

MINUTES

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE  
March 22, 1977

Members Present: Chairman Moody  
Mr. Coulter  
Mr. Chaney  
Mr. Jeffrey  
Mr. Kissam  
Mr. Polish  
Mr. Ross  
Mr. Serpa  
Mr. Rhoads

Guests Present: Addison A. Millard, Division of Lands  
Fred Welden, Division of Lands  
Bob Hicks, Division of Lands  
Norman Hall, Department of Conservation  
Gene Terry, Mineral County  
Boyd Jensen, Mineral County  
George Noland, Mineral County  
H. R. Wheeler, Mineral County  
Leona Jensen, Mineral County  
Lori Larson, W.N.C.C.  
Carl Chaplin, W.N.C.C.  
Patti Barron, W.N.C.C.  
Robert Warren, Nevada League of Cities  
Bob Alkire, Kennecott Copper Corporation  
Howard Winn, Nevada Mining Association  
Steve Robinson, Department of Conservation  
Larry Bettis, D.A., Mineral County  
Steven Stucker, N. Las Vegas, Deputy City Attny.  
H. E. Rountree, Walker River Irrigation District  
Bill Frade  
Robert J. Matthews, Lyon County  
Etalo Lommori, Lyon County  
Gene Milligan, Nev. Association of Realtors  
Daisy Talvitie, League of Women Voters  
Joe Dini, Jr., Assemblyman  
Irmalee Ross

The meeting was called to order by Chairman Moody. He stated that this meeting was called for the purpose of taking testimony on A.B. 79, which had been introduced by Assemblyman Dini. He called for testimony in favor of A.B. 79.

ASSEMBLY BILL 79 - Removes "areas of critical environmental concern" from state land use planning.

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Joe Dini, Assemblyman from District 38, who introduced A.B. 79, stated that, in essence, this bill deletes from our State Land Use Planning Agency statutes the reference to "areas of critical environmental concern". These are contained in 321.660, 321.680 and 321.770 in the Statutes. When State Land Use Agency legislation was passed in the 1973 session, the intent of the bill was to comply with the possibility of the Jackson Act being passed in Congress, and from this certain funds would be made available for State Land Use Planning, and, therefore, this agency was created. The bill was never passed in Congress, the funds were never forthcoming from the Federal Government, and in the drafting of the bill much of this land was taken from the Federal Act. He has seen the application of this act the past year or so, and the particular area which he is interested in is the Walker Basin. Mr. Dini stated that he does not have any water rights in Mason Valley or on the Walker River in his name so has no conflict of interest. What he has seen developed by leaving this language in the law is the continuous harassment and fights between upstream and downstream water users on a river basin. This can happen on any one of our streams in the State of Nevada. It creates a lot of hard feelings that are unnecessary, and he feels that there are other adequate protections in the law for regulation of water pollution, or this type of thing. He doesn't feel that it is the intent of the people on an upstream river source to degrade the river to a point where it is going to affect the downstream users of the water. Mr. Dini feels that some of these things have happened over 100 years of usage of the water for irrigation, and he feels that the category of "area of critical environmental concern" should be deleted from the law by adoption of A.B. 79. He said there are other speakers here who would probably offer some amendments, and there is a possibility of discussing it with the agencies involved and he is not after the people in the agencies as they have done an admirable job in the hearings on the Walker River. There is some safeguard in the law in that the Governor has to make the final determination of declaring an area of critical environmental concern. The purpose of this bill is only to delete this language and not take away any other function of the agency. He does not want to delete the agency.

Mr. Moody asked what the protections are that we do have now. Mr. Dini replied that it is used, such as on the Walker, as an avenue to take water rights away from people who have had established water rights, which is a negative approach to the use of the law. This is his principal objection to the use of the law. As far as degrading the water is concerned, we have the Clean Water Act of 1982, in which you will have to comply with improving the quality of the water in the rivers. We have our own monitoring system within the State Health Department on the rivers. These types of things are available right now.

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As far as changing the usage of the water on the river by using this law, he feels this is grossly unfair. The waters are adjudicated by Federal Judges, appropriated according to law, and if there is something wrong with the way they are handling their system of appropriating the water, that can be challenged in Federal District Court at any time by anyone.

Norman Hall, Director of the Department of Conservation and Natural Resources, said that in 1973, the Legislature established State Land Use Planning on the assumption that federal legislation would pass, and this legislation has never been passed by Congress. The idea of areas of critical environmental concern came from that federal legislation. He was concerned about the enforcement after an area is designated a critical environmental area. N.R.S. 321.770 requires promulgation of the minimum standards and adoption of the land use plan by the state. N.R.S. 321.810 requires enforcement by the Administrator and the respective political subdivisions. This would present similar enforcement problems which have been encountered by the Tahoe Regional Planning Agency and some of the counties. He supports the intent of A.B. 79.

Addison A. Millard, Administrator of Regional State Lands, presented a prepared statement, a copy of which is attached hereto and marked Exhibit A. Mr. Millard and Mr. Hall have appeared before a Senate committee and offered, at that time, some suggested amendments to the statute. Mr. Millard presented the suggested amendments to the committee, a copy of which is attached hereto and marked Exhibit B.

Mr. Moody asked if we are going to see the federal government administer the state lands. Mr. Millard responded that the potential exists that the Secretary of the Interior through the Bureau of Land Management, when you consider the fact that almost 87 percent of our state is involved in their function, could pick potentially any area in this state and designate it as an area of critical concern if they felt it were necessary. It would involve the local governments. If you look at what happened to some cattle people in the checkergoat area, which extends from one side of this state to another in a 50 mile width, wherein they controlled the number of grazing cattle, which limits the number on the adjacent private ownership, that there should be some concern in this area and the state should be watchful as to what they might involve local governments with in these areas.

Mr. Rhoads referred to the last paragraph in Exhibit A, regarding the monitoring of planning by federal land management agencies.

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Does this mean that all of the federal land management programs that are currently going on, you would actively take a part in them? Mr. Millard said that they get copies of those, and it is a monumental chore, but yes, they would.

Mr. Rhoads asked if this amendment would strengthen the help of the agency in that area. Mr. Millard replied that he believes that it would, providing they get the support of the local governments.

Mr. Bob Alkire, of Kennecott Copper Corporation, stated that while they are not directly concerned with Walker River Basin problems, the thing that troubles him about the current phrasing of the statute is that when applied throughout the state and rural areas, such as White Pine County where they operate, it could have some long range detrimental effect on wise land use planning in those areas where the term "critical environmental concern" is so vague that it could be applied to practically any acre of ground in that part of Eastern Nevada. He upholds the amendments that Mr. Millard has presented. But he thinks that we in Nevada can do the best job for Nevadans by not having this type of language in our statutes and, by the same token, empowering or directing the State Land Planners to help us defend ourselves against the Federal Government.

Gene Milligan, representing the Nevada Association of Realtors, stated that they were not in favor of the language involving areas of critical environmental concern when this was originally passed. One of the main things to consider, and from their viewpoint it is extremely important and important to every citizen of the state, is that one of the important things our country is based on is private property ownership. Even though the current planners are extremely capable and cooperative, that doesn't mean that they will be there forever. When you establish an area of critical environmental concern, it is possible to establish it for most any reason because the criteria set out involve archeology, historical concern, resource concern, air, water, etc. It does have to be of regional significance which is an important factor, but when it is established, it changes the use of the property in that area very significantly, or it can. It becomes similar to Lake Tahoe which is no longer under the control of the local government bodies, but is basically under the control of the state. When these areas are established, then the logistics of control come into effect. It becomes very stringently controlled. The people who own property in those areas have lost their rights, or they can be reduced, or the use is changed to reduce the rights and values. They are mainly concerned about the potential of these areas being established, like Lake Tahoe.

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Mr. Jeffrey referred to a letter from Clark County Department of Zoning and Comprehensive Planning, stating that if A.B. 79 passes it would leave the local entities without a planning tool that can be utilized to protect areas of statewide importance.

Mr. Milligan stated that they have a Regional Planning Agency in Clark County, but Mr. Jeffrey said it does not cover these kinds of areas. Mr. Milligan said that once you have an area of critical concern you are locked in. He feels that these things can be handled better at the local level. If they are not set up to handle these things now, something should be done to take care of this. Powers shouldn't be given up to the state to solve the problem.

Mr. Moody referred to the problems at Lake Tahoe, and asked if Mr. Milligan didn't feel that there should be any environmental controls. Mr. Milligan responded that we now have a federal district and the counties have lost their control and it is a federal operation now. In the state, it would become state operation within counties crossing county lines, and they believe this diffuses the governmental structure of the state. He believes in protection of Lake Tahoe, but still this would be the same sort of thing as far as the enforcement and organization are concerned, except at a lower level. Mr. Moody said that up there it crosses county and state lines and there has to be more than one county involved in the protection of the environment. Mr. Milligan agreed, but said that what has happened is that the counties have lost any powers to have any influence over what is happening in their county.

Howard Winn, representing the Nevada Mining Association, stated that the Mining Association has a deep interest in land use planning. They strongly believe that land use planning, if it is to be successful anyplace, must be done on a purely and carefully stated local level. It should be at least 95 percent local, no more than 4 percent state, and no more than 1 percent federal in its controls. The State Land Use Plan is important, however, because there always will occur conflict in interests between local areas in their land use planning. Regarding A.B. 79, as used in our present law, the designation to be deleted is an erroneous one in that he believes that what is being talked about here is areas of environmental conflict. Land use planning is to improve the quality of life. One of the ways of improving the quality of life in our state is through designation of environmentally endangered areas, but that is only one of the ways, so to use the designation "critical environmental areas" to identify those areas in land use planning that need resolution of a problem at other than local levels is a mistake, and he agrees with this legislation because it eliminates this

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particular designation. He suggested that what the law needs in Nevada is an impasse procedure of some kind where when two areas have an overlapping and contrasting need in land use planning that there is somebody to resolve the problem. There should be some board or commission that would be between the development of conflict in the courts, to try to arbitrate the issue. An agency of the state should not make an arbitrary judgment as to which one was right. He feels that the present law is using land use planning to resolve a water quality question, and he thinks that is wrong and would eventually destroy land use planning. He recommends that A.B. 79 be looked upon favorably.

Mr. Moody asked about Mr. Winn's statement that he felt that somebody should be able to make a decision, but he doesn't feel that it should be this state board. Mr. Winn said that he wouldn't mind having the board do it, but he wouldn't want an agency head to do it. It is too big and intimate a problem for an agency head to resolve.

Chairman Moody called for testimony in opposition to A.B. 79.

Daisy Talivitie, State President of the League of Women Voters of Nevada, spoke for the membership stating that the League opposed A.B. 79 as the importance of areas of critical environmental concern can only be estimated as none have been designated as yet. The purpose of adopting a state land use planning act would be seriously affected by the deletion of this provision for it would greatly limit the ability of the State Land Use Agency to deal with matters of real importance to our state. The areas of critical environmental concern and the limited areas approach are specifically designed to deal with problems crossing political boundaries and jurisdictional lines and also to deal with those areas that are critically threatened environmentally. It would then allow the state to develop overall policies for local governments to follow. In its record to date, there is no evidence to fear that the state will fail to consider the views of local government and the general public. Among the areas that have been recommended by local governments for designation as areas of critical environmental concern are the Las Vegas Wash, the Red Rock Recreational Area, Calico Basin and Douglas Stand to determine if these areas would qualify. We should view the state agency as an aid to local government rather than an enemy. In some areas of the state, specifically Clark County, there has long been a demonstrated need for better land use planning. In a survey, planning was the area of greatest dissatisfaction because of some critical problems crossing entity jurisdictional boundary lines that were not being settled; the inability to get interlocal agreements; the weakness of the regional planning council. Vegas Wash covers

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at least four governmental entities that would be involved. It has one of the greatest potentials for biological studies. There is a major erosion problem and it is a mixture of public and private lands. After a study by the League of Women Voters at both the state and national levels, by consensus of the membership throughout the state of Nevada and the nation, they have adopted a position which recognizes land as a finite resource, not just a commodity, with the belief that land ownership, both public and private, implies responsibility of stewardship. They believe that the designation of areas of critical environmental concern properly falls with the state after input and consultation with both the public and the local entities.

Mr. Rhoads asked what happens when the area is designated as an area of critical environmental concern. Mr. Talivitie answered that basically this would mean that the state would develop it and you would have to go through public hearings and consultations before it was designated. Then they would have to establish overriding policies and things that the local entities would have to follow in developing the area. Mr. Rhoads asked if under "areas", would that include private land. She answered that yes it could include private land. Mr. Rhoads asked if, theoretically, could that affect land he was running livestock on. She said she doubted it would go that far as it would probably be something that was seriously threatened, such as the Vegas Wash, or areas of that nature.

Mr. Kissam asked if there have been any areas designated since the act was passed in 1973. Mrs. Talivitie said no, the budget of the Land Use Planning Agency has been very low because there has been no federal funding available and the large part of the budget has come from HUD funding.

Mr. Jeffrey stated that probably the reason that there haven't been any designated areas yet is that the State Land Use Planning Agency has been holding hearings for the last few years in the various jurisdictions but nothing has come out yet.

Mr. Millard said that the first designation of a critical area was made on February 10, 1976. That was the only time that a critical area has ever come before the Land Use Planning Agency. The hearings that Mr. Jeffrey was referring to were orientation and training conferences conducted by the Land Use Planning Agency to familiarize local officials with the problems of land use planning, not necessarily to determine critical areas. They have been working on the Walker River Basin for approximately one year with a great deal of study involving federal and state agencies. They have a 150 page report concerning this but are not in a position yet to make a decision.

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Boyd Jensen, representing the Mineral County Board of County Commissioners, presented a prepared statement, a copy of which is attached hereto and marked Exhibit C.

Gene Terry, also representing Mineral County, stated that anyone who has been around Walker Lake knows that they have an area of critical environmental concern. The lake is, and has been, polluted for 100 years and no one has done anything about it. This is the first agency of the State of Nevada which has even come in to look at the problem. Now they are saying "hands off". He feels that it is a sell-out by state land use. It is a hot potato, a political thing, and no one wants to touch it. The fact is that the lake is polluted. He distributed State Water Quality Standard Tables dating from January 1, 1969. A copy of these tables is attached hereto and marked Exhibit D. There are 409 total violations of the water quality standards, which he feels are too low to begin with. There has been no enforcement regarding this. If the state doesn't take care of the problem, then the federal government will step in and take over.

Larry Bettis, District Attorney of Mineral County, stated that the State Land Use Planning Agency has been acting as a mediator or negotiator between counties or multiple districts suffering from areas of environmental concern. He feels that this is the adequate place to have this mediation. Counties cannot have mediation on their own when they are diametrically opposed to the problems being presented by the pollution that is being created possibly by one governmental entity that affects another. If it affects one to their benefit, they are not going to be amenable to mediation with a downstream or county below that area that is detrimentally affected. Second he pointed out that the State Land Use Planning Agency, because of the nature of many of our rural counties, is the only agency we can turn to for the expertise necessary. They can draw on other agencies at their disposal to gather information to assist in drawing up plans for state land use. The local governments, particularly in the rural counties, cannot afford to hire engineering firms or other specialists to assist them. This particularly affects areas of critical environmental concern if you reduce the power of the agency to implement regulations. The law provides for adequate local control and local input.

Steven Stucker, Deputy City Attorney for North Las Vegas, stated that his people feel that this act is unnecessary in that it does divest the Land Use Planning Office of the power to designate these critical areas. These areas may be across jurisdictional boundary lines. The state should have the power to



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make these designations of these areas which are either across jurisdictional boundary lines or where they are contiguous to another area that may definitely affect that area. In response to Mr. Rhoads previous question about areas of critical environmental concern, he said this is defined in 321.660 as "any area in the state where uncontrolled development could result in irreversible degradation of more than local significance." He feels that that is part of the key to this bill in that it is of more than local significance. There must be hearings and input by cities and other local governments before regulations can be adopted pursuant to this act. This would be the place to go if there were a problem of a jurisdictional nature. He opposed the bill.

Bob Warren of the Nevada League of Cities stated that Mr. Stucker did not represent the thinking of all of the cities. There is quite a split among his constituency, 17 cities, as to whether or not this wording should be deleted. He thought this may be a quarrel over a conflict, that this designation may not necessarily cover all the things, and that we should be concerned instead with trying to find an alternative impasse procedure as there is also the quarrel over the state being the last area of authority. Another alternative might be the using of the presently constituted State Land Use Planning Agency Advisory Committee which is composed of local representatives of cities and counties and local governments so when there is a dispute between various elements of local governments, there are already people from all local areas who could help mediate the dispute. Some cities are for and some against the bill.

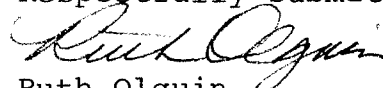
Mr. Ross asked Mr. Warren if he is authorized to specify what the position is of the various cities in Clark County. Mr. Warren said he would have to check to see if he had letters from all of them.

Mr. Moody asked Mr. Warren if he could provide that information regarding Clark County. Mr. Warren said he would.

The hearing was concluded on A.B. 79.

Also attached hereto, and marked Exhibit E, are communications from various cities, organizations and individuals regarding A.B. 79.

Respectfully submitted,



Ruth Olguin  
Assembly Attache

Assembly Committee on Environment and Public Resources

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STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

March 18, 1977

COMMENTS BEFORE ASSEMBLY COMMITTEE  
ON ENVIRONMENT AND PUBLIC RESOURCES

AB 79

Assembly Bill 79 removes the statutory authority for the State Land Use Planning Agency to analyze and designate areas of critical environmental concern. Existing law provides a means for local governments to request or nominate an area to the State Land Use Planning Agency for such a study and eventual determination. The problems in the area must be of more than strictly local concern, and the threat of degradation must be immediate. The State Agency offers the professional skills necessary to gather pertinent information, study possible course of action, and give recommendations to the involved local governments concerning how the problems might be solved. If the local governments do not act, the State Agency is empowered to proceed. After preparing a plan, receiving local input, holding public hearings, receiving advice from the State Land Use Planning Advisory Council, and obtaining concurrence of the Governor, the Administrator of the Division of State Lands may designate the area as being of critical environmental concern. At that time, the previously prepared plan officially takes authority over local actions in the designated area.

Approximately one year ago, the Land Use Planning Agency received a nomination from Mineral County to become involved in the determination of a potential critical environmental area in the Walker River Basin. Since that time, three other areas in Southern Nevada have been suggested to the Land Use Planning

Agency for possible study and nomination.

The past year has provided an opportune experience factor. Through the expertise, thorough analysis and complete investigation by the staff of the Nevada Land Use Planning Agency, it can be concluded that arrival at solutions to problems within potential areas of critical environmental concern are most difficult, very involved, and affect a great number of people. In such analysis and determination, political, social and economic considerations and attitudes of those persons and local governments involved are understandably ones of concern. With very limited resources and a small staff, it is difficult for the State Land Use Planning Agency to become and remain effective. The Administrator of the Division of State Lands and the two Land Use Planners are also placed in the position of being negotiator and mediator between those persons who are either for or against such State intervention. Without any ability for final enforcement other than through the system of courts in this State, the designation of an area of critical environmental concern actually becomes an exercise in resource development.

It is the recommendation of this Agency that those portions of NRS 321 dealing with areas of critical environmental concern be seriously considered for amendment as perhaps cited in Assembly Bill 79. Should it be the final decision for retention of the language relative to areas of critical environmental concern in some means within the statute, then it is the recommendation of this Agency that the concurrence of the Governor be removed and instead the concurrence of local governments involved within the area of concern be required before any action could be taken by the Administrator of the Division of State Lands.

One point of prime importance must be emphasized, that being the "Organic Act (PL 94-579) which was passed by the Congress and signed by former President Ford last October. This law contains a provision that the Secretary of the Interior shall inventory and give priority to areas of critical environmental

concern. Thus, it is believed there should be a provision within the Nevada Revised Statute that would empower the Administrator of the Division of State Lands and the Land Use Planning Agency to be effective in the area of investigating a potential federal designation, and in representing and acting for and with those local governments who might become so involved. It is believed that a portion of the amended statute could read as follows: The Administrator of the Division of State Lands shall closely monitor planning by federal land management agencies and shall represent the interests of the State and its local entities when local land use plans or state policies are affected by federal planning activities or designation.

AAM/kam

SUGGESTED AMENDMENTS TO NRS 321.640-321.810

Prepared by:

State Land Use Planning Agency  
February 28, 1977

## I. NRS 321.640 is hereby amended to read as follows:

321.640 The legislature hereby finds and declares that:

1. There is a statewide public interest in a more efficient system of land use planning and decisionmaking.

2. The rapid and continued growth of the state's population, expanding urban development, increasing pressures upon natural resources, conflicts in patterns of land use, a lack of state land use policy and planning and increased size [, scale and impact] and scale of private actions have created a situation in which land use management decisions of wide public concern often are being made on the basis of expediency, tradition, short-term economic considerations and other factors which too frequently are unrelated or contradictory to sound environmental, economic and social land use considerations.

3. The task of land use planning and management is made more difficult by the lack of understanding of, and the failure to assess, the [land use impact] effects of federal, regional, state and local programs and private endeavors which do not possess, or are not subject to, readily discernible land management goals or guidelines, and that state land use policy is needed to develop a state and local awareness of [, and ability to measure,] the land use [impacts] problems inherent in most public and private programs and activities.

4. Adequate data and information on land use and systematic methods of collection, classification and utilization thereof are either lacking or not readily available to public and private land use decisionmakers, and a state land use policy must place a high priority on the procurement and dissemination of land use data.

5. The land use decisions of the Federal Government, including those concerning the federal lands, which comprise 86.4 percent of the lands of Nevada, often have significant [impact] effect upon statewide and local environments and patterns of development, and a federal land use policy ought to take into consideration the needs and interests, and invite the participation of [,] state and local governments and members of the public. (A)

6. The most successful state land use planning program in terms of quality and acceptance will be based upon a properly defined role for all levels of government, with the primary authority for the planning process remaining with the local governments, which are closest to the people. Nothing in this Chapter shall be construed to give the State Lands Division authority to overrule local government planning or zoning.

7. The policy of the state land use planning process must be that maximum use be made of local governments' plans, and that local plans be based upon the ability of resources to support growth and development, and upon the provisions of chapter 278 of NRS.

8. The state land use policy and planning program is vital to protect the interests of the people of Nevada (in) when federal land use and management decisions are made over federally owned lands within the State of Nevada. The State of Nevada, through its state lands division, must review and evaluate the policies and activities of the Federal Government with respect to federal lands and represent and defend the interests of the state and its local or regional entities, or both, as these entities are affected by policies or uses made of federal lands.

6) 9. Unplanned development (in critical environmental areas) can and has resulted in irreparable damage to natural resources. The available supply of water, the effects upon air quality, land capabilities and various other factors mandate the proper location, type and scale of future developments. It is therefore imperative that (a land planning and use authority be established to) local land use planning guide the conversion and use of lands in accordance with sound environmental, economic and social considerations.

II. NRS 321.650 is hereby amended to read as follows:

321.650 As used in NRS 321.640 to 321. 810, inclusive, and section 60 of this act the words and terms defined in NRS 321.655 to 321.690, inclusive, have the meanings ascribed to them in (such) those sections unless the context otherwise requires.

III. NRS 321.655 is hereby amended to read as follows:

321.655 "Administrator" means the executive head of the (division of) state lands division of the department of (conservation and) natural resources.

IV. NRS 321.700 is hereby amended to read as follows:

321.700 In addition to any other functions assigned to it by law, the (division of) state lands division of the (state) department of (conservation and) natural resources is hereby designated as the state land use planning agency for the purpose of carrying out the provisions of NRS 321.640 to 321.810, inclusive, and section 60 of this act and fulfilling any land use planning requirements arising under federal law.

V. NRS 321.710 is hereby amended to read as follows:

321.710 1. The administrator shall administer the activities of the state land use planning agency. He (shall have) has the primary authority and responsibility in the state for the development and operation of a state land use program.

2. The activities of the state land use planning agency which have priority are:

(a) Provision of technical assistance in areas where such assistance is requested.

(b) Activities relating to federal lands in this state; and

(c) Investigation and review of proposals for designation of areas of critical environmental concern and the development of standards and plans therefor.

3. In addition to the assistant provided by subsection 3 of NRS 321.010 he may appoint, subject to the availability of funds, such professional technical, administrative, clerical and other persons as he may require for assistance in performing his land use planning duties.

VI. NRS 321.730 is hereby amended to read as follows:

321,730 In development of the statewide land use planning process:

1. The administrator shall:

(a) ~~Give priority to the development of~~ *Develop* an adequate data base for a statewide land use planning process using data available from existing sources wherever feasible.

(b) ~~Coordinate the~~ *Initiate the coordination of* activities of the state land use planning agency with:

(1) The planning activities of all state agencies undertaking federally financed or assisted planning programs insofar as such programs relate to land use;

(2) The regulatory activities of all state agencies enforcing air, water, noise or other pollution standards;

(3) All other relevant planning activities of state agencies;

(4) Flood plain zoning plans approved by the Secretary of the Army pursuant to the Flood Control Act of 1960 (33 U.S.C. §§ 642 et seq.), as amended;

(5) The planning activities of areawide agencies designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. §§ 3301 et seq.), as amended;

(6) The planning activities of local governments and regional planning commissions; and

(7) The planning activities of federal agencies.

2. The administrator shall:

(a) Invite participation by and consider information from cities, counties and regional planning commissions or agencies.

(b) Conduct public hearings, with adequate public notice, allowing full public participation in the development of the state land use program.

(c) Make available to the public, promptly upon request, land use data and information, studies, reports and records of hearings.

VII. NRS 321.770 is hereby amended to read as follows:

1. The administrator shall:

(a) With the concurrence of ~~the governor,~~ the governing bodies of all affected cities and counties, designate areas of critical environmental concern within the State of Nevada.

(b) Promulgate minimum standards and criteria for the conservation and use of land and other natural resources therein.

(c) Adopt a land use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land water, air space and other natural resources within the area, including but not limited to, an allocation of maximum population densities.

2. The administrator shall promulgate procedures for carrying out the provisions of paragraphs (b) and (c) of subsection 1 which shall include:
- (a) A request for information and recommendations from private interests affected and from cities and counties affected and their regional planning commissions if any.
  - (b) Advice and recommendations from the state land use planning advisory council.
  - (c) A public hearing upon notice given by at least one publication at least 20 days prior to the hearing in a newspaper or combination of newspapers of general circulation throughout the area affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.

3. An area of critical environmental concern shall not be designated without:

- (a) The promulgation of the standards required by paragraph (b) of subsection 1;
  - (b) The adoption of the plan required by paragraph (c) of subsection 1; and
  - [(c) A finding by the administrator that the potential degradation of or within the area is so imminent as to require immediate action.]
- ... (c) The concurrence of the governing bodies of all affected cities and counties.

4. The administrator shall closely monitor planning for areas of critical environmental concern by federal land management agencies, and shall represent and defend the interests of the state and its local entities when local land use plans or state policies are affected by such federal planning activities.

VIII. NRS 321.780 is hereby amended to read as follows:

321.780 The Provisions of NRS 321.720, 321.730 and 321.770 and section 60 of this act may be (implemented) carried out in whole or in part with the cooperation and assistance of other state agencies as directed by the governor.

IX. Chapter 321 of NRS is hereby amended by adding thereto a new section which shall read as follows:

*The state land use planning agency shall review and evaluate land use policies and activities for lands in Nevada which are under federal management, and shall represent and defend the interests of the citizens of the state as these interests are affected by federal land use policies and activities.*



We oppose Bill #AB-79 on the following basis: that it would remove the authority to declare areas of critical environmental concern from the State and Use Planning, <sup>Agency</sup> and give it to no one on the state level, thus returning it to County Government, which is as it should be when the cause and the problems are confined to one county or city. But in the case of the Walker River Basin where many counties are involved, we believe that the State Government must be involved to help solve the cause and the problem.

On February 1<sup>st</sup>, 1976, Mineral County requested that SLUPA under this law as it now stands, to declare Walker River Basin an area of critical environmental concern. After many months of meetings, a very extensive and expensive report has been put together. This report constitutes many hours of work by numerous State Agencies and Private Concerns to furnish information to SLUPA plus the cost of hiring Vassey-Scott Engineering to compile it.

Mr. Addison Millard, administrator of SLUPA stated in Senate hearing on Monday March 7, 1977, that his recommendation to the Governor, which is the next step in the format, would very probably be in favor of declaring Walker an area of critical environmental concern.

Gentleman: The degradation of Walker Lake has not come about over night. Many decades of use and abuse of water up-stream has made it what it is today; A large, very brakish and polluted body of water. Walker Lake, in years past, has produced some of the largest cut-throat trout on record, in the world, because this breed of fish thrive on the conditions that existed in the Lake.

The summer activities on Walker Lake, that pertain to water sports, in past years, have been very successful. They consist of boat racing, water ski competition and water ski racing, plus thousands of people each summer from all over the west who occasionally use it; to people from Nevada and California who use it numerous times during the summer; to locals who use it every weekend.

In past years Walker Lake, in the spring, would, as is commonly called "turn-over". This being the algae produced by polluted water from the previous year, coming to bloom and floating to the surface. This algae, do to prevailing winds, eventually ends up on the south shore, the Hawthorne end of the Lake, where it rots turning from 5 to 8 miles of beach into a haven for the breeding of flies and other insects that are known health hazards. This rotting process also causes a very heavy and offensive odor, which again do to prevailing winds - is forced into the homes and businesses of 75% of the population of Mineral County. The people have learned to live with this process, which usually lasts for from one to three weeks.

If these pollutants are not stopped or slowed down in the near future, that cause this process, the following will happen: First: When the algae blooms it pulls the oxygen out of the bottom part of the lake, this in conjunction with the lowering of the lake level, causes the heat to penetrate to a point where the fish are given a choice of trying to live in warm water or in water with no oxygen, neither of which they can do.

Eventually the fish will be eliminated and Mineral County and the State of Nevada will lose a very valuable and unreplacable fishery. Second: In the spring and summer of 1975 the Lake "turned-over" twice, and in 1976 sparatic "turn-over" was noticeable throughout the warm months. If this pollution is not stopped or slowed down, a large majority of the residents of Mineral County are going to be forced to either move or smell these very heavy and offensive odors during the entire summer and warm months.

D All summer activities at the lake will stop. Who wants to swim, ski, or boat in water that has reached near sewer conditions.

It is the opinion of many - that nothing can be done to save Walker Lake. We in Mineral County and many many others do not believe this. Nevada is not the land of 10,000 lakes. Maybe Michigan or Minnesota could afford to lose a lake, but no prudent man can believe that to be true in this state.

We believe nature and fate of geography has caused some of this problem but man is the great contributor. We believe that with the technology that is in or available to the State of Nevada and with the law as it now stands, forcing the counties involved to sit down and find a rashional solution so that 75% of the residents of Mineral County will not be given the choice of moving or literally living next to a sewer, that is not of their own making.

So we urge you to leave the law as it now stands, which at present is our only avenue without asking for Federal intervention to save, first: Walker Lake, Second: a large part of Mineral County and third: a small but needed part of the great State of Nevada.

WS  
STATION # 310023  
1964 stds apply

NAME OF STREAM M.F. Walker River  
Control Point BLW, Tapaz Diggins  
[Above Tapaz Lake]

Sampling Freq. Monthly  
Reporting Period from 1/75  
to 12/76

	Number of Samples	Avg. Conc. Avg. W.Q.S.	Single Value STD. (S.N.S.)	# S.V.S. VIOLATIONS	JUNE-SEPT AVERAGE STD/# Sam.	JUNE-SEPT # S.V.S. VIOL./# Sam.	OCT-MAY AVERAGE STD/# Sam.	OCT-MAY # S.V.S. VIOL./# Sam.
Temperature - °C	19	—	—	—	17.9 ≤ 16/6	1 ≤ 22/6	8.00 ≤ 14/14	1 ≤ 14/14
					STANDARD DEVIATION			
pH	20	8.11 7.5-8.5	6.5-8.5	1	√ = 0.27 for AVG. CONC.			
D.O. - mg/l	20	10.5 ≥ 8.0	≥ 7.0	0	√ = 1.18			
BOD - mg/l	20	1.67 —	≤ 10	0	√ = 0.66			
Chlorides - mg/l	20	10.10 —	≤ 15	2	√ = 4.9			
Total Phos. - mg/l	20	0.20 ≤ 0.2	≤ 0.4	1	√ = 0.08			
Ortho Phos. - mg/l	20	0.17 —	—	—	√ = 0.07			
Nitrates - mg/l	20	0.50 —	≤ 2.0	0	√ = 0.24			
Tot. Diss. Solids - mg/l	20	133.4 ≤ 125	≤ 175	4	√ = 54			
Coloc - PFCO	20	17.3 —	≤ 10	14	√ = 8.5			
Alkalinity - mg/l	20	80. —	—	—	√ = 32.8			
Bicarbonate - mg/l	20	85.1 —	—	—	√ = 37.2			
Carbonate - mg/l	20	5.0 —	—	—	√ = 7.80			
Total Coli - /100 ml	17	545 —	—	—	√ = 601.2			
Focal Coli - /100 ml	20	148.3 G.M. ≤ 100	≤ 200	0	√ = 234			
Turbidity - J.T.U.	20	5.9 —	≤ 10	1	√ = 4.4			
Approx. Flow - c.f.s.	—	—	—	—	—			
					409 TOTAL VIOLATIONS			

W1

Station # 310025

Name of Stream Walker River  
Control Point @ Wellington

Sampling Freq. Monthly  
Reporting Period from 1/69 to 6  
10 to 1969 = omitted

	Number of Samples	Avg. Conc. Avg. W.D.S.	Single Value Std. (S.H.S.)	# S.V.S. Violations	June-Sept Average STD/# Sam.	June-Sept # S.V.S. Viol. STD/# Sam.	Oct-May Average STD/# Sam.	Oct-May # S.V.S. Viol. STD/# Sam.
Temperature - °C	79	11.13	-	-	18.3 ≤ 16/24	3 ≤ 22/24	8.0 ≤ 14/55	5 ≤ 14/55
STANDARD DEVIATION								
pH	80	8.17 7.5-8.4	6.5- 8.5	8	σ = 0.27 for AVG. CONC. All S.V.S. viol's > 8.5			
D.O. - mg/l	80	9.91 38.0	≥ 7.0	0	σ = 1.48			
BOD - mg/l	79	2.48	≤ 10	0	σ = 0.87			
Chlorides - mg/l	80	11.75	≤ 15	19	σ = 8.93			
Total Alkal. - mg/l	79	0.19 ≤ 0.2	≤ 0.4	2	σ = 0.09			
Ortho Phosp. - mg/l	79	0.09	-	-	σ = 0.07			
Nitrates - mg/l	80	0.52	≤ 2.0	1	σ = 0.28			
Tot. Diss. Solids - mg/l	80	129 ≤ 125	≤ 175	11	σ = 54.7			
Cobalt - P.T.C.O	80	16	≤ 10	10	σ = 12.5			
Alkalinity - mg/l	80	85.8	-	-	σ = 24.4			
Bicarbonate - mg/l	80	96.7	-	-	σ = 30.4			
Carbonate - mg/l	80	3.8	-	-	σ = 4.9			
Total Coli - /100 ml	76	637	-	-	σ = 1697.			
Fecal Coli - /100 ml	80	36. S.M. ≤ 1000	≤ 2400	0	σ = 118.6			
Turbidity - J.T.U.	80	4.4	≤ 10	3	σ = 3.7			
Approx. Flow - c.f.s.	67	-	-	-	154. -/20		76. -/47	

WZ

STATION # 310026

NAME OF STREAM W. F. WALKER RIVER  
Control Point @ Nurdyke Rd.

SAMPLING FREQ. MONTHLY  
Reporting Period from 1969

12-76

	Number of SAMPLES	AVG. CONC. AVG. VI. Q.S.	SINGLE VALUE STD. (S.V.S.)	# S.V.S. VIOLATIONS	JUN. SEPT. AVERAGE STD / # SAM.	JUN. SEPT. # S.V.S. VIOL. STD / # SAM.	OCT. MAY AVERAGE STD / # SAM.	OCT. MAY # S.V.S. VIOL. STD / # SAM.
Temperature - °C	83	12.8	-	-	19.1 ≤ 19/27	0 ≤ 24/27	9.8 ≤ 14/56	8 ≤ 14/56
					STANDARD DEVIATION			
pH	83	8.23 7.5-8.5	6.5-8.7	1	√ = 0.23 for AVG CONC.			
D.O. - mg/l	83	10.04 ≥ 8.0	≥ 7.0	0	√ = 1.76			
BOD - mg/l	82	2.36	≤ 5.0	1	√ = 0.9			
Chlorides - mg/l	83	16.41	≤ 20	33	√ = 8.10			
Total Alkal. - mg/l	82	0.26 ≤ 0.2	≤ 0.4	7	√ = 0.15			
Ortho. Phosp. - mg/l	82	0.22	-	-	√ = 0.12			
Nitrates - mg/l	82	1.65	≤ 1.0	41	√ = 1.48			
T. Diss. Solids - mg/l	83	262 ≤ 275	≤ 450	0	√ = 108			
Coloc - PFCO	83	21.4	≤ 10	57	√ = 16.8			
Alkalinity - mg/l	83	144	-	-	√ = 48.2			
Bicarbonate - mg/l	83	162	-	-	√ = 52.8			
Carbonate - mg/l	83	6.24	-	-	√ = 8.7			
Total Coli - /100 ml	76	1092.5	-	-	√ = 1863.7			
Fecal Coli - /100 ml	83	84.1 G.M. ≤ 1000	≤ 2400	0	√ = 130.3			
Turbidity - J.T.U.	83	7.3	≤ 10	9	√ = 8.2			
Approx. Flow - c.f.s.	68	-	-	-	187 - / 21		91 - / 47	



W6  
STATION # 310031

NAME OF STREAM WALKER RIVER  
Control Point BRIDGE ST.

SAMPLING FREQ. MONTHLY  
Reporting Period from 1/75  
6.76

which stds apply

	NUMBER OF SAMPLES	AVG. CONC. AVG. W.Q.S.	SINGLE VALUE STD. (S.V.S.)	# S.V.S. VIOLATIONS	JAN-SEPT AVERAGE STD/# SAM.	JUNE-SEPT # S.V.S. VIOL./# SAM.	OCT-MAY AVERAGE STD/# SAM.	OCT-MAY # S.V.S. VIOL./# SAM.
TEMPERATURE - °C	16	—	—	—	17.7 ≤20/3	0 ≤30/3	7.31 ≤14/13	2 ≤14/1
STANDARD DEVIATION								
pH	17	8.22 7.5-8.5	6.5-8.7	0	σ = 0.12 for AVG CONC.			
D.O. - mg/l	17	9.68 ≥7.5	≥7.0	0	σ = 1.40			
BOD - mg/l	17	2.41 —	≤5.0	0	σ = 0.9			
Chlorides - mg/l	17	16.0 —	≤15	—	σ = 6.3			
Total Alkal. - mg/l	17	0.46 ≤0.7	≤0.9	1	σ = 0.73			
ORTHO PHOS. - mg/l	17	0.37 —	—	—	σ = 0.51			
NITRATES - mg/l	17	1.51 —	≤6.0	0	σ = 1.08			
Tot. Diss. Solids - mg/l	17	271 ≤450	≤550	0	σ = 90.2			
Color - PTCO	17	24.5 —	≤10	13	σ = 18.7			
ALKALINITY - mg/l	17	140.6 —	—	—	σ = 41.7			
BICARBONATE - mg/l	17	149.7 —	—	—	σ = 40.2			
CARBONATE - mg/l	17	10.0 —	—	—	σ = 8.4			
Total Coli - /100 ml	17	818.8 —	—	—	σ = 1034			
Fecal Coli - /100 ml	17	101.4 G.M. ≤1000	≤2400	0	σ = 120.6			
Turbidity - J.T.U.	17	14.4 —	≤10	4	σ = 19.33			
Approx. Flow - cfs.	—	—	—	—	—			



WA  
STATION # 30030

NAME of STREAM WALKER RIVER  
Control Point J.J. RANCH

Sampling Freq. monthly  
Reporting Period from 1/69 to 6.76

	Number of Samples	Avg. Conc. Avg. W.Q.S.	Single Value STD. (S.N.S.)	# S.N.S. Violations	June-Sept Average STD/# Sam.	June-Sept # S.N.S. Viol. STD/# Sam.	Oct-May Average STD/# Sam.	Oct-May # S.N.S. Viol. STD/# Sam.
Temperature - °C		-	-	-	20.0 = 20/24	0 ≤ 30/24	8.10 = 14/55	8 = 14/55
					Standard deviation			
pH	80	8.18 7.5-8.5	6.5-8.7	0	σ = 0.16 for Avg Conc.			
D.O. - mg/l	79	9.32 ≥ 7.5	2-7.0	3	σ = 1.49			
BOD - mg/l	79	2.39	≤ 5.0	2	σ = 1.02			
Chlorides - mg/l	80	21.24	≤ 45		σ = 9.10			
Total Alkal. - mg/l	79	0.57 ≤ 0.7	≤ 0.9	2	σ = 0.95			
Ortho Phosp. - mg/l	79	0.47	-	-	σ = 0.40			
Nitrites - mg/l	80	1.48	≤ 6.0	3	σ = 1.78			
T. Diss. Solids - mg/l	80	334 ≤ 450	≤ 550	0	σ = 97.			
Color - P.T.C.O	80	37.3	≤ 10	76	σ = 19.8			
Alkalinity - mg/l	80	163	-	-	σ = 40.			
Bicarbonate - mg/l	80	188.5	-	-	σ = 47.2			
Carbonate - mg/l	80	4.70	-	-	σ = 6.9			
Total Coli - /100 ml	77	1232	-	-	σ = 2050.			
Focal Coli - /100 ml	80	121 d.m. ≤ 1000	≤ 2400	-	σ = 175.2			
Turbidity - J.T.U.	80	13.0	≤ 10	28	σ = 13.6			
Approx. Flow - c.f.s.	69	-	-	-	252 - / 22		185 - / 47	

## CLARK COUNTY DEPARTMENT OF ZONING AND COMPREHENSIVE PLANNING

CLARK COUNTY COURTHOUSE ANNEX  
400 LAS VEGAS BOULEVARD SOUTH  
LAS VEGAS, NEVADA 89101

TELEPHONE  
386-4011  
EXT. 314

E. J. DOWNEY  
DIRECTOR

February 28, 1977

The Honorable Don A. Moody  
State Assemblyman  
Legislative Bldg.  
401 South Carson Street  
Carson City, NV 89710

This letter is in response to Assembly Bill No. 79 which removes the designation of "areas of critical environmental concern" from the state land use planning process. On March 2, 1976, the Board of County Commissioners of Clark County unanimously approved a resolution which adopted annual recommendations made by the Clark County Planning Commission. Those recommendations included the following:

- (4) That those portions of Clark County commonly known as Red Rock Canyon/Calico Basin, the Las Vegas Wash, and Laughlin be recommended to the State Land Use Planning Agency for designation as areas of critical environmental concern.

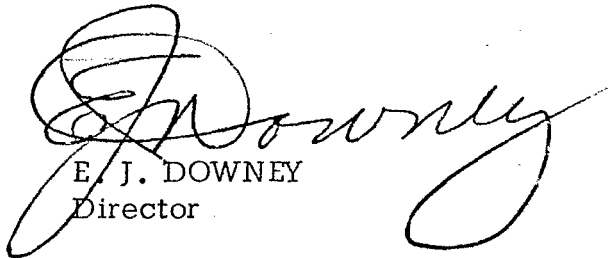
The Clark County Department of Zoning and Comprehensive Planning believes that the only mechanism that presently exists to protect environmentally sensitive areas from the situation spelled out so well in NRS 321.640, Sec. 1, Paragraph 2, namely:

The rapid and continued growth of the state's population, expanding urban development, increasing pressure upon natural resources, conflicts in patterns of land use, . . . and the increased size, scale and impact of private actions . . .

The Honorable Don A. Moody  
Page 2  
February 28, 1977

is the designation of such areas as "areas of critical environmental concern" as provided for by NRS 321.720, Sec. 2, Paragraph 3. As a result, the Clark County Department of Zoning and Comprehensive Planning opposes AB 79 as it will leave the local entities without a planning tool that can be utilized to protect areas of statewide importance.

Sincerely,



E. J. DOWNEY  
Director

EJD/kw

STATE OF NEVADA  
DIVISION OF  
COLORADO RIVER RESOURCES

P.O. Box 19090  
LAS VEGAS, NEVADA 89119  
TELEPHONE (702) 733-7755



MIKE O'CALLAGHAN  
GOVERNOR



DONALD L. PAFF  
ADMINISTRATOR

February 23, 1977

The Honorable Don A. Moody  
State Assemblyman  
Legislative Building  
401 South Carson Street  
Carson City, Nevada 89710

Dear Assemblyman Moody:

This letter is to inform you that a motion was unanimously passed on February 23, 1977 by the Eldorado Valley Advisory Group opposing Assembly Bill No. 79 which proposes to abolish the State Land Use Planning Agency's authority to designate certain areas within the State as critical areas. The Eldorado Valley Advisory Group believes such a planning tool is imperative in its function as a planning-oriented group.

Sincerely,

A handwritten signature in cursive script that reads "Charles Connely".

Charles Connely  
Chairman  
Eldorado Valley Advisory Group

Enclosure

LAS VEGAS WASH DEVELOPMENT COMMITTEE  
5857 EAST FLAMINGO ROAD  
LAS VEGAS, NEVADA 89122

\* \* \* \* \*

ADVISORY TO THE BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY

February 28, 1977

The Honorable Don A. Moody  
Committee on Environment and Public Resources  
The Assembly, Legislative Building  
401 S. Carson Street  
Carson City, Nevada 89701

Dear Assemblyman Moody:

The Las Vegas Wash Development Committee was formed by the Clark County Board of Commissioners in August of 1973. In the motion which they passed the Board recognized "the importance of the possible future development of the Las Vegas Wash area as a park, bird sanctuary or other beneficial development as the community might desire."

As Chairperson of the Wash Development Committee I am writing to urge the Committee on Environment and Public Resources to act against Assembly Bill No. 79 which would remove "areas of critical environmental concern from land use planning.

Our Committee has looked forward to the Wash's designation as an area of critical environmental concern because such designation would be of great assistance to the Community's ability to protect a unique resource. Besides the enclosures which we hope will furnish some background, may we send you any of our progress reports?

Sincerely,



Ms. Glade Koch, Chairperson  
Telephone: 458-5764 or 458-1180

2 encl.

REAO04(1023)(2-013518E031)PD 03/22/77 1023

ICS IPMMIZZ CSP

7027344397 IDMT RENO NV 31 03-22 1023A EST

PMS ASSEMBLYMAN DON MOODY, DLR

CHAIRMAN ENVIRONMENT PUBLIC RESOURCES COMMITTEE NEVADA STATE  
LEGISLATURE

CARSON CITY NV 89701

THE TOIYABE CHAPTER OF THE SIERRA CLUB OPPOSES AB79 WHICH REMOVES  
AREAS OF CRITICAL ENVIRONMENTAL CONCERN FROM STATE PLANNING IT IS  
ESSENTIAL THE STATE RETAIN POWER OVER PLANNING FOR SUCH AREAS

DENNIS GHIGLIERI

NNNN

western union  
Telegrams



20 March 1977  
5077 Eugene Avenue  
Las Vegas, NV. 89108

Re: AB79 (oppose passage)

Assemblyman Don Moore  
Chairman of Environmental and Public Resources Committee  
Legislative Building  
Carson City, NV. 89701

Dear Mr. Moore and Committee Members:

As I understand this bill it would eliminate the designation of critical areas from an environmental point of view by the state and leaving this prerogative up to the individual entities. As I see it, there may be some disagreement between entities when the designated area involves more than ~~one~~ the one entity. For instance, Walker Lake is in one area and where the water is used is in another area. I believe the same situation exists for the Las Vegas Wash where both Henderson and the County is involved. Because of situations such as the above, I believe it is necessary for the state to continue to have the authority to designate these areas

Sincerely yours,

Anna T. Austin  
A concerned Citizen



## RED ROCK AUDUBON SOCIETY

P. O. Box 42944, Las Vegas, Nevada 89104

SOUTHERN NEVADANS COMMITTED TO CONSERVATION

March 20, 1977

Assemblyman Don Moody, Chairman  
Environment and Public Resources Committee  
Legislative Building  
Carson City, Nevada 89701

Dear Chairman Moody:

We ask that this letter be made part of the proceedings of the Committee's meeting at three O'clock Tuesday March 22.

The Red Rock Audubon Society Conservation Committee representing over 200 southern Nevada members urges denial of AB 79 which eliminates the designation, "Area of Critical Environmental Concern".

Within our region of membership part of the Red Rock Canyon area and the Las Vegas Wash need the state protection such designation would afford.

Local self-centered and short-cited interests must be tempered with coordinated statewide planning which provides vision for the future of areas of more than local significance in Nevada.

Our Society utilizes the Red Rock Canyon area and Las Vegas Wash for recreation and educational outings and projects. We clearly observe degradation of both areas and welcome state authority in forming protective land use measures.

Sincerely,

Jay Meierdierck, Chairman  
Conservation Committee

Enc. 1.





JOHN KOCH  
237 GREENBRIAR TOWNHOUSE WAY  
LAS VEGAS NV 89121

EXHIBIT E, Page 9  
western union Mailgram®



2-022126E079 03/20/77 ICS IPMTZZ CSP RNOA  
7024585764 MGM.TDMT LAS VEGAS NV 196 03-20 0929P EST

ASSEMBLYMAN DON MOODY  
STATE CAPITOL  
CARSON CITY NV 89701

DEAR CHAIRMAN MOODY,

SINCE NO MEMBER OF THE LAS VEGAS WASH DEVELOPMENT COMMITTEE IS ABLE TO PRESENT AT YOUR MARCH 22ND HEARING ON AB79 I REQUEST THAT THIS LETTER BE READ INTO THE RECORD OF THAT MEETING.

IN CLARK COUNTY HEART OF THE RED ROCK CANYON AREA AND LAS VEGAS WASH HAVE BEEN NOMINATED AS CANDIDATES FOR DESIGNATION "AREA OF CRITICAL ENVIRONMENTAL CONCERN" BY J DOWNEY, COUNTY PLANNING DIRECTOR.

WASH IS THE LAST AND A VERY PROLIFIC WILDLIFE AREA IN THE COUNTY. BECAUSE OF ITS RECREATIONAL AND EDUCATIONAL POTENTIAL AND ITS PROXIMITY TO THE LARGEST URBAN AREA IN THE STATE IT REPRESENTS A UNIQUE RESOURCE. IT IS IN THE FLOOD PLAINS. ITS SOILS AND ARCHEOLOGY ARE UNIQUE. IT CROSSES FROM COUNTY INTO HENDERSON NEVADA JURISDICTION. IT SEEMS LOGICAL THAT THE STATE SHOULD HAVE OVERRIDING AUTHORITY TO ESTABLISH GUIDELINES AND POLICIES FOR SUCH UNIQUE RESOURCES AS THE LAS VEGAS WASH, ESPECIALLY WHEN MORE THAN ONE JURISDICTION IS INVOLVED.

WE URGE THE ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE TO DECIDE AGAIN AB79

SINCERELY

MS GLADE KOCH, CHAIRPERSON  
LAS VEGAS WASH DEVELOPMENT COMMITTEE  
5857 EAST FLAMINGO RD  
LAS VEGAS NV 89122

2133 EST

MGMCOMP MGM

FROM THE DESK OF  
**DONALD R. ARKELL**

The attached resolution was passed by the  
Clark County District Board of Health at  
its regular meeting February 24, 1977.

3/11/77

A RESOLUTION ADOPTING AN ANNUAL  
RECOMMENDATION REPORT TO THE BOARD  
OF COUNTY COMMISSIONERS OF THE  
COUNTY OF CLARK AS REQUIRED BY  
NEVADA REVISED STATUTES 278.190(1)

WHEREAS, the Clark County Planning Commission is obligated by Nevada Revised Statutes 278.190(1) to make annual recommendations to the County governing body concerning implementation of the adopted Master Plan for the unincorporated portions of Clark County, and

WHEREAS, the first annual recommendation report was received by the Board of County Commissioners of Clark County in February, 1975, and

WHEREAS, the Clark County Planning Commission has in the course of its deliberations during 1975 determined that certain implementation guidelines for the Master Plan for the unincorporated portions of Clark County would be desirable,

NOW, THEREFORE, BE IT RESOLVED by the Clark County Planning Commission that it is hereby recommended to the Board of County Commissioners of the County of Clark that the following policies be considered in all planning and zoning actions in order to further the purposes of the Master Plan for the unincorporated portions of Clark County, Nevada:

(1) That sewer line extension to Sections 2, 3, 10, and 11, Township 21 South, Range 60 East be expedited due to the increasing rate of minor subdivision and single family home construction within these sections. Because of the increased density of residential development, it is further recommended that installation of underground utilities be required effective immediately within Sections 2, 3, 10, and 11 of Township 21 South, Range 60 East.

(2) That R-1 density development not be permitted south of Rawhide Street between Eastern Avenue and the Boulder Highway pending development of the area north of Rawhide Street.

(3) That O-S (Open Spaces) zoning be considered within Calico Basin and portions of the Las Vegas Wash in order to protect these environmentally sensitive areas from premature development.



CLARK COUNTY DEPARTMENT OF  
ZONING AND COMPREHENSIVE PLANNING

CLARK COUNTY COURTHOUSE ANNEX  
400 LAS VEGAS BOULEVARD SOUTH  
LAS VEGAS, NEVADA 89101

TELEPHONE  
386-4011  
EXT 314

E. J. DOWNEY  
DIRECTOR

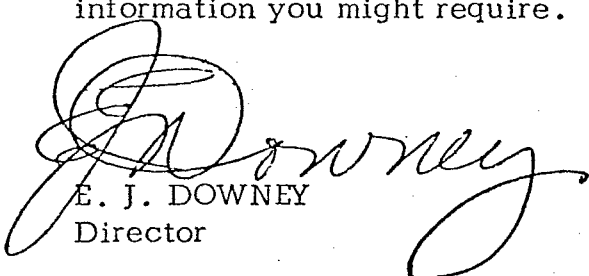
March 10, 1976

Mr. John L. Meder  
State Land Use Planning Agency  
201 So. Fall Street  
Carson City, Nevada 89701

ANNUAL RECOMMENDATION REPORT

Enclosed is the annual recommendation report of the Clark County Planning Commission to the Clark County Board of Commissioners for 1976. It was approved by our Planning Commission on February 19, 1976 and accepted by the County Commission on March 2, 1976. I am calling the report to your attention because Item 4 thereof recommends that the State Land Use Planning Agency consider several areas of Clark County for designation as areas of critical environmental concern. Portions of two of those areas (Calico Basin and the Las Vegas Wash) are also presently being considered for O-S (Open Spaces) Zoning.

I would appreciate hearing from you with regard to any action your agency takes in this matter. Of course, I will be happy to provide any additional information you might require.



E. J. DOWNEY  
Director

EJD:lm  
Enclosure

cc: Terri Long (w/encl.)  
2621 Seven Pines  
North Las Vegas, NV 89030

Glade Koch (w/encl.)  
237 Greenbriar Townhouse Way  
Las Vegas, NV 89121