

CHAPTER 4

Public Lands



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4.1 Chapter Introduction

The purpose of this master plan chapter is to:

- Detail Storey County’s vision and strong policy voice concerning public lands and potential Congressional actions affecting uses on public lands;
- Define Storey County’s public land-related issues and needs in conjunction with this master plan;
- Provide locally developed land management policies that enable federal land management agencies to better understand and respond positively to the concerns and needs of Storey County in a collaborative and engaging process;
- Increase the role Storey County has in determining the management of the federal lands by stating Storey County’s position in an approved public document;
- Provide opportunity to positively address federal land use management issues directly, thereby offering a proactive alternative rather than after-the-fact reaction; and
- Encourage public comment and involvement.

The initial Storey County Public Lands Policy Plan (PLPP) was adopted by the board of commissioners with recommendation by the planning commission in 1994 as part of the Storey County comprehensive master plan.



Figure 4.1-1: Protecting the viewshed surrounding Virginia City, Gold Hill, American Flat, and the Virginia & Truckee Railway/Railroad corridor is equally important to preserving the historical integrity of the Comstock as the protection of uses within. The BLM must consider the value of this historic resource to current and future generations during its review of proposed land potentially affecting this area.

4.2 Discussion

4.2.1 Introduction

In 1983, the Nevada State Legislature enacted Senate Bill 40 to take advantage of the accommodation provisions (Section 202[c][9]) in the Federal Land Policy and Management (FLPMA). This section of public law requires the Bureau of Land Management to develop land use plans consistent with state and local land use plans to the extent that the Secretary of the Interior finds these consistent with federal laws and the purposes of FLPMA. SB40 directed the State Land Use Planning Agency (SLUPA), with cooperation from state agencies and local governments throughout the state to prepare plans and policy statements concerning the acquisition of use of lands in Nevada which are under federal management and/or ownership.

The purpose of this effort is to increase the role of Nevadans in determining the management of public lands. With such a large percentage of state land under federal control, it is important that the federal land management agencies understand and address the concerns and needs of Nevada. The final documented policy plan was completed in 1985. Storey County, as part of this effort, developed its Public Lands Policy Plan as part of its 1994 comprehensive county master plan. The legislation did not provide for periodic updating of the plan; however, as part of this master plan, Storey County hereinafter will continue to review and update its policies with respect to federal lands.

4.2.2 Land Ownership and Character

Federally-owned land comprises approximately 20 percent of the land in Storey County. Storey County has considerably less public land ownership than any other county in Nevada. Nevertheless, the impacts that public lands have in Storey County are no less than those places with much larger tracts of federal land ownership. Lands within Storey County under federal ownership are illustrated in Figure 4.2-1.

Public lands in Storey County contribute to open spaces and broad vistas that contribute to the unique character of the high-desert, as well as historic places in the county. The citizens and visitors of the county enjoy many advantages and opportunities afforded by these public lands, and the county supports the responsible management and use thereof. Public lands are part of the rich heritage of Storey County. From the earliest mining activities throughout the Comstock, to modern day ranching, grazing, off-highway-vehicle use, recreation, and tourism, the use of public land resources has been an integral part of the rural lifestyle and local economy.

The policies in this master plan are intended to further agriculture, mining, recreation, tourism, and other responsible uses as principals to the economic base of the county and the quality of life of its people. Open public access to recreation, wildlife, and resources should be available to all. The multi-use nature of public lands requires that management decisions be made with the public's interest at the forefront, and careful consideration to maintaining sustainable resources for future generations. The county desires to maintain a thriving ecological balance among species and resources found on public lands. This includes wild horse herds managed at populations that are consistent with the capacity of the land to support them, wildlife populations that are sustainable with hunting and natural predation, and livestock populations controlled by careful management of grazing permits.

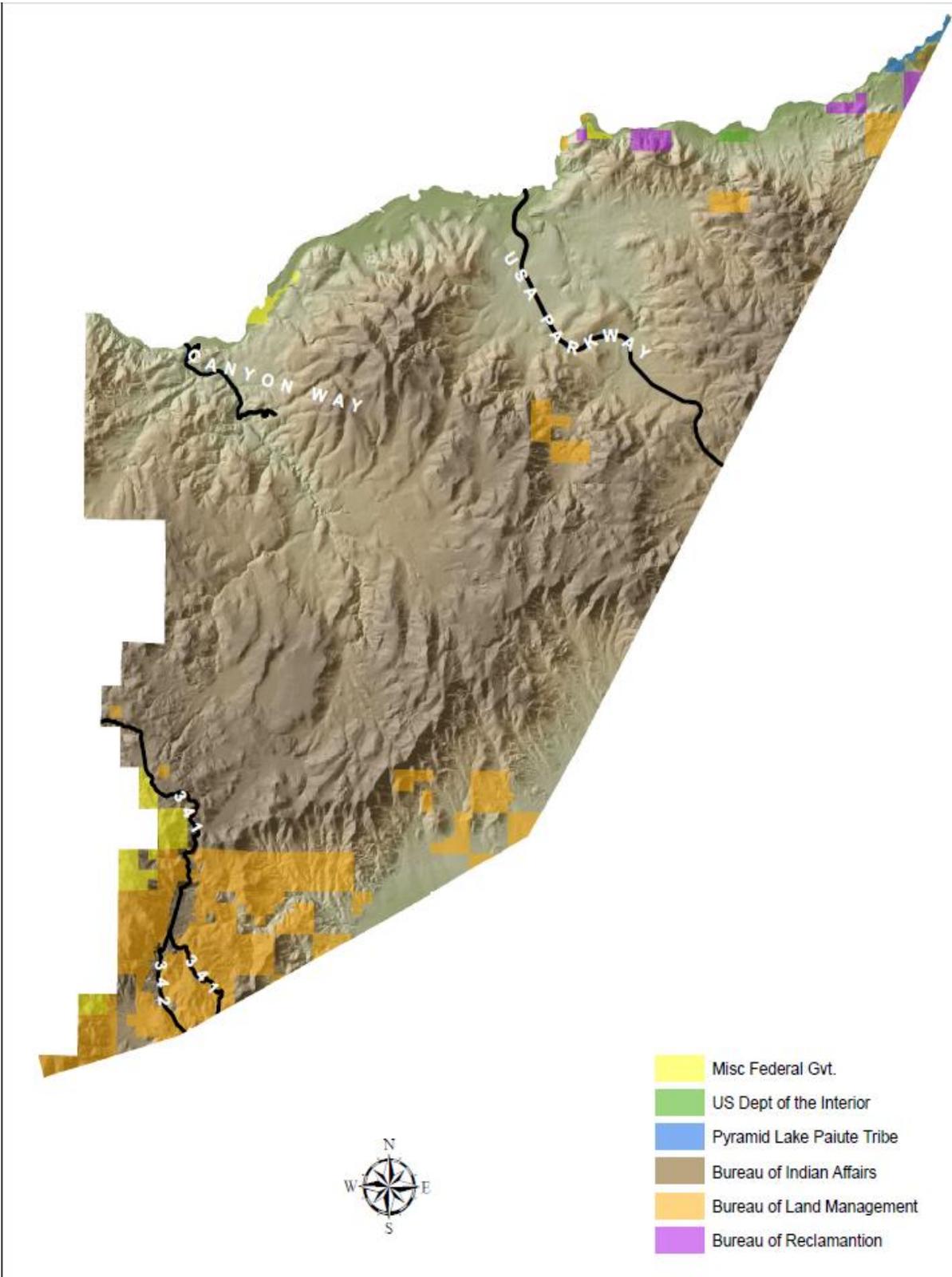


Figure 4.2-1: Federally owned lands in Storey County. (Source: Storey County Planning Department and Assessor's Office.)

Storey County recognizes that certain private property interests exist on public lands. Any established private property, including mining claims, water rights, access easements, and any other private interests, must be upheld and property owners must be considered as equal stakeholders in decisions that may affect their interests.

This master plan presents a review of existing and emerging public lands issues that are of importance to Storey County citizens, businesses, and other stakeholders as the county works with federal agencies under the National Environmental Policy Act (NEPA), FLPMA, and other public processes and legislation. This master plan includes descriptions of issues and opportunities relating to public lands and how best to work collaboratively with the federal planning partners, most notably Bureau of Land Management, U.S. Department of Energy, U.S. Department of Defense, U.S. Forest Service (there is no land in Storey County currently under USFS jurisdiction), U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and the U.S. Bureau of Indian Affairs.

- This master plan enables the federal land management agencies to better understand and respond to the concerns and needs of Storey County.
- Planning, effective communication and coordination by Nevada's governments, in concert with its citizens, can establish a set of policies for the proper use of public lands and to take advantage of the "consistency" language in Section 202(c)(9) of the Federal Land Policy and Management Act.
- Section 202(c)(9) governs Bureau of Land Management planning and directs the bureau to give consideration to appropriate state, local, and tribal lands in the development of land use plans for federal lands.
- The Bureau of Land Management is to provide for meaningful public involvement of state and local government officials in the development of land use plans, regulations, and decisions for federal lands.
- The Bureau of Land Management will review each Resource Management Plan and proposed federal action for consistency with the Storey County Public Lands Policy Plan and will attempt to make the Resource Management Plans and proposed actions compatible with the Plan to the extent that the Secretary of the Interior finds consistent with federal law and the purpose of Federal Land Policy and Management Act.

There are currently no lands in Storey County under U.S. Forest Service jurisdiction. However, it should be noted that Forest Service Regulations for Land Management Planning and for implementing the National Environmental Policy Act requires that the Forest Service determine the consistency of any project proposal with state and/or local laws and plans. The agency is required to describe any inconsistencies and the extent to which the agency would reconcile its proposal with the state/local laws and plans. This consistency review is also provided for by the Council of Environmental Quality regulations (40 CFR 1506.2(d)) developed to implement the National Environmental Policy Act.

4.2.3 Master Plan Process

The following is a summary of the process followed to adopt the 2016 Storey County Master Plan:

- The Storey County Planning Commission, county planning staff, members of the public and other stakeholders in the county engaged in public workshops from 2009 to mid-2016 for the principal purpose of developing this master plan. The workshops were held in each community of Storey County, including Virginia City, Lockwood, the Highlands, and Mark Twain. Public engagement in developing this master plan also occurred at regularly held meetings of property owners associations, tourism commission meetings, school board meetings, and other public engagements that afforded opportunity for public engagement in the development of this master plan.
- County planning staff consulted with and received assistance from the State Land Use Planning Agency in preparing the Public Lands element of this master plan. The principal purpose of seeking assistance from the state agency was to maintain consistency between Storey County's public lands policies and those of other rural Nevada counties.
- In 2016, the county commission and interested citizens reviewed the draft master plan and the recommendation for approval by the planning commission during a regular scheduled public hearing.
- The county commission held a public hearing on August 16, 2016, and adopted this master plan.



Figure 4.2-2: The 2016 Storey County Master Plan was constructed from the ground-up, relying heavily on the input from citizens, businesses, and other stakeholders throughout the county, including in each of its five separate communities. This photo was taken at a master plan workshop in Lockwood.

4.3 POLICIES

This section is organized by major public land use topics and describes Storey County's policies and action items related to each issue. The action items are intended to help resolve the county's public land issues and implement the policies in collaboration with the state and federal planning partners.

4.3.1 Plan Implementation, Agency Coordination, and Local Voice

Agency coordination of planning is mandated by federal laws.

- The Federal Land Policy and Management Act, 43 U.S. § 1701, declared the national policy to be that "the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other federal and state planning efforts." See 43 USC §1701 (a) (2).
- 43 U.S.C. § 1712 (c) sets forth the "criteria for development and revision of land use plans." Section 1712 (c) (9) refers to the coordinate status of a county that is engaging in land use planning, and requires that the "Secretary [of interior] shall" "coordinate the land use inventory, planning, and management activities... with the land use planning and management programs of other federal departments and agencies and of the State and local governments within which the lands are located." This provision gives preference to those counties that are engaging in a land use planning program over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program.

Additionally, in 2015 the U.S. Bureau of Land Management and the Nevada State Department of Conservation and Natural Resources Division of State Lands engaged in a memorandum of understanding to establish procedures for coordinating of planning and program activities conducted under the National Environmental Policy Act within the State of Nevada to ensure consideration of timely and thorough comments provided by state and local governments (See MOU in Appendix J). Under the MOU, the state and the BLM agree to:

1. Comply with all appropriate state and federal laws and regulations in furtherance of the objectives of the agreement.
2. Recognize that other direct contacts between agencies and commissions of the state and the U.S. Bureau of Land Management are in no way limited or modified by the agreement.
3. Respond to requests for comments or other information for certain activities listed therein within thirty days of receipt of such request, or within such timeframe either mutually agreed upon for a specific proposal, or consistent with established regulations, policies, and procedures.
4. On a regular basis, each agrees to provide the other party with a summary or report of current agency planning and National Environmental Policy Act activities, and as appropriate, any proposed or on-going research projects.
5. Work cooperatively to identify, early on, inconsistencies between proposed U.S. Bureau of Land Management and Nevada State and local land use plans, programs and policies.
6. Where inconsistencies are identified or a decision may result in a state appeal or protest, the Nevada State Clearinghouse (run through the State Land Use Planning Agency) will serve,

upon request, to mediate a discussion between U.S. Bureau of Land Management and the state, to seek resolution of the issue(s). The mediation process is strictly voluntary and non-binding.

7. Pursuant to Nevada Revised Statutes 321.735 and NRS 321.740, the State Land Use Planning Agency and the State Land Use Planning Advisory Council “may represent the interests of the state, its local or regional entities, or its citizens as these interests are affected by policies and activities involving the use of federal lands.” To facilitate effective federal agency consultation efforts, the council may serve as a reviewing body pertaining to the National Environmental Policy Act activities and assist in outreach and feedback at the state level regarding county-level concerns, when a county requests such review. U.S. Bureau of Land Management staff will attend Nevada State Land Use Advisory Council meetings when requested.

Federal land management policies and procedures, land transactions, and their compatibility with the local master plan land use goals are of critical importance to the county’s residents, businesses, and other stakeholders. As outlined in existing laws and resolutions of Storey County, the county commission and the planning commission support a policy of multiple use, that does not include wilderness designated areas nor wilderness study areas, of federally managed lands, for the best interests of the residents of the county including recreational activities, production of revenue through commercial uses, good open access, privatizing of federally managed lands, granting of land use rights, and other public purposes. In reviewing proposed land transactions and public land policies an adaptive management approach is used, with active ongoing local involvement.

The county commission, planning commission, and planning staff already:

- Are active participants in reviewing proposed land transactions, public land policies, and land use proposals on public lands;
- Seek status as a cooperating agency in National Environmental Policy Act processes; and
- Make every effort to continually review and update county planning documents to reflect the need for access to and uses of public lands.

Policy 1-1: All proposed actions on state and federally managed lands shall be brought to the attention of the county commission and planning staff for purposes of review to determine if the state and federal proposed actions are in conformance with this county master plan pursuant to NEPA requirements. The role of county planning staff is to recommend to the county commission and planning staff appropriate action concerning such proposals.

Policy 1-2: Storey County will participate with state and federal agencies on actions that affect public lands within the county. Studies concerning impacts of proposed actions affecting public lands should be conducted by professionals and knowledgeable locals. The county commission requests that it be notified by the federal agencies before any studies sponsored by the federal land management agencies are initiated, and that copies of resource studies should be provided at the soonest time possible.

Policy 1-3: The county commission stresses the importance of consistency between this master plan and all federal land use plans which apply to Storey County.

Policy 1-4: The voice of the citizens in the county shall be expressed through county planning staff as directed by the county commission. The desires of the citizens shall be expressed by the county commission.

Policy 1-6: Land use for new projects shall be consistent with the desires of the county citizens and compatible with historical practices in the various districts of Storey County. The county commission and planning staff shall review proposed land use projects for consistency with the common goals within each area.

Policy 1-7: Storey County shall be justly compensated for the costs of providing services incurred as a result of approved actions or federal management decisions on the public lands (e.g., compensation for the cost of road repairs and public safety related to uses permitted by the federal agency on public lands or additional public safety cost to equip for handling of hazardous waste incidents.)

Policy 1-8: Storey County shall be compensated for lost economic opportunities and/or tax revenues due to approved federal actions or management decisions on the public lands (e.g., restriction of development of renewable energy to consideration for military operations.)

4.3.2 Management of Public Lands

Policy 2-1: Support the concept of Multiple Use Management as an overriding philosophy for management of the public lands based on multiple use and sustainable yield concepts, and in a way that will conserve natural resources.

Storey County supports “multiple use” defined as follows:

1. The management of public lands and their various resources so that they are used in the combination which will best meet the needs of the residents of the county.
2. Periodic adjustment to the use of public lands and resources may be needed to conform to changing needs and conditions.
3. The use of certain public lands for less than all of their available resources. When considering potential land use, all other possible land uses should be evaluated.
4. A balanced and diverse use of resources which takes into account the long-term needs of the residents of the county for the responsible and ecologically sensitive development of renewable and non-renewable resources including, but not limited to, recreational areas, range, timber, energy, minerals, watershed, wildlife and fish, and natural scenic, scientific, and historic areas.
5. The harmonious and coordinated management of public lands and their various resources without the permanent impairment of the productivity of the lands, the quality of the natural environment, and the integrity of cultural and historic resources. Consideration should be given to the relative values of the resources and not necessarily to the combination of uses that will produce the greatest yield or economic return for each parcel of land.
6. Wilderness and Wilderness Study Areas are not compatible with existing multiple-uses of public lands in Storey County.

Policy 2-2: Protect and preserve:

- The quality of the natural environment;
- Economic, cultural, historic, ecological, scenic, historical, and archeological values;
- Wildlife habitat;
- Responsible livestock grazing for fire fuels management; and
- Economic opportunities needed to provide for long term benefits for the people of the county.

Policy 2-3: Support coordination of public land use policies and actions with all appropriate federal, state, and local entities and the components of the county's master plan.

4.3.3 Federal Land Transactions

Federal/Private Land Ownership and Clouded Title

The following are policies developed by Storey County relating to the federal land program. The map in Figure 4.3-1 shows lands generally identified by the county as beneficial in local control and supported for disposal. The map should be used as a guide for more detailed studies. Each parcel generally illustrated in the map will need to be further reviewed at the time a specific realty action is proposed. The lands identified in Figure 4.3-1 represent the latest efforts by the U.S. Bureau of Land Management and county in developing an overall plan for transferring some public lands to the county or private sector. This is an on-going process and changes in the list should be expected as new information or needs develop in the future. Storey County recognizes that many of the policies described below are currently part of the Bureau of Land Management procedures for land transactions. However, the county finds it necessary that this master plan clearly communicates the basic policies on land tenure for the purposes of working with federal agencies as well as educating the citizens of the county.

In 1876, the General Land Office Survey of the Virginia City and Gold Hill town sites were approved. However, subsequent requisite actions were never completed and federal patent to the land was never issued. Without issuance of such patent, proper ownership of surface rights within the town sites to this day are in question and create clouded title on nearly 75 percent of residential and commercial parcels in these communities. Because of clouded title conditions, prospective land owners commonly encounter challenges securing financing, insurance, and certain entitlements for the affected land.

On December 19, 2014, the National Defense Authorization Act for Fiscal Year 2015 was signed into law (Public Law 113-291; see excerpt in Appendix I). Section 3009(d) of the act included a provision directing the Bureau of Land Management to convey all surface rights of the United States in federal land to Storey County so that the county may transfer clean title to each affected owner of surface rights in the townships. According to the Carson City District Office of the U.S. Bureau of Land Management, the federal agency encountered difficulties complying with the act. It is stated that language in Section 3009(d) lacks clear interpretation directing the U.S. Bureau of Land Management to comply with the law. The federal agency in 2015 sent a request for clarification to Congress for legislative intent; however, clear interpretation to-date has not been provided to the federal agency. Currently, county officials and the federal agency are working collaboratively in order to address proper methods by which to convey land by quitclaim deed; define the boundaries of the area identify in the legislative map; and to validate all mining claims. The process from interpretation to quitclaim conveyance of land is estimated to be complete in 2018.

Policies for Federal Land Transactions

Policy 3-1: Specially designated lands (e.g., National Recreation Areas, National Conservation Areas, Wildlife Refuges, Wilderness, State parks, etc.) are valuable assets to the state and its residents. Within Storey County, any new specially designated areas should be reviewed carefully in a public forum to determine if they are suitable and beneficial to our residents.

Policy 3-2: Government agencies should not acquire additional private lands without first ensuring:

1. That private land is not disposed of unless the disposal clearly benefits the citizens and functions of Storey County;
2. That environmental and cultural values are protected;
3. That private property interests are protected or enhanced;
4. That socioeconomic impacts are duly considered;
5. That takings in any form are fully compensated and substantiated to meet the highest public need;
6. That the local tax base is not negatively impacted;
7. That due process is guaranteed to all private parties involved in land use controversies, by means that do not demand or create a financial hardship; and
8. That the state and local government within those jurisdictions that the land is located be consulted in regard to the acquisition.

Policy 3-3: Isolated tracts of public lands, certain checkerboard areas, and public lands in rural areas where the majority of land that should be identified for disposal.

Lands delineated in Figure 4.2-1 of this chapter, presented to the U.S. Bureau of Land Management by Storey County as a request for disposal are the majority of lands that should be identified for disposal in this master plan. All public land easements and/or access should be retained for continued public use. The use of alternative access to accommodate land management through property may be employed if feasible and appropriate.

Policy 3-4: Establish proper documented ownership of surface rights of residential and commercial parcels within the Virginia City and Gold Hill town sites to resolve clouded-title by continuing to work with Congressional representatives and the U.S. Bureau of Land Management to enact the provisions of H.R. 3979-460 Conveyance of Federal Land, Storey County, Nevada (“Restore Storey County Act”) providing for the conveyance of the Gold Hill and Virginia City town sites from clouded federal ownership to the county, then for the county to transfer clean title to each affected owner of surface rights in the townships.

Policy 3-4: Increase opportunities for local economic development by selectively increasing the amount of privately owned land within the county. Storey County’s goal for land exchanges is to maintain a “no net loss” in private, county or state acreage. Although the county supports exchanges that will increase economic development, the county is also concerned about any proposal that will reduce private, county, or state ownership unless the exchange is a clear benefit to the county.

1. Public lands should be made available as needed for state and local government purposes, e.g., for municipal water supplies and systems and municipal sewage systems. Lands identified for public purposes should receive preference to disposal for private purposes. Reference Figure 4.3-1 for the map and itemized list, noting the list will be modified as applicable.
2. Before public lands are disposed of, adverse impacts on existing uses should be considered. Adverse impacts could include important wildlife habitat, key seasonal grazing rights, watersheds, flood prone areas, public access, mineral potential, oil/natural gas potential, renewable or alternative energy potential, historical areas, and recreational

use of the lands.

3. Land exchanges and lands sales that consolidate high value public purpose lands and/or make private lands more manageable should be given high priority in federal land transaction processes.
4. Storey County encourages the U.S. Bureau of Land Management to review the agency's land sales/exchange procedures to determine ways, including changes in policy and regulations when appropriate, to expedite the sales and exchange process. The U.S. Bureau of Land Management process can be "cost prohibitive" and time consuming when applied to small isolated land exchanges and sales. All appropriate authorities for land disposal under the BACA Bill should be used for maximum flexibility and for the payment of fees associated with appraisals and other administrative costs to expedite the process.
5. Public access to and through disposed lands should be retained through the recordation of an easement and deed restriction. Whenever public lands are disposed of, existing public access to adjoining or nearby public lands should be retained for recreational and other multiple use needs. The development of alternative routes of access may be necessary, but should be acquired and guaranteed prior to the disposal and loss of any existing access and should be of equal value and public benefit.
6. The public as well as local and state governments should be involved in decisions related to public lands activities. Adequate (e.g., 90 days) public notice should be given to the county commission, the county manager, and county planning staff before the initiation of any federal land transactions.

Policy 3-5: Public lands should be transferred to the private sector when suitable for intensive agricultural operations, but not industrial agricultural purposes such as feed lots, slaughter houses, and other such uses that create a substantially built environment, through either the Desert Land Act or the sale authority provided by Federal Land Policy and Management Act and the BACA Bill.

1. Preference should be given to existing land users or adjacent land owners through a direct sale or preferential bid, where possible.
2. The lands made available for irrigated farm land must have adequate water, as determined by the Nevada State Engineer.
3. Any public lands fenced in within existing private land, should receive a high priority for sale or exchange.

Policy 3-6: Promote the increased use of, and adherence to, comprehensive planning among all government entities in Nevada.

1. The planning of corridors for the future transmission of energy, communications, and transportation should be in conjunction with the planning of other multiple uses on federally administrated lands.
2. The county commission and planning staff will review all public land withdrawals that include the potential for the transportation, storage, and disposal of all hazardous and toxic refuse or waste materials.

4.3.4 Agriculture and Livestock Production

Agricultural production is necessary to help maintain the historical, cultural, and economic viability of Storey County.

Policy 4-1: Preserve agricultural land and promote the continuation of agricultural pursuits, both traditional and non-traditional, but not including industrial agricultural uses such as animal feed lots, slaughter houses, and other such uses that create a substantially built environment.

Policy 4-2: The pursuit and production of renewable agricultural resources are consistent with the long-term heritage of Storey County. This private industry benefits the county economically and culturally;

Policy 4-3: Opportunities for agricultural development on public lands should continue.

Policy 4-4: Encourage agricultural use over residential development.

Policy 4-5: Water rights associated with agricultural lands should be protected to prevent water from leaving the basin.

Policy 4-6: Grazing should utilize sound adaptive management practices. Storey County supports the periodic updating of the Nevada Rangeland Monitoring Handbook to help establish proper levels of grazing.

Policy 4-7: Allotment management strategies should be developed that provide incentives to optimize stewardship by the permittee. Monitoring of the permittees should be done to ensure that the incentives are optimizing stewardship.

Policy 4-8: Encourage agencies managing public lands to coordinate with the N-1 Grazing Board on all manners affecting livestock grazing on public lands within the county.

Policy 4-9: Range water rights and improvements such as those associated with seeps, springs, streams, lakes, and wells used by livestock should be protected in the long-term for that use. Encourage cooperation between the federal land management agencies and the grazing operator in protecting the riparian values of these water sources.

Policy 4-10: Storey County requests federal agency notification of all actions regarding permit renewals for potential request by Storey County for status as a cooperating agency in such action.

4.3.5 Forestry

Storey County has no lands under the jurisdiction of the U.S. Forest Service. Forest and forestry products production in Storey County is a benefit to the livelihood and wellbeing of its citizens. Therefore, it is the policy of Storey County to protect forest resources and promote the continuation of a sustainable forestry products industry by providing economic opportunity, relying on self-determination and open-market conditions as may be appropriate for non-U.S. Forest Service forests in the county.

Policy 5-1: Promote multiple use of public forest resources to realize sustainable and continuous provisions of timber, forage, firewood, wildlife, fisheries, recreation, and water.

Policy 5-2: Support the prompt salvage of forest losses due to fire, insect infestation or other events.

Policy 5-3: Support the management of woodlands and forests by ecological condition for a diversity of vegetation communities. Grass and shrub ecosystems with no or few invasive species are

preferable to ecosystems with invasive and imbalanced ecosystems.

Policy 5-4: Urge the U.S. Bureau of Land Management to allow and promote thinning of wildland and urban interface forests. This should be done in such a manner that local entities have an opportunity to derive economic benefit from the forest.

Policy 5-5: Recognize the importance of maintaining healthy aspen communities and encourages activities that will retain and improve the vigor of these communities.

4.3.6 Wild Horses

Wild horses are part of the landscape. However, an overabundance of horses can be detrimental to the health of public lands. Management must carefully balance needs of wild horses against the needs of other multiple uses.

Policy 6-1: Manage wild horses to reduce detrimental impacts on other multiple uses and pursue resource enhancement where needed to correct wild horse caused damage.

Policy 6-2: Wild horse herds should be managed at reasonable levels to be determined with public involvement and managed with consideration of the needs of other wildlife species and livestock grazing. The U.S. Bureau of Land Management and the State of Nevada should work cooperatively on wild horse management issues and ensure the management and maintenance of all federal improvements by the federal agencies. The federal agency should give a priority to establishing Appropriate Management Levels for the remaining horse management areas. The Appropriate Management Levels should be established at levels that do not jeopardize or interfere with the economic viability of any private enterprise within Storey County, and be coordinated with the U.S. Bureau of Land Management Resource Advisory Council.

Policy 6-3: The U.S. Bureau of Land Management should take advantage of good forage years by emphasizing maintenance level captures on horse management areas that have established Appropriate Management Levels. Maintenance of established Appropriate Management Levels is economical if herd numbers are kept in check periodically. Once herds greatly exceed the Appropriate Management Levels, capture and management is very expensive.

Policy 6-4: Publicize and encourage areas where the public can view wild horses.

Policy 6-5: Storey County supports a strict policy of wild horse population control to ensure the species does not interfere with the productivity of the ranching community, wildlife, other multiple use needs, and the safety of those who must travel on routes through open-range.

4.3.7 Mineral and Renewable Energy Development

The responsible development of Nevada's mineral, geothermal, solar, and wind energy resources is desirable and necessary to the economy of the nation, the state and to Storey County. However, considerable concern has been expressed by residents, businesses, and historic preservationists regarding the impact of mining and other surface developments on existing historical resources located within the Virginia City National Historic Landmark. Because of the historical significance of structures, natural and man-made landmarks and landscapes to preserving the heritage of the nation, including for existing future visitors and scholars, the county must be closely involvement throughout the processes involving land use planning, permitting, and other actions involving proposed developments within and adjacent to the Virginia City National Historic Landmark.

Efforts to preserve the distinct character of Virginia City, Gold Hill, American Flat, the Virginia & Truckee Railway/Railroad corridor, and the surrounding historic viewshed should not be solely

focused on buildings and structures. Natural and historic manmade landscapes, landforms, and monuments; historic mine dumps and tailings; and new uses that may substantially alter or degrade these natural features should be considered in the review process. The 1994 county master plan suggests that leaders through local land use decisions, including review of land use allowances, preserve the distinctive historic character that exists throughout the Comstock, including certain landscape features identified in Appendix F. County officials and the BLM should collaborate closely throughout the review process for mining and other resource development on public lands in and around the Virginia City National Historic Landmark.

In 2012 following nearly two-years of public workshops in Virginia City, the county commission with recommendation by the planning commission approved substantial modifications to the county's zoning ordinance regulating and entitling surface and underground mining. Participants expressed to the board, planning commission, and county planning staff their strong desire to incorporate the provisions of the mining ordinance, including its findings of fact, into the comprehensive county master plan update, thus inversely creating conformance with the county master plan.

Accordingly, this master plan supports the following findings of fact as part of this public lands policy, and suggests that these findings are considered and made part of any decision of the U.S. Bureau of Land Management involving mining development in and around the Virginia City National Historic Landmark. Because geothermal, solar, and wind energy resource development may impose similar impacts to the integrity of the historic environment within the Virginia City National Historic Landmark, this master plan also suggests that the findings of fact, as may be applicable, are also considered during the review of such applications.

- Certain mineral and surface property rights exist across the county, and this master plan serves to protect those rights. This master plan recognizes and serves to abide by the Mining Law of 1872 which provides mineral property owners the right to mine where the property is a mine patent pursuant to Title 30 of the United States Code Section 29, or an unpatented mining claim located pursuant to section 23, as well as the right to milling and ancillary uses necessary for the success of mining.
- Storey County has a diversified economy including agriculture, commercial, industrial, tourism, recreation, and mining. Permitted uses under these categories are found to be economically and socially beneficial to the county, directly and indirectly, when they are appropriately regulated so that they do not cause substantial adverse impacts to adjacent uses and are not detrimental to the health, safety, and general welfare of the citizens, property owners, scholars, and businesses in the county.
- This master plan serves to address and provide for regulations which mitigate potential adverse impacts that mining and related activities may have on the natural and historic environment and adjacent land uses (e.g., residential, commercial, tourism, etc.) as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of this master plan, and any other plan, program, map, or ordinance adopted or under consideration, pursuant to an official notice by the county or other governmental agency having jurisdiction to guide growth and development.
- This master plan supports that the existing historical environment, including natural and manmade features, in and around the Virginia City National Historic Landmark provides a sense of orientation and authentic place and feeling which is beneficial to residents, businesses, investors, visitors, scholars, and future generations. This plan emphasizes the

importance of reducing land use conflicts between mining and other land uses and preserving the historic resources and heritage of the Comstock for the enjoyment and education of present and future residents, visitors, and scholars, and the economic opportunities afforded. Present and future mining and its ancillary uses within the Comstock, when conducted in a way to preserve and not cause substantial negative impacts to existing cultural resources, also contributes to the sense of orientation and authenticity of the historic mining area. The provisions of this master plan serve to consider certain mining proposals within the Virginia City National Historic Landmark while protecting its existing historic environment, including natural landscapes and manmade features.

- Surface mining (e.g., open-pit mining) by its nature causes substantially greater impact to the surface environment than underground mining, and in some instances, precludes complete restoration of the affected land to a condition existing prior to the surface mine. Thus, unless appropriately mitigated through reclamation of land, surface mining has a greater potential for adverse impacts to adjacent land uses, the Virginia City National Historic Landmark, the tourism economy, and the health, safety, and general welfare of the citizens of the county. While the provisions under this chapter provide for surface mining under certain circumstances, underground mining is highly encouraged in all areas of the county, including within the Virginia City National Historic Landmark, when conducted pursuant to the provisions of this chapter.
- Areas surrounding State Route 341 and State Route 342 within the Virginia City National Historic Landmark are found to contain critical natural and manmade features which contribute to the historic integrity of Gold Hill and Virginia City. This area has been incorporated into the “Comstock Historic Preservation Area” map as shown in Figure 4.3-1 and made part of this master plan.
- Under certain circumstances and when regulated appropriately by local ordinance, mining and processing of existing historic mine dumps and tailings, including those located within the Virginia City National Historic Landmark, may be found to be beneficial when the existing mine dumps and tailings contain Contaminates of Concern applicable to the Carson River Mercury Superfund Site and when appropriate measures are employed to preserve the historic significance of the manmade landscape features.

Policy 7-1: Encourage the responsible development and production of Storey County’s metal, mineral, geothermal, sun, and wind resources while recognizing the need to protect the environment, ecologic resources, cultural and historic resources, and existing residential environments. Storey County recommends federal and state agencies take into consideration the potential economic and social impact of any proposed land management changes or natural resource related plans to the minerals industry, and on the residents of the county, and the findings of fact listed above in this chapter. Because of economic impacts to the mineral or renewable energy industry that may directly impacts county tax revenues and county supported programs, such as the Storey County School District, federal and state agency plans or management recommendations shall include a minerals or renewable energy industry economic, social, and environmental impact description (either brief or in-depth depending on the case needs).

Policy 7-2: Federal and state agencies shall notify the county of any actions, regulations, or permit applications which may impact the exploration, development, or extraction of minerals and associated industry and renewable energy and associated industry, opportunities on land within the

county. Storey County as an interested, consulting, participating party or local government will review, comment, participate in the formulation and approval of operating, mitigation, or reclamation plans, and hear and take action on special use permits on federal or state actions or changes significant to the subject industry in the county.

Policy 7-3: Support the above listed findings of fact regarding mining within the Virginia City National Historic Landmark that strike balance between new mining developments and maintaining the historic integrity of structures, natural and man-made landforms and landscapes, in order to encourage both large and small-scale mining operations. As supported by said findings of fact, regulatory hurdles should be minimized as practicable in order to maintain the principles of the existing mining and leasing laws, including the Mining Law of 1872.

Policy 7-4: Metal, mineral, geothermal, and solar and wind energy operations should be consistent with best management practices for the protection of the environmental qualities and the multiple uses of public lands.

Policy 7-5: Federal land management and state agencies should continue to enforce existing reclamation standards to ensure there is no undue degradation of the public lands.

Policy 7-6: Mine site and exploration reclamation standards should be consistent with the best possible post-mine use for each specific area. Specific reclamation standards should be developed for each property rather than using broad-based universal standards. Private properties (i.e., patented claims) should be reclaimed to the standard and degree set forth by Storey County Codes supported by findings of fact and that are reasonably more restrictive than state laws and regulations. Post-operation reclamation standards geothermal, solar, and wind energy development should be the same as applicable.

Policy 7-7: Reclamation of mine, exploration, and renewable energy sites should be coordinated with the County Commission. Options should be considered for post-operation use of buildings, access roads, water developments, and other infrastructure for further economic development by industry as well as historic and other uses pursuant to the Recreation and Public Purposes Act.

Policy 7-8: Support the policy of the small miner exemption if the miner is offered the opportunity to develop the property. Federal and state regulators should work closely with the small miner to ensure that permitting costs and complexity do not prevent the implementation of this option. An annual assessment requirement for holding mining claims has led to unjustified land disturbances, which did not necessarily aid in the furtherance of the property's resource development. These requirements have since been revised and require the claim holder to pay an annual rental fee to the BLM, in lieu of doing work on the ground. There is an exemption for a small miner who holds ten claims or less. If the small miner chooses the exemption, \$100 of assessment work must be expended annually to hold the claim.

Policy 7-9: Federal, state, and county governments should cooperate in continuing to provide sources of sand, gravel, topsoil, rock, and other mineral materials for local communities. County, state, and federal agencies should jointly plan for the efficient development and use of material sites for both the government agencies and the private sector.

4.3.8 Energy Resources

Policy 8-1: The development of Storey County energy resources when located and managed appropriately is necessary to the economy of the state and of the county. Renewable and alternative resources should be considered in a manner that complements other environmental resources. Efforts

should be undertaken to ensure a balance between renewable and alternative energy development and the protection of other resources that makes the county attractive to residents and visitors.

Policy 8-2: The development and coordinated site determination of renewable and alternative energy generation is encouraged. Coordinated planning is needed to integrate related federal, state, and local planning documents and processes and expedite the permitting and evaluations needed for project approvals.

Policy 8-3: The installation of wind generators should take into consideration wind rights. Wind generators should be installed far enough away from property lines such that the wind stream energy is fully reconstituted when the wind crosses the property line. Wind generators should be installed far enough away from other structures to prevent the wind generator induced turbulence stress on those structures. An approximate guideline for “far enough away” is ten turbine rotor (blade) diameters.

Policy 8-4: The installation of solar thermal plants that use water, e.g., in cooling towers, shall take into account available water resources. Water usage shall not lower the water table. When a wet cooling tower is used, the total land area for the solar thermal site, must be large enough such that the annual average water usage does not exceed 0.25 acre-feet (e.g., if 1,000 acre-feet are required per year then the total land area for the site must be at least 4,000 acres).

Policy 8-5: Wind generators should be installed away from residential uses and areas in this master plan designated for residential uses, and the Virginia City National Historic Landmark, in order to prevent adverse impacts to living communities and historic resources.

Policy 8-6: The development of corridors for energy transmission and distribution is encouraged. Coordinated planning is needed to integrate related federal, state, and local planning documents and processes for obtaining the permits and right-of-way for the corridors.

Policy 8-7: Support state and federal policies that encourage large and small-scale operations.

Policy 8-8: The installation of renewable energy generation facilities for public buildings, e.g., schools, community centers, and government offices, is encouraged. The use of public funds, e.g., United States Department of Agriculture, renewable energy grants or bonds, is encouraged to fund the implementation.

4.3.9 Wilderness

Storey County supports responsible uses and preservation of natural environments and ecosystems. However, Storey County is extremely concerned about, and is opposed to, the creation of designated wilderness areas within its boundaries. The county commission should consider adopting a resolution deeming all areas within Storey County to be inappropriate and unsuitable for Wilderness designation.

Special areas in Storey County should be protected from irresponsible off-highway-vehicle use, speculative oil and gas development, and to provide for clean air and water for future generations. While off-highway-use vehicles users continue to enjoy the majority of public lands where roads and trails already exist, it is important to maintain off-highway-vehicle use on those roads and trails that already exist.

- Storey County believes in protecting the scenic, recreational, and ecological value of the land, but prefers to maintain these areas without the added restrictions placed upon lands that would apply if they were to be designated as wilderness.
- No new wilderness areas or areas are appropriate in Storey County.

- All public lands should remain open to multiple uses.

Policy 9-1: Storey County supports multiple interests on public lands. No new wilderness areas should be designated without the express approval of the County Commissioners, who are elected to represent the interests of the citizens and other stakeholders who live and work in the county.

4.3.10 Wildlife

Storey County residents support a diversity of wildlife species. Coordination of federal and state wildlife and fisheries' management and enforcement is encouraged.

Policy 10-1: A yearly update by federal and state agencies should be provided to the County Commission to maintain an active and constructive dialogue regarding threatened and endangered species and potential listings of same.

Policy 10-2: Identify habitat needs for wildlife species, such as adequate forage, water, cover, etc., and provide for those needs so as to, in time, attain appropriate population levels compatible with other multiple uses as determined by public involvement.

Policy 10-3: Support habitat restoration to improve wildlife habitat when compatible with other uses.

Policy 10-4: Support hunting and fishing as recreational resources and as a multiple use of public lands. Storey County endorses the State's programs to provide sustained levels of game animals.

4.3.11 Public Safety

Storey County appreciates the safe passage of its residents and visitors on public lands.

Policy 11-1: Any unfenced right-of-ways along state highways should be fenced to protect the traveling public and to reduce the loss of livestock, wild horses, antelope, and bighorn sheep. The fencing should be constructed under a cooperative effort between the U.S. Bureau of Land Management, the Nevada Department of Transportation, the Nevada Department of Wildlife, the Nevada Division of Forestry, private property owners, and the permittees.

Policy 11-2: Storey County appreciates the presence and cooperation of federal law enforcement officers on public lands, but is opposed to any increase in U.S. Bureau of Land Management law enforcement authority. The county prefers the existing protocol between federal agency and other federal law enforcement officers and the Storey County Sheriff's Office.

Policy 11-3: Support cooperative training in areas of public safety such as search and rescue and hazardous materials. The U.S. Bureau of Land Management should work with the county to ensure adequate personnel, training, and equipment to meet the increased demand for back-country rescues.

Policy 11-4: Abandoned mines should be properly sealed through a cooperative agreement between Storey County, the U.S. Bureau of Land Management, the Nevada Division of Minerals, mining companies, and private land owners. Emphasis should be placed on those mines in close proximity to communities and high-use recreational areas. Emphasis should also be on methods of abatement, such as gates, fences, and bat-cupolas that leave historical remnants of the mines for safe public viewing.

Policy 11-5: Roads on public lands should be maintained for safe passage. Areas of high travel should be made a priority. Where road conditions are dangerous, signs and other public notification should be utilized until the condition can be mitigated. Maintenance of roads should be coordinated between the U.S. Bureau of Land Management, Storey County, and the public.

4.3.12 Air Quality

Air quality in Storey County is some of the best in the nation and it is an important factor influencing the wellbeing of its citizens. Therefore, it is the policy of Storey County to protect air quality.

Policy 12-1: Air quality shall be maintained with a balanced approach that allows some commercial and population growth without a detriment to the social, aesthetic, cultural, economic, and ecological values of the county.

Policy 12-2: All non-renewable energy generation proposals shall attain the lowest feasible emissions, the highest feasible efficiencies, and the highest possible ratings using Best Available Control Technology. Any renewable energy generation proposal, such as biomass, that could affect air quality shall have the lowest feasible emissions and highest possible ratings using BACT.

Policy 12-3: All proposed new construction projects that require access to public land, including but not limited to, energy transmission line corridors, communication line corridors, or water rights applications associated with any pipeline projects, should require comprehensive air quality measuring and monitoring programs. If PM₁₀ (≤ 10 -micron particle size) levels significantly increase above historical levels or allowable limits, an immediate re-vegetation project is necessary to stabilize the surface of any areas (excluding service roads) where any vegetation was changed because of the project.

Policy 12-4: Air quality limits will be based on best available measurement and control methods stipulated by the Nevada Division of Environmental Protection. Storey County's excellent air quality shall be maintained as an important aspect of the quality of life of the citizens and visitors.

Policy 12-5: Particulate monitoring stations should be established by the Nevada Division of Environmental Protection to establish local ambient air quality. Natural wind-blown dust, including inorganic and organic particles, should be considered in establishing local ambient air quality baseline limits.

Policy 12-6: When practical, agricultural fields that are to be abandoned should be re-vegetated with native species to prevent erosion and fugitive dust.

Policy 12-7: When practical, significant areas of land disturbances associated with projects that are abandoned should be re-vegetated with native species to prevent wind erosion and fugitive dust.

Policy 12-8: Greenhouse gases are considered a component of air quality; however, normal agricultural activities are not considered to impact air quality. New industrial sources of greenhouse gases shall be evaluated for impact on air quality.

4.3.13 Cultural Resources

Storey County cultural resources and customs include all the prehistoric and historic archaeological resources and traditional cultural practices of the people of Storey County. Cultural resources include, but are not limited to:

- Historic townships, including the townships of Virginia City and Gold Hill, and structures, and natural and manmade landscapes, within the boundaries of the Virginia City National Historic Landmark.
- Historic roads
- Trails
- Railways
- Highways and associated buildings
- Sidings
- Stations
- Rock art sites
- Mining camps and districts
- Racetracks
- Cemeteries and isolated gravesites
- Historic mine portals, shaft openings, and workings (with safety mitigation)
- Paleoindian sites
- Prehistoric villages and campsites
- Rock shelters
- Caves and caverns
- Tool-stone sources
- Quarries

Less tangible resources include:

- Dance forms
- Customary beliefs
- Material traits of a group
- Integrated patterns of human behavior passed to succeeding generations by stories and traditions

Policy 13-1: Support conservation of its historic properties, landscapes, and practices which use these landscapes in a manner that does not degrade them for future generations.

Policy 13-2: Participate in the planning of appropriate uses and the protection of cultural resources. Threats to cultural resources include fire, vandalism, unauthorized use, and rural and urban sprawl.

Policy 13-3: Promote educational programs for citizen stewardship of cultural resources in a manner that will guarantee the thrill of discovery for future generations.

Policy 13-4: Tangible artifact remains and records of folk life and cultural heritage should be preserved locally rather than removed to out-of-county or out-of-state sites. Citizen access to the remains and the actual sites is encouraged if the resources are protected.

Policy 13-5: The customs and culture associated with American Indian activities in Storey County is necessary to the livelihood and wellbeing of American Indians. Storey County supports American Indian activities on public lands.

4.3.14 Recreation and Open Space

Storey County enjoys many natural amenities that attract local residents and visitors. These resources should be protected and developed for the public's multiple use benefit. Open space with full public access is critical to Storey County's economic, historical, and cultural identity.

Policy 14-1: Conserve and protect scenic, historical, recreational, and open space resources for the benefit of the present and future generations with additional consultation with local, state, and federal governments and users. Storey County recognizes that recreation in all forms is consistent with multiple uses of public lands. All resources utilized by the public should be conserved and Storey County reserves the right for application under the Recreation and Public Purposes Act for all such resources.

Policy 14-2: Encourage sustainable recreational use in Storey County by increasing marketing efforts that describe the opportunities available.

Policy 14-3: Promote "Eco-tour" and responsible off-highway-vehicle businesses in the county. The themes of the tours could vary from wildlife viewing, visiting natural and historic sites such as hot springs and historical sites, or learning through practice how to safely and responsibly operate motorcycles, four-wheel-drives, and off-highway-vehicles. Ensure that all governmental agencies work in a cooperative effort to encourage such uses while protecting natural resources from damage. Off-highway-vehicle users are encouraged to visit and patronize county communities.

Policy 14-4: Encourage dispersed recreation opportunities on public lands as a substantial economic asset to local economies.

Policy 14-5: Public lands with value for concentrated recreational use (camp grounds, historic sites, wagon trails, etc.) should be identified, protected, and developed for recreational purposes. The U.S. Bureau of Land Management should consider withdrawing these key areas from mineral entry on a limited basis. Any proposals for mineral withdrawals should be coordinated with the county commission.

Policy 14-6: Recognizing that most Nevadans reside in towns, investments in open space, parks, and recreation facilities should be concentrated as close to resident populations as feasible.

Policy 14-7: Support hunting and fishing as recreational resources and as a multiple use of public lands. Storey County endorses the state's programs to provide sustained levels of game animals.

Policy 14-8: The establishment of new specially designated lands (i.e. National Recreation Areas, National Conservation Areas, Wildlife refuges, State parks, etc.) may be a valuable asset to Storey County and its residents. Determination of value can only be achieved through close coordination with the County Commissioners and close adherence to a public and transparent citizen input process.

4.3.15 Wetlands, Riparian Habitat, and Waters of the United States

Wetlands, riparian habitat, and Waters of the United States support the diverse populations of waterfowl, fisheries, wildlife, and plant communities prized by all public land users within the county.

Policy 15-1: Wetlands, riparian habitat, and Waters of the United States should be protected from undue degradation. Undue degradation may result from over pumping of groundwater, destruction of vegetation for over-development or misplacement of recreational facilities, poorly planned land dispositions, unintentional misuse of riparian resources by public and private users, and other actions.

Policy 15-2: Wetlands, riparian habitat, and Waters of the United States should be managed in a responsible and balanced manner with other resources.

Policy 15-3: Support a coordinated effort to protect wellhead protection areas and municipal watersheds from undue degradation through proactive zoning and development controls, pursuant to Storey County ordinances.

4.3.16 Fire Management

Fire is an integral component of the wellbeing of public lands. However, introduced factors have led to the dangerous potential for out-of-control wild fires that affect the economic, watershed, wildlife, and environmental wellbeing of the county.

Policy 16-1: Wildland-Urban-Interface fire policies, including one-hundred percent suppression, should be practiced at all levels. Defensible space should be a responsibility of federal, state, and local agencies, as well as private property owners on their respective lands in which they have responsibility.

Policy 16-2: Maintain local coordination between the U.S. Bureau of Land Management, the Nevada Division of Forestry, and local fire departments and districts to increase the effectiveness of fire suppression, rehabilitation, and prevention. The federal agencies need to take advantage of the skills and local knowledge of county residents and the local fire protection district. This is particularly important when using out-of-area fire crews for firefighting. Storey County and Storey County Fire Protection District will aid in any way possible in suppression of wildfires that endanger the livelihoods and personal wellbeing of its citizens and stakeholders.

Policy 16-3: Encourage the development of mutual-aid agreements between the local fire districts, the Nevada Division of Forestry, and the federal agencies. Storey County Fire Protection District supports the use of mutual-aid agreements and encourages the federal agencies to utilize local firefighting resources as much as possible.

Policy 16-4: Encourage the federal agencies to continue the policy of contracting with Storey County residents and businesses for privately owned equipment suitable for firefighting. Encourage the practice of early season inspections and sign-ups well before the fire season.

Policy 16-5: Encourage private ranchers and federal agencies to consider using livestock to reduce fire hazard. There may be situations where livestock grazing can be effective in reducing the fire fuels without causing environmental damage. Sheep and goats should be used wherever practical to reduce fuel loads.

Policy 16-6: The use of green stripping is encouraged if the treated areas are seeded with fire-resistant grasses and maintained. With aggressive suppression efforts comes the overgrowth of specific fuel types. Efforts should be made to reduce fuel loading and restore natural ecosystems.

Policy 16-7: The Nevada Department of Transportation should mow and/or spread herbicide on all highway rights-of-ways as frequently as possible to reduce the potential for the spread of fires onto adjacent public and private lands.

Policy 16-8: All fire equipment should be cleaned to assure it is noxious “weed-free” before being dispatched to, or released from, a wildfire. This should be done to assure that fire apparatus is not spreading noxious weeds to other geographical areas within the state, or other states.

Policy 16-9: Encourage the federal agencies to develop and implement fire management plans to incorporate thinning, fire use areas, prescribed burns, and re-seeding to restore native types of fire

resistive fuels and reduce the impact of invasive species.

4.3.17 Noxious Weeds and Invasive Species

Invasive weeds in Storey County are currently displacing diverse native plant communities and greatly impacting Nevada's natural and economic resources. That threat to the biological diversity that makes the surrounding ecosystem function will expand rapidly unless kept in check by constant vigilance and work to control them whenever they are found.

Due to the broad range of management and ownership of public and private lands, an integrated comprehensive approach to cooperative noxious weed management across all jurisdictional boundaries is essential. Negative impacts of lands proliferated by invasive weeds include low resale value of property, loss of wildlife and fishery habitats, accelerated erosion, decreased water quality, degraded recreation opportunities, deadly effects to some animals and humans, reduced forage production for agriculture producers, increased cost of consumer goods, and disruption of productive ecosystems. The scope of noxious weed infestation in Storey County is relatively small at this time, and the county on a reoccurring and consistent basis has cooperated with regional conservation organizations to manage invasive weeds. Weeds currently identified at measurable levels include Russian knapweed, tamarack, Russian thistle, and white top. These weeds require constant attention to keep their populations under control.

Storey County endeavors each year to properly manage noxious weeds throughout the county, including on private and county-owned land. Its efforts include a high level of inter-local cooperation with such agencies as the Dayton Valley Conservation District, Washoe-Storey Conservation District, Carson-Truckee Conservancy District, and Carson Water Subconservancy District. The county and its inter-local partners have also included the U.S. Bureau of Land Management in order to abate noxious weed abatement on federal lands in the county. The cooperating agencies conduct annual noxious weed monitoring and mapping, herbicide treatment, and community education and outreach. The spirit of cooperation has been the cornerstone for controlling noxious weeds in Storey County, and continued cooperation, monitoring, and control of noxious weeds is recognized as essential to keeping Storey County's noxious weed problem under control.

Strategies for implementation of the following policies include active and financial support of all countywide noxious weed treatment activities as able, effectively establishing, implementing and enforcing county codes and ordinances relating to prevention measures and actively lobbying for additional federal and state funding for noxious weed treatment. Continued partnership with local agencies and the U.S. Bureau of Land Management shall be fostered, especially since a high level of inter-local cooperation has yielded measureable success in abating noxious weed infestations and enhancing ecosystems and wildlife habitats.

Policy 17-1: Support cooperative weed management areas to control invasive species and institute a re-vegetation program in areas where weeds are treated.

Policy 17-2: Support the education of off-highway-vehicle operators, hikers, and other recreationists about the hazard of transporting weeds from infested to non-infested areas.

Policy 17-3: Areas of surface disturbance should be quickly re-vegetated to prevent the establishment of invasive species.

Policy 17-4: Water rights applications associated with pipeline projects should include a comprehensive revegetation monitoring program.

Policy 17-5: If weeds increase due to plant community changes as a result of any underground

utility project, immediate re-vegetation projects will be necessary to stabilize the surface and re-vegetate with adapted species.

Policy 17-6: Support the Nevada Weed Free Forage Certification program. Any hay being transported for feed on public land needs to be from a certified weed-free field.

Policy 17-7: Federal, state, and county agencies should investigate and treat invasive species as soon as they are detected in the county, and before those species emerge to investigation. Proactive treatment at first detection will cost much less than treatment of established populations.

4.3.18 Off-Highway Vehicles

The use of off-highway vehicles has increased significantly over the past decade. Off-highway-vehicle use is important to the lifestyle of many Nevadans and Storey County residents for work and play. Responsible off-highway-vehicle use also provides economic benefit to the local tourism and business economy.

Policy 18-1: Encourage and support the development of a Storey County Off-Highway-Vehicle Use and Management Plan by using the CRMC process encouraging a broad-based local planning group to provide input in determining and prioritizing needs for current and future off-highway-vehicle use and management in Storey County.

Policy 18-2: Encourage and support the development of a Storey County Off-Highway-Vehicle Use and Management Plan and any other policy and regulation that:

1. Promotes sensible and responsible use of off-highway-vehicles through registration, education, training, advertising, and other means.
2. Requires off-highway-vehicle users to stay on designated roads and trails or in limited off-road use areas and actively discourage the pioneering of new trails.
3. Encourages sufficient resources to be made available to local district offices to publish maps of areas and routes suitable for off-highway-vehicle use.
4. Effectively monitors and manages off-highway-vehicles where they are allowed.

Policy 18-3: Encourage and support the development of policy and regulation that will:

1. Provide for the safety of off-highway-vehicle users and non-users.
2. Prevent the environmental degradation of public lands, air, water, wildlife, and vegetation.
3. Provide for restoration of damaged lands.
4. Provide for the enforcement of such rules and regulations.
5. Provide for the recreational enjoyment of both off-highway-vehicle users and non-users.

Policy 18-4: Encourage and support administration of money generated through off-highway vehicle registration that will:

1. Be administered by a balanced broad-based board with an emphasis on rural representation.
2. Provide public safety and enforcement.
3. Provide restoration and rehabilitation of damaged lands and trails.

4. Provide maintenance for existing trails.
5. Pay for new trail construction.

4.3.19 Military Operations

There are currently no lands in Storey County within the jurisdiction of the armed forces. However, Storey County fully supports our military and the need for well-trained and prepared armed forces, and, therefore, includes policies related to military use of federally owned lands in a consistent form to other counties throughout the State of Nevada.

Policy 19-1: Storey County supports a collaborative dialogue with the U.S. Department of Defense on any planned training or other exercises in the county. Storey County supports military training on public lands.

Policy 19-2: Storey County opposes low-level flights of high-speed military aircraft in the Storey County airspace.

4.3.20 Water Resources

Water is fundamental to Storey County's present and future.

Policy 20-1: Promote the intent and policies of the Storey County Water Resources Plan (future plan development).

4.3.21 Public Access

Access to public lands is a critical component of the economic and recreational vitality of the county, and multiple use access is strongly encouraged. Storey County is dedicated to the multiple use concept, and it strongly believes that, in order for the majority of users to be able to enjoy our public lands, it is, therefore, necessary to provide a means for said access.

This master plan supports passage by the county commission s a resolution presenting the county's view on public access stating in part "all ways, pathways, trails, roads, county highways, and similar public travel corridors across public lands in Storey County, Nevada, whether established and maintained by usage or mechanical means, whether passable by foot, beast of burden, carts or wagons, or motorized vehicles of each and every sort, whether currently passable or impassable, that was established in the past, present, or may be established in the future on public lands in Storey County are declared Storey County Public Roads.

Public access on federal lands

According to NRS 405.191 and 403.410 a "public road" is defined as follows:

1. A United States highway, a state highway or a main, general or minor county road and any other way laid out or maintained by any governmental agency.
2. Any way which exists upon a right of way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § 932, commonly referred to as R.S. 2477), and accepted by general public use and enjoyment before, on or after July 1, 1979. Each board of county commissioners may locate and determine the width of such rights of way and locate, open for public use and establish thereon county roads or highways, but public use alone has been and is sufficient to evidence an acceptance of the grant of a public user right of way pursuant to former 43 U.S.C. § 932.

3. Any way which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes or which is described by words of similar import.”

Policy 21-1: Federal land management agencies should recognize and honor the valid and important rights Congress gave local governments to own and manage public roads and related right-of-ways.

Policy 21-2: The state definition of a “public road” (Nevada Revised Statutes 405.191, 403.410 and 244.155) should be used consistently throughout Nevada by all federal, state and, local agencies. Road mapping should be coordinated between the county and the U.S. Bureau of Land Management.

Policy 21-3: Utilize R.S. 2477 right-of-ways to protect historical public access to public lands across private property. Promote private access across private properties.

Policy 21-4: Supports access to mining claims by adhering to the rights claimed under R.S. 2477.

Policy 21-5: Optimize accessibility within the county and reduce the cost of movement between all communities across public lands. Public access to public lands is vital to Storey County’s economic stability.

Policy 21-6: Storey County supports transportation of minerals and mining products over federal, state, and county roads and highways, given that appropriate safety precautions guarantee public safety, and that the county is reimbursed for associated repairs and improvements on its roads.

Policy 21-7: Recognize that the Gardner Maps and some Nevada Department of Transportation maps identify existing roads prior to 1976. Some of these roads may be R.S. 2477 and some may be private lands. It also needs to be recognized that some roads that are private lands at this time may have been R.S. 2477 in 1976 in which case these roads would still be R.S. 2477

Policy 21-8: Federal agencies should allow access across federally managed lands by right-of-ways prior to the need for access across private lands.

4.3.22 Right-of-Ways

Storey County supports use of public lands for rights of ways for multiple purposes. Rights-of-ways are required within the county for such purposes as communication, energy, recreation, safety, and monitoring. Facilities for such purposes are often manned or frequently accessed; equipment for such purposes is often remotely sited and only rarely accessed for maintenance.

Communication right-of-ways may be needed for telephone landlines, wireless commercial communications facilities, microwave towers, television/radio antennas and transmitters, other communication channels, and access to the sites required for the facilities and equipment.

Energy right-of-ways may include corridors for transmission and distribution lines, sites for energy generation, sites for power substations, and access to the sites for the required facilities and equipment. Recreation right-of-ways may include trails, trailheads, recreation sites, special recreational events, and access to the designated sites. Safety right-of-ways may include easements and other means to manage potentially damaging events such as wildfires or flash-floods. Monitoring right-of-ways may include sites for weather monitoring or other scientific data gathering and access to the equipment installed at the sites.

Policy 22-1: Storey County supports installation of communication, energy, recreation, safety, or monitoring facilities, on federally managed lands prior to the need for installation on private lands. Where feasible, such facilities should be near existing federal, state, or county highways or roads.

Policy 22-2: Storey County supports installation of necessary communication, energy, recreation, safety, monitoring equipment, or corridors across federally managed lands, given that appropriate precautions are implemented to assure public safety. Where feasible, these sites should be near existing right-of-ways.

Policy 22-3: Storey County supports access to necessary communication, energy, recreation, safety, or monitoring equipment or corridors across federally managed lands. Where feasible, access roads should use existing road right-of-ways.

Policy 22-4: Federal land management agencies should work with Storey County agencies to manage right-of-ways.

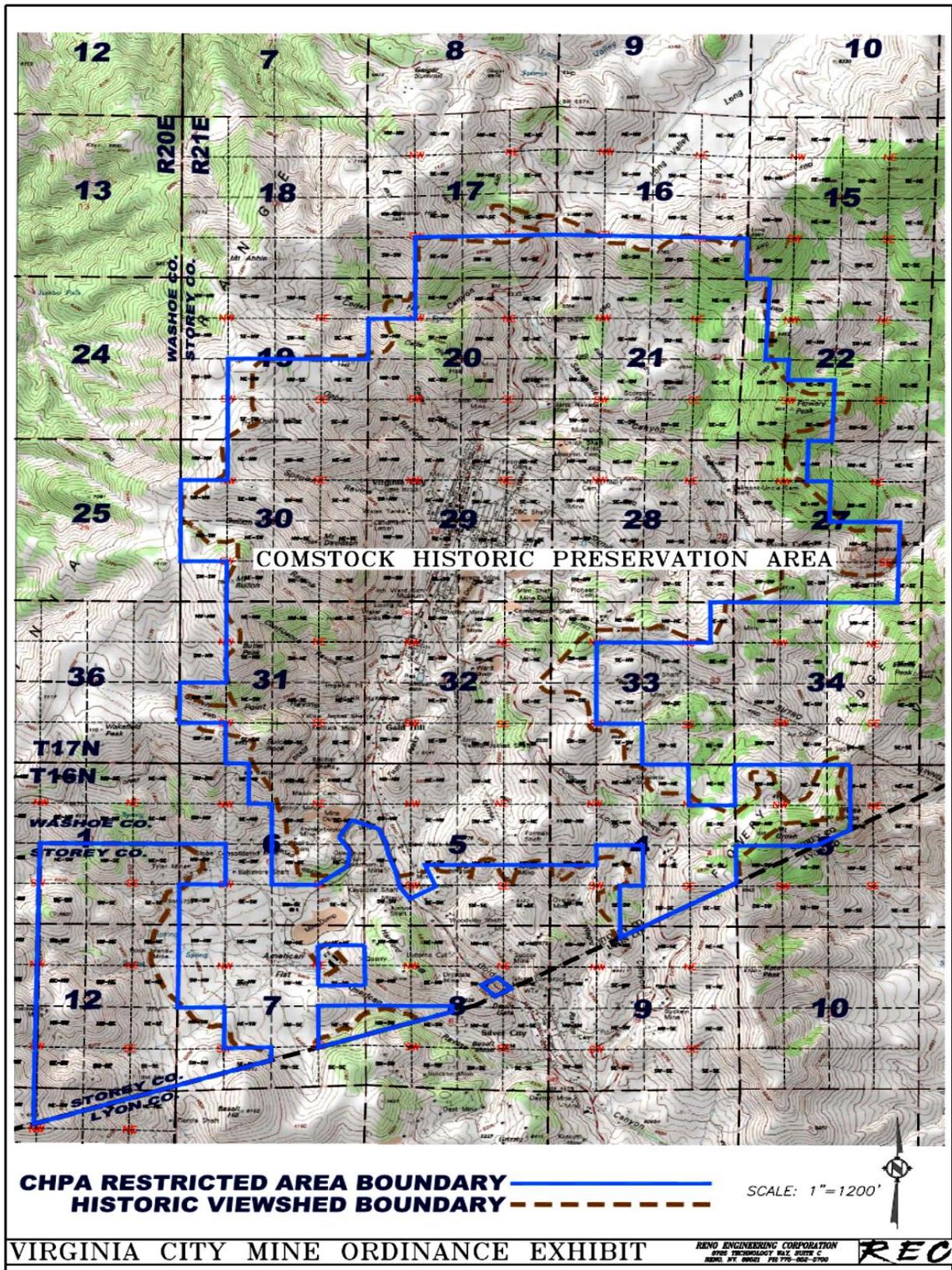


Figure 4.3-1: Comstock Historic Preservation Area Map – From SCC 17.92