

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the October 21, 2002 Meeting

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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, October 21, 2002 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Laura Bird
Bruce Scott

STAFF: Juan Guzman, Open Space Manager
Andrew Burnham, Development Services Director
Kathleen King, Recording Secretary

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

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (1-0001) - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Members Fischer, Pacheco and Robinson were absent.

B. APPROVAL OF MINUTES - September 16, 2002 (1-0004) - Member Scott moved to approve the minutes. Vice Chairperson Jacquet seconded the motion. Motion carried 4-0.

C. PUBLIC COMMENT (1-0023) - Tom Quigley requested the Committee to agendaize discussion regarding an open space zone in Carson City.

D. MODIFICATION OF AGENDA (1-0042) - Mr. Guzman requested the Chairman to modify the agenda to address item F-5 following item F-1.

E. DISCLOSURES (1-0052) - None.

F. PUBLIC MEETING:

F-1. ACTION TO ADOPT A RESOLUTION OF APPRECIATION TO R.H. CAMPBELL AND HIS FAMILY FOR THEIR EFFORTS IN CLEANING UP THE MOFFAT PROPERTY (1-0053) - Mr. Guzman introduced the Committee members to Mr. Campbell and provided background information on his efforts to organize the Moffat Property clean up project. He read the Resolution of Appreciation into the record. **Member Scott moved, with gratitude to R.H. Campbell and his family, to adopt Resolution 2002-01. Member Bird seconded the motion.** Vice Chairperson Jacquet commented on the effort, talent, and dedication required to organize a clean up project, and expressed appreciation for the work done by Mr. Campbell and his family. Chairperson Hartman commended Mr. Campbell on a magnificent job, and his family on raising such a great young man. He agreed with Vice Chairperson Jacquet's comments regarding the dedication required to organize a clean up project, and commented that there are many areas in the community which need to be cleaned up. He expressed the Committee's appreciation for the great job at the Moffat property and advised Mr. Campbell that he is a credit to the community and to his family. He called for a vote on the pending motion; **motion carried 4-0.**

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(1-0175) Mr. Campbell's grandfather thanked Mr. Guzman for his assistance, guidance, and participation, and Member Bird for participating all day in the clean up project.

F-2. ACTION REGARDING THE APPROVAL OF THE 2001-02 ANNUAL REPORT TO THE BOARD OF SUPERVISORS (1-1107) - Mr. Guzman reviewed the staff report and the most recent draft of the annual report. **Vice Chairperson Jacquet moved to approve the draft version included in the agenda materials. Member Scott seconded the motion. Motion carried 4-0.**

F-3. DISCUSSION REGARDING THE STATUS OF THE SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT ("SNPLMA") - ROUNDS 2, 3, AND 4 (1-1140) - Mr. Guzman reviewed the staff report with regard to the round 2 parcels. He advised that Joanne Hofnagle and other BLM staff have been very careful about keeping him informed and involved in the process, and preserving the previously established relationships between City staff and the property owners. He acknowledged that funding for round 2 acquisitions is available subject to completion of the appraisals and the property owners' agreement. He pointed out the rounds 2, 3, and 4 parcels on a displayed map. In response to a further question, he estimated the time frame for the round 2 appraisals to be approximately eight months.

Mr. Guzman reviewed the staff report with regard to the round 3 parcels, and discussed the importance of the BLM's purchase of the Prison Hill Open Space Property. He advised of Chairperson Hartman's efforts to encourage BLM's purchase of the property, and that the BLM has been attempting to identify alternative funding sources. Mr. Guzman reviewed the status of the round 4 parcels and advised that the tri-county committee has continued to meet and reconsider priorities in case the round 3 and 4 parcels have to be resubmitted.

In response to a question regarding the status of the Gilbert property appraisal, Mr. Guzman advised that Mr. Gilbert recently provided Appraiser Dan Leck with requested information regarding costs associated with construction of an access road. City Engineer Larry Werner will be reviewing the information to determine the feasibility of the access road.

In response to a request for clarification, Mr. Guzman advised that the SNPLMA is the source for the \$8.9 million referenced in the staff report. Chairperson Hartman advised that local BLM staff has diligently endeavored to fulfill the commitment to purchase the Prison Hill Open Space Property. He suggested there have been a number of misconceptions at the national level as to the Prison Hill and other property included in the round 3 submission. He explained that the excess funding is a result of the last sale generating more than was anticipated, together with a lack of a sufficient number of properties to purchase. He noted that the Prison Hill property met the open space criteria, and discussed the community benefit of partnering with the BLM. Vice Chairperson Jacquet advised that there are other authorities under which BLM can acquire the land in the future. He assured the Committee that "all is not lost." Discussion took place regarding Senator Ensign's offer to support a bill designed to dispose of federal lands within northern Nevada.

F-4. ACTION TO PROVIDE THE CARSON CITY OPEN SPACE MANAGER WITH DIRECTION REGARDING THE POTENTIAL PURCHASE OF LANDS BY THE OPEN SPACE ADVISORY COMMITTEE WITHIN THE SIERRA FRONT AND ALONG CARSON RIVER ROAD (1-1610) - Mr. Guzman reviewed the staff report and requested input from the Committee members. Member Scott commented that it would be unfair to not advise the property owners of recent developments regarding SNPLMA funding. He suggested that the Committee may need to prioritize the properties based on the goals

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of the open space program and the property owners' willingness to consider multi-faceted arrangements. Vice Chairperson Jacquet referred to previous discussions regarding bonding, and suggested that, in the current economic climate, bonding would be an inexpensive funding mechanism. He pointed out that the opportunities currently available may not be in the future, and expressed a preference for maximizing the largest amount of land in the highest priority areas. Chairperson Hartman agreed that it is a good time to bond, but expressed a concern regarding an arbitrage issue. He advised of penalties for leveraging public monies without an immediate use for them. He agreed with prioritizing the properties and reviewed the list included with the staff report. He further agreed with advising the property owners of the status of the SNPLMA program. Mr. Guzman proposed a letter to the property owners advising them of the status of the SNPLMA program and that other options are being considered. Chairperson Hartman suggested prioritizing the properties after the letter is sent.

Member Scott noted that, in the budget distributed by Mr. Guzman, the "increase" in sales tax projected for 2002/2003 is -2.9%. Chairperson Hartman pointed out the need to balance the priorities with the decision of whether or not to bond. Member Scott noted that the Serpa/Bently/Comstock property may be affected by the proposed V&T Railroad which may present the possibility of additional funding sources. In response to a question, Chairperson Hartman suggested requesting the City Finance Department to develop funding scenarios. Mr. Guzman indicated he had sufficient direction from the Committee with which to proceed. No formal action was taken.

F-5. ACTION REGARDING THE CONCEPT OF A LAND EXCHANGE BETWEEN THE U.S. FOREST SERVICE AND LANDS UNDER THE OWNERSHIP OF CARSON CITY FOR THE PURPOSE OF REDEFINING THE U.S. FOREST SERVICE ("USFS") BOUNDARY ON THE WEST SIDE OF EAGLE VALLEY (1-0183) - Mr. Guzman introduced Mr. Burnham and Gary Schiff, U.S. Forest Service Ranger. Mr. Schiff reviewed a displayed map depicting watershed lands owned by Carson City. He pointed out access areas and commented that the land is "stunning country." He discussed management of national forest land and the possibility of trading, value for value, the higher elevation lands for the lower elevation lands. He noted that utilizing a land exchange process would be "many years down the road," and advised that a legislative process may be a possibility.

Mr. Guzman reviewed the ownership pattern as depicted on the displayed map, and pointed out the lands being considered for exchange. He advised of the immediate concern that Carson City lands are most likely less valuable because of being closer to town; the final ratio will need to be explored. An additional concern is that the USFS would allow a use, under its multiple land use policy, that would be inconsistent with watershed conservation which was the reason Carson City purchased the land. Additional concerns include trespassing, vandalism, fire, dumping, etc. Mr. Guzman pointed out the advantages of owning land which may require permits for gravel pits, construction of water tanks, etc. He requested input from the Committee regarding the possibility of initiating a process to work with the Carson City Utilities Department on land conservation. The Open Space Master Plan element refers to the subject lands as a scenic/conservation resource; however, the lands do not fit within the open space criteria. Mr. Guzman referred to the Carson City Bicycle Plan which depicts access points at various canyons within the subject properties for the purpose of recreation staging areas. He advised that staff has attempted to explore the possibilities and determine whether development of a work program, in conjunction with Development Services, would be worth the effort. He requested input from the Committee members.

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Member Scott commented that much of the land around Carson City is inaccessible, scenic values “don’t seem to weigh very much,” and the lower elevation lands will potentially be much more developable in terms of appraisal. He discussed relatively innovative developments around the country to place a value on scenic resources and other aspects of property which are not traditionally appraised in a typical development or highest and best use scenario. He inquired as to the possibility of valuing scenic resources and watershed conservation which would potentially allow a different balance that could be given to the USFS as part of an exchange. He suggested a caveat on non-development or limited development subject to some criteria so the property couldn’t be appraised using development as the highest and best use; something different than the traditional appraisal comparison. Mr. Schiff advised that USFS policy does not allow encumbrances or deed restrictions. He suggested exploring management agreements whereby the City could manage more of the lower elevation parcels with specific parameters. He indicated that trading acre for acre “would have a lot of value,” but advised that the federal government will be “interested in dollar for dollar.” Member Scott expressed a concern regarding a very long, drawn out and argumentative appraisal process that would result in disagreement on the ratios which would come from a more traditional process. He indicated he is open to the possibility, but suggested that if the encumbrance issue is disagreeable to the USFS, management may be an option. Mr. Schiff reiterated that management agreements could be worked out. He advised that USFS authority rests with the Secretary of Agriculture.

Mr. Burnham explained that the City’s properties were acquired through purchase of the water company formerly owned by Southwest Gas. The purpose for the lands was, and continues to be, watershed conservation, and the City’s concern regards management of the property for that purpose. Mr. Burnham advised that the City is willing to consider working out the concerns. Some of the acquisition lands being considered include drainage mitigation which would be an advantage to the City. Member Bird suggested considering the potential for contamination by illegal dumping, and Mr. Burnham explained the purpose of the Phase 2 NPDES program for which the City has just received draft permits.

Vice Chairperson Jacquet inquired as to whether the proposal would result in a net increase in open space value. He suggested that if the intent is for the City to develop infrastructure on lands currently under USFS management, this seems to be a scenario for optimizing open space. On the other hand, some of the upper elevation lands could be developed in such a way that would be contrary to open space values. Mr. Guzman advised that more usable open space will be available in terms of facilitating access into the forest; it will be easier to develop staging/access areas, trail heads, etc. to accomplish the goal of linking open spaces.

Mr. Schiff discussed the vision for recreation areas and access points in Carson City, and relayed details of conversations with Mr. Guzman and Chairperson Hartman regarding recreational access. Mr. Guzman advised that the City has more opportunity to fund the vision than the USFS. Member Bird inquired as to whether the Parks and Recreation Commission has considered the proposal. Chairperson Hartman noted that the issue is active versus passive recreation. He agreed that the proposal can create active recreational areas which would be more appropriately addressed by the parks and recreation aspect of Question #18. Mr. Guzman advised that Mr. Kastens is very interested in the proposal. Chairperson Hartman agreed that the proposal could create active recreation areas, but pointed out that scenic values were prioritized by the community as part of the Open Space Master Plan element. He further agreed that the area is spectacular, and expressed the opinion that it needs to be maintained. He expressed a preference for developing a more cooperative agreement which would address the issues and concerns common to the USFS and the City. He suggested there may never be another land exchange based on some of the issues surrounding the process. Mr. Burnham advised of the need to involve Division of State Lands representatives in the process because of the proximity

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of its property. Member Bird suggested that the public should be involved as well as the private property owners adjacent to USFS land. Chairperson Hartman pointed out the number of very practical issues to be considered, storm drainage being a main one. He referred to Member Scott's earlier comments regarding valuation, and agreed there are very few places which include scenic and other intangible values in the appraisal process.

Member Scott suggested a practical approach such as a west side equivalent of the Pine Nut Mountains Plan in terms of establishing a foundation which fits with some of the goals and visions of the USFS, open space, and parks and recreation. A common vision would allow open space to take some of the initiative to support management that is in keeping with USFS resources and reflects the details that forest planning has not been able to address. Mr. Schiff advised that the proposal is representative of the USFS ability to be responsive to the City. Member Scott suggested developing management agreements that would provide limited flexibility to the City within the context of continued forest ownership as well as some stewardship capabilities with the associated responsibilities for maintenance. He acknowledged that it will be much more cumbersome for the USFS than for other Department of the Interior agencies.

In response to an earlier question, Mr. Guzman discussed development of the relationship with Mr. Schiff as part of the SNPLMA process. He discussed Parks Planner Vern Krahn's responsibilities to develop facilities for active recreation within the City. He advised that Parks Department staff would be receptive to considering trail head development, etc. He discussed the competitive process for utilizing Question #18 funding, and advised that he will be talking with Mr. Kastens. Mr. Schiff advised of previous and upcoming meetings and conversations with Parks and Recreation Director Steve Kastens and Mr. Krahn. Member Bird expressed a concern that open space would be taking on more responsibility than may be appropriate under the open space program. She suggested that large amounts of open space funding should not be used to manage watershed conservation lands. Mr. Burnham advised that Development Services would contribute funding if the proposal is determined to be appropriate for the City.

In response to a question, Mr. Guzman pointed out the C Hill property being considered for purchase, in addition to the Gilbert property, the Swafford property, the Long property, the Wilson property, the Benna/Marshall property, the Fagan meadow, and the Schultz property. Vice Chairperson Jacquet advised that the C Hill property is east of the USFS property being considered for exchange with the Utilities Department. He suggested the primary issue is that the Utilities Department has a need to develop infrastructure on lands in a more timely manner, and inquired as to the logic of acquiring open space lands closer to the urban interface while transferring lands that may be more appropriately developed. Mr. Burnham advised that Development Services staff would consider the exchanged lands as open space lands, managed by open space rather than the Utilities Department as long as the watershed is protected. Member Bird agreed with Vice Chairperson Jacquet's concerns, and suggested that USFS ownership may protect the land better until an open space designation is developed. She pointed out that the open space program doesn't actually hold title to lands, and expressed a concern that transferring the lands could potentially cause conflicting interests within the City over use of the lands. Mr. Guzman expressed a preference for analyzing the issues rather than losing an opportunity. He suggested that the C Hill land will be too high for water tanks and similar infrastructure which needs to be closer to the City. He referred to development of the Open Space Master Plan element and advised that consideration was given to drainage facilities being an advantage to open space in terms of utilizing the facilities as amenities. He commented that the proposal represents an opportunity to act on the issues. Chairperson Hartman advised that one of the considerations was engineering designed to dissipate water flow from Ash and Kings Canyons with an open space look. This would solve some of the storm

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drainage issues as well as serve passive and active recreation needs.

Mr. Burnham advised that Development Services staff is presently working on several master plans, including water, sewer, storm drainage, transportation, etc. in consideration of the anticipated build out in the next 20-30 years. He suggested agendizing a presentation regarding features of the master plans. He anticipates no additional water tanks on the west side of town; however, there may be a new water tank on the east side of town, in addition to a couple reclaimed water tanks to pressurize the reclaimed water system. A substantial amount of drainage system development will take place on the west side of town. Mr. Burnham advised that development of these facilities has open space implications, and that the plans can be submitted to the Committee for review.

Member Bird clarified that her earlier comments were not intended to convey that Mr. Guzman's conversations with Mr. Schiff should be discontinued. She expressed a concern that these issues are considered to ensure Mr. Guzman's efforts benefit the open space program. Mr. Schiff referred to Peavine Peak which is being "torn up," and pointed out the benefits of partnership between USFS and local governments with regard to protection. Vice Chairperson Jacquet agreed, and commented that local government involvement in managing federal lands is an advantage within the urban interface. He discussed the struggle with the concept of open space in perpetuity. Chairperson Hartman commented on the inability to determine the future, and the balance between maintaining quality of life and the necessity of land development. He indicated that USFS, Carson City, and Committee representatives are all involved in the task of balancing the issues. He commented on the importance of moving forward and suggested that a management arrangement may serve the USFS and the City's goals. He noted the importance of maintaining the good working relationship between the City, the USFS, and the BLM. He agreed with involving the public and, in response to a question, referred again to Member Scott's suggestion to develop a west side version of the Pine Nut Mountains Plan.

Mr. Schiff discussed Senator Mark Amodei's request of the USFS to consider a rehabilitation project on two historic structures in Kings Canyon. Discussion took place regarding the time table associated with the rehabilitation project and the Committee's suggestion to develop a plan. Chairperson Hartman noted the Committee's continued interest in the fuels management program on C Hill and Utilities Department property. The Committee members thanked Mr. Schiff for his presentation. No formal action was taken.

F-6. ACTION TO PROVIDE THE BOARD OF SUPERVISORS AND THE BUREAU OF LAND MANAGEMENT WITH RECOMMENDATIONS REGARDING THE PRELIMINARY ISSUES IDENTIFIED AS PART OF THE BUREAU OF LAND MANAGEMENT PINENUT MOUNTAINS PLAN UPDATE (1-1885) - Mr. Guzman reviewed the staff report. Member Bird expressed appreciation for the time spent by the Committee/Commission representatives in discussing the details of the plan update during the September 16th meeting. She inquired as to the intent of the language of motion #2, "... to support the use of off-road vehicles on existing, designated trails ..." Mr. Guzman recalled that the Committee/Commission members were interested in providing for the use of off-road vehicles on designated trails, which will require a process of identifying and posting the trails. Member Bird referred to the draft Pinenut Mountains Plan Update and read a portion of the same into the record. She indicated the need to ensure a clear understanding that designated trails refers to those which will be designated in the future after an inventory takes place.

Vice Chairperson Jacquet referred to page 6 of the September 16th minutes and reviewed the discussion of

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BLM's trail categories. Chairperson Hartman referred to pages 7 and 8 of the minutes and reviewed the motion made by Member Fischer and the discussion which followed. Vice Chairperson Jacquet advised that the current trail designation in the Pinenut Mountains is open and that this is causing a problem because of the proliferation of new trails, roads, race tracks, etc. He indicated that the Committee/Commission members decided it would be best to designate the area as a "limited" category to "no greater than existing roads and trails" while acknowledging the tool of designating roads and trails. Member Scott indicated that there was to be no creation of new roads; that consolidations and relocations of roads and trails would take place because of existing watershed issues; and that vehicles would be limited to existing roads as the plan adjusted them. He agreed that "limited" is a good term. Vice Chairperson Jacquet explained that "limited" includes existing roads and trails and designated roads and trails. He recalled Kevin Walsh's testimony during the September 16th meeting wherein he acknowledged that the OHV community would accept some designated areas where appropriate. The advice to the Board of Supervisors and, in turn, to the BLM is to utilize the tools within the category of limited to execute the philosophy. The intent is therefore captured by recommending the limited category because it includes both existing and designated roads and trails. Member Bird suggested that the intent of the motion would be accomplished if, instead of "existing, designated", the motion read "existing or designated."

Member Scott moved to recommend to the Bureau of Land Management and the Board of Supervisors to treat the Pinenut Mountains Plan Amendment the same way that the urban interface plan has been treated in reference to mineral development. Member Bird seconded the motion. Motion carried 4-0.

Member Bird moved to recommend to the Board of Supervisors and the Bureau of Land Management to support the use of off-road vehicles on existing or designated trails with the understanding that the concept of any kind of new access would be dealt with at a later time through the Parks and Recreation Department and the Bureau of Land Management. Member Scott seconded the motion. Motion carried 4-0. Mr. Guzman acknowledged he would advise the other Committee/Commission members of the concern expressed by the Open Space Advisory Committee members at this meeting.

In response to a question, Mr. Guzman explained the connection between the motion referenced in the September 16th minutes and the recommended motion provided in the staff report. Vice Chairperson Jacquet commented that it is good advice to present the general vision of land values in conjunction with the BLM taking discretionary action on such things as power lines. Discussion took place regarding replacing the word "must" with the word "should" in the recommended motion. **Member Scott moved to recommend to the Board of Supervisors and the Bureau of Land Management that the Pinenut Mountains be considered a visual and scenic resource; the scenic quality is usually best preserved by the careful management of activities to minimize scarring and visual impacts such as mines and road cuts; the Pinenut Mountains are a valuable recreation resource for Carson City and surrounding counties and policies should be developed to enhance and provide for recreational opportunities while protecting and minimizing impacts to the scenic resource; Carson City and the Bureau of Land Management should continue to explore opportunities to jointly manage facilities and properties wherever possible. Member Bird seconded the motion. Motion carried 4-0.**

Member Scott moved to recommend that Carson City's position be to encourage the Bureau of Land

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Management to actively manage fire fuels in order to avoid the possibility of catastrophic events and to recommend adoption of this policy by the Board of Supervisors. Member Bird seconded the motion. Motion carried 4-0.

Discussion took place regarding the possibility of more explicitly designating the lands to be used for the V&T Railroad in the motion, and the intent of the motion in context of the discussion which took place at the September 16th meeting. Chairperson Hartman suggested language, and **Member Scott moved that in the acquisition of lands by the Bureau of Land Management, that the BLM be requested by Carson City to provide for the V&T Railroad wherever it affects BLM land acquisitions. Member Bird seconded the motion. Motion carried 4-0.**

Mr. Guzman responded to questions regarding the purpose for the District Attorney's request that the motions be affirmed by the Committees/Commission.

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-2466) - Mr. Guzman acknowledged that he is working on the zoning issue and will coordinate the possibility of this agenda item with Planning and Community Development Department staff. He further acknowledged that he is working with Mr. Schiff and Mr. Burnham on fuels management on the west side of town. He anticipates that the Gilbert and Stanton properties appraisals will be available for the next meeting, and advised that property prioritization will be agendized. He further acknowledged that bonding scenarios will be available from the City's Finance Department as well as information on the issue of arbitrage. Mr. Guzman advised that he would agendize discussion regarding the conservation easement seminar. Vice Chairperson Jacquet requested Mr. Guzman to check into agendizing OHV management in the urban interface.

(1-2660) Member Scott commented on an experience while riding a horse in El Dorado Canyon last weekend. He advised of encountering a group of motorcycle riders who stopped and treated the horses and riders very courteously. He commented that the experience proved the potential for multiple uses "if people just give and take a little bit."

H. STATUS REPORTS FROM STAFF (1-2568) - Mr. Guzman reviewed the information distributed prior to the start of the meeting, and the "FYI" information included in the agenda materials.

I. ADJOURNMENT (1-2682) - Member Scott moved to adjourn the meeting at 8:21 p.m. The motion was seconded and carried 4-0.

The Minutes of the October 21, 2002 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of November, 2002.

STEPHEN D. HARTMAN, Chair