

PRESENT:

Chairman Jeffrey
Vice Chairman Redelsperger
Assemblyman Dini
Assemblyman Kovacs
Assemblyman Mello
Assemblyman Polish
Assemblyman Schofield
Assemblyman DuBois
Assemblyman Rhoads

OTHERS PRESENT:

Assemblyman Prengaman
Mr. Louis Bergivin
Mr. Howard Winn
Mr. Ray Nisley
Mr. Tom Young
Miss Deanna Doughty, Nevada Builders
Association
Mr. Lyle Campbell
Mr. Jack Deringer, Department of Wildlif
Mr. Jac Shaw
Mr. John Sweetland
Mr. Tom Polikalas
Mr. John Meter, Park Systems
Mr. Gary Vinyard
Ms. Peggy Tweedt, League of Women Voters

The meeting was called to order at 2:00 P.M. with Chairman Jeffrey in the chair. At this time he called for testimony on AB 221.

AB 221

Makes various changes in provisions concerning water pollution.

Mr. Louis Bergevin was the first to testify in support of AB 221. His written testimony is attached hereto and marked EXHIBIT "A".

Mr. Howard Winn was next to testify in support of AB 221, and his written testimony is attached hereto and marked EXHIBIT "B".

After Mr. Winn's testimony Assemblyman Dini stated that in the past two years Lake Lahontan has become a sewer for the upstream users, and that he felt Mr. Winn's testimony was saying that the EPA was wrong in adopting standards on the Carson River which try to protect that natural resource so the people can continue to use it as a recreational area and secondly the people in the Fernley and Fallon use the water of the Truckee Canal and Carson River Waters with shallow wells to supply drinking water. If the water is degraded any further upstream what will be done about these problems?

Mr. Winn stated he didn't feel they were wrong in setting the standards of quality in the reservoir and the rivers but what he does feel is that they did something for the wrong reason. Under the system that was anticipated for pollution control a series of uses would have been established for the Lahontan Reservoir, one of which would have been recreation, and it is a fact the recreation use has been hindered by the dirty water problem. He feels the use is now under stress, to find out how that can be improved research is needed

determine what is causing it and once the cause is determined then go to the upstream pollutants and rectify the situation.

The procedures for action that he suggested are as follows:

(1) Determine cause (2) determine effect (3) then perhaps a cost study would be necessary in order to rectify the situation. It is the feeling that the Environmental Commission that the pollution can be cut to a great degree by reducing the amount of effluence released by the waste water treatment plants in Reno and Carson.

Assemblyman Dini stated that the problem goes much farther than that in the 90% of the people that use Lake Lahontan are Nevada people, and it is also used by the farmers, being a multiple use Lake it cannot be utilized any further at the present time. However, it cannot be degraded any further by changing the standards that were established last year and perhaps even strengthened.

Mr. Ray Nizley, testified in support of AB 221 and said that in his opinion this bill only spells more clearly the law that was enacted because of the task force work. He wishes to go on record as endorsing Mr. Winn's testimony.

Mr. Tom Young of the Nevada Environmental Trust testified in support of AB 221, his written testimony is attached hereto marked EXHIBIT "C".

Deanna Doughty, Executive Officer of the Northern Nevada Builders Association was next to testify in support of AB 221. Her written testimony is attached hereto and marked as EXHIBIT "D".

Mr. Lyle Campbell, representing himself stated that he felt that miners and ranchers were looked upon as rapers of the land and he feels that all the regulations should be followed by both the city dwellers, and the ranchers and miners in order to maintain the quality of the air and water.

At this time there being no further testimony in favor of AB 221 Chairman Jeffrey, called for testimony opposed to AB 221.

Mr. L. H. Dodgion, Administrator-Division of Environmental Protection, was first to testify in opposition to AB 221. His written testimony is attached hereto and marked EXHIBIT "E". He would like to go on record as recommending that the committee not approve this bill, and that the water bills remain as they are.

Assemblyman Polish asked Mr. Dodgion what they specifically check for at the present time as far as water quality.

Mr. Dodgion stated that they have water quality control stations on all the rivers that they monitor for various chemical and chemical and viological perimeters on varying frequencies. Most are done on the main streams, monthly, the smaller streams, quarterly, and some cases on wilderness streams and sources possibly only once or twice a year. The point source dischargers are issued a discharge permit which requires self monitoring where they are required to take samples of their effluence and report it on a monthly basis. The various

chemicals that are checked for are water sulphates, chlorides, TDS, nitrates, nitrogen, amonia, phosphorus, etc.

Mr. Polish wondered if the more of the biodegradeable products were used if that would clean up the streams sufficiently.

Mr. Dodgion replied that a ban of phosphate detergent could reduce the phosphate leaving a treatment facility by 30% to 35%.

Assemblyman Polish expressed concern that although we are concerned about the pollution upstream we don't seem to be doing anything about banning the culprits. Mr. Polish also wondered about possible suggestions regarding ridding our water ways of these pollutant. Mr. Dodgion stated that there had been many suggestions and that the Environmental Commission was very receptive to these suggestions and comments.

Assemblyman DuBois stated that there had been some testimony here today that regulations were fine but many times were unenforceable, and he wondered if that were true.

Mr. Dodgion replied that some of the dischargers were complaining of the cost to rid the water ways of the pollutants.

Mr. DuBois wondered if the Reno/Sparks treatment plants would be handling some of these different chemicals and pollutants thus reducing the waste being sent down river to Lake Lahontan.

Assemblyman Redelsperger wondered if the water standards are state water standards or federal standards that will have to be adopted at a later date.

Mr. Dodgion said that they are state standards and are subject to approval to the Federal EPA.

Mr. Redelsperger wondered if they will have to eventually meet the federal standards. Mr. Dodgion replied that they are in accordance with the federal standards at the present time.

Assemblyman Redelsperger asked whether the quality of water can be attained and the multiple beneficial use of the water also be maintained. Mr. Dodgion stated that Lake Lahontan could never be as clean as Lake Tahoe but it could be cleaned up considerably, when the point source dischargers either come out of the river or meet the water quality standards that have been adopted at the present time.

Assemblyman Rhoads asked if AB 221 is adopted would that mean in Mr. Dodgion's opinion would the water quality standard not meet Federal Law.

Mr. Dodgion said he feels that there is a chance that they would not meet the federal law, and that there is a chance that they would not be approved by the EPA and then they would have a set of standards for the Division of Environmental Protection to enforce and another set of standards that may be enforced by the Environmental Protection Agency.

Assemblyman Rhoads wondered if this were true, was it because of the lower standards. Mr. Dodgion stated that was the case together with a complicated procedure they would have to go through.

Assemblyman DuBois, wondered if under the present procedure and the progress that is apparently being made do you feel that all the dischargers on these two rivers are coming in line with the standards or will be, in some point in time?

Mr. Dodgion stated that the goals under the Federal Clean Water Act is to meet the standards by July 1, 1983. He does not want to imply that all the dischargers will be in compliance by that time but there will be substantial progress, and there is indeed progress being made at this time.

Mr. Dodgion stated that he feels that adopting new standards will simply impede this progress. The dischargers that are in the process of complying with the present standards would simply stop saying they will continue to try to comply once they again know what standards to follow.

Assemblyman DuBois wondered if AB 221 were adopted if these dischargers would have to redesign their facilities.

Mr. Dodgion stated that this may be true but in the end result they would have two sets of standards at a lower level that would control a few sources and would allow degradation and then a more stringent set of standards would apply to only a few point dischargers.

Assemblyman Redelsperger wondered if any of the agricultural regions that were using fertilizer were getting any of it back in the water supply?

Assemblyman Dini stated that the farmers in his district were not using alot of commercial fertilizers.

Mr. Dodgion stated that 1979 changes to this legislation adopted established a diffused source program. The commission has adopted regulations on a diffused source control program and the program is going to be implemented through the Soil Conservation Service, the Conservation Districts. Approximately 40% of the nutrients that are coming into Lahontan from the Carson River side either come across the state line or are from diffused sources. The other 60% are from point sources.

Assemblyman Redelsperger wondered if the farmers would be able to comply with these standards without tremendous cost to their operation.

Mr. Dodgion stated that they are very good conservers of all the resources already.

Mr. Dodgion stated that Section 4 is just a revision of the existing nondegradation clause in the State Law. He said that the language in context was not a problem but taken in the whole of the bill it would allow degradation and lower quality because of the

application of the beneficial use criteria as standards rather than the existing main stream quality to control the upstream or the stateline dischargers upstream.

Assemblyman Schofield stated that in citing the water quality standards the state does not take the position of making it more stringent than provided by the Federal Clean Water Act.

Mr. Dodgion stated that it could be interpreted that the fact that we have some high quality water, particularly on the Truckee River. That is not in conflict or more stringent than the Clean Water Act because you are trying to enhance the water quality and so is the Federal Clean Water Act. In effect we are just trying to maintain the quality.

Assemblyman Schofield wondered what effect this Act would have in the Southern Nevada Area.

Mr. Dodgion replied that it is yet to be seen. Some areas standards are scheduled to be revised in the next year.

Assemblyman DuBois asked if in Mr. Dodgion's opinion this bill would lift many of the standards already set?

Mr. Dodgion stated that in his opinion it would relax those standards.

Mr. DuBois wondered how these standards would effect the water quality at the statelines?

Mr. Dodgion stated that the standards set at the statelines are set at the high water quality standards. For instance, the state of California cannot allow a discharge that would cause those standards to be exceeded. If we reduce those standards they will degrade from there on down.

Assemblyman Redelsperger in the Chair at this time asked for further testimony opposed to AB 221.

Mr. Jack Derringer of the Department of Wildlife, submitted his remarks in written form and they are attached hereto marked EXHIBIT "F".

Assemblyman Redelsperger stated that it was his understanding that the River had been completely allocated as to beneficial use and wondered if there could be an additional use to support aquatic life, in any part of the river.

Mr. Deringer indicated that his understanding of the indication here is that the Environmental Commission will establish beneficial use. Their establishment of beneficial use would be through "the commission may determine that a beneficial use exists for maintenance of aquatic life or other wildlife or for other recreation only if it finds and specified sufficient detail concerning presence and usefulness of species or recreational activity to allow selection of criteria appropriate to protect that use." So, he stated that they

have complete control and they will evaluate whether that species or that recreational activity is worthy of protection and beneficial use. He also stated that there is no standard set here as to what in total of species, what species, or what amount of recreational use is going to be required before they say "Yes, this is beneficial."

Assemblyman Polish asked Mr. Derringer how much change he thinks would bring in the river quality.

Mr. Deringer replied that if the Environmental Commission determined that there is not a beneficial use below the sewer plan in Reno, there may be a lower quality of material released.

Mr. John Raine, Senior Planner for Douglas County, stated that he concurs with the remarks made by Mr. Dodgion and opposes AB 221.

Mr. John Meter stated that he concurs with Assemblyman Dini regarding the situation at Lahontan and that they are also concerned about a number of other areas in the state which are not as critical as Lahontan, and he stated that there are 20 other park units that are involved. Anything that would allow any further degradation of these waters would have a potential impact and of course on the recreation benefits in any of the parks or recreation areas in the state. They urge the committee to take any action necessary to see that the water is preserved so this recreation is available.

Mr. Dini asked Mr. Raine to explain the investment that the state has in Lahontan as a State Park, the capital improvements that are planned there for the future, etc.

Mr. Raines stated that several years ago a fifty year recreation agreement was signed with the Carson-Truckee Irrigation District which was at that time the Bureau of Reclamation to operate the recreation resource at Lahontan and at present there are about 47 years left on the agreement. There are over 3 million dollars worth of improvements at Lahontan at this point and about 1 million invested in property acquisition. This is just scratching the surface of the recreation needs and development in order to develop that facility fully it would take several additional million dollars.

Assemblyman DuBois wondered approximately how many people use the Lake.

Mr. Raine replied that it was somewhere between one-half million and 600,000. He stated that last year they were down a little because of the water quality problem. They were down approximately 50,000 by the end of October 1981. The health department has advised them it is currently safe for swimming and water skiing, and hopefully will remain so for the rest of the summer.

Mr. Gary Vineyard, Assistant Professor of Biology at the University of Nevada at Reno, was next to testify. He stated that he teaches the study of fresh water environments and biology. He stated that the adoption of AB 221 would be a mistake in that it does seem to allow degradation of the water quality in terms of making it difficult to define beneficial uses of various aquatic life and water organisms.

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and water quality standards which may or may not exist in the water body. It seems that in Nevada since water is very much of a problem in terms of the growing population, we should be conservative in establishing water quality standards in order to insure that beneficial uses so far as recreational resources, consumptive resources as far as drinking purposes, water for all sorts of industrial and public uses. It is in the best interest of everyone to keep as conservative standards as possible in order to accomodate future growth, in terms of drawing people into the state for recreation purposes. It seems to him that adoption as set out in AB 221 would allow substantial reduction in the water standards and a substantial degradation of our water resources in the state and have long ranging impacts on tourism.

Assemblyman Polish wondered how to reduce some of the phosphates, nitrates, etc., in our water.

Mr. Vineyard stated that one thing that could be done is that the legislators establish a ban in certain basins on the sale of phosphate detergents. That alone would have an immediate impact on reducing the phosphorus content in the water systems, such as Lahontan, Pyramid, and Walker Lakes. A local ban on phosphate containing detergents would be significant.

Peggy Twedt representing the League of Women Voters of Nevada was next to testify on AB 221. She stated that the league is totally opposed to AB 221, her written testimony is attached hereto, marked EXHIBIT "G".

There being no further testimony on AB 221 the public hearing on this matter was closed.

Vice Chairman Redelsperger then called to testimony on AB 325.

AB 325

Adds chairman of wildlife comissioners to board of review concerned with public lands.

Assemblyman Rhoads was first to testify and stated that AB 325, it was discovered last year in one of the Access Committee hearing that when AB 413* was originally passed which was in the original Sagebrush Rebellion two years ago they inadvertently left off the most important agency that should be on the review committee and that was the department of wildlife. It was pointed out to them and it was agreed unanimously by the committee members that the Chairman of the Board of Wildlife Commissioners should be on that review committee. However, if the committee feels that they should, page 2 also needs amending on line 5 that the chairman of the wildlife commission should be paid a salary as well as per diem. There are two lay people on this board, these being the Chairman of the Board of Wildlife Commission and Chairman of State Environmental Commission. The remainder of the review board are all state employees and are being paid. If the Committee feels that they should pass this bill they should consider the request by Assemblyman Hayes about the other appointees on AB 175.

* From 1979

Mr. Jac Shaw, stated that his only comment is that AB 325 and AB 175 should be incorporated. He stated that the Department of State Lands is very much in favor of having these appointments made to the Board of Review. He commented that AB 175 increases the involvement and responsibility of these two people. At the present itme they are only a kind of police force watching over what the Division of Lands does and only approve regulations.

Assemblyman Kovacs stated at this time that on AB 166 Section 29, we are repealing the NRS that has to do with AB 175 and AB 325. It is a self destruct situation.

Assemblyman Dini stated that this had not become a law yet and before it did and there would be a pink slip issued by the counsel bureau notifying them of a conflict and at that time the chairman would meet with them and work out the language. It is a procedural matter.

Mr. Shaw stated that in addition to what Mr. Dini stated these two bills have an additional method of solving the conflict problem. AB 166 is a process to get ready for transfer of public lands to the state and if there is a commission formed the Board of Review would be unnecessary. The Board of Review is really an interim situation. With the passage of AB 413 to have the involvement and watchdog effect on the Division of State Lands during this interim before the land is transferred to the state through the court system or through the congressiona system. If either one of these situations should come to pass this would be eliminated automiatically.

Assemblyman Rhoads explained that AB 175 is an existing board right now and that AB 166 will not even become a reality until the congress passes and it is signed by the President of the United States signs it. This would be several years down the road.

Mr. John Sweetland, Vice Chairman of the Board of Wildlife Commissioners, Department of Wildlife. The Commission is in favor of AB 325 they feel that the Board of Review dealing with public lands, Nevada consisting of approximately 87% of public lands, and they are charged with the responsibility of the wildlife of the State of Nevada and look to this with eagerness in being involved with such a review board.

There being no further testimony on AB 325 Vice Chairman Redelsperger closed the public hearing on this matter and called for testimony on AB 118.

AB 118

Prohibits budget chief from including expenditures relating to "MX" missile in state budget.

Assemblyman Prengaman, stated that AB 118 would essentially prohibit any monies from being used to fund impacts of the MX Missile system in Nevada. Mr. Prengaman's written testimony is attached hereto, and marked EXHIBIT "H". Newspaper articles supporting this testimony are also included as EXHIBIT "I" through "M".

Assemblyman DuBois asked if this would completely prohibit the

State from allocating any money to the MX project.

Assemblyman Prengaman explained that the bill covers anything budgeted. In other words, the State budget chief could not include in the state budget any amounts of money to mitigate the impacts.

Assemblyman Dini stated that although he doesn't disagree with the concept, are we not putting local governments in a bind by creating a situation where they cannot get State assistance to help them through a critical period. It will be the local governments that will be facing the crucial periods. Doesn't it make sense to provide some kind of a reserve of money so things such as schools, sewer expansion, etc., things of that nature can be spoken to immediately. If these small communities of the state have to come up with the money to cover these necessary items as this tremendous growth hits them they may be in serious trouble, if the Federal Government and the State Government also can't help them in any way. There may be immediate health problems and unforeseen other types of problems.

Assemblyman Prengaman stated that the State is going to have to come up with this money to help the small communities because their tax base is just not broad enough to handle the problems that they will be faced with, and in this area he stated that he agrees with Assemblyman Dini. If these small communities try to go it alone, they, in order to afford the costs will float bond issues. Then when the boom period, which historically is about five years, is over the people that are left are also left with the responsibility of having to pay for these bond issues. He stated that he realizes that this bill is probably not the best vehicle to go after these commitments that are necessary but he feels that it would serve as a message to the Federal Government that they have to change their attitude towards the maintenance, and operation of the improvements that will have to be made. It is not his intention to put the burden on the small counties but to bring it to the attention of the Federal Government that these issues have to be addressed by them since it is the National Defense Project that will be causing this problem. There will have to be a slush fund provided by the Federal Government to provide the sewers, schools, additional police and fire protection, medical help, etc. The construction people that will be directly involved with this project will want these available to them when they arrive on the spot and not have to wait for them.

Tom Polikalas, representing Nevadans Opposed to MX was next to testify in regards to AB 118. He stated that he disagrees with the premise that because the Air Force had already spent considerable money for this project it is inevitable that the State of Nevada has to have it. He cited the ABM system stating that the Air Force spent seven billion dollars before it was scrapped, the argument that since The Air Force is spending 4½ billion dollars a day on the MX system being placed in Nevada, is categorically denied by the Nevadans Opposed to MX.

Mr. Polikalas stated that the decision for the placement of the MX missile in Nevada is more political than anything else and the final decision will probably have a lot to do with what the legislators

decide in the next few weeks. He also stated that the Sea Based MX Missile system is a real possibility and is being given serious study. If Nevada develops strong opposition to this system over the next few months there is a strong possibility that it will not be placed here in Nevada. We must send this message to the Federal Government.

At this time Mr. Polikalas referred to his written testimony, which is attached hereto and marked EXHIBIT "N". This testimony states that Nevadans are opposed to MX strongly and support the passage of AB 118.

Diane Campbell, President and Chairman of the Board of the Nevada Miners and Prospectors Association Inc., stated that the Saturday previous to this meeting their membership held a meeting which consisted of the entire membership of 400 and they unanimously voted against the land based missile system.

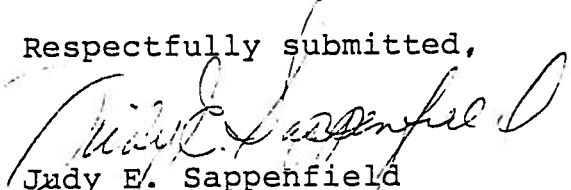
She stated that her organization supports passage of AB 118.

There being no further public testimony regarding AB 118 the hearing on this matter was closed.

Chairman Jeffrey appointed Mr. Dini and Mr. Mello the subcommittee to study the Wildlife fee increases. There was no action taken on bills.

There being no further business before the committee the meeting was adjourned.

Respectfully submitted,


Judy E. Sappenfield
Committee Secretary.

Mr. Bjorn P. Selinder, County Manager of Churchill County, was unable to attend the meeting of March 24, 1981 and subsequently submitted his testimony in written form, which is attached hereto and marked EXHIBIT "O".

20001
1/21/79

ASSEMBLY BILL 221
ASSEMBLYMAN LOUIS BERGEVIN

Assembly Bill 221, relating to water quality, has been introduced in an effort to rectify a problem which arose after similar legislation was passed by the 1979 legislature. I introduced the legislation in 1979 at the request of a task force which had extensively studied the water quality problems and with the full support of the Division of Environmental Protection. The legislation was designed to permit, in Nevada Law, control of non-point or dispersed sources of water pollution and to make other major changes in water quality law necessary to provide a workable system.

The problem arose soon after the 1979 law was passed when it became apparent that the Division of Environmental Protection was not going to follow the intent of the law. This in spite of the fact that I took the matter before the Legislative Commission, without substantial results. The excuses are several:

- (1) "The legislation wasn't clearly written;
- (2) "We don't have time - we have a deadline to meet in order to not jeopardize our grant money;
- (3) "The old system is just as good."

In my judgement, the real reason the intent of this legislation never came about was a revolt by one or some of the people within DEP. The then ^{Administrator} ~~director~~ of this division made no secret of the fact that he "knew there was a loophole in the law" and apparently never intended to comply with its intent.

I feel personally responsible to my fellow legislators to bring this amended version of this law to their attention, so that if they desire, the intent of Nevada Law may be carried out. I have asked Frank Daykin to assure

Exhibit "A"

Assembly Bill 221/Assemblyman Louis Bergevin
Page 2.

that, this time, there will be no room for misinterpretation.

Others will explain the technical details of this important matter in
whatever detail you need.

3/24/81
ASSEMBLY BILL 221

Committee on Economic Development
and Natural Resources

* * * *

W. Howard Winn

My name is Howard Winn. Although I wear a badge of the Nevada Mining Association, I am here today to speak for myself in an effort to conclude some unfinished business that began four years ago. It was then that two legislators formed a task force to review Nevada laws relating to protection of water quality to recommend changes which would provide for a workable system for control of water quality including control of diffuse or non-point sources.

After nearly two years of study involving more than 30 concerned people a proposal was made to the 1979 legislature which included several major changes to the then existing water quality law. I agreed to act as spokesman for the task force and joined the Department of Conservation and Natural Resources in support of the legislation. It was sponsored by Assemblyman Lewis Bergevin. After extensive hearings the legislation was approved essentially as written and became law.

The next chapter in this history is the part that constitutes the reason that I am here - almost no part of the intent of the water quality law as passed in 1979 has been complied with! The reasons for this include:

1. Unclear bill drafting.
2. A reluctance on the part of the Division of Environmental Protection to abandon the system in use.
3. An Attorney General's opinion which indicated language not consistent with intent; and
4. A general confusion in the minds of the Environmental Commission caused by the previous three reasons.

I must accept part of the responsibility for the unclear language in the law. The language that is before you in A.B. 221 corrects that problem and accurately reflects the intent that we hoped to achieve in 1979. I have Mr. Daykin's assurance that this is true.

SUPPORT

For the benefit of the legislators who may not have been on this committee two years ago, let me list the major changes in the water quality law and the reasons for them exactly as they were given in testimony in 1979.

Exhibit "B"

C160

1. "The legislative declaration of policy has been re-written in more definitive language. An effort has been made to eliminate all 'generalization terms.'"
2. "A section has been added that constitutes an anti-degradation statement. This statement attempts to indicate when and under what conditions high quality water may be reduced in quality.

"The absence of an anti-degradation statement in Nevada and the attempt to use water quality standards to prevent degradation has so far made the review of Nevada's water quality standards unproductive."

3. "The section on water quality standards has been re-written to better define the purpose of the standards. The use of the standards has been limited to one specific purpose. The relationship of water quality standards to water quality criteria has been defined. Direction has been supplied for the standards to support fish, wildlife, and recreation 'if such is reasonably attainable.'"
4. "A section has been added to authorize the use of non-point source controls; and when they are to be applied as specified."

The basic concept of the system which is its "foundation stone" is the idea that, in Nevada, we commit ourselves to the protection and continuation of the beneficial uses that are now being achieved. The task force was well aware of the conflicts that were and would be occurring as ever increasing growth in population put more and more pressure on the already scarce water resources in Nevada. The task force believed that to maintain present uses of the water would be a Herculean task but represented a goal that would, if achieved, be fairest to all concerned.

It was previously stated that the intent of the law was not being complied with:

1. Designation of "applicable" beneficial uses by the commission is being done in a generalized manner that does not allow meaningful determination of water quality standards. For example, the eleven sections of the Carson River all have the same use designation. There is no recognition that the lower river supports a different aquatic life than the upper

river and there is an inference that the entire river can be upgraded to support all uses. I am, perhaps, most alarmed by a use designated by the commission throughout the river systems as recommended by the Division of Environmental Protection called "aesthetics." I find it amazing that authority could be found within Nevada Law to designate a word with such vague and individually variable meaning as a beneficial use. The dictionary defines "aesthetics" as "a branch of philosophy dealing with judgement concerning beauty." Aesthetic value could be a proper part of a narrative criteria.

2. The commission still establishes many water quality standards on the basis of averaged in-stream quality. Again, as an example, almost every section of the Carson and Truckee Rivers have different standards for many pollutants such as phosphates, nitrates, and temperature. There is no real relationship between the standards and the actual uses as is required by law. Such a system violates the very basic concept of granting water discharge permits. By rules of any other state or by EPA, a discharge permit cannot be granted unless there is found at the discharge point water of higher quality than the water quality standards - enough higher to absorb the pollutants without causing a violation of the standards.
3. The commission has established standards to protect high quality water from degradation. This was not the intent of the law nor is it necessary or desirable. True high quality water can only be maintained by application of diffuse source regulations and by land use planning. The actual quality of the water needs only regular sampling to provide data for determination of the success or failure of the management program.

The amendments proposed in A.B. 221 do not change any of the concepts and intents of the present law - they simply state them in a more understandable way.

In Section 1, the commission is provided with a procedure to designate uses for water that are not now being utilized. In the case that upgrading of the water quality is required to allow the new use, the commission must find that the benefits achieved will justify the costs of achieving those benefits.

In Sections 3 and 6, the superfluous and confusing definition of water quality standard is removed. A water quality standard will now be used and exist

only "at a level designed to protect and insure a continuation of the existing beneficial use." The word "existing" has replaced "designated" to insure that the commission will select and promulgate water quality standards which relate to beneficial uses being realized at the time of consideration.

Section 3 also provides language that requires the commission to examine designation of uses for aquatic life, wildlife, and for recreation in sufficient detail to allow selection of standards that are appropriate. An example - is the water used by catfish or trout?

In Section 4, the intent of the anti-degradation statement is clarified. This law will apply only to water that is substantially higher in quality than applicable standards of water quality and to water that the commission, after public hearing, has determined that to maintain the higher quality is in the public interest.

Section 5 affects language that recognizes that there is no practical way to suspend operations of a waste water treatment plant after 30 days notice. An alternative is provided.

Section 7 requires that all regulations passed previous to this act be amended to comply.

I have assumed that the legislature will probably want to see the water quality control program which was put into law in 1979 now put into effect. Therefore, I have not spent a lot of time supporting that original program. A vehicle is now before you to effect the program and to test its capability to cope with water quality programs in Nevada. Because I have full confidence in the program, I have no reservations in urging you to give it full consideration.

As previously mentioned, I believe the procedures now being followed by the Division of Environmental Protection and Environmental Commission has several serious and dangerous flaws. I strongly believe that an effective water quality control plan must have certain basic ingredients that are inflexible. A water quality standard has two elements: (a) A designated use; and (b) "criteria" for various pollutants, expressed in numerical concentration limits, sufficient to support the designated use. Once the standard of quality is selected, it must be the primary basis for determining (1) if a discharge permit can be granted; and (2) if the permit is granted, what the discharge limitations will be for that permit. In selecting appropriate use designation as part of the water quality standards it is important that the commission not speculate as to what additional uses might be applied to a stream segment or body of water and, surely, it must not try to act as the conscience of the state in second guessing past decisions as to water right allocations which may have resulted in stream degradation. Once standards of quality are established the commission should consider certifying new

uses of water on the basis of (1) need; and (2) if upgrading of water quality is required on the basis of costs versus benefits.

The extra cost to the Environmental Commission for effecting this legislation need not be excessive. Extensive public hearings over the past 18 months have developed data that could be utilized to get the program well on its way. Additionally, it's past time for a review of the Humboldt River and Owyhee River systems and perhaps others. If the intent of this legislation is approached enthusiastically by everyone concerned, the task will be immeasurably less difficult.

In the interest of time, I have talked in general terms. If any of you have a specific question as to the application of our water quality law or to any specific stream problem, I will try to supply an answer.

L. 112

AB 221 HEARING
ECONOMIC DEVELOPMENT & NATURAL RESOURCES COMMITTEE
MARCH 24, 1981

IN SEPTEMBER OF 1979 THE STATE ENVIRONMENTAL COMMISSION HELD A HEARING IN RENO TO REVIEW THE BENEFICIAL USES AND WATER QUALITY STANDARDS OF THE TRUCKEE RIVER. THIS WAS THE FIRST OPPORTUNITY FOR THEM TO HAVE A REVIEW OF A WATER SOURCE UNDER THE REVISED LAW AS AMENDED BY AB 572 IN THE 1979 LEGISLATURE.

I FELT THAT THE LANGUAGE IN THE BILL AND THE INTENT, AS DISCUSSED BY THE LEGISLATURE, WAS FAIRLY SPECIFIC. HOWEVER, AFTER SEVERAL MONTHS OF HEARINGS, IT BECAME OBVIOUS THAT THE STAFF OF THE STATE DIVISION OF ENVIRONMENTAL PROTECTION HAD THEIR OWN INTERPRETATION AS TO WHAT THE INTENT OF THE LEGISLATION WAS.

SINCE THERE SEEMED TO BE A DISCREPANCY BETWEEN THE LEGISLATURE'S INTENT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S APPLICATION OF THE LAW, A LEGISLATIVE OVERSITE COMMITTEE WAS APPOINTED TO REVIEW THE SITUATION. SENATORS DODGE AND WILSON AND ASSEMBLYMEN BARENGO AND MAY WERE APPOINTED TO THE COMMITTEE AND TWO MEETINGS WERE HELD HERE IN THE LEGISLATIVE BUILDING.

ASSEMBLYMAN BERGEVIN AND MR. HOWARD WINN WERE ASKED TO EXPLAIN AB 572 AND ITS INTENT. THE STAFF OF THE DIVISION OF ENVIRONMENTAL PROTECTION AND THE MEMBERS OF THE STATE ENVIRONMENTAL COMMISSION WERE PRESENT.

Exhibit "C"

AS AN INTERESTED PARTY, I ALSO ATTENDED THE HEARINGS. IT WAS MY UNDERSTANDING, AT THE CONCLUSION OF THE HEARINGS, THAT ALL PARTIES PRESENT UNDERSTOOD THE INTENT OF THE BILL. NOT EVERYONE AGREED THAT THE BILL, ITSELF, CLEARLY IDENTIFIED THIS INTENT, BUT THOSE PRESENT AGREED THEY UNDERSTOOD THE BILL'S OBJECTIVE AND WOULD WORK TOWARD THAT GOAL.

HOWEVER, IN THE PURSUING MONTHS, IT BECAME OBVIOUS THAT THIS WAS NOT TO BE. NOT ONLY HAVE WATER QUALITY STANDARDS BEEN CHANGED ON THE TRUCKEE RIVER, BUT ALSO ON THE CARSON RIVER AND NOT ON THE BASES OF AB 572.

IT IS MY FEELING THAT, IN BOTH CASES, THE STAFF OF THE DIVISION OF ENVIRONMENTAL PROTECTION CHOSE TO IGNORE THE LEGISLATURE, THE LEGISLATIVE OVERSIGHT COMMITTEE, AND THE INTENT OF AB 572 AND DO AS THEY PLEASED, REGARDLESS OF ANY DIRECTION GIVEN THEM BY THIS LEGISLATIVE BODY.

I WOULD LIKE TO GIVE YOU ONE EXAMPLE OF ACTION TAKEN ON THE TRUCKEE RIVER LAST YEAR. WATER QUALITY STANDARDS WERE SET TO PROTECT THE SPAWNING OF COLD WATER SPECIES, PRIMARILY THE CUTTHROAT, IN THE LOWER REACHES OF THE RIVER. AFTER WATER QUALITY STANDARDS WERE SET TO CONTROL SEVERAL DIFFERENT CHEMICALS WHICH COULD IMPACT THE COLD WATER SPECIES IN THE LOWER TRUCKEE, MAXIMUM WATER TEMPERATURE LEVELS WERE SET WHICH WERE BASED ON THE TEN YEAR HISTORICAL DATA AND WERE IN DIRECT CONFLICT WITH THE WATER QUALITY STANDARDS PREVIOUSLY IDENTIFIED SINCE THE TEMPERATURE LEVELS EXCEEDED THE CRITICAL POINT FOR CUTTHROAT SPAWNING.

WE MUST HAVE LAWS AND REGULATIONS TO PROTECT OUR ENVIRONMENT BUT, AT THE SAME TIME, THEY HAVE TO BE PHYSICALLY AND REASONABLY ATTAINABLE AND ECONOMICALLY FEASIBLE. IN SECTION V OF THE NEVADA REVISED STATUTES 445.244 IT STATES THAT WATER QUALITY STANDARDS WILL BE MET "IF THESE OBJECTIVES ARE REASONABLY ATTAINABLE." THE KEY WORD HERE IS "REASONABLY." WEBSTER'S DICTIONARY TELLS US THAT REASONABLY MEANS: NOT EXTREME OR EXCESSIVE; MODERATE; FAIR; INEXPENSIVE; POSSESSING SOUND JUDGEMENT. I DO NOT BELIEVE THAT THE ACTION TAKEN BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IN CHANGING THE REQUIREMENTS FOR WATER QUALITY OF THE TRUCKEE OR CARSON RIVERS IS MODERATE, FAIR, OR BASED ON SOUND JUDGEMENT. I DO BELIEVE THAT IT WAS EXTREME AND EXCESSIVE AND, MOST CERTAINLY, IS GOING TO BE EXTREMELY EXPENSIVE UNLESS THIS LEGISLATIVE BODY PASSES AB 221.

SINCE SEPTEMBER 1979, I HAVE ATTENDED EIGHT HEARINGS BEFORE THE STATE ENVIRONMENTAL COMMISSION ON THE WATER QUALITY STANDARDS FOR THE CARSON AND TRUCKEE RIVERS. I EITHER PRESENTED TESTIMONY REGARDING THE MANNER IN WHICH WATER QUALITY STANDARDS WERE BEING SET OR RAISED SERIOUS QUESTIONS REGARDING THE ECONOMIC IMPACT THE CHANGES WOULD HAVE. MY TESTIMONY WAS VIRTUALLY IGNORED, ESPECIALLY ANY QUESTION THAT ASKED WHAT ECONOMIC IMPACT WOULD RESULT FROM THE PROPOSED, NEW WATER QUALITY STANDARDS.

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE STATE ENVIRONMENTAL COMMISSION SHOULD BE AN EXTENSION OF THIS LEGISLATIVE BODY OF ELECTED REPRESENTITIVES AND NOT AN INDEPENDENT UNIT FUNCTIONING ON ITS OWN.

IF NOT, THEN IT IS RIDICULOUS TO HOLD PUBLIC HEARINGS TO REVIEW WATER QUALITY STANDARDS BECAUSE THE STAFF WILL CONTINUE TO IGNORE ANYTHING WHICH CONFLICTS WITH THEIR THINKING AND SET EXTREMELY RESTRICTIVE AND UNENFORCEABLE STANDARDS, WHICH IS EXACTLY WHAT THEY HAVE DONE FOR THE PAST 18 MONTHS. FOR THESE REASONS, I ENCOURAGE YOUR SUPPORT FOR PASSAGE OF AB 221.

THOMAS W. YOUNG
EXECUTIVE MANAGER
NEVADA ENVIRONMENTAL ACTION TRUST



BUILDERS ASSOCIATION OF NORTHERN NEVADA

ASSOCIATION OFFICE
100 VASSAR ST., SUITE 209

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AB 221 Hearing

Assembly Economic Development & Natural Resources Committee

March 24, 1981

Testimony by: Deanna Doughty, Executive Officer

Widespread concern regarding water quantity and water quality in Nevada has prompted homebuilders organizations throughout the state to maximize their efforts in working toward sensible solutions to the problems. In the Truckee Meadows, in particular, the members of the Builders Association of Northern Nevada have realized the need to become more involved and aware of the seriousness of the water issue and how it affects the entire population and not just the construction industry. Not only has the organization been involved in working to encourage better water management and planning, but it has also taken an active interest in the development of water quality standards on both the Truckee and Carson Rivers. We have participated in numerous State Environmental Commission hearings and presented testimony on different occasions. Our concerns have been and continue to be that water quality be maintained in a manner that serves the greatest good for the greatest number of people who live or will live in the communities served by these rivers. Certainly no one who lives in any community, whether they be builders, government employees or ranchers wants to see their water sources polluted or harmed.

Our position is to support high quality standards at a price Nevada citizens can afford to pay. We further take the position that costs be counted before establishing any dogmatic and rigid procedure for water quality maintenance. AB 221 will accomplish this end. AB 221 will also help the State Environmental Commission determine fair beneficial uses, which we feel is a must. We urge you to vote in support of this bill.

Exhibit "D"

- AFFILIATED WITH THE GREATER RENO-SPARKS CHAMBER OF COMMERCE
- AFFILIATED WITH THE NATIONAL ASSOCIATION OF HOME BUILDERS



0169

March 24, 1981

L. H. Dodgion, Administrator
Division of Environmental Protection
AB 221

"An act relating to water pollution; making changes in the procedures for designating beneficial uses and for designated water as being of higher quality; removing a superfluous definition of "water quality standard"; and providing other matters properly relating thereto."

NRS 445.131 to 445.354 inclusive is the Nevada Water Pollution Control Act. The act was extensively revised in 1979 primarily to add new legislation pertaining to control of water pollution from diffuse sources. Sections 445.147, 445.253, 445.2533 and 445.319 were added. Many sections were amended including 445.196, the definition of water quality standard, which AB 221 proposes to repeal as being superfluous and 445.244 which establishes the procedure for setting water quality standards.

After adoption of the 1979 changes DEP and the Environmental Commission proceeded to revise the beneficial uses and water quality standards for the Truckee River. There was disagreement between the Attorney General's Office and LCB as to the requirements of the 1979 changes. This resulted in a meeting of the State Environmental Commission and the Joint Interim Committee of the Legislative Commission.

It was agreed that the Environmental Commission would adopt two sets of numbers to comply with NRS 445.244 and NRS 445.253 as amended 1979. The first set were to be criteria to preserve the designated beneficial uses; the second being water quality standards to protect the existing high quality of the Truckee River and to comply with the definition of water quality standard (NRS. 445.196).

The Environmental Commission followed the agreed upon procedure and designated beneficial uses, adopted criteria and water quality standards for each segment of the Truckee and Carson Rivers. These have been approved by the Legislative Commission through the Administrative Procedures Act and have been submitted to EPA for approval.

The existing wording in Sections 445.196, 445.244 and 445.253 does lend to confusion. AB 221 increases rather than corrects this.

Exhibit "E"

AB 221
March 24, 1981
Page Two

AB 221 will require that the Division and Environmental Commission redo the Truckee and Carson beneficial uses and water quality standards. This will require several unbudgeted public hearings, public notification costs, printing, travel and staff time estimated at \$57,000 per year for the next 2 years.

At the end of that time we will have 2 sets of numbers; standards of water quality set at the level of criteria which will protect and ensure continuation of beneficial uses and non-degradation numbers which will control effluent limitations for all discharges. These numbers will be essentially the same as those recently adopted and presently referred to as criteria for beneficial uses and water quality standards.

Section 4 requires the Commission to establish high quality waters after public hearings. This would mean holding hearings to compare water quality data to water quality standards and making a finding of high quality water. Then instead of having water quality standards as a controlling factor for permits the Department would be using what it determined as "existing water quality" without benefit of public hearing. Therefore, in areas of high quality waters the water quality standards would be meaningless.

Another negative impact will be the perception of the Truckee and Carson River dischargers who constantly complain about changing standards, moving targets, etc., and use this as an excuse for delaying planning and designing to meet water quality standards.

AB 221 places some other roadblocks in the way of maintaining high quality water and for designating fishing and recreation as beneficial uses. For instance the addition of lines 15-19, page 2 of the bill conflicts with Federal law and NRS 445.132 by allowing the Commission to establish a beneficial use for aquatic life, wildlife or recreation only if a sufficient presence and usefulness for the use is demonstrated. The federal act and state policy requires protection for aquatic life and recreation where attainable without conditions.

LHD:mlw

0171

We have reviewed A.B. 221 and find that it will have a serious impact on the Department of Wildlife.

Under Section 3, NRS 445.244, line 15-19 appears to give the Environmental Commission the authority to classify aquatic species as to the comparison of their value to the balance of the resource and to designate whether they should be protected or eliminated through the alteration of their habitat.

NRS 501.181 states the Board of Wildlife Commissioners shall establish broad policies for the protection, propagation, restoration, transplanting, introduction and management of wildlife in the state and regulation for the above. NRS 503.584 to 503.589 provides for the conservation, protection, restoration and propagation of selected species of native fish and other vertebrate wildlife, including migratory birds and perpetuation of the populations and habitats of such species.

NRS 503.430 prohibits the pollution of the waters of the state by substances that would be deleterious to fish.

Obviously this proposed change is in conflict with existing statutes and infringes on the responsibilities of the Board of Wildlife Commissioners.

There would also be a fiscal impact. The degree to which information would have to be obtained "to find and specify sufficient detail concerning presence and usefulness of species or recreational activity to allow selection of criteria appropriate to protect that use.", is not clear. It could be

Exhibit "7"

merely indicating a species is present to the determination of the population by species by numbers and weight. Then censusing to determine recreational activity. These activities would be required at each stream segment. Depending on the intensity of information gathering, costs could reach \$100,000 a year.



League of Women Voters of Nevada

3/20/81
Exhibit "G"

AB 221

The League of Women Voters is totally opposed to AB 221. The intent of this bill seems to be in conflict with the Federal Clean Water Act and with the League goals of protection and enhancement of water quality. This bill places the burden of proof with those who would maintain or improve the high quality of Nevada's surface waters. If costs are to be incurred and proof shown, The League feels it should be born by those who would degrade the water - not by those who would protect water quality.

The following are some specific objections and/ or questions on AB 221:

Page 1, Section 1 - Limiting beneficial uses to existing uses could cause problems when attempting to designate an additional use. Take a hypothetical situation where a developer wants to put in a subdivision. Say he has water rights to surface water of good enough quality to be used as drinking water. What procedure is necessary for this individual to develop this drinking water source? What does it mean to and I quote "show that a need exists for the additional use?" What would be the added costs to the developer?

Another potential problem is an existing situation in the Las Vegas Wash. At one time fish lived in the Wash but they have since disappeared. The Wash Development Committee of Clark County formulated a plan ^{for} the Wash which the County then adopted. This plan would create a recreational area in the Wash with some small ponds stocked with pan fish for the children to catch. Does this bill allow, in actuality, for the return of a use that has been destroyed through floods and/ or pollution? The questions are the same as those in the hypothetical case. What are the procedures necessary to show "a need exists for the additional use?" What are the costs?

Page 2, line 5 - The League opposes the change to existing beneficial uses. The League favors the protection of all potential beneficial uses. In a state such as Nevada which is experiencing rapid growth and tremendous changes, this would

Exhibit "G"

0174



League of Women Voters of Nevada

seem the wisest form of planning. Water should be protected at the highest quality rather than take the chance it could be degraded by protecting it only for existing uses.

As an example, there is a bill in the Senate, SB 391, which would help finance new recreational water sites. This is seen as particularly important in the event the MX becomes a reality. In areas where this potential exists, water should be protected for more than just the existing uses.

Page 2, lines 15-19 - As has already been mentioned, this language is contrary to Federal law. Besides that point, what is meant by the term "usefulness" of a species? How detailed must the criteria be in making such a determination?

Page 2, line 27 - When the bill mentions "a public hearing" what is it referring to? Does this mean the hearing where the standards are set or does this refer to some future hearing?

While the League does admit the existing language in the water law may be confusing in certain parts (445.196, 445.244, and 445.253) the language in this bill muddles the situation rather than correcting the problem. The League certainly does not want a repeat of the confusion that occurred after the '79 session. If it is felt the existing language should be corrected, the League would hope the wording would be consistent with the agreement reached between the Joint Interim Committee of the Legislative Commission and the State Environmental Commission.

Let me end with a few general concerns. First, if it is necessary to redo the Truckee and Carson beneficial uses and water quality standards, the dischargers along these two rivers will be given cause to complain. These dischargers have perceived the standards to be moving targets and this bill would add fuel to their argument. If these dischargers are to move ahead with their plans to meet water quality standards, they should be given no excuse to delay.

Another concern is the costs already mentioned by the Division. While the bill states there is no fiscal impact, at some point there must be an allocation for the added work

League of Women Voters of Nevada



that must be done by the Commission and the Division.

Finally, this bill deviates from the national goals and the League goals of protection and propagation of fish, shell fish and wildlife, provision of recreation in and on the water, and the restoration and maintenance of water quality. For this reason and all of the other reasons which have been stated, the League hopes you will kill AB 221.

MR. CHAIRMAN, FOR YOUR RECORD, MY NAME IS ASSEMBLYMAN PAUL PRENGAMAN, AND I REPRESENT DISTRICT 26.

AB 118 would prohibit state monies from being used to fund impacts of the MX Missile system in Nevada.

This bill would accomplish that by prohibiting the state budget chief from including in the budget any expenditures relating to the MX missile system.

THERE ARE TWO BASIC REASONS WHY I INTRODUCED THIS BILL.

- 1) TO REPRESENT THOSE 58,000 VOTERS WHO SAID ON NOVEMBER 4th, 1980, THAT THEY DIDN'T WANT THE MX MISSILE SYSTEM BUILT IN NEVADA.
- 2) TO GET THE LEGISLATURE TO ADDRESS THE QUESTION WHAT ARE THE TRUE COSTS OF THIS PROJECT GOING TO BE AND WHO IS GOING TO PAY THEM?

ON NOVEMBER 4TH, 1980, THE MAJORITY OF VOTERS IN EIGHT NEVADA COUNTIES SAID THAT THEY DIDN'T WANT THE MX MISSILE BUILT IN NEVADA. IN REJECTING MX, THEY SENT A MESSAGE TO THE PRESIDENT, THE CONGRESS, AND TO THEIR OWN ELECTED STATE OFFICIALS. THEY WEREN'T TELLING ELECTED OFFICIALS THAT THEY WANTED US TO "MAKE THE BEST DEAL" ON MX OR TO ACCOMMODATE IT AS BEST WE COULD. BUT RATHER, THEY WERE TELLING US THAT THEY DIDN'T WANT THE MX MISSILE BUILT IN NEVADA AT ALL.

IF THE MX IS BUILT HERE, WE NEVADANS END UP PAYING DOUBLE OR TRIPLE THE COSTS THAT OTHER STATES HAVE TO PAY. WHILE TAX MONEY FROM PEOPLE IN ALL STATES IS USED TO BUILD THE SYSTEM, THIS IS WHERE THE SHARED RESPONSIBILITY ENDS. SINCE MOST OF THE MISSILE SYSTEM WILL BE BUILT IN NEVADA, WE ARE THE ONES WHO HAVE OUR LAND AND OUR LIFESTYLE DISRUPTED AND POSSIBLY DESTROYED. ADDITIONALLY, WE HAVE TO PAY FOR THE IMPACTS THAT THE FEDERAL GOVERNMENT WON'T PAY FOR.

IN MY OWN COUNTY OF WASHOE, SOME 68 PERCENT OF THE VOTERS SAID THEY WERE AGAINST BUILDING THE MX MISSILE IN NEVADA. I CERTAINLY HEARD THEIR VOICES. NOT ONLY DO I RESPECT THEIR OPINION, BUT I INTEND TO REPRESENT THAT OPINION HERE IN THE LEGISLATURE.

HISTORICALLY THERE HAS BEEN QUITE A LARGE GAP BETWEEN WHAT THE FEDERAL GOVERNMENT IS WILLING TO PAY FOR AND WHAT THE ACTUAL COSTS OF THESE LARGE PROJECTS ARE.

CITE TWO ARTICLES ON TRIDENT BASE IN KITSAP COUNTY, WASHINGTON. QUOTE TWO DIFFERENT COUNTY COMMISSIONERS.

JUST LAST YEAR, PRESIDENT CARTER TOLD GOVERNOR LIST THAT THE FEDERAL GOVERNMENT WOULD PROVIDE FUNDS FOR CONSTRUCTION OF FACILITIES, SUCH AS SCHOOLS, BUT WOULD NOT PAY FOR OPERATING AND MAINTENANCE COSTS. THEY'LL HELP BUILD THE SCHOOLS, BUT THEY WON'T HELP PAY TEACHER SALARIES, OR TO OPERATE AND MAINTAIN THE SCHOOLS.

THIS SITUATION APPLIES TO MOST AREAS WHERE THE LOCAL COMMUNITY HAS TO PROVIDE SERVICES, IN EDUCATION, IN HEALTH SERVICES, IN POLICE PROTECTION, IN FIRE PROTECTION, ETC.

WHAT'S BEEN THE AIR FORCE'S POSITION ON THIS PROBLEM?

READ FROM MINUTES (April 2, April 17th, 1980) OF THE SPECIAL LEGISLATIVE COMMITTEE ON MX MISSILE MATTERS.

AT LEAST SOME RECOGNITION OF THE PROBLEM, BY THE AIR FORCE. *AF will support - but Congress has to vote*

MX SITING AREA DECISION PAPER (EARLY DOCUMENT, BUT AT LEAST SOME RECOGNITION OF PROBLEM)

REMARKS BY GENERAL ELLIS BEFORE JOINT LEGISLATIVE SESSION.

IN A BROADER SENSE THAN JUST OPERATION AND MAINTENANCE, I ALSO BELIEVE THAT THE LEGISLATURE HAS TO ANALYZE THE ENTIRE QUESTION OF IMPACT MONIES.

Exhibit "H"

0177

MORE RECENTLY, AT THE PRE-SESSION ORIENTATION HELD IN EARLY JANUARY, STEVE BRADBURST, HEAD OF THE STATE MX PLANNING OFFICE, WARNED LEGISLATORS THAT NEVADA ISN'T GUARANTEED ONE CENT OF IMPACT MONEY JUST BECAUSE THE SYSTEM IS BUILT HERE, THAT WE ARE GOING TO HAVE TO FIGHT FOR EVERY DOLLAR.

SO ON THE ONE HAND, WE KNOW WE'RE GOING TO HAVE COSTS OVER AND ABOVE WHAT THE FEDERAL GOVERNMENT WILL PAY FOR, AND ON THE OTHER HAND WE AREN'T EVEN GUARANTEED A BASE AMOUNT OF IMPACT MONEY. THIS SITUATION LEADS TO OBVIOUS QUESTIONS SUCH AS; HOW MUCH MONEY IS MX REALLY GOING TO COST THE PEOPLE OF NEVADA? AND WHERE IS THIS MONEY GOING TO COME FROM?

IT'S SEEMS FAIRLY CLEAR TO ME THAT THE TAXPAYERS OF NEVADA ARE GOING TO HAVE TO SUBSIDIZE THE MX MISSILE PROJECT, UNLESS WE CAN GET CONGRESS TO BREAK TRADITION AND APPROPRIATE OPERATION AND MAINTENANCE MONIES. SINCE IT'S THEIR TAX MONEY THAT'S INVOLVED HERE, I BELIEVE THAT THE PEOPLE OUGHT TO HAVE THIS QUESTION ADDRESSED.

SO, I BELIEVE THAT THE TAXPAYERS ARE ENTITLED TO HAVE SOME QUESTIONS ANSWERED, SUCH AS

- 1) IS THE MX MISSILE SYSTEM GOING TO COST US MONEY?
- 2) IF SO, HOW MUCH MONEY (THE BEST AVAILABLE ESTIMATE)
- 3) WHERE IS THIS MONEY GOING TO COME FROM? (WILL IT INVOLVE AN INCREASE IN TAXES, OR NEW TAXES BEING INSTITUTED?)

THESE ARE THE QUESTIONS THAT I THINK THE LEGISLATURE SHOULD ADDRESS.

11/7

Election '80

Nevada voters say 'no' to the MX missile

Exhibit "g"

By PAT O'DRISCOLL

Construction of the controversial MX missile system in Nevada was strongly opposed Tuesday by voters in the eight counties that had MX questions on the election ballot.

Voters in Mineral County in south central Nevada were divided on the issue, opposing Nevada deployment of MX by a narrow margin. Nye County, too, was relatively close compared with the runaway 70-30 margin in some counties.

Although the non-binding advisory question on the ballots of almost half of Nevada's 17 counties cannot in itself prevent the massive, multibillion-dollar defense system from being built in Nevada, anti-MX forces view it as more evidence their cause has popular support.

With 100 percent of the vote counted in other counties, the results were:

MX MISSILE	
Washoe County:	
YES	19,995
NO	41,501
Churchill County:	
YES	1,100
NO	3,844
Humboldt County:	

YES	800
NO	1,094
Lander County:	
YES	334
NO	1,006
Mineral County:	
YES	1,092
NO	1,201
Nye County:	
YES	1,343
NO	1,889
Presiding County:	
YES	360
NO	793
White Pine County:	
YES	817
NO	2,199

Voters in six of the counties were asked if they favor construction of MX in Nevada, but in Churchill and White Pine counties, the question narrowed to how voters feel about building it in their own counties.

Gov. Robert List said Tuesday night the MX question outcome didn't surprise him. "I've known for a long time that's the way the people of Nevada feel," he said, adding that Nevada must continue to stress that in Congress, "where the decision is going to be made." He said that although Nevada Sen. Howard Cannon believes it's too late, "I don't agree. It's an expensive system and its so costly environmentally . . ."

Glen Miller, a Reno spokesman for NO MX (Nevadans Opposing MX), said the vote should send a strong state's rights message to President-elect Ronald Reagan. Miller also said Reagan's past suggestion that the missile system could be deployed in existing missile silos in the Midwest "is good from the Nevada desert viewpoint," although not for those who want to scrap the controversial missile program.

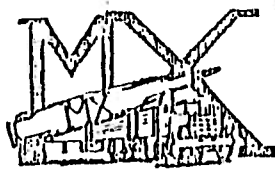
Sylvia Baker, a vocal leader of NO MX (Nevadans Opposing MX) in Eastern Nevada, said the results were "better than I had hoped. But I had the impression from almost everybody I've talked to over the last year that at the very least they were very uneasy about MX."

The prospect of Ronald Reagan in the White House makes Mrs. Baker "somewhat hopeful" that the federal government "will take another look" at putting the controversial missile in Nevada. "In spite of the fact that they (Reagan's forces) are in favor of increased defense spending, they are still skeptical about the (MX)

basing mode," she added. Mrs. Baker said that within the month, NO MX will write to most U.S. senators and representatives, "especially the new ones," to register opposition to MX.

Bill Vincent, state coordinator of Citizen Alert, a major anti MX force, also said the response was better than expected.

He also said the MX proposal will likely be reviewed completely



by the new administration because Reagan's chief military advisers have "considerable doubt" about deploying the nuclear missiles in the Nevada desert.

The MX vote does not blind the counties that put the issue on the ballot, the Congress, or the Air Force, the military branch that would operate the missile system.

The Air Force's top MX official, Brig. Gen. James McCarthy, said the MX referendums were premature because the vote was taken before all the evidence was in.

"I haven't seen any of the results, but some of the counties that are voting are clearly not affect-

ed directly by MX," McCarthy said Tuesday night. "It seems premature to take a position on the issue when information about the MX system provided in the (upcoming) environmental impact statement is not yet available."

The twice delayed environmental review, which will be used by Congress and the president to make an official MX siting decision, is now due out in mid-December, six months behind schedule.

McCarthy said the information contained in the environmental review will change skeptics' minds.

"It will reflect adverse impacts that very clearly the system will cause. On the other hand, it will show, in a positive vein . . . the impacts in some areas will not be nearly as bad as others may suggest and show many positive effects of the system as well," said the general.

The Air Force has said the positive effects include thousands of new jobs and millions of dollars in payroll.

A midsummer poll by a non-profit, Phoenix-based public opinion firm found 63 percent of Nevadans opposed to the MX project. A more detailed Nevada

poll last February by the Nevada State Journal and Reno Evening Gazette found broad disagreement on MX among Nevadans.

That poll, in which a scientific sample of 500 persons was surveyed; 39 percent favored MX, 37 percent opposed it, and 24 percent were undecided.

Of that, Washoe County registered the strongest opposition, with 47 percent opposed and 38 percent in favor of MX. In the rural counties, meanwhile, 43 percent were against MX and 28 percent in favor, with a large number — 29 percent — undecided.

The strongest support for MX in that poll was in Clark County — 41 percent in favor — but Clark does not have an MX question on the ballot.

Only three of the nine counties with MX ballot questions — Lander, Nye and White Pine — would actually have the MX system on their soil, although anti-MX forces argue the impact would be felt statewide.

Ironically, the county that would probably feel the MX impact the greatest, Lincoln County, didn't have an MX question on the ballot. Nor did Esmeralda County, another Central Nevada county likely to be in MX site.

Exhibit "J"

Submarine base bringing boom, worries to town

EDITOR'S NOTE: This is the third of a four-part series on how increased defense spending touches the lives of Americans.

By **DOUG UNDERWOOD**
Gannett News Service

BANGOR, Wash. — The teachers at Cedar Creek elementary school stand under umbrellas as children dash around at recess just outside the chain-link fence surrounding the Trident submarine base.

Harry Guay, an ex-strategic-bomber pilot who serves as an assistant superintendent of the Central Kitsap School district, has seen the school population expand by 70 percent in the seven years since the Navy announced the Trident program was coming to Kitsap County.

Some \$60 million in federal aid has poured in as the government turned the pleasant rural county along the Puget Sound into the home base of the largest nuclear-powered, nuclear-missile-carrying submarine ever built.

— But Guay is worried. Local voters recently turned down a bond levy to operate the new high school, junior high school, and five elementary schools the district has built since Trident. The county's population has grown from 100,000 to 145,000 since 1973 and new Pay-N-Saves and Safeways have sprung up all around.

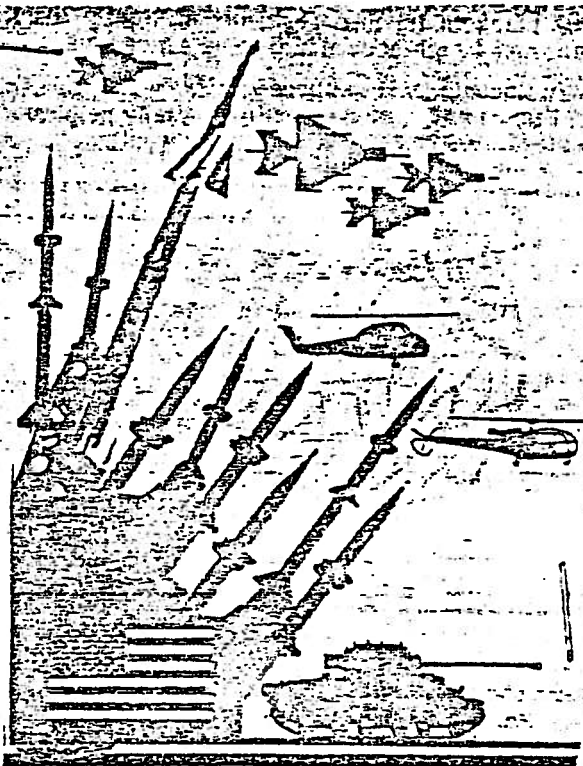
Now Guay eyes things like a 3,000-unit housing project planned on the ridge behind his administrative building. "That's what scares me," he says. It will surely bring more children.

Kitsap County is one of numerous areas around the country bearing the burden of the newest U.S. weapons programs, some so massive in scope they may change the way of life of a community forever.

Rural towns in Nevada and Utah are awaiting the arrival of thousands of workers who will construct the MX mobile missile system which — if built — will spread over 10,000 square miles of desert.

Kings Bay was a quiet corner of Georgia until it became the Atlantic home of the Trident.

The Navy still talks of building Seafarer, an underground cable system to communicate with nuclear submarines, that would be buried under 4,000 square miles of Michigan's Upper Peninsula.



All around the base here, which is about 90 percent complete, there is activity. Bulldozers are expanding roads and fir trees are being felled. The schools, like Cedar Creek, look fresh and new. So do the subdivisions. A bitter local controversy is a new base highway which is slicing, like a muddy scar, through the back pastures of local farmers.

Still, Guay is hardly pessimistic about the impact of Trident. The federal aid, he says, has enabled the district to develop a sophisticated curriculum and avoid bigger classroom populations and double-shifting. He praises the advanced planning done by the community, the work of Washington Sens. Warren Magnuson and Henry Jackson in obtaining the funds, and the support of the Pentagon in preparing the community for Trident.

Other local officials are less sanguine. Kitsap County Commissioner John Horslev says the area, plagued with 15 percent unemployment in 1973, greeted the announcement of Trident with "nothing but hoopla and positive response . . . But it hasn't necessarily been a net benefit. The growth, without

(See TRIDENT, page 7, col. 5)

Trident

(Continued from Page 1)

an increased tax base, costs the community."

Horsley explains that while the federal government paid for new buildings and construction, it does nothing to pick up the year-to-year operating costs of these expanded facilities. In recent months, county employees have been laid off. There are complaints about too few law enforcement officials. And when the county reaches a population of 190,000 in 1990, as Horsley predicts, "We're going to suffer," he says.

Steve Landau, who has covered military issues for the Bremerton Sun, points out that the Navy, which can't be taxed, is the only big employer in the county. Before it was refurbished for Trident, Bangor was also the home of a base serving the Polaris, an earlier generation of nuclear sub. Bangor is just a short drive from Bremerton, home of a big naval shipyard. So the Bremerton area is filled with military people, civilians hired by the Navy, and Navy retirees.

"Everybody thinks what's good for the Navy is good for Kitsap County," Landau says. "But we'd be better off with Boeing. The federal government pays no taxes. We're in trouble out here."

Bremerton has experienced its booms and busts, swelling with shipworkers during World War II and then slumping. Local officials acknowledge that much of the growth stems from other factors: the population boom in the Northwest, the migration of people from nearby cities like Seattle.

Rep. Norman Dicks, D-Wash., thinks he has a way to deal with the problem. As an aide to Magnuson, then Kitsap County's congressman, Dicks was heavily involved years ago in getting impact aid for the area.

Dicks would like to see Kitsap County made eligible for federal payment in lieu of taxes — a program that funnels money to local governments surrounded by federal landholdings. But he says that with Congress in a pinchpenny mood these days, it may be difficult to get the money.

"The old thinking was, if you get a defense base with 10,000 jobs, you ought to say 'hurray,'" Dicks said. "But you look at this situation and realize it isn't any big bargain."

Dicks says that, despite the reputation of Magnuson and Jackson as military porkbarrelers, they didn't seek the Trident base. But when the Navy chose Kitsap County, he says, the two veteran legislators, as chairmen of the Senate Appropriations and Armed Services committees respectively, were in a position to get the impact aid.

"It all depends on your clout here," says Dicks, who also happens to be a member of the House Appropriations committee. "... Looking down the barrel of the Magnuson-Jackson cannon, it inspires them (the Pentagon) somewhat."

All this has happened and no Trident has yet arrived.

It is expected that Bangor will be the home base for 10 of the vessels. When the submarines comes, the base population is expected to rise from 4,000 to 8,000.

However, the \$25.1 billion program to build 14 of the mammoth submarines, each longer than the Washington Monument, has been plagued with cost overruns and become the most expensive weapons program in U.S. history.

Although company officials deny it, there are reports that General Dynamics, which is building the submarines at its Electric Boat division in Connecticut, is running behind its mid-1981 scheduled date for delivery of the first vessel.

And, of course, there is the flip side to having a major weapons base nearby: Locals know they'll be a target if there's ever a nuclear war.

Nobody is more aware of this than Guay, a strategic air command pilot who flew B-52s from 1955 to 1958. "It's something I tuck away in the back of my mind," he says. "As a SAC man, I know the targets."

And how does this make him feel? Like Sen. Jackson, a hawk on weapons issues, Guay believes the United States must try to deter the Soviets with ever bigger weapons, like the Trident.

"Sometimes, you know, it crosses my mind that maybe I ought to go become a school superintendent in Montana or someplace," he says. "But you have to hope things will work peacefully. You have to live without becoming paranoid."

(Next: Frostbelt fights flow of military money to Sunbelt.)

12/7/79 K

United front urged on funds to offset MX

By SUE VOLER
 BREMERTON, Wash. - Government representatives from Nevada and Utah were warned Thursday to present a united front if they want federal money to offset impacts of the massive MX missile system.

The advice came from local officials in Kitsap County, Wash., home of the Trident nuclear submarine base. Eighteen Nevada and Utah representatives began a two-day visit to the small Olympic Peninsula county, which is the prototype for federally-funded construction projects to prepare a community for a large military installation.

"You have the opportunity to go in 12 different directions," Mayor

Clyde Cadary of rural Poulso told the bi-state gathering.

"Don't," he said.

Officials on all sides acknowledged the \$600-million Trident base now under construction is a drop in the bucket compared to the proposed \$33-billion-plus MX system, but Nevada officials said the Washington state experience is the only yardstick they have for comparison.

The importance of local government unity and credibility was reinforced by other Washington officials.

Kitsap County Chairman Gene Lobe told the group to get together early and hammer out their differences.

(See MX, page 5, col. 1)

MX

(Continued from Page 1)

ences before asking Washington, D.C., for help.

"Take, for example, schools," Loe said. "If the school districts had gone to the feds individually, they never would have gotten the money to construct anything."

Instead, the commissioner said, new schoolrooms dot the various districts affected by the Trident base population growth. Without a cooperative planning effort from the various entities involved, nothing would have been accomplished, Lobe said.

He was echoed by another commissioner, John Morsley.

"Designate one staff member to communicate up the line and to work with one designee at the state level," he said.

"Then don't try and snow your congressional delegation to get appropriations because their credibility is at stake... keep it simple and straight."

Morsley also told the group to avoid the pitfall of attempting to use MX-impact grants to solve all the problems of the communities in Eastern Nevada and Western Utah where the proposed system would be located. He warned it's essential for local governments to make accurate assessments of their needs and not attempt a run on the federal treasury.

and Bill Mahan of N. 1230 County told the two-day visitors the \$60-million the area already has received isn't enough because it covers only capital expenditures.

"I don't want to collect all over again, I would like that local agencies would underwrite operating costs. I'd like to make certain the feds would not only be responsible for building the project, I'd also insist they contribute to the operation and maintenance costs," he said.

Mahan said his county has been brought in a financial squeeze because the federal government doesn't pay for the maintenance and

County has been forced to lay out 20 percent of the cost for certain of the federal activities.

Olympic Peninsula cities, on the other hand, haven't been hit so hard, according to Mayor Glenn Jarsted of Bremerton, because Washington state municipalities can tax and annex to support services. But Jarsted warned the group to watch for smaller loopholes such as the time-honored base exchange system.

The mayor said the federal government has no business doing retail business which he said allows persons with access to such military stores to circumvent local government taxes. Jarsted said this and similar examples have to be caught early in the planning process because "once it's in the budget, it's there."

"You people face a far more severe crisis than Kitsap County did," said Pete Crane, the county's Trident coordinator. "In Chinese, the symbol for crisis is 'opportunity' and 'danger' put together. You have to recognize the opportunity."

Since 1973, Kitsap County has received massive federal assistance for planning and for brick and mortar projects such as schools and fire stations. By the time Trident is operational, the area will receive at least \$70 million in direct funding, plus money through other federal programs.

Initial growth estimates pegged Kitsap's population at more than 150,000 by 1985 — a 50 percent increase. The naval base itself will need housing for 300 single men and 1,400 families. An additional 11,000 new housing units will be needed by 1981, according to planning estimates.

In addition, the area has had to expand schools, fire and police services, roads and various social services to accommodate the boom.

The Trident base is being com-

pleted on the site of an existing federal military installation. By contrast, the MX system would scatter 200 missiles in 4,600 concrete bunkers arranged in 23 "race-track" formations in isolated desert valleys. The sites for the individual missile race tracks will be selected next summer at the completion of environmental reviews now under way.

Congress has approved funds for development of MX engineering plans although the actual decision on whether to build the huge missile system is at least two years away.

The Air Force estimates a peak work force of 22,000, with 14,000 permanent jobs once the missile network is operational. Those jobs would have the equivalent impact of a billion dollar annual payroll.

The Nevada areas hardest hit by the anticipated growth would be Nye, Lincoln and White Pine counties, all of which are represented in the Kitsap delegation. In addition the state's top MX planner, Bob Hill, his staff and other members of Nevada's missile network planning team are attending the two-day workshop.

"This is invaluable opportunity for us to listen and benefit from the experience connected with the Trident base," said Hill after Thursday's session.

"There are some dissimilarities because of the relatively confined impact of the Trident base compared with the huge area MX would involve. And MX would involve many more government entities than the Trident installation has, but we can depend on their experience to help us in planning and getting the necessary funds to mitigate MX impacts."

Today's meeting includes workshops with local Kitsap officials on schools, housing, law enforcement and other services as well as presentations by federal officials. The group will return home after tour of the Trident base.

Exhibit "K"

Nevada

Justified L

List says he hasn't embraced MX plans

By SUE VOLK

Gazette Journal Carson Bureau
Gov. Robert List asserted Thursday that he has been and will continue to be an adversary to the U.S. Air Force's plans to locate most of the massive MX missile system in Nevada.

List replied to criticism leveled earlier this week that he has acquiesced to the military's decision to put about 65 percent of the mobile missile network in Eastern Nevada.

The governor's remarks came as he talked to reporters about a Wednesday meeting with President Carter and Defense Secretary Harold Brown — a session the governor said brought a major concession by the Air Force on one issue, but produced no guarantees on others.

"We certainly have never thrown our arms open to the MX," List said in a letter from state Sen. Thomas "Spike" Wilson, D-Washoe, calling on the governor to take a tougher stance on MX

issues. "As a matter of fact, as the months have gone by, my serious reservations have grown more serious . . . and we're a lot better off in many regards than we were last May."

List took credit for Wednesday's pledge by the Air Force to comply with state water law which gives Nevada control of allocating the scarce resource. And the governor cited other concessions he said have been wrung from the Air Force during the past few months, including abandonment of the "trenching" design which would have shafted the mobile MX in underground trenches crisscrossing the state.

The governor also said he persuaded the Air Force to scrub the "area security" plan — which would have fenced off 10,000 square miles of public land — to a "point security" concept which would close only the 2.5 acre sites around each missile bunker.

And List said the round of public hearings held recently by the Air Force were held at his insist-

ence.

"So our position has been one of an adversary nature against the Air Force coming in and running over the top of us," List said.

The governor said the battle for protecting Nevada's interests during MX construction and operation will be won or lost in the halls of Congress — which holds the purse strings on the \$50 billion system.

The governor met with Nevada's congressional delegation in addition to his session with Carter Wednesday. The governor said Rep. James Santini and Sen. Paul Laxalt are "very supportive" of any effort to divide the MX system and locate parts of it elsewhere, while Sen. Howard Cannon "expressed concerns about any efforts on the part of the state which might delay the ultimate availability of the missile by July 1, 1986."

But List said he did not want to be painted as opposing Nevada's powerful senior senator.

"I'm not saying he's not in my

corner," the governor said. "He's supportive of slowing down the environmental impact statement process and delaying the site-selection process. So don't try to say Sen. Cannon is at odds with me on those issues," the governor warned.

List and Utah Gov. Scott Motteson spent an hour with Carter in the Oval Office Wednesday. The Nevada governor said he came away more convinced than ever that the Carter administration is committed to building a land-based mobile system — probably in Nevada and Utah.

List said of Carter's pledge to follow state water law — which is not necessarily legally binding — "sometimes actions speak louder than words. The president and Defense Secretary Brown indicated their clear agreement on this issue."

List won no other new benefits from the federal government and hidden ran into another potential stumbling block over the availability of federal money for

the MX missile system. He said Carter would not discuss success but how much federal money might be available to pay for MX growth. He again said the president recalled the idea of providing operations and maintenance funds in addition to paying for capital construction projects.

List said it had never been done before and would be a big price tag for the Nevada. He also mentioned the president that we're talking about counties that have 65 percent federal land, and have a very, very narrow tax base.

List said he told Carter that if the people of Nevada had a choice now on the MX system, it would probably be to send it someplace else. "At that point," the president looked into the eye and indicated that this country, this Congress, this administration is going to build a mobile, land-based, inter-continental ballistic missile and deploy it," the governor said. "From those discussions, I am

convinced that in fact, that is exactly what they intend to do."

List told Carter the project has moved so fast for Nevada to get a handle on its potential impacts — "that they seemed to be rushing headlong in a determination to put it here."

The governor told Carter that "we'd like very much for the Air Force to take a closer look at Texas, New Mexico, the possibilities of Wyoming and South Dakota specifically." List said the president said the secretary of defense said those alternatives would be looked at, but "there was certainly no commitment" that they'd send a part of it (MX) there.

The governor also said he told Carter and Brown Nevada wants the Air Force to consider splitting the missile system into more than one part.

And List said he expressed concern that should the SALT II arms treaty be scrapped, there might be no upward limit on the number of bunkers or number of missiles that might be built.

Excluded 7



AEROSPACE SPEECH
United States Air Force

HEADQUARTERS STRATEGIC AIR COMMAND, OFFICE OF PUBLIC AFFAIRS,
OFFUTT AFB, NE 68113 TEL. (402) 294-2067

REMARKS BY

GENERAL RICHARD H. ELLIS
COMMANDER IN CHIEF
STRATEGIC AIR COMMAND
AND
DIRECTOR STRATEGIC TARGET PLANNING
DIRECTOR STRATEGIC CONNECTIVITY
JOINT CHIEFS OF STAFF

TO

JOINT SESSION OF THE
NEVADA STATE LEGISLATURE
61st SESSION
ASSEMBLY CHAMBERS
CARSON CITY, NEVADA

FEBRUARY 10, 1981

Exhibit "M"

0184

LET ME MENTION THAT THERE IS A POSITIVE OUTLOOK ASSOCIATED WITH MX . . . IN THE FORM OF POTENTIAL ECONOMIC GROWTH FOR BOTH THE STATES AND THE LOCAL COMMUNITIES. A CONSIDERABLE AMOUNT OF LOCAL AND STATE REVENUE WILL BE GENERATED BY THE PROGRAM NOT ONLY DURING THE CONSTRUCTION PERIOD BUT ALSO ON A PERMANENT BASIS ONCE THE SYSTEM IS OPERATIONAL. ONCE THAT HAPPENS, WE ARE ANTICIPATING THAT REVENUES FROM OUR PAYROLLS AND PURCHASES FROM LOCAL SUPPLIERS WILL TOTAL SOME \$250-MILLION ANNUALLY IN THE TWO-STATE AREA. ALSO, THERE WILL BE ADDITIONAL LOCAL REVENUES PRODUCED FROM INDIRECT JOBS AND INCREASED STATE GASOLINE AND SALES TAX RECEIPTS.

PAST EXPERIENCE HAS SHOWN THAT A SUCCESSFUL ADJUSTMENT STRATEGY CAN ONLY COME ABOUT IF STRONG, EFFECTIVE LOCAL LEADERSHIP WORKS HAND-IN-HAND WITH STATE AND FEDERAL AGENCIES. I HAVE EVERY REASON TO BELIEVE THIS WILL CONTINUE TO BE THE CASE WITH REGARD TO MX. THE FEDERAL GOVERNMENT HAS ACCEPTED ITS RESPONSIBILITY TO HELP MITIGATE THE ADVERSE ECONOMIC IMPACT OF THE MX DEPLOYMENT AND WILL PROVIDE TECHNICAL ADVICE, FINANCIAL RESOURCES AND OTHER ASSISTANCE AS NEEDED.

~~HOWEVER, STATE AND LOCAL GOVERNMENTS MUST~~
~~CONTINUE TO PLAY AN ACTIVE ROLE IN PLANNING AND FINANCING~~
~~COMMUNITY IMPACT ASSISTANCE IS A SHARED INTERGOVERNMENTAL~~
~~RESPONSIBILITY.~~

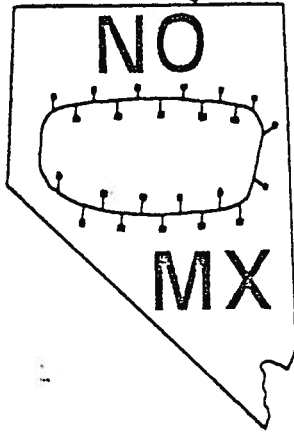
SUMMARIZING THE IMPACT ADJUSTMENT PROGRAM, OUR JOINT TASKS ARE TO IDENTIFY AREAS OF POSSIBLE DISTURBANCE OF

NATURAL RESOURCES AND THE ENVIRONMENT, AS WELL AS LOCAL ECONOMIES, LIFE STYLES AND CUSTOMS. THEN, OUR NEXT STEP WILL BE TO ENSURE ANY DISTURBANCES ARE RETURNED TO THEIR "PRE-MX STATE" AS SOON AS POSSIBLE. . . WHILE PROVIDING NECESSARY IMPACT ADJUSTMENTS FOR ANY LOSSES OR DAMAGES INCURRED. THIS WOULD BE A CONTINUING PROCESS THROUGH THE CONSTRUCTION, DEPLOYMENT AND OPERATIONAL PHASES OF THE MISSILE PROGRAM.

AN ITEM OF INTEREST TO THIS LEGISLATURE -- AND ONE THAT HAS GENERATED CONSIDERABLE SPECULATION -- RELATES TO THE NEW ADMINISTRATION'S POSITION ON MX. IT IS MY UNDERSTANDING THEY ARE IN THE PROCESS OF REVIEWING ALL ASPECTS OF THE PROGRAM. . . AND, IN PARTICULAR, THE BASING CONCEPT. TO DATE, THERE HAS BEEN NO FREEZE OR SLOWDOWN OF THE CURRENT FULL-SCALE DEVELOPMENT PROGRAM. . . AND THIS IS ENCOURAGING, SINCE ANY SLOWDOWN WILL RESULT IN A FURTHER SLIP OF THE SYSTEM'S INITIAL OPERATIONAL DATE. THE REAGAN ADMINISTRATION APPEARS TO BE VERY MUCH AWARE OF THE TWO-YEAR SLIP THAT OCCURRED IN THE OPERATIONAL DATE WHILE THE LAST ADMINISTRATION EVALUATED THE PROGRAM PROPOSED BY PRESIDENT FORD. THE AIR FORCE EXPECTS TO HAVE THE RESULTS OF THE CURRENT EVALUATION WITHIN THE NEXT FEW MONTHS.

IN CLOSING, LET ME EMPHASIZE ONE POINT. IT HAS NOT BEEN MY INTENT TO LECTURE EITHER THIS LEGISLATURE OR THE PEOPLE OF NEVADA ON THEIR CIVIC AND PATRIOTIC DUTIES.

Exhibit "A"
3/24/81



Nevadans Opposed to MX

NORTHERN SECTION
P.O. BOX 8212
RENO, NEVADA 89507
Tom Polikalas,
Registered Lobbyist, NO MX
786-4220; 322-5762

3/24/81

Nevadans Opposed to MX Endorse A.B. 118

Nevadans Opposed to MX strongly supports AB 118 which prohibits the budget chief from including expenditures relating to the MX in the state budget. If Nevada were to be forced to finance the necessary infrastructure for services the MX would necessitate, the state would either be bankrupted, or would be forced to institute a heavy tax burden on its citizens. This bill precluding Nevada's financing of MX impacts puts the ball in the federal govt.'s court. If the federal government will not agree to finance MX impacts, the project must be rejected.

The socio-economic impacts caused by the MX will be immense. The Air Force has previously said it will rely on the example of the Trident mitigation program used by the Navy to help local governments in Washington state cope with the effects of a large submarine base project. In fact, the federal military socio-economic impact aid process, the so-called "608" program, was developed for the Trident project. According to Nevada and Utah officials, the impact aid program for the MX project is "expected to roughly parallel guidelines used for the Trident."

For the Trident base project costing \$600 million, the federal government has spent \$94 million for "impacts" mitigation and this \$94 million represents less than half the fully necessary facilities construction aid in the opinion of local officials in Kitsap county

THE NATION CANNOT AFFORD IT

5187

(the base site.) In addition, local officials have indicated that the impacts money available includes no provision for facilities operation and maintenance, including personnel costs. In 1979, Kitsap county laid off 20% of its personnel due to lack of local revenue. Adequate impact aid could easily total \$250 million for the Trident base project, a program costing less than three times that amount, \$600 million. Based on the \$94 million aid package available to the local governments in Washington state, the impact aid shortfall for Trident could be as high as \$150 million.

While the MX is not the Trident base, certain lessons can be drawn from the previous Trident experience. Aid shortfall is of particular note, especially in light of the extraordinary federal efforts to provide for adequate support and financing for the local governments.

The potential requirements of the MX dwarf those of the Trident program. Baseline conditions (availability of current services, number of jurisdictions to coordinate, etc.) of ^{THE} MX deployment ^{AREAS} are much worse off than what existed in Kitsap county at the time of the Trident program. More importantly, MX is potentially more than one hundred times the size of the Trident base expenditure. Consequently, impacts will be colossal.

In 1980 the Nevada Four County MX Oversight Committee estimated impact needs at between \$200 million and \$ 1 billion. Governor List's office has estimated impact aid need at \$1 billion, while Governor Matheson in Utah has estimated the need at between \$1.5 billion and \$2 billion. The most comprehensive need analysis has been presented by the Environmental Defense Center based in Santa Barbara, California. Their projection suggests a range between \$5 billion and \$12 billion. This seemingly incredible range deserves credibility as it is the only analysis that considers that the 4600 shelters now being pushed by the Air Force is potentially only a first installment of the entire system. William Perry, former undersecretary for research and engineering has

has stated that the U.S. will be able to expand and accelerate the MX construction program building 10,000 rather than 4600 shelters by 1989.

The prospect that the federal government will provide necessary mitigation funds without a binding agreement is dim. In the case of the Trident, of the \$94 million in impact aid, \$55 million was paid to local governments in the area as special "608" monies, while the remaining \$39 million was obtained from regular federal domestic agency budgets. In a Feb. 4, 1980 memo from the Director of the Office of Economic Adjustment to federal agency representatives, the office staff indicated that "community impact assistance must be derived through the normal budgetary process." Monies from the Dept. of Defense budget are not planned to be available to mitigate impacts caused by MX as was the case with Trident. Given the current budget cutting fervor, particularly in the social programs that mitigating funds would flow from (one of the President's proposals cuts "impact aid" to school districts containing federal installations, ex.) coupled with the perception in Washington that the streets of Las Vegas are paved with gold, Nevada will suffer economic devastation as it will be forced to finance the deleterious impacts of the MX beyond a capacity its capable of.

The argument of Nevadans Opposed to MX is what the federal govt. and the Air Force destroy, they should pay for. Nevada will be sacrificing more than any other state for "national defense" and should not be expected to be sacrificed economically as well.

Also significantly, the necessary \$3 billion- \$12 billion to mitigate impacts for the land-MX should be added to its already astronomical price tag. Those additional necessary billions will be paid for eventually if the land mode is adopted, which provides yet

another powerful reason why the MX should be based at sea rather than on land.

This bill will make the federal government accountable for the damages it causes; again we urge its implementation.



Churchill County Administration Office

869 SOUTH MAINE STREET FALLON, NEVADA 89406 (702) 423-5136

March 6, 1981



Assemblyman Joe Dini
Economic Development and
Natural Resources Committee
Nevada State Assembly
Capitol Complex
Carson City, Nevada 89710

Dear Assemblyman Dini:

I wish to bring to your attention A.B. 221 introduced before the Committee on Economic Development and Natural Resources on February 24, 1981.

Churchill County is greatly disturbed about the far reaching effect such a bill may have. The portion particularly abhorrent to us appears in Section 4 (1) on page 2. This section effectively withdraws the existing regulations pertaining to water quality as of the date of adoption of the bill. This could have the result of throwing out the "designated" beneficial uses established by the State Environmental Commission for the Carson, Truckee, Humboldt and Walker Rivers and substituting "existing" beneficial uses which may be the same in all cases. The bill would appear to prevent the re-adoption of desirable (designated) beneficial uses even to excluding the enhancement of aquatic life, wildlife or recreation since the burden of proof for such beneficial uses falls upon the Environmental Commission and not the applicant seeking additional use of a particular stream segment. The maintenance of status quo in our rivers may not be a desirable goal since we all know that water quality has deteriorated over the years.

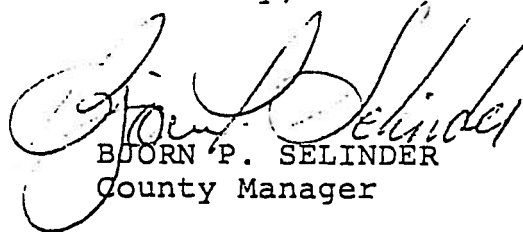
As you know there is a great deal of pressure from upstream interests on both the Carson and Truckee Rivers to allow the discharge of effluent at a level which would serve to substantially reduce the quality of water entering the Lahontan Reservoir. Don't forget that the Nevada Association of Counties, at their annual meeting in Winnemucca last

Exhibit "O"

November, adopted a resolution which served to recognize the needs of downstream interests rather than ignoring their desires in order to allow the growth of upstream areas.

A.B. 221, as introduced, would serve to transfer all of the negative factors associated with growth to those downstream in order to allow the developers upstream a relatively unencumbered license to continue their unchecked growth. We all know where the pressure for such a bill emanates. However, we can not afford to ignore those persons who would be most seriously affected as a result of a reduction in the quality of water. In your own words Joe, as stated last summer in the Lahontan Valley News: "Don't turn Lahontan into a sewer".

Sincerely,



BJORN P. SELINDER
County Manager

BPS:ba

CC: Senator Virgil Getto
Assemblyman Ira Rackley
Senator Lawrence E. Jacobsen
Mr. Bob Sullivan, CRBCOG
Mr. Bryce Wilson, Nevada Association of Counties