

JOINT HEARING

78

Senate Committee on Federal, State and Local Governments
Assembly Committee on Government Affairs

A joint hearing of the Senate Committee on Federal, State and Local Governments and the Assembly Committee on Government Affairs was held on January 28, 1969, to consider an interim regional planning agency for the Nevada portion of Lake Tahoe. Chairman James Gibson of the Committee on Federal, State and Local Governments called the meeting to order at 3:00 P.M.

Those in attendance were:

James I. Gibson, Chairman)	
Marvin L. White)	
Warren L. Monroe)	Senate Committee on Federal, State
Vernon E. Bunker)	and Local Governments
Chic Hecht)	
Carl Dodge)	
Francis W. Farr)	
Hal Smith, Chairman)	
Norman Hilbrecht)	
David Branch)	Assembly Committee on Government Affairs
Don Mello)	
C. W. Lingenfelter)	
Bryan Hafen)	
Virgil Getto)	

Also present were:

Lt. Gov. Ed Fike
Senator Coe Swobe
Esther Nicholson, League of Women Voters
Jerry Higgins, Regional Planning Commission -- Reno, Sparks, Washoe
Bob McDonald, Boise Cascade
Fred Hodder, League to Save Lake Tahoe
Roy Robinette, Nevada North Shore Property Owners Association
Norman Hall, Dept. of Conservation and Natural Resources
Eric Cronkhite, Division of State Parks
Walter B. MacKenzie, Tahoe Regional Planning Agency, Washoe County
Elmo J. DeRicco, Dept. of Conservation
John Meder, Nevada-Tahoe Regional Agency
Ivan Sack, Nevada-Tahoe Regional Agency
Ray Knisley, Tahoe Area Council

Press Representatives

Chairman Gibson explained to those present at the Joint Hearing that the purpose was to consider SB-32 introduced by Senator Coe Swobe, which establishes an interim regional planning agency for the Nevada portion of the Lake Tahoe Basin and extends the deadline for condemnation of property for the state park in that area. He added, also, that while the group was assembled SJR-4 also should be considered. This Resolution, introduced by Senator Swobe, memorializes Congress to ratify the Tahoe Regional Planning Compact. He then called on Senator Swobe to explain the scope and necessity for this piece of legislation.

Senator Swobe: SB-32 creates an interim Lake Tahoe planning agency which would be in existence until the bi-state regional compact is ratified by the Federal Congress. It would have authority over the three areas in the Basin of the Counties of Washoe, Ormsby and Douglas. In my opinion this passage is of necessity in order to see that we save the ground that we gained last session (last Special Session) to protect Lake Tahoe from pollution and disorderly development. SB-32 generally follows the provisions set forth in SB-9 that was passed in the Special Session in February of last year, which created the Lake Tahoe Regional Compact.

As for a little background, the Compact legislation which was passed in February of last year, was accepted in total by the California legislature and signed by Gov. Reagan in July of last year. And although the Compact was introduced by the Nevada and California Senate and Congressional delegation, it never got very far. Most people believe that the Compact's failure to obtain Congressional approval at the last session of Congress was because of the lateness in getting it from Sacramento to Washington, and because it bogged down in the delays caused by the political conventions and the election recesses of Congress.

The Compact has now been introduced in both the U. S. Senate and the House of Representatives. The Senate bill was introduced by Senator Bible and Senator Cannon, Senator Murphy and Senator Cranston. In the House of Representatives it was introduced by B. W. Johnson and Walter Baring. I talked this morning with Walter Baring and Jack Carpenter, in Senator Bible's office. Both stated that they were going to push very hard for ratification this spring, both in the Senate and the House of Representatives. Congressman Baring felt that he and Congressman Johnson had ironed out at least part of the opposition which was coming from El Dorado County, and now believed that the House of Representatives will act upon the legislation within four or five months. Mr. Carpenter, in Senator Bible's office, felt that the Senate consideration was a bit farther away. He cited some of the problems as far as the delays which would be encountered. One was that he didn't know just exactly how far the opposition in El Dorado was going to go in delaying action in Congress. He also stated that the Congressional committees in Congress were just now being formed and in the Senate, they were formed yesterday. In the House of Representatives they won't be named until next week. There is also a need before these bills can be considered in Congress for reports from the Dept. of Interior, Dept. of Agriculture, and the Bureau of the Budget -- and these agencies have been slow in organizing. None of the sub-agency heads have been appointed, and one of those would be making the report for the Compact. From talking to them, I learned that they could not set a time table, because things were too much up in the air. However, it seems to me after considering their conversations, that this will be at least six months away before we would have the bi-state Compact ratified----- and that, to me, makes it all the more necessary to have this interim agency created.

To give you a little further background, since the Compact was passed in February of last year -- and by the California legislature in July of last year, Governor Laxalt called two meetings. One was to create on an advisory and coordinating capacity the Nevada side of the agency. In that meeting, he called all of the local political subdivision heads, the County Commissions, the Planning Commissions of the three counties, Washoe, Ormsby and Douglas -- together with the legislators for those three areas -- to try and get this agency on the ground. It seems that, unfortunately for us, many people are trying to jump the gun and get some permits to develop property before the Compact is ratified and the agency would have full authority. Then again, the agency had a meeting with the legislators from the three counties in January of this year, and it was at that time the agency discussed the bill itself as far as putting some authority in this already created advisory agency.

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In the bill, although there is a call for funding through an error/mine, we omitted the portion that relates to SB-9 as to the matching of State funds with County funds, so that it would be exactly similar to the procedure followed in the Compact.

Now, I would like to call upon the people we have here to support the bill. First of all I'd like to call on Ivan Sack, who is chairman of the Regional Planning Agency of Nevada.

(End of verbatim transcription)

Mr. Sack introduced the other members of the Nevada-Lake Tahoe Regional Planning Agency: John Meder, appointed by the Ormsby County Commissioners; Walter B. MacKenzie, appointed by the Washoe County Commissioners; Elmo DeRicco, Director of Conservation and Natural Resources, members-at-large appointed by the Governor and then elected as Chairman.

Mr. Sack spoke of the meeting on January 17, 1969, with the three county delegation in regard to the need for an interim bill. At that time they offered to meet with any of the legislative committees and be of any assistance possible. He stated that in 1930 there was only one-quarter of a mile of shoreline in public ownership in the entire Basin. Since that time California has moved ahead, purchasing Emerald Bay, Sugarpine Point, and some other valuable lands. Now Nevada is almost catching up with California, so that, at the present time, there is about 10 miles of Lake frontage that is in public ownership -- a combination of Federal, County and State ownership. He feels that the agency that was set up following the ACT of last February, has made some accomplishment, even though we have had no authority or no funds. The agency has been meeting at least twice a month, as the Act specified. Only in an advisory capacity, he feels that the agency has had some influence on some recently considered subdivisions at the Lake. He also stated that the agency, as he saw it, was not just concerned with the preservation of the beauty of Lake Tahoe, or the purity of the Lake, but orderly planning for the entire Basin. There may be some things this agency will be concerned with, or have authority in, that will protect the people and even protect the local governments from assuming undue burdens out of county funds. There is a real need for an interim act. There is no telling when Congress will ratify the Compact and every day there is a need for it. This would be a tool, he said, with which we can do the job and give authority where we only now can advise or recommend. He stated the need for approximately \$15,000, perhaps in a separate appropriation fund for a geological map and report of the Nevada portion of Lake Tahoe. California has completed a report of this nature and the agency will need the information from geological map and a survey report of the geology on the Nevada side in order to deliberate such problems as road cuts or leaching areas for existing septic tanks.

Senator Swobe then introduced Elmo DeRicco, Director of Conservation.

Mr. DeRicco stated that he would confine his remarks to the State role in this program. He stated that he felt if we were to realize the earliest possible plans for the Basin, the work of California and Nevada should conform, the planning process in Nevada should commence and that California and Nevada should agree on basic principals to be followed in the Basin. Not only do the States have a problem, but the landowners and State agencies have problems in the planning process. They do not have a standard criteria to work from and have no idea what the construction standards will be up there. He re-emphasized that the planning we are doing today would be time wasted if it doesn't conform to the final regional plans for the Basin.

He continued to strongly point out the need to get into this planning immediately, citing that development which may occur up there which isn't being guided by a strong regional plan could be detrimental, and in conflict with the regional plan when it is developed. He stated that the area of legislation provided for in SB-32 would give Nevada - Tahoe Regional Planning Agency immediate authority on the Nevada side, and this would mean that we could commence the planning process jointly with California -- even though we may not be officially joined until legislation passes Congress. Activities of the counties could be coordinated -- since we do not want effort wasted on their part. Most important of all, the public, the State, and local governments will have an entity in authority to work with, to seek information from and to ask questions to.

Mr. DeRicco stated that, in addition to the general compact legislation, this bill provides for the extension of time with which to initiate eminent domain proceedings for acquisition of the Lake Tahoe State Park -- and the extensions of the boundaries of said Park includes the so-called spooner triangle in Douglas County.

He briefly traced a history of the acquisition program, noting that there was an initial delay of at least one and one-half years. Legislation to acquire the Park was passed in 1964, and because of litigation between O'Neil and Whittell, we had no one with whom to deal until October 1, 1965, when a decision was entered in that case. Following the decision, we started to negotiate with Captain Whittell and to work up our program for acquisition. Negotiations failed and in June, 1966, we initiated our condemnation act. The decision was not rendered until November, 1967 -- again, a year and one-half delay for this particular decision. One can see that out of the five years that we have had to acquire land, we have actually had only two years. At this point, Mr. DeRicco again urged that the committee increase "our time". He added that at this time, there was still \$2,000,000 left -- and that although they can still negotiate, they have no authority to condemn and practically that may be necessary in order to achieve the best portions of the Park. He noted that conservationists are working hard to try to develop enough funds to buy the entire Park. He mentioned the presence in the Committee room of Mr. Roy Robinette, coordinator of the last-mentioned activity, and said that he felt very confident at this time that if they could obtain the extension of time, they would also have the money available before the time runs out.

A map of the area was explained by Mr. DeRicco and Senator Swobe, who pointed out the Spooner triangle area was recently acquired by negotiation with Captain Whittell. To make this area completely workable, Spooner lake, directly below the indicated area, must be a part of the Park or North Canyon would not realize its full recreation potential. It is a very desirable area and will provide some outstanding recreation opportunities -- and the committee was urged to act favorably on this matter also.

There followed a question and answer period regarding various aspects of the map, clarifying various areas, etc. Through questions of Senator Dodge and Chairman Gibson, the point was made that land we owned in this area now totalled about 11,000 acres. The Spooner area -- now being asked for -- had been in the original plans, but had been "knocked out" of the plans until this time. Senator Swobe stated that before legislation could be written in for the entire "green" area (Spooner) on the map, they were feeling out the various entities involved.

He said that the Douglas County Commissioners had approved the triangle itself, the area bound by the highway. However, their attitude toward the rest of the area is unknown, and Senator Swobe stated that since Will Bliss and Captain Whittell were involved in this and negotiating with us, it would be proper on our part to advise them of this matter and test out their attitude before any recommendations for further acquisition were made.

Senator Swobe introduced Mr. Ray Knisley, representing himself and the Lake Tahoe Area Council. He spoke briefly, stating that he had spent 50 years on the problems of Lake Tahoe and had acquired a knowledge of "what we really should have done a long time ago." He said that he thought this was the best solution that had ever been presented to public bodies for the ills there and interferes least with the rights of the individual, and does a reasonable amount to protect the area for posterity. He delineated further what federal agencies had done in acquiring property. He said that the U. S., was also negotiating with the owners of the Cascade Lake property for acquisition. He said, "I think it should be pointed out that tomorrow, these two committees have a bill coming up before them on the issue of the waters in this area. Unless this results in a Compact, we are literally paying too much for the Nevada shore, because without that bi-state compact, there will be no waters for the Nevada side of Lake Tahoe other than those now decreed." He firmly endorsed the bill, both personally and as a member of the Tahoe Area Council Executive Committee.

Following this, Senator Swobe introduced Mr. Robert McDonald, representing Boise-Cascade who, in their name, urged passage of this bill.

Fred Hodder, representing the League to Save Lake Tahoe, was introduced, and he also urged the passage of the bill to create the Nevada agency. He spoke for the League in commending the Nevada Legislature for creating a form of government that will protect and serve both the Lake Tahoe Basin and the local government there.

Mr. Roy Robinette, who is a resident of Lake Tahoe and is currently coordinating activities to obtain further land for the Park, addressed the Committee briefly. He stressed the current lack of a coordinating group or informative place where people can go to determine precisely what can and cannot be done. The importance of Lake Tahoe to the State and nation was detailed -- as well as the immediate need for an agency which would define what could and couldn't be done, both from the standpoint of economics and esthetics. It is felt by the speaker that funds can be raised for acquisition of some of the pieces of property from people outside the area, across the nation. He spoke of various recreational facilities of the Park and a six point program regarding acquisition of the land.

Assemblyman Lawrence Jacobsen, co-author of this legislation, was introduced. He spoke of the acquisition of the aforementioned "triangle" area -- and working with Douglas County Commissioners. He stated that this area was a natural entry or "gateway" into the Park. He further discussed physical aspects on the map regarding the entries, terrain, etc.

A question and answer period followed with Senators Dodge and Gibson and Assemblyman Getto asking questions regarding acreages, boundaries, highway placement, proximity to North Canyon, funding, etc. Mr. DeRicco and Senator Swobe answered these questions. Senator Swobe also pointed out that they were going to ask for

an amendment to allow the Agency to be reactivated automatically if the Compact were terminated for any reason. Mr. Eric Cronkhite explained briefly the excellent shoreline plans. Mr. Ivan Sack added an explanation about national forest boundaries. Mr. Knisley reaffirmed that if we can acquire the "green" area on the map and consolidate the rest of the land, we will have created an extremely beautiful Park.

Senator Gibson asked if the language of this bill was identical with the Compact language. Senator Swobe replied that it was as identical as possible; we naturally had to conform it to the Nevada side. Mr. Frank Daykin pointed out that there were about three points on which words need to be changed because they remain identical when they shouldn't. He pointed out these areas in Section 18 of the bill, Sub-Section 6, Section 24 and Section 26, and illustrated the necessary difference in words or phrasing. Senator Swobe also added that we need to include the funding (matching fund) which is in the old Compact. Senator Gibson said that the appropriation part of this would have to go to the Finance Committee, but it would be necessary to get all the other language taken care of before we re-refer the Bill.

Mr. Frank Daykin responded to the question as to why the executive officer of the Lahonton Regional Water Quality Control Board is included as a member of the technical committee under this act. Based upon Mr. Knisley's response, he said it was his understanding that this is a bi-state agency and not a California agency only. He further explained to various members the language of Section 32, Sub-section 1, and Section 36. In 1971, this statute would have to be revised if there was still land to be acquired by condemnation.

Senator Swobe stated that our purpose in this is to try in all respects to make this Bill similar to the Compact legislation. He added remarks regarding the need for an office and staff. Both Assemblyman Hilbrecht and Mr. Ivan Sack agreed with this need. (And Mr. Sack added, it was actually a need for an office in the Basin. At the present time most of the secretarial and paper work were being handled through Mr. DeRicco's office.) Mr. Jacobsen added that we were, at this point, in a limbo stage and wished to put this in an active stage.

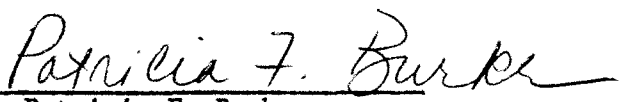
There was further discussion by Mr. DeRicco and Mr. Knisley regarding isolated parcels of land in the Park (now held by individuals), and the necessity of acquiring these as soon as possible, since they could become a nuisance area. Mr. DeRicco spoke of problems of condemnation, necessary percentages of money for condemnation and related subjects.

Senator Swobe stated that he would be happy to take care of the amendments and also the appropriation addition to the Bill.

Senator Dodge, as the meeting adjourned, stated that it was an interesting commentary on this sort of process that after all the differences of opinion we've had in the past about land use and planning at Lake Tahoe -- and the different authorships of legislation respecting this in the last session -- that we now seem to be well in agreement about where we should be headed with Tahoe.

Chairman Gibson adjourned the Joint Hearing at that time.

Respectfully submitted,


Patricia F. Burke
Committee Secretary