

**ADOPTED REGULATION OF THE
COLORADO RIVER COMMISSION**

LCB File No. R219-99

Effective May 16, 2000

NOTICE OF ADOPTION OF REGULATION

The Colorado River Commission adopted regulations assigned LCB File No. R219-99, which pertain to NAC 321.100 to 321.230, inclusive, on March 14, 2000. Copies of the regulations as adopted and the Informational Statement required by NRS 233B.066 are attached hereto.

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

AUTHORITY: §§1 and 8, NRS 538.201; §§2-7, NRS 321.510 and 538.201.

Section 1. NAC 321.100 is hereby amended to read as follows:

321.100 As used in NAC 321.100 to 321.230, inclusive, unless the context otherwise requires, the words and terms defined in NAC ~~[321.110]~~ **321.120** to 321.160, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NAC 321.170 is hereby amended to read as follows:

321.170 The commission will, subject to the requirements of NRS 321.510 and 321.536:

1. ~~[Acquire Eldorado Valley and Fort Mohave Valley at the adjusted appraised value established pursuant to federal law and on such terms and conditions as may be placed on any transfer of title by the Federal Government.]~~

~~—2.]~~ Provide for the development and disposal of lands within ~~[the valleys]~~ *Fort Mohave Valley* in such increments as are needed to further orderly planning and development in the ~~[valleys.~~

~~—3.]~~ *valley.*

2. Consider the reservation of lands within ~~[the valleys]~~ *Fort Mohave Valley* for parks, beaches, playgrounds and any other public recreational facility as recommended by interested governmental agencies.

~~[4.]~~ 3. Dispose of lands within ~~[the valleys,]~~ *Fort Mohave Valley*, except reserved lands, through sale or other methods of disposal to qualified developers and, if appropriate, public agencies.

~~[5.]~~ 4. Provide for the development and disposal of lands within ~~[Eldorado Valley and]~~ Fort Mohave Valley pursuant to the provisions of NAC 321.180 to 321.230, inclusive.

Sec. 3. NAC 321.180 is hereby amended to read as follows:

321.180 1. The director shall report to the commission any written proposal for development in ~~[Eldorado Valley or]~~ Fort Mohave Valley which is consistent with:

(a) The current plan of development approved by the Secretary of the Interior;

(b) A master plan adopted pursuant to chapter 278 of NRS by the governing body whose territory contains the land described for development or disposal, or the proposed development or disposal constitutes an acceptable revision to the master plan; and

(c) The plans and projects of any special district whose territory contains the land described for development or disposal.

2. A copy of the plan of development described in paragraph (a) of subsection 1 may be:

(a) Obtained from the commission upon written request to: Director, Colorado River Commission, ~~[Mailroom Complex,]~~ *555 East Washington Avenue, Suite 3100*, Las Vegas, Nevada ~~[89158.]~~ *89101-1048*.

(b) Inspected or obtained at the commission's office during business hours at ~~[1515 East Tropicana Avenue, Suite 400,]~~ *555 East Washington Avenue, Suite 3100*, Las Vegas, Nevada.

FLUSH The director shall charge a fee to cover the cost of reproduction of the plan.

Sec. 4. NAC 321.190 is hereby amended to read as follows:

321.190 1. The commission will not approve any development in or disposal of ~~[Eldorado Valley or]~~ Fort Mohave Valley:

(a) Until it has consulted ~~[~~

~~— (1) In the case of the Eldorado Valley, with the advisory group and the board.~~

~~— (2) In the case of the Fort Mohave Valley,]~~ with the board and *the* Laughlin town advisory board.

(b) Unless the person proposing the development or disposal first obtains the concurrence of the governing body whose territory contains the land described for development or disposal that the proposed development or disposal is consistent with the plans and projects described in subsection 1 of NAC 321.180.

2. When the commission decides that it is appropriate to provide for a particular type of development in a specific portion of ~~[either valley,]~~ *Fort Mohave Valley*, it will, by resolution, order the director to solicit proposals for the development. The materials for the solicitation must contain:

(a) A description of the type of development;

(b) A description of the specific area to be developed;

(c) Citations to applicable law and regulations;

(d) An application form; *and*

(e) ~~[In the case of the Eldorado Valley, a statement of the right of the board to comment on a proposal or to make an offer to purchase the land; and~~

~~—(f)]~~ Any other information the commission or the director considers appropriate.

Sec. 5. NAC 321.200 is hereby amended to read as follows:

321.200 ~~[1.]~~ The director shall:

~~[(a)]~~ **1.** Publish a notice soliciting proposals as directed by the commission in its resolution;

and

~~[(b)]~~ **2.** Send the notice directly to ~~[:~~

~~—(1) The board, if the development involves the Eldorado Valley; and~~

~~—(2) Any] any~~ person who has submitted a proposal to the commission for a similar type of development within 1 year before the date of the resolution.

~~[2.— If the development involves the Eldorado Valley, the director shall send a copy of the notice to the board at least 5 days before publishing the notice.]~~

Sec. 6. NAC 321.220 is hereby amended to read as follows:

321.220 **1.** ~~[Except for a proposal made by the board pursuant to subsection 3 of NRS 321.450, the] The~~ commission will not consider any proposal for development in ~~[the Eldorado Valley or] Fort Mohave Valley~~ unless it is submitted in response to a solicitation for proposals.

2. The commission will not consider a proposal if it does not contain the information required on the application. The proposal may contain any other information the person submitting the proposal wishes to provide.

Sec. 7. NAC 321.230 is hereby amended to read as follows:

321.230 1. The director shall forward a copy of each properly submitted proposal within 10 days after receiving it to ~~the~~:

- ~~—(a) The advisory group, if the development involves the Eldorado Valley;~~
- ~~—(b) The Laughlin town advisory board, if the development involves Fort Mohave Valley; and~~
- ~~—(c) The board, unless the proposal was submitted by] the *board and the Laughlin town advisory* board.~~

2. The director may arrange for an oral presentation by each person submitting a proposal before the entity to which a proposal was forwarded.

3. Within 15 days after a proposal is forwarded, the director shall submit a copy of the proposal to each commissioner and, as directed by the chairman of the commission, arrange for an oral presentation before the commission by the person submitting the proposal.

4. The commission will do one of the following:

- (a) Reject the proposal.
- (b) Select a proposal for further consideration.
- (c) Accept a proposal pursuant to any terms and conditions the commission considers appropriate.

~~[5.—The acceptance of a proposal involving the sale or other disposal of land in the Eldorado Valley is conditioned upon the approval of the legislative commission.]~~

Sec. 8. NAC 321.110 and 321.150 are hereby repealed.

TEXT OF REPEALED SECTIONS

321.110 “Advisory group” defined. “Advisory group” means the Eldorado Valley advisory group.

321.150 “Eldorado Valley” defined. “Eldorado Valley” means that land described in NRS 321.410.

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INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to NAC 321.100 to 321.230, inclusive.

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the Notice of Workshop and Hearing for the Amendment and Repeal of Certain Regulations of the Colorado River Commission (R219-99P), which contained the text of the proposed regulation, were posted at the State Library in Carson City, Nevada, and the Laughlin Public Library in Laughlin, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation were available at the offices of the Colorado River Commission in Las Vegas, Nevada, and were sent to the main public libraries in all counties, for inspection and copying by members of the public during business hours. Copies were also sent to those persons on the commission's mailing list for notice of meetings, and the notice was posted in the same places as notices of any other meeting of the commission. The notice and the text of the proposed regulation were also available in the State of Nevada Register of Administrative Regulations and at the workshop itself.

No public response was received.

- 2. The number of persons who:**
 - (a) Attended each hearing;**
 - (b) Testified at each hearing; and**
 - (c) Submitted to the agency written statements.**

The Colorado River Commission held one hearing on March 14, 2000. Ten persons attended the hearing. No persons testified at the hearing or submitted written statements concerning the proposed regulation.

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses as described in #1. No comments were received.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The Colorado River Commission adopted the text of the proposed regulation as revised by the Legislative Counsel Bureau.

- 5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long-term effects.**

There is no estimated economic effect on land developers or other businesses to whom these regulations might be of interest, either adverse or beneficial, nor immediate or long-term. Similarly, there is no estimated economic effect on the public, either adverse or beneficial, nor immediate or long-term.

- 6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

- 7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation overlaps or duplicates.

- 8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations which regulate the activity covered by the adopted regulation.

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee or increase an existing fee.