

MINUTES OF HEARING HELD ON AB 1, AB 2, and SB 9. SPECIAL SESSION 1968. February 12.

The hearing was under the direction and chair of Norman Ty Hilbrecht, Chairman of Assembly Committee on State, City and County Affairs, and was called to order at 1:30 P.M. in the Assembly Chamber.

Present: Chairman James Gibson of the Senate Committee on Federal, State and Local Governments, members of that committee, other members of the Senate and the Assembly.

Chairman Hilbrecht explained that the hearing was a joint session with two committees from the Senate and two committees from the Assembly. He introduced from the Senate Chairman Gibson and members of the Senate Committee on Federal, State and Local Government as follows: Senator Monroe, Senator Alleman, Senator Bunker, Senator Farr, Senator Hecht, and Senator Young.

From the Senate Finance Committee, Chairman Hilbrecht introduced committee members: Senator Lamb, Senator Brown, Senator Gibson, Senator Titlow, Senator Slattery, Senator Fransway and Senator Pozzi.

From the Assembly State, County and City Affairs Committee, Chairman Hilbrecht introduced himself, Mr. Garfinkle, Mr. Dini, Mr. Petrini, Mrs. Tyson, Mr. Brian Hafen, Mr. McKissick, Mr. Smith and Mr. Roy Young.

From the Assembly Committee on Ways and Means Mr. Glazer, Chairman, Mr. Mello, Mr. Bowler, Mrs. Tyson, Mr. Ashworth, Mr. Webb, Mr. Howard, and Mr. Roy Young.

MR. HILBRECHT: Everyone has, or can obtain from the Sergeant-at-arms, a copy of the agenda. Speakers must adhere to the agenda and must limit their time to the amount allotted. If you wish to say something you must be called by the chair, not by the speaker. It is necessary to ask that even committee members withhold their questions until a presentation has been made. Please expedite your presentation as we must hear everyone out.

Will the speakers please make themselves available immediately after the hearing for questioning by the committee members.

It was suggested that prior to the presentation of these speakers we call Mr. Daykin, who was in charge of drafting these pieces of legislation, to analyze them for us.

MR. DAYKIN: Ladies and gentlemen, members of the respective committees: There are several basic considerations underlying both of these bills.

First, we are dealing with a region which is a single geographical and economic entity. It is located in two states, therefore neither state can alone adequately protect it. Both bills recognize this.

Secondly, water quality. This is the underlying, essential quality which makes the Tahoe Lake and surroundings unique and it is tied in almost inextricably with other planning controls, population density, subdivision regulation and the like.

Third, the economic development of the basin as it exists is to be preserved and insofar as is consistent with preservation of the lake is even to be furthered.

It is within the police power of Nevada and California to preserve the basin as a natural phenomenon, independent of its inhabitants, as has been done with park lands elsewhere. Neither bill approaches it from that standpoint. Both use economic utilization.

Since the two states must act together the best way is through a compact. There are two steps to the development of this bi-state compact. First, the adoption by each state legislature of an identical proposal for the compact. Second, the approval of this compact by the Congress of the United States.

California has already acted. Their bill contains the draft of the compact already adopted by California and by them presented to the state of Nevada for possible consideration and adoption. It also contains law already in effect on the California side which prescribes in effect the same developmental controls and regional authority over the California section of the region as is proposed for the compact. That is already in existence.

The first of the separate bills is AB 1. It falls into three separate parts. First is the water quality compact. It is an interstate compact between the two states but confined essentially to factors of water quality, meaning by purity (or drinkability) and clarity, the transparent nature of the water which is unique to the water of Lake Tahoe. It brings in, of course, facts primarily of water quality and differs from the so-called Z-Berg bill from California in that it brings in state health officers as ex-officio members.

It provides that the agency it establishes will first adjudge standards of water quality and then police the region for abuses of those standards. That agency has power to act immediately against any condition or action by anyone or anything that would diminish water quality or would even threaten to diminish it. Therefore, the agency has it within its sphere to protect the standards which it establishes. It would adopt detailed regulations in the fields relating to water quality, such as construction, population density and so forth, only where local government action was not sufficient in theory or enforcement of its standards.

The second part of the bill would set up a water quality agency whose powers would be confined to the Nevada part if the compact is not adopted by California. California did the same thing to Nevada and will be governed by the agency if Nevada does not adopt the compact. Our same agency would be created with jurisdiction over Nevada.

The third major provision deals with regional planning. It would require three Nevada counties in the basin to set up by themselves or in conjunction with California cities a regional planning commission. In addition to the establishment being mandatory, counties would be required within a definite period of time to adopt ordinances to implement the plan adopted by the regional planning commission, also to provide funds for effective enforcement of the provisions. Powers to enforce would be enlarged: 1. Power to adopt separate ordinances applicable only to that portion of each county lying under the jurisdiction of the regional planning commission; 2. The boards of the county commissioners are given power to adopt esthetic control.

Financial arrangements call for \$40,000 from each state to finance the water quality compact and a minimum of \$22,000 from the counties to finance regional planning commission.

AB 2 and SB 9 provide for a regional planning compact. This, of course, is the approach used in the California Z-Berg bill. Health board members only have an advisory capacity. It would regulate not only water quality but all other factors, such as roads, transportation, etc. Moreover, it has powers which go substantially beyond planning. It could adopt a plan and its own ordinances to enforce that plan, such as zoning ordinance planning. Its enforcement powers and detailed ordinances are under Nevada and confined to matters regional in application, rather than strictly local. It confers authority on several counties and cities to adopt ordinances in the field of building esthetics.

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In its administration it differs from AB 1, from the Z-Berg bill, and from any other such agency in one important respect. It would require that before any action is taken a majority of members from each state must concur in the action. To illustrate: There would be ten members in the governing board. If all were present, in order to adopt an ordinance at least three Nevada members must vote for it along with at least three California members. If all five Nevadans voted for it and two Californians it still would not go into effect.

Another significant point is that there is exempted from its authority any state public works which is to be constructed by the government, of either state. The project will be submitted by them to the agency for review but may be constructed whether or not they approve it. AB 1 does not so provide.

AB 2 and SB 9 provide no alternative if California does not adopt the same language which Nevada has. The situation would then be that California would have its existing authority and Nevada would have made no change.

Financially, the two bills call for \$40,000 from the state and approximately \$35,000 from the Nevada counties, all to be put together for the financing of the agency.

AB 1 Proponents:

LAWRENCE JACOBSEN, Assemblyman, Douglas - Ormsby Counties. Senator Gibson, Mr. Hilbrecht, fellow legislators, I would like to thank you for this opportunity of presenting our case this afternoon.

I would like to make a few "before opening" comments. The purity and clarity of Lake Tahoe is foremost in our minds and hearts and we cannot allow it to become polluted. I think it is really important that we look beyond the horizon. We are not looking in the door of the past. We are living for today and tomorrow.

It is said that AB 1 is late. Is it ever too late for what is right? No, but it is already too late to do what is wrong.

AB 1 is for Nevada and Nevadans. I hope this committee and this legislature will look into the philosophy of the Z-Berg bill. Their eyes would be opened. AB 1 will accomplish the same job as the other two bills and do the job better.

MR. HILBRECHT: I want to remind the speakers that what we want from them is the mechanics and facts of either bill that the committee would not ordinarily have or get otherwise.

CHARLES MENELEY: Acting Chairman, Douglas County Commissioners. I have a copy of this morning's editorial in the newspaper. It is evident that the writer does not, or cannot understand the Nevada bill. Such misinformation must be more than accidental. There has been a conspiracy of silence concerning this bill.

Douglas County is wholly in favor of the preservation of water purity and of regional planning. It has become apparent that the belief is that anyone who is not in favor of the administration bill is in favor of pollution. Obviously, this is not true. No one is in favor of pollution, either through sewage or filtration. No one is against expanded regional planning. The Nevada Bill covers both these points in detail but has a different approach. In the long run, objectives of both basin control approaches are similar. They differ only in the means by which these objectives would be accomplished.

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The administration bill is in an untried area of government and has unseen pitfalls. AB 1 is a Nevada bill. It is not in a shadow of some California attitude nor influenced by out-of-basin residents. Regional planning will be done with more efficiency and less expense and will leave the control within the state's and local governing bodies.

MARVIN SETTLEMEYER: Douglas County Commissioner. I have been the County Commissioner for the last 15 years, longer than any commissioner in the State of Nevada. I am a past president of the County Commissioners Association of Nevada.

Douglas County has been concerned in the area covered by this bill since the early '50's. We created one of the first planning commissions. In 1956 Douglas County recognized the problems of pollution and sewage and started an institute to solve the problems of pollution and water problems. In 1960 we started doing general planning with special reference to Lake Tahoe. In 1962 a group of engineers produced a full report concerning effluents emanating from Douglas County. We have participated in state-wide planning of these problems. We recently contracted for a detailed and complete study of the sewage problem. This is now almost complete and due any day.

As to adopting new subdivision ordinances requiring new engineering requirements, etc: We are the only county which is currently exercising architectural control and sight control. I am proud of this proven record of Douglas County accomplishments.

I like to agree with an editorial in the newspaper January 16, 1968. This is a review of events of 1967 and contains a warning of a slow erosion of our liberties. It reminds us of the warning by our founding fathers that the greatest danger to American existence in free government could well come from within, a debauched currency, weakening pride and so on.

We are here today to consider the possible greatest departure from established avenues of government yet devised. I believe in government by the people and as close to the people as possible. Do you believe in super-government, experiments in government, and governments not answerable to our state? Citizens must have the authority to work out problems on a local level. If jurisdiction and elective responsibility is taken from the people of the basin, the people will take a total loss as to representation as we know it now.

Douglas County has been the only group that has shown strong concern for the proposals and features of AB 2. The result is we have been aware and alert to development within the Tahoe Basin. We feel that we know what is going on and what is best for the area.

JOHN CHRISLAW: Douglas County District Attorney. Senator Gibson, Chairman Hilbrecht, members of the legislature: I would like to say a few words directly on the subject matter contained in AB 1 and AB 2. First, I would like to call attention to the different approach used to enter this legislation.

AB 1 comes in as an attempt to amend 445 NRS, title 40, Public Health and Safety, and amend the chapter in water pollution. AB 2 comes in as an attempt to amend 277 NRS, public agencies and zoning and so forth. I submit that it is significant - the door by which we enter. AB 1, the Douglas County bill, is more directly concerned with the subject which the legislature is being asked to solve, whereas AB 2 is concerned primarily with planning and zoning and a solution of the problem through economic control of the area.

We are disturbed about AB 2: 1. page 4 lines 41-45 says regional plans shall include certain correlated elements, such as maximum population density. In our studies and

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consideration of this subject, which started long ago, we met with members of the legislative counsel. We asked if the number of tourists could be limited under this. The answer was yes. Could it be limited to under 500? The answer was yes. It is disturbing that this should be in there. We are informed that as a practical matter this would not be done.

We are also concerned with the zoning provision page 6, lines 18-21. We are concerned about existing industry. It could be zoned out. When we asked about this we were told that yes this could be done, but that as practical matter it would not be done. Why is the provision there if it is not to be used.

Other provisions are disturbing to us, such as provisions relating to Public Works. These would have to go through the bi-state agency. If Douglas County wishes to build an office at the lake we cannot build it where we wish. We must build it where the bi-state agency says to build it.

Page 10, lines 11-26. Planning provisions have been moved out and placed under bi-state agency. All this disturbed us and caused us to go ahead with plans of our own. I cannot go into this in much detail because we are limited to 5 minutes.

Federal water acts have their effect on it. I have heard they will come in if AB 2 does go through. An examination of this act will disclose that the Federal Government still has power to come in no matter which bill is passed. It will depend upon whether water pollution is solved at Lake Tahoe.

LEE DE LAUER: Chairman, Douglas County Planning Commission.

Senator Gibson, Chairman Hilbrecht: I should like to clarify my interest in this matter. I am a property owner in Douglas County and have been for 21 years. I have been associated with the Gaming Industry and am a member of the Douglas County Planning Commission.

We have heard that Nevada favors the gaming industry to the detriment of other things. The gaming industry is totally interested in preserving Lake Tahoe. The Nevada Bill is not a gambling bill. Nevada receives more than 70% of its revenue from gambling and Douglas County receives about one-half of its income from that source. One cannot take unfair advantage of the other. We are too inter-woven.

We asked to review the Z-Berg bill during September. We filed another request with the commissioners. We had already submitted a three-point program with the governor. We studied Swobe's bill and later submitted a memorandum of findings to Governor Laxalt. At a subsequent meeting with the governor our objections to Swobe's bill were detailed. The governor recommended he ask that some changes be made. Some were made in the January introduction of the bill but some were again deleted when the bill was submitted Feb. 5. So we worked with a number of people to modify AB 1.

Pollution is of prime importance. It should have been obvious from the start that a variety of viewpoints would have to be considered before arriving at the best. Our solution resolves many of the differences and arrives at a working compromise.

RAY SMITH: Douglas County Planning Consultant.

Ladies and gentlemen, members of the legislature: I am a professional planning consultant with a degree from Stanford and another from Harvard. I have been in Nevada since 1929 and have been a planning consultant to Douglas County for 17 years.

I have been active in private development at Incline Village. I have worked with 8 or 10 of the Nevada Counties. I live at Tahoe. My children go to school there. I have worked intimately with private and public organizations at Lake Tahoe.

I think we are all a little bit confused at the extent and nature of the provisions included with AB 1. As Mr. Daykin indicated, it is divided into three sections. The first devises a bi-state compact for water pollution control. He indicated this part is quite sufficient and we agree.

There is considerable confusion as it relates to regional planning. I would like to re-emphasize and point out specifically that AB 1 does devise regional planning even stronger than in AB 2. The Nevada Bill AB 1 retains the traditional and established role of the planning commission. It does have a development control board and transcends by far the normal concept of a planning commission.

Through creation of a mandatory regional planning commission and by interlocking cooperation agreements the California portions provide centralized regional planning effort oriented to the Tahoe basin. It advocates strengthening control by requiring a unanimous vote for overrule of recommendations of the planning commission. It enables each body to enact different and stronger planning controls suitable to the portion of the county.

One of our problems for years has been the difficulty of enacting specific controls for the basin part at Tahoe. This provides for a regional board of adjustment. This is an important aspect of the overall function. The bill provides for esthetic controls.

The members of esthetic planning controls, its duties, abilities and prerogatives are spelled out in existing Nevada law of 1941 and is still supposedly germane to the situation. AB 1 has been accused of being weak because we did not stipulate the things which we already have in 278. It says the master plan with accompanying maps, designs, etc. shall include all that is appropriate to the city, county or region and as may be made basis for development thereof. This is all pretty inclusive. It is still quite vital to the situation.

The subject matter for a master plan under 278 is quite inclusive. It covers community design, conservation plan, economic plan, housing, (this is not included in AB 2) land use plan, public buildings, public service and facilities, recreation plan, streets and highways plan, transit plan, transportation plan. It has provisions for expenditure of public funds and capital budget procedure. These are not included in AB 2.

Most desirable utilization of lands is included in both bills and is essential.

Lastly in the master plan of 278, the commission may prepare and adopt as part of the master plan other studies and reports as may relate to the region. Nothing in this section prohibits adoption of anything new and needed.

AB 1 is different because we are sticking to the main problem of the water pollution. We have separated these from the purely planning aspects. We are willing to operate but in harmony within the traditional concept of local government. By so separating these two elements and establishing planning functions through state operation, planning becomes immediately operable and does not need the approval of California or the Federal Government. The bill has a very realistic approach and is very competent.

We have prepared a graphic display establishing the components of these two bills and I would like to ask Mr. Jacobsen to give the commentary while I draw on this blackboard.

MR. JACOBSEN: I would like to ask you to reserve your questions until the end of our presentation.

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We would like to start with a basic framework. We have local jurisdiction involving two states, Washoe County, Douglas County, Ormsby County, El Dorado County and Placer County and Lake Tahoe.

AB 1 calls for establishment of a mandatory centralized regional planning commission, composed of appointive laymen representatives of the six jurisdictions - advisory only. No state representation.

Members of the planning commission have ability to fix fees, receive gifts - all are established by 278. The regional planning commission develops its own staff with its own authority. It establishes inter-local operational agents.

The bill allows for a regional (basin) board of agents. It clarifies special use permits and esthetics. All planning requirements are spelled out in 278.

All funding of this regional planning commission is on a county level. No state money. This is important. As Lake Tahoe grows and planning becomes severe, the agency will grow and the expenses will go right back to the counties that are responsible for this funding.

There will be different controls for different planning districts, such as Washoe County. Each can have different rules and regulations. We realize that the situation is different in the valley and in the lake area. This is the reason for the different rules.

Everything we profess is established within existing law. This is a state law and is operable immediately. It is actually centralized generally and specific planning is done in a central body. It coordinates fragmentation and implementation.

Now I would like to draw for you the distinct water pollution control agency. It is bi-state by compact. It is similar in membership. Its organization is the format of the administration bill. It is a technical body in a legislative one. This agency is sort of a watch dog. It has authority to act against any person or persons or property in any matter pertaining to pollution. This agency is totally state funded.

We feel that Lake Tahoe is everybody's business and obligation and the agency to keep it clear and clean should be funded by the state.

Now let's compare to AB 2 and SB 9. They have the same six entities, also the same lake area. I want to give you an indication of the subordination of the individual counties to the new super-region. We are removing a portion of each county and putting it into regional government. It forms a single agency under a single control. Membership of counties and state not necessarily from the Tahoe basin. It retains local planning function within each jurisdiction. They are all distant and not geared to Lake Tahoe problems. The regional agency reviews all local decisions against broad aspects of regional planning. It is open-ended as to funding and control.

(Notes of the hearing to this point taken in shorthand and transcribed by Ila Harvey)

MR. KNOX JOHNSON: I am a resident and property owner in Nevada and also in El Dorado County on the south shore of Lake Tahoe. As such I am already personally involved with the restrictions on property without compensation or without tax relief. AB 2, the Swobe bill, is using water pollution as a convenience to control land use without recourse to the State, County, and Cities and is responsible for superseding established government. I refer particularly to Article VIII. The Nevada bill, AB 1, meets the requirements of maintaining the clarity and purity of the waters of Lake Tahoe with mandatory regional planning with recourse to the local, State, and Regional Planning Commissions under existing provisions of Chapter 278 of the Nevada Revised Statutes. I urge this legislature to support AB 1.

MR. DON HELLWINKEL: Ladies and Gentlemen, I am Don Hellwinkel, a native Nevadan in the Carson Valley and very proud of my state. I was not told to come here. I came because I think the legislators should take, and the people of the state should take a good look at AB 2 that is taking away my special interests and your special interests so that we lose control of them. It is going to be legislated away from us possibly. Nevada must stay Nevada. The Nevada that you and I know how to control. There is no doubt we have a pollution problem coming and I am sure we are smart enough to handle it but not by giving away our rights. I admonish you to think about this. Thank God that Mr. Jacobsen has had the courage along with his crew to submit another bill for you to consider that gives all of us at least two choices which is our constitutional and democratic right.

MR. MILTON MANOUKIAN: Suffice it so that I was going to make some preliminary remarks which I will change in acceding to the Chairman's request and I will confine my remarks to the factual data presently before me personally which you may not have the benefit of. I have been personally involved with the clarity of water in Lake Tahoe and have been general counsel for the Douglas County Sewage Improvement District #1. During this period of time I have seen the workings and liaison between the District and the Douglas County Commissioners and the State of Nevada. A most significant fact during these 7 or 8 years is that back in 1964 the Douglas County District entered upon the sale of obligation bonds for the construction of a \$6,000,000 sewage treatment facility at Lake Tahoe with the understanding that this facility would be utilized by Ormsby and others. I goes without saying that that if the presently contemplated action were known we would have been talking about a \$3,000,000 facility for the District or a much smaller facility. If this District were to serve outlying areas who agreed to indemnify under AB 1 this is plainly not possible. I would be performing less than a representation for my District if it were agreed to surrender the problem of water pollution to an untried bi-state agency for future development of Lake Tahoe as it applies to our District. I should like to erase a viewpoint. I am speaking for a smaller portion of Douglas County. We should not adopt poor legislation for the sake of complying with the State of California. I would like to point out two matters in closing. One, we have ample legislation on the Nevada Statutes, NRS 278. There is ample authority to solve the matters at Lake Tahoe. The Jacobsen Bill will give us the authority to solve this problem. However, the adoption of any legislation will not, and I underscore this, ~~ll~~ not prevent the possibility of federal intervention. For those who would strongly recommend Senator Frank Moss' book "The Water Crisis", It bears a publication date of 1967 and covers the water crisis at Lake Tahoe. In

numerous places he cites that compacts have not been a satisfactory answer to problems confined to the locality. Secondly, I would like to call your attention to the Report of the Lake Tahoe Joint Study Committee bought and paid for by the Nevada Legislature in 1965. On page 5, Chapter I, subparagraph 6: "The existing local jurisdictions in the Region are in need of strengthening and assistance within the regional framework of government, but no direct federal administration or exclusive state-level administration, helpful as these now are on selected regional functions, would be acceptable as a permanent solution." We should not supplant the local government of a region. I ask that you give a close look to the Jacobsen Bill.

MR. F. SIEVERS: I am a land developer. We are responsible for subdividing Skyline and the Heavenly Valley ski lift areas. We have operated with the Douglas County Planning Commission for many years. We have not always agreed but we have managed to work out matters for the best of the Lake and the County. We feel that the present requirements for planning and construction are at a high level for overall development. We recognize the need for changes that develop from changing terrain and the problems to preserve the natural beauty of Lake Tahoe and future development will probably more and more take this course. Our later development has been at the the top of Kingsbury grade. We are not in favor of government control on any level, but we are in favor of water pollution control as it pertains to the problems of Lake Tahoe.

MR. DEAN MARSHALL: I am not speaking as a member of the South Tahoe City Council. I am speaking as an interested citizen. We are all working together to solve the problems. I have been interested and followed the proceedings since the Lake Tahoe Joint Committee Study. I objected to the original Z'Berg Bill. I am here to ask you to leave control in the hands of local cities. We are interested in South Tahoe and we did not have the opportunity to help draft the Z'Berg Bill. We did salvage the majority vote to the people at the Lake. I am here to allow us to be heard. I am sure you will preserve the quality of Tahoe and keep the local control where it belongs. Give us the guidelines and money and we at the Lake will do the job.

ASSEMBLYMAN JACOBSEN: My summary will be very brief. At least the State of Nevada is going to have a chance to consider two bills. Two alternatives but different approaches to solving the problem. AB 1 will be introduced in the California session of their legislature within the next day or two. At least this state is giving a chance to the local governments to say how they feel about it. California did not have this opportunity. The Z'Berg bill is one that California forced on the local people by big state pressures. It is too bad California did not have this chance as I am sure they could have in a different concept. The administration bill is far-reaching. It establishing a precedent that is frightening. If the Agency approach is put in application it could have equal application at Lake Mean, Lahontan, and other areas. Do we want Agency development? AB 2 creates a super-agency which would submerge all the individuals of each area at Tahoe to a common entity. The Agency will dominate the Nevada side. AB 1 is a Nevada bill oriented to Nevada needs and Nevada knowledge. Nevada representatives were not a part of the original draft of the California bill. I firmly believe that Nevada knows best what is best for Nevada. The planning control in AB 1 is actually stronger than what is proposed in the California bill. AB 1 is also stronger in standards of centralized approach, procedures, and administration. It combines general standards into a single technical body. It eliminates fragmentation of planning functions. We do not need that new vast, regional

development. We do not feel it is incumbent on the state to accept it.

CHAIRMAN HILBRECHT ACKNOWLEDGED THE REQUEST OF FORMER ASSEMBLYMAN RAY KNISLEY FOR A RECESS PRIOR TO INTRODUCTION OF THE AB2, SB9 PROPONENTS.

MR. KNISLEY: It is a privilege to be back before the legislative committees and I feel a little more nervous here. I have been asked to review the Tahoe problem. I think you are familiar with how Mark Twain and the early settlers found Lake Tahoe. If no other changes had been made there would be no problem facing us today. We were forced to accept an arbitrary state line and have since been faced with the problem of how to get around this. Since the white man's earliest day until today Lake Tahoe has been exploited from the word "go". Various attempts have been made to give attention to preserving the Lake. There was a time when Tahoe was the greatest fishing hole in the world. Now one can fish for hours and catch nothing. These things have happened because of lack of planning and lack of control. Tahoe was looked over during "Virginia City" days. Large tracts of land were bought up on the California side. There have been various efforts made to acquire the area by private interests for private gain. At one time there were three railroads running in the Tahoe Valley. The forests were practically denuded, a big portion of Emerald Bay. The Bliss family and others attempted to have land conveyed to the federal government for a National Park. Later attempts were made to create Nevada Parks. We have not accomplished much to protect and preserve Lake Tahoe. It is a real problem to be solved by sound reasoning. It can be preserved. Bear in mind this is not just a county problem that concerns the State of California and Nevada. We will not get anywhere by demanding the preservation of personal, private rights. This bill, AB 1, is like saying that you can treat a boit if you have one doctor but only one doctor can get to see it. We cannot deal with the problem unless we deal across the state line. The facts show that compacts have worked. The Delaware Compact has five states where the cities will vote. This is the Delaware River Compact. It works. The Ohio River Compact involves many states and cities and it works. This compact is not harsh or arbitrary. In the past 45 years I have had a lot of subdivision planners. There is nothing harsh in the provisions of AB 2. Under its provisions a land developer will find no difficulties in operating under AB 2.

SENATOR COE SWOBE: In July of last year when it was known that California was going to recommend legislation for the Lake the Governor called legislators and county commissioners and called them together to discuss the various provisions of the commonly called Z'Berg bill. Shortly thereafter he issued a progress paper setting forth the concept of regional Tahoe planning including recommendations from the counties. Those amendments presented the double majority concept, the elimination of the right to levy against property or persons, and the right of a state to withdraw. The governor asked that we deliver to California the suggested amendments to the Z'Berg bill. I found the California Governor receptive and they were incorporated in the Z'Berg bill. In August it was passed by California. The California legislature's act is in two parts. One part creates a planning agency on the California side and the second creates a basin-wide agency in the event we accept the challenge. Since August, we have attempted to solicit further comments and suggestions from both public and private

groups. We conducted or attended over thirty meetings. We seriously considered scores of legislators and always kept in contact with the California legislature and its administrative officers. Not only this but we recontacted those groups we had previously contacted to obtain their comments and counsel as to the new proposals we deemed had merit. After that work and consultations and five preliminary drafts we have presented AB 2. It is our position that water pollution and zoning control are so entwined that to separate them would be ineffective. Because of the political situation in the five separate county governments in charge of zoning and sewage that the existing laws are too little and ineffective at worst. Although there have been great strides in sewage control, it is evident that until there is established an area bi-state agency to enact for sewage and zoning the job will not get done. Any one of these five counties could do a good job such as they have done in duplication. Unless the other counties did the same that one county could be polluted. Polluted waters do not respect county lines and state boundaries. I do not want to outline the changes we have made in the Z'Berg bill. I will in the questioning period. We have attempted in the formulation to maintain in effect an effective agency to ensure quality water and establish guidelines for the orderly development of the basin and at the same time retain as much as possible as much local control as possible. I hope you keep the following in mind. Because the Lake is unique and bi-state in nature and pollution respects no boundaries, we have just as much duty to control pollution on the California as on the Nevada side. Secondly, because this agency is in effect a limited partnership with the State of California we should not permit this measure to be loaded with amendments to frustrate the partnership. This is not the result of haste or to head off federal intervention. It is the result of the work of four governors of Nevada and California and a host of other over a period of years to preserve for this generation and those to come the pristine quality of natural beauty of Lake Tahoe.

MR. W. S. MENELEY: Mr. Chairman, you heard my brother speak earlier in favor of AB 1. We are still friends as long as we don't discuss the Tahoe Basin. This session has been charged with a very grave responsibility--the preservation of Lake Tahoe. Once the beauty is destroyed there is no possible method of recovery. The Tahoe Planning Commission has been in operation for several years. Its membership would be close to that of the bi-state agency that is proposed. It has been proved to be a smooth working organization. While the Commission has been smooth its recommendations have been frequently frustrated by indifference, lack of enforcement, and county veto. The report of the Lake Tahoe Joint Study Committee embodies the results of ten years of study by lay groups. The report is a remarkable document and points out the complexity of the problem. Its recommendations for land-use are essential to a bi-state agency. The first major solution for the purity and clarity of the water as well as the beauty is sewage control plus more directly the elimination of inadequate control of land-use. The problems have been complex and varied. Legislation must be adequate to meet this challenge. The two bills before you . AB 1 proposes a new Nevada Basin Planning Commission with county veto power. They would replace the present planning commission. Instead of concerning itself with broad concepts the veto power would reduce the commission almost to what we have now which is ineffective. It has been suggested that California should have a similar commission. California tried this and it was declared unconstitutional. SB 9 is not a hastily drawn bill. Every provision has been carefully considered. The agency

has been designed to follow guidelines within which they should operate. Page 6, line 27 of AB 2 states: "Whenever possible without diminishing the effectiveness of the interim plan or the general plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the interim or general plan." The Tahoe Commission feels that in SB 9 we have a bill sufficiently broad to be effective while retaining local control. It also follows the already functioning agency in that it shall be an entity of general purposes designed to supplant order. We know that indiscriminate land-use is a beginning of a big problem at Lake Tahoe. Lake Tahoe can only be saved if its preservation is considered first above political considerations and expediency.

MILTON SHARP:

The program notes that I am the Vice-Chairman of the Regional Planning Commission for Reno, Sparks and Washoe County. I want to emphasize that I am not speaking as an officious spokesman of the Regional Planning Commission. I am, however, also a consulting engineer, licensed to practice in the States of California and Nevada. I do want to direct comments to what I believe are two primary considerations related to the question of an effective control agency for Lake Tahoe. The first consideration is that pollution potential is related to land use. The second consideration is that land use can only be effectively controlled by regional planning and regional enforcement of land use control. The relation of pollution potential and land use seems to me almost axiomatic. Pollution may take the form of direct pollution of the Lake by sewage wastes; it may take the form of pollution carried into the Lake by surface run-off and snow meltage or rainfall, or we might refer to pollution of the landscape by unrestrained or poor planning by land development. All forms of pollution are directly related to human occupancy in the Tahoe Basin, and virtually the only human occupancy at the Basin are contained in land use controls. With respect to the potential of pollution as related to land use, I think that you should consider several factors. The problem of pollution of the Lake by surface run-off has been alluded to several times this afternoon already. This could become a major source of pollution of the Lake. Land which has been stripped of natural vegetation, land which has been scarred by cut and fill and land which has been shaped into streets and drainage channels and go into limited areas create extensive potential of erosion, and erosion creates silt. The waters and run-off from these concentrated areas creates silt, and all of these, including organic debris, will be carried into the Lake,

and this source of pollution, this type of pollution, is something that can only be controlled at the source, and that source is the use to which the land is put. You should also keep in mind that land use pressures may force types of developments that are inappropriate to the terrain and the nature of the Tahoe Basin. There is an economic pressure to get the maximum yield possible out of a particular piece of land, and with the modern earth-moving methods and with the values of land in the Tahoe Basin, the literal moving of mountains is neither physically impossible, nor economically infeasible. The unrestrained land development might also create concentrations of population which would cause problems with respect to the design and operation of sewage treatment facilities and sewage collection facilities. These facilities have been designed with certain capacities. These capacities are related to population and to service areas. Perhaps the only way these facilities can be maintained so that their capacity is not exceeded is by the effective land use controls. The second point that I mention is the need for land use planning and control on a regional basis. I think it is evident that land use, which has been clearly defined to you in geographic regions such as the Lake Tahoe region, must be consistent throughout the region. A plan can be developed, or must be developed within the Tahoe Basin which will establish proper balance between commercial usages, residential uses and the native environment. In order for such a plan to be effective, however, a consistency of control and consistency of application of that land use control throughout the Basin is essential. The plan, of course, is only as good as the controls applied to it. If one small political entity within the Basin disregards these controls and imbalances the master plan, creating excessive amounts of commercial development or overdeveloping a multiple residential development, this throws the

balance of the entire plan and invites similar imbalances in other parts of the Tahoe Basin. For this reason, I think it is quite apparent that a Regional Control Agency is necessary because it is responsible for the entire Basin and is more practical as a means of establishing consistent land use within the Basin. There have been fears expressed that a Regional Agency could impose such restrictive controls as such organic stagnation go. I believe this appears groundless. The plan and development to be in context with the regional plan would not be inhibited. I don't think that there is any reason to think that there is any reason to assume that proper land development and good planning are inconsistent. In summary, I would like to urge the Legislature to keep in mind these two key considerations in enacting legislation: First, that pollution is related to land use, and Second, that land use control within the Basin must be regional in nature.

W. W. WHITE:

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First I would correct the program. I have been Chief of Environmental Health for 30 years, but I am not now. I have been working at Lake Tahoe for over 40 years, in active regulatory capacities since 1940. I was a party to the preparation of the legislation authorizing a study committee, and acted as Vice-Chairman and either conducted or participated in all eleven of the public hearings, totaling 17 days. I had a major part in the preparation of the Tahoe Study Report. My present assignment is the regulatory programs and finance programs of Lake Tahoe, and I have been and am now a Nevada representative on Federal Hearings. In this regard, there has been some discussion of Federal participation. There has already been two Federal hearings on water quality at Lake Tahoe, in 1963 and in 1966. There exists an agreement, in effect an order, between the Federal Government and the States of Nevada and California as to water pollution. As amended, AB-2 is a satisfactory Bill and accomplishes the purposes as outlined in the State Committee. You should know by now there is strong Federal legislation that regardless of what you may do will regulate Lake Tahoe. This is 33 U. S. Congress 466 and 466J. The problem of sewage pollution -- I said sewage pollution is under control, and the programs are well advanced. Water quality programs have been adopted as of September by both Nevada and California. There is a need for, and water pollution control legislation, strong as I may confess it might be, cannot do this job by itself. There has to be, and there is a need for a Basinwide Agency to coordinate and to support the existing agencies, to fill voids and controls not provided by either state. Just last year we passed a bill on marinas and piers, NRS 445.080 and 445.020. This assigned this responsibility to the State Health Division. The State Health Division is limited to health matters. We can't regulate a pier or

a marina or any shoreline development or anything else in Lake Tahoe unless it has water quality significance. We would be passing and meeting like this for the next 25 years, and still finding voids to fill, unless you have a broad agency with power to undertake this area, as controls in this area. This bill says Nevada controls everything below 6229. There is a question on this when this is done by the Health Division or any other single agency in state government. This is not covered at all in California legislation. In this regard, legislation is excellent and controls are good, but the pressures, political pressures, economic, whatever you want to call them, are very extreme. You think you sweat now, but you should have been in my shoes when we tried to stop building a subdivision or something of this kind. An agency with broad powers to support, back up existing agencies for government would be helpful, and in my opinion is necessary. The Health Division has the heaviest Tahoe responsibility of natural resources for many years and with this can operate their programs for the best interest of Lake Tahoe with a bi-state agency as provided under the authority of AB-2.

ROBERT DOWNER:

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I am Robert Downer. I am a Nevadan by choice, having come here when I was 20 years old, not just by accident. I am a Private Civil Engineer in Minden. I was a part-time County Engineer of Douglas County for about two years. From 1954 to 1962 I was County Engineer of El Dorado County, and I have seen the frustrations of efforts to bring about basinwide standards and apportionment at Lake Tahoe. I find it rather hard to stay away from philosophical considerations when the crux of the argument is the extent of the authority to be delegated to this agency and not on technical planning of water quality matters. This Tahoe Regional Agency will not be a static agency, but it will develop as the years go by, and will become flexible in handling the problems of the Basin. The basic guidelines are what we are discussing today. I am especially attracted to the provisions of AB-2, a single County and City entity government body to overrule the Regional Planning Agency on a contested planning decision within that county or city. AB-1, the Douglas County Bill, does place this final decision in the hands of the local governing body. I can see where special interests of large land owners with considerable influence on those governing bodies could adversely influence planning decisions for private gain. The Regional Planning Agency must, of course, have fair representation of all counties and cities, and must provide apparatus for review and appeal of planning decisions, but it must also, when all due process is completed, have teeth, or all that we are doing here today is beating our gums and creating another Knife and Fork Club as an ineffective Regional Planning Commission. I have faith that a strong representative planning agency will be formed, made up of just, well-motivated men, an agency that

will pride itself on being as fair to all as is humanly possible. If you create a weak planning agency, you will not attract high-calibre men. Not only that, but you will have a group that will, of necessity, have to play ball with pressure groups around the Lake. Almost all County Governments around the Lake have been willing to surrender a small portion of their authority in order to make this Regional Agency work. This is essential for the good of the whole. Thank you.

HOWARD MC KISSICK, SR.

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I do not have a prepared statement, so maybe we can catch up a little time here. The Washoe County Board of Commissioners has not taken any formal action on either AB-1 or AB-2 or SB-9. We have talked about them, we have discussed them. I think we must have control on Lake Tahoe. For the past seven years we have seen pressures applied. We realize that the control of Lake Tahoe, and Mr. Knisley I think went through the history of how it was almost lost at one time because of lumber fields, lumbering industries has cut out their public issue, a lot of taxes. Now we have man moving in again, not for lumbering, but for living there, and we must control it from an organized sensible basis with all units working together. I think that if you have a tree that is growing rampant you couldn't have six different men to trim it. You should have control of a tree growing out of bounds and out of order by cutting out its roots. I think we feel that with the setup of the five representatives from Nevada, three of them being appointed by the counties, and with the majority rule, that we will be able to control the economy of the area in the Lake Tahoe Basin so that it will not be detrimental to our way of life in Nevada as opposed to California. We may get some stalemates. We may tie up with California when either side wants to move, but the value of the whole thing is going to be the quality of the man that you put on there. It must be a reasonable man. We can't sit there and glare at each other across the state line forever. It's going to have to go. We're going to have to have some control. After all, although water pollution is the main item of our consideration here, and the main point we are fighting for, we also must have land use control. We can look at Waikiki Beach in Honolulu or Miami Beach in Florida. Is that what we want at Lake Tahoe? Or do we want to preserve part of the wilderness area. If

we do, then we certainly have to have land use control. Something that has not been mentioned here, and maybe it will never happen. When I mention it sometimes I'm pooh-poohed, but as the water compact now stands, and probably it will go through Nevada's allocated 11,000 acre feet, from such a use of water from Lake Tahoe, California gets 23,000 acre feet. Transposing that into million gallons of water, it takes 3.06 acre feet of water to make a million gallons. So, dividing 11,000 by 3 you get something like 3,666 million gallons of water. Now, that seems like a lot of water, but Lake Tahoe is getting to be an area where it is used more and more year round, not for a season of three or four months any more. So, transposing that down even to the use of a 300-day year, we have 12 million gallons of water per day that could be used for correct provision in sewage. How does that compare, how can we look at it today. Right today, in Reno and Sparks, we are generating about 18 million gallons of sewage a day. So, some time, somewhere in the future we get the dry cycles and the Lake drops down to the ground, as old-timers will remember it did around 1930. Somebody at that time is going to be in trouble. So, I think we'd better go slow on planning and control it all we can. Thank you very much.

James Robertson, Mayor of Carson City:

Senators, Members of the Legislature, Ladies and Gentlemen:

I was a member of the Lake Tahoe Study Committee, representing Ormsby County. We studied this for one year and, as you know, it also has been studied and restudied and studied to death. There was one point that came out during the year's study that stuck in my mind that I think the Legislators should take special note, and that is that there is a definite lack of control of regional planning in the Lake Tahoe Basin. I would like to read one brief paragraph from my report -- a report not likely to be sufficiently wise to back the original wise systemal planning and planning enforcement. It is true that there has been available since 1962, an overall Lake Tahoe 1980 Regional Planning containing a gross regional allegation of land uses. The 1980 plan has been adopted by the Lake Tahoe Regional Planning Commission. The Regional White Pine Agency, with advisory relationships to the local planning authority. This plan has been also generally adopted by the counties and widely endorsed within the region and beyond, but enforcement of it is purely upon persuasion and its realization remains elusive, for lack of local enforceability. Therefore, I believe that we can wait no longer. The time to act is now with legislation that will control the planning. AB-2 calls for an effective regional planning within 18 months after forming a bi-state agency. After studying both bills, the Carson City Council and the Ormsby County Commissioners unanimously passed a resolution asking the Legislature to pass AB-2. I agree with the gentleman that support AB-1 that Douglas County has done

James Robertson (Cont.)

a good job and will continue to do a good job of planning and controlling legislation. However, we are not just talking about Douglas County. We are talking about the Lake Tahoe Basin, in which any one of the counties can ruin the Lake. We believe AB-2 is the best bill to preserve Lake Tahoe. Thank you.

Senator Swobe read a telegram from Roy G. Bankofier, Mayor of Reno:

"Sorry, unable to attend hearing due to a Reno City Council meeting."

Statement by Roy G. Bankofier:

"Speaking as a citizen of Nevada, it is my opinion that the agency proposed in SB-9 is necessary to preserve the unique beauty and amenity of Lake Tahoe and its environment, and to promote the economic stability of the region. I feel that every effort has been made in drafting of this bill to insure that both agencies would not supplant both governments, but would, instead, coordinate and supplement on an overall basis the present activities of the different political entities at the Lake. Certainly, one single agency with the predominant makeup of locally appointed representatives, as it is proposed, and with broad planning powers, as outlined in SB-9 makes more sense than several dozen existing agencies, each going its own separate way. I feel that the uniqueness of the proposed agency is in response to the generally accepted view that Lake Tahoe and its environment are unique and due to demand the special approach embodied in SB-9. I would respectfully urge that the Legislature give every consideration to the adoption of SB-9.

Roy G. Bankofier
Mayor, City of Reno"

Mrs. Richard Miller, Vice President of the League to Save Lake Tahoe:

Gentlemen: There are a few salient facts about the Lake, itself, which underline the legislation we now are considering, which seem to be worthwhile reviewing here, in addition to what we have already said. I have long taken a citizen's interest in Lake Tahoe, and my husband did his Doctoral Dissertation on fish change in Lake Tahoe fish 20 years ago, and we have been involved in scientific studies there ever since. Of those facts, the first seems to be that the Lake Tahoe Basin is a limited Basin, limited in water supply, limited in water outlet, limited by the fragility of its inkological system. Much as we might like to have all the world enjoying Lake Tahoe, all at the same time, there is simply a limit to the number of people, the number of parking lots, the number of cars, the number of washing machines and flushing toilets which the area can accommodate. Limitation is a factor of Lake life. And, the second is the machinery of county and city government, or even state statutes, alone, are not equal to the task of caring for this extraordinary mountain basin. Local governments are just too subject to the pressure of national development to be expected to hold on to the big view of the long-term good of the region as a whole. This does not imply that commissioners are mean or evil men. They simply occupy a position like the Board of Directors of American Corporations, whose ethics demands that first loyalty go to stockholders or immediate constituents. Then, the way this basin develops is of concern to a great many different people. It is of concern to the Washoe Indians, whose homeland it was before we pre-empted it. It is of

Mrs. Richard Miller (Cont.)

concern to the old-time summer residents, to the old and new year-round residents, to the old and new entrepreneurs, to the developers who will stay and to those who will not, to the world-wide tourists and scientists who come to see, enjoy and study, to the citizens of Nevada and California, whose special pride it must be, and to the citizens of the United States, who also have vested interests in one of the earth's rare phenomenas, and I hope it will be of concern to our children and their children. We who live close by here have unusual advantages, but we also have unusual responsibilities. We need to keep firmly in our minds our role as stewards of this land, and we need to curb our natural tendencies to act as exploiters. One of the recent developers of the Lake a few years ago was quoted as saying of Tahoe: "God gave us this Lake, and God gave us the knowhow to build on this Lake." There is some arrogance about this equation of divinity with concrete and bulldozing knowhow, which I think we watch in ourselves. I would like to see us emphasizing at Lake Tahoe man's capacity for wisdom and judgment and long-term planning and self-control. In this regard, it has been presented to this Legislative Session, to the commitments of both political parties and the diligent, realistic work of many, many people. There's some sound legislation in AB-2 and SB-9. It will not bring in a millenium, but it is a vital machinery which we need, and need as soon as possible. I have four respects in which I would like to see the machinery strengthened even further. The first, in its board representation. I should like to see us return to the Joint Study Committee's recommendation for four appointments by the Governor of each

Mrs. Richard Miller (Cont.)

State, instead of the two included in the present Bill. Along with these appointments, there should be clearly identified representatives of the public at large. Second, return to the Committee's recommendation of one Federal non-voting member on the Board. Over half the nation is owned by the Forest Service or other Federal bodies, and this interest of the nation as a whole should be present at meetings to hear and be heard. Third, maintain the Regional Agency's right to prevail in quality standards within the Basin over other public agencies, i.e., Highway Department, Parks, etc. Fourth, voting. Return to the overall majority vote necessary for everything except fiscal matters so that we are not pitting one State against the other in our pattern. This is one region, and is the reason for the Regional Agency. I want to thank the Committee for the workman-like and courteous consideration they are giving to this matter.

William Reagan, Member of the League to Save Lake Tahoe:

Mr. Chairman and Members of the Legislature: You saw on the attendance today that Mr. Lee Emerson, President of the League to Save Lake Tahoe intended to be here. He called me last evening to say that circumstances totally beyond his control make it impossible for him to attend. In deference to your time, and because of the quality and quantity of the information already given you on behalf of AB-2, I would like to say this: That the 1800 members of the League to Save Lake Tahoe, who come from Nevada, from California, and many other States, have suffered through and worked through every single month of the past two years of the birth of the Regional Agency. All of us are volunteers. My own personal involvement in Lake Tahoe is really as a summer resident of Marlin Bay. This will be my third term as President of the Marlin Bay Association in Douglas County, and there is never a month goes by that I am not here. And, frankly, as we have heard from the scientific people, we have heard from the people representing the governments on both States and County, that we have never failed one month to be working on this problem, and we feel, and I would like to quote Mr. Jacobsen, that we are happy with acceptance of water clarity problem, we like the watchdog idea that Mr. Jacobsen brought out, but we feel it must go further and we enthusiastically commend AB-2 and SB-9. Thank you.

BOB RUSK:

Bear with me and I will take just a minute or two more than the five minutes which have been allotted to me to tell you something of what Douglas County feels, and we are talking about the other half of Douglas County, that is, the Lake Tahoe portion. The Z'berg Bill emerged from California Legislature. Remember that. Douglas Countyites became greatly concerned. Our county officials got the ball rolling and dug through all the information about the so-called Z'berg Bill. So, our Douglas County Chamber at the Lake had some meetings and took all the interested people concerning the area and invited them to these meetings. We began with a list of changes presented by the County Commissioners, and supplemented these with our own suggestions for changes. We held several of these meetings in order to incorporate amendments. Those were what is now known as the Swobe Bill. Some of the participants in these meetings were former Senator Henry Berrum, Elisa Felts, Senator Coe Swobe, Attorney Birkson, George Abbott, Wesley Dunn, Frank Daykin, Assemblymen Lawrence Jacobson and Clarence Sweiger, along with several other interested members of the Chamber of Commerce of Open Valley and the Lake. We then held a public hearing regarding the Bill with the informed panel members of Henry Berrum, James Pratz, who represented Lake Tahoe, John Chrislaw, District Attorney of Douglas County and Chuck Meneley, County Commissioner. Following the panel discussion, the Chamber then, a week or so later, held a luncheon at which Coe Swobe was the guest speaker. Thereafter, it was difficult to find anyone to take issue with Swobe's proposed Bill and present for evaluation opposing views. From these inquiries and discussions, we adopted the following amendments as stated in this letter to Senator Swobe:

Dear Senator: I wish to inform you that the Tahoe-Douglas Chamber of Commerce Board of Directors met on Thursday, November 8th, etc. The meat of the four amendments were, and we begged that the motion be carried unanimously with the exception of two abstentionists. This was the representative of Harrah's Club and the representative of the Sahara that abstained. Harvey's Wagon Wheel was not present. The double majority rule came out of these meetings. This is one of the things we might add. Another is the proposed specific wording that all records of the agency be deemed public records and that the open meeting laws in the States of Nevada and California be applied. Thirdly, a proposal of jurisdiction of the courts would be established. Fourth and last, we proposed 50% of each of the agencies for Nevada, remembering a limit of \$150,000 contribution by all the counties in both states getting a federal grant. The thought prevailed that any additional governing body would only hamper the progress of orderly development at Lake Tahoe, and until we faced the cold reality - namely, that for the past ten years, five counties, and now the City of South Lake Tahoe, have not been able to agree on any one central basin master plan. But more conclusive evidence is needed. How many more decades are left to squabble about what taxes will be used to keep Lake Tahoe pure. Speaking for the Lake Tahoe portion of Douglas County, and contradicting the vast press coverage which indicates that Douglas County is against the Swobe Bill, I must state that the majority of the Lake's community leaders favor the Swobe Bill. Some examples I would like to cite to you: John Michaelson, Past President of the Tahoe-Douglas Chamber of Commerce, a land developer, Former Senator Henry Berrum, co-author of the original Lake Tahoe Study Committee report, Attorney Lester Birkson, active in our committee work, Harold Dayton, Past President of the Tahoe Area Council, Past President of the Chamber of Commerce and owner of a

large retail business, Bud Meneley, Chairman of the Tahoe Regional Planning Commission, Colonel Lee Felts, President of the Tahoe-Douglas Citizens Committee, and believe me, there are not many more committees than that in the County of Douglas at the Lake. Each of these gentlemen is a property owner at Lake Tahoe. It is interesting to note that of the total group instrumental in formulating the Jacobsen Bill, not one of these individuals resides in the Lake Tahoe portion of Douglas County. That is, with the exception of one who was imported by Harvey's Wagon Wheel. There seems to exist in our County of Douglas, two very distinct areas you may be familiar with. One area is in the valley and the other is located adjacent to the Lake, each approximately equal in population. The valley portion traditionally produces the majority of the County's elected officials, and the Lake portion traditionally produces the County's main sources of revenue. I believe most people would admit that those individuals having most to lose from an unsympathetic control of a central agency would indeed be the residents of the Lake Tahoe portion of Douglas County, and those Douglas County officials who oppose the Swobe Bill to support their "grass roots government" which indicates control at the local level, in fact should confess that the grass of Douglas County finds its roots only in Minden. It is indeed obvious that the gaming industry must have complete protection from the supersonic, superpowered agency. Consequently, it seems feasible that a clause be incorporated into the Swobe Bill to insure complete protection to the gaming industry, if deemed necessary. The Tahoe-Douglas Chamber of Commerce members are very much aware that the success of the tourist industry is dependent upon the success of the gaming industry. In closing, I state that the position of the Tahoe-Douglas Chamber of Commerce came to light after careful study and consideration. It appears

to be evident that the Tahoe-Douglas Chamber of Commerce and those members that the Swobe Bill can be matched to California's Bill, thereby effectuating the formation of a compact. It also appears to be true that the Jacobson Bill defeats the very idea of a bi-state agency. The Tahoe-Douglas Chamber of Commerce, therefore, remains in favor of the Swobe Bill, as indicated November 8, when it took the leadership and cast in favor of the Bill, subject to certain amendments, which have since been incorporated into the Bill. We wish pure water of Lake Tahoe longevity so that it may outlive the petty discord of its five counties which will continue if regional control was to be retained at the county level. We would like to see Lake Tahoe recognized as a wonder of the world for its purity and beauty, not a blunder of the world, recognized as man's worst conservational blunder.

DAVE STOLLERY:

I do not have any prepared remarks either. I am here in my official capacity of President of the Chamber of Commerce of North Lake Tahoe. The Chamber of Commerce of North Lake Tahoe is composed of property owners, businessmen, and state-minded citizens of the Lake Tahoe area from the Eldorado County Line to Stateline and Washoe County. We have in mind perhaps getting Incline Village in there eventually.

In December, the Board of Directors of the Chamber of Commerce went on record in favor of the Z'berg Bill, which Mr. Swobe has, of course, brought to you in the form of AB-2 and SB-9. We sent a letter to the Placer County Board of Supervisors, attesting to our belief in the correctness of the Tahoe Regional Planning Agency, and stating our stand in favor of it. We believe in it very greatly.

Senator Cliff Young:

Both bills have valuable goals, and either of them would be better than none. Between the two, I think the Swobe or California Bill is the better. Both properly can be amended, but I think the surgery would be less radical on the Swobe Bill, for these reasons. First, I think it allows for a greater margin of human error. We who are serving in the Legislature are keenly aware of the fallibility of the Legislator's mind, if you look at the last Legislature. If there is a mistake insofar as AB-1 is concerned, I think irreparable damage might be done. The Lake could be polluted, the planning would be illy-conceived. On the other hand, with respect to the so-called Swobe Bill, I think it allows for a margin of error. If it is too strong, we can always check out or modify. The Governor has indicated that he would call a Special Session if need be. Let me turn to the water pollution aspect of the Nevada Bill. Actually, it does little more than can be done under existing legislation. Nevada can issue regulations. I think Wally White has done an excellent job. Probably, he knows more about this than anyone in the State of Nevada. He has indicated that because of political and economic pressure, he needs a broad based agency. Next, let's turn to the planning aspect of it. In the first place, there might be some doubt as to whether or not voluntary planning would ever evolve. As I recall Section 9 of AB-1, it indicates that the Counties shall enter into an agreement with the California Counties. It doesn't

Senator Young (Cont.)

say when, and obviously, it could not say when. How long will this take. Nobody knows. Turn to the Interstate Compact Commission, dealing with the problem of the Truckee, Carson and Walnut Rivers. How long has this taken. If my memory serves me correctly, about 10 or 12 years. We have already expended about \$300,000 appropriated by this Legislature, and we still haven't reached the goal yet. It is indicated that there is some doubt in California by the Attorney General's Office whether it would be Constitutional. Another problem that arises under Section 19 is whether or not it goes far enough. It would appear to limit the planning, questions of location and design of structure, and also the establishment or removal of natural types of obstacles or property which could be erected. This does not seem to go far enough. There is also a question about whether the unanimous vote applies to members. As I read the initial adoption of the plan, it does not require a unanimous vote on the part of the counties, only when there are changes or additions. So, you might find that any recommendations made with respect to the master plan would not be subject to the safe-guard of the so-called unanimous vote provisions throughout AB-1. Therefore, I feel that, basically, the Swobe or the California Bill offers the greatest basis of safety and is the best foundation upon which to build. There have been a number of amendments suggested, some of which I think have merit, and which I am sure will be considered in with it.

John Meter, Ormsby County Commissioner:

I am John Meter, an Ormsby County Commissioner, and have also been, for the last year, a member of the Tahoe Regional Planning Commission. In this capacity, I have learned many of the problems which are at the Lake, and know that there is no easy solution to these problems.

Many of us of Ormsby County feel that we are in a unique situation, because we have no large interests at the Lake. Therefore, we can look at both sides rather independently and come up with our own conclusions. We have done this. We have looked at both pieces of Legislation honestly and earnestly. Because of this, as Mayor Robertson stated earlier, we have unanimously adopted a Resolution, strongly recommending that the Legislature pass the Swobe Bill.

Mrs. Earl Nichol森, Legislative Chairman, League of Women Voters

The League has been concerned with water in the United States since 1956, when droughts in some areas, floods in others, rising population, increased industrialization, and general growth focused nation-wide attention on this vital natural resource. Over the years, we have reached agreement on several broad principles, applicable to both national legislation and to the solution to state and regional problems.

The first is support for overall long range planning of water resource development, the second is measurement of water resources on a regional basis.

I should like to quote one paragraph from the position statement of the League, which seems to me to be particularly applicable to the legislation we are considering today.

"Each basin has characteristics all its' own and should be developed to meet the particular needs of the region as long as the development is not in conflict with the national, that is the public, interests. This necessitates the machinery applicable to the region to provide co-ordinated planning and administration among the Federal, State and other agencies which are working in the region, and to provide citizens in the region with the information and the opportunity necessary for taking part in the direction water development will take."

In Nevada, the League of Women Voters became active in the water management field some ten years ago, when we began observing, on a fairly regularly basis, the meetings of the Bi-State Water Compact Commission. Since 1950, the natural water quality, and its collation, the best land use to protect that quality, has received national attention.

When the Bi-State Study Committee was established, by legislative action, in 1965, the League felt strongly this was the way the problems facing Lake Tahoe must be solved and we were represented at almost all of the meetings of that committee. We have studied with great care and detail the findings and the recommendations, which came out of that study. We have also studied the details of the two bills which are before you today. I am here to present the support of the League of Women Voters for a strong bi-state agency. Looking at the two bills before you today, we feel AB 2, or the so-called Swobe Bill, is infinitely better than AB 1, which provides, in our opinion, no really effective means for dealing on a basin-wide basis with any factors other than pollution, and leaves control over planning, development, and water use on the same local pattern under which the present serious problems have been generated. We are convinced that only effective legislation for planning and enforcement can preserve the water quality at Lake Tahoe, and that only both regional agencies, with sufficient power, can determine and enforce the necessary regulations, free from local pressures and special economic interests. We would urge, however, that before adopting AB 2, in its present form, the legislative committees here today, and indeed, every legislator who will be casting his vote on this important matter, go back and study it in light of the sample legislation proposed in this report. The League of Women Voters is particularly concerned with the make up of the governing board of the proposed agency, AB 2 provides for such a committee, as is in the sample bill, with a representative from each of the three counties in the basin, in the sample bill, however, such a representative must be a member of the Board of County Commissioners, which he represents. In AB 2, this requirement is not spelled out. The League of Women Voters feel that not only communications and collation would be strengthened by such a provision, but so would the general principal of the responsibilities to the

citizens who have elected him. We also feel strongly about representation on this committee for the public at large. Lake Tahoe is not just a local concern, it is a most unusual natural resource of state and national importance. The study committees' bill reconized this and provided for six members at large, three from California and three from Nevada to be appointed by their respective Governors, AB 2 cuts this down to one from each state, and from Nevada, narrows it still further, by providing that this one member must reside in the basin. This means that the rest of the State, whose taxes will help support this agency, and who in addition, would not have no personal economic interests in the basin, but who also would be much freer from local pressures, would have little or no voice in the deliberation and decisions. The League, therefore, would urge strengthening the Swobe Bill , in at least this one area.

I should add, in closing, that the Nevada League of Women Voters is acting in concert with the California League in support of a Tahoe Regional Agency.

MR. ART WOOD - SEE ATTACHED STATEMENT.

Mr. Tex Menard

I am not here in the capacity of Chairman of the Planning Commission, I have my own ideas. I feel that a close investigation into the field of our present government bodies will reveal that they are progressing adquately towards the solution of the Lake Tahoe problem, on the Nevada side, of course. If the California side is not satisfied or if the California side is not being taken of, let the federal government take care of it. If it is determined that there is a need for more adaquate enforcement of legislation, lets get it through our own agencies. Duplication of these functions will only confuse and injure us in reaching the goal we are seeking. In this I call your attention to the present regulations which Mr. Wally White mentioned earlier on water pollution and water control and water surplus, because of this, the operation as proposed would be a duplication of present costly schedules which have previously been paid, and future costs would be an unknown demand on the taxpayers. As proposed the bill, SB 9, would permit this basin to develop into a bureaucratic dictatorship of such magnititude that the cost of upkeep would become a burden to all taxpayers of the State, as well as be unbearable to the people who reside at Lake Tahoe. The voting structure, as proposed, is surely not in keeping with the democratic concepts of our Nation. I do not feel that under these conditions and circumstances should any part of the population of the State of Nevada be subject to the rule of any other state, especially a state as large as the State of California. As now proposed, three members of the State of California Board could prevent any progress of any kind in our State. I am asking you to give do consideration as to the tax base of the three counties which surround this basin, these areas are very important in each county as a source of revenue, the power should not be given to this particular agency to jeopardize this tax base, therefore, we ask your consideration. I would like to remind you gentlemen that you are regarding the poeples' constitutional rights, and advise you to act according. If you enact any agency which reduces the direct reperation of the people, or any portion thereof, it seems to me to be a betrayal of trust. I ask you instead to be honest, being against the bi-state agency is like being against motherhood; I say I am for motherhood and for retaining the constitutional rights of the people, I am against the continual chipping away of these rights, which will soon destroy our country.

Rod Campbell, Real Estate Broker

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My name is Rod Campbell, I reside at Incline Village, Lake Tahoe, I been a property owner for twenty-five years in that exact location, a real estate broker. In all my activities, I have been confined to the Incline Village area. I have dealt with many developments, and am now in the process of developing a total of about two and one half million dollars in real estate improvements, I should like to add that the formulation and land use approval were scrutinized by the agencies that control this in Washoe County. In the case of multipul development, it has been my practice in every instance to under develope the land which was being developed. I have no intention, what so ever, to ruin the beauty or the environmental elements of the Lake Tahoe Basin. I think I represent the feeling of the land owners and the developers in my area. I would like to go on record as opposing this legislation. I do not wish to be repetitious, but I do agree with the opposing points that have been brought up, and will add that existing controls exerted by the agencies now in effect are adequate and are being properly administrated. These agencies are doing, and will continue to do the finest job possible to control the conditions of Lake Tahoe. The prospect of spending additional funds, far beyond that mentioned in the proposed legislation, by the State of Nevada, is totally unnecessary. Duplication of funds, duplication of restrictions is unnecessary. My future and the future of all residents now living in the Lake Tahoe basin is dependent on the waters of the Lake remaining pure and clear.

Grant Sawyer

As many of you know, I have been interested, along with many of you, both Legislators and non-legislators, I'm looking at Wally over there, and thinking of the problems we had over the years, about problems at Lake Tahoe. And during the course of these many years, actually I think I started giving speaches about it as early as 1961, some of you were doing the same thing, sujesting a regional approach in order that we could hopefully eleiminate a myraid of agencies attempting to govern affairs there. We all know the story very well, Nevada relatively has not grown very much because most of our land has been owned by a few major landowners, the problems were growing extremely severe and critical in California, I, personally did not think that they were doing too well with this during these years, and we were actually at a point where many of us felt that the clarity and purity of the waters of the Lake were threaten, but just as important the conservation, recreation areas we felt were in danger. Therefore, the legislators of both states created a bi-state study of Lake Tahoe in 1965. It was out of course, in February of 1967, California acted first, as you all know, and that so-called Z'Berg will is now turned into what we are calling the Swobe Bill SB 9 and AB 2. After this bill, the Swobe Bill, had been made public in January 18, of this year, I was contacted a few people on both sides wanting to know if I would make comment or give opinions, naturally I hadn't seen the legislation up to that time, when this hearing was announced, I was contacted by proponents and oponents of both bills, the so-called Jacobsen Bill having made its apperance by then, to state my views. I might also say, I was contacted by a client, who asked if I would express my views, and I told him that I would do so, only on one condition and that would be that I would state my views and my alone. I might tell you that we didn't discuss it any further and he doesn't know yet what I am going to say, and I have a very strong feeling that he is not going to like what I am going to say. The Swobe Bill has been characterized today in the press as creating a super agency, as totally pre-empting the local political jurisdictions, as a regional agency with far more sweeping authority,

Lack of check and balances, lack of notice and due process than any other presently existing governmental body, including federal agencies, as substancially going beyond proposals of the Lake Tahoe Joint Study, as creating a new basin state, with far braider powers than either of the single states from which it is created. In my view, some of these charges are true. AB 1, the alternative, the Jacobsen Bill, has been characterized as being too weak, particularly in the areas of planning, as not resolving the problems created by the complexities of the numerous local bodies now having authority, as being totally inadaquate in the areas of land use, transportation, conservation, recreation, public service facilities, in short, simply not solving the problem, in my view, some of these charges are correct. For purposes of argument then, granting what I believe to be inadaquaticies in the the Jacobsen Bill, as presently written, in order to cure what at least I view as inadaquaticies, I think the big question is whether or not the answer is to pass a bill providing a social regional government experiment which I have to say the Swobe Bill is, in my opinion, in order to accomplish the purpose. If it is necessary to do so fine, lets do it. I think however, we should analyze the situation a little bit to see if we can not accomplish the purposes I think we all desire, including these gentlemen there, and at the same time not totally emasculate the local governments, no matter what explation we have heard of the Lake Tahoe Joint Study Committee today, the way I read it, it says that they should not be emasculated, that the local governments, indeed, should be participants, and I need not quote again to you, the language that has already been quoted, this however, was the finding of the committee which you created and the State of California created. Can we do this then and still accomplish the purpose? I neither believe it necessary nor wise to totally exclude these political bodies from any participation what so ever in the development and regulation of the basin. Even though they have representatives on the master agency they have absolutely no participation other then that as I read the Swobe Bill. I agree that the local units must be made to conform to a detailed and presice general plan covering not just water purity and clarity as possibly the Jacobsen Bill does, but also other matters which are included in the Swobe Bill. The Joint Study Committee, I think, reached the same conclusion, they should be in, they should be participating, they should not be limited to anything less than the total human activity in the Lake Tahoe Basin. Taking then what I consider to be the best parts of the Swobe Bill, the Jacobsen Bill and the Joint Study Committee proposal, I've concieved an arrangement that I think might work. I conceive of this possibility, the creation of a regional commission, planning commission generally as outlined in the Jacobsen Bill with the regional planning to include all the factorstunder Article 5 in the Swobe Bill, it would therefore, include conservation, land use, recreation, transportation, public use and water purity, all the things I take it you are interested. All the things that the Joint Study Committee communicated that should be controlled. The regional plan would be formally adopted by the planning commission after proper notice and hearing, with no power of veto or amendment by the local jurisdictions. There would be the provision that the respective cities and counties must adopt the regional plan, in so far as it applys to their counties and they must enact apppraite ordinances, regulations and rules to carry out the plan. The cities and counties would continue to observe the traditional function of receiving and processing use permits, variences and all the other administrative procedural matters that they handle now, under the control of a detailed master plan, provided, however, that the planning commission shall supplant all other planning commissions, in so far as the basin is concerned, that are presently in operation in these counties or states, futher more,

for all applications to the respective cities and counties that they approve are forwarded to the planning commission for report and recommendation of the master, in such instances shall the planning commission disapprove, after the local jurisdictions have approved, the local jurisdictions can not over rule, except with the concurrence of an other agency. This agency doesn't have a name, I propose, if you are at all interested in the idea, that it might be called the Compact Commission. This Compact Commission would be created as a separate legal entity generally to the terms of the Control Board that you find in the Jacobsen Bill, with final and absolute powers with respect all matters of controversy between the cities and counties and the planning commission, regional planning commission in all matters regarding the purity of the waters of Lake Tahoe. The construction of these powers must include, if it is to be effective, practically every human activity in the basin, because, as a matter of fact, every activity in the basin does have something to do with the clarity and purity of the water of the Lake. It should include the responsibility to proceed against violation of master plan or ordinances, regulations pertaining thereto, and in instances where the county or state does not enact the necessary and proper ordinances to adopt such ordinances in those areas. Under the proposal I have suggested today many of administrative processes to the counties where they have historically been and retains these entities in an active capacity in the governmental process, and I think they should be so retained. In my opinion, the spreading of the clerical functions here will develop a much less costly process of government than the single master agency indicated in the Swobe Bill. If this single agency as contemplated in the Swobe Bill were to be created, it appears to me, that the funds equalized therein would be grossly inadequate, considering that such an agency would be handling all of the governmental basic business presently being handled by 61 separate governmental agencies. I think that whatever measure is passed there must be legislation containing or in the bill, which provides for the institution of the Nevada Plan by July 1, 1968, pending the final resolution of the matter between California and Nevada, California has so provided in the Z'berg Bill and I do not believe the Swobe Bill does, however the Jacobsen Bill does. I said this plan of mine may sound familiar to some of you, and if it does, I think it is for this reason, it is the same concept as proposed for the handling of our most delicate and sensitive and explosive industry, one which we thought over for a long, long time, attempting how best to handle it, and that is gaming. We found there from long experience, that final control had to rest with the state, but even on that level, we had to have a check and balance, two bodies, the Gaming Control Board and the Gaming Commission. One didn't work, particularly that one had too much power, at that time that these agencies were proposed it was argued that it was too complex, that it involved more agencies than were needed, indeed, experience has indicated to us that to spread the authority need is the most basically important and effective instrument of strength in the handling of gaming in Nevada. Even in this process, in gaming, the counties may not proceed without State approval, but the counties may deny a license which the State has approved. We didn't take away all the powers of the counties, we left them there, in some instances their standards are higher than ours. I'm suggesting that the same thing might follow in this matter. I am totally concerned about the lack of a check and balance system in the single super agency proposed by the Swobe Bill, I am equally concerned about the power of the veto remaining in the local jurisdiction under the Jacobsen Bill. It appears to me that a combination of the best features of both might help answer much of the criticism directed to the respective measures, and yet will retain every single best feature, final authority and power in the regional agency. It does however, put cities and counties in a position to be active participants in the governmental process. We are dealing with one of the greatest natural assets in America, we are dealing with a California Bill rather than a Nevada Bill, there is nothing wrong with it just because it is a California Bill, but

we can't be panicked into imprudent or hurried consideration of the matter, and yet we must do something, I think we all agree, and if these suggestions are worthy of your consideration at all, and they may not be, they may be introduced into a new bill, I note that the Jacobsen Bill which deals with two agencies could be amended without too much problem to include my suggestions. The Swobe Bill could also be amended, although it would be much more complicated to deal with that bill. In closing it appears to me that the title of neither of the bills really describes what we are doing, the function is more than planning as the Swobe Bill would indicate, and it is more than water purity as the Jacobsen Bill indicates, I would respectfully suggest that the name of the legislation be the Tahoe Basin Compact, the two entities that I was talking about might be called Compact Planning Board and the Compact Commission.

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Senator Brown

Question: In the event that this piece of legislation is enacted, can you envision the possibility of getting involved with matching funds on a state level, and if so, to what extent?

W.W. White

Answer: Yes, we would be involved with matching funds. One of the bills has an \$80,000 figure and the other \$150,000.

Senator Brown

Question:

In the event of the enactment of the bill can you envision an increased cost in the present entities of state and local government involved in actually doing the work in the Tahoe Basin?

W.W. White

Answer: No

Senator Brown

Question: I have been led to believe that the purity of the water as far as domestic consumption has not be altered, is that true or not?

W. W. White

Answer: The water quality at Lake Tahoe is the best there is anywhere.

Frank Daykin:

Answer: In the Swobe Bill the power of the agencies to bind the State would be limited to \$150,000, among all of the counties, it could not bind either state to provide matching funds beyond that limit, however it could accept more. However no legislature could bind any future legislature except to the \$150,000 limit.

Assemblyman Smith:

Question: Mr. Manoukian spoke of the \$6,000,000 bond issue in Douglas County for sewer, I presume that there are other bond issues involved, can anyone answer what occurs to these?

Mr. Manoukian

Answer: The six million dollar figure referred to the total construction costs for the total project, these bonds would not be impaired by the adoption of either of these bills.

Mr. Dini

Question: Who would do the paper work on this?

Senator Swobe

Answer: If the matter concerned was not in conflict with the master plan the application would go to the local planning board and be handled by them. I would like to call to the attention of Governor Sawyer, Page 6, Par. A, (SB 9) leaves this power to the local authorities whenever possible.

Assemblyman Glaser

Question: In the allocation of these assessments of \$150,000. Have you done any work as to the break down of the assessment?

Senator Swobe

Answer: App. \$100,000 State of California; and \$50,000 for the counties and the State of Nevada; from the General Fund the State would pick up about \$25,000, the County of Douglas \$12,000, County of Washoe \$10,000, and the County of Ormsby \$2,500.

Senator Gibson

Question: Under Article 6, Par. D, Page 7, SB 9, "All plans, programs and proposals of the State of California or Nevada, or of its executive or administrative agencies, which may substantially affect, or may specifically apply, to the uses of land water, air, space and other natural resources in the region, including but not limited to public works plans, programs and proposals concerning highway routing, design and construction, shall be referred to the agency for its review, as to conformity with the regional plan or interim plan, and for report and recommendations by the agency to the executive head of the state agency concerned and to the Governor. A public works project which is initiated and is to be constructed by a department of either state shall be submitted to the agency for review and recommendation, but may be constructed as proposed." Is this a loophole?

Senator Swobe

Answer: What we hope to do is to establish an agency on the same level as other agencies in the State of Nevada and California. It is our understanding that in the interpretation of the joint study that the state projects should not be subject to a veto power by the agency, but we did want to make sure that the agency reviewed these projects and sent the recommendations back to the department which was sponsoring them and also to the executive, so that the press and public opinion could be weighed and get a determination by the agencies concerned, and that is why this section is written that way. By the way, this wording was worked out in a general meeting.

Assemblyman Garfinckle

Question: For W. S. Meneley: You made the statement that as President of the Regional Planning Commission, many times you couldn't get together for the good of the Lake, could you give us an example?

W. S. Meneley

Answer: I think you are referring to the statement I made when I said that many of our proposals had been frustrated by inaction or reversal, yes, for one, the regional plan asked for a look into the development in the higher elevations because of the steepness of the property, problems of snow removal in the winter time, and problems of run-off, so as a result the regional plan called for long distant development in all of the higher elevations; in Douglas County there is extensive development on top of Kingsbury, in excess of 7,000 feet, even multiple units. This is the kind of thing that has happened and is still happening, right at the present time in Placer County.

Senator Swobe

Answer: If the matter concerned was not in conflict with the master plan the application would go to the local planning board and be handled by the local council. Page 6, Par. A, leaves whenever possible this power to the local authorities. (SB9)

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Assemblyman Claser

Question: In the allocation of these assessments of \$150,000. Have you done any work as to the break down of the assessment?

Answer: App. \$100,000 to the State of California, and \$50,000 for the counties and State of Nevada; the State from the General Fund would pick up \$25,000, the County of Douglas \$12,000, Washoe, \$10,000 and the County of Ormsby \$2,500.

Senator Gibson:

Question: Under Artical 6, Par. B, Page 7, can this be considered a loophole?

Answer: We hope to establish an agency on the same level as other agencies in the State of Nevada, and this is why this is worded this way.

Senator Farr

Question: I am a little confused in the statesmanlike manner which former Governor Sawyer presented his bringing the two bills together, in studying the bill, I, too, feel that there is merit in both bills and we are not too far apart, but Governor, do you feel that maybe we should draft a new bill?

Grant Sawyer

Answer: What I said was if you are interested in any of the ideas, you could draft a new bill or amend either bill, however it would be easier to amend the Jacobsen Bill, as it now carries the two agencies.

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AGENDA - PUBLIC HEARING AB 1 & 2 and SB 9
Monday, February 12, 1968
1:30 PM

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1. AB 1 Mr. Frank Daykin Objective Comparison of Both Bills
AB 2 Mr. Frank Daykin

2. AB 1 EVIDENCE (Time 1½ Hours; 5 Minutes Each Speaker)

Lawrence Jacobsen Assemblyman, Douglas - Ormsby Counties
Charles Meneley Acting Chairman, Douglas County Commissioners
Marvin Settlemeier Douglas County Commissioner
John Chrislaw Douglas County District Attorney
Lee De Lauer Chairman, Douglas County Planning Commission
Ray Smith Douglas County Planning Consultant
Andy Anderson Douglas County Businessman
Knox Johnson Douglas County Land Owner
Don Hellwinkel Douglas County Businessman
Milton Manoukian Attorney
F. Sievers Developer
Steve Bourne Land Owner - Douglas County

* Plus two others, not yet confirmed

GOVERNMENTAL ORGANIZATIONAL CHART

3. AB 2 EVIDENCE (Time 1½ Hours; 5 Minutes Each Speaker)

Ray Knisley Former Assemblyman
Coe Swobe Senator, Washoe County
W.S. Meneley Chairman, Tahoe Regional Planning Commission
of California and Nevada
Harry Marks Past President, Lake Tahoe Area Council
Milton Sharp Vice Chairman, Washoe County Regional Planning Commission
W. W. White Chief, Environmental Health, Nevada State Health Dept.
Howard K. McKissick, Sr. Chairman, Washoe County Commission
James Robertson Mayor, Carson City
Roy Bankofier Mayor, Reno
Mrs. Richard Miller President, League of Women Voters
Lee Emerson Vice President, League to Save Lake Tahoe
President, League to Save Lake Tahoe
Bob Rusk President, Tahoe-Douglas Chamber of Commerce, Stateline
Dave Stollery President, Greater North Lake Tahoe Chamber
of Commerce and Convention Bureau

Roger Teglia

Cliff Young

Senator, Washoe County

GOVERNMENTAL ORGANIZATIONAL CHART

4. Art Wood Crystal Bay Development Company - 5 Minutes
5. Ernest Cuno Builders Association of Northern Nevada - 5 Minutes
6. Rod Campbell Real Estate Broker, Lake Tahoe - 5 Minutes
7. Grant Sawyer Former Governor, State of Nevada - 5 Minutes
8. Questions from the Committee Members Only

and

NORMAN TY HILBRECHT, CHAIRMAN

ASSEMBLY STATE, COUNTY AND CITY AFFAIRS COMMITTEE

JAMES GIBSON, CHAIRMAN

SENATE FEDERAL, STATE AND LOCAL GOVERNMENTS COMMITTEE

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SENATE FEDERAL, STATE AND LOCAL GOVERNMENTS COMMITTEE



CRYSTAL BAY DEVELOPMENT CO.

P.O. BOX 207

• INCLINE VILLAGE, NEVADA 89450

• PHONE AREA CODE 702 831-0240

Statement by Art Wood before joint hearing - 1:30 p.m., February 12, 1968.

In our recent letters to the Members of the Legislature we stated our opposition to any form of Bi-State Agency. We fail to see the reason for additional bureaucratic red tape and expense (both to Nevada and cost of development) to do something that is being done so well by the present authorities.

We have three suggestions to make to the committees handling this legislation:

1. That the membership of the committees make an inspection of the Tahoe Basin, especially the Nevada portion. In this connection we will be pleased to furnish a Ski Incline bus in order that the members can get explanations at the same time from the person or persons they choose to have with them for this purpose. We will cooperate in any way possible if this inspection trip should be deemed desirable.

The other two suggestions are based upon the premise that some Members of the Legislature take the position that we will have some form of Bi-State Compact or Agency.

2. Put time limits on hold-up of construction by the Agency so that there will not be unreasonable delays in the approvals and/or corrective requirements necessary for development.
3. Refer to Legislative Counsel and the Attorney General the legal question of the right to restrict the use of private property. We think their answer will be that the only legal basis for restriction on use of private property is where the public health and welfare is involved.

They will find that the clarity of Lake Tahoe waters will not measure up to health and welfare, purity of water - yes. Neither can restrictions by Government be sustained on basis of aesthetic considerations.

It would seem important that the Bi-State Agency bill (if and when passed by Nevada) not be so far out that it could be killed immediately by litigation.

After being exposed to the proposed legislation, all of you will get a further idea of the legal problems involved by again referring to the review of the National Land and Investment Co. case that we mailed to you.

Conclusion: Our personal lay opinion is that you cannot write a bill that will stand up to litigation since the purity of Lake Tahoe water has not been a question, and that the only way Government can accomplish the purposes of this legislation would be to buy up the privately owned property in the Tahoe Basin.

Review of Court Case attached

NEVADANS TAKE CLOSE LOOK AS . . .

Court Explains Inten

By ROBERT KAUTH
Journal Staff Reporter
"Zoning is a means by which a governmental body can plan for the future—it may not be used to deny the future."

So ruled, in part, the Pennsylvania Supreme Court in a November decision knocking down some of the conventional arguments advanced in defense of large-lot zoning.

Zoning is one of the most knotty problems faced by public officials. Often, they find themselves wedged between factions proposing and opposing zone changes.

Again, emotion sometimes runs high during public hearings on zoning matters. Crowds of more than 200 have jammed the council chambers in Reno City Hall to protest proposed zone changes being considered by the Regional Planning Commission.

In their bids for re-election last year, councilmen John Chism and Roy Bankofier, in public talks, agreed that zone change petitions were the most frequent problems faced by them in their council duties. Both were re-elected to terms of four years.

In its opinion, the Pennsylvania court probed into the question of the constitutionality of zoning laws. Its reasoning is of interest locally because of the similarity of the issues involved to ones existing in the Reno area.

First, the court explained, zoning laws were enacted for the protection of the health, safety, morals and general welfare of a community.

They must have a substantial relationship to these police powers—and they must not

be unresonable, arbitrary or confiscatory.

Zoning is a tool in the hands of governmental bodies enabling them to more effectively meet demands of evolving and growing communities—and may not be used to avoid increased responsibilities, and economic burdens which time and natural growth invariably bring.

Zoning may not be sustained solely on the basis of aesthetic considerations or to effectuate private desire. The desire of many residents of keeping an area the way it is does not rise to the level of public welfare.

Invalid Concept

A zoning ordinance is not valid if its primary purpose is to prevent newcomers in order to avoid future burdens—economic or otherwise—upon administration of public service and facilities.

But a governmental body may utilize its zoning power in order to insure that municipal services which a community requires are provided in an orderly and rational manner.

At the same time, the court warned that when a zoning ordinance in application to a specific property imposes upon the owner an unnecessary hardship, the law cannot be termed a reasonable or constitutional exercise of police power.

A man's use of his property, however, may be restricted if he violates any provision of state or federal constitutions or if he creates a nuisance or violate any covenant, restriction or easement, or if he violates any valid laws—including zoning regulations.

The court warned, "The

time must never come when, because of frustration with concepts foreign to their legal training, courts abdicate their judicial responsibility to protect the constitutional rights of individual citizens."

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A Point is Reached

"At some point along the spectrum, however, the size of lots ceases to be a concern requiring public regulations and becomes simply a matter of private preference.

"The point at which legitimate public interest ceases is not a constant one, but one which varies with the land involved and the circumstances of each case."

The court went on to point out that zoning restrictions "quite obviously" deprive the property owners of part of the value of their property by limiting the use.

"Against this deprivation of value, the alleged public purposes cited as justification" for the imposition of the zoning limitations must be compared.

In the case under consideration, National Land and Investment Co., et al, versus Board of Adjustment of Easttown Township, the court, by a 5-2 vote, held that the public purposes cited did not justify the imposition of the zoning restrictions.

The zoning restriction under consideration called for four-acre lot minimums. The developer wanted this cut to lots of one-quarter acre.

The court noted, "It is not difficult to envision the tremendous hardship, as well as the chaotic conditions, which would result if all townships in this area decided to deny to a growing population sites for residential development within the means of at least a significant segment of people."

The court examined several alleged benefits from four-acre zoning and rejected them all. Three of these alleged benefits and the court's opinions follow:

1) To preserve the character of the area.

"By suggesting that the creation of a greenbelt is a purpose behind this zoning, the appellants (township) betray their arguments that there is a ready market for four-acre

Revision of Zoning Laws

plots. Only if there is no market for four-acre lots will the land continue to be open and undeveloped and greenbelt created.

"This, however, would amount to confiscation of the property of Easttown landowners for which they must be compensated.

"If the preservation of open spaces is the township objective, there are means by which this can be accomplished. These include cluster zoning and condemnation of development rights with compensation paid for what is taken."

(Cluster zoning also is used in Reno, Sparks and Washoe County. It allows a developer to "cluster" the homes in one portion of a large site in order to have a greenbelt area

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many of the residents are highly desirous of keeping it the way it is, preferring, quite naturally, to look out upon land in its natural state rather than on other homes.

"These desires, however, do not rise to the level of public welfare. This is purely a matter of private desire which zoning regulations may not be employed to effectuate.

3) Rural character should be retained.

"If the township were developed on the basis of four-acre lots, it cannot be seriously contended that the land would retain its rural character—it would simply be dotted with homes on larger lots.

In conclusion the court added:

"The township's arguments raise the interesting issue of the township's responsibility to those who do not yet live in the township—but who are part or

may become part or the population expansion of the suburbs.

"Four-acre zoning represents Easttown's position that it does not desire to accommodate those who are pressing for admittance to the township unless such admittance will not create any additional burdens upon governmental functions and services.

"The question posed is whether the township can stand in the way of the natural forces which send our growing population into hitherto undeveloped areas in search of a comfortable place to live.

"We have concluded it cannot. A zoning ordinance whose primary purpose is to prevent the entrance of newcomers in order to avoid future burdens—economic and otherwise—upon the administration of public services and facilities cannot be held valid.

"Of course, we do not mean to imply that a governmental body may not utilize its zoning power in order to insure that the municipal services which the community requires are provided in an orderly and rational manner.

"What basically seems to bother the township is that a small number of lovely old homes will have to start keeping company with a growing number of smaller, less expensive, more densely located homes.

"It is clear, however, that the general welfare is not fostered or promoted by a zoning ordinance designed to be exclusive and exclusionary.

"This does not mean that individual action is foreclosed. An owner of land may constitutionally make his property as large and as private or secluded as he desires and his purse can afford."

NEVADANS TAKE CLOSE LOOK AS . . .

Court Explains Intention of Zoning Laws

By ROBERT KAUTH
Journal Staff Reporter

"Zoning is a means by which a governmental body can plan for the future—it may not be used to deny the future."

So ruled, in part, the Pennsylvania Supreme Court in a November decision knocking down some of the conventional arguments advanced in defense of large-lot zoning.

Zoning is one of the most knotty problems faced by public officials. Often, they find themselves wedged between factions proposing and opposing zone changes.

Again, emotion sometimes runs high during public hearings on zoning matters. Crowds of more than 200 have jammed the council chambers in Reno City Hall to protest proposed zone changes being considered by the Regional Planning Commission.

In their bids for re-election last year, councilmen John Chism and Roy Bankofer, in public talks, agreed that zone change petitions were the most frequent problems faced by them in their council duties. Both were re-elected to terms of four years.

In its opinion, the Pennsylvania court probed into the question of the constitutionality of zoning laws. Its reasoning is of interest locally because of the similarity of the issues involved to ones existing in the Reno area.

First, the court explained, zoning laws were enacted for the protection of the health, safety, morals and general welfare of a community.

They must have a substantial relationship to these police powers—and they must not

be unreasonable, arbitrary or confiscatory.

Zoning is a tool in the hands of governmental bodies enabling them to more effectively meet demands of evolving and growing communities—and may not be used to avoid increased responsibilities, and economic burdens which time and natural growth invariably bring.

Zoning may not be sustained solely on the basis of aesthetic considerations or to effectuate private desire. The desire of many residents of keeping an area the way it is does not rise to the level of public welfare.

Invalid Concept

A zoning ordinance is not valid if its primary purpose is to prevent newcomers in order to avoid future burdens—economic or otherwise—upon administration of public service and facilities.

But a governmental body may utilize its zoning power in order to insure that municipal services which a community requires are provided in an orderly and rational manner.

At the same time, the court warned that when a zoning ordinance in application to a specific property imposes upon the owner an unnecessary hardship, the law cannot be termed a reasonable or constitutional exercise of police power.

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California Legislature

Assembly Committee

III

Natural Resources, Planning, and Public Works

EDWIN L. Z'BERG
CHAIRMAN

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FOR THURSDAY RELEASE

January 24, 1968

Z'BERG OPPOSES PROPOSED NEVADA AMENDMENTS TO LAKE TAHOE REGIONAL AGENCY LEGISLATION

Assemblyman Edwin L. Z'berg (Dem.-Sacramento/Yolo Counties) announced today that he strongly opposes several of the amendments to the Lake Tahoe Regional Agency legislation proposed for introduction in the February 5 Special Session of the Nevada Legislature. Z'berg is Chairman of the Assembly Committee on Natural Resources, Planning, and Public Works of the California Legislature, which initiated 1964 studies of the impact of growth on the world-famed scenic mountain Lake, and the leader of efforts to preserve some element of the remaining Basin amenities by the regional control of land use. He is the author of 1967 legislation creating the California Tahoe Regional Agency currently operative in that part of the Basin lying in California, which now must be matched by identical legislation in Nevada and ratification of an interstate compact by the Congress for the establishment of a bi-state regional agency that can effectively cope with growth problems throughout the Basin.

"If my understanding of many of the proposed Nevada amendments is correct," Z'berg declared, "although they were supplied to me just last Tuesday and there has been only a brief opportunity to review and evaluate them, their adoption would appear to so weaken the ability of the Agency to effectively regulate the impact of growth and development on Basin resources as to render meaningless the many years of hard and dedicated work by my Committee and a broad cross-section of public-spirited citizens.

The Nevada amendments simply will not meet the legitimate expectations of the people that their elected representatives can indeed provide the means of saving Lake Tahoe for their pleasure and the enjoyment of future generations."

"It seems very likely," Z'berg asserted, "that rather than accept the creation of such a watered-down, ineffectual bi-state regional agency as these amendments would establish, California would be better advised to go it alone with the very effective California Tahoe Regional Agency created by our 1967 Legislature, and concentrate on finding orderly solutions to the serious problems of growth in the two-thirds of the Basin lying within California. If in the short run Nevada chooses not to join in this effort by creating a meaningful regional agency of its own, it will then be clear that failure of local and state government to responsibly manage this great natural treasure will lead inevitably and properly to intervention by the federal government."

"Among the most destructive and inequitable of the dozen or so proposed Nevada amendments," said Z'berg, "are those 1) changing the method of voting on non-fiscal matters from a majority to a so-called 'double majority', or unit vote, 2) restricting the power

of the Agency to adopt ordinances and regulations to matters "sub-
stantially (emphasis added) affecting water purity, water clarity,
 or natural beauty", 3) expressly permitting a conflict of interest
 on the part of Agency members, 4) imposing an arbitrary \$150,000 ceil-
 ing on the Agency's operating budget, 5) proposing only a one-
 fourth share by Nevada in the financial support of the Agency (some
 \$40,000 of the \$150,000 proposed maximum budget), with California
 picking up the remaining three-fourths (some \$110,000 - or three
 times the Nevada contribution) and 6) deleting the Agency's power
 to approve public works projects of the states."

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Z'berg continued with a brief explanation of the effect of these
 proposed Nevada amendments.

"First of all," Z'berg said, "the change in voting procedure
 strikes at the very heart of the hard-won regional concept of Basin
 management, and if adopted would pit each state against the other in
 crucial policy decisions, leading to a stalemate and paralysis of
 meaningful Agency action which in most instances could potentially
 work against the best interests of the Lake even more destructively
 than the present profusion of governmental entities within the Basin.
 Under such an arrangement a truly bi-state regional agency simply
 would not exist; there would be merely two agencies of two different
 states existing side by side, agreeing on issues when it was in
 their own self-interest to do so."

"Secondly, the restriction of the Agency's powers to matters
substantially affecting water purity, water clarity, or natural
 beauty is a subtle but crippling blow to the Agency's effectiveness
 by destroying its ability to substantially regulate the orderly,
 long-term utilization of Basin resources. The California legisla-
 tion grants the power to the California Agency to "...adopt all

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necessary ordinances, rules, regulations, and policies to effectuate the regional and interim plans. These regulations shall contain general, regional standards including but not limited to the following: Subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts, and grading; piers; harbors, breakwaters; or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal in boats; mobilehome parks; house relocation; outdoor advertising; flood plain protection; soil and sedimentation control; air pollution; and watershed protection...' Adding the qualifying language proposed in the Nevada amendments is patently an effort to neutralize the formulation and enforcement of these Basinwide standards and is entirely inconsistent with the basic philosophy of the California Act, which is to provide an effective method of controlling the long-term development of the Lake Tahoe Basin in the total public interest. There can be no purpose for this qualifying amendment other than to provide the means of escaping from any meaningful Basinwide development standards. Any amendment that would provide such an escape is therefore completely unacceptable."

"Third, the amendments expressly authorizing a member of the Agency to vote on any matter in which he may have an economic interest is a shocking give-away of the right of the public to be protected from the use of public office for private gain, and can hardly be construed as meeting the demand of the public that its investment in Lake Tahoe be protected from the long-term excesses of overdevelopment. With the adoption of such an amendment and no requirement for full disclosure it is entirely conceivable that without public knowledge Agency members with major economic interests in the Basin could vote on policies favorably affecting their own self-interests."

"Fourth, the limitation on the Agency budget is completely arbitrary and unnecessary, and is a potentially very serious restriction on the Agency's ability to function effectively. Aside from the obvious fact that the Agency members are directly responsible to the people and are therefore subject to the same budget constraints as any public body, because no one can predict today the cost of saving Lake Tahoe, such an arbitrary limit can have no realistic basis. Although this ceiling may prove adequate for a time, if in the best interests of the Lake an increase should prove necessary, the raising of the limitation by the passage of identical legislation in both states and congressional ratification of an amended compact would be a cumbersome and highly uncertain process at best."

"Fifth, the proposal to limit Nevada's financial contribution to the support of the bi-state agency to one-fourth that of California' appears to be curiously inconsistent with the often-expressed view of high Nevada officials that Nevada shares an equal concern with California in the future of Lake Tahoe. Such unwillingness by our sister state to shoulder its share of the burden of protecting this future is even more interesting in view of Nevada's obvious effort with the unit vote amendment to obtain a permanent veto power over activities in the California part of the Basin."

"Finally, deletion of the Agency's authority to approve public works projects of the states poses a major, continuing threat to the integrity of the regional plan as finally adopted by the Agency. Because the finally adopted regional plan is required to be based upon soundly-conceived, thoroughly-researched and integrated data leading to the long-term preservation of the Basin environment, it is absolutely essential that the Agency possess the power to ensure

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the essential conformance of all proposals for development to the elements of the adopted regional plan. Public works projects such as freeways and highways are of such profound and irreversible importance to the general pattern of development in any community that the authorization of unilateral nonconforming action by the states in this area constitutes a serious compromise of the long-term effectiveness of the regional plan."

Z'berg noted that until the proposed Nevada amendments were announced, he had been encouraged by the consistently outstanding, strong public support given by Nevada officials to the adoption of effective bi-state regional agency legislation this year.

"In view of this," Z'berg concluded, "I am therefore most hopeful that Nevada officials will review these amendments once again from the point of view of what's best for the Lake and the people of Nevada, California, and the United States, and not what is in the self-interest of any one of the political entities or private land-owners in the Basin. If these proposed changes are measured on such a scale, I am confident that we can reach agreement on the provisions of legislation in both states that will provide for the responsible, long-term management of the Lake Tahoe Basin in the total public interest. If such agreement cannot be reached, however, I will have no choice but to vigorously oppose those amendments to the California Tahoe Regional Agency legislation which will weaken its ability to save Lake Tahoe."