting future growth in the basin from where the water is coming from. He stated that this was one of the toughest statues to interpret because there is no criteria to follow. So in Spring Valley he used a percentage and it is not necessarily White Pine County's water. It is just available for appropriation to accommodate growth in that basin.

Ms. Wilcox asked Mr. Taylor if he considers the County's Master Plan and Zoning when making such of a determination. He responded that he definitely did. **Member Lockwood** asked for more information on how a County can demonstrate the need for water rights? **Mr. Taylor** responded that this is just one method that a County can use to demonstrate a need, within a reasonable time frame.

Member Lani asked if local jurisdictions can zone public lands, even though they are public. Several members responded that that was what they had done in their Counties. **Mr. Canfield** stated that SLUPA encourage local jurisdictions to adopt Public Land Policy Elements to their Master Plans and to zone all of the lands in the County in conformance with their Master Plan. Then if a Public Lands Bill comes through, the County can show how the uses should be allocated, including which lands should be disposed of and which should be retained under public management.

Vice-Chairman Eklund-Brown asked if Mr. Canfield meant an Overlay Zone? **Mr. Canfield** responded no. At a minimum, he stressed that a County should have Land Use designations for all of the parcels, public or private in the County. **Vice-Chairman Eklund-Brown** said in Elko County, they have done Overlays on the developing areas of the County, and the applicants still have to come in and get approval for specific uses. **Mr. Canfield** reiterated that they recommend being pro-active and developing plans that direct development where the local communities want it to go, rather than having to respond to the decisions made by the Federal Agencies. **Mr. Williams** interjected that the local community also needed to know if there was water available for any proposed development. Therefore, they would have a complete plan for their community.

Ms. Wilcox indicated that this is exactly why we are having this discussion today. The local Community may make their plans, but it is not always related to the perennial yield of the basin, so the link is broken. **Member Lockwood** continued and asked if when evaluating inter-basin transfers does the State Engineer just look at the Master Plan for the area where the water is being transferred to or do you look at both areas Master Plans? **Mr. Taylor** responded that he has to look at both Master Plans. He also indicated that people tend to take care of themselves and they protest applications that they feel adversely affect their development potential. He cannot under the existing statues unduly limit the development potential of the basin where water is being asked to be transferred from.

Ms. Combs, from the audience, asked if Mr. Taylor was monitoring the Coyote Springs project and their acquisitions under a different entity of ranches further north with the intent to transfer the water rights to their project? **Mr. Taylor** confirmed that he had just had hearings on the Lakes Valley proposal. He indicated that he had to consider the reservation of water rights for future development in the Lakes basin and the environmental impact of the proposed pipeline project. **Ms. Combs** indicated that they live in Pioche and that one of the ranches was near them and was concerned about the dust if it was allowed to go fallow. **Mr. Taylor** confirmed that dust was a big problem that is going to have to be addressed.

Member Conner, using the Carson River as an example, asked if the State Engineer was verifying the availability of water in areas where it is fully allocated? **Mr. Taylor** stated that the Carson River is a good example, because a judge did him a favor by saying in the Decree that the consumptive portion of this right is changed to any other use is limited to 2.5 acre feet. He pointed out that a river may be deemed over appropriated, but in fact when the water is used for irrigation, it flows back into

the river, flows on to the adjacent property, or recharges the ground water. So when the use is changed, this overflow is lost which means that the river is not over allocated.
Member Lockwood inquired as to what factors are looked at when evaluating the environmental impacts? **Mr. Taylor** said that this provision is fairly new and he tries to limit his review only to those factors which he has control over which is the State Water Law. Other State Agencies regulate our aspects of the environmental impact of projects.

Member Lockwood elaborated by inquiring as to how can we develop a level playing field where the full impact of the use of water rights can be fully analyzed, rather than doing it incrementally or only partially? **Mr. Taylor** said the local community must do its planning and know what water rights are needed and develop the mechanism like dedication to make certain that the water will be available for what they are planning. He is bound by the statues that he has, and cannot go beyond them. **Member Lockwood** concurred but inquired as to how do we deal with situations where there are multiple jurisdictions involved and how do you get past," That's beyond our authority" and look at everything together? **Member Lockwood** pointed out the example of the Swingle Bench where Churchill County has a plan to keep it in agriculture, but the water is being sold off and it is creating a significant dust problem. **Mr. Taylor** said he cannot force someone to irrigate, whether they sell the water or not, they could still stop irrigating. He believed that it is up to the County through an Ordinance or whatever to force the landowner to address the problem before they sell off their water.

Member Fransway stated with regards to SB-275 Humboldt County is struggling with the issue related to parcel maps regarding having to decide whether to have them dedicate water rights to the County or relinquish them to the State. If they require dedication to the County, they have to have a municipal system that could ultimately provide service to the property. **Mr. Taylor** indicated that the County should at least have a plan for a municipal system. If an agency is going to take a water right and maintain it, he thought it would be prudent to have some idea as to how the property could at sometime receive service. He went on to say that as long as there has been a relinquishment or dedication, the County could at a later date elect to serve a parcel, require them to plug their well and get a domestic well credit from the State.

A lengthy discussion followed regarding the pros and cons of the relinquishment of a water right and the future of domestic well credits. **Mr. Taylor** emphasized that in impacted basins, they are going to require dedication of water rights as a part of creating any new parcels. It's up to the County to decide if they want to bear the cost of maintaining the water right that is dedicated to them or not, or have them relinquished instead.

A discussion followed regarding the process for extension of water rights. **Mr. Taylor** pointed out that they are more considerate for municipal use and often grant ten year extension. However, they are required to be proceeding in good faith, and need to provide documentation. The documentation should be included with the extension form requests, rather than separately.

Several members gave a status of various water basins in their Counties and how the State Engineer had worked with them to address specific issues. **Mr. Taylor** emphasized that they would be glad to come out to any County to meet on designated basins, dedication of water rights or anything related to water.

Vice-Chairman Eklund-Brown asked if new scientific studies showed there was more water, would the State Engineer make adjustments in a basin? **Mr. Taylor** responded yes, in fact that is what they had done in Carson City.

Member Lockwood asked an additional question regarding how the State Engineer looks at land use planning, especially in regard to inter-basin transfers. It is her understanding that they look at land use planning, i.e. the zoning map. She stated that in Churchill County, much of the hinterland has residential zoning with a minimum lot size of 20 acres. If the State were considering an inter-basin transfer and were to look at that they would think that they would not need much water. However, Churchill County's Master Plan shows a large portion of that to be developed as industrial which may require significant water? **Mr. Taylor** said they would look at both aspects. **Member Lockwood** wondered whether the State Engineer asks the County to interpret their Master Plan, or do they do it on their own? **Mr. Taylor** said that what usually happens is that the County protests an application, and they present their information as a part of the hearing process. He said that he has started to ask for such information up front, before the hearing.

Other matters discussed were: Setting aside water for Open Space and Riparian Areas. It was indicated that permits have been granted for such uses, including to BLM.

There is no expectation that water planning would be directed by State personnel. Rather the Counties should be developing their own plans with the State reviewing them and providing technical information.

Funding for additional water studies-$4 million grant is coming from the US Congress with preference to the Carson and Walker Drainages.

Chairman Mancebo asked if there were any questions from the audience. Mr. **Smith** asked about the Walker River Basin Project where there is federal money allocated to buy water rights from willing sellers and wondered what the State Engineer's role would be in the process? **Mr. Taylor** said that if the rights are being purchased to re-locate to the Lake, then they would have to apply for a permit with his office. **Mr. Smith** wondered if the environmental and economic impacts would be considered during the review process? **Mr. Taylor** indicated that like any application, they could be protested and information can be provided.

Ms. Giboney says they are hearing rumors that some wells which are supplemental are being converted to primary in Mason and Smith Valleys. She was wondering how that could occur? **Mr. Taylor** responded that supplemental water rights cannot be converted to other uses. He thought that if the supplemental ground water right was being purchased it is to simply make it go away.

Ms. Silver indicated that there was a bill in Congress would extend EPA'S jurisdiction to all waters of the United States. She wondered if this would have any impact of Nevada's water? **Mr. Taylor** indicated that he thought that it would not have any impact on water rights.

Being no other questions, **Chairman Mancebo** thanked Mr. Taylor for coming to speak to SLUPAC.

PRESENTATION OF PENDING PUBLIC LANDS BILLS

Chairman Mancebo welcomed Matt Tuma, from Senator Reid's Office. **Mr. Tuma** indicated that the most contentious Public Lands Bills that are being considered are for Lyon and Mineral Counties. Recently, Senator Reid received a letter from State Senator McGinness, and Assemblymen Brady, Goedhart, and Settelmeyer raising concerns regarding these Bills. To start, he proceeded to read a response from Senator Reid to their concerns. Copies were provided to all those present. Said letter concluded by stating that the Congressional delegation would not support any Public Lands Bill that are not endorsed by the local jurisdictions.

Vice-Chairman Eklund-Brown commented that the previous Public Lands Bills are nothing like those being proposed for Lyon and Mineral Counties. The previous ones started out at the County level because they had a driving need for the bills. There were multiple stakeholders, but they were County driven. Whereas, these bills are federal and environmentally driven. **Mr. Tuma** respectfully disagreed with her assessment. He stated that over the years, members of the Congressional Delegation had received numerous requests from the local communities and the Counties to address concerns on Federal Lands, and the only way to address these concerns would be through a Lands bill. **Vice-Chairman Eklund-Brown** respectfully disagreed and indicated that there were a lot of concerns that could be addressed administratively rather than through a Lands Bill. She stated that they do not want a Lands Bill in their County and felt that in a State rich in natural resources and significant public ownership, including existing significant Wilderness area, they were just too risky.

There followed a lengthy discussion of prior public Land bills in terms of process and levels of success. It appeared to be a consensus that certain groups at the National level work with Congress to make adjustments to proposed Public Lands Bill without consulting with the local jurisdictions that end up feeling the impacts. **Mr. Tuma** reiterated that Senator Reid will not pursue a Lands Bill that does not have local community support.

Member Borasky wondered why is it when a County or local jurisdiction asks for one acre of land that Fish and Wildlife will get two acres forever wild that can never be touched by man, and the Federal Government already controls 98% of Nevada? More importantly, he felt the fact that the local jurisdictions having no say in where the Wilderness areas end up is very problematic. **Mr. Tuma** responded that the reality is that in order to move these Bills through, there has to be some type of compromise. He said there needs to be conservation aligned with development and land disposals. Otherwise, he felt that such legislation would move nowhere in Congress. However, **Mr. Tuma** reiterated the ideas of the Wilderness Coalition are not endorsed by any of the members of the Congressional Delegation, because they too have the burden to prove why the requested areas should receive this designation.

Member Whitney asked if the members of the Congressional delegation have talked about getting the wilderness Advocates to participate earlier in these processes so that their proposals could be more adequately addressed? **Mr. Tuma** said in this recent process our offices saw what the Nevada Wilderness Coalition was proposing at the same time as the general public. **Ms. Hunewill** felt that this should be clear. She had been working with the wilderness groups for over two years and they were only looking at two areas, Bald and Sweetwater Mountains. This effort had including working with the grazing allotment ranchers, because they were her biggest concern. At the end of the first public meeting the Wilderness Coalition representatives pulled out a map that showed significantly larger areas, including Ryan and Rawe Peaks and the Pine Nuts. She said the result is there is now organized opposition, the Coalition for Public Access ,to any consideration for wilderness areas,

because those groups cannot be trusted. **Member Tibbals** confirmed that in Lyon County, the wilderness groups have asked for too much and the Commission has since opposed any Lands Bill. **Ms. Hunewill** confirmed that the Lyon County Commission will be considering a Resolution at their next meeting opposing any Lands Bill for their County.

Mr. Tuma stated that they were in the very preliminary stages of developing a possible Lands Bill for these two Counties and were soliciting input from all of the stakeholders, including the wilderness groups. What will be ultimately in a Bill will be a blending of all of the input from the stakeholders. He stated nothing has been drafted, nor has anything been introduced into Congress.

Member Bunch indicated that Mineral County has a real dilemma because they need significant public land from growth in at least three areas of their County, including Hawthorne, and the Wilderness groups keep asking for more and more land. He was of the opinion that they would continue to proceed and he hoped that the local jurisdictions will write down in detail why specific areas should not be Wilderness and get it to the Senator, so that he has the ammunition to dispute these groups when it goes before Congress. He stressed that it needs to be a united front for the Senator to be successful.

Mr. Tuma reiterated that nobody has endorsed the Nevada Wilderness Coalition's proposals and they will have to justify the areas that they are requesting. **Member Bunch** said that he has reviewed their proposals for Mineral County with their representatives, and he felt that they really did not have an adequate understanding of why they are asking for the areas.

Mr. Sanford stated that they have been told that there is not one single acre that has been designated by these wilderness groups that has been designated by the BLM or the Forest Service as Wilderness. He also has to correct Mr. Tuma; neither the Congressional delegation, nor the wilderness groups have ever held a public hearing on these proposals. It is the local jurisdictions or the Coalition for Public Access that have held public meetings and representatives have been gracious enough to participate. He wondered how much more input do they want when the Commissioners of both Counties have unanimously passed Resolutions saying that they do not want any Wilderness Areas in their Counties, which was followed by a series of public meetings where all of the attendees indicated their opposition to these proposals? He felt that everyone's position is very clear. **Member Bunch** confirmed that all future meetings in his County would be held in a public forum in front of the commissioners. **Ms. Hunewill** agreed that the Commissions in her County have been placed in an untenable position by the private meetings, and hereafter they too will only discuss these matters in public meetings. **Member Tibbals** said they are even going further and are trying to schedule a meeting for all of the affected County Commissioners in one central place where they can hear all of the proposals and take a vote and present it to Senator Reid's Office.

Mr. Tuma reminded those present that they were soliciting input on these Bills, and he assured everyone that what is developed will have a land disposal and a wilderness component. He stressed that no legislation has been drafted to date. They are soliciting input, and that nothing will move forward without Community support. **Assemblyman Tom Brady**, representing District 38, pointed out that the representatives for the Wilderness group are not from the area, and in fact one is from Alaska who worked on the White Pine County Lands Bill and did such a good job that those Commissioners who supported it lost the next election. He had met with the representatives from Senator's Reid's office and indicated that their best friends are their worst enemies because they are

going around saying that he is supporting these wilderness proposals and that there will be no Lands Bill without such a designation. He stated that their proposals in Lyon County have grown from 80,000 to over 700,000 acres and they continue to brag that Senator Reid is supporting them.

Vice-Chairman Eklund-Brown stated that the public lands are owned by everybody, and the local communities, whether it's a Federal Agency or Congressional representative, they look at our opinions and how we feel, but we are not the only ones that have a voice in such decisions. While we have priority, we do not always have the vote. We are out voted by the rest of the nation a lot of the times. She also indicated that in White Pine County, areas did not meet the criteria for Wilderness, but were still designated.

Member Guzman wanted to let everybody know that Carson City's experience has been quite different. They initiated a Bill, because they thought that it was the only way they could exchange land to better manage their lands. They engaged into a very intense citizen participation process. Then they took that input and went to each of the City's eight Advisory Boards. They forwarded their recommendations to the Board of Supervisors. So far they have not seen a draft Lands Bill.

Ms. Silver noted that another aspect of these Lands Bills is Senator Reid's proposal to settle the litigation related to the Walker Lake litigation. **Mr. Tuma** confirmed that regardless of the outcome of these Bills, Senator Reid is committed to propose legislation to address that issue.

Chairman Mancebo thanked Mr. Tuma for his presentation.

LUNCH BREAK

Chairman Mancebo called for a lunch break at 12:10pm, and reconvened the meeting at 12:55pm.

WILDLAND/URBAN INTERFACE PLANNING-AN UPDATE

Michael Hampton, Planning Staff Officer, Region 4, Humboldt-Toiyabe National Forest, described his primary responsibility is for GIS and NEPA compliance for their projects, but in his thirty years with the Forest Service he has had extensive experience in fire management at all levels. In general, the National Forest is in 15 of the 17 counties in Nevada. All except Churchill and Pershing Counties and it encompasses 5.3 million acres of land. The National Forest Service Budget is about four billion dollars of which half goes for fire fighting. He indicated that this cost has risen significantly in recent years. Further, he indicated while one could easily attribute some of the increase to inflation, the major cause is the increase in the Wildland-urban interface. He said more homes and more people living in the forest, and on the Sierra front they have as much of that as anywhere in the County. He stressed, based on recent studies, the Federal government will be shifting the costs of fighting fires in these areas to the local entities.

Mr. Hampton then proceeded to talk about their fuels reduction program. He pointed out that because of changes created by the White Pine County Public Lands Bill, monies developed under the Southern Nevada Public Lands Acts Authorities could be used for more things and in additional areas, including using the funds for fuel reduction throughout the National Forest. He stressed that the funds can also be used by multiple jurisdictions. He indicated that they had recently completed an assessment of the Sierra Front and determined that there was a need to treat about 49,000 acres at a cost of about $12,000,000 each year for the next ten years. He also said there was a need for fuels

reduction in the Spring Mountain area in Clark County of an additional $8-15,000,000. He went on to say that State-wide the annual demand for fuels reduction is in the $50,000,000 range, and the monies available from SNPLMA is about $3,000,000. Thanks to the Fire Safe Council there has been a significant increase in coordination so that the limited amount of money can be spent where it is most effective. He also mentioned that communication with the homeowners in the Wildland-urban interface about what they can do to reduce their exposure and better land use planning can really help address this issue. He used as an example considering this issue as a part of developing Open Space plans like they did recently in Washoe County is a good example. Further, he said that Counties can develop simple Ordinances related to building materials that reduce the potential for fire.

Members Tibbals and Guzman encouraged the re-institution of grazing to reduce the fire potential in the Wildland-urban interface. **Member Guzman** commended the fuels reduction planning project that happened in Carson City. He stressed that the study was a landscape analysis and was limited to pre-selected canyons. That was followed by an analysis of the existing roads to determine which roads were going to be motorized or not, and which were going to be diverted to nature.
He felt that it was very effective and useful. **Member Whitney** indicated that there is an International Wildland Urban Interface Fire Code, 2006 Edition. He then asked if the Forest Service uses the Plans That RCI did for all of the Counties which describe the high areas of fore concern? **Mr. Hampton** responded that they do. However, he indicated that in terms of proximity to communities throughout the State that BLM has much more land in close proximity.

Member Bunch asked how fire is dealt with in areas that are deemed road-less or wilderness? **Mr. Hampton** indicated that there is a difference between a road less versus wilderness designation as to how they are able to fight fire. He indicated that in road-less areas they cannot build roads for the purpose of cutting timber, however they can build them for the purpose of suppressing fires.

Vice-Chairman Eklund-Brown indicated that there has been some misunderstanding as to the Forest Service dictating how the local jurisdictions should deal with the Wildland-urban interface. Perhaps if everyone could get a copy of the Ordinances in effect there would be a better understanding. She indicated that the APA members were initially concerned that there may be mandatory provisions coming forward, when in fact the suggestions being put forward were all voluntary. She went on to say that the issue of funding is going to be a serious concern. All the local agencies need to have their agreement in place with NDF, or like Washoe County creating a local fire fighting organization, because the cost of suppressing fire on private property is going to fall to the Counties in the future.

Mr. Smith asked purpose is served to take an area that has roads and to declare it road less? **Mr. Hampton** indicated that was not what happened. In 2001, a Rule came down to declare all areas without roads as closed. Because of bad mapping, areas with roads were included. He indicated that the Forest Service is now trying to manage through that. The Forest Service manages road less areas in order to provide wildlife habitat protection, reducing the expansion of roads which can lead to increased erosion, and there are sections of our citizenry who have value in knowing that there areas that are undisturbed.

Mr. Smith inquired as to how fires are fought in wilderness areas? **Mr. Hampton** responded that initially mechanized equipment is not enabled. However, there is a process that is used where if the

Forest Service determines the need, they can get an exception. However, they do have to return the area to its original condition after the fire.

Member Bell indicated that in White Pine County they were experiencing increased recreational parceling in mountainous areas did Mr. Hampton have any suggestions? **Mr. Hampton** responded that because such uses do require a permit, they are able to include requirements to help reduce the fire potential. On private lands, they work with the Fire Safe Councils to address fire potential.

Being no other questions, **Chairman Mancebo** thanked Mr. Hampton for his informative presentation.

BREAK

Chairman Mancebo called for a break at 1:50 pam. He reconvened the meeting at 2:00 pm.

NEMO-NON-POINT EDUCATION FOR MUNICIPAL OFFICIALS

Dr. Susan Donaldson, Water Quality Specialist, University of Nevada Cooperative Extension, gave an informative power point presentation including the following major points:

●NEMO is an educational program for land use decision makers addressing the relationship between land us and water resource protection.

●Storm water contributes as much as 80% of the total water pollution in the US.

●Clean Water Act had a goal of making all waters of the US "fishable and swimmable" by 1983. Today 40% meet the goal.

●By encouraging Low Impact Development, additional pollution can be avoided.

●Several examples of such developments, including some in Reno and Carson City, were presented.

Member Whitney stated that Dr. Donaldson has an incredible amount of information regarding water source protection. **Member Borasky** asked about the permit process that builders disturbing one acre or more had to follow. Dr. Susan Donaldson explained that process and the standards used by local entities used to minimize water pollution. She went on to explain differences from Discharge Permits and the fact that Storm Water Permits deal with water quality not quantity.

Chairman Mancebo thanked Dr. Donaldson for her informative presentation.

COUNTY PLANNING ISSUES

Chairman Mancebo asked each of the SLUPAC members to report on planning related activities within their areas of representation.

Sheri Eklund-Brown, Elko County:

•Had an earthquake in Wells. County's been involved in the recovery effort. Hundreds of after-shocks.

•Rail Port should be going to bid soon.

•Final plans approved for the County Complex.

●Trails Center is completed, now working on getting exhibits.

•Participating with the mines on expansions that could extend their operations for twelve years.

●Lot of growth going forward.

Member Fransway inquired how their Emergency Response Plan and first responders work during the earthquake? She thought that it went well. She was impressed with the detail that was involved in responding to the safety part of it, the scientific part of it and the clean-up part of it.

Juan Guzman, Carson City:
•City has severe budget problems. Have a new City Manager, Larry Werner.
•Continue to work with the Forest service on fuels reduction, as well as fire rehabilitation.
•Received a huge grant from Natural Resources Conservation Services through RCI for analyzing the drainage in the areas where the fire occurred.
•The V&T Railroad project continues. A non-binding ballot measure asking if the public is willing to support the railroad will be on the next ballot.
•the Freeway by-pass seems to be stalled at Fairview.
•Congressional land bill moving forward.

Don Tibbals, Lyon County:
•Flood in Fernley continues to be an issue.
•The Bond issue for the Dayton area continues to be a problem.
•Budget problems continue and should be with us for some time to come.

Robin Bell, White Pine County:
•Snow pack is 93% of normal.
•County Land Use Plan should be complete by the end of the year.
•In the Community of Cross Timbers, residential development and ag-uses are conflicting.
Member Whitney indicated that in Smith Valley, they give out a brochure, "Code of the West", to incoming residents.
•The proposed coal fired power plants are in limbo.
•The airport Master Plan has been approved, including extending the runway.
•The Robinson Mine reported that they broke an all time production record in the first quarter of the year, producing 42 million pounds of copper and 37,700 ounces of gold.
•Large wind project is in the early planning stage with 60 to 65 wind turbines in Spring Valley.
•US Gold is doing an environmental assessment near the Golden Butte mine.
•The Water Resources Plan continues.
•The White Pine County Fire Protection District has a re-organizational study underway.

Bill Whitney, Washoe County:
•Budget is really bad, with a second round of cuts with early retirement programs being offered.
•The Fish Springs water importation project is just about done, 8,000 acre feet transferred over 30 miles.
•A group called "Citizens for Sustainable Growth" is trying to get a couple of questions on the ballot in November tying growth to available water supplies.
•BLM is processing applications for wind turbines on the mountains west of Reno which would be solid on very ridge west of town.

Louis Lani, Lander County:
•Bates Mountain wind project east of Austin is approved.
• Problem with the checkerboard land along the Humboldt River.

•Gold exploration is very busy.
•Geothermal drilling in underway
•Lander County will be joining Eureka County in protesting water from Kolbe Valley being converted from Ag to mining.
•EPA unfunded mandates are a problem. Austin is having to line their sewer ponds.
•Great winter, snow pack is 120% of normal.
•NDF will be cutting a 300 foot wide fire break all around Austin this summer.
•Skip and Paul are working with the people in Austin to develop their own Master Plan.
•Battle Mountain is going through a major re-zoning.
•Eighty unit subdivision is going in west of Austin.

Eleanor Lockwood, Churchill County:
•Concern whether there will continue to be water in the Truckee Canal. In drought years, most of the appropriation for the Lahontan Reservoir comes through the Truckee Canal.
•Studies on water quality continue through USGS.
•The County has received a Federal Grant to study the Dixie Valley water source.
•They are working very closely with the State Engineer to makes certain that the County's water dedication ordinance continues to comply with the provisions of SB-275.
•Are ahead of schedule and below budget on the sewer facility. However, flow is a problem, because of the few number of hook-ups, but are dealing with the problem by coordinating between the two plants.

Bob Conner, Douglas County:
•New design Manual coming out next month which includes standards for low impact development.
•New casino approved as a re-used of an existing building in downtown Minden.
•Sign Ordinance is under review.
•Cluster development Ordinance passed the Planning Commission, but was turned down by the Commissioners.
•FEMA maps have been updated for the whole County.
•Working on the Airport Master Plan.
•Reviewing Ordinances requested by the Carson River Sub-conservancy that have been adopted by the other affected Counties.

Glenn Bunch, Mineral County:
•The Citizen for Affordable Housing Project is not going anywhere.
•The large industry that was proposed to move in has been put on hold.
•County has secured a three million dollar grant to put in all of the infrastructure in the Industrial area in Hawthorne.
•In the Rawhide area, a large landfill is being proposed through the use of an old open pit mine.
•Lots of geothermal exploration going on.
•Wind studies being done in eastern Mineral County.
•Two subdivisions proposed for the Walker Lake area, but how to sewer the lots is yet to be addressed.

Steve Coombs, Lincoln County:

●Have made a lot of progress on the E911 house numbering project, including the assignment of 2,100 address assignments.
●The Alamo Industrial Park is under design.
●In the Caliente Industrial Park, negotiations are underway with a large pipe manufacturing Company. A 2,100 acre annexation is underway in Caliente.
●Two power line corridor studies are underway.
●The Coyote Springs Master Plan Amendment is underway. The development agreement is already in place. No development is contemplated in Lincoln for the next five years.
●The Habitat Conservation Plan for the Desert Willow flycatcher is in the final draft stages.
●The Toquop Mesquite Master Plan and Development Agreement is coming before the Planning Commission.
●The Lincoln County Power Company has some major infrastructure limitations.
●Ely RMP is about to be approved releasing 34,000 acres.
●Planning Director Wertz wanted to thank everyone who helped him on the development agreements that are in process.

Judy Overton, Eureka County:
●Thanks to the gold market, the County budget is in great shape.
●Completed the Land Use Element of their Master Plan. Hope to start this summer on the water use element.
●Major mine being planned in the Mount Hope area. Will require expansions to the County's water and sewer facilities.

Butch Borasky, Nye County:
•Working through the Budget issue without layoffs. Looking for a new County Manager.
●Five year anniversary of the Master Plan is coming up in Pahrump, and several areas are being looked at for adjustments.
●BLM is putting a field office in Pahrump where seventy percent of the County's population lives.
●Trying to secure right of ways from BLM in the Pahrump area for a by-pass and for flood control.
●Created and funded a Nye County Water Authority.
●Home Depot 60% complete in Pahrump.
●Three approved casino/hotel projects.
●Fifteen hundred bed detention Center proposed for Pahrump, privately run by CCA.
●Looking to develop a four year college in the Pahrump area.
●Seven solar projects under consideration throughout the County.
●One small geothermal exploration underway.
●One new gold mine in the Tonopah area.

Tom Fransway, Humboldt County:
•Progress continues on the Question One grants. One is the River walk trail and the other is non-motorized trail up Winnemucca Mountain.
•Had significant fire activity this year with it coming right up to the Winnemucca city limits. Working on a watershed rehabilitation plan for Water Canyon. Still working on funding for the rehabilitation of private lands.
•Checkerboard land issue has raised its head in Humboldt County where people are buying large parcels of land without knowing that the sale does not include the mineral rights, and that there are mineral leases on the properties and access problems.

●Have acquired the 177 acres to enlarge the airport industrial park from BLM as a direct sale. Eighty employees working at the Carry-On Trailers factory.
•There is a promising geothermal plant site at Blue Mountain.
●New fixed base operations at the County airport with a large maintenance and restoration is being planned.

Roger Mancebo, Pershing County:
•Mine closing.
•Three new ones are being processed.
•A sustainable development agreement has been signed between Pershing and Humboldt Counties.

PUBLIC COMMENTS-None

COUNCIL MEMBER COMMENTS-None

COUNCIL DISCUSSION AND RECOMMENDATIONS-None

FUTURE MEETING CONSIDERATIONS

Mr. Williams indicated that they were looking to have the next meeting in Winnemucca in about two months. **Vice-Chairman Eklund-Brown** asked if there could be a presentation on the International Wildland Urban interface Fire Code. Also, she felt the issue of split estates might be a good topic.

END OF MEETING
Member Fransway moved to adjourn at 5:10 pm, seconded by **Member Borasky**. Motion was accepted unanimously.
Respectfully submitted,

Paul A. Williams, Senior Planner
Meeting Recorder

Please note that minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was digitally recorded. Anyone wishing to receive or review the recording may call (775) 684-2731. The recording will be retained for three years.