

STATE LAND USE PLANNING ADVISORY COUNCIL
MEETING MINUTES

August 13, 2020

Virtual Meeting

This meeting was held virtually pursuant to NRS241.023 and State of Nevada Declaration of
Emergency Directives 006, 026, and 029.

Members Present

Jake Tibbitts, Eureka County (Chair)
Lorinda Wichman, Nye County (Vice Chair)
Delmo Andreozzi, Elko County
Kathy Canfield, Storey County
Jim French, Humboldt County
Jeanne Herman, Washoe County
Roger Mancebo, Pershing County
Kevin Phillips, Lincoln County
Lee Plemel, Carson City
Sami Real, Clark County
De Winsor, Esmeralda County

Members Absent

Don Alt, Lyon County
James Barbee, Churchill County
Bill Calderwood, White Pine County
Art Clark, Lander County
Nancy McDermid, Douglas County
Garth Price, Mineral County
Colby Prout, NACO

Others Present

Rob Pyzel, Lyon County
Katie Armstrong, Office of Attorney General
Lee Bonner, Nevada Department of Transportation
Michael Sussman, Strategic Rail Finance
Scott Spencer, Strategic Rail Finance
Dr. Kristen Averyt, State Climate Policy Coordinator
Zachary Ormsby, Nevada Conservation Districts Program
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 9:01 am. A roll call was held for members of Council and a quorum was established. Introductions were made by others who were present.

2) PUBLIC COMMENTS

Jake Tibbitts called for public comment. Scott Carey stated that the meeting notice included instructions for how to submit a public comment before the meeting and as of the deadline of August 12, 2020 at 5:00 PM staff did not receive any public comments. **Jake Tibbitts** called for any additional public comment. There was no public comment.

3) REVIEW OF THE AGENDA

Nevada Division of State Lands
State Land Use Planning Agency
901 S. Stewart Street, Suite 5003
Carson City, NV 89701

Telephone: (775) 684-2723
www.lands.nv.gov/land-use-planning

Jim French made a motion to approve the agenda as submitted, the motion was seconded by **Lorinda Wichman**. There was no discussion on the motion. There were no objections to the motion. The motion was approved unanimously by the Council.

4) APPROVAL OF MINUTES

Jake Tibbitts pointed out a couple of errors within the May 28, 2020 SLUPAC meeting minutes. Jake asked that on page 7 of the minutes under the fourth paragraph in the last sentence where **Delmo Andreozzi** was talking about targeted grazing, to remove the word “base”. Jake asked that on page 9 of the minutes under item 10 future agenda items in first paragraph second sentence to replace the “Jack” with Jake.

Lee Plemel made a motion to approve the January 17, 2020 SLUPAC meeting minutes with the corrections as outlined by Jake Tibbitts. The motion was seconded by **Delmo Andreozzi**. There was no discussion on the motion. There were no objections to the motion. The motion was approved unanimously by the Council.

Jim French abstained from voting on the May 28, 2020 meeting minutes as he was not present at this meeting.

Jeanne Herman abstained from voting on the May 28, 2020 meeting minutes as she was not present at this meeting.

5) PRESENTATION ON STATE RAIL PLAN UPDATE

Lee Bonner with the Nevada Department of Transportation (NDOT) introduced this item to the Council. Lee stated that NDOT is looking to complete the draft of the plan within the next month, followed by a 30-day public comment and review period. He stated that following the public comment and review period the plan will be sent to the State Transportation Board and Federal Rail Administration for review and approval.

Michael Sussman with Strategic Rail Finance provided the Council with a [presentation](#) on the NDOT State Rail Plan update. Michael stated that this plan is not like other rail plans because this plan is grounded in private sector business activity. He stated that the goal of the plan is to identify and leverage private sector and public investment to simulate rail-aided economic development. Key principals of the plan include the following: integrate rail and truck transportation, economic development from a rail strategy, smart transportation land use, private sector funding, and whole supply chains not just projects.

Michael stated that 83% of rail activity in Nevada goes through and does not stop within the state. He stated that only 4% of freight in Nevada is carried by rail either to or from an instate business to another instate business. He stated that 77% of all freight tonnage in Nevada is carried by trucks. He added that of this tonnage carried in the State 70% of all truck traffic in Nevada is coming from or going to California.

Michael stated that the study has identified 21 manufacturing sites and 88 warehouses in the state on a rail line where all freight is being shipped by truck. He stated that the study has identified 573 sites in the state where all freight is being shipped by truck where it could be shipped by rail. He stated that there are a total of 99 warehousing and manufacturing properties in the state with inactive rail access. He stated that they have identified 130 mines in the state that could be served by rail.

Jake Tibbitts stated that there are several Federal land bills at the county level that are looking at cleaning up the checkered board land ownership patterns along the railroads. Jake asked if NDOT and the planning team have been engaged in the discussions to resolve the checkered board land ownership near railroads.

Michael Sussman with Strategic Rail Finance stated that he has toured the I-80 corridor several times in the development of the plan and that he considers this corridor to be the silk road of North America. Michael stated that this corridor is predominately served by truck and most of the rail service in Nevada along the corridor is passing through. He stated that one of the goals of the plan is for the communities and businesses along this corridor to have better access to and be served by rail.

Jeanne Herman asked if the new rail projects included in the plan would compete with or take away funding from highway and road projects.

Michael Sussman with Strategic Rail Finance stated that none of the rail projects included in the plan would require tax dollars or community funding. Michael stated that the freight rail development projects of the plan would be built using funding from the private sector and private investors.

Lee Bonner with NDOT stated that state law prohibits the use of State road funds towards rail projects. Lee added that state law does allow for local governments and counties to spend money towards the development of rail.

Scott Spencer with Strategic Rail Finance stated that there could be a perception that rail projects would compete for funding with highway and road projects, but that it's not the case. Scott stated that the rail development projects included in the plan are driven by private sector investment. He added that if the state does not optimize rail development and configure land uses to increase rail use, additional truck traffic will have a negative impact on the state's road and highway infrastructure. He stated that increased rail use could help the state deal with increasing road maintenance and expansion costs.

De Winsor asked if this plan would allow for central Nevada to connect the Las Vegas monorail system with Reno.

Michael Sussman with Strategic Rail Finance stated that the plan does look at reconnecting rail service between Reno and Las Vegas. Michael stated that one focus of this effort is to reestablish commercial rail service with Hawthorne and to connect with the 256 miles of track at the Hawthorne Army Depot lines. He stated that reestablishing commercial rail service to Hawthorne would help support the many mining operations in Esmeralda, Mineral, and Nye counties.

De Winsor stated that that he is opposed to the I-11 project because of the impacts to local communities along the future highway. De stated that he believes that a rail line between along this same corridor would be more efficient and helpful to Nevada as opposed to Mexico and Canada.

Rob Pyzel with Lyon County asked if the planning team has reached out to the short line rail operators in the State to gauge their involvement in the plan and future increases in local rail service.

Michael Sussman with Strategic Rail Finance stated that there are no short line railroads in the state other than the train museum excursion lines in Northern and Southern Nevada. Michael stated that all 1,193 miles of railroad tracks are owned by Union Pacific Railroad.

Rob Pyzel with Lyon County stated that the County worked with Nevada Copper on the Pumpkin Hollow mine project and attempted to obtain permits for a trans load facility in Wabuska. Rob stated that the project did not go forward because the truck traffic from the mines to the proposed trans load facility would have to make a left turn across a lane of US 95A traffic. He stated that the project ultimately did not go through because NDOT would have required additional improvements on US 95A to allow for the left-hand turn movement.

Lee Bonner with NDOT stated that as these projects identified in the State Rail Plan move forward it will be his job in the coming months to determine their impact on the state's overall transportation system. Lee further stated that the state will also need to prioritize the funding for these projects and how they fit into the larger One Nevada transportation plan.

Charlie Donohue with the Nevada Division of State Lands asked if he planning team has engaged with the Bureau of Land Management (BLM) on future rights of way needed across Federal lands for future rail services.

Michael Sussman with Strategic Rail Finance stated that the project team has not interacted with the BLM on the development of this plan. Michael stated that many of the stakeholders involved with this plan across the state have interreacted with the BLM and they will look at reaching out the BLM.

Jake Tibbitts thanked NDOT and the planning team for providing this update on the state rail plan update. Jake encouraged members of the Council to take this presentation back to their leaders, planners, and decision makers and share any input or comments on the plan to Lee Bonner or Michael Sussman.

Jim French asked whether counties need to address the state rail plan updates into their local master plans. Jim wondered if there are new sections that are needed in county master plans to reflect the needs and challenges of the state rail plan.

Jake Tibbitts stated that this was a good suggestion and that it would be a good for counties to incentivize and address these types of issues in their master plans.

6) PRESENTATION ON GOVERNOR SISOLAK CLIMATE CHANGE EXECUTIVE ORDER

Dr. Kristen Averyt, State Climate Policy provided the Council with a [presentation](#) about the implementation of the Governor's Executive Order on Climate Change (2019-22). Dr. Averyt stated that Governor Sisolak issued Executive Order 2019-22 in November 2019. Dr. Averyt stated that goal of the executive order was to move the state beyond the Renewable Portfolio Standard to focus on all sources of greenhouse gases in Nevada and to address the statewide impacts of from climate change in Nevada. She stated that SB 245 from the 2019 Legislative session set greenhouse gas emission goals for the State. SB 254 set the followings goals to reduce greenhouse gas emissions statewide from 2005 levels: -28% by 2025, -45% in 2030, and zero emissions by 2050. Dr. Averyt stated that these greenhouse gas emission goals are amongst the most aggressive in the United States.

Dr. Averyt stated that the transportation sector is the largest greenhouse gas emitter in Nevada and will likely continue to be largest emitter in the future. She stated that the industrial sector is the fastest growing greenhouse gas emitter in the state. She stated that the land use, land use change, and forestry sector is a natural synch of carbon which means that this sector pulls carbon from the air. She stated that the amount of carbon that is pulled from the air from this sector is unknown, but the team is currently undertaking a research project to get additional data.

Dr. Averyt provided an overview of the stakeholder engagement efforts from the Governor's climate strategy initiative. She stated that there is a climate roadshow underway in which the team is meeting with organizations and agencies across the state to increase awareness of the climate strategy. She stated that there will be an upcoming climate survey that will go around the state to determine what the community priorities and concerns are with climate related issues. She stated that there will be listening sessions held for either different climate topics in September or October. She stated that the different purpose of these session is to hear general perspectives and feedback from the community about climate related topics and potential new polices. Dr. Averyt stated that the main components of the State of Nevada Climate Initiative are educational resources, decision support portal, climate action dashboard, climate strategy, and engagement and action.

Jim French asked about the stakeholder engagement of the initiative with respect to forest management and agricultural changes to use of rangeland. Jim also asked about how theses changes would be accepted by the Bureau of Land Management.

Dr. Averyt stated that there is not a predetermined direction set for this initiative at this time and that the initiative is only framing potential policy changes for input by stakeholders. She stated that Zachary Ormsby with the Nevada Conservation Districts Program has been designated as the Land Use lead for the Governor's Climate Strategy.

Jake Tibbitts encouraged all members of the Council to participate in the upcoming climate survey and listening sessions and to share this information with their counties.

De Winsor asked if the Governor's Climate Strategy supports the state rail plan update and if they will be supporting hydroelectric power projects in the state.

Dr. Averyt stated that it appears that rail has not been incorporated into the state's greenhouse gas inventory and that she has been invited into the one of the working groups for the state rail plan update. She stated that she believes there are opportunities to reduce greenhouse gas emissions through better utilization of mass transit and rail. She stated that one of the components of the strategy is renewable energy and that she sees opportunities for micro hydroelectric projects in the state

Delmo Andreozzi stated that he appreciated Dr. Averyt including wildfires into the strategy and added that he believes that targeted based grazing should play a role in the land use sector. Delmo asked if the Governor's Climate Strategy will make any changes to the population's thresholds for compliance with the Clean Air Act.

Scott Carey with the Nevada Division of State Lands stated that there is nothing the in-Governor's Climate Change executive order that would change the population thresholds for compliance with the Clean Air Act. Scott added that the thresholds for endurance compliance with certain air quality standards are regulated by the Federal Government.

7) DISCUSSION AND RECOMENDATION ON POTENTIAL SLUPAC LEGISLATIVE CHANGES

Scott Carey with the Nevada Division of State Lands provided an overview of a mockup of [conceptual changes to the SLUPAC statute](#) that was included as pages 13-19 in the meeting packet. Scott stated that in January the Council met and reviewed the power and duties within Nevada Revised Statues. He stated that at the last meeting in May, the Council reviewed 4 conceptual changes to the Council's statute and provided direction to staff to provide a mockup bill draft request (BDR) for review at the next meeting. He stated that the Division of State Lands has submitted a mockup to the Legislative Council Bureau for this BDR and that the BDR is in the system as BDR 342.

Scott provided an overview of the proposed change to NRS 321.740 (1) and (5) which would add a non-voting representative to the Council from the Nevada League of Cities and the Nevada Indian Commission. He stated that since the last meeting, he had a chance to talk with Stacey Montooth Executive Director of the Nevada Indian Commission about this concept. He stated that the that the Nevada Indian Commission is supportive of having a representative as non-voting member on the Council to increase coordination on land use planning and Tribal consultation.

Jim French asked what the rationale was for adding non-voting representatives to the Council from the Nevada League of Cities and Nevada Indian Commission.

Scott Carey with the Nevada Division of State Lands stated that the rationale for having these two additional non-voting members was so that it would not impact the requirements to establish a quorum for the Council. He stated that the statute requires a majority of the voting Council members to be present to establish a quorum and this is currently set at 9, any increase in voting members to the Council would increase this requirement. He further stated that the intent behind adding these additional members to the Council as non-voting members would be so that it is like the existing non-voting representative on the Council from the Nevada Association of Counties.

Jim French asked if staff has received any feedback from either the Nevada League of Cities or the Nevada Indian Commission on adding representatives from their organization to the Council.

Scott Carey with the Nevada Division of State Lands stated that staff has heard from the Nevada Indian Commission and that they are fully supportive of the concept. Scott stated that he has not heard back from the League of Cities about this concept and has not had an opportunity to meet with this organization or its Board of Directors to present the concept in more detail.

Jake Tibbitts stated that the voting members of the Council are appointed by Governor and that voting members have additional authority than those who are non-voting members of the Council.

Lorinda Wichman asked if the Nevada League of Cities has named a new executive director.

Scott Carey with the Nevada Division of State Lands stated that he was unsure if the Nevada League of Cities has named a new executive director for the organization. Scott stated that he has not had a chance to talk with the organization, but he was aware that the organization was looking for a new executive director earlier this year.

Scott provided an overview of the proposed change to NRS 321.740 (4) that would clarify that if an elected official is appointed by the County to serve on SLUPAC, then the term of the elected official's term on SLUPAC will coincide with their elected term in office. He stated that at the last meeting staff received direction from the Council to make sure that there was flexibility within the statute to allow the County to appoint whomever they wanted. He stated that staff took a look at this and in their interpretation the flexibility that that Council had asked for was existing within NRS 321.740 (2). This section outlines the counties nomination process and allows for the County to nominate whomever they choose to the Governor for appointment as its representative on the Council.

Scott stated that it was staff's intent to have an elected officials' term on the Council coincide with their term in office was to prevent political conflicts and to ensure that each county had representation and involvement on the Council. He stated that in the past there have been issues where a former elected official is still representing a county on the Council where the County may not want that person to be its representative.

Jim French asked if under the proposed change if a newly elected county official would only be allowed to serve in their first term in office due to the differences between the term in office and 3-year term on the Council.

Scott Carey with the Nevada Division of State Lands stated that he understands this concern and agrees that the terms of office don't always match the term on the Council appointed by the Governor. Scott stated that the intent of the proposed change is not to prevent anyone from representing their County on the Council if they don't want to. He stated that if there is a lapse or difference in Council member's term in office and on the Council, under NRS 321.740 (2) a County would just need to submit a nomination to the Governor to have its member be reappointed.

Jake Tibbitts stated that he believes that there needs to be some clarification on the way this section is written because it could be burdensome to a county. Jake pointed to the timing requirements for a county to submit its nomination to the Governor under NRS 321.740 (2), that there could be a lapse under these requirements and a County may not have a representative on the Council. He stated that Lorinda Wichman's term as a County Commissioner expires at the end of this year and that Nye County will need to submit a new nomination to the Governor to reappoint her as its representative. He stated that before a member of the Council's term expires and county commission takes formal action to re-nominate its representative on Council then that nomination will not have to go through the formal Governor's appointment process.

Charlie Donohue with the Nevada Division of State Lands stated that the Council does have several opportunities to modify the language in this BDR with the Legislative Council Bureau. Charlie stated that staff will take a further look at the language in this BDR from the input from the Council today and encouraged any members of the Council to share any additional input with staff after the meeting.

Jim French stated that ultimately what the Council is trying to accomplish with this change is to make sure that as members of the Council rotate voluntarily or involuntarily on the Council, that the counties don't find themselves in a position where they do not have representation on the Council. Jim stated that it was important to allow each County the opportunity to make the selection of its representative for a commissioner leaving office, finishing out their term in office, or allow for the appointment of a new representative on the Council. Scott Carey with the Nevada Division of State Lands asked if any member of the Council had any issues with this proposed change and if the Council does not want to pursue this change in statute.

Jim French asked if the statute allows for a County to nominate to the Governor anyone who they would like to be its representative on the Council whether they are an elected official or not. Jim stated that sometimes a county staff member will have unique knowledge and that he would like for each County Commission to have the ability to nominate whomever it wanted as its representative on the Council.

Scott Carey with the Nevada Division of State Lands clarified the nomination and appointment process by the Governor in under NRS 321.740 (2). Scott stated that a County will submit its nomination to the Governor for appointment to the Council and that the Governor will have 30 days to act upon that nomination. He stated that if the Governor does not act upon a County's nomination for its representative on the Council, then the County's nomination becomes effective and that member is appointed to the Council. He stated that staff believes that this process does allow for a County to nominate and have appointed whomever they would like to as its representative and not have any lapses in its representation.

Jake Tibbitts stated that he believes that this proposed change in statute is something that should be pursued in the next legislative session. Jake stated that there are currently two members of the Council who are former elected officials and that they have not been to a Council meeting since they left office. He stated that because of this lack of participation these counties currently do not have representation or involvement on the Council.

De Winsor stated that there should be a grace period added to the mockup language to allow for the County Commission to be able to vote on nominated a newly elected County Commissioner to serve on the Council in place of the outgoing County Commissioner. De stated that his experience as a new County Commissioner and the process he went through to get formally appointed to the Council by the Governor resulted in his county not having representation on the Council for a couple of meetings.

Scott Carey with the Nevada Division of State Lands cited that that 30-day provision for the Governor to act on a County's nomination for the Council or that nomination becomes effective. Scott stated that he hoped that this 30-day provision would allow for enough time for a County to submit its nomination, have it become effective in time so that there isn't a gap in representation on Council. He stated that the Council meets quarterly and that they hoped the nomination process could fit within the time between meetings so each county could have full representation on the Council.

Jake Tibbitts suggested that during election years that the Council should not meeting in January or February in order to allow for counties to go through the nomination process and to make any changes to its representation on the Council based on election results.

Scott Carey with the Nevada Division of State Lands provided the Council with an overview of the proposed change to NRS 321.740 (6). Scott stated that this change would allow for the Council to elect a Vice Chair which is currently not allowed within the statute.

There were no comments or questions from the Council regarding the proposed change to NRS 321.740 (6).

Scott Carey with the Nevada Division of State Lands provided the Council with an overview of the proposed change to NRS 321.750 (4) which would add as a specific duty of the Council to mediate, provide technical assistance, and resolve land use inconsistencies between local governments. Scott stated that NRS 321.761 and NRS 321.763 grant the authority of the Council through its Executive Council, the power to mediate, provide technical assistance, and resolve land use inconsistencies between local governments. He stated that the intent of adding this new duty within statute to clarify the legislative intent of this existing power.

Jake Tibbitts stated that he would like to add qualifying language into this proposed change that the Council is to assist with resolving land use inconsistencies. Jake stated that it should be clear within the statute that the Council is not taking any land use authority from local governments but rather that it is helping assist resolving land use inconsistencies between local governments. He stated that there is a process for the Executive Council to resolve inconsistencies, but he believes the role of the Council itself should assist and not try to take over authority from local governments.

Lorinda Wichman stated that she wholeheartedly agrees and suggested that the word "assists" be added into the statute.

Jim French stated that he agrees and feels the same way.

Scott Carey with the Nevada Division of State Lands stated that staff understands the direction from the Council and will make changes to the mockup to reflect that the Council is to provide assistance in resolving land use inconsistencies. Scott stated that the legislative intent of the Executive Council's authority to resolve local government land use inconsistencies was to be a last resort. He further stated that the Executive Council was to mediate and provide technical expertise to help the local governments resolve land use inconsistencies on their own before the Executive Council acted.

Jake Tibbitts stated that NRS 321.761 provides that one or more local governments with a land use inconsistency may request that the State Land Use Planning Agency study and assist in resolving a land use inconsistency. Jake stated that under the statute the Executive Council is on to engage when requested to help resolve a land use inconsistency.

Scott Carey with the Nevada Division of State Lands provided the Council with an overview of the proposed change to NRS 321.750 (5) which would outline the Council's role in land use planning for state areas of critical environmental concern. Scott stated that the intent of adding this duty within this section is to specify this as a primary role of the Council and to further clarify the legislative intent of this power. He stated that although this power has never been fully exercised, the ability of the Council to be involved in land use planning for state areas of critical environmental concern could be a powerful tool for future land use planning efforts across the state.

Jim French asked if there are any examples of state areas of critical environmental concern right now.

Scott Carey with the Nevada Division of State Lands stated that there are currently no state areas of critical environmental concern designated in the state. Scott stated that between 1973 and 1977 there was an effort to designate Walker Lake as a state area of critical environmental concern, but the Council was never engaged to make a recommendation to the Governor on this designation. He stated that intent behind designating state areas of critical environmental concern would be to protect areas that have unique conservation, habitat, and cultural resources that are of importance to the State.

Jim French stated that a designation as a state area of critical environmental concern would have been extremely helpful in establishing and managing many of the early Nevada Department of Wildlife, wildlife management areas.

Scott Carey with the Nevada Division of State Lands stated that the thinking behind adding this duty would be to advance the designation of state areas of critical environmental concern to help protect these areas in local government and federal government land use plans.

Scott provided the Council with an overview of the proposed change to NRS 321.750 (6) which would provide the authority for the Council to adopt resolutions, develop its own statements of policy and provide formal comments on Federal, State, and Local land use policies and projects. He stated that as a matter of practice, the Council does adopt resolutions, provide formal position letters, and submit comments on Federal, State, and Local land use planning issues and projects impacting Nevada. He stated that NRS 321.7355 (4)(a) provides that authority for the Council to submit plans and statements of policy to the Governor but only through the State Land Use Planning Agency. He stated that this proposed change would provide the Council with the explicit authority within statute to adopt resolutions, develop its own statements of policy and provide formal comments on Federal, State, and Local land use policies and projects on its own.

Jake Tibbitts stated that he believes that its important to clarify this authority within the statute because as Chairman he has signed formal comment letters and resolutions on behalf of the Council for land use planning projects in the state.

Jim French stated that clarifying the authority of the Council to provide letters and adopt resolutions is critical and that it will provide the Council with another tool in the toolbox to weigh in on land use planning matters.

Sami Real pointed out a typo within the mockup of this section of the BDR. In the first section there is a period after "Federal" that needs to be replaced with a comma.

Charlie Donohue with the Nevada Division of State Lands stated that he agrees with the comments made by Jake Tibbitts and Jim French with respect to provide comments and passing resolutions on land use plans and policy. Charlie stated that he believes it would be more effective for the Council to weigh in on land use planning projects on its own rather than providing its input only through the Administrator of State Lands.

Scott Carey with the Nevada Division of State Lands provided the Council with an overview with a proposed change to NRS 321.770 (3) which requires that the Council when conducting a hearing on a proposed state area of critical environmental concern to provide a notice of the hearing in a newspaper 20 days prior to the meeting. He stated that administratively that this newspaper noticing requirement could be more burdensome to the agency than helpful to the public process. He suggested that the Council look at this newspaper noticing requirement and replace it with the public hearing noticing requirements of the open meeting law. He stated that there is a cost associated with posting a notice of a public hearing in the newspaper and currently the State Land Use Planning Agency does not have the budget available to pay for a newspaper noticing. He stated that the intent behind the change is not intended to remove the posting notices of public hearing requirements and it is not intended to limit public input on proposed state areas of critical environmental concern.

Lorinda Wichman stated in her experience proposed areas of critical environmental concern do generate a lot of public interest and concern. Lorinda suggested that the language be revised to provide the notice of a public hearing on a public website so that the agenda and related materials would be available to the public.

Jim French stated that he has a concern with removing the 20-day newspaper noticing requirement and expressed a concern that it could impact a potential appeal of a decision in the courts. Jim stated that public notification and following through with public notification is important in the eyes of the courts. He stated that the designation of a state area of critical environmental concern could affect a lot of people and that's important to stick with the newspaper notification process.

Jake Tibbitts stated that he believes that staff has made it clear that they do not want to avoid the public notice process or limit the public input on a potential state area of critical environmental concern. Jake stated that there are more contemporary ways to provide public notice that would be more effective than by providing public notice in a newspaper 20 days prior to a public hearing.

Scott Carey with the Nevada Division of State Lands stated that NRS 321.770 (3) requires that the Council provide notice to the affected County or local government for a proposed state area of critical environmental concern. Scott stated that it is not staff's intent to change this requirement and that an affected county or local government would still receive notification of a public hearing.

Lorinda Wichman made a motion to continue with the fine tuning of the draft language of the mockup BDR with the Legislative Council Bureau based on the discussion and direction from today's meeting and to support the overall approach of the BDR. The motion was seconded by **Roger Mancebo**. There was no discussion on the motion. There were no objections to the motion. The motion was approved unanimously by the Council.

8) COUNTY PLANNING UPDATES

Lee Plemel, Carson City:

Nevada Division of State Lands
State Land Use Planning Agency
901 S. Stewart Street, Suite 5003
Carson City, NV 89701

Telephone: (775) 684-2723
www.lands.nv.gov/land-use-planning

Lee stated that Carson City continues to move forward as close to normal in terms of activities within Carson City's planning and building departments.

Sami Real, Clark County:

Sami stated that Clark County continues to bounce back from being closed and is working with new business processes in light of the COVID-19 pandemic. She stated that the county moved its Board of County Commissioners and Planning Commission meetings to a virtual format. She stated that virtual meeting formats have resulted in public participation challenges and allowing for public comments during meetings.

Delmo Andreozzi, Elko County:

Delmo stated that Elko County continues to see a lot of residential housing projects and recently approved the first phase of the W Ranch in Spring Creek. He stated that this is a big residential project for the county which will include 5,000 units which will be built out over several years. He stated that the county continues to work on developing broadband and gas infrastructure to the Spring Creek area to serve new development. He also stated that COVID-19 pandemic and associated closures have hit the gaming dependent towns of Wendover and Jackpot very hard.

De Winsor, Esmeralda County:

De stated that Esmeralda County has closed in person attendance and has held its Board of County Commissioner meetings virtually due to the COVID-19 pandemic. He stated that the county is still waiting on the Goldfield mining project to begin but the highway has been moved and the project is still moving forward.

Jake Tibbitts, Eureka County:

Jake stated that the COVID-19 pandemic has created record high prices for gold which has spurred new development and interest in new mining projects in the Eureka County. He stated that this new interest and activity has resulted in more people coming to and staying in Eureka which is causing a shortage of housing. He stated that the county continues to track NV Energy's Greenlink West and Greenlink North transmission line projects. He stated that this project will increase capacity along the lines and will connect into new renewable energy projects across the state. He suggested that this project would make for a good presentation at future Council meeting.

Jim French, Humboldt County:

Jim stated that the Thacker Pass lithium mining project continues to move forward and is in the final stages of permitting. He stated that the design work is almost complete for this mine's mill in Orvada and that the mine overall will create 1000 new jobs within the county. He stated that this new project and new growth is going to present infrastructure and housing issues for the county and that they expect many of the mine's workers to live and commute from Winnemucca. He stated that Humboldt County is finishing the completion of the county's comprehensive water management plan. He stated that this plan will include provisions related to freshwater and groundwater extractions but also nitrate contamination near existing neighborhoods with septic tanks.

Rob Pyzel, Lyon County

Rob stated that Lyon County is in the process of updating its master plan which was last updated in 2010 along with a recent land use element update. He stated that the county is working with NDOT on a US Highway 50 operation study between Pine Cone Road in Dayton to the edge of the Dayton Valley. He stated that the county just completed with NDOT a wildlife fencing study along US Highway 50 from Moundhouse to Stagecoach. He stated that the county is working with the Carson Water Sub Conservancy District and Vidler Water on a utility right of way corridor study along US Highway 50. He stated that the county is anticipating that water and sewer service will be needed along the corridor to accommodate future growth. He stated that the county has completed two area drainage master plans in the Dayton Valley area that will focus on alluvial fan flooding which happens during storm events. He stated that the county is dealing with a wastewater treatment plant in the

Dayton area that is in need of increased capacity and compliance issues with the Nevada Division of Environmental Protection (NDEP). Rob thanked **Lee Plemel** and NDEP on working with and cooperating the county on issues related to an existing asphalt plant within Carson City that was impacting residents in Moundhouse.

Lorinda Wichman, Nye County:

Lorinda stated that Nye County is also experiencing similar challenges with its public meetings in light of the COVID-19 pandemic. She stated that the county continues to have an issue with shortage of housing within the northern part of the Nye County. She stated that the county is experiencing challenges with dealing with and getting the southern part of the county up in running due to the COVID-19 pandemic. She stated that the county is planning to meet with NV Energy on the Greenlink West transmission line project

Roger Mancebo, Pershing County:

Roger stated that Pershing County continues to respond to the COVID-19 pandemic but overall the county seems to be doing very well. He stated that the county continues to wait on its Federal lands bill.

Kathy Canfield, Storey County:

Kathy stated Storey County continues to work on its RS 2477 road inventory and its water resources plan for the county. She stated that the county is working with the United States Geologic Survey on a water study within the Highlands subdivision that is looking at levels of private wells. She stated that many of the special events within the county have been cancelled due to the COVID-19 pandemic.

Jeanne Herman, Washoe County

Jeanne stated that Washoe County continues to deal with painful growth issues. She stated that the county is also experiencing similar challenges with its public meetings in light of the COVID-19 pandemic.

Scott Carey with the Nevada Division of State Lands provided update on the roster of the Council which incorporated the terms of the new members appointed to the Executive Council. Scott stated that the State Land Use Planning Agency is currently tracking 11 Federal land bills which was provided on page 30 of the [meeting packet](#). He stated that the agency is closely monitoring the progress of the National Defense Appropriations Act which is likely to include the proposed land withdrawals and expansions to the Fallon Range Training Complex and the Nevada Test and Training Ranch. He stated that the act has been approved by both the Senate and House of Representatives with differences which the staff expects will be deliberated and decided upon in conference committee. He stated that the agency has heard from the Navy on the Fallon Ranger Training Complex project that they are working on the road projects and setting up the Intergovernmental Executive Committee as required in the project's Record of Decision (ROD).

9) FUTURE AGENDA ITEMS

Delmo Andreozzi stated that it would be good for the Council to have the NDOT State Rail Plan update on the next Council agenda.

Jake Tibbitts stated that it would be good for the Council to hear a presentation from NV Energy on the Greenlink North and Greenlink West projects at its next meeting.

Rob Pyzel suggested that staff reach out the NDOT State Rail Plan team and have them connect with the NV Energy Greenlink projects. Rob stated that he felt the new corridors for the transmission lines might help advance the rail connections between Reno and Las Vegas.

Jim French stated that he would like to see an item on the next Council meeting agenda providing an update on the SLUPAC legislative changes and any additional changes in the BDR language.

Lorinda Wichman stated that she agreed with Rob Pyzel's suggestion on linking the NDOT State Rail Plan team and the NV Energy Greenlink projects. Lorinda stated that these two projects seem to fit well together along with the Governor's Climate Change Initiative. She suggested that it would good to have a discussion on these projects at the next Council meeting.

Scott Carey with the Nevada Division of State Lands stated that it would be good for the Council to review its bylaws and as suggested at the May Council meeting review and discuss adding potential non-voting alternate members.

Jake Tibbitts asked staff to look into the possibility of having a noxious weed program presentation from the Nevada Department of Agriculture.

Charlie Donohue with the Nevada Division of State Lands stated that in the past the Council had requested a presentation from Nevada Division of Environmental Protection on the affects of groundwater and septic systems. Charlie suggested that this might be a good item to have on the next Council agenda.

10) SCHEDULING OF FUTURE SLUPAC MEETING DATES AND LOCATIONS

Scott Carey with the Nevada Division of State Lands stated that the staff was hoping to finalize a date for the next Council meeting. Scott stated that a set date would allow the staff to schedule a location for a meeting and bring forth agenda items for review and consideration by the Council. He suggested that the Council set a date for its next meeting within the late October or early November timeframe.

Lorinda Wichman suggested Tuesday October 27, 2020 at 9:00 AM as the date for the next Council meeting. The consensus of the Council was that this date would work for its next meeting.

Delmo Andreozzi stated that he will not be able to attend next meeting on October 27, 2020.

11) PUBLIC COMMENTS

Jake Tibbitts called for public comment. Scott Carey stated that the meeting notice included instructions for how to submit a public comment before the meeting and as of the deadline of August 12, 2020 at 5:00 PM staff did not receive any public comments. **Jake Tibbitts** called for any additional public comment. There was no public comment.

12) ADJOURN

Jim French made a motion to adjourn the meeting. The motion was seconded by **Roger Mancebo** and approved by the Council. The meeting was adjourned at 11:59 am.

Respectfully submitted,

Scott Carey
/s/
Meeting Recorder

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State Land Use Planning Agency
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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.