

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

LCB FILE 135-13

The following informational statement is submitted for adopted regulations pertaining to Nevada Administrative Code (NAC) 322.

1. A clear and concise explanation of the need for the adopted regulation: This regulation is necessary to establish the procedures of the State Land Registrar and the Nevada Division of State Lands (Division) for issuing authorizations to use state land beneath navigable waters. Historically, the Division applied sections of NAC Chapter 445A when issuing state wide authorizations, but Chapter 445A deals exclusively with construction projects at Lake Tahoe and does not include procedures or protections for the use of state land beneath other navigable waters statewide. The proposed regulation allows for a more broad application and will better assist the public when they submit an application to the Division.
2. A description of how public comments was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary: Copies of the proposed regulations, notice of public workshop and notice of intent to act upon the regulation were sent by U.S. mail and email to persons and other state and regulatory agencies who were known to have an interest in the subject of the use of state land beneath navigable waters. All documents were also made available at the website of the Division, <http://www.lands.nv.gov> and mailed to all county libraries in Nevada. Notices were also posted at the following locations:

Bryan State Office Building
901 S. Stewart Street
Carson City, Nevada 89701

Nevada State Library and Archives
100 S. Stewart Street
Carson City, Nevada 89701

Legislative Building
401 South Carson Street
Carson City, Nevada 89701

Tahoe Regional Planning Agency
128 Market Street
Stateline, Nevada 89449

Clark County Administrative Offices
101 Civic Way
Laughlin, Nevada 89028

A workshop was held on October 23, 2013 to solicit comments from the public and small businesses as the proposed regulation language was being drafted. The minutes and a summary of the discussion at the workshop are attached hereto as Exhibit A. This public workshop provided valuable input to the Division at the commencement of the regulation drafting process.

On July 22, 2014 a public adoption hearing was held regarding the proposed regulation to solicit comments once more from the public and small businesses. The minutes and a summary of the adoption hearing discussion are attached hereto as Exhibit B.

A copy of these summaries of the public response to the proposed regulation may be obtained from the Nevada Division of State Lands, 901 S. Stewart Street, Suite 5003, Carson City, Nevada 89701, (775) 684-2735, or email to erandles@lands.nv.gov.

3. The number of persons who:
 - (a) Attended the public workshop on October 23, 2013: 26
 - (b) Attended the public adoption hearing on July 22, 2014: 12
 - (c) Testified at the public adoption hearing on July 22, 2014: 2
 - (d) Submitted written statements regarding the proposed regulation: Workshop=3, Hearing=0
4. A list of names, telephone numbers, business address, business telephone number electronic mail address and name of the entity or organization represented, as provided to the Division, is attached as Exhibit C.
5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested person may obtain a copy of the summary: Comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #2.
6. If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change: The regulation was adopted on July 22, 2014 and included many of the suggestions brought forth from the public workshop held on October 23, 2013. No written comments were received prior to the public adoption hearing and no substantive comments were offered at the public adoption hearing beyond those in support of the language so the regulation was adopted in the version and format provided by the Legislative Counsel.
7. The estimated economic effect of the regulation on the business which it is to regulate and on the public:
 - (a) Both adverse and beneficial effects: The regulation will not have any adverse effects on businesses or the public as much of the language and procedures are similar to those that were established in NAC 445A. The regulation does not include any drastic changes to the authorization process or impose any new restrictions or fees on applicants. The regulation provides a clearer picture on how to obtain an authorization to use land beneath all state navigable waters, including Lake Tahoe, which the Division believes will be beneficial.

(b) Both immediate and long-term effects: The regulation will provide an immediate effect by more succinctly explaining information related to the types of authorizations issued to use land beneath all state navigable waters. One of the long-term benefits of the regulation is that it more closely aligns with and supports the Division's authority to issue authorizations for the use state land under NRS 322.

8. The estimated cost to the agency for enforcement of the proposed regulation: There is no additional cost to the agency for enforcement of the proposed regulation.
9. A description of any regulations of other state or government agencies which the proposed regulations overlaps or duplicates and a statement why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating agency: There are no other state or government agency regulations that the proposed regulation duplicates.
10. If the regulation established a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used: This regulation does not provide a new fee or an increase in an existing fee.