

## **RESOLUTION NO. 867**

### **RESOLUTION NO. 867, A RESOLUTION REPEALING PRIOR RESOLUTIONS 649 AND 669 OF THE CITY COUNCIL AND RELATING TO THE PRESERVATION, CONSERVATION AND UTILIZATION OF GOLD BUTTE**

**WHEREAS**, the Gold Butte Complex Area of Critical Environmental Concern is recognized for critical tortoise habitat, sensitive species, scenic and cultural resources, including historic mining, pioneer activities, prehistoric habitation and rock art; and

**WHEREAS**, having a federal designation of a National Conservation Area will better ensure the protection, conservation and utilization of Gold Butte; and

**WHEREAS**, a wilderness designation would be overly burdensome and impractical for the visitors of Gold Butte because of the area's extremely large size and desert climate, and would be contrary to many of the most enjoyable activities in Gold Butte; and

**WHEREAS**, the citizens and Council of City of Mesquite do not want restrictions that would prevent accessing any part of the Gold Butte Complex by way of motorized vehicles, a necessary consequence of a wilderness designation; and

**WHEREAS**, the Gold Butte Complex is a destination for numerous recreation opportunities including camping, hiking, hunting, motor sports, and sightseeing; and

**WHEREAS**, Gold Butte is now generally accessible to visitors and nearby residents to recreate, enjoy and explore freely and without cost at any time day or night; and

**WHEREAS**, the roads running through Gold Butte, including the Gold Butte Backcountry Byway, serve to provide access to the beauty and adventure of Gold Butte; and

**WHEREAS**, Gold Butte draws visitors from across the country, and provides important economic benefits to nearby communities, such as Mesquite; and

**WHEREAS**, any National Conservation Area designation north of the area commonly known as Whitney Pockets, more technically known as the southern portion of Township 16 South, Range 70 East would be overbearing and unnecessary, as such areas are not comparable in either presentation, historical or cultural value or recreational value, to areas such as Whitney Pockets or Gold Butte; and

**WHEREAS**, water resources exist that are only accessible through the Gold Butte Complex that may become necessary for the people of Mesquite and/or the Virgin Valley and would require access to and through the Gold Butte complex without interference from the federal government; and

**WHEREAS**, Mesquite has previously passed resolutions 649 in October of 2009, and 669 in May of 2010, which resolutions are outdated, stale, incomplete, and fail to accurately represent to the federal government the City Council’s present views; and

**WHEREAS**, working with local jurisdictions to develop an effective management plan will lead to the establishment of long-term protection, use and free enjoyment of the natural and cultural resources within the Gold Butte area;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Mayor and City Council of the City of Mesquite that Resolutions 649 and 669 of the Mesquite City Council are repealed and in their place, the City Council conditionally supports the designation of the Gold Butte Complex as a National Conservation Area subject to the following conditions:

1. The Gold Butte area shall not have any area designated as “wilderness;”
2. The roads throughout the Gold Butte complex shall not close at any time, day or night, even if the area is designated as a National Conservation Area, for any reason, excepting only acts of God, in which case the roads may be closed for bona fide emergency purposes for not longer than 24 hours;
3. No restriction shall be made relating to the access or use of any mechanical or motorized vehicles;
4. Access and use for the purposes of obtaining, studying, observing, carrying away, piping, transporting, welling, preserving, collecting water and/or any other such purpose related to those aforementioned and/or to water shall not be abridged;
5. Any National Conservation Area designation shall have a northern boundary located running east to west through the area commonly known as Whitney Pockets, found in the southern portion of what is more technically known as Township 16 South, Range 70 East;
6. Any advisory council established for the purpose of governing or assisting in the governance of Gold Butte shall allow for various seats to be appointed by the City Council of the City of Mesquite; and
7. If a visitor’s center is built, it shall be built with the city limits of Mesquite.

**IN WITNESS WHEREOF**, the City Council of the City of Mesquite hereby adopts Resolution No. \_\_\_\_\_.

**PASSED, ADOPTED AND APPROVED** by the City council of the City of Mesquite, Nevada on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**THE CITY OF MESQUITE:**

**ATTEST:**

By: \_\_\_\_\_  
Allan S. Litman, Mayor

By: \_\_\_\_\_  
Joy L. Eastwood, Interim City Clerk

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Robert D. Sweetin, City Attorney