

KAY SCHERER
Interim Director

Department of Conservation
and Natural Resources

CHARLES DONOHUE
Administrator

BRIAN SANDOVAL
Governor



State Land Office
State Land Use Planning Agency
Nevada Tahoe Resource Team
Conservation Bond Program -Q1

Address Reply to

Division of State Lands
901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
Fax (775) 684-2721
Web www.lands.nv.gov

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

INSTRUCTIONS AND APPLICATION FOR AUTHORIZATION TO USE STATE-OWNED SUBMERGED LANDS

LAKE TAHOE

Revised September 2016

| REQUIRED APPLICATION FEES | |
|-----------------------------------|-------------------------------|
| As per NRS 322.110 | |
| <u>NEW APPLICATIONS</u> | <u>AMENDMENTS *</u> |
| \$200 Commercial Uses | \$100 Commercial Uses |
| \$150 Agricultural Uses | \$75 Agricultural Uses |
| \$100 All Other Uses | \$50 All Other Uses |
| \$10 Recreational Dredging | |

Notes: 1. The required application fee is for filing purposes only.
2. * Includes amendments to:

- Pending Applications
- Existing authorized uses

Instructions:

- On the Application Form, please check the appropriate required fee box under either a new Application or an Amendment.
- The Nevada Division of State Lands standard permit term is **TEN (10) years** for all permits associated with the use of state owned sovereign land.
- Per **NRS 322.100**, the State Land Registrar may issue a permit, license or other authorization for any lawful use of state land administered by the Division of State Lands. The receipt of a permit, license or other authorization does not excuse the recipient from compliance with any other provision of law regarding the use to which the permit, license or other authorization applies.
- Per **NRS 322.110**, the application fees are for the filing of the application with the Division of State Lands only and are non-refundable. The application fee must be received with the application to be processed.
- Guidelines to the Nevada Division of State Lands application evaluation and permit process can be found in **NAC 322**.

- Applications must be considered complete before the analysis process can begin. Incomplete applications will be returned and the project closed if additional information as requested by Division of State Lands staff is not received **within 30 business days of the request**. If the project is closed, reapplication with appropriate fees will be required to have the project reconsidered. Upon project closure, existing improvements on State lands will be considered to be in trespass on state lands and subject to appropriate enforcement action by the Division of State Lands.
- **Issuance of a permit by another federal, state or regulatory agency does not ensure that a permit can be issued by the Division of State Lands.**
- Once the project is considered permissible, Division of State Lands staff will request the required annual fees and the necessary insurance documents as referenced below. If these items are not received as requested within 30 business days of the request, or if the Division of State Lands has not been contacted to make other arrangements, the application will be returned and the project closed. If the project is closed, reapplication with appropriate fees will be required to continue the process.
- Permit fees for buoys, piers and other related facilities are set by statute.
- A certificate of liability insurance and policy endorsement naming the State of Nevada as additionally insured is required prior to a permit being issued. Maintaining insurance coverage for the term of the permit is also required. Minimum liability amounts vary by use and start at ONE MILLION DOLLARS (\$1,000,000.00).
- **You must submit ONE (1) original and FOUR (4) copies of the application, site plan and any other attachments to the Nevada Division of State Lands.**
- There is a new, required checklist associated with this application that must be submitted as part of the application package in order for NDSL to consider the application complete.

Application Form:

Please ensure that all fields are filled out or the application may be returned

For help in filling out the application form, the instruction list below is numbered according to the items on the application. Contact us at (775) 684-2720 if you have questions or need assistance.

1. **Application Number:** Leave blank. *For Division of State Lands use only.*
2. **Date:** Enter current date.
3. **Name of Applicant:** Fill out the name of the applicant exactly as you wish it to appear on the permit document.
4. **Contact Information:** Please include contact information, including name, mailing address, phone number, fax and email address. *In the case of an agent acting on behalf of an owner, corporation or other business entity; please include a copy of the corporate resolution or other document giving that person the authority to sign on their behalf.* Please also include the billing address if different from the mailing address.

5. **Project Location:** A current Assessor's Parcel Number must be entered, along with the physical (street) address of the parcel. **A copy of the current county Assessor's Parcel Map must be included with the application packet.**

6. **Additional Agency Authorizations:**

A. For water intake lines: A Nevada Division of Water Resources Permit Number or Proof Number must be included to show evidence of an active water right to divert water from a sovereign waterway or waterbody. You may mark the box as "NA" if a water intake line is not being applied for.

7. **Reason for the Application:** Please indicate why you are submitting an application. The application must provide a brief summary of the proposed use in narrative form.

If the application is for a new construction project, discuss the impacts of the project and the proposed actions to mitigate these impacts, including any planned or existing disturbance, removal or fill of material, and the proposed time frame for construction activities. Attach the required site plan as described below and required by NAC 322 and any additional supporting documentation. A pre-application consultation meeting with Division of State Lands staff is recommended for complex projects. Please call (775) 684-2720 with any questions or to schedule a meeting.

8. **Site Plan Requirements:**

An application for a new permit, an amended permit or other authorization for:

- A buoy or buoys
- A residential pier-single or multiple use
- A commercial pier
- A buoy field
- A water intake line
- Any type of dredging
- Breakwaters
- Swim floats and swim lines

Refer to the attached site plan sample for assistance with the requirements below. The numbers correspond with the appropriate areas. For example, #1 below is also #1 on the site plan sample.

With the completed Application Form, submit an original site plan, which must include all of the following information:

1. A Scale
2. Indication of the applicant's parcel, Assessor's Parcel Number and physical address, if any
3. The **LOW** water elevation contour line of 6,223.0 feet
4. If the structure(s) occupy land between high water elevation and low water elevation, the high water elevation contour line of 6,229.1 feet must be included on the site plan
5. The lakebed elevation(s) for the intended use(s)

6. Any existing littoral structures or improvements on the applicant's parcel as well as any existing littoral structures or improvements on the two adjoining properties. *This includes but is not limited to: piers, boat houses, boat hoists, boat ramps, boat rails, buoys, buoy fields, navigation buoys, breakwaters, swim lines, floating docks, decks, marinas, and water intake lines.*
7. The applicant's property projection lines extending lakeward from the **LOW** water elevation (6,223 ft) at a right angle from the shore.

The above information is requested in order to assist the Division of State Lands in the application evaluation process to ensure that all structures conform to the location standards outlined in the Nevada Administrative Code (NAC) 322.

9. **Notifications:** This information enables the Division of State Lands to seek comment from any interested parties. All applications are sent out for a 30-day Review and Comment Period. Please give complete names, mailing addresses, and if available, email addresses of all:
 - a. Adjacent property owner's name, mailing address, email address (if known) and Assessor's Parcel Number (which can be found at www.washoecounty.us or www.douglascountynv.gov)
 - b. Governmental bodies and local jurisdictions
 - c. Homeowner's Associations and General Improvement Districts
 - d. Additional notification may be required on a case by case basis.
10. **Existing Structure:** Does the structure currently occupy state land? Select Yes or No.
11. **Other Permitted Structures:** Please indicate any other structures that may be permitted.
12. **Permit Combination:** Beginning on June 2014, NDSL offers the option to combine multiple current permits issued to one APN into a single TEN (10) year permit. This would allow for one annual invoice to be sent for all permitted structures. Please indicate if you would like to be issued a single permit for all of your structures. If you choose to keep your permits separate, multiple annual invoices will be sent for the permitted structures.
13. **Recreational Purposes Disclaimer:** Indicate whether this application is for Recreational Use. See *"Use of State Land for a Recreational Purpose Defined"* on Page 4 of the Application Form. NRS 322.1003 required that the child support declaration on Page 4 must be filled out and signed only if the application is made by an individual for a recreational use.
14. **Applicant name and signature.** If the application is for a recreational purpose by an individual the application cannot be signed by the applicant representative (i.e. consultant) due to the requirements of NRS 322.1003.

Additional Information:

- If the project has been approved by the Tahoe Regional Planning Agency, U.S. Army Corps of Engineers or the Nevada Division of Environmental Protection please include copies of those permits.
- **There is a new, required checklist associated with this application that must be submitted as part of the application package in order for NDSL to consider the application complete.**

KAY SCHERER
Interim Director

BRIAN SANDOVAL
Governor

State Land Office
State Land Use Planning Agency
Nevada Tahoe Resource Team
Conservation Bond Program -Q1

Department of Conservation
and Natural Resources

CHARLES DONOHUE
Administrator



Address Reply to

Division of State Lands
901 S. Stewart St, Suite 5003
Carson City, Nevada 89701-5246
Phone (775) 684-2720
Fax (775) 684-2721
Web www.lands.nv.gov

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

**APPLICATION FOR AUTHORIZATION
TO USE STATE-OWNED SUBMERGED LANDS AT LAKE TAHOE**

| REQUIRED APPLICATION FEES | | | |
|----------------------------------|----------------------------|--------------------------|------------------------|
| As per NRS 322.110 | | | |
| <u>NEW APPLICATIONS</u> | | <u>AMENDMENTS *</u> | |
| <input type="checkbox"/> | \$200 Commercial Uses | <input type="checkbox"/> | \$100 Commercial Uses |
| <input type="checkbox"/> | \$150 Agricultural Uses | <input type="checkbox"/> | \$75 Agricultural Uses |
| <input type="checkbox"/> | \$100 All Other Uses | <input type="checkbox"/> | \$50 All Other Uses |
| <input type="checkbox"/> | \$10 Recreational Dredging | | |

Notes:

1. The required application fee is for filing purposes only.
2. * Includes amendments to:
 - Pending Applications
 - Existing authorized uses

| | | | | | |
|-----------|--|--|-----------|--------------|--|
| 1. | Application Number: (Assigned by Division) | | 2. | Date: | |
| 3. | Name of Applicant: (Filed on behalf of) | | | | |
| 4. | Contact Information: (Designated Representative) | | | | |
| | Name: | | | | |
| | Mailing Address: | | | | |
| | Telephone Number: | | | | |
| | Fax Number: | | | | |
| | Email Address: | | | | |
| | Billing Information: (If different from above) | | | | |
| | Name: | | | | |
| | Mailing Address: | | | | |
| | Telephone Number: | | | | |
| | Fax Number: | | | | |
| | Email Address: | | | | |

| | | | |
|-----|---|---|----------------------------|
| 5. | Location of proposed use: | | |
| | Assessor's Parcel Number(s): | | |
| | Physical Address: | | |
| | City: | | |
| | County: | | |
| 6. | Agency Authorizations: (Mark N/A if not applicable) | | |
| | | Agency | Permit or Proof No. |
| | | NV Division of Water Resources: (Required for Water Intake lines) | |
| 7. | Reason for Application: Provide a brief summary of the proposed use in narrative form. (See Application Instructions, Page 3) <i>Use additional sheets, if necessary.</i> | | |
| 9. | Notifications: Provide complete names, mailing addresses, email addresses (if known) and Assessor Parcel Numbers of all adjacent littoral property owners and other interested parties. Note: Interested parties to include any applicable homeowner's associations or General Improvement Districts. (See Application Instructions, Page 3) <i>Use additional sheets, if necessary.</i> | | |
| | | | |
| | | | |
| | | | |
| 10. | Is this an existing structure? | <input type="checkbox"/> Yes, structure exists <input type="checkbox"/> No, this is a new, proposed structure | |
| 11. | Do you have another structure currently permitted by the Division of State Lands? | <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please list your structure(s): | |

| | | |
|--|--|--|
| 12. | If Yes, would you like to be issued a single permit for all of your structures? | <input type="checkbox"/> Yes, please combine all of my structures on to a single, 10 year permit. I understand that I will receive one annual invoice associated with the permit. <input type="checkbox"/> No, please continue to issue separate permits for my structures. I understand that I will receive multiple annual invoices associated with my permits. |
| 13. | Is this application for a recreational purpose? | |
| | <input type="checkbox"/> Yes <i>(If "Yes," attach required statement as described below)</i> | |
| | <input type="checkbox"/> No | |
| | Pursuant to NRS 322.1003 , an applicant for a permit, license or other authorization to use state land or state facilities for a recreational purpose shall, if the permit, license or other authorization does not expire less than six (6) months after it is issued, submit to the State Land Registrar the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520 . The statement must be completed and signed by the applicant. The statement must be attached to this application | |
| 14. | Applicant acknowledges and certifies that: <ol style="list-style-type: none"> 1. This application is hereby made for a permit or permits to authorize the activities described herein. 2. I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete and accurate. 3. I possess the authority to undertake the proposed activity. 4. I understand that annual fees may be assessed for the authorized use of state land and I will be responsible for payment of those fees on or before the due date. 5. I understand that maintaining liability insurance coverage that names the State of Nevada as additionally insured for the entire term of the authorization is required. 6. I agree to indemnify, defend, and hold harmless the State of Nevada and its agents from and against any and all liability, damages, losses, debts, obligations, judgments, expenses or actions, including reasonable attorneys' fees, for personal injuries, property damage or for loss of life or property resulting from, or in any way connected with the condition or use of the premises covered herein, including any hazard, deficiency, defect or other matter, known or unknown, arising out of or in any way connected with the projects and related activities. This does not include the State of Nevada's right to participate in its own defence in any litigation that may arise from this authorized use. 7. I understand and accept that, if I am applying for a Buoy, Pier, or other navigable waters Permit, additional terms and conditions will be required by the State of Nevada as part of the permit or permits for which I am applying and agree to those terms and conditions. (Appendix A discloses <u>Standard Permit Conditions</u>) | |
| <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 45%; border-top: 1px solid black; text-align: center;">Name of Applicant (Print)</div> <div style="width: 45%; border-top: 1px solid black; text-align: center;">Signature of Applicant</div> </div> | | |

- ***You must submit ONE (1) original and FOUR (4) copies of the application, site plan and any other attachments to the Nevada Division of State Lands.***

**DECLARATORY STATEMENT BY APPLICANT
FOR A DIVISION OF STATE LAND'S PERMIT, LICENSE OR OTHER AUTHORIZATION
TO USE STATE LAND FOR A RECREATIONAL PURPOSE
PURSUANT TO NRS 322.1003 AND NRS 425.520**

Please mark the appropriate response:

- I am not subject to a court order for the support of a child
- I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owned pursuant to the order, or
- I am subject to a court order for the support of one or more children and am not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Failure to mark one (1) of the three (3) will result in denial of the application.

Name of Applicant (print)

Signature of Applicant

Date

USE OF STATE LAND FOR A RECREATIONAL PURPOSE DEFINED

1. Private piers and docks (single and multiple residential uses).
2. Private boat launching ramps, boat rails and boat hoists.
3. Private mooring buoys, boat slips and boat houses.
4. Private swim floats.
5. Recreational dredging.

NEVADA DIVISION OF STATE LANDS APPLICATION CHECKLIST

THIS CHECKLIST IS REQUIRED TO BE FILLED OUT AND SUBMITTED WITH THE APPLICATION

(Submit ONE (1) copy of this checklist with the application)

| | | |
|--------------------------------|--|--|
| | APPLICANT NAME: | |
| | ASSESSOR'S PARCEL NUMBER: (APN) | |
| | DATE: | |
| APPLICANT (check below) | AGENCY REVIEW | INFORMATION REQUIRED FOR ALL APPLICATIONS |
| | | Has the correct application fee been submitted? |
| | | Is there adequate contact and billing information? Addresses and phone numbers? |
| | | Is the APN and physical address included? |
| | | Is the application summary information adequate? If it is a complex project (pier modification, buoy field expansion, dredging, river application) is there an acceptable and detailed project description/methodology included? |
| | | Is the notification section filled out? |
| | | Are the application and declaratory statements signed by the littoral (or correct) owner? |
| | | Are the correct number of copies submitted? (5 copies required) |
| | | Is a copy of the current Assessor's Parcel Map (APN) included? |
| | | <u>SITE PLAN REQUIREMENTS- LAKE TAHOE APPLICATIONS</u> |
| | | Does the site plan contain a scale? |
| | | Is it clear which parcel and structure(s) belongs to the Applicant? |
| | | Is the low water elevation clearly depicted? |
| | | Is the lake bed elevation included for the intended use(s)? |
| | | Does it include the littoral structures/improvements on the adjacent parcels? |
| | | Do the property projection lines extend lakeward beginning at the low water elevation of 6,223.0? |
| | | <u>SITE PLAN REQUIREMENTS- NAVIGABLE RIVERS, OTHER NEVADA WATER BODIES</u> |
| | | Is there a delineation of the ordinary and permanent high water mark? |
| | | Is there a complete and accurate legal description? |

I understand that additional information may be requested during the application review process.

Signature of person preparing the application

Date

SAMPLE PERMIT CONDITIONS

PERMIT CONDITIONS FOR ONE (1) BUOY AND ONE (1) PIER

1. The Permittee understands and agrees that this permit shall be governed by, construed and enforced in accordance with the laws of the State of Nevada.
2. The Permittee understands and agrees that in the event any action is filed in relation to this permit, the unsuccessful party shall pay to the successful party, in addition to all sums either party may be called upon to pay, a reasonable sum for the successful party's attorney's fees. Any lawsuit brought to resolve a dispute arising from this permit must be brought either in the county where the permitted structure is located or in Carson City, Nevada.
3. The Permittee understands and agrees that the failure of the State of Nevada, acting through the Division of State Lands, to insist upon strict performance of any of the conditions, covenants and agreements pertaining to this permit or to exercise any option herein conferred in any one or more instance, shall not be construed to be a waiver or relinquishment of any such conditions, covenants and agreements.
4. The Permittee understands and agrees that the State of Nevada, acting through the Division of State Lands, will not waive and intends to assert all available immunities and statutory limitations in all cases, including, without limitation, the provisions of Nevada Revised Statutes Chapter 41.
5. The Permittee agrees to indemnify, defend, and hold harmless the State of Nevada and its agents from and against any and all liability, damages, losses, debts, obligations, judgments, expenses or actions, including reasonable attorneys' fees, for personal injuries, property damage, or for loss of life or property resulting from, or in any way connected with the condition or use of the premises covered herein, including any hazard, deficiency, defect or other matter, known or unknown, arising out of or in any way connected with the projects and related activities. This does not exclude the State of Nevada's right to participate in its own defense in any litigation that may arise from this authorized use.
6. The Permittee understands and agrees that the ONE (1) single, residential-use mooring buoy in Lake Tahoe below elevation 6223.0 feet must be located lakeward of APN: ____ in an area not closer than twenty (20) feet from each adjacent property line extended lakeward at a right angle to the shore according to the attached approved site plan. Per NAC 445A.048, a mooring buoy must not be placed closer than fifty (50) feet from another buoy.
7. Per NRS 488.257, a mooring buoy must be white in color and have a horizontal blue band around the circumference of the buoy which is at least three inches in width and centered midway between the top of the buoy and the water line. A mooring buoy which is placed within an area other than an area designated by the Commission as an anchoring or mooring area must display a quick flashing white light between sunset and sunrise. If a vessel is moored to such a buoy, only the vessel must display between sunset and sunrise a white light clearly visible in all directions.
8. The Permittee understands and agrees that the ONE (1) single, residential-use pier must be located lakeward of APN: _____ in an area not closer than TEN (10) feet from each adjacent property line extended lakeward at a right angle to the shore according to the attached approved site plan.
9. The Permittee understands and agrees that no rocks or other material may be moved or relocated at or around the buoy or pier sites.
10. The Permittee understands and agrees that the ONE (1) single, residential-use mooring buoy and ONE (1) single, residential-use pier in Lake Tahoe below elevation 6223.0 feet must be maintained in good repair at all times. If maintenance requires use of mechanized equipment within the lake in order to replace or restore rocks or other material around the pier, Permittee must contact the Division of State Lands and secure any necessary permits or authorizations prior to commencement.
11. The Permittee understands and agrees that at no time will the Permittee deny the general public access to the waters of Lake Tahoe in, under, and around the mooring buoy or pier or other structures for fishing or other recreational uses.
12. The Permittee understands and agrees that the insurance coverage must remain in effect at all times as evidenced by a current and valid Certificate of Insurance and Policy Endorsement naming the State of Nevada, Division of State Lands, its officers, employees and immune contractors as defined in NRS 41.0307 provided to the Division of State Lands. If the insurance coverage expires, the Permittee shall immediately remove the mooring buoy and pier from Lake Tahoe.
13. The Permittee understands and agrees that no other structures are permitted or allowed under this permit.

14. The Permittee understands and agrees that a permit from the Division of State Lands is required prior to commencement of any future changes, relocation or replacement of the mooring buoy or pier as approved under this permit.

15. The Permittee understands and agrees that the Division of State Lands is required, pursuant to NRS 322.120, to assess an annual permit fee. Should NRS 322.120 be amended or updated such that required fee amounts change, the Division of State Lands reserves the right to re-evaluate, reassess and adjust the permit fee on an annual basis accordingly. The current annual fee associated with this permit for ONE (1) single, residential-use buoy and ONE (1) single, residential-use pier in Lake Tahoe below elevation 6223.0 is ___ DOLLARS (\$___0.00). Said fee is to be paid on or before MAY 26th, 2014, and on or before MAY 26th each and every year thereafter.

16. Permittee understands and agrees this navigable water permit has a TEN (10) year term and will expire and become void on XX/XX/XXXX. Should the applicant desire to continue utilizing the structures placed upon state land beyond said expiration date, the applicant shall submit the appropriate application along with the required application fee and all required supporting documentation to State Lands for the consideration of issuing a new permit at least 90 days prior to the expiration date.

17. The Permittee is required to place a numbered and dated permit decal sticker, as supplied by the Division of State Lands, on the permitted buoy(s).

18. The Permittee understands and agrees that the Department may cancel a permit for failure of the holder to comply with NAC 445A.028 to 445A.052, inclusive, or with any condition under which the permit was granted. Failure to concur with or comply with any of the conditions contained herein will cause this permit to become invalid and require the immediate removal of the ONE (1) single, residential-use buoy and ONE (1) single, residential-use pier

19. The Permittee understands and agrees that the buoy(s) and pier authorized under this permit will conform with the placement depicted on the Final Site Plans approved on _____ and on file in the office of the Division of State Lands and are incorporated hereto and hereby included in this authorization.

20. This permit replaces permit(s) number 838 and XXX (if applicable), which authorized ONE (1) single, residential-use mooring buoy, and was in effect from May 27, 2008 until May 26, 2013.
Use for new structures:

21. Best Management Practices (BMPs) shall be applied and precautions shall be taken: to prevent and control releases of: debris, sediment, any transport of sediments, and to prevent and control turbidity in the Lake during the project activities. BMP's applicable to buoy installations and relocations, shall be utilized at the project areas in accordance with plans submitted to and approved by NDSL.

22. Disturbance to the lake bed shall be kept to a minimum.

23. There shall be no discharge of substances that would cause a violation of water quality standards of Lake Tahoe or the State of Nevada.

24. Any heavy equipment (barge, crane, etc.) to be used in the lake and shorezone areas must be steam cleaned at least once before working in Lake Tahoe or adjacent areas. All equipment shall be cleaned to ensure no contamination of invasive species (i.e. quagga mussels). All equipment shall be inspected for leaks daily prior to use. All leaks shall be repaired immediately. All equipment fueling and storage of fuels shall be conducted offsite and at least 200 feet away from the Lake.

25. If a visible sediment plume or hydrocarbon sheen results from project activities, the work shall cease and NDSL shall be notified as soon as practicable of any release. All hydrocarbon sheens or releases shall be reported to the NDEP Spill Reporting Hotline within 24 hours of occurrence at 1-888-331-6337.

