

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

**LCB FILE NO. R167-18I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/26/2018**

[AMENDMENT]

CHAPTER 322 - USE OF LANDS *INCLUDING LANDS* ASSOCIATED WITH THE NAVIGABLE BODIES OF WATER OF THIS STATE

[AMENDMENT]

NAC 322.150 Purposes for which authorization may be issued; temporary authorization; types of uses. (NRS 322.100, **322.110**; 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; *and*

(c) *For other uses 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.

(Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014)

[NEW PROVISION]

**Section 1** *Authorization required for use of State Lands; application fees; fee waiver. (NRS 322.110)*

1. *Any person who desires to use State lands must apply for authorization or approval to the State Land Registrar in writing on a form provided by the Division.*

2. *Each application shall include a non-refundable application fee as follows:*

(a) *For any commercial use of state land other than an agricultural use - \$500.*

(b) *For any agricultural use of state land. - \$300.*

(c) *For any other use of state land - \$250.*

3. *Each application for the amendment of any lease, easement, permit, license or other authorization shall include a non-refundable application fee as follows:*

(a) *For any commercial use of state land other than an agricultural use - \$150.*

(b) *For any agricultural use of state land - \$100.*

(c) *For any other use of state land - \$75.*

4. *The State Land Registrar may waive any application fee for an application regarding any permit, license or other authorization for the use of state land for which no use fee is charged.*

[NEW PROVISION]

**Sec 2** *Fees for the annual use and occupancy of structures and other facilities within navigable bodies of water.*

1. *Any person who obtains authorization to use or occupy structures or other facilities within navigable bodies of water shall pay the following annual use fees*

(a) *Piers:*

(1.) *For commercial use - Effective July 1, 2019 A fee of \$1,000 and increase for each following years on the 1<sup>st</sup> of July as such, \$1500 for 2020 and \$2,000 for 2021 and thereafter.*

(2.) *For multiple residential use- A fee of \$500 effective July 1, 2019 and increase for each following years on the 1<sup>st</sup> of July as such, \$750 for 2020 and \$1,000 for 2021 and thereafter.*

(3.) *For single residential use- A fee of \$500 effective July 1, 2019 and increase for each following years on the 1<sup>st</sup> of July as such, \$7500 for 2020 and \$1,000 for 2021 and thereafter.*

(4.) *For any other use of a pier- A fee of \$500 effective July 1, 2019 and increase for each following years on the 1<sup>st</sup> of July as such, \$750 for 2020 and \$1,000 for 2021 and thereafter.*

(b.) *Other Navigable water structures:*

(1.) *For the commercial use of a mooring buoy or similar device for mooring vessels - A fee of \$300 effective July 1, 2019 and increase for each following years on the 1<sup>st</sup> of July as such, \$400 for 2020 and \$500 for 2021 and thereafter.*

(2.) *A mooring buoy or similar device for mooring vessels – A fee of \$100 effective July 1, 2019 and increase for each following years on the 1<sup>st</sup> of July as such, \$200 for 2020 and \$300 for 2021 and thereafter.*

(3.) *For the commercial use of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure - \$250 per year, except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.*

(4.) *For residential use of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure - \$200 per year, except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.*

(5.) *A string line for personal watercraft (limit 12 personal watercraft) - \$250 per year.*

(6.) *A commercial swim line – \$150 per year.*

(7.) *A residential swim line - \$50 per year.*

(8.) *For any use of a boat-fueling facility - \$500 per year in addition to the pier fee set out above.*

[AMENDMENT]

**NAC 322.190** **Factors to be considered in issuance of authorization *for use of land in or on a navigable body of water.*** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) In determining whether to issue an authorization *for use of land associated with a navigable body of water*, 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.

(Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014)

[AMENDMENT]

**NAC 322.200** **Circumstances under which authorization *for use of lands associated with a navigable body of water* is required; procedure for authorization on emergency basis.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#))

1. An authorization is required for the construction or placement of a pier, breakwater, mooring buoy, water intake line or other structure associated with a navigable body of water of this State and for the repair, reconstruction or alteration of such a structure if the repair, reconstruction or alteration would increase the size or change the location of the structure.

2. If an unforeseen combination of circumstances calls for the immediate action of the State Land Registrar regarding the construction or alteration of a structure described in subsection 1, the State Land Registrar will consider the matter on an emergency basis. The construction or alteration of such a structure may be performed upon verbal consent from the State Land Registrar, to be followed by written consent of the State Land Registrar. An application for an authorization and the appropriate fee must be submitted to the State Land Registrar within 30 days after the date of receipt of the verbal consent.

(Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014)