



State Land Use Planning Advisory Council

MEETING PACKET

Tuesday October 27, 2020

Virtual Meeting

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NOTICE OF PUBLIC MEETING AND AGENDA FOR THE STATE LAND USE PLANNING ADVISORY COUNCIL

A public meeting will be held on:

Tuesday October 27, 2020 9:00 AM

At the following location:

******Virtual Meeting******

This meeting will be held virtually pursuant to NRS241.023 and State of Nevada Declaration of Emergency Directive 006. In-person attendance is not available during this time.

The State Land Use Planning Agency uses LifeSize, a third-party app, for its virtual meetings and does not control its technical specifications or requirements. Your ability to participate in the public comment portions of a meeting may be impacted by factors including but not limited to the type of device you use, the strength of your internet or cellular signal, and the company that provides your internet or cellular service. The State Land Use Planning Agency is not responsible if you are not able to participate in a meeting through LifeSize due to these or any other factors. For questions or additional information, you may contact Scott Carey, State Lands Planner at 775-684-2723 or at scarey@lands.nv.gov.

The public is invited and encouraged to participate by phone at (312) 584-2401, when prompted, enter the meeting code 3567823. Public comment may also be submitted via email prior to the meeting, please submit public comments to scarey@lands.nv.us by 5 PM on October 26, 2020.

Please note that times listed are estimates

9:00 am **1) CALL TO ORDER**
Roll Call of the Council and Introductions of staff & guests.

9:05 am **2) PUBLIC COMMENT**

This is an opportunity for the public to provide public comment on any item included on the agenda or any other land use planning and any other related topic not included on the agenda. (Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda).

- 9:10 am 3) REVIEW OF THE AGENDA (For possible action)**
(Agenda is reviewed for unforeseen circumstances such as the inability of a scheduled speaker to attend, to move an item to a different time during the meeting to accommodate a speaker, etc.)
- 9:15 am 4) APPROVAL OF MINUTES (For possible action)**
• Approval of Minutes from the August 13, 2020 SLUPAC meeting
- 9:20 am 5) UPDATE ON SLUPAC LEGISLATIVE CHANGES (For Possible Action)**
At its last meeting, the Council reviewed and discussed potential changes to its powers and duties under NRS 321. The Council will review and provide direction to the Administrator of State Lands on the bill draft request to update its statute. *Members - State Land Use Planning Advisory Council*
- 9:40 am 6) NV ENERGY GREENLINK NORTH AND GREENLINK WEST PROJECTS (For Discussion Only)**
Representatives from NV Energy will provide the Council with a presentation on the Greenlink North and Greenlink West projects. *Members - State Land Use Planning Advisory Council*
- 10:10 am 7) LEGISLATIVE COMMITTEE ON PUBLIC LANDS UPDATE (For Discussion Only)**
Jered McDonald Principal Policy Analyst with the Legislative Council Bureau will provide the Council with an update on the work conducted during the interim by the Legislative Committee on Public Lands. *Members - State Land Use Planning Advisory Council*
- 10:40 am 8) STATE LAND USE PLANNING AGENCY UPDATE (For Discussion Only)**
Staff will provide the Council with an update on agency activities, SLUPAC projects, Federal public lands and other legislation, and other issues of interest to the Council. *Members - State Land Use Planning Advisory Council*
- 11:00 am 9) COUNTY PLANNING UPDATES (For Discussion Only)**
Updates from SLUPAC members on planning and land use related activities within their areas of representation. *Members – State Land Use Planning Advisory Council*
- 11:30 am 10) FUTURE AGENDA ITEMS (For Possible Action)**
The Council will discuss and recommend items to be placed on a future SLUPAC agenda. *Members – State Land Use Planning Advisory Council*
- 11:45 am 11) SCHEDULING OF FUTURE SLUPAC MEETING DATES AND LOCATIONS (For Possible Action)**
The Council will discuss and recommend dates and possible locations for future SLUPAC meetings. Traditionally, the Council has met four times in a year and has held its meetings in various geographic areas throughout the State. *Members – State Land Use Planning Advisory Council*

11:50 am 12) PUBLIC COMMENT

This is an opportunity for the public to provide public comment on any item included on the agenda or any other land use planning and any other related topic not included on the agenda. (Pursuant to NRS 241.020, no action may be taken upon a matter raised under this item until the matter has been specifically included on an agenda).

12:00 pm 13) ADJOURN (For possible action)

Members – State Land Use Planning Advisory Council

PLEASE NOTE:

(I) Times listed for all items are estimates.

(II) Items on the agenda may be taken out of order at the discretion of the Chair; the public body may combine two or more items for consideration; and the public body may remove an item or defer discussion of an item on the agenda at any time.

(III) Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify Scott Carey in writing at the Nevada Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City, Nevada 89701 or by calling 775-684-2723 no later than October 23, 2020.

(IV) Documentation and supporting agenda items are available on the Nevada Division of State Lands Website at www.lands.nv.gov/land-use-planning/state-land-use-planning-advisory-council/slupac-meeting-agendas-and-minutes and will be available at the SLUPAC meeting. For further information you may contact Scott Carey at 775-684-2723 or at scarey@lands.nv.gov.

Notice of this meeting was posted at the following locations:

Nevada Division of State Lands website at: www.lands.nv.gov

Nevada Public Notice Website at www.notice.nv.gov.

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 interacted 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 policies. 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.

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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 Statutes. 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.

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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 Council 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 statue 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 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 to 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 designation 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 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:

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

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.

Section 1. NRS 321.740 is hereby amended to read as follows:

321.740 1. The Land Use Planning Advisory Council ~~[, consisting of 17]~~ *is hereby created. The Advisory Council consists of:*

(a) *Seventeen* voting members appointed by the Governor ~~[and 1]~~ :

(b) *One* nonvoting member appointed by the Nevada Association of Counties, or its successor organization . ~~[, is hereby created.]~~

(c) *One nonvoting member appointed by the Nevada League of Cities or its successor organization.*

(d) *One nonvoting member appointed by the Nevada Indian Commission.*

2. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

~~[2.]~~ 3. One voting member must be appointed *by the Governor* to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.

~~[3.]~~ 4. If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection ~~[2.]~~ 3, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:

- (a) If one person has been nominated, that person; or
 - (b) If two or more persons have been nominated, the person listed by the board first in order of preference,
- ↪ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board shall submit to the Governor the name of a new nominee or a list of new nominees.

~~[4.—After the initial terms, each]~~

5. *Each* voting member serves a term of 3 years ~~[and]~~, *except that if a voting member is an elected official of the county and he or she does not become a candidate for reelection or is defeated for reelection, that person's membership on the Advisory Council ends:*

- (a) *Three years after appointment to the Advisory Council; or*
 - (b) *The date on which his or her term of office as an elected official of the county ends,*
- ↪ *whichever occurs first. If the membership of a voting member on the Advisory Council ends before the expiration of his or her 3-year term, a vacancy exists.*

6. *Any voting member* is eligible for reappointment to the Advisory Council.

~~{5.}~~ 7. The nonvoting ~~{member}~~ *members* of the Advisory Council ~~{serves}~~ *serve* at the pleasure of the ~~{Nevada Association of Counties, or its successor organization.~~

~~—6.}~~ *appointing authority.*

7. At its first meeting each year, the Advisory Council shall elect a Chair *and Vice Chair* from among its members.

~~{7.}~~ 8. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

~~{8.}~~ 9. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

Sec. 2. NRS 321.750 is hereby amended to read as follows:

321.750 The Land Use Planning Advisory Council shall:

1. Advise the Administrator on the development and distribution to cities and counties of information useful to land use planning.

2. Advise the State Land Use Planning Agency regarding the development of plans and statements of policy pursuant to subsection 1 of NRS 321.7355.

3. Work cooperatively with the Attorney General and the Nevada Association of Counties as required pursuant to subsection 3 of NRS 405.204.

4. Advise any federal or state agency or local government on land use planning and policy, including, without limitation, developing a statement of policy, drafting a resolution or

providing formal comment on land use planning policies and land management projects of any federal or state agency or local government.

5. Assist and advice in the resolution of inconsistencies in land use plans if requested pursuant to NRS 321.761.

6. Make recommendations related to areas of critical environmental concern pursuant to NRS 321.770.

Sec. 3. NRS 321.761 is hereby amended to read as follows:

321.761 1. If an inconsistency in land use plans develops between two or more adjacent or overlapping local government entities which cannot be resolved between them, one or more of them may request the ~~[State]~~ Land Use Planning ~~[Agency]~~ *Advisory Council* to study and assist in resolving the inconsistency.

2. Upon receipt of such a request the ~~[Administrator]~~ *Land Use Planning Advisory Council* shall convene a meeting of all the affected entities and shall provide *mediation assistance*, technical assistance and advice in resolving the inconsistency.

3. If, after subsequent meetings over a reasonable period of time as determined by the ~~[Administrator,]~~ *Land Use Planning Advisory Council*, the affected entities cannot resolve the inconsistency, the matter shall be submitted to the Executive Council of the Land Use Planning Advisory Council for a decision.

Sec. 4. NRS 321.763 is hereby amended to read as follows:

321.763 1. When an inconsistency in land use plans is submitted for decision, the Executive Council may direct the *Administrator or* staff of the State Land Use Planning Agency to conduct studies, assemble information and prepare proposals for alternative courses of action if necessary.

2. The Executive Council shall conduct public hearings in the affected areas before arriving at a decision in the matter.

3. In rendering its decision, the Executive Council may sustain the position of one or more of the local government entities involved or prescribe its own land use plan for the area of inconsistency. The Executive Council may adopt land use regulations to carry out its decision.

4. All land use plans and regulations adopted by the Executive Council pursuant to this section supersede inconsistent plans and regulations of the affected local government entities, but the local government entities are responsible for enforcing the plans and regulations of the Executive Council.

5. In the event of noncompliance with such plans or regulations, any affected local government entity may bring an action to obtain injunctive relief against such noncompliance.

6. The Executive Council, upon petition from all of the affected local government entities or on its own motion, may determine the expiration date of the plans and regulations imposed pursuant to this section.

Sec. 5. NRS 321.770 is hereby amended to read as follows:

321.770 1. The State Land Use Planning Agency shall provide assistance in land use planning for areas of critical environmental concern:

(a) When the Governor directs that the Agency review and assist in land use planning for an area the Governor finds to be of critical environmental concern.

(b) When one or more local government entities request that the Agency advise and assist in land use planning for an area which affects them and which they consider to be of critical environmental concern.

2. Upon receipt of a directive or a request pursuant to subsection 1, the Administrator shall study the problems of the area described and meet with the affected local government entities to receive their initial comments and recommendations. The Administrator shall then submit the matter of planning for the area of critical environmental concern to the Land Use Planning Advisory Council for consideration and recommendation.

3. The Land Use Planning Advisory Council shall include in its procedures one or more public hearings . ~~[upon notice given by at least one publication at least 20 days before the hearing in a newspaper or combination of newspapers having general circulation throughout the area affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.]~~ *Notice of the time and the place of any such hearing and the purpose of the hearing must be posted in a manner that satisfies the requirements of NRS 241.020.*

4. Following completion of the hearings and consideration of other information, the Land Use Planning Advisory Council shall make its final recommendations *to the Governor* for land use planning policies in the area of critical environmental concern. The recommendations may include proposed land use regulations to carry out such policies.

5. No land use regulation adopted by the Land Use Planning Advisory Council pursuant to this section may become effective without the approval of the Governor.

Sec. 6. This act becomes effective on July 1, 2021.

SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON PUBLIC LANDS

Nevada Revised Statutes (NRS) 218E.510

This summary presents the recommendations approved by the Legislative Committee on Public Lands at its meeting on September 22, 2020. The bill draft requests (BDRs) will be forwarded to the Legislative Commission for transmittal to the 81st Session of the Nevada Legislature.

RECOMMENDATIONS FOR LEGISLATION

1. Draft a bill authorizing a board of county commissioners to establish a groundwater board for areas designated as a groundwater basin by the state engineer. Further, county commissions may appoint members to the groundwater board and a groundwater board may only be dissolved by the board of county commissioners. **(BDR 48–462)**
2. Draft a bill to appoint one tribal member to the Legislative Committee on Public Lands. **(BDR 17–463)**
3. Draft a bill to replace the current off-highway vehicle (OHV) registration system with an annual use decal; require out-of-state OHV users and vehicles registered for street use and modified for off-road riding to acquire an annual sticker; and require all OHV users under 16 years of age to wear a helmet on all types of OHVs. **(BDR 43–464)**
4. Draft a bill to provide an exemption to the Open Meeting Law to allow local governments to engage in deliberative and predecisional nonpublic meetings with federal agencies concerning matters related to the National Environmental Policy Act. **(BDR 19–466)**
5. Draft a bill to list the Spring Valley, Nevada, population of the swamp cedar as a protected species of native flora. **(BDR 47–468)**
6. Draft a resolution urging the federal government to protect certain portions of Spring Valley identified as having cultural and historical importance to Native American tribes in the region. **(BDR R–467)**
7. Draft a resolution supporting land sales and transfers of property owned under the [Recreation and Public Purposes Amendment Act of 1988](#) (H.R. 4362, 100th Congress) to local governments and nonprofit agencies where they have constructed and operate public and not-for-profit facilities. **(BDR R–470)**
8. Draft a resolution seeking the transfer of certain federal lands to the State of Nevada for the purpose of supplementing the state’s Permanent School Fund through the addition of school trust lands. **(BDR R–469)**

9. Draft a bill to expand the qualifications for the position of state water engineer to include experience and/or advanced education in geology, hydrology, water resource engineering, and water rights. **(BDR 48–471)**
10. Draft a resolution calling on the United States Congress to provide funding to successfully reduce the number of free-roaming wild horses and burros to appropriate management levels, using nonlethal means, within six years, to protect and restore the health and viability of public lands in Nevada. **(BDR R–465)**

RECOMMENDATIONS FOR COMMITTEE ACTION

11. Send a letter to the Division of Forestry, State Department of Conservation and Natural Resources (DCNR), requesting a study of the swamp cedar groves located in Spring Valley, Nevada.
12. Send a letter to the Office of Historic Preservation, DCNR, and the Nevada Natural Heritage Program requesting a review of the historical significance and possible protection of the swamp cedar groves located in Spring Valley.
13. Send a letter expressing the Committee’s support of the Great Basin National Park federal funding requests, particularly funds for maintenance backlogs on public lands, under [H.R. 1957](#) (Great American Outdoors Act) of the 116th Congress, introduced by Representative John Lewis (D-Georgia) and enacted on August 4, 2020.
14. Send a letter to the U.S. Forest Service, U.S. Department of Agriculture, and to the Bureau of Land Management (BLM), U.S. Department of the Interior, urging their continued cooperation with state, local, and private land owners to address wildfire in Nevada. Further, request each agency to amplify fire suppression efforts, seek flexible land management options, and increase financial resources available to address the issue.
15. Send a letter to the governor, attorney general (AG), chair of the Senate Committee on Finance, and chair of the Assembly Committee on Ways and Means of the 2021 Legislative Session seeking funds to implement [Senate Bill 456](#) (2015), which urges the AG to take a leadership role in pursuing actions on behalf of the state and counties in formalizing and finalizing title to accessory roads and public roads.
16. Send a letter urging Nevada’s Congressional Delegation to support the BLM’s 2020 report to Congress to seek the removal of excess horses and burros to appropriate management levels within six years.
17. Include a position statement supporting the expansion of current efforts to implement landscape scale projects utilizing pinyon-juniper woodland biomass in a way that benefits economic stability, energy production, hydrologic function, rangeland health, and wildlife habitat.



Nevada Division of
STATE LANDS

STATE OF NEVADA
Department of Conservation & Natural Resources
Steve Sisolak, Governor
Bradley Crowell, *Director*
Charles C. Donohue, *Administrator*

October 27, 2020

To: State Land Use Planning Advisory Council

From: Scott Carey AICP, State Lands Planner

RE: State Land Use Planning Agency Update

Since the August 13, 2020 meeting the Agency has been working on agency 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) State Rail Plan: At the August 13th meeting, the Council heard a presentation from NDOT and their consultant Strategic Rail Finance on the status of the update to the State Rail Plan. The project team continues to move forward on completing the final draft of the plan and is scheduled to complete the final draft of the plan in the next couple weeks. Once the final draft of the plan is available, the team will solicit comments from the public for 30 days. Following the conclusion of the public comment period the plan will be considered by the State Transportation Board for adoption. The Agency has been involved with the project team since the last SLUPAC meeting and will continue monitoring the progress of the plan.

At the last SLUPAC meeting, the Council expressed a desire to have an agenda item at the next meeting on this topic. The Agency reached out to the project team on this request and see if a letter of support from the Council would helpful for the adoption of the plan. The project team informed the agency that they would like to come back to SLUPAC after the plan is adopted and have a discussion on the Council can support the implementation of the plan moving forward. The project team also stated that they would welcome any comments on the final draft of the plan once its released.

At the last SLUPAC meeting, the Council expressed a desire to connect the State Rail Plan project team with the NV Energy team working on the Greenlink North and Greenlink West projects. The conversation at the last SLUPAC meeting centered around connecting these entities and use the Greenlink project corridors as possible future corridors for rail service. After the meeting the agency did reach out to the State Rail Plan project team regarding this request and discussion at the last council meeting. The agency also reached

out to NV Energy and scheduled an update on the Greenlink Nevada project for this meeting.

- 2) Nevada Climate Initiative: At the August 13th meeting, the Council heard a presentation from the State Climate Policy Coordinator Dr. Kristen Averyt about the Nevada Climate Initiative. Since the meeting, the agency has been involved with the initiative by participating in listening sessions and providing technical support to the land use & land use change working group.

The agency participated and provided comments on behalf of the agency during three recent listening sessions for the Climate Initiative. During the Land Use and Land Use Change listening session on September 15th the agency provided comments about need for better land use planning coordination between Federal, State, Tribal, and Local governments. The agency stated that SLUPAC could provide a forum for greater collaboration in the future on land use planning issues around in the state. During the Transportation Transportation listening session on September 17th, the agency provided comment about the need for better land use planning in order to locate jobs closer to homes. The agency stated that better land use planning can create balanced jobs to housing ratios and reduce vehicle miles traveled and greenhouse gas emissions. During the Urban Planning listening session on September 24th, the agency provided comments about the need to revisit Nevada's property tax structure. The agency reiterated the point expressed by several cities and counties about how the state's property tax structure forces local governments to grow. The agency stated that due to the way property taxes are calculated in this state, local governments must grow and push for new development within their jurisdictions to cover the services provided to the public.

In December the Climate Initiative will be releasing the Nevada State Climate Strategy. This document is focused on robust engagement, assessment, and framework actions towards combating climate change issues in Nevada. The Climate Strategy will provide a framework to evaluate the alignment of policies with the timelines and benchmarks necessary for Nevada to achieve its greenhouse gas emission reduction goals. There are several interagency groups within the state that have been formed to develop specific areas on the Climate Strategy. Working groups include Renewable Energy, Land Use and Land Change, Transportation Transformation, Air Quality, Urban Planning, Economic Recovery, Green Buildings, and Climate Justice. The Agency has provided technical assistance in the development of the goals and policies associated with the Land Use and Land Change component of the Climate Strategy. The agency will continue to monitor the progress of the Climate Initiative and keep the Council updated.

- 3) Federal Public Lands Bills: The Agency continues to track the progress of several Federal public lands bills throughout the State. Below is a listing of the bills currently be tracked by the Agency. At the meeting staff will provide the Council with an update on the progress of these bills.
- Fallon Range Training Complex Modernization
 - Nevada Test and Training Range Withdrawal
 - Southern Nevada Economic Development and Conservation Act
 - Truckee Meadows Public Lands Management Act
 - Pershing County Lands Bill
 - City of Fernley Lands Bill
 - Douglas County Lands Bill
 - Nye County Lands Bill
 - Churchill County Lands Bill
 - Northern Nevada Economic Development and Conservation Act
 - Northern Nevada Economic Development, Conservation and Military Modernization Act
 - Northern Nevada Rural Land Management, Conservation, and Military Readiness Act
- 4) Statewide Renewable Energy Planning: Last month the agency received a letter Nature Conservancy, The Wilderness Society, Natural Resources Defense Council, and Defenders of Wildlife. The letter asks that Nevada include strong commitments to smart-from-the-start planning for renewable energy and transmission buildout in its forthcoming State Climate Strategy. A smart-from-the-start energy plan identifies and prioritizes lower-impact areas where renewable energy generation and transmission can be deployed with as little impact as possible to natural lands, cultural resources, recreation, and other conservation values. The letter articulates the many benefits to a smart-from-the-start approach, describes the desirable land assets that could serve as ideal locations for renewable development, outlines steps for implementation, and offers our help to make it happen. Jaina Moon, External Affairs Director has submitted a request to be on the next SLUPAC meeting agenda to provide the council with a presentation about smart-from-the-start energy planning. A copy of this letter is attached to the memo.



August 21, 2020

Brad Crowell, Director
Nevada Department of Conservation and
Natural Resources
901 S. Stewart St., Ste. 1003
Carson City, NV 89701
bcrowell@dcnr.nv.gov

David Bobzien, Director
Nevada Governor's Office of Energy
755 North Roop Street, Suite 202
Carson City, Nevada 89701
dbobzien@energy.nv.gov

Re: Proposing a Framework for Statewide Renewable Energy Planning for Nevada's Climate Strategy

Dear Director Crowell and Director Bobzien,

When it comes to tackling climate change, Nevada is already a leader. We applaud Governor Sisolak's leadership with the issuance of Executive Order 2019-22, Directing the Executive Branch to Advance Nevada's Climate Goals. We look forward to sharing our expertise and working with you to craft solutions and strategies for Nevada in the adoption of carbon reduction goals. This letter is intended to present a proposed framework for statewide planning for utility-scale renewable energy and transmission for Nevada's first state climate strategy.

In the coming decade, Nevada will face extraordinary change as it works to mitigate and adapt to climate change. This work is further challenged by an unprecedented economic downturn due to COVID-19. As we recover from the economic downturn, we have an opportunity to deploy strategies that will build a strong foundation for Nevada to adapt and thrive. A carbon neutral economy will require more renewable energy generation and transmission development and increased energy storage capacity, as well as strong commitments to energy conservation and efficiency and distributed generation. With smart planning, we can ensure that we develop the renewable energy infrastructure we need to meet climate targets and grow the economy without sacrificing Nevada's conservation goals.

Over the next 30 years, Nevada and states across the West will see an increase in the demand for renewable energy as states comply with aggressive standards for carbon reduction and renewable electricity generation. Additionally, the electrification of the transportation sector will significantly increase the needed electricity capacity and will require additional electric vehicle infrastructure. The need for land to support utility-scale renewable energy projects and associated transmission infrastructure is likely to exacerbate existing land use conflicts. These conflicts are a significant barrier to achieving the pace and scale of renewable energy deployment needed to reduce the effects of climate change, underscoring the need to take a proactive approach to planning ahead for Nevada's renewable energy buildout.

Nevada can continue to lead by planning and launching smart renewable energy systems that will help us achieve the dual goals of climate mitigation and land protection. To meet the electricity needs of a decarbonized economy, including for the transportation sector, we recommend that Nevada adopt a smart-from-the-start, statewide approach to planning for utility-scale renewable energy and associated storage capacity and transmission. **A smart-from-the-start approach identifies and prioritizes lower-impact areas where renewable energy generation, storage, and transmission can be deployed with as little impact as possible to natural lands, cultural resources, recreation, and other conservation values.**

There are many benefits to Nevada pursuing a smart-from-the-start approach to statewide renewable energy generation and transmission planning.

- This approach is necessary and applicable to any current and future transmission plans under consideration in the state to ensure adequate transmission in the right places to achieve our climate goals, and ultimately create a more efficient, equitable, and comprehensive process. It generates value for all parties by bringing forth disparate knowledge from stakeholders early on. Synthesizing this knowledge improves planning, permitting, coordination, and implementation decisions and increases the odds that renewable projects will minimize costs, maximize economic benefits, and prevent avoidable mistakes.
- Reduced impacts to conservation, cultural, recreation, and other resources decreases conflict, which in turn decreases time and cost for project development. Nobody benefits from contentious, high-impact renewable energy projects. A smart-from-the-start approach reduces conflicts and impacts by identifying and incentivizing lower-impact renewable energy generation and transmission sites upfront so development and conservation can proceed in tandem.
- Land reuse and redevelopment is a key component of a smart-from-the-start approach. Accelerating renewable development on already impacted lands helps conserve un-disturbed lands for hunting, fishing, recreation, wildlife, tribal, and other values.
- Carbon benefits are enhanced by avoiding conversion of intact lands through focusing renewable energy development and storage on previously disturbed lands.
- Increased economic benefits generated from avoided costs of lengthy project delays will result in long-term efficiencies and effective renewable energy development and can reduce burden on ratepayers.
- New economic opportunities and revitalization of local communities from reusing impacted sites. A smart-from-the-start approach incorporates socioeconomic factors to ensure that economic and social costs and benefits from renewable energy buildout are shared equitably among communities.
- Nevada is a key state in Western energy market and grid dynamics. Having a smart-from-the-start implementation plan provides a solid baseline for engaging in broader discussions and negotiations with other states and regions about Nevada's contributions to the West's clean energy transition.
- Nevada can be a model for Western states by developing clear recommendations on establishing a smart-from-the-start approach to statewide renewable energy infrastructure planning for a clean energy future.

The State Climate Strategy is a prime opportunity for Nevada to commit to building a smart-from-the-start approach to statewide planning for renewable energy and transmission buildout. Nevada has a

variety of desirable land assets that could serve as ideal locations for renewable development. Ideal land types in Nevada include the following:

- **Mine lands.** Nevada has a large number of mines, and many of them are located close to existing transmission. There are opportunities for renewable development and storage on both operating and closed mine sites. Operating mines can generate renewable energy on waste rock dump sites and can plan for larger generation potential when mines close. Closed mines can be reviewed for their renewable potential. Mine closure and reclamation plans will still need to address health, safety, and liability considerations after mine closure, but the reclamation burden may be lessened if land is used to generate utility-scale renewable electricity. There are other factors and considerations, e.g. sage grouse disturbance, that may arise during redevelopment or other permitting processes. A smart-from-the-start planning approach can proactively address these problems before they arise, to the benefit of the state and all stakeholders involved in building a renewable energy future for the state of Nevada. Nevada should prioritize and incentivize future renewable development on mine lands.
- **Brownfields.** Lands that have residual impacts from previous use, like landfills and former industrial sites, are also viable for renewable energy development. The EPA RE-Powering Program found that Nevada has over 1 million acres of brownfields that are suitable for renewable energy generation. The Nature Conservancy's conservative estimate of energy potential on brownfields in Nevada revealed that they could provide 20,200 MW of solar energy capacity, enough to power 3.8 million homes. As with mine lands, health, safety, and pollution concerns will need to be addressed, but those costs could be offset with revenue from renewable energy generation.
- **Checkerboard and other lower-impact public land.** The vast majority of land in the state of Nevada is managed by federal agencies, creating both challenges and opportunities for advancing renewable energy infrastructure in the state. This underscores the importance of close coordination between federal and state agencies. Many of the checkerboard lands along I-80 are ecologically disturbed by cheatgrass invasion and located close to transmission. Renewable energy generation should be included as a preferred land use component of legislative and legal efforts to realign boundaries of checkerboard lands. Governor Sisolak's administration should also engage with stakeholders, industry, local communities, Native American Tribes, and BLM to identify additional lower-impact public lands around the state that could be prioritized for renewable energy, such as the areas our groups identified in southern Nevada in the enclosed January 23, 2020 letter to BLM. The State of Nevada could petition the BLM to designate these public lands as new priority areas for solar, wind, or geothermal energy development (for solar and wind, priority areas on BLM lands are known as "Designated Leasing Areas" or DLAs).

We ask that the state include strong commitments to smart-from-the-start planning for renewable energy and transmission buildout in the State Climate Strategy. This will set Nevada on a path to achieving a sustainable energy plan that works for both people and nature. We would be remiss if we did not include next steps for how the state can implement a smart-from-the-start approach. **We stand ready to help the State at each step.**

1. Identify and prioritize high-potential, lower-impact renewable generation zones. A geospatial analysis created with public input and expert opinion can reveal the best locations for

renewable development based on solar, wind, or geothermal potential, proximity to existing or planned transmission, ideal land type (described above), and avoidance of high value conservation lands, cultural resources, and other conflicts.

2. Ensure that planned and upgraded transmission connects the renewable generation zones in the most efficient network, and that transmission upgrades or new lines also avoid high value conservation lands, cultural resources, and other conflicts. One important opportunity for engagement is the ongoing review of the West-wide Energy Corridors being conducted by the BLM, U.S. Forest Service, and Department of Energy.
3. Coordinate with the Nevada Public Utilities Commission, federal land management agencies, investor-owned utilities, and rural electric co-operatives to identify where transmission modernization is needed to support development of renewable energy on ideal lands types. For example, the Amargosa Valley has numerous suitable locations for solar development on several of the ideal land types noted above, but current transmission capacity cannot support the export of increased renewable generation from that area.
4. Enact policies that will incentivize and facilitate development of renewable energy on ideal land types and transmission network upgrades, such as financial and increased permitting efficiency benefits. Identify policy solutions that ensure that economic and environmental benefits and burdens from renewable energy buildout are shared equitably among communities.
5. Establish a mitigation framework to address unavoidable impacts of energy development. A broad, climate-focused mitigation framework would address priorities for both carbon reduction and land protection.

Nevada can achieve its carbon reduction goals and ensure a sustainable and successful transition to a renewable energy future for both people and nature. The impact that COVID-19 is currently having on the economy presents a unique challenge for this transition, but it can also be a catalyst for opportunity and change. In this context, Nevada has a chance to build renewable energy infrastructure that forms a cornerstone of a strong economic recovery while ensuring protection for our spectacular public lands and biodiversity. We hope these recommendations help support the inclusion of a commitment to smart-from-the-start, statewide planning for renewable energy generation, storage, and transmission in the Nevada Climate Action Strategy.

Sincerely,

Jaina Moan
Director of External Affairs, Nevada
The Nature Conservancy

Helen O'Shea
Director, Western Renewable Energy Project
Natural Resources Defense Council

Alex Daue
Assistant Director, Energy & Climate
The Wilderness Society

Shayna Steingard
Renewable Energy and Wildlife Policy Analyst
Defenders of Wildlife

cc: Dr. Kristen Averyt, Nevada State Climate Coordinator

enc. Jan 23, 2020 Letter to BLM re: recommendations for potential new solar DLAs in southern NV