

**APPROVED REGULATION OF THE
STATE LAND REGISTRAR**

LCB File No. R167-18

Effective August 21, 2019

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 application and certain annual use fees for state lands; requiring an application for the use of state lands be on a form provided by the Division of State Lands of the State Department of Conservation and Natural Resources; setting forth certain procedures for the State Land Registrar upon receipt of such an application; repealing certain duplicative regulations; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Before the 2017 Legislative Session, application and certain 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) **Section 2** of this regulation establishes these application fees for the use of state lands. **Section 3** of this regulation establishes these annual use fees for the use of state lands associated with navigable bodies of water.

Section 4 of this regulation provides that a person must submit any application to use state lands on the form provided by the Division of State Lands of the State Department of Conservation and Natural Resources. **Section 5** of this regulation sets forth certain procedures for the State Land Registrar upon receipt of such an application.

Section 6 of this regulation clarifies that the State Land Registrar must consider certain factors in determining whether to issue an authorization associated with a navigable body of water of this State.

Existing law authorizes the State Land Registrar to issue permits, licenses or other authorizations for any lawful use of state lands or lands associated with a navigable body of water. (NRS 322.100, 322.120, 322.170, 445A.170) **Section 7** of this regulation removes certain duplicative language from the Nevada Administrative Code.

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 or any other permit, license, lease, easement, right of entry or document issued by the State Land Registrar for uses of state lands 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 or any other permit, license, lease, easement, right of entry or document 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 or any other permit, license, lease, easement, right of entry or document 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 State Land Registrar shall charge and collect the following annual use fees associated with a navigable body of water of this State:

	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>
<i>The commercial use of a pier</i>	<i>\$500</i>	<i>\$1,000</i>	<i>\$1,500</i>
<i>The multiple residential use of a pier</i>	<i>250</i>	<i>500</i>	<i>750</i>
<i>The single residential use of a pier</i>	<i>250</i>	<i>500</i>	<i>750</i>
<i>Any other use of a pier</i>	<i>250</i>	<i>500</i>	<i>750</i>
<i>The commercial use of a mooring buoy or similar device for mooring vessels</i>	<i>200</i>	<i>275</i>	<i>350</i>
<i>Any other use of a mooring buoy or similar device for mooring vessels</i>	<i>100</i>	<i>175</i>	<i>250</i>

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

2. In addition to the fees collected in subsection 1, the State Land Registrar shall charge and collect the following annual use fees associated with a navigable body of water of this State:

(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 322.160 is hereby amended to read as follows:

322.160 1. An applicant for an authorization *or any other permit, license, lease, easement, right of entry or document* 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. 5. NAC 322.170 is hereby amended to read as follows:

322.170 1. An application ~~for an authorization~~ *submitted pursuant to NAC 322.160* must be stamped with the date and time of filing with the State Land Registrar.

2. Except as otherwise provided in subsection 4, within 14 days after receiving a complete application, the State Land Registrar will send notice of the application and a request for comments or objections to:

- (a) Owners of adjacent property;
- (b) Homeowners' associations and general or special improvement districts which may be affected by the ~~authorization;~~ *application;*
- (c) Governmental bodies which the State Land Registrar determines should be notified; and
- (d) Persons who have informed the State Land Registrar of their desire to be so notified.

3. Except as otherwise provided in subsection 4, the State Land Registrar will consider comments or objections concerning an application only if they are:

- (a) Submitted in writing; and
- (b) Except as otherwise provided in this paragraph, received by the State Land Registrar within 30 days after the notice of application and request for comments or objections has been given. The State Land Registrar may modify the time frame for the receipt of objections and comments concerning an application if the State Land Registrar determines that such a modification is in the best interests of the public. Upon request, the State Land Registrar may grant an extension of not more than 15 days for the submission of objections or comments.

4. The State Land Registrar may waive the requirements of subsections 2 and 3 for applications for a permit if:

- (a) The location of the structure that is the subject of the permit has not changed since the last permit was issued;
- (b) The ownership of the adjacent littoral parcels has not changed since the last permit was issued; and

(c) The permittee has adhered to all of the conditions of the permit.

Sec. 6. NAC 322.190 is hereby amended to read as follows:

322.190 In determining whether to issue an authorization ~~+~~ *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.

Sec. 7. NAC 322.150 is hereby repealed.

TEXT OF REPEALED SECTION

322.150 Purposes for which authorization may be issued; temporary authorization; types of uses. (NRS 322.100, 322.170; NAC 445A.044)

1. The State Land Registrar may issue authorizations for:
 - (a) Uses of land associated with the navigable bodies of water of this State; and
 - (b) The purposes of NRS 445A.170.
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.