

**STATE LAND USE PLANNING ADVISORY COUNCIL**

**MINUTES**

February 9, 2018

500 S Grand Central Parkway

Las Vegas, NV 89155

Department/Room: Organizational Development Center (ODC)/ODC 3

**Members Present**

Lee Plemel, Carson City  
Eleanor Lockwood, Churchill County  
Sami Real, Clark County  
Nancy McDermid, Douglas County  
Delmo Andreozzi, Elko County  
Jake Tibbitts, Eureka County (Chair)  
Varlin Higbee, Lincoln County  
Jerrie Tipton, Mineral County  
Jeanne Herman, Washoe County  
Laurie Carson, White Pine County  
Roger Mancebo, Pershing County

**Members Absent**

Jim French, Humboldt County  
Austin Osborne, Storey County  
Lorinda Wichman, Nye County (Vice Chair)  
Tori Sundheim, NACO  
Art Clark, Lander County  
Roger Mancebo, Pershing County

**Others Present**

Nancy Amundsen, Clark County  
Don Alt, Lyon County Commissioner (Pending SLUPAC Member)  
Lori Story, Nevada Attorney General's Office  
Rebecca Palmer, State Historic Preservation Office  
Matthew Tuma, Governor's Office of Energy  
Charles Donohue, Administrator, Nevada Division of State Lands  
Ellery Stahler, Deputy Administrator, Nevada Division of State Lands  
Skip Canfield, NDSL, State Land Use Planning Agency

**CALL TO ORDER**

The meeting was called to order at 9:05am and self-introductions were made. The Agenda was reviewed and approved, motion by **Jerrie Tipton**, second by **Eleanor Lockwood**, approved unanimously. **Skip Canfield** recognized two new attendees, **Nancy McDermid** (Douglas County member) and **Don Alt** (pending Lyon County member). **Charlie Donohue** introduced **Ellery Stahler**, the new Deputy Administrator for the Nevada Division of State Lands.

**PUBLIC COMMENTS**

None.

**AGENDA/APPROVAL OF MINUTES**

The Draft Minutes of the September 8, 2017 meeting in Reno were approved as presented, motion by **Eleanor Lockwood** and seconded by **Varlin Higbee**. **Jerrie Tipton** abstained.

### ELECTION OF CHAIR AND VICE CHAIR FOR 2018

The members discussed the election of Chair and Vice Chair and noted the excellent manner in which the existing officers had conducted themselves during 2017. Therefore, by motion (**Eleanor Lockwood**) and second (**Laurie Carson**), all in favor, **Jake Tibbitts** and **Lorinda Wichman** were chosen as Chair and Vice Chair respectively for 2018.

### ELECTION OF THREE MEMBER TO THE SLUPAC EXECUTIVE COUNCIL

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. The current member is **Laurie Carson** (White Pine – 9/8/2019). There were three vacancies for a two-year term. A brief discussion ensued detailing the need to ensure a “broad spectrum” of members across the State. Recognizing this fact, a motion by **Jerrie Tipton**, seconded by **Laurie Carson**, proposed **Sami Real**, **Jim French** and **Austin Osborne** as the three additional members of the Executive Council, with their terms expiring on 2/9/2020. Motion passed unanimously.

### CONSIDERATION OF LETTERS OF APPRECIATION

Letters recognizing the time and commitment of former members **Nancy Amundsen** (Clark), **Nancy Boland** (Esmeralda), **Randy Brown** (Elko) and **Harold Ritter** (Lyon) were provided for consideration of the Council and signature by the Chairman. The members all valued the service and commitment of their colleagues who were no longer on SLUPAC.

### RS2477 ROADS WORK SESSION

**Jake Tibbitts** updated the members by referencing a pending 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 wants to block off a road that has been used for decades by the public. The private party petitioned for a stay. Prior to the stay, the judge stepped through RS2477 history and some of the standards to be made in designating a public right-of-way through RS2477. The importance here is that this case is Nevada-specific. This will be a case to watch.

**Jake Tibbitts** also mentioned that the District Attorneys’ Association is becoming involved with RS2477 protocols. The association is aware of the efforts underway by SLUPAC/NACO and the AG Office. The DA’s association will meet on April 18, 2018 and after that, there will be follow up by the Nevada AG’s Office with provision of a more comprehensive draft protocol (**Wayne Howle**). **Charlie Donohue** stated that getting the county DAs involved is a positive step and that it would be good to get BLM and US Forest Service involved as much as possible. He also asked if the comments by the judge in the Storey County case support the Nye County methodology. **Jake Tibbitts** replied that the court case is in regards to a dispute on a single road whereas Nye County’s process looks at and documents all subject roads for recognition. The Nye County process is consistent, however our SLUPAC mandate includes looking at a resolution that avoids a piecemeal one road at a time scenario.

**Don Alt** mentioned an example of roads in Elko County being blocked and not accessible for herding cattle and specifically stock driveways. The discussion clarified that SLUPAC’s mandate addresses protocol for perfecting RS2477 road rights-of-ways while driveways and trails would be a separate process. Case law shows that the counties have final primacy for title of roads. Cow trails and similar ways would be an issue for the rancher to pursue. **Jerrie Tipton** clarified that individual ranch owners can claim those trails and easements as RS2477 rights-of-way as long as they can prove that they have been trailing cattle there.

**Jake Tibbitts** stated that the 10<sup>th</sup> Circuit Court (and concurred by the 9<sup>th</sup> Circuit) agree that rights-of-way over Federal land can only be adjudicated in a Federal Court. Counties do not have a vested right in a road until it is adjudicated in Federal Court, all they have prior to that is a claim. BLM cannot therefore officially recognize RS2477 roads until adjudication. He went on to say that Eureka County had a formal proposal in to BLM to tackle the “low hanging fruit” roads, those easiest to recognize as roads under RS2477. However BLM then,

and still now, has no appetite to proceed with any process like that until such time as the Utah process and court precedent is decided, and BLM can have more guidance.

**Eleanor Lockwood** commented that Churchill County adopted Nye County's protocol and is a long way towards documenting all of the roads. Time is critical because the Carson City BLM Resource Management Plan will be updated and the next step for BLM will be to do the Travel Management Plan. Churchill County wants to be proactively ready for participation in that process with all roads identified.

### **NEVADA'S ELECTRIC HIGHWAY**

**Matthew Tuma**, Nevada Governor's Office of Energy provided an update on the status of the Electric Highway, which started as a partnership between the Governor's Office, NV Energy, and Valley Electric Association to expand the state's electric vehicle charging infrastructure by placing charging stations at cost-effective and strategic locations between Reno and Las Vegas. Goals include completing an "electric highway" system serving the entire state by 2020, significantly reduce the percentage of imported fossil fuels over the next 10 years, and reduce carbon emission to a level at or below accepted federal standards. Transitioning Nevada's transportation infrastructure to alternative fuel and electric vehicles will lessen the state's dependency on out-of-state resources and keep more of these dollars in Nevada. Governor Brian Sandoval has stated *"This Electric Highway will allow electric vehicle drivers to power their cars by tapping into Nevada's own renewable energy resources. This will strengthen our state's energy independence while reducing Nevada's petroleum imports."*

### **Regional and State Coordination:**

- **REV West Plan**
  - Formed in December 2016
  - Initial partnership between Nevada, Utah, and Colorado
    - Joined by additional interior western states in 2017
  - Identify priority corridors, standards, and best practices
- **SB 145 – EV Infrastructure Demonstration Program**
  - Passed and signed into law during 2017 Legislative Session
  - PUCN is currently going through the administrative rulemaking process to establish the Program
  - Authorizes incentives for utility customers to install EV charging infrastructure

### **VW "Clean Diesel" Consent Decree:**

#### **The Basics**

#### **\$10 billion + (estimated) for VW customers; 2.0 L diesel vehicle buyback/lease termination** **\$2 Billion ZEV Investment Commitment over 10 years – "Appendix C"**

- Electrify America to invest \$2 billion over 10 years to support increased use of ZEVs, including, but not limited to, the development, construction, and maintenance of ZEV-related infrastructure.
- Two separate planning processes:
  - State of California, managed by CARB
    - \$800 million (four 30-month cycles, \$200 million in each cycle)
  - Rest of the United States, managed by the U.S. EPA
    - \$1.2 billion (four 30-month cycles, \$300 million in each cycle)
    - Cycle 1 announced in April 2017 – Identified I-80 and I-15 as priority corridors

#### **\$2.925 Billion Environmental Mitigation Trust Fund – "Appendix D"**

- **Goal:** Achieve reductions of NOx emissions in the United States.
- **Beneficiaries:** States, Indian Tribes, D.C., Puerto Rico
- Nevada identified to receive approximately \$25 million
  - The Nevada Department of Environmental Protection is serving as the state's lead agency.
- 10 categories of eligible mitigation projects

Light Duty Zero Emission Vehicle Supply Equipment (Category 9) is capped at 15% of total funding

**NEH Phase 2 Funding – total available pool is \$4,477,320**

- The GOE will utilize funding from the Renewable Energy Account to provide any required match
- The GOE will issue grants to host sites through their service providers and will be reimbursed from the VW Mitigation Fund

After the presentation, discussion ensued:

**Ellery Stahler** stated that it seems like a lot of energy is needed for this service and asked how renewable energy was factored in. Is there a corresponding push for more renewables to compensate for the increase in demand for this program? **Matt Tuma** replied that it is not directly part of this initiative, but instead is a concerted parallel effort that stresses a robust renewable energy portfolio for Nevada and the West.

**Nancy Amundsen** mentioned that Clark County acquired a Federal grant for solar charging stations and is reviewing the County parking code to ensure that charging stations are factored in.

**Skip Canfield** asked how payment of the service is made and how long it takes to charge a vehicle at a station. **Matt Tuma** replied that typically one would utilize a fleet card or credit card and the average recharge time would be 40 minutes. Future chargers will have additional capacity.

**Nancy McDermid** asked how vehicles participating in these charging stations contribute to operation and maintenance of roads since they are not paying the gas tax. **Matt Tuma** replied that this is a FHWA issue and they are looking at this on the national level.

**Matt Tuma** mentioned that in the last Legislative Session, SB 145 was approved allowing an owner of electric charging equipment can charge for the volumetric consumption of electricity without being regulated as a utility.

**Laurie Carson** asked how cooperative electric companies fit in and if there are statistics on how this program can help reduce air pollution. **Matt Tuma** replied that the companies are heavily involved and supportive, and also that statistics are evolving as the program progresses.

**Jake Tibbitts** asked if the rest of the State will benefit from the program, beyond the US95 corridor and **Matt Tuma** replied that, yes, over time and subsequent phases, the gaps will be connected.

**Jerrie Tipton** mentioned that the geothermal and solar energy produced in Mineral County goes to California and tax abatements are a huge hit.

**NEVADA STATE HISTORIC PRESERVATION PLAN**

**Rebecca Palmer**, Nevada State Historic Preservation Officer, provided an update on a survey that her office is conducting to gather feedback on the next version of the State Historic Preservation Plan (2020-2028).

Why is there a Preservation Plan?

Required by the National Historic Preservation Act of 1966, as amended:

*The State Historic Preservation Officer shall prepare and implement a comprehensive statewide historic preservation plan.*

The statewide plan is meant to encourage broad public participation in planning for cultural resources, meet challenges unique to Nevada, influence historic preservation policy in state and local governments, and empower local communities, organizations, and individuals to action.

Key features of historic preservation planning are:

1. The planning process has a **STATEWIDE** focus.

2. The **PUBLIC** helps identify issues about historic preservation that may need to be addressed in the statewide plan.
3. Working with its **PARTNERS**, the SHPO gathers and analyzes information about social, economic, political, legal, and environmental trends that affect historic resources and influence preservation practice.
4. The SHPO ensures that the statewide preservation plan is **INFORMED BY OTHER FEDERAL, STATE, AND LOCAL PLANNING EFFORTS**, such as transportation master plans, emergency management plans, recreation plans, tourism and economic development plans, and local land use plans.

Online Survey

Available at SHPO website: <http://shpo.nv.gov/>

Goals for the preservation community:

Objectives to reach goals:

How will the preservation community reach the goals the public has identified?

Benchmarks for objectives:

How will the public evaluate if the preservation community has made progress towards the goals set in the plan?

After the presentation, discussion ensued:

**Charlie Donohue** asked if there was a target for number of respondents. **Rebecca Palmer** replied that so far there have been over 300 respondents, a very good number. There is not any target, however, the goal is to reach as many people as possible.

**Don Alt** stated that the plan should consider custom, culture, history and heritage. **Jerrie Tipton** agreed and mentioned examples of Sodaville and Marietta where there were camel camps.

### **PLANNING THE LAS VEGAS STADIUM**

**Don Web**, Principal with the Cordell Corporation who serves as the Chief Operating Officer of the LV Stadium development team, provided the members with a fascinating presentation of the pending development of the Las Vegas Raiders Stadium. The budget for the stadium is \$1.86 billion, the construction is costing at least \$46 million per month. In addition to the stadium, a \$110 million practice facility will also be constructed. Parking is one of the biggest issues and the plan for only 4,000 spaces on-site dictates an ambitious off site shared parking and shuttle program, combined with Uber-type services and walking from the casino corridor across I-15 on new pedestrian connections.

### **COUNTY PLANNING ISSUES**

**Jake Tibbitts**, Eureka County:

EPA residential lot lead clean up ongoing. Over \$13 million has been spent over the last three years.

**Laurie Carson**, White Pine County:

County addressing and inventorying its roads.

Developing and enhanced 911 system.

Enforcing the new ordinance that requires OHVs to stay on existing trails in the Silver State Trail system.

County is leasing 760 acres at the airport to a solar farm developer.

The new Courthouse is a \$30 million project.

**Eleanor Lockwood**, Churchill County:

County actively engaged with NAS Fallon regarding the proposed military land withdrawal, there are significant impacts. Three pillars of the County's economy are (1) Agriculture, (2) Geothermal, and (3) NAS Fallon. She will be retiring on May 1 and will be sorely missed by all.

**Nancy McDermid**, Douglas County:

Finalizing 20-year update to the Master Plan and Transportation Plan.

Ongoing 7-year process on the land bill, the Tribe has changed leadership, County awaiting an agreement.

Two solar proposals were denied due to compatibility issues, the ordinance is being revised.

Sale of marijuana was not supported in the County, new ordinance prohibits its sale. City of South Lake Tahoe also opted out.

TRPA is hearing the Broadband issue, Edgewood is proposing a cell tower on private property with design mitigation for visual effects.

"Dig once" policy proposed in the County, especially as it impacts Lake Tahoe.

Concern about the tribal travel center on US 395 and their lack of conformance to County standards. County was opposed to the center.

**Don Alt**, Lyon County:

County is updating their Natural Resources Plan.

Experiencing growth related water issues.

Water Basin 102 is over allocated, this is where Stagecoach and Silver Springs are located as well as the USA Parkway. A moratorium on well drilling may be needed.

**Jerrie Tipton**, Mineral County:

New Public Land Use Plan Committee in place and the County is updating the Transportation Plan.

**Jeanne Herman**, Washoe County:

The Truckee Meadows Water Authority has enough excess water for 20 years and could accommodate an additional 200,000 population.

There are issues with County lands being annexed and a resulting disparity over payments for services.

The land bill is progressing with a 700,000-acre wilderness wish list that is not supported, there needs to be a better balance between wilderness and lands released for economic development.

**Varlin Higbee**, Lincoln County:

The County is actively participating in the NTTR land withdrawal proposal. Key issue is the need to maintain access to areas that are currently open.

The Lincoln County Conservation, Recreation and Development Act implementation is stalled.

County working with the State Engineer on well and springs verifications.

City of Caliente is in the process of annexing land for marijuana growth operations.

**Delmo Andreozzi**, Elko:

County working on its 911 emergency system.

Broadband expansion needed.

County supports Senator Heller's resolution to resolve 272,000 acres of Wilderness Study Areas.

One marijuana dispensary is allowed in Elko County (population less than 50,000 per statute). Plus one is allowed in each of the four incorporated cities. Jackpot is unincorporated, no dispensary allowed there.

County has appealed the South Canyon Road issue, US Forest Service had negotiated a deal but the County felt that its rights had been stripped.

**Sami Real**, Clark County:

County looking at appropriateness of marijuana dispensaries closer to the Strip, and if more licenses should be granted in general.

The Convention Center is being expanded with new resorts and hotels.

Broadband co-location potential but County is stressing that this needs to be done correctly.

**Lee Plemel**, Carson City:

Legal marijuana sales commenced on January 1, 2018.

Water agreement with Lyon County being considered by the Board of Supervisors.

**Charlie Donohue** mentioned completion of a land exchange conducted by Division of State Lands and a private party on the north side of I-80 in Elko for the Nevada Youth Training Center. Private land (62 acres) immediately adjacent to the Center's entrance were exchanged with some Stater land to the west of the Center so that both parties had more realistic management and development potential.

The agency resolved an encroachment on the Truckee River where a portion of a private residence was on Federal land and an agreement was made between all sides to rectify the situation. State obtained some prime habitat.

The new Walker River State Recreation Area south of Yerington is progressing, first phase includes improvements to administrative structures, rural campsites and access for fishing along the East Fork down by the Elbow.

Ice Age Fossils State Park – Division of State Parks moving forward.

Carson River in Churchill County – questions of State ownership of bed and banks.

#### **COUNCIL MEMBER COMMENTS**

#### **COUNCIL DISCUSSION AND RECOMMENDATIONS/CHECK IN ON SLUPAC GOALS**

The members revisited the focus areas delineated for 2018-2020 and determined that the primary 2015-2017 SLUPAC focus areas shall be:

- RS2477 Roads Protocol (SB 456)
- County NEPA Consistency Review Assistance
- Public Land Policy Plan Update Assistance and Outreach

Next meeting will be Friday June 1, 2018 in White Pine County.

#### **Agenda topics to pursue:**

- County experiences with regulating marijuana dispensaries.
- Regionalization of the Department of Interior and potential impacts to Nevada.
- BLM Streamlining (overhaul of previous "Planning 2.0" that was rescinded).
- Public land policy planning efforts and prioritize which counties are in need of updates.

#### **PUBLIC COMMENT**

None.

#### **ADJOURNMENT**

The meeting was adjourned at 1:20 pm for a tour of "The Park", an immersive outdoor dining and entertainment district that connects Las Vegas Blvd to T-Mobile Arena, Las Vegas' newest sport and entertainment venue, which opened in April 2016.

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.