

STATE LAND USE PLANNING ADVISORY COUNCIL
MEETING MINUTES

August 4, 2023

Eureka Opera House

31 South Main Street. Eureka, NV 89316

Members Present

Jake Tibbitts, Eureka County (Chair)
Lorinda Wichman, Nye County (Vice Chair)
Hope Sullivan, Carson City
Jim Barbee, Churchill County
Sami Real, Clark County
Maureen Casey, Douglas County
Wilde Brough, Elko County
De Winsor, Esmeralda County
Mark Evatz, Humboldt County
Wallace "JR" Thomas, Lander County
Wes Henderson, Lyon County
Cassie Hall, Mineral County
Roger Mancebo, Pershing County
Kathy Canfield, Storey County
Jeanne Herman, Washoe County
Janet VanCamp, White Pine County
Marla McDade Williams, Nevada Indian Commission
Jacob Brinkerhoff, Nevada Association of Counties

Members Absent

Mike Reese, Lincoln County
Charlene Bybee, Nevada League of Cities & Municipalities

Others Present

Laurie Carson, White Pine County
Donna Bath, White Pine County Resident
Tye Morgan, U.S. Bureau of Land Management
Jeremy Drew, Resource Concepts Inc.
Megan Labadie, Nye County
Alex Tanchek, Silver State Government Relations
Rhiannon Scanlon, rPlus Hydro LLLP
Greg Copeland, rPlus Hydro LLLP
Joe Lednicky, University of Nevada Cooperative Extension
James Settelmeyer, Nevada Department of Conservation and Natural Resources
Dan Nubel, Office of Attorney General
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 9:30 am. A roll call was held for members of Council and a quorum was established. Introductions were made by others who were present.

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

Meeting Minutes August 4, 2023 – Eureka

DRAFT

2) Public Comment

Jake Tibbitts called for public comment.

Marla McDade Williams made a public comment acknowledging that the meeting today was taking place on the ancestral lands of the Western Shoshone. Marla stated that the United States entered a treaty with the Western Shoshone in 1863. She stated that under the Treaty of Ruby Valley there were multiple bands of Western Shoshone who were affected and who lived in over 40,000 sq miles in this area. She stated that the Duckwater Shoshone Tribe has kids who attend school in Eureka, and that other nearby Tribes include the Ely Shoshone Tribe, the Battle Mountain Band of Western Shoshone, and the Elko Band of the Te-Moak Tribe of Western Shoshone.

Lorinda Wichman made a public comment stating that she will be retiring from Nye County on September 6th and that this will be her final Council meeting. Lorinda stated that she looks forward to spending time with her family and visiting her grandchildren and great grandchildren. She stated that her time on the Council has been phenomenal and that her time serving as Vice Chair has been very easy with Jake Tibbitts serving as the Chair. She introduced Megan Labadie who will be named interim Natural Resources Director by the county next month.

Jake Tibbitts called for additional public comment. There was no public comment, and the public comment period was closed.

3) Review of the Agenda

Scott Carey with the Nevada Division of State Lands stated that there were no changes needed for the meeting agenda from the staff. There were no other changes to the agenda suggested by the Council. **Jake Tibbitts** stated that since there were no changes to make, then the Council will proceed with the meeting agenda as submitted.

4) Approval of Meeting Minutes

Maureen Casey made a motion to approve the June 12, 2023 meeting minutes as submitted. The motion was seconded by **Jeanne Herman**. There was no discussion on the motion. There was no opposition to the motion and the motion was passed unanimously.

5) County and Member Planning Updates

Hope Sullivan, Carson City

Hope stated that Carson City is wrapping up amendments to its zoning ordinance that it has been working on for the past year. She stated that there is a Request for Proposals (RFP) that has been sent out seeking consulting services to help update the Carson City master plan. She stated that Carson City is working with developers and affordable housing providers to host a roundtable discussion as part of this year's update to the city's strategic plan. The focus of the roundtable is to get an understanding of the barriers associated with developing affordable and workforce housing in the community.

Jim Barbee, Churchill County

Jim stated that Churchill County got through the flooding season pretty much unscathed. He stated that the county continues to work with the Bureau of Reclamation to seek reimbursement for the \$4.7 million that was used by the county to construct an emergency weir that was used to divert flood waters. He stated that with the new weir complete, the county can now divert all of the water out of the Lahontan Dam without flooding homes during a flood event. He stated that this weir will provide permanent protection to the county moving forward but that it does cause impacts to Navy training activities in the B-16 area.

Jim stated that the implementation of the county's lands bill has been set on the shelf while the county has been dealing with flooding. He stated that on Tuesday next week the Fallon Range Training Complex Intergovernmental Executive Committee will be meeting to discuss further implementation of the lands bill and expansion of the Navy's range. He stated that the county will be working with with the Bureau of Reclamation to transfer lands to the county that were included in the lands bill but were mistakenly identified as Bureau of Land Management (BLM) lands. He stated that there are different processes and administrative fees that need to be worked out between the Bureau of Reclamation and the BLM in order to transfer land to the county.

Maureen Casey, Douglas County

Maureen stated that under Nevada Revised Statutes (NRS) 376A there is a restriction on counties that use sales tax to purchase conservation easements. She stated that counties can now implement a one quarter percent sales tax by ordinance to purchase conservation easements. She stated that counties with a population of under 100,000 only have the ability to purchase conservation easements using this funding through September 30, 2029. She stated that its her opinion that this sunset provision within NRS should be removed because most of the counties across the state are under a population of 100,000. She stated that Carson City has been very successful purchasing conservation agreements using sales taxes and would like other counties to be able to utilize this program. She stated that Douglas County is going to be asking the voters to implement a sales tax to fund a conservation program during the next election. She stated that she would like to find a member of Legislature to carry a bill in the next session to remove the sunset provision from the NRS.

Charlie Donohue with the Nevada Division of State Lands asked Maureen is she has reviewed the legislative history to see what the intent behind the sunset provision in NRS was.

Maureen Casey stated that she has reviewed the legislative history when the NRS was last changed in 2011. She stated that she believes that the sunset provision was added into the NRS in the 1990's. She stated that there is not a sunset provision for the use of sales taxes to purchase conservation easements in counties with a population of greater than 700,000.

Wilde Brough, Elko County

Wilde stated that the county is going to open its new juvenile home soon. He stated that he has heard rumors of a large lands bill that involves the trade of Federal lands in the northeastern corner of the state. He stated that Congressman Amodei attended the last county commission meeting but did not have any information on this proposed land trade.

De Winsor, Esmeralda County

De stated that the Goldfield Days celebration is going to be held this weekend. He stated that the lithium mines are struggling to get open at this time. He stated that new Love's Truckstop has not opened yet and that the contractor has had issues obtaining concrete to complete the project.

Jake Tibbitts asked if Esmeralda County has implemented the \$0.05 per gallon fuel tax on diesel sales.

De Winsor stated that the county did implement the \$0.05 per gallon fuel tax on diesel sales before the Love's Truckstop started construction. He stated that the county for a long time did not have any tax on diesel fuel sales because the county only has one gas station in Fish Lake. He stated that he anticipates that the diesel fuel tax will be a big help to the county's road department budget.

Mark Evatz, Humboldt County

Mark stated that the construction of the Thacker Pass lithium mine and associated infrastructure continues to progress. He stated that the mine is also gearing up for the additional staff needed during future construction and that the county is preparing for additional contractors coming to the area. He stated that NDOT has

completed improvements at the intersection of Highway 95 and the highway to the Thacker Pass mine to improve safety. He stated that the Thacker Pass mine continues to work on a sale or lease with the City of Winnemucca for land near the airport to locate its chemicals transloading facility and rail terminal. He stated that the land is owned by the city but is surrounded by county residents and that the county continues to be involved in this project.

Mark stated that the county has seen increased interest from companies looking to develop solar projects on public lands within the county. He stated that County Manager Dave Mendiola has announced his plans to retire from the county in the fourth quarter of 2024. He stated that the county is looking for a qualified individual to replace Dave upon his retirement.

Charlie Donohue with the Nevada Division of State Lands asked if the City of Winnemucca is looking to dispose of its airport property for the Thacker Pass mine transload facility or if was looking to enter into a long-term lease.

Mark Evatz stated that the City of Winnemucca has pursued a long-term lease of the property with the Thacker Pass mine. He stated that the city is looking to lease the property so that it can maintain involvement with the storing of the chemicals for public safety and environmental compliance. He stated that many county residents have been vocal with concerns and as well as support for the proposed facility.

Wes Henderson, Lyon County

Wes stated that the county got through its flooding issues relatively unscathed thanks to the County Manager, Staff, and Peri & Sons Farms. He stated that during the flooding season everyone worked together successfully to move a lot of dirt and prevent the City of Yerington from flooding. He stated that the County Commission voted to terminate its emergency declaration from the flooding at its meeting yesterday.

Cassie Hall, Mineral County

Cassie stated that the current level of Walker Lake is about 60% of normal and that the recent flooding in the region has boosted the lake's water supply. She stated that the County Commission is working on building relationships with the new regional BLM director. She stated that the new BLM staff has helped the county get permitting completed for some off-road races taking place within the county.

Roger Mancebo, Pershing County

Roger stated that the county is happy to see that the Rye Patch reservoir is almost full. He stated that hotel rooms in Lovelock are hard to find right now because of the expansion of the Coeur Rochester Mine. He stated that there are currently four hundred contractors that are working on the mine. He stated that the county is anticipating construction to start soon for new development in Lovelock including a Maverik gas station, hotel, brewery, and a casino.

Charlie Donohue with the Nevada Division of State Lands asked if the agricultural producers within the county have been getting their full allotments of water this year from the reservoir.

Roger Mancebo stated that all of the producers are receiving their full 3-acre feet of water allotments this year.

Kathy Canfield, Storey County

Kathy stated that the county has started the update for its master plan and has recently held two community meetings with more meetings scheduled later in the month. She stated that overall most residents are happy with the 2016 version of the master plan and that the county will be focusing on making updates to this plan and not any major changes. She stated that the county is working on completing a housing resource study which planned to start soon. She stated at last Tuesday's Board of County Commissioners meeting, the county

received a presentation from NV Energy on the Greenlink West project. She stated the county has a lot of concerns with the project because of the impacts of the proposed transmission line across private land within the county. She stated that the county has questions about how the analysis for this project was completed and did not include impacts to private property. She stated that the county does not object to the concept of the project but does have some concerns over the proposed alignment of the transmission line. She stated that the county is still working on the drainage study for the Lockwood community. She also stated that the county is working with the Carson Water Subconservancy District on a drainage study for the Virginia City and 6 Mile Canyon communities. She stated that the county hopes to complete both of these drainage studies by the end of the fall.

Charlie Donohue with the Nevada Division of State Lands asked if Storey County was a cooperating agency on the Greenlink West project.

Kathy Canfield stated that the county is a cooperating agency for this project but that she requested that NV Energy provide the Board of County Commissioners with a presentation. She stated that project team was not making presentations to all the communities affected by the project and wanted to allow Storey County residents an opportunity to learn more about the project.

Jeanne Herman, Washoe County

Jeanne stated that the county is still trying to find a place for residents to practice target shooting and to help reduce the risk of wildfires. She stated that the county's only shooting range has recently been closed down and this has created an increased need for a safe location for residents to practice target shooting.

Scott Carey with the Nevada Division of State Lands asked if there was an update on the Ormat geothermal development project in Gerlach.

Jeanne Herman stated that his project is going to take a while, that the Burning Man project has filed a lawsuit against the project, and that the case won't be heard until December. Jeanne stated that after the lawsuit is decided the project may be reviewed by the county again.

Janet VanCamp, White Pine County

Janet stated that work continues on the Cave Lake dam and that if the weather holds up the project should be finished in November. She stated that the county is seeing a lot of renewable energy projects including projects near the airport. She stated that the county continues to experience housing issues similar to what is going on across the state. She stated that county is getting a new gas station soon which she believes may be a Maverik gas station.

Marla McDade Williams, Nevada Indian Commission

Marla stated at the end of the Nevada Legislative session, Elko County was given state funding to build a new school in Owyhee to replace the existing school. She stated that she was not too familiar with all the details of the bill but there were some concerns with the funding but ultimately Elko County is going to be able to build a new school for Owyhee. She stated that quite a few tribes throughout the state have been able to establish their own Tribal Historic Preservation Offices. She stated that there is an ongoing dialogue being led by the Inter-Tribal Council of Nevada (ITCN) between the Desert Research Institute and several tribes throughout the state. She stated that the ITCN applied for an EPA Climate Reduction grant that will incorporate tribes throughout the state. She stated that the ITCN was successful in securing grant funding that will be used to deploy broadband infrastructure to tribal communities across Nevada. She stated that mining company building the lithium mine at Thacker Pass is suing individuals who were involved in the recent protests at the mine site in civil court.

Charlie Donohue with the Nevada Division of State Lands asked where the Nevada Indian Commission is in the process of transiting into the Nevada Department of Native American Affairs. Charlie stated that he recalls that the Department will become effective July 1, 2024.

Marla McDade Williams stated that the Nevada Indian Commission through legislation this session will become a standalone department. She stated that initially the Commission was set up as an agency under the Nevada Department of Health and Human Services and then was moved over the Nevada Department of Tourism and Cultural Affairs. She stated that effective July 1, 2024, the Commission will become its own Department and the staff is busy going through the process of hiring additional staff and setting up a new Department. She stated that she believes that this new Department will help provide additional staffing resources and support for the Tribe's across the state.

Jacob Brinkerhoff, Nevada Association of Counties

Jacob stated that the Nevada Association of Counties will having its annual conference in Elko September 26-28 and encouraged members of the Council to attend. He stated at the conference there will be a Public Lands and Natural Resources panel on September 28th, featuring Jake Tibbitts, BLM staff, US Forest Service staff, and Nevada Division of Outdoor Recreation staff.

Wallace "JR" Thomas, Lander County

JR stated that the county has been lucky and that there have not been too many Mormon crickets that have come into Battle Mountain. He stated that Board of County Commissioners heard a presentation recently from developers who are looking to construct a hydrogen plant outside of Battle Mountain.

Lorinda Wichman, Nye County

Lorinda stated that Megan Labadie has started working on updating the county's habitat conservation plan. She stated the county has received interest from multiple agencies who would like to have habitat areas designated by the county. She stated that another factor driving this update is all of the many solar developments that are proposed throughout the county. She stated that she believes that the county's moratorium on accepting applications for solar development is working and that it is having an influence on developers. She stated that questions remain as to whether or not the county's moratorium on solar applications is legal but that she believes that the moratorium will provide county with some additional time to get caught up on the projects that have already been submitted for review. She stated that the county lost its recent attempts to prevent the NASA withdrawal of 23,000 acres of public lands within the Railroad Valley. She stated that Congressman Amodei continues to fight with NASA over this withdrawal of public lands on behalf of the county. She stated that the United States Congress was denied cooperating agency status just like Nye County was for the NASA Railroad Valley withdrawal.

Lorinda stated that the county continues to work on its lands bill and that the bill is in Washington DC awaiting introduction by the Nevada congressional delegation. She stated that the county lost between 10,000 to 20,000 acres of public lands with the approval of the Fallon Range Training Complex expansion. She stated that in addition to the loss of this public land, the highway between Gabbs and Highway 50 is being moved due to the Navy's expansion. She stated that the county is proposing its lands bill as a way to mitigate the impacts of the expansion. She stated that Congressman Horsford has a new staff member who is handling public land issues and the county looks forward to meeting with the congressman's staff soon on the bill. She stated that the new Love's Truckstop located near the county courthouse in Tonopah is going to open soon.

Sami Real, Clark County

Sami stated that the Board of County Commissioner unanimously approved the update to the county's zoning code earlier this week. She stated that Nancy Amundsen has retired from her position as the county's Director of Comprehensive Planning. Sami stated that she has been appointed as the county's new Director of

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

Comprehensive Planning. She stated that the county has been busy catching up and reviewing the planning and zoning changes in state law that were made during the past legislative session.

6) Eureka County Presentation

Jake Tibbitts provided the council with a [presentation](#) about the about land use planning and other related issues within Eureka County.

7) Review of Proposed Renewable Energy Rule and Approval of Comment Letter

Scott Carey with the Nevada Division of State Lands provided an overview of the proposed renewable energy rule that was included as pages 7-9 of the [meeting packet](#).

Scott also provided an overview of the proposed comment letter that was included as pages 10-15 of the [meeting packet](#).

During the meeting the Council made several modifications to the proposed letter.

Lorinda Wichman made a motion to approve the letter with the changes as discussed at the meeting and authorize the Chair to sign the letter of behalf of the Council. The motion was seconded by **Cassie Hall**. There was no discussion on the motion. There was no opposition to the motion and the motion was passed unanimously.

8) Recap of the 82nd Session of the Nevada Legislature

Scott Carey with the Nevada Division of State Lands provided the Council with a recap of the land use planning related bills and policy items that was included as pages 16-35 of the [meeting packet](#).

9) White Pine Pumped Storage Project Presentation

Rhiannon Scanlon and Greg Copeland with rPlus Hydro LLLP provided the Council with a presentation on the White Pine Pumped Storage energy project that was included as pages 16-35 of the [meeting packet](#).

10) State Land Use Planning Agency Update

Scott Carey with the Nevada Division of State Lands provided the Council with an update of the activities of State Land Use Planning Agency that was included as pages 87-90 of the [meeting packet](#).

11) Future Agenda Items

Scott Carey with the Nevada Division of State Lands stated that at the next meeting the Council will need to appoint a new member to the Executive Council to fill the remainder of **Lorinda Wichman's** term. Scott stated that staff continues to keep an eye out for the proposed regulations from NDOW for their review of tentative map applications in accordance with AB 211. He stated that at the last meeting **Mike Reese** had suggested a future agenda item to review the wild horse emergency declarations that several counties have issued this year. He stated that in the past the Council also suggested a future agenda item to review inter-state coordination of land use planning projects.

Wilde Brough suggested a future agenda item to discuss a proposed land trade between the Federal Government and the Winecup Gamble Ranch in Northeastern Nevada.

12) Scheduling of Future SLUPAC Meeting Dates and Locations

Scott Carey with the Nevada Division of State Lands reminded the Council that the next meeting is scheduled for Wednesday October 18th at 2:00 PM in Stateline in conjunction with the Nevada State Planning Conference. Scott suggested that the Council should set the date for its first meeting in 2024.

The consensus of the Council was to hold its first meeting of 2024 the morning of Wednesday February 21, 2024 in Las Vegas, location to be determined.

13) Public Comment

Jake Tibbitts called for public comment.

Mark Evatz made a public comment extending an invitation to everyone to visit Humboldt County on October 14th to view the solar eclipse that will be taking place at 9:30 AM.

Roger Mancebo made a public comment acknowledging the service of Lorinda Wichman on the Council. Roger stated that Lorinda has been a great asset to the State of Nevada and that she will greatly missed.

Jake Tibbitts called for additional public comment. There was no public comment, and the public comment period was closed.

14) Adjourn

The meeting was adjourned at 12:47 pm.

Respectfully submitted,

Scott Carey

/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. Meeting minutes and recordings of the meeting are available for inspection by the public within 30 working days after the adjournment of the meeting, the minutes and recordings are retained for at least five years in accordance with NRS 241.035(2). Anyone wishing to receive or review the recording may call (775) 684-2723.