

**City of Carson City
Agenda Report**

Date Submitted: December 7, 2010

Agenda Date Requested: December 16, 2010

Time Requested: 20 Minutes

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to approve a Conservation Easement required for the transfer of Prison Hill and adjacent Carson River lands from the Bureau of Land Management in accordance with the Omnibus Public Lands Management Act of 2009. (Juan F. Guzman / Lee Plemel)

Staff Summary: Attached is a draft conservation easement between the Bureau of Land Management and Carson City required by the Omnibus Public Lands Management Act of 2009 in order for BLM to transfer lands to Carson City. The lands to be transferred approximate 3,598 acres including Prison Hill, Silver Saddle Ranch, and Ambrose Natural Area. The easement articulates the conservation values and delineates permitted uses and prohibited uses.

Type of Action Requested: (check one)

- Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: Move to approve a Conservation Easement required for the transfer of Prison Hill and adjacent Carson River lands from the Bureau of Land Management in accordance with the Omnibus Public Lands Management Act of 2009.

Explanation for Recommended Board Action: The easement was drafted with the participation of the Sierra Club, the Nature Conservancy, the Friends of Silver Saddle Ranch, the Bureau of Land Management, and Carson City. The easement follows the common vision that resulted from the charrette process for the management of these land transfers as well as adjacent acquisitions by Carson City. This vision calling for primarily passive recreation and resource protection has been adopted by the Carson River Advisory Committee, the Parks and Recreation Commission, the Open Space Advisory Committee, and the Board of Supervisors. In addition to the charrette, the easement faithfully follows the specific direction provided by the Omnibus Public Lands Management Act of 2009. The easement follows the standard format used by the BLM commencing with recitals and followed by sections addressing the purpose, the rights of BLM, the rights of Carson City, permitted uses, prohibited uses, a management plan, and the baseline documentation. The last section provides for notice and enforcement procedures. In summary, these lands are to be managed under an integrated system for the primary purposes of protecting conservation values while providing for passive recreation opportunities. It is the privilege and burden of the BLM to monitor this easement in perpetuity.

In addition to the draft easement, staff has included Exhibit A, the baseline report (draft). Exhibit B, minutes regarding the development of the conservation easement dated June 29, 2010; August 27, 2010; and October 6, 2010. Exhibit C, is a map illustrating the land areas that are part of this easement. Finally, notice Exhibit D is an invitation to a public hearing that took place on November 16, 2010, by the BLM for the benefit of the public at large.

Applicable Statue, Code, Policy, Rule or Regulation:

Chapter 13.06 of the Carson City Municipal Code
N.R.S. 111.390 to 111.440
Omnibus Public Lands Management Act of 2009

Fiscal Impact: The OPLMA of 2009 requires for Carson City to fund a stewardship account. This cost is estimated around \$400,000.00. In addition, all the costs associated with the transfer of lands are to be paid by the agency receiving the lands. Those costs have been estimated at \$128,900.00. These costs are to be covered by the Open Space Program.

Explanation of Impact: The stewardship account is to be used by the Bureau of Land Management for the administration of the easement and it was required by the Omnibus Public Lands Management Act of 2009.

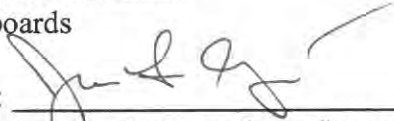
Funding Source: Open Space accounts

Alternatives:


Not to approve the easement.
Direct staff to renegotiate the easement.

Supporting Material:

Draft conservation easement
Presentation boards

Prepared By:  Date: 12/3/2010
Juan F. Guzman, Open Space Manager

Reviewed By:  Date: 12/3/10
Roger Moellendorf, Parks & Recreation Director

 Date: 12/2/10
Lawrence A. Werner, City Manager

 Date: 12/17/10
District Attorney's Office

 Date: 12/7/10
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay
2: _____

(Vote Recorded By)

United States Department of Interior
Bureau of Land Management
Carson City District

Conservation Easement

This conservation easement is made this _____ day of _____, 2011, between UNITED STATES OF AMERICA, DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT, hereinafter referred to as BLM, and CARSON CITY, NEVADA, and its assigns, hereinafter referred to as Carson City,

WHEREAS, the Congress of the United States of America has directed transfer of Silver Saddle Ranch and Carson River Area, approximately 3,604 acres, hereinafter referred to as the Property, subject to the reservation of a conservation easement, to Carson City under the authority of the Omnibus Public Lands Management Act of 2009 (OPLMA), Pub. L. No. 111-11, Section 2601; and

WHEREAS, BLM, acting through the Secretary of Interior, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to protect, preserve, and enhance the conservation values of the Property; and

WHEREAS, the Property shall be managed by Carson City to protect and enhance the Carson River, the floodplain and surrounding upland, and important wildlife habitat; and

WHEREAS, Carson City may use the Property for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection; and

WHEREAS, notwithstanding the above, Carson City may construct and maintain trails and trailhead facilities, conduct fuels reduction projects, maintain or reconstruct any improvements on the Property that were in existence on March 31, 2009, and allow the use of motorized vehicles on designated roads, trails and areas in the south end of Prison Hill; and

WHEREAS, the conservation values as defined in OPLMA include undeveloped open space, natural characteristics, trails and trailheads, flood management, Carson River floodplain, uplands, and wildlife habitat, passive recreation, customary agriculture, fuels management, existing ranch structures and motorized vehicle use at south Prison Hill; and

WHEREAS, the development of the conservation easement is guided by the results of a planning and design charrette completed in December 2008, entitled "Creating a Community Vision: Silver Saddle Ranch and the Carson River"; and

WHEREAS, BLM and Carson City mutually agree that the conservation values also include protection of natural resources, preservation of the Property for solitude and nature observation, maintaining green irrigated pastures and hay fields at Silver Saddle Ranch, protecting scenic resources including the preservation of dark skies, protecting cultural resources including the historic structures at Silver Saddle Ranch, promoting environmental education and interpretation, allowing public access, promoting the quality of life, safety and tourism; and

Whereas, the Conservation Easement will help implement the 2006 Envision Carson City Master Plan Guiding Principles and Goals by creating a compact and efficient pattern of growth, balancing development with the conservation of the natural environment at the urban interface, and promoting stewardship of the natural environment; and

WHEREAS, The statutes of the State of Nevada, regarding "Easements for Conservation", at Nevada Revised Statutes, Sections 111.390 to 111.440, inclusive, recognize the protection of the natural, scenic or open-space values of real property.

NOW THEREFORE, BLM in consideration of the above, hereby reserves to the United States of America, a perpetual conservation easement to the Property to protect, preserve, and enhance the conservation values of the land. The BLM reserves a right of access for its designated representatives over any and all lands under this Easement and as reasonably necessary to verify compliance by Carson City with the terms and conditions of the Easement and exercising BLM's rights under the Easement.

1. Purpose. It is the purpose of this Easement to protect, preserve, and enhance the conservation values of the Property in perpetuity and prevent any uses or development of the property that would conflict, impair, or interfere with those values, including, but not limited to, any future residential, non-agricultural commercial, industrial, mining or other incompatible development or improvements of the Property, unless expressly allowable under this Easement. It is the mutual interest of the BLM and Carson City to manage the Property for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection consistent with the conditions described in the Baseline Documentation Report (Exhibit 3).
2. Rights of the BLM. To accomplish the purpose of this Easement the following rights are reserved by the BLM:
 - (a) To preserve and protect the conservation values of the Property
 - (b) To enter upon the Property at reasonable times in order to monitor Carson City's compliance with and otherwise enforce the terms of the Easement
 - (c) To prevent any activity or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by such use or activity, subject to BLM's Remedies (Section 10).
3. Rights of Carson City. As the fee owner of the Property, Carson City may use and enjoy the Property, subject to OPLMA and this Easement, to provide opportunities for passive recreation, nature study, events and public uses.
4. Baseline Documentation. To establish the present condition of the conservation values and man-made features of the Property, so as to properly monitor future uses of the Property and assure compliance with terms hereof, an inventory of the Property's relevant resources, features, conditions, and uses has been prepared (hereinafter referred to as the "Baseline Documentation Report". The BLM and Carson City mutually agree that Exhibit C and the Baseline Documentation Report, date _____, 2011, contain an accurate representation of the biological and physical conditions of the Property at the time of this grant, and of the current and historical uses of the Property.
5. Permitted Uses. Carson City is entitled to use and occupy the Property, including the right to permit others to use and occupy the Property, in all uses not expressly prohibited herein consistent with the conservation purpose and values. Carson City may authorize third party uses of the Property, by lease, permit, or other means as provided, and those authorizations shall be subject to the terms of this Easement. Carson City shall continue to be fully responsible for compliance with all terms and conditions of this Easement.

Without limiting the foregoing, the following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are permitted under this Easement, and are not to be precluded, prevented, or limited by this Easement. They are set forth both to establish specific prohibited and permitted activities and to provide guidance in determining the consistency of other activities with the conservation purpose of this Easement.

- (a) To reside on the Property for the purpose of caretaking and management of the Property.
 - (b) The right to lease, rent or permit portions of the Property for agricultural use, together with the right to perform customary agricultural operations for the production of hay, pasture and cattle grazing, including the use of fertilizers, pesticides, herbicides and biocides in accordance with the Management Plan (Section 7), current environmental standards and practices and all applicable laws and regulations.
 - (c) The right to prevent trespass and control access to the Property.
 - (d) The right to use water resources, including treated effluent, on the Property for use in agricultural operations, wetlands management and for public consumption on the Property.
 - (e) The right to store, gather, or dispose of agricultural products and byproducts on the Property, including, but not limited to, agricultural refuse, burn piles, and animal remains, so long as it is done in accordance with all applicable laws and regulations.
 - (f) The right to maintain and replace existing facilities and structures. Replacement of existing facilities and structures must be approved by the BLM in writing, consistent with the conservation purpose and values. The size, location, style and use of the replaced facilities and structures will be considered by BLM in determining consistency with the conservation purpose and values.
 - (g) The right to conduct or permit passive recreation activities on the Property. Passive recreation are those activities that are temporary in nature and do not require development of permanent structures or facilities not already in place as of March 31, 2009 unless otherwise allowed under this Easement. Passive recreation may include without limitation fishing, birding, nature observation, hiking, running, mountain biking, equestrian riding, including horse drawn wagons and carriages, non-motorized boating, geo caching, swimming, and picnicking.
 - (h) The right to conduct or permit events on the Property. Events will be guided by the Management Plan (Section 7) and limited in size, frequency, duration, location and season of use, commensurate with the capacity of existing facilities and in a manner that would not conflict, impair, or interfere with the conservation purpose and values. Events may include without limitations private weddings and parties, music concerts, running events, environmental education, equestrian activities.
 - (i) Except for official use, the right to use or permit the use of motorized off highway vehicles (OHV) on designated roads, trails and areas located in the south end of Prison Hill, consistent with the Management Plan (Section 7). OHV use may be restricted or prohibited if necessary to meet the objectives of the conservation purpose and values. OHVs may be allowed to use specific staging area(s) and designated trails located east of Sierra Vista Road, formerly known as Mexican Dam Road, for the purpose of access to the Pine Nut Mountains.
 - (j) The right to construct and maintain trails and trailhead facilities.
 - (k) The right to conduct fuels reduction projects. Vegetation may be removed, mowed, burned or otherwise treated, to reduce or eliminate fuels to suppress wildland fire in accordance with the conservation purpose and values of this Easement.
6. Prohibited Uses. Carson City is prohibited from uses or development of the property that would conflict, impair, or interfere with the conservation purpose and values of this Easement.

The following activities and uses, though not an exhaustive recital of inconsistent uses and practices, are inconsistent with the conservation purpose and values of this Easement, and are expressly prohibited upon or within the Property.

- (a) The legal or *de facto* subdivision of the Property for any purpose, except as may be required by law for the uses permitted in Section 5 or for a voluntary conveyance to a government or nonprofit entity for public access expressly permitted in Section 5.
 - (b) Residential, non-agricultural commercial, industrial, mining, power production, municipal water development or other incompatible development or improvements of the Property, excepting production of power from wind, geothermal or solar facilities for exclusive use on the Property.
 - (c) The sale, transfer or conveyance of the Property, or a portion of the Property, in accordance with OPLMA and subject to a reversionary interest held by the United States.
 - (d) Organized sports requiring dedicated, constructed fields or courts.
 - (e) OHV use except in designated areas.
 - (f) Golf courses
 - (g) Hunting, over-night camping unless approved as part of an event, disc golf, paint ball games and hot air balloons
 - (h) Events – motorized events (other than OHV events at South Prison Hill), fairs & carnivals, cars shows and rodeos.
 - (i) Disposal or unlawful storage of hazardous substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act, (CERCLA), 42 USC 9601 *et seq.*
7. Management Plan. Carson City will prepare a Management Plan for the Property to be completed within one year from execution of this Easement. The Management Plan will be prepared in consultation with the public and BLM and submitted to BLM for approval. The Management Plan will direct the use and occupancy of the Property, including agricultural operations, public day use and events. The Management Plan will consider the following factors in determining consistency with the conservation purpose and values for events: Size, duration, frequency, location and season of use. The Management Plan will also describe and direct appropriate use and occupancy for specific land use areas, including: Carson River – floodplain and riparian corridor; Prison Hill – motorized and non-motorized areas; agricultural lands – irrigated and non-irrigated; Historic Ranch Complex – Red House, White House, outbuildings and corrals; Ambrose Carson River Natural Area; Wetlands – mitigation wetland area; and East Silver Saddle Ranch - motorized staging areas. BLM and Carson City will meet not less than every five years to review and, if necessary, modify the Management Plan to ensure that use and occupancy of the Property is consistent with the Conservation Purpose and Values.
8. Prior Notice and Approval
- (a) Prior Notice. Where required in this Conservation Easement, BLM has the right to require Carson City to submit proposals for advanced approval by the Authorized Officer. This is to afford the BLM an opportunity to ensure that the proposed activities are designed and carried out in a manner consistent with the purposes of this Conservation Easement. Carson City shall not undertake or permit any activity requiring prior approval by BLM without first having notified and received approval from BLM as provided herein. Whenever notice is required, Carson City shall notify BLM in writing not less than forty-five (45) days prior to the date Carson City intends to undertake the proposed activity. The notice shall describe all aspects of the proposed activity, including location, design, materials or equipment to be used, dates and duration, and any other relevant information regarding the proposed activity, in sufficient detail to permit BLM to make an informed judgment as to its consistency with the purpose and values of this Conservation Easement.

- (b) **BLM's Approval.** Where BLM's approval is required, BLM shall grant or withhold its approval and notify Carson City in writing within forty-five (45) days of receipt of Carson City's written request for approval provided that adequate information to evaluate the request has been received by the BLM. BLM's failure to respond in writing to Carson City's request within forty-five (45) days of receipt shall not be deemed approval by BLM. BLM's approval may be withheld only upon reasonable determination by BLM that the proposed action would be inconsistent with the purpose of this Easement, or if additional information from Carson City is necessary to evaluate the proposed action.
9. **Monitoring** – The BLM will conduct a field inspection of the Property, at least annually, for the oversight and enforcement of the Easement subject to the following provisions:
- (a) BLM will provide prior reasonable notice to Carson City to enter the Property for the purpose of an inspection(s);
- (b) Carson City and BLM mutually agree to participate and cooperate in the performance of the field inspection(s) and any follow up meetings;
- (c) BLM's costs for the inspections, including labor, vehicles and other incidental expenses, will be reimbursed from the Silver Saddle Endowment Account, an account established in the Treasury of the United States and funded by Carson City.
10. **Enforcement**- BLM may prevent any activity on or use of the Property that is inconsistent with the purposes of this Conservation Easement, and to require and enforce the restoration of such areas or features of the Property that may be impaired, interfered with, or damaged by any inconsistent activity or use permitted by Carson City.
11. **BLM'S Remedies.** If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Conservation Easement, the parties shall meet together to discuss the dispute and attempt resolution. In evaluating whether a particular use of the Property conflicts, impairs, or interferes with the conservation purpose and values, both the magnitude and duration of the actual and expected effect on the conservation purpose and values will be taken into account. The prohibited uses of the Property expressly set forth in Section 6 are in conflict with the conservation purpose and values of this Conservation Easement. In the event that BLM and Carson City cannot resolve any dispute hereunder, the provisions of this Conservation Easement are enforceable by BLM, its successors or assigns, through all remedies available at law or in equity.
- (a) **Notice of Violation.** If BLM determines that a violation of the terms of this Conservation Easement has occurred or that a violation is threatened, BLM shall give written notice to Carson City of such violation and demand corrective action sufficient to cure the violation. If Carson City fails to cure the violation within a reasonable timeframe as specified by BLM, after receipt of notice thereof from BLM, or fails to continue diligently to cure such violation until finally cured, BLM may seek injunctive relief as set forth herein.
- (b) **Injunctive Relief.** Where irreparable harm may occur, BLM in its sole judgment may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Conservation Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, and to require the restoration of the Property to the condition that existed prior to any such injury.
- (c) **Damages.** BLM shall be entitled to recover any damages to which it may be entitled for violation of the terms of this Conservation Easement or injury to any Conservation Values protected by this Conservation Easement, including, without limitation, damages for the loss of scenic, aesthetic, or environmental values. Without limiting Carson City's liability therefore, BLM, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Property.
- (d) **Emergency Enforcement.** If BLM, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the

Property, or to prevent a material breach or extinguishment of the Conservation Easement, BLM may pursue its remedies under this section without prior notice to Carson City or without waiting for the period provided for to expire.

- (e) **Scope of Relief.** BLM's rights under this section apply equally in the event of either actual or threatened violations of the terms of this Conservation Easement. The parties agree that BLM's remedies at law for any violation of the terms of this Conservation Easement may be inadequate and that BLM shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which BLM may be entitled, including specific performance of the terms of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. BLM's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.
- (f) **Costs of Enforcement.** In any action, suit, or other proceeding undertaken to enforce the provisions of this Conservation Easement, the prevailing party shall be entitled to recover from the non-prevailing party all reasonable costs and expenses including attorneys' and experts' fees as allowed by law, and if such prevailing party recovers judgment in any action or proceeding, such costs and expenses shall be included as part of the judgment. In addition, in the event BLM prevails in any such action that results in an order directing Carson City to undertake restoration, then Carson City shall bear all costs thereof.
- (g) **BLM's Discretion.** Enforcement of the terms of this Easement shall be at the discretion of BLM, and any forbearance by BLM to exercise its rights under this Conservation Easement in the event of any breach of any term of this Conservation Easement by Carson City shall not be deemed or construed to be a waiver by BLM of such term or of any subsequent breach of the same or any other term of this Conservation Easement, or any of BLM's rights under this Conservation Easement.
- (h) **Waiver of Certain Defenses.** Carson City acknowledges that it has carefully reviewed the Conservation Easement. In full knowledge of the provisions of this Conservation Easement, BLM hereby waives any claim or defenses it may have against Carson City or its successors in interest under or pertaining to this Conservation Easement based upon waiver, laches, estoppel, adverse possession, or prescription.
- (i) **Acts Beyond Carson City's Control.** Nothing contained in this Conservation Easement shall be construed to entitle BLM to bring any action against Carson City for any injury to or change in the Property resulting from causes beyond Carson City's control, including without limitation, fire, flood, storm, and natural earth movement, or from any prudent action taken by Carson City under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes; provided that Carson City shall notify BLM of such change in the Property and any emergency actions taken by Carson City.

12. Costs, Liabilities, and Indemnification

- (a) **Costs Incident of Ownership.** Carson City retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. BLM shall have no obligation for the upkeep or maintenance of the Property. Carson City shall keep the Property free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Carson City; provided that nothing in this section shall prohibit Carson City from recording a deed of trust against the Property to secure Carson City's indebtedness as long as such deed of trust shall remain subordinate to this Conservation Easement.

- (b) Taxes. Carson City shall pay before delinquency all taxes, assessments, fees, and charges of whatever description levied on or assessed against the Property by competent authority (collectively "taxes"), if any, including any taxes imposed upon, or incurred as a result of, this Conservation Easement, and shall furnish BLM with satisfactory evidence of payment upon request. BLM shall have no obligation to pay any taxes levied on or assessed against the Property.
- (c) Indemnification. Carson City shall hold harmless, indemnify, and defend BLM its officers, employees, agents, and contractors, its successors and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, fines, costs, losses, damages, expenses, causes of action, claims, demands, or judgments of any kind or nature arising from the past, present, and future acts or omissions of Carson City or its employees, agents, contractors, or lessees (collectively "Carson City et al."), including, without limitation, reasonable attorneys' and experts' fees arising from or in any way connected with Carson City et al.'s uses, occupancy, or operation on the Property which has already resulted or does hereafter result in: (1) violations of federal, state, and local laws and regulations that are now, or may in the future become, applicable to the Property; (2) judgments, claims, or demands of any kind against the Indemnified Parties, unless due to the negligence or willful misconduct of any of the Indemnified Parties; (3) costs, expenses, or damages of any kind against the Indemnified Parties, unless due to the negligence or willful misconduct of any of the Indemnified Parties; (4) injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due to the negligence or willful misconduct of any of the Indemnified Parties; (5) the breach by Carson City et al. of any of its obligations set forth in this Conservation Easement; (6) the existence or release or threatened release off, on, into, or under the Property of any hazardous waste(s), substance or other contaminants as they are now and may hereafter be defined under any local, state, and federal statute, law or regulations, unless due to the negligence or willful misconduct of any of the Indemnified Parties; (7) activities by which solid or hazardous substances or waste, as defined by federal or state laws are generated, released, stored, used or otherwise disposed of on the Property, and any cleanup response, remedial action or other actions related in any manner to said solid or hazardous substances or wastes, unless due to the negligence or willful misconduct of any of the Indemnified Parties; or (8) natural resource damages as defined by federal or state law. Carson City's obligations under this section shall not apply with respect to any such hazardous waste, substance or other contaminants released on the Property by any of the Indemnified Parties the Indemnified Parties' representatives or agents.

13. General Provisions.

- (a) Controlling Law. The laws of the United States of America and the State of Nevada shall govern the interpretation and performance of this Conservation Easement.
- (b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Easement shall be liberally construed in favor of protecting the Conservation Values and the purpose of this Conservation Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Conservation Easement that would render the provision valid shall be favored over any interpretation that would render the provision invalid.
- (c) Severability. If any provision of this Conservation Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions and purposes of this Conservation Easement, and/or the application of such provision to person or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

- (d) Entire Agreement. The instrument sets forth the entire agreement of the parties with respect to this Conservation Easement and supersedes all prior discussions, negotiations, understandings, or agreements relating to this Conservation Easement, all of which are merged herein.
 - (e) No Forfeiture. Nothing contained herein will result in a forfeiture or reversion of Carson City's title in any respect.
 - (f) Joint Obligations. The obligations imposed by this Conservation Easement upon Carson City shall be joint and several.
 - (g) Successors. The covenants, terms, conditions, and restrictions of this Conservation Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns, and shall continue as a servitude running in perpetuity with the Property. The terms "Carson City" and "BLM," wherever used herein, and any pronouns used in place thereof, shall include, respectively, Carson City and all of Carson City's successors and assigns, and
 - (h) Termination of Rights and Obligations. A party's rights and obligations under this Conservation Easement terminate upon transfer of the party's interest in the Conservation Easement or Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.
 - (i) Captions. The captions in this instrument have been inserted solely for convenience of reference, are not a part of this instrument, and shall have no effect upon construction or interpretation.
 - (j) Perpetual Duration. This Conservation Easement shall constitute a covenant and servitude running with the land in perpetuity. Every provision of this Conservation Easement that applies to Carson City or BLM shall also apply to such party's respective agents, heirs, executors, administrators, assigns, and all other successors as their interests may appear.
14. Exhibits. The following exhibits are attached hereto and incorporated into this Conservation Easement:
- Exhibit A: Legal Description of the Property and Acceptable Encumbrances
 - Exhibit B: Property Map
 - Exhibit C: Acknowledgement of the Baseline Documentation
- TO HAVE AND TO HOLD unto BLM, its successors, and assigns forever.
IN WITNESS WHEREOF, BLM and Carson City have hereunto subscribed their names on the day and year first above written.

IN WITNESS WHEREOF, the City and BLM have fully executed this Agreement as of the date first above written.

“GRANTOR”
BUREAU OF LAND MANAGEMENT

“GRANTEE”
CARSON CITY

Linda J. Kelly
Field Manager
Sierra Front Field Office
Carson City District

Robert L. Crowell, Mayor

DATE: _____, 2010

Juan F. Guzman, Open Space Manager

Approved as to form:

Neil Rombardo, District Attorney

DATE: _____, 2010

Baseline Condition Report for Prison Hill, Silver Saddle Ranch and the Ambrose Carson River Natural Area.

Prepared for Carson City Open Space Program and Bureau of Land Management
Carson City District Office.

Prepared by Steve Walker, Walker & Associates.

INTRODUCTION -

The Bureau of Land Management (BLM) and Carson City Parks and Recreation Department, in 1990, initially developed a memorandum of understanding titled the "Coordinated Outdoor Recreation Management of Public Lands. In 1996 BLM, working with Carson City, developed the Carson City Urban Interface Plan Amendment. This document amended the BLM Walker Resource Management Plan in conjunction with an update of the Carson City Master Plan. The plan recognized which lands would be retained in Federal management and which lands would be available for transfer to the State, Carson City or sold to private citizens. In 1993 BLM and Nevada State Lands/Department of Prisons developed a Memorandum of Understanding addressing some agricultural and other uses of the Prison Hill property. In 1997 the American Land Conservancy coordinated a land exchange with a developer and then transferred the Silver Saddle Ranch (SSR) to the BLM. Also in 1997 the owners of the ranch made a place of use and manner of use change of the all the SSR Alpine Decree Water rights under Permit 62775. These water rights were later purchased by Carson City Utility Division. In 2000 the BLM jointly developed management plans for the SSR and the Ambrose Carson River Natural Area (2 miles downstream from SSR and already under public ownership) with Carson City Parks and Recreation Department and several citizens group. In 2009 Congress approved the Omnibus Public Land Management Act that transferred Prison Hill, SSR and the Ambrose Carson River Natural Area (ACRNA) to Carson City with the stipulation that these lands be retained for open space and public use and a conservation easement be developed between BLM and Carson City. This Baseline Condition Report is a part of the conservation easement. The report documents existing conditions of the properties that will be transferred and suggest locations for monitoring sites to demonstrate to the easement holder that the lands is being managed according to the conservation easement requirements. Additionally a specific descriptions of cultural resources associated with these lands are included as an attachment to this document.

DESCRIPTIONS OF PROPERTIES: See attached Map on following page

Prison Hill

This 2430-acre parcel lies on the south east side of Carson City and overlooks the Carson City urban area and is adjacent to two state prisons. Elevations range between 4680' to 5724', with a gradual elevation rise on the south end and steep east and west side slopes. The BLM 1977 Prison Hill Recreational Plan (attached) although somewhat dated, provides a good physical description of the area. Additionally the management recommendations from that document have been generally implemented. The Prison Hill area is separated via the underlying geology. The north end parent material is meta-volcanic rock and younger granitic rocks underline the southern end. The existing management of the area is also based on this divide with the off-road vehicle use allowed on the granitic portion to the south with non-motorized use on the meta-volcanic area to the north.

OFF ROAD VEHICLE USE AREA

The south end of Prison Hill is a designated Off Road Vehicle (ORV) area and due to its proximity to Carson City it has been extensively used for the last thirty years. On the Southern end a large area - see attached aerial photo - has been denuded of vegetation and the soils has mostly eroded away to exposing granitic bedrock. Comparison of the size of this area now with aerial photos from the 1970' (Carson City Soil Survey) indicates the impacted site has not expanded since that time. Additionally there is not evidence of active erosional deposition (dunes) to the north-east of the site indicating soil erosion rates have stabilized. Since the highly impacted area has lost its soil there is very little weed invasion. Roads and trails leading out this area are extensive and appear to be more numerous than in the past based on photo comparison. The increase in ORV impacts is dominated by single track trails used by motorcycles. Roads depicted in the 1977 Recreation Plan are still there and used extensively, but the number of roads have not increased. The main road to the summit along the west side is the border of the ORV use area and signs along the western edge marking the boundary exist, although several need maintenance or replacement. (INSERT PICTURE) The summit and a large rock outcrop just south of the summit are used as "partying places" and some graffiti exists although littering is not extensive. Within the designated ORV area, other uses - hiking, equestrian - are very limited.

Native vegetation is very typical of granitic soil types in the 10 to 12 inch precipitation zone in our area. Shrubs dominate with sagebrush/bitterbrush as co-dominates and other shrubs - ephedra, rabbit brush, current - part of the vegetative mix. Some perennial forbs - arrowleaf balsamroot, lupine - are present on the north slopes at highest elevation. Due to the droughty nature of surface of granitic soil (coarse, very well drained) perennial grasses are limited. Some introduced annuals - cheatgrass, filaree - occur especially in years of above normal precipitation and on lower elevation disturbed sites adjacent to urban development.

The ORV area, located on the very well drained granitic soils, seems to be stable based on soils/native plant indicators. Some erosion is still occurring on roads, but

basically the impacted areas have eroded down to bedrock and are stable. An area just to the north of the existing ORV boundary on the east side is extensively used by ORV and should be included in the existing areas. Some trespass by ORV's occurs in non-use areas but it is not extensive. Closure of road access from the eastern side at the area designated on the attached map and a more consistent effort in ORV boundary sign maintenance is recommended. Three areas of consistent trespass need to be better managed through better signing or increased enforcement. These areas are depicted on the attached map. Overall the ORV area of Prison Hill provides a good opportunity for that type of recreation.

NON-MOTORIZED USE AREA

The northern end of Prison Hill is closed to motorized use and has an extensive trail system using old roads and recently constructed trails. The area appears to be well used by the local population as a popular area to hike and run. Several interviews with the trail users done during this inventory indicated that they liked the existing management of the area, felt that some better enforcement of ORV use in closed areas would be beneficial and that they would be willing to volunteer their time to enhance recreational opportunities.

The lower slopes of the northern area have been disturbed and non-native, annual vegetation dominate these disturbed sites. At higher elevation, particularly on north facing slopes, the native vegetation dominates and in fact is typical of very good condition rangelands in other parts of Nevada - good groundcover, diversity of species and perennial grasses and forbs present through-out the shrub inter-space. Several old roads in the area occur in the bottoms of ephemeral drainages and are still subject to erosion during storm events. Moving trails out of these areas would help with re-establishment of vegetation on these sites. Based on soil and plant indicators this part of Prison Hill is in a generally upward trend in ecological condition.

OTHER ISSUES/RECOMMENDATIONS

On a steep north-east side slope, above the SSR, several older diggings associated with early prospecting in the area exist. They do not appear to have any mine shaft development and therefore are not likely safety issues, but should be noted in a baseline report.

The existing management plan for Prison Hill has generally been well implemented by BLM. The ORV area is marked with signs and a west side fence. Access areas are well marked with the exception of the north-side. A fuels management project has been completed on the west central side of the property adjacent to existing homes. Monitoring of this project, to see how fast shrub reinvasion occurs or it is achieving the fire prevention goals should be implemented.

Walker & Associates would recommend updating the existing ORV Plan to incorporate the suggestions above and include the adjacent parcels on the east side that Carson City has recently acquired as part of the overall recreation plan.

Several agreements exist between BLM and the State of Nevada concerning use of the some of the existing public lands on Prison Hill. The south-west corner (14 acres) is used as an agricultural field by the medium security prison, and the north-west area (11 acres) is being used by the National Guard facility and solar generation area. These agreements need to be reviewed and be recognized within the Conservation Easement process.

SILVER SADDLE RANCH

As stated in the introduction the 703 acre SSR was acquired in 1997 by the BLM, through a land exchange process. In 2000 an "Interdisciplinary Management Plan for the Silver Saddle Ranch and Ambrose Carson River Natural Area" was developed between BLM and Carson City Parks and Recreational Department. The plan was developed with public input from a variety of sources. The vision statement developed by the planning group was "Keep the Silver Saddle Ranch" green, the river clean, the paths open and past alive for present and future generations". Several aspects of the plan have been implemented. Currently a trail system with well done interpretive signs has been developed. The river corridor is protected and several riparian areas within the corridor are improving via new recruitment of woody riparian species. The buildings have been maintained and 80 acres of meadow and hayland are being irrigated.

INFRASTRUCTURE

(The Cultural Resources Baseline is attached to this document and addresses historical site issues - This baseline report simply comments on the condition of the existing buildings and ditch infrastructure with identification of issues that need to be addressed.)

The building have been well maintained by the BLM with the exception of some roof damage on the hay storage shed that needs to be addressed. Due to the reduction in irrigated acres, the SSR has more out buildings and corrals than it needs assuming the current level of agricultural production continues. All temporarily constructed corrals should be removed and a plan developed to possibly remove un-used non-historic structures - hay storage buildings, some corrals, loafing sheds, etc... This will reduce O/M costs in the long-run. This plan needs to be coordinated with the ranch operator.

Due to recent improvements the Mexican Ditch infrastructure is in good condition - both the dam and the water control structures that divert Mexican Ditch water to the fields. The on-field irrigation water delivery system is also fine. Late season water supply is always an issue on the upper Carson River, but the water supply is

adequate on average or above precipitation years. The 80 acres is irrigated under a temporary permit that uses a portion of the water held under the municipal use permit (622775) at an agricultural duty to irrigate the pasture. The temporary permit needs to be renewed annually.

AGRICULTURAL OPERATIONS

The current lessee is using the ranch to produce hay and pasture and for his cow-calf operation that also using the adjacent Jarrad Ranch. Walker & Associates suggest the terms of the leasing of the ranch be changed. In lieu of payments an agreement be developed that requires the ranch lessee to annually invest a certain sum into ranch improvement that is mutually agree upon and implemented annually. Additionally Mexican Ditch maintenance needs to be coordinated to insure that sediment from ditch cleaning not be placed on the existing pathways and be removed from the flood plain.

RECREATIONAL USE

The SSR provides a variety of recreational uses, including hiking, birding, horseback riding and biking. The area, like adjacent Prison Hill, is used extensively by local people. Comments received from user interviews were positive about the existing management of the SSR. One suggestion was to require dogs be on leashes during active bird nesting in the riparian corridor. (May through July) - a good suggestion. The interpretive signs provided are thorough and attractive.

VEGETATION

Fields that are no longer irrigated are being re-occupied by rabbit brush and mustards. The plant succession to more native vegetation is occurring but monitoring for Tall white top invasion in these areas is very important as these field are very susceptible. Riparian vegetation on the west side of the river has a better mix of age class among the cottonwoods and black willows (willows that grow into tree form) than in most local cottonwood flood plain areas. Some low white-top is moving into the active floodway replacing the native creeping wildrye. The riparian forests bordered by the Mexican Ditch on the West and the river channel on the east are in the best condition due to higher water tables. The east side of the river has a more limited floodway and woody riparian vegetation is sparse, occurs in clumps and is mostly single aged. Both sides of the river need increased beaver removal and increased tree wrapping with chicken wire. The wrapping seems key to large tree survival here and at the Ambrose site.

The alluvial fans coming off of Prison Hill on the west side of the property are stable mostly native vegetation plant communities with some upper trends due to reduced grazing. The old sand pit area is re-vegetating quite well.

General Comments on SSR

The dispersed recreational use at SSR is extensive. The property offers opportunity for many types of outdoor recreation in area of environmental diversity and is real asset from a quality of life standpoint to this community. Maintaining riparian area forest habit along rivers in Nevada is very important and greatly adds to the recreational experience. In short the "vision" developed during the management plan public process is being implemented and this type of management should continue.

A proposal to develop a park type facility (play grounds, athletic fields) on the west side of the river - north end of the property has been mentioned. Consideration of wildlife habitat, floodplain development and loss of irrigated agriculture should be a part of this decision.

The access to the east side of the river through the SSR property needs to be addressed. Actions by BLM of placing large rocks in the roads that go to the floodway are not working. A fence built further back from the river - in the intermediate floodplain - should be considered. Vehicle access to the riparian area floodway should be stopped to maintain these important areas.

Additionally off-road use from the east side of river from this parcel - see map - on to adjacent BLM land needs to be addressed possibly as an update/amendment to the federal ORV plan.

Ambrose Carson River Natural Area (ACRNA)

This federally managed area was included in the "Interdisciplinary Management Plan for the Silver Saddle Ranch and Ambrose Carson River Natural Area" previously mentioned and the accompanying Environmental Assessment Document - both attached. It is managed as a non-motorized use, riparian zone and flood plain protection area. It is also utilized as an area for environmental education. The majority of the area lies within the floodway and active flood plain of the Carson River. This area supports a cottonwood/black willow flood plain forest that is a very important local habitat to a variety of species. A diversion ditch used during the Comstock milling period runs through the east side of this riparian area. Both tall white top, low white top and yellow star thistle are present on this site and need to be eradicated. The parking area at this site is well used and appears to have a littering issue. Additional garbage cans or better signing might alleviate this problem. The interpretive signs associated with the environmental education have not been maintained and need maintenance or removal. The cottonwood trees are being taken down by beavers at a non-sustainable rate and this issue, along with noxious weed control, are the management challenges for this site. Trees wrapped with chicken wire are protected and this effort needs to be expanded. The riparian

vegetation at this site is generally in good condition and will sustain its self as long as the river has access to the flood plain. Passive management of this site is recommended. Due to the riparian forest birding at this site is excellent and should be encouraged as well as maintaining outdoor educational opportunities.

Recommended Photo Points

Cultural Resources Baseline Condition Report

As stipulated in the Omnibus Public Lands Management Act of 2009, Carson City, and the Bureau of Land Management, Carson City District is charged with establishing a conservation easement over the designated Silver Saddle Ranch, Prison Hill and Carson River Properties (Sec. b.3.B). Appendix B of the State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Office as amended through January 2005 describes special stipulations related to Land Actions (Stipulation B). Since Carson City is a Certified Local Government (CLG), as defined under 36CFR 61, actions pertinent to stipulation B.1.b. are appropriate. Under that stipulation, if the CLG's historic preservation plan is considered adequate to protect resource being transferred, the federal agency must comply with Section 106 of the NHPA as though the lands were being transferred to another federal agency.

CCMC Title 18 states:

18.06.030 Duties of the HRC.

1. It shall be the duty of the HRC to serve as advisor to the board in all matters concerning the identification, designation, preservation and enhancement of areas, sites and structures of historic significance in Carson City and take action on open space use assessments, National Register nominations, the survey and preservation of archaeological sites, and the survey and inventory of properties of historic significance and proposed projects governed by this chapter.

2. In this regard the HRC may:

a. Prepare and maintain an inventory of all property within Carson City having the potential for designation as archaeological property;

b. Prepare and maintain an inventory of all property within Carson City having the potential for designation as historic property;

c. Recommend to the board certain areas, places, buildings, structures and objects as appropriate for designation as historic provided in this chapter;

d. Review and recommend appropriate action regarding any construction, remodel, demolition, removal or other changes proposed for structures, fences visible from public right-of-ways or areas designated historic by the board, all as limited by this chapter;

e. Recommend to the board such changes in the zoning ordinance, building codes or other local laws as may enhance the purposes of this chapter;

The scope of a baseline report pertaining to cultural resources outlines actions necessary to meet special stipulation outlined in the State Protocol Agreement. The project was funded in two phases; the first consisting of compilation of baseline data and a conditions assessment, with SHPO consultation and preparation of a Memorandum of Agreement comprising the second phase.

Background Research

On July 19 and 20, 2010 a record searches were conducted for all cultural resources and previous investigations within a 1 mile radius of the parcels considered within the proposed

Silver Saddle/Prison Hill conservation easement. Sources consulted included NVCRIS, Nevada State Museum, and BLM Carson City District archives. Thirty-five inventories were previously conducted within the vicinity of the project area resulting in the discovery of fifty-two cultural resources. Of those, 16 inventories and 24 sites fall within the land exchange parcels (Table 1, Appendix A; Figure 1.). Most of the inventories within the land exchange boundary, including an inventory of Prison Hill, were conducted during the late 1970s and 1980s. Most sites identified during those inventories are isolated artifacts and small prehistoric or historic sites.

The Silver Saddle Ranch was inventoried in 1995, prior to BLM acquiring the property (McNees 1995). Several historic sites and architectural features were identified during that inventory. BLM commissioned a supplemental inventory of the Silver Saddle Ranch in 2005 (Jones and Stokes 2005). All previously recorded sites and architectural resources were visited during that effort. Site forms and Historic Resource Inventory Forms (HRIF) were compiled or updated as part of that project and National Register eligibility assessments for each property were re-evaluated. Management and treatment plans for National Register eligible resource within the Silver Saddle Ranch are also included in the 2005 report. Both Silver Saddle reports provide valuable baseline data for current and on-going condition assessments.

In addition to archival cultural resource records, GLO plats from 1862 (T.15N. R.20E.) and 1866 (T.14N.R 20E.) were reviewed and historic features near the project parcels were mapped. Appendix A, Figure 2 depicts alignments of historic roads and other features. Historic roads roughly parallel the modern alignment of Edmonds/Fairview Drive north and west of Prison Hill, while another road approximates the alignment of Mexican Dam Road east of Carson River. Mexican Dam and the Mexican Ditch (Mill Race) are depicted crossing the Silver Saddle Ranch. With the exception of the Mexican Ditch (MA1181-02-17) none of the historic features are recorded as cultural resources.

National Register Review

Criteria for determining eligibility for inclusion on the National Register of Historic Places are set by Federal Regulations under 36CFR60.4. In order to meet eligibility requirements, a property must be:

1. At least 50 years old.
2. Retain integrity of location, design, setting, materials, workmanship, feeling and associations.
3. Possess at least on of the following characteristics:
 - A. Association with the events that have made a significant contribution to broad patterns of our history;
 - B. Association with the lives of significant historic persons;
 - C. Embodies the distinctive characteristics of a type, person or method of construction, or represents the work of a master, or possesses high artistic values or individual distinction;

D. Has yielded, or may be likely to yield, information important to prehistory or history.

The background review identified that 5 sites within the land exchange parcels are listed as National Register eligible properties (Table 2.). Most of the sites lie within the Silver Saddle Ranch parcel and were initially identified in 1995, and re-evaluated in 2005. One site (Or3;CRNV-03-463/464) extends into the corner of the Prison Hill parcel. No recorded resources are located in Carson River Properties. Each of the eligible sites were re-visited, and documented as part of the baseline condition assessment. Site Records for are included in Appendix B.

OR3/CRNV-03-463/464

This large prehistoric site was originally recorded in 1939 with subsequent updates in 1973, 1979, and 1996. It is located northwest of Prison Hill on a low terrace above the Loompa pasture and wetlands. A portion of the site extends to Fairview Drive, covering a small portion of the Prison Hill parcel. The site is described as an extensive lithic scatter containing milling stones, hearths, and fire-cracked rock. Several historic artifacts dating to the 1880s are also reported within site boundaries.

Over the years, portions of the site have been developed. In 1979 the site was recorded as part of a NDOT inventory for the proposed Carson City US395 By-Pass. Areas of the site appeared to have been graded and disturbed by artifact collecting. Subsequent subsurface testing within the proposed right-of-way suggested a buried subsurface component and the site met significance criteria for National Register eligibility under significance criterion D.

In 1996, a portion of the site was re-assessed as part of section 106 consultation associated with construction of the US Army National Guard, Carson City Armory. A few artifact concentrations with no subsurface component were reported on that portion of the site. The archaeological component did not meet National Register significance criteria.

Since the site extent within the proposed US395 Carson City By-Pass right-of-way remained eligible to the National Register, a treatment plan consisting of extensive excavation was proposed as part of a plan to mitigate construction effects associated with research values considered under National Register significance criterion D. Data recovery was initiated in 2006 and completed in 2007. While isolated artifact concentrations may remain in undeveloped areas of the site, it is no longer considered eligible to the National Register of Historic Places.

CRNV-03-1412

The Silver Saddle Ranch ("Red Ranch"/Chartz-Herlax Ranch) was first identified as an historic resource in the BLM Carson City District cultural resource overview (Pendleton et al. 1983). In 1995, a cultural resource inventory was conducted as part of a US Army Corps of Engineers 404 permit application (McNees and Johnston 1995). The ranch complex is described in the report, but is recommended as not eligible for inclusion to the National Register of Historic Places since activities at the site predominately reflect a 1950s/1960s use; the buildings do not represent a particular architectural style; ranch activities and

associated inhabitants are not historically significant; and it is unlikely that archaeological investigations would result in a better understanding of the ranch history.

A supplemental cultural resource inventory for the Silver Saddle Ranch contradicts the earlier National Register assessment suggesting that CRNV-03-1412 and several contributing features are eligible to the National Register under Criteria A and C (Jones and Stokes 2005). Nevada SHPO concurred with the findings of the 2005 report. Table 3 shows National Register eligibility as reported in the 2005 evaluation and includes the Bird/Ulrich (White) Ranch as well as other archaeological features within the Silver Saddle Ranch parcel. Appendix A, Figure 3 depicts features associated with CRNV-03-1412. Feature E and Structure 18, both lying outside of the Silver Saddle Ranch complex are considered contributing to CRNV-03-1412. Within the "Red Ranch" complex most of the constructed features are considered contributing architectural features. The pump house (4), Hay Shed (12), and Machinery Shed (13) were evaluated as non-contributing due to their recent construction (Jones and Stokes 2005). Architectural features associated with the "Red Ranch" complex are shown in Appendix A, Figure 4.

Landscape features associated with the Silver Saddle Ranch include roads, head gates, pipes and ditches associated with the irrigation system, and fences. All are considered key components of the historic ranching landscape and are considered contributing features to the Silver Saddle Ranch District.

MA1181-02-13

This site was originally identified during the 1995 survey. It lies near the base of Prison Hill, just west of the White Ranch (see Appendix A, Figure 1). Artifacts dating between 1910 and 1930 litter the site which includes a collapsed adit, three leveled pads and the remains of a wooden bridge. The site represents the former location of the Silver Standard Mine, owned and operated by William Anderson and M.J. Thompson. It retains excellent physical integrity and is considered eligible for inclusion to the National Register of Historic Places for its potential to yield data of scientific or historic value (Criterion D).

MA1181-02-21

A ditch tenders house associated with the operation and maintenance of Mexican Ditch comprises the remains of MA1181-02-21. It is located south of the Silver Saddle Ranch complex near a ditch head gate. The site includes a dugout, possible privy, and a scatter of household and personal refuse dating to the 1880s and 1890s. The Union Mill, located in Empire City controlled the ditch. Some backhoe disturbance associated with ditch maintenance was noted along the western edge of the site, but the site retains its integrity and association with its original function. The site is considered eligible for inclusion to the National Register under criterion D.

MA1181-02-23

This site comprises another mining related property on the eastern slope of Prison Hill. It includes a small campsite and earthen dam associated with placer piles and a collapsed shaft that may have been originally recorded as Isolate 15. A sparse scatter of artifacts dating to the later 19th and early 20th century surrounds the campsite. Site integrity is good, and the site

is considered eligible for its potential to yield information associated with early prospecting and placer mining on Prison Hill.

Condition Assessment

The five National Register eligible properties identified within the Land Exchange boundaries were re-visited and their current condition was evaluated. Most of these lie within Silver Saddle Ranch. The 1995 and 2005 cultural resources inventories provide good baseline data for comparison. Mitigation efforts associated with highway construction across Or3/CRNV-03-463/464 successfully recovered archaeological information that contributed the sites significance under criterion D. Construction of the National Guard Carson City Armory and Fairview Drive improvements have impacted most of the site and the small portion remaining within the land exchange boundary is no longer eligible for inclusion to the National Register of Historic Places.

As part of the condition assessment, photo points were established in key locations at each remaining National Register eligible site (Appendix A Figure 5). UTM coordinates of each photo point, and associated photos are appended to appropriate site records.

MA1181-02-13, 21, and 23 lie within the Silver Saddle Ranch property and are considered eligible for inclusion to the National Register. The 2005 site record updates for all three sites appear adequate, but site location maps attached to those records do not accurately reflect site boundaries. Boundaries and selected features at each site were re-mapped utilizing differentially corrected GPS coordinates and updated maps are appended to the site records (see Appendix B).

Some unauthorized collection appears to have occurred within MA1181-02-13. It is mentioned in the 2005 site record as is the addition of cabin pad. Pothunter piles were photographed and located with GPS. The 2005 assessment suggested a fragile relationship between artifacts and associated features. The sites significance under criterion D could be seriously compromised by one serious episode of vandalism.

An additional feature, consisting of a possible privy pit was noted during the 2005 re-evaluation of MA1181-02-21. Archaeological features at the site were re-mapped and photographed. The paucity of surface artifacts associated with MA1181-02-21 reduces its vulnerability to unauthorized collection, but privy pits are commonly looted for artifacts. Ditch maintenance along the western periphery of the site may have encroached upon its original extent, but it appears that little has changed since the initial 1995 recording.

Archaeological features and artifacts associated with MA1181-02-23 exhibit no change from the 2005 update of that site. The site boundary of MA1181-02-23 was extended to include a fenced shaft lying upslope from the original site features. The site was re-mapped to include the mine shaft described in the 2005 report. The site's National Register significance is based upon integrity of features relating to placer mining. While waste rock from the shaft is visible, the site is relatively inaccessible, placer pile are not easily identified and are likely not vulnerable to vandalism.

Historic Resource Inventory Forms (Appendix C) were prepared for the Silver Saddle Ranch complex (CRNV-03-1412). Most of the buildings appear to be in the same condition, or in some cases, better condition than reported in the 2005 Addendum. Annual Building Checklists, provided in the 2005 report, were completed for each of the Silver Saddle Ranch structures and four building elevations were photographed to document current condition. Photos and annual checklists are attached in Appendix D. Table 3 summarizes the results of the condition assessment for the Silver Saddle Ranch structures. Missing shingles and broken windows on the chicken coop (Building 11; appear to be broken in 2005 photo), the missing portion of roof on the hay shed (Building 12) and broken rafters in the machinery shed (Building 12) require some attention. Missing wooden battens, curled wooden siding and rust where corrugated siding meets the ground are ongoing concerns and should be monitored. Loose corrugated roofing should be repaired and monitored.

Management Recommendations

Archival research shows that the Prison Hill and Silver Saddle Ranch properties have been previously inventoried for cultural resources. The Carson River parcel has never been formally inventoried and no cultural resources are known to exist on that property. Most of the inventories are more than 10 years old and may not reflect current survey protocols or National Register assessments. They do, however, provide an adequate assessment cultural resource potential. All resources currently eligible for inclusion to the National Register of Historic Places or contributing to National Register eligible properties occur within the Silver Saddle Ranch parcel. Remaining sites comprise isolated artifacts, or small, insignificant sites.

With the change in ownership, the Carson City Historic Resources Commission (HRC) will assume responsibility for managing the archaeological and architectural resources lying within the Prison Hill, Silver Saddle Ranch, and Carson River Properties. Jones and Stokes (2005) provide a management and preservation plan for the Silver Saddle Ranch and associated features (Appendix E). The plan includes historic background for the property, a regulatory framework, preservation plan, and proposed management alternatives. Management protocols outlined in that document and additional recommendations that follow in this document should be adopted by HRC and used to direct development and maintenance of the Silver Saddle property.

In comments provided to the Bureau of Land Management regarding the Silver Saddle Ranch addendum (Jones and Stokes 2005), Rebecca Ossa (SHPO Architectural Historian) disagrees with the statement that "rehabilitation is applicable to only non-contributing buildings, such as the White Ranch..." and that "...It is not necessary to treat non-contributing elements of the SSR in accordance with the SOI Standards." She states;

All three treatments (restoration, preservation, and rehabilitation) can be applied to all of the buildings on the ranch. It is dependant on what the BLM proposes for the entire ranch and each of the buildings (e.g. continuing a historic use, bring in a modern compatible use), and the level of integrity at each building. The Standards are meant to be extremely flexible. Case in

point: the Red House would be an excellent project to apply rehabilitation principals since it has been so impacted over the years, functions as a modern caretaker's residence and yet represents an early era of ranching. Rehabilitation allows the most flexibility when dealing with a historic property.

...any changes made to the exterior of non-contributing (NC) buildings within a historic district (e.g. SSR) has the potential to affect the remaining resources – either directly or indirectly. Obviously, if the building is NC, pretty much anything can be done to the interior. But since the viewscape is an important part of the ranch, exterior alterations will need to be compatible with the setting in the very least. (R. Ossa SHPO comments 6/24/2008)

Both comments are appropriate and should be integrated into management recommendations. Ossa also suggested additional items of benefit for the existing report:

- As a reference document for the ranch, it should include (in an appendix) the applicable NPS' Preservation Briefs, such as: #04, 08, 09, 10, 14, 17, 18, 19, 20, 24, 31, 32, 35, 36, 37, 39, 41, 43. All of these are available online at: <http://www.nps.gov/history/hps/tps/briefs/presbhom.htm>
- In addition to the above, it should also include the entire The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (<http://www.nps.gov/history/hps/tps/standards/index.htm>);
- Additional building photography documenting the conditions (interior AND exterior) with the photos included in the report (within the specific area addressing the building);
- The historic/contributing buildings would benefit from an HSR (Historic Structures Report) done by a preservation architect who is familiar with building systems, historic architecture and integrity, and code requirements. For example, depending on what the BLM ultimately proposes for the ranch and/or individual buildings, disability access (ADA) will most likely need to be addressed. Additionally, due to the historic landscape component of the property, it may also benefit from a landscape HSR, completed by a preservation landscape architect.

The SHPO comments should be incorporated as management recommendations by reference, and actions implemented as part of the management plan.

Periodic monitoring of site condition, especially architectural features, should be implemented for National Register properties within the land exchange parcels. The Nevada SHPO supports a site stewardship program that "offers an opportunity for concerned citizens to participate proactively with the agency cultural resource specialists to protect "at risk" heritage resources. The program is designed to monitor selected sites for natural or man-made degradation, as well as to create a "presence" on a regular basis in order to prevent looting and vandalism by recording and reporting these activities, should they occur." (<http://nevadasitestewards.org>). The Friends of Silver Saddle Ranch is a local, non-profit

already dedicated to preservation of the ranch and ideally could align with the site steward program to provide monitoring oversight.

To insure that subsequent development of the Prison Hill, Silver Saddle, and Carson River Properties meets current preservation standards, a programmatic agreement between Carson City, BLM and SHPO should be prepared. The agreement should be consistent with the standards set forth in Section 106 of the National Historic Preservation Act of 1966 (as amended 2006) and implemented under the existing Nevada State Protocol Agreement (2005). Concerned Native American group should also be consulted to assure that traditional cultural properties and plant gathering areas are addressed and treated in the programmatic agreement. Periodic monitoring and implementation of a programmatic agreement will insure that the integrity and significance of National Register eligible properties are retained.

References

Jones and Stokes (Leslie R. Fryman, Jones and Stokes; Gary Bowyer, BLM Carson City)
2005 Supplemental Class III Cultural Resources Inventory for the Silver Saddle Ranch, Carson City, Nevada. Report on file Bureau of Land Management, Carson City

McNees, L. and J. Johnston (TRC Mariah Associates Inc.)
1995 A Class III Cultural Resource Inventory for the Proposed Silver Saddle Ranch Subdivision, Carson City, Nevada. Prepared for Lewis Homes Management Corporation, Reno, Nv.

Appendix A.

Report Figures

Appendix B
Site Records

Appendix C
Silver Saddle Ranch Historic Resources Inventory Forms

Appendix D
Silver Saddle Ranch Annual Building Checklist and Photographs

Appendix E
Silver Saddle Ranch Cultural Resources Management Plan
(Jones and Stokes 2005)

**Cultural Resources Baseline Condition Report for the Silver Saddle Ranch, Prison Hill,
Carson River Properties Conservation Easement, Carson City, Nevada**

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Prepared For:

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Carson City Parks and Recreation Department; Open Space



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September 2010

Meeting for the development of a Conservation Easement

For

Silver Saddle Ranch/Prison Hill/Ambrose Area

June 29, 2010 – BLM, CCFO

Minutes

1) Introductions

The following people were in attendance:

Juan Guzman, Carson City, Open Space Manager
Ann Bollinger, Carson City, Open Space Staff
Duane Petite, The Nature Conservancy, Carson River Project
Tina Nappe, Sierra Club
Kristin Luis, Carson City, District Attorney's Office
Lee Plemel, Carson City, Director, Planning Department
Roger Moellendorf, Carson City, Director, Parks and Rec Department
Beth Scott, Friends of Silver Saddle Ranch
Daniel Jacquet, Bureau of Land Management, Carson City District Office

2) Review of OPLMA direction

Dan Jacquet lead a discussion on the requirements and conditions for a conservation easement as directed by the Omnibus Public Lands Management Act of 2009 (relevant sections attached). The law established the purpose and objectives for the easement which will guide the BLM and the public in developing the CE. The law requires BLM to reserve a conservation easement prior to transferring title of the property to the City.

3) Define Conservation Values

The group identified two categories of conservation values, those that were identified in OPLMA and those that had been identified through the Charrette process, as documented in a report entitled "Charrette Summary – Creating a community vision: Silver Saddle Ranch and the Carson River". The group agreed to use the outcome of the Charrette process, as appropriate, to guide the preparation of the CE, notably the conservation values.

Conservation Values – OPLMA

- Undeveloped Open Space
- Natural Characteristics
- Trails & Trail Heads
- Flood Management

- Carson River – Flood plain, uplands, wildlife habitat
- Passive Recreation
- Customary Agriculture
- Fuels Management
- Existing Structures (historic resources)
- OHV use on South Prison Hill

Conservation Values – Charrette

- Local Area for Solitude & Nature Observation
- Keep Silver Saddle Ranch Green
- Irrigated Pastures (80 acres minimum)
- Scenic Values – Viewshed & Dark Skies
- Cultural Resources – Historic and Prehistoric
- Interpretation and Environmental Education
- Public Access
- Quality of Life
- Safety
- Tourism

4) Prohibited and Permitted Uses (PPU)

The group discussed passive recreation and events in some detail and developed a short list of prohibited and permitted uses. Other general land uses were discussed and included in the list. Further work is necessary to capture all PPUs. The group agreed that CE should identify major land use areas within the property, such as Ag lands, River, Wetlands, OHV Area, Passive Rec Areas, etc. which would be depicted on a map(s). These areas would help define the prohibited and permitted uses within the property.

Passive Recreation – Permitted Uses

- Fishing
- Birding – Nature Observation
- Hiking - Running
- Mountain Biking
- Equestrian – Horse drawn wagons & carriages
- Non-Motorized Boating
- Geo Caching
- Swimming
- Picnicking
- Dogs on Leash

Passive Recreation – Prohibited Uses

- Hunting
- Over Night Camping
- Hot Air Balloons
- Disc Golf
- Paint Ball Games

Other Prohibited Uses

- Organized Sports Requiring Dedicated, Constructed Fields or Courts
- Golf Courses

Events (Commercial & Noncommercial – Permitted)

The group agreed that events would be limited in size, frequency, duration and location consistent with existing infrastructure and in manner that would not degrade the conservations values. The Charrette advised that should a small events center be built, events should be limited to 60 people or less.

- Private Weddings and Parties
- Hot Air Balloons
- Trail Trials
- Music Concerts
- Running – Race Events
- Environmental Ed.
- Mounted Patrol Training
- Equestrian
- Club Activities (4H)

Events (Commercial & Noncommercial – Prohibited)

- Motorized events
- Fairs & Carnivals
- Car Shows
- Dog Agility
- Rodeo

5) Monitoring

The group discussed the importance of periodic monitoring which would be conducted by BLM or it's agent. A monitoring fund will be created by the City and managed by BLM to ensure that monitoring is conducted. The group also stressed the need for a Management Plan and agreed that the CE should require such a plan.

6) Future Public Involvement in Developing the Conservation Easement

Dan Jacquet lead a discussion regarding the requirements of OPLMA for BLM to consult with Carson City government and the local affected public in developing the Conservation Easement. The group agreed to work with BLM to develop a draft CE and assist in the consultation process. The City staff would work with the various citizen's advisory boards and the Board of Supervisors to ensure that adequate consultation has occurred. BLM will also hold a general public meeting to consult with the local affected public. A mailing list for this meeting would be derived from the Charrette process.

7) Next Meeting - Sometime in mid to late August. Dan Jacquet agreed to prepare a draft CE for review by the group at the next meeting.

Meeting for the development of a Conservation Easement

For

Silver Saddle Ranch/Prison Hill/Ambrose Area

August 27, 2010 – BLM, CCFO

MINUTES

1) Introductions

Attendees included Tina Nappe, Sierra Club; Duane Petite, The Nature Conservancy; Ann Bollinger, Carson City Open Space; Juan F. Guzman, Carson City Open Space; Lee Plemel, Carson City Planning; Nancy Santos, Friends of Silver Saddle Ranch; Linda Kelly, BLM, Beth Scott, Friends of Silver Saddle Ranch; Daniel Jacquet, BLM.

2) Review of Draft Conservation Easement

Specific comments on the easement included:

- Group conservation values by those specified by OPLMA and those mutually agreed to.
- Add "where as" statements regarding
 1. The public process to develop the CE and the requirement to collaborate with "local interest and Carson City".
 2. The Charrette design and planning process and how results will guide CE
 3. The consistency with the Envision 2006 Master Plan Update
- Describe in more detail the criteria for removing and replacing buildings, including size and use of replacement buildings.
- Substitute the terms "grantee" and "grantor" with the terms "BLM" and "Carson City". It was noted that Carson City is a municipality of Nevada.
- Add the phrase "applicable laws" to the section on historic building protection
- Add page numbers to the document

3) Define Scope of Events (45 min)

After much discussion, it was recommended that the scope of events would be described in a management plan, required by the CE. The Management Plan would be developed through a public process to be completed during the first year following the execution the CE and periodically thereafter. The criteria for determining the scope of events included:

- Size
- Location
- Duration
- Frequency
- Season

All events would conform to the conservation purpose and be conducted in a manner to protect the conservation values.

4) Define Land Use Areas

Along with the discussion on events, the group discussed the concept of management or land use areas. It was agreed that management areas would be defined within the Management Plan and would consider all permitted land uses. The Management Areas should include:

- Carson River – floodplain and riparian areas
- Prison Hill – motorized and non-motorized areas
- Agricultural lands – irrigated and non-irrigated
- Historic Ranch Complex – Red House, White House , outbuildings, and corrals
- Ambrose Carson River Nature Study Area
- Wetlands
- Silver Saddle Ranch – East (area east of Mexican Dam Rd. adjoining the Pine Nut Mountains)

Management Areas would be defined to guide all uses, including day use and events.

5) Report on Status of Baseline Report

Juan and Dan reported that the baseline report was being prepared by a contractor, Steve Walker of Walker & Associates, as assisted by cultural resource sub-contractor, Mike Drews of Gnomon, Inc. The field work was nearing completion and the final report would be available for review in October, 2010. The report was being co-funded by BLM and Carson City.

6) Future Public Involvement in Developing CE

The Group discussed the next steps in the public process. The following steps were acknowledged:

- Finish the Draft CE with the Core Group
- Initiate legal review from BLM Solicitor and City District Attorney's office. Determine if City approval is required.
- Conduct a BLM sponsored public meeting at the CCDO

- Present the CE to the various Advisory Boards, including Open Space, Parks & Rec, Carson River Advisory Committee, Planning Commission and then seek approval from the Board of Supervisors.

7) Next Meeting

The next meeting of the Core Group was set for Wednesday, Oct. 6, 1:30 – 4:30 pm at the BLM office in Carson City.

Meeting for the development of a Conservation Easement

For

Silver Saddle Ranch/Prison Hill/Ambrose Area

October 6, 2010 – BLM, CCFO

MINUTES

1) Introductions

Those present included: Tina Nappe, Sierra Club; Juan F. Guzman, Carson City Open Space; Randal Munn, Carson City District Attorney's Office; Duane Petite, The Nature Conservancy; Nancy Santos, Friends of Silver Saddle Ranch; Beth Scott, Friends of Silver Saddle Ranch; Bryant Smith, BLM-Carson City District, Lee Plemel, Planning Director, Carson City; Roger Moelendorf, Parks & Rec Director; Ann Bollinger; Carson City Open Space; Dan Jacquet; BLM – Carson City District.

2) Review of Final Draft Conservation Easement

After a general briefing from Dan Jacquet on the latest version of the Conservation Easement, the group reviewed the document page by page. Much discussion ensued regarding definitions of conservation values, passive recreation, structures and facilities and water resources and the issue of keeping SSR green. Modifications to the document were made during the meeting and the group reached consensus on the final version. Dan Jacquet agreed to finish off the last items in the Conservation Agreement under Paragraph 11 – BLM's Remedies, and then forward the document to the Office of the Regional Solicitor in Sacramento, CA for a legal review. This version of the CE would also be emailed to the Group. Specific questions for the Solicitor included 1) Who signs the document? BLM, BLM & Carson City?, 2) Can the Parties agree to include Conservation Values other than those specified in the law (OPLMA). Do these additional conservation values constitute a refinement of those specified in the law?

3) Report on Status of Baseline Report (10 min)

Dan Jacquet and Juan Guzman gave a status report on the preparation of the Baseline Report being prepared by Walker & Associates. Dan reported that the cultural section was completed by Mike Drews of Gnomon. All field work was completed and the draft report was being compiled and would be submitted to BLM and Carson City in October.

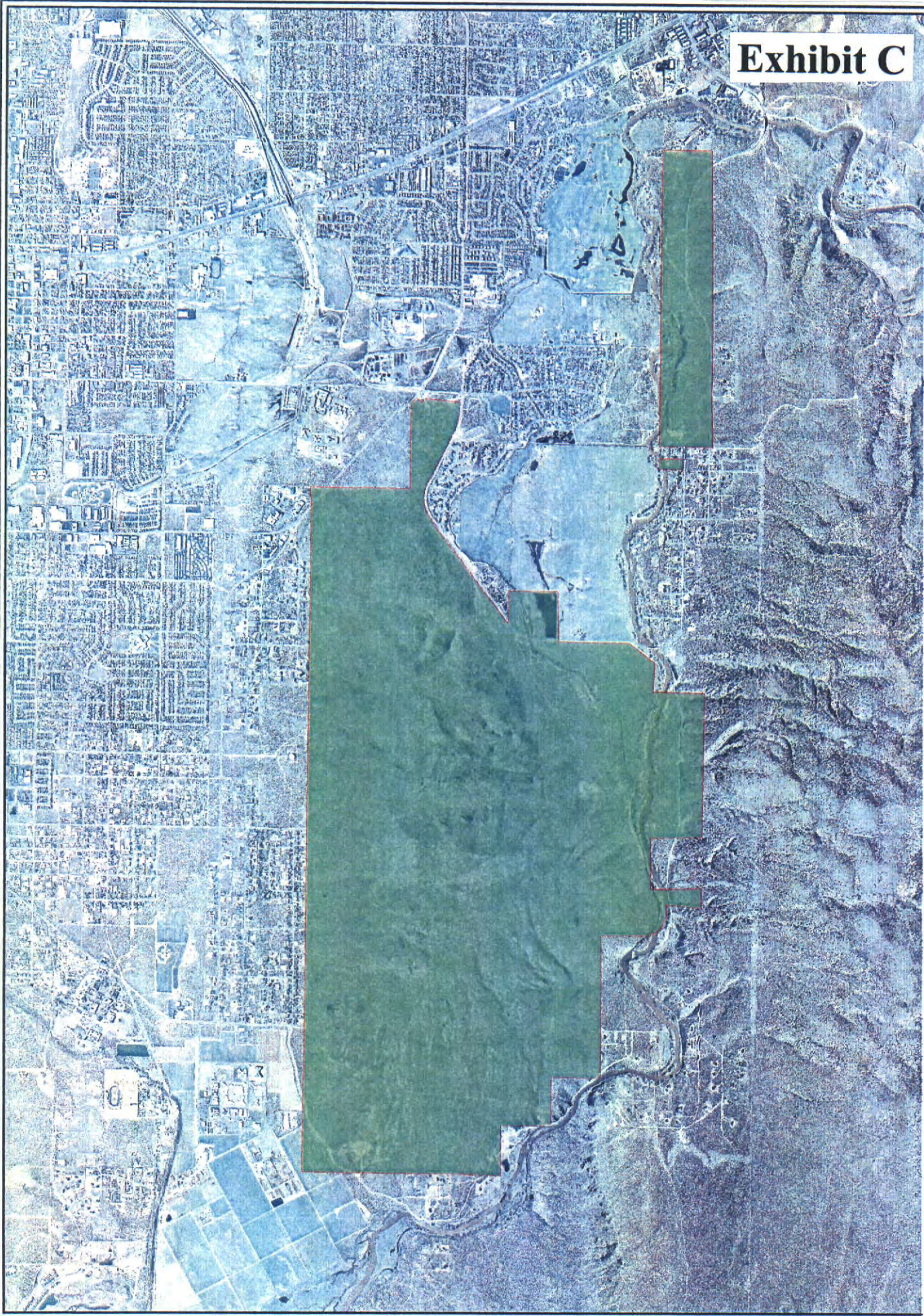
4) Review Steps for Public Involvement – Set Meeting Dates

Dan Jacquet led a discussion on the next steps for public involvement. The Group concurred with the current plan to hold a BLM meeting in November at the CCDO. The City would engage their public process through the various advisory boards and commissions with the goal of getting approval from the Board of Supervisors. This process would be completed by the end of December, 2010.

5) Next Meeting

The Group agreed that future meetings would be on an "as needed basis". All future communications would be through emails, including a review of the final draft easement being presented to the public. Dan and Juan thanked the Group for their hard work and diligence in completing the draft easement.

Exhibit C



Copyright ©
2010
City of
Crested Butte
All rights reserved.
01/10/10 11:11 AM

Photo: Peter, 2010

Baseline Landsbill Conservation Easement

3598 AC



From: <Daniel_Jacquet@blm.gov>
To: <duvalls@charter.net>, <becky@nvlc.org>, <bruce@rcinv.com>, <skihikeclim...>
CC: <rmoellendorf@carson.org>, <jguzman@ci.carson-city.nv.us>, <LPlemel@ci.c...>
Date: 11/3/2010 11:07 AM
Subject: Transfer of Silver Saddle Ranch & Carson River Lands to Carson City - BLM Public Meeting - Nov 16, 5-7 pm, at BLM Office in Carson City

As a previous participant in the design and planning Charrette for the Silver Saddle Ranch and Carson River Area parcels we thought you might be interested in attending a meeting to present and discuss a draft Conservation Easement being reserved by BLM. Since the Charette process was completed in late 2008, Congress passed the Omnibus Public Lands Management Act of 2009 which included a section on Carson City. The Act directed BLM to transfer Silver Saddle Ranch and the Carson River Area parcels to the City of Carson City with the reservation of a conservation easement. The conservation easement would be retained by the United States to ensure that the lands transferred would be managed in accordance with the Act. A draft Conservation Easement has been prepared by BLM and it's stakeholders and is now ready for public review. Please join us on Tuesday, November 16, 5-7 pm, at the BLM District Office, 5665 Morgan Mill Road, Carson City, NV 89703 to participate in an informal workshop regarding the Conservation Easement. Please direct any questions to me by replying to this email. Thanks, Dan

Daniel L. Jacquet
Community Liaison
Bureau of Land Management
Carson City District Office
5665 Morgan Mill Rd, Carson City, NV 89701
775-885-6116 (w)
775-885-6147 (fax)
775-230-8107 (cell)

How Can All These Activities be Managed in the Future?

Perpetuity is a long time! (Yogi Bera)

Following transfer of the lands and subject to the Conservation Easement, BLM and the City will develop a Management Plan for the Property. This will allow for some flexibility in managing the property to account for lessons learned, new technology, climate change, and shifts in cultural values and practices. Above all, the Conservation Purpose and Values will be honored.

THE CONSERVATION EASEMENT DESCRIBES THE MANAGEMENT PLAN AS:

Management Plan. Carson City will prepare a Management Plan for the Property to be completed within one year from execution of this Easement. The Management Plan will be prepared in consultation with the public and BLM and submitted to BLM for approval. The Management Plan will direct the use and occupancy of the Property, including agricultural operations, public day use and events.

The Management Plan will consider the following factors in determining consistency with the conservation purpose and values for events: *Size, duration, frequency, location and season of use.*

The Management Plan will also describe and direct appropriate use and occupancy for specific land use areas, including: *Carson River - floodplain and riparian corridor; Prison Hill - motorized and non-motorized areas; agricultural lands - irrigated and non-irrigated; Historic Ranch Complex - Red House, White House, outbuildings and corrals; Ambrose Carson River Natural Area; Wetlands - mitigation wetland area; and East Silver Saddle Ranch - motorized staging areas.*

BLM and Carson City will meet not less than every five years to review and, if necessary, modify the Management Plan to ensure that use and occupancy of the Property is consistent with the Conservation Purpose and Values.



WHAT IF THINGS GO WRONG?

The conservation easement lays out a process to deal with uncertainties and disagreements. For those activities and land uses that are not clearly allowed under the Conservation Easement, a process has been established for BLM review and approval of City proposed actions. This allows the City to propose new uses while working with BLM to ensure compliance with the Conservation Easement.

The Conservation Easement requires that BLM and the City work together to resolve disputes.

BLM'S Remedies. If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Conservation Easement, the parties shall meet together to discuss the dispute and attempt resolution. In evaluating whether a particular use of the Property conflicts, impairs, or interferes with the conservation purpose and values, both the magnitude and duration of the actual and expected effect on the conservation purpose and values will be taken into account. The prohibited uses of the Property expressly set forth in Section 6 are in conflict with the conservation purpose and values of this Conservation Easement. In the event that BLM and Carson City cannot resolve any dispute hereunder, the provisions of this Conservation Easement are enforceable by BLM, its successors or assigns, through all remedies available at law or in equity.

If a dispute cannot be resolved, legal action may be necessary.



WHAT ARE THE NEXT STEPS?

BLM and the City will present the draft conservation easement at a public meeting hosted by BLM on November 16. The City will also present the draft conservation easement to the Parks and Rec Commission, Carson River Advisory Committee and the Open Space Advisory Committee and eventually to the Board of Supervisors for their approval. Both the City and BLM will sign the Conservation Easement, which will then be included in the title transfer process.

So What Kind of Activities Are Allowed?

By law, Carson City may construct and maintain trails and trailhead facilities, conduct fuels reduction projects, maintain or reconstruct any improvements on the Property that were in existence on March 31, 2009, and allow the use of motorized vehicles on designated roads, trails and areas in the south end of Prison Hill and....

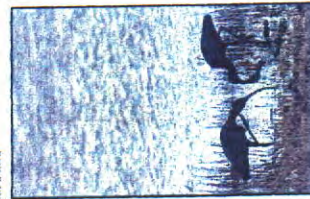
Carson City may use the Property for undeveloped open space, passive recreation, customary agricultural practices, and wildlife protection.

THE CONSERVATION EASEMENT ALSO DEFINES PERMITTED USES:

Permitted Uses. Carson City is entitled to use and occupy the Property, including the right to permit others to use and occupy the Property, in all uses not expressly prohibited herein consistent with the conservation purpose and values. Carson City may authorize third party uses of the Property, by lease, permit, or other means as provided, and those authorizations shall be subject to the terms of this Easement. Carson City shall continue to be fully responsible for compliance with all terms and conditions of this Easement.

Without limiting the foregoing, the following uses and practices, though not necessarily an exhaustive recital of consistent uses and practices, are permitted under this Easement, and are not to be precluded, prevented, or limited by this Easement. They are set forth both to establish specific prohibited and permitted activities and to provide guidance in determining the consistency of other activities with the conservation purpose of this Easement.

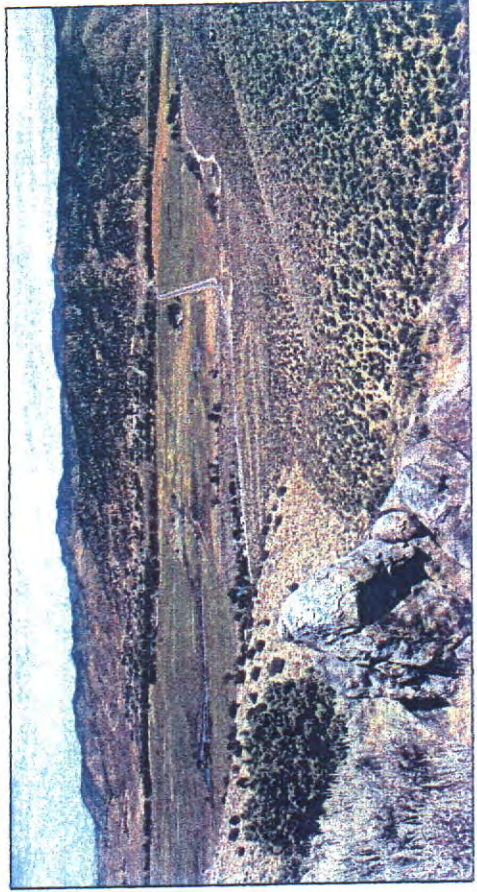
- a) To reside on the Property for the purpose of caretaking and management of the Property.
- b) The right to lease, rent or permit portions of the Property for agricultural use, together with the right to perform customary agricultural operations for the production of hay, pasture and cattle grazing, including the use of fertilizers, pesticides, herbicides and biocides in accordance with the Management Plan (Section 7), current environmental standards and practices and all applicable laws and regulations.
- c) The right to prevent trespass and control access to the Property.
- d) The right to use water resources on the Property for use in agricultural operations, wetlands management and for public consumption on the Property.
- e) The right to store, gather, or dispose of agricultural products and byproducts on the Property, including, but not limited to, agricultural refuse, burn piles, and animal remains, so long as it is done in accordance with all applicable laws and regulations.
- f) The right to maintain and replace existing facilities and structures. Replacement of existing facilities and structures must be approved by the BLM in writing, consistent with the conservation purpose and values. The size, location, style and use of the replaced facilities and structures will be considered by BLM in determining consistency with the conservation purpose and values.
- g) The right to conduct or permit passive recreation activities on the Property. Passive recreation are those activities that are temporary in nature and do not require development of permanent structures or facilities not already in place as of March 31, 2009 unless otherwise allowed under this Easement. Passive recreation may include, but is not limited to, fishing, birding, nature observation, hiking, running, mountain biking, equestrian riding, including horse drawn wagons and carriages, non-motorized boating, geo caching, swimming, and picnicking.
- h) The right to conduct or permit events on the Property. Events will be guided by the Management Plan (Section 7) and limited in size, frequency, duration, location and season of use, commensurate with the capacity of existing facilities and in a manner that would not conflict, impair, or interfere with the conservation purpose and values. Events may include without limitation private weddings and parties, music concerts, running events, environmental education, equestrian activities.
- i) Except for official use, the right to use or permit the use of motorized off highway vehicles (OHV) on designated roads, trails and areas located in the south end of Prison Hill, consistent with the Management Plan (Section 7). OHV use may be restricted or prohibited if necessary to meet the objectives of the conservation purpose and values. OHVs may be allowed to use specific stinging area(s) and designated trails located east of Sierra Vista Road, formerly known as Mexican Dam Road, for the purpose of access to the Pine Nut Mountains.
- j) The right to construct and maintain trails and trailhead facilities.
- k) The right to conduct fuels reduction projects. Vegetation may be removed, mowed, burned or otherwise treated, to reduce or eliminate fuels to suppress wildland fire in accordance with the conservation purpose and values of this Easement.



WHAT'S NOT ALLOWED?

Prohibited Uses. Carson City is prohibited from uses or development of the property that would conflict, impair, or interfere with the conservation purpose and values of this Easement. The following activities and uses, though not an exhaustive recital of inconsistent uses and practices, are inconsistent with the conservation purpose and values of this Easement, and are expressly prohibited upon or within the Property.

- a) The legal or de facto subdivision of the Property for any purpose, except as may be required by law for the uses permitted in Section 5 or for a voluntary conveyance to a government or nonprofit entity for public access expressly permitted in Section 5.
- b) Residential, non-agricultural commercial, industrial, mining, power production, municipal water development or other incompatible development or improvements of the Property, including production of power from wind, geothermal or solar facilities for exclusive use on the Property.
- c) The sale, transfer or conveyance of the Property, or a portion of the Property, in accordance with OPLMA and subject to a reversionary interest held by the United States.
- d) Organized sports requiring dedicated, constructed fields or courts.
- e) OHV use except in designated areas.
- f) Golf courses.
- g) Hunting, over-night camping unless approved as part of an event, disc golf, paint ball games and hot air balloons.
- h) Events - motorized events (other than OHV events at South Prison Hill), fairs & carnivals, cars shows and rodeos.
- i) Disposal or unlawful storage of hazardous substances as defined by the Comprehensive Environmental Response, Compensation and Liability Act, (CERCLA), 42 USC 9601 et seq.



What is a Conservation Easement?

It's a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.



WHAT IS THE PURPOSE OF THE CONSERVATION EASEMENT?

The Omnibus Public Land Management Act of 2009 defines the purpose of the Easement to protect, preserve, and enhance the conservation values of the Property in perpetuity and prevent any uses or development of the property that would conflict, impair, or interfere with those values, including, but not limited to, any future residential, non-agricultural commercial, industrial, mining or other incompatible development or improvements of the Property.

CONSERVATION VALUES ARE THE BACKBONE...

Conservation values are the specific resources that are affected by the conservation purpose.

These include those spelled out in the Act:
undeveloped open space, natural characteristics, trails and trailheads, flood management, Carson River floodplain, uplands, and wildlife habitat, passive recreation, customary agriculture, fuels management, existing ranch structures and motorized vehicle use at south Prison Hill;



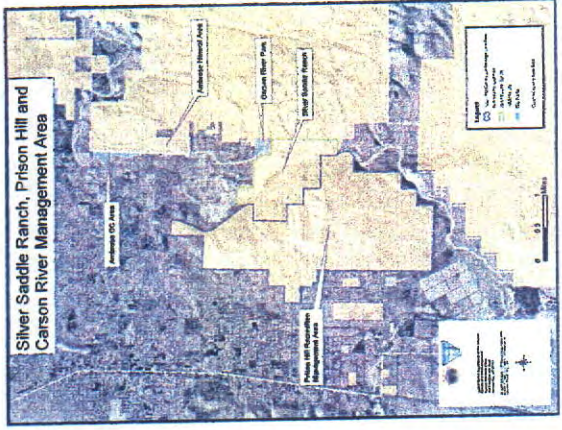
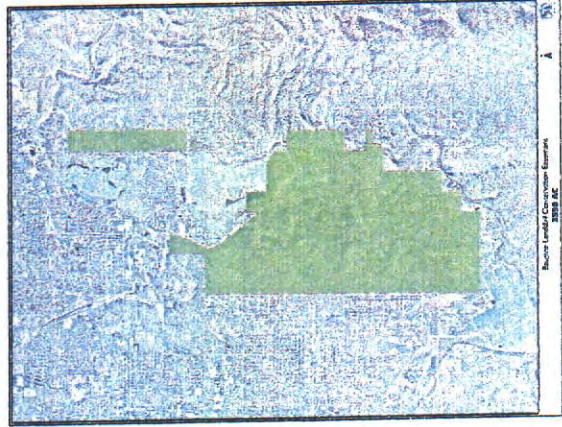
And those mutually agreed to:

protection of natural resources, preservation of the Property for solitude and nature observation, maintaining green irrigated pastures and hay fields at Silver Saddle Ranch, protecting scenic resources including the preservation of dark skies, protecting cultural resources including the historic structures at Silver Saddle Ranch, promoting environmental education and interpretation, allowing public access, promoting the quality of life, safety and tourism.

HOW DOES BLM AND THE CITY MAKE THIS HAPPEN?

The City has the obligation to manage the Property in accordance with the Act and the Conservation Easement. BLM has the obligation to monitor the City's activities at least annually and to enforce the Conservation Easement if necessary. The instrument that will help guide this process is called the Baseline Documentation Report, a report that captures

the condition of the Property at the time of transfer. Photo points will be established to document all the important Conservation Values throughout the Property and over time BLM will monitor and document these points to determine if management is consistent with the Conservation Easement.



Why Are We Here?

Omnibus Public Lands Management Act of 2009 Public Law No. 111-11, Section 2601

The Act directs BLM to transfer Silver Saddle Ranch and the Carson River Area parcels to Carson City subject to a Conservation Easement. The Conservation Easement would be retained in perpetuity by the United States to ensure that the lands transferred would be managed in accordance with the Act to protect, preserve, and enhance the conservation values of the Property.

HOW CAN THE PUBLIC GET INVOLVED?

The Act requires that BLM, acting through the Secretary of Interior, in consultation with Carson City and affected local interests, shall reserve a perpetual conservation easement to protect, preserve, and enhance the conservation values of the Property.

The public has been invited to attend upcoming meetings of the Parks & Rec Commission, Carson River Advisory Committee and the Open Space Advisory Committee where the Conservation Easement will be discussed.

A steering committee of local interests and Carson City staff helped develop the draft Conservation Easement with BLM. Participants included:

- Ann Bollinger & Juan Guzman, Carson City, Open Space Program
- Roger Moelendorf, Carson City, Parks & Rec Department
- Lee Plemel, Carson City, Community Planning
- Kristin Luis & Randal Munn, Carson City, District Attorney's Office
- Nancy Santos & Beth Scott, Friends of Silver Saddle Ranch
- Duane Petite, Carson River Project, The Nature Conservancy
- Tina Nappe, Humboldt-Toiyabe Chapter, Sierra Club
- Linda Kelly, Bryant Smith and Dan Jacquet, Carson City District, BLM

GUIDING THE PROCESS...

Consideration was given to other related public processes: The public voiced its opinion on management of this area through the 2008 design and planning charrette as documented in a report entitled "Creating a Community Vision: Silver Saddle Ranch and the Carson River" and the 2006 Envision Carson City Master Plan Guiding Principles and Goals where the public identified the need for compact and efficient pattern of growth, balancing development with the conservation of the natural environment at the urban interface, and promoting stewardship of the natural environment.



Carson River at Ambrose Carson River Nature Area



December 1, 2010

Dear Mr. Guzman,

I enjoyed seeing you again at the open house, hosted by BLM, regarding the development of the river corridor. As per our conversation, I am writing a formal letter detailing my concerns for your review.

As you probably know, I live on Hells Bells Road, with a property that backs up to a drainage creek that runs between the Empire Golf Course and ranch pasture land. On the golf course side of the creek, there is a well-travelled gravel/dirt road and on the pasture side, there is a dubious, overgrown path that is used by equestrians accessing the open space. My concerns are the development within this area.

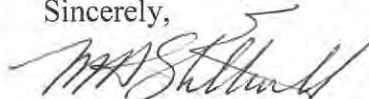
First, I would like to keep the path on the pasture side of the creek restricted to ranch access only. This makes sense, as it is a dead-end path, and not maintained, yet the ranchers/equestrians can access the Riverview Park and Ambrose Park easily. It would also add to security of livestock if the general foot traffic remained on the golf course side of the creek. Horses can be very expensive to maintain and/or replace in the advent that uninformed people had access to them. I propose that an equestrian gate be placed at the southeast end of the golf course, on the ranch side of the creek with a sign stating that it is a ranch access/dead-end trail.

Secondly, when constructing the bridge across the creek, bear in mind that the horses will need a trail from the gate to join up with the park system trails, and therefore room should be left between the gate and the bridge for horses to pass.... no less than 20 feet and preferably more. The gate and bridge should also deter the wild horses who tend to wander up the creek bed to "visit" (steal) the domestic horses.

My third comment is just to say that despite what people say or think, horses and bicycles do not mix very well. The bikes are quiet and fast, and take the horses by surprise, which can be very dangerous for the rider. Often I need to go into the interior of the Riverview Park to bypass aggressive dogs or kids on bikes. This is ok, but not ideal for a rider, of course. It would be lovely to have foot trails developed within the interior parts of the river corridor that would be limited to equestrians or hikers.

Thank you for your time, energy and thoughts regarding my concerns.

Sincerely,



Maggie Stillwell
5050 Hells Bells Road
Carson City, NV
883-2425