

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the February 24, 2003 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, February 24, 2003 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Laura Bird
Howard Riedl
Margaret Robinson
Bruce Scott

STAFF: Steve Kastens, Parks and Recreation Director
Juan Guzman, Open Space Manager
Vern Krahn, Parks Planner
Kathleen King, Recording Secretary

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

A. CALL TO ORDER AND DETERMINATION OF A QUORUM (1-0017) - Chairperson Hartman called the meeting to order at 6:00 p.m. A quorum was present. Chairperson Hartman welcomed Member Riedl and noted that Member Fischer was absent.

B. APPROVAL OF MINUTES - January 27, 2003 (1-0026) - Vice Chairperson Jacquet moved to approve the minutes. Member Scott seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENT (1-0032) - None.

D. MODIFICATION OF AGENDA (1-0035) - None.

E. DISCLOSURES (1-0036) - None.

F. PUBLIC MEETING:

F-1. PRESENTATION OF ELMER H. ANDERSON PARKS EXCELLENCE AWARD TO THE OPEN SPACE ADVISORY COMMITTEE AND MAX HERSHENOW AND DARRIN BERGER OF HERSHENOW & KLIPPENSTEIN FOR THEIR EXCELLENT PLANNING AND DESIGN WORK ON THE MOFFAT OPEN SPACE PROPERTY (1-0038) - Mr. Guzman reviewed the staff report and provided background information on design of the shade structure. He expressed appreciation to Mr. Hershenow, Mr. Berger, and Mr. Krahn for their participation in the design process. He circulated the award plaque among the Committee members, and Chairperson Hartman presented a recognition plaque to Mr. Hershenow and Mr. Berger.

(1-0086) Mr. Hershenow thanked the Committee and commented that the project reflects the input of many people. He expressed appreciation for the assistance of the Committee and Parks Department staff. Chairperson Hartman expressed appreciation for the creativity of the architects in developing the design.

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Member Scott commented that the architects captured simplicity in the classic lines of the shade structure, and expressed appreciation for the time invested in the design. Mr. Hershenow thanked Mr. Berger for his involvement in the design and for following the project through the construction stage to completion. He noted that Mr. Berger is a Carson City native, and Chairperson Hartman thanked Mr. Berger for his efforts. Member Scott offered the Committee as a future reference for Hershenow & Klippenstein.

F-2. PRESENTATION AND ACTION REGARDING THE FUTURE ROLE OF THE NEVADA DIVISION OF STATE LANDS IN THE ADMINISTRATION OF FUNDS PROVIDED BY STATEWIDE BALLOT QUESTION #1, A STATEWIDE PARKS, TRAILS, AND OPEN SPACE INITIATIVE (1-0135) - Mr. Guzman introduced Pam Wilcox, Director of the Nevada Division of State Lands, who distributed a three-page summary to the Committee members and staff of Question 1 allocations, the subsection 7 Grant Program, and the rule making time line. She discussed passage of Question 1 in the Legislature (AB615 and AB9) and in the November 2002 general election. She reviewed the Question 1 funding allocations, as outlined in the summary. In response to a question regarding the \$10 million allocation to Washoe County for restoration of the Truckee River Corridor, Ms. Wilcox advised that the funding can be used for acquisition or development of land or water rights along the Truckee River, provision of recreational facilities along the River, provision of parking for and access to and along the River, or restoration projects in the River corridor.

Ms. Wilcox reviewed the subsection 7 grant program allocations, as outlined in the spreadsheet. In response to a question regarding the Section 7(a)(5) \$20 million allocation to counties and municipalities, Ms. Wilcox advised that because the money is grant funding from a bond, it has to be expended in a fairly short period of time. The funding would be appropriately used for capital improvements, "one-shot" type projects; however, it could not be allocated to an endowment fund for operations and maintenance. With regard to the allocations requiring a match, Ms. Wilcox advised that in-kind matches of equipment, agency staff time, etc. will qualify. She has encourage partnerships with non-profit corporations, federal agencies, etc. in order to use their contributions as a match. In response to a further question, Ms. Wilcox clarified that the Subsection 7(a)(6) \$10 million allocation can be used for acquisition of land and interests in land. She reviewed the purpose of the allocation, including acquisition of land and water rights along the Carson River, provision of recreational facilities along the River, provision of parking for and access to and along the River, or to restore the Carson River Corridor.

Ms. Wilcox reviewed the rule making time table, and advised that the deadline for comments on the regulations was February 14th. She encouraged the Committee members to submit comments, if any, as her agency is still accepting them while the regulations are being drafted. She discussed the bond sale schedule, and advised that State law requires bond money approved by the voters to be sold within six years. Division of State Lands staff is considering a gradual schedule of bond sales, and Ms. Wilcox advised that the first will take place in June 2003 with two sales in each of the five fiscal years following. The State Treasurer has been advised of the preference to sell \$6 million during each bond sale. Ms. Wilcox explained that this will provide agencies which are "just getting started" time to catch up. She hopes that the first grants will be available in the autumn of 2003. She advised that the time table is contingent on the ability of the existing staff at the Division of State Lands to execute it. Once bonds are sold, additional staff can be added to offset the workload.

Ms. Wilcox responded to questions regarding allocation of the Subsection 1-6 funding and the mechanics of allocation to be outlined in the regulations. Member Scott suggested considering the commitment to

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operations and maintenance, and discussion took place with regard to including an agreement for operations and maintenance in the regulations. Chairperson Hartman pointed out that there are many communities in rural Nevada which are not interested in additional open space. Ms. Wilcox discussed the importance placed on conservation easements by rural Nevada communities. In response to a question, Ms. Wilcox advised that habitat conservation is not defined by the Act. Comments received have indicated no interest in a "Fish and Wildlife Service variety conservation plan." Ms. Wilcox clarified that although it may include such a plan, it may also include broader concepts such as restoration of habitat along a riparian area. Chairperson Hartman discussed the importance to sportsmen of access into federal lands, many of which have been blocked by certain ranch acquisitions over the years.

In response to a further question, Ms. Wilcox advised that although the term "public access" is not specifically mentioned, the Act refers to open space plans adopted by local governments and recreational trails which connote public access. Vice Chairperson Jacquet suggested that projects on the Truckee and Carson Rivers should emphasize areas accessible by the public. Ms. Wilcox discussed both sides of the issue, and expressed the opinion that each conservation easement and public acquisition has to be negotiated individually. Member Scott discussed problems associated with appraisal of open space. He suggested developing a joint continuing education program, following the Committee's upcoming conference, to differentiate open space values from the traditional highest and best use considerations. Ms. Wilcox responded to questions regarding the projects in this area on the Nevada Division of State Parks list. She offered to e-mail the list to Member Scott.

Vice Chairperson Jacquet inquired as to limitations on purchasing land and land interest according to fair market value established by appraisal or whether the price can be negotiated within a percentage of the appraised value. Ms. Wilcox advised that the grant funding received by local governments is subject to the laws of the local government. State law requires appraisal and acquisition either by negotiation or through the State's power of eminent domain. The State is very cautious to provide justification for any price above ten percent of the appraised value.

Mr. Guzman discussed the importance of including as many view points as possible in committees which are advisory to State Lands. Member Scott referred to the portion of funding allocated to the Carson River and discussed the importance of considering the big picture in order that funding is used in a way that will mean something for the River system, its residents and visitors. He suggested the Committee could bring objectivity and technical input to the project selection process. He emphasized the need to ensure the entire \$200 million is used as an investment in the future. Mr. Kastens discussed staff's interest in jointly developing priorities between the Carson River Advisory Committee, the Open Space Advisory Committee, and the Parks and Recreation Commission. Chairperson Hartman suggested scheduling a joint meeting between the three committees once the regulations are developed.

Member Bird commented on the importance of including neighboring counties in watershed projects, and displayed a map of Washoe, Storey, Lyon, and Douglas Counties and Carson City. She suggested that limiting the involvement to only three counties will exclude a large portion of the Carson and Truckee Rivers in Lyon and Storey Counties. She suggested developing a comprehensive plan for the entire Truckee and Carson River watersheds. Chairperson Hartman expressed a concern with regard to including the Truckee River with the Carson River in that issues will be raised that Carson City should not have to address. He agreed with the need to continue coordinating efforts but pointed out that the Truckee and Carson Rivers are distinctly different watersheds. He further agreed with including Churchill, Lyon, and

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Storey Counties with Douglas County and Carson City. These were the five original counties involved in developing recommendations to present to Congress. Chairperson Hartman discussed issues surrounding the Derby Dam in Churchill County. Mr. Guzman suggested there should be many committees to assist in evaluating grant applications rather than one or two for the whole State. Member Bird suggested including input from other, associated counties in order to ensure a broader vision. Member Scott suggested that a Carson River plan developed by all applicable counties would make the task of reviewing and considering projects easier. Ms. Wilcox agreed and commented that this would make the grant process work more smoothly and more to the benefit of the River. In addition, it would help in the pursuit of other grants. Ms. Wilcox advised of a meeting, sponsored by several Carson River conservation organizations, scheduled at 1:30 p.m. in Dayton on February 25th.

In response to a question, Ms. Wilcox indicated a willingness to consider forming an advisory committee composed of stakeholders and interest holders along the River. She suggested it will be more efficient to work with existing committees, but acknowledged the possibility of new committees in some areas. She advised that this item will be agendized for the next meeting of the Carson Water Subconservancy District, and suggested the Committee members could provide input at that time as well.

Mr. Guzman requested a volunteer to assist in drafting a recommendation letter to Ms. Wilcox. Member Scott suggested that Member Bird would be a "great representative." He further suggested that the Committee is very interested in coordinating its efforts with the Carson River Advisory Committee and the Parks and Recreation Commission in developing common goals which will represent Carson City. Member Bird agreed to volunteer. Vice Chairperson Jacquet noted that the Committee and the City have been conservation and open space planning for a number of years. A program is in place, environmentally sensitive lands have been purchased and are being managed, and staff and a budget are available. Vice Chairperson Jacquet expressed a concern with regard to ensuring that these resources are not overlooked in any section of the Act. He recommended that the Committee find a formal niche in implementing Question 1. Member Riedl encouraged staff to keep abreast of the Division of State Lands time schedule. Member Scott suggested regularly agendizing this item for status reports and discussion. Chairperson Hartman thanked Ms. Wilcox for her presentation.

(1-1920) Chairperson Hartman requested Mr. Guzman to obtain a copy of the draft regulations as soon as possible.

F-3. REVIEW AND ACTION ON THE FISCAL YEAR 2003-04 OPEN SPACE DIVISION BUDGET (1-1206) - Mr. Guzman provided an overview of the staff report and the attachments. He advised that the only change in this year's budget is a 5% allocation for administrative personnel in accordance with the direction of the Finance Director and the Internal Finance Committee. Mr. Kastens explained the allocation of a portion of his salary in this year's and last year's budget. Mr. Guzman responded to questions regarding the employee benefits and services and supplies line items. In response to a further question, Mr. Guzman advised that sales tax revenues are projected at -2.9%, and discussion took place with regard to the same. **Member Scott moved to approve the budget, as presented, with the understandings reached during this meeting. Member Bird seconded the motion. Motion carried 6-0.**

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F-4. DISCUSSION REGARDING THE ONE-DAY CONSERVATION EASEMENT SEMINAR TO BE HELD ON FRIDAY, MARCH 7, 2003 AT THE PINION PLAZA IN CARSON CITY, NEVADA (1-1529) - Mr. Guzman advised that applications continue to be received in the Parks Department, and that the staff of the Congressional delegations have been invited. He further advised of an offer from the Carson Water Subconservancy District to assist with seminar expenses. All speakers are confirmed, the menu is confirmed, and Mr. Guzman discussed costs associated with the main speaker and developing the seminar package. He has requested seminar speakers to provide outlines of their presentations in order that staff can pursue CEU credits. Chairperson Hartman discussed the usual cost of continuing education credits, and suggested revisiting the registration fee for next year. Member Scott suggested beginning to consider the topic for the next seminar, and discussion took place with regard to the same. Chairperson Hartman commended Mr. Guzman on coordinating the details of the seminar. Additional discussion took place regarding Committee members' registrations. Member Riedl advised that he had a previous engagement but requested a copy of the seminar materials. Staff acknowledged that the seminar will be posted as a possible quorum.

F-5. STATUS REPORT REGARDING THE GILBERT PROPERTY, CONSISTING OF APPROXIMATELY 40 ACRES LOCATED SOUTH OF THE TERMINUS OF KINGS CANYON ROAD, APNs 7-061-72, -73, -74, AND -75 (1-1711) - Mr. Guzman advised that he expects to have draft escrow instructions shortly. He discussed a road which doesn't have an easement and is not mapped, but provides access to one of the parcels. The road runs east/west and is used by the public to go from one side of the Borda property to the other. Mr. Guzman advised he did not foresee a problem since the purpose for the property will be public access. He has committed to remove barbed wire fencing along the western boundary of the property if the Southern Nevada Public Land Management Act ("SNPLMA") nomination is successful. The next step is to review escrow instructions, and he anticipates that escrow will close thirty days later. He received a copy of the phase 1 environmental analysis, and offered it to the Committee members for review. In response to a question, Mr. Guzman advised that it was the U.S. Forest Service's ("USFS") plan to nominate the property as part of the SNPLMA process. He discussed the need to ensure that the property will be identified for sale for the same purposes and in accordance with the bill. He acknowledged that the Committee discussed and agreed to this at a previous meeting.

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-1804) - Chairperson Hartman requested staff to agendize discussion and possible action with regard to re-establishing the grazing program before summer. Member Scott suggested discussing with Gary Schiff, of the USFS, a joint plan for the Borda meadow. He advised of having recently driven by the Bernhard property, and requested Mr. Kastens and Mr. Guzman to visit the road and determine whether it needs additional stabilization. Vice Chairperson Jacquet advised of having visited the road and that the sagebrush is coming back. He indicated that linear disturbances may not need a lot of attention with the right amount of precipitation. Mr. Guzman advised that the ordinance will be reagendized.

H. STATUS REPORTS FROM STAFF (1-1867) - Mr. Guzman reported on his attendance at several Question 1 rule making workshops, which he found very useful in discovering the priorities of other communities, observing the diversity of opinions, and developing a recommendation to submit to the Committee. He looks forward to working with Member Bird in developing a final recommendation letter to Ms. Wilcox. He advised that the BLM is looking for a City staff person to help with the environmental impact statement for the Pine Nut Mountains Plan Amendment. Mr. Kastens has agreed to Mr. Guzman's participation under certain conditions. He hopes to participate in an upcoming Nevada Division of Wildlife

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seminar for funds on the habitat conservation plan. Parks Planner Vern Krahn may also be attending to learn how to better maximize grant funding potential. He responded to questions regarding the C-Hill property.

I. ADJOURNMENT (1-1936) - Member Scott moved to adjourn the meeting at 7:46 p.m. Member Bird seconded the motion. Motion carried 6-0.

The Minutes of the February 24, 2003 meeting of the Carson City Open Space Advisory Committee are so approved this 24th day of March, 2003.

STEPHEN D. HARTMAN, Chair