

SENATE
PUBLIC RESOURCES AND ECOLOGY

Friday, March 16, 1973

The meeting was called to order at 1:30 o'clock p.m.

Senator Wilson was in the Chair

PRESENT: Senator Wilson Senator Blakemore
 Senator Echols Senator Bryan
 Senator Dodge

ABSENT: Senator Young Senator Hecht

ALSO PRESENT:

Elmo DeRicco Department of Conservation
Norman Hall Department of Conservation

The following discussion was held regarding additions, deletions and changes in SB 333*, which designates state land use planning agency and requires development of statewide land use planning process and land use program:

Chairman Wilson remarked that he had spoken with Elmo DeRicco and Norman Hall (legal counsel), both of the Department of Conservation and they had assured him that Section 11 was not necessary to be included in SB 333 during this session, as it is a program section and would not be used until after the land use planning agency is fully implemented, which would take at least two years.

After further discussion regarding Section 11, Chairman Wilson asked the committee if they would like to mandate the director to come back to the Legislature based upon the land use planning process involved. The committee agreed.

Senator Dodge stated that he would like to see the language substituted in Section 11 to include:

1. Develop land use planning process as required by the federal act.
2. Identify those areas of critical concern which can be factually supported as areas of great critical concern.
3. Develop an inventory of basic natural resources.

At this point the secretary called the Department of Conservation and requested Mr. DeRicco and Mr. Hall come to the hearing.

Policy decision on the number of those on the advisory council and on the review board were made as follows:

1. Advisory Board - representatives of urban and rural areas and planning commissions. This is where your technicians should be. Number to not be less than 17 with one from each county.

2. Review Board - Total number of members to be five (5) from Clark County, three (3) from Washoe County and two (2) from the rest of the State. Decision making board.

The above is not included in the bill at this time and should be added.

Mr. DeRicco and Mr. Hall arrived at the hearing.

Senator Dodge asked Mr. DeRicco if the process is the mechanics of building the coordinated structure of a land use program?

Mr. Hall answered with the following: "The Federal act describes it as 'money will be used in a manner to satisfactorily meet the requirements of a State land use process as set forth in Section 302', which says, 'The preparation and continuing revision of a state wide inventory of State's land and natural resources, the compilation and continuing revision of data, projection of the nature of land suitable for recreation, etc.'

After more discussion and comparison with the Federal Act, Mr. DeRicco suggested that the process should specifically identify for budgetary purposes, and for legislative purposes for next time. That he would like it spelled out in law regarding the route the Department of Conservation should go in implementing the land use process within the State. He favored the route of using the existing agencies who already have the capability of bringing in the results which are then cranked into this process because there is no sense in setting up a transportation capability when you already have it in the Highway Department, etc.

He would then report back to the Legislature, identifying all things to them.

The committee then went down through the bill by each section as follows:

Sections 1 and 2 okay.

Section 3 - Make it a definition section.

Sections 4, 5 & 6 - Agreed generally okay.

Section 7 - okay except change Line 19, Page 4, to read "2. The director shall:"

Section 8 - change Line 27, Page 4, to read, "...and may be representative of urban and nonurban areas." Also add to this section the language: "The Governor shall have the power to make such additional appointments as may be necessary to meet Federal criteria." A term in office should be written in.

Section 9 - Line 38, Page 4, strike the word "annual".

Section 10 - okay.

Sections 11 and 12 - Delete and write new sections as:

1. Section 11 - Identification of critical concern.
2. Section 12 - Procedures and mechanics for action of identified areas. (Action paragraph.)

Mr. Hall then read the Federal definition of "areas of critical concern" as: "The term of 'critical environmental concern' means areas designated by the state on non-federal lands or uncontrolled development could result in nonreversible damage to important historic, cultural or aesthetic values or natural systems or processes which have more than local significance or would unreasonably endanger life or property as a result of natural hazards of more than local significance." (Title 5, Section 501.)

Senator Dodge suggested that the word public be used instead of local.

The above it was agreed should be included in Section 12.

Sections 13, 14, 15, 16 and 17 - Okay.

Add new section which would give the Legislative intent of a meaningful land use program. Also, added would be the direction to the director to return in 1975, with proposed additions which would have to be added to the bill at that time.

Senator Bryan recommended that amendments be made and the bill be referred back to committee for final action.

The meeting was then adjourned at 3:10 o'clock p.m.

Respectfully submitted:

Molly M. Torvik
Acting Secretary

APPROVED BY:

SENATOR THOMAS WILSON, Chairman