

STATE LAND USE PLANNING ADVISORY COUNCIL

MINUTES

May 29, 2009

At the following location:

Richard Bryan Building
Second Floor Conference Room
901 South Stewart Street
Carson City, NV 89701

Members Present

Pete Livermore, Carson City
Eleanor Lockwood, Churchill County
Rod Allison, Clark County
Robert Conner, Douglas County
Sheri Eklund-Brown, Elko County
Bill Kirby, Esmeralda County
Jake Tibbitts, Eureka County
Tom Fransway, Humboldt County
Varlin Higbee, Lincoln County

Don Tibbals, Lyon County
Glen Bunch, Mineral County
Butch Borasky, Nye County
Roger Mancebo, Pershing County
Austin Osborne, Storey County
Bill Whitney, Washoe County
Robin Bell, White Pine County

Members Absent

Mickey Yarbro, Lander County

Others Present

Jim Lawrence, Nevada Division of State Lands
Charlie Donohue, Nevada Division of State Lands
Skip Canfield, AICP, Nevada Division of State Lands (State Land Use Planning Agency)
Juan Guzman, Carson City Parks and Recreation, Open Space Program
Bruno Bowles, Southern Nevada Water Authority
Vinson Guthreau, Nevada Division of Environmental Protection
Mike Elges, Nevada Division of Environmental Protection
Michael Hampton, US Forest Service
Keith Halford, US Geological Survey
Mary Figarelle, Bureau of Land Management

CALL TO ORDER

Chairman Mancebo called the meeting to order at 9:05 AM and asked for self introductions. Upon completion, he asked for any corrections to the agenda. There being none, they were approved.

Chairman Mancebo called for any corrections to the January 30, 2009 meeting minutes. **Mr. Canfield** noted that he had received comments from **Vice Chair Eklund-Brown** and they were included in the updated draft. **Ms. Lockwood** moved for approval, seconded by **Mr. Borasky**, the motion carried unanimously.

AGENCY REPORT

Charlie Donohue provided a brief summary of activities related to the different sections of the Nevada Division of State Lands including the Nevada Tahoe Resource Team, the Question 1 Program and the State Land Office. He began by mentioning that the NDSL budget went through the legislative process, ultimately resulting in two position cuts, one of the two Senior Planner positions, and a Land Agent position. There were also cuts to the travel and training budgets. These cuts will result in the Division working under capacity, but all efforts are being made to work as efficiently as possible to serve the State. The Division received funds to update the State Lands data base, and project is underway. The data base will be interfaced with GIS. It is hoped that the new system will help alleviate some of the permit back log due to loss of staff. The Truckee

River floodwall project is underway on property of State Corrections and the Reno Indian Colony. Nevada Division of Forestry is transferring the Peavine fire station to the Sierra Fire Protection District. The National Guard Floyd Edsall facility in North Las Vegas is working with Nellis to expand solar infrastructure. Request for proposals for Round 10 of the Question 1 program closed in March. Thirteen proposals were received for a total amount of requested funds amounting to \$12.1 million. Ten of those projects were conservation easement projects. The technical advisory group will review the projects this Fall, since another bond sale needs to be worked out with the Treasurer's Office. The new Lake Tahoe Program Coordinator position has been filled. The Tahoe Team has been successful in obtaining SNPLMA funds for fuels reduction projects in the basin on NDSL's approximately 500 parcels "urban lots".

Skip Canfield continued the agency report and discussed ongoing SLUPA activities. **Mr. Canfield** provided the SLUPAC members with a copy of the Final Draft of the 2009 Austin Master Plan. This plan is a good example of the role that the State Land Use Planning Agency (SLUPA) has with local governments and citizen planners. The Plan was a grass roots effort facilitated by SLUPA utilizing volunteers from the community who had a vision of how they wanted to see Austin in 20 years. Over a 15-month period, the group worked on community surveys existing conditions inventories and policy development. They focused on unique challenges in town including an historic town plat that was a lot and block grid pattern that did not conform to topography. Over the years, homes and infrastructure have been built that do not correspond to the recorded map. This has created clouded title problems. The Plan has policies that address these issues and the next step will be ordinance changes and a new survey to rectify the situation. Also, with adopted policies in place, the community will be eligible to pursue grant to help fund the effort. **Mr. Canfield** also mentioned SLUPA's role in developing public land policy plans, a critical tool for counties to work with federal agencies in the review of development proposals on public lands. SLUPA assisted in the development and adoption of the Lander Plan in 2005, White Pine in 2007, Elko in 2008 and SLUPA is currently in process with Esmeralda and Lincoln Counties. Finally, **Mr. Canfield** provided the members with the 2009 SLUPA report to the Legislature.

Mr. Canfield concluded and asked for any questions.

Varlin Higbee stressed the importance of developing a public lands policy plan because it establishes county criteria to bring to the table when talking with federal agencies.

Mr. Kirby mentioned that it is important to identify lands that should not be released for development, if the community feels that it is a valuable resource as it is.

NDEP AIR QUALITY PROGRAM

Mike Elges, Chief of the Air Quality Program, Nevada Division of Environmental Protection made a presentation on the role of the Air Quality Program and how it is coordinated with local governments. The Air Program started in the early 1970's, born out of the State Health Division, correlated with the clean Air Acts of the 70's. The program has a staff of 55. The primary responsibility of the program is implementation of all federal and state air quality regulations. There are two bureaus within the program, Air Pollution Control, charged with inspection, permitting and compliance of facilities. The second is the Bureau of Air Quality Planning. This bureau includes monitoring functions and chemical accident prevention functions. The program's jurisdiction is statewide; however Washoe and Clark Counties have their own air quality programs pursuant to NRS. NDEP works in concert with them to ensure consistency. The Planning Bureau works with local governments to reach consensus on how to develop with air quality in mind.

Air quality statewide is generally good, with some challenges of attainment in Clark and Washoe counties. The goal of the program is to manage the resource so that as development occurs, the resource is not degraded. The Planning Program develops State Implementation Plans, submitted to Federal EPA, that show how NDEP is going about maintaining the resource as growth and development occurs.

NDEP has seen a dramatic increase in complaints from residents being impacted by dust. Ten years ago it was common to receive 30 complaints a year; today the number is approaching 1,000 complaints per year. NDEP has begun a campaign to work with local governments to try to get a handle on dust complaints, and to encourage local jurisdictions to develop dust control ordinances.

Mr. Elges concluded and asked for questions.

Pete Livermore asked how NDEP and TRPA work together on air quality issues in the basin. **Mr. Elges** responded that there is dialogue but also some challenges due to differing rules and regulations.

Bill Kirby asked about absentee land owners of large tracts of fallow agricultural land and if these lands are exempt from the regulations. **Mr. Elges** responded that they are not exempt (but they don't need to obtain a permit prior to disturbance as other uses must). The program is a complaint driven program, they won't know about a problem unless the compliance staff is alerted. Every complaint is responded to. NDEP works closely with the Conservation Districts as well to help address fallow lands. NDEP's first course of action is to contact the landowner to see if the problem can be mitigated. In many cases, the problems can be mitigated with the landowner, in some, they cannot. In those cases, the enforcement and penalty process commences.

Eleanor Lockwood asked how successful NDEP is in regards to dust issues on federal agency lands like the Fish and Wildlife Service or BLM. **Mr. Elges** responded that federal agencies are not exempt and NDEP has a very good working relationship with federal land managers.

Rod Allison referenced a good local dust ordinance: The Dry Land Farming Ordinance of Weld County Colorado. **Mr. Allison** asked if there was any way to link industrial development, land use planning and air quality. **Mr. Elges** said that a developer must have a plan that shows how dust will be controlled, Nevada has a zero tolerance policy on dust, and there must be a mitigation plan.

Butch Borasky referenced dust impacts in Pahrump from a dry lake bed in California. **Mr. Elges** responded that NDEP is conducting monitoring studies to determine the source of dust in Pahrump, and to see how much is naturally occurring from the dry lake bed and how much is coming from disturbed areas.

Sheri Eklund-Brown expressed concern about the zero tolerance policy NDEP has regarding fugitive dust and discussed the problems rural counties have with dust that is associated with the thousands of miles of unpaved roads. New residents move into an area with gravel roads, then complain about the dust, and expect the county to pave the road. There is no feasible way for a county to pave all of the roads, or even put down a dust palliative. Lowering the speed on the roads helps some but it is hard to enforce and difficult to get citizens to comply. Baseline information is needed on naturally occurring dust and she asked where NDEP is in determining this data. **Mr. Elges** responded that paving every road is not a practical option and there is no easy solution. If they get a complaint, they must respond, first by going to the landowner. In this case, the county owns the road so NDEP sits down with the county to determine mitigation. Solutions include chemical palliatives, gravelling portions of the road and slowing the speed limit down. Sometimes the county drops the rights to the road to avoid responsibility.

Don Tibbals said it is his understanding that you cannot haul primary water for dust control on roads. Where can a county find secondary water for dust control? NDEP mandates mitigation but does not offer any resources or other means to help the counties meet the standards.

Bill Kirby said that most county road budgets have been hit. Esmeralda County takes in 20% less revenue than it expends on maintenance. He suggested that creating an improvement district could pay for paving or other dust mitigation. **Sheri Eklund-Brown** added that the County Commission can create an improvement district but it can be overturned if 51% of the district property owners are opposed.

CONSIDERATION OF RESOLUTION ON SENATE CONCURRENT RESOLUTION 3

Tom Fransway requested a discussion and possible resolution in support of Senate Concurrent Resolution 3, which was adopted by the 75th session of the Nevada Legislature. SCR3 reads as follows:

SCR3: *Expresses disapproval of certain civil actions brought and maintained against the livestock industry and the Bureau of Land Management in Nevada.*

WHEREAS, *The Bureau of Land Management and various local ranchers in Nevada have been working cooperatively for several years concerning the issuance and renewal of grazing permits for grazing allotments in Nevada; and* **WHEREAS,** *As part of that cooperative effort, on the Hubbard Vineyard Allotment located near Elko, Nevada, the Bureau of Land Management and local ranchers have attempted to improve range conditions by reducing or revising the amount of grazing that occurs each year on the grazing allotment and otherwise exercising exceptional stewardship practices and cooperation between the Bureau of Land Management and the local ranchers concerning the grazing allotment; and*

WHEREAS, *Despite that spirit of cooperation and mutual approach to solving problems, civil actions have been filed and maintained concerning final multiple use decisions made by the Bureau of Land Management for the grazing allotment; and*

WHEREAS, *Although it is important to ensure that all applicable laws and regulations are complied with concerning the management of public grazing lands in Nevada, it is also important to encourage a spirit of cooperation and mutual approach to solving problems for all persons involved in the livestock industry in Nevada; now, therefore, be it*

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY

CONCURRING, *That the Nevada Legislature hereby expresses its disapproval of the civil actions brought and maintained against the livestock industry and the Bureau of Land Management in Nevada concerning final multiple use decisions made by the Bureau of Land Management for grazing allotments in Nevada for which significant cooperative efforts and grazing improvements have been made; and be it further*

RESOLVED, *That the Attorney General of the State of Nevada is hereby urged to take all available legal action in those civil actions to protect the interests of the State of Nevada in its rural communities and agricultural economy; and be it further*

RESOLVED, *That the Secretary of the Senate prepare and transmit a copy of this resolution to the Governor of the State of Nevada, the Attorney General of the State of Nevada, the Director of the Bureau of Land Management, the Chief of the United States Forest Service, the President of the National Cattlemen's Beef Association, the President of the Nevada Cattlemen's Association, the Executive Director of the Public Lands Council and each member of the Nevada Congressional Delegation.*

Mr. Fransway will be attending the National Association of Counties Conference and wants to address this concern at the national level and highlight the fact that this is a west-wide issue, not only in Nevada. The grazing permit renewal process has been crippled by these frivolous Western Watersheds lawsuits and represents a significant challenge to the very livelihoods and culture of western ranching families, and a heavy blow to an invaluable industry. The NEPA process has come to a standstill. **Sheri Eklund-Brown** added that Western Watersheds does not conduct any on-the-ground fieldwork, rather, they simply file blanket appeals that hurt all of the good ranchers. **Rod Allison** asked why these lawsuits are being filed. **Tom Fransway** responded that Western Watersheds wants all cattle off of the land. He also emphasized that the sage grouse thrives with grazing present. The Sage Grouse is severely impacted without grazing and when wildland fires prevail. **Sheri Eklund-Brown** added that cow hooves actually help establish vegetation by holding water runoff. **Pete Livermore** asked if the US Forest Service has the same concerns. **Juan Guzman** stated that the utilization of sheep for fuels reduction projects has so far been successful but there are worries that Western Watersheds will target that program next.

Sheri Eklund-Brown moved to support Senate Concurrent Resolution 3 by resolution and forward the resolution to the National Association of Counties as well as the Congressional Delegation. **Pete Livermore** seconded the motion and all were in favor. SLUPA staff was directed to draft the resolution for the Chairman's signature. The following is the signed SLUPA resolution:

RESOLUTION 2009-1

A RESOLUTION OF THE NEVADA STATE LAND USE PLANNING ADVISORY COUNCIL IN SUPPORT OF THE ADOPTED 75TH SESSION OF THE NEVADA LEGISLATURE'S SENATE CONCURRENT RESOLUTION #3 (SCR3) EXPRESSING DISAPPROVAL OF CERTAIN CIVIL ACTIONS BROUGHT AND MAINTAINED AGAINST THE LIVESTOCK INDUSTRY AND THE BUREAU OF LAND MANAGEMENT IN NEVADA.

WHEREAS, the State Land Use Planning Advisory Council advises the Division of State Lands on matters relating to land use planning, including the use of federal lands; and

WHEREAS, at their May 29, 2009, meeting, the State Land Use Planning Advisory Council reviewed and discussed Senate Concurrent Resolution #3 (SCR3), adopted and delivered to the Secretary of State; and

WHEREAS, the livestock industry plays an integral role in the State of Nevada's economy and culture; and

WHEREAS, the Bureau of Land Management and various local ranchers have been working cooperatively for several years concerning issuance and renewal of grazing permits for grazing allotments in Nevada; and

WHEREAS, frivolous civil actions have been filed and maintained concerning final multiple use decisions made by the Bureau of Land Management; and

WHEREAS, Nevada's and the West's livestock economy and culture are greatly threatened by these unfair lawsuits;

NOW, THEREFORE, BE IT RESOLVED, the Nevada State Land Use Planning Advisory Council supports Senate Concurrent Resolution #3; and

BE IT FURTHER RESOLVED, that the State Land Use Planning Advisory Council requests the Administrator of the Division of State Lands to forward this resolution to Nevada's Congressional Delegation and the National Association of Counties.

Adopted this 29th day of May, 2009 by the State Land Use Planning Advisory Council.



Roger Mancoba, Chairperson
State Land Use Planning Advisory Council

Sheri Eklund-Brown stated her desire to have SLUPAC pass a resolution in support of the 75th Session of the Nevada Legislature's adopted Senate Joint Resolution 2, which reads as follows:

SJR2: *Urging the Nevada Congressional Delegation and Congress to take certain actions concerning wilderness areas and wilderness study areas.*

WHEREAS, *The provisions of 16 U.S.C. §§ 1131 et seq., commonly referred to as the Wilderness Act, establish the National Wilderness Preservation System, which consists of areas of federal public lands that are designated by Congress as wilderness areas; and*

WHEREAS, *The Wilderness Act includes specific definitions and requirements for designating public lands as wilderness areas; and*

WHEREAS, *The provisions of the Wilderness Act and the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., provide for the study of certain areas of land to determine whether those areas, commonly known as wilderness study areas, are suitable for designation as wilderness areas; and*

WHEREAS, *In accordance with the provisions of the Wilderness Act and the Federal Land Policy and Management Act, the Bureau of Land Management of the United States Department of the Interior, in the late 1970s, conducted an initial inventory of approximately 49 million acres of public lands in Nevada to determine the suitability of those lands for designation as wilderness areas or identification as wilderness study areas and, in 1980, recommended that approximately 5.1 million acres of those lands be identified as wilderness study areas; and*

WHEREAS, *Although many of the areas that were not appropriate for designation as wilderness areas or identification as wilderness study areas have been released for multiple use under the Federal Land Policy and Management Act, the Bureau of Land Management continues to manage approximately 2.55 million acres of public lands in Nevada identified as wilderness study areas; and*

WHEREAS, *The residents of this State rely on the use of federal lands for mining, livestock grazing and recreation, and wilderness designations raise concerns regarding access to and use of public lands for economic development, fire suppression and recreation; and*

WHEREAS, *Decisions concerning whether to designate wilderness study areas as wilderness areas or to release those areas for multiple use are important and must be made in a timely manner and without any unnecessary delays so that those lands which are suitable for designation as wilderness areas may be afforded full protection as wilderness areas, and those lands which are not suitable for designation as wilderness areas may be released for use and management for the public good in accordance with law; now, therefore, be it*

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, *That the members of the Nevada Legislature urge the Nevada Congressional Delegation and Congress*

1. *To comply fully with the definitions and requirements found in the Wilderness Act in determining whether to designate public lands as wilderness areas or identify public lands as wilderness study areas;*

2. *To seek the release of wilderness study areas that have been determined by the Bureau of Land Management not to meet the requirements for designation as wilderness areas; and*

3. *To support the establishment of a schedule for the timely release of wilderness study areas that do not meet the requirements for designation as wilderness areas; and be it further*

RESOLVED, *That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further **RESOLVED,** That this resolution becomes effective upon passage.*

A discussion ensued about the importance of releasing lands to multiple use that are currently Wilderness Study Areas, and managed as de facto wilderness. **Varlin Higbee** cautioned that highlighting this might create more wilderness because of the strong environmental lobby in Washington D.C. **Roger Mancebo** stated that the issue is to urge Congress to release WSA lands back to multiple use as soon as possible. **Tom Fransway** commented that there needs to be a change in the Federal Land Policy Management Act to eliminate the no-sunset clause for WSA's.

Sheri Eklund-Brown moved to support Senate Joint Resolution 2 by resolution and forward the resolution to the Congressional Delegation. **Don "Tibbals"** seconded the motion and all were in favor. SLUPA staff was directed to draft the resolution for the Chairman's signature. The following is the signed SLUPA resolution:

RESOLUTION 2009-2

A RESOLUTION OF THE NEVADA STATE LAND USE PLANNING ADVISORY COUNCIL IN SUPPORT OF THE ADOPTED 75TH SESSION OF THE NEVADA LEGISLATURE'S SENATE JOINT RESOLUTION #2 (SJR2) URGING THE NEVADA CONGRESSIONAL DELEGATION AND CONGRESS TO TAKE CERTAIN ACTIONS CONCERNING WILDERNESS AREAS AND WILDERNESS STUDY AREAS IN NEVADA

WHEREAS, the State Land Use Planning Advisory Council advises the Division of State Lands on matters relating to land use planning, including the use of federal lands; and

WHEREAS, at their May 29, 2009, meeting, the State Land Use Planning Advisory Council reviewed and discussed Senate Joint Resolution #2 (SJR2), adopted and delivered to the Secretary of State; and

WHEREAS, the residents of Nevada rely on the use of federal lands for mining, livestock grazing and recreation, and wilderness designations raise concerns regarding access to and use of public lands for economic development, fire suppression and recreation; and

WHEREAS, decisions concerning whether to designate wilderness study areas as wilderness areas or to release those areas for multiple use are important and must be made in a timely manner and without any unnecessary delays so that those lands which are suitable for designation as wilderness areas may be afforded full protection as wilderness areas, and those lands which are not suitable for designation as wilderness areas may be released for use and management for the public good in accordance with law; and

NOW, THEREFORE, BE IT RESOLVED, the Nevada State Land Use Planning Advisory Council supports Senate Joint Resolution #2 (SJR2) and urges the Nevada Congressional Delegation and Congress to address the status of Nevada's wilderness areas as soon as possible and allow multiple uses on those lands that do not meet the intent of the Wilderness Act.

Adopted this 29th day of May, 2009 by the State Land Use Planning Advisory Council.



Roger Maffeo, Chairperson
State Land Use Planning Advisory Council

RENEWABLE ENERGY PROJECTS

Mary Figarelle, BLM, made a presentation on the large number of renewable energy projects, mostly solar and wind that BLM is receiving. Currently there are 38 wind applications (mostly met tower test phasing applications). The largest wind farm application is for 23,000 acres in Humboldt County. There are 69 solar applications, mostly in the southern third of the state. The largest application is for 30,000 acres in the Pahrump area. All of these projects are authorized through the BLM right-of-way NEPA process. A programmatic wind EIS exists already and the Washington office have begun the process for a programmatic solar EIS. This doesn't give blanket approval to the pending applications however, individual EIS's, EA's or categorical exclusions will still be needed for each project.

Robin Bell asked how large the footprint of the solar projects are. **Mary Figarelle** responded that typically the footprints are large, with the largest one currently proposed at 30,000 acres. She also mentioned that BLM requires a plan of development that includes the question, where will the facility get the necessary water? The burden of proof is on the applicant, and in many cases, the provision of water will be a difficult challenge. Another challenge is the transmission grid, which in many areas is too distant to make a project viable. **Robin Bell** asked who pays for the feeder lines that will run to the project. **Mary Figarelle** responded that it is part of the cost recovery of the proposal, if it is associated with the project, then the project proponent is responsible for those costs. Under the Cost Recovery Act, that is the way BLM managed their rights-of-ways. In addition, cost recovery is used to negotiate with the applicant as to the most inexpensive manner in which to proceed with the project. For Example, the applicant may choose to hire their own consultant to do the NEPA process, if it is more cost effective. BLM still reviews the documents for compliance with all codes plans and regulations. **Roger Mancebo** asked if the applicant must provide bonding for the project and the answer is yes.

Sheri Eklund-Brown asked about how the Federal Energy Regulatory Commission (FERC) interacts with the BLM process when they are the lead agency, and since FERC has less emphasis on resource issues and places more weigh on public need. **Mary Figarelle** responded that BLM and FERC do overlap, especially in the socio economic aspect of the BLM review process.

Jake Tibbitts asked about water usage for the solar projects. **Mary Figarelle** responded that it depends on the technology but it does take some water to clean off the lenses. Photovoltaic uses the least amount. The underlying limiting factor is the source of the water.

Bill Kirby expressed concerns about how long it takes to actually get a project on the ground and begin to have a positive economic benefit to the county. Budgets are tough and it not clear to industry or the county how long it will take to get a return on the money invested in these projects.

Rod Allison commented on the potential pressure to expand the SNPLMA disposal boundary to develop solar facilities. He said an interesting result of this could be a reduction in urban sprawl.

Austin Osborne asked about water for wind farms and mentioned a Storey County ordinance that addresses cleaning of the blades. **Mary Figarelle** commented that the approved plan of development would address that. **Mr. Osborne** also stated that Storey County wants to maintain Virginia City as a tourist attraction. How does BLM assess the character of the town in the NEPA process when reviewing wind farm proposals? How does BLM assess the possible impacts to the tourist economy? **Mary Figarelle** responded that this is a difficult issue, it depends on public support, documentation and BLM's desire to be consistent with the local master plan.

Bill Whitney mentioned that it takes a lot of water for the huge concrete foundations for these wind facilities. He also stated that Washoe County has a new wind farm ordinance. His stated that in the future, we will see smaller residential scale wind projects. The Public Utilities Commission now allows third party contracts, which will allow small scale panels on rooftops, installed by the utility and a contract for power. Washoe County has some of these panels on public office roof tops.

Sheri Eklund-Brown mentioned the Socioeconomic study done for Elko County by UNR – Doctor Harris. The study addressed the benefits of mining and grazing and this type of study should be considered for energy development benefits.

Tom Fransway asked, in regard to a multi-state project (like the Ruby Pipeline), what happens if the state directors have differing opinions. **Mary Figarelle** stated that one director is appointed as the final say, and decisions can be appealed to the IBLA.

Jim Lawrence commented that there have been a number of good projects that the State was in support of, but due to the fact that the BLM RMP for that area did not identify the lands for disposal, the projects died. He stressed the need to be proactive and identify important lands up front so that RMP updates can reflect the State's and county desired for beneficial development.

Charlie Donohue asked if BLM has seen an increase in geothermal applications. **Mary Figarelle** responded that there has not been a large number of geothermal applications, they simply do not compete with solar or wind in terms of energy production.

Mary Figarelle briefly discussed the Federal Land Transaction Facilitation Act (FLTFA), which expires on October 2010. There is pending legislation to extend FLTFA.

The Federal Land Transaction Facilitation Act (FLTFA), commonly called the "Baca Act", became law on July 25, 2000. It provides for the use of revenues from the sale or exchange of public lands identified for disposal under land use plans in effect as of the date of the FLTFA. In Nevada, the FLTFA does not apply to lands eligible for sale under the Southern Nevada Public Land Management Act, Santini-Burton Act, Mesquite Lands Act, or Lincoln County Land Act. The FLTFA also would not apply to lands identified for disposal after July 25, 2000, such as through a land use plan amendment approved after that date. The revenue derived from land sales is split between the State of Nevada (4%) for educational purposes or for the construction of public roads, and a special account available to the Secretary of the Interior and Secretary of Agriculture for:

- Acquiring in holdings within certain federally designated areas, or lands adjacent to those areas and containing exceptional resources. Of the funds used for acquisitions, 80% must be expended in the same state in which the funds were generated and 20% may be expended for acquisitions in any other state.
- Administrative and other expenses necessary to carry out the land disposal program under the FLTFA. Up to 20% of revenues from disposals may be used for this purpose.

She also mentioned the Recreation and Public Purposes Act (R&PP).

Over the past 40 years, Americans have expressed a dynamic and accelerated interest in outdoor recreation. Our expanding urban populations, increased mobility and leisure time, and higher standard of living have created a demand for more and better recreation facilities. By the same token, urban expansion and a growing population have increased the need for more public services, such as schools, community buildings, hospitals, and sanitary landfills, just to name a few.

Recognizing the strong public need for a nationwide system of parks and other recreational and public purposes areas, the Congress, in 1954, enacted the Recreation and Public Purposes Act (68 Statute 173; 43 United States Code 869 et. seq.) as a complete revision of the Recreation Act of 1926 (44 Stat. 741). This law is administered by the Bureau of Land Management (BLM).\

The act authorizes the sale or lease of public lands for recreational or public purposes to State and local governments and to qualified nonprofit organizations. Examples of typical uses under the act are historic monument sites, campgrounds, schools, fire houses, law enforcement facilities, municipal facilities, landfills, hospitals, parks, and fairgrounds.

Department of the Interior regulations for the Recreation and Public Purposes Act are found in Title 43 of the Code of Federal Regulations (43 CFR), [Parts 2740 \(Sales\)](#) and [2912 \(Leases\)](#).

What Lands are Covered by the Act?

The act applies to all Public Lands, except lands within national forests, national parks and monuments, national wildlife refuges, Indian lands, and acquired lands.

How much Land may be Purchased?

The amount of land an applicant can purchase is set by law. Whether the land is to be purchased or leased, the BLM will classify for purposes of the act only the amount of land required for efficient operation of the projects described in an applicant's development plan. Applicants should limit the land requested to a reasonable amount. Applicants will be required to first accept a lease, or lease with option to purchase, to assure approved development takes place before a sale is made and a patent (Government deed) is issued. Projects that may include the disposal, placement, or release of hazardous materials (i.e., sanitary landfills) may go directly to patent.

State Agencies:

A State or State agencies may purchase for recreation purposes up to 6,400 acres annually, and as many small roadside parks and rest sites, up to 10 acres each, as may be needed. In addition, any State agency may acquire 640 acres annually for each public purpose program other than recreation.

Other Political Subdivisions and Nonprofit Organizations:

Counties, cities, or other political subdivisions of a State and nonprofit organizations may purchase up to 640 acres a year for recreation purposes, and an additional 640 acres for other public purposes. These lands must be within the political boundaries of the agency or within the area of jurisdiction of the organization or, in the case of cities, they must lie within convenient access to the municipality and within the same State.

How Much Land may be Leased?

The Act sets no limitation on the amount of land that may be leased.

LUNCH BREAK

Chairman Mancebo adjourned the meeting for lunch at 12:15 pm.

MEETING CALLED TO ORDER

Chairman Mancebo reconvened the meeting at 1:30 pm.

US FOREST SERVICE LAND DISPOSAL, TRAVEL MANAGEMENT AND FOREST PLANNING UPDATE

Michael Hampton, US Forest Service, discussed Forest Service planning and land disposal matters. The US Forest Service is very different than the BLM when it comes to land disposals. The US Forest Service has very little authority to dispose of lands. The Forest Service does have authority for exchanges. Otherwise, it takes an Act of Congress. The most recent example is the Carson City Vital Community Act that swapped lands administered by Carson City for lands administered by the US Forest Service, all of which was consistent with an in-depth City-level master planning process.

Forest plan revisions:

The US Forest Service is behind schedule on its forest plan revisions. Due to planning rule litigation, the planning process has stopped. An updated rule has been published but there is no movement forward due to the risk of further litigation.

Travel management planning:

The 2005 Travel Management Rule requires all travel management planning be completed by December, 2009. A number of areas in Nevada have been completed (White Pine, Carson), others are pending (Nye, Eureka, Lyon, Mineral and Lander). Elko has had some missteps. The scoping document and mapping is done and new communication efforts are underway to review and edit the maps with more field trips and citizen input.

Sheri Eklund-Brown asked why Elko is different and is having difficulty. **Michael Hampton** replied that there are more miles of roads in Elko County as well as more stakeholders. The US Forest Service made a mistake by not seeking more input up front. **Sheri Eklund-Brown** stressed that there is a problem with closing US Forest Service roads that dead end up behind private property. This leads to the closure of entire canyons to the public.

Bill Whitney gave an example of success (Peavine Mountain) where the City and the US Forest Service worked with property owners and stakeholders to keep access open. Designated trail heads were added to the master plan.

Bill Kirby stated that Esmeralda County had a good experience with the US Forest Service in their travel management planning.

Bill Whitney said that Washoe County has a “presumed public roads” map. If a gate is put up by a landowner, Public Works has the authority to take it down.

Sheri Eklund-Brown said the problem in Elko County is that a large percentage of roads are shown on the planning maps as “closed”.

Juan Guzman said that the process in Carson for travel management planning began with a landscape analysis, then the travel management plan, then a suitability study. All were in agreement.

Jake Tibbitts asked what happens to a designated road if it is washed out. His concern is if there is no funding to repair the road, the new travel management plan may recognize the road as a trail or closed, simply due to the inability to maintain it. This is not fair to the citizens who have used the road for years. Also, the US Forest Service won't allow volunteers to repair the road themselves.

GROUND WATER PUMPING

Keith Halford, USGS made a presentation on ground water subsidence and showed examples of that phenomenon in the Las Vegas Valley and other places. Some historic photos showed the ground subsiding over 50 feet due to pumping. He explained that the more porous the soil types are, the less chance for subsidence. Clay soils have the highest occurrence of subsidence.

Land subsidence is the lowering of the land-surface elevation from changes that take place underground. Common causes of land subsidence from human activity are pumping water, oil, and gas from underground reservoirs; dissolution of limestone aquifers (sinkholes); collapse of underground mines; drainage of organic soils; and initial wetting of dry soils (hydrocompaction). Land subsidence occurs in nearly every state of the United States.

Overdrafting of aquifers is the major cause of subsidence in the southwestern United States, and as ground-water pumping increases, land subsidence also will increase. In many aquifers, ground water is pumped from pore spaces between grains of sand and gravel. If an aquifer has beds of clay or silt within or next to it, the lowered water pressure in the sand and gravel causes slow drainage of water from the clay and silt beds. The reduced water pressure is a loss of support for the clay and silt beds. Because these beds are compressible, they compact (become thinner), and the effects are seen as a lowering of the land surface. The lowering of land surface elevation from this process is permanent. For example, if lowered ground-water levels caused land subsidence, recharging the aquifer until ground water returned to the original levels would not result in an appreciable recovery of the land-surface elevation.

Land subsidence causes many problems including: (1) changes in elevation and slope of streams, canals, and drains; (2) damage to bridges, roads, railroads, storm drains, sanitary sewers, canals, and levees; (3) damage to private and public buildings; and (4) failure of well casings from forces generated by compaction of fine-grained materials in aquifer systems. In some coastal areas, subsidence has resulted in tides moving into low-lying areas that were previously above high-tide levels. The concrete base at the top of the well is above ground level because the land surface has lowered and the rigid well casing has not sunk.

In some areas where ground-water pumping has caused subsidence, the subsidence has been stopped by switching from ground-water to surface-water supplies. If surface water is not available, then other means must be taken to reduce subsidence. Possible measures include reducing water use and determining locations for pumping and artificial recharge that will minimize subsidence. Optimization models coupled with ground-water flow models can be used to develop such strategies.

Robert Conner mentioned that farmers are pumping more groundwater in Carson Valley due to the drought. What effects will this have? **Keith Halford** replied that not much subsidence occurs in Carson Valley due to the high ground water level as a result of the Carson River. Plus, Douglas County practices active water storage efforts. Diamond Valley is the opposite of Carson Valley, and is experiencing rapid groundwater depletion and potential subsidence. Mason and Smith Valleys are similar to Carson Valley. Areas where there is substantial clay are where ground subsidence has the highest incidence of occurring. **Sheri Eklund-Brown** asked how vegetation is impacted. **Keith Halford** responded that it is impacted when the water originally was close to the surface and the taproots are now disconnected from that source. He added that in the Spring Valley example, SNWA proposes to pump 80,000 acre feet per year, the valley is so big, it may be a long time before any impacts are noticed. **Bruno Bowles**, SNWA, clarified that the proposal is to pump 60,000 acre feet of groundwater and utilize an additional 30,000 acre feet of surface water. **Bill Kirby** said that it is difficult to tell how a valley will be affected because the impacts could take years to detect.

COUNTY PLANNING ISSUES

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

Rod Allison, Clark County:

The planning department has lost 12 positions, primarily due to retirement and not filling positions after people leave the department.

Possible layoffs of three enterprise fund positions.

Clark County is geographically divided into eleven planning areas. A department goal is to complete two major updates per year. The Dept. is currently completing major updates on the Enterprise and Spring Valley Planning areas.

The Department is also updating the Parks, Trails and Open Space Plan.

A Site inspection process has been established to review conditions of approval (such as landscaping) before certificates of occupancy is issued.

Sheri Eklund-Brown, Elko County:

County is fighting to keep the Fire Science Academy open in Carlin, only other similar facility is at Texas A&M
The rail port has broken ground, ruby pipeline project will be using the site for storage and off loading.

Eleanor Lockwood, Churchill County:

Navy has funds to continue the purchase of conservation easements surrounding NAS Fallon, to reduce threat of encroachment.

Master plan update has begun but there is a struggle to get citizen participation.

A benefit in Churchill is the fact that the county has had a planning commission and zoning since the 1970's.

Better communication and coordination needed between County and NDEP air quality planning to assist in appropriately locating industries with air emissions.

The geothermal benefit to the county needs to be maintained.

Waiting for stimulus funds to do water and sewer expansion projects, but there is a big cost to the county as well.

NAS Fallon air show coming in September.

Varlin Higbee, Lincoln County:

No development occurring in the county.

Development agreements on hold at Toquop.

Only active development at Coyote Springs is the golf course, there is a solar application submitted for the north end of Coyote Springs (4000 acres).

Public land policy plan and open space plan being developed.

LS Power transmission line to be built this fall.

Jake Tibbitts, Eureka County

Master plan update RFP out, will include water resources element.

Diamond Valley has 133,000 acre feet of permitted water rights, but the basin only has a perennial yield of 30,000. The valley is seeing groundwater decline by 2 feet per year.

No zoning in Eureka County.

Mount Hope Molybdenum Mine will bring drastic change to Eureka. 44-year project, 7000 gallons per minute consumptive use (12,000 acre feet). The county is pro mining but worried about growth impacts.

Looking to expand the current landfill. Since all adjacent land is BLM, the county is in the process of acquiring the land through R&PP.

Continued study of the Diamond Valley Flow System through the efforts of USGS funded by the county to understand the hydrologic dynamics of the flow system. This ongoing study is important to the county because the county wants to protect the limited resource and ensure that this resource will be used to the benefit of the county.

Continued water supply issues such as arsenic in municipal wells and adequate supply. The county is looking at arsenic remediation treatments and rehabilitation of springs above town that were historically used for water supply.

Working to establish county communities as Firewise Communities in order to spend Secure Rural Schools Title III funding.

Glenn Bunch, Mineral County:

GPS of roads are ongoing for US Forest Service travel management planning, County doesn't agree with existing Forest Service maps.

Sewer system upgrades proposed with the stimulus money.

Geothermal and solar projects being pursued.

Butch Borasky, Nye County:

Don Tibbals, Lyon County:

USA Parkway needs to be completed to US50.

\$165,000 in stimulus money has been received, but problem is the county needs a 100% match to use the funds.

No new house has been built in Dayton in 2 years.

No maintenance funds for parks.

Housing values have gone down 50%.

Bill Kirby, Esmeralda

The county is spending 25% more than it is taking in, the surplus will only last 3 years.
40% of its budget comes from the State distributive fund.
Pursuing geothermal development.
Pursuing transmission line through county from Las Vegas to forth Churchill.
Public land use advisory committee formed to develop public land policy plan.
Furnace Creek Road battle, access to White Mountains has been cut off.

Tom Fransway, Humboldt County:

The county's budget is ok, standing by for final Legislative actions.
Grass Valley cooperative agreement with City of Winnemucca for water.
The Star City association also received a combination of USDA grants & loans for about 1,400,000 in addition to the 200,000 CDBG grant .These two funding sources should be enough to cover construction costs to complete a much needed water system improvement project.

Bill Whitney, Washoe County

Continued layoffs are anticipated before the end of the fiscal year and, incentives to leave employment of the county are being offered to certain employees in order to reduce the workforce.
Washoe County is working through the process of utilizing stimulus money to put Solar panels on the roofs of the county administration building and some library buildings.
The county Parks and Open Space Department has been awarded close to 4 million dollars of stimulus money that will be used for burned area restoration on private property that is within the Truckee River watershed and close to the Reno/Sparks urban area.
The Reno Aces stadium has successfully opened and to all account is a huge success with local baseball fans.

Austin Osborne, Storey

Tahoe Reno Industrial Center now at 8 million square feet and 2900 employees.
USA Parkway and infrastructure has been completed to the Lyon County line.
NDOT traffic study predicts 180,000 employee trips per day at the USA Parkway/I-80 interchange. But county disagrees. County anticipates build out of 45,000 employees, 80 million square feet.
Great Basin Comstock Wind Energy project above Virginia City a concern. Wind energy ordinance for private and commercial development underway.
Hillside ordinance underway.
Problems in Virginia City with its grid pattern, creates clouded titles.
Lockwood electronic FEMA mapping has created problems, increased insurance rates.
VC sewer system replacement needed, hoping for stimulus funds.
Dark sky ordinance being developed.

Robert Conner, Douglas County:

Max Baer casino lost funding and the special use permit expired. 88/395 commercial development went bankrupt, only finished product is the hotel. Trying to make the budget stretch to keep the government working. Vacancies have not been filled in various agencies to keep the payroll expenses somewhat under control- 7 positions have been lost in the community development department as an example. We have seen a few more residential building permits for new construction – not many but better than the zero we saw for several months. We are still seeing some commercial construction permits – those have not really dropped off. We are working on a “lands bill” to accomplish a couple of purposes – one to make sure the money realized in the sale of BLM land in the north county is not put into their general fund, but go to conservation projects and easements as was originally negotiated with the county. The second is to transfer some remnant USFS lands to the County – small acreages surrounded by private land. Since the USFS does not sell land as does BLM the transfers need to be made via a lands bill. Finally, the County is still fighting with

FEMA on the map revisions and may have to take them to court. FEMA is using the same person who made the revisions to review and comment on the appeal.

Robin Bell, White Pine County:

Both coal-fired plants on hold, but major north/south transmission line corridor projects are proceeding.
Wind energy projects being pursued dependent on stimulus funds.
South Steptoe Valley Travel Management Plan going forward.
McGill Township boundary expanded.
Regional Planning Commission reviewing possible ordinance for wind energy usage.
Public concerns about plans for relocation of asphalt batch plant to the industrial park.
Visitation at Great Basin National Park was down 17%, but has improved this spring.
93 Steam Locomotive is up and running.
50 jobs (aprox) cut at the Robinson Mine.
Cave Lake State Park has expanded in size and would like the public's input on planning/improvements, etc.
FAA upgrades at the airport regarding fire department/safety regulations.
Fuels reduction projects ongoing in designated high priority areas.
Snake Valley Water Hearings postponed until 2011 (SNWA request).
Murry Springs water quantity dropping, Ely looking at restrictions.

Roger Mancebo, Pershing County:

Three mines are trying to open, stuck in the federal permitting phase.
Irrigation water is limited on the Humboldt.
Budget is ok, no layoffs.
262-home subdivision on hold.

PUBLIC COMMENTS (None)

COUNCIL MEMBER COMMENTS COUNCIL DISCUSSION AND RECOMMENDATIONS

Robin Bell asked that there be a standing agenda item on water planning.
Robert Connor asked about the status of the conference. **Jim Lawrence** responded that it is recognized that the conference is important, however with limited staff, it is very difficult to put on. **Eleanor Lockwood** asked if, in lieu of the conference, could SLUPAC meetings be focused on more intensive items, similar to what would occur at the conference, with panel speakers with multiple viewpoints and a balanced discussion. She added, for example, adding the State Engineer to the USGS groundwater pumping discussion.

FUTURE MEETING CONSIDERATIONS

ADJOURNMENT

The meeting was adjourned at 4:35pm.

Respectfully submitted,

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