

# CARSON CITY OPEN SPACE ADVISORY COMMITTEE

## Minutes of the October 15, 2012 Meeting

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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, October 15, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Bruce Scott  
Vice Chairperson Tricia Lincoln  
Member Laura Fitzsimmons  
Member Terri Green-Preston  
Member Donna Inversin  
Member Howard Riedl

**STAFF:** Juan Guzman, Open Space Property Manager  
Ann Bollinger, Natural Resources Specialist  
Tina Russom, Senior Deputy District Attorney  
Kathleen King, Deputy Clerk / Recording Secretary

**NOTE:** A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

**CALL TO ORDER AND ROLL CALL** (6:01:20) - Chairperson Scott called the meeting to order at 6:01 p.m. Roll was called; a quorum was present. Member Evans was absent.

**CITIZEN COMMENTS** (6:02:05) - Chairperson Scott entertained public comments; however, none were forthcoming.

**1. ACTION ON APPROVAL OF MINUTES - September 24, 2012** (6:02:43) - Chairperson Scott entertained comments or questions and, when none were forthcoming, a motion. **Vice Chairperson Lincoln moved to approve the minutes. Member Fitzsimmons seconded the motion.** Chairperson Scott entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-0.**

**2. MODIFICATIONS TO THE AGENDA** (6:03:17) - Chairperson Scott entertained modifications to the agenda; however, none were forthcoming.

**3. MEETING ITEMS:**

**3-A. PRESENTATION ONLY OF A RESOLUTION TO MR. DANIEL JACQUET FOR HIS YEARS OF SERVICE AS A MEMBER AND CHAIRMAN OF THE OPEN SPACE ADVISORY COMMITTEE** (6:03:28) - Chairperson Scott introduced this item, provided background information on Mr. Jacquet's Open Space Advisory Committee ("OSAC") service, and invited Mr. Jacquet to provide comment. (6:04:32) Dan Jacquet expressed appreciation for the commendation, and for the opportunity to have served as the OSAC chair and to have "assist[ed] the Board of Supervisors in implementing the Question #18 funds." He expressed appreciation for everyone involved in proposing and promoting Question #18. "It's an amazing thing to think that we would, as a community, agree to tax ourselves for something that may seem like cream on the top, open space. ... we have a lot of open space around here and we assumed it was going to stay that way forever. I think those in the know realized that

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that wasn't so. Open space, whether it's public land or private land, can see development and disappear from our inventory of nice places to visit and nice places to look at." Mr. Jacquet expressed appreciation for the opportunity to have worked with the committee, staff, and the Board of Supervisors for approximately 13 years. He expressed the opinion "we accomplished a tremendous amount, beginning with ... setting the framework for open space with our ordinance and having to go to the legislature and get our charter amended and ... a lot of leg work ..., including developing a master plan with the community. And that was probably a year-long process, and we heard a lot from folks in all our neighborhoods about what they desired in the way of open space and uses." Mr. Jacquet expressed the opinion that "our plan was true to that process and it's borne out in the largely positive feedback that we get from the citizenry and from local politicians and even state and federal folks. ... it was a credit to that early [committee] and to the Board of Supervisors at the time." Mr. Jacquet expressed the understanding that the current committee is "forging ahead with some management actions which, of course, we knew was coming." He emphasized the concept of perpetuity relative to open space. "... if all we are is a land bank and moving land around and changing our objectives every couple years, what, in essence, have you really achieved? So, it's that long range vision and sticking to it that matters." He thanked the committee for the recognition and encouraged them in their future endeavors.

Chairperson Scott read into the record the language of Resolution No. 2012-OSAC-R-1, copies of which were included in the agenda materials, and presented a framed original to Mr. Jacquet, together with a framed photograph of the Silver Saddle Ranch. Chairperson Scott entertained committee member comments and, when none were forthcoming, Mr. Jacquet thanked the committee. Chairperson Scott entertained public comment; however, none was forthcoming.

**3-B. POSSIBLE ACTION TO ACKNOWLEDGE THE PASSIVE RECREATION DEFINITION AND PROVISIONS OF CHAPTER 13.06 OF THE CARSON CITY MUNICIPAL CODE (6:13:39)** - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Chairperson Scott expressed appreciation for the citizens' attendance, and explained that the "definition of open space is a little bit removed from any concerns or management decisions that might relate to access to open space. But those kinds of discussions will be coming in the future and it's going to be important that we have the ability to reach the motorized, off-highway vehicle ... community so that we (1) know who you are and can make sure that you're in the loop as far as notification and, secondly, ... as we get into it, ... education and outreach [will be] important elements of the Open Space Committee, whether it's passive, whether it's a road that goes through property that we might own or control, or whether it's on federal land, Forest Service, or federal land, BLM. So, ... those elements are going to be important as we go forward."

Chairperson Scott entertained comments or questions of the committee members. In consideration of the definition of "passive recreation," Member Riedl provided an overview of the open space acquisition process for the benefit of the citizens present. Member Green-Preston advised of having requested further consideration of the passive recreation definition during the June committee workshop. She discussed her experience and concerns regarding access to the Carson River Canyon, and advised that this was her reason for contacting the OHV community. She discussed additional concern that the open space master plan element hasn't been updated since 2000. She expressed the opinion that "the definition of passive recreation shuts some doors ..."

Chairperson Scott entertained additional committee member comments; however, none were forthcoming. Mr. Guzman advised of having received five e-mails, copies of which he distributed to the committee

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members and the clerk, and provided an overview of the same. Chairperson Scott reiterated that the subject item is relative to passive recreation “not ... any decisions on land use or opening or closing things.” He acknowledged Member Green-Preston’s concerns over “impacts on historic uses,” and expressed the opinion that the committee should discuss the same “on a site-by-site or property-by-property ... basis because we have acquired a number of properties which ... are probably not appropriate for development for off-highway vehicles and we have also acquired properties that have existing access through them and we’re going to have to grapple with that and deal with that.” Chairperson Scott expressed the opinion that the definition of passive recreation does not impact access.

Chairperson Scott provided direction with regard to public comment, and advised that the Open Space Program has acquired lands used by many OHV users. He explained that the committee serves in an advisory capacity to the Board of Supervisors “as a resource group. The maintenance of the resource, both visual as well as physical, is important to us and so the kinds of things that ultimately we’ll want to get into are going to be maintaining trails, maintaining access, respecting areas where sensitive lands can’t support major off-road activities ...”

Chairperson Scott entertained public comment and, following a suggestion by Ms. Russom, expressed a preference “to keep things moving along.” Chairperson Scott provided additional direction with regard to repetitive comment. (6:34:19) Phil Hooper advised that he is a Minden resident and, in reference to previous comments, expressed the opinion that the term ‘passive recreation’ “sounds restrictive.” In response to a question, Chairperson Scott explained that the committee “is not an active recreation group. We are charged with the acquisition of lands for the benefit of the community as a whole. We are not charged with acquiring property for developed recreation. It’s passive in the sense that it’s scenic; it’s maintaining the vistas; ... the ideas of passive recreation are non-impactive kinds of uses.” In response to a comment, Chairperson Scott further clarified that “much of our land ... does not really have roads on it now anyway. Some of it does. If there is a desire to have any impact on the existing use, we’re going to have to look at those lands area-by-area. And so passive recreation is our primary goal ... ... the definition of passive recreation in no way sets a limit on any specific access or roadway. We will be looking at individual areas and protecting resources in the future but that’s not tonight’s subject and ... passive recreation ... does not affect any existing uses.” In response to a question, Chairperson Scott advised of no anticipation to move forward “with the concept of closing a road, but we will be looking at plans for specific areas. You have, for example, Prison Hill and the Silver Saddle Ranch which are part of what are being acquired from the BLM ... Those come with strings attached. You have the Carson River Canyon ... which we have acquired. Those will have this kind of meeting to discuss uses and the Board of Supervisors has specifically asked us to look hard at those lands in light of the historic uses. ... and we are an advisory body. We ... don’t do anything but advise the Board of Supervisors.” Mr. Hooper expressed understanding for open spaces and passive recreation, and a preference for “that in addition to what’s already grandfathered in on the roads instead of cutting off roads.” Chairperson Scott expressed understanding for Mr. Hooper’s concerns, and the hope that Mr. Hooper “would not represent that the uses out there today are the level of environmental care that we really need on our open spaces. That’s something that will be a big part of how do we find the balance.”

Mr. Guzman responded to questions regarding property dedicated to the V&T Railway Reconstruction. In response to a further question, Mr. Guzman advised that the committee has taken no action to close any roads on any acquisition to date. Member Riedl could recall no roadway closed on any open space acquisition. In response to a comment, Mr. Guzman reiterated that the committee has taken no action to

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recommend the closure of any roadway. “The Board of Supervisors and the V&T and the people of Carson City agreed to support the V&T and voted in a tax. The V&T Commission had public hearings ... when they were going to close the road. There were many people who opposed the closing of the road; however, in the end, the result was that the Board of Supervisors and the V&T Commission agreed to proceed with the project. ... we knew that that was a fact ... The road is going to be closed. Even if we don’t buy the land, the V&T will make arrangements with the owners of the land, which was private, to buy it. So, we took advantage of the situation and told the V&T, ... let’s buy the lands together so we both save money. We pay less money for the land because you contribute by the monies that you will pay for the easement and we’ll buy the remainder land. We have the ability to have access. It’s just non-motorized access. We have the ability to walk, we have the ability to hike, and that’s what we do ... That is the mission that we came from. That’s why the tax was enacted.”

(6:42:40) Scott Todd, a resident of Carson City, inquired as to the reason the Open Space Program is acquiring easements “that only allow us to look at the property but give the owner the benefit of collecting money and still having possession and control of that.” In reference to Member Green-Preston’s comments, Mr. Todd expressed support for “keep[ing] what we have; what we’ve always used.”

(6:44:05) Greg McKay suggested considering access prior to acquiring property, and working together with the State’s “OHV Committee.” He acknowledged this committee’s “passive recreation ... mandate,” and expressed the opinion the committee can “probably work with the motorized community. If ... people use the resource responsibly, there’s not any damage.” Chairperson Scott expressed appreciation for Mr. McKay’s comments, and advised that there will likely be few other open space acquisitions. Chairperson Scott suggested talking with staff to review Open Space Program parcels, and advised that the committee will be soliciting public input as the process to define management responsibilities goes forward.

(6:46:18) Dick Howtle expressed concern with regard to land acquisition in consideration of the percentage of public land in Nevada. He discussed the decline in property values and the increase in property taxes. “We can’t afford more property. Let’s work with the stuff we’ve got.” Chairperson Scott advised that the Board of Supervisors recently conveyed the same direction to the committee. He explained that the Open Space Program has acquired private property that had open space values, for which he provided an overview. “We are pretty much past the acquisition stage and now moving toward management and management ... implies how do you protect the investment with the public’s dollars, in perpetuity, with uses that are consistent with the limitations on any particular piece of property ...” Chairperson Scott expressed appreciation for Mr. Howtle’s comments, and assured the citizens that the area of focus “particularly for off-highway vehicle users is the 87 percent [of public land]. That’s where the biggest opportunity is and ... most of the trails are ...” Mr. Howtle expressed concern that acquisition often exceeds the funds necessary for management. Chairperson Scott discussed the committee’s responsibilities relative to management.

In response to previous comments, Vice Chairperson Lincoln advised that the committee began transitioning from acquisition to management over a year ago. She explained that the open space ordinance makes selling open space property more expensive than managing it. She advised that the committee has nothing to do with the “Carson Valley Rim Trail ... or the Tahoe Basin except where Carson City meets the lake.” She explained the conservation easement on the Horse Creek Ranch, and the purpose for the same. With regard to the Carson River Canyon east of Deer Run Bridge, she advised that it was private property and “we would not even have been able to acquire any of that land except John Serpa got hit with

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some serious financial difficulties and needed to sell his portion of it and Don Bently ... did love trains. He would not have come to the table to open space or anybody else unless we allowed the V&T to be rebuilt through there. Again, you were trespassing all this time. You didn't know it and they didn't keep watch out for that, but the historic use of that area is a train and so, at some point, some portion of that is going to be a train again and we have to work around that. But there are other ways to access it too."

(6:53:04) Pine Nut Mountains Trail Association President Doug Holcomb expressed appreciation for Question #18, and the opinion that open space is "very, very important." He explained the mission and membership of the Pine Nut Mountains Trail Association, and advised "we have shown that you can get along." He advised that he and his wife ride horses and that he is an avid motorcycle enthusiast. He further advised that he lives at Lake Tahoe, but rides motorcycles often in Carson City. He further advised that if access is closed such that he has no way to stage his dirt bike, he won't be coming into Carson City. He discussed the amount of money he spends in Carson City each time he comes here to ride. He described the location of closed access just south of the Brunswick Bridge. He expressed appreciation for the passive recreation concept, and opposition to closing access to historic OHV routes. He suggested developing a definition relative to "passive trail riding versus active racing on Carson City lands." Chairperson Scott requested Mr. Holcomb to provide his contact information to staff. Chairperson Scott described the location of access "around the corner on Deer Run Road that doesn't go up the slope. The problem ... those barriers ... are trying to address is the erosion down those slopes every time it rains and the mud and dirt that comes onto the roadway. ... those specific linkages are intended to be blocked, but there's an alternative just around the corner that leads you back up and you still get to the power line ..." Discussion followed. Mr. Guzman thanked Mr. Holcomb and the Pine Nut Mountains Trail Association for their assistance with Carson River area clean up projects over the past three years.

(6:59:22) Terry McTimmons, a resident of Carson City, advised that he "enjoy[s] the motorized access ..., but [his] business depends on it." He expressed the hope that the committee will "take a real close, serious look at the amount of dollars that come into this area just for the recreation access and a lot of that is motorized access." He expressed vehement opposition to closing access to motorized vehicles. "There are thousands of people that live in this immediate area, let alone their friends and family that come in just for the recreation access." Mr. McTimmons advised that he sells RVs at the Outdoor Toy Store in Moundhouse, and "if there's no place to ride them around here which is why people live here ..., that's going to effectively put [him] out of business." He requested the committee to consider the "adverse implications ..."

(7:01:24) Gage Smith, a resident of Wellington, Nevada, expressed the belief "we're under assault now. ... the Forest Service with their travel management plan, the BLM with their travel management plan, Senator Reid holding various counties hostage in order to get wilderness areas designation, the latest being Lyon County and the Pine Nut [Mountains]." Mr. Smith advised that the BLM will hold its first travel management plan workshop on Thursday, October 18<sup>th</sup> at the Carson Valley Inn, and he encouraged attendance. Chairperson Scott advised that the Open Space Program doesn't develop for active recreation, "but we do have the potential to do things that can be complimentary and potentially in coordination with off-highway vehicles. ... we may not always agree, but we've got to keep talking because there are too many things that are elements of this picture that need to be coordinated. ... economics is a big deal ... We don't think in those terms typically because our open space is largely focused on a quality of life for Carson City and the residents and everybody who comes here can enjoy it, but they don't come here just to see the open space. They come here for other things and it's an amenity that we want to preserve and maintain."

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Ms. Bollinger announced a BLM travel management plan workshop scheduled for Tuesday, October 16<sup>th</sup> at the Fallon Convention Center.

(7:04:37) Flora Todd, a resident of Carson City, discussed concerns that the maintenance plan “be developed fair and equitable for use of our tax dollars to ensure that motorized vehicle use is not disenfranchised and that this maintenance plan does include the conservation side, the more passive recreation, but also the motorized vehicle use.” She thanked Member Green-Preston for informing the OHV community.

(7:05:42) Steve Ritter, a resident of Carson City, expressed concern over bicyclists and equestrians forging new trails “and doing more damage ... because we usually use the existing trails.”

Member Fitzsimmons expressed appreciation for the citizens’ attendance and participation, and advised of never having heard that “we are considering closing ... any existing access.” She noted the benefit of the discussion, and the importance of sharing the resource.

(7:08:57) Susan Minor, a Gardnerville resident, expressed the opinion that the passive recreation term needs further definition and “sounds like you want to exclude us ...” She inquired as to the reason for needing to define passive recreation. In response to a comment, Mr. Guzman advised that the passive recreation term “is already in all of our regulations. It’s not defined, but it already exists. So what we’re trying to do is clarify.” In response to a further comment, Mr. Guzman reiterated that the committee is advisory to the Board of Supervisors who are “the final decision makers.”

In response to previous comments, Mr. Guzman advised that staff has similar concerns relative to bicyclists and equestrians in consideration of “too many new trails.” He further advised of having engaged “that group collectively and form[ing] an agreement with them and now they’re part of our organization and when they build a trail, it’s done with all the permits and in places that are approved by the community in public hearing in trying to alleviate that concern. That doesn’t mean that we have gone back and fixed all the old trails that were built, but ... from now on, they’re working with us ...” In response to a previous comment, Member Inversin advised of having discussed the possibility of licensing bicycles with Sheriff Ken Furlong. “They did not want to do it. They said it was more costly ...” Chairperson Scott discussed the importance of considering and managing environmental impacts. In response to a previous comment, Member Riedl advised that he would never recommend the purchase of open space property with “active OHV activity ... It would not be compatible for the use of open space funds. So having a passive recreation definition helps us decide what is a good use of open space funds and what’s not.”

(7:14:25) Michael Mackelfish advised of having recently returned to Nevada after overseas military service. He described himself as a “motorcycle user and a four-wheel-drive enthusiast.” He expressed concern over the lack of access “within Carson City proper to the River.” In response to a question, Mr. Guzman reviewed and described various access points. Mr. Mackelfish expressed the opinion that “systematically, the citizens are being closed off access to the River just to go down and recreate ...” He described areas which have been closed to access. Mr. Guzman explained “the reason you cannot drive next to the River ..., is because most of the River shore is very fragile environment and if you drive and everybody else were to be allowed to do that, then that vegetation will no longer be able to grow back in there.” Mr. Guzman described areas which can be accessed by OHVs. In response to a further question, Mr. Guzman advised of no proposal to close any existing trail within the open space management areas. He reiterated that the

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V&T Railway Commission will close access in the Carson River Canyon in order to place track. In response to a question, Chairperson Scott discussed the importance of citizen participation in the BLM travel management planning process. Vice Chairperson Lincoln suggested that Mr. Mackelfish contact staff to obtain an Open Space Program map.

(7:22:22) George Swetland discussed the importance of public land interconnectivity in consideration of regional recreational tourism.

Mr. Guzman discussed the mission of the Open Space Program to ensure access in perpetuity. “We have bought property to assure that it remains open and that includes Kings Canyon, Ash Canyon, lands in the River ... The V&T is a special deal and it was before us and we just have to live with it and we were created with a restriction that our monies are to be used for passive recreation. ... We’re just trying to grasp it so we can all live with it ...”

(7:25:07) Mark Kimbrough advised that he lives in the Mexican Dam area, and provided background information on his career as a State Park Ranger. He expressed strong advocacy “to put on the map these actual corridors or areas that should be assigned to OHVs; not restrict them, but actually assign them on a map and let those be part of your plan that these areas will not be restricted for this type of use.” Mr. Kimbrough expressed the opinion that the Carson River Canyon area “is the worst example of stewardship ... in the State of Nevada for a riparian area. Absolutely horrendous, terrible place and it’s not from OHV use. It’s from camping and meth labs and whatever else goes on down there constantly. It was a pretty scary place.” Mr. Kimbrough discussed the possibility of working together with groups such as the Pine Nut Mountains Trail Association to perpetuate education and proper stewardship of open space properties. He expressed support for “stay[ing] with the passive because ... that was a goal that was needed to be kept in the hearts of all these people that voted and understood that, but that there is a motorized element in these just because they’ve been purchased.” He emphasized that Mr. Guzman “has no standing against OHVs. The road up to Ash Canyon ... was essentially worked and pushed by [Mr. Guzman] a lot to get the road open to get OHVs so they can go up there to the top ... so people have access to the parks back country.” He advised of having worked extensively with Mr. Guzman, and that he has never heard him say anything against OHVs other than we need to solve the problem. He expressed appreciation for Member Green-Preston’s “stand on this committee because every committee needs that nice group of different opinions and reasons they sit on this board.” Mr. Kimbrough expressed the opinion that “the solution’s at hand. It’s just how you do it.”

In response to previous comments, Chairperson Scott discussed the reasons Tim Bertagnolli constructed “the gate.” He suggested “OHV users can be part of the solution just like hikers or equestrians or bicycles. We’ve all got to get together and recognize that ... certain things belong better certain places, but being together and working together ... makes a big difference.”

Chairperson Scott entertained additional public comment. (7:30:23) In response to a question, Mr. Guzman explained to Paul Sinnott that this committee is one of several advisory committees which hears various items of public interest, such as the BLM travel management plan, and makes corresponding recommendations to the Board of Supervisors. In response to a question, Chairperson Scott advised that this committee has never had direct involvement with the Redevelopment Authority Citizens Committee. “We’re interested in things like fire, erosion control, noxious weeds; the kinds of things that affect our ground, not particularly from an active perspective, but from a passive perspective or, in the case of fire,

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from a disaster ... perspective. But, the kinds of input we're hearing tonight ... will help form some of our thoughts and inputs to the BLM as far as an area in which we have an interest ... We may not have properties that lend themselves in a lot of ways to that, but we see a need and we're aware of a need and we need to convey that to the BLM as well." Member Riedl referred to the previously-approved set of minutes in consideration of recommendations to the BLM on their travel management planning process. "... we're very interested in maintaining access to the BLM lands for OHV use and other recreational purposes that go outside of the open space."

(7:34:30) Ausley Cheek inquired as to whether the committee plans to recommend that access to Prison Hill and Kings Canyon remain open for OHV use. Mr. Guzman advised of "no reason to suspect that that is not the case."

(7:36:07) Brad Foley advised of having been riding in this area since 1978, and that he currently lives in Dayton. He further advised that he is an officer in the Virginia City Motorcycle Club "that puts on the Virginia City Grand Prix which brings in over a thousand riders for two days. And every rider brings in at least two people, sometimes three to four. It brings a tremendous amount of income to Carson City, Virginia City, Reno ... the bike shops, everything." Mr. Foley advised that "some of the best riders in the United States come from this area. They start as little wee kids and going out to the surrounding areas, just right outside of towns." He discussed his experience seeing "areas shut down. There were events that used to run through here. They're not anymore. It's getting harder and harder and harder to put on the Virginia City Grand Prix. Dealing with BLM ... is getting harder and harder and harder. ... it costs us \$5,000 just to put the race on, just for BLM. ... and we can only ride on roads they say we can ride on. Mr. Foley expressed support for equestrians and stated, "I'm in the outdoors a lot. I know this country very well ..." He expressed the hope that the committee will do "[it's] best not to close areas down and access to areas because ... it's a great thing for kids. ... It's something to work on. ... everybody needs to ... work together."

In reference to previous comments, Member Green-Preston clarified that access to Kings Canyon is being closed by the U.S. Forest Service. She expressed concern over the lack of public notice by various government agencies relative to access closure. Chairperson Scott reiterated that "tonight's discussion has nothing to do with closing any areas," and that there are many ways to "work together when we get to the point of looking more specifically at properties." He re-emphasized that "the key is the BLM," and encouraged the citizens to provide input to the travel management planning process.

Chairperson Scott entertained additional public comment. (7:41:45) Nick Geiser advised of various OHV organizations which have participated in clean up and road / trail maintenance projects. Chairperson Scott noted the importance of active user participation in ongoing clean up and maintenance.

(7:42:53) Eric Bevins, of Doctor Smash Design, described his business and emphasized the importance of OHV access. He suggested that the passive recreation definition should include a provision for access, including ADA access, which often requires motorized transportation. He clarified that new trails should only be necessary relative to ensuring access. In response to a question, Mr. Guzman advised that the V&T Railway reconstruction will include motorized access to the bridge. He responded to additional questions regarding ADA facilities, noting particularly the Carson River Park facility. He advised of a possible grant-funded analysis of the southern portion of Prison Hill to determine the possibility of additional ADA facilities. Discussion followed, and Mr. Bevins requested to be notified of future meetings. Chairperson

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Scott reiterated that the committee was not considering closures as a part of this meeting. He acknowledged the valid concerns, and advised of federal government restrictions attached to the lands bill acquisitions of Prison Hill and the Silver Saddle Ranch. He advised that motorcycle access to the southern portion of Prison Hill will be maintained. Mr. Bevins expressed an interest in reviewing the federal government restrictions, and Chairperson Scott assured him that staff would help provide the information.

Vice Chairperson Lincoln inquired of the citizens in attendance their opinion of conflicting uses, such as trains and OHVs, hikers and OHVs. She discussed the concept of designating large areas for particular uses “where the experience is the same in terms of the types of trails, the types of views, the ... slopes, ... but you’re not going to go up a trail at a steep slope and, at the top, intersect a trail with hikers on it that you could potentially have a very unhappy ending. The train coming through the canyon is something that has historic precedence and is also an economic driver for this area.” Vice Chairperson Lincoln described a recent experience involving the train and an OHV user, and discussed the importance of user education. Due to the lateness of the hour and many of the citizens departing the meeting, Ms. Bollinger advised anyone with questions or concerns to contact Open Space Program staff.

(7:55:50) James Wade, a resident of Gardnerville, advised that he “belongs to a very large, informal ATV group. We’re responsible on the trail. We don’t go off the trail. We pick up trash. We don’t make a big thing about it, but we are responsible.” He discussed the importance of OHV access in the area.

Mr. Guzman advised of two Open Space Program volunteers who patrol using ATVs. “So, the impression that we dislike ATVs ... is not founded. The mandate of [the Open Space Program] ... was adopted by law the way it is, and we ... try to accommodate as many people as possible, as many users as possible.”

Chairperson Scott entertained additional public comment. (7:57:30) Robin Orloft advised that her husband is an active motorcyclist, and that she and her family moved to Carson City “mostly because of Prison Hill.” She discussed her family’s use of Prison Hill, and expressed an interest in discussing appropriate use. She discussed the values of the southern portion of Prison Hill, and the importance of preserving the ecosystem. She thanked Mr. Guzman and the committee for the recreational resources.

(8:00:32) Mark Weeks advised of having moved to Carson City “because we had access to the hills on the west side and the BLM land on the east side.” He discussed his involvement in OHV activities, and expressed concern over terms such as “passive recreation” eventually translating to legal precedent. He suggested “a better definition [which] would be more conducive to everybody’s use, not just passive recreation.” He suggested considering a phrase such as “tread lightly,” and advised that “everybody understands what that means in our community and also in other communities, it’s something that’s already been defined.” He expressed the opinion that the “4x4 community is under assault. We’ve had so many trails closed and a lot of us, now when we go four-wheeling, part of that experience is picking up trash ...” Mr. Weeks advised of having recently spent a weekend on the Rubicon Trail “trying to fix the things that have been ruined by people not being responsible ... Up there it wasn’t the passive recreation definition that was trying to close us down. It was the water board. ... there’s always somebody that uses something to close a trail down.” Mr. Weeks described circumstances surrounding trails being closed in El Dorado County. He cautioned the committee, relative to the passive recreation definition, “that it doesn’t get used in the future against people that really moved here to use ... the trails and the access that we have here.”

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(8:05:10) Dennis Johnson provided background information on his work experience relative to easements, specifically prescriptive easements.

Chairperson Scott reiterated the purpose of the subject agenda item was not to consider or act on closures. He acknowledged the concerns relative to the passive recreation definition, and noted the importance of considering Open Space Program property access relative to future planning and management. He reiterated the importance of public input “as we get to more specifics in the future. ... it does involve existing uses, existing roads and that type of thing. We have to recognize what’s there and then try to work within that framework.”

Chairperson Scott entertained additional public comment and, when none was forthcoming, additional committee member comments. Member Riedl thanked the citizens for their attendance and participation, noting the importance of public input. He expressed support for off-highway vehicle use, and noted the importance of understanding “the needs of the entire community so that when we do get an opportunity to buy open space, we thoroughly know what its existing uses are so we don’t exclude people from that. This creates a dialogue ...” Chairperson Scott entertained additional committee member comments and, when none were forthcoming, a motion. Member Riedl expressed the belief that the existing language in the ordinance and in the open space master plan element “works.” **Member Riedl moved to recommend acknowledging the definition provisions of Chapter 13.06 of the Carson City Municipal Code, and ask that staff develop a map showing permitted use of OHVs and to set up a process for special activities involving open space. Member Inversin seconded the motion.**

Vice Chairperson Lincoln requested staff to read the definition of passive recreation. Mr. Guzman referred to an “operational definition,” and expressed the belief that Member Riedl’s motion was “to leave it alone; that we live with whatever is in the code, other than to bring in the mapping and ... clarify the areas where it can happen.” In response to a question, Mr. Guzman reviewed the method by which the current municipal code provisions can be amended. He read into the record a pertinent portion of Carson City Municipal Code Section 13.06.100. Member Riedl explained the intent of his motion to “acknowledge that version of passive recreation, and allowing a mapping that shows where OHV use is allowed on the open space and also setting up a process where anyone could petition to ask for a special use permit or events permit for the use of open space.” Chairperson Scott cautioned against “getting into the parks and recreation ... and more active use element.” He suggested that mapping and event coordination “may involve other groups.” Member Riedl acknowledged that other City departments / divisions would need to be involved in mapping and events permits. Mr. Guzman reviewed the process by which special events permits are granted by the City, through the Planning Division. In reference to the provisions of CCMC Section 13.06.100, Member Green-Preston offered an amendment to the motion to include “that passive, motorized trail use should be allowed.” Ms. Russom explained the process by which the Carson City Municipal Code is amended. She expressed understanding for Member Green-Preston’s suggested amendment, but advised it wasn’t feasible as part of the action on this item. She reviewed the committee’s possible actions. Member Green-Preston suggested deferring action in order to consider amending the motion at a future meeting. Member Riedl called for the question. Chairperson Scott reviewed the pending motion and called for a vote. In response to a question, Ms. Russom provided additional clarification relative to possible action. Chairperson Scott reviewed the intent of the pending motion to “acknowledge the Code as it is today ...; with that, [Member Riedl] asked that we work to develop a map of access or trails and he also asked that we develop or ensure that we have available an avenue by which people who want to have special events can come forward and potentially ... get review and approval or reaction to those

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proposals. ... the second and third elements of this motion ... the map, is something we've talked about before within our authority. The third one is something that [Mr. Guzman] has pointed out. There's a mechanism there today. It maybe just isn't very well publicized." In response to a question, Ms. Russom advised that the pending motion was sufficient for the committee's action. Chairperson Scott further clarified "we are not creating a definition. We're simply recognizing the Code and the way it addresses it as it's currently written." Ms. Russom expressed the belief that the committee did not define passive recreation at this meeting. Member Riedl expressed uncertainty that "this one meeting would be ... enough to begin changing the definition of passive recreation." He expressed a preference for "a larger community workshop that ... we can spend more time on this. ... the ordinance, as it stands, has guided the Open Space [Program] well so far and I would like to acknowledge that and not make any definition changes tonight." Member Inversin expressed her agreement. In response to a question, Member Riedl emphasized the importance of "show[ing] the roads that are permitted ..." Ms. Russom requested Member Riedl to direct staff relative to mapping. Member Riedl acknowledged this as the intention of his motion "for the mapping and a process for use." Member Inversin acknowledged her second to the motion. Chairperson Scott called for a vote on the pending motion; **motion carried 5-1.**

Chairperson Scott expressed the hope to avoid "spend[ing] too much more time trying to talk about the definition of passive recreation and move forward with some more active planning." Chairperson Scott thanked the citizens for their attendance and participation, and recessed the meeting at 8:29 p.m.

**3-C. DISCUSSION ONLY PERTAINING TO THE MANAGEMENT OF OPEN SPACE LANDS** (8:36:06) - Chairperson Scott reconvened the meeting and introduced this item. Mr. Guzman reviewed the agenda materials. Chairperson Scott requested the committee members to review the agenda materials and consider this item prior to the next meeting. In consideration of the public testimony for the previous item, he suggested identifying open space lands with existing vehicle access may be helpful. He entertained committee member comments. Member Green-Preston discussed BLM partnerships in Winnemucca, and requested a presentation by a member of the Governor's OHV Commission. At Chairperson Scott's request, she agreed to provide information to Mr. Guzman and Ms. Bollinger. Member Green-Preston discussed grant funding available through the American Motorcycle Association. In response to a question, she provided additional clarification of the purpose for the grant funding. In response to a question, Mr. Guzman provided clarification of the open space master plan element Policy A.2(2.5), as included in the agenda materials. He acknowledged the need to amend existing policies of the open space master plan element, noting the associated expense. Extensive discussion followed regarding the approach to moving forward in development of open space management.

**3-D. DISCUSSION ONLY REGARDING THE STATUS OF THE FOLLOWING PROJECTS RELATIVE TO THE FEDERAL LANDS BILL: MANAGEMENT PLAN; PAYMENT OF STEWARDSHIP FUND; BLM TRANSFER - LAND SURVEY; CONSERVATION EASEMENT BASELINE; AND PROGRAMMATIC AGREEMENT** (9:00:10) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Chairperson Scott entertained discussion; however, none was forthcoming.

**3-E. DISCUSSION ONLY REGARDING STATUS OF THE FOLLOWING LAND ACQUISITIONS: JOOST ACQUISITION AND POTTER ACQUISITION** (9:03:14) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Ms. Bollinger advised that both the Joost and Potter properties have existing two-track trails, "but both have been posted under private

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ownership as ‘No Motor Vehicles’, and when both are acquired by the Open Space Program, it is not the intent to open vehicle access on either.” Ms. Bollinger clarified that neither property has more than a quarter mile of trail. Chairperson Scott entertained public comment; however, none was forthcoming.

**3-F. STATUS REPORT AND ANNOUNCEMENTS FROM STAFF** (9:05:32) - Mr. Guzman reviewed the FYI items included in the agenda materials. In response to a question, he offered to look into a certain education expenditure and report back to the committee.

**3-G. MEMBERS’ ANNOUNCEMENTS AND REQUESTS FOR INFORMATION** (9:08:18) - Member Green-Preston described the Water Canyon project in Winnemucca, as “the best ... management ... of this many multi-uses going in different directions but all being compatible.” Mr. Guzman committed to finding out more information. In reference to a Nevada County Land Trust brochure, Vice Chairperson Lincoln described it as “an excellent example of ... wide-spread education.” She suggested that some of the previous Open Space Program publications “are too detailed for the general public.” She referenced the apparent misinformation reflected in much of the public testimony. “... they had no idea what we really [do.]” She suggested including copies of the brochure in the next committee meeting packet. Chairperson Scott entertained additional committee member comments. In response to a question, Member Inversin discussed the importance of better preparation and attention to clarifying the committee’s role and responsibilities. “... we can’t affect what happens on BLM land. We can’t affect Forest Service land; to get those pieces out of it so that the focus was just on what we could and could not do. That might have helped.” Member Inversin expressed the opinion, “... we were kind of blind sided in that we were expecting one thing and they all came with another agenda.” Member Fitzsimmons discussed the importance of an information component “like that brochure.” She “realized how isolated we really are in certain ways.” Member Fitzsimmons expressed support for monthly meetings during the transition period “if the budget can take it.” Member Riedl “learned ... that there’s going to be issues ... brought before the committee as well as the Board of Supervisors that really can’t be accomplished in one night and requires an element of additional public outreach. There is a time where we will have to look at the open space [master] plan [element] and get it updated even as we proceed to recommend management plans of specific properties.” Member Inversin concurred with Member Fitzsimmons in consideration of a better website “that is more interactive that could go [to] maps, see what we’re doing ...” She suggested considering allocating budgetary funds to website development. Chairperson Scott expressed a willingness to review the Open Space Program budget in consideration of the possibility of monthly meetings. The committee members concurred.

**4. FUTURE AGENDA ITEMS** - Previously covered.

**5. CITIZEN COMMENTS** (9:14:27) - Chairperson Scott opened this item to public comment, noting that there were no citizens present in the audience.

**6. ACTION ON ADJOURNMENT** (9:14:47) - Vice Chairperson Lincoln moved to adjourn the meeting at 9:14 p.m. The motion was seconded and carried unanimously.

The Minutes of the October 15, 2012 Carson City Open Space Advisory Committee meeting are so approved this \_\_\_\_\_ day of December, 2012.

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BRUCE SCOTT, Chair

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A regular meeting of the Carson City Open Space Advisory Committee was scheduled for 6:00 p.m. on Monday, December 17, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson Bruce Scott  
Vice Chairperson Tricia Lincoln  
Member Margie Evans  
Member Laura Fitzsimmons  
Member Teri Green-Preston  
Member Donna Inversin  
Member Howard Riedl

**STAFF:** Juan Guzman, Open Space Property Manager  
Ann Bollinger, Natural Resources Specialist  
Tina Russom, Senior Deputy District Attorney  
Kathleen King, Deputy Clerk / Recording Secretary

**NOTE:** A recording of these proceedings, the committee's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

**CALL TO ORDER AND DETERMINATION OF A QUORUM (6:00:53)** - Chairperson Scott called the meeting to order at 6:00 p.m. Roll was called; a quorum was present. Member Fitzsimmons arrived at 6:07 p.m.

**CITIZEN COMMENTS (6:02:17)** - Chairperson Scott entertained public comment; however, none was forthcoming.

- 1. ACTION ON APPROVAL OF MINUTES (6:02:02)** - None.
- 2. MODIFICATIONS TO THE AGENDA (6:02:55)** - Chairperson Scott entertained modifications to the agenda; however, none were forthcoming.
- 3. MEETING ITEMS:**  
**3(A) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AN ANNUAL REPORT REGARDING THE ACTIVITIES OF THE OPEN SPACE ADVISORY COMMITTEE, AS REQUIRED BY SECTION 13.06.090 OF THE CARSON CITY MUNICIPAL CODE (6:03:01)** - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. At Mr. Guzman's request, the committee members suggested additions and revisions to the annual report. [Member Fitzsimmons arrived at 6:07 p.m.] Member Riedl commended the staff on the amount of grant funding secured for the Open Space Program. Vice Chairperson Lincoln commended the staff on the annual report, and suggested a tri-fold brochure format for the benefit of the public.

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Chairperson Scott entertained additional committee member questions or comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion to approve the annual report with the revisions, as discussed. **Vice Chairperson Lincoln moved to recommend to the Board of Supervisors approval of an annual report regarding the activities of the Open Space Advisory Committee, as required by Section 13.06.090 of the Carson City Municipal Code. Member Riedl seconded the motion. Motion carried 7-0.** Chairperson Scott requested Mr. Guzman to submit the revised report to him for review prior to finalizing it. He suggested agendizing presentation of the report to the Board of Supervisors at their January 17<sup>th</sup> or February 7<sup>th</sup> meeting.

**3(B) POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A WORK PROGRAM OUTLINE FOR THE YEAR 2013** (6:14:37) - Chairperson Scott introduced this item, and Mr. Guzman reviewed the agenda materials. Mr. Guzman and Ms. Bollinger responded to questions of clarification, and discussion took place, regarding various points in the outline. In response to a further question, Mr. Guzman discussed the role of the committee relative to management of Open Space Program properties. Discussion followed.

Chairperson Scott entertained public comment. (6:35:04) Maurice White suggested working with local authorities and the general public, in addition to federal agencies, regarding motor vehicle use on Open Space Program properties. Chairperson Scott entertained additional public comment; however, none was forthcoming.

In response to a question, Mr. Guzman reviewed the various public meetings at which Open Space Program presentations have been provided. He acknowledged the City's advisory boards, commissions, and committee meetings have served as the venue for said public meetings. He offered to provide the meeting minutes to anyone interested. In response to a question, Mr. Guzman suggested the Silver Saddle Ranch and Buzzy's Ranch as possible locations for Future Farmers of America or 4-H activities. Member Fitzsimmons advised that The Greenhouse Project is considering sites for Future Farmers of America projects, and discussion followed.

Chairperson Scott called again for public comment and, when none was forthcoming, entertained a motion. **Member Riedl moved to recommend to the Board of Supervisors for staff to continue work, as presented, with the comments from the committee and the public, with acknowledgment that the primary activity of staff relates to management of lands as opposed to new acquisition of property. Member Evans seconded the motion. Motion carried 7-0.**

**3(C) STATUS REPORT REGARDING THE EFFECTS OF THE LATE NOVEMBER / EARLY DECEMBER RAIN STORM ON PROPERTIES MANAGED BY THE OPEN SPACE PROGRAM** (6:45:21) - Chairperson Scott introduced and provided an overview of this item. Ms. Bollinger reviewed the agenda materials. Chairperson Scott described the flood effects to Deer Run Road. In response to a question, Mr. Guzman advised that Flood Engineer Robb Fellows and members of his staff have been assessing Eagle Creek following the storm. He further advised that there was no runoff from the Waterfall Trail following the storm. Chairperson Scott entertained public comments; however, none were forthcoming.

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**4. NON-ACTION ITEMS:**

**4(A) STATUS REPORTS AND ANNOUNCEMENTS FROM STAFF** (6:50:33) - Mr. Guzman reported that the Open Space Program budget carry overs were submitted to the Board of Supervisors and subsequently allocated to management; that escrow closed on the Joost property; and that staff is in the process of developing an improved budget report format. Ms. Bollinger advised of approximately \$230,000 available in the Open Space Program budget.

**4(B) MEMBERS' ANNOUNCEMENTS AND REQUESTS FOR INFORMATION** (6:52:30) - Member Inversin invited the committee members and the public to participate in the annual Sierra Club New Year's Day hike. Member Evans announced the Carson River Coalition Education Working Group Carson River video contest. The grand prize is a rafting trip on the Carson River and the deadline to enter is February 16<sup>th</sup>. At Chairperson Scott's request, Member Evans described the purpose of the contest to develop a public service announcement. Member Green-Preston invited the committee members and the public to a free pizza party scheduled for Tuesday, December 18<sup>th</sup> at 7:00 p.m. She advised that National Public Lands Advocacy Group Policy Director Brian Hawthorne and Nevada Off-Road Vehicle Commissioner Gary Lambert will provide a report on a recent meeting to discuss the BLM's resource management plan revision. In response to a question, Ms. Bollinger advised that the Open Space Program's Facebook page is part of the Parks and Recreation Department's Facebook page. Member Riedl wished everyone Merry Christmas and Happy Holidays, and encouraged use of the Open Space Program properties during the winter months.

**5. FUTURE AGENDA ITEMS** (6:57:53) - Member Evans requested to agendize discussion regarding additional interpretive and educational signage for Open Space Program properties. A brief discussion followed. Chairperson Scott entertained additional requests for future agenda items; however, none were forthcoming.

**6. CITIZEN COMMENTS** (6:57:42; 7:01:14) - Chairperson Scott entertained public comment; however, none was forthcoming.

**7. ACTION ON ADJOURNMENT** (7:01:26) - Member Riedl moved to adjourn the meeting at 7:01 p.m. The motion was seconded and carried unanimously.

The Minutes of the December 17, 2012 Carson City Open Space Advisory Committee meeting are so approved this \_\_\_\_\_ day of February, 2013.

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BRUCE SCOTT, Chair