

SENATE

ENVIRONMENT, PUBLIC RESOURCES AND AGRICULTURE COMMITTEE

MINUTES of MEETING
Monday, March 7, 1977

The ninth meeting of the Environment, Public Resources and Agriculture Committee was called to order on the above date at 1:45 p.m.

Senator Gary Sheerin was in the Chair.

PRESENT: Chairman Sheerin
Senator Echols
Senator Dodge
Senator Glaser
Senator Neal
Senator Lamb

OTHERS PRESENT: Steve Hamilton, citizen
Lorree Ratto, Intern
Addison A. Millard, Division of Lands
Fred Welden, State Land Use Planning Agency
Robert Erickson, State Land Use Planning Agency
Alex Fittinghoff, City of Sparks
Carl V. Hopper, Division of Lands
Steve Robinson, Department of Conservation and Natural Resources
Norman Hall, Department of Conservation and Natural Resources
Robert Warren, Nevada League of Cities
Steve Stockor, North Las Vegas
Paul M. Giardina, City of North Las Vegas
Gene Milligan, Nevada Association of Realtors
Bill Cozart, Nevada Association of Realtors
Daisy Talvitie, League of Women Voters
Bruce Barnum, Harvey's Wagon Wheel
Kate Butler
Glen Griffith, Department of Fish and Game
Boyd Jensen, Mineral County
Eugene Terry, Mineral County
George Charchalis, City of Reno
Don Gruwell, Mineral County
Bill Parsons, Nevada Department of Fish and Game

Committee heard testimony on SB212 and AB104.

SB212 Provides for local control of land use planning functions.

SENATOR DODGE, introducer of SB212, gave a brief overview stating that in 1973 the Environment Committee processed a piece of legislation which created for the first time, the State Land Use Planning Agency in anticipation of federal legislation which would be necessary in order for a state to avail itself of substantial appropriations through the

federal legislation which everyone was certain was going to be enacted. Senator Dodge, at a later point in time, felt a mistake was made in the state legislation because it designated the state agency as the primary authority. SEC. 7 of SB212 amends the complete present Land Use Planning Act, NRS 321. 640 and 321.810 inclusive. Simpler language in the bill purports to designate counties and cities wherever applicable, as the primary planning units. However, he does not want to do away with the state agency as is proposed in the original print of SB212.

NORMAN HALL, Director of Department of Conservation of Natural Resources, testified next, directing the Committee's attention to a report entitled, "Means of Deriving Additional State Benefits From Public Lands," as submitted to this session by the sub-committee appointed pursuant to SCR35. Among recommendations on page 5 of the report, paragraph 8 states, "The present efforts in direction of federal and state cooperation in land use planning for the federal lands be commended and a continued development of procedures for this purpose be encouraged." Mr. Hall continued, Paragraph 11 states, "That the State Land Use Planning Agency provide assistance in coordination for counties which, when requested, said service in connection with the identification of specific lands, appropriate for transfer from federal ownership or the preparation of supporting data needed for making the request."

ADDISON MILLARD, Administrator of the Division of State Lands, testified in opposition to SB212 with a prepared statement, attached as Exhibit "A". Suggested amendments, attached as Exhibit "B". He also presented a list of local government and State Land Use Planning Agency responsibilities, composed February 20, 1976, attached as Exhibit "C".

CHAIRMAN SHEERIN asked Mr. Millard if he agreed with the general philosophy of Senator Dodge that the State Land Use Planning Agency would be in an advisory capacity, only, leaving the powers with the counties and cities.

Mr. Millard replied the current statutes make that provision and has not been taken away. The amendments proposed are in line with what Senator Dodge has suggested, according to Mr. Millard. A local area of critical environmental concerns could not be designated without the concurrence of the governmental bodies so involved, particularly if it involved one or more counties. Under the suggested amendments, the concurrence of boards of county commissioners would be necessary. Necessary technical expertise from all the agencies involved could then be put together. Mr. Millard continued, saying that study groups for the Walker River matter have provided the local governments with information plus recommendations as to how they might proceed and solve that problem if there is mutual agreement. The bone of contention today is the State Land Use Planning Agency, under existing statutes, can take the matter to the Governor for his concurrence. If he concurs and the local political subdivision does not, then the State Land Use Planning Agency can set down its own ordinance structure.

In reply to Senator Neal's query of what is wrong with the state having that authority, Mr. Millard said there are some people who are concerned that it provides too much authority within the state government and eliminates authority or opportunity for local governments to act. Using Walker River as an example, that water is very precious to long-time land owners; and on the other hand there is the move to save and improve quality of the water in Walker Lake. It would be very difficult to draw a set of ordinances that would meet the requirement of both groups and then try to enforce it. If SB212 were not in existence, the Planning Agency will be compelled to go to the Governor for concurrence and recommendation on the Walker Basin Study which is still at the public hearing stage.

SENATOR DODGE stated a very serious question, in his mind, is the extent to which the state ought to be spending time and effort involving matters on federal lands. A procedure has never been worked out on how to resolve an impasse between the Federal Government and state involving even the planning on checkerboard lands such as we have in Nevada. In some respects the agency is now involved in an exercise in futility because there is no way they are going to make any positive direction about land use planning on federal lands.

MR. MILLARD said Chapter 232 is the state committee on Federal Land Laws which is the Multiple Use Advisory Counsel. There is one member from Nevada, but SB212 would remove the member from that board. Multiple Use Advisory Counsel retains its autonomy within either the Department of Conservation or Lands.

CHAIRMAN SHEERIN asked if Mr. Millard was suggesting the Department of State Lands needs to be closer involved with the Organic Act rather than simply the state committee on Federal Land Law.

Mr. Millard replied there is no choice because the Organic Act provides that they will go to the local or state planning board or a combination of both. If there is no planning existent, it would appear they will do the planning the federal way without consideration of the local entity.

STEVE HAMILTON, interested citizen, testified in favor of SB212 strongly supporting it. The small local governments have very little capability of effecting their own destiny as it is in connection with that problem. With local jurisdiction, the planners basically have to live or die with their own decisions, whereas the state and federal planners are a long way from the action and are insulated by many layers of bureaucracy. Planning should be a democratic function, and it would seem this bill restores planning to the people that have to live with it.

ALEX FITTINGHOFF, Director, Community Develop, City of Sparks, testified in opposition to SB212. He pointed out two things: 1) In direct dealings with the agency in question during the last two years, found them to be extremely helpful and responsive to local needs; and 2) There are three different types of planning issues ---local, regional and state-wide. If the issues can be separated and the language written so the state planning agency actually deals with those things that are of state-wide

significance and respect the autonomy of the communities with regard to the local issues, there should be no problems. The state has this responsibility and they should have a professional staff for assistance.

DAISY TALVITIE, State President, League of Women Voters for Nevada, speaking for the membership, testified in opposition of SB212. She read a prepared statement, attached as Exhibit "D".

PAUL GIARDINA, representing the City of North Las Vegas, testified in opposition to SB212. He said 1) that No. Las Vegas has had an excellent working relationship with the State Land Use Planning Operation; and 2) he sees the potential of the State Land Use Planning Agency being a further value to that city in the future, especially working on critical situations; and further 3) North Las Vegas feels the state agency is a needed entity to deal with the federal agencies at a state level concerning state land use planning. Mr. Giardina said therefore, this agency, its authority and its present staff makeup is needed to continue the impartial, unbiased and professional evaluation of unique areas in Nevada.

BOB WARREN, Nevada League of Cities, representing in this case a mixed constituency, spoke for both sides of SB212. In summary of the position of those cities opposing SB212, Mr. Warren sent out a sheet to those cities asking them to respond. One returned sheet expressed the bill to be a step backward; much more not less, state-wide planning coordination is needed. The state agency and its staff are viable contributors to the planning network. Those in support of SB212 offered debate over the legitimacy of this issue because of the way the bill was passed in 1973. Come cities, according to Mr. Warren, are not convinced that the state should not have the ultimate authority and control over the use of land in Nevada. They agree with the premise of this legislation that the public's interest is best served by the primary authority for planning resting with the local government.

BILL COZART and GENE MILLIGAN, representing Nevada Association of Realtors, testified in support of SB212. Mr. Cozart pointed out the State Use Planning Agency should be a "resource" agency rather than "regulatory."

EUGENE TERRY, Hawthorne, testified in opposition to SB212, stating the State Use Planning Agency should be strengthened. He handed out a printed article, an editorial by Senator Carl Dodge, attached as Exhibit "E". Also charts of Water Quality Data, attached as Exhibit "F".

BOYD JENSEN, Walker Lake, concurred with Mr. Terry.

DON GRUWELL, Hawthorne, testified in opposition to SB212. He said he felt the State Use Planning Agency has been a good moderating system between counties and furnishes a lot of direction of what can or cannot be done.

Hearing on SB212 concluded.

AB 104 Changes prescribed boat lights; requires counties to pay fish and game department for boat registration and tax services.

BILL PARSON, Nevada Department of Fish and Game, testified in favor of AB104, stating it is a technical change. He pointed out the title is misleading. The first reprint eliminates all reference to requiring counties to pay Fish and Game for boat registration and tax services. AB104 makes only technical changes to lighting requirements for motor boats operated on Nevada waters, bringing the requirements in conformance with federal navigation rules. A \$2 fee was taken out under the Assembly Committee on Taxation action after recommendations from the Fish and Game Department and county assessors.

SENATOR ECHOLS questioned the need of the bill at all. Mr. Parsons said the change on Page 1, Lines 6 and 7, and the change in the light requirements would be helpful.


CHAIRMAN SHEERIN presented the following BDR for Committee introduction:

BDR 40-1090 Permits use of treated effluent within Tahoe Basin.

Senator Echols moved for Committee introduction.
Senator Glaser seconded the motion.
Motion passed unanimously.

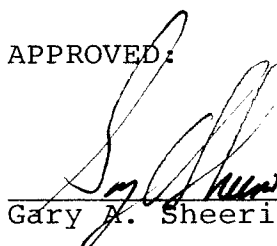
There being no further business, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,



Committee Secretary

APPROVED:



Gary A. Sheerin, Chairman

GUEST REGISTER

COMMITTEE

DATE: Mar 7, 1977

THOSE WISHING TO TESTIFY SHOULD IDENTIFY THEMSELVES BEFORE GIVING TESTIMONY.....

NAME	DO YOU WISH TO TESTIFY	BILL NO.	REPRESENTING
Steve Hamilton	✓	SB 212	Individual
LORREE Ratto			Intern.
ADDISON A. MILLARD	YES		DIVISION OF LANDS
Fred Welden			State Land Use Planning
Robert Erickson			" "
Alex Fittinghoff	YES	SB 212	SPARKS, CITY OF
CARL V HARPER	NO		DIVISION OF LANDS
Robert Erickson		SB 212	State Land Use Planning
Steve Robinson	NO	SB 212	Dept of Conserv. & N.R.
Norman Hall	yes	SB 212	Dept. Conservation & Natural Resources
Robert Starnen	yes	SB 212	New League of Cities
Steve Stuckor	NO		NORTH LAS VEGAS
Paul M. Scardino	Yes	SB 212	City of North Las Vegas
Gene Mellygan	yes	212	New Assoc of Realtors
Bill Coyne	yes	212	" " " "
Daisy Delvite	yes	212	League of Women Voters
Bruno Bannum	no	212	Harvey's wagon wheel
Gate Butler	No		
Glen Griffith	yes	A.B 104	Fish & Game
Boyd Jensen	NO.	AB 212	MINERAL CO.
EUGENE TRIMBY	YES	AB 212	MINERAL CO.
LEDEGE CHANHAUS	No	SB 212	CITY OF RENO
Don Howell	YES	SB 212	HAWTHORNE, NV MINERAL COM
Bill Parsons	yes	AB 104	Nev. Dept of Fish & Game



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

March 7, 1977

TESTIMONY REGARDING SENATE BILL 212
SENATE COMMITTEE ON ENVIRONMENT, PUBLIC RESOURCES AND AGRICULTURE

Mr. Chairman and Members of the Committee:

Since becoming the Administrator of the Division of State Lands and State Land Use Planning Agency just over four months ago, I have gained considerable insight into planning in Nevada. Since the inception of the Agency, the original two planners, Bob Erickson and Fred Welden, have constituted the entire professional staff of the Agency. I have been most impressed by the diversity and volume of demanding tasks they have performed, and more importantly, the excellent working relationships they have established with local governments and citizens throughout the State. In my opinion, the State of Nevada would be making a serious mistake if we abandoned the State Land Use Planning Agency at this time.

Let me recap the basic reasons why I feel we need land use planning at the State level in Nevada.

1. Many of our local governments in Nevada are too small in population to afford to hire even a part-time planner. However, these counties have thousands of square miles of land within their boundaries to manage. I believe that the State must have qualified technical planners to provide information and assistance to local governments on planning and natural resource matters.
2. Secondly, with the vast amounts of Federal land in Nevada, it is vital that we have a land use agency to help coordinate many diverse resource and planning matters. The recently enacted BLM Organic Act specifies that all matters regarding BLM lands shall be in accordance with BLM land use planning. In turn, the BLM shall consider State and local land use planning as much as possible in their land use plans. With the absence of a viable land use planning program at the State level in Nevada, each local government would have to coordinate programs and resolve conflicts directly with the BLM without State assistance and without a unified State voice. Unified State land use planning is also virtually essential if Nevada is ever to obtain more land from the Federal Government.
3. Certain land use issues in Nevada are so broad that they cross County boundaries. I see a continuing need for a State agency to help mediate and coordinate solutions to these problems. I am not advocating that the State "carry a big stick", rather that we be available to provide a forum and technical research on complicated issues of more than strictly local interest.

TESTIMONY REGARDING SENATE BILL 212

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4. It is also important that the State of Nevada develop basic land use policies from the local level up. This program was initiated over a year ago with local workshops in 23 different Nevada localities. We hope to hold more workshops later this year to gain more public input and knowledge of the basic land use issues in Nevada.

We have only to look at our neighbors in California to see the value and need for planning in our rapidly growing State. If your Committee so desires, I have prepared amendments to the State Land Use Planning Act (NRS 321.640-321.810) which address the basic concerns of local authority over planning matters, the program for areas of critical environmental concern, and a strong role in respect to federal land planning matters.

It is my opinion that these amendments basically insure and clarify the following points:

1. Reaffirm local governments as the primary planning units in Nevada, with no provision for State authority over local planning and zoning;
2. Establish priorities for State land use planning;
3. Require concurrence of affected local governments prior to designation of an area of critical environmental concern; and
4. Provide a mechanism whereby the State of Nevada can keep BLM critical area planning properly coordinated with all levels of government.

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.



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

LOCAL GOVERNMENT AND
STATE LAND USE PLANNING AGENCY
RESPONSIBILITIES

February 20, 1976

LOCAL GOVERNMENT RESPONSIBILITIES

I. MASTER PLANNING FUNCTION

A. Shall prepare and adopt master plan. (NRS 278.150-278.220; NRS 278.640-278.675) The master plan shall include such of the following elements as are appropriate to the local jurisdiction: (NRS 278.160)

1. Community Design Element
2. Conservation Plan*
3. Economic Plan
4. Housing Element
5. Land Use Plan
6. Population Plan*
7. Public Buildings Element
8. Public Services and Facilities Element
9. Recreation Plan
10. Seismic Safety Plan
11. Solid Waste Disposal Plan
12. Streets and Highways Plan
13. Transit Plan
14. Transportation Plan
15. Other Elements as judged appropriate

*Required in counties having a population of 100,000 or more. (NRS 278.150 3)

- B. May adopt and use procedures necessary to put the master plan into effect. (NRS 278.230)
- C. May create and maintain a planning commission.**
(NRS 268.100-268.220; NRS 278.030 and following statutes)

**Required for cities and counties having a population of 15,000 or more. (NRS 278.030 1)

- D. May create and maintain a regional planning commission.
(NRS 278.090-278.140)

II. REGULATION OF LAND USE

- A. May generally regulate land use within the local jurisdiction. (NRS 268.240; NRS 278.020)
- B. Shall enact zoning regulations in accordance with local master plan. (NRS 268.250-268.300; NRS 278.250-278.310; NRS 278.640-278.675; NRS 497.010-497.270)
- C. May grant special use permits or other special exceptions (variances, etc.). (NRS 278.315-278.317)

III. REGULATION OF LAND DIVISION

- A. Shall administer local responsibilities in the subdivision review/approval process. (NRS 116.010-116.150; NRS 278.320-278.4987; NRS 278.590-278.630)
- B. Shall administer parcel map procedures. (NRS 278.500-278.560; NRS 278.630)
- C. May administer the planned unit development law through local ordinances. (NRS 280A.090-280A.580; NRS 278.4985)

IV. REGULATION OF CONSTRUCTION PROJECTS

- A. May generally regulate and restrict building construction within the local jurisdiction. (NRS 278.250; NRS 278.020)
- B. May adopt and enforce a building code. (NRS 278.010 1a; NRS 278.580)
- C. May adopt modifications which do not reduce standards established in the National Electrical Code. (NRS 278.583)
- D. May adopt reasonably necessary modifications to the Uniform Plumbing Code. (NRS 444.350)
- E. May provide for the inspection of structures and the enforcement of zoning regulations by means of the withholding of building permits. (NRS 278.570-278.580; NRS 278.610)
- F. Shall administer local responsibilities in the condominium review/approval process. (NRS 117.010-117.120)

STATE LAND USE PLANNING AGENCY RESPONSIBILITIES

- I. The State Land Use Planning Agency shall develop and carry on a statewide land use planning process including but not limited to the following elements:
 - A. Inventory of the State's lands, natural resources, population-economic characteristics, environmental conditions, urban-rural growth, geological-physical conditions, available institutional and financial resources. (NRS 321.720 1; NRS 321.720 2; NRS 321.720 5; NRS 321.720 7; NRS 321.730 1a)
 - B. Project the nature and quantity of land needed and suitable for a broad range of use classifications. (NRS 321.720 4)
 - C. Inventory State, local government, and private needs and priorities concerning the use of federal lands within the State. (NRS 321.720 6)
 - D. Provide technical assistance and training programs. (NRS 321.720 10)
 - E. Develop an adequate data base for the statewide land use planning process, and establish arrangements for the exchange of land use planning information. (NRS 321.730 1a; NRS 321.720 11; NRS 321.730 2c)
 - F. Coordinate land use planning activities in the State. (NRS 321.730 1b; NRS 321.720 12)
 - G. Consult with relevant states on interstate aspects of land use issues of more than local concern. (NRS 321.720 15)
 - H. Provide for participation by the public and local governments in designing and administering the state land use planning program. (NRS 321.720 13; NRS 321.720 14; NRS 321.730 2; NRS 321.740; NRS 321.750; NRS 321.770 2)
 - I. Obtain participation from the State Land Use Planning Advisory Council on design and administration of the state land use planning program. (NRS 321.740-NRS 321.750)
 - J. Develop and administer a program for "areas of critical environmental concern" which means "any area in this State where uncontrolled development could result in irreversible degradation of more than local significance." (NRS 321.660; NRS 321.720 3; NRS 321.720 9; NRS 321.770)
 - K. Develop and administer programs for "areas impacted by key facilities," "large-scale developments," and "developments and land use of regional benefit." (NRS 321.680; NRS 321.690; NRS 321.720 8; NRS 321.720 9)

II. The State Land Use Planning Agency is not authorized to participate in functions listed under "Local Government Responsibilities" except at the request of the local jurisdiction or when a site falls within the definition of an "area of critical environmental concern" (NRS 321.660), an "area impacted by a key facility" (NRS 321.680), or a "large-scale development" (NRS 321.690).

Statement of League Of "omen Voters of Nevada by Daisy J. Talvitie, President

The League of Women Voters of Nevada opposes the repeal of the State Land Use Planning Act. After in depth study at both the state and national levels of League, we adopted a position statement recognizing land as a finite resource, not just a commodity, and the belief that land ownership, whether public or private, implies responsibility of stewardship. Included in our statement of position were the ideas that "each level of government must bear appropriate responsibility for planning and managing land resources" and that "citizens participation must be built into the planning and management of land resources at every step."

The Nevada State Land Use Agency has been hampered by a shortage of funds due to the failure of the passage of Congressional action establishing the expected funding. However, it is still receiving approximately half of its budget from "701" grants from the U.S. Department of Housing and Urban Development. In spite of its short budget the agency has managed to accomplish some activities which have been of benefit to the state and also to local governments. It has held a series of citizen conferences throughout the State, seeking the opinions and desires of Nevadans in both rural and urban areas, with it becoming evident that most Nevadans wish to retain heavy responsibility at the local level. But with continuous population growth, expanding urban development, and increasing demands on the state's natural resources, it is evident that there is still a role for the State. There is still necessity for development of statewide policies and state supervision over "areas of critical environmental concern", review from a state viewpoint of environmental impact statements, etc. The Land Use Planning Agency has also provided direct technical assistance to local government in several ways. It has helped Esmeralda County and Boulder City in preparing their master plans, assisted Nye County in designing its subdivision ordinance, has at the request of the local governments, reviewed specific projects in Clark, Pershing, and Storey Counties, provided planning information to Humboldt and Elko counties, etc. And there is no question but that its role in developing state policies will be of major assistance in dealing with federal agencies. We should not view the State agency as a threat to local government but rather as an agency that gives important assistance to local agencies. The actions of the agency through its record clearly establishes its concern for the continuing local role. The cities have retained their responsibility and so have the counties.

In some areas of our State, and I refer specifically to Clark County, there has long been a demonstrated need for better land use planning. There is too much fractionalization with the numerous entities involved. A citizen survey of citizen satisfaction or dissatisfaction with local governmental performance and structure taken by the League of Women Voters several years ago showed planning as being the area of highest dissatisfaction. The problem is largely due to the constant rivalry between the entities and their inability to work together to solve common problems. And everything that impacts one entity impacts others. We have a lack of co-ordination in flood plain planning; transportation planning (also Land use); just about every aspect of land use finds conflicting viewpoints. As citizens, we feel there is an absolute necessity for Clark County to have either a tighter and more authoritative regional planning council or an overall planning supervision by the county commissioners with a structure that allows input from the various cities, unincorporated towns, and town councils. We believe the mechanism proposed in S.B. 212 to be inadequate for that purpose as we do not believe Sect. 5, paragraph 2 accomplishes anything more than presently exists. The League objects to locking into the statute anything that would limit continued efforts to bring about a better solution in our largest urban area.

Finally, the League calls to your attention certain aspects of federal law that do affect land use planning in our state where we feel it establishes absolute need for a continuing state land use planning effort. The federal law on air pollution requires consideration of non-degradation. E.P.A. has been ordered by the U.S. Supreme Court to enforce this provision. In compliance with that order, the E.P.A. 100

has established areas in every state into classes which determine the amount of degradation allowable in that area. The three classes are Class I, which allows virtually no degradation--meaning that the air quality must be kept pristine; class II, allowing some degradation but not to the level of the urban areas; and Class III, which reflects the urban areas and requires that those areas meet federal ambient air standards. Additionally, some areas are designated as air quality maintenance areas. These are the areas that have air that is already as dirty as they are allowed to get and must taken measures not to get any dirtier. At the present time, the highly urbanized areas in Nevada are in Class III with Clark County metropolitan area having the additional designation as a maintenance area. The balance of our State is Class II. The State does have the authority, however, to change a class II area to either Class III or Class I. In order to make any change in classification, many factors must be considered--economic, social, projected possible uses for the land, etc. Nevada has made no attempt to change any classification and nowhere in law do we find clearly defined authority to make the changes in designation. However, the function apparently presently rests with the State Environmental Commission and final approval by the Governor. It is the belief of the League that the State Land Use Planning Agency should have a major role in making these determinations specifically because factors other than environmental should be considered. Additionally, the federal 208 water planning requirement involves all aspects of community planning--silvaculture, agriculture, drainage, etc. It is definitely a land use function. Since many of our water courses cross extity boundary lines and some water areas are definitely areas of critical environmental concern, 208 planning re-enforces the need for an adequate state agency.

We, in the League of Women Voters, appeal to you to give our state agency your support--not to abolish it--It has not been guilty of destroying the local voices. We believe it will strentghen the land use planning function in our State and be an asset to the local governments. Simultaneously, we appeal to you for your support in developing a better approach to land use planning in our urbanized areas.



FARMING BY PERMIT

The following editorial is offered by Senator Carl F. Dodge as a guest editorial in the absence of MVN editor Bob Sanford. The opinions expressed below represent those of Senator Dodge and in this case also those of the MVN.

For several months the Nevada Department of Human Resources has been working on a piece of legislation to regulate land disturbing activities. Such activities are defined as any alteration of water courses or the land surface performed by man.

This legislation is now in bill form and ready for introduction—if sponsors can be found. It proposes that the State Environmental Commission and the Department of Human Resources designate areas of Nevada which require priority attention because of land disturbing activities. Thereafter, the Department shall select from within those areas such portions as require an approved site conservation plan before land disturbing activities may be conducted. Finally, a permit must be obtained following application and submission of the site conservation plan showing how surface water runoff and erosion will be abated.

This is a piece of legislation we can do without for several reasons.

1. The federal government, aided by the state, has existing authority to administer the Federal Clean Water Act.
2. In 1973, Nevada passed a Water Pollution Control law and created the State Environmental Commission with

authority to promulgate and enforce regulations concerning water quality standards. Under that legislation, the Commission must recognize the historical irrigation practices in Nevada's river basins, and the economy thereof.

3. The pollution of our rivers by activities within Nevada is minimal. Our rivers are not long and the pure snow waters do not become seriously polluted as they travel to their termination.

4. Agricultural users of water are the nation's best conservators of the

land—and each generation gets better. The productivity of our soil is greater than at any time in the past.

5. We have farmed the lands along Nevada's rivers for a century without significant erosion and without damage to anyone or anything.

6. If we are really serious about purifying agricultural waste water discharges, which is the declared national objective, we might as well abandon the land. The value of the agricultural production wouldn't justify the cost of purification.

The record of performance by Nevada's farmers does not justify imposing these requirements upon them. The desirable social policy of producing food and fiber should not be placed under costly and unneeded constraints. Freedom of decision as to the improvement of a farm unit should continue to remain with those who labor to wrest a living from the land.

—Senator Carl F. Dodge

Water Quality Data

Cphulst "T"

WS
Station # 310023

NAME OF STREAM M.F. Walker River
Control Point BLW. TOPAZ DIVISION
[Above Topaz Lake]

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

Stds apply

	Number of SAMPLES	AVG. CONC. AVG. W.O.S.	SAMPLE VALUE STD. (S.V.S.)	# S.V.S. VIOLATIONS	JUNE-SEPT AVERAGE STD/# SAM.	JUNE-SEPT # SYS VIOL. STD/# SAM.	OCT-MAY AVERAGE STD/# SAM.	OCT-MAY # SYS VIOL. STD/# SAM.
Temperature - °C	19	—	—	—	17.9 ≤ 16/6	1 ≤ 22/6	8.00 ≤ 14/14	1 ≤ 14/14
pH	20	8.11 7.5-8.5	6.5- 8.5	1	STANDARD DEVIATION √ = 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 Alkal. - mg/l	20	0.20 ≤ 0.2	≤ 0.4	1	√ = 0.08			
Ortho Phosp. - mg/l	20	0.17 —	—	—	√ = 0.07			
Nitrites - mg/l	20	0.50 —	≤ 2.0	0	√ = 0.24			
Total Diss. Solids - mg/l	20	133.4 ≤ 125	≤ 175	4	√ = 54			
Color - PTCO	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			
Fecal Coli - /100 ml	20	148.3 G.M.S/100	≤ 2400	0	√ = 234			
Turbidity - J.T.U.	20	5.9 —	≤ 10	1	√ = 4.4			
Approx. Flow - c.f.s.	—	—	—	—	—			
				409	TOTAL VIOLATIONS			

WATER QUALITY DATA

Station # 310025

NAME of Stream Walker River
Control Point @ Wellington

Sampling Freq. Monthly
Reporting Period from 1/69 to 6/76
no longer sampled 76

	Number of Samples	Avg. Conc. / Avg. W.D.S.	Single Value / STD. (C.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. > 8.5			
D.O. - mg/l	80	9.91 ≥ 8.0	≥ 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	0.14 ≤ 0.2	≤ 0.4	2	σ = 0.09			
Ortho Phos. - mg/l	79	0.09	-	-	σ = 0.07			
Nitrate - mg/l	80	0.52	≤ 2.0	1	σ = 0.28			
Total Diss. Solids - mg/l	80	129 ≤ 125	≤ 175	11	σ = 54.7			
Cobalt - PFCO	80	16	≤ 10	40	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. G.M. ≤ 1000	≤ 2400	0	σ = 118.6			
Turbidity - J.T.U.	80	4.4	≤ 10	3	σ = 3.7			
Approx. Flow - cfs.	67	-	-	-	184. -/20		76. -/47	

Water Quality LRTA

WZ

Station # 310026

NAME of STREAM M. F. WALKER RIVER
Control Point @ Nordyke Rd.

Sampling Freq. Monthly
Reporting Period from 1969

12-76

	Number of Samples	Avg. Conc. Avg. W.D.S.	SINGLE LINE PLS (S.N.)	# S.N. VIOLATIONS	JUN-SEPT AVERAGE STD/# SAM.	JUN-SEPT # S.N. VIOL. STD/# SAM.	OCT-MAY AVERAGE STD/# SAM.	OCT-MAY # S.N. 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			
Total 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	

Water Quality Data

13

Tran # 310029

NAME OF STREAM E.F. WALKER RIVER
Control Point @ Hardyke Road

Sampling Freq. Monthly
Reporting Period from 1969

12-76

	Number of Samples	Avg. Conc. / Avg. W.Q.S.	Single Value / Std. (S.V.S.)	# S.V.S. / Violations	June-Sept Avg. & S.D. / # Sam.	June-Sept # S.V.S. / # Sam.	Oct-May Average / # S.V.S.	Oct-May # S.V.S. / # Sam.
Temperature - °C	82	—	—	—	20.4 ≤ 29/26	2 ≤ 25/26	9.71 ≤ 14/56	12 ≤ 14/56
					STANDARD DEVIATION			
pH	83	8.10 7.5-8.3	6.5-8.5	0	√ = 0.15 for avg. conc.			
D.O. - mg/l	82	9.24 ≥ 7.5	≥ 7.0	0	√ = 1.34			
BOD - mg/l	82	2.23 —	≤ 10	0	√ = 1.0			
Chlorides - mg/l	83	8.87 —	≤ 25	2	√ = 6.0			
Total Alkal. - mg/l	82	0.95 ≤ 0.5	≤ 1.0	2	√ = 0.36			
Ortho Phosp. - mg/l	82	0.37 —	—	—	√ = 0.20			
Nitrates - mg/l	83	1.00 —	≤ 3.0	4	√ = 1.29			
Total Diss. Solids - mg/l	83	238.4 ≤ 200	≤ 300	9	√ = 68.7			
ColoC - P.T.C.O	83	35.60 —	≤ 10	68	√ = 22.20			
Alkalinity - mg/l	83	133.2 —	—	—	√ = 33.6			
BICARBONATE - mg/l	83	158.2 —	—	—	√ = 37.6			
CARBONATE - mg/l	83	1.90 —	—	—	√ = 4.2			
Total Coli - /100 ml	77	2741 —	—	—	√ = 13951			
Fecal Coli - /100 ml	83	102.3 S.M. ≤ 1000	≤ 2400	0	√ = 213.1			
Turbidity - J.T.U.	82	14.02 —	≤ 10	34	√ = 16.82			
Approx. Flow - c.f.s.	69	—	—	—	111.0 -/22	—	72.3 -/47	—
HA ₃ - ml - mg/l	3	10.40 —	—	—	√ = 0.52			

WALKER QUARRY DATA

Name of Stream WALKER RIVER
Control Point BRIDGE ST.

Sampling Freq. Monthly
Reporting Period from 1/75

6.76

Station # 310031

Standard deviations apply

	Number of SAMPLINGS	AVG. CONCL. AVG. W.Q.S.	SINGLE VALUE STD. (S.V.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	16	—	—	—	17.7 ≤20/3	0 ≤30/3	7.31 ≤14/13	2 ≤14/13
STANDARD DEVIATION								
pH	17	8.22 7.5-8.5	6.5-8.7	0	σ = 0.12 for AVG CONCL.			
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 Phos. - mg/l	17	0.46 ≤0.7	≤0.9	1	σ = 0.73			
Ortho Phosp. - mg/l	17	0.37 —	—	—	σ = 0.51			
Nitrites - mg/l	17	1.51 —	≤6.0	0	σ = 1.08			
Total Diss. Solids - mg/l	17	271 ≤450	≤550	0	σ = 90.2			
Color - P.T.C.O	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 - c.f.s.	—	—	—	—	—			

WATER QUALITY DATA

WA

Station # 30030

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

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

Parameter	Number of Samples	AVG. CONC. AVG. W.Q.S.		SINGLE VALUE STD. (S.V.S.)	# S.V.S. VIOLATIONS	JULY-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.	
		Min	Max			Min	Max	Min	Max	Min	Max	Min	Max
Temperature - °C						20.0		0		8.10		8	
						= 20/24		≤ 30/24		= 14/55		= 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	1.98		≤ 6.0	3	σ = 1.78							
Total Diss. Solids - mg/l	80	334	≤ 450	≤ 550	0	σ = 97							
Color - PTCO	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							
Fecal Coli - /100 ml	80	121	A.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				185			
						-/22				-/47			