

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the June 16, 2008 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, June 16, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Vice Chairperson Dan Jacquet
Tricia Lincoln
Wayne Perock
Howard Reidl
Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Ann Bollinger, Open Space Coordinator
Will Geddes, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (6:03:34) - Vice Chairperson Jacquet called the meeting to order at 6:03 p.m. Roll was called; a quorum was present. Chairperson Hartman and Member Fischer were absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:03:50) - None.

1. ACTION ON APPROVAL OF MINUTES - April 21, 2008 and April 28, 2008 (6:03:57) - Member Reidl moved to approve the minutes. Member Perock seconded the motion. Motion carried 4-0-1, Member Perock abstaining with regard to the April 28th minutes.

2. MODIFICATIONS TO THE AGENDA (6:04:39) - Mr. Guzman requested to modify the agenda to address items 4B and 4A prior to item 3A.

3. AGENDA ITEMS:

3-A. ACTION TO ACCEPT A WHITE PAPER REPORT, PREPARED BY RESOURCE CONCEPTS, INC., REGARDING THE CARSON RIVER MERCURY SUPERFUND AREA IN RELATION TO PROPERTIES LOCATED ALONG THE CARSON RIVER (6:59:08) - Mr. Guzman reviewed the staff report and the draft white paper report, which was included in the agenda materials. He advised that the Carson River Advisory Committee had taken action to approve the report. Member Reidl expressed a preference to avoid doing projects in the superfund area whenever possible. He noted the V&T Railway project, however, and inquired as to the possibility of Open Space Program involvement. Mr. Guzman advised that the City is not developing the V&T project and, therefore, was unaware as to the involvement of the Open Space Program in the project. Using a displayed map, he pointed out properties involved in the V&T Railway route. He referred to a previously-discussed non-motorized trail, and advised that the potentially affected property owners have been approached with regard to possible sale of their land. He anticipates the railroad bed will have less contamination than the bottom of the river.

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In reference to a previous comment, Mr. Moellendorf agreed with avoiding contact with the mercury contaminated sites whenever possible. He advised of projects with the potential to have contact with mercury contaminated sites, noting the Morgan Mill Road river access area as an example. He further advised that RCI is conducting tests to determine the level of mercury contamination in the area. He noted that other river properties will be acquired through the federal lands bill and Open Space Program transactions. As recreational amenities are developed, the City will mitigate the mercury-contaminated areas. Member Scott pointed out that the mercury contamination creates another level of management but doesn't preclude open space acquisition or recreational development. He reviewed the process required by the State Division of Environmental Protection to mitigate the contamination. "The worst case is you take the soil out and replace it." Mr. Moellendorf reviewed the two thresholds delineated in the RCI white paper report.

Mr. Guzman acknowledged that the white paper report summarizes existing information to be used for future acquisitions. Vice Chairperson Jacquet called for additional comments or questions and for public comment. When none was forthcoming, he entertained a motion. **Member Riedl moved to accept a white paper report, prepared by Resource Concepts, Inc., regarding the Carson River mercury superfund area in relation to properties located along the Carson River. Member Lincoln seconded the motion. Motion carried 4-0-1, Member Scott abstaining.**

3-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS AN OFFER FOR THE FEE TITLE PURCHASE OF THE WILSON TRUST PROPERTIES LOCATED ON ASH CANYON ROAD AND ALONG THE RIDGE OF THE CARSON RANGE, APNs 007-091-26 AND 007-031-04, USING A COMBINATION OF FOREST LEGACY PROGRAM FUNDING AND CARSON CITY OPEN SPACE ACQUISITION FUNDS (7:10:15) - Member Guzman introduced this item, and oriented the committee members to the subject property using a displayed topographic map. He described the characteristics of the subject property, and noted it was "the only motorized access into Lake Tahoe State Park." He pointed out a trail accessing the meadow and the Ash Canyon high country, which crosses the parcel. He reviewed the funding mechanism through the U.S. Forest Service Legacy Program. He noted the parcel's scenic quality and its importance to the west side watershed. He provided an overview of the documentation included in the agenda materials. He advised that the property owners have verbally accepted the offer pending approval by this committee and the Board of Supervisors. He provided background information on the negotiations, and advised that the parcel will remain in Open Space Program ownership. In response to a question, he reviewed the corresponding deed language. He acknowledged opportunities to co-manage the property with the U.S. Forest Service and Nevada State Parks. He discussed the intent to do a lot line adjustment in conjunction with a displayed map.

Member Scott moved to recommend to the Board of Supervisors to pursue purchase of the subject property, using Legacy Program and Open Space Program funds. Member Riedl seconded the motion. Vice Chairperson Jacquet called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 5-0.**

3-C. ACTION TO AUTHORIZE THE OPEN SPACE MANAGER TO ENTER INTO NEGOTIATIONS TOWARDS THE PROPOSED PURCHASE OF THE PEDERSON TRUST PROPERTY, APN 007-131-16, CONSISTING OF 24.67 ACRES AND LOCATED AT KINGS CANYON ROAD, IMMEDIATELY SOUTH, EAST, AND WEST OF THE QUILL RANCH (7:18:02) - Mr. Guzman introduced this item, and oriented the committee members to the location of the subject property using a displayed topographic map. He acknowledged the potential for sharing management costs with the Public Works Department. He further acknowledged the interest of the

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property owners to sell, and provided background information on the property characteristics. In response to a further question, he pointed out the relationship of the subject property to a Department of Wildlife guzzler station.

Member Lincoln moved to authorize the Open Space Manager to enter into negotiations toward the proposed purchase of the Pederson Trust property, APN 7-131-16, consisting of 24.67 acres and located at Kings Canyon Ranch, immediately south, east, and west of the Quill Ranch. Member Scott seconded the motion.

Vice Chairperson Jacquet opened this item to public comment. (7:22:32) In response to a question, Mr. Guzman reviewed the staff report and the Open Space Evaluation form included in the agenda materials. Vice Chairperson Jacquet provided background information on the Open Space Evaluation form. Member Lincoln advised that the subject property is visible from the City. Vice Chairperson Jacquet called for a vote on the pending motion; **motion carried 5-0.**

3-D. ACTION TO CANCEL THE JULY 21, 2008 OPEN SPACE ADVISORY COMMITTEE MEETING (7:27:29) - Mr. Guzman introduced this item, and reviewed the staff report. Vice Chairperson Jacquet called for public comment; however, none was forthcoming. Mr. Guzman acknowledged budget constraints as the reason for canceling the May committee meeting. Member Perock expressed an interest in reviewing other Open Space Program budget reduction measures. **Member Riedl moved to cancel the July 21, 2008 meeting. Member Perock seconded the motion. Motion carried 5-0.**

4. NON-ACTION ITEMS:

4-A. DISCUSSION AND STATUS REPORT REGARDING THE HORSE CREEK RANCH CONSERVATION EASEMENT, ON PROPERTY LOCATED APPROXIMATELY 2.5 MILES WEST OF THE PAVED TERMINUS OF KINGS CANYON ROAD (6:21:03) - Vice Chairperson Jacquet welcomed Michael Fagen to the meeting table. Mr. Guzman reviewed the staff report, and referred to the written comments and questions provided by Senior Deputy District Attorney Joel Benton which were distributed to the committee members and staff prior to the start of the meeting.

(6:24:23) Mr. Fagen reviewed background information on this item in conjunction with various maps which were displayed in the meeting room. He suggested developing the parcel map first to “split out the acreage” that he wants to “keep for [his] own where there wouldn’t be ... any other restrictions pertinent to the conservation easement” as long as the City’s requirements are met. “And then sell a very restrictive easement on the remaining property to Carson City.” Mr. Fagen described the status as “real close on ... modification of the Marin County agreement.” He requested the committee’s feedback and / or concurrence to move forward to the Board of Supervisors.

Mr. Guzman summarized Mr. Fagen’s proposal, as follows: An easement which will set aside some private land to the parcel map process. Mr. Guzman pointed out Neil’s Flume on a displayed topographic map, and advised that an easement would be set aside in the parcel map to ensure the ditch could remain in perpetuity. He advised that a clause will be added to the conservation easement document providing for the City’s first right of refusal on the sale of any of the parcels away from the conservation easement, as well as the conservation easement parcel itself. He described the easement as primarily agricultural, but noted the document references historic uses; scenic beauty and contemplation of the same; the significance of the land to Carson City for water recharge and for maintenance of the aquifer; and the totality of Kings

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Canyon Road on the Lincoln Highway. He advised that the conservation easement provides for appraisal of the property to establish the property value. The ratio of the “value of the property with the easements versus the easement” will continue in perpetuity to be the basis for any future transaction. Mr. Guzman explained the mechanism of the ratio, but noted an exception that “if Carson City was to condemn the land for any reason, then Carson City cannot have that benefit.” In response to a question, he advised that the ratio concept needs to be better explained in the conservation easement. He described the remainder of the conservation easement as “pretty boilerplate,” i.e., Mr. Fagen will continue to have the right to irrigate; to farm; to adjust the lot lines to assist in property management; and to cut trees, if necessary for the health of the forest. Mr. Fagen will not be responsible for conditions beyond his control, such as climate change. The City will have the affirmative right that all density associated with the conservation easement property is extinguished; and to ensure that Mr. Fagen maintains the property according to the conservation easement conditions.

Mr. Guzman provided an overview of discussions regarding Mr. Fagen’s most recent proposal to provide for energy production as part of the conservation easement. In response to a question, Mr. Fagen noted the perpetual nature of the conservation easement, and discussed the need to avoid being precluded from adjusting to changes, associated with climate or economy, such that “the easement doesn’t make sense and the property’s not usable at all.” He suggested ensuring provision for “self-sufficiency with respect to energy production.” Member Perock suggested not precluding new technologies that may obviate such things as solar panels and windmills. Mr. Fagen agreed and suggested, in consideration of immediate development, that the closest power lines are “several thousand feet away.” He expressed opposition to installing power poles across the meadow, and noted the benefit of a “small wind turbine or a Pelton wheel in the creek or a few solar panels on the roof of the building ...” Mr. Guzman advised of having pointed out that the conservation easement language allows for any activity which is not contrary to or would hamper the interests of the easement. Mr. Fagen expressed a preference to include specific language regarding energy production so as to avoid having the discussion “ten years from now.” In response to a question, Vice Chairperson Jacquet acknowledged Mr. Guzman’s description as the basic understanding of the conservation easement, but pointed out the activities would also need to be weighed against the open space ordinance provisions. Mr. Guzman advised that neither his nor Mr. Fagen’s concept included energy exploration. The proposed language would simply allow energy production facilities which would promote self-sufficiency. Mr. Guzman noted that federal law may pre-empt the concept. He expressed support for providing the proposed language with careful consideration given to specifying “what is allowed and what is not.” He reiterated that the basic understanding should be “whatever happens is not contrary to the original intentions of the easement.” He advised of Mr. Fagen’s reluctance to enter into a discussion every time “one of these things come up in the future.”

In response to a question, Mr. Fagen noted that future ownership of the parcels is unknown. “It wouldn’t make sense to put the energy on parcel one to serve parcel three and you have different owners. You would try to be self-sufficient within a parcel, but you might not be able to. From a solar standpoint, the east side of the meadow is the best because of the way it sits in a bowl and the sun comes from the southwest ... If you were just looking at solar production, you would want to put the panels ... in the sage brush on that eastern boundary.” Mr. Fagen advised of no desire to pursue this. “... as owner of the parcel now, I want the least obstruction.” Mr. Fagen referred to the proposed design of the lodge, and advised of a preference to develop without any indication that the area has “been touched by humans.” He expressed no interest in seeing energy production “in an obvious way anywhere on the property.” He noted, however, recent predictions of a global energy crisis, and suggested the City may want to someday use the natural bowl for

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thermal solar production. He reiterated no desire to use the property that way, but suggested “if this community is desperate 200 years from now, I supposed they could overturn the easement in some emergency situation ...” He further reiterated a preference to “not box us in too much in 2008 for what might happen in 3008.”

Mr. Guzman acknowledged the conservation easement has not been reviewed again by Question #1 representatives. He explained that the City has been asked to reach a consensus with Mr. Fagen prior to resubmitting the conservation easement. Mr. Guzman advised of having included language from the Kirman Field conservation easement “in relation to the State of Nevada funding.” He anticipates this will be acceptable to Question #1 representatives.

Mr. Guzman pointed out, on the displayed map, 20 acres which Mr. Fagen is interested in exchanging with the U.S. Forest Service. Mr. Guzman advised that the exchange is unlikely “because of many other considerations” and, therefore, Mr. Fagen “wonders ... if we are interested in somehow incorporating those 20 acres either for acquisition or as part of the easement ...” Mr. Guzman requested the committee members to consider the possibility. He described the 20 acres as very steep, and advised they are important to the City because of access close to Highway 50. Improvements are planned on the south side of Highway 50 in relation to the Serpa subdivision which would present the possibility of connecting to a foot path under Highway 50 to open space property, and continuing to Kings Canyon Road.

In reference to Mr. Benton’s written comments, Mr. Guzman explained the concept of density in relation to the conservation easement term “extinguishment.” Mr. Guzman requested input of the committee members. Vice Chairperson Jacquet suggested re-agendizing the item after determining whether the 20-acre parcel can be incorporated in the transaction. In response to a question, he clarified that the proposal is worth exploring in more detail. He suggested talking with Question #1 representatives about including language regarding the energy proposal, in consideration of avoiding the possibility of jeopardizing the Question #1 funding. Member Scott expressed a preference to bring the subject transaction to a close. He expressed support for acquisition of the 20-acre parcel. Mr. Fagen expressed a willingness to rezone the parcels to include more property in the conservation easement, as long as doing so wouldn’t prolong the transaction “five more years.”

Member Riedl expressed appreciation for Mr. Fagen’s patience, and commended Mr. Fagen’s foresight in considering subdivision of the lots. He expressed concern over the conflict between “the City development side and the ... conservation side. With subdivision of the property, that separates those two functions very well.” Vice Chairperson Jacquet thanked Mr. Fagen. He called for public comment; however, none was forthcoming.

4-B. STATUS REPORT AND DISCUSSION REGARDING THE ASH CANYON TRAILS INITIATIVE BY JEFF POTTER, OF MUSCLE POWERED, AND THE CARSON CITY PARKS AND RECREATION DEPARTMENT (6:05:32) - Mr. Guzman introduced Jeff Potter and Anne Macquarie, of Muscle Powered, and read the title of the agenda item into the record. He reviewed the staff report and the attachments. In addition to the pertinent agenda materials, Mr. Potter advised of having considered the costs of insurance and travel time and offered to conduct further research regarding the same. Mr. Guzman advised that work will be performed by Muscle Powered representatives, with assistance and oversight provided by Parks Department staff. At the request of the committee members, Mr. Potter reviewed the Ash Creek Trail Maintenance Schedule / Budget which was included in the agenda materials.

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Member Scott commended Mr. Potter on his presentation at the April 21st committee meeting, and expressed appreciation for his time and efforts. He inquired as to whether Muscle Powered representatives would be willing to speak with property owners, together with City representatives, to establish linkages. Ms. Macquarie noted the rapidly developing trail system in the area of the Ash Creek Trail, and that a significant portion of the area is privately owned. She advised that Muscle Powered cannot participate in maintenance or promotion of trails on private land. She expressed a willingness to accompany Mr. Guzman in meeting with private landowners, and to assist in “lining up information and examples of different places where this might be done.” Member Scott noted the benefit of a personal relationship with private property owners. He expressed reluctance for all of the Ash Creek Trail maintenance to be handled “at no cost in terms of the benefits ... from an open space trails perspective versus what Muscle Powered is proposing to provide.” He suggested that committee membership in Muscle Powered could provide “a little bit of financial help ...” Ms. Macquarie acknowledged costs associated with trail work, insurance in particular. She advised that Muscle Powered is insured for every event. The trail work will require adequate insurance, and Ms. Macquarie gratefully accepted the offer of financial assistance from the committee. Vice Chairperson Jacquet thanked Ms. Macquarie and Mr. Potter for their attendance and participation. He suggested that Mr. Guzman agendize a future item for “action on issues like funding and ... progress on acquiring easements on private land.”

In response to a question, Mr. Guzman advised that Ms. Bollinger had mapped the trail, using GIS. He estimated that one-quarter of the trail is on Carson City land; the remainder is on “somebody else’s land.” In response to a further question, he advised of past experience that recreational use on private property “is not something that comes easily.” “By the time we go to a property owner, we have to be pretty ready to tell them that we intend to cover the insurance, the costs,” and maintenance. Mr. Guzman advised that a conceptual model will need to be presented to the Board of Supervisors for review and approval. He requested input of the committee members with regard to “a better way to approach this.” He will continue to talk with representatives of the Carson Valley Trails Association. He expressed appreciation for the assistance of Muscle Powered, and the hope “to move on this relatively fast.” Vice Chairperson Jacquet called for public comment; however, none was forthcoming.

4-C. STATUS REPORT AND DISCUSSION REGARDING THE SILVER SADDLE RANCH AND RIVER CORRIDOR PROPERTIES DESIGN CHARRETTE (7:29:41) - Mr. Guzman introduced this item, and reviewed the staff report and attachments. He displayed and reviewed several of the maps used as part of the charrette process. In response to a question, he advised that all the comments received indicated support for passive recreation, “including all interests from equestrian to motorized use at the very ... bottom of Prison Hill; very natural ... management, and managed mostly for the health of the River ...” He anticipates one of the principle recommendations will be if it “needs to be armored when you build it, maybe it doesn’t belong there.” In terms of Silver Saddle Ranch, comments indicated support for protection and management as an historic resource. He referred to comments from Mark Kimbrough, suggesting development of a parking lot just outside the Silver Saddle Ranch to require people to get out of their vehicles. “And as soon as you cross the bridge in between the corrals, we want you to be in the [19]30s ...” In terms of Prison Hill, he noted that the lands are presently designated for public use, a broad category that allows buildings “and all kinds of things.” Comments indicated support for managing Prison Hill as a natural area for trail heads and other, similar facilities.

Vice Chairperson Jacquet advised that the participants expressed general support for allowing motorized uses to continue where they are presently allowed at Prison Hill. General consensus was that the area should be better managed, with improved signage, trails, and education. Vice Chairperson Jacquet discussed the benefit of the charrette process to inform the congressional delegation as the federal lands

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bill is further developed. He commended the Friends of Silver Saddle Ranch, City representatives, and others involved in sponsoring the charrette process.

In response to a question, Mr. Guzman advised that equestrian interests were well represented during the charrette process. He anticipates a recommendation to separate uses whenever feasible and possible, "because it's a better experience for everybody." Vice Chairperson Jacquet noted the parcel of public land on which the water tank is located. "That's the piece ... currently identified for public purposes." Vice Chairperson Jacquet advised that the charrette participants generally concurred the parcel should be managed as open space with consideration for existing uses. The remainder of Prison Hill, "in the non-motorized area, the participants felt ought to be managed principally as open space with passive recreation ..., but done better."

Vice Chairperson Jacquet commended Open Space Program staff on their representation of the City in the charrette process. Member Scott also commended staff on the charrette process. Mr. Guzman advised of having been requested, by Senator Reid's staff, to prepare a memo regarding available resources for management of the subject lands. He will provide a copy to the committee.

4-D. STATUS REPORT AND DISCUSSION REGARDING THE FUELS REDUCTION WITH SHEEP PROJECT (7:46:54) - Ms. Bollinger introduced this item, and reviewed the staff report. In response to a question, she discussed the goal to reduce the cheat grass "over the long term." She advised that Southern Nevada Public Lands Management Act funding was awarded to purchase and install fencing for the project. She noted that the sheep eat perennial grasses and shrubs, as well as trampling shrubs, while they are eating the cheat grass. In response to a further question, she advised of having taken measurements of cheat grass and perennial grass, and of having photographically documented the shrubs. Vice Chairperson Jacquet thanked Ms. Bollinger for her report.

4-E. STATUS REPORT AND DISCUSSION REGARDING THE STATE OF NEVADA QUESTION #1 FUNDING AGREEMENT (7:53:55) - Mr. Guzman introduced this item, and reviewed the staff report. In response to a question, he anticipates no risk of losing the funding. In response to a further question, he advised that if the City doesn't appropriate the funds, Question #1 staff will be interested in re-allocating the funding to another county. He acknowledged that City staff is awaiting a response from Question #1 staff. Member Scott offered to intervene.

4-F. STATUS REPORT AND DISCUSSION WITH REGARD TO HOLDING A PUBLIC CELEBRATION IN RELATION TO THE CASEY TRUST DONATION AND THE RECENT CARSON RIVER CORRIDOR ACQUISITIONS, INCLUDING THE ANDERSEN RANCH, DESORMIER, AND MEXICAN DAM PROPERTIES (7:57:24) - Mr. Guzman introduced this item, and reviewed the staff report. He requested input of the committee members with regard to the celebration.

4-G. STATUS REPORT AND DISCUSSION REGARDING THE QUESTION #1 NOMINATIONS FOR THE PURCHASE OF THE SERPA PROPERTIES ALONG THE CARSON RIVER, THE NORTHERN 20 ACRES OF THE JOOST PROPERTY, AND AN ACCESS EASEMENT ON THE JOOST PROPERTY (8:02:44) - Mr. Guzman introduced this item, and reviewed the staff report. He and Ms. Bollinger reviewed and discussed each nomination.

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5. FUTURE AGENDA ITEMS (8:11:40) - Mr. Guzman reviewed the future agenda items.

5-A. DISCUSSION AND ACTION REGARDING A BIENNIAL CLEAN-UP AND PUBLIC ACTIVITY FOR PROPERTIES PURCHASED AND / OR MANAGED BY THE OPEN SPACE PROGRAM (7:58:37) - Mr. Guzman discussed this item.

5-B. UPDATE REGARDING THE STATE OF NEVADA PUBLIC LANDS COMMITTEE AND OHV LEGISLATION

6. ACTION ON ADJOURNMENT (8:12:13) - Member Scott moved to adjourn the meeting at 8:12 p.m. Member Riedl seconded the motion. Motion carried 5-0.

The Minutes of the June 16, 2008 Carson City Open Space Advisory Committee meeting are so approved this 18th day of August, 2008.

STEPHEN D. HARTMAN, Chair