

STATE LAND USE PLANNING ADVISORY COUNCIL
MINUTES

September 7, 2018
Lander County Administration Center
50 State Route 305
Battle Mountain, NV 89820

Members Present

Lee Plemel, Carson City
Michael Johnson, Churchill County
Sami Real, Clark County
Lorinda Wichman, Nye County (Vice Chair)
Jerrie Tipton, Mineral County
Jeanne Herman, Washoe County
Laurie Carson, White Pine County
Art Clark, Lander County
Don Alt, Lyon County
Nancy McDermid, Douglas County
Delmo Andreozzi, Elko County
Roger Mancebo, Pershing County

Members Absent

Jake Tibbitts, Eureka County (Chair)
Jim French, Humboldt County
Varlin Higbee, Lincoln County
Ralph Keyes, Esmeralda
Austin Osborne, Storey County
Sandy Hoover, NACO

Others Present

Lori Story, Nevada Attorney General's Office
Skip Canfield, State Land Use Planning Agency
Frank Whitman, Lander County
Keith Westengard, Lander County Manager
Cindy Benson, Fiscal Officer, Lander County
Dean Patterson, Churchill County (Alt)

CALL TO ORDER

The meeting was called to order at 9:30am and self-introductions were made. The Agenda was reviewed and approved.

PUBLIC COMMENTS

None.

AGENDA/APPROVAL OF MINUTES

The Draft Minutes of the June 1, 2018 meeting in Ely were approved as presented, motion by **Jerrie Tipton** and seconded by **Laurie Carson**.

ELECTION OF CHAIR AND VICE CHAIR FOR 2019

Jake Tibbitts was nominated to remain as Chair for 2019. Motion by **Laurie Carson**, second by **Art Clark**, all in favor. **Lorinda Wichman** was nominated to remain as Vice Chair for 2019. Motion by **Jerrie Tipton**,

second by **Delmo Andreozzi**. There were many accolades and appreciative comments regarding how lucky SLUPAC is to have such knowledgeable and effective leaders acting as Chair and Vice Chair.

RS2477 ROADS WORK SESSION

Lorinda Wichman led the discussion referencing the original SB 456 designating SLUPAC, NACO and the State Attorney General's Office to work together in developing a protocol for resolving RS2477 road status in Nevada.

During the discussion it was noted that due to unforeseen circumstances, the special RS2477 workshop in Carson City scheduled for August 29, 2018 in Carson City was postponed. (This workshop is rescheduled for Monday October 29, 2018 between 11:00am and 2:30pm).

A discussion ensued on the status of county RS2477 road inventory efforts.

Lorinda Wichman detailed the Nye County RS2477 protocol specified in their "Minor Roads Inventory Work Plan", first adopted in October 2011. The County Commission supported the creation of a team and a contractor whose work plan resulted in a GIS data collection system and the inventory and creation of a file of every RS2477 road in the County. The \$250,000 project resulted in 6,000 miles of inventoried RS2477 roads, completed in 2015. Since then, the County meets on a quarterly basis with the US Forest Service and BLM and there have been no conflicts since. If there is any issue, there is an established on-site verification procedure. She also mentioned the established inventory protocol includes photo documentation, historical mapping and literature (BLM pre FLPMA 1976 and US Forest Service pre 1906). Once the inventory is complete, the recorded map is sent to NDOT for acknowledgement. NDOT in turn sends the map to the Federal Highway Administration for verification.

Michael Johnson stated that Churchill County spent \$250,000 on their own three year inventory, a map was recorded and sent to NDOT for acknowledgement. In February 2016 the Board of Highway Commissioners adopted an RS2477 resolution establishing a "minor county public road" pursuant to NRS 403.170 and 405.191 and set forth in official County-inventoried road maps. Of note, the resolution specified that no maintenance is required on minor county roads, which is a criteria for RS2477 roads. **Lorinda Wichman** agreed with the fact that RS2477 roads are "maintained by use". Of further note, in Nye County, when an RS2477 road is washed out, for example, the County has an agreement in place with the BLM and US Forest Service to make repairs. However, if a county wants to do scheduled long term maintenance on an RS2477 road, the BLM Title 5 process will be required.

Jerrie Tipton stated that Mineral County's inventory map has been presented to the County RTC, Board of Highway Commissioners and finally the County Commission. Utilizing the older USGS maps was a big help.

Jeanne Herman said Washoe County has hired a consultant to do detailed drone mapping of all of the RS2477 roads. Next in the scope of work will be gathering of historical data and user affidavits.

Nancy McDermid said Douglas County has yet to begin their RS2477 inventory although the mapping is needed. She mentioned that many RS2477 roads in the Pinenut Mountains have been negatively affected by improper OHV use.

Laurie Carson said it has been a struggle in White Pine County to garner interest in mapping and historical documentation of RS2477 roads.

Art Clark stated that Lander County has completed mapping of their RS2477 roads and submitted the recorded information to NDOT. **Dean Patterson** mentioned that it is important to note on the maps that the information is not all inclusive and other roads may be added in the future.

Don Alt said Lyon County has not made progress towards mapping of RS2477 roads and needs motivation. He said that an aid to mapping should include State Engineer old allotment maps because those show roads.

Austin Osborne mentioned the court case in Storey County, "*Thomas v. Storey County Commissioners*". The dispute is over an RS2477 road and whether or not once land is privatized the right-of-way ceases. The private landowner wanted to block off a road that has been used for decades by the public. The judge stepped through RS2477 history and some of the standards to be made in designating a public right-of-way through RS2477 before ruling for the County. The importance here is that this case is Nevada-specific. The County had map documentation going back to 1867 and other back-up that helped defend the argument for RS2477 status, even though it must only be proven that the road has been in continuous use since five years prior to 1976.

Roger Mancebo stated that Pershing County needs to begin the mapping process.

Sami Real said Clark County has mapped all of their roads, recorded in 1979 by ordinance.

LANDER COUNTY'S EXPERIENCE WITH MINING NET PROCEEDS TAX REVENUE

Cindy Benson, Lander County Fiscal Officer, provided an update on how the mining net proceeds tax revenue has benefitted the County. For FY18, \$42 million was received, this figure is more than ten times the annual budget of \$4million+. The money was distributed to: Hospital (\$6.5 million), School District (\$9.5 million), and the remainder to youth facilities, technology, capital acquisitions, buildings and equipment. A major portion was spent on new water and sewer lines, the recreation center and courthouse.

COUNTY PLANNING UPDATES

Brief summaries:

Lorinda Wichman, Nye County:

Nye County is working closely with NAS Fallon and Nellis regarding the two proposed land withdrawal. Of importance is the potential removal of PILT (Payment in Lieu of Taxes) benefits that the County currently receives on those lands under "multiple use". Basin 162 Groundwater Management Plan has been approved.

Roger Mancebo, Pershing County:

A Water Plan element has been added to the Pershing County Master Plan.

Don Alt, Lyon County:

Drainage problems occurring in Dayton, coming out of the Virginia Range to the north. County is forming tax districts. Silver Springs water basin is 5X over allocated, there is a large subdivision planned that will have to address water constraints.

Nancy McDermid, Douglas:

County is advertising for a new County Manager. Addressing compatibility issues with vacation home rental properties.

Jeanne Herman, Washoe County:

TMWA estimate of 580,000 residents in Washoe County in 20 years, and Washoe County supports that figure. 260 homes must be elevated in the vicinity of Swan Lake as a result of continuing high water.

Jerrie Tipton, Mineral County:

New mine is open creating a housing shortage. Employee housing needed for 120 construction workers and 120 miners.

Draft Public Land Policy Plan is nearing completion.
Possible solar component planned for Ormat in Gabbs Valley.
Marijuana grow site planned.

Laurie Carson, White Pine County:

The City and County are coordinating a Main Street America program.
County is appealing the State Engineer's decision on the water pipeline and \$3million cost of monitoring.
County included in a class action suit to recover additional PILT revenues from 2015-2017.
New occupant (Med Ex Air) leasing 10,000 square foot hangar/office at the airport.

Art Clark, Lander:

County is undergoing large-scale paving/culvert/piping projects and building a water line to the airport.

Lee Plemel, Carson City:

Carson City is looking at affordable "Workforce" housing strategies as the cost of housing increases.

Michael Johnson/Dean Patterson, Churchill County:

The I-11 corridor alternative near Fallon is supported.
Fallon Airport Master Plan being developed.
Brady Hot Springs is being rehabilitated.
Ormat Geothermal at Tungsten Mountain is adding a solar component.
County is coordinating with NAS Fallon on the land withdrawal.
2,500 dwelling unit residential planned unit development (PUD) is moving forward north of town, west of US95.

Austin Osborne, Storey County:

An effluent pipeline (8,000 acre feet) has been approved with Truckee Meadows Water Authority to service the Tahoe Regional Industrial Center (TRI). An important component of the agreement is dedication of TRI water back to TMWA for Truckee River nitrate reduction. A special improvement district has been established at TRI to fund this project. A \$35 million State bond paid for the up-front improvements.

Blockchain has purchased 80% of the Tahoe Reno Industrial Center and is in the process of determining development plans and timing. The County is looking at the existing development agreement. Google is another large land owner and SWITCH has just completed its 1 million square foot facility, a first phase with more to come.

20-year timeline for proposed 5,000 home mixed use development at Painted Rock. At buildout, this would increase the County's population of 4,000 to 12,000. The adopted master plan supports this.

Lori Story, Attorney General's Office:

Proposed additional focus area of public lands management, specific to reclamation-related fuels management, grazing, fire.

COUNCIL MEMBER COMMENTS

COUNCIL DISCUSSION AND RECOMMENDATIONS/CHECK IN ON SLUPAC GOALS

The members acknowledged the focus areas for 2018-2020:

- RS2477 Roads Protocol (SB 456)

- County NEPA Consistency Review Assistance
- Public Land Policy Plan Update Assistance and Outreach

And recommended including new one:

- Public lands management, specific to reclamation-related fuels management, grazing, fire.

Next meeting will be Friday December 7, 2018 in Stateline, Douglas County.

PUBLIC COMMENT

None.

ADJOURNMENT

Due to the lateness in the day, the field trip to the Recreation Center was cancelled and the meeting was adjourned at 2:50 pm.

Respectfully submitted,

Skip Canfield

/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. Anyone wishing to receive or review the recording may call (775) 684-2723. The recording will be retained for three years.