

ARTICLE 47

COUNTY AND REGIONAL ENVIRONMENTAL MANAGEMENT COUNCILS

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§ 47-0101. Short title.

This article shall be known as the local environmental protection act.

§ 47-0103. Declaration of policy.

The legislature hereby finds and declares that the management and conservation of our environment is essential to the health and wellbeing of the people of the state. Local county or regional understanding of the importance of all aspects of the environment is necessary for the most balanced use of natural resources. Local participation in planning of activities which influence the ecological balance of the locality and therefore the state is important. It is in the best interest of the citizens of the state to have environmental management councils which shall be responsible for reviewing and advising local and state government, and where resources within the county are influenced, the federal government, on present and proposed methods of using, protecting and conserving the environment for the benefit of all the people.

§ 47-0105. Establishment of county environmental management councils; members and officers.

1. The county governing body of any county may establish a county environmental management council. Such council may be constituted within the organized structure of county government so as to provide for effective coordination among all agencies of the county for the purposes of this article. The council shall consist of one member of each city, town, and village conservation advisory council within the county. Additional members as the county appointing authority may provide, shall be appointed to serve at the pleasure of the county appointing authority, for a term not to exceed two years. The presiding officer or chairman shall be appointed by the county appointing authority from among the members of the council. In addition, the county appointing authority may appoint members of the county governing body and the heads of those county departments whose work particularly affects or is particularly affected by environmental considerations, as ex officio members of the council. For the purposes of this article, the term county appointing authority shall mean the body or officer of a county authorized by law to make appointments.

2. The county appointing authority is hereby authorized notwithstanding any inconsistent provision of law to appoint up to four members to the council who are between the ages of sixteen and twenty-one.

3. Nothing contained in this article shall be deemed to prohibit the establishment of a county environmental agency pursuant to other provisions of law.

§ 47-0107. Powers of council.

1. The council may advise on all matters affecting the preservation, conservation and ecologically suitable use of the natural resources of the county.

2. The council shall review the state of the county environment as a whole, and shall prepare and submit an annual report of its findings to the county's governing body. This report also shall include an account of the council's activities and accomplishments which shall be based on accurate records of its meetings and other works.

3. The council in cooperation with the county planning agency and other appropriate agencies, shall prepare a plan for the protection of the county's environment and the management of its natural resources, and shall transmit it to the county governing body as soon as practicable after the effective date of the establishment of the council. In addition, each such council shall obtain from the department of environmental conservation a copy of the state environmental plan. To the extent practicable, the preparation, content and subsequent revision, if any, of the county environmental plan shall be coordinated with the state environmental plan and a copy of said county plan and any subsequent revision shall be filed with the state commissioner of environmental conservation.

4. It shall investigate and recommend to the county governing body ecologically sound methods of planning the use of the county's resources.

5. The council shall keep an index of all open areas within the county, with the plan of obtaining information pertinent to sound ecological utilization of such areas including land owned by any municipality within the county. It shall keep an index of all open marsh lands, swamps, and all other wet lands in a like manner, and may recommend a program for their ecologically suitable utilization.

5-a. The council shall develop and maintain an inventory of natural resources within the county and such other environmental information as may be appropriate. Said inventory shall include wetlands and open spaces and may include, but not be limited to, factors relating to geology, soils, slope, water resources, vegetation, wildlife habitat, unique natural areas, and scenic, historic, and archaeological sites.

6. The council may cooperate with and assist such other governmental or non-governmental boards or organizations in the preparation of plans or reports or the review of proposals or applications as the county may direct.

7. The council may also conduct research into the land area of the county and may seek to coordinate the activities of unofficial bodies organized for similar purposes. It may advertise, prepare, print and distribute books, maps, charts, and pamphlets if in its judgment it deems them necessary for its work.

8. In those counties in which a county executive officer exercises supervisory and managerial responsibility for agencies in the executive branch of county government, pursuant to charter or local law, the council shall submit the reports described in subdivisions 2 and 3 to both the county governing body and said executive officer.

9. When authorized by resolution of the county governing body, a council may accept by gift, grant, bequest, or otherwise, money or other personal property in the name of the county, for use in furtherance of the provisions of this article. A county governing body may accept by gift, conditional or unconditional grant, devise or otherwise, real property in fee, or any lesser interest including conveyance with limitations or reversions, for the purposes of this article.

In addition, upon the written recommendation of the council, the county governing body may acquire by purchase in fee or any lesser interest, through negotiation or by condemnation, such real or personal property as may be needed to fulfill the purpose of this article.

§ 47-0109. Appropriation of council.

The county may provide for compensation to be paid to the members of the council and may make such appropriations as it may see fit for expenses incurred by the council including appointment of such clerks and other employees as may be necessary for the conduct of the council's official business.

§ 47-0111. Assistance of department of environmental conservation.

To assist a council in carrying out its functions, powers and duties the department of environmental conservation may upon request:

1. Prepare reports outlining objectives, priorities and proposed relationships of the council to the local governing body;
2. Prepare descriptions of work to be undertaken, advantageous techniques to be used and suggested roles of council members;
3. Provide research on conservation facts and procedures;
4. Provide, on a consulting basis, technical and research assistance as may be required to assist the council in carrying out its work and to enable the council to offer recommendations to the local governing body; and
5. Describe particular areas of natural resources within the territorial limits of the council which require particular attention.

§ 47-0113. Regional environmental management councils.

1. If in the opinion of the governing bodies of two or more counties, the protection and management of the environment of the area could be effectively or efficiently provided by a regional council these counties may enter into agreement to establish a regional environmental management council for the several counties agreeing to the consolidation.

2. The membership of the regional councils shall be made up of members of county environmental councils or individuals eligible to be members of county environmental councils. Members shall be appointed by the several county governing bodies to assure fair representation, but in no case shall there be more than twenty official members of the regional council other than ex officio members.

3. The regional council shall supercede and replace the individual county councils and shall exercise all those powers otherwise accruing to the county councils.

4. The county governing bodies of the several counties agreeing to the formation of such a council may appropriate such funds as they see fit

for the work of the regional council including the compensation of members, the retention of staff and other assistance, the preparation and printing of reports, maps, books, charts, and pamphlets and the cost of other items related to their work.

§ 47-0115. Reimbursement.

Up to one-half of the expenditures during the state fiscal year of any county or regional environmental management council established pursuant to this article shall be reimbursed to the counties out of funds appropriated by the state to the Department of Environmental Conservation for this purpose. Provided, however, that any county environmental agency established pursuant to a provision of law other than this article shall be entitled to such reimbursement if the commissioner of the department of environmental conservation finds that the powers, duties, and reporting lines for the major reports of such council are substantially the same as those provided in section 47-0107 of this article, and that the membership structure thereof either complies with the provisions of subdivision one of section 47-0105 of this article or that such membership structure is designed to encourage local participation and coordination in the planning of activities to influence the ecological balance of the locality. Necessary and appropriate rules and regulations for administration of the local assistance purposes of this act may be promulgated by the commissioner.

§ 47-0117. Annual report.

The commissioner shall submit an annual report to the governor and the legislature describing the operation of the local assistance program established by this article. The annual report shall include a description of activities conducted by each county and regional environmental management council and the activities conducted by the department in performing said activities pursuant to section 47-0115 of this article.