

**PROPOSED REGULATION OF THE
STATE LAND REGISTRAR**

LCB File No. R040-12

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment

of Regulations of the

Nevada Division of State Lands

The Nevada Division of State Lands will hold a public hearing at 4:00-6:00pm, on June 7, 2012, at the Edgewood Village Building D, 169 Highway 50, Stateline, NV 89449. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 321 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.

Regulations found in NAC 321.305 through NAC 321.365 outline the process for which the Nevada Division of State Lands (NDSL) can provide funding to local jurisdictions and the Nevada Department of Transportation for the design and implementation of water quality and stream restoration projects at Lake Tahoe. Current regulations were adopted over 10 years ago and therefore some information is out of date. In addition, opportunities to modify regulation language were identified to improve the grant administration process. The proposed amendments address both out of date information and the grant administration process.

2. A statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

The revised text of the proposed permanent regulation amendments prepared by the Legislative Counsel pursuant to NRS 233B.063 are available from the Nevada Division of State Lands, 901 S Stewart Street, Suite 5003, Carson City, NV 89701, by calling (775) 684-2720, or by emailing eharrison@lands.nv.gov.

3. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

A workshop was held on the afternoon of March 29, 2012 at the Incline Village Library. The workshop notice was mailed to all Nevada County Public Libraries for posting. In addition, a copy of the notice along with the proposed amendments were sent to local jurisdictions as well as the Nevada Department of Transportation who

implement stormwater and stream restoration projects at Lake Tahoe. Lastly, the Nevada Department of Environmental Protection was notified and the notice was placed on the State Clearinghouse website. No comments were received indicating any potential effects on small business.

4. **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. **Both adverse and beneficial effects; and**
 - b. **Both immediate and long-term effects.**

There are no estimated economic effects of the regulation amendments on business. The regulations provide the mechanism for NDSL to provide funding to local jurisdictions and the Nevada Department of Transportation for water quality improvement projects as well as stream restoration projects. The proposed amendments will clarify and update existing regulatory language as well as the grant process.

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

The proposed regulation amendments do not have any costs for enforcement.

6. **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.**

NAC 321.305 through NAC 321.365 are the only regulations that specifically provide guidance to NDSL for this grant funded program. There are no overlaps or duplications with other state, local or federal regulations.

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

The regulation is not required pursuant to federal law.

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

- 2 **Whether the proposed regulation established a new fee or increased an existing fee.**

There are no overlaps or duplications with federal regulations.

The amended regulations do not include a new fee and there are no existing fees.

Persons wishing to comment upon the proposed action of the Nevada Division of State Lands may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the Nevada Division of State Lands. Written submissions must be received by the Nevada Division of State Lands on or before June 14, 2012. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Division of State Lands may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada 89701, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Nevada Division of State Lands, 901 S Stewart Street, Suite 5003, Carson City, NV 89701, and in all counties in which an office of the agency is not maintained, 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:

1) Carson City Library 900 North Roop Street, Carson City, Nevada 89702 2) Churchill County Library 553 South Main Street, Fallon, Nevada 89406 3) Clark County District Library 833 Las Vegas Boulevard North, Las Vegas, NV 89101 4) Douglas County Library 1625 Library Lane, Minden, Nevada 89423 5) Elko County Library 720 Court Street, Elko, Nevada 89801 6) Esmeralda County Library Corner of Crook & 4th Streets, Goldfield, NV 89013 7) Eureka County Library 210 South Monroe St., Eureka, NV 89316 8) Humboldt County Library 85 East 5th Street, Winnemucca, NV 89445 9) Lander County Library 625 South Broad Street, Battle Mountain, NV 89820 10) Lincoln County Library 63 Main Street, Pioche, NV 89043 11) Lyon County Library 20 Nevin Way, Yerington, NV 89447 12) Mineral County Public Library 110 1st Street, Hawthorne, NV 89415 13) Pershing County Library 1125 Central Avenue, Lovelock, NV 89419 14) Storey County Public Library 95 South R Street, Virginia City, NV 89440 15) Tonopah Public Library 167 Central Street, Tonopah, Nevada 89049 16) Washoe County Library 301 South Center Street, Reno, NV 89501 17) White Pine County Library 950 Campton Street, Ely, NV 89301