

LCB File No. R222-97
NOTICE OF WORKSHOP TO SOLICIT COMMENTS
DIVISION OF STATE LANDS
PROPOSED REGULATIONS IMPLEMENTING
QUESTION 12 TAHOE BOND ACT

The Division of State Lands, 333 W. Nye Lane, Room 118, Carson City, Nevada 89706, telephone (702) 687-4363, is proposing the adoption of regulations pertaining to chapter 321 of Nevada Administrative Code. A workshop has been set from **3:30 p.m. to 5:00 p.m., and from 6:30 p.m. to 8:00 p.m., on Tuesday, January 6, 1998 at the Zephyr Cove Library, Warrior Way, Zephyr Cove.** Afternoon and evening sessions are scheduled for the convenience of the public, and will cover the same material; It is not necessary to attend both sessions.

The purpose of the workshop is to solicit comments from interested persons on the following general topics that are addressed in the proposed regulations:

The regulations establish the procedures under which the State Land Registrar will implement the Tahoe Bond Act. The regulations:

- (a) Set forth the procedures for applying for a grant;
- (b) Set forth the criteria that will be considered in awarding a grant; and
- (c) Set forth the matching requirements for a grant.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Division of State Lands, 333 W. Nye Lane, Room 118, Carson City, Nevada 89706, telephone (702) 687-4363.

This Notice of Workshop to Solicit Comments on proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Division of State Lands, 333 W. Nye Lane, Carson City, NV

Nevada State Library, 100 Stewart St., Carson City, NV

Legislative Counsel Bureau, 401 S. Carson St., Carson City, NV

Department of Conservation and Natural Resources, 123 W. Nye Ln, Carson City, NV

Tahoe Regional Planning Agency, P,

Nevada Tahoe Conservation District,

Incline Village Public Library, 846 Tahoe Blvd, Incline Village, NV

Zephyr Cove Public Library, Warrior Way, Zephyr Cove, NV

Notices posted at county libraries in Nevada as follows:

Carson City Library, 900 North Roop St., Carson City, NV. 89701
Churchill County Library, 553 So. Maine St., Fallon, NV 89406
Las Vegas Library, 833 Las Vegas Blvd. No., Las Vegas, NV 89101
Douglas County Library, 1625 Library Lane, Minden, NV 89423
Elko County Library, 720 Court St., Elko, NV 89801
Goldfield Public Library, 4th and Crook Streets, Goldfield, NV 89013
Eureka Branch Library, 10190 Monroe St., Eureka, NV 89316
Humboldt County Library, 85 East 5th St., Winnemucca, NV 89445
Battle Mountain Branch Library, 625 Broad St., Battle Mountain, NV 89820
Lincoln County Library, 93 Main St., Pioche, NV 89043
Lyon County Library, 20 Nevin Way, Yerington, NV 89447
Mineral County Library, First and A Streets, Hawthorne, NV 89415
Tonopah Public Library, 171 Central St., Tonopah, NV 89049
Pershing County Library, 1125 Central Ave., Lovelock, NV 89419
Storey County Library, 95 So. R. St., Virginia City, NV 89440
Washoe County Library, 301 So. Center St., Reno, NV 89501
White Pine County Library, 950 Campton St., Ely, NV 89301

LCB File No. R222-97
NOTICE OF INTENT TO ACT UPON A REGULATION
DIVISION OF STATE LANDS
NOTICE OF HEARING

The Division of State Lands will hold a public hearing at 3:30 p.m. and at 6:00 p.m. on Monday, the 26th day of January, 1998, at Zephyr Cove Library, Warrior Way, Zephyr Cove, Nevada. Afternoon and evening sessions have been scheduled for the convenience of the public; each session will cover the same material, and it is not necessary to attend both sessions.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 321 of the Nevada Administrative Code. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of State Lands may proceed immediately to act upon any written submissions.

The following information is provided pursuant to the requirements of NRS 233B.060:

Need for and purpose of regulation: This regulation is required by Chapter 361, Statutes of Nevada 1995, also known as the Tahoe Bond Act, which was approved by the voters as Questions 12 in November 1996.

Substance of regulation: The regulation establishes the procedures under which the State Land Registrar will implement the Tahoe Bond Act. The regulation:

- (a) Sets forth the procedures for applying for a grant;
- (b) Sets forth the criteria that will be considered in awarding a grant; and
- (c) Sets forth the matching requirements for a grant.

Estimated economic impact of regulation:

1. Impact on regulated parties: The regulation establishes procedures under which the Nevada Department of Transportation and local governments may apply for grants for projects in the Lake Tahoe basin.

(a) Beneficial Impacts: The regulation makes grants available to the grantees which will benefit Lake Tahoe and the Tahoe basin.

(b) Adverse Impacts: Grantees will be required to sign a grant agreement under which they agree to provide a 25% match and future maintenance of grant projects.

(c) Immediate v. long-term effects: The grant projects should provide both immediate and long-term benefits to Lake Tahoe and the Tahoe basin.

2. Impact on the public:

(a) Beneficial impacts: The regulation makes grants available which will benefit Lake Tahoe and the Tahoe basin.

(b) Adverse impacts; None known.

(c) Immediate v. long-term effects: Grant projects should provide both immediate and long-term benefits to Lake Tahoe and the Tahoe basin.

Estimated cost to agency of enforcing proposed regulation:

It is estimated that administrative costs will not exceed 12% of the value of the bonds, and will be paid from interest on the bonds.

Are there any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates?

No overlaps or duplications of other state or local governmental agencies; regulations are known to exist.

Does the regulation overlap or duplicate a federal regulation?

The regulation does not.

Is the regulation required pursuant to a federal law?

The regulation is not.

Does the regulation include provisions which are more stringent than a federal law that regulates the same activity?

The regulation does not.

Persons wishing to comment upon the proposed action of the 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 Division of State Lands at 333 W. Nye Lane, Room 118, Carson City, NV 89706. Written submissions must be received by the Division of State Lands on or before January 23, 1998.

A copy of this Notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the Notice and the regulation to be adopted will be available at the Division of State Lands, 333 W. Nye Lane, Room 118, Carson City, Nevada, and in all other counties, 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 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 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 the 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:

Attn: Barbara Mathews, Director
Churchill county Library
5553 S. Maine Street
Fallon, NV 89406

Attn: Darryl Batson, Director
Las Vegas - Clark County Library
833 Las Vegas, Boulevard N.
Las Vegas, NV 89101

Attn: Sara Jones, Director
Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County:
P.O. Box 430
(Fourth & Crook Street)

Attn: Lauri Oki, Director
Eureka Branch Library
P.O. Box 293
Eureka, NV 89316

Attn: Sherry Allen, Director
Humboldt County Library
85 East 5th Street

Winnemucca, NV 89445

Lincoln County Library
93 Main Street
P.O. Box 330
Pioche, NV 89043

Attn: Christian Freer-Parsons, Director
Lyon County Library
20 Nevin Way
Yerington, NV 89447

Attn: Steve Schlatter, Director
Mineral County Library
P.O. Box 1390
Hawthorne, NV 89415
(First & A Street)

Goldfield Public Library
P.O. Box 430
Goldfield, NV 89013

Attn: Diane Hammk, Director
Tonopah Public Library
P.O. Box 449
Tonopah, Nv 89049
(171 Central Street)

Attn: Jeanne Munk, Director
Pershing County Library
P.O. Box 781
Lovelock, NV 89419
(1125 Central Avenue)

Storey County Library
P.O. Box 14
Virginia City, NV 89440
(95 South R Street)

Attn: Nancy Cummings, Director Washoe County Library
P.O. Box 2151
Reno, Nv 89505
(301 South Center)

Attn: Lori Romero, Director

White Pine County Library
950 Campton Street
Ely, NV 89301

Attn: Lynn Chambliss, Director
Battle Mountain, NV 89820

Attn: Sally Edwards, Director
Carson City Library
900 N. Roop Street
Carson City, NV 89501

Attn: Carolyn Rawles-Heiser, director
Douglas County Library
P.O. Box 337
Minden, NV 89423

R222-97

**PROPOSED PERMANENT REGULATIONS OF THE
DEPARTMENT OF STATE LANDS
1996 TAHOE BOND ACT**

EXPLANATION: Chapter 321 of NAC is hereby amended by adding thereto the provisions set forth as section 1 to section 13, inclusive, of this regulation.

AUTHORITY: Statutes of Nevada 1995, Chapter 361, section 2.

Section 1. Definitions. As used in these regulations, the words and terms below have the specific meanings ascribed to them.

Sec. 2. "Eligible Grantee" defined. "Eligible grantee" means local governments and Nevada's Department of Transportation.

Sec. 3. "Eligible Project" defined. "Eligible Project" means a project of the control of erosion or the restoration of natural watercourses in the Lake Tahoe Basin.

Sec. 4. "Local Governments" defined. "Local governments" are Douglas and Washoe Counties and Carson city.

Sec. 5. "State Land Registrar" defined. "State land registrar" means the Administrator of the Division of state Lands and the Acting Administrator of the Division of Conservation Districts in the department of Conservation and Natural Resources.

ALLOCATION OF BOND FUNDS:

Sec. 6. Bond funds will be allocated to eligible grantees for eligible projects in the following manner:

1. No more than one third of total bond funds shall be allocated to projects of the Nevada Department of Transportation.,

2. At least two thirds of total bond funds shall be allocated to projects of local governments, divided approximately evenly between projects for erosion control and projects for the restoration of natural watercourses.

GRANT APPLICATION PROCEDURES:

Sec. 7. Grant application procedures:

1. The State Land Registrar will from time to time announce time periods during which grant applications may be submitted.
2. The State Land Registrar has entered into an Agreement with the Nevada-Tahoe Conservation District for the consideration of grant applications. Under this Agreement:
 - (a) Any eligible grantee wishing to submit a grant application shall submit the grant application to the District. The application shall contain a minimum of the following:
 - (1) Completed application form.
 - (2) Project budget.
 - (3) Project narrative.
 - (4) Assurances of financial responsibility.
 - (5) Proof of land title, lease or easement.
 - (6) Map of project location.
 - (7) Statement of project conformity to local and regional land use plans.
 - (8) Cost breakdown estimate by elements, using Natural Resource Conservation Service costs for erosion and stream treatment practices where available.
 - (9) Maintenance Plan and Commitment for the project.
 - (b) The District will review and prioritize grant applications. There will be separate prioritization lists for the following three categories of applications:
 - (1) Projects submitted by the Nevada Department of Transportation.
 - (2) Projects for erosion control submitted by local governments.
 - (3) Projects for watercourse restoration submitted by local governments.
 - (c) In reviewing grant applications, the Districts will use the technical advice of a Technical Advisory Committee. The District and the Committee will review the feasibility of each project and its estimated costs and benefits, in accordance with the criteria set forth below.
 - (d) After consulting with the Technical Advisory Committee, the district will establish, within each of the three categories of applications, preliminary priority ranking lists of applications submitted within any one application period.

(e) The District will make the preliminary priority lists of applications available for public review, and will conduct, after proper public notification, at least one public hearing on that priority list. After public comment, the list may be revised as appropriate.

(f) The District will submit its recommended lists of priority projects to the State Land Registrar, with statements regarding the evaluation criteria set forth below.

CRITERIA THAT WILL BE CONSIDERED IN AWARDING A GRANT:

Sec. 8. Each application will be evaluated in accordance with the following criteria:

1. **SIGNIFICANT AND QUANTIFIABLE BENEFIT TO LAKE TAHOE WATER QUALITY -**
Does the project address a significant erosion and/or water quality such as high priority projects listed in the Lake Tahoe 208 Plan and Supplements, and projects which reduce a significant amount of untreated runoff that is currently being deposited into Lake Tahoe.
2. **ADEQUACY OF DESIGN =** Does the project use proven, effective and cost effective techniques to address soil erosion control and/or untreated runoff.? Will existing vegetation and stream environmental zones be preserved and/or restored to the maximum extent possible? Design of the proposed improvements must reflect aesthetic considerations. The use of bioengineering is encouraged.
3. **COMPREHENSIVE APPROACH -** Does the project consider and address all identifiable aspects of soil erosion problems in the project area or watershed for which funds are being requested? Preference will be given to comprehensive, integrated project proposals.
4. **COST EFFECTIVENESS -** Does the project meet program objectives in the most cost effective manner? Preference will be given to projects which create maximum leverage for state bond dollars.
5. **ABILITY TO IMPLEMENT -** Does the applicant demonstrate his ability and commitment to implement the project in a timely manner? If a project is large and complex, the portion of the project to be funded by the state Lands Registrar must be able to stand alone to achieve water quality benefits independently of the other project components.
6. **MODEL -** Is the project useful as a model in the use of biotechnologies for future soil erosion projects or to maximize efforts for sediment control, capture, interception and runoff infiltration prior to

discharge? Projects combining proven and innovative approaches to solving problems will be given preference.

7. COOPERATION AND SUPPORT - Does the applicant demonstrate support of the project by other agencies, private landowners and groups, and other parties necessary for the successful implementation and long-term viability of the project?

8. FINANCIAL ABILITY - Does the applicant provide a statement on the ability to provide at least 25% match to the grant allocation from the state lands Registrar?

9. OPERATING AND MAINTENANCE - Does the applicant provide a plan and commitment wthat will identify who will provide maintenance on all aspects of the project for an agreed number of years up to twenty (20)?

GRANT MATCH REQUIRED:

Sec. 9. There is a minimum match requirement of 25 % for all projects, that is, the grantor will provide a maximum of 75% of the cost of any project. The match may be provided by the grantee in cash or in-kind services. Eligible grantees may offer to pay more than the minimum required match, and this evidence of applicant commitment may be used in prioritizing projects.

AWARD OF GRANTS:

Sec. 10. Grants will be awarded by the State Land Registrar.

1. The State Land Registrar will oversee all grants through staff of the Division of State Lands approved plans and the grant agreement.

2. The State Land Registrar has entered into an Agreement with the Nevada-Tahoe Conservation District providing for the District's assistance with technical oversight of all phases of project implementation, including review of plans and designs, authorization to proceed with construction, project inspection and final certification of project completion.

3. Grant applicants who are selected for grants will be required to enter into a funding agreement.

GRANT CONDITIONS AND ELIGIBLE PROJECT EXPENDITURES;

Sec. 11. As a condition of any grant, the following project expenditures will be allowable for grant funds:

1. All expenses related directly to the project for erosion control of the restoration of natural watercourses, including project design and project construction.

2. Grantee administrative costs are an allowable grant cost not to exceed 3 % of the total project cost

Sec. 12. Each grant will include a condition requiring the grantee to provide future maintenance of the complete project.

Sec. 13. The following are not eligible for grant funds:

1. General planning efforts.

2. Equipment.

3. Paving or curbs and gutters, unless they are Best Management Practices recommended by the

Technical Advisory Committee to solve a specific erosion problem.

4. Land acquisition, unless it is an integral component of a project.

5. Project components with no public benefit.