

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the October 19, 2009 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 19, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Member Teri Green-Preston
Member Tricia Lincoln
Member Howard Riedl
Member Bruce Scott

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space / Property Manager
Ann Bollinger, Natural Resources Specialist
Thoran Towler, 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 part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (6:00:00) - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Member Fischer was absent.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (6:00:12) - None.

1. ACTION ON APPROVAL OF MINUTES - September 28, 2009 (6:00:18) - Member Scott moved approval of the minutes. Member Riedl seconded the motion. Motion carried 6-0.

2. MODIFICATIONS TO THE AGENDA (6:00:35) - Chairperson Hartman modified the agenda to address items 3-D and 3-B prior to item 3-A.

3. AGENDA ITEMS:

3-A. DISCUSSION ONLY REGARDING THE CARSON CITY LONG RANGE WATER PLAN (6:39:59) - Mr. Guzman introduced and provided background information on this item. Public Works Department Director Andy Burnham introduced Black and Veatch Associate Vice President Ira Rackley, who narrated a PowerPoint presentation entitled *2010 Carson City Water Plan, Source to Tap*.

Vice Chairperson Jacquet advised of having attended a recent Carson River Advisory Committee meeting. In consideration of ecosystem management, he commented "there is an environmental demand for water and open space is at the heart of that." In consideration of water supply and demand, he suggested the City would be well advised to consider hydrology and geomorphology that would affect open space properties. He commended Public Works Department staff's consideration of the community's water supply, and requested them to consider "how this interrelates to flows in the River, how those flows in the River relate to our riparian health and aquatic life ..." Mr. Burnham advised that the City partners with the Carson

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Water Subconservancy District, which has “taken a big role in looking at River issues of late.” He agreed “everything’s interconnected ... and you have to worry about how it all works together before you make decisions to move forward with any one particular piece.” Additional discussion followed and, in response to a question, Mr. Burnham provided a status report on the Marlette-Hobart improvement project.

Chairperson Hartman discussed the committee’s interest in joint open space and public works projects, including storm water detention. Mr. Burnham noted the potential for future storage, as discussed in Mr. Rackley’s presentation, and acknowledged the possibility of a cooperative future project in the area of the ranches along the River. Chairperson Hartman noted the opportunity to accomplish open space program goals and to deal with the reality of storm water drainage, all to the community’s benefit. Chairperson Hartman thanked Mr. Rackley and Mr. Burnham for their attendance and presentation.

3-B. DISCUSSION ONLY REGARDING PUBLIC SAFETY CONCERNS ASSOCIATED WITH THE POTENTIAL ACQUISITION OF THE BENTLY AND SERPA PROPERTIES LOCATED WITHIN THE CARSON RIVER CANYON (6:03:34)

- Mr. Guzman introduced this item, and reviewed the agenda report in conjunction with a displayed topographic map. Sheriff Ken Furlong advised of “extensive conversations” with Fire Chief Stacey Giomi, who shares “identical concerns.” Sheriff Furlong advised that both the Sheriff’s Department and the Fire Department have “in the past, stepped up to every challenge out there at the River.” He discussed complications associated with progression of the V&T Railway reconstruction and acquisition of open space. He emphasized that “while the topic of conversation right now is along the road that does exist, our issues out there are not restricted to just that roadway.” He reviewed access issues in conjunction with the displayed topographic map, and emphasized that the “ability to get in here is not being removed, [it is] being hampered. And that complicates [Chief Giomi]’s desire and mine to say ‘yes’ all the time. We do not have the equipment that will be able to reach into those canyon areas and, thus, we may be forced into a more realistic approach of waiting for the event to come out of the canyon area.” Sheriff Furlong further discussed “extreme limitations” associated with communications capabilities. He commended the Open Space Program and the V&T Railway reconstruction project, but noted the corresponding impact to emergency services. He reviewed the results of a five-year study relevant to one of the Carson River canyon areas, indicating 40 calls per year “going into the canyon for whatever reason.” He advised that Fire and Sheriff’s volunteers do not patrol the Carson River canyon areas “because of that communications problem.” He discussed service agreements between the City and the U.S. Forest Service and the City and the BLM, which provide overtime compensation for Sheriff’s deputies to patrol the areas of Lake Tahoe and Brunswick Canyon.

Member Green-Preston expressed concern over the very steep areas of the canyon, and over the lack of GPS and communication capabilities. Sheriff Furlong suggested that the “realistic focus of the discussion is the ... canyon area” and the “probability” of a wildland fire in the area due to sparks from the train. He noted the situation is no different than in any other canyon. Discussion followed. At Vice Chairperson Jacquet’s request, Mr. Guzman pointed out, on the displayed topographic map, the access which will remain open. Sheriff Furlong indicated, on the map, the point Sheriff’s deputies will not go beyond, other than for search and rescue, due to the “very, very treacherous” road. Additional discussion ensued, and Vice Chairperson Jacquet acknowledged the various uses in the area. He expressed concern over the Sheriff’s Office or any law enforcement personnel being constrained in accessing the area “because it could become kind of a no-man’s land.” Sheriff Furlong reviewed the various uses of the canyons, and emphasized that response time is delayed due to restricted access, not necessarily prohibited.

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In response to a question, Sheriff Furlong expressed the belief that “the most dramatic of plans for access ... has been ... trolley-type or modifications to vehicles ...” He expressed the further belief that “there have been some protracted conversations about establishing communications on board the trains themselves so that something by some means can get relayed to us out of the canyon.” Mr. Guzman pointed out two permitted crossings on the displayed map, and advised of an alternative crossing proposed for the vicinity of the Chinese Museum “coming up from Deer Run Road.” Member Riedl inquired as to the possibility of a railroad bed which shares an emergency-access roadbed. He suggested that purchase of the Bently and Serpa properties will represent “ample opportunity” to construct repeater or cell phone relay stations. Mr. Guzman advised that a shared emergency access railroad bed was considered as part of the regional environmental impact study for the canyon. “It was not a preferred alternative because of the cost limitations and the slope,” which represent a “really formidable opponent in trying to develop both things next to each other with the necessary clearances.”

Sheriff Furlong emphasized his and Chief Giomi’s concern over not “creating an issue,” but discussed the importance of everyone understanding the associated complications. He suggested “in some cases, maybe this will end some of the problems of these ... calls.” He noted that most of the cars recovered in a recent Carson River cleanup “were discovered to be stolen.” Member Green-Preston noted that more and more people are using the aquatic trail, and reiterated concern with regard to emergency access and restricted communications. The committee members thanked Sheriff Furlong for his attendance and participation.

3-C. ACTION TO AUTHORIZE STAFF TO MEET WITH THE OWNERS AND REPRESENTATIVES OF THE WOODS RANCH REGARDING OPPORTUNITIES FOR A CONSERVATION EASEMENT FOR THE RANCH LOCATED AT U.S. HIGHWAY 50 WEST, ADJACENT TO HORSE CREEK RANCH (7:06:03) - Mr. Guzman introduced this item. Steve Walker, of Walker & Associates representing the Schulz family, introduced Charlie Gifford, who introduced other Schulz family members present in the audience. Mr. Walker provided background information on this item, and reviewed the agenda report. Mr. Guzman oriented the committee members and the citizens to the subject property using a displayed topographic map. Mr. Walker provided additional clarification of the subject property, and reviewed the August 18, 2009 memo included in the agenda materials.

In response to a question, Mr. Guzman described the appraisal process in consideration of the conservation easement opportunity. He advised that the Horse Creek Ranch conservation easement transaction cost “in very general terms somewhere around \$6,000 per acre, conservation easement dollars.” He anticipates the subject transaction cost will be similar. He expressed the belief that the transaction would be “relatively easy” with a funding source requiring a match “provided we agree on an easement that is satisfactory to the [Open Space Program] goals ...” In response to a question, Mr. Walker advised that the gross acreage is 131. He referred to the draft baseline condition report included in the agenda materials, and provided an overview of the same. He commended the Schulz family “for moving through with this ... basically because they love the place.”

Member Scott advised of a professional relationship, through RCI, with Bill Schulz and that he would not participate in action on this item. He expressed a preference for the entire meadow to be included in the conservation easement. Mr. Guzman acknowledged that Michael Fagen had reserved the right to generate energy on the Horse Creek Ranch property. In reference to Mr. Walker’s baseline condition report, Mr. Guzman noted a potential improvement for water storage that could “generate a little bit of energy.”

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Mr. Guzman advised of having recently attended the annual Land Trust Alliance rally, and discussed a session relative to conservation easements for scenic or agricultural use or energy production. In response to a previous question, he provided additional clarification of the reservation of rights to generate energy. At Member Lincoln's request, Mr. Walker pointed out, on the displayed map, and discussed the proposed location of the retreat compound. (7:24:30) Mr. Gifford advised that the Schulz family has no definite design for the retreat compound. He explained that the facility improvements are "to help with keeping the ranch a ranch." "Mostly what we're about is keeping the meadow as you see it and we've been at it for a long time. We're not going to change that and that's the whole point of what we're trying to do. ... If we're going to do this easement, we don't want to cut ourselves out of a little family retreat, but we're not talking about a lodge ... Those parameters are ... what some of the cousins might build in the next generation, but likely it's going to be something less. ... We want to define it so that everybody can make a judgment on this conservation easement. But mainly we're about keeping that meadow as it is, as we have for the last 100 years."

Chairperson Hartman entertained public comment and, when none was forthcoming, a motion. **Member Riedl moved to authorize staff to meet with the owners and representatives of the Woods Ranch regarding the opportunities for a conservation easement for the ranch located at U.S. Highway 50 West, adjacent to the Horse Creek Ranch. Vice Chairperson Jacquet seconded the motion. Motion carried 5-0-1, Member Scott abstaining.** Chairperson Hartman thanked Mr. Walker and the Schulz family members for their attendance and participation.

3-D. ACTION TO COMMEND TARIAN RICKETTS ON AN EAGLE SCOUT PROJECT CONSISTING OF TRAIL IMPROVEMENTS ON THE LOMPA WETLANDS PROPERTY, CONDUCTED ON SEPTEMBER 26, 2009 (6:00:51) - Ms. Bollinger introduced this item, and referred to the photographs included in the agenda materials. Tarian Ricketts reviewed the project details, associated costs, and donations provided by various citizens and community businesses, including Lowe's and The Home Depot.

Member Scott commended Mr. Ricketts on "a great job," and noted that such projects help the Open Space Program. Member Scott requested staff to draft appropriate thank you letters to the citizens and community businesses. Chairperson Hartman requested Mr. Ricketts to provide a list of the volunteers and donors, and expressed appreciation for his involvement. In response to a question, Mr. Ricketts advised of having experienced no problem with a concurrent event at the Harley-Davidson store. Member Riedl commended the bridge design and construction as very "well done."

Chairperson Hartman entertained a motion. **Member Scott moved to commend Tarian Ricketts for an Eagle Scout project consisting of trail and habitat improvements on the Lompa wetlands property, conducted on September 26, 2009, as a job well done. Member Riedl seconded the motion.** Chairperson Hartman entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-0.** Chairperson Hartman reiterated his appreciation to Mr. Ricketts.

3-E. ACTION TO COMMEND CAROLINE MONTIEL AND ERICA KNUTSON FOR THEIR AWARD-WINNING SCOUT PROJECT CONSISTING OF INTERPRETIVE SIGNS AND PAMPHLETS FOR THE MOFFAT OPEN SPACE PROPERTY (7:27:23) - Mr. Guzman introduced this item, and reviewed the agenda materials. He commended Ms. Montiel and Ms. Knutson for their commitment to the project, commended the project as "well done," and encouraged the committee members

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and the citizens to visit the site. Member Scott commended the project and expressed appreciation for “this kind of help.” He expressed the hope that “people will respect the effort that’s gone into it and take good care of it.” Member Lincoln expressed appreciation for the invitations to the award ceremony. Chairperson Hartman entertained a motion. **Member Scott moved to commend Caroline Montiel and Erica Knutson for their award-winning scout project consisting of interpretive signs and pamphlets for the Moffat Open Space property, with appropriate formal recognition through a letter from the Chairman or the City. Member Green-Preston seconded the motion. Motion carried 6-0.**

3-F. DISCUSSION ONLY REGARDING THE STATUS OF THE PROPOSAL TO CLOSE OLD CLEAR CREEK ROAD AND PUBLIC ACCESS (7:30:34) - Mr. Guzman introduced and provided background information on this item. Member Riedl discussed his involvement in meetings with representatives of the Carson Area Metropolitan Planning Organization, the Regional Transportation Commission, the Clear Creek, LLC, and Douglas County. He advised of having participated in a field trip “up Clear Creek and looked at all the ‘No Trespassing’ signs that have recently been put up.” He discussed efforts to understand the situation and the property rights associated with the gated golf course community, the new roadway, and the interchange. He explained the approach to reach a “clearer understanding, parcel by parcel, roadway by roadway, ... [of] the public access rights ...” He advised that the “majority of the parcels that encompass Clear Creek Road ... are in Carson City. They were recorded with public access; Clear Creek identified as public access. There has been some representation that those maps were recorded incorrectly. On the other hand, ... the maps that had private access for Clear Creek Road may have been recorded incorrectly too. We have to figure that out.” Member Riedl expressed concern that “the situation is making criminals out of a lot of honest people who like to hike ... from the Forest Service gate up Old Clear Creek Road in the public lands area.” He expressed the hope that access will be provided with the new interchange and the new roadway. The roadway is presently private; the interchange is public. Member Riedl advised that Old Clear Creek Road is one of four Comstock-era accesses into the Lake Tahoe Basin.

Member Scott expressed appreciation for Member Riedl’s interest and involvement in this matter. In response to a question, Member Riedl described the location of the U.S. Forest Service gate. In response to a further question, he expressed the understanding of the “perception is that it is private property; they have every right to gate it off. Despite the continual and substantial public use after the roadway was abandoned by NDOT, ... Carson City and Douglas County were passive in not making that a public road. They never did accept the roadway; however, they never did identify it as a public road.” Member Riedl discussed a 2007 effort to form a special assessment district to bring the road to accepted standards in order to maintain it as a public road, but the property owners determined they didn’t want to do that. He expressed the opinion “that addressed more the maintenance issue and never addressed the retirement of the public access issue.” Vice Chairperson Jacquet inquired as to the committee’s role in recommending to the Board of Supervisors whether or not to pursue negotiations with the private land owners or a legal action through the District Attorney. He expressed concern over citizens being able to utilize the road to access public land. Member Green-Preston suggested that Member Riedl review the original plat map, and expressed the understanding “that there has to be some public access ...” She provided background information on the State’s abandonment of the Clear Creek Conservation Camp. Chairperson Hartman suggested the fact that the public access exists is “a sufficient way to open the door.” He noted the many years’ worth of public monies invested to provide public access, and noted the public access in question is for pedestrians, equestrians, and bicyclists. “That access has not changed. The public monies that were spent on that for access have not changed. It was a maintenance issue; it wasn’t an access issue.”

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Chairperson Hartman encouraged Member Riedl to continue his involvement, and expressed the belief the issue is more appropriately under the purview of the Parks and Recreation Commission and the U.S. Forest Service. Member Riedl expressed respect for private property rights, and surprise over the fact that “this has happened here in a community that really appreciates its access to the wild lands and open spaces.” He cautioned the committee and the community, “It happened in Clear Creek. It can happen anywhere else in Carson City.” Mr. Guzman advised that the U.S. Forest Service recently completed purchase of the Stedley property to the west. He acknowledged public monies were used to acquire the property.

Mr. Moellendorf acknowledged the appropriateness of agendizing this matter for a Parks and Recreation Commission meeting. Vice Chairperson Jacquet recommended that Mr. Moellendorf invite Member Riedl to attend the meeting. Chairperson Hartman requested Mr. Guzman to reagendaize this item for committee action. Mr. Guzman provided background information on former Supervisor Staub’s efforts “in trying to find a permanent, equitable solution for everybody.” In response to a previous question, he discussed staff’s perception that the Board of Supervisors has no interest in engaging in a legal action. He advised that Transportation Manager Patrick Pittenger is working on a conciliatory solution. Chairperson Hartman suggested making the distinction between a road and a trail. Member Riedl acknowledged that “at the Forest Service gate it becomes what is identified, by the Forest Service, as a Forest Service development road or maintenance road.” He expressed the perception “that is the access point to the trail.” He expressed concern over being unable to access the trailhead “except from the top.” He advised of an interest by Muscle Powered representatives to be able to continue accessing Old Clear Creek Road from where the NDOT right-of-way ends, which location he described. He expressed personal concern over public access to the Forest Service gate or the Forest Service roadway. Mr. Guzman recalled that approval of the subdivision proposed by Mr. Serpa was conditioned upon the requirement for a trailhead. Member Riedl acknowledged the possibility of a trailhead, but emphasized “right now, it’s private property.” Chairperson Hartman and the other committee members thanked Member Riedl.

3-G. DISCUSSION ONLY REGARDING A TOUR WITH THE U.S. FOREST SERVICE AND OTHER PARTNERS FOR THE PURPOSE OF OBSERVING LANDS LOCATED AT THE WILDLAND URBAN INTERFACE AND DISCUSSING FIRE FUELS REDUCTION THROUGH THE USE OF SHEEP GRAZING (7:54:35) - Ms. Bollinger introduced this item, and reviewed the agenda materials. Chairperson Hartman entertained public comment and, when none was forthcoming, he and the committee members commended Ms. Bollinger’s presentation.

3-H. DISCUSSION AND POSSIBLE ACTION REGARDING THE STATUS OF THE QUESTION #18 PROGRAM, FUNDING, AND BUDGET ACCOUNTS (7:59:32) - Mr. Guzman introduced this item, and reviewed the agenda materials. Chairperson Hartman reviewed the agenda materials, pertinent to this item, to include in next month’s agenda packet. No formal action was taken.

3-I. DISCUSSION ONLY REGARDING THE STATUS OF THE CARSON CITY FEDERAL LANDS BILL (8:02:54) - Mr. Guzman introduced this item, and reviewed the agenda materials. Chairperson Hartman advised that First American Title Company or Sierra Land Title likely transacted the deal with Curtis Wright “which is how the Carson Water Company piece really came into being.” He noted that the title-related issues will be difficult to resolve, necessitating consultation with someone who has institutional knowledge. Vice Chairperson Jacquet noted the importance of resolving

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the title issues in consideration of the fact that none of the other aspects of the federal lands bill can be implemented until the Forest Service accepts title from Carson City. “And that’s the date that several other things get triggered like the transfer of Silver Saddle Ranch and the Carson River parcels.”

3-J. ACTION TO CONSIDER ALTERNATIVE DATES FOR THE OPEN SPACE ADVISORY COMMITTEE MEETING SCHEDULED FOR DECEMBER 21, 2009 (8:06:49) - Chairperson Hartman introduced this item, and Mr. Guzman reviewed the agenda report. Discussion took place with regard to an alternative meeting date, and consensus of the committee was to schedule the meeting for Monday, December 14th.

4. NON-ACTION ITEMS (8:08:32) - Mr. Guzman distributed to the committee members and staff a letter, dated September 18, 2009, from National Grazing Lands Conservation Initiative (“National GLCI”) Chair Bob Drake commending Ms. Bollinger’s work. Mr. Guzman expressed appreciation for the letter in consideration of the fact that the National GLCI does not conduct business with the City on a day-to-day basis. He commended Ms. Bollinger. Member Scott requested Mr. Guzman to forward a copy of the letter to the U.S. Forest Service. The committee members commended Ms. Bollinger.

4-A. STATUS REPORT ON THE SERPA TRANSACTION

4-B. STATUS REPORT ON THE JARRARD TRANSACTION

4-C. STATUS REPORT ON THE BENTLY TRANSACTION

5. FUTURE AGENDA ITEMS - Previously covered.

6. ACTION ON ADJOURNMENT (8:09:59) - Member Lincoln moved to adjourn the meeting at 8:09 p.m. Member Scott seconded the motion. Motion carried 6-0.

The Minutes of the October 19, 2009 meeting of the Carson City Open Space Advisory Committee are so approved this 14th day of December, 2009.

STEPHEN D. HARTMAN, Chair