

STATE LAND USE PLANNING ADVISORY COUNCIL

MINUTES

April 13, 2012

At the following location:

Lyon County Commission Chambers
27 South Main Street
Yerington, NV 89447

Members Present

Eleanor Lockwood, Churchill County
Nancy Lipski, Clark County
Robert Conner, Douglas County
Steven Stienmetz, Lander County
Varlin Higbee, Lincoln County

Lorinda Wichman, Nye County
Austin Osborne, Storey County
Jake Tibbitts, Eureka County
Roger Mancebo, Pershing County
Virgil Arellano, Lyon County

Members Absent

Bill Kirby, Esmeralda County

Others Present

Charlie Donohue, Nevada Division of State Lands
Skip Canfield, Nevada Division of State Lands, State Land Use Planning Agency
Wes Henderson, Nevada Association of Counties
Brian Amme, BLM
Lee Turner, Nevada Department of Wildlife
Jacques Etchegoyhen, Legacy Land and Water
Dominique Etchegoyhen, Legacy Land and Water
Tim Dyhr, Nevada Copper
Jim Sanford, Mason Valley News
Keith Trout, Mason Valley News
Lu Weaver, Coalition for Public Access

CALL TO ORDER

Chairman Mancebo called the meeting to order at 9:00 AM and asked for self introductions. Upon completion, he asked for any corrections to the agenda. There being none, they were approved by motion from **Robert Conner** and second by **Steven Stienmetz**.

Chairman Mancebo called for approval of the minutes from April 29, 2011. **Nancy Lipski** moved for approval, seconded by **Robert Conner**, the motion carried unanimously with **Virgil Arellano** abstaining. .

AGENCY REPORT

Charlie Donohue provided a brief summary of activities related to the different sections of the Nevada Division of State Lands. In the last Legislature, Senate Bill 251 created a Sunset Committee to review boards and commissions. SLUPAC is a board that will be reviewed at a future meeting. SB 251 also prohibits elected officials from serving on more than one Governor-appointed board. Senate Bill 271 called for a review of the potential for the State withdrawing from the Bi-State TRPA Compact. Analysis and agency coordination for a response is ongoing. Also, the Treasurer's Office has suspended the sale of general obligation bonds which affects the Tahoe Program and the Question One Program. These programs rely on the bond sales for staff positions and funding of grants to projects. Recent Question One funds were used to

develop a trail system in Wilson Canyon and to acquire property adjacent to the Bruneau Wildlife Management Area in Elko County. In other news, the State is acquiring the Carlin Fire Science Academy property for National Guard uses. The National Fish and Wildlife Federation acquired some land in the vicinity of the Mason Valley Wildlife Management Area and donated it to the State. The local Conservation District in Mason Valley is developing a rehabilitation plan for the land.

Skip Canfield continued the agency report and discussed a new activity for the State Land Use Planning Agency managing the Nevada State Clearinghouse, a single point of contact for review of, and commenting on, NEPA projects. **Mr. Canfield** offered the Clearinghouse services to the members of SLUPAC as another way for counties to stay informed on projects that may affect them.

UPDATE ON THE STATUS OF THE SAGE-GROUSE – POTENTIAL LISTING BY THE US FISH AND WILDLIFE SERVICE AS A “THREATENED & ENDANGERED SPECIES”

Lee Turner, Nevada Department of Wildlife, gave a presentation on the agency’s efforts to address the potential listing of the Sage-grouse as an endangered species by the U.S. Fish and Wildlife Service (USFWS). The USFWS must make a determination on the potential listing of the Greater Sage-grouse population by September 2015 and the Bi-State Sage-grouse by September 2013. NDOW is actively involved with many other partners to address the potential listing of the bird.

A brief background on the Sage-grouse:

- Largest grouse in North America
- Males much larger than females
- Sagebrush obligate species - Sagebrush is primary food,- Also eats forbs and insects
- Migratory
- Faithful to breeding display sites (leks)
- “Landscape Scale” species vast life history needs
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Sage-grouse habitat:

- Summer and Late Brood
- Fall Transitional period
- *Winter* - Diet is exclusively sagebrush, Select by snow depth, hardness, topography and vegetation height and cover
- A *Lek* is a traditional display area where two or more male sage-grouse have attended in 2 or more of previous 5 yrs
- Occur in relatively open areas
- Range in size from 0.25 to 16 hectare
- Males display early morning and evening hours
 - 2.1 km from the lek to day use
- The period from March - June often represents higher mortality
 - In Idaho, 43% documented deaths occurred during this time frame

Nesting habitat:

- Landscapes usually dominated by sagebrush
- Nest under sagebrush shrubs.
- 70% under big sagebrush, 17% under black sagebrush
- Canopy cover between 15 - 50%.
- Sagebrush height averaged 46.4 cm (18 in)
- Mean distance of nest sites from lek where female was captured 3.4 - 4.6 km in Idaho and 4.0 km in Colorado.

Summer/Late Brood Rearing habitat:

- Riparian corridors, wet meadows, irrigated fields, alfalfa pivot
- Movement to higher elevation sites can occur
- Typically July through September
- In Nevada, elevated mortality has been documented during this time frame

Winter habitat:

- Often dominated by big sagebrush species
- Canopy cover varies from 6% to 43%
- Wyoming big sagebrush important during the winter
 - Use of mountain big sagebrush, black sagebrush and even low sagebrush has been documented.
- Aspect (south to southwest facing slopes) and use of lower elevation sagebrush habitats help sage-grouse find forage during the winter months.

Distribution:

Sage-grouse currently occupy approximately 56% of their historic range. Conversion of sagebrush shrub lands to agriculture, suburban development, highways, fire and pinyon and juniper expansion have resulted in reduced amounts of available suitable habitat. There are 61 separate Population Management Units identified within the Nevada and Eastern California Planning Area.

Nevada Population Status:

- Surveyed 738 leks in Nevada - 405 were active in 2011
- Observed a total of 7,755 male sage-grouse
- 2010 Production = 1.85 chicks per hen and nest success was estimated at 54%.
- 2011 Production = 1.43 chicks per hen and nest success was estimated at 52.4%

Western Association of Fish and Wildlife Agencies (WAFWA) guidelines recommend less than 10% harvest. Since 2004, the harvest has ranged from a low of 2.0% to a high of 7.1%. Total populations have ranged from a low of 107,601 to a high of 168,120.

U.S. Fish & Wildlife Service Threat Determination on all Endangered Species Act (ESA) Listings:

- Damage to, or destruction of, a species' habitat
- Overutilization of the species for commercial, recreational, scientific, or educational purposes
- Disease or predation
- Inadequacy of existing protection
- Other natural or manmade factors that affect the continued existence of the species.

The USFWS has identified the greatest threats as invasive species, infrastructure, wildfire, agriculture and grazing.

“In Nevada, the major threat to Sage-Grouse is habitat loss and fragmentation, and the main cause of that is the fire-invasive species cycle, which is cheat grass that displaces sage habitat after a fire.”

“Other major threats include encroachment of pinion pine and juniper, land development, lek and nest habitat disturbance, meadow degradation, grazing, and predators.”

Nevada Fish and Wildlife Office – State Supervisor

NDOW actions for Greater Sage-grouse:

National leadership roles

- Director is Chairman of National Sage-grouse Executive Oversight Committee WAFWA; Chairman of Bird Conservation Committee/Sage-grouse lead; on National Policy Team
- Staff on National Technical Team, Resource Management Team, and implementation teams.
- Developing Greater Sage-grouse habitat maps with threats overlaid
- Nevada Partners for Conservation and Development
 - On the ground projects
 - Guided by 2004 and updated bi-state action plan
- Local population management unit (PMU) lead
- Lead Governor's Sage-grouse Task Force
- Data Collection and management
- Research

Conservation Measures:

- Since 2001, NDOW involved with >27 sage-grouse specific habitat improvement or restoration projects consisting of;
 - 11 fire restoration projects;
 - 14 brood rearing or nesting habitat projects;
 - 2 habitat protection projects;
 - 2 long term research projects;

The total acreage treated = 71,348 acres at a cost of \$2.3 million dollars.

Brian Amme provided a BLM perspective with an emphasis on stakeholder involvement:

Land use planning effort:

- Planning will focus on occupied habitat on BLM and Forest Service lands and the identified threats.
- Resource Programs considered in the amendment process may include:
 - Minerals management
 - Lands and realty (e.g., ROWs, land exchanges)
 - Travel and transportation
 - Wild horses and burros
 - Livestock Grazing
 - Vegetation management
 - Habitat restoration
 - Wildland fire management (e.g., suppression, rehabilitation needs)

Amendment vs. Revision:

- An RMP revision is a comprehensive effort to revise and clarify management direction for all resource programs.
- Follows RMP development process and sets new management goals, objectives, allocations and prescriptions.
- Recent Revisions in NV are Ely RMP, Winnemucca RMP (in progress), Battle Mountain, Carson City, recently initiated.
- An Amendment is typically single issue-focused to address a resource use conflict issue or incorporate new or revised policy into an existing plan
 - e.g. National Wind Energy PEIS established a wind energy program for the agency and amended existing plans by adding Best Management Practices (BMPs) for wind energy development to land use plans
- An amendment may result in change to key allocations to resolve a plan conformance issue.

- e.g. Change Land Tenure from Retention to Disposal to allow a land sale.
- Programmatic Planning occurs at several levels.
 - National Programmatic Level (e.g. Wind, Geothermal, Herbicides, WWEC).
 - State-wide or Regional Programmatic Level (e.g. Coal-bed Methane in Wyoming/Colorado)
 - District Programmatic level (e.g. RMPs)
- Cooperating Agencies used extensively at the Tribal, State, and County level, including Resource Advisory Councils.
- High levels of coordination and interaction, local participation on ID Teams developing the resource management plan.
- BLM National and State Offices provide policy guidance and review.
- Planning decisions collaboratively developed by the local planning team and CAs.
- Up until now, BLM Planning has been traditionally at the District (local) level or at the National (broad) Programmatic level.
- The Director has stated that we need to do business differently for planning for the GSG strategy.
- Accordingly, a planning strategy was developed that addresses the issues at the Regional level to account for working with State Wildlife Agencies across the states and/or sub-regions for Consistency across the Range of GSG.
- Cooperating Agencies are typically at the State agency-level.
- State Office directs development of the plan amendments, as opposed to Districts or the National Office.
- District Offices provide review and data requests.
- District Offices provide liaisons or ID Team members on a State-wide basis.
- What is different from this new approach than amending a RMP for a project-level action?
- Districts will not be leading the planning effort.
- Districts have liaisons or 1 or 2 key resource specialists on the sub-regional ID Team.
- There are no local District ID Teams established for the planning process.
- Local IDT meetings with Districts will not occur.
- Districts will mostly respond to data requests.
- The Cooperating Agency relationship is established by regulation through the Council on Environmental Quality (CEQ) regulations under 40 CFR 1500-1508 governing the NEPA process (40 CFR 1501.6)

Opportunity for SLUPAC involvement:

- Update/briefings as needed – SLUPAC?
- Early reviews of range of alternatives and administrative drafts of the analysis documents prior to public release.
- States and Counties as Cooperating Agencies provide review for consistency with state and local plans and policies
- Provide review and expertise on any program areas within special expertise.
 - State: e.g. Wildlife and Habitat Expertise
 - County: e.g. Social and Economic issues.
- Without CA status, Counties and Agencies will review documents during normal public comment involvement.

Determine consistency with local plans:

Determining Plan Consistency is a 2-tier process.

- Tier 1: Chapter 1 “Consistency with State and Local Plans and Policies”

- State agencies and counties review proposal for consistency with their local plans. e.g. State GSG Conservation Strategy (State); Public Lands Policy Plans e.g. SB-40 and later revisions (County).
 - Inform BLM of whether or where proposal is consistent or inconsistent for a particular plan or policy.
 - The Federal Land Policy Management Act (FLPMA) requires BLM plans shall be consistent with State and local plans to the maximum extent consistent with Federal law.
 - BLM considers the information and documents consistency and inconsistencies in Chapter 1. There is no requirement that all inconsistencies be resolved up front, just disclosed.
- Tier 2: End of Planning Process before Record of Decision
 - Governor's Consistency Review (GCR) 60 Days by regulation and State Clearinghouse MOU.
 - For the areas of inconsistency that remain unresolved it is elevated to the Governor's level for resolution if the State considers the issue important enough to negotiate consistency with the BLM State Director and Director.
 - Changes to a plan as a result of the GCR is documented as a "Notice of Significant Change" in the Federal Register and incorporated into the plan and Record of Decision.

Virgil Arellano asked why hunting is allowed if the species has a low population. **Lee Turner** responded that history shows that "compensatory" hunting does not hurt the viability of the species. NDOW hunt counts for the last 10 years averaged between 3% and 7% of the total population and this is well within established viability guidelines. Also, hunting tag fees pay for restoration activities that benefit the bird.

Austin Osborne asked how grazing impacts the bird. **Lee Turner** responded that grazing is listed as one of the US Fish and Wildlife Service "threats", but targeted grazing can be beneficial.

Virgil Arellano asked why the new Governor's Greater Sage-grouse Advisory Committee may be excluding the Bi-State population, after a member of the audience asked that question. **Lee Turner** stated that although he could not speak to the advisory committee topic, he assured the group that NDOW was taking every measure possible to address both populations of the bird. A motion was made by **Virgil Arellano** and seconded by **Nancy Lipski** to seek clarification from the Governor's office. **Skip Canfield** stated that he would work on that and get back to the group.

Regarding the cooperating agency topic, **Brian Amme** asked how SLUPAC could have an elevated role in facilitating County dialogue. **Skip Canfield** stated that SLUPAC is unique because it is a mechanism to elevate the County voice to the State level. SLUPAC would not necessarily have cooperating agency status, but there could be a standing agenda item for NEPA issues whereby the counties could bring their issues to the meetings on any given project and any feedback or follow-up could then be addressed at the State level, to the potential benefit of the counties.

UPDATE ON THE DOUGLAS COUNTY LAND BILL

Jacques Etchegoyhen and **Dominique Etchegoyhen** presented the progress being made towards a potential land bill for Douglas County that would address the disposal of certain lands throughout the County and the creation of a wilderness area at Burbank Canyon. They have been facilitating the process and have held hundreds of public meetings and stakeholder outreach sessions.

The bill is locally developed, comprehensive federal legislation that will improve public lands management and help achieve Douglas County's long-term master plan goals for growth, conservation, and public recreation.

The measure would transfer federally owned cultural lands to the Washoe Tribe, transfer federal lands to Douglas County for water resource infrastructure and flood attenuation projects, improve the management of certain federally owned public recreation parcels including two parcels at Spooner Summit, address the proposed Burbank Canyons Wilderness Area, and provide for the sale of excess and difficult to manage federal lands in

the Carson Valley, ensuring that the sales proceeds are used locally to acquire conservation easements from willing landowners in Douglas County.

The Douglas County Conservation Bill carefully balances the County's development and planning needs with the protection of its cultural heritage, historical agricultural operations, floodplain lands, and natural resources. It will improve access to public lands, and will strengthen the ability of the U.S. Forest Service and the Bureau of Land Management ("BLM") to focus on their respective core responsibilities of forest and rangeland management.

This legislation represents a significant step forward in Douglas County's efforts to protect and preserve its rich cultural and natural heritage for current and future generations, and it is a prime example of how our community can benefit from working together. Quite simply the legislation empowers the County to proceed in meeting the goals adopted more than a decade ago in the BLM Final Plan Amendment signed by national head of that agency, Robert Abbey.

"This effort began many years ago," says Jacques Etchegoyhen of Legacy Land and Water, LLC. "In 1998, Douglas County worked closely with the BLM and the Nevada Delegation to develop federal legislation known as the Rural Lands Initiative or Lincoln- Douglas Exchange, which would have provided for the acquisition of conservation easements in Douglas County. In 2000, Congress passed legislation amending the Toiyabe National Forest Boundary so the BLM could acquire conservation easements in Carson Valley. And, in 2005, federal legislation was introduced to authorize the sale of several of the same Forest Service parcels we are addressing today."

This locally developed federal legislation will help preserve high resource value ranchland and further implement the goals adopted over the last 15 years by Douglas County in both the Master and Open Space Plans.

Varlin Higbee stated his concerns about county land bills and how the wording and intent can change once the bill draft gets back to Washington D.C. He used Lincoln County as an example. When that county's land bill was developed, the final outcome was very different than what Lincoln County envisioned, with three completely new wilderness areas and expansions to the others.

Jake Tibbitts stressed the importance of not only documenting roads, but also rights-of-way to ensure public access is maintained where it has been in the past. **Dominique Etchegoyhen** replied that these corridors have been reviewed, and in fact, the boundary of the wilderness leaves the roads out, to ensure access. The language in the bill specifically states that the boundary roads are to stay open.

Austin Osborne asked if there are any active mining claims in the area. **Dominique Etchegoyhen** replied yes and stated that the language includes allowance for access and continuation of any active claims that exist today. Same thing goes for any existing grazing permittees.

COUNTY PLANNING ISSUES

Due to time constraints, this item was cancelled.

PUBLIC COMMENTS (None)

COUNCIL MEMBER COMMENTS COUNCIL DISCUSSION AND RECOMMENDATIONS

Discussion with the group focused on the need to hold meetings at least twice a year, with the next meeting in early Fall, or possibly held concurrently with the NACO conference. Also, it was requested that if there are any Sage-grouse updates or NEPA-type projects that needed SLUPAC review, that one option would be to tele-conference in between scheduled meetings and e-mail summaries through the Clearinghouse.

LUNCH

Tim Dyhr, Vice President of Environmental and External Relations - Nevada Copper, presented the progress being made at the Pumpkin Hollow site.

Pumpkin Hollow

Location

- Pumpkin Hollow is located approximately 8 miles southeast of Yerington with future access off of Alt 95.
- Resource is located on patented claims within a contiguous 22 square-mile land package comprised of patented and unpatented claims.

Project History

- 1960: Discovered by US Steel using airborne magnetic surveys
- Up to 2001: Over 180,000 meters of drilling by US Steel, Anaconda, and other world leading mining companies discovers and delineates large copper and magnetite resources
- Up to 2001: Several economic studies were completed with extensive metallurgical, geotechnical and geophysical studies
- Pre-Nevada Copper expenditures on the property exceed USD\$50 million
- Acquired by Nevada Copper in 2005 with copper prices at \$1.40/lb
- Nevada Copper completed over 135,000 meters of drilling to date
- Collection of geotechnical, metallurgical, environmental and hydrological baseline data has been ongoing since 2006 to support permitting and feasibility efforts.
- Positive Feasibility Study completed in January 2012

Land Purchase

The Pumpkin Hollow project is located on private land, and patented and unpatented mining claims located on Bureau of Land Management administered federal lands. The City of Yerington proposed to acquire the Federal Lands and transfer the Federal Lands to the City. Nevada Copper has agreed to collaborate with the City to support the Land Transfer. If successful, the Land Transfer would convey all Federal Lands associated with the project from BLM jurisdiction to the City. This would allow the City to receive a portion of both property tax and Nevada net proceeds tax. It would also provide additional lands around the project for sustainable development, including current and long-term, post-mining commercial and industrial development, recreational opportunities, and expansion of community and cultural events. Subject to successful completion of the Land Transfer, all permitting would come under the jurisdiction of the State of Nevada and the City, with receipt of permits targeted for early 2013. The Nevada Congressional delegation introduced legislation in Congress. The City is requesting that House and Senate committee hearings be scheduled as soon as possible to assure timely hearing and passage of this legislation that is critically important to the City.

Highlights of the Feasibility Study

The Feasibility Study confirms the technical and financial viability of constructing and operating a 67,500 ton-per-day copper mining and processing operation at Pumpkin Hollow.

- The project development consists of a 60,000 ton-per-day open pit operation; and a 7,500 ton-per-day underground operation, feeding a single 67,500 ton-per-day concentrator;
- First production targeted for mid-2015, with a current mine life of 18 years;
- Proven and Probable Mineral Reserves of 4.29 billion pounds of copper; 952,000 ounces of gold and 27.3 million ounces of silver on the basis of drill data up to October 2010;

- Life-of-Mine ("LOM") metal production contained in concentrates totals 3.83 billion pounds of copper, 641,917 ounces of gold and 15.37 million ounces of silver.
- Potential for creation of hundreds of jobs.

ADJOURNMENT

The meeting was adjourned at 12:45pm and the field trip to Pumpkin Hollow commenced, to view the progress of Nevada Copper.

Respectfully submitted,

Skip Canfield
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) 684-2723. The recording will be retained for three years.