

STATE LAND USE PLANNING ADVISORY COUNCIL

MINUTES

May 13, 2016

Tonopah Convention Center

301 Brougner Avenue

Tonopah, Nevada 89049

Members Present

Lee Plemel, Carson City
Eleanor Lockwood, Churchill County
Nancy Amundsen, Clark County
Jerrie Tipton, Mineral County
Austin Osborne, Storey County
Jake Tibbitts, Eureka County (Chair)
Nancy Boland, Esmeralda County
Harold Ritter, Lyon County
Tori Sundheim, NACO
Lorinda Wichman, Nye County (Vice Chair)
Laurie Carson, White Pine County
Roger Mancebo, Pershing County
Art Clark, Lander County

Members Absent

Dr. Don Miner, Douglas County
Randy Brown, Elko County
Varlin Higbee, Lincoln County
Jim French, Humboldt County
Jeanne Herman, Washoe County

Others Present

Charlie Donohue, Nevada Division of State Lands (NDSL)
Skip Canfield, NDSL, State Land Use Planning Agency
Frank Whitman, Lander County
Frederick Marcell, BLM
Wendy Seley, BLM
Omar Saucedo, SNWA

CALL TO ORDER

The meeting was called to order at 9:02am and self-introductions were made. The Agenda was amended to eliminate the "RS2477" item until next time. The amended Agenda was approved unanimously, motion by **Jerrie Tipton**, second by **Laurie Carson**. The Draft Minutes of the January 29, 2016 meeting in Battle Mountain were also approved unanimously with a motion by **Jerrie Tipton** and a second by **Laurie Carson**. Abstentions included **Nancy Amundsen**. **Art Clark** was welcomed as a new member to SLUPAC representing Lander County.

Election of Executive Council Members. Three Executive Council members' terms expired on 5/23/16: (**Jim French, Austin Osborne, Nancy Amundsen**) **Jerrie Tipton** made a motion to retain the three for another two year term with **Lorinda Wichman** seconding. The motion passed unanimously. New term expiration date for **Jim French, Austin Osborne, Nancy Amundsen** is 5/23/18. Fourth member of the Executive Council is **Randy Brown**, his term expires on 4/10/17. The Administrator of the Nevada Division of State Lands, **Charlie Donohue**, is included in the membership.

Nevada Division of State Lands

State Land Use Planning Agency
901 S. Stewart Street, Suite 5003
Carson City, Nevada 89701-5246

Telephone: (775) 684-2723

Fax: (775) 684-2721

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PUBLIC COMMENTS

None.

DESERT LAND ENTRY PROCESS UPDATE

Frederick Marcell and Wendy Seley updated SLUPAC on the Desert Land Entry (DLE) process. BLM is not currently processing any DLE's and the Washington office is considering whether or not to discontinue the process all together. The most recent DLE was processed in 2013 in Big Smoky Valley, Nye County (three 320 acre sites). DLEs can accommodate up to 320 acres for a married couple, 160 acres for an individual.

On March 3, 1877, the Desert Land Act was passed by Congress to encourage and promote the economic development of the arid and semiarid public lands of the Western United States. Through the Act, individuals may apply for a desert-land entry to reclaim, irrigate, and cultivate arid and semiarid public lands.

The lands must be surveyed, unreserved, unappropriated, non-mineral, non-timber, and incapable of producing an agricultural crop without irrigation. The lands must be suitable for agricultural purposes and more valuable for that purpose than for any other. The tracts of land must be sufficiently close to each other to be managed satisfactorily as an economic unit.

Applicants must provide improvements to reclaim, irrigate, and cultivate the land and submit proof to BLM prior to a DLE approval. It is estimated that a 320-acre tract of land will cost in excess of \$250,000 to construct the irrigation system and prepare the land with the total cost to the applicant to obtain a DLE approaching \$500,000.

Existing grazing permittees have a two year notice in order to seek other sites for their AUM's. BLM is not required to mitigate for loss of AUM's.

BLM'S PLANNING 2.0

Tori Sundheim and Skip Canfield discussed with the members BLM's proposed resource management planning Rule change referred to as "Planning 2.0".

SUMMARY OF ISSUES IN BLM'S PROPOSED RULE:

- Shift to emphasis on "Landscape" planning.
- Increased agency and public involvement early in the planning stage by creation of a "Planning Assessment" step.
- Requirements that BLM explain rationale for decisions.
- Added options for the Governor during the 60-day consistency review process.
- Clarification of what constitutes high quality information to include and emphasize the importance of local on-the-ground knowledge.
- Changes in developing RMP boundaries.
- Added public involvement during the monitoring and maintenance phases of RMPs.
- Added public resources in planning for Areas of Critical Environmental Concern (ACEC).
- Changes in comment periods.
- Discrepancies between the use of adopted plans versus policies and programs in the consistency process.
- Changes in role of "Deciding Official".
- Lack of public involvement during the implementation strategy phase of RMPs.
- ACEC public notices in the Federal Register proposed to be eliminated.
- Possible restrictions to the public during the protest period.

Discussion:

SLUPAC chose to summarize below the top five issues that arose at the meeting:

Planning Assessment:

- The proposed Planning Assessment step at the beginning of the process must include meaningful coordination with State and local governments, before the public process begins, in order to identify possible conflicts and inconsistencies early and outline the process and framework with State and local leaders to avoid unnecessary conflict and distrust later on.

Landscape Level Planning:

- The scale of landscape level planning needs to be clearly defined so that the role of State and local government coordination and involvement is explicitly included and increased. We are concerned that “landscape level” can become counter to local focus that is so important to our counties’ communities.

Consistency Review:

- Principled consistency review must be undertaken by BLM whereby local plans (including proposed plan), policies, programs and processes are identified and inconsistencies resolved during the planning process, not after the planning process is complete. When there is an inability to resolve inconsistencies, this must be explained by BLM in the planning document or decision, describing why BLM chose to “override land use plans, policies or controls for the area” and “the extent to which the agency would reconcile its proposed action” with these identified inconsistencies.

Comment Periods:

- Nevada’s counties have long struggled with existing comment periods being too short. The constant request by local and State governments for extensions is indicative of the need to maintain or increase comments periods, not reduce them as proposed. We do note that if the State and local governments are adequately included and coordinated with throughout the planning process to achieve consistency, then the request for comment extensions by State and local governments would decrease because they would be unnecessary.

Deciding Official:

- The Deciding Official should be the State Director or the most knowledgeable local field office representative acting as designee. Locally based relationships with BLM are important to Nevada’s communities and should be strengthened by keeping the decision making as close to the people most directly affected. Decisions must be explained with the emphasis on impacts to local and State governments and citizens of Nevada.

A motion by **Roger Mancebo**, seconded by **Jerrie Tipton**, directed staff to put the comments in letter format for **Jake Tibbitts’** signature, passed unanimously. (The letter was included in the official State of Nevada comment package that was submitted to the BLM Washington D.C. office.)

COUNTY PLANNING ISSUES

Notable issues from around the State include:

Pershing - Some water available this year in Pershing County with Rye Patch Reservoir 1/3 full.

Clark – North Las Vegas “Hyperloop”, mixed use applications, Gold Butte potential as a national monument, property tax cap.

Esmeralda – Lithium mine.

Eureka – Tax increase proposal, mining downturn, groundwater management plan commencing, hydrologic atlas almost complete.

White Pine – Water resource plan to be updated, Loves Truck Stop coming to Ely.

Mineral – Luning Solar under construction, master plan update beginning.

Churchill – RS2477 consultant collecting roads data, good water situation this year, need engagement with the I-11 process, Senior center has opened, new jail groundbreaking June 28.

Storey County received \$20 million in USDA Rural Development funding for our Virginia City and Gold Hill sewer system replacement; the USA Parkway extension between I-80 and Highway 50 is being completed by NDOT and will be finished in August of 2017; and that we were nearly complete with the 2016 Storey County Master Plan comprehensive update.

COUNCIL MEMBER COMMENTS

COUNCIL DISCUSSION AND RECOMMENDATIONS/CHECK IN ON SLUPAC GOALS

The SLUPAC members briefly reviewed and reaffirmed the Primary 2015-2017 SLUPAC focus areas:

- RS2477 Roads Protocol (SB 456)
- County NEPA Consistency Review Assistance
- Public Land Policy Plan Update Assistance and Outreach
- SLUPAC and Counties Role and Inclusion in Development of a Statewide Water Management Plan (AB 198)
- ACEC Procedures (AB 144)

Next meeting will be August 13, 2016 in Carson City.

PUBLIC COMMENT

None

ADJOURNMENT

The meeting was adjourned at 12:15 pm for lunch and a field trip to the Central Nevada Museum.

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.