



# **State Land Use Planning Advisory Council**

## **MEETING PACKET**

Wednesday October 18, 2023  
Stateline, NV

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NOTICE OF PUBLIC MEETING AND AGENDA FOR THE

# STATE LAND USE PLANNING ADVISORY COUNCIL

A public meeting will be held on:

**Wednesday October 18, 2023 2:00 PM**

At the following location:

**Tahoe Blue Event Center  
Turquoise Room  
75 U.S. 50, Stateline, NV 89449**

or

**via Microsoft Teams at  
<http://tiny.cc/SLUPAC-10-23>  
Meeting ID: 267 280 840 188  
Passcode: ivk9Nx**

**Phone: 775-321-6111  
Phone Conference ID: 925 912 440#**

Attendance to this meeting will also be available virtually. For this meeting the State Land Use Planning Advisory Council will be using Microsoft Teams, a third-party app, and does not control its technical specifications or requirements. Your ability to participate in the public comment portions of a meeting may be impacted by factors including but not limited to the type of device you use, the strength of your internet or cellular signal, and the company that provides your internet or cellular service. The State Land Use Planning Advisory Council is not responsible if you are not able to participate in a meeting through Microsoft Teams due to these or any other factors.

Public comment may be submitted via email prior to the meeting, please submit public comments to [scarey@lands.nv.gov](mailto:scarey@lands.nv.gov) by 4 PM on October 16, 2023. For questions or additional information, you may contact Scott Carey, State Lands Planner at 775-684-2723 or at [scarey@lands.nv.gov](mailto:scarey@lands.nv.gov).

**Please note that times listed are estimates.**

- 2:00 pm 1) Call to Order**  
Roll Call of the Council and Introductions of staff & guests.
- 2:05 pm 2) Public Comment**  
This is an opportunity for the public to provide public comment on any item included on the agenda or any other land use planning and any other related topic not included on the agenda. (Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda).
- 2:10 pm 3) Review of Agenda (For Possible Action)**  
(Agenda is reviewed for unforeseen circumstances such as the inability of a scheduled speaker to attend, to move an item to a different time during the meeting to accommodate a speaker, etc.)
- 2:15 pm 4) Approval of Meeting Minutes (For possible action)**  
  - Approval of minutes from the August 4, 2023
- 2:20 pm 5) Election of One Member to Serve on the SLUPAC Executive Council (For possible action)**  
The Executive Council (NRS 321.755) consists of four SLUPAC members and the Administrator of Nevada Division of State Lands and is charged with, upon request, resolving inconsistencies in land use plans between two or more adjacent or overlapping local governmental entities which cannot be resolved between them. There is currently one vacancy on the Executive Council for a term through 6/3/24. To the extent practicable, the members selected to serve on the Executive Council must be representative of the various geographic areas of this State. Each member of the Executive Council shall serve for 2-year terms. *Members - State Land Use Planning Advisory Council*
- 2:30 pm 6) County and Member Planning Updates (For Discussion Only)**  
Updates from SLUPAC members on planning and land use related activities within their areas of representation. *Members – State Land Use Planning Advisory Council*
- 3:20 pm 7) Douglas County Presentation (For Discussion Only)**  
Douglas County will provide the Council with a presentation about Transfer of Development Rights (TDRs) and other related issues within the county. *Members - State Land Use Planning Advisory Council.*
- 3:40 pm 8) Review of Statewide Land Use Planning Projects and Issues (For Discussion Only)**

The Council will receive an overview and update from staff of major land use planning projects and issues throughout Nevada. Following the update, the Council may discuss the projects and provide additional input to staff. *Members - State Land Use Planning Advisory Council*

**4:40 pm      10) State Land Use Planning Agency Update (For Discussion Only)**

Staff will provide the Council with an update on agency activities, SLUPAC projects, Federal public lands and other legislation, and other issues of interest to the Council.

**4:40 pm      11) Future Agenda Items (For Possible Action)**

The Council will discuss and recommend items to be placed on a future SLUPAC agenda. *Members – State Land Use Planning Advisory Council*

**4:45 pm      12) Scheduling of Future SLUPAC Meeting Dates and Locations (For Possible Action)**

The Council will discuss and recommend dates and possible locations for future SLUPAC meetings. Traditionally, the Council has met four times in a year and has held its meetings in various geographic areas throughout the State. *Members – State Land Use Planning Advisory Council*

**4:55 pm      13) Public Comment**

This is an opportunity for the public to provide public comment on any item included on the agenda or any other land use planning and any other related topic not included on the agenda. (Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda).

**5:00 pm      14) Adjourn (For Possible Action)**

*Members – State Land Use Planning Advisory Council*

**PLEASE NOTE:**

(I) Times listed for all items are estimates.

(II) Items on the agenda may be taken out of order at the discretion of the Chair; the public body may combine two or more items for consideration; and the public body may remove an item or defer discussion of an item on the agenda at any time.

(III) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Scott Carey in writing at the Nevada Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City, Nevada 89701 or by calling 775-684-2723 no later than October 16, 2023.

(IV) Meeting minutes and recordings of the meeting are available for inspection by the public within 30 working days after the adjournment of the meeting, the minutes and recordings are retained for at least five years in accordance with NRS 241.035(2).

(V) In accordance with Attorney General File No. 00-047 (April 27, 2001), as restated in the Attorney General's Open Meeting Law Manual, the Chair may limit or prohibit comments that are willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers.

(VI) Documentation and supporting agenda items are available on the Nevada State Clearinghouse Website at <https://clearinghouse.nv.gov> and on the SLUPAC Meeting website at <http://lands.nv.gov/land-use-planning/state-land-use-planning-advisory-council/slupac-meeting-agendas-and-minutes> and will be available at the SLUPAC meeting. For further information you may contact Scott Carey at 775-684-2723 or at [scarey@lands.nv.gov](mailto:scarey@lands.nv.gov).

Notice of this meeting was posted at the following locations:

Tahoe Blue Event Center, 75 U.S. 50, Stateline, NV 89449  
Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City, NV 89701  
Grant Sawyer State Office Building, 555 E Washington Ave, Las Vegas, NV 89101  
Nevada State Library and Archives, 100 N Stewart St, Carson City, NV 89701  
Nevada State Clearinghouse Website at: <https://clearinghouse.nv.gov>  
Nevada Public Notice Website at [www.notice.nv.gov](http://www.notice.nv.gov)

**STATE LAND USE PLANNING ADVISORY COUNCIL**  
**MEETING MINUTES**

August 4, 2023  
 Eureka Opera House  
 31 South Main Street. Eureka, NV 89316

**Members Present**

Jake Tibbitts, Eureka County (Chair)  
 Lorinda Wichman, Nye County (Vice Chair)  
 Hope Sullivan, Carson City  
 Jim Barbee, Churchill County  
 Sami Real, Clark County  
 Maureen Casey, Douglas County  
 Wilde Brough, Elko County  
 De Winsor, Esmeralda County  
 Mark Evatz, Humboldt County  
 Wallace "JR" Thomas, Lander County  
 Wes Henderson, Lyon County  
 Cassie Hall, Mineral County  
 Roger Mancebo, Pershing County  
 Kathy Canfield, Storey County  
 Jeanne Herman, Washoe County  
 Janet VanCamp, White Pine County  
 Marla McDade Williams, Nevada Indian Commission  
 Jacob Brinkerhoff, Nevada Association of Counties

**Members Absent**

Mike Reese, Lincoln County  
 Charlene Bybee, Nevada League of Cities & Municipalities

**Others Present**

Laurie Carson, White Pine County  
 Donna Bath, White Pine County Resident  
 Tye Morgan, U.S. Bureau of Land Management  
 Jeremy Drew, Resource Concepts Inc.  
 Megan Labadie, Nye County  
 Alex Tanchek, Silver State Government Relations  
 Rhiannon Scanlon, rPlus Hydro LLLP  
 Greg Copeland, rPlus Hydro LLLP  
 Joe Lednicky, University of Nevada Cooperative Extension  
 James Settelmeyer, Nevada Department of Conservation and Natural Resources  
 Dan Nubel, Office of Attorney General  
 Charlie Donohue, Nevada Division of State Lands  
 Ellery Stahler, Nevada Division of State Lands  
 Scott Carey, Nevada Division of State Lands

**1) Call to Order**

The meeting was called to order by **Jake Tibbitts** at 9:30 am. A roll call was held for members of Council and a quorum was established. Introductions were made by others who were present.

**Nevada Division of State Lands**

State Land Use Planning Agency  
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 Carson City, NV 89701

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[www.lands.nv.gov/land-use-planning](http://www.lands.nv.gov/land-use-planning)

Meeting Minutes August 4, 2023 – Eureka

**DRAFT**

## **2) Public Comment**

**Jake Tibbitts** called for public comment.

Marla McDade Williams made a public comment acknowledging that the meeting today was taking place on the ancestral lands of the Western Shoshone. Marla stated that the United States entered a treaty with the Western Shoshone in 1863. She stated that under the Treaty of Ruby Valley there were multiple bands of Western Shoshone who were affected and who lived in over 40,000 sq miles in this area. She stated that the Duckwater Shoshone Tribe has kids who attend school in Eureka, and that other nearby Tribes include the Ely Shoshone Tribe, the Battle Mountain Band of Western Shoshone, and the Elko Band of the Te-Moak Tribe of Western Shoshone.

Lorinda Wichman made a public comment stating that she will be retiring from Nye County on September 6<sup>th</sup> and that this will be her final Council meeting. Lorinda stated that she looks forward to spending time with her family and visiting her grandchildren and great grandchildren. She stated that her time on the Council has been phenomenal and that her time serving as Vice Chair has been very easy with Jake Tibbitts serving as the Chair. She introduced Megan Labadie who will be named interim Natural Resources Director by the county next month.

**Jake Tibbitts** called for additional public comment. There was no public comment, and the public comment period was closed.

## **3) Review of the Agenda**

Scott Carey with the Nevada Division of State Lands stated that there were no changes needed for the meeting agenda from the staff. There were no other changes to the agenda suggested by the Council. **Jake Tibbitts** stated that since there were no changes to make, then the Council will proceed with the meeting agenda as submitted.

## **4) Approval of Meeting Minutes**

**Maureen Casey** made a motion to approve the June 12, 2023 meeting minutes as submitted. The motion was seconded by **Jeanne Herman**. There was no discussion on the motion. There was no opposition to the motion and the motion was passed unanimously.

## **5) County and Member Planning Updates**

### **Hope Sullivan, Carson City**

Hope stated that Carson City is wrapping up amendments to its zoning ordinance that it has been working on for the past year. She stated that there is a Request for Proposals (RFP) that has been sent out seeking consulting services to help update the Carson City master plan. She stated that Carson City is working with developers and affordable housing providers to host a roundtable discussion as part of this year's update to the city's strategic plan. The focus of the roundtable is to get an understanding of the barriers associated with developing affordable and workforce housing in the community.

### **Jim Barbee, Churchill County**

Jim stated that Churchill County got through the flooding season pretty much unscathed. He stated that the county continues to work with the Bureau of Reclamation to seek reimbursement for the \$4.7 million that was used by the county to construct an emergency weir that was used to divert flood waters. He stated that with the new weir complete, the county can now divert all of the water out of the Lahontan Dam without flooding homes during a flood event. He stated that this weir will provide permanent protection to the county moving forward but that it does cause impacts to Navy training activities in the B-16 area.

Jim stated that the implementation of the county's lands bill has been set on the shelf while the county has been dealing with flooding. He stated that on Tuesday next week the Fallon Range Training Complex Intergovernmental Executive Committee will be meeting to discuss further implementation of the lands bill and expansion of the Navy's range. He stated that the county will be working with with the Bureau of Reclamation to transfer lands to the county that were included in the lands bill but were mistakenly identified as Bureau of Land Management (BLM) lands. He stated that there are different processes and administrative fees that need to be worked out between the Bureau of Reclamation and the BLM in order to transfer land to the county.

#### **Maureen Casey, Douglas County**

Maureen stated that under Nevada Revised Statutes (NRS) 376A there is a restriction on counties that use sales tax to purchase conservation easements. She stated that counties can now implement a one quarter percent sales tax by ordinance to purchase conservation easements. She stated that counties with a population of under 100,000 only have the ability to purchase conservation easements using this funding through September 30, 2029. She stated that its her opinion that this sunset provision within NRS should be removed because most of the counties across the state are under a population of 100,000. She stated that Carson City has been very successful purchasing conservation agreements using sales taxes and would like other counties to be able to utilize this program. She stated that Douglas County is going to be asking the voters to implement a sales tax to fund a conservation program during the next election. She stated that she would like to find a member of Legislature to carry a bill in the next session to remove the sunset provision from the NRS.

Charlie Donohue with the Nevada Division of State Lands asked Maureen is she has reviewed the legislative history to see what the intent behind the sunset provision in NRS was.

**Maureen Casey** stated that she has reviewed the legislative history when the NRS was last changed in 2011. She stated that she believes that the sunset provision was added into the NRS in the 1990's. She stated that there is not a sunset provision for the use of sales taxes to purchase conservation easements in counties with a population of greater than 700,000.

#### **Wilde Brough, Elko County**

Wilde stated that the county is going to open its new juvenile home soon. He stated that he has heard rumors of a large lands bill that involves the trade of Federal lands in the northeastern corner of the state. He stated that Congressman Amodei attended the last county commission meeting but did not have any information on this proposed land trade.

#### **De Winsor, Esmeralda County**

De stated that the Goldfield Days celebration is going to be held this weekend. He stated that the lithium mines are struggling to get open at this time. He stated that new Love's Truckstop has not opened yet and that the contractor has had issues obtaining concrete to complete the project.

**Jake Tibbitts** asked if Esmeralda County has implemented the \$0.05 per gallon fuel tax on diesel sales.

**De Winsor** stated that the county did implement the \$0.05 per gallon fuel tax on diesel sales before the Love's Truckstop started construction. He stated that the county for a long time did not have any tax on diesel fuel sales because the county only has one gas station in Fish Lake. He stated that he anticipates that the diesel fuel tax will be a big help to the county's road department budget.

#### **Mark Evatz, Humboldt County**

Mark stated that the construction of the Thacker Pass lithium mine and associated infrastructure continues to progress. He stated that the mine is also gearing up for the additional staff needed during future construction and that the county is preparing for additional contractors coming to the area. He stated that NDOT has

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completed improvements at the intersection of Highway 95 and the highway to the Thacker Pass mine to improve safety. He stated that the Thacker Pass mine continues to work on a sale or lease with the City of Winnemucca for land near the airport to locate its chemicals transloading facility and rail terminal. He stated that the land is owned by the city but is surrounded by county residents and that the county continues to be involved in this project.

Mark stated that the county has seen increased interest from companies looking to develop solar projects on public lands within the county. He stated that County Manager Dave Mendiola has announced his plans to retire from the county in the fourth quarter of 2024. He stated that the county is looking for a qualified individual to replace Dave upon his retirement.

Charlie Donohue with the Nevada Division of State Lands asked if the City of Winnemucca is looking to dispose of its airport property for the Thacker Pass mine transload facility or if was looking to enter into a long-term lease.

**Mark Evatz** stated that the City of Winnemucca has pursued a long-term lease of the property with the Thacker Pass mine. He stated that the city is looking to lease the property so that it can maintain involvement with the storing of the chemicals for public safety and environmental compliance. He stated that many county residents have been vocal with concerns and as well as support for the proposed facility.

**Wes Henderson, Lyon County**

Wes stated that the county got through its flooding issues relatively unscathed thanks to the County Manager, Staff, and Peri & Sons Farms. He stated that during the flooding season everyone worked together successfully to move a lot of dirt and prevent the City of Yerington from flooding. He stated that the County Commission voted to terminate its emergency declaration from the flooding at its meeting yesterday.

**Cassie Hall, Mineral County**

Cassie stated that the current level of Walker Lake is about 60% of normal and that the recent flooding in the region has boosted the lake's water supply. She stated that the County Commission is working on building relationships with the new regional BLM director. She stated that the new BLM staff has helped the county get permitting completed for some off-road races taking place within the county.

**Roger Mancebo, Pershing County**

Roger stated that the county is happy to see that the Rye Patch reservoir is almost full. He stated that hotel rooms in Lovelock are hard to find right now because of the expansion of the Coeur Rochester Mine. He stated that there are currently four hundred contractors that are working on the mine. He stated that the county is anticipating construction to start soon for new development in Lovelock including a Maverik gas station, hotel, brewery, and a casino.

Charlie Donohue with the Nevada Division of State Lands asked if the agricultural producers within the county have been getting their full allotments of water this year from the reservoir.

**Roger Mancebo** stated that all of the producers are receiving their full 3-acre feet of water allotments this year.

**Kathy Canfield, Storey County**

Kathy stated that the county has started the update for its master plan and has recently held two community meetings with more meetings scheduled later in the month. She stated that overall most residents are happy with the 2016 version of the master plan and that the county will be focusing on making updates to this plan and not any major changes. She stated that the county is working on completing a housing resource study which planned to start soon. She stated at last Tuesday's Board of County Commissioners meeting, the county

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received a presentation from NV Energy on the Greenlink West project. She stated the county has a lot of concerns with the project because of the impacts of the proposed transmission line across private land within the county. She stated that the county has questions about how the analysis for this project was completed and did not include impacts to private property. She stated that the county does not object to the concept of the project but does have some concerns over the proposed alignment of the transmission line. She stated that the county is still working on the drainage study for the Lockwood community. She also stated that the county is working with the Carson Water Subconservancy District on a drainage study for the Virginia City and 6 Mile Canyon communities. She stated that the county hopes to complete both of these drainage studies by the end of the fall.

Charlie Donohue with the Nevada Division of State Lands asked if Storey County was a cooperating agency on the Greenlink West project.

**Kathy Canfield** stated that the county is a cooperating agency for this project but that she requested that NV Energy provide the Board of County Commissioners with a presentation. She stated that project team was not making presentations to all the communities affected by the project and wanted to allow Storey County residents an opportunity to learn more about the project.

**Jeanne Herman, Washoe County**

Jeanne stated that the county is still trying to find a place for residents to practice target shooting and to help reduce the risk of wildfires. She stated that the county's only shooting range has recently been closed down and this has created an increased need for a safe location for residents to practice target shooting.

Scott Carey with the Nevada Division of State Lands asked if there was an update on the Ormat geothermal development project in Gerlach.

**Jeanne Herman** stated that his project is going to take a while, that the Burning Man project has filed a lawsuit against the project, and that the case won't be heard until December. Jeanne stated that after the lawsuit is decided the project may be reviewed by the county again.

**Janet VanCamp, White Pine County**

Janet stated that work continues on the Cave Lake dam and that if the weather holds up the project should be finished in November. She stated that the county is seeing a lot of renewable energy projects including projects near the airport. She stated that the county continues to experience housing issues similar to what is going on across the state. She stated that county is getting a new gas station soon which she believes may be a Maverik gas station.

**Marla McDade Williams, Nevada Indian Commission**

Marla stated at the end of the Nevada Legislative session, Elko County was given state funding to build a new school in Owyhee to replace the existing school. She stated that she was not too familiar with all the details of the bill but there were some concerns with the funding but ultimately Elko County is going to be able to build a new school for Owyhee. She stated that quite a few tribes throughout the state have been able to establish their own Tribal Historic Preservation Offices. She stated that there is an ongoing dialogue being led by the Inter-Tribal Council of Nevada (ITCN) between the Desert Research Institute and several tribes throughout the state. She stated that the ITCN applied for an EPA Climate Reduction grant that will incorporate tribes throughout the state. She stated that the ITCN was successful in securing grant funding that will be used to deploy broadband infrastructure to tribal communities across Nevada. She stated that mining company building the lithium mine at Thacker Pass is suing individuals who were involved in the recent protests at the mine site in civil court.

Charlie Donohue with the Nevada Division of State Lands asked where the Nevada Indian Commission is in the process of transiting into the Nevada Department of Native American Affairs. Charlie stated that he recalls that the Department will become effective July 1, 2024.

**Marla McDade Williams** stated that the Nevada Indian Commission through legislation this session will become a standalone department. She stated that initially the Commission was set up as an agency under the Nevada Department of Health and Human Services and then was moved over the Nevada Department of Tourism and Cultural Affairs. She stated that effective July 1, 2024, the Commission will become its own Department and the staff is busy going through the process of hiring additional staff and setting up a new Department. She stated that she believes that this new Department will help provide additional staffing resources and support for the Tribe's across the state.

**Jacob Brinkerhoff, Nevada Association of Counties**

Jacob stated that the Nevada Association of Counties will having its annual conference in Elko September 26-28 and encouraged members of the Council to attend. He stated at the conference there will be a Public Lands and Natural Resources panel on September 28<sup>th</sup>, featuring Jake Tibbitts, BLM staff, US Forest Service staff, and Nevada Division of Outdoor Recreation staff.

**Wallace "JR" Thomas, Lander County**

JR stated that the county has been lucky and that there have not been too many Mormon crickets that have come into Battle Mountain. He stated that Board of County Commissioners heard a presentation recently from developers who are looking to construct a hydrogen plant outside of Battle Mountain.

**Lorinda Wichman, Nye County**

Lorinda stated that Megan Labadie has started working on updating the county's habitat conservation plan. She stated the county has received interest from multiple agencies who would like to have habitat areas designated by the county. She stated that another factor driving this update is all of the many solar developments that are proposed throughout the county. She stated that she believes that the county's moratorium on accepting applications for solar development is working and that it is having an influence on developers. She stated that questions remain as to whether or not the county's moratorium on solar applications is legal but that she believes that the moratorium will provide county with some additional time to get caught up on the projects that have already been submitted for review. She stated that the county lost its recent attempts to prevent the NASA withdrawal of 23,000 acres of public lands within the Railroad Valley. She stated that Congressman Amodei continues to fight with NASA over this withdrawal of public lands on behalf of the county. She stated that the United States Congress was denied cooperating agency status just like Nye County was for the NASA Railroad Valley withdrawal.

Lorinda stated that the county continues to work on its lands bill and that the bill is in Washington DC awaiting introduction by the Nevada congressional delegation. She stated that the county lost between 10,000 to 20,000 acres of public lands with the approval of the Fallon Range Training Complex expansion. She stated that in addition to the loss of this public land, the highway between Gabbs and Highway 50 is being moved due to the Navy's expansion. She stated that the county is proposing its lands bill as a way to mitigate the impacts of the expansion. She stated that Congressman Horsford has a new staff member who is handling public land issues and the county looks forward to meeting with the congressman's staff soon on the bill. She stated that the new Love's Truckstop located near the county courthouse in Tonopah is going to open soon.

**Sami Real, Clark County**

Sami stated that the Board of County Commissioner unanimously approved the update to the county's zoning code earlier this week. She stated that Nancy Amundsen has retired from her position as the county's Director of Comprehensive Planning. Sami stated that she has been appointed as the county's new Director of

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Comprehensive Planning. She stated that the county has been busy catching up and reviewing the planning and zoning changes in state law that were made during the past legislative session.

#### **6) Eureka County Presentation**

**Jake Tibbitts** provided the council with a [presentation](#) about the about land use planning and other related issues within Eureka County.

#### **7) Review of Proposed Renewable Energy Rule and Approval of Comment Letter**

Scott Carey with the Nevada Division of State Lands provided an overview of the proposed renewable energy rule that was included as pages 7-9 of the [meeting packet](#).

Scott also provided an overview of the proposed comment letter that was included as pages 10-15 of the [meeting packet](#).

During the meeting the Council made several modifications to the proposed letter.

**Lorinda Wichman** made a motion to approve the letter with the changes as discussed at the meeting and authorize the Chair to sign the letter of behalf of the Council. The motion was seconded by **Cassie Hall**. There was no discussion on the motion. There was no opposition to the motion and the motion was passed unanimously.

#### **8) Recap of the 82nd Session of the Nevada Legislature**

Scott Carey with the Nevada Division of State Lands provided the Council with a recap of the land use planning related bills and policy items that was included as pages 16-35 of the [meeting packet](#).

#### **9) White Pine Pumped Storage Project Presentation**

Rhiannon Scanlon and Greg Copeland with rPlus Hydro LLLP provided the Council with a presentation on the White Pine Pumped Storage energy project that was included as pages 16-35 of the [meeting packet](#).

#### **10) State Land Use Planning Agency Update**

Scott Carey with the Nevada Division of State Lands provided the Council with an update of the activities of State Land Use Planning Agency that was included as pages 87-90 of the [meeting packet](#).

#### **11) Future Agenda Items**

Scott Carey with the Nevada Division of State Lands stated that at the next meeting the Council will need to appoint a new member to the Executive Council to fill the remainder of **Lorinda Wichman's** term. Scott stated that staff continues to keep an eye out for the proposed regulations from NDOW for their review of tentative map applications in accordance with AB 211. He stated that at the last meeting **Mike Reese** had suggested a future agenda item to review the wild horse emergency declarations that several counties have issued this year. He stated that in the past the Council also suggested a future agenda item to review inter-state coordination of land use planning projects.

**Wilde Brough** suggested a future agenda item to discuss a proposed land trade between the Federal Government and the Winecup Gamble Ranch in Northeastern Nevada.

#### **12) Scheduling of Future SLUPAC Meeting Dates and Locations**

Scott Carey with the Nevada Division of State Lands reminded the Council that the next meeting is scheduled for Wednesday October 18th at 2:00 PM in Stateline in conjunction with the Nevada State Planning Conference. Scott suggested that the Council should set the date for its first meeting in 2024.

The consensus of the Council was to hold its first meeting of 2024 the morning of Wednesday February 21, 2024 in Las Vegas, location to be determined.

### **13) Public Comment**

**Jake Tibbitts** called for public comment.

Mark Evatz made a public comment extending an invitation to everyone to visit Humboldt County on October 14<sup>th</sup> to view the solar eclipse that will be taking place at 9:30 AM.

Roger Mancebo made a public comment acknowledging the service of Lorinda Wichman on the Council. Roger stated that Lorinda has been a great asset to the State of Nevada and that she will greatly missed.

**Jake Tibbitts** called for additional public comment. There was no public comment, and the public comment period was closed.

### **14) Adjourn**

The meeting was adjourned at 12:47 pm.

Respectfully submitted,

Scott Carey

/s/

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. Meeting minutes and recordings of the meeting are available for inspection by the public within 30 working days after the adjournment of the meeting, the minutes and recordings are retained for at least five years in accordance with NRS 241.035(2). Anyone wishing to receive or review the recording may call (775) 684-2723.



Nevada Division of  
**STATE LANDS**

STATE OF NEVADA  
Department of Conservation & Natural Resources  
Joe Lombardo, Governor  
James Settelmeyer, Director  
Charles Donohue, Administrator

October 18, 2023

To: State Land Use Planning Advisory Council

From: Scott Carey, AICP, State Lands Planner

RE: Election of One Member to Serve on the SLUPAC Executive Council

The Executive Council (NRS 321.755) consists of four SLUPAC members and the Administrator of Nevada Division of State Lands. The Executive Council is charged with, upon request, resolving inconsistencies in land use plans between two or more adjacent or overlapping local governmental entities which cannot be resolved between them.

At the June 3, 2022 SLUPAC meeting, the Council appointed Sami Real (Clark County), Jim French (Humboldt County), Lorinda Wichman (Nye County), and Jim Barbee (Churchill County) to the Executive Council. At the February 3, 2023 meeting, the Council appointed Wilde Brough (Elko County) to fill the remainder of Jim French's term on the Executive Council. The appointments for the members of the Executive Council are for two-years with the current term expiring on June 3, 2024.

In August, staff was notified by Nye County that Lorinda Wichman was retiring from the county, and it will have a new representative on SLUPAC. In September, the Nye County Commission nominated Meghan Labadie, Administrative Technical Coordinator for the county's Nye County Natural Resources and Federal Facilities Department to be its representative on SLUPAC. Megan's replacement of Lorinda Wichman on SLUPAC leaves one vacancy on the Executive Council for a term ending on June 3, 2024.

NRS 321.755 (2) states that "To the extent practicable, the members selected to serve on the Executive Council must be representative of the various geographic areas of this State. Each member of the Executive Council shall serve for 2-year terms."

When Lorinda Wichman was appointed to the Executive Council two years, she was appointed by SLUPAC to provide geographic representation for Central Nevada (Lyon County, Mineral County, Esmeralda County, and Nye County) on the Executive Council.

**Recommendation:** *Staff recommends that the Council appoint 1 new member from Central Nevada to serve on the Executive Council for the remainder of a term ending on June 3, 2024.*



Nevada Division of  
**STATE LANDS**

STATE OF NEVADA  
Department of Conservation & Natural Resources  
Joe Lombardo, Governor  
James Settelmeyer, Director  
Charles Donohue, Administrator

October 18, 2023

To: State Land Use Planning Advisory Council

From: Scott Carey AICP, State Lands Planner

RE: Review of Statewide Land Use Planning Projects and Issues

Over the past couple of months, the Agency has been working with GIS staff within the Division of State Lands to develop a map to show the major land use planning projects and issues taking place throughout Nevada. As the Council is aware, Nevada continues to grow rapidly and is experiencing further economic development diversification. Along with this growth the entire state is experiencing new challenges to provide sufficient infrastructure and services for residents, adequately plan for and manage its public lands, and achieve land use planning goals and policies.

During the meeting staff will provide a high level of review of the major energy, growth and economic development, military, land withdrawals, threatened & endangered species, and transportation related projects and issues taking place. During the presentation staff will share information about these projects and issues and discuss how they are impacting land use planning statewide. A copy of the map staff will review during the meeting is available for review [HERE](#).

Following the presentation, the Council is encouraged to share any information about any land use planning projects or issues within their respective jurisdictions. The goal of this agenda item is to have a high-level discussion about what is going on throughout Nevada overall and how these projects and issues are impacting land use statewide. For the purposes of this agenda item the Council is asked to take a position on any specific project or issue but to share any information that may be helpful the Agency to better track and understand all the various activities taking place across the state.

**Recommendation:** *Staff recommends that the Council listen to the presentation about land use planning projects and issues across the State. Following the presentation, members of the Council are encouraged to share any information about land use planning projects or issues in their respective jurisdictions that they would like to have included on the map.*



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To: State Land Use Planning Advisory Council

From: Scott Carey AICP, State Lands Planner

RE: State Land Use Planning Agency Update

Since the August 4<sup>th</sup>, meeting the Agency has been working on and tracking various activities, SLUPAC projects, Federal public lands and other legislation, and other issues of interest to the Council. The purpose of this memo and agenda item to provide the Council with an update on the agency and provide an opportunity to answer questions or provide additional information.

- 1) NEPA Reform: Since the last Council meeting, the agency has been informed that Congress has enacted changes to the National Environmental Policy Act (NEPA) for the first time since the law was enacted in 1970. As part of the debt ceiling bill the Fiscal Responsibility Act of 2023 (H.R. 3746) that was passed in June, the bill makes several key changes to NEPA.
  - NEPA Mandate: The new law provides that an Environmental Impact Statement (EIS) must consider the “reasonably foreseeable environmental effects of the proposed agency action” and analysis of a “reasonable range” of alternatives that are “technically and economically feasible” for a project. The law also requires an agency to consider “any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative”.
  - New EA and EIS Deadlines: Under the new law an agency must complete an EIS no later than two years and complete an Environmental Assessment (EA) in one year.
  - NEPA Applicability: The new law provides clarification on what can qualify for a categorical exclusion and allows for agencies to adopt categorical exclusions from other agencies.
  - Agency Hierarchy: The new law includes a new strong lead agency role with provisions for joint lead agencies and authority to coordinate the preparation of an environmental document and related permits and authorizations. Also of note, the new law creates an appeal process for agencies who have been denied cooperating agency status on a project.
  - Applicant Prepared EA and EIS: The new law require that lead agencies prescribe procedures for project sponsors to prepare an EA or EIS under agency supervision.



- The legislation requires the lead agency to independently evaluate an environmental review document and take responsibility for its contents.
- Definition of Major Federal Action: The new law defines a Major Federal Action as “an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.” The new definition excludes Federal loan or loan guarantee programs where the agency has minimal involvement and does not control the outcome of a project.
  - Page Limits: Under the new law the maximum page limit for an EIS is 150 pages with an allowance of up to 300 pages in certain circumstances. The law limits an EA to be 75 pages. Appendices are not counted towards the page limit.

The changes to NEPA are outlined in Sections 321 to 323 of H.R. 3746 (Pages 29-37), a copy of the debt ceiling bill is available [at this link](#).

- 2) Proposed CEQ NEPA Regulation Changes: On July 28, 2023, the Council for Environmental Quality announced a Phase 2 Notice of Proposed Rulemaking—the “Bipartisan Permitting Reform Implementation Rule”—to revise its regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA). Part of the proposed regulations changes included changes to implement the amendments to NEPA by the Fiscal Responsibility Act of 2023 (Debt Ceiling Bill).

In September, Governor Lombardo led the effort by the Republican Governor’s Association to provide comments to the proposed changes. The Association submitted a comment letter that was signed by 19 Governors from across the nation expressing concerns over the proposed regulation changes. A copy of the association’s letter is available [at this link](#).

- 3) Federal Public Lands Bills: The Agency continues to track the progress of several Nevada specific public lands and natural resource Federal bills. As the 118<sup>th</sup> Congress and the Biden Administration begin their work, the Agency expects new Federal public land bills to move through the process or resurface over the next year. Below is a listing of the bills that the agency is tracking during the 118<sup>th</sup> Session.

Status of Legislation in the 118<sup>th</sup> Congress.

- Lake Tahoe Restoration Reauthorization Act (H.R. 1274) (S. 612) – [Congressman Amodei introduced the House version of this bill on 3-1-23. Senator Cortez Masto introduced the Senate version of this bill on 3-1-23.](#)
- Maude Frazier Mountain (H.R. 848) – [Congresswoman Titus introduced this bill on 2-21-23.](#)

- Nuclear Waste Informed Consent Act (H.R. 1051) (S. 404) - [Congresswoman Titus](#) introduced this this bill on 2-14-23. [Senator Cortez Masto](#) introduced the Senate version of this bill on 2-14-23.
- Wild Horse and Burro Protection Act of 2023 (H.R. 3656) - [Congresswoman Titus](#) introduced this this bill on 5-24-23.
- Public Land Renewable Energy Development Act of 2023 (H.R. 178) – [Congressman Mike Levin \(CA-49\)](#) introduced this bill on 2-21-23.
- Avi Kwa Ame National Monument – [On March 21, 2023, President Biden](#) issued a proclamation under the Antiquities Act to designate Avi Kwa Ame in Clark County as a National Monument. The new national monument spans approximately 506,814 acres of lands managed by the Interior Department’s Bureau of Land Management, Bureau of Reclamation, and National Park Service.
- Northern Nevada Economic Development and Conservation Act (H.R. 3173) – [Congressman Amodei](#) introduced this this bill on 5-10-23.
- Sloan Canyon National Conservation Boundary Amendment (S. 2042) – [Senator Cortez Masto](#) introduced this bill on 6-15-23. On 9-21-23, this bill received a hearing in the Senate Committee on Energy and Natural Resources and was passed out of the committee.
- Ruby Mountains Protection Act (S. 706) – [Senator Cortez Masto](#) introduced this bill on 3-8-23. On 7-19-23, this bill received a hearing in the Senate Committee on Energy and Natural Resources and was passed out of the committee.
- Apex Area Technical Corrections Act (H.R. 1504) (S. 1760) – [Congressman Horsford](#) introduced the House version of this bill on 3-9-23. [Senator Cortez Masto](#) introduced the Senate version of this bill on 5-30-23. On 9-21-23, this bill received a hearing in the Senate Committee on Energy and Natural Resources and was passed out of the committee.
- Nevada Test and Training Range modernization & withdrawal (H.R. 2670) – [In June, Congressman Amodei](#) has submitted an amendment to the National Defense Authorization Act providing for the modernization & withdrawal.
- Nullify NASA Withdrawal of Railroad Valley withdrawal (H.R. 3883) – [In June, Congressman Amodei](#) introduced a bill to nullify the BLM’s Public Land Order

7921 which withdrew 23,000 acres of public land in the Railroad Valley in Nye County. On 6-14-23, the bill received a hearing in the House Natural Resources Subcommittee on Energy and Mineral Resources and no action was taken.

- Withdrawal BLM Public Lands Rule (H.R. 3397) (S. 1435) – In June, Congressman John Curtis (R-UT-3) introduced a bill to require the Director of the BLM to withdraw the proposed Public Lands Rule. There is related bill (S. 1435) that has been introduced in the Senate that was introduced by Senator John Barrasso (R-WY) in May.

#### Other Potential Federal Land Bills

- Southern Nevada Economic Development and Conservation Act – No bill introduced yet.
- Carson City Public Land Correction Act – No bill introduced yet.
- Elko National Cemetery Act – No bill introduced yet.
- Truckee Meadows Lands Bill – No bill introduced yet. Discussion draft of the proposed bill has been circulated to stakeholders and public meetings have been held.
- Nye County Lands Bill – No bill introduced yet.
- Lyon County Lands Bill – No bill introduced yet.
- Sunrise Mountains/East Las Vegas National Monument – No bill introduced yet.
- Bahsahwahbee Swamp Cedars National Monument – No bill introduced yet.
- Historic Wendover Airfield National Monument. – No bill introduced yet.