

**STATE LAND USE PLANNING ADVISORY COUNCIL**

MINUTES

February 7, 2014

At the following location:

Clark County Government Center  
500 S. Grand Central Pkwy., Room ODC 1 (First Floor)  
Las Vegas, NV 89155

**Members Present**

Lee Plemel, Carson City  
Eleanor Lockwood, Churchill County  
Austin Osborne, Storey County (via phone)  
Nancy Amundsen, Clark County  
Dagny Stapleton, NACO  
Lorinda Wichman, Nye County

Virgil Arellano, Lyon County  
Jake Tibbitts, Eureka County  
Varlin Higbee, Lincoln County

**Members Absent**

Randy Brown, Elko County  
Garley Amos, Humboldt County  
Jeremy Davidson, Douglas County  
Bill Whitney, Washoe County  
Steven Stienmetz, Lander County  
Laurie Carson, White Pine County  
Jerrie Tipton, Mineral County

**Others Present**

Charles Donohue, Nevada Division of State Lands  
Skip Canfield, Nevada Division of State Lands, State Land Use Planning Agency  
Gayle Marrs-Smith, BLM  
Marci Henson, BLM

**CALL TO ORDER**

The meeting was called to order at 9:01 AM and self introductions were made. A motion was made by **Eleanor Lockwood** to approve the agenda. The motion was seconded by **Jake Tibbitts** and the agenda was approved with a majority vote.

A motion was made by **Lorinda Wichman** to approve the October 11, 2013 meeting minutes, seconded by **Eleanor Lockwood** and the minutes were approved with a majority vote.

A motion was made by **Varlin Higbee** to make **Virgil Arellano** Chair of SLUPAC, seconded by **Lorinda Wichman**. All were in favor.

A motion was made by **Virgil Arellano** to make **Jake Tibbitts** Vice Chair of SLUPAC, seconded by **Lorinda Wichman**. All were in favor.

**PUBLIC COMMENTS**

None

## **AGENCY REPORT**

**Charles Donohue** gave a summary of some activities at the Division of State Lands. He mentioned the status of ongoing work by State Lands as a result of the White Pine and Lincoln land bills of last decade. Specifically, working with the USFS and BLM on who will pay for the costs of land transfers at the State parks and wildlife management areas that had land expansions. The required cultural clearances were holding up the transfers. It is cost-prohibitive for the State to conduct these resource inventories. Therefore, programmatic agreements have been put in place that, as State Parks does improvements, only those small areas affected by the improvements will have cultural clearance work. He stressed that during consideration of future land bills, it is important to identify costs associated with land transfers and the mechanism to pay for them. **Virgil Arellano** stressed the need for buy-in from the Congressional delegation.

State Lands has been working on its "Land Portfolio", working with agencies that are assigned State lands, and identifying their needs for expansion and any existing function problems. Some State lands could be identified for disposal through this process as "excess".

State Lands developed the State "Alternative E" for inclusion in the Greater Sage Grouse BLM/USFS DEIS. Comments on the DEIS were required by January 29. The Sagebrush Ecosystem Council is meeting on a regular basis addressing a number of issues including reviewing the USGS habitat mapping and developing the conservation credit system. **Virgil Arellano** asked if the conservation credit system can be used for renewable energy projects. **Charles Donohue** responded "yes". **Lorinda Wichman** expressed concern that the Sage Grouse DEIS is in conflict with the existing BLM Resource Management Plans. She is also concerned with the Reid/Heller Bill. In addition, she mentioned that the USFS roadless areas include many areas of Monitor Valley where roads exist. **Eleanor Lockwood** expressed frustration with years-long RMP update processes and then the potential for changes because of conflicts with the pending Sage Grouse EIS. **Lorinda Wichman** said that NEPA requires the plans to be similar. **Virgil Arellano** suggested the need for a statewide resolution from each county's commission through SLUPAC supporting the State's alternative and the activities of the Sagebrush Ecosystem Council. **Dagny Stapleton** suggested a standing item on the SLUPAC agenda for county-level coordination of the Sage Grouse issue, and involving the State Clearinghouse, especially in regard to the Governor's 60-day consistency review that will take place.

State Lands submitted to the Legislative Counsel Bureau updates to the agency's regulations for permitting activities on the bed and banks of navigable waters.

**Skip Canfield** stated that he is staff to the Nevada State Prison Steering Committee, developing recommendations to the Legislature on the future of the site. In addition, he is a member of the Governor's Military Council, developing recommendations on how to address the next round of Base Realignment and Closure (BRAC).

Also, he discussed changes to the SLUPAC Bylaws, as result of Assembly Bill 2 from last legislative session. Once the changes were reviewed, **Nancy Amundsen** moved to approve the amended Bylaws, seconded by **Eleanor Lockwood** with all in favor.

## **CLARK COUNTY'S MSHCP AND THE DESERT CONSERVATION PROGRAM**

**Marci Henderson** presented the program and the Clark County Multiple Species Habitat Conservation Plan (MSHCP).

August 4, 1989 – tortoise emergency listed by US Fish and Wildlife Service as endangered; revised to threatened.

- August – December 1989 - City of Las Vegas, SNHBA and developers file an injunction and lose; file an appeal and lose.
- An immediate and total moratorium exists on all new construction.
- Under federal law, tortoises cannot be moved, harmed, removed or killed; penalties for doing so amounted to a year in jail and a \$25,000 fine.

December 1989 – August 1991 – For two years, County leads an effort to obtain a short-term incidental take permit to allow development to resume in exchange for the implementation of a short-term habitat conservation plan.

History

1994 – County and Cities apply for and receive a long-term incidental take permit in exchange for implementing a long-term incidental take permit.

•2001 – County and Cities apply for and receive an incidental take permit for 30 years, 78 species and 145,000 acres in exchange for implementing the Multiple Species Habitat Conservation Plan (MSHCP).

History

The Desert Conservation Program serves as the Administrator of the Clark County Multiple Species Habitat Conservation Plan (MSHCP) and incidental take permit Permittees:

City of Las Vegas  
City of North Las Vegas  
City of Henderson  
City of Mesquite  
City of Boulder City  
Clark County  
Nevada Department of Transportation (NDOT)

30-year permit effective February 2001

- Take cannot exceed 145,000 acres
- Permittees collect a \$550 per acre disturbance fee to fund implementation
- MSHCP achieves conservation by augmenting existing funding/conservation on federal lands
- Fund habitat restoration and enhancement, public information, research and monitoring and other similar conservation actions

78 Covered species

-2 federally listed species (desert tortoise and Southwestern willow flycatcher)

102 Evaluation species

51 Watch list species

Public Information and Education

- Research
- Inventory
- Monitoring
- Protective Measures
- Restoration and Enhancement
- Land Use Policies and Actions

Implementation is monitored through:

Quarterly Administrator updates  
Quarterly financial, mitigation fee and land disturbance reports  
Biennial Progress Report (October 15 each odd year)  
Biennial Adaptive Management Report (March 15 each even year)

Estimated to have saved the community more than \$300 million in streamlined environmental permitting

- Predictable pathway to project approval – no project delays due to endangered species
- Regional approach to conservation for listed species

Staff capacity and expertise

- Local versus state/federal obligations and burdens
- Turn over at the governing board level; resistance to keep promises made
- Costs, costs, and more costs - \$95 million since 2001

**Gayle Marrs Smith** discussed 3 things to improve the working relationship between BLM and local governments.

- 1- It is a messy process. A transparent process is needed for credibility. Counties need to follow the process from proposal to decision.
- 2- BLM is in the Executive branch and must comply with laws. Local governments need to be familiarized with Federal regulations.
- 3- Work should be kept at the local level with local expertise.

**Virgil Arellano** expressed concern that NEPA comment periods are too short. How can counties request extensions? **Ms. Smith** said that a county can be a cooperating agency. **Eleanor Lockwood** said that BLM comes to Churchill County Commission every month with project updates.

### **FRACKING IN NEVADA**

This topic will be heard at the May 23, 2014 meeting in Carson City.

### **COUNTY PLANNING ISSUES**

**Clark County – Nancy Amundsen:** The Boulder City conservation easement has naturally occurring asbestos. County development activities are increasing. MGM enclosed sports arena has been approved with park and outdoor events. County is processing multiple residential nonconforming zone changes – FAA noise contour restrictions.

**Churchill County – Eleanor Lockwood:** County moving forward with medical marijuana ordinance. DFA milk plant opening soon. Monitoring plan in place for high water table at the Stillwater geothermal plant.

**NACO – Dagny Stapleton:** NACO submitted comments on the regional DEIS for the conservation of the sage grouse. Recommend medical marijuana county-level ordinances should be enacted by May 2014. NACO developed a renewable energy and transmission corridor model ordinance in response to AB239. NACO is facilitating meetings with the Public Lands Taskforce.

**Nye County – Lorinda Wichman:** Water District citizens groups created. Pahrump Groundwater master plan ongoing.

**Lyon County – Virgil Arellano:** Upcoming redevelopment code workshop. County is considering development of an agricultural zoning district. Public lands policy under review. Northern Nevada Conservation and Economic Development Act has passed through committee in D.C.

**Storey County – Austin Osborne:** Sunny Hills project and possible Washoe/Storey county line adjustment. County is neutral on the adjustment now, waiting for outcome of public meeting and then 60 days till ballot initiative. There is also a county line adjustment being considered at Tahoe Reno Industrial park. Comstock Mining has 150 employees and is doing better, finding ore resources and will be expanding soon. Reclamation has also begun. A zone change and master plan amendment was approved across the county line in Silver City and includes a special use permit for mining development. A special use permit is being processed to reopen the Gold Hill historic mill where cyanide ore was mined in the 1940's. A BLM land transfer is being processed for the expansion of the county sewer plant, this will help the current moratorium on Virginia City residential. Comstock Mining is helping to pay for the reconstruction of the Marlette water system.

**Carson City – Lee Plemel:** 6-month moratorium on medical marijuana.

**Lincoln County – Varlin Higbee:** County's Public Lands Council has been reinstated. Possible new industrial development in Caliente.

**Eureka County – Jake Tibbitts:** Eureka County has no zoning. NDEP/EPA lead/arsenic cleanup is ongoing, \$75,000 per property (CERCLA funds), because of historic smelting activities. County feels the process is over reaching. Testing has shown no health issues. County worried about clouded titles. If real health issues, then ok, but if not, EPA should not be in county. County basin-wide water resources plan is in place, more comprehensive. Diamond Valley water basin is five-times over appropriated. County working on water management plan there with the State Engineer. Want to designate Diamond Valley a “critical management area” and allow local users access to a proper management plan. The BLM regional sage grouse DEIS Alternative “D” (preferred alternative) negatively affects Eureka County by creating restricted use areas. There are inconsistencies between the BLM Battle Mountain resource management plan and the DEIS.

**PUBLIC COMMENT**

None

**ADJOURNMENT FOR LUNCH AND FIELD TRIP**

The meeting was adjourned at 1:30pm for field trip to the Clark County Museum, hosted by **Mark Hall Patton**, Administrator of the County Museum and famous on the History Channel’s “Pawn Stars”.

Respectfully submitted,

Skip Canfield

/s/

Meeting Recorder

Please note that minutes should be considered draft minutes pending their approval at a future meeting of the State Land Use Planning Advisory Council. Corrections and changes could be made before approval.

The meeting was digitally recorded. Anyone wishing to receive or review the recording may call (775) 684-2723. The recording will be retained for three years.