



**NOTICE OF WORKSHOP
AND PUBLIC ADOPTION HEARING
ON THE NOTICE OF INTENT TO ACT UPON NEW REGULATIONS
REGARDING PROPOSED FEES FOR THE USE OF STATE LANDS**

The Nevada Division of State Lands (NDSL) will be holding a workshop to solicit comments from interested persons on the following general topics being addressed in the proposed regulations:

Senate Bill No. 512, Chapter 366, 79th Session 2017, requires the State Land Registrar to establish certain fees by regulation for the use of state lands; revising provisions relating to the accounting and use of the proceeds of certain fees for the use of state lands; and providing other matter properly relating thereto.

**Workshop will be held at the
Incline Village Library, 845 Alder Avenue, Incline Village, NV 89451
12:30 p.m., September 13, 2018**

And

**Public Hearing will be held at the
Incline Village Library, 845 Alder Avenue, Incline Village, NV 89451
12:00 p.m., September 21, 2018**

A copy of all materials relating to the proposal may be obtained at the workshop & public adoption hearing or by contacting Brenda Swart, State Land Agent, at 775-684-2735 or email bswart@lands.nv.gov. A reasonable fee may be charged. The agency's small business impact statement is attached.

Members of the public who are disabled and require special accommodations or assistance at the workshop or public hearing are requested to notify Brenda Swart no later than five (5) working days before each scheduled meeting.

This Notice of Workshop to solicit comments on the proposed regulations was noticed by Public Notice in the main section of the Sierra Sun Newspaper and the Tahoe Tribune Newspaper, all public libraries and posted at the following Nevada locations:

Bryan State Office Building, 901 S. Stewart Street, Carson City, Nevada 89701
State Legislative Building, 401 S. Carson Street, Carson City
Nevada State Library and Archives, 100 S. Stewart Street, Carson City
Tahoe Regional Planning Agency, 128 Market Street, Stateline, Nevada
Douglas County Public Library, 233 Warrior Way, Zephyr Cove

Clark County Administrative Offices, 101 Civic Way, Laughlin
Nevada Division of State Lands website: (www.lands.nv.gov)
The State of Nevada website: (www.nv.gov)
The Nevada State Legislature Website: (www.leg.state.nv.us)

WORKSHOP AGENDA

Location of workshop, dates and times:

Workshop will be held at:

Incline Village Library, 845 Alder Avenue, Incline Village, NV 89451
12:30 p.m., September 13, 2018

- 1. Open Workshop; Chapter 366 NAC**
- 2. Presentation and Discussion of Proposed Regulation.**
Senate Bill No. 512, Chapter 366, 79th Session 2017, requires the State Land Registrar to establish certain fees by regulation for the use of state lands; revising provisions relating to the accounting and use of the proceeds of certain fees for the use of state lands; and providing other matters properly relating thereto.
- 3. Public Comment.**
- 4. Close of Workshop**
- 5. Adjournment**

NOTE: Items on the agenda may be taken out of order.

NOTE: Agenda for Public Hearing will be posted 3 days prior to hearing date on www.lands.nv.gov, <https://www.leg.state.nv.us> and <http://nv.gov>.

NOTICE OF INTENT TO ACT UPON A REGULATION R167-18 WITH CHANGES

Notice of Hearing for the Adoption of Regulations of the Division of State Lands

The Division of State Lands will hold a public hearing at 12:00 p.m., on Friday September 21, 2018, at the Incline Village Public Library, located at 845 Alder Avenue, Incline Village, Nevada 89451.

The purpose of the hearing is to receive comments from all interested persons regarding the Adoption of regulations that pertain to Chapter 322 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

Senate Bill 512, Chapter 366, 79th Session 2017, requires the State Land Registrar to establish in regulation the fees for the use of sovereign lands under navigable waters. These fees have not been evaluated in over 25 years and are considerably below Fair Market Value (FMV). The purpose of this regulation is to evaluate and update use fees for private structures occupying sovereign land, remove them from statute, and put them into regulation.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved. The substance of the regulation is to evaluate and update the current fee schedule to FMV and to compensate the public for the private use of public lands.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

a) Adverse and beneficial effects:

Division of State Lands (NDSL) does not anticipate an adverse effect on small business owners or the public from the proposed regulation. The State Land Registrar consulted with small business owners, such as marina owners, concessionaires and consultants, about how the proposed fee schedule might affect them. The outcome was that the impact would be minimal; owners have the capacity to adjust their operations to offset the proposed increase. The majority of users that would potentially be affected by the updated fee schedule operate or reside near Lake Tahoe. With the high demand of boat mooring rental space around the lake and waiting lists that expand 1 to 2 years out, the business owners felt that the proposed increase would not impact their businesses.

Senate Bill 512 (SB 512) was written stating that additional funds collected which exceed \$65,000 in any fiscal year must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin. These programs have the potential to provide substantial benefits to businesses and the public that rely and benefit from Lake Tahoe.

b) Both immediate and long-term effects:

NDSL is proposing that the new fee schedule not go into effect until July 1, 2019 and that increases will be implemented over a 3-year period to allow small business owners and private land owners the opportunity to adjust their operating costs.

4. The estimated cost to the agency for enforcement of the proposed regulation.

With the proposed regulation, NDSL does not expect to incur any additional enforcement cost.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

This regulation addresses the occupancy and use of sovereign lands under navigable waters and the fees that are associated with that use. The proposed regulation does not overlap or duplicate any regulation of other state or local governmental agencies.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

Not applicable.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

Not applicable.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

NRS 322.100 grants the State Land Registrar the authority to charge a fee for the issuance of a permit and other authorizations. NRS 322.120 established the fees for the use of sovereign land. SB 512, Chapter 366, 79th Session 2017, authorized the review and establishment of a new fee schedule to meet FMV. A fee schedule was implemented for the use of sovereign land in 1993, and had not been adjusted in 25 years. NDSL is proposing an increase in fees after extensive research and an independent appraisal revealed the current fee schedule was well below FMV.

Persons wishing to comment upon the proposed action of the Division of State Lands may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Nevada Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City, Nevada 89701-5246. Written submissions must be received by the Division of State Lands on or before September 17, 2018 by close of business. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of State Lands may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business

hours. Additional copies of the notice and the regulation to be adopted will be available at Nevada Division of State Lands, 901 S. Stewart Street, Carson City, Nevada 89701-5246, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

A reasonable fee may be charged for copies if it is deemed necessary. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Bryan State Office Building, 901 S. Stewart Street, Carson City, Nevada 89701
State Legislative Building, 401 S. Carson Street, Carson City
Nevada State Library and Archives, 100 S. Stewart Street, Carson City
Tahoe Regional Planning Agency, 128 Market Street, Stateline, Nevada
Douglas County Public Library, 1625 Library Lane, Minden
Douglas County Public Library, 233 Warrior Way, Zephyr Cove
Washoe County Library System, 301 South Center Street, Reno
Washoe County Library, 845 Alder Avenue, Incline Village
Clark County Library, 2840 Needles Highway, Laughlin
Clark County Administrative Offices, 101 Civic Way, Laughlin
Nevada Division of State Lands website: (www.lands.nv.gov)
The State of Nevada website: (www.nv.gov)
The Nevada State Legislature Website: (www.leg.state.nv.us)

NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library
900 North Roop Street
Carson City, Nevada 89701-3101

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Churchill County Library
553 South Main Street
Fallon, Nevada 89406-3306

Lyon County Library System
20 Nevin Way

Yerington, Nevada 89447-2399
Las Vegas-Clark County Library District
833 Las Vegas Boulevard North
Las Vegas, Nevada 89101-2062

Mineral County Public Library
Headquarters P.O. Box 1390
Hawthorne, Nevada 89415

Douglas County Public Library
1625 Library Lane
Minden, Nevada 89423-0337

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Elko County Library
720 Court Street
Elko, Nevada 89801-3397

Storey County Public Library (CLOSED, Instead, send to the Storey County Clerk's
Office, see below)
Storey County Treasurer and Clerk's Office
P.O. Box 430
Virginia City, Nevada 89440

Esmeralda County Library
Corner of Crook & 4th Street Drawer D
Goldfield, Nevada 89013-0430

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Tonopah Public Library (Nye County)
P.O. Box 449
Tonopah, Nevada 89049

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445-3095

Washoe County Library System
301 South Center Street
Reno, Nevada 89501-2102

Battle Mountain Branch Library (Lander County)
625 South Broad Street
Battle Mountain, Nevada 89820

White Pine County Library
950 Campton Street
Ely, Nevada 89301

**PROPOSED REGULATION OF THE
STATE LAND REGISTRAR**

LCB File No. R167-18

August 1, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1 and 4-7, NRS 322.170; §2, NRS 322.100, 322.110 and 322.170; §3, NRS 322.100, 322.120 and 322.170.

A REGULATION relating to state lands; establishing certain application and annual use fees for state lands; clarifying that the State Land Registrar may issue authorizations for uses of state lands not associated with navigable bodies of water; requiring an application for authorization to use state lands be on a form provided by the Division of State Lands of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before the 2017 legislative session, certain application and annual use fees related to the use of state lands were set forth in NRS 322.110 and 322.120. Senate Bill No. 512 eliminated the amounts of these fees and required instead that the State Land Registrar establish these fees by regulation. (Chapter 366, Statutes of Nevada, pp. 2256-57) **Sections 2 and 3** of this regulation establish those fees.

Section 6 of this regulation provides that a person must submit an application for an authorization to use state lands on the form provided by the Division of State Lands of the State Department of Conservation and Natural Resources.

Existing law authorizes the State Land Registrar to issue authorizations for any lawful use of state lands, and existing regulation provides that the State Land Registrar may issue authorizations for the use of state lands associated with navigable bodies of water. (NRS 322.100; NAC 322.150) **Section 5** of this regulation provides that, consistent with statute, the State Land Registrar may also issue authorizations for uses of state lands not associated with navigable bodies of water. **Sections 4 and 7** of this regulation make conforming changes.

Section 1. Chapter 322 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *Except as otherwise provided in NRS 322.063, 322.065 and 322.110, an application for an authorization submitted pursuant to NAC 322.160 must be accompanied by the following nonrefundable fee for the consideration of the application:*

1. For the issuance of an authorization for:

(a) Any commercial use of state land other than an agricultural use, \$500.

(b) Any agricultural use of state land, \$300.

(c) Any other use of state land, \$250.

2. For the amendment of an authorization for:

(a) Any commercial use of state land other than an agricultural use, \$150.

(b) Any agricultural use of state land, \$100.

(c) Any other use of state land, \$75.

Sec. 3. 1. *The Division shall charge and collect the following annual use fees:*

	<i>FY 2019-2020</i>	<i>FY 2020-2021</i>	<i>FY 2021-2022</i>
<i>The commercial use of a pier</i>	<i>\$1,000</i>	<i>\$1,500</i>	<i>\$2,000</i>
<i>The multiple residential use of a pier</i>	<i>500</i>	<i>750</i>	<i>1,000</i>
<i>The single residential</i>	<i>500</i>	<i>750</i>	<i>1,000</i>

<i>use of a pier</i>			
<i>Any other use of a pier</i>	<i>500</i>	<i>750</i>	<i>1,000</i>
<i>The commercial use of a mooring buoy or similar device for mooring vessels</i>	<i>300</i>	<i>400</i>	<i>500</i>
<i>Any other use of a mooring buoy or similar device for mooring vessels</i>	<i>100</i>	<i>200</i>	<i>300</i>

↪ *The fees set forth in this subsection for Fiscal Year ~~2021~~2022 are effective for that fiscal year and each fiscal year thereafter.*

2. In addition to the fees collected in subsection 1, the Division shall charge and collect the following annual use fees:

(a) Except as otherwise provided in subsection 2 of NRS 322.120, for the commercial use of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure, \$250.

(b) Except as otherwise provided in subsection 2 of NRS 322.120, for the residential use of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure, \$200.

(c) For the use of a string line for not more than 12 personal watercrafts, \$250.

(d) For a swim line, \$150.

(e) For any use of a boat-fueling facility, \$500, which is in addition to the fee for the use of a pier provided in subsection 1.

Sec. 4. NAC 322.020 is hereby amended to read as follows:

322.020 “Authorization” means:

1. A permit, license, lease, easement, right of entry or any other document issued by the State Land Registrar for uses of land ; ~~associated with the navigable bodies of water of this State;~~ and

2. A permit described in NRS 445A.170 issued by the State Land Registrar pursuant to NAC 445A.044.

Sec. 5. NAC 322.150 is hereby amended to read as follows:

322.150 1. The State Land Registrar may issue authorizations for:

(a) Uses of land associated with the navigable bodies of water of this State; ~~land~~

(b) The purposes of NRS 445A.170 ~~+~~; and

(c) Any use of state lands not associated with navigable bodies of water.

2. The State Land Registrar may issue a temporary authorization for dredging or construction, placement of structures, or similar activities on land associated with the navigable bodies of water of this State.

3. The types of uses for which authorizations may be issued pursuant to this section include, without limitation, agricultural use, commercial use, industrial use, municipal use, residential use, multiple use, construction and dredging.

Sec. 6. NAC 322.160 is hereby amended to read as follows:

322.160 1. An applicant for an authorization must submit a properly completed application to the State Land Registrar **[H]** *on the form provided by the Division of State Lands of the State Department of Conservation and Natural Resources.*

2. If the State Land Registrar does not accept an application, the State Land Registrar will notify the applicant of any deficiency when he or she returns the application to the applicant for compliance.

Sec. 7. NAC 322.190 is hereby amended to read as follows:

322.190 In determining whether to issue an authorization **[H]** *for the use of land associated with a navigable body of water of this State*, the State Land Registrar will consider, without limitation, the following factors:

1. The location and density of existing piers, breakwaters, mooring buoys, water intake lines and other structures;
2. The effect of granting the authorization upon the stability of the shoreline;
3. The overall environmental integrity and recreational quality of the area in which the proposed structure or activity is to be located or will take place, including factors such as noise, visual esthetics, recreational potential and impacts to the quality of water;
4. The potential interference with navigability;
5. Conformance with any applicable requirements of law, regulation and policy;
6. The impacts to adjacent property owners;
7. Any environmental studies of the proposed use, if applicable;
8. The location or availability of existing use corridors; and
9. The private benefit to be obtained versus any loss of public benefit.

SMALL BUSINESS IMPACT STATEMENT

PROPOSED REGULATION: SENATE BILL NO. 512, CHAPTER 366

NEVADA DIVISION OF STATE LANDS

Pursuant to NRS 233B.0608(1), the Nevada Division of State Lands (NDSL) must determine whether the proposed regulations developed in accordance with Chapter 366, 79th session, 2017, authorizing the State Land Registrar to establish fees in the Administrative Code, are likely to: (a) impose a direct and significant economic burden on small business; or (b) directly restrict the formation, operation or expansion of a small business.

Method

The Nevada Division of State Lands reviewed and analyzed all legal entities within our database that would be impacted by the proposed regulations, specifically identifying any known or potential negative impacts on small businesses.

Determination

Department staff analyzed the number of legal entities that received authorizations or permits to determine economic impacts to small businesses in both the northern portion and southern portion of the state. The majority of applications throughout the state are private property owners or large commercial corporations along navigational waterways. This review determined that there would be no significant economic impacts to small businesses if this proposal were to be adopted.



CHARLIE DONOHUE

Administrator and State Land Registrar
Nevada Division of State Lands

SMALL BUSINESS IMPACT STATEMENT

PROPOSED REGULATION: SENATE BILL NO. 512, CHAPTER 366

NEVADA DIVISION OF STATE LANDS

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