

OPEN SPACE ADVISORY COMMITTEE STAFF REPORT

MEETING DATE: October 15, 2012

AGENDA ITEM NUMBER: 3B

STAFF: Juan F. Guzman, Open Space Manager



REQUEST: **For Possible Action:** To acknowledge the passive recreation definition and provisions of Chapter 13.06 of the Carson City Municipal Code.

GENERAL DISCUSSION:

At the Open Space Advisory Committee workshop held on June 4, 2012, the Committee and staff were successful in agreeing on a mission and vision statement. Our Committee also agreed to work on a discussion to reach a consensus regarding the term "passive recreation." The phrase "passive recreation" is not specifically defined by the Open Space Master Plan or portions of the Carson City Municipal Code that pertains to matters of Open Space, Chapter 13.06.

There are three pertinent primary sources of documents that discuss and describe the term passive recreation. Those are: 1) The Quality of Life Ballot Question (Q-18), 2) The Carson City Municipal Code, 3) The Carson City Open Space Master Plan. In addition, there is reference to passive recreation use in other documents such as grants used to facilitate the acquisition of open space such as the state conservation bonds Question-1 and the SNPLMA. The term "passive recreation" is also used to describe the activities that can take place in much of the land being transferred to Carson City through the Carson City Lands Bill and the Conservation Easement executed towards the transfer of Prison Hill, the Silver Saddle Ranch, and the Ambrose Natural Area in specific. Staff will discuss the three primary sources in more detail.

The Question-18 Ballot

The Question-18 Ballot Initiative consists of a single sentence, "Shall Carson City request that the Nevada Legislature authorize it to fund the acquisition, development, and maintenance of parks, open space, trails, and recreation facilities through an increase in the sales tax rate of 1/4 of 1 percent (0.0025)." Separate from the question, there is an explanation stating that, among other matters, "Open space, which is defined as undeveloped land with valuable natural resources," will be acquired and maintained as conservancy areas to be retained and used for the following purposes: To provide off-street bicycle, hiking, and equestrian trails that connect parks, schools, and the valley with the mountains to safeguard water resources, waterway corridors, wetlands, streams, and the Carson River, to develop regional detention areas and protect floodplains, to safeguard scenic vistas and enhance the gateways into our city, the utilization of land for shaping the development of the city and defining growth by establishing an urban boundary, strategic acquisition of land to allow for local outdoor relaxation, education, and future park settings, preservation or enhancement of significant natural areas, wildlife, and culturally important lands.

Throughout the argument in support of the ballot and explanation of the ballot, emphasis is placed in the description of open space as areas in a primarily natural state to be used for a list of activities and practices that do not mention motorized use.

Carson City Municipal Code

The second document that constitutes a source of authority as to the establishment of the open space program is the Carson City Municipal Code. As provided on the first, second and fourth paragraphs of Section 13.06.010, Purpose, the funding for open space, including interest and other income, may be used for the acquisition, restoration or natural resources, development and construction which afford for public access, health and safety, equipping, improvement, maintenance, conservation planning, and management of real property for open spaces acquired through the fund and administrative costs approved by committee.

The provision of Section 13.06.060 establishes that the development of the open space element to the master plan and the selection of open space lands shall be consistent with the intent of the 1996 ballot explanation which was discussed in the first paragraph above. Subsection 3 of the same quotation establishes that open space will be acquired and maintained as a conservancy to be used for the following purposes and list nine uses listed as letters A through I. It is staff's observation that the listing of the permitted categories of uses are all without argument ones of passive recreation themes. The code refers to activities such as hiking, equestrian trails, trailhead facilities, watershed area protection, floodplains, wetlands, Carson River protection, safeguarding scenic vistas, and to allow for outdoor relaxation, education, and future park settings, as well as the protection and preservation of significant natural areas, wildlife, and culturally important lands.

Section 13.06.100 establishes that lands acquired with open space funds shall be preserved and managed in a near natural condition, that such lands might include scenic vistas, wetlands, streams, floodplains, trail corridors, agricultural lands, highly visible natural areas along major streets and open space buffers. It establishes that open space lands will generally be open for passive recreation improvements, developed where appropriate and environmentally compatible. It lists examples of compatible passive recreation including hiking, bicycling, equestrian trail use, nature study, interpretive facilities, wildlife habitat, fishing and photography, or similar compatible uses. It further creates a contrast with active recreational facilities such as athletic fields, swimming pools, and tennis courts, which are precluded.

Section 13.06.140, Maintenance and Management, provides that open space lands may not be improved after acquisition unless such improvements are necessary to protect or maintain the land or provide for passive recreation uses such as hiking, bicycling, equestrian and trailhead facilities, nature study, interpretive facilities, wildlife habitat, fishing and photography, or similar compatible uses. It establishes that areas of open space may be closed to the public temporarily or seasonally to protect a natural resource or to make the property safe for public enjoyment.

Section 13.06.150 provides that funding from the open space program may be used on other public lands including federal, state, and city owned lands that are similarly maintained in a predominantly undeveloped state within Carson City, and again for compatible passive recreation uses and improvements listed which include trails, bicycling, equestrian and trailhead facilities similarly to the list in the above section.

Carson City Open Space Master Plan

The introduction of the Open Space Master Plan defines "open space" as that is in a natural or primarily natural state that contains significant natural, visual or cultural features that warrant protection and that is

permanently protected. It further states that through this definition open space in Carson City is intended to mainly preserve the natural landscape and to accommodate certain types of passive recreation such as hiking, running, bicycling, and horseback riding. Open space in Carson City is not intended to be used for traditional active recreation facilities such as parks, playground equipment, baseball diamonds, soccer fields, and swimming pools. However, under certain circumstances the only physical facilities to be located in open space areas are trails and supporting picnic areas, interpretive facilities, restrooms, and parking lots. The last sentence of the third paragraph in the introduction provides that open space lands may be converted to parks through an easement purchase or land exchange with the Parks and Recreation Department.

The master plan produced a statistically valid survey that was used to determine the preferences of our constituents. Under Question #2 - What does the term "open space" signify to you - responses indicated that incompatible uses to open space such as motocross and 4-wheel drive areas should have separate designated areas and that open space characteristics were land that does not have structure on it, parks but not intensively developed ones, and land in a fairly natural condition with minimal change. Most felt that open space should be usable as with trails. This information can be found on Page 9 of the master plan.

On Page 11 information is found as to the responses indication that the majority of Carson City residents at the time used open space primarily for visual and passive purposes and that the frequency of use established all-terrain vehicle as Number 11 out of 12 potential uses. The primary uses were clearly of passive nature such as just looking at it, wildlife observation, walking, picnicking, hiking, biking, walking the dog, fishing, mountain-biking, or in-line skating.

The survey also asked questions about the management of open space. The question asked about the acceptance of possible regulations and restriction of open space. The respondents strongly supported potential restriction of open space if necessary to environmental reasons, including requiring dogs to be kept on leash, require people to stay on trails, prohibit motorized vehicles in some areas, make some areas off-limits during certain seasons, and prohibit bicycle access to some areas.

Page 50 of the Open Space Master Plan lists policies recommended by the Open Space Advisory Committee and adopted by the Board of Supervisors to guide the program. On the purposes of open space there is a reiteration that open space is land that is in natural or primarily natural state that contains significant natural, visual, or cultural features that warrant protection and that is permanently protected. Policy 1.2 provides that open space in Carson City is intended mainly to preserve the natural landscape and certain types of passive recreation such as hiking, running, bicycling, and horseback riding. Recreational facilities in open space areas are typically limited to trails and supportive picnic areas, interpretive facilities, restrooms, and parking lots. Policy 1.3 provides that open space in Carson City is not intended to be used for traditional active recreation facilities such as parks, playground equipment, baseball diamonds, soccer fields, or swimming pools. Policy 2.15 specifically addresses rights-of-way for roads. In its entirety this section provides special circumstances where open space lands may be used for rights-of-way, for roads provided that they have been previously identified in the City master plan and elements thereof. The rest of the policy addresses other utilities such as water, sewer, and below-ground types of distribution systems that may be located in open space lands provided that there is an assurance that the disturbed area will be restored to its natural appearance.

In addition to these three legal sources of authority, Carson City was very successful in obtaining grants to facilitate the purchase of lands and development of facilities. Those grants included the Question-1 State of Nevada resource protection and conservation bonds, the Southern Nevada Public Land Management Act -

Parks, Trails, and Natural Areas category, and federal legislation such as the Carson City lands bill. Through all those documents, certain provisions called for the continuation of passive recreation use and the enjoyment of the lands being purchased through forms of passive recreation. All those grants and commitments that have resulted in the accumulation of the property that we presently enjoy strongly support the stewardship and continuation of passive recreation related activities.

It is staff's opinion that our three main sources of authority are consistently clear as to the intent to allow for passive recreation type of uses with land acquired with open space funding. It is also clear that the development or maintenance of improvements necessary for the care of the resources and the enjoyment of the lands is permitted. It also appears to staff that it is reasonable to ascertain that the development of facilities that are predominantly dedicated for the purpose of motorized use are not envisioned as compatible with an open space purpose. A case in point the Committee and Board of Supervisors may find that it is perfectly in keeping with the provisions of ordinance to use proceeds of the tax funds for the maintenance of Ash Canyon Road since it provides access to the crest of the Carson Range where we have properties to maintain. There is also the historic aspect of roads such as the Lincoln Highway (King Canyon Road) and Ash Canyon, which the municipal code allows protection of. Those facilities were already built and are improvements on our lands. In some cases it may be necessary to construct facilities that allow for motorized use in order to access our lands, such as a trailhead and parking areas, such as in the Moffat property or portions of the Carson River Canyon which are not contrary to the V&T easement. This latest example is pertinent since the Board of Supervisors has asked us to revisit the question of motorized access along the Carson River Canyon as opposed to staff's administrative decision to restrict motorized use, in redundant trails.

It seems to staff that the heart of the matter is the discussion that relates as to when is it appropriate to allow motorized use in an area and when it is not. Those considerations are best decided on a case-by-case basis. There will be instances where the site specific characteristics may be best handled as matters of operations under administrative powers. Other sites will require public hearings. It appears prudent to conclude that funds of the program may be used to facilitate some level of motorized access into some areas; however, the primary purpose is to conserve land, not to provide entirely or primarily for the enjoyment of that land through motorized use.

Attached to this staff report please find Exhibit A containing information collected by our attorney, Tina Russom, that pertains to passive recreation. In addition find an attempt by our Director, Roger Moellendorf, to define passive recreation (Exhibit B). Also for your use, find the Editorial Board Opinion regarding access into the Carson River Canyon published by the Nevada Appeal on September 8, 2008 (Exhibit C).

RECOMMENDED ACTION: Move to acknowledge the passive recreation definition and provisions of Chapter 13.06 of the Carson City Municipal Code.

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>>> Roger Moellendorf 10/8/2012 4:17 PM >>>

Kinda depends on the activity. Unorganized trail riding would probably be passive. I think more competitive and organized events that necessitate a permanent or semi-permanent facilities ie rings and rodeo style panels would be active - those are my thoughts. Now the question is what do we do with the Sheriff's Equestrian activity? I say we acknowledge that it is an active recreation event, but grandfather it in.

Roger

>>> Ann Bollinger 10/8/2012 3:36 PM >>>

I like it too. Would you consider equestrian use as passive but an equestrian event as active?

>>> Roger Moellendorf 10/8/2012 11:03 AM >>>

Very thorough and exhaustive research. Great job Tina!

I like the definition from Jefferson Co., Colorado.

Here is a "stab" by me on a passive recreation definition:

"The terms passive recreation and active recreation does not refer to the physical energy exerted by the recreationist. Rather the definition refers to the effect the activity has on the hosting environment and it's natural resources, whether that be water, land, shore, wetlands, uplands, or riparian areas. Passive recreation is an outdoor activity that enhances the knowledge and appreciation of the environment, results in minimum alterations to the vegetation and topography of the environment, requires minimum visitor services and facilities, is non-consumptive in nature, is not motorized, and causes minimal impact or degradation to the environment's natural or agricultural resources."

"Examples of passive recreation include, nature and wildlife observation and study, quiet relaxation and restorative activities, hiking, trail running, picnicking, horseback trail riding, cross country skiing, snowshoeing and fishing. Some types of passive recreation may not be allowed in specific environments due to the impact

that they have on the natural resources. Large organized events are generally not consider passive recreation but may be allowed at the desecration of the land management organization."

"Active recreation includes activities that are conducted primarily in the human built environment, require extensive visitor services and facilities and are commonly organized events or activities. Examples of active recreation include, athletic/sports events/activities, motorized activities, equestrian events, rodeos, hot air balloon activities, paint ball and others."

>>> Ann Bollinger 10/8/2012 10:09 AM >>>

No.

By the way, attached is Tina Russom's summary on "passive recreation" throughout the U.S.

>>> Roger Moellendorf 10/8/2012 10:06 AM >>>

Do you know who this person is?

Roger

Exhibit B

Ann and Juan-

I've been working on finding a definition of passive recreation. I found a bit. I've pasted below some of what my research from today has as definitions. I think that the City can simply say "No, no motorized vehicles off the roads; it isn't contemplated in our definition of passive recreation."

"passive recreational activities along [**12] the shoreline", such as "picnicking, hiking, camping, and park usage, **Louisiana Environmental Soc. v. Dole, 707 F.2d 116**

Passive recreation including walking and nature trails and farmland **Northampton Twp. v. Parsons, 2011 Pa. Commw. Unpub. LEXIS 549**

Inferrera v. Sudbury, 31 Mass. App. Ct. 96 --

- a. *Open Space, Developed (Active)*. Land without resource restrictions which is intended and approved for use as active recreation areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply). a. *Open Space, Developed (Active)*. Land without resource restrictions which is intended and approved for use as active recreation areas, such as playfields, playgrounds, skating rinks, swimming pools, tennis courts, and areas for water management (storm, waste, potable supply).
- b. *From MCCrane v. Newtown Twp., 2009 Pa. Commw. Unpub. LEXIS 516* as a quiet area for **passive recreations** like reclining, walking, and reading. **Ward v. Rock Against Racism, 491 U.S. 781**

Such use shall be for **passive recreation** and expressly exclude the operation of motorized vehicles, (except as approved by the Conservation Commission for maintenance purposes), bicycles and the riding of horses over, along or upon Areas A and B and the pedestrian easement. The Town through its Conservation Commission and OMEGA shall have the right, with mutual agreement, to exclude uses inconsistent with the provisions of this Section. **Toll Bros., Inc. v. Planning Bd. of Walpole, 8 LCR 464**

PASSIVE RECREATION DEFINITIONS FOR DISCUSSION

Excerpt from the 2001 City of Durango Open Space Master Plan

Open Space is usually distinguished from active recreation facilities (parks, ball fields) in that recreational use of Open Space is passive, such as hiking, running, bicycling and horseback riding – usually on trails. Recreational facilities in open space areas are typically limited to trails and supporting picnic areas, interpretive facilities, restrooms, and parking lots.

Thoughts on Passive Recreation provided by Chuck Flink

Definition of "passive" has been debated for years everywhere. The classic definition of "recreation" is "refreshment of the spirit and strength after toil, and diversion, play or amusement."

Then you throw in such clarifying terms as where it occurs (indoors versus outdoors), intensity of activity, experience of the activity. Then we use terms like "active" versus "passive."

Normally the debate about passive versus active recreation is centered on following issues:

1) Type of Activity: Passive recreation is sometimes referred to anything that does not involved an organized activity, such as baseball, volleyball, basketball, soccer, etc, and usually requires a structured landscape such as a field or building to host the activity. Some folks like to lump into the category recreation activity that "individuals" participate in. But this gets tricky when it comes to things like watchable wildlife, picnicking or even organized races, such as Father's Day runs. Some of these passive activities produce lots of impact on the environment, even though they are not technically organized or occur on a structured facility.

2) Impact to the Environment: Some folks like to say that passive recreation should be limited to those activities that tread lightly on the land and make little impact on the natural resources. But in my opinion, this is a different subject and does not represent passive recreation at all. The whole issue of what is consumptive or non-consumptive is interesting. The impact to the environment varies by the intensity of use. I don't think you can make a strong argument that the ballfield is more of an impact than the walking trail through the woods. The question is, what impact to what environment is being measured.

3) Energy Expended: I have heard arguments that passive recreation is limited to activities that don't expend much energy. Slower paced activities are passive, where those that get the heart rate up are active. This is where the term "low impact" versus "high impact" comes from. In this case the impact is to the human body.

4) Location of Activities: Some will say that passive recreation occurs in tranquil, peaceful and solitary environments, whereas active recreation occurs in more human influenced environments.

Great Outdoors Colorado

Low-impact (Passive) Recreation: recreational use such as walking, running, hiking, environmental education interpretive signage, fishing, and (in certain circumstances) bicycling.

High-impact (Active) Recreation: recreational uses such as motorized recreational use (e.g. snowmobiles, dirt bikes, etc.), paved running tracks, ball fields, playgrounds, golf courses, etc.

Jefferson County Colorado

Active Recreation

Recreation that involves playing fields and team participation such as baseball, soccer, lacrosse, etc...

Passive Recreation

Recreation without fields, more generally trail- based hiking, mountain biking, horseback riding, wildlife viewing, picnicking, etc.

City of Boulder Colorado

In the City of Boulder Charter, passive recreation is described as one of the purposes of Open Space with six activities listed as examples: hiking, photography or nature studies, and, if specifically designated, bicycling, horseback riding or fishing. However, the Charter does not provide an actual definition of passive recreation, nor a comprehensive list of what activities are appropriate for Boulder's Open Space and Mountain Parks. In the past, recreational activities have been evaluated and managed on a case-by-case basis.

Hennepin County Minnesota

Passive recreation refers to non-consumptive uses such as wildlife observation, walking, biking, and canoeing. In the HLD restoration plan, the goal of providing passive recreational uses is to ensure the least impact on the wetland ecosystem.

U.S. Legal Inc.

Passive recreation may be defined as a non-motorized activity that:

- Offers constructive, restorative, and pleasurable human benefits and fosters appreciation and understanding of open space and its purpose
- Is compatible with other passive recreation uses
- Does not significantly impact natural, cultural, scientific, or agricultural values
- Requires only minimal visitor facilities and services directly related to safety and minimizes passive recreation impacts

Brevard County Florida

Passive Recreation means recreational uses where very minimum alteration of vegetation, topography or other native feature is necessary for the enjoyment of the site amenities. Activities which are considered passive include, but are not limited to, hiking, bicycling, nature observation, camping, picnicking, non-motorized recreation and sports, and archaeological or historic preservation.

<http://docs.durangogov.org/sirepub/cache/2/u0yegn32eftcdzrsiam1i45/295805809292012012256419.PDF>

The term "passive recreation" is not defined by statute, and a review of existing case law fails to provide a precise definition. The Department of Environmental Protection has advised this office that the term has been variously defined.[5] In seeking to determine what activities may qualify as passive recreation, however, consideration of such factors as the degree of physical engagement involved in the activity or whether the facility is resource-based as opposed to user-oriented would appear to be relevant. For purposes of prescribing recreational uses appropriate to Florida's Cross Florida Greenways State Recreation and Conservation Area, "resource-based activities" are defined as "dependent on some particular element or combination of elements in the natural or cultural environment and include such activities as fishing, camping, hunting, boating, bicycling, nature study, horseback riding, visiting historical sites, and hiking." [6]

The establishment of a trail for such activities as walking or bicycling would appear to qualify as a passive recreational use of district lands. Walking and bicycling are pastimes that should have no adverse impact on a site and may generally be conducted in a manner compatible with natural resource protection. Thus, the special act for the district appears to authorize the creation of such recreational uses, provided that the district determines such use is appropriate for environmental protection or the conservation of the natural resources.

In addition, Chapter 260, Florida Statutes, constitutes the "Florida Greenways and Trails Act." Section 260.012, Florida Statutes, states that it is the intent of the Legislature to encourage the development of greenways and trails by counties, cities and special districts and "all counties, municipalities, and special districts of this state [are] authorized to spend public funds for such

purposes[.] "[7] Among the powers of the Department of Environmental Protection under the act is the authority to "[e]stablish, develop, and publicize greenways and trails in a manner that will permit public recreation when appropriate without damaging natural resources." [8] Title to the property need not be transferred to the department. Pursuant to section 260.015(2)(a), the Florida Greenways and Trails Council, located within the department, is authorized to accept easements, licenses and other agreements that would facilitate the establishment of a statewide system of greenways and trails.

Accordingly, I am of the view that the Melbourne-Tillman Water Control District is authorized to open and develop district property for passive recreational purposes such as trails, provided the board of directors of the district determines that such use is appropriate for the environmental protection or conservation of the natural resources.

<http://www.myfloridalegal.com/ago.nsf/printview/937832F3F59ED7068525693C006CA28C>

The definition of passive recreation, as read directly from the covenant, "shall include activities such as hiking trails, horseback riding, jogging, hang-gliding, operation of radio-operated airplanes, picnic grounds, park benches, restroom, open public gathering in meadows, a road, and no more than 60 parking spaces cumulatively." The covenant goes on to say that passive recreation doesn't include, "activities such as ball fields, tennis courts, outdoor auditoriums, and other activities that require alteration of the natural land."

<http://www.independent.com/news/2010/may/28/county-puts-brakes-bike-fest/>

SAMPLES OF REFERENCES TO ACTIVE AND PASSIVE RECREATION

Presented below is a relatively small collection of the myriad references to active and passive recreation. These references consistently refer to active recreation as activities that require special facilities. This list is drawn from sources available on the web in order to facilitate evaluation of the entire references. In the interest of space, only the pertinent sections of each document are copied here.

<http://www.springsgov.com/Page.asp?NavID=834>

Parks and Recreation, Economic Development, Downtown, Utilities

10.0 PARKS AND RECREATION

10.1.D7 Active park use refers to structured recreational activities which require specialized parkland development and management which may restrict general use of the parkland or facility. Passive park use refers to less structured recreational activities which require little or no specialized parkland development and management and are enjoyed on a first-come, first-served basis.

<http://www.munic.state.ct.us/MIDDLEFIELD/zoneart1.htm>

ZONING REGULATIONS

02.16.01. Passive Recreation:

Passive Recreation means non-motorized recreation not requiring "development", as defined herein, nor requiring any alteration of the existing topography, nor any activity regulated pursuant to this section. Such passive recreation shall include, but not be limited to, hiking, hangliding, bicycling, picnicking and birdwatching.

http://www.des.state.nh.us/dwspp/landgrant_guidelines.htm

Water Supply Land Grant Program

Typical Restrictions on Lands Acquired with Grant Funding

PERMITTED USES AND ACTIVITIES

Passive Recreation. Passive recreation is allowed. This includes hiking, cross country skiing, bicycling, non-motorized recreation, hunting, and fishing.

http://www.ci.bellevue.wa.us/departments/Development/pdf/cp_egloss.pdf

Active Recreation Facilities (Parks) Facilities for structured or unstructured outdoor and indoor recreation activities such as sports fields, play areas, golf courses, marinas, waterfront, swimming pools, skating rinks, outdoor theaters, gyms, meeting space, or game rooms.

Passive Recreation (Parks) Outdoor recreation which does not require significant facilities.

http://www.co.boulder.co.us/openspace/recreating/activities/mtn_bikes.htm

Mountain Bikes on Open Space

All open space trails, except the Anne U. White Trail at Fourmile Canyon Creek, Nighthawk and Button Rock Trails at Hall Ranch and the Lichen Trail at Heil Valley Ranch, are open to mountain biking.

Related to: <http://www.co.boulder.co.us/openspace/recreating/index.htm>

Recreating on Open Space

Open Space properties are as diverse and distinctive as the environments throughout Boulder County. Some are large reserves in the forested mountains or rocky foothills while others are wetlands or grasslands. Some contain archaeological and historic sites while still others are valuable as wildlife habitat, urban buffers, agricultural and range land, or trail corridors.

Many of these areas are open to the public and offer excellent passive outdoor recreation for all County residents and visitors. Multiple use trails, picnic sites, and some fishing and boating are all available on county open space.

http://www.town.caledon.on.ca/parks_parks_trailway.html

The Infrastructure Group is responsible for the maintenance and new development of the Caledon Trailway. As a link with the Trans Canada Trail, the Caledon Trailway is enjoyed year round for passive use such as: walking, hiking, bicycling, horseback riding, and cross-country skiing. The Humber Valley Heritage Trail is another trail that passes through the Town of Caledon.

.....

The Trailway is currently under development by the Town of Caledon for passive recreational use. It stretches for 22 miles (approx. 36 kilometers) from Terra Cotta to Palgrave and allows users to experience the wonders of the Niagara Escarpment, the Credit and the Humber rivers, as well as the scenic and beautiful Caledon and Albion Hills (which form part of the Oak Ridges Moraine).

<http://legal1.firn.edu/ago.nsf/aee37715760bbce852563cc001bacf7/937832f3f59ed7068525693c006ca28c!OpenDocument>

The term "passive recreation" is not defined by statute, and a review of existing case law fails to provide a precise definition. The Department of Environmental Protection has advised this office that the term has been variously defined.[5] In seeking to determine what activities may qualify as passive recreation, however, consideration of such factors as the degree of physical engagement involved in the activity or whether the facility is resource-based as opposed to user-oriented would appear to be relevant. For purposes of prescribing recreational uses appropriate to Florida's Cross Florida Greenways State Recreation and Conservation Area, "resource-based activities" are defined as "dependent on some particular element or combination of elements in the natural or cultural environment and include such activities as fishing, camping, hunting, boating, bicycling, nature study, horseback riding, visiting historical sites, and hiking." [6] The establishment of a trail for such activities as walking or bicycling would appear to qualify as a passive recreational use of district lands. Walking and bicycling are pastimes that should have no adverse impact on a site and may generally be conducted in a manner compatible with natural resource protection. Thus, the special act for the district appears to authorize the creation of such recreational uses, provided that the district determines such use is appropriate for environmental protection or the conservation of the natural resources.

...

[5] The Department of Environmental Protection has advised this office that various communities define the term in different ways. For example, one city considers a park which does not have facilities installed or requires facilities maintenance is a park offering passive recreation.

Another town classifies passive recreation parks as those offering picnicking, trails, and open space, but not managed for organized sports. One county considers passive recreation as any pastime which has no adverse impacts on a site and is generally conducted in a way to be compatible with natural and/or cultural resource protection. Included in such a definition are low impact camping, horseback riding, fishing, hiking, and swimming.

<http://www.pitkingov.com/images/other/Jan24.htm>

Since the definitions of active and passive recreation play such a large part in Recreation Implementing Measures, Darrell presented the current definitions. After discussing scenarios and the application of the definitions, the following language was adopted by motion, passing 26-2:

ACTIVE RECREATIONAL ACTIVITIES are activities performed with OFF-ROAD MOTORIZED VEHICLES Active recreational activities also include any activity that requires amplified sound, artificial lighting, or prepared grounds or courses for such activities as golf, tennis, swimming, skateboarding, or team sports, except for Nordic skiing and dog sled events.

PASSIVE RECREATIONAL ACTIVITIES are activities performed without the use of motorized vehicles (except when used as accessory to the primary activity), amplified sound, artificial lighting, or any construction such as golf courses, tennis courts, swimming pools, or skateboarding ramps. Examples of passive recreational activities include climbing, hiking, running, bicycling, fishing, hunting, backpacking, camping, wildlife viewing, bird watching, cross-country skiing, snowshoeing, and horseback riding.

<http://www.co.mendocino.ca.us/planning/MendoZO/ZO636.htm>

Division III of Title 20--Mendocino Town Zoning Code

Sec. 20.636.015 Passive Recreation.

Leisure activities that do not require permits pursuant to this Division nor constitute "development" as defined in Section 20.608.023(C), and that involve only minor supplementary equipment. Examples include sightseeing, hiking, SCUBA diving, swimming, sunbathing, jogging, surfing, fishing, bird watching, picnicking, bicycling, horseback riding, boating, photography, nature study and painting. (Ord. No. 3915 (part), adopted 1995)

<http://www.wmich.edu/asylumlake/research/project9.html>

Asylum Lake and University Farms Passive Recreation Research Proposal

Recreation Research:

People in Kalamazoo have expressed an interest in preserving the Asylum Lake and Lee Baker Farm as an area for passive recreation. Passive recreation activities are activities that do not require any type of formal programming by any type of recreation agency. Passive recreation activities include hiking, wildlife observation, walking, x-country skiing and snow shoeing in the winter, bicycling and other similar activities (non-programmed activities).

<http://www.swfwmd.state.fl.us/recguide/pdf/25.pdf>

RV GRIFFIN

About the Property

Public water supply facilities, agriculture, wildlife habitat conservation, and passive recreation characterize the diversity of the working landscape at the RV Griffin Reserve. The Reserve offers vistas of pine flatwoods, freshwater marshes, wet prairies, and glimpses of forested wetlands and oak hammocks. Much of the flatwoods has a sparse overstory of pines and resembles Florida dry prairie, one of North America's most imperiled ecosystems.

Recreational Opportunities

Bicycling

- Seven miles of shared-use trails are available for bicycling.
- Riders are required to stay on marked trails.

Equestrian Use

- 15 miles of shared-use trails are open for horseback riding.
- Riders are required to stay on marked trails.
- Proof of current negative Coggins test must be carried by each rider.

http://examiner.gmnews.com/News/2000/0622/Front_Page/f01.html

As a compromise, Committee-man Evan Maltz has recommended the town deed restrict use on those sites so only passive recreation can be established on them.

Maltz said potential passive recreation uses include jogging and bicycling paths and horse-riding facilities.

<http://www.sfwmd.gov/org/clm/row/exemptfac.html>

F. PASSIVE RECREATION:

Fishing, hiking, bicycling, equestrian and other similar passive recreational activities are exempt from this chapter when:

1. The proposed use does not include the use of motorized vehicles within District rights of way.

2. The proposed use does not adversely affect a previously-authorized use(s) of the right of way.
3. The proposed use is not located within an environmentally sensitive area.*

<http://www.village.hastings.ny.us/waterdoc2.htm>

OVERALL PLANNING FRAMEWORK from the Community Vision and Action Plan

· Passive Recreation: rollerblading, bicycling

<http://www.cupertino.org/update/rec/info/chapter1.pdf>

DRAFT STEVENS CREEK TRAIL FEASIBILITY REPORT

Conceptual plans for the Stevens Creek Trail were first defined in a 1980 report commissioned by the City of Mountain View, Santa Clara Valley Water District and Midpeninsula Regional Open Space District. The 1980 report, "Stevens Creek: A Plan of Opportunities," highlighted the corridor as a regional open space and recreation area and proposed that a bicycle and pedestrian trail be developed adjacent to the creek (The Planning Collaborative, 1980). This report stressed the importance of preserving the natural creek corridor while allowing recreational access to the open space land along the creek. Environmental restoration of the creek corridor, including the reintroduction of the steelhead fishery, were proposed in this original report. Only those recreational uses which would integrate with the natural environment of Stevens Creek were recommended. Walking, jogging, bicycling, fishing and nature exploration were defined as appropriate passive recreational uses of the creek corridor.

<http://www.srwmd.state.fl.us/resources/public+recreation+and+use+management.pdf>

PUBLIC RECREATION AND USE MANAGEMENT

Compatible Uses Not Requiring Written Authorization

Passive resource-based recreational activities by individuals or small groups that occur during daylight hours without the need for increased vehicle access fall into this classification.

Examples include hiking, bicycling, horseback riding, nature study, picnicking, riverbank fishing and canoe access. This class also includes commercial or private film production and research projects that do not infringe upon others using the area. These uses, considered to be very low impact, can be effectively managed.

<http://www.ci.tucson.az.us/planning/luc/art2div9.pdf>

2.9.1 OPEN SPACE (OS) ZONE.

2.9.1.1 Purpose. The purpose of the Open Space (OS) zone is to designate both public and private open space resources, in order to:

- Preserve significant natural resources and open spaces, such as areas of undisturbed native vegetation, major rock outcrops, major ridges and peaks, riparian habitats, and valuable vegetated wash segments.
- Promote restoration of open space to provide visual, recreational, and habitat amenities.
- Preserve vestiges of the natural desert landscape and provide opportunities for hiking, horseback riding, bicycling, and more passive recreation in a natural setting.
- Contribute to the preservation of wildlife habitat, especially interconnected areas which foster the free movement of wildlife, within the city.
- Promote a continued economic benefit to the region by protecting open space areas for the visual and recreational enjoyment of residents and visitors alike.

- Provide a mechanism for recognizing and protecting public and private lands that have been designated for preservation by the property owner.

http://www.humboldt.edu/~ere_dept/marsh/rec.html

The Arcata Marsh and Passive Recreation

The Arcata marsh is an oasis of activities.

Some of these include:

Nature Hikes

Jogging

Bicycling

Picnicking

<http://www.wilkescountync.com/yadkinrivergreenway/introduction.asp>

Wilkes County and the communities of Wilkesboro and North Wilkesboro currently have in place good active park and recreation facilities, such as ballfields and tennis courts. Passive recreation facilities for public use, such as hiking and bicycling trails, are in limited supply. The greenway will provide the needed facilities to hike and bike for health, fitness and recreation purposes in close proximity to their homes and businesses.

http://www.blacksburg.gov/downloads/greenway_easement.pdf

DEED OF GREENWAY EASEMENT

4. Easement for Public Recreational Use

Upon conveyance of this easement to the Town, this easement in gross will benefit the public, and the public is granted an affirmative right to enter upon and to use the Easement Area for passive and active recreation activities, including but not limited to walking, jogging, bicycling, roller-blading, skateboarding and other similar recreational uses. Access by motorized vehicles is not permitted, except as may be undertaken by the Town in furtherance of the purposes of this easement, or as otherwise authorized by the Town.

<http://www.sjtpo.org/Tour&Econ.doc>

The County Ecotourism Plan contains a plethora of useful ideas and strategies for increasing Ecotourism in Cumberland County. As the Ecotourism Plan stresses, partnerships with business and organizations are a major key to success.

One of the six Themes of the Cumberland County Ecotourism Plan is *Birding, Biking, and Hiking: Passive Recreation*. The foregoing discussion expands upon the biking portion of this Ecotourism theme and provides specific information that will help in the planning to draw bicyclists to Cumberland County.

<http://www.colchesterct.net/page16.htm>

OVERVIEW

Open space, in adequate quantities and appropriate locations, can help:

- conserve important natural resources,
- protect community character,
- provide fiscal and economic benefits,
- enhance the quality of life, and
- shape development patterns

Parcels classified as open space typically allow for passive recreation activities (walking, bicycling, sight-seeing). More active recreational activities (organized field sports or supervised recreation activities) are generally considered under the Community Facilities element of this Plan since they are typically conducted at Town-owned recreational facilities.

http://www.pacificmunicipal.com/cortemadera/gpupdate/pdf/section_6.0.pdf

6.0 OPEN SPACE AND RECREATION

There are five Open Space Preserves in and adjacent to the Town, shown in **Figure 6.3.2**:

- Blithedale Summit
- Camino Alto
- Alto Bowl
- Tiburon Ridge, and
- Ring Mountain.

These preserves provide passive recreational opportunities for Town residents, including hiking, mountain biking, picnicking and bird-watching.

<http://www.tellusnews.com/ahr/art/pdf/hartigMarch26AllenParkV2.pdf>

MARCH 26TH CEREMONY ANNOUNCING ALLEN PARK'S LINKED GREENWAY TRAIL PROJECT

The Allen Park project is part of a larger effort that began in January 2000 to establish a regional system for bicycling, jogging, walking, and in-line skating throughout Southeast Michigan. The City is partnering with Ford Motor Company and Ford Motor Land Services Corporation to develop a segment of the trail system that will convert an area along the Ford Clay Mine from an unusable and environmentally unfriendly use to a safe, enjoyable and passive recreational use.

<http://www.saveplumislandairport.org/updates.html>

Recreational. PICA will promote the airport's traditional compatibility with recreational use on or adjacent to the land, including hiking, bicycling, birdwatching, and blueberry picking. Additional passive recreational use will also be permitted as appropriate in proximity to an operating airport.

<http://www.ci.louisville.co.us/Boards/osabordin.htm>

Ordinance No. 1329, Series 2000

An ordinance establishing a Louisville Citizens Open Space Advisory Board to advise the City Staff and Council on matters related to the acquisition, management, restoration, preservation and use of open space lands as set forth in this ordinance, and establishing standards for the acquisition, management, restoration, use and preservation of such open space lands.

D. "Passive recreation" shall mean and include activities such as hiking, photography, or nature studies, and if specifically designated, bicycling, horseback riding, or fishing. No motorized activity will be allowed except for maintenance activities, emergency services or legal access agreements.

<http://www.dep.state.fl.us/coastal/sites/indianriver/sebastian/info.htm>

Recreation

The preserve offers a wide variety of opportunities for passive, natural resource-based recreation. Recreational opportunities include hiking, horseback riding and bicycling on over 40 miles of

trails. Primitive camping is available by reservation at two campsites, one of which has pens for equestrian use. Canoeing, boating and fishing on the St. Sebastian River and the C-54 canal are also popular activities. Manatees may be observed especially on cold days, at the Manatee Vista Area. Picnic areas are available on both the north and south sides of the preserve.

<http://www.ci.eugene.or.us/PW/PARKS/Hendricks/Mgmt%20Plan%20Ch5.pdf>

For the picnic areas and natural forest of Hendricks Park, recreational uses tend to be relatively passive, including biking, exercising and playing with pets, nature enjoyment and appreciation, picnicking, pleasure driving through the forest, running, walking and hiking.

<http://www.ci.durham.nc.us/departments/planning/zoneord/section11/115.htm>

Natural Resource Protection Standards

11.5 Wetlands Protection Standards

11.5.2 Wetland Buffers Use Limitations

3. Wetland buffers can be used for passive recreational activities, such as walking and bicycling trails, provided that service facilities for such activities, including but not limited to parking, picnicking and sanitary facilities, are located outside of the wetland buffer. Water oriented recreational facilities, such as boat or fishing piers, shall require an approved use permit from the Board of Adjustment.

<http://www.springsgov.com/CCBIndex.asp?CCBID=30>

Trails, Open Space & Parks Working Committee (TOPS)

I. Open space lands shall serve one or more of the following functions:

7) Preservation of land for educational opportunities and outdoor recreation areas limited to passive recreational use, including but not limited to hiking, photography or nature studies, and if specifically designated, bicycling, horseback riding or fishing.

<http://www.wkdickson.com/Landscape/public.htm>

Little Mulberry River - Gwinnett County, Georgia W.K. Dickson developed plans for a 1030-acre land preserve that is to include facilities for passive recreation. The plan includes three types of trails connecting various activity areas on the site. The Multi-Use Trail is a 4.25 mile paved 12' path for the use of walking, jogging, bicycling, skating, etc. The Watershed Interpretive Trail is a 1.3 mile circuit that includes Station Points that describe various components of the protected watershed that are viewable in that vicinity. The Backcountry Trail is a 6.75-mile woodland path that provides a hiking experience similar to that of trails in the north Georgia mountains.

Takomah Trail Park - Tampa, Florida Master planning and landscape architectural site design of a 26 acre passive park located adjacent to a stormwater management area. Facilities include bike and hiking trails, fitness trails and picnicking.

http://www.stormwatercenter.net/Model%20Ordinances/open_space_land_preservation_ord.htm

<http://www.epa.gov/owow/nps/ordinance/preservation.htm>

LAND PRESERVATION DISTRICT MODEL ZONING

2. Open space uses, primarily passive in nature, including wildlife sanctuary, forest preserve, nature center, and similar uses.

a. Game farm, fish hatchery, hunting or fishing preserve; or similar uses designed for the protection or propagation of wildlife.

b. Parks and recreation areas for non-intensive uses, including golf course (excluding driving range or miniature golf), hiking, bicycling or bridle trails, picnic areas, playing fields, and similar uses.

<http://www.boonecountyky.org/parks/ConradPlans/ConradExecSummary1.pdf>

PROGRAM DEVELOPMENT

The establishment of a park program was dependent upon direct input from the Conrad Park Advisory Group. A meeting was conducted in November 2001 with the group. A portion of the meeting was devoted to encouraging attendees to provide their views, opinions and feedback on the development of Conrad Park. The Advisory Group provided the following guidance at the November meeting.

VISION STATEMENTS

- An investment should be made in the park for protecting the shoreline.
- Passive activities are appropriate for the site – like bike riding and walking trails.

<http://www.idahoparks.org/pdf/classsys.pdf>

HERITAGE PARK

Compatible Uses - Visitor use includes both interpretation and outdoor recreation in an historic setting. In addition to being an historic classroom, a *Heritage Park* is a place for participating in those outdoor activities which can be accommodated without detriment to historical values and do not detract in any way from the historic scene. In the broad sense, park use falls predominantly in the passive portion of the recreational spectrum. Compatible uses could include interpretive programming, historic reenactments, hiking, archaeological study, architectural study, historical research, picnicking, individual camping, group camping, bicycling, cross-country skiing, snowshoeing, horseback riding, boating, and other recreational pursuits.

NATURAL PARK

Compatible Uses - Visitor use includes both interpretation and outdoor recreation in a natural setting. In addition to being an outdoor classroom, a *Natural Park* is a place for participating in those outdoor recreational activities which can be accommodated without detriment to the natural character and features of the park and do not detract in any way from the natural scene. In the broad sense, park use falls predominantly in the aesthetic portion of the recreational spectrum. *Natural Parks* are not intended to accommodate all forms or unlimited volumes of recreation use. Compatible uses could include hiking, interpretive programming, nature study, individual camping, group camping, picnicking, bicycling, cross-country skiing, snowshoeing, equestrian use, boating, swimming and other recreational pursuits which do not significantly degrade from the natural process or aesthetic qualities of the area.

<http://www.princetonol.com/groups/fowwos/factsheet.htm>

Friends of West Windsor Open Space

This report was the result of work by the Mayor's Open Space Task Force in gathering information on existing and anticipated open space needs for recreation and other uses for the future. The report compiles existing facilities and open space owned by the Township and makes recommendations for future facility development and land acquisitions that should be accomplished over the next eight years. Recommendations are made in the following categories: Active recreation (playing fields, tennis courts, etc)

Passive recreation (walking and jogging trails, bicycling paths, boating, picnicking, etc)

<http://www.brevardparks.com/eel/eelfaq.htm>

What is there to do at an EEL sanctuary?

Passive Recreation

The EEL Program is committed to providing the public with opportunities to enjoy the beauty of Brevard's natural areas. The best way to protect a sanctuary and to provide public access to the site is to support passive recreation activities. These are activities that do not abuse the natural resources, biological diversity, or environmental qualities of a site.

Examples of passive recreation activities provided on EEL sanctuaries follow:

Hiking

Guided nature tours

Wildlife observation

Canoeing and kayaking

Bicycling

Nature photography

Bird watching

Horseback riding

Catch-and-release fishing

<http://www.co.hunterdon.nj.us/pdf/parks/ColumbiaTrail.pdf>

Today the trail spans seven miles from High Bridge to the Morris County line. It provides passive recreation to the surrounding communities through hiking, biking, and cross country skiing.

http://www.bullheadcity.com/planning_zoning/PDFs/GOP32002.pdf

Objective: Encourage eco-tourism type development in Original Bullhead City.

Eco-tourism is defined as "responsible travel to natural areas that conserves the environment and improves the welfare of local people".)

Policy: Promote passive recreation activities, such as hiking, bicycling and non-motorized river travel that have minimal impact on the natural environment.

Policy: Encourage commercial operations that offer non-motorized conveyance vehicles such as bicycles and kayaks to take advantage of the Heritage

http://www.countyofsb.org/energy/documents/projects/tranquillonEIR/5_14.pdf

5.14.1.1 Recreation

Western Santa Barbara and San Luis Obispo Counties contain a varied and scenic physical environment, ranging from coastal bluffs, sand dunes, and beaches, to inland mountains and forests. The coastal area offers broad, sweeping vistas of the coastal range and Pacific Ocean and, between Santa Barbara and Point Conception, views of the Channel Islands. The coastal area is largely undeveloped in SBC and built up in and around Pismo Beach, and the region contains several existing oil processing and missile launch facilities interspersed with coastal parks and agriculture.

Outdoor recreation resources include state, county, and locally managed public and private parks, reserves, golf courses, and recreational clubs along shoreline and inland areas.

Recreational activities include boating, diving, surfing, swimming, sunbathing, nature observation, hiking, camping, biking, and off-road vehicle use. (Recreational fishing is discussed in Section 5.7.) Given fine weather and proximity to mountains and beaches, residents and visitors enjoy year-round participation in these activities.

...

The sole inland recreation resource adjacent to the projects' area is the Burton Mesa Ecological Reserve, a CDFG-managed parcel adjacent to the LOGP and surrounding three sides of Vandenberg Village. It covers approximately 5,000 acres of sensitive ecological habitat and provides passive recreational opportunities such as walking, hiking, naturalist activities such as bird watching, and bicycling (SBCRMD 1994).

<http://www.eldoradomtn.org/n-mts/glossary.htm>

GLOSSARY

Active Recreation: Recreation which requires some constructed facilities such as soccer, softball and football fields and organized activities.

Passive Recreation: Recreation which involves existing natural resources, and has a minimal impact. Examples: hiking, horseback riding, cross country skiing, bird watching, kite flying, and bicycling.

<http://www.ci.parker.co.us/html/Parks%20Plan/ch2parkclassifications.html>

Parks Master Plan

Chapter Two

Park Classification Standards

...

4. Open Space/Open Land

Typical Facilities: Open space protects natural areas and provides many passive uses, including:

Important vegetation/wildlife habitat

Wetlands

Scenic areas or vistas

Land for grazing or agricultural uses

Floodplains in their natural configuration and condition

Steep slopes

Buffer areas between urban development

Areas for low intensity recreation, such as hiking, biking,

Horseback riding, casual picnicking, nature study,

Interpretation and fishing

Parking for trailheads

<http://www.nocateetown.com/faq.asp>

What is the Nocatee Greenway?

The Nocatee Greenway contains over 4,700 acres of interconnected upland and wetland habitat that provides and protects important wildlife corridors. The Greenway will also provide area residents with many passive recreational opportunities such as bicycling, hiking, birdwatching, jogging and horseback riding.

<http://darkwing.uoregon.edu/~ode/archive/v96/3/050895/050895.haven.html>

Citizens' plan to maintain "riverside haven" finalized Sherry Rainey Oregon Daily Emerald
Saltmarsh is one of thousands of Eugene and Springfield residents who use the park for passive recreation -- jogging, fishing, hiking, picnicking, boating and flying kites. It is the only park that connects the two cities. A view of passive recreation is included in the preface of the committee's draft plan: "Passive means we are acted upon, we are receiving the action. If we are passive, then the land is active. ...This doesn't mean we sit back and do nothing, but it means we are here to serve this land, not the other way around."

<http://www.monterey.org/citypark.html>

City of Monterey City Park Locations 15. Don Dahvee Greenbelt- 35.8 acre passive recreation area adjacent to Munras Avenue. Nature trails, picnic tables, bike path.

<http://www.snre.umich.edu/emi/pubs/hennepin.htm#pdf>

From a fairly recently published Master's Thesis at the University of Michigan's Ecosystem Management Initiative (see <http://www.snre.umich.edu/ecomgt/aboutemi.htm>):

"Passive recreation refers to non-consumptive uses such as wildlife observation, walking, biking, and canoeing."

(Section 4.3 of "A Resting Place for the Ducks: A Multidisciplinary Analysis of Floodplain Restoration of the Hennepin Levee District, Illinois,")

<http://www.co.arapahoe.co.us/DSIM/Comprehensive%20Plan/PHDraft>

From the definition in the glossary of terms (appendix A) within the Arapahoe County, Colorado draft General Plan:

"Relatively undeveloped lands used for recreation (e.g., unpaved trails for non- motorized use, picnic tables and interpretive sites). Passive recreation implies a lower level of human use of an open space area or park.

<http://www.ladyface.com/glossary.htm>

From the definition of terms published by the Cornell Preservation Organization, which is dedicated to preserving Southern California's Santa Monica Mountains:

"Recreational activity, usually unstructured, requiring little use of physical facilities."

--

Tina Russom, Esq.

Juan Guzman - Re: Fwd: passive recreation definition

From: Tina Russom
To: Roger Moellendorf
Date: 10/9/2012 12:06 PM
Subject: Re: Fwd: passive recreation definition
CC: Ann Bollinger; Juan Guzman

Great!

Tina Russom
Deputy District Attorney
Carson City District Attorney's Office
885 E Musser Street
Suite 2030
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>>> Roger Moellendorf 10/9/2012 9:45 AM >>>

Probably the "Escape from Prison Hill" race. It's a half marathon trail run. I think an organized trail run like this is sort of in the gray area between active and passive recreation.

Roger

>>> Tina Russom 10/9/2012 8:15 AM >>>

I agree that it should be grandfathered in... anything else that may be raised as a potential grandfathered in activity?

OUR OPINION

There's no perfect solution for Carson River Canyon access

7-8-08

Years from now, when the V&T Railroad snakes its way through the Carson River Canyon, passengers will look out the windows at some of the best scenery Northern Nevada has to offer.

What they won't see, it would seem, is a large number of people enjoying the shady riverbank, because motorized access to the five-mile stretch will likely be cut off. An ambitious plan for a recreation trail is good news for bicyclists and hikers, but it saddens us that the canyon will be largely inaccessible for those without the physical wherewithal to get very far down that trail.

It's important to note that few of those people are likely using the canyon now, and there are many local residents who've never visited there at all. For some people, it's merely because they're not aware of the canyon's beauty. For others, the road, soon to be the railroad grade, is a bit too rough for their vehicles, and still others have expressed concerns about safety and the blight of trash.

Currently, the canyon is largely open and unmonitored for people to do whatever they choose, even if that happens to be unloading their garbage along the dirt road.

The best of all solutions would allow for all types of access, giving everyone a chance to view its won-

ders while at the same time cleaning up and policing the canyon. But this may be a case where there's just not room for everyone. And that's a shame, because the Carson River Canyon is spectacular not only in its scenery, but in its potential. The riverbank offers perfect places for family picnics, and there are wide spots that could even work as managed campgrounds capable of drawing tourists.

However, any solution that cleans up the canyon and keeps it clean will be an improvement, even if it falls short of perfect.

• *This editorial represents the view of the Nevada Appeal Editorial Board.*

To: Carson Open Space Committee
Sierra Room 851 E. Williams
Carson City, NV. 89701

Re: Carson Open Space Committee Meeting 10-15-2012

Dear Mayor Crowell and Esteemed Committee Members,

Please accept my comments for public record and public input for the Carson "open space" planning meeting scheduled on 10/15/2012.

I have lived in and around the Carson City area for 13 years and have been a visitor to the area for my entire life. My family and I are avid outdoors folks who love to hunt; fish, hike, camp, 4x4 and most importantly ride our dirt bikes. All of these outdoor activities make everlasting memories and bring our family closer together. The beauty of living here in Nevada is that all of these activities are available to all, and are accessible in minutes.

I understand that you are taking public comment to shape your decisions on your management plan for Carson's "open space" areas. I will tell you any plan that restricts or eliminates motorized vehicles as a legitimate use within the "open space" is not acceptable. This would not be acceptable to my family and I, nor would it be acceptable to anyone that I know. It should not be a consideration of this committee to close ANY existing and popular roads, routes, or trails within the management area to motorized use. These routes have existed for many years, some date back to the first settlements in the area. The draw for many to live in the Carson area is the ability to get out and enjoy the outdoors. You may have heard the term "multiple use", this means anyone and everyone should be able to get out and enjoy the local beauty whether it is on foot, on a horse, in a jeep, on a dirt bike or a 4-wheeler. People love to just get out of town for a bit, breathe the fresh air, look for neat rocks or have a day picnic. Any plan to close or restrict public access is giant disservice to local residents. In many cases motorized restrictions completely eliminates the ability for persons to get outdoors. If you are elderly, have a physical disability, or are a small child you are now cut-off from experiencing the outdoors.

Additionally, closing routes and limiting public access will ultimately hurt the economy of Carson City. Taking much-needed dollars out of the local economy is something that you want to be doing with our current situation. The tourist draw for motorized recreation to the area is enormous; the much needed dollars brought into the community are great. These folks spend thousands of dollars yearly on food, gas, repairs and lodging services. These dollars support many local jobs; as a matter of fact, it supports my job. Keep in mind, that many routes through the Carson "open space" continue onto BLM land and these routes are the only access points to a much large area. Therefore, closing these routes to motorized use would be far more damaging than you may know.

I urge you to continue to keep the "open space", just that – "open" to all!
Thank you,

Nate DeLaney GM
Dirt Tricks, Inc.
2554 Business Parkway
Minden, NV. 89423

p.s in regards to a concern than OHV activities start forest fires. This is simply not true, and under normal operating conditions simply not possible. Off road vehicles such as dirt bikes or 4-wheeles have spark arresting exhaust systems that are no different than the car you drive everyday. Lightening is a serious fire threat, not motorized vehicle use.

From: Juan Guzman
To: Abowd, Karen; McKenna, John; Moellendorf, Roger; Nate; Walt, Molly; rcrowell@carson.org; shelly@tristatecommercial.com
Date: 10/12/2012 12:06 PM
Subject: Re: Carson Open Space Planning Meeting
CC: Hyatt, Stella
Attachments: Carson.doc

Dear Mr DeLaney:

On behalf of the Board of Supervisors and the Open Space advisory Committee thanks for your letter. I will introduce it into the record Monday night at the Open Space meeting. The discussions presently have to do with the definition of the term passive recreation. The Open Space Program was created as a Tax Measure, Q-18, voted by Carson City Residents, that is very specific as to the use of the proceed of the tax for passive recreation. I am not aware of any prosed closure of roads thru the open space program however the voters did not adopted the tax measure for the purpose of developing motorized recreation facilities. When there is a road thru our open space lands we respect and honor public access and motorized use within the road itself. Presently funding from the program is used to maintain Ash Canyon Road for example. As another example Kings Canyon Road maintained by the USFS provides public access to enjoy the scenic quality of Horsecreek Ranch were we maintain a combination of fee title lands and a conservation easement. The program has the difficult task to provide for public recreation while protecting natural and cultural resources and we work very diligently to provide the Board of Supervisors with recommendations on these matters. Thanks for your letter and hope to meet you personally Monday night.

Juan F. Guzman
Open Space / Property Manager
Carson City Parks & Recreation Dept.
3303 Butti Way, #9
Carson City, NV 89701
T: 775-887-2262 ext. 7341
F: 775-887-2145