

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the May 19, 2003 Meeting

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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, May 19, 2003 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Vice Chairperson Dan Jacquet
Laura Bird
Michael Fischer
Howard Riedl
Margaret Robinson

STAFF: Juan Guzman, Open Space Manager
Mary Margaret Madden, Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

CALL TO ORDER AND ROLL CALL (1-0007) - Vice Chairperson Jacquet called the meeting to order at 6:00 p.m. A quorum was present. Chairperson Hartman and Member Scott were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0047) - None.

1. ACTION ON APPROVAL OF MINUTES - April 21, 2003 (1-0012) - Member Fischer moved to approve the minutes. Member Bird seconded the motion. Mr. Guzman reviewed a written clarification from Paul Pugsley of comments made under agenda item 4, Status Reports and Comments from Staff. Mr. Pugsley advised that the Washoe Tribe has done a bank restoration project and some logging but no rehabilitation project. Mr. Pugsley further advised that he knows of no additional projects the Washoe Tribe has planned. **Member Fischer moved to approve the minutes. Member Robinson seconded the motion. Motion carried 5-0.**

2. CHANGES TO THE AGENDA (1-0051) - None.

3. AGENDA ITEMS:

3-A. INTRODUCTION OF MARY MADDEN, ESQ., ASSIGNED TO PROVIDE LEGAL ADVICE TO THE OPEN SPACE ADVISORY COMMITTEE BY THE DISTRICT ATTORNEY'S OFFICE (1-0054) - Mr. Guzman introduced Ms. Madden and reviewed the staff report. Ms. Madden commented on the foresight of Boulder, Colorado officials to plan for open space in the early 1960s. She looks forward to working with the Committee. Vice Chairperson Jacquet welcomed Ms. Madden and discussed the technical aspects of open space, such as conservation easements.

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3-B.1. ACTION TO ACKNOWLEDGE AND RECOGNIZE MR. JASON STRULL, MR. JOSH RAUSCH, AND THE FOUNDATION FOR THE BETTERMENT OF PARKS AND RECREATION FOR THEIR WORK IN THE CLEANUP OF THE MOFFAT OPEN SPACE PROPERTY, CLEANUP AND SIGNAGE AT THE LOMPA LANE WETLANDS PROPERTY AND FOR THE DONATION OF MONIES FOR THE EQUIPMENT TO BE HOUSED IN THE COMMUNITY CLEANUP TRAILER (1-0103) - Mr. Guzman reviewed the staff report, introduced Loren Wooldridge, and provided background information on his Eagle Scout project to design and equip the interior of the Community Cleanup Trailer. He introduced Fred Stanio, President of the Foundation for the Betterment of Parks and Recreation, and advised of the donation provided to purchase equipment for the cleanup trailer. Mr. Guzman displayed a letter, featuring a watermark photograph of Mr. Wooldridge and Mayor Masayko, and read the same into the record. Mr. Guzman read a similar letter addressed to Mr. Stanio into the record. He displayed the letters addressed to Jason Strull and Josh Rausch, copies of which were included in the agenda materials, and provided background information on their projects.

Vice Chairperson Jacquet thanked Mr. Wooldridge, Mr. Stanio, Mr. Strull, and Mr. Rausch for their service to the community. He expressed appreciation for citizen participation in the Open Space Program.

(1-0189) Rodger Morse, owner of Carson Cans, distributed business cards and advised that his business pays a premium price to civic organizations in addition to the regular scrap metal price. He suggested that the Boy Scouts and any other community organization could make extra money for recycling metal removed from clean up sites.

(1-0206) Mr. Stanio provided background information on the Foundation's mission and purpose. He discussed the Foundation's role in the passage of Question #18, and advised of the reason for the Foundation's donation to the Community Cleanup Trailer. He thanked the Committee for the letter and advised that Jo Saulisberry was pictured with Mayor Masayko in the watermark.

(1-0227) Mr. Wooldridge thanked the Committee and staff for their support and assistance in earning his Eagle Scout badge.

3-B.2. RECESS FOR 15 MINUTES (NO ACTION) IN ORDER TO VISIT THE COMMUNITY CLEANUP TRAILER PARKED AT THE NORTHWEST CORNER OF THE COMMUNITY CENTER (1-0224) - Vice Chairperson Jacquet recessed the meeting at 6:15 p.m. and the Committee members, staff, and the citizens present toured the Community Cleanup Trailer. Vice Chairperson Jacquet reconvened the meeting at 6:23 p.m.

3-C. ACTION TO REVIEW AND COMMENT ON THE DRAFT "QUESTION 1 CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM" ADMINISTRATIVE REGULATIONS, DISTRIBUTED BY THE DIVISION OF STATE LANDS IN MAY OF 2003 (1-0235) - Mr. Guzman reviewed the staff report. Member Riedl reviewed written comments which were distributed to the Committee members and staff prior to the start of the meeting. Vice Chairperson Jacquet advised of an explanation provided at the recent workshop that there is no requirement to involve local

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governments in reviewing project applications. The regulations only require advising and coordinating with local government representatives. Vice Chairperson Jacquet noted the importance of local governments, which will be the recipients of most of the grant funding, being in favor of the projects. Mr. Guzman advised that the Board of Supervisors is the only entity authorized to enter into contracts and agreements on behalf of Carson City. He discussed a concern that some of the grant funding can be awarded to non-public, non-profit organizations and that these entities may become involved in projects not supported by the Board of Supervisors.

Member Bird referred to Section 8, paragraphs 2 and 3, of the draft regulations and inquired as to discussion surrounding these items during the workshop. Vice Chairperson Jacquet advised of concerns regarding whether thirty years constitutes a sufficient period of time for conservation and environmental purposes. He indicated that there was no conclusion that thirty years would not be long enough. Mr. Guzman advised that he had not attended the workshop but has heard discussion regarding the main concern of perpetuity. He provided the example of a river project which is wiped out by a flood and the county is not in a position to invest funding to restore the project. He suggested that in the end, "logic will prevail." In response to a question, Mr. Guzman indicated that the 30-year period appears to be a compromise between perpetuity and too short a period of time. Member Bird referred to Section 8, paragraph 6(b), and inquired as to the legal definition of eminent domain in a situation where more property than was needed for a project is acquired and whether that property would be precluded from a Question #1 project application. Vice Chairperson Jacquet advised that the general principle of Section 8, paragraph 6, is consistent with City ordinances which provide that lands are only acquired through the Open Space Program from willing sellers or by donation. He suggested that the purpose of subparagraph 6(b) was to prohibit the State from condemning land and using Question #1 funding to pay fair market value for it. Mr. Guzman advised that the language of the bond is specific to willing sellers. In response to a further question, Member Riedl explained that when land is acquired through an action of eminent domain, the public agency has to make certain the land it is taking is for the purpose intended. Once a property is taken through action of eminent domain, there is very seldom any surplus property. Member Bird discussed concerns regarding lands acquired for wetlands mitigation.

Vice Chairperson Jacquet referred to Section 6, Matches, and suggested that the Committee comment regarding lands or interests in lands within a project area, such as within the Open Space Master Plan element, the Carson River Master Plan element, or wherever a boundary or purpose has been defined, and the land or interest is being acquired for the purposes outlined in the regulations, that the lands acquired by an agency such as the BLM before or after the effective date of the regulations can be used as a match. Vice Chairperson Jacquet explained that the purpose of this comment would be to avoid situations where Carson City, through a Question #1 grant, has to share ownership of a piece of land with the BLM; that the matching federal funds don't have to be expressed as joint ownership or undivided interest such as in a situation where the City owns water rights and the BLM owns the land. He provided the following example: Two forty-acre parcels within a project area; the BLM purchases one which is used as a match for the City to purchase the other under the regulations. He suggested that Carson City has an advantage in that there are many project areas already defined through the Open Space Master Plan element. Mr. Guzman referred to item (e) of the Ineligible Matches list and read the same into the record. In the case of the example provided by Vice Chairperson Jacquet, Mr. Guzman advised that property purchased prior

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to July 1, 2000 would not be eligible. He suggested asking for additional clarification, and acknowledged this would benefit the Open Space Program.

Member Riedl moved to approve the Nevada Division of State Lands draft Conservation and Resource Protection Grant Program Administrative Regulations with the input provided at this meeting. Member Fischer seconded the motion. Motion carried 5-0.

3-D. ACTION TO CONSIDER AND PRIORITIZE POTENTIAL ACQUISITIONS AND CONSERVATION EASEMENTS AS WELL AS POTENTIAL FUNDING SOURCES INCLUDING THE USE OF STATE BALLOT INITIATIVE QUESTION 1, AS PREVIOUSLY IDENTIFIED BY THE ADOPTED OPEN SPACE OPPORTUNITY MAPS OF CARSON CITY (1-0628) - Mr. Guzman referred to the displayed Open Space Opportunity Maps and discussed their purpose in the Open Space Program. He reviewed the staff report, which included high priority fee acquisitions, potential conservation easements, and fee acquisition tables. He advised that most of the property owners listed in the tables have been contacted; he has attempted to contact the others. All the property owners are aware their properties are of interest to the Open Space Program. In response to a question, Mr. Guzman advised that the properties listed in the tables were listed in consideration of the Question #1 funding. He discussed contacts with various property owners listed in the tables. In response to a question, Mr. Guzman explained the slight difference between the high priority fee acquisition properties and the Carson River fee acquisition properties. He advised that most of the remaining lands along the Carson River and in the Sierras are fee acquisition. Vice Chairperson Jacquet noted that Question #1 allocates \$10 million to the Carson River.

Discussion took place regarding priorities of the Parks and Recreation Commission, Carson River Advisory Committee, and the Advisory Board to Manage Wildlife. Vice Chairperson Jacquet advised that Question #1 also allocates \$27.5 million to the Nevada Division of Wildlife ("NDOW"). In response to a question, Mr. Guzman advised that the Parks and Recreation Commission endorsed an urban fishery at Fuji Park which will be funded. He responded to additional questions regarding NDOW's process for designating priorities. He advised that Ame Hellman, of The Nature Conservancy, requested funding based on the bear habitat on the Fagen property. Discussion took place with regard to ensuring that the listed property owners are aware of the interest in their properties.

3-E. ACTION TO SUPPORT THE NOMINATION OF THE BENNA/MARSHALL PROPERTY FOR PURCHASE AS PART OF THE FOREST LEGACY PROGRAM. THIS PROPERTY CONSISTS OF APPROXIMATELY 45.5 ACRES AND IS LOCATED AT THE CREST OF THE CARSON RANGE, TERMINUS OF ASH CANYON ROAD, APN 7-091-015 (1-0944) - Mr. Guzman pointed out the subject and adjacent properties on the displayed Open Space Opportunities Map. He acknowledged that the property is visible from the valley floor, and described its characteristics. He advised that the property has public access, and discussed the possibility of partnering with the Division of State Lands to create an assembly point and a walking trail to the Hobart Reservoir. Mr. Guzman advised that the property would be a good acquisition. With regard to using Open Space funds, the property is very isolated. The Regional Forester has indicated no interest in the property because it is not contiguous to U.S. Forest Service land. Mr. Guzman advised that the Nevada State Parks

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Department and the Carson City Utilities Department would potentially be the best owners. He explained that an ideal match would be 25% from the Open Space Program and 75% from the Forest Legacy Program. He advised that the Forest Legacy Program will have approximately \$500,000 available for the first year out of which administrative costs will be allocated. Forest Legacy Program representatives are looking for a project that is already underway. Mr. Guzman solicited comments from the Committee members.

Member Fischer moved to support the nomination of the Benna/Marshall Property for purchase as part of the Forest Legacy Program. Mr. Guzman acknowledged that Question #1 funding may be used as the match funding; the issue is timing. He advised that if purchase through the Forest Legacy Program is not successful, the property could be nominated for purchase using Question #1 funding. **Member Fischer amended his motion to include other purchase initiatives. Member Bird seconded the motion.** Vice Chairperson Jacquet called for public comment; however, none was provided. In response to a question, Mr. Guzman advised that the City would own the land. Vice Chairperson Jacquet called for a vote on the pending motion; **motion carried 5-0.**

3-F. ACTION TO ELECT THE CHAIR AND VICE CHAIR FOR THE OPEN SPACE ADVISORY COMMITTEE (1-1096) - Mr. Guzman suggested deferring this item until the full Committee is present. Following discussion, **Member Fischer nominated Steve Hartman for chairperson. Member Robinson seconded the nomination. Nomination carried 5-0. Member Fischer nominated Dan Jacquet as vice chairperson. Member Riedl seconded the nomination. Nomination carried 5-0.**

4. NON-ACTION ITEMS:

STATUS REPORTS AND COMMENTS FROM COMMITTEE MEMBERS (1-1171) - None.

STATUS REPORTS AND COMMENTS FROM STAFF (1-1176) - Mr. Guzman reviewed the "FYI" items included in the agenda materials. In response to a question regarding the final open space budget, he advised that approximately \$1.5 million is available for land purchases. He announced a meeting of the Carson River Coalition Watershed Awareness and Outreach Program scheduled for 2:00 p.m. on Tuesday, May 20th. He announced a Clear Creek Cleanup Day scheduled at Fuji Park on Saturday, June 14th at 8:00 a.m. He reviewed the Question #1 workshop schedule.

FUTURE AGENDA ITEMS FROM COMMITTEE MEMBERS (1-1265) - Previously covered.

5. ACTION ON ADJOURNMENT (1-1274) - Member Fischer moved to adjourn the meeting at 7:23 p.m. Member Bird seconded the motion. Motion carried 5-0.

The Minutes of the May 19, 2003 meeting of the Carson City Open Space Advisory Committee are so approved this 16th day of June, 2003.

STEPHEN D. HARTMAN, Chair