

STATE LAND USE PLANNING ADVISORY COUNCIL

MINUTES

November 16,, 2012

At the following location:

Nevada Association of Counties
304 South Minnesota Street
Carson City, NV 89701

Members Present

Terri Pereira, Churchill County
Robert Conner, Douglas County
Steven Stienmetz, Lander County
Varlin Higbee, Lincoln County
Bill Whitney, Washoe County
Joni Eastley for Lorinda Wichman, Nye County

Austin Osborne, Storey County
Jake Tibbitts, Eureka County
Virgil Arellano, Lyon County
Bill Kirby, Esmeralda County

Members Absent

Nancy Lipski, Clark County

Others Present

Jim Lawrence, Nevada Division of State Lands
Skip Canfield, Nevada Division of State Lands, State Land Use Planning Agency
Wes Henderson, Nevada Association of Counties
Brian Amme, BLM

CALL TO ORDER

The meeting was called to order at 9:30 AM and self introductions were made. A motion was made by **Bill Kirby** to approve the agenda, seconded by **Varlin Higbee** and the agenda was approved with all members voting yes.

A motion was made by **Robert Conner** to approve the 4/13/12 meeting minutes, seconded by **Steven Stienmetz** and the minutes were approved with all members voting yes.

A motion was made by **Robert Conner** to nominate **Austin Osborne** as the new chairman, seconded by **Jake Tibbitts** and the motion was approved with all members voting yes.

A motion was made by **Jake Tibbitts** to nominate **Virgil Arellano** as the new vice chairman, seconded by **Robert Conner** and the motion was approved with all members voting yes.

Skip Canfield informed **Austin Osborne** that, due to a scheduling conflict, **Wes Henderson** would not be available to speak on his agenda topic at 10:45 am and if it would be agreeable to the Council to hear his presentation first. **Austin Osborne** agreed.

UPDATE ON NACO BILL DRAFT REQUEST (BDR) AFFECTING SLUPAC APPOINTMENTS

Wes Henderson, representing the Nevada Association of Counties (NACO), presented a bill draft request (BDR) that NACO is proposing be considered at the 2013 Legislature to change the appointment mechanism for SLUPAC member from the Governor's purview to the local county commission. Also, NACO proposed adding NACO as an ex-officio member of SLUPAC. NACO had concerns that a bill approved during the last

legislative session prohibiting an elected official from sitting on more than one Governor-appointed board or commission was limiting the ability for SLUPAC representation by county commissioners. Also, NACO suggested that appointing SLUPAC members at the county commission level would streamline the process. **Bill Kirby** and **Austin Osborne** agreed with the idea, considering the reduction in “red tape”. **Robert Conner** voiced a concern that this change could eliminate the need for SLUPAC altogether, since the changes could result in a duplicative process, similar to NACO. **Jim Lawrence** agreed with the “red tape” concern, and the challenges that county commissioners face if they wish to serve on more than one Governor-appointed board or commission. **Jim Lawrence** supported the idea of including NACO as an ex-officio member of SLUPAC but added a concern about removing the Governor’s appointment mechanism of members. Since SLUPAC has the important distinction of being Nevada’s only Governor-appointed board with representation from all 17 counties, SLUPAC plays an important role at the State level. Also, the Sunset Committee has, and will be, considering the viability of all boards and commissions, including SLUPAC. Removing the Governor’s role as appointing authority may have a negative impact on SLUPAC when it is reviewed by the Sunset Committee. **Virgil Arellano** said it is difficult to get county commissioners to sit on multiple boards and a solution would be to propose leaving the Governor as the appointing authority and making SLUPAC exempt from the previous bill prohibiting elected officials from sitting on more than one Governor-appointed board or commission. **Wes Henderson** stated that the intent of the BDR is simply to help the process of appointing members and NACO is open to any suggestions. **Wes Henderson** also suggested that if SLUPAC were to be exempt from the previous bill, that there should be a timeline for how long the Governor has to appoint a SLUPAC member. **Robert Conner** agreed. **Austin Osborne** said that SLUPAC is important as a State-level board, and he agreed with the need for the exemption and the appointment timeline with a deadline. **Terri Pereira** suggested that only one name should be needed for the Governor’s consideration. Others agreed that sometimes it is difficult to get three names. **Skip Canfield** mentioned that although there is no reference to the requirement for three names in statute or the bylaws, typically staff has tried to get three names, sometimes without success. Regardless of one, two, or three names, the Governor has historically appointed the person who is supported by the county. **Jake Tibbitts** suggested that a subcommittee should be created to work with NACO on the BDR. **Wes Henderson** said that time was limited and the BDR text was due by 12/15, and that NACO was agreeable to all of the suggestions brought up.

A motion was made by **Bill Whitney** and seconded by **Virgil Arellano**, all members voting yes, to direct NACO to amend the BDR to include four topics:

1. The status quo will remain with the existing Governor-appointed authority, and three names are desirable for consideration, but not required. If a county is having trouble finding three candidates, one name is acceptable.
2. A representative of NACO shall serve as an ex-officio member of SLUPAC.
3. SLUPAC shall be exempt from NRS 232A-020(6), so that an elected official sitting on another Governor-appoint board or commission may sit on SLUPAC.
4. A timeline shall be established for appointment action by the Governor, and with no action, the candidate is automatically appointed.

AGENCY REPORT

Jim Lawrence provided a brief summary of some latest activities related to the Nevada Division of State Lands. State Lands has been involved in two major endeavors.

Senate Bill 271, passed in the 2011 legislative session, calls for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact. The bill included certain requirements and associated timeframes in order for Nevada to stay in the Compact. One is the adoption of a new regional plan. Much effort has gone into adoption of the new regional plan and the TRPA Governing Board will be looking at the final version on December 12, 2012. Nevada and California staffs have been in close coordination through a bi-state consultation process on multiple issues so that the plan moving forward serves both states’ needs. Counties and stakeholders also participated. Discussions focused on identifying planning matters that should best be left to the counties. Incentives for more private investment at Lake Tahoe was another priority to address redevelopment and infrastructure.

Secondly, the Governor appointed a task force in May to develop a plan of recommendations to protect the Sage-Grouse from listing as an endangered species, for submittal to the BLM as part of the BLM’s analysis of alternatives. Some recommendations directly affect the Division of State Lands including the creation of new

positions to staff what will be called the Sagebrush Ecosystem Technical Team. This team will report to a new Sagebrush Ecosystem Advisory Council. The Team will also administer the Sagebrush Ecosystem Mitigation Bank Program. In addition, there will be three new Conservation District positions, located in the rural areas. All these efforts are to help protect the Sage-Grouse with an emphasis on transparency. **Virgil Arellano** stressed the need for fair and equitable science and **Jim Lawrence** agreed that it was a priority. **Jake Tibbitts** supported the concept of bringing efforts back down to the local level through the Conservation Districts. Locally-elected officials can be held accountable. He is pleased that the program will be administered through the Department of Conservation and Natural Resources through local conservation districts to implement projects. **Robert Conner** asked what role SLUPAC has in the matter. **Jim Lawrence** said that the matter has been evolving so fast that certainly SLUPAC will be kept up to date through reports from the new Team. SLUPAC recommendations can also be forwarded to the new Sagebrush Ecosystem Advisory Council. **Skip Canfield** said that SLUPAC can be a conduit for county-level discussions of important NEPA issues up to the State. **Jake Tibbitts** made a motion for SLUPAC to formally support (through letter) the State alternative to BLM and request that BLM consider it as the preferred alternative. The motion was seconded by **Robert Conner** and the vote was all in favor.

PUBLIC COMMENTS (None)

UPDATE ON THE STATUS OF THE SAGE-GROUSE – POTENTIAL LISTING BY THE US FISH AND WILDLIFE SERVICE AS A “THREATENED & ENDANGERED SPECIES”

Brian Amme, BLM Nevada State Office, gave a presentation on the agency's efforts to address the potential listing of the Sage-grouse as an endangered species by the U.S. Fish and Wildlife Service (USFWS). The USFWS must make a determination on the potential listing of the Greater Sage-grouse population by September 2015 and the Bi-State Sage-grouse by September 2013. BLM is actively involved with many other partners to address the potential listing of the bird through the EIS process. BLM is conducting a Draft Environmental Impact Statement (DEIS) to address the viability of the Sage-Grouse across the West. A range of alternatives are being considered, including one submitted by the State of Nevada. Multiple cooperating agencies have agreed to participate in the process, including many counties and state agencies. The DEIS will be available in Spring 2013 and a public comment period will then commence. When the Final EIS is released later in the year, further comment will take place, including the Governor's consistency review.

COUNTY PLANNING ISSUES

Eureka County - Jake Tibbitts: Biggest planning effort is the Mount Hope Moly mine. Final approvals through a Record of Decision is anticipated any day. This is a 2-year construction project costing over \$1 billion and employing 600 construction workers resulting in an estimated 1,000 people coming into the county for that 24-month period. The current population of the county is 1,900. There will be 400 full time employees to operate the mine once construction is complete. Question from **Joni Eastley** regarding where will they all be housed? The mining company is developing a trailer park for some of the workers. The company is also paying a property owner in Diamond Valley to put in infrastructure for an RV park. The county will need additional EMTs, law enforcement, and other services, which will be a strain. **Joni Eastley** asked if the county is requiring the mining company sign a development agreement. **Jake Tibbitts** responded that it has been an extensive 5-year process but there is no development agreement. A county subdivision, built with county net proceeds was proposed, infrastructure was put in place, but the mining company backed out of any participation due to the recession in 2008. Currently, lots are available for single family and multi family home construction. Biggest challenge being faced is addressing social costs during construction while there is no product revenue being generated back to the county.

Just over the border in White Pine County is the Midway Pan gold project and the Barrick Bald Mountain mine expansion project. Each project is adding 150 new employees with impacts to Eureka County.

Another challenge for the county is the fact that Diamond Valley's water is over-appropriated. (30,000 ac/ft of water available, over appropriated to 134,000 ac/ft). Water level has declined to the point where some property owners cannot draw water anymore.

Lincoln County – Varlin Higbee: The Toquop project has commenced. Coyote Springs is at a stalemate, substations have been put in and the golf course is running, but that is it. The proposed solar on the site is on hold also.

Lander County – Steven Stienmetz: Copper expansion at the Phoenix mine, reopening the Lonetree Mine for ore to be trucked in and processed from the other mines. Cortez mine expansion is ongoing. Potential subdivision of 30 houses in Battle Mountain. County assisted with the infrastructure and will be reimbursed by the developer when the lots are sold.

Esmeralda County – Bill Kirby: Hospital proposed adjacent to Tonopah, but in Esmeralda County. Old Nye County Regional Medical Center proposed to be closed. Question is what benefit will this be to Esmeralda County? Metallic Ventures proposal north of Goldfield requires the moving of US95, the highway is staked off and surveyed. Substantial gold reserves under the right-of-way. Housing of the construction and mine employees is an issue. There are two good potential geothermal projects in Fish Lake Valley and the need for transmission lines to serve them. The lithium mine near Silver Peak is doing very well.

Churchill County – Terri Pereira: Michael Johnson is the new planning director and Eleanor Lockwood is the new County Manager. Geothermal development has slowed down drastically due to lack of financing. The Patua geothermal project in Hazen is going forward. A grant of \$190,000 from the Department of Defense was received to conduct a joint land use study for NAS Fallon and its interaction with the community. The county has a large transfer of development rights and conservation easement program around the base. The county is not seeing any new housing developments coming in and some existing ones on hold.

Douglas County – Robert Conner: Douglas County will have to develop conforming area plans that are consistent with the new TRPA Regional Plan. New Wellhead Protection Plan in place. Transportation element of master plan is done. New Wal Mart under construction at south end of Gardnerville. The land bill is in DC.

Washoe County – Bill Whitney: Two new county commissioners and four new Reno City Councilmen. Big issue – new council reversed the decision to subsidize the Reno Aces facility. Apple server farm will be building east of Sparks in the Truckee Canyon. Lucas Oil Race Series has come to the same area on the old Mustang dump. County is involved in the update to the BLM Carson City Resource Management Plan.

Nye County – Joni Eastley: Pahrump population is declining after years of growth. Rest of county growing due to mining. Hoping for reopening of the Anaconda mine next to Crescent Dunes solar facility. New mining reclamation business has come to Tonopah – several hundred acres of land leased at airport – trucking all the old tailings back to a custom mill for reprocessing. Nye County is submitting a bill to the Legislature asking the State to turn over the Belmont Courthouse to the county.

Storey County – Austin Osborne: The Storey County Planning Commission approved the comprehensive update to the Zoning Ordinance. The ordinance addresses all land uses and administrative provisions. The primary purpose of the ordinance was to clarify uses and make it easier and more efficient for businesses to locate in the county and operate. Economic growth at the Tahoe-Reno Industrial Center has been steady but has shown a slight decline as seen across the state. The industrial center is approaching a point where empty space is becoming filled. Soon the county will see new buildings being constructed again. The area went from 2 million square feet of vacant space to about 600,000 square feet, and that is slated to be filled in the next few months. There has been about 1,800 jobs added at the industrial center in the last eight months, especially with the holiday season. Virginia City tourism is attracting more locals and the county has endeavored to redirect its efforts for advertising, etc. The new zoning ordinance will allow more uses in the tourism district and encourage a mixed-use environment in Virginia City. Much attention has been focused on new attractions, such as authentic western experiences. This includes the new stagecoach rides, cannon shoots, Dutch-oven cook-offs, Civil War encampments, etc. Diversifying tourism is key. Comstock Mining has had an influence in town with the addition of approximately 100 jobs. The mine is in full operation and is pouring dore each week. Similar to other counties in Nevada, the county is working with the BLM on clouded title issues around Gold Hill and Virginia City. Many homes and businesses are located on land that the BLM claims ownership, or where the patents may be unclear. The county has submitted its Land Bill to Congress. The Bill includes only land in the town sites of Gold Hill and Virginia City. Comstock Mining is challenged with

the issue on "Lot 51" as the BLM has issued trespass on land that the mining company claims they own. The action is costing the mining company about three million in extra costs, including the use of semi-tractor trucks on the State Highway. Lastly, USA Parkway completion to US 50 is being engineered and studied by NDOT, including the necessary EIS for portions of the road that cross BLM land.

COUNCIL MEMBER COMMENTS, COUNCIL DISCUSSION AND RECOMMENDATIONS

Next meeting proposed for late March. TRI Center is getting new development – Anderlite and other high tech facilities, as a result of Apple coming to the area. Toys R Us is expanding from 250,000 sq ft to 700,000 sq ft. Hopeful for other build-to-suits coming to the center. Green energy facility developing there also. Golden Gate Petroleum expanding. US Ordnance facility doubling in size.

ADJOURNMENT

The meeting was adjourned at 2:45pm.

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.