

STATE LAND USE PLANNING ADVISORY COUNCIL

MINUTES

May 23, 2014

At the following location:

Carson City Planning Division Offices
108 E. Proctor Street
Carson City, Nevada 89701

Members Present

Lee Plemel, Carson City	Virgil Arellano, Lyon County (Chair)
Terri Pereira, Churchill County (ALT)	Lorinda Wichman, Nye County
Nancy Amundsen, Clark County	Roger Mancebo, Pershing
Randy Brown, Elko County	Austin Osborne, Storey County
Jake Tibbitts, Eureka County (Vice Chair)	Bill Whitney, Washoe County (ALT)
Jim French, Humboldt County	Laurie Carson, White Pine County
Steven Stienmetz, Lander County	
Varlin Higbee, Lincoln County	

Members Absent

Jerrie Tipton, Mineral County
Dagny Stapleton, NACO

Others Present

Charles Donohue, Nevada Division of State Lands
Skip Canfield, Nevada Division of State Lands, State Land Use Planning Agency
Deion Raymond, Governor's Office, Sesquicentennial Committee
Caleb Cage, Governor's Office, Veterans' Affairs
Jenny Lesieutre, BLM
John Menghini, BLM
Gary Johnson, BLM
David Pritchett, BLM
Tim Rubald, Nevada Sagebrush Ecosystem Technical Team,
Cheva Gabor, US Forest Service
Fred Steinmann, UNR
Jim Lawrence, Department of Conservation and Natural Resources

CALL TO ORDER

The meeting was called to order at 9:03 AM and self-introductions were made. A motion was made by **Laurie Carson** to approve the agenda. The motion was seconded by **Nancy Amundsen** and the agenda was approved with a majority vote.

A motion was made by **Lorinda Wichman** to approve the October 11, 2013 meeting minutes with a minor grammatical correction, seconded by **Varlin Higbee** and the minutes were approved with a majority vote.

PUBLIC COMMENTS

Jim Lawrence informed SLUPAC of his position change from Administrator of the Nevada Division of State Lands to Special Advisor to the Director of the Nevada Department of Conservation and Natural Resources. He thanked the SLUPAC members for their service and asserted that SLUPAC is in good hands with staff from the Nevada Division of State Lands.

AGENCY REPORT

Charles Donohue gave a status on the regulation updates being made at NDSL regarding permitting of activities along the beds and banks of navigable waters, to streamline the process. **Randy Brown** mentioned to SLUPAC the proposed “Waters of the US” rule changes being made by the US Environmental Protection Agency (EPA), and the US Army Corps of Engineers (USACE). He stated that these changes could have significant impacts to Nevada and requested that the topic be on the next SLUPAC agenda. **Jake Tibbitts** stated that the State Conservation Commission has requested an extension to the July 21, 2014 comment deadline. **Randy Brown** offered to send the pertinent information to **Skip Canfield** for distribution to the membership.

NOMINATION OF MEMBERS TO THE SLUPAC EXECUTIVE COUNCIL (NRS 321.755)

Skip Canfield summarized the role of the SLUPAC Executive Council, to review and designate Areas of Critical Environmental Concern (ACEC’s) and to review and resolve potential inconsistencies between counties regarding land use/natural resource planning. The Executive Council had not met in more than 3 decades since its inception. **Jim Lawrence** mentioned that the Sunset Committee would be reviewing the viability of the Executive Council soon. **Jake Tibbitts** made a motion to nominate **Charles Donohue, Virgil Arellano, Jim French, Austin Osborne and Nancy Amundsen** to the Executive Council, seconded by **Varlin Higbee**, all were in favor, with the membership agreeing that the Executive Council nominees represented a broad range throughout the State.

GOVERNOR’S MILITARY COUNCIL

Caleb Cage provided a summary of the work of the Governor’s Military Council. He mentioned that **Eleanor Lockwood, Nancy Amundsen, and Skip Canfield**, were among the members of the Military Council. The Council was formed to address the next round of “Base Realignment and Closure” (BRAC) that will occur sometime around 2017. Nevada is in a good position due to a rebalancing of military assets to the Pacific region. The recommendations of the Council included, but were not limited to, fortifying existing councils, including the Nevada Joint Military Affairs Committee, identifying funding for a study of the economic impacts of bases statewide, and creating military community districts that have access to funding. The full report will be presented to the Governor.

FRACKING IN NEVADA

Jenny Lesieutre, John Menghini and Gary Johnson gave an update on fracking activities, existing and planned, for Nevada, where unconventional oil and gas “plays” are exploited. The economic impacts to Nevada can be very beneficial. The State receives 50% of geothermal and oil revenues. FY2012 resulted in State receipts of \$10.4 million.

What is hydraulic fracturing?

Well stimulation technique has been employed by the oil and gas industry since 1947. The technique is used to create spaces in the rock pores deep underground to release the oil and natural gas so that it can flow to the surface.

Water and additives are pumped at high pressure into the formation, creating openings that allow oil and gas to move more freely from rock where it was trapped.

Sand is also pumped with the water and it remains in the formation to hold open the rock. Most of the water and additives flow back to the surface and are disposed of safely.

Why hydraulic fracturing?

Hydraulic fracturing technologies have unlocked vast new supplies of oil and natural gas for America.

The technology has also made production feasible in many areas that were previously considered too deep, too hard, and too expensive to access.

The “fracture paths” created by hydraulic fracturing, increases the surface area exposed increasing production rates up to many hundreds of percent.

Hydraulic fracturing, Multi-well pads and the possibility of Horizontal Drilling provides an environmental advantage, in that they reduce the amount of wells needed to effectively produce an oil/gas reservoir. **Less wells mean less roads, less pipeline, less surface disturbance, etc.

How do we protect groundwater and surface water from contamination?

Well Integrity:

Required to Design and construct the well to ensure isolation in wellbore (Hole).

Surface casing is set below useable groundwater and cemented to surface.

Intermediate and Production casing is cemented to isolate hydrocarbon zones, providing further protection to groundwater.

There are multiple layers of protective steel casing surrounded by cement.

Cement Bond Logs verify quality of cement job

Centralizers placed on the casing assures uniform cementing (keeps the pipe in the center of the hole).

Chemicals and additives:

Wellbore integrity isolates fracture fluids.

Fluid that is returned to the surface is adequately stored in lined pits or steel tanks until proper disposal.

Material handling on the surface is in accordance with requirements and long-standing industry practices.

All chemicals used have Material Safety Data Sheets (MSDS) available for review on well site.

What are the water volumes used?

Typically, 150,000 – 400,000 gallons needed for fracture stimulation. 30-40% of this will return to surface.

The amount of new water can be reduced when fracture fluids are recycled.

Other water use should be considered with respect to current water uses (i.e. agricultural, municipal, power generation, etc.).

What is done with the fluid that comes back to the surface?

Disposal:

Treatment/Reuse

Underground injection well

Commercial disposal facilities

Surface evaporation pits or ponds

Federal regulations – where are we?

Round 1: On May 11, 2012 the Bureau of Land Management (BLM) published in the Federal Register a proposed rule entitled Oil and Gas, Well Stimulation, Including Hydraulic Fracturing, on Federal and Indian Lands.

September 2012: Public Comment Period Closed

October-May 2012: Over 177,000 Comments Received; Revised Proposed Ruling.

Round 2: On May 16, 2013, the U.S. Interior Department’s Bureau of Land Management (BLM) issued a Draft Proposal for regulating hydraulic fracturing activities on Federal and Indian Lands.

August 2013: Public Comment Period Closed

September 2013 to Present: Reviewing the 1.35M comments received

State of Nevada, Division of Minerals

In the 2013 Legislative session, SB390 required the Division of Minerals and the Division of Environmental Protection to jointly develop a hydraulic fracturing program to:

Assess the effects of hydraulic fracturing on the waters of the state of Nevada.
Requires a person who engages in hydraulic fracturing to disclose each chemical used. (FracFocus.org).

Provide for notice to members of the general public concerning activities relating to hydraulic fracturing in the state.

Summary:

The Federal Bureau of Land Management in concert with State of Nevada place great emphasis on protecting groundwater.

- Current well construction requirements consist of installing multiple layers of protective steel casing surrounded by cement. These elements are specifically designed and installed to protect freshwater aquifers.
- The measures required by both State and Federal regulatory agencies in the exploration and production of deep shale formations have been very effective in protecting drinking water aquifers from contamination attributable to hydraulic fracturing, or “fracking”.
- Based on scientific available data of state and Federal agencies, there is not a documented case of drinking water contamination related to hydraulic fracturing.
- Furthermore, the Ground Water Protection Council (GWPC) issued a report in April of 2009 stating that the potential for fracking deep shale wells to impact groundwater is extremely remote, as low as one in 200 million.

SLUPAC/CLEARINGHOUSE/BLM COORDINATION

David Pritchett gave an overview of BLM resource management planning.

What are resource management plans?

Resource Management Plans (RMPs) guide management actions and decisions by BLM for public lands covered by the plan.

Federal Land Policy and Management Act (FLPMA) requires BLM to develop, maintain, and revise land use plans (Sec 202).

Land Use Planning Handbook (H-1601-1) provides specific Guidance to BLM procedures.

RMPs reviewed via an *Environmental Impact Statement*, under NEPA (National Environmental Policy Act).

Status of Resource Management Plan *Revisions BLM Districts (completion year estimate)* Ely District – 2008 Winnemucca – 2014 Vegas/Pahrump - 2015 Carson City – 2016 Battle Mountain – 2017 Elko District – 2018 prior RMP versions typically 15-20 years old

Primary tool guiding BLM management activities and decisions in support of the dual mandate of multiple use and sustained yield.

Establishes goals and objectives for resource management and the measures needed to achieve them.

Identifies lands that are open and available for certain uses, including any restrictions, and lands that are closed to certain uses (e.g., minerals, recreation, habitat).

Provides comprehensive management direction for and/or allocates use of all resources.

Key principles of land use planning:

Observe principles of *multiple use and sustained yield*.

Use a *systematic interdisciplinary approach* (physical, biological, economic, cultural).

Rely on *inventories* of the public lands and *assessments* of their resources.
 Consider present and potential land uses.
 Weigh *long-term* versus *short-term* benefits.

Nevada Issues to be addressed:

- Soils
- Air Water
- Vegetation
- Cultural Resources
- Tribal Interests
- Paleontology
- Visual Resource Management
- Special Status Species (included Threatened, Endangered, and Sensitive Status Species)
- Fish and Wildlife
- Wild Horses and Burros
- Livestock Grazing
- Recreation and Visitor Services
- Lands and Realty
- Mineral Resources
- Special Designations
- Renewable Energy
- Socio-Economics
- Environmental Justice
- Cave and Karst Resources
- Fire Management
- Forest/Woodland Management
- Public Safety

Participation in the planning process:

- Cooperating Agencies
 - Federal, State, or local government agencies, plus Indian tribes
 - Disclose relevant information early in the analytical process.
 - Ensure consistency between agencies and tribes.
 - Apply available technical expertise and staff support.
 - Establish a mechanism for addressing intergovernmental issues.
- Public Stakeholder Groups
 - Participate in scoping
 - Review draft and final documents

A discussion was then held on the connection between BLM and the Nevada State Clearinghouse, and how SLUPAC can play into that relationship also. **Virgil Arellano** said that the BLM district borders don't make good planning sense. **Varlin Higbee** replied that the borders are relics of grazing allotments during the initiation of the Taylor Grazing Act. **Jim French** stated that the BLM resource management planning system does not work without effective monitoring of the implementation, and this is not occurring. He expressed frustration that when new RMPs are being developed, BLM is not adequately handling the management and monitoring responsibilities of existing plans, therefore, there is no clear basis for developing new plans and policies. He used the example of the inability of BLM to maintain appropriate management levels (AMLs) for wild horses and burros. **Lorinda Wichman** said the problem is a statewide issue. **Virgil Arellano** said that the 30-day review period for many NEPA actions is too short for counties to respond. Counties need more time to be notified and adequately meet their open meeting law timelines to respond in an educated manner. **Terri Pereira** asked what will happen if the Carson City RMP update is adopted before resolution of the sage-grouse EIS. **David Pritchett** responded that the Carson City RMP will be automatically amended by the sage-grouse EIS.

COUNTY "CITIZENS INSTITUTES

Fred Steinmann provided a summary of the Nevada Leadership Institute, as well as other publications written by the University of Nevada Cooperative Extension.

Objectives:

- Main Objective: To create a pool of qualified officials as the difficulty of challenges in Nevada grow; officials who understand the ins-and-outs of government Management and Administration.
- Secondary Objective: To reduce conflict between staff and elected/appointed officials over procedural matters pertaining to government Management and Administration.

The Local Leaders Institute Pilot Workshops:

- To test curriculum and elicit feedback from participants of the pilot workshop.
- To raise awareness with potential partners/funding sources. Expand to include municipalities, counties, and even state agencies in Nevada.
- To generate interest among potential attendees/participants for a larger institute.

The Pilot Workshops:

- Session No. 1: An Introduction to Local Government
 - Structure of Local Government
 - Nevada Open Meeting Laws
 - Ethics
- Session No. 2: An Introduction and Overview of Public Finance and Budgeting
 - Issues Pertaining to Public Finance (Comprehensive Debt Policy)
 - Types/Approaches to Public Budgeting: Line-Item, Program-Base, Performance-Base, Zero-Base Budgeting
- Session No. 3: Local Government and the Law
 - Home Rule vs. Dillon's Law
 - Planning and Zoning
 - Eminent Domain
- Session No. 4: An Introduction to Local Government Economic Development
 - Types of Economic Development
 - Organizing Economic Development Regionally

Citizens Institute:

The Agenda (Four Days, Eight Hours a Day):

- Day 1: An Introduction to Your Community
 - An Overview of Your Community
 - Demographic and Economic Profile of Your Community
 - Introduction to Your Community's Master/General Plan
 - Introduction to Your Community's Consolidated Annual Financial Report (CAFR)
- Day 2: A Legal Overview
 - A Legal Overview
 - Basic Legal Issues
 - Nevada's Open Meeting Laws
 - Introduction to Administrative Ethics
- Day 3: Public Budgeting and Finance and Land Use Planning
 - An Introduction to Public Finance and Budgeting
 - Types and Approaches to Public Budgeting
 - An Introduction to Planning and Types of Land Use Planning
- Day 4: Special Topics
 - An Introduction to Economic Development
 - Financing Economic Development and Organizing Economic Development

- Running an Effective Meeting and An Introduction to Conflict Resolution

Specialized Training Programs

Nevada Association of Conservation Districts Leadership Development (One Day, Eight Hours):

- Fiduciary and Legal Responsibilities of Conservation District Members
- Roles and Responsibilities of Local, State and National Associations and Partners
- Creation and Use of Conservation Districts in Nevada
- Overview of Principles Pertaining to Land Use Planning in Nevada
- An Introduction to Nevada's Open Meeting Laws; Conducting a Public Meeting
- An Introduction to Administrative Ethics and the State Code of Administrative Ethics

LYON COUNTY ECONOMIC DEVELOPMENT AND CONSERVATION ACT RESOLUTION NEPA COORDINATION RESOLUTION SAGEGROUSE JOINT RESOLUTION AND SAGEGROUSE UPDATE

Three resolutions were unanimously approved by the Council. The first one, (motion by **Roger Mancebo**, second by **Lorinda Wichman**) was in support of the bill working its way through Congress entitled "Lyon County Economic Development and Conservation Act. This bill will have a large positive economic impact on Lyon County and the City of Yerington by privatizing BLM land for the development of the Pumpkin Hollow Coper mine. A wilderness area will also be created south of town.

The second resolution (motion by **Laurie Carson**, second by **Austin Osborne**) expressed the Council's support for improved NEPA consultation between BLM/USFS, the State, and local governments. The resolution supports an MOU between Federal, State and local governments that increases coordination. The Clearinghouse will play a larger role in coordination, and SLUPAC may hear issues at their meetings.

The third resolution (motion by **Lorinda Wichman**, second by **Laurie Carson**) expressed the Council's support for the State's "Alternative E" in the BLM/USFS Sub-Regional Greater Sage-Grouse EIS. The resolution also expresses the Council's support for the Sagebrush Ecosystem Council.

COUNTY PLANNING ISSUES

Humboldt County - Jim French: BLM is identifying viability of Desert Land Entries (DLEs). The County is concerned because DLEs do not follow the "first in right" principle and AUMs can be displaced, including a loss of winter range. It is a land classification problem.

Nye County – Lorinda Wichman: "Town Hall" meetings are being held to involve people in the Public Lands Task Force process.

Washoe County – Bill Whitney: The \$288 million Truckee River Flood Control Project is ongoing.

PUBLIC COMMENT

None

COUNCIL MEMBER COMMENTS COUNCIL DISCUSSION AND RECOMMENDATIONS

The next meeting will be September 12, 2014 in Ely. **Randy Brown** requested an agenda topic of the USACE/EPA water of the US discussion and also a discussion on USFS and BLM travel management planning.

ADJOURNMENT FOR LUNCH AND FIELD TRIP

The meeting was adjourned at 1:30pm for field trip to Carson City open space projects, hosted by **Juan Guzman**. Carson City's Quality of Life Initiative (Question 18, 1996) defined "open space" and designated a

.0025% sales tax allocation for open space, parks and trails, and maintenance of parks. The field trip took the group along the Carson River to view some successful open space acquisitions/projects. Some management challenges include mercury contamination at the Superfund site, abandoned cars, camping and related trash, dumping, shooting, other illegal activities. Carson City is planning to provide public resources through existing and new partnerships. Another challenge is protecting and interpreting cultural resources such as the historic stamping mill locations. The benefits of open space areas to Carson City are numerous and enjoyed by many citizens.

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.