

**PROPOSED REGULATION OF
THE STATE LAND REGISTRAR**

LCB File No. R222-97

January 23, 1998

EXPLANATION – Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: §§2-20, §2 of chapter 361, Statutes of Nevada, 1995 and NRS 548.360.

Section 1. Chapter 321 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

Sec. 2. *“Division” means the division of state lands of the department of conservation and natural resources.*

Sec. 3. *“Federal laws” means the statutes enumerated in subsection 2 of NRS 321.5973 and regulations adopted pursuant thereto.*

Sec. 4. *“Person” means any natural person, partnership, association, corporation or other form of business organization or any governmental entity.*

Sec. 5. *“Public lands” has the meaning ascribed to it in subsection 2 of NRS 321.5963.*

Sec. 6. *“State land registrar” means the administrator of the division.*

Sec. 7. *As used in sections 8 to 18, inclusive, of this regulation, the words and terms defined in sections 8 to 11, inclusive, of this regulation, have the meanings ascribed to them in those sections.*

Sec. 8. *“Committee” means the technical advisory committee established pursuant to section 7 of the “Cooperative Agreement” entered into by the division and the district on September 25, 1997.*

Sec. 9. *“District” means the Nevada-Tahoe Conservation District.*

Sec. 10. *“Eligible county” includes only:*

- 1. Carson City;*
- 2. Douglas County; and*
- 3. Washoe County.*

Sec. 11. *“Project” means a project for the control of erosion or the restoration of natural watercourses in the Lake Tahoe Basin.*

Sec. 12. *1. The “Cooperative Agreement” entered into by the division and the district on September 25, 1997, is hereby adopted by reference.*

2. A copy of the “Cooperative Agreement” may be obtained without charge:

(a) In person, from the Division of State Lands, 333 West Nye Lane, Suite 118, Carson City, Nevada.

(b) By telephone, at (702) 687-4963.

(c) By mail, from the State Land Registrar, Division of State Lands, Capitol Complex, Carson City, Nevada 89710.

Sec. 13. *1. The state land registrar will award grants of money from the sale of general obligation bonds of this state issued pursuant to section 1 of chapter 361 of Statutes of Nevada, 1995, to the department of transportation and eligible counties pursuant to sections 13 to 18, inclusive, of this regulation.*

2. *Such money must be distributed as follows:*

(a) *Not more than one-third of the money may be allocated to projects of the department of transportation.*

(b) *At least two-thirds of the money must be allocated to projects of eligible counties. Such money must be divided equally between projects for the control of erosion and projects for the restoration of natural watercourses.*

3. *An applicant for a grant pursuant to sections 13 to 18, inclusive, of this regulation, shall provide matching funds of not less than 25 percent of the amount of money requested for a grant by the applicant.*

4. *The state land registrar will not award a grant pursuant to sections 13 to 18, inclusive, of this regulation, in an amount which exceeds 75 percent of the projected cost of the project.*

Sec. 14. 1. *The state land registrar will periodically solicit applications from eligible counties and the department of transportation for grants of money from the sale of general obligation bonds issued pursuant to section 1 of chapter 361 of Statutes of Nevada, 1995, and establish deadlines for the submission of such applications.*

2. *An application for such a grant must be submitted to the district and must include, without limitation:*

(a) *A completed application on a form provided by the district;*

(b) *The amount of money requested for the project;*

(c) *The total projected cost of the project;*

(d) *A detailed description of the project;*

(e) Proof of any title to land, lease or easement that is required for the carrying out of the project;

(f) A map of the location of the project;

(g) A statement regarding the conformity of the project to all applicable local and regional land use plans;

(h) A plan for the maintenance of the project for a period of 20 years, including, without limitation, the identity of the person who will provide the maintenance; and

(i) An itemized list of the costs of the project in accordance with the descriptions of work and unit prices set forth in the “Question 12 Project Estimator” which is hereby adopted by reference. A copy of the “Question 12 Project Estimator” may be obtained without charge:

(1) In person, at the United States Department of Agriculture, Natural Resource Conservation Service Tahoe Field Office, 870 Emerald Bay Road, Suite 108, South Lake Tahoe, California.

(2) By telephone, at (916) 541-1496.

(3) By mail, at the United States Department of Agriculture, Natural Resource Conservation Service Field Office, P. O. Box 10529, South Lake Tahoe, California 96158.

Sec. 15. *The district shall:*

1. Evaluate the feasibility of each project and its estimated costs and benefits pursuant to the criteria set forth in section 16 of this regulation. In its review of each project, the district shall use the technical advice of the committee.

2. Develop a preliminary list which ranks projects for which applications have been submitted in order of priority for each of the following categories:

(a) Projects of the department of transportation.

(b) Projects of eligible counties for the control of erosion.

(c) Projects of eligible counties for the restoration of natural watercourses.

3. Make the preliminary list of prioritized projects available for public review.

4. Conduct at least one public hearing regarding each preliminary list of prioritized projects. The district may revise each preliminary list after the public hearing.

5. Submit a final list of prioritized projects for each category of projects to the state land registrar with a written evaluation of each project which addresses the criteria set forth in section 16 of this regulation.

Sec. 16. *The district shall evaluate each project pursuant to the following criteria:*

1. The benefit to the water quality of Lake Tahoe, including, without limitation, whether the project:

(a) Will address a significant problem relating to soil erosion or water quality;

(b) Will result in a quantifiable improvement in water quality;

(c) Is listed as a priority project in the “Water Quality Management Program for the Lake Tahoe Region” or the “Environmental Improvement Program” of the Tahoe Regional Planning Agency; and

(d) Will reduce significantly the amount of untreated runoff that is currently being deposited in Lake Tahoe.

2. The adequacy of the design of the project, including, without limitation, whether the proposed project:

(a) Uses proven, effective and cost effective techniques to address the control of soil erosion and untreated runoff;

(b) Restores and preserves vegetation and stream environmental zones to the maximum extent possible;

(c) Uses improvements that reflect aesthetic considerations; and

(d) Uses bioengineering.

3. The comprehensive approach of the project, including, without limitation, whether all identifiable aspects of soil erosion and the watershed are covered in the project.

4. The cost effectiveness of the project, including, without limitation, the potential of the project to attract financing in addition to the grant.

5. The ability of the applicant to carry out the project in a timely manner.

6. The ability of the portion of the project that will be paid for with money from the grant to achieve benefits to water quality independently of the other components of the project.

7. The ability of the project to be used as a model for future projects, including, without limitation, whether the project:

(a) Uses biotechnology; and

(b) Combines proven and innovative approaches.

8. The amount of cooperation and support for the project from persons other than the applicant, including, without limitation:

(a) State and local governmental agencies; and

(b) Private landowners.

9. *The amount of matching funds that will be provided by the applicant which must equal at least 25 percent of the grant.*

10. *The adequacy of the plan for maintenance of the project.*

Sec. 17. *The state land registrar and the recipient of a grant shall enter into an agreement, which must require that the recipient shall provide:*

1. *Matching funds for the proposed project of not less than 25 percent of the amount of the grant; and*

2. *Maintenance for the project for not less than 20 years after the project is completed.*

Sec. 18. 1. *Except as otherwise provided in subsection 2, the recipient of a grant pursuant to sections 13 to 18, inclusive, of this regulation, may use the money from the grant to pay for:*

(a) *All expenses related directly to the project, including, without limitation, expenses related to the design and construction of the project; and*

(b) *The administrative costs of the project, not to exceed 3 percent of the total cost of the project.*

2. *The recipient of a grant pursuant to sections 13 to 18, inclusive, of this regulation, may not use the money from the grant to pay for:*

(a) *General planning of the project;*

(b) *Equipment used for the project;*

(c) *The paving of curbs or gutters, unless the paving of curbs or gutters is recommended by the committee to remedy erosion;*

(d) The acquisition of land, unless such an acquisition is deemed by the state land registrar to be an integral component of the project; and

(e) Any component of the project that is deemed by the state land registrar to not benefit the public.

Sec. 19. NAC 321.010 is hereby amended to read as follows:

NAC 321.010 As used in this chapter, unless the context otherwise [requires:

1. Federal laws means the statutes enumerated in subsection 2 of NRS 321.5973 and regulations adopted pursuant thereto.

2. Person means any natural person, partnership, association, corporation or other form of business organization or any governmental entity.

3. “Public lands has the meaning ascribed to it in subsection 2 of NRS 321.5963.] *requires, the words and terms defined in sections 2 to 6, inclusive, of this regulation, have the meanings ascribed to them in those sections.*

Sec. 20. NAC 321.070 is hereby amended to read as follows:

321.070 Any person desiring clarification of the provisions of this chapter or relief from the strict application thereof or otherwise dealing with the division [of state lands] with regard to regulations may submit a written request for the desired assistance or action to the state land registrar. The state land registrar will respond within 30 days.