

CARSON RIVER ADVISORY COMMITTEE
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A regular meeting of the Carson River Advisory Committee was held on Wednesday, November 5, 1997 in the Community Center Sierra Room, 851 E. William St., Carson City, NV at 6:00 p.m.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Marian Battaglia
Claire Clift
David Johnson
Bill Piccolo
Barbara Wright
James Zimmerman

STAFF: Kay Bennett, Liaison - Board of Supervisors
Steve Kastens, Parks and Recreation Director
Vern Krahn, Park Planner
Fran Smith, Recording Secretary
(CRAC 11/5/97 1-0000.5)

NOTE - Unless otherwise indicated each item was introduced by Chairperson Kimbrough. Individuals speaking are identified following the heading of each item. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. CALL TO ORDER - Chairperson Kimbrough called the meeting to order at 6:03 p.m. A roll call was taken and a quorum was present.

B. APPROVAL OF MINUTES - Member Battaglia moved to approve the Minutes of the July 2, 1997 meeting. Member Piccolo seconded the motion. Motion carried 3-0. Members Clift, Johnson and Zimmerman abstained as they had not been on the Committee.

Member Johnson moved to approve the Minutes of the October 1, 1997 meeting. Member Battaglia seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENT - Tom Quigley had a picture of a picnic area at Fort Churchill which he provided to the Committee and suggested they consider something similar here.

D. MODIFICATION OF AGENDA - None.

E. DISCLOSURES - None.

F. PUBLIC HEARING

AWARD PRESENTATION - Chairperson Kimbrough presented a certificate of appreciation to Supervisor Bennett and congratulated her for the work she has done with the Committee.

F-1 PRESENTATION BY THE DIVISION OF STATE LANDS REGARDING LANDS ALONG THE CARSON RIVER UNDER THE JURISDICTION OR OWNED BY THE STATE OF NEVADA - (1-0131.5) Pam Wilcox, Administrator for the Division of State Lands - She explained they own title to most of the state's lands and according to the statute the only lands they do not hold title to are the lands in the state transportation system and the lands in the university system. She said of most concern to the Committee are two different kinds of lands, one being the river itself and the other is state land that lies next to the river.

(1-0187.5) She said the river itself belongs to the State as do other navigable bodies of water. She explained this

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means the beds and banks of the river up to the high water mark but the water itself belongs to the public and has since the moment of statehood. She provided a history of how this tradition had come to being. She also noted that the State has to manage that land on behalf of the people. This includes the fisheries and the right to navigate. She also said if there is a desire to modify the river in such a way as to disturb the bed a permit is required and building a bridge across the river or a pipeline would require a easement from her office. She then noted that in terms of the Committee's programs they are interested in access along the river. She added when they say they own to the high water mark it is the mark at which the river regularly flows high in its season. She emphasized this is not the same as flood height and that the State does not own lands that are overflowed during floods. She also commented if the Committee is interested in access along the river they would have to get easements from private property owners. She said insofar as an access path does go below the high water mark her office is happy to work with the City if they decide they want access on State land. Chairperson Kimbrough said they are trying to do a boating plan along the river, primarily for canoes and rafts, and there are a couple of situations where there is private land where people would have to walk on. He asked if the State could get involved with helping the Committee get an easement through those properties or is it the City who has to do that. Ms. Wilcox said her agency does not have any more leverage than the City and added they have no ownership interest in someone's private land that abuts the river. However, she said they can help the Committee talk to people if an easement is being donated. Member Clift asked who is responsible for eliminating hazards in the river bed. Ms. Wilcox said there is no clear standard about that sort of thing although the State has authority to take the hazards out of the bed as does the City under its police powers. She added the question is really who has the funding to clean these up and although her agency does not they sometimes use prison crews to work on this. She encouraged the Committee to contact her office if a problem like this arises and they would do whatever they could to help. Member Piccolo asked about visibility of the high water mark. Ms. Wilcox said when the river stays in the same bed over a period of time it becomes visible. However, when there are flood events that cause the river to change its channel it might not be visible again for a while. She commented that when the river changes its channel gradually over time so that the land beside the river is changed by gradual processes of erosion ownership moves with the river. She explained if someone lives next to a river and over a period of years it gradually moves away from them they gain that land and the person on the other side loses some of their land. She added when there are flood events that cause the river to dramatically change its channel all at once it would be unfair for the State to claim all of that land. Member Piccolo asked if the property owner can do preventative maintenance on the bank if there is erosion. Ms. Wilcox said they can do routine maintenance of diversion structures without permits but if they do bank stabilization with natural materials they have to send her office a notice who in turn must reply within 14 days that it is permissible work. However, if it is something larger they need to go to her office and file a permit application. She noted they then send it to other agencies and the result is the equivalent of environmental approval.

(1-0407.5) Ms. Wilcox then said the property they own in Carson City is the piece of land that abuts the river is the State Prison land near Stewart. She provided details on how that property had been acquired partly from private owners and partly from BLM for the RP&P Act. She noted in the process the property was assigned to the Department of Prisons and it is their responsibility to use that land to carry out their statutory purposes. She also noted the same procedure applies to other lands the State owns in Carson City. She added if the Committee wanted to discuss how the prison land is used they needed to talk to the people agendized in Item F-2. Supervisor Bennett asked about the repair work going on up and down the river and Ms. Wilcox said there are various agencies working on this and cited several examples. No formal action was taken.

F-2 DISCUSSION AND POSSIBLE ACTION REGARDING ACCESS THROUGH THE NEVADA STATE DEPARTMENT OF PRISON PROPERTY AND GRAZING PRACTICES ALONG THE CARSON RIVER AND OTHER RELATED MATTERS THERETO - (1 -0503.5) George Grigas, Warden of the Northern Nevada Correctional Center - Tom Glab, Chief of Plant Operations - Tim Bryant, NNCC Dairy Ranch - State Prison - Mr. Grigas said as warden he also has jurisdiction over the Stewart Conservation Camp and the ranch operations. He noted if there is any point of contention the Committee wanted to raise he does not have the authority to make a decision but could take it to the Director of Prisons. Chairperson Kimbrough said the Committee is looking at the recreational and agricultural issues because they have made some recommendations in

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their plans. Member Battaglia asked Mr. Grigas if he has had the opportunity to look at the Master Plan and he said he has looked at parts of it. Chairperson Kimbrough said the Committee only wants access on one side of the river because of restoration and enhancing of wildlife habitat. He added they had put in a proposed trail on the southeast side of the river and that they did not want anything on the river on the prison farm site. He felt given the opportunity the Committee might be able to help solve the concerns the prison has relating to their desire to enhance the recreational activities on one side of the river. Mr. Grigas said a main premise of the prison system is to protect the public. He added that is done in several ways and some may not be as obvious as others. He noted in this locale he probably has one of the most complex prisons in the state that includes an intake center, a regional medical facility, a maximum security mental health unit, two lockup units, prison industries, and three open dormitory style units. He said he also has responsibility for the Stewart Conservation Camp. He commented on the problem with contraband in that it could be placed at a pre-determined area at the fence for retrieval by an inmate and having the public in the same area could cause more problems. He also mentioned the law enforcement firing range is near the area and there is a concern with stray bullets endangering any public. Chairperson Kimbrough asked if there could be some type of compromise on the other side of the river to allow access. Mr. Grigas said they had recently had an episode with hunters and had a concern that someone could accidentally shoot an inmate or be a conduit for the contraband he had mentioned. Member Johnson said he understands the need to protect the public but had a problem with preventing access on the other side of the river. He expressed a hope that some type of dialogue that could result in recreational use on the opposite side of the prison. Member Wright whose property is adjacent to the prison land asked about the possibility of doing something about a trail at the area where the existing fence and her property join. At this point the Committee and the prison people and Ms. Wilcox studied a map of the area. Member Wright also asked if there is a possibility of controlling the area to keep people away from the prison fence. Mr. Bryant asked how the Committee felt about going up around the fence line rather than on the river itself. He explained that they now have wildlife in the area that are not being pressured and felt that putting the trail in would change that. Mr. Grigas said there is no debate with anyone wanting to environmentally enhance the community but said the enforcement of regulations is the problem and cited possible scenarios. Chairperson Kimbrough said the proposed trail system is designed to be usable after a bridge is built at the McTarnahan site but said there is no reason to build it if it doesn't go anywhere. Mr. Grigas said it was his understanding from the director's office was that the access to the land by the river for public use was a firm no. He then suggested that the Committee submit several options for the director to consider. However, he felt as a public official the director would be interested in cooperating with community groups as much as possible. Member Clift asked if there are any statutes that prohibit this kind of public use on State lands of this type. Ms. Wilcox said she was not aware of any state laws that prohibit the prisons from negotiating with groups and that it is up to their discretion as to how they administer the laws they are enjoined to uphold. Supervisor Bennett felt this is an area of potential conflict of interest and said it was her belief encroachment would happen at some time one way or another and possibly in the form of development up to the boundaries of the prison. It was her hope that the prison could keep that in mind because if there is no room for compromise she could not see a better way of providing a buffer between prison land and what would eventually be residential land. Mr. Grigas asked if it is known how much area around the boundary is wetlands. Supervisor Bennett said the City has FEMA maps with that information. She also said one of the things that had been considered was creating some type of a bridge leading from the Prison Hill area to the Pinenuts and said the McTarnahan Bridge site is a good spot. The group again studied the map and discussed the area for the proposed bridge.

(1-1161.5) At this point Mr. Bryant talked about the location and operation of the dairy. He also noted that hunters gave become a problem and that he his working with Fish and Game to resolve it. However, he added that the main problem is the flooding that has occurred in the past few years. Chairperson Kimbrough said the Committee had asked private property owners who have cattle not to graze them on the river banks and that they help to secure the banks by planting several species of trees. Chairperson Kimbrough then asked if they would consider talking to someone about that and Mr. Bryant said they had already talked to Dan Kaffer of the Resource Conservation District. Mr. Bryant then invited the Committee to visit the prison to discuss their desires. Discussion ensued on when to do this and the open meeting law requirements. Supervisor Bennett suggested perhaps the Chairperson could handle the visit with the prison people with Mr. Kaffer and then bring a report to the Committee. Chairperson Kimbrough asked what would happen if members of the general public were to go along on the visit

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and Mr. Grigas pointed out the security problems involved, e.g. background checks, etc. Chairperson Kimbrough said he would contact Mr. Grigas to determine a date and time to visit and who would attend. No formal action was taken.

F-3 DISCUSSION AND POSSIBLE ACTION REGARDING BUREAU OF LAND MANAGEMENT (BLM) PROPERTY ON THE EAST SIDE OF THE CARSON RIVER ALONG DEER RUN ROAD - (1-1391.5) Rocky Connor - Mr. Kastens said the Parks and Recreation Department, along with Chairperson Kimbrough, provided some equipment and manpower to assist in starting the process for the work on the east side of the river. He added what they were trying to accomplish was restrict vehicular activities down the bank of a particular parcel. He said in order to do that Chairperson Kimbrough had been able to get some materials to place across the roads going from the bank to the river. Chairperson Kimbrough said the Committee had considered trying to name that facility. He noted he had met Tom Abbott of BLM who at this point does not want to name it because there are issues to be resolved. Chairperson Kimbrough said that is something that can be considered later. Mr. Connor said the access to his property in the area is blocked. He asked that the rocks there be moved to the City's property line which would stop the traffic. He said he had also talked to Mr. Abbott who had said the City was planning to put gates there and that he would have a key to them. However, he said that had not happened but rather the rocks had been put across the roads. Mr. Kastens said in the past vehicles had been allowed in the area but are now restricted. He added he would be happy to meet Mr. Connor to talk about what has been done and how Mr. Connor feels it has impeded his right to access his property or whatever rights he has on the BLM land. He added if the rocks have impeded Mr. Connor they can be moved to the City's property line. He also said the plan had been presented to the Committee and discussed at a public hearing and that the Parks and Recreation Commission had also discussed it at a public hearing. He said to his knowledge they had not received any negative comments about restricting vehicular access to the river. He noted he would have to get permission from Mr. Abbott because they were only acting on BLM permission. No formal action was taken.

F-4 DISCUSSION AND POSSIBLE ACTION REGARDING A MEMORANDUM OF UNDERSTANDING BETWEEN THE BUREAU OF LAND MANAGEMENT AND CARSON CITY REGARDING THE TRADING AND/OR ACQUISITION OF BUREAU OF LAND MANAGEMENT LAND WITHIN CARSON CITY - (1-1551.5) Mr. Kastens said within the past year Carson City has re-defined its land use plan and at the same time BLM was working on their land use Master Plan within the city. He added as a result BLM identified a large portion of their land as areas that would be closed to private ownership and had left them open for public use. However, a few parcels on the north end of the City had been left open for possible trading opportunities. He noted as a result of that and the Carson River Master Plan some property owners had offered to trade land with the BLM. He explained the possibility that some of their property would not be open for development which is the reason they had come forth with their offer. BLM had not previously been receiving these offers and came to the City for discussion. Their respective staffs had developed ranking criteria shown in the memo and that they differed somewhat. He added that the list had been published in the newspaper and this had brought response from the property owners asking why their properties were on the list and from others as to why theirs was not. He said it was not the intent to target or eliminate any parcels but merely looking at them and trying to figure out what would be appropriate for trading. He added they had looked at land along the river and found they fell within the area both BLM and the City had developed. He said it was mainly an exercise rather than targeting of a project but it had gotten out incorrectly defined. They had then determined this should be shared with the Committee so that they would not be left and because staff was not making decisions on their behalf. He said they had developed a list of properties that are predominantly along the river noting the main reason was that BLM land holdings are east of U. S. 395. He asked the Committee for their input so that staff would have information to give to those who had offered their property for trade. Member Battaglia asked if there is a plan to resolve the differences between BLM and Carson City rankings. She also asked how this fits in with the work the Open Space people is doing to try and categorize property for open space purposes. Mr. Kastens said he was not sure staff was looking for a resolution and explained there are two entities that have differing views. He felt staff would emphasize their belief that the Carson City ranking is a better fit with the criteria. He also said the Open Space people were concerned because they have not yet developed their criteria. He added that the Parks and Recreation Commission pretty much as their ideas of what they would like to pursue regarding recreational

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opportunities and that it fits in with the plan this Committee has. He explained that the Open Space people had decided to notify BLM they want to go into a holding posture at this time so that they can catch up. He did not feel this is anything that would cause a problem. However, he felt if BLM feels they need to proceed sooner then this Committee would have to handle this the best way they can and the Open Space people understand that. At this point Mr. Kastens said he was asking for input from the Committee on the factors listed on Page 3 of the memorandum. Discussion ensued with Members providing their thoughts on how each of the factors should be utilized. Included were ideas on the maintenance of the Silver Saddle and those water rights. Supervisor Bennett said she shared their concern about the water rights and suggested that the Committee send a letter to the Open Space people and BLM expressing their concern that enough water be left on the land. Member Battaglia expressed her belief that there be a provision that green space be kept green when a plan for trading of properties is developed. Mr. Kastens suggested adding that to the list of factors. No formal action was taken.

F-5 DISCUSSION AND POSSIBLE ACTION REGARDING COMMITTEE ATTENDANCE AT THE CARSON RIVER WORK DAY AND CARSON RIVER TOUR ON OCTOBER 25, 1997 AND OTHER MATTERS RELATED THERETO - (1-2283.5) Chairperson Kimbrough said there had been good representation of the Committee and that the tour had gone very well. He added they had cleaned up the BLM properties and hauled all the garbage away and had also wrapped several trees. Member Battaglia felt it was a good turnout and that the media had done a very nice job of covering it.

(1-2337.5) At this point Supervisor Bennett said she had to leave but thanked the Committee for their certificate of appreciation. She also said she is on another committee some of whom are Dan Kaffer, people from the Cooperative Extension, representatives of Senator Bryan's office, and the Carson River Subconservancy. She added they are planning a Carson River Conference in the spring in Carson City where there will also be representatives of the entities on the upper Carson River from Lyon, Carson, and Douglas Counties. She said their purpose would be to develop a Carson River partnership along the river. She noted because there are so many entities, especially in Lyon and Douglas Counties, it is important that they be communicating with one another. She said she would keep the Committee informed as plans evolve.

Chairperson Kimbrough declared a break at 8:15 p.m. When he reconvened the meeting at 8:27 p.m. a quorum was present.

Before going to the next item Chairperson Kimbrough expressed his appreciation to the prison representatives for being at the meeting. He then invited the Members to let him know how many could go on the tour discussed earlier and mentioned the requirements of the Open Meeting Law also previously discussed. He added when they knew who could go they would set up a time and date.

F-6 DISCUSSION AND POSSIBLE ACTION REGARDING REVIEW OF COMMITTEE GOALS, MISSION STATEMENT AND OTHER MATTERS RELATED THERETO - (1-2445.5) Chairperson Kimbrough said these had been set by members who are no longer on the Committee but the new Members had been given the information. He asked for their input relating to this subject. Member Battaglia felt it was too late in the meeting to start a discussion and suggested agendizing this for a future meeting. Member Johnson said he had the information but agreed it should be discussed at an earlier hour so that it could be more meaningful. No formal action was taken.

G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)

G-1 Committee Member Comments - (1-2501.5) Member Wright asked if there is a possibility of getting groups or private companies to volunteer to maintain trails and parks. Mr. Kastens said there is already an "Adopt A Park" program and provided details. He felt the language from that program could be modified to fit something the Committee might wish to develop. Member Piccolo suggested putting something in the newspaper asking for volunteers.

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(1-2571.5) Chairperson Kimbrough talked of how he had been impressed with the people in Colorado when he and staff had visited Boulder recently to visit and discuss their open space program. He had also been impressed with the Carpenter Ranch operation.

(1-2687.5) Member Johnson suggested that the City contact the Nature Conservancy to see if they would be willing to act as a resource or provide guidance relating to the direction the Committee indicated a desire to pursue. Mr. Kastens said at this point the Committee is trying to determine all the options they have and what might work for Silver Saddle.

(1-2849.5) Chairperson Kimbrough referred to the prison tour and suggested having a map showing their fencing system. He then talked about the possibility of initiating regular photo documentation of what has been accomplished at the river.

G-2 Staff Comments - (1-2909.5) Mr. Kastens said at the Board of Supervisors November 6 meeting Community Development Director Walter Sullivan would be presenting some awards the Carson River Advisory Committee Master Plan had received.

G-3 Status Report Regarding Activities Along and Upper and Lower Carson River - None.

G-4 Status Report Regarding Bureau of Land Management Trails Grant and Draft Trailhead Plan - Previously discussed. Chairperson Kimbrough also suggested putting this on hold until BLM carries out the next level of the plan.

G-5 Status Report Regarding the Forest Stewardship Grant - (1-2967.5) Chairperson Kimbrough said the grant is almost spent but talked about the equipment that is available for use on work at the river by Boy Scout groups, resource groups, the high school environmental club, etc.

(1-3031.5) Chairperson Kimbrough then stated he is working on a large grant through the Eisenhower monies for state education to develop a river watch program statewide. He said they should have about \$8,000 per school for equipment and a monitoring program that is standardized for every river in the state for any junior or high school who wants to participate. He also provided details of what this would include. He also emphasized this cannot be used for education but rather stewardship work for the land.

(1-3071.5) Video producer Dave Morgan said rather than spending money for newspaper coverage the Committee could have videos made and placed in the library and they could also be shown in schools and on the public access channel for two years. He felt this could be a lot better than a newspaper article. Chairperson Kimbrough felt that was a good idea.

G-6 Future Agenda Items for the next CRAC Meeting on December 3 - Member Battaglia reiterated her desire to review the goals at that meeting. She also asked for a report on the prison tour. Member Johnson said after studying the goals he did not feel any modifications were necessary but if the Committee changed anything he did not have a problem.

H. ADJOURNMENT - There being no further business Chairperson Kimbrough entertained a motion to adjourn. Member Johnson moved to adjourn. Member Piccolo seconded the motion. Motion carried 7-0. Chairperson Kimbrough adjourned the meeting at 9:01 p.m.

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ARE SO APPROVED 12/3, 1997

/s/
Mark Kimbrough, Chairperson