

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the November 21, 2011 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, November 21, 2011 in the Community Center Bonanza Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Daniel Jacquet
Vice Chairperson Bruce Scott
Member Terri Green-Preston
Member Howard Riedl

STAFF: Roger Moellendorf, Parks and Recreation Department Director
Juan Guzman, Open Space Property Manager
Moreen Scully, Senior Deputy District Attorney
Kathleen King, Deputy Clerk / 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 A QUORUM (6:00:00) - Chairperson Jacquet called the meeting to order at 6:00 p.m. A quorum was present; Member Lincoln was absent.

CITIZEN COMMENTS (6:00:24) - Chairperson Jacquet entertained public comment; however, none was forthcoming.

1. ACTION ON APPROVAL OF MINUTES - September 26, 2011 and October 17, 2011 (6:00:48) - Vice Chairperson Scott moved approval of the September 26, 2011 meeting minutes. Member Riedl seconded the motion. Motion carried 4-0. Vice Chairperson Scott moved approval of the October 17, 2011 minutes. Member Riedl seconded the motion. Motion carried 4-0.

2. MODIFICATIONS TO THE AGENDA (6:01:59) - Chairperson Jacquet entertained modifications to the agenda; however, none were forthcoming.

3. MEETING ITEMS:

3-A. PRESENTATION AND DISCUSSION OF A RESOLUTION HONORING MR. STEPHEN D. HARTMAN FOR HIS SERVICE AND CONTRIBUTION TO THE QUALITY OF LIFE OPEN SPACE PROGRAM (6:02:09) - Chairperson Jacquet introduced and provided background information on this item. He declared former Chairperson Hartman "Mr. Open Space in this town," and read into the record the language of the Resolution, copies of which were included in the agenda materials. The committee members, City staff, and citizens present applauded. Chairperson Jacquet presented former Chairperson Hartman with a signed original Resolution, and expressed sincere appreciation for his leadership. Mr. Guzman presented Mr. Hartman with a framed photograph of Horse Creek Ranch, and expressed appreciation for his assistance in acquiring the property.

(6:08:26) Mr. Hartman commended the group effort which marks every Open Space Program acquisition. He discussed the challenges represented by the current economy, and the balance between the public and private sectors. He expressed sincere gratitude for the kind words in the Resolution, and commended the

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“really quality people with lots of areas of expertise” as represented by the committee members and City staff. The committee members, City staff, and citizens applauded.

Vice Chairperson Scott advised of having worked with Mr. Hartman over the years on a number of projects, and commended his extensive involvement in the community, his selflessness, and his dedication. He applauded Mr. Hartman on the outstanding method by which he’s “gone about putting things together, making things happen, making the contacts, helping move things along ...” He expressed appreciation for the opportunity to have worked with Mr. Hartman. Chairperson Jacquet encouraged Mr. Hartman’s continued participation.

3-B. PRESENTATION AND DISCUSSION ONLY ON AN EAGLE SCOUT PROGRAM TO REVEGETATE AND STABILIZE A RIVER BANK ON CITY PROPERTY UPSTREAM FROM THE DEER RUN ROAD BRIDGE (6:14:30) - Chairperson Jacquet introduced this item. Mr. Guzman introduced Mat Boggs, who narrated a SlideShow presentation of the proposed project, copies of which were included in the agenda materials.

Member Riedl commended Mr. Boggs’ research and, in response to a question, Mr. Boggs advised of having worked with Carson River Advisory Committee Member Dan Greytak. In response to a comment, Mr. Boggs advised that the trail appears to be often used by off-road vehicles to drive into the River. “After we revegetate and plant willows, we plan to put up a small fence and hang up signs to help keep people out. And every year, the City plans to spray the ... invasive pepper weeds to keep them from growing back.” Vice Chairperson Scott commended the project as ambitious, noting the subject area is “in need of some help.” He expressed appreciation for Mr. Boggs’ coordination with the Carson River Advisory Committee. In response to a question, Mr. Boggs advised that the seed and mulch will be donated by Comstock Seed in Gardnerville. Willows will be handcut from other places further down River. The hydrojet will be loaned by Dan Greytak.

Mr. Guzman acknowledged that the subject property is owned by Carson City. Chairperson Jacquet thanked Mr. Boggs, and entertained public comment. (6:19:52) In response to a question from NDEP Mercury Program Administrator Jeff Collins, Mr. Guzman provided additional clarification relative to the proposed project site. Mr. Collins suggested being mindful of the possibility of high mercury concentrations, and that the workers should take care to keep the sediment off of themselves as much as possible. “Try not to track it home. Try to leave that material there.” Mr. Boggs described additional care to be taken to avoid the spread of perennial pepperweed seeds.

Chairperson Jacquet thanked Mr. Boggs and expressed an interest in a progress report. Mr. Guzman advised that Mr. Boggs’ proposed project represents advancement of the management of Open Space Program lands. “So out of our stewardship and management accounts, we can support him.” Mr. Guzman commended the donations secured by Mr. Boggs. Vice Chairperson Scott commended the signage portion of the project, and requested Mr. Boggs to coordinate with Mr. Guzman relative to any assistance from the Open Space Program.

3-C. PRESENTATION AND DISCUSSION ONLY ON A PRELIMINARY DESIGN REPORT FOR THE NON-MOTORIZED USER BRIDGE CROSSING AT VALLEY VIEW DRIVE (6:22:26) - Chairperson Jacquet introduced this item, and Senior Transportation Planner Dan Doenges reviewed the agenda materials. Lumos & Associates Engineering Manager Mike Bennett presented the

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Preliminary Design Report, included in the agenda materials as Exhibit B, and displayed in the meeting room.

Vice Chairperson Scott inquired as to the theory behind the possibility of having to reopen the environmental impact statement. "... that's not exactly a new document and the freeway is obviously partially constructed, but in this vicinity not completely constructed." Mr. Bennett advised of having been informed that the funding is allocated from a federal source which triggers an environmental analysis "that we would have to reopen because this bridge is not technically in that document; even though the whole corridor has been disturbed and it's matching the corridor." Vice Chairperson Scott referenced one of the earlier arguments that the "EIS didn't appropriately consider equestrian residences and people's uses." He inquired as to the possibility that reopening the document may provide for re-evaluating whether NDOT should be "including some of this in their funding because of inadequacies in the original document as it relates to the need being expressed here." Mr. Bennett advised of many discussions with NDOT representatives "and there was no indication that they lean that way. It was more toward, this would be consistent with EIS and, therefore, it wouldn't be a real big deal." Mr. Doenges explained that a Federal Highways Administration representative had characterized the bridge as a categorical exclusion "meaning that they wouldn't have to really delve back into it." Member Riedl noted the importance of the environmental clearance relative to some of the funding sources. "That would open up a lot ... more doors for potential funding if we did have that from FHWA ... in writing."

In response to a question, Mr. Bennett advised that maintenance costs were not considered. "We just looked at construction ... in today's dollars." In response to a further question, he offered to research maintenance costs on similar bridges. In consideration of Koontz Lane and Clearview Drive "today and you look at that fence coming over and you think about an equestrian trying to get across one of those two bridges. It puts them well into the travel lane and ... the value and the need of this separate bridge ... really ... drives it home." Mr. Bennett advised that the users had expressed the same concerns.

Chairperson Jacquet thanked Mr. Doenges and Mr. Bennett for their presentation, and entertained public comments. (6:43:58) Former Carson City Equestrian Alliance Chair Mike Torvinen inquired as to the status of the freeway construction in the area of the proposed bridge. Mr. Doenges advised that NDOT representatives have advised of the possibility of breaking up Phase 2B of the freeway into four subphases. "... the interchange would be the last part of that." Mr. Doenges further advised of a lack of clarity from NDOT representatives which he attributed to "the unknown funding situation at the federal level." Mr. Torvinen expressed appreciation for the committee and staff's continued pursuit of the bridge. Chairperson Jacquet commented on the preliminary cost estimate of \$2.7 million, and discussed the importance of "rethink[ing] our future on this thing." He commended the preliminary design and expressed appreciation for the preliminary cost estimate.

Vice Chairperson Scott suggested the committee's role "as trying to put it into a position where we've established a seed and enough background and enough interest and enough continuing support to be able to move forward with other kinds of funding. ... I've never thought of it as a ... City-funded project. We might have to maintain it but, as a practical matter, ... it's got a lot of potential and a lot of need. ... It's going to be helpful to have enough information to be able to move forward knowledgeably."

In response to a question, Mr. Bennett expressed a willingness to provide a synopsis of the PowerPoint report, including other funding alternatives. Mr. Doenges advised that Mr. Bennett will provide a similar

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presentation to the Parks and Recreation and the Regional Transportation Commissions. City staff will then draft a formal request to NDOT for the few accommodations referenced by Mr. Bennett in his presentation.

(6:50:09) Mike Torvinen advised of having previously met with one of the Congressional delegations and “one of the comments we got from them was there didn’t appear to be any support from the City fathers or the Board of Supervisors.” He expressed the hope that the highway funding will come through. He advised of “lots of resistance at NDOT also in the past,” and expressed the understanding that “that project manager is retired.” He expressed appreciation that they’re “at least talking ...” He noted the importance of support for the project from the Board of Supervisors and their advisory boards, commissions, and committees.

(6:51:42) Trudy Arkell concurred with Mr. Torvinen’s comments relative to the difficulties associated with presenting the project to NDOT. “... there were several people involved that just kept keeping our vision in front of everyone.” Ms. Arkell thanked everyone, “including Lumos and the other people who realized that this community has really turned around and has become a wonderful community to offer new residents moving in a lot of recreational choices. And that southeast area has always been a high equestrian area and, through a lot of meetings and everything else, we have been able to stave off it being subdivided into a more dense community.” Ms. Arkell thanked the Parks and Recreation Commission, the Open Space Advisory Committee “and the other people that have really stepped up to help provide this community with this kind of access for open space.” Chairperson Jacquet thanked Ms. Arkell and noted the committee’s shared interest that open spaces remain available to the community. He provided background information on the project, and expressed support for “taking the next steps.”

3-D. POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS THE PURCHASE OF THE BENTLY PROPERTY, LOCATED IN THE CARSON RIVER CANYON, IN PARTNERSHIP WITH THE VIRGINIA & TRUCKEE RAILWAY RECONSTRUCTION COMMISSION, APNs 010-011-24 and 010-011-25 (6:54:17) - Chairperson Jacquet introduced this item, and Mr. Guzman reviewed the agenda materials. At Mr. Guzman’s request, Gnomon, Inc. Cultural Resources Project Manager Michael Drews narrated a SlideShow presentation of the Bently property cultural resources inventory. He responded to questions of clarification and discussion took place at various points throughout the presentation.

In response to a question, Mr. Drews advised that the area has been evaluated for National Register of Historic Places eligibility. “Essentially, the mill sites are eligible ... for their relationship with the Comstock and the development of that. William Stewart and William Sharon were partners in the mills so there is some eligibility under criterion B, which is important people. The rock walls are eligible under [criterion] C and there’s sections of that where there may be some archaeology ... Since we don’t know how this is going to be managed, we can’t do a determination of effect ...” Mr. Drews suggested transferring the responsibility to the Carson City Historic Resources Commission which has authority, by ordinance, over any National Register eligible or listed property. The HRC would then review anything the Parks and Recreation Department may propose relative to development as passive recreation “and make sure we don’t affect the cultural resources.”

(7:28:12) BLM Sierra Front Field Office Archaeologist James Carter advised that a programmatic agreement is in the process of being prepared for transfer of the Silver Saddle Ranch recreation and public purpose lease. He provided clarification relative to the Southern Nevada Public Lands Management Act

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Program funding. “There is some development in the future to be able to obtain those SNPLMA funds for the City. Therefore, there is some segmentation ... in the future of development by the City involving federal funds. Therefore, it is fairly similar to the Silver Saddle R&PP lands involved in the actual land transfer of federal lands to have this transferred ... to City land with a federal nexus. And so it really is a similar case to where the same programmatic agreement could cover any future ... development, improvements, other things done by Carson City. And so, some of the language that still needs to be produced between BLM and the State Historic Preservation Office is in the works.” Mr. Carter anticipates that “this should be rolled into that to make one document instead of a separate programmatic agreement for the Bently property. This would be a couple ‘whereas’ clauses ... as opposed to any substantive change in what the City would do going down the road.” Mr. Drews advised of the preference of State Historic Preservation Office representatives “to see it bundled into one.” Mr. Carter acknowledged the parties to the agreement would be the BLM, the SHPO, and the City.

Mr. Guzman acknowledged an impact on the purchase transaction. “It’s one of the items that needs to be clarified prior to closing escrow or at least by closure of escrow. So far, Southern Nevada [Public Lands Management Act Program representatives] have indicated they are satisfied, pending Jim’s final review, with [Mr. Drews’] cultural resources study. ... all that work ... will have to finish in order to get the final clearance from [the] Southern Nevada [Public Lands Management Act Program]. Mr. Guzman further acknowledged that the lands will be managed according to the provisions of the Open Space Ordinance. In response to a comment, he suggested that “most of the improvements can be described as ... closing some of the ... numerous existing social trails and trying to figure out which are the ones that we will keep open.” Discussion followed with regard to access and management. Mr. Drews acknowledged there was nothing in the cultural resources inventory to completely prohibit motorized access into the canyon.

Member Green-Preston expressed a preference for a first right of refusal provision to be included in the Purchase and Sale Agreement “in the event that any part of V&T does a default.” She explained the intent to “control ... where that would revert to and that it would revert back to Carson City as the first priority of the first partner on that so then that way we do have the control and it doesn’t go out to a private entity when all this work has already been done.” Discussion followed.

(7:39:40) NDEP Mercury Program Administrator Jeff Collins provided historic information on the Superfund site. Following a brief discussion, Chairperson Jacquet advised that the work done by Resource Concepts, Inc., which was reviewed by the Nevada Division of Environmental Protection, has satisfied the BLM and the Southern Nevada Public Lands Management Act Program.

In response to a question, Mr. Guzman explained the issue of access relative to the appraisal. “Part of the Parks, Trails, and Natural Areas purpose is to provide for recreation and they want people to enjoy the property. ... because the V&T is going to close ... the main access, most of the access is going to take place through trails ... to the River. So, the Southern Nevada [Public Lands Management Act Program] is considering ... do you have ... the potential to provide enough recreation that it still meets the goal of the program. ... now we are to the point where we are dotting all the i’s and marking all the t’s and these questions, in relation to the appraisal and to the value of the property, are coming up.” Member Green-Preston discussed concerns over completely eliminating access to the canyon. Mr. Collins assured the committee that NDEP has done everything possible to maintain access. “Just because it’s a Superfund site shouldn’t be a deterrent to recreation access ...” Discussion followed, and Mr. Moellendorf acknowledged the intent to maintain motorized access “into where we can. But we have to understand that just because

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of the nature of the development of the V&T, it's not going to be the same access" that people enjoyed in years past. "We're still looking for opportunities where we can provide some motorized transportation into some areas. It may not be continuous through the canyon, ..." Additional discussion followed.

Vice Chairperson Scott thanked Mr. Collins for his attendance and presentation at this meeting, as well as his "quick turnaround in helping us with the paperwork side of what we need to try to get through SNPLMA." Mr. Guzman emphasized "there is no written book on this. We went to Jeff and we said, 'This is our problem. What do we do?' And Jeff wasn't able to open a recipe and say, 'This is what you're going to do.' So we had to negotiate. We had to talk and he ... and his staff were very aware of trying to keep our feet to the fire. You need to do enough for us to demonstrate that this is the use. And that's what Southern Nevada wanted too." Mr. Guzman thanked Mr. Collins.

Vice Chairperson Scott suggested the possibility of a sufficient amount of gold to pay for an overpass. He recalled a proposal, years ago, "to rework the bottom of the Carson River. And that became the basis upon which the Supreme Court in Nevada determined that it was a navigable stream and, therefore, the State owned the bed of the River." Member Riedl discussed the importance of a management plan. Chairperson Jacquet advised of nothing in the Open Space Ordinance which states "if we buy this property, there won't be motorized access. That's just not true. We do accommodate motorized access, but we're going to manage this property in accordance with our Open Space Ordinance. And, therefore, the predominant style of use is going to be for passive recreation." Chairperson Jacquet expressed the opinion that this message has been conveyed by the committee for the last three to four years. "One of the predominant values is open space and open space is stepping forward to acquire this with the Question #18 funds and we are going to work to get you there, but when you get there, the focus is going to be on those uses that are outlined in our ordinance. ... It is somewhat more limited than saying, 'This is owned by the City and is subject to ... unlimited uses ... that other departments might have or even parts of the Parks and Recreation Department.' ... the public has been brought into the picture certainly through the federal process and through numerous meetings we've had on this that this is kind of the vision. We're linking these properties down the River canyon that have motorized access; that also we acknowledge are going to have an easement or a right-of-way for an historic railroad. These are givens that we went forward under this project. ... we're going to work to manage access and manage the situations ... where public safety is a concern. ... this is what we're really recommending to the Board. If it's something different. ... if what we want is more ... unlimited OHV use, this may not be an open space project. ... if what we're after is more of a play area for motorized vehicles, that's not what we're doing here. So as long as everybody understands that. ... Juan and Roger are not going to have the latitude to extend beyond that ordinance" unless the Board amends it.

Mr. Carter advised that he will continue work on a programmatic agreement that will now incorporate the Bently property, incorporating the same direction as the Silver Saddle Ranch and the other lands in the federal land conveyance. "What that does is ... allows for some flexibility because, as things go forward, whatever they may be, they'll fall under this. But, at the same time, ... it will bring the historic resources into a need for management by the City once they ... are part of the programmatic agreement. But ... there needs to be some agreement in place for the federal government to be going forward." Chairperson Jacquet acknowledged the consistency of the statements with the Open Space Program vision.

Chairperson Jacquet entertained public comment. (8:03:29) Maurice White expressed concern for the need "to maintain motorized travel within these areas." He advised of having been born and raised in Carson

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City “and it is as much my culture, accessing these properties, as ... the concerns to maintain what is there.” Mr. White suggested that the “culture of use, beyond the mining and the V&T is more historic because that use, the V&T and the mining, is a minute amount of time compared to the amount of people and the time that people have used these properties.” Mr. White expressed understanding for the need to protect “some of the very significant portions.” He requested the committee to consider a way to replace “whatever roads are disturbed and taken away.” Chairperson Jacquet thanked Mr. White for his comments, and assured him that the committee members and the Parks and Recreation Department staff recognize the historic use by motorized vehicles. He reiterated that motorized vehicle access will be accommodated within the limits of the Open Space Ordinance. “It’s going to be a more deliberate process of figuring out where to put the motorized access that makes the most sense for the overall management.” Chairperson Jacquet advised of envisioning “a big huge process down the road in terms of a management plan for that River canyon. ... we’ve got a lot of outstanding needs for management plans and that’s going to be a big one.” He assured Mr. White that his “interests can come to bear when we get down to the nitty gritty of determining where and when and how motorized access is provided for.”

Mr. Guzman advised Mr. White of two specific properties, with motorized vehicle access, which are managed by the Open Space Program. “... one is Kings Canyon Road up at the Horse Creek Ranch and the other one is Ash Canyon. We are the group that pays for the grading of Ash Canyon because it’s the only access to our properties way at the top.” Mr. White expressed concern over the “nature of the V&T, the way it will, essentially, cut large sections of property off.” Chairperson Jacquet discussed the “willing seller” principle as fundamental to Open Space property acquisitions. “... in this case, our seller has said that they’re only interested in conveying that land to the City for open space if the V&T has a right-of-way through that property. So, as a program, we don’t have the discretion to say, ‘Well, we’ll only buy it if there’s no V&T.’ It’s being offered to us with the V&T so we have to decide, as a community, do we still want it. ... we recognize that that V&T is going to limit our access; it’s going to bifurcate the private property through that canyon and it’s going to complicate things ... It’s not going to make life easy down there for the average user; but is that so overwhelming that it would prevent Open Space from acquiring the remainder of the land?” Chairperson Jacquet advised that the committee has determined that “that canyon, the scenery, the River access, the potential portages and whatnot with the aquatic trail, and all the other things make it worthwhile, even though ... we’re going to have a railroad right down the middle of it.” Chairperson Jacquet noted the argument that “the railroad is an enhancement. ... it is that public access into your open space. For the people that ride the railroad, they’re using our open space by looking at it and maybe stopping the train and getting out. It’s just another way of accessing it. But for us, tonight, ... looking at our item, ... what we’re handed is, ‘If you want this property, you’re going to have a railroad through it.’”

(8:09:43) Mr. White clarified his comments were not intended to convey “not acquiring the property and not putting the V&T there. ... as the V&T goes through there, find a way to provide access across the tracks to the places we have traditionally been to.”

Chairperson Jacquet entertained a motion. **Member Riedl moved to recommend to the Board of Supervisors the purchase of the Bently property located in the Carson River Canyon, in partnership with the Virginia and Truckee Reconstruction Commission, APNs 10-011-24 and 10-011-25. Vice Chairperson Scott seconded the motion,** with a reminder that the purchase includes the south side of the River. Chairperson Jacquet called for a vote on the pending motion. **Motion carried 4-0.** Chairperson Jacquet thanked the citizens for their attendance and participation.

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4. NON-ACTION ITEMS

4-A. DISCUSSION ONLY REGARDING THE OPEN SPACE PROGRAM BUDGET ACCOUNTS (8:11:45) - Chairperson Jacquet introduced this item, and Mr. Guzman reviewed the agenda materials. He advised of having been informed that the funds in the fire suppression account roll over from year to year rather than being accumulated. Chairperson Jacquet entertained public comments; however, none were forthcoming.

4-B. STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF (8:15:44) - Mr. Guzman discussed his attendance at the EcoNet Golden Pine Cone Awards Ceremony, where he accepted an award on behalf of the City for work on the federal lands bill. Vice Chairperson Scott thanked Open Space Program staff for representing the committee. Chairperson Jacquet commended Mr. Guzman on his acceptance speech, and on his management of the Open Space Program. Mr. Guzman commended Planning Division Director Lee Plemel on his involvement.

4-C. MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION (8:19:40) - In response to a question, Mr. Guzman advised that interviews for committee membership would be agendized for the December 1st Board of Supervisors meeting. He acknowledged that an Open Space properties tour would be scheduled in the spring.

5. FUTURE AGENDA ITEMS (8:20:41) - Mr. Guzman reviewed the tentative agenda for the next committee meeting. He anticipates the next meeting will take place on February 27, 2012. He wished everyone happy holidays.

6. CITIZEN COMMENTS (8:21:56) - None.

7. ACTION ON ADJOURNMENT (8:22:02) - Member Riedl moved to adjourn the meeting at 8:22 p.m. Vice Chairperson Scott seconded the motion. Motion carried 4-0.

The Minutes of the November 21, 2011 Carson City Open Space Advisory Committee meeting are so approved this 27th day of February, 2012.

BRUCE SCOTT, Vice Chair