



Moapa Valley Town Advisory Board

Moapa Valley Community Center
320 N. Moapa Valley Blvd.
Overton, NV. 89040

March 13, 2019
7:00 p.m.

AGENDA

NOTE:

- Items on the agenda may be taken out of order.
- The Board/Council may combine two or more agenda items for consideration.
- The Board/Council may remove an item from the agenda or delay discussion relating to an item at any time.
- No action may be taken on any matter not listed on the posted agenda.
- All planning and zoning matters heard at this meeting are forwarded to Board of County Commissioners Zoning Commission (BCC) or Clark County Planning Commission (PC) for final action.
- Please turn off or mute all cell phones and other electronic devices.
- Please take all private conversations outside the room.
- With forty-eight (48) hour advance request, a sign language interpreter, or other reasonable efforts to assist and accommodate persons with physical disabilities, may be made available by calling 702-455-3530 or TDD 702-385-7486 or Relay Nevada toll free 800-326-6868, TD/TDD.
- Supporting material provided to Board/Council members for this meeting may be requested from insert name of contact at phone number and is/will be available at the County's website at www.clarkcountynv.gov.

Board Members: Marjorie Holland - Chair Lois Hall
 Kristen Pearson – Vice Chair Megan Porter
 Gene Houston

Secretary: Amelia Smith, 702-397-6475, Amelia.Smith@ClarkCountyNV.gov

County Liaison: Janice Ridondo, 702-455-3504, JRidondo@ClarkCountyNV.gov

- I. Call to Order, Invocation, Pledge of Allegiance, Roll Call
- II. Public Comment - This is a period devoted to comments by the general public about items on this agenda. No discussion, action, or vote may be taken on this agenda item. You will be afforded the opportunity to speak on individual Public Hearing Items at the time they are presented. If you wish to speak to the Board/Council about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please **spell** your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.
- III. Approval of February 27, 2019 Minutes (For possible action)
- IV. Approval of Agenda for March 13, 2019 and Hold, Combine or Delete Any Items (For possible action)

BOARD OF COUNTY COMMISSIONERS
 MARILYN KIRKPATRICK, CHAIR - LAWRENCE WEEKLY, Vice-Chair
 LARRY BROWN - JAMES GIBSON - JUSTIN JONES - MICHAEL NAFT - TICK SEGERBLOM
 YOLANDA KING, County Manager

V. Informational Items

None

VI. Planning & Zoning

1. **ZC-19-0129-CLEGG, FRANCINE R.:**

ZONE CHANGE to reclassify 3.9 acres from R-U (Rural Open Land) Zone to R-E (Rural Estates Residential) Zone for an existing and future single family residence. Generally located on the south side of Frehner Avenue, 188 feet east of Lyman Street within Moapa Valley (description on file). MK/jor/ja (For discussion and possible action)

04/03/19 BCC

VII. General Business

1. Moapa Valley Revitalization Project (MVRP) is requesting the Moapa Valley Town Advisory Board to support the installation of a banner in the large meeting room of the Moapa Valley Community Center. The banner contains the newly adopted Moapa Valley logo (for discussion and possible action)
2. Moapa Valley Town Advisory Board members to discuss the proposed Resource Management Plan for 'We the People' and take public input (for discussion and possible action)

VIII. Comments by the General Public - A period devoted to comments by the general public about matters relevant to the Board's/Council's jurisdiction will be held. No vote may be taken on a matter not listed on the posted agenda. Comments will be limited to three minutes. Please step up to the speaker's podium, if applicable, clearly state your name and address and please spell your last name for the record. If any member of the Board/Council wishes to extend the length of a presentation, this will be done by the Chair or the Board/Council by majority vote.

IX. Next Meeting Date: March 27, 2019

X. Adjournment

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations:

Moapa Valley Community Center- 320 N. Moapa Valley Blvd.

Overton Post Office- 275 Moapa Valley Blvd.

Logandale Post Office- 3145 N. Moapa Valley Blvd.

Shell Gas Station- 3685 N. Moapa Valley Blvd.

<https://notice.nv.gov/>

BOARD OF COUNTY COMMISSIONERS
MARILYN KIRKPATRICK, CHAIR - LAWRENCE WEEKLY, Vice-Chair
LARRY BROWN - JAMES GIBSON - JUSTIN JONES - MICHAEL NAFT - TUCK SEGERBLUM
YOLANDA KING, County Manager



Moapa Valley Town Advisory Board

February 27, 2019

MINUTES

Board Members:	Marjorie Holland – Chair – PRESENT Kristen Pearson – Vice Chair – PRESENT Gene Houston – PRESENT	Lois Hall – PRESENT Megan Porter – EXCUSED
Secretary:	Amelia Smith 702-397-6475 Amelia.Smith@clarkcountynv.gov	
County Liaison:	Janice Ridondo 702-455-3504 JRidondo@clarkcountynv.gov	

I. Call to Order, Invocation, Pledge of Allegiance, Roll Call
The meeting was called to order at 7:00 p.m.

II. Public Comment

None

III. Approval of February 13, 2019 Minutes

Moved by: Lois Hall

Action: Approved

Vote: 3-0 Unanimous

IV. Approval of Agenda for February 27, 2019

Moved by: Gene Houston

Action: Approved

Vote: 4-0/Unanimous

V. Informational Items

None

VI. Planning & Zoning

1. **UC-19-0078-CHURCH BAPTIST LAKE MEAD:**
USE PERMITS for the following: 1) a proposed communications facility with cell tower; and 2) reduce setbacks.

WAIVER OF DEVELOPMENT STANDARDS to increase architectural intrusions.

DESIGN REVIEW for a proposed communications facility with cell tower and ground level equipment on a portion of 1.8 acres in a P-F (Public Facility) Zone within the Moapa Valley Design Overlay District. Generally located on the northwest corner of Moapa Valley Boulevard and Bryner Avenue within Moapa Valley. MK/al/ja (For discussion and possible action)

03/19/19 PC

Moved by: Gene Houston

Action: Approved

Vote: 4-0/Unanimous

VII. General Business

1. **CP-19-900037:** That the Moapa Valley Town Advisory Board hold a public meeting for an update to the Northeast Land Use Plan and take appropriate action. (For discussion and possible action)

03/19/19 PC

Moved by: Marjorie Holland

Action: Approved 041-26-701-028, Mike Otero

Vote: 3-1

Voting Aye: Marjorie Holland, Gene Houston, Lois Hall

Voting Nay: Kristen Pearson

Moved by: Gene Houston

Action: Denied 041-36-401-016, Terry & Rita Gettle

Vote: 4-0/Unanimous

Moved by: Gene Houston

Action: Approved 070-11-501-003, Val Sharp

Vote: 4-0/Unanimous

Moved by: Marjorie Holland

Action: Approved 070-13-101-016, 017 & 097, Cal Hall

Vote: 3-0/Unanimous

Abstain: Lois Hall

Lois Hall disclosed that she would not be able to vote on this item because she is the land owner

Moved by: Marjorie Holland

Action: Approved 070-13-802-003, Staff

Vote: 4-0/Unanimous

VIII. Public Comment

Dorene Starita – speaking about parcel 041-26-701-028. Dorene disagrees with this parcel being approved and believes the density is too high for the area. Does this now allow these property owners to apply for a zone change? Gene- the only property owners that'll be able to apply for a conforming zone change will be the Otero's. Everyone else would be nonconforming. Kim Otero followed up from a comment made by Dorene and Kim was under the impression that the Land Use Plan meetings were to plan the neighborhood, but, after speaking with Kevin, Kevin clarified that individuals could only discuss changes to their own properties. Gene Houston- remembers a time where they planned designations in the valley but didn't believe it was through the Land Use Planning process. Jean Gottschalk- MVRP recently had a local contest for people to create a logo for Moapa Valley. A winner has been chosen and MVRP would like to know if the board would support putting a banner in the board room just as a visual representation of the new community logo. Gene- Make a formal request to be placed on the agenda and we'll make a decision next meeting. Stephen Neel- Judy Metz is the board's representative but couldn't make this meeting tonight. In September 2018 the process of the Moapa Valley Fire Department separating from Clark County was finalized. Each station now has an Assistant Fire Chief and they are now pay per call. Gene- what is the expected budget? Stephen- they anticipate a 1.1 million budget next year. Marjorie- What happened to a commercial ambulance coming in to cover? Stephen- We have decided not to hire because there is currently no need for those services. They have had 22 new members join so as long as they complete their training they'll be able to start with them, and they now have a rapid response vehicle that they're using as a trial for 90 days to see if they have a better response time. Selected members will be assigned the vehicle for certain durations, so they can see if it's effective. Janice- would like Stephen to consider providing an update quarterly. Jean Gottschalk- would like everyone to be aware that MVRP is putting on an event called "The Loop at Moapa Valley" This is a bicycle event which begins at the Fairgrounds up to Lin's and back. The event takes place on March 23rd and doesn't just remain on the main highway. The loop takes those participating throughout the valley to visit local businesses, farms, 501c3's and other small vendors. Marjorie Holland called for a moment of silence for John Robison.

IX. Next Meeting Date

The next regular meeting will be March 13, 2019

X. Adjournment

The meeting was adjourned at 8:35 p.m.



Bowler, G

PM 14-67

PT2

Lyman St

Hardy Ave

VAC 910227.602

PM 78-33

PM 49-63

PM 80-34

75m

200ft

Neil Ave

To whom it may concern,

My application to re-zone my property is needed to make it consistent with the other parcels around me. *I am requesting to change the zone from RU to RE.*

I am requesting to be re-zoned so I may eventually subdivide my 3.93 acres, into two parcels. The parcel my home is on will be 3 acres and the other parcel would be .93 acres.

I am wanting to donate the .93 acres to a family in the valley that is in need of having a home of their own and not to be governed by a less than honest landlord. This family has recently been displaced as their landlord of 8 years has forced them out of their rented home and into a travel trailer. The family is currently caring for an 85 year old veteran and they also care for a disabled 17 year old daughter.

Thank you for this consideration.

Francine Clegg



ZC-19-0129

**CIVIL
ENGINEERING**

04/03/19 BCC AGENDA SHEET

SINGLE FAMILY RESIDENCE
(TITLE 30)

FREHNER AVE/LYMAN ST
(MOAPA VALLEY)

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-19-0129-CLEGG, FRANCINE R.:

ZONE CHANGE to reclassify 3.9 acres from R-U (Rural Open Land) Zone to R-E (Rural Estates Residential) Zone for an existing and future single family residence.

Generally located on the south side of Frehner Avenue, 188 feet east of Lyman Street within Moapa Valley (description on file). MK/jor/ja (For possible action)

RELATED INFORMATION:

APN:

041-26-201-003

LAND USE PLAN:

NORTHEAST COUNTY (MOAPA VALLEY) RURAL NEIGHBORHOOD (UP TO 2 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: 1405 Frehner Avenue
- Site Acreage: 3.9
- Project Type: Existing and future single family residence

Site Plan

Per the site plan, the subject property is located south of Frehner Avenue, and 188 feet east of Lyman Street. There is an existing residence along the east property line with an area of 1,364 square feet. North of the primary residence is an agricultural accessory structure with an area of 560 square feet. Both structures are set back from Frehner Avenue approximately 162 feet. Access to the existing home is located on the northeast corner of the subject property. The applicant is requesting to change the existing R-U (Rural Open Land) zoning to R-E (Rural Estates Residential) zoning in order to legally subdivide the site into 2 parcels.

Landscaping

Landscaping is not proposed or required with this zone change request.

Signage

Signage is not a part of this request.

Applicant's Justification

Per the submitted justification letter, the applicant states that they would like to subdivide the subject property (3.9 acres) into 2 lots. The applicant would like to maintain 3 acres including the existing residence and agricultural accessory structure as 1 lot, and the remaining 0.9 acres will be the second lot. Per the applicant, the second lot will be donated to a local family who currently provide care for an elderly veteran and a disabled family member.

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Facility	P-F	Undeveloped
South	Rural Neighborhood (0.5 du/ac)	R-U	Single family residence
East	Rural Neighborhood (1 du/ac)	R-A	Undeveloped & single family residence
West	Rural Neighborhood (2 du/ac)	R-E	Single family residence

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

This request is a conforming zone boundary amendment. The request is for future residential development at a density of approximately 2 dwelling units per acre. The project complies with Goal 4 of the Northeast Clark County Land Use Plan which encourages, in part, provide opportunities for additional single family development and encourage appropriate site planning. The applicant's request also supports Goal 38 which encourages in part, that new residential developments adjacent to existing estate residential areas to transition at appropriate densities. Lastly, the applicant's request supports Goal 3 which encourages the preservation of existing large lot neighborhoods by encouraging vacant lots within these areas to develop at similar densities as existing homes. Staff finds that the request is not out of character for this neighborhood since R-E zoning is located west and south of the property. Since the applicant is subdividing the parcel into 2 lots, and both lots are intended for single family residences which support the goals listed within the land use plans; staff is in support of this application.

Staff Recommendation
Approval.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning.
- Applicant is advised that approval of this application does not constitute or imply approval of any other County issued permit, license, or approval.

Public Works - Development Review

- Drainage study shall be required with future development as determined by Public Works - Development Review;
- Execute a Restrictive Covenant Agreement (deed restrictions).

Building Department - Fire Prevention

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: FRANCINE CLEGG

CONTACT: FRANCINE CLEGG, 1405 FREHNER AVENUE, LAS VEGAS, NV 89021

041-26-2

S 2 NW 4

26

T15S R67E

ASSESSOR'S PARCELS - CLARK COUNTY, NV.
Briana Johnson - Assessor

031 032 0330

042 041 0400

068 070 071

Scale: 1" = 200'

Rev: 1/8/2019



8 4 0 4
5 1 5 1
6 2 6 2
7 3 7 3
8 4 8 4
5 1 5 1

6	3	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

001	002	003	004	005	006	007	008	009	010	011	012	013	014	015	016	017	018	019	020	021	022	023	024	025	026	027	028	029	030	031	032	033	034	035	036	037	038	039	040	041	042	043	044	045	046	047	048	049	050	051	052	053	054	055	056	057	058	059	060	061	062	063	064	065	066	067	068	069	070	071	072	073	074	075	076	077	078	079	080	081	082	083	084	085	086	087	088	089	090	091	092	093	094	095	096	097	098	099	100
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MAP LEGEND

Parcel Boundary
Sub Boundary
PMLD Boundary
Road Easement
Match / Leader Line
Historic Lot Line
Historic Sub Boundary
Historic PMLD Boundary
Section Line

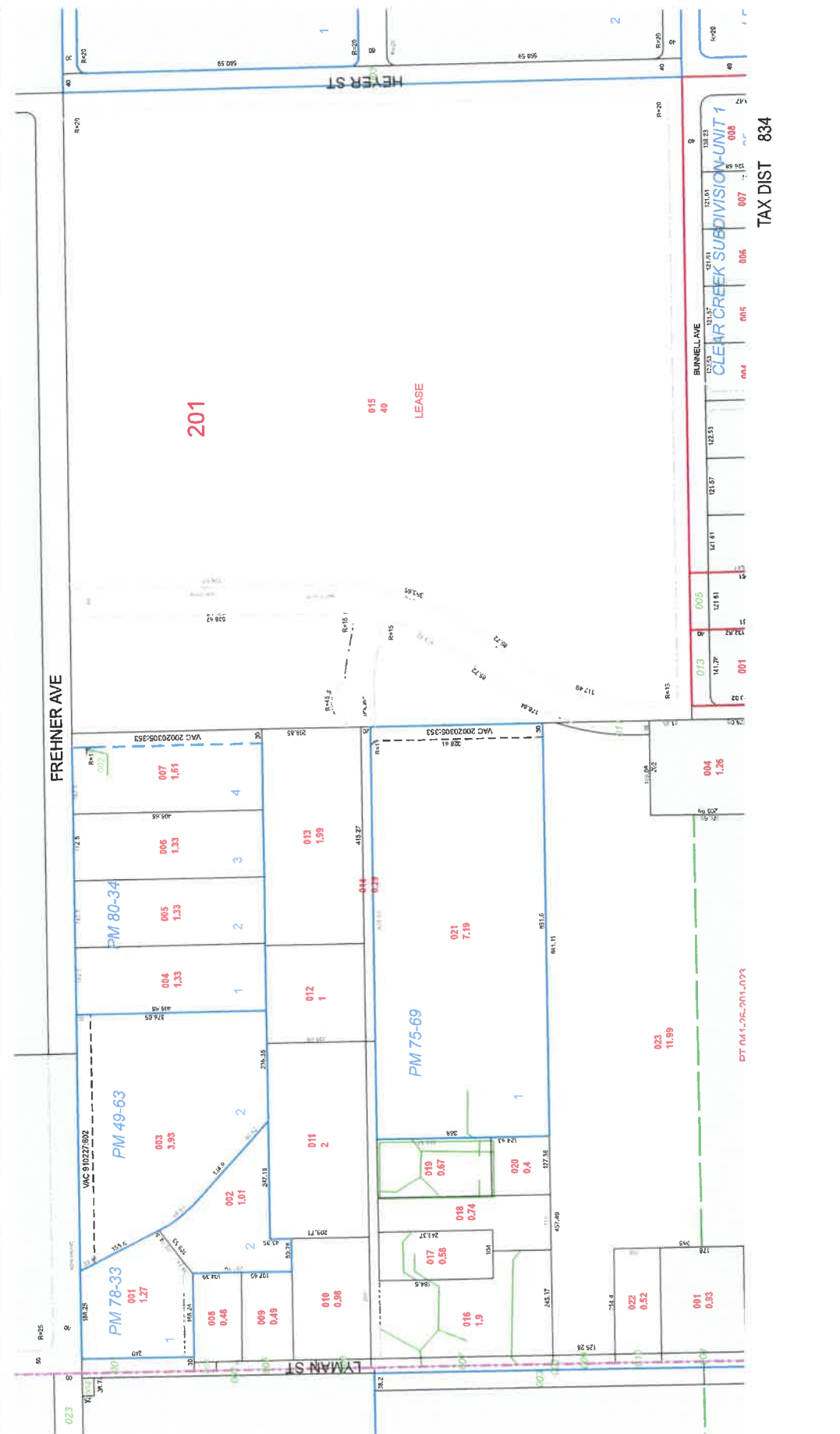
Condominium Unit
Air Space PCL
Right of Way PCL
Sub-Surface PCL

Road Parcel Number
Parcel Number
Acreage
Parcel Subseq Number
Block Number
Lot Number
Gov. Lot Number

Notes

Scale: 1" = 200'

Rev: 1/8/2019



TAX DIST 834

A short summary of the attached draft:

We need a plan;

This isn't a plan for Bundy Ranch. This is a plan for all the residents of Northeast Clark County and Bundy Ranch is in this part of the county. Since the early 1990's the federal government has layered regulations over the top of our land until they have regulated us completely off the land. Restrictions and regulations and using their own law enforcement, have made it impossible to enjoy our rights and freedoms to this land.

This plan presents a way for We the People of northeast Clark County Nevada to claim and use the land we already have rights to, eliminate unnecessary restrictions, and be the rightful owners and administrators in northeast Clark County.

(DRAFT #4)

LAND PLAN

(PART OF) NORTH EAST CLARK COUNTY NEVADA LAND PLAN

**(Only areas where Bundy has vested or preempted rights)
(Moapa Valley Town Advisory Board could have a land acquisition similar to
Bunkerville)**

1 We the People of NECC, acting as citizens of a republic do hereby adopt a comprehensive land plan. The North East Clark County Land Plan (NECCLP) is adopted by our representatives serving as the Bunkerville and Moapa Valley town advisory boards.

2 We the people of northeast Clark County call on our elected representatives, and call on the Commissioners of Clark County to adopt our plan as part of the Clark County land plan.

3 Whereas, the public land in north east Clark County belongs to the people of Clark County Nevada (Chain of title of these lands: Native Indian –Nation of Spain - Nation of Mexico – 1848 to US Arizona territory County of Pah Ute – 1866. US Congressional Act May 5, 1866 dispose of (Art IV:3) to State of Nevada, joint resolution #24 approved 1981, ratified by the people in 1982.); Whereas, Clark County is a subdivision of the sovereign Nevada. Bundy Ranch is an adjudicated part of NE Clark County;

4 It has been 3 years since the Bundy protest and 21 years since We the People said this land is Nevada land. Nevada state law NRS 321.596 et al. statues (Nevada Public Land Ownership Act). 1996 Nevada reformation, We the people, overwhelmingly supported Nevada control of public land. Bundy protest removed the US Federal Bureaucrats off the land. We the people have enjoyed freedom and access; maybe the freest land in America.

For 25 years we have had no land plan. It is due time!

5 RANCHES ADJUCIATED BY CONTRACT (PARTIES) – #1 - US Dept. of Interior and #2 the Rancher. In accordance with preempted rights created through beneficial use, in accordance with Nevada State laws 1940-1960 area and livestock. In November 1970? changed adjudication to ephemeral from livestock number to no livestock numbers. 1992 Bundy cancelled all contracts with BLM management and 1934 Taylor Garzing contracts with US federal government. 1992-2017 no contracts, continual beneficial use of resources 1850s – 2017.

6 Bundy Ranch holds rights to forage, livestock water, access, range improvements, and all other rights as Clark County residents. Bundy Ranch holds a land patent pursuant to the Act of Congress of May 20, 1862 to secure homestead with the appurtenances thereof, unto the said claimant and the heirs and assigns of the said claimant FOREVER; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes.

7 WHERE AS: Clark County Commissioners are the closest government to the People.

8 DESCRIPTION -- A greater portion of Mormon Mesa, Virgin River Valley, lower Moapa Valley, Virgin Mountain, and Gold Butte (Common name - Bundy Ranch)

9 Within the following boundaries, to wit: commencing on the NE corner Clark County Nevada, SE corner Lincoln County Nevada, W Arizona Stateline thence S to Colorado River-Mead Lake, follow E waterline around N of lake to the W high water line, thence NW to town Overton, NV, N of NV Fish and Wildlife thence E to Mormon Mesa rim thence N along Mesa rim to Lincoln County S boundary thence E to the point of beginning.

10 EXEMPTION: City of Mesquite, NV, I-15 corridor, NV State Hwy. 170, Clark County sewer plant Overton, private lands, subject to State of Nevada open range-fence out laws. All existing utility and communication right-of-ways or easements, agriculture irrigation right-of-ways and easements, FAA and US interstate communication. Nay Ranch and Don Whitney gazing land, if requested.

11 DESIGNATED COUNTY ROADS: (COUNTY MAINTAINED) 2 wheel drive vehicles, 1 lane standard

1. I-15 mile marker 100 to Lincoln County border, Carp/Elgin roads
2. NS 170 to Arizona state border – White Rock- Nay Ranch- Grand Wash roads
3. NS 170 to Lake Mead – Hell’s Kitchen – Cat Claw and Clive’s Landing roads
4. Overton Airport road to Virgin River

12 ALL OTHER ROADS and trails be maintained by land steward in accordance to NV law and their needs

13 ROADS, Clark County residents will have access to all roads and trails according to Nevada State law.

14 Now therefore, let it be known, that the following is the duly adopted management plan for the northeast portion of Clark County.

15 We the People recognize our elected Clark County Sheriff as the only authority with policing and arresting power in Clark County Nevada. With the direction and consent of the sheriff, Nevada Highway Patrol may exercise authority on Interstate 15 and NV highway 170 for public safety; Nevada Fish and Game may have limited authority in accordance with state law; and Nevada Livestock Identification may have limited authority in accordance with state law.

16 Whereas, We the People of Clark County, Nevada, a political and fiscal subdivision of the sovereign state of Nevada, are rightful owners of all land within Clark County borders. All who enter across Clark County exterior borders are our guests only, having no political power or vote.

- 17 All contracts, leases, licenses, permits, easements, MOUs or agreements with the United States government will be null and void including, but not limited to, all US government land classifications such as areas of critical environmental concern, wilderness areas, national recreational areas, monuments and etc.
- 18 In place of the former federal contracts and agreements, new contracts or agreements will be negotiated with Clark County government. All fees or tax on production will be paid to Clark County government general funds.
- 19 THIS LAND DECLARATION - all amendments, actions, new developments or maintenance over \$25,000 in total cost will go before Moapa Valley and Bunkerville town advisory boards, then to be presented before Clark County Commissioner's, (semiannual) first meeting in April and October.
- 20 WE THE PEOPLE of Clark County will have 100% access to the Bundy Ranch area to picnic, camp, motorhome, hunt, fish, off-road, hike, bike, enjoy the scenic desert, only reserving 500 ft radius around wildlife and livestock watering sources and artifact reserves.
- 21 NEW & IMPROVED ACCESS – for motor homes, camper trailers, and camps. The side roads, vacant gravel pits, and new access will be improved to let you off the beaten trail. 15 day maximum stay.
- 22 HUNT & FISH – access to all road and trails, giving new territory to explore and improved habitat. Improved wildlife and livestock water sources.
- 23 OFF-ROADING – access to 100% of Bundy Ranch area all roads and trails and new development. A plan for 2 major off road loops, 5 service stations. Loop 1 (miles?) Loop 2 () + 1000s of miles off-road in the interior. Two ferry systems to move ATVs across Lake Mead.
- 24 SCENIC TOUR & VIEW SITES – 100% access to the giant desert, Mormon Mesa, lower Muddy River, Virgin River, Virgin Mountains, Gold Butte, east shore of Lake Mead, old mines, old mine town sites, cattle and wildlife, cactus and a beautiful sunset, Indian writings, sink hole, and stars. Could place concrete picnic tables on Virgin River and Mormon Mesa viewpoints.
- 25 PETROGLYPHS – INDIAN WRITINGS - Ten sights. It is in the general public and native Indian's interest to protect and preserve ancient Indian writings. The public desires to have access to view and enjoy.
- 26 ROD IRON/GUARDRAIL set 30 feet from the face of the petroglyphs, walk way of natural stone giving access to old and young, away from but close enough to see and enjoy. (note: dislike this, it ruins the natural mystic of the place)
- 27 LAND IMPROVEMENTS: Virgin River and lower Muddy River and east Lake Mead shore, to reduce erosion, enhance edible fish and game, livestock, and recreation access.

28 LOWER MUDDY RIVER and VIRGIN RIVER. These river bottoms are not fit for beast or man. They have a heavy thick canopy of tamarack brush that has very little habitat value, very little scenic or recreational value.

29 THE ERADICATING OF THE TAMARACK plant is well on its way. The introduction of the tamarack beetle is de-foliating the plant.

30 A PLAN to clear masses of dead plants and replace with a new habitat of new forage to improve for edible fish and game, livestock, and scenic and recreational enjoyment.

31 THE CLEARING PROCESS will reserve 20% of mature tree over 20 ft. tall – Cottonwoods, Black willows, Mesquite and Mesquite trees for shade and scenic value up the valleys.

32 WEED CONTROL. Emphasis on eradicating Tamarack brush and establishing grass sod to stabilize erosion, enhance feed, beautify and create recreational opportunities.

33 WATER. In accordance with Nevada law, multiple use:

- a) Domestic
- b) Agriculture
- c) Livestock
- d) Fish and game
- e) Recreation

All existing water rights, easements, and access will be recognized.

34 WATER - Retain the preempted water usage that the tamarack has used for over 100 years, 2 ac. Ft. per acre? Maybe more. That water will remain in beneficial use, to establish new improved habitat for eatable fish, game, livestock and scenic, recreation and access.

35 WATER - Rivers, water rights – retain wildlife, livestock and vegetation preempted established uses.

36 FIRE – Control, management for the safety and benefit of man.

1. Education
2. Response and responsibility
 - a. Resource user
 - b. Local Clark County fire department
 - c. Clark County
 - d. Nevada State
3. Map and Plan
 - a. Life and valued structures
 - b. Scenic areas
 - c. Area of habitat or feed resources
 - d. Area that fire will improve habitat or feed
 - e. Agricultural prescribed burns

All maps and plans will be approved by Clark County fire marshal

37 FORAGE – to be enhanced and managed for edible fish and game and livestock.

38 PREDATOR CONTROL – in accordance to Nevada law.

39 LIVESTOCK – in accordance to Nevada law.

40 WILD HORSES AND BURROS – No wild horses. Wild burros, 50 head maximum to be controlled by Nevada Sate Agriculture Brand Identification Division.

41 MINES – in accordance to Nevada law.

42

LAND ACQUISITIONS
Designate Bunkerville Town, New Boundaries
Land Trades for Property Alignments
Green-belt Land Allotments

43 ALL PROPOSALS will pass through area township advisory boards.

44 BUNKERVILLE TOWN – new designated (approx. 4500 acre) hence SW from Bunkerville Town down highway SR170 to the last property line, start at center line of SR170, hence 90 degrees SE 1 mile, hence 90 degrees parallel to SR170 to AZ state boundary, hence N to center of Virgin River, hence SW to first property line. (Moapa Valley approx.. 9600 acres)

45 NEW LAND ZONE – residential, commercial, industrial, agriculture

46 LAND TRADES – there is a need to make private land more productive and align property lines. Trade acre for acre.

47 GREEN BELT – to save the beauty and strength of agriculture all agriculture acres that have water rights could enter into 40 year agricultural green-belt agreement in trade for new land designated Bunkerville Town, Each agriculture acre with water rights qualify for one acre new land. (could be more)

48 ATTACHED MAPS



December 11, 2018

Re: Cliven Bundy Proposed Plan for Public Lands

Dear Moapa Valley Town Advisory Board:

It recently came to our attention that you are considering the potential adoption of a so-called “Resource Management Plan” introduced by Cliven Bundy. We strongly urge you to disavow his proposal. Its basis—specifically, its assertion that the federal public lands at issue belong to the state of Nevada—has been rejected numerous times by the U.S. Courts. Consequently, Mr. Bundy’s Plan is illegal and your adoption of it would make you complicit in its illegality.

While Mr. Bundy continues to illegally graze livestock on federal public lands, the MTVAB should not become part of Mr. Bundy’s wrongful actions. Bundy has an exceptionally long history of unsuccessful attempts to gain control of federal public land asserting the same stale and fringe legal theories he presents in his Plan to you. Below is a short history of the Court decisions rejecting Mr. Bundy’s positions:

- *U.S. v. Bundy*, Case No. CV-S-98-531, 1998 U.S. Dist. LEXIS 23835 (D. Nev. Nov. 3, 1998) (*Bundy I*), *affirmed* 178 F.3d 1301 (9th Cir. 1999)

In 1998, the United States filed a Complaint seeking to prevent Bundy’s ongoing illegal grazing of livestock on property owned by the United States. Bundy attempted to dismiss the government’s case, arguing that “the federal government cannot have authority over lands ‘inside an admitted state.’” The Federal Court of the District of Nevada dismissed Bundy’s assertions and ruled that “federal lands located within states are federal territories under federal jurisdiction,” and the “Bunkerville Allotment where Bundy is grazing his livestock falls within the definition of ‘public lands’ administered by the Secretary of the Interior through the BLM.” The Court further explained that “[a]n examination of the history of the lands in question further establishes federal ownership. . . . The public lands in Nevada are the property of the United States because the United States has held title to those public lands since 1848, when Mexico ceded the land to the United States.”

- *U.S. v. Bundy*, Case No. 2:12-cv-0804, 2013 U.S. Dist. LEXIS 95294 (D. Nev. July 9, 2013) (*Bundy II*)

In 2012, the United States again filed a complaint against Bundy in order to prevent Bundy’s ongoing unlawful grazing of livestock on federal land. Despite having lost on the same issue in 1998, Bundy attempted to oppose



the government's case "on the ground that this court lacks jurisdiction because the United States does not own the public lands in question." The federal district court easily rejected Bundy's argument, explaining: "As this court previously ruled in [*Bundy I*], the public lands in Nevada are the property of the United States because the United States has held title to those public lands since 1848, when Mexico ceded the land to the United States. Moreover, Bundy is incorrect in claiming that the Disclaimer Clause of the Nevada Constitution carries no legal force, that the Property Clause of the United States Constitution applies only to federal lands outside the borders of states, that the United States' exercise of ownership over federal lands violates the Equal Footing Doctrine, that the United States is basing its authority to sanction Bundy for his unauthorized use of federal lands on the Endangered Species Act as opposed to trespass, and that Nevada's "Open Range" statute excuses Bundy's trespass."

- *U.S. v. Bundy*, Case No. 2:16-cv-00046, 2016 U.S. Dist. LEXIS 182437 (D. Nev. Dec. 20, 2016) (*Bundy III*), dismissed on other grounds, 2018 U.S. Dist. LEXIS 18998 (D. Nev. Jan. 8, 2018).

In *Bundy III*, Bundy again argued that the federal district court lacked jurisdiction because the federal government does not have any ownership interest in land within the State of Nevada, and that the federal public land is instead "owned by the people of Nevada." The Court again rejected Bundy's public lands arguments, explaining that "[f]or more than two decades, Mr. Bundy has argued that the federal government does not have an ownership interest in any land in Nevada," and that "this argument has been soundly and consistently rejected by every court to consider the issue."

In addition, the Court pointed out "that the State of Nevada has agreed with judicial interpretations regarding federal public lands within its borders." For example, "[i]n *Nye County*, county officials argued that the United States did not own public lands within Nevada Nye County's position, similar to Cliven Bundy's, was based on Nevada statutes NRS 321.596–321.599, which declared ownership of and control and jurisdiction over all 'public lands' within Nevada." *Id.* The State of Nevada nonetheless "conceded that its statutory claim to public lands within the state was 'legally untenable,'" and, moreover, the *Nye County* Court "concluded that Nevada's statutory claim was unconstitutional and failed as a matter of law." In short, as stated by the Court, "Mr. Bundy's position on the ownership and management of federal public lands in Nevada is not only contrary to binding federal case law but it is also at odds with the State of Nevada's position." *Id.*



- *U.S. v. Nye County*, 920 F. Supp. 1108, 1114 (D. Nev. 1996)

In this case, the Court explained that any claim by Nevada to federal public land is untenable and unconstitutional: “[W]hile Nevada has statutorily claimed the public lands..., it now concedes that this claim is constitutionally untenable. While this concession is tantamount to a consent to judgment, the court also concludes that the statutory claim is unsupported, unconstitutional, and fails as a matter of law.”

- *U.S. v. Gardner*, 107 F.3d 1314 (9th Cir. 1997)

Like Bundy, the Gardners argued that “[a]fter Nevada became a state, . . . all of the public lands within the state boundaries reverted to the state of Nevada.” The Ninth Circuit rejected this argument, explaining that “Courts in the United States have uniformly found that title to the land first passed to the United States through the Treaty [of Guadalupe Hidalgo in 1848].”

We hope it is now clear to you that Mr. Bundy’s Plan is based on flawed legal theories which have been repeatedly dismissed by the courts. Adoption of this Plan by the Moapa Valley Town Advisory Board would entangle you in what are clearly illegal actions and positions. We therefore ask that you reject this proposal in its entirety. Further, we urge all parties with an interest in the wildlife and public lands of Clark County to work together to bring a resolution to the situation with Mr. Bundy’s cattle, by having them removed from illegally trespassing on public land.

Sincerely,

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CC: Janice Ridondo, Clark County;
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