

Douglas County Conservation Bill Frequently Asked Questions

1. Will the Conservation Bill raise my taxes or add additional fees?

No. The Douglas County Commission has funded this project using existing money.

2. What is the Conservation Bill?

The Conservation Bill is locally developed comprehensive federal legislation that adjusts federal land ownership and management throughout the county, allowing improved land use planning, conservation, and recreation. The Conservation Bill is a community-driven process that becomes public law through an Act of Congress.

3. What are Douglas County's goals?

Douglas County's primary goal is to permanently protect its essential floodplains, open space, natural resources, rural character, and cultural heritage through the acquisition of conservation easements on Douglas County's historic agricultural operations. Acquiring conservation easements on these active ranches will add to the already existing scenic corridor and connect the approximately 18,500 acres that have already been protected using various county, state, and federal mechanisms. Other goals include the transfer of important cultural lands to the Washoe Tribe, utilization of certain federal lands for flood attenuation, and greatly enhanced recreational opportunities.

4. How will the Conservation Bill benefit me?

The Conservation Bill will provide funding to implement the most important goals and policies set forth in the Master and Open Space Plans, such as protecting permanent open space, enhancing recreation and access to public lands, and retaining the character of our community and the quality of life that attracted many of us to live here.

5. Will the lands transferred to Douglas County be used for development purposes?

Under the bill, the parcels designated for transfer to Douglas County can only be used for public purposes, not development. The BLM holds a reversionary interest, and the parcels will automatically transfer back to the United States should the parcels ever be used for non-public purposes. Should Douglas County ever desire to develop these parcels for non-public purposes, the County would be required to go through a separate future process to purchase the reversionary interest from the United States.

6. Will 10,000 acres of BLM land be sold for private development?

No. The Conservation Bill does not mandate the sale of 10,000 acres. Under current law, the BLM has the authority to dispose of lands that the BLM has identified for disposal under its Regional Management Plan. In the existing Carson City Consolidated Resource Management Plan, the BLM has currently identified several thousand acres for disposal in Douglas County. It is Douglas County's understanding that the BLM's update of the Carson City Consolidated Resource Management Plan will likely increase the acreage

identified for disposal in Douglas County. Under the existing law, Douglas County has no ability to manage or control the BLM disposal process. The Conservation Bill, however, would mandate a Joint Selection process, whereby Douglas County must concur with the BLM for the BLM to dispose of any parcels. For the first time, the Conservation Bill would give Douglas County authority to approve or reject BLM land disposal in Douglas County. Should Douglas County concur with the BLM's disposal of certain parcels, the Conservation Bill would dictate how the disposal proceeds are used, ensuring that the majority of the proceeds are used for the protection of environmentally sensitive lands in Douglas County.

7. How will the Conservation Bill generate money?

As has been done in other Nevada counties, the Conservation Bill directs the sale of certain excess and difficult to manage federal lands, ensuring that the proceeds are used to protect environmentally sensitive lands within Douglas County. For example, the Southern Nevada Public Lands Management Act in Clark County generated more than \$3,000,000,000. The vast majority of the proceeds have been used for parks, trails, recreational areas, and land conservation. Douglas would expect to generate a tiny fraction of that, though enough to dramatically enhance the quality of life here in our county.

6. How much money will the land bill generate?

The amount of money the Conservation Bill will generate is uncertain until such time as the land is sold. Based on the sales of adjacent and neighboring lands, the expectation is that the land bill could generate tens of millions of dollars. Also, as occurred in Carson City, the land bill would provide Douglas County with access to Southern Nevada Public Land Management funds for parks, natural areas, and conservation initiatives adjacent to or within the floodplain of the Carson River. Moreover, enabling appropriate commercial development of these infill parcels could generate a few hundred thousand dollars every year for the county general fund, which would be available for critical services such as police and fire departments.

7. What has been the Conservation Bill process?

For more than six years, Douglas County has performed outreach activities, obtaining the input of stakeholder groups and several hundred individuals. The land bill has been the product of an all-inclusive joint planning effort between Douglas County, the Washoe Tribe of Nevada and California, federal agencies, State agencies, local towns and general improvement districts, and more than 100 stakeholder groups. Douglas County held 5 Community Open Houses to inform the public and receive comment. The Douglas County Board of Commissioners unanimously approved the concepts and framework of the Douglas County Conservation Bill, and has continued to receive regular updates at public meetings. On February 12, 2015, the Douglas County Conservation Act of 2015 was introduced in both the U.S. Senate and the U.S. House of Representatives.

8. What happens next?

The bill will be heard and marked-up in public lands committees in both Houses of Congress, and then will go to the floor for a vote. Upon passage by both Houses of Congress, the Conservation Bill will go to the U.S. President to be signed into Public Law.

9. Is the Conservation Bill federally driven?

No. The Conservation Bill is a locally developed, community driven proposal by Douglas County.

10. Can I review the language of the Conservation Bill?

Yes. The text of the bill as introduced in the U.S. Senate (S. 472) and in the U.S. House of Representatives (H.R. 925) can be viewed online at congress.gov

11. Why are we proposing the Conservation Bill now?

The land bill has been an ongoing endeavor, and is the culmination of nearly two decades of local and federal legislative efforts by Douglas County. In recent years, several other Nevada counties have successfully passed land bills. While Congress remains favorable, Douglas County intends to use this legislation as an opportunity to preserve its high resource lands, and implement the goals adopted in its Master and Open Space Plans.

12. Will the Conservation Bill force private landowners to sell?

No. The Conservation Bill provides no condemnation authority. This is a willing seller process only. Only those private landowners who desire to participate will be considered for conservation easements or acquisitions.

13. Are landowners interested in protecting their land from development?

Yes. Willing landowners have already protected approximately 18,500 acres in Douglas County. Owners of approximately 15,000 more acres have also expressed an interest in conserving their lands.

14. Will the Conservation Bill amend the Master Plan or Open Space Plan?

No. The Conservation Bill will not amend any local or county plan. Rather, the Conservation Bill has been developed as a critical implementation measure of Douglas County's Master and Open Space Plans. Placing a conservation easement on land with a willing seller is the only permanent planning tool. Every other mechanism, such as zoning, is subject to change.

15. Will the Conservation Bill restrict public access by amending any travel management plans?

No. The Conservation Bill will not amend any travel management plans. The Forest Service and the Bureau of Land Management have ongoing travel management planning outside the scope of this bill.

16. What is the status of the federal land the Conservation Bill addresses?

Most of the federal land is isolated and/or difficult to manage. Some of it is currently designated for disposal by the federal government. For instance, the Bureau of Land Management has designated significant acreage in Douglas County for disposal. If this land were disposed of under current law, Douglas would have no control. The sales proceeds would go into a general Federal Treasury account, and the land would become privatized with no consideration of access to the public land beyond. Through this land bill, Douglas County will ensure that it has a seat at the table, can control the process, and that if such land is ever disposed, the proceeds will be placed in a special account to be used for the acquisition or protection of environmentally sensitive lands within Douglas County.

17. Will the Conservation Bill designate any wilderness?

Yes. The Conservation Bill proposes designating the Burbank Canyons as Wilderness. The Burbank Canyons have been designated a Wilderness Study for nearly 35 years. Land bills commonly designate wilderness as a measure to balance the transfer or disposal of federal lands out of public ownership. In this instance, Douglas County is requesting that several thousand acres be transferred out of federal ownership, and that any proceeds be used to acquire environmentally sensitive lands within Douglas County. Given that the Burbank Canyons have already been managed as wilderness for nearly 35 years and close no travel routes, Douglas County feels this is a reasonable compromise, particularly considering the legislation ensures that historic uses are protected.

18. Where are the Burbank Canyons?

The Burbank Canyons are located on the eastern side of the Pine Nut Mountains, north of Highway 395, 15 miles southeast of Gardnerville, and 5 miles northwest of Wellington. The Burbank Canyons were designated a Wilderness Study Area in November 1980. The Burbank Canyons Wilderness Study Area comprises 13,395 acres, 12,333 of which are in Douglas County, and 1,065 of which are in Lyon County. The 1,065 acres in Lyon County will be released from the Wilderness Study Area. The boundaries of the Burbank Canyons Wilderness Area coincide with the roads and private property boundaries in Red Canyon to the north, the foot of the Pine Nut Mountains on the east, Rickey Canyon Road on the south, and the ridge of Bald Mountain on the west. The Burbank Canyons Wilderness Study Area is located *within* the above-described boundaries, and has no affect on travel along Rickey or Red Canyon Roads, which create, but are located outside of the Burbank Canyons Wilderness Study Area.

19. Are other wilderness designations being proposed?

No. Douglas County has worked diligently to ensure that no other wilderness designations are proposed. The county does not support any additional wilderness designations, and would discontinue its land bill efforts if other wilderness areas were proposed for consideration.

20. Will designation of the Burbank Canyons further restrict access?

No. The Burbank Canyons Wilderness Study Area has been managed as wilderness for nearly 35 years. The Conservation Bill will not affect travel along Rickey Canyon Road or Red Canyon Road, the two important and popular recreational routes to the north and south that create the boundary of the Burbank Canyons Wilderness Study Area. Rather, designation of this area as wilderness presents an opportunity to adjust the boundaries and release portions of the currently existing Wilderness Study Area, thereby making it less restrictive.

21. What criteria were considered when the Burbank Canyons were designated a Wilderness Study Area?

The Bureau of Land Management's criteria were: 1) generally at least 5,000 acres or more in size, 2) offer outstanding opportunities for solitude or a primitive and unconfined type of recreation, and 3) such areas may also contain ecological, geological, or other features that have scientific, scenic, or historical value.

22. Does anyone want the Burbank Canyons to be designated as wilderness?

Yes. There are passionate local advocates on both sides of the issue.

23. What changes will occur if Congress designates the Burbank Canyons Wilderness Study Area as wilderness?

None. The Burbank Canyons Wilderness Study Area has been managed as wilderness by the BLM since 1980. Designating it as a wilderness will not change any of the restrictions or management that has occurred over the last 35 years. Douglas County does not support any additional designation(s) that would restrict access.

24. Does Douglas County propose designating any wilderness in Lyon County?

No. The Douglas County Conservation Bill does not designate any wilderness in Lyon County or any other county outside of Douglas. Moreover, with the passage of the Douglas County Conservation Bill, 1,065 acres in Lyon County will be released from the existing Wilderness Study Area.

25. What will happen to that portion of the Burbank Canyons Wilderness Study Area that is located within Lyon County?

The 1,065 acres of the Burbank Canyons located in Lyon County will be released from the Wilderness Study Area.

26. Will wilderness designation affect travel routes in the Pine Nut Mountains?

No. There are two main roads in the area, Red Canyon Road and Rickey Canyon Road. These roads define the north and south boundaries of the Burbank Canyons Wilderness. The boundary of any portion of the wilderness area bordered by a road would be at least 100 feet from the edge of the roads to allow public access and provide sufficient room for maneuverability, passing, turning around, loading and unloading, road maintenance, etc.

27. Will I continue to be able to recreate in the Burbank Canyons if they are designated wilderness?

Yes. One of the primary purposes of wilderness is to provide the opportunity for recreational activities. These include hiking, horseback riding, photography, bird watching, wildlife viewing, hunting, fishing, mountaineering, rock climbing, cross-country skiing, and snowshoeing.

28. Will the wilderness designation prevent mining or livestock grazing?

No. Under the Wilderness Act, mining operations and livestock grazing are permitted to continue in Wilderness areas where such operations existed prior to Wilderness designation.

29. Does the wilderness designation prevent all forms of motorized travel?

No. The law permits motorized travel where necessary to ensure the health and safety of people, or for prior existing rights such as access to private land within the Wilderness area.

30. Would the wilderness designation have any effect on nearby airport or airplane activity?

No. The only wilderness restrictions in the U.S. are for aircraft flights over the Boundary Waters Canoe Area Wilderness. The Federal Aviation Administration has issued a Notice to Airmen that a minimum altitude of 2,000 feet above the terrain (or above the uppermost rim of a canyon or valley) over wilderness and National Parks in the rest of the U.S. be **voluntarily** observed by aircraft.

31. What happens to the Burbank Canyons Wilderness Study Area the Conservation Bill is not successful?

Nothing. The Burbank Canyons Wilderness Study Area would continue to be managed as wilderness, as it has been for nearly 35 years. An Act of Congress is required to designate wilderness or to release a Wilderness Study Area. Thus, if we do not move forward with the Conservation Bill, we will lose the opportunity to adjust the boundaries of the Wilderness Study Area to make the boundaries easy to understand, minimize user conflicts, and protect historic uses.

32. Why are Sage Grouse important to the Burbank Canyons?

For the last decade, the US Fish and Wildlife Service has continued to consider whether the Bi-State Distinct Population Segment of Sage Grouse is warranted for listing under the Endangered Species Act. Should the Sage Grouse be listed under the Endangered Species Act, the impact on Nevada would be devastating, particularly on OHV travel. Accordingly, federal, state, and local agencies, and other interested parties, have worked hard to take action to protect the Sage Grouse and prevent its listing under the Endangered Species Act, thereby protecting the existing uses of our public lands. Two

important Bi-State Sage Grouse leks have been documented in and near the Burbank Canyons. Moreover, the Burbank Canyons are located within the Pine Nut Planning Management Unit, and exhibit core nesting and early brood rearing habitat. Designation of the Burbank Canyons Wilderness Area is an important action towards protecting the Sage Grouse and helping to prevent its listing under the Endangered Species Act.

33. How would the Conservation Bill improve access and recreational opportunities in Douglas County?

The Conservation Bill will provide money to acquire trail and other access easements, as well as improve access and management of staging points for outdoor recreation.

34. How will the Conservation Bill enhance public access?

Additional money could be available to purchase access easements or land from willing sellers, and to provide for the construction of well-managed trailheads and other access staging areas.

35. Will the Conservation Bill cause me to pay higher taxes and/or fees in the future?

No. Ranch land conservation will have no negative affect on county taxes and fees. These resource-rich floodplain lands will continue to be privately owned and managed, as they have been for the past 160 years, and will remain on the county tax roll. Moreover, protecting these lands will allow the floodplain to function naturally, thereby likely reducing future taxes, fees, and insurance rates throughout Douglas County.

36. Can land management agencies still do forest health and firebreak thinning?

Yes. The Conservation Bill will have no effect on this activity.

37. Will the Conservation Bill prevent or hinder fire-fighting efforts?

No. The protocol for fire fighting will not change as a result of the Conservation Bill.

38. Where can I get more information?

For more information, questions, or comments, please contact:

Legacy Land and Water at (775) 338-9840 or dominique@legacylandandwater.com