

MEMORANDUM

To: Board of County Commissioners

From: Legacy Land and Water, LLC

Subject: Presentation and public hearing on the concepts and framework for the Douglas County Conservation Bill Project. The Board is not scheduled to take action on this item until February 16, 2012.

Date: January 20, 2012

Recommendation:

Presentation and public hearing only.

Background Information:

The Douglas County Conservation Bill is the culmination of more than fifteen years of County effort, and is one of the County's Strategic Planning Objectives. It is an implementation of the most important goals and policies set forth in both Douglas County's Master Plan and its Open Space and Agricultural Lands Preservation Implementation Plan. Today, Douglas County is approaching 15,000 acres of valuable and resource-rich ranch land protected by conservation easements through a combination of programs and funding sources. The Douglas County Conservation Bill provides an opportunity for additional conservation, and is a logical continuation of Douglas County's conservation planning efforts.

Douglas County's Master Plan envisions retaining the rural character of its community through the use of conservation easements to protect its cultural heritage, historic agricultural operations, floodplain functions, and natural resources. The efficient floodwater and artificial groundwater recharge system provided to Douglas County by agricultural landowners is essential to the community and could not be replicated without expending several hundred million dollars. Traditional funding sources have been depleted, and the Douglas County Commission determined, as a few other Nevada counties have, that a land bill could provide additional resources to implement the goals consistently articulated in planning efforts for a generation, or longer.

In May of 2009 the County kicked off a Lands Bill process with a public meeting. Subsequent meetings were held with federal agencies and then stakeholders that were identified such as state agencies, units of local government, the agricultural community, environmental and recreational organizations and the business community. The Douglas County Conservation 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 90 stakeholder groups. Douglas County has received the support of a vast majority of the stakeholders.

Land Priority Considerations

See the Maps in Attachment A regarding the below referenced Land Priority Considerations.

Washoe Tribe Cultural Parcels

Subject to valid existing rights, including rights-of-way, the Douglas County Conservation Bill will transfer the following parcels to the Washoe Tribe:

- BLM Archeological Parcel, near North Sunridge Drive 30 acres (Map #7)
- USFS Pine Nut Parcel, SW of Simee Dimeh Summit, 458 acres (Map #31)
- BLM Pine Nut Parcel, NE of Simee Dimeh Summit, 2.4 acres (Map #31)
- USFS Pine Nut Parcel, near Doud Springs, 68 acres (Map #31)
- USFS Pine Nut Parcel, near Spring Valley, 161 acres (Map #30)
- USFS Pine Nut Parcel, near Leviathan Mine Road, 47 acres (Map #30)
- USFS Pine Nut Parcel, near Tree Farm, 40 acres (Map #4)
- USFS Pine Nut Parcel, near Victory Circle, 69 acres (Map #4)
- BLM Pine Nut Parcel, near Rest Stop, 40 acres (Map #29)
- BLM Pine Nut Parcel, near Holbrook, 80 acres (Map #29)
- USFS Pine Nut Parcel on CA/NV Border, 132 (Map #30)
- USFS Pine Nut Parcel on CA/NV Border, 50 acres (Map #26)

Disposal Parcels to Fund Conservation Easement Acquisitions

The Douglas County Conservation Bill will provide for the disposal of the following excess and difficult to manage federal lands, ensuring that the sales proceeds are used to acquire environmentally sensitive land or an interest in environmentally sensitive land, i.e., conservation easements, from willing landowners in Douglas County, pursuant to the goals and objectives set forth in the Douglas County Open Space and Agricultural Implementation Plan:

- USFS Big Box, near Target and Best Buy, 28 acres (Map #9)
- BLM Commercial Parcel, near Lyla Lane, 10 acres (Map #20)
- USFS IHGID, near Plymouth Lane, 29 acres (Map #27)
- BLM/USFS Bodie Flat Parcels, S. Highway 395, 277/285 acres (Map #3)
- USFS Topaz Parcels, 7.5 acres (Map #10)

Douglas County Flood Control Management Areas

The following parcels shall be transferred to Douglas County to be managed for flood control and recreation purposes:

- BLM East Valley Flood Mitigation Parcels, 1,418 acres (Maps #21-25)
- USFS, Carson Street Parcel, in Genoa 40 acres (Map #5)
- USFS Mottsville Flood Mitigation, 40 acres (Map #28)
- USFS Jobs Peak Ranch Flood Mitigation, 75 acres (Map #28)
- USFS South Foothill Road Flood Mitigation, 94 acres (Map #28)

Douglas County Recreation and Public Purposes Parcels

The following parcels shall be transferred to Douglas County, or Congress shall mandate a management solution that enables a better use of the properties:

- BLM Fairgrounds, 757 acres (Map #19)
- USFS Rocky Bend, 4 acres (Map #2)
- USFS Tahoe Rim Trail North and South Parcels, 38 acres (Map #15)
- USFS Walley's Pit, 23 acres (Map #16)
- USFS Walley's Corner North and South Parcels, 9 acres (Map #16)
- USFS Pine Basin, 242 acres (Map #17)
- USFS Round Hill Pines Management Area, Management Solution, 200 acres (Map #12)
- USFS Dreyfus Estate Management Area, Management Solution, 416 acres (Map #14)
- BLM Johnson Lane Park, 54 acres (Map #32)
- BLM Sheriff's Substation, 2 acres (Map #6)
- BLM East Fork Fire District Station, 5 acres (Map #6)
- USFS Gray Hills, 1,334 acres (Map #11)

Douglas County Water Resource Infrastructure Parcels

The following parcels shall be transferred to Douglas County for municipal water infrastructure and passive recreation purposes:

- USFS Jack's Valley Water Tank, 31 acres (Map #8)
- USFS Lake Tahoe Regional Water Treatment Facility, 2 acres (Map #12)
- USFS KGID Water Tank, 4 acres (Map #15)
- USFS Hidden Wood Water Tank, 1 acre (Map #13)
- USFS Cave Rock Water Tank, 10 acres (Map #13)
- USFS Topaz Water Tank, 2 acres (Map #10)

State of Nevada

The following parcels of land shall be transferred to the State of Nevada to be used for the conservation of wildlife or natural resources or as a public park:

- USFS Spooner State Park Parcels, 67 acres (Map #18)

BLM Designated Disposal Lands

Any land that is currently designated for disposal by the BLM through the Carson City Consolidated Resource Management Plan or any subsequent plan must jointly be selected by Douglas County before such land is disposed, and any disposal proceeds shall be used to acquire environmentally sensitive land or an interest in environmentally sensitive land, i.e., conservation easements, from willing landowners in Douglas County, pursuant to the goals and objectives set forth in the Douglas County Open Space and Agricultural Implementation Plan. (See Attachment B for a Map of the land currently designated for disposal by the BLM.)

Wilderness

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 Wilderness Study Area was designated in November 1980, and has been essentially managed as

Wilderness for the last 31 years. (See Attachment C for a Map of the existing Wilderness Study Area.) In Douglas County, the Burbank Canyons comprise approximately 12,330 acres. The boundaries of the proposed Burbank Canyons Wilderness Area coincide with Red Canyon Road and private property boundaries to the north, the Douglas County and Lyon County boundary to the east, Rickey Canyon Road to the south, and a portion of the ridge between Bald Mountain and Rattlesnake Hill to the west. The Burbank Canyons are located *within* the above-described boundaries, and a Wilderness designation will have no effect on travel along Rickey or Red Canyon Roads, both of which are located outside of the proposed Burbank Canyons Wilderness Area. The Burbank Canyons contain unique and spectacular natural resources, including priceless habitat for numerous species of plants and wildlife, and thousands of acres that remain in a natural state. The continued preservation of the Burbank Canyons would benefit Douglas County by ensuring the conservation of ecologically diverse habitat, protecting prehistoric cultural resources, conserving primitive recreational resources, and protecting air and water quality. Most importantly, designation of the Burbank Canyons is important for the protection of the Bi-State Sage Grouse, as the Nevada Department of Wildlife has categorized portions of the Burbank Canyons as Essential and Irreplaceable Sage Grouse Habitat.

The proposed Wilderness designation shall expressly permit: historic livestock grazing; motorized and mechanical treatment to address fire, insect, and disease control; and, the continued use of aircraft. The Wilderness designation shall have no effect on the State's jurisdiction over fish and wildlife, and shall expressly allow motorized and mechanized activities for fish and wildlife purposes. The boundary of any portion of the Wilderness Area bordered by a road shall be 100 feet to allow public access and to provide sufficient room for maneuverability, passing, turning around, loading and unloading, and road maintenance.

Several short stem roads exist near the perimeter of the above-described boundary. A number of diverse local user groups have discussed refining the Wilderness boundary. It is envisioned that these groups will continue to discuss the issue and will build a consensus for a community-supported Wilderness boundary that will be accepted by Congress.

Douglas County opposes the consideration of any other Wilderness designation in Douglas County. Any designation of the proposed Burbank Canyons Wilderness Area shall expressly prohibit the use of buffer zones to further protect the Burbank Canyons Wilderness Area. The Wilderness designation shall not lead to the creation of protective perimeters or buffer zones around the Wilderness Area. The fact that nonwilderness activities or uses can be seen or heard from within the Wilderness Area shall not preclude such activities or uses up to the boundary of the Wilderness Area. The Wilderness designation shall expressly designate Rickey Canyon and Red Canyon Roads as important travel routes in the Pine Nut Mountains.

Federal Funding Considerations

Southern Nevada Public Land Management Act

SNPLMA shall be amended such that Douglas County is eligible to nominate for expenditure amounts to acquire land or an interest in land for parks, trails, or natural areas, and conservation initiatives adjacent to the Carson River or within the floodplain of the Carson River.

Federal Land Transaction Facilitation Act

Douglas County supports the permanent reauthorization of FLTFA and requests that Congress fully fund FLTFA so that it may continue to fund important projects in Douglas County.

Farm Bill and Other Federal Funding

Douglas County supports the allocation of Farm Bill, Natural Resource Conservation Service, and/or other federal funding to be used the protection of environmentally sensitive lands, the acquisition of conservation easements, or recreational purposes in Douglas County.

Public Open Houses

In early December, Douglas County held five (5) Community Open Houses to inform the public and receive comment.

Attendance

Minden	42
North Douglas County	46
South Douglas County	18
Lake Tahoe	27
Genoa	16
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Total	149

Public Comment

Support Wilderness	63
Oppose Wilderness	14
Create National Recreation Area	49
Obtain All BLM Disposal Land	4
Open House Format Confusing	1
Support Bill (No Specific Issue)	1
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Total	132

Issues Raised

National Recreation Area

Local and national OHV groups have requested that Douglas County protect recreational opportunities in the Pine Nut Mountains by Congressionally designating the area as the Pine Nut Mountains Recreation Area, with OHV use as a prescribed use limited to currently existing roads, trails, and areas.

Recognizing that continued access to public lands and waterways for public uses such as fishing, hunting, gem collection, 4x4, motorized OHV and non-motorized travel are important components of the social and economic health of Douglas County, designation of the Pine Nut Mountains as a National Recreation Area presents several challenges. First, this is a very recent proposal that was not presented until after the Open House process. Accordingly, the proposal was not vetted by the

stakeholders or the public. Second, the proposed area is largely comprised of land that is privately owned or held in trust by the Bureau of Indian Affairs. Thus, in many instances, legal public access has not been recognized. Third, National Recreation Areas are often managed by the National Park Service. As such, National Recreation Areas are commonly fee-based, rather restrictive in their allowable uses, and often limit travel to designated routes. Thus, there is a legitimate concern that an unintended consequence of the proposed National Recreation Area could be less access to our public lands.

Rather than propose a National Recreation Area, staff recommends that Douglas County work with the BLM and Congress to recognize OHV recreation as a prescribed use within the Pine Nut Mountains.

BLM Disposal Lands

Several Douglas County residents have suggested that Douglas County use the Conservation Bill as an opportunity to obtain all of the land that the BLM currently has designated for disposal in Douglas County. Such land would be used for public recreation and buffer purposes.

There are concerns that ownership of these lands would impose a significant management burden on Douglas County. These urban interface areas commonly experience trespass, encroachment, and dumping. The requisite law enforcement and fuels reduction in these interface areas would be quite costly.

Rather than obtain all of the land that the BLM currently has designated for disposal, staff recommends that Douglas County obtain any land that may prove useful for flood attenuation purposes. (See Attachment B for a Map of the land currently designated for disposal by the BLM.)

Interagency Fire Facility

As initially discussed with the stakeholders, Douglas County was requesting disposal of approximately 80 acres known as the "Plymouth Parcel." (See Attachment A, Map #27) This parcel was originally identified for disposal in the Nevada National Forest Land Disposal Act of 2005, H.R. 816. Over the last two-and-a-half years, however, the US Forest has moved forward with development of its Interagency Fire Facility. Staff recommends that Douglas County continue to work with the US Forest Service and the Nevada Congressional Delegation to determine whether any unused portion of the Plymouth Parcel remains suitable for disposal purposes. As with any other lands identified for disposal in this Bill, the sales proceeds would be used to acquire environmentally sensitive land or an interest in environmentally sensitive land, i.e., conservation easements.

Tahoe Douglas Fire Protection District

Discussions with the Tahoe Douglas Fire Protection District indicate that it would be desirable to transfer approximately 32 acres to Douglas County for operations by the Tahoe Douglas Fire Protection District. (See Attachment A, Map #14.) Staff recommends that Douglas County continue to work with the Tahoe Douglas Fire Protection District and the Nevada Congressional Delegation to determine whether such transfer is possible.

Next Steps

Should the Board of Commissioners approve the concepts and framework for the Douglas County Conservation Bill Project, Legacy Land and Water and shall work closely with the Nevada Congressional Delegation and Congressional Committees to ensure that the final language of the Douglas County Conservation Bill meets the intent of Douglas County. Once the final language has been crafted, the proposed Bill will be sent back to Douglas County for its final approval before the Nevada Congressional Delegation introduces the Bill in Congress.

Master Plan Goals

The Douglas County Conservation Bill will achieve numerous of Douglas County's Master Plan Goals, including:

Goal 5.02 - To manage hillside development densities, locations, and project designs in order to minimize impacts on the county's natural resources and aesthetic character, and to protect future residents from safety hazards.

Goal 5.03 - Provide residents of Douglas County a sufficient level of safety from flooding.

Goal 5.09 - To protect wetlands for their values for groundwater recharge, flood protection, sediment and pollution control, wildlife habitat, and open space.

Goal 5.16 - To create a system of open space areas and linkages throughout the county that protects the natural and visual character of the county, provides contiguous wildlife corridors, and provides for appropriate active and passive recreational uses.

Goal 5.17 - To preserve USFS, BLM, and other public lands for their habitat, recreational, and scenic values.

Goal 5.18 - To maintain or improve existing air quality.

Goal 5.19 - To protect Douglas County's sensitive wildlife and vegetation in recognition of their importance as components of the county's quality of life.

Goal 6.02 - Direct new development to locations within or adjacent to existing communities where facilities can be provided and a sense of community can be created or enhanced.

Goal 7.01 - Maintain agriculture as an important land use and preserve the rural character, cultural heritage and economic value of Douglas County.

Goal 7.02 - Create alternatives to the urban development of existing agricultural lands, such as market based incentives, programs for financing compensation or development right transfers, or the purchase of development rights in order to preserve these agricultural areas.

Goal 9.01 - To preserve Douglas County's historic, cultural, and archaeological resources as physical reminders of the county's past and as unique focal points to shape the county's identity, now and in the future.

Goal 10.02 - Retain the beauty, the natural setting and resources, and the rural/agricultural character of the county while providing opportunities for managed growth and development.

Attachments:

Land Priority Consideration Parcel Maps – Attachment A

BLM Designated Disposal Lands – Attachment B

Burbank Canyons Wilderness Area – Attachment C