

BOARD OF REGENTS BRIEFING PAPER

1. AGENDA ITEM TITLE: University of Nevada, Reno- Main Station Field Lab Policy

Statement

MEETING DATE: December 3 & 4, 2020

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

The University of Nevada, Reno prioritizes the development of a mechanism to preserve and protect the Main Station Field Lab (MSFL) in Reno, Nevada, by precluding future land sales, development, or incompatible uses of the MSFL. The MSFL includes approximately 762 acres adjacent to the Truckee River in Washoe County, Nevada, and is adjacent to the city of Reno, Nevada, and the city of Sparks, Nevada. The University priority was originally envisioned to be in the form of a conservation easement. However, upon further research and consultation with NSHE System Real Estate Counsel, the University now recommends the attached Handbook addition (attachment 1) as the policy-vehicle to accomplish essentially the same ends. If approved, this Handbook language will achieve the following specific objectives governing future activity at the MSFL:

- i) to preserve the availability of the MSFL for agricultural use;
- ii) to protect certain natural resources that are part of the MSFL;
- iii) to promote agricultural and natural resource education and research; and
- iv) to facilitate public outreach by the University.

While furthering such uses denoted above, this Handbook policy will also preclude use of the MSFL for general public access, for residential development, and for commercial development, while still allowing its use for educational, research and public outreach activities in furtherance of the University's land-grant mission.

This proposed policy includes the relevant conceptual areas identified as part of the University's efforts to pursue a conservation easement (which would have been held by a third party). While a conservation easement is no longer considered a viable course of action by a public body such as the Board of Regents, the intent of this proposed policy is to formalize and codify essentially the same restrictions.

From prior discussions with the Board of Regents on this topic, the University understands the Board's desire to formalize its stated intent to protect and preserve all of the water rights, (3,844.43 annual acre feet), currently associated with the MSFL. Therefore, all water rights currently associated with the MSFL are included in this proposed Handbook policy. It should be further noted that nothing in this proposed policy impacts the University's existing effluent water agreement with the City of Reno, or the use of such water at the MSFL.

Under the Board's agreement with the City of Reno, effective October 24, 2000, the University is bound to accept up to 2,200 annual acre feet of effluent water, each year, from the City of Reno. That agreement has an initial term of 50 years, expiring in 2050, with an option to renew for an additional 50 years. While, under the City of Reno Effluent Agreement, the City of Reno does have a right to terminate it with five years' notice, the University's officers believe such a termination is a remote possibility given the City's ongoing and growing need to dispose of effluent water. Because of the City of Reno Effluent Agreement, the MSFL has utilized effluent water almost exclusively since late 2000, and the MSFL will continue to use such effluent as a primary source of water in the future. As such,

this proposed policy does allow the University to engage in short term leases of water not currently needed for MSLF operations.

Developing this proposed policy has continued the iterative process that began as a proposed conservation easement, and has been informed and directed by the University agricultural and natural resource education, research and outreach priorities, with consideration given to the spirit of the language of NRS 111.410 (governing conservation easements).

Attachment 2 provides a visual representation of the land at the MSFL that would be subject to this Conservation Easement.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

University of Nevada, Reno President Brian Sandoval requests the Board's approval of the attached proposed Handbook policy governing the Main Station Field Lab.

4. IMPETUS (WHY NOW?):

This is a follow-up to the prior Board discussions and direction on protecting the Main Station Field Lab.

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- ☒ Access (Increase participation in post-secondary education)
- ☒ Success (Increase student success)
- ☐ Close the Achievement Gap (Close the achievement gap among underserved student populations)
- ☒ Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- ☒ Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- ☐ Not Applicable to NSHE Strategic Plan Goals.

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

Approval of this Handbook policy memorializes the Board's intent to ensure that the MSFL is preserved for agricultural and natural resource education, research and outreach activities.

6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Board direction on the attached proposed policy statement is being requested at this time to memorialize the Board's intent to ensure the MSFL is preserved for agricultural and natural resource education, research and outreach activities.

7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

The University is not aware of any opposition to this policy.

8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

N/A – Policy recommendation is being brought to the Board as a follow-up to the discussion and questions raised at the March 2020 Board meeting and subsequent information received regarding the unsuitability of other mechanisms.

9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

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10. COMPLIANCE WITH BOARD POLICY:

- ☐ Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- ☐ Amends Current Board Policy: Title # _____ Chapter # _____ Section # _____
- ☐ Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- X Other: New Policy Recommendation in Title #4, Chapter #10, Section #26
- ☐ Fiscal Impact: Yes _____ No X _____
- Explain: N/A.

POLICY PROPOSAL - HANDBOOK
TITLE 4, CHAPTER 10, SECTION 26

NEW Subsection 5: Main Station Field Lab Policy Statement
Additions appear in ***boldface italics***; deletions are [~~stricken~~ and bracketed]

Section 26. Property, Capital Improvement Planning, and Facilities Management.

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5. Main Station Field Lab Policy Statement.

The Board of Regents of the Nevada System of Higher Education (“Board”) for the benefit of the University of Nevada, Reno (“UNR”), owns, in fee simple, certain real property, generally known as Washoe County Assessor Parcel Numbers, 021-010-05, 021-010-08, 021-020-03, 021-020-11, 021-30-04, 021-030-10, and a portion of APN 021-030-14. That real property includes approximately seven hundred sixty two (762) acres, commonly referred to as the Main Station Field Lab (“MSFL”).

Since 1956, UNR’s College of Agriculture, Biotechnology and Natural Resources (“CABNR”), has operated the MSFL for grazing cattle and sheep, along with other educational activities of CABNR. CABNR has actively irrigated the MSFL to grow alfalfa, hay and certain other crops for research and educational purposes. One of the structures on the MSFL is “Wolf Pack Meats,” a meat processing plant, operated by CABNR and open commercially to the public.

UNR, through CABNR, will use the MSFL solely for research, teaching and outreach as part of UNR’s land-grant mission. To further this policy, the Board hereby establishes the following parameters on the use of the MSFL:

- A. UNR will use the MSFL solely for agriculturally related purpose, or other education or research related activity that does not impact the MSFL objectives, as more fully set forth herein, including, without limitation, teaching, research, and public outreach activities.***
- B. Except for Wolf Pack Meats, or other similar activities by UNR, UNR shall not use the MSFL for any commercial activities or commercial development, any residential development, or any industrial purposes or development, provided, however, that the Board may extend temporary easements over the MSFL as allowed by applicable Board policies.***
- C. The Board shall not convey any part of the MSFL to any third party.***
- D. The Board, UNR, and CABNR shall preserve and protect all water rights associated with the use and operation of MSFL, including, without limitation, those water rights described as follows (the “MSFL Water Rights”):***

<i>Claim</i>	<i>AF, Water</i>
<i>MSFL Water Rights</i>	
<i>601 DTR</i>	<i>25.79</i>
<i>602DTR</i>	<i>1,290.17</i>
<i>603DTR & 604DTR</i>	<i>1,202.50</i>
<i>605DTR</i>	<i>262.30</i>
<i>606ADTR & 606DTR</i>	<i>38.93</i>
<i>607ADTR & 607DTR</i>	<i>134.69</i>
<i>Total Equitable Surface Rights</i>	<i>2,954.38</i>
<i>Drain Right Water</i>	
<i>Claim 603/604</i>	<i>408.57</i>
<i>Claim 607</i>	<i>403.21</i>
<i>Total Drain Water Right</i>	<i>811.78</i>

<i>Permitted Rights (Well rights)</i>	
<i>Permit 39044, Certificate 10735</i>	<i>58.92</i>
<i>Permit 28652, certificate 9658</i>	<i>19.35</i>
<i>Total Permitted Rights</i>	<i>78.27</i>
<i>Total Water Rights</i>	<i>3,844.43</i>

- E. The Board shall provide for the allocation of all water required for the intended use and operation of the MSFL, as provided herein.*
- F. The Board shall not convey any part of the MSFL Water Rights, but it may lease such water rights on a short-term basis so long as the lease of the MSFL Water Rights does not materially interfere with the permitted uses of the MSFL.*
- G. The Board recognizes and acknowledges that there may be changes in general economic conditions, as well as changes in UNR's application and use of agricultural technologies, farm and ranch management practices, educational activities, in research activities, and public outreach efforts. The Board further recognizes and acknowledges that any of those changes may cause UNR to utilize/use the MSFL in a manner that may differ to some degree from the prior and present uses of the MSFL. However, no party shall use or utilize the MSFL in any way that causes a violation of the policies set forth herein.*
- H. Permitted Uses of Property. The Board acknowledges that the MSFL may be used for the following activities, which list is not meant to be exclusive or exhaustive:*
- 1. Agricultural and Other Activities. The MSFL may be used for agricultural research, agricultural education and outreach purposes (including, without limitation, 4-H activities sponsored by UNR), public education, community gardens, livestock grazing, crop production of traditional and research crops, and other related agricultural uses.*
 - 2. Agricultural Structures. Existing structures on the MSFL may be maintained, repaired, remodeled and replaced; new structures may be built/constructed on the MSFL, including, without limitation, barns, loafing sheds, storage/equipment*

sheds, corrals, wells and associated infrastructure, water lines, sprinklers, security fencing, greenhouses, gardens, netting, water tanks, a classroom, and other similar structures, so long as such new structures, improvements and buildings are directly related to other permitted uses of the MSFL.

3. *Agricultural and Research Practices.* *Pesticides, herbicides and agricultural sprays and fertilizers considered appropriate for raising crops (or as such may be in the process of development for possible agricultural purposes or which may be the subject of research) may be used or tested on the MSFL, provided such use and testing is in accordance with applicable laws and regulations and the manufacturers' specifications and limitations for such use, or as part of a UNR sanctioned research initiative.*
4. *Grazing.* *The MSFL may be used for the grazing of livestock, so long as grazing is conducted using grazing industry practices that prevent pasture deterioration and over-grazing or using experimental practices that are the subject of research and that do not result in the permanent unsuitability of pasture for grazing, and which protect the MSFL for its intended uses.*
5. *Fencing.* *New fencing, including exterior boundary fencing, may be placed on and around the MSFL, existing MSFL fencing may be maintained and repaired, so long as such fencing is compatible with the movement of wildlife across the MSFL. Notwithstanding the foregoing, that wildlife fencing may be utilized on the MSFL i) in areas where crops are grown, or feed is stored, ii) in order to prevent loss from wildlife damage, iii) where research plots require wildlife exclusion, and iv) in areas where fencing is required to protect livestock from wildlife.*
6. *Education, Research, and Outreach Equipment.* *The MSFL may be utilized for the storage, maintenance, repair, remodel and replacement of new and existing research, education and outreach equipment and facilities, including, by way of example only, and not by way of limitation, weather stations, soil moisture probes, irrigation equipment and monitoring devices, surface and groundwater monitoring equipment and other equipment and structures, provided, however, that such equipment and facilities are intended for uses consistent with the policies set forth herein.*
7. *Roads, Drainage-ways, Ditches and Diversions.* *Roads, drainage-ways, ditches, and diversions on the MSFL may be constructed, maintained, renovated, paved, repaired, improved, or replaced, as such may be required for the other purposes permitted by this policy.*
8. *Wolfpack Meats and Feedlot Area.* *Wolfpack Meats (and associated structures) may be maintained, repaired, remodeled and replaced, along with the feedlots now associated with Wolfpack Meats, so long as Wolfpack Meats, or any successor thereof, remain open and accessible to the public. This policy does not prohibit UNR from out-sourcing, pursuant to a contract, the management and operations*

of Wolfpack Meats to a third party with the capacity and experience to operate Wolfpack Meats in a manner satisfactory to UNR.

9. *Dairy Hill and Farm Housing.* *The “Dairy Hill Area,” and associated structures, located on the MSFL may be maintained, repaired, remodeled and replaced, along with associated housing, including associated site improvements such as paved parking and walkways.*
 10. *Rainout Shelters.* *Rainout shelters may be constructed on the MSFL.*
 11. *Pavilion Area.* *A pavilion for education, research, and public engagement events consistent with permitted purposes, may be constructed and maintained on the MSFL.*
 12. *Agriculture, Biotechnology and Natural Resource Education Facilities.* *UNR may construct classroom or class lab facilities, as well as minor agriculture and research, education or outreach structures on the MSFL, so long as such structures do not impair the other permitted activities on the MSFL.*
- I. *Prohibited Uses.* *The MSFL may not be used for any purpose or activity inconsistent with those permitted by this policy. Additionally, the following uses of the MSFL are expressly prohibited or restricted:*
- a. *Structures, Buildings or Improvements.* *The construction or placement of any structures, buildings or improvements on the MSFL, including, without limitation, mobile homes or other temporary living quarters, except as otherwise provided by this policy.*
 - b. *Subdivision.* *The partition, division or subdivision of the MSFL, whether by physical or legal process, including, without limitation, condominium projects, any time-share project, the partition of undivided interests in the MSFL, not specifically allowed by this policy.*
 - c. *Commercial and Industrial Activities.* *Any industrial activities or development, any commercial activities or development, or any residential development. The MSFL may be used, however, for commercial feedlots and other intensive growth livestock facility, such as swine or poultry facilities, so long as such uses are otherwise consistent with what is allowed by this policy., For purposes of the foregoing sentence, a “commercial feed lot” and “livestock facility” is defined as a permanently constructed confined area or facility within which there is no grazing or crops grown, and which is used and maintained for purposes of engaging in the commercial business of the reception and feeding of livestock.*

- d. Boundary Line Adjustments. *The boundaries of the MSFL shall not be adjusted in any way that would result in any increased density of development on the MSFL.*
- e. Roads. *No new roads shall be constructed on the MSFL, and no existing road shall be maintained, repaired or improved, except as specifically permitted by this policy , or as may be required by a governmental entity with authority or jurisdiction over the MSFL or as approved by the Board.*
- f. Signs and Billboards. *No commercial signs, billboards, awnings, or advertisements shall be displayed or placed on the MSFL, except as may be appropriate and customary for other allowed uses of the MSFL.*
- g. Mining; Limited Use. *There shall be no mining or extraction of oil, natural gas, fuel, or any other mineral substance, of any kind or description, permitted on or under the MSFL. However, the MSFL may be used for mining or extraction of soil, sand, gravel, rock, stone, or decorative stone provided that such extraction is solely for use on the MSFL, for non-commercial purposes, is in conjunction with activities permitted herein, is accomplished in a manner which is consistent with the purpose of the MSFL, and so long as such activities do not substantially diminish or impair the value or permitted use of the MSFL. Any such permitted soil, sand, gravel, rock, stone, or decorative stone extraction shall be limited to not more than one (1) acre, in the aggregate, at any given time, and the MSFL shall be remediated following such extraction.*
- h. Topographical Changes. *There shall be no alteration of the topography of the MSFL or other natural features of the MSFL other than for construction of the improvements permitted herein, other than for agricultural, education, research or outreach uses permitted herein, including by digging, excavating, cutting, or filling.*
- i. Trash. *Dumping or uncontained accumulation of trash or refuse on the MSFL is prohibited, except for such trash and refuse that may accumulate in the normal operations on the MSFL. Natural debris may be disposed of in burn pits on the MSFL as permitted by law Composting is not prohibited. Nothing in these restrictions shall prohibit research, educational activities, or outreach activities on the MSFL involving trash, refuse, or compost.*
- j. Hazardous Materials. *No “Hazardous or Toxic Materials” or of non-compostable refuse shall be placed on, in or about the MSFL; provided, however, this prohibition shall not be construed to prohibit the continued agricultural, education, research or outreach use of the MSFL consistent*

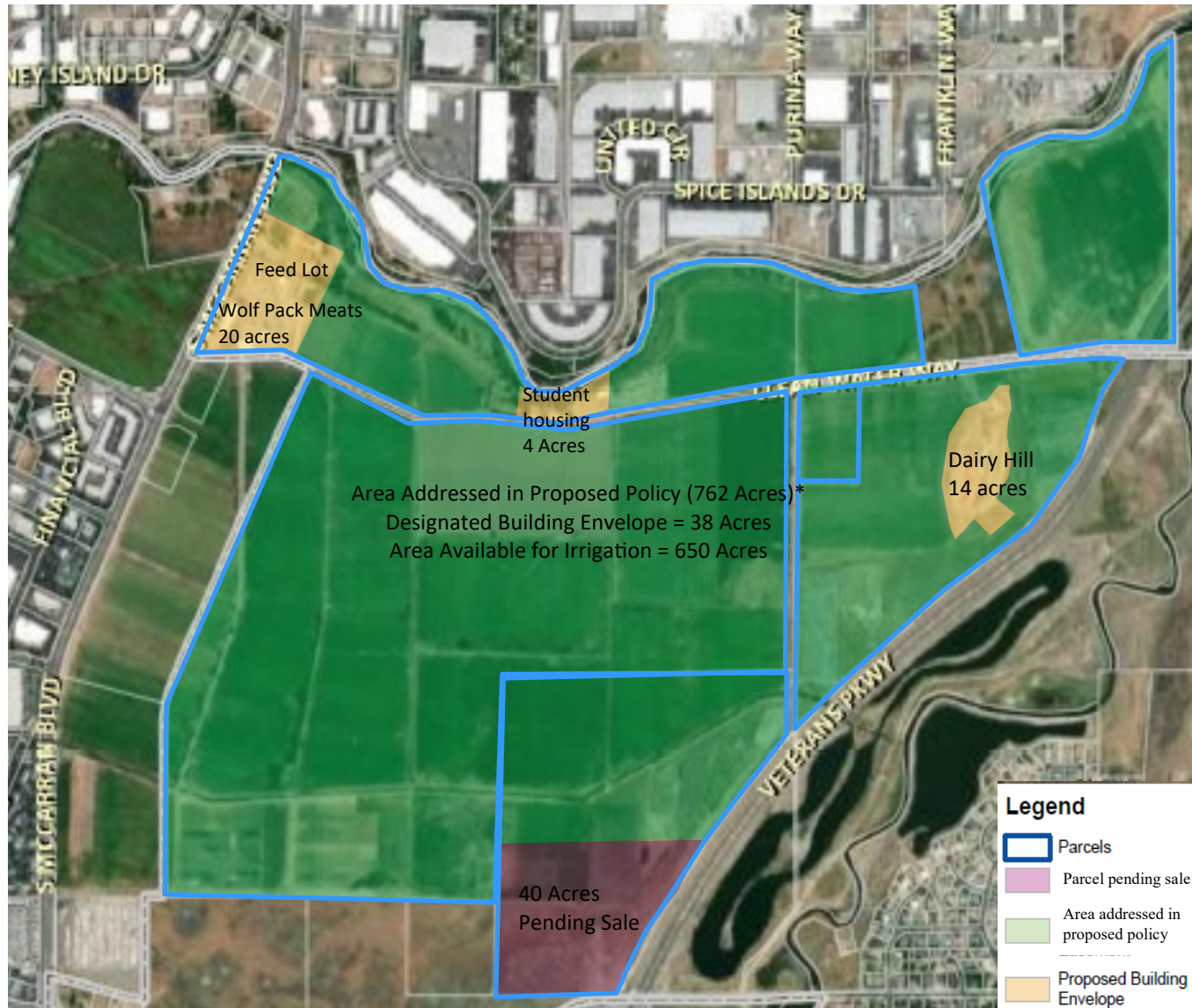
with current practices and/or practices of the time, including but not limited to experimental research purposes. For the purpose of the foregoing sentence, "Hazardous or Toxic Materials" shall include any petroleum products as defined in ASTM Standard E 1527-05 and any hazardous or toxic substance, material or waste that is regulated under any federal, state or local law. This policy shall not be deemed to prohibit the use of chemicals and products in accordance with applicable laws and manufacturer's instructions or experimental materials and methods for purposes of research and development activities in accordance with federal regulations governing research.

- k. Hunting and Trapping. Hunting and trapping are permitted on the MSFL for the sole purpose of management associated with agriculture, education, research and outreach, including general safety of employees and the public, in accordance with applicable laws and regulations. The MSFL shall not be open to the public for fishing, hunting, or other recreational activities,*
- l. Motorized Vehicles. Motorized vehicles not directly related to the approved operation of the MSFL (specifically including ATVs and motorcycles) may not be used or operated on the MSFL.*
- m. Tree Removal and Weed Management. Notwithstanding the prohibitions set forth above, as required for the use and operation of the MSFL, trees, shrubs, and weeds may be cut or removed from the MSFL in order to control insects and disease, flooding, or to control noxious or invasive non-native species, or as part of research work, and to prevent personal injury and property damage, including mitigation of fire risks, and may be used for firewood or other uses on the MSFL.*
- n. Public Access. There shall be no general right of access by the public to any portion of the MSFL, except as specifically allowed by this policy.*

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RENUMBER SUBSECTIONS 5 THROUGH 12 AS SUBSECTIONS 6 THROUGH 13.

Area Addressed in Proposed Policy



University of Nevada, Reno