

# **CARSON CITY OPEN SPACE ADVISORY COMMITTEE**

## **Minutes of the June 18, 2007 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 18, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Steve Hartman  
Vice Chairperson Dan Jacquet  
Michael Fischer  
Wayne Perock  
Howard Riedl  
Bruce Scott

**STAFF:** Roger Moellendorf, Parks and Recreation Department Director  
Juan Guzman, Open Space / Property Manager  
Joel Benton, Senior Deputy District Attorney

**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 A QUORUM (6:01:07)** - Chairperson Hartman called the meeting to order at 6:01 p.m. A quorum was present. Member Lincoln was absent. (6:01:48) Chairperson Hartman thanked the citizens present for their attendance.

**CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:01:30)** - None.

**1. ACTION ON APPROVAL OF MINUTES - April 16, 2007 (6:01:56)** - Member Riedl moved to approve the minutes. Member Fischer seconded the motion. Motion carried 6-0.

**2. MODIFICATIONS TO THE AGENDA (6:02:18; 6:57:11)** - At Member Scott's request, Vice Chairperson Jacquet modified the agenda to address item 3-E prior to item 3-C. (7:02:41) At Mr. Guzman's request, Chairperson Hartman modified the agenda to address item 3-D prior to item 3-C.

**3. AGENDA ITEMS:**

**3-A. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A "PURCHASE AND SALE AGREEMENT" WITH THE ANDERSEN TRUST CONTAINING AN OFFER TO USE OPEN SPACE FUNDS IN THE AMOUNT OF \$3.5 MILLION FOR THE PURCHASE OF THE ANDERSEN RANCH, CONSISTING OF 86 ACRES AND LOCATED AT CARSON RIVER ROAD, APN 10-071-25; and 3-B. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A "PURCHASE AND SALE AGREEMENT" WITH THE JARRARD TRUST, CONTAINING AN OFFER TO USE OPEN SPACE FUNDS IN THE AMOUNT OF \$4 MILLION FOR THE PURCHASE OF THE JARRARD RANCH, CONSISTING OF 395 ACRES AND LOCATED AT 4900 CARSON RIVER ROAD, APNs 10-071-26, -27, 10-021-46, -47, AND -58 (6:02:32)** - Chairperson Hartman referred to a January 11, 2007 letter, from Senior Deputy District Attorney Mary Margaret Madden, copies of which he distributed to the committee members and staff prior to the start of the meeting. He advised that, although there is no direct financial interest of

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Vidler Water Company, he would not participate in discussion or action on items 3-A, 3-B, and 3-E. He turned the gavel over to Vice Chairperson Jacquet.

Mr. Guzman introduced item 3-A and, with Vice Chairperson Jacquet's consent, also introduced item 3-B. He advised that Attorney Chris MacKenzie represents the Jarrard Trust. He noted that the Andersens and their attorney, Wayne Chimarusti, were in attendance. He introduced Principal Planner Lee Plemel, Public Works Operations Manager Ken Arnold, Deputy Public Works Operations Manager Curtis Horton, and Vidler Water Company Chief Operating Officer Dorothy Timian-Palmer. Mr. Guzman oriented the committee members to the subject properties, using a displayed map. He noted that the proposed acquisitions "fit really well" with the proposed federal lands bill, and provided background information with regard to the same. He advised that the proposed acquisitions also support the provisions of the Carson River Master Plan and Open Space Master Plan elements. He noted that the lands within the Jarrard property and some of the Andersen property are affected by primary flood zones. If the lands become part of the Open Space Program, they will be unavailable for development, thereby reducing additional population and infill in the flood zone. He advised that the Jarrard property is also affected by the flood way, which he described. He reviewed the values assigned to each property by the appraiser. He advised of the intention to manage the properties similar to management practices at the Silver Saddle Ranch. He described the properties' characteristics.

Mr. Guzman acknowledged there were no water rights involved in the two agenda items. "These are dry land acquisitions." He reviewed the provisions of the Purchase and Sale Agreement for the Andersen property, copies of which were distributed to the committee members and staff prior to the start of the meeting. In response to a question, Mr. Arnold discussed effluent availability for irrigating the subject properties in addition to various other City properties. Member Scott discussed the priority assigned to the proposed acquisitions pursuant to the Open Space Master Plan element. He expressed appreciation for the fact that there is "a plan in place to keep it green and to keep it watered." He expressed further appreciation for the intent to maintain the properties as working ranches. He noted the "tremendous asset" represented by the subject properties together with the nearby Silver Saddle Ranch. He expressed an interest in hearing the applicants' and the public's comments. Mr. Arnold responded to questions regarding the estimated cost to irrigate the subject properties, and the method by which effluent water would be delivered to the properties which are in close proximity to the River. Mr. Guzman provided additional information with regard to required setbacks between the subject properties and the River. He responded to questions regarding encroachment of flood waters onto the subject properties during the last flood event. In response to a further question, Ms. Timian-Palmer provided background information on her experience as the City's Public Works Director, and explained the method by which effluent will be prevented from running off into the River during a flood event. She assured the committee members that effluent irrigation of the subject properties will "come with an operations plan that has to be approved by the State of Nevada." A tail water pond will also be designed to accommodate a hundred-year event that could occur during the winter months. Member Scott provided an overview of RCI's work with the Minden-Gardnerville Sanitation District, which has land application of effluent over 5,000 to 6,000 acres of flood plain. Elevated storage ponds have been constructed in the flood plain and these were surrounded during the 1997 flood. Member Scott advised that irrigation within a flood plain "is not a problem; it's a management requirement."

At Member Scott's request, Mr. Guzman pointed out and described the characteristics of the Jarrard property using a displayed map. He advised of the City's request to purchase the 25 acres, and the property owners' response that there is an "interested party ahead of us." He expressed the belief that the pending

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offer is approximately \$825,000. If the City's offer is accepted without the 25 acres, that amount of money will be reduced from the offer and the City will pay on a per-acre basis for the amount of land purchased. Mr. Guzman pointed out and described the flood zone on the 25 acres. He responded to questions regarding infrastructure required for effluent irrigation, agreements associated with the Jarrard property, and water rights associated with the Andersen property.

(6:38:18) Attorney Wayne Chimarusti, representing Mickey and Cheryl Andersen, co-trustees of the Robert Andersen Trust, explained water rights associated with the Andersen property in response to a question. He explained the provisions of the Purchase and Sale Agreement pertinent to property management.

Vice Chairperson Jacquet summarized the discussion, as follows: That the City would purchase fee title to two pieces of property without acquisition of the water rights; that the City has indicated a commitment to continue irrigating the properties subject to the Purchase and Sale Agreement with the Andersens and, hopefully, with another agreement with the Jarrard Trust; that the properties will continue to be managed, as they have been, for agricultural / ranching purposes consistent with the goals of the Open Space Master Plan element. Vice Chairperson Jacquet commented on the uniqueness of the agreement in the "indefinite arrangement with a land use," but noted the public benefit of a steward, with water and experience in managing the land consistently with the goals of the Open Space Master Plan element. He further noted the provisions of the agreement calling for a "good faith effort by the City ... to provide water." He recommended sending a strong message to the Board of Supervisors to commit to provide water "from the City's side." Mr. Guzman acknowledged Vice Chairperson Jacquet's correct understanding of the proposed agreement.

Member Scott expressed the understanding that there is essentially no water appurtenant, at the present time on a long-term basis, to the Silver Saddle Ranch. The water is "there on a temporary basis with ... the idea that, long-term, we would have effluent." He noted that the subject agreement is not unprecedented which reinforces the need for the committee to be "very strong and assertive" in ensuring that effluent distribution and continuation of agricultural management is made clear and championed in the form of leadership and support.

Vice Chairperson Jacquet opened this item to public comment. (6:44:03) Jerry Vivant, a resident of Carson River Road with property adjacent to both the Jarrard and Andersen Ranches as well as the Silver Saddle Ranch, commented on the "complex, complicated" nature of the agenda items and expressed wholehearted support. He commented on the unique opportunity, and expressed the hope that "the City can make it work both for the current property owners and for the people of Carson City."

(6:45:09) Randy Spiker inquired as to what will happen to the water in the Mexican Ditch as part of the subject agenda items. Mr. Guzman advised that the City will "do our best to keep using the Mexican Ditch." The Utilities Division has been considering ways to replace the water used from the Mexican Ditch with effluent irrigation. (6:46:09) Ms. Timian-Palmer advised that, until "effluent is brought out there, Mexican Ditch will remain full because there's other users on the ditch." The City has always considered "putting effluent in the ditch." Mr. Spiker expressed support for the proposed acquisitions.

(6:47:08) Steve Brandon expressed support for the proposed acquisitions and for the use of effluent irrigation on the properties. He commended everyone involved in developing the proposals, and expressed support for Mickey Andersen continuing to manage the property.

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(6:49:30) Bob Shores, a 25-year resident of Carson City, expressed support for the proposed acquisitions and for the preservation of open space, in general.

(6:50:12) Vivian Spiker expressed appreciation to Mr. Guzman and everyone involved for all the hard work and effort involved in developing the proposals. She expressed support for the proposed acquisitions, and discussed her interest in bird watching since moving to her property which is near the subject properties. She expressed appreciation for the opportunities represented by open space preservation of the properties.

Vice Chairperson Jacquet called for additional public comment and, when none was forthcoming, entertained additional discussion from the committee. Member Scott expressed an interest in hearing from a Jarrard Trust representative. Mr. Guzman noted there was no representative present at the meeting. Member Scott surmised there was nothing to add, and noted that Jarrard Trust representatives had been involved in and supportive of the process.

Vice Chairperson Jacquet entertained a motion on item 3-A, noting the recommendations included in the agenda materials from the Carson River Advisory Committee. **Member Fischer moved to recommend to the Board of Supervisors approval of a Purchase and Sale Agreement with the Andersen Trust, containing an offer to use open space funds in the amount of \$3.5 million for the purchase of the Andersen Ranch, consisting of 86 acres and located at Carson River Road, APN 10-071-25. Member Perock seconded the motion.** Member Scott disclosed that he has been working with Carson City regarding water rights. Because the transaction does not involve water rights, as part of the purchase, he advised he would participate in the action. Vice Chairperson Jacquet requested Member Fischer to consider including a recommendation to the Board of Supervisors to commit to irrigating the property. **Member Fischer so amended his motion. Member Perock continued his second. Motion carried 5-0-1, Chairperson Hartman abstaining.**

Vice Chairperson Jacquet entertained a motion on item 3-B. **Member Perock moved to recommend to the Board of Supervisors approval of a Purchase and Sale Agreement with the Jarrard Trust, containing an official offer to use open space funds in the amount of \$4 million for the purchase of the Jarrard Ranch, consisting of 395 acres, located at 4900 Carson River Road, APN 10-071-26, -27, 10-021-46, -47, and -58. Member Fischer seconded the motion with the caveat that the City will make every effort to irrigate the property. Member Perock so amended his motion.** Member Scott expressed the hope that the City will be able to purchase the land on the east side of the River, as an integral part of the River corridor. Mr. Guzman acknowledged that the subject parcels were included as part of the motion. Vice Chairperson Jacquet called for a vote on the pending motion; **motion carried 5-0-1, Chairperson Hartman abstaining.**

**3-C. PRESENTATION OF THE FINDINGS RELATING TO A NATURAL RESOURCES CONSERVATION SERVICE GRANT TO STUDY AND REHABILITATE AREAS AFFECTED BY THE WATERFALL FIRE, PREPARED BY RESOURCE CONCEPTS, INC.** (7:02:32) - Vice Chairperson Jacquet returned the gavel to Chairperson Hartman. (7:25:52) Mr. Guzman introduced Lynn Zonge of Resource Concepts, Inc. and this agenda item. Ms. Zonge narrated a SlideShow presentation of the Post Fire Watershed Critical Needs Assessment, copies of which were included in the agenda materials. Recommendations included water and sediment attenuation using City property by creating such things as water-spreading berms; acquiring conservation easements and property purchases from willing sellers; improving drainage channel structure function; road and drainage design maintenance and monitoring for

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paved and unpaved culverts, ditches, etc.; improving water treatment plan protection; revising water system operation and maintenance strategy; revising the basin operation and maintenance plan; updating the current City flood response plan for field use; developing and enforcing conditions for new development in the wild land urban interface; monitoring for certain areas; removal of hazard trees; expanding structural slope stabilization measures to other accessible parts of the watershed; community-based revegetation projects; developing a long-term noxious weed inventory monitoring and eradication plan for the watershed; and developing a long-term integrated fuels management and grazing plan. Ms. Zonge advised that the recommended projects were prioritized by threat to life and public safety, infrastructure, property, and natural resources. In summary, she advised that the emergency measures conducted after the Waterfall Fire were “very good, but the watershed is unraveling.” She noted the importance of addressing interdisciplinary, comprehensive watershed health for long-term sediment and flood control. “An investment now will save millions in the future.”

In response to a question, she estimated the cost for the recommended projects, not including property acquisition or conservation easement, at \$17 million. She noted that the Open Space Program’s investment would be in the form of property acquisition and conservation easement. Member Scott noted the multiple benefits associated with the recommendations outlined in the presentation, including the storm drain utility. He noted the importance of separating sediment from water in that water is quite manageable “for the most part if the sediment isn’t brought with it.” He suggested that infiltration on the west side potentially benefits the water utility, and that the Open Space Advisory Committee may serve as a catalyst. At his request, Ms. Zonge discussed potential funding sources outside the City. She advised that the SlideShow presentation was provided to Senator John Ensign’s staff who were “very receptive.” City Manager Linda Ritter and Mayor Marv Teixeira carried the message to the congressional delegation in Washington, D.C., and returned advising that earmarking funding to assist the City with watershed issues was indicated as Senators Ensign and Reid’s top priority. Mr. Guzman advised that additional Natural Resources Conservation Service grant funding is being pursued. He reviewed the federal lands bill map pertinent to this item.

In response to a question, Ms. Zonge discussed the importance of the health of the upper watershed. In response to a further question, she advised that fire on the subject watershed would be the “absolutely worst thing.” She explained that the soils are very poorly consolidated, highly erosive, and hydrophobic. In response to a further question, she explained that granitic soils are naturally hydrophobic and fire exacerbated the problem. In response to a question regarding fire suppression resources, John McLain of Resource Concepts, Inc., expressed the opinion that the answer is in fuels and resource management to minimize catastrophe levels. He discussed interest in Carson City’s grazing program. He noted that, historically, fires were much smaller when grazing was a regular practice. He anticipates that fire suppression resources will be much less, and discussed the importance of “being smarter” in consideration of addressing risk. In response to a question regarding possible development of the open space between Mountain Street and Ormsby Boulevard, Mr. McLain expressed the opinion “that’s the worst thing that could happen. ... We’re playing with a very, very tight time frame for Carson City to take some very direct action to go out and to work out some easements with people the best they can. ... To me, almost every acre counts out there now. ... Those things that relate to catastrophic events out there, you have, in my opinion, a small window to try to negotiate some situations here that are going to be the salvation of the City. ... We could lose it all.” He discussed the fragile condition of the watershed, as depicted in the critical needs assessment presentation. “We can’t take many more events like that coming down into the City here without some way to attenuate the sediments to take that mass out of there because ... you’re not

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going to stop the land slides. They're going to continue regardless of how good the vegetation is we put down up there. It's the history of these watersheds and ... every one of them is a gun barrel coming into this City. You're going to need the land, what remains up there, everything that you can get, every type of agreement, easement you can get to attenuate and work with sediment so when we pass the water, the pipes will carry the flows and they're not loaded up with sediment."

Mr. Guzman advised that Mr. McLain's expertise in the areas of fire, range lands and vegetation management "has been invaluable." He discussed Mr. McLain's efforts in ensuring that the recommendations of the critical needs assessment have been presented to "everyone that needs to hear them" in order to result in action. He advised that Mr. McLain "has gone the extra mile in talking with NRCS" to ensure the associated cost estimates were presented. He thanked Mr. McLain for his efforts. Chairperson Hartman agreed, and described Mr. McLain as a "great resource" in the Waterfall Fire rehabilitation efforts. He described the seed mix on the west side of C Hill as "remarkable." He commended the critical needs assessment as very forward thinking in making up for the problems caused by fire in this area. He agreed with Mr. McLain that Carson City has a very small window to deal with cooperative property owners. "This is a huge issue, ... not only for the watershed and the utility ... but also for the residents. We need to move this to the next level ..." Chairperson Hartman commended Mr. McLain and Ms. Zonge on the presentation.

**3-D. ACTION TO AUTHORIZE THE OPEN SPACE MANAGER TO ENTER INTO NEGOTIATION WITH LORI AND DAN JENKINS REGARDING A CONSERVATION TRANSACTION FOR APN 007-092-12, CONSISTING OF 60.11 ACRES LOCATED EAST OF THE LAKEVIEW SUBDIVISION AND BUCKSKIN ROAD (7:02:58)** - Mr. Guzman introduced this item, and invited Dan and Lori Jenkins to the meeting table. Mr. Guzman oriented the committee members to the subject property, using a displayed map, and described its characteristics and open space values. At Member Perock's request, he explained the intent to pursue a conservation transaction.

(7:08:46) Dan Jenkins advised of having purchased the property approximately three years ago with the intent of developing it. He described the uniqueness of the property, its characteristics and open space values.

(7:10:48) Lori Jenkins advised that the property is zoned single-family one acre, and of an assignment of water rights, by the City, for the maximum number of lots. She suggested that if the Open Space Program purchased the property, the water rights could be reassigned.

Member Scott disclosed he is a member of the Nevada Children's Foundation Board. He advised that the Nevada Children's Foundation Board had not considered the subject proposal, but expressed the opinion they would unanimously support it. He expressed support for preserving the visual values of the property from development. He advised he would abstain from any action taken by the committee.

In response to a question, Mr. Jenkins advised of an ownership partner and acknowledged that he was representing the partner at this meeting. In response to a question, he advised of having met with staff of the Carson City Planning Division with regard to developing the property. After having discussed the matter with Mr. Guzman, the property owners have postponed the development plans. Mr. Guzman acknowledged the intent to have the property appraised. He advised that the Jenkins understand the extensive use of grant funding in the Open Space Program. He further advised that the U.S. Forest Service

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would not be interested in the property; Question #1 funding would be pursued instead. Mr. Guzman expressed the opinion that the property would “rank really well competing with other properties for grants.” He acknowledged that ISTEA grant funding was awarded for development of the V&T Trail south of the road behind the college and continuing to Ash Canyon. He advised that the Jenkins’ development plan includes the forest side. In response to a question, he estimated a six-month time table associated with appraisal of the property. Member Riedl pointed out the importance of the property as part of the City’s gateway in conjunction with the comprehensive master plan.

Chairperson Hartman entertained a motion. **Vice Chairperson Jacquet moved to authorize the Open Space Manager to enter into a negotiation with Lori and Dan Jenkins regarding a conservation transaction for APN 7-092-12, consisting of 60.11 acres, located east of the Lakeview subdivision and Buckskin Road. Member Riedl seconded the motion.** Member Scott suggested simultaneously requesting Mr. Guzman to move forward with a Question #1 grant request. Mr. Guzman advised he would agendaize an item for the next committee meeting. Chairperson Hartman called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 5-0-1, Member Scott abstaining.** Chairperson Hartman thanked the Jenkins for the opportunity. He recessed the meeting at 7:19 p.m. and reconvened at 7:25 p.m.

**3-E. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE NOMINATION OF THE FOLLOWING PROPERTIES FOR THE STATE OF NEVADA QUESTION #1 CONSERVATION AND RESOURCE PROTECTION GRANT UNDER THE CATEGORY OF WATER RIGHTS AND LAND ACQUISITION FOR THE PURPOSE OF OBTAINING FEE TITLE ACQUISITIONS: JARRARD RANCH, 395 ACRES; WILSON TRUST, APPROXIMATELY 109 ACRES; POTTER PROPERTY, APPROXIMATELY 22 ACRES; AND THE LONG PROPERTY, APPROXIMATELY 200 ACRES (6:57:45)** - Mr. Guzman introduced this item, and reviewed the staff report. In response to a question, he advised that the Andersen property was previously granted funding. City staff subsequently requested the Question #1 program administrators to increase the award, and Mr. Guzman anticipates it will not be necessary to reapply.

Vice Chairperson Jacquet called for public comment and, when none was forthcoming, entertained a motion. **Member Riedl moved to recommend to the Board of Supervisors the nomination of the following properties for the State of Nevada Question #1 Conservation and Resource Protection Grant under the category of water rights and land acquisition for the purpose of obtaining fee title acquisitions: Jarrard Ranch, 395 acres; Wilson Trust, approximately 109 acres; Potter Property, approximately 22 acres; and the Long Property, approximately 200 acres. Member Fischer seconded the motion. Motion carried 5-0-1, Chairperson Hartman abstaining.** Member Scott commented that the actions taken by the committee, for items 3-A, 3-B, and 3-E, are “what [he] envisions open space as being about.” He expressed appreciation for the opportunity to forward the recommendations to the Board of Supervisors.

**3-F. ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE NOMINATION OF THE FOLLOWING PROPERTIES FOR THE U.S. FOREST SERVICE LEGACY PROGRAM AND FOR THE PURPOSE OF PURSUING FEE TITLE ACQUISITIONS: STEIDLEY PROPERTY, 137 ACRES; AND LONG PROPERTY, 200 ACRES (8:10:25)** - Mr. Guzman introduced this item, and reviewed the staff report. Chairperson Hartman called for public comment and, when none was forthcoming, entertained a motion. **Vice Chairperson Jacquet moved to**

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recommend to the Board of Supervisors the nomination of the following properties for the U.S. Forest Service Legacy Program and for the purpose of pursuing fee title acquisitions: Steidley property, 137 acres; and the Long property, 200 acres. Member Fischer seconded the motion. Motion carried 6-0.

**4. NON-ACTION ITEMS:**

**STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF** (8:13:00) - Mr. Guzman provided an overview of the additional information included in the agenda materials. He encouraged the committee members to consider attending the Land Trust Alliance Rally 2007. He responded to questions regarding the schedule. (8:15:15) Mr. Guzman requested the committee members to contact him with questions regarding any of the information contained in the agenda materials. He referred to the Project Status Reports included in the agenda materials.

**MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION** (8:14:30) - Chairperson Hartman advised of having met with council for the Schulz family regarding the conservation easement. He anticipates that a revised draft conservation easement will be presented in the near future. He requested to be invited to the next public lands meeting. (8:15:35) Member Scott commended Ms. Bollinger on her work.

**5. FUTURE AGENDA ITEMS** - None.

**6. ACTION ON ADJOURNMENT** (8:15:43) - Member Fischer moved to adjourn the meeting at 8:15 p.m. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the June 18, 2007 Carson City Open Space Advisory Committee meeting are so approved this 20<sup>th</sup> day of August, 2007.

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STEPHEN D. HARTMAN, Chair