



August 4, 2023

To: State Land Use Planning Advisory Council

From: Scott Carey AICP, State Lands Planner

RE: State Land Use Planning Agency Update

Since the April 14<sup>th</sup>, meeting the Agency has been working on and tracking various activities, SLUPAC projects, Federal public lands and other legislation, and other issues of interest to the Council. The purpose of this memo and agenda item to provide the Council with an update on the agency and provide an opportunity to answer questions or provide additional information.

- 1) NEPA Reform: Since the last Council meeting, the agency has been informed that Congress has enacted changes to the National Environmental Policy Act (NEPA) for the first time since the law was enacted in 1970. As part of the debt ceiling bill the Fiscal Responsibility Act of 2023 (H.R. 3746) that was passed in June, the bill makes several key changes to NEPA.
  - NEPA Mandate: The new law provides that an Environmental Impact Statement (EIS) must consider the “reasonably foreseeable environmental effects of the proposed agency action” and analysis of a “reasonable range” of alternatives that are “technically and economically feasible” for a project. The law also requires an agency to consider “any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative”.
  - New EA and EIS Deadlines: Under the new law an agency must complete an EIS no later than two years and complete an Environmental Assessment (EA) in one year.
  - NEPA Applicability: The new law provides clarification on what can qualify for a categorical exclusion and allows for agencies to adopt categorical exclusions from other agencies.
  - Agency Hierarchy: The new law includes a new strong lead agency role with provisions for joint lead agencies and authority to coordinate the preparation of an environmental document and related permits and authorizations. Also of note, the new law creates an appeal process for agencies who have been denied cooperating agency status on a project.
  - Applicant Prepared EA and EIS: The new law require that lead agencies prescribe procedures for project sponsors to prepare an EA or EIS under agency supervision.

- The legislation requires the lead agency to independently evaluate an environmental review document and take responsibility for its contents.
- Definition of Major Federal Action: The new law defines a Major Federal Action as “an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.” The new definition excludes Federal loan or loan guarantee programs where the agency has minimal involvement and does not control the outcome of a project.
  - Page Limits: Under the new law the maximum page limit for an EIS is 150 pages with an allowance of up to 300 pages in certain circumstances. The law limits an EA to be 75 pages. Appendices are not counted towards the page limit.

The changes to NEPA are outlined in Sections 321 to 323 of H.R. 3746 (Pages 29-37), a copy of the debt ceiling bill is available [at this link](#).

- 2) Logandale Trails Governor’s Consistency Review: As reported at the April 14<sup>th</sup> Council Meeting the agency has been working with the Governor’s Office on drafting a Governor’s 60 Day Consistency Review letter for the Logandale Trails Special Recreation Management Plan (SRMA) in Clark County. Under the Federal Land Policy and Management Act (FLPMA), prior to the approval of a proposed BLM resource management plan (RMP), or amendment to a management framework plan, the 60-Day Governor’s Consistency Review Process is required and gives the State an additional review opportunity that follows NEPA consultation criteria. Over the past couple of months, the agency has been working with State, Tribal, and Local partners to incorporate any remaining concerns or unresolved issues regarding the Logandale Trails project.

On June 23<sup>rd</sup>, Governor Lombardo signed the consistency review letter from this project and the letter was transmitted to the BLM. A copy of the Governor’s letter for the Logandale Trails SRMA is available [at this link](#).

- 3) 2023 Nevada State Planning Conference: The Nevada Chapter of the American Planning Association (APA) is going to hold its annual conference October 16-18 at the new Tahoe Blue Event Center in Stateline. This year will mark the 51<sup>st</sup> annual Nevada State Planning Conference and the theme for the conference is “Bursting as the Seams”. This year’s conference will be focused on how communities throughout Nevada are dealing with growth and development. Session tracks include; Best Way to Keep Up (interactive & professional development), Track What’s Going On (technical planning & trends), Protecting Nevada’s Resources (natural & cultural resources), and A Place for all Nevadans to Live (housing). Staff has been working closely with the chapter to plan for the conference and has organized several sessions. The chapter has opened up registration

and has included a special \$75 Citizen Planner registration rate for this year's conference, which every member of the Council is eligible to utilize. For additional information or to register for this year's conference please see the attached save the date flyer.

- 4) Federal Public Lands Bills: The Agency continues to track the progress of several Nevada specific public lands and natural resource Federal bills. As the 118<sup>th</sup> Congress and the Biden Administration begin their work, the Agency expects new Federal public land bills to move through the process or resurface over the next year. Below is a listing of the bills that the agency is tracking during the 118<sup>th</sup> Session.

Status of Legislation in the 118<sup>th</sup> Congress.

- Lake Tahoe Restoration Reauthorization Act (H.R. 1274) (S. 612) – [Congressman Amodei introduced the House version of this bill on 3-1-23. Senator Cortez Masto introduced the Senate version of this bill on 3-1-23.](#)
- Maude Frazier Mountain (H.R. 848) – [Congresswoman Titus introduced this bill on 2-21-23.](#)
- Nuclear Waster Informed Consent Act (H.R. 1051) (S. 404) - [Congresswoman Titus introduced this this bill on 2-14-23. Senator Cortez Masto introduced the Senate version of this bill on 2-14-23.](#)
- Wild Horse and Burro Protection Act of 2023 (H.R. 3656) - [Congresswoman Titus introduced this this bill on 5-24-23.](#)
- Public Land Renewable Energy Development Act of 2023 (H.R. 178) – [Congressman Mike Levin \(CA-49\) introduced this bill on 2-21-23.](#)
- Avi Kwa Ame National Monument – [On March 21, 2023, President Biden issued a proclamation under the Antiquities Act to designate Avi Kwa Ame in Clark County as a National Monument. The new national monument spans approximately 506,814 acres of lands managed by the Interior Department's Bureau of Land Management, Bureau of Reclamation, and National Park Service.](#)
- Northern Nevada Economic Development and Conservation Act (H.R. 3173) – [Congressman Amodei introduced this this bill on 5-10-23.](#)
- Sloan Canyon National Conservation Boundary Amendment (S. 2042) – [Senator Cortez Masto introduced this bill on 6-15-23.](#)

- Ruby Mountains Protection Act (S. 706) – [Senator Cortez Masto](#) introduced this bill on 3-8-23.
- Apex Area Technical Corrections Act (H.R. 1504) (S. 1760) – [Congressman Horsford](#) introduced the House version of this bill on 3-9-23. [Senator Cortez Masto](#) introduced the Senate version of this bill on 5-30-23.
- American Broadband Deployment Act of 2023 (H.R. 3557) – [Congressman Buddy Carter \(GA-1\)](#) introduced this bill on 5-22-23.

#### Other Potential Federal Land Bills

- Southern Nevada Economic Development and Conservation Act – [No bill introduced yet.](#)
- Carson City Public Land Correction Act – [No bill introduced yet.](#)
- Elko National Cemetery Act – [No bill introduced yet.](#)
- Truckee Meadows Lands Bill – [No bill introduced yet.](#) Discussion draft of the proposed bill has been circulated to stakeholders and public meetings have been held.
- Nye County Lands Bill – [No bill introduced yet.](#)
- Lyon County Lands Bill – [No bill introduced yet.](#)
- Nevada Test and Training Range modernization & withdrawal – [No bill introduced yet.](#)
- Sunrise Mountains/East Las Vegas National Monument – [No bill introduced yet.](#)
- Bahsahwahbee Swamp Cedars National Monument – [No bill introduced yet.](#)
- Historic Wendover Airfield National Monument. – [No bill introduced yet.](#)

Subject:

APA Nevada - 51st Annual State Conference - Save the Date

**APA NV** American Planning Association  
NEVADA CHAPTER

**SAVE THE DATE**

**51<sup>ST</sup> ANNUAL STATE CONFERENCE**  
**BURSTING AT THE SEAMS**

Planning for Growth and a Future that unites us all while leading the West in Planning Excellence

**OCTOBER 16-18, 2023**  
**TAHOE BLUE CENTER, SOUTH LAKE TAHOE**

The conference will focus on how communities throughout Nevada are dealing with growth & development. Conference session tracks include

-  **Best Way to Keep Up**  
*(interactive & professional development)*
-  **Protecting Nevada's Resources**  
*(natural & cultural resources)*
-  **Track What's Going On**  
*(technical planning & trends)*
-  **A Place for all Nevadans to Live**  
*(housing)*



## CONFERENCE REGISTRATION RATES

APA Member Early-Bird Full Registration (Prior to October 1, 2023) .....	\$250.00
APA Member Late Full Registration (On October 1, 2023 or Later) .....	\$300.00
Non-APA Member Early-Bird Full Registration (Prior to October 1, 2023) .....	\$300.00
Non-APA Member Late Full Registration (On October 1, 2023 or Later) .....	\$350.00
Single Day Registration .....	\$150.00
Citizen Planner (Elected/Appointed Official) .....	\$75.00
Banquet only/Banquet Table .....	\$40.00/350.00
Student .....	FREE

*NOTE: The Student rate does not include attendance of the awards banquet scheduled for Monday, October 16, 2023.*

## CONFERENCE ACCOMMODATIONS

**Bally's Lake Tahoe**  
*Primary Conference Hotel*  
 Phone: 775.588.3515 ext. 3015  
 Group Code: STAPA3  
 Average Room Rate: \$59.00

**Bally's Online  
 Registration**



**Hard Rock Casino Lake Tahoe**  
*Secondary Conference Hotel*  
 Phone: 1.844.588.7625  
 Group Code: APA2023  
 Average Room Rate: \$89.00  
 (Upgrades Available at Discounted Prices)

**Hard Rock Casino  
 Online Registration**



**Station House Inn**  
*Non-Gaming Property,  
 Limited Number of Rooms*  
 Phone: 1.530.542.1101  
 Mention APA Nevada  
 Average Room Rate: \$143.65  
 Input Discount Code by Clicking "Book Now" >  
 "Add Code" > "Group Attendee" and input  
 "3354574" and click "Add"

**Station House Inn  
 Online Registration**

