

LCB File No. R022-00

**PROPOSED REGULATION OF THE
DIVISION OF STATE LANDS**

**CONTROL OF EROSION AND RESTORTION OF NATURAL WATERCOURSES FOR
LAKE TAHOE**

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

NAC 321.300 Definitions. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) As used in NAC 321.300 to 321.365, inclusive, the words and terms defined in NAC 321.305 to 321.30, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.305 “Committee” defined. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) “Committee” means the technical advisory committee established pursuant to section 7 of the “Cooperative Agreement” entered into by the division and the district on September 25, 1997.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.310 “District” defined. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) “District” means the Nevada-Tahoe Conservation District.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.315 “Division” defined. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) “Division” means the division of state lands of the department of conservation and natural resources.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.320 “Eligible county” defined. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) “Eligible county” includes only:

1. Carson City;
2. Douglas County; and
3. Washoe County.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.325 “Matching contribution” defined. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) “Matching contribution” means money or anything of value, including, without limitation, the use of personnel, materials or equipment of the applicant.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.330 “Project” defined. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) “Project” means a project for the control of erosion or the restoration of natural watercourses in the Lake Tahoe Basin.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.335 “Cooperative Agreement” (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995)

1. The “Cooperative Agreement” entered into by the division and the district on September 25, 1997, is hereby adopted by reference.

2. A copy of the “Cooperative Agreement” may be obtained without charge:

(a) In person, from the Division of State Lands, 333 West Nye Lane, Suite 118, Carson City, Nevada.

(b) By telephone, at ~~[(702) 687-4363]~~ (775) 687-4363 or (775) 687-4735.

(c) By mail, from the State Land registrar, Division of State Lands, Capitol Complex, Carson City, Nevada 89710

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.340 Grants of: Award; distribution; matching contributions. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995)

1. The state land registrar will award grants of money from the sale of general obligation bonds of this state issued pursuant to section 1 of chapter 361, Statutes of Nevada 1995, to the department of transportation and eligible counties pursuant to NAC 321.340 to 321.365, inclusive.

2. Such money must be distributed as follows:

(a) Not more than one-third of the money may be allocated to projects of the department of transportation.

(b) At least two-thirds of the money must be allocated to projects of eligible counties. ~~[Such money must be divided approximately equally between projects for the control of erosion and projects for the restoration of natural watercourses.]~~

3. An applicant for a grant pursuant to NAC 321.340 to 321.365 inclusive, shall provide a matching contribution to the project of not less than 25 percent of the total projected cost of the project for which the grant is being requested by the applicant.

4. The state land registrar will not award a grant pursuant to NAC 321.340 to 321.365, inclusive, in an amount which exceeds 75 percent of the projected cost of the project.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.345 Solicitation of applications; contents of application. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995)

1. The state land registrar will periodically solicit applications from eligible counties and the department of transportation for grants of money from the sale of general obligation bonds issued pursuant to section 1 of chapter 361, Statutes of Nevada 1995, and establish deadlines for the submission of such applications.

2. An application for such a grant must be submitted to the district and must include, without limitation;

(a) A completed application on a form provided by the district;

(b) The amount of money requested for the project;

(c) The total projected cost of the project;

(d) A detailed description of the project;

- (e) Proof of any title to land, lease or easement that is required for the carrying out of the project;
 - (f) A map of the location of the project;
 - (g) A statement regarding the conformity of the project to all applicable local and regional land use plans;
 - (h) A plan for the operation and maintenance of the project for a period of not ~~more~~ *less* than 20 years, including, without limitation, the identity of the person who will operate the project and provide the maintenance; and
 - (i) An itemized list of the costs of the project in accordance with the descriptions of work and unit prices set forth in the “Question 12 Project Cost Estimator” which is hereby adopted by reference. A copy of the “Question 12 Project Cost Estimator” may be obtained without charge:
 - (1) In person, at the United States Department of Agriculture, Natural Resources Conservation Service Tahoe Field Office, 870 Emerald Bay Road, Suite 108, South Lake Tahoe, California.
 - (2) By telephone, at (530) 541-1496
 - (3) By mail, at the United States Department of Agriculture, Natural Resources Conservation Service Field Office, P.O. Box 10529, South Lake Tahoe, California 96158.
- (Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.350 Evaluation and prioritization of project. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) The district shall:

1. Evaluate the feasibility of each project and its estimated costs and benefits pursuant to the criteria set forth in NAC 321.355. In its review of each project, the district shall use the technical advice of the committee.
2. Develop a preliminary list which ranks projects for which applications have been submitted in order of priority for each of the following categories:
 - (a) Projects of the department of transportation.
 - (b) Projects of eligible counties for the control of erosion.
 - (c) Projects of eligible counties for the restoration of natural watercourses.
3. Make the preliminary list of prioritized projects available for public review.
4. Conduct at least one public hearing regarding each preliminary list of prioritized projects. The district may revise each preliminary list after the public hearing.
5. Submit a final list of prioritized projects for each category of projects to the state land registrar with a written evaluation of each project which addresses the criteria set forth in NAC 331.355.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.355 Criteria for evaluating projects for award of grants. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) The district shall evaluate each project pursuant to the following criteria:

1. The benefit to the water quality of Lake Tahoe, including, without limitation, whether the project:
 - (a) Will address a significant problem relating to soil erosion or water quality or both soil erosion and water quality;
 - (b) Will result in a quantifiable improvement in water quality;
 - (c) Is listed as a priority project in the “Water Quality Management plan for the Lake Tahoe

Region” or the “Environmental Improvement Program” of the Tahoe Regional Planning Agency; and

(d) Will reduce significantly the amount of untreated runoff that is currently being deposited in Lake Tahoe.

2. The adequacy of the design of the project, including, without limitation, whether the proposed project:

(a) Uses proven, effective and cost effective techniques to address the control of soil erosion and untreated runoff;

(b) Restores and preserves vegetation and stream environmental zones to the maximum extent possible;

(c) Uses improvement that reflect aesthetic considerations; and

(d) Uses bioengineering.

3. The comprehensive approach of the project, including, without limitation, whether all identifiable aspects of the problem of soil erosion in the project area or the watershed are covered in the project.

4. The long-term viability of the project.

5. The cost effectiveness of the project, including, without limitation, the potential of the project to attract financing in addition to the grant.

6. The ability of the applicant to carry out the project in a timely manner.

7. The ability of the portion of the project that will be paid for with money from the grant to achieve benefits to water quality independently of the other components of the project.

8. The ability of the project to be used as a model for future projects, including, without limitation, whether the project:

(a) Uses biotechnology; and

(b) Combines proven and innovative approaches.

9. The amount of cooperation and support for the project from persons other than the applicant, including, without limitation:

(a) Federal, state and local governmental agencies; and

(b) Private landowners.

10. The amount of a matching contribution to the project that will be provided by the applicant which must equal at least 25 percent of the cost of the project.

11. The adequacy of the plan for maintenance of the project.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.360 Agreement between state land registrar and recipient of grant. (NRS 548.360 and sec. 2 of ch. 361, Stats. of Nevada 1995) The state land registrar and the recipient of a grant shall enter into an agreement, which must require that the recipient shall:

1. Provide a matching contribution to the proposed project of not less than 25 percent of the cost of the project; ~~and~~

2. Operate and provide maintenance for the project for not ~~more~~ less than 20 years after the project is completed; *and*

3. *Provide a conservation easement, reviewed and approved by the state land registrar, to protect all work performed under this grant program on private property.*

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)

NAC 321.365 Acceptable and unacceptable uses of grant. (NRS 548.360 and sec. 2 of ch.

361, Stats. of Nevada 1995)

1. Except as otherwise provided in subsection 2, the recipient of a grant pursuant to NAC 321.340 to 321.365, inclusive, may use the money from the grant to pay for:

(a) All expenses related directly to the project, including, without limitation, expenses related to the design and construction of the project; and

(b) The administrative costs of the project, not to exceed 3 percent of the total cost of the project.

2. The recipient of a grant pursuant to NAC 321.340 to 321.365, inclusive, may not use the money from the grant to pay for:

(a) Any planning activities which are not directly related to the design and engineering of the project;

(b) The purchase of new equipment;

(c) The paving of curbs or gutters, unless the paving of curbs or gutters is recommended by the committee to remedy erosion;

(d) The acquisition of land, unless such an acquisition is deemed by the state land registrar to be an integral component of the project;

(e) Any work required by a public agency as mitigation or as a condition of the approval of any other project; and

(f) Any component of the project that is deemed by the state land registrar to not benefit the public.

(Added to NAC by St. Land Registrar by R222-97, eff. 3-5-98)