

**STATE LAND USE PLANNING ADVISORY COUNCIL**

**MINUTES**

September 12, 2014

At the following location:

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301

**Members Present**

Lee Plemel, Carson City  
Eleanor Lockwood, Churchill County  
Nancy Amundsen, Clark County  
Jim French, Humboldt County  
Steven Stienmetz, Lander County  
Varlin Higbee, Lincoln County  
Virgil Arellano, Lyon County (Chair)  
Lorinda Wichman, Nye County

Austin Osborne, Storey County  
Vaughn Hartung, Washoe County  
Jerrie Tipton, Mineral County  
Dagny Stapleton, NACO

**Members Absent**

Laurie Carson, White Pine County  
Roger Mancebo, Pershing  
Jake Tibbitts, Eureka County (Vice Chair)  
Dr. Don Miner, Douglas  
Randy Brown, Elko County

**Others Present**

Charles Donohue, Nevada Division of State Lands  
Skip Canfield, Nevada Division of State Lands, State Land Use Planning Agency  
Richard Howe, White Pine County Commissioner  
Jim Garza, White Pine County Economic Development  
Jose Noriega, US Forest Service  
Rosey Thomas, BLM Ely

**CALL TO ORDER**

The meeting was called to order at 9:04 AM and self-introductions were made. A motion was made by **Jerrie Tipton** to approve the agenda. The motion was seconded by **Vaughn Hartung** and the agenda was approved with a majority vote.

A motion was made by **Nancy Amundsen** to approve the May 23, 2014 meeting minutes, seconded by **Jim French** and the minutes were approved with a majority vote and two abstentions (**Vaughn Hartung, Jerrie Tipton**).

**PUBLIC COMMENTS**

None.

**AGENCY REPORT**

**Charles Donohue** stated that the Division of State Lands (NDSL) budget had been submitted and gave a status on the regulation updates being made at NDSL regarding permitting of activities along the beds and

banks of navigable waters, to streamline the process for authorizing occupancy of State lands. Hearings will be held this Fall. He also mentioned that the TRPA Oversight Committee had met on the upgrades to the Marlette Water System and the Legislative Committee on Public Lands had heard a presentation from him on NDOW acquisitions and land bills.

**Skip Canfield** updated the Council on the status of the Assembly Bill 356 Nevada State Prison Steering Committee. The “AB356 NSP Steering Committee”, formed in September 2013, has been meeting for a year developing recommendations to preserve the Nevada State Prison (NSP) for use as a historical, educational and scientific resource for the State of Nevada. SLUPA was designated lead facilitator. The report and recommendations have been completed and the Committee is working with the Legislative Counsel Bureau on specific wording of potential Bill Draft Requests for the next Legislative session. The Committee is seeking sponsorship of at least one BDR that would establish an endowment account that would fund operation and maintenance of NSP activities through revenue generated there. Another potential revenue generator is the creation of an NSP license plate. The report is being printed by Department of Corrections and will be provided to the Legislature concurrently with any BDRs.

### **BLM/US FOREST SERVICE TRAVEL MANAGEMENT PLANNING**

**Jose Noriega** and **Rosey Thomas** updated the Council on travel management planning. There has been a “lack of information” issue on some USFS ranger districts and BLM districts. Most citizen concerns revolve around access to private and public lands, closure of roads and cherry stemming into wilderness areas. Early on there had been some poor mapping efforts on the Federal end but that has been mostly corrected. Enforcement is now taking place for the prohibition of travel cross country, travel must stay on mapped roads. A process has been put in place with the counties to identify problem areas and fix mapping mistakes. In early 2015 new, more readable maps will be released. **Lorinda Wichman** commented that Nye County has completed a 4 ½ year process that mapped 5,500 miles of roads. **Virgil Arellano** asked if there was a criteria for the selection of roads. **Jose Noriega** replied that there is criteria but the decision to leave a road open varies at the local level. **Vaughn Hartung** asked how road closures are enforced, and the response was, “difficult”. **Jim French** stated that he had worked with **Jose Noriega** when he was at the Santa Rosa district office and there were no issues. The USFS District Manager has discretion and there is flexibility in the criteria. **Virgil Arellano** commented that the Carson City District Manager disregarded Lyon County’s comments. **Jerrie Tipton** stated that Mineral County was not noticed until the final draft of the USFS Travel Management Plan was released. Groundtruthing was needed. Seems like each district manager operates differently.

**Rosey Thomas** stated that the discretion of the USFS line officer is critical, and the Ely USFS works well, BLM is copying that process. The new Ely BLM Resource Management Plan designates all lands as closed to motor vehicles unless designated open. BLM only enforces blatant infraction of cross country travel and within wilderness. The new plan is based on watersheds. A citizens-based working group identified all open and proposed closed roads and that involvement made a big difference. She stressed that the road criteria needs to be flexible and that their BLM travel management plans are unfortunately progressing slowly. **Jim French** was concerned that the emphasis on travel management planning is falling short.

### **WATERS OF THE US**

**Dave Gaskin** (Nevada Division of Environmental Protection, NDEP) discussed the EPA proposal to amend the definition of “Waters of the US” and clarify the jurisdiction of those waters. The proposal would redefine the scope of waters protected under the Clean Water Act (CWA), in light of the US Supreme Court cases *US vs. Riverside Bayview*, *Solid Waste Agency of Northern Cook County vs. US Army Corps of Engineers*, and *Rapanos vs. United States*. The proposed rule was developed to enhance protection of the nation’s public health and aquatic resources, and increase CWA program predictability and consistency by describing more clearly what waters are protected. The broadening of the definition will expand jurisdictions to many new areas that could impact the counties and the State.

There is a State-level lack of trust and feeling of disconnect with EPA and significant county-level concern. NDEP disagrees with the proposed changes. The State already has protections in place. The EPA states that all waters are connected and NDEP takes exception as this as too generalized of an approach. **Jerrie**

**Tipton** commented that her interpretation of the proposal could mean impacts to places as extreme as Mina Playa. Additional oversight by EPA is not needed. **Virgil Arellano** was concerned that all irrigation ditches could be included in the definition and **Dave Gaskin** echoed those concerns.

**Dagny Stapleton** stated that Nevada Association of Counties (NACO) is working with the counties to gather and express their concerns. She asked if NDEP will be submitting comments. **Dave Gaskin** responded yes, NDEP is aligned with the Governor and the Western Governors' Association in submitting comments. NDEP is trying to work with EPA to address the State's concerns but there has been a lack of coordination. **Charles Donohue** asked how the Army Corps of Engineers is involved and **Dave Gaskin** responded that the Corps is not playing a prominent part in the process. He stated that there needs to be a common sense approach where Federal jurisdiction does not increase and State's rights are not impacted. **Eleanor Lockwood** stated that the "one rule fits all" approach won't work with tributaries. **Jim French** stated concern that dry washes will be included in the new definition due to their "connectivity", and there is no way to define ephemeral waters. The definition would give the Federal agency jurisdiction over literally everywhere and affect water rights. **Charles Donohue** asked if the EPA is still proposing the inclusion of ephemeral water and **Dave Gaskin** responded that it is not clear. He stressed the need to eliminate wherever possible interpretation of the definition, it needs to be clear and narrow.

### **ECONOMIC DEVELOPMENT ACTIVITIES IN WHITE PINE COUNTY**

**Jim Garza** presented a summary of economic development activities in White Pine County. The County focuses on Economic, Community and Capacity development. Among the highlights:

The Gold Rock project will be developed 50 miles south of Ely that will be a new major employer. Wind power projects in Springs Valley commenced operation in 2012. Based on satellite vegetation mapping, there is at least 750,000 acres of pinion/juniper within a 50-mile radius of Ely that has the potential for biomass development. Ely Airport is a 1,800-acre master plan public facility. White Pine County Industrial Park phase 1 (160 acres) was patented to Ely by the BLM and infrastructure is complete. There is a 200-acre expansion potential in Phase 2. The county holds 1.3 million acres under leases for oil and gas exploration.

### **NORTH AMERICAN WATER AND POWER ALLIANCE**

**Virgil Arellano** discussed NAWPA, a proposed continental water management scheme conceived in the 1950s by the US Army Corps of Engineers. The planners envisioned diverting water from some rivers in Alaska south through Canada via the Rocky Mountain Trench and other routes to the US and would involve 369 separate construction projects. The water would enter the US in northern Montana. There it would be diverted to the headwaters of rivers such as the Colorado River and the Yellowstone River. **Jerrie Tipton** stressed her opinion that we need to manage our own water without pursuing imports.

### **BLM DISTRICT BOUNDARIES**

**David Pritchett** (BLM) could not attend but provided the following via e-mail:

The BLM District boundaries were formed in the 1930s as an outcome of Grazing Districts, then configured as a collaboration between cattle ranchers and US Department of the Interior, Division of Grazing (the precursor bureau to BLM).

"The Division of Grazing worked with local ranchers and governments to develop grazing policy and to determine grazing district boundaries. Nevada has six grazing districts. The BLM Field Office boundaries generally follow the grazing district boundaries. The Taylor Grazing Act was passed in 1934. Five of Nevada's grazing districts were established by 1936. The sixth, Battle Mountain, was established in 1951. To establish a grazing district, the majority of the stockmen in an area had to petition the Secretary of the Interior. At a meeting held in central Nevada in 1937, area ranchers decided they were opposed to the establishment of a grazing district. In 1951, the ranchers requested that a grazing district be formed. The Battle Mountain District was the last grazing district to be established in the West."

Council members discussed the problems that arise when the district boundaries do not match county boundaries. Nye County has multiple BLM districts within its boundaries and must work with different field managers who sometimes have varying local policies. A question was asked about pursuing district boundaries that match county lines and whether that would be creating more problems. **Virgil Arellano and Lorinda Wichman** suggested a good idea would be to first approach the Cattlemen's Association to get their position. **Varlin Higbee** said that grazing allotments tend to follow natural boundaries that do not coincide all the time with county boundaries.

### **NORTHERN NEVADA LAND CONSERVATION AND ECONOMIC DEVELOPMENT ACT**

**Virgil Arellano** discussed HR 5205 and requested a letter of support from SLUPAC to the Congressional Delegation, motion by **Jerrie Tipton**, seconded by **Lorinda Wichman**. The text of the letter read:

The Nevada State Land Use Planning Advisory Council (SLUPAC), wishes to express its appreciation for House passage of the Northern Nevada Land Conservation and Economic Development Act, House bill H.R. 5205. This legislation is of critical economic importance to those Nevada counties and respective communities represented in this legislation. H.R. 5205 exemplifies the efforts of local stakeholders, agencies and local governments in developing wise and sound practices in regards to land use for conservation and economic benefit. With passage in the U.S. House of Representatives, SLUPAC respectfully requests that the U.S. Senate prioritize the Senate version of this legislation for immediate action. Northern Nevadans recognize and appreciate the efforts of the entire Nevada Congressional Delegation for their efforts in supporting this legislation. Additionally, there is great concern that the timeline for passage in this session of Congress will expire without any action on this legislation.

On behalf of Humboldt County, Lyon County, Storey County and the Nevada communities of Elko, Fallon, Carlin, Yerington, and Fernley we urge you to take action and pass this legislation before the end of 2014. The economic parts of this bill will create much needed jobs, create economic benefits, as well as secure historical and recreational usage of certain federally managed public lands as well as implementing sound conservation programs. **Skip Canfield** was directed to formalized the letter and send it out.

### **COUNTY PLANNING ISSUES**

#### **Daggy Stapleton – NACO**

The Public Lands Task Force report was submitted to the Legislative Committee on Public Lands but was subsequently pulled by the Chairman, so it was not heard. A proposed BDR is moving forward.

#### **Lorinda Wichman – Nye**

Nye County Groundwater Management Plan completed. Solar Reserve facility operating successfully.

#### **Varlin Higbee – Lincoln**

Issue with lack of BLM wild horse gathers. Situation is so dire that the county may be forced to gather.

#### **Eleanor Lockwood – Churchill**

DFA Milk Factory is open.

#### **Nancy Amundsen – Clark**

Residential and resort construction increasing. First Solar facility having negative impacts on birds.

#### **Lee Plemel – Carson City**

2009 land bill has transferred land to Carson City.

**Austin Osborne – Storey**

Updated Comstock Mining special use permit has been approved. Tesla is coming to the county at the Reno Tahoe Industrial Park. USA Parkway will be pushed south to US 50 in Silver Springs.

**Jim French - Humboldt**

Western Lithium facility being developed. County has a concern about impacts resulting from desert land entries (DLEs). DLE changes the classification of the property, allotments may be lost to agriculture. Issue is protecting existing rights when BLM processes a DLE.

**Vaughn Hartung - Washoe**

County optimistic about Tesla.

**PUBLIC COMMENT**

None

**COUNCIL MEMBER COMMENTS**

**COUNCIL DISCUSSION AND RECOMMENDATIONS**

The next meeting will be December 12, 2014 in Reno, concurrently with the special meeting of the Central Nevada Regional Water Authority.

**ADJOURNMENT FOR FIELD TRIP**

The meeting was adjourned at 1:30pm for field trip to the new White Pine County Aquatic Facility.  
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.