

**PROPOSED REGULATION OF THE
STATE LAND REGISTRAR**

LCB File No. R167-18

August 1, 2018

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 certain application and annual use fees for state lands; clarifying that the State Land Registrar may issue authorizations for uses of state lands not associated with navigable bodies of water; requiring an application for authorization to use state lands be on a form provided by the Division of State Lands of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Before the 2017 legislative session, certain application and 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) **Sections 2 and 3** of this regulation establish those fees.

Section 6 of this regulation provides that a person must submit an application for an authorization to use state lands on the form provided by the Division of State Lands of the State Department of Conservation and Natural Resources.

Existing law authorizes the State Land Registrar to issue authorizations for any lawful use of state lands, and existing regulation provides that the State Land Registrar may issue authorizations for the use of state lands associated with navigable bodies of water. (NRS 322.100; NAC 322.150) **Section 5** of this regulation provides that, consistent with statute, the State Land Registrar may also issue authorizations for uses of state lands not associated with navigable bodies of water. **Sections 4 and 7** of this regulation make conforming changes.

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 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 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 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 Division shall charge and collect the following annual use fees:*

	<i>FY 2019-2020</i>	<i>FY 2020-2021</i>	<i>FY 2021-2022</i>
<i>The commercial use of a pier</i>	<i>\$1,000</i>	<i>\$1,500</i>	<i>\$2,000</i>
<i>The multiple residential use of a pier</i>	<i>500</i>	<i>750</i>	<i>1,000</i>
<i>The single residential use of a pier</i>	<i>500</i>	<i>750</i>	<i>1,000</i>
<i>Any other use of a pier</i>	<i>500</i>	<i>750</i>	<i>1,000</i>
<i>The commercial use</i>	<i>300</i>	<i>400</i>	<i>500</i>

<i>of a mooring buoy or similar device for mooring vessels</i>			
<i>Any other use of a mooring buoy or similar device for mooring vessels</i>	<i>100</i>	<i>200</i>	<i>300</i>

↪ The fees set forth in this subsection for Fiscal Year 2021-2022 are effective for that fiscal year and each fiscal year thereafter.

2. In addition to the fees collected in subsection 1, the Division shall charge and collect the following annual use fees:

(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 322.020 is hereby amended to read as follows:

322.020 “Authorization” means:

1. A permit, license, lease, easement, right of entry or any other document issued by the State Land Registrar for uses of land ; ~~associated with the navigable bodies of water of this State;~~ and

2. A permit described in NRS 445A.170 issued by the State Land Registrar pursuant to NAC 445A.044.

Sec. 5. NAC 322.150 is hereby amended to read as follows:

322.150 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~~ ; and

(c) Any use 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.

Sec. 6. NAC 322.160 is hereby amended to read as follows:

322.160 1. An applicant for an authorization must submit a properly completed application to the State Land Registrar ~~and~~ *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. 7. NAC 322.190 is hereby amended to read as follows:

322.190 In determining whether to issue an authorization ~~for~~ *for the use of land 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.