

**State Land Use Planning Advisory Council**

Council Meeting Minutes

September 27<sup>th</sup>, 2019

9:00 am – 12:00 pm

Northern Nevada State Veterans Home  
36 Battle Born Way, Sparks, Nevada 89431

**MEMBERS PRESENT**

Art Clark, Lander County  
Bill Calderwood, White Pine County  
Jake Tibbitts, Eureka County (Chair)  
Jim Barbee, Churchill County  
Jim French, Humboldt County  
Jeanne Herman, Washoe County  
Kathy Canfield, Storey County  
Lee Plemel, Carson City  
Lorinda Wichman, Nye County (Vice Chair)  
Roger Mancebo, Pershing County  
Sami Real, Clark County

**MEMBERS ABSENT**

Austin Osborne, Storey County  
Delmo Andreozzi, Elko County  
Don Alt, Lyon County  
Garth Price, Mineral County  
Nancy McDermid, Douglas County  
Ralph Keyes, Esmeralda County  
Varlin Higbee, Lincoln County

**OTHERS PRESENT**

Charlie Donohue, Division of State Lands  
Ellery Stahler, Division of State Lands  
Tori Sundheim, Nevada Attorney General's Office

**CALL TO ORDER**

The meeting was called to order at 9:02am and self-introductions were made.

**PUBLIC COMMENTS**

Charlie Donohue, Administrator of the Nevada Division of State Lands addressed the vacancy of the Division's Land Use Planner position and apologized for the delay in conducting this meeting. Charlie expressed his hope that this meeting will help keep the Commission on track for scheduling future meetings.

**AGENDA**

The agenda was reviewed by the Council. **Jake Tibbitts** made a motion to approve the agenda as submitted, the motion was seconded by **Lee Plemel**. The motion was approved.

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State Land Use Planning Agency  
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## **NOMINATIONS AND APPOINTMENTS**

Ellery Stahler, Deputy Administrator of the Nevada Division of State Lands noted that there are a few members whose appointments are expiring 2019 and some who have already expired. Ellery then presented a slideshow outlining the appointment process and all pertinent information and forms to be completed by each SLUPAC member. **Jim French** pointed out that **Don Alt** is not active. Charlie Donohue added that **Nancy McDermid** turned down her election but advised she would still serve as a representative of Douglas County. Charlie stated it is up each county to select the members who will serve to the end of their appointed term or not. **Jake Tibbitts** noted that these positions are Governor appointed and each member would either have to resign from their position or complete their nominated term. **Kathy Canfield** asked how the Council will handle alternates for members who cannot be present in meetings. Charlie Donohue suggested adding the issue of alternates to a future meeting agenda, after Tori Sundheim, the State's Deputy Attorney General, and other members of the Council have reviewed the State's laws and the Council's bylaws. After Ellery's presentation, **Jim French** pointed out that this appointment process is similar to his experience with appointment of the Indigent Accident Fund's board process, and that he had a difficult time getting calls returned and submitting the required paperwork. Jim further noted that it is likely that SLUPAC members will have the same issues. **Lorinda Wichman** added that she had the same issues as Jim. Ellery stated that the strategy should be to get all paperwork completed and submitted at the same time to hopefully avoid these issues.

## **COUNTY PLANNING UPDATES**

Brief summaries:

**Lorinda Wichman**, Nye County:

Lorinda stated that Nye County is facing a grazing issue in the Reece River Valley and a plan needs to be brought to the County Commission. The US Fish and Wildlife Service put Lahontan Cutthroat Trout in the Reece River and ranchers in the Reece River Valley Western Watersheds have filed a lawsuit against the USFWS who are now claiming that it's an endangered species habitat. **Jim French** added that this is a topic that the Council should discuss, including looking into the Species Management Plan, and also stated that the Lahontan Cutthroat Trout is a threatened species, not endangered. **Jake Tibbitts** stated that there is a lot happening in Nevada counties related to the Lahontan Cutthroat Trout and how to move forward with stakeholder engagement. Jake added that it is important for SLUPAC members to stay informed on this topic. **Jim French** stated that NDOW was approached by the USFWS to come up with a plan. NDOW did meet with Stakeholders to come up with recovery criteria but the Species Management Plan was reopened to negotiations. Charlie Donohue asked how many grazing allotments will be affected by this, to which **Jim French** responded an analysis was conducted and found 86 will allotments will be affected. **Jake Tibbitts** suggested adding this issue to a future Council agenda for further discussion.

**Art Clark**, Lander County:

Art advised the Council that Lander County has many updates, such as extending county infrastructure, water and sewer. The county has a project in place to implement a walk and bike path. There is a ball field currently on the drawing board that will consist of 5 fields which can be adjusted to play different kinds of baseball, and minor alterations can be made create soccer fields. Art stated that two new roads have recently been opened in Lander County. Art reported that Lander County is looking to implement \$40 million in projects in the future. Art added that NDEP will be monitoring four different areas and will be making efforts to map out an onsite filtration system. **Jake Tibbitts** noted that septic and deep well issues have become apparent in many rural counties and he would like to see this become an agenda item for a

future SLUPAC meeting. Charlie Donohue suggested inviting Nevada Department of Environmental Protection and Nevada Division of Water Resources staff to a future meeting to discuss and present on groundwater monitoring.

**Kathy Canfield**, Storey County:

Kathy stated that Storey County is facing flooding issues and has been attending meetings with FEMA to conduct hazard identifying assessments along the Truckee River. She advised that there is critical infrastructure in the flood plain and the County is working to ensure all mapping is correct. Kathy added that Storey County also working with the Army Core to look at emergency action plans in the event that such a plan is needed.

**Jim French**, Humboldt County:

Jim advised that Humboldt County is in the final stages of revising the county's master plan, which involves RS2477 roads. There is currently a contractor working for the county on legal descriptions for 8,000 miles of roads in Humboldt County to establish RS2477 eligibility. Jim added that the Targeted Grazing Program has recently been implemented and, although it has been challenged in court, it's important from a planning perspective to identify targeted grazing plans in relation to wildfire management. Jim stated that wild horse and burro issues are affecting public and private lands and that he would like to discuss this with the Council at a future meeting. Jim stated that NDOT has been asking questions in relation to this issue and its presence on Highway 50.

**Bill Calderwood**, White Pine County:

Bill stated there is a lack of housing in White Pine County and that the mines are struggling to employ full crews due to this housing deficiency.

**Jim Barbee**, Churchill County:

Jim reported that Churchill County's RS2477 mapping process has been completed and that the County will be starting its master plan update process. Jim also advised that a Request for Proposals is going to be released to find a developer to build multi-family housing and workforce housing in Churchill County as they are also experiencing a lack of housing. Jim stated that the land for this project will be the County's contribution to the project. Jim stated that Churchill County is looking at working with FEMA to conduct flood re-mapping in the County below the dam. Jim further stated that the BLM is doing flyovers and that the County will work with involved agencies to determine the impact of any mapping changes. Jim then discussed the Fallon Range Training Complex consolidated request, noting that it should be finalized in August at the latest. Jim stated that Churchill County has created a consolidated mitigation proposal to bring to Congress. Jim added that they are working on language to present to the Department of Defense, and that there will be more information to present to SLUPAC at future meetings **Jake Tibbitts** suggested that SLUPAC set up a special meeting or conference call to determine if SLUPAC should "sign on" to this issue as, per statute, this is a process that the Council should be involved in.

**Roger Mancebo**, Pershing County

Roger advised that the Bureau of Land Management signed the \$80 thousand participant cap, noting that they typically end up with \$10-20 thousand more.

**Jake Tibbetts**, Eureka County:

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Jake stated that planning and land use issues in Eureka County are typically related to Federal land. Jake informed the Council that the Diamond Valley Groundwater Management Plan was approved by the State Engineer in January. Jake added that the plan is under various stages of appeal, which was to be expected, and that no stay or injunction has been placed on the plan. Jake stated that Diamond Valley is the “poster child” of mismanaged water and that the valley provides two-thirds of Eureka County’s water. Jake reported that the Environmental Protection Agency has been in the Town of Eureka for the past four to five years remediating lead and arsenic contamination issues. Jake also noted that the Town of Eureka has limited land use regulations and that in order to be compliant with the EPA, some institutional controls had to be implemented. Jake stated that these controls will be regulated by the County.

**Lee Plemel, Carson City:**

Lee reported that Carson City is still interested in the RS2477 process. Lee added that the District Attorney’s office has right-of-way access to public lands and is figuring out how to formalize the legal access to public lands.

**Sami Real, Clark County:**

Sami stated that there has been a push for affordable and attainable housing in Clark County and that the county is beginning to direct efforts towards addressing this issue. **Lee Plemel** added that the definition of affordable housing was changed in the last Legislative session under SB 473. Charlie Donohue noted that this may be a topic for a future SLUPAC meeting as it seems to have an effect on all of Nevada’s counties.

**Charlie Donohue, Division of State Lands:**

Charlie reported that as of September 1, 2019 State Lands has implemented a new fee schedule for all permits relating to navigable waters on Nevada’s State Lands. Any revenue collected by the Division of State Lands in excess of \$65,000 will be put into an account dedicated to the preservation and restoration of the Lake Tahoe environment. Charlie stated that the new fee schedule and all pertinent information is live on the State Lands website. Charlie added that work is starting on the Truckee River Industrial Center GID pipeline to bring wastewater treated in Sparks to the industrial center on USA parkway. The pipeline will go through one of NDOW’s Wildlife Management Areas and will require right of way from the State. The Division of State Lands has received comments from a local tribe regarding water volume; however the request is for use and occupancy, not water rights. Charlie noted that the majority of the associated project area is located on private property and the Division of State Lands is satisfied with the pipelines proposed route. Charlie stated that the Division will be going to the Board of Examiners/Interim Finance Committee meeting in October to accept a donation of 160 acres of land in the Mason Valley, adjacent to the Mason Valley Wildlife Management Area. The 160 acres will be managed by Nevada Division of Wildlife. The Walker Basin Conservancy plans to remove water rights from the land and have a portion of the water flow down to Walker Lake in an effort to improve the lake. Charlie stated that the Division of State Lands has been part of similar projects in the past and that they have historically been successful.

**COUNCIL MEMBER COMMENTS**  
**COUNCIL DISCUSSION AND RECOMMENDATIONS FOR REVISITING AND REVISING SLUPAC**  
**FOCUS AREAS**

**RS2477 Roads Protocol (SB 456): Jake Tibbitts** pointed out that in the last Legislative Session, it was established as misdemeanor crime to knowingly block access to public lands. Jake stated that this new law has brought forward concerns from private land owners. Jake stated that it's important that SLUPAC, the Attorney General's Office and NACO work cooperatively together to formalize title issues on public and private land as land owners are having issues determining where these lines and roads are. Jake stated that different counties are handling this issue in different ways, and Eureka County will be handling this on a case-by-case basis. Jake stated that it is of the highest priority at this time to work with the Legislative Council Bureau and the Attorney General's office to resolve conflicts as they come up.

**County NEPA Consistency Review Assistance: Jake Tibbitts** suggested using the Executive Council as a resource.

**Public Land Policy Plan Update Assistance and Outreach: Jake Tibbitts** stated that the Nevada Division of State Lands will need to provide assistance to Counties during this process.

**Public lands management, specific to reclamation-related fuels management, grazing, fire.** After a brief discussion on the agenda item above, **Lorinda Wichman** made a motion to continue these priority items, the motion was seconded by **Roger Mancebo** and approved by the Council.

The Council identified the following items to be added to future agendas:

- Lahontan Cutthroat Trout issue
- Septic and Deep Wells issue
- Wild Horse and Burro issue
- Affordable Housing issue
- Swan Lake issue
- Sage Grouse issue
- NAS Expansion issue

**Jake Tibbitts** added that the Council has not had any presentations from the Sagebrush Ecosystem Technical Team regarding the Conservation Credit System and would like to schedule one as it has an impact on public lands management. Charlie Donohue added that he thought Kelly McGowan, Sagebrush Ecosystem Technical Team Program Manager, wouldn't have a problem presenting this information to the Council.

The Council tentatively planned the next SLUPAC meeting to take place on January 17<sup>th</sup>, 2020 in Clark County.

#### **PUBLIC COMMENTS**

None.

#### **ADJOURN**

**Jeanne Herman** made a motion to adjourn the meeting, motion seconded by **Jim French** and was approved by the Council.

The meeting was adjourned at 11:52am.