

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

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A meeting of the Carson City Open Space Advisory Committee was scheduled for 12:00 p.m. on Monday, October 31, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Tricia Lincoln
Wayne Perock
Howard Riedl
Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space Manager
Michael Suglia, Senior Deputy District Attorney
Kathleen King, Recording Secretary

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

CALL TO ORDER AND ROLL CALL (1-0007) - Chairperson Hartman called the meeting to order at 12:01 p.m. A quorum was present. Member Fischer was absent. Chairperson Hartman welcomed Member Lincoln.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0016) - None.

1. **ACTION ON APPROVAL OF MINUTES (1-0015)** - None.

2. **CHANGES TO THE AGENDA (1-0014)** - None.

3. **AGENDA ITEMS:**

3-A. ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN OFFER BY THE U.S. FOREST SERVICE TO PURCHASE THE GILBERT OPEN SPACE PROPERTIES FOR \$1.12 MILLION (APNs 7-061-72 THROUGH 7-061-75 LOCATED AT THE SOUTHEASTERN EDGE OF THE BORDA MEADOW (1-0016) - Mr. Guzman introduced and provided background information on this item. In response to a question, he advised that open space funds are required to be allocated to the Open Space Program. He further advised that the City will continue to own the Gilbert open space property if it is not purchased by the U.S. Forest Service ("USFS"). He noted that the Open Space Program is not a brokerage program; it was created to purchase and manage open space. In response to a question, he advised that Question #18 provides direction with regard to the philosophies of the Open Space Program. The Open Space Master Plan element provides for a process which renders sale of open space lands difficult, even to another conservation agency. Member Scott expressed the opinion the philosophy is a commitment made by the committee to the community, the voters, and the Board of Supervisors.

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Member Riedl inquired as to details of the characteristics of the subject property, with regard to future transactions, as represented to the Board of Supervisors at the time of purchase. Mr. Guzman explained the main reason to purchase the property was its location at the edge of the Borda meadow. The property had an easement providing for an access road across the meadow, behind the houses, up to Kings Canyon Road. The property owner purchased it for the purpose of development. "Icing on the cake" was that the City owns the adjacent 40 acres. At that time, certain Southern Nevada Public Lands Management Act ("SNPLMA") funds were allowed to filter through the rest of the State, and Mr. Guzman provided background information with regard to the same. A SNPLMA application was submitted in case the land could be more appropriately managed by the USFS. Mr. Guzman emphasized there were no specific commitments made. Member Scott recalled the property became available as the result of a court-ordered division and "there were folks lined up to buy parcels." The focus, at the time of purchase, was much more about keeping the property from development. In response to a question, Mr. Guzman advised that the purchase and the SNPLMA application were separate actions which occurred around the same time.

Mr. Guzman acknowledged that management funds are available, and he explained the mechanism by which they are allocated. He advised that, at some point in time, the focus of the Open Space Program will shift primarily to management rather than purchase. He explained the reason the Open Space Program is under the Parks and Recreation Department. He noted that the Parks Department also has a Park Ranger Program, and advised that interoffice agreements have been entered into for patrol of open space lands.

Mr. Guzman acknowledged the purchase price for the Gilbert property is \$1.12 million. \$1.1 million has been obligated and a request submitted for the remaining \$20,000. Mr. Guzman acknowledged the USFS can't purchase for more than fair market value and the Open Space Program can't sell for less. Chairperson Hartman noted the appraisal expires December 15, 2005, and that the latest correspondence seems to indicate March 2006 as a closing date. Mr. Guzman acknowledged the opinion of the USFS that "we can all live with the December 15th appraisal through March." Chairperson Hartman expressed the understanding that the appraisal process works differently for both the USFS and for the City. He advised that policy issues are the bigger question, particularly with regard to management. He expressed significant concerns with regard to the USFS not being more proactive in its management practices.

(1-0328) With regard to the question of purchase price, USFS District Ranger Gary Schiff read an October 27, 2005 e-mail from past USFS Lands Staff Officer Vicky Wessling and an October 31, 2005 e-mail from current USFS Lands Staff Officer Steve Kluge into the record. Mr. Schiff distributed, to the committee members and staff, materials entitled "Carson District Response to Committee Rationale re: Potential Acquisition of Gilbert Property." He discussed the Lakeview Fuels Project, funding for similar projects, plans to review fuels project priorities, the Clear Creek Fuels Project, and the potential for another grazing project on C Hill. Mr. Schiff acknowledged the USFS could provide authorization, if the committee can secure funding, for another grazing project. He expressed a preference to plan a project for the spring of 2007. Chairperson Hartman discussed Mr. Borda's interest in participating in the last grazing project. In response to a comment, Mr. Schiff noted the USFS was able to work through project issues with a very small lead time. He expressed a willingness to partner with the City, and Chairperson Hartman suggested that the "lead time" begin immediately. Mr. Schiff suggested working with Mr. Guzman and State representatives to develop a project partnership. Member Scott pointed out the opportunity for a window that won't exist in 2008 and 2009. He suggested including this topic as part of a committee workshop. He requested Mr. Schiff to consider this discussion as the first step toward planning a project. He noted that the Carson City Utilities Department needs management on its lands.

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Mr. Guzman provided background information on City-owned properties primarily in the area of Ash Canyon. Utilities Department representatives and the committee recently agreed that the Open Space Program should be primarily responsible for management of those lands. An agreement has yet to be entered into with regard to funding allocation. Mr. Schiff advised that the USFS is generally better at managing higher elevation lands than lower elevation lands. He further advised that the USFS would be interested in entertaining a proposal from the City regarding a different land ownership pattern on the west side of town.

Mr. Schiff discussed the USFS burned timber salvage operation as outlined in the "Carson District Response" materials. Chairperson Hartman expressed concern with regard to the delays associated with the salvage operation. He discussed the importance of removing the burned timber in conjunction with overall forest health. In response to a question, Mr. Guzman advised that the City has seedlings growing at the Nevada Division of Forestry Nursery. The seedlings will grow for two years before they are available to be planted. Mr. Schiff responded to questions regarding details of the commercial firewood sale authorized by the USFS.

Vice Chairperson Jacquet inquired as to the possibility of the City and the USFS entering into a cooperative agreement to consider advance management for forest health, recreation, etc., including the proper NEPA, and allowing the City to take quick action when necessary. Mr. Schiff acknowledged the possibility, and discussed stewardship contracting. With regard to the timber salvage operation, he advised there was no way to move any faster from a federal standpoint. He "would have had a very difficult time, even at the national level with political pressure, trying to find funding." He advised of having done everything possible to request exemptions and special treatment, and expressed understanding for the City's frustration. Vice Chairperson Jacquet discussed proactive management such as fuel reduction projects, grazing, etc., and noted that open space or grant funding may be available to the committee for such projects. Mr. Schiff discussed an arrangement with Douglas County for management of an 1800-acre parcel of national forest land near the Dresslerville Pit. He reviewed challenges associated with the parcel, including illegal dumping and shooting, OHV use, vegetation issues, dry camping, etc. He discussed other cooperative agreements with Douglas County and Washoe County.

Mr. Schiff advised that the USFS has cooperative law enforcement agreements with Sierra County, Washoe County, Douglas County, and Alpine County. He explained the funding mechanism, and advised of a national political movement to allocate more funding toward cooperative law enforcement agreements. He noted the importance of a cooperative relationship between the USFS and the Carson City Sheriff, and advised that USFS law enforcement officers patrol in Kings Canyon at key times. He further advised that a new USFS law enforcement officer begins on November 1st. Member Scott discussed the City's Park Ranger Program, and suggested the possibility of a cooperative arrangement. Mr. Guzman explained the process for dispatching park rangers and sheriff's deputies.

Mr. Schiff discussed the USFS position to be a willing agency in terms of Open Space Program objectives. With regard to management capabilities, he acknowledged the USFS is limited and reiterated the possibility of partnerships. He advised of a USFS presentation to be made to the Board of Supervisors Thursday, November 3rd, on the Kings Canyon / Clear Creek Travel Management Plan. He provided an overview of the same, and suggested considering Question #1 and other appropriate funding opportunities for construction of facilities on the west side of town.

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Chairperson Hartman expressed appreciation for Mr. Schiff's attendance and presentation. He reiterated concerns with regard to reacting to issues on the west side. Mr. Schiff suggested challenging the USFS with the next recreation project or considering partnerships. He acknowledged that local entities sometimes have a faster or more responsive way of addressing issues because of the processes imposed on the USFS. Chairperson Hartman agreed with an earlier suggestion by Vice Chairperson Jacquet to create a partnership framework on an "elevational level." Mr. Schiff noted that, depending upon the situation, the USFS is able to respond quickly. He reiterated the example of the grazing project. In response to further comments, he reiterated the offer to begin developing a partnership for a 2007 grazing project. He noted that one of the things which makes a fuel break effective is the appropriate amount of air resources in the event of fire. Member Scott requested Mr. Guzman to add to the committee's workshop list the issue of following up on stewardship agreements. Chairperson Hartman thanked Mr. Schiff and called for public comment; however, none was provided.

Member Scott expressed appreciation for the attendance of Mr. Schiff and the USFS staff. He advised of sharing some of the frustrations expressed by the committee members, and noted that these contributed to the committee's previous action. He expressed appreciation for the presentation which provided understanding as to what the USFS has done in other areas that may serve as a template for Carson City. More important is the ability to discuss issues, solve problems, and deal with resources. Member Scott noted the resource is "what we're all about," particularly preservation rather than rehabilitation. He advised he was personally able to consider reselling the Gilbert property because of the opportunity to reallocate the funding toward priorities which could be reviewed or which have not yet been established.

Based on the information provided in the agenda materials and presented by Mr. Schiff, Vice Chairperson Jacquet expressed personal satisfaction with the future of the property as important open space for Carson City under management of the USFS. **Vice Chairperson Jacquet moved to proceed ahead with the sale of the Gilbert property to the USFS under the Southern Nevada Public Lands Management Act. Member Perock seconded the motion. Vice Chairperson Jacquet acknowledged the intent of his motion included the price of \$1.12 million, the current fair market value of the property.** In response to a question, Chairperson Hartman expressed the understanding that the current appraisal, through December 15th, takes the fair market value into account. He reiterated the understanding that government, whether federal or local, has the same requirement, i.e., the City can't sell for less than and the USFS can't purchase for more than fair market value. He has been attempting to get legal clarification of the issue. Member Lincoln expressed the understanding that a change in fair market value would have to be supported by another appraisal. Chairperson Hartman noted the question would be one of timing; there will be very little to do if the sale goes forward. Member Scott expressed the opinion "this is about as good as we can get from the federal government in terms of a short window." He acknowledged the Open Space Program would enjoy a significant amount of appreciation, but is not in the business of buying and selling good fortune.

Member Lincoln inquired as to other properties currently designated for purchase to which the funding could be allocated. Chairperson Hartman advised of a long list of other priorities throughout the community in accordance with the community's preferences for the River, hillsides, and irrigated grounds. Member Riedl referred to comments made at a previous meeting regarding the importance of managing and holding lands purchased with local funding. He expressed the opinion that Mr. Schiff's presentation indicated the need for a lot of teamwork. He was encouraged that the Open Space Program can begin managing Carson City open space properties with adjacent federal lands. He expressed the hope that the

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challenges can be met with teamwork. Member Scott expressed the opinion that operating agreements between the City and the USFS are needed for the interface areas accessible by the general public. This will provide the authority to allocate City funding for preventive projects. Member Scott suggested that cooperative agreements will be a good long-term solution for Carson City.

(1-1225) Robin Williamson advised she is serving as the City's federal agency liaison. She offered to serve as a "champion" for getting cooperative agreements in place. She suggested the public's concerns have to do with access, safety, and maintenance. "Now we know what we need to do, so we'll just do it."

Chairperson Hartman called for a vote on the pending motion; **motion carried 6-0.**

4. NON-ACTION ITEMS:

STATUS REPORTS AND COMMENTS FROM COMMITTEE MEMBERS - None.

STATUS REPORTS AND COMMENTS FROM STAFF - None.

FUTURE AGENDA ITEMS FROM COMMITTEE MEMBERS - None.

5. ACTION ON ADJOURNMENT (1-1245) - Vice Chairperson Jacquet moved to adjourn the meeting at 1:16 p.m. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the October 31, 2005 Carson City Open Space Advisory Committee meeting are so approved this 11th day of January, 2006.

STEPHEN D. HARTMAN, Chair