

CARSON CITY OPEN SPACE ADVISORY COMMITTEE

Minutes of the April 30, 2001 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, April 30, 2001 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Steve Hartman
Vice Chairperson Dan Jacquet
Laura Bird
Michael Fischer
Ron Pacheco
Margaret Robinson
Bruce Scott

STAFF: Steve Kastens, Parks and Recreation Director
Juan Guzman, Open Space Manager
Kathleen King, Recording Secretary
(OSAC 04/30/01)

NOTE: Unless indicated otherwise, each item was introduced by Chairperson Hartman. A tape recording of these proceedings is on file in the Clerk-Recorder's Office and is available for review and inspection during regular business hours.

A. CALL TO ORDER, DETERMINATION OF A QUORUM (1-0001) - Chairperson Hartman called the meeting to order at 6:01 p.m. A quorum was present.

B. APPROVAL OF MINUTES - MARCH 26, 2001 (1-0008) - Member Fischer moved to approve the minutes as written. Member Scott seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENT (1-0020) - James Parker advised that he has lived in the "eastern portal" of Carson City for more than 25 years. He indicated the purpose of his presentation was to make the Committee aware of considerations which will be relevant to the City in the next 30-60 days. He described the location of his residence, and features of the eastern portal. He displayed photographs of a 180-degree view of the proposed location for the new Virginia and Truckee Railroad. He noted that only the canopy of Carson City is visible from the location.

Dr. Parker advised that he and his wife, Alice, have been talking to Mr. Guzman and Mr. Kastens. Mr. Guzman and Mr. Kastens have, in turn, met with the Parkers' attorney, Richard Schultz, who is a specialist in open space. Dr. Parker discussed his impressions regarding the Fuji Park issue as outlined in his April 30, 2001 letter. He advised that he and his wife would like to be part of creating opportunities for the eastern portal. He referred to his letter and an aerial photograph, and discussed his proposal for the location of the Virginia and Truckee Railroad in relationship to a proposed future location for the fairgrounds. Chairperson Hartman advised he would ensure the Committee members receive copies of Dr. Parker's letter. Dr. Parker thanked the Committee; Chairperson Hartman thanked Dr. Parker for his presentation.

(1-0145) Susan Hoffman, a 37-year resident of Carson City and a member of Concerned Citizens for Fuji Park and Fairgrounds, read a portion of an April 13, 2001 letter from the Open Space Manager into the

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record. She read a portion of the Quality of Life Initiative from the 1996 sample ballot into the record, including a list of projects for development, as follows: "Fuji Park - renovate irrigation, add group picnic and exhibit areas, restrooms and parking." She pointed out that the voters used this information as a basis for passing the Quality of Life Initiative. She stated that the "last clear message" by the voters of Carson City was to "preserve and improve Fuji Park, not allow it to be sold to the highest bidder." She requested the Committee's assistance in the effort to save Fuji Park.

(1-0165) Vivian Kuhn, a member of the Concerned Citizens for Fuji Park and Fairgrounds, acknowledged that the park and fairgrounds come under the purview of the Parks and Recreation Commission. She pointed out that the subject facilities include Clear Creek, a year-round stream corridor to the Carson River; a riparian/wetlands area which is a natural habitat for birds, fish and other wildlife; and a floodway/floodplain area. She commented that these features are protected according to the Open Space Master Plan element, and that corridors to the Carson River are identified as important environmental areas. She referred to page 22 of the Open Space Master Plan element regarding the permanent protection of parks from development; page 23 regarding the general preclusion of floodways to development, specific engineering restrictions and the partial protection designation required for flood plains; and page 24 regarding the high protection designation assigned to wetlands. With "all of these protected features encompassed within this park and fairground facility," Ms. Kuhn urged the Committee to recommend to the Board of Supervisors that the area should not be developed but rather protected pursuant to the requirements of the Open Space Master Plan element.

(1-0197) Charles Kuhn referred to the Clear Creek Restoration Project Report prepared by Lumos & Associates, dated April 10, 2001, which he was provided upon his arrival at the meeting. He provided an overview of the report which addresses the redirection of Clear Creek to another creek bed in conjunction with the conceptual plan presented to the Parks and Recreation Commission at their last meeting. Mr. Kuhn expressed a concern that the plan proposes the letter of map revision to be filed with FEMA after construction takes place. He advised of discussions with a FEMA representative, of the Environmental Protection Agency Region 9 in San Francisco, who made it clear that the letter of map revision must be submitted for public review and comment for a minimum 90-day period. Significant public comment would cause the letter of map revision to be returned for revision and an additional six-month public comment period. Mr. Kuhn expressed a concern that construction will be completed by that time and there will be no chance to correct any "missteps" regardless of public comment. He noted Ms. Kuhn's request to be placed on the Committee's next meeting agenda, and encouraged the Committee to take action at that time to send a letter to the Board of Supervisors encouraging them to keep Fuji Park as it is. He discussed the Open Space referendum passed in 1996 which created the Committee and specifically set aside safeguards for Fuji Park in the form of improvements. He asked that the Committee honor the intent of the voters by placing these matters as action items on the next agenda and letting the Board of Supervisors know that "as protectors of the open space here in the City, you will do everything possible to see that Fuji Park remains just that."

In response to one of Mr. Kuhn's comments, Member Fischer pointed out that the Quality of Life Initiative was not passed unanimously, and suggested that the citizens review the approval percentage. Chairperson Hartman called for additional public comment; however, none was offered. Mr. Guzman acknowledged that this matter will be agendized for the May 7, 2001 meeting of the Open Space Advisory Committee. Chairperson Hartman discussed the distinction between Parks and Recreation and Open Space. He

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commented that, although the Parks and Recreation Commission has the majority of responsibility for Fuji Park, there are many issues which affect the Open Space Advisory Committee as well. He thanked the citizens for their comments.

D. MODIFICATION OF AGENDA (1-0286) - None.

E. DISCLOSURES (1-0288) - None.

F. PUBLIC MEETING

F-1. DISCUSSION AND ACTION REGARDING A REQUEST BY CARSON CITY DEVELOPMENT SERVICES FOR THE OPEN SPACE ADVISORY COMMITTEE TO COMMIT \$20,000 AS A MATCHING CONTRIBUTION TO OTHER CITY FUNDS TOTALING \$30,000 IN ORDER TO CONDUCT A PILOT STUDY TO IDENTIFY, INVENTORY, AND CLASSIFY WETLANDS AND RIPARIAN RESOURCES IN CARSON CITY, NEVADA BY THE NEVADA DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF WATER QUALITY PLANNING (1-0297) - Leslie Burnside, Senior Environmental Scientist with Harding ESE, referred to the copy of the PowerPoint presentation included in the agenda materials. She introduced herself and advised that Harding ESE was retained by the Nevada Department of Environmental Protection ("NDEP") Bureau of Water Quality Planning to assist in developing a statewide wetlands investigation project. The NDEP is interested in developing an inventory and classification system specific to the Nevada environment. Ms. Burnside referred to the current method of inventorying and classifying wetlands according to the U.S. Army Corps of Engineers 1996 Manual. She commented that "sometimes it fits, sometimes it doesn't."

Ms. Burnside explained that Carson City was approached as both a technical and financial partner in the project. The elements of the project include development of an inventory and classification protocol sensitive to the Nevada/Great Basin environment which would incorporate regulatory and scientific perspectives. The project will also include a pilot project field test of the inventory and classification system, comparing it to the Army Corps of Engineers and other methods tested across the United States. Additionally, the project will include a GIS archive of the resources within Carson City's 28 square miles.

Ms. Burnside advised that the NDEP secured an EPA grant in the amount of \$90,000 which requires a non-federal match of \$30,000. NDEP and Gnomon, Inc., which is a partner in the project with Harding ESE, believe that Carson City would be an ideal partner because it supports a majority of the wetland types located in the Great Basin. Ms. Burnside advised that the project may need to venture to White Pine and Clark Counties to study "outlying habitat types," however, a majority of the types can be found within Carson City's boundaries. The close proximity of project management will result in cost and time savings and, thus, a better product for the NDEP. The project also ties in very closely with Carson City's Open Space Master Plan element. Ms. Burnside indicated that the mapping and classification resulting from the project is necessary for the open space plan to provide a basis of evaluation for future acquisition and preservation. The project would also be integral to defining prime development property from the perspective of minimal environmental concerns. Ms. Burnside pointed out that the Open Space Master Plan element calls for additional studies for plan implementation. She noted that Harding ESE is as interested

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as the Committee members in seeing the open space plan initiatives implemented. She commented that Carson City's involvement in the project will be a significant advantage.

Ms. Burnside advised that a review of all nationally existing inventory and classification programs has been completed and information compiled to develop a specific program for Nevada. The report includes a draft inventory and classification program which has been submitted to the NDEP for review. Upon securing the non-federal partner, the draft program will be tested on the pilot project area. Based upon the data collected in the field, a GIS archive will be compiled which will include all known locations of special status species for the pilot project area. The benefits to Carson City of participating in the project include: a voice in the planning process, a significant compilation of data, GIS products, and a sound basis for land use planning. Ms. Burnside advised that in order to ensure that the product is usable to the project partners, Harding ESE representatives have discussed technical participation with The Nature Conservancy, the Nevada Land Conservancy, and several other groups. Ms. Burnside reviewed the time line for the project, and indicated that the field work needs to be done by the end of May or, at the latest, the middle of June. She anticipates a draft product will be submitted to the NDEP by January 2002, and a final report and products submitted to the NDEP and the project partners by March 2002.

Ms. Burnside acknowledged an understanding that Carson City does not have all the facts necessary for its planning and development process. Mr. Guzman explained that wetlands generally come under the jurisdiction of the federal government. Potential developers are referred to the Army Corps of Engineers for environmental information when wetlands are involved. In response to a question, Ms. Burnside advised that the Army Corps of Engineers is not giving up jurisdiction to Nevada at this time. Jurisdiction has been transferred to the state in portions of New York and Maryland. Nancy Kong, of the Army Corps of Engineers Reno Field Office, has encouraged the NDEP to do the best job possible. If the city and the state can prove that they have a locale with secure boundaries in which the resources are known and a method of inventory and classification has been employed, the next step will be to develop a permitting process. At that time, the Corps may relinquish jurisdiction within those boundaries. In response to a further question, Ms. Burnside indicated that the project will include Carson City's boundaries, i.e., a portion of the Lake Tahoe Basin. She acknowledged that wetland types will be reviewed across the state and, in response to a question, advised that several offers of technical partnership have been received. There have been no other offers of financial partnership, however, and if Carson City ends up being the only financial partner, the project would be intensified in Carson City.

In response to a question regarding the level of mapping, Ms. Burnside advised that the NDEP originally anticipated utilizing \$120,000 to do the study on a statewide basis. Harding ESE pointed out that a significant amount of the budget would need to be used for securing satellite imagery, and suggested that the NDEP pursue a pilot project first to work out all the "bugs." With regard to mapping accuracy, Ms. Burnside referred to the National Wetlands Inventory which is on a U.S. Geological Survey base, and expressed the opinion that it is significantly accurate because of the use of aerial photography. The mapping scale is unknown at this time; however, Ms. Burnside advised that the mapping for this project will be significantly more accurate than the National Wetlands Inventory. Satellite imagery will be used to focus the field work and, based upon that, at least one sample of every wetland will be visited. Therefore, riparian areas, drainages, and wetlands will be delineated in addition to indicating adjacent areas which have opportunity for enhancement or creation.

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In response to a question, Ms. Burnside advised that in addition to the Army Corps of Engineers soils, hydrology, and vegetation type criteria, Harding ESE will include topographic position, geology, and elements which will cause the wetland to exist in perpetuity. Chairperson Hartman inquired as to options in a situation where the EPA has made a previous determination regarding a wetland and subsequently the study reveals the opposite to be true. Ms. Burnside explained that the Army Corps of Engineers has regulatory jurisdiction, the U.S. Fish and Wildlife Service developed the wetlands inventory mapping, and the EPA had a part in developing the classification system. She has discussed this situation with Ms. Kong, of the Army Corps of Engineers Reno Field Office, who has advised that if the Army Corps is involved from the beginning and a detailed classification indicates that a certain area is not a wetland, the Army Corps will accept what is developed. A private property owner who wants to build on a parcel can approach the Army Corps of Engineers during the project process, and a wetlands delineation can be done by a consultant. The product will be available to the consultant, and the more detailed study would receive more significant weight. Ms. Burnside indicated that the opposite would also be true. Chairperson Hartman clarified that he was inquiring into a different situation where someone has relied on a delineation by a consultant who has indicated a parcel is not a wetland, and that the more detailed criteria indicates the parcel is a wetland. He commented that this situation will create more of a problem. Ms. Burnside advised that wetlands delineations verified by the Army Corps of Engineers have a five-year life. She does not anticipate arguing with the Corps over a previously verified delineation.

Mr. Guzman acknowledged that the contribution being requested of the Open Space Advisory Committee is \$20,000. Mr. Kastens discussed the relationship between this study and the storm water management program. He indicated that if the storm water management program was in place, a contribution would likely have been made to this study. Chairperson Hartman discussed the importance of other City departments participating in the funding of the study.

Member Fischer expressed a concern over committing open space funds for this study, and discussed possible public perception that no relationship exists between the study and the preservation of open space. Mr. Guzman relayed comments by Member Scott regarding the value of open space adjacent to wetlands. Chairperson Hartman concurred and commented that wetlands are a defining element in the evaluation matrix. He pointed out that the study may have serious impacts in the community. He acknowledged that the community needs the tool, and reiterated the importance of other City departments participating financially. Member Scott concurred with the misgivings expressed over the amount that open space is being asked to contribute. He suggested that the concept of future reimbursement may be helpful, and commented that the inventory mapping will be an extremely useful tool for the Committee. In response to a question, Ms. Burnside advised that the Board of Supervisors requested the majority of the study efforts to be concentrated on the valley floor. She advised that the majority of the resources to be studied are on the valley floor and as one moves out from the valley floor, the resources decrease. Vice Chairperson Jacquet pointed out that the Committee will be faced with decisions in the near future regarding the Pine Nut Mountains, and suggested that an assessment would be helpful in making recommendations to the BLM on whether the lands qualify as open space. Member Pacheco commented that the study is very worthwhile, but expressed a reluctance to commit the amount of money requested from open space funds.

Mr. Kastens advised that the original staff report to the Board of Supervisors recommended a 50/50 split between the general fund and the open space fund. He indicated that two of the Supervisors expressed a concern that the study could be considered a threat to development and developers. He provided

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background information on the discussion and action taken by the Supervisors. Member Fischer concurred with the possible perception that the study could be considered a threat to developers. He suggested recommending a 50/50 split. Chairperson Hartman pointed out that open space for the Committee has to do with willing sellers, and reiterated his concern over two conflicting standards. He reiterated that the study will be a tool for the Committee as well as for utilities and storm water management staff. **Member Fischer moved that the Open Space Advisory Committee commit \$15,000 worth of open space funds for the study, that the recommendation be submitted to the Board of Supervisors, and that the City should come up with the other \$15,000. Vice Chairperson Jacquet seconded the motion.** Member Scott pointed out that wetlands studies need to be done at a certain time of the year. He expressed a concern that this issue will "go back and forth" between the Committee and the Board of Supervisors. He suggested that full legal representation of the Committee could be donated, in addition to an IOU, as another way for the Board of Supervisors to offset the "\$5,000 disconnect that they sent us." Mr. Kastens acknowledged that the original request was submitted as a 50/50 split between the Board of Supervisors and the Open Space Advisory Committee.

In response to a question, Ms. Burnside discussed the Board of Supervisors' perspective regarding development and resources which need protecting. She reiterated that the majority of the resources are on the valley floor and that they decrease and become different as one moves away from the valley floor. She emphasized that efforts will not be decreased in one area versus another, and indicated that she had agreed with the Board of Supervisors simply because of the way the resources occur. Member Bird commented that because the Committee deals with willing sellers and properties where development is going to occur, the information may not be relevant to the Committee's activities. Chairperson Hartman advised that the study will help with the prioritization of open space. Member Scott suggested that a wetland delineation could communicate to a developer areas to avoid, or create the opportunity to develop adjacent to a wetland with the potential that the developer would become a willing seller. He indicated that the study would be extremely valuable as a resource inventory. Mr. Guzman acknowledged that the study could be used as a contact tool for property owners in a riparian/wetlands area of which the Committee may not have been previously aware.

Ms. Burnside advised that just because someone designates a property as a wetland does not mean it is not developable. She described the permitting/mitigation process and advised that she has helped several property owners through the process. She emphasized that the process is long and can be frustrating. The value of the tool is that private property owners, developers, and the City will know up front where the resources are and are not. She advised that Harding ESE has discussed with the State the potential of the Army Corps of Engineers relinquishing jurisdiction over permitting. It will depend upon the NDEP's ability to obtain additional grants and will most likely involve a 5-10 year process. She assured Chairperson Hartman that she anticipates no conflicts in the near future. She advised that the inventory and classification system will have to be "iron clad" and accepted by the Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the EPA before the Army Corps would even consider relinquishing the regulatory jurisdiction. The study will be developed as a tool and hopefully Nevada will eventually have its own regulatory program. Member Scott commented that the opportunity for a wetlands mitigation area would be beneficial. If existing wetlands in Eagle Valley are defined, mitigation areas could be created in non-wetland areas immediately adjacent to a public open space area and used as receiving areas for NDOT, the school district, or some other entity for wetlands development.

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Chairperson Hartman called for a vote on the pending motion. In response to a question, Member Scott explained his earlier suggestion to recommend funding \$20,000 "with strings" related to reimbursement in the future by the storm water management program and/or litigation assistance if necessary. **Motion carried 6-1.** In response to a question, Mr. Kastens advised that the matter would be agendized for the May 17th Board of Supervisors meeting. Chairperson Hartman thanked Ms. Burnside for her presentation.

F-2. DISCUSSION REGARDING THE POTENTIAL COOPERATION WITH STATE PARKS AND THE U.S. FOREST SERVICE CARSON RANGER DISTRICT IN ORDER TO ADVANCE ACCESS INTO THE CARSON RANGE AND THE VIRGINIA RANGE (1-1041) - Mark Kimbrough, Manager of the Carson-Tahoe Region of the Nevada State Parks Department, commended the Committee on their accomplishments. He commented that Carson City is fortunate to have two State parks so near to the community. He distributed master plan maps for Lake Tahoe State Park and Washoe Lake State Park, and referred to a large map which was displayed. He pointed out access points into Marlette Lake and the Hobart Reservoir, and discussed access to the Hobart Reservoir from Ash Canyon. He will be taking a tour of the area with Larry Randall of the U.S. Forest Service as soon as the snow melts, and invited the Committee members to attend. He pointed out access to Snow Valley Peak and discussed a very fragile riparian area nearby. He discussed the possibility of access to the Hobart Reservoir from Musgrove Road.

Mr. Kimbrough described access from Kings Canyon to the Spooner Lake area. He advised that an American Discovery Trail connects Washoe Lake and Lake Tahoe, and described the route. The U.S. Forest Service constructed a trail from Chimney Creek to Marlette Lake, and he advised that the trail was reopened last year. He indicated that State Parks is building a trail, using funding from the new EIP program, which parallels the North Canyon in Carson City all the way to Marlette Lake. The mountain bikers can use the road and hikers and equestrians can use the trail. In addition, the U.S. Forest Service is working to eliminate some of the fire hazard on Carson City property.

Mr. Kimbrough acknowledged that the property at the upper end of the Ash Canyon Trail is critical because of access and the possibility of a parking area. The property owner is Attorney Bob Marshall. Mr. Kimbrough had no information regarding Mr. Marshall's willingness to sell the property. Member Fischer inquired as to whether anyone has discussed with Mr. Marshall the possibility of a trade. Mr. Kimbrough discussed the multi-agency jurisdiction over the land in the area, and advised that he will discuss the suggestion of a trade with Division of State Lands personnel. Mr. Guzman acknowledged that Mr. Wilson has indicated a willingness to discuss his land with the Committee. In response to a question, Mr. Kimbrough indicated that he "could not speak" to responsibility for maintenance of the road. He advised that the matter has been researched and a great deal of public pressure put on the U.S. Forest Service. A private property issue at the bottom of the trail makes the issue more difficult. In response to a question, Mr. Kastens pointed out the adjacent parcel owned by the Oddfellows. He advised that access issues through the Wellington Crescent property and the Joost property remain to be resolved. Discussion took place regarding possible access through the Meason property, and Mr. Kastens explained the acquisition by the City of the 40-acre parcel adjacent to the Lakeview subdivision. Member Fischer advised of a contact by Mr. Meason approximately two years ago regarding his willingness to negotiate access solutions. He suggested that Mr. Guzman contact Mr. Meason regarding access to the Ash Canyon trail. At the request of Chairperson Hartman, Mr. Guzman pointed out Mr. Meason's property in relation to the Timberline subdivision. Discussion took place with regard to adjacent parcels. Mr. Kimbrough

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acknowledged that the purpose of his presentation was to make the Committee more aware of the potential for future partnership. He reiterated his invitation for the Committee to tour the areas and view the access problems. He indicated that he would work with Mr. Guzman to map the Musgrove Canyon trail if it becomes public.

Mr. Kimbrough referred to the Washoe Lake State Park Recommended Development Plan which was previously distributed. He advised that the Nevada Division of State Lands owns the property and that it is managed by the Nevada Division of Wildlife. A donation of 400+ acres will be made from the Winters Ranch to the BLM near the Washoe Lake State Park. He discussed access routes from Carson City to Washoe Lake, and advised that State Parks has sponsored legislation for ORV use on the back side of the park. He discussed possible linkages from Washoe Lake to Centennial Park. Mr. Guzman pointed out the Goni property, and a trail from Centennial Park. He advised that State Parks is working on an interpretive site at Lakeview with State Buildings and Grounds if the trail along the old V&T Railroad is constructed. Historical data is being gathered for this project. Mr. Kimbrough discussed a bond which has been presented in Washoe County to finish the bike trail along the south end of Washoe Lake.

Vice Chairperson Jacquet inquired as to the State's interest in the River corridor downstream from Deer Run Bridge through the canyon with the V&T. He commented that this may be a good possibility for State Parks. Mr. Kimbrough advised that, during his tenure with the Carson River Advisory Committee, there were discussions regarding BLM's concerns over mercury problems in the area. He suggested that a solution may be for the State to acquire those areas so that the federal government is spared the liability. He indicated that the topic never got past the discussion stage. He commented that Dayton State Park would tie in well with the acquisition, as well as the Fort Churchill Ranches. Chairperson Hartman thanked Mr. Kimbrough for his presentation. Mr. Kimbrough acknowledged that he would advise Mr. Guzman of the tour date.

F-3. DISCUSSION AND ACTION REGARDING THE REVIEW OF THE SECTIONS OF TITLE 17 (SUBDIVISIONS), AND TITLE 18 (ZONING) OF THE CARSON CITY MUNICIPAL CODE THAT RELATES TO OPEN SPACE, AND REVIEW OF THE DEVELOPMENT STANDARDS (1-1734) - Mr. Guzman provided background information on this project, and advised that the Planning Commission is currently holding public hearings on the draft document. He advised that he included the sections relevant to the Committee's interest for review and comment. He indicated that Member Scott suggested that best management practices should be incorporated into the Hillside Development ordinance.

Mr. Guzman advised that the section regarding trails was drafted by Park Planner Vern Krahm, and reviewed by the Parks and Recreation Commission, the Regional Planning Commission and other groups. Mr. Guzman referred to the section on easements, and explained its importance to the Committee as a procedural tool. He requested that the Committee members review the draft and provide comments to staff.

Chairperson Hartman suggested including the conservation easement language from the Open Space Master Plan element as a reference. Member Scott discussed his thoughts on the Hillside Ordinance section, including the possibility of working with a property owner to purchase a portion of a development potential or, in the case of existing private property, development which would reflect as many of the open space elements as possible without the need for excess restriction or outright purchase. In response to a question,

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Mr. Guzman advised that the draft is a work in progress, and will be submitted for one additional public hearing before the Regional Planning Commission. Additional workshops will be scheduled if necessary. No formal action was taken.

F-4. DISCUSSION, ACTION, AND STATUS REPORT REGARDING THE CONSIDERATION OF THE NATURE CONSERVANCY OFFER TO TRANSFER OWNERSHIP OF A WETLAND LOCATED WEST OF NORTH LOMPA LANE AND NORTH OF NORTHRIDGE DRIVE, APPROXIMATELY 17.6 ACRES, APN 2-571-25 (1-1880) - Mr. Guzman reviewed the staff report included in the agenda materials. He advised that the information provided by The Nature Conservancy can be made available to the Committee members for review. He anticipates presenting the gift to the Board of Supervisors at their May 17, 2001 meeting with a recommendation that they accept it. Mr. Guzman acknowledged that title insurance will be obtained on this parcel, and that the Army Corps of Engineers conditions have been received. No formal action was taken.

F-5. DISCUSSION, ACTION, AND STATUS REPORT REGARDING A TRADE/PURCHASE PROPOSAL FOR PROPERTY LOCATED AT KINGS CANYON ROAD UNDER THE OWNERSHIP OF ED SWAFFORD (FORMERLY AL RUSHING PROPERTY), APNs 7-061-34, 35, 36, 37, 38, 39, 40 AND 41, CONSISTING OF A TOTAL OF APPROXIMATELY 320 ACRES (1-1921) - Mr. Guzman advised of a conversation with Mr. Swafford in which he indicated that the \$500 per acre offer was too low. He advised that Mr. Swafford had in mind about \$2,000 per acre. Mr. Guzman discussed the matter with Mr. Kastens, who advised him to write a letter to Mr. Swafford, thanking him for his offer and advising that the Committee can only pay fair market value. Mr. Kastens advised that although there was no official appraisal on this property, the estimate obtained would not have been \$1,500 different. No formal action was taken.

F-6. DISCUSSION, ACTION, AND STATUS REPORT REGARDING THE CONSIDERATION OF PROPERTIES OWNED BY ALEXANDER BERNHARD, APPROXIMATELY 61.5 ACRES, APNs 10-072-08 AND 10-072-09, LOCATED ON THE WEST SIDE OF THE CARSON RIVER, NORTH OF SILVER SADDLE RANCH (1-1964) - Mr. Guzman commented that Mr. Bernhard has gone to great lengths to ensure this sale takes place. He advised that the appraised value of the property and the sale price Mr. Bernhard has offered are approximately \$200,000 different. Mr. Guzman indicated that efforts are now being concentrated on the cost side of the equation. He explained that in order to build the subdivision, Mr. Bernhard had proposed the construction of retaining walls, which are very expensive. Mr. Guzman is attempting to determine the difference in value of constructing the retaining walls and grading. This will increase the input side and decrease the cost side of the equation resulting in more value. Mr. Guzman committed to have an answer for Mr. Bernhard by Wednesday, May 2nd at noon.

Mr. Guzman advised of discussions regarding the possibility of Mr. Bernhard working with the City's appraiser to retain the second parcel a little longer and subsequently donating it to open space or directly to the BLM. This will provide a substantial tax benefit. Mr. Bernhard's accountant and the City's appraiser are discussing this possibility. Mr. Guzman explained that part of the concern regarding the retaining walls is, as a contractor, Mr. Bernhard can perform the work for less cost. The appraiser is hesitant, however, to recognize the low costs because if it were to be bid the cost would be considerably higher.

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In response to a question, Mr. Guzman advised that he has placed calls to the American Land Conservancy Trust and the Nevada Land Conservancy. He indicated that such entities normally expect a significant return and some realization of the money they have invested. Member Robinson suggested that Mr. Bernhard could bond the work at a higher cost which would cover Carson City and everyone involved in the purchase. Mr. Guzman discussed the appraisal process. Chairperson Hartman commented that the problem is the timing. Mr. Guzman commented that once he discovered the discrepancy, he contacted the land trust entities. He indicated a concern over setting a precedent regarding an expectation of contributions by land trusts. Vice Chairperson Jacquet advised that any transaction between the property owner and a land trust could be private and not part of the public record. This would eliminate any concern over setting a precedent. Chairperson Hartman commended Mr. Guzman on the job he has done so far. No formal action was taken.

G. FUTURE AGENDA ITEMS AND COMMITTEE MEMBER STATUS REPORTS (1-2178) - Mr. Guzman acknowledged that the Fuji Park matter will be agendized for the May 7th meeting. He advised that the kiosk on the Moffat property, which was one of the conditions of the sale, needs to be discussed. Member Fischer requested that Mr. Guzman contact Mr. Meason regarding a possible presentation to the Committee. Member Scott requested that the parcel at the end of Fifth Street be agendized. He commended Mr. Guzman on the project status reports.

H. STATUS REPORTS FROM STAFF (1-2210) - Mr. Guzman advised of a BLM conference he recently attended regarding development of a resource area advisory committee ("RAAC"). He discussed the purpose of the RAAC and the reasons for his attendance. He advised he volunteered the Committee to serve as a sounding board to the RAAC. He discussed his recent ecological assessment training, and advised of a field trip to Brunswick Canyon. He indicated that BLM is very interested in access, vegetation, sage grouse, and land use. Vice Chairperson Jacquet discussed the major issue of Indian allotments.

I. ADJOURNMENT (1-2295) - Member Fischer moved to adjourn the meeting at 8:07 p.m. Member Scott seconded the motion. Motion carried 7-0.

The Minutes of the April 30, 2001 meeting of the Carson City Open Space Advisory Committee are so approved this _____ day of May, 2001.

STEVE HARTMAN, Chairperson