

## CHAPTER 322 - USE OF STATE LANDS

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**NAC 322.010 Definitions.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 322.020](#) to [322.110](#), inclusive, have the meanings ascribed to them in those sections.

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

**NAC 322.020 “Authorization” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “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](#).

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

**NAC 322.030 “Breakwater” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Breakwater” means a man-made barrier which diminishes the force of waves to protect a harbor, marina, beach, shoreline or riverbank. The term includes a rock jetty, seawall, rock suppression or sheet piling.

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

**NAC 322.040 “Littoral parcel” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Littoral parcel” means a parcel of land which adjoins the bed of a navigable body of water of this State.

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

**NAC 322.050 “Multiple use” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Multiple use” means the use of a facility owned or managed by more than one person for the exclusive benefit of the owners and their families and guests.

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

**NAC 322.060 “Navigable body of water” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Navigable body of water” means a body of water which is declared navigable pursuant to [NRS 537.010](#), [537.020](#) or [537.030](#) or which is determined to have been navigable on the date on which Nevada was admitted into statehood, including, without limitation, the Carson River, the Colorado River, Lake Tahoe, the Truckee River, the Virgin River, Walker Lake, Washoe Lake and Winnemucca Lake.

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

**NAC 322.070 “Navigational structure” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Navigational structure” means a structure which is maintained primarily for aiding navigation and is approved by the appropriate federal or state agency for that use.

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

**NAC 322.080 “Ordinary high-water mark” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Ordinary high-water mark” means the line to which high-water ordinarily rises on a bank or shore. The term is synonymous with the mean high-water line.

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

**NAC 322.090 “Person” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Person” has the meaning ascribed to it in [NRS 0.039](#) and includes a government, governmental agency or political subdivision of a government.

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

**NAC 322.100 “Shoreline” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Shoreline” means the line marking the edge of a navigable body of water of this State.

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

**NAC 322.110 “Water intake line” defined.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) “Water intake line” means a pipe with appurtenances which conveys water from a river, lake, stream or other navigable body of water of this State to an area upland from that river, lake, stream or body of water for agricultural use, commercial use, industrial use, municipal use or residential use.

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

**NAC 322.160 Submission of application for authorization, permit, license, lease, easement, right of entry or document; notice of deficiency in application.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#))

1. An applicant for an authorization or any other permit, license, lease, easement, right of entry or document must submit a properly completed application to the State Land Registrar 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.

(Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014; A by R167-18, 8-21-2019)

**NAC 322.165 Fees for application.** ([NRS 322.100](#), [322.110](#), [322.170](#)) Except as otherwise provided in [NRS 322.063](#), [322.065](#) and [322.110](#), an application for an authorization or any other permit, license, lease, easement, right of entry or document issued by the State Land Registrar for uses of state lands 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 or any other permit, license, lease, easement, right of entry or document 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 or any other permit, license, lease, easement, right of entry or document 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.

(Added to NAC by St. Land Registrar by R167-18, eff. 8-21-2019)

**NAC 322.170 Procedure upon receipt of application; waiver of certain requirements for application for permit.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#))

1. An application submitted pursuant to [NAC 322.160](#) must be stamped with the date and time of filing with the State Land Registrar.

2. Except as otherwise provided in subsection 4, within 14 days after receiving a complete application, the State Land Registrar will send notice of the application and a request for comments or objections to:

- (a) Owners of adjacent property;
- (b) Homeowners’ associations and general or special improvement districts which may be affected by the application;
- (c) Governmental bodies which the State Land Registrar determines should be notified; and
- (d) Persons who have informed the State Land Registrar of their desire to be so notified.

3. Except as otherwise provided in subsection 4, the State Land Registrar will consider comments or objections concerning an application only if they are:

(a) Submitted in writing; and

(b) Except as otherwise provided in this paragraph, received by the State Land Registrar within 30 days after the notice of application and request for comments or objections has been given. The State Land Registrar may modify the time frame for the receipt of objections and comments concerning an application if the State Land Registrar determines that such a modification is in the best interests of the public. Upon request, the State Land Registrar may grant an extension of not more than 15 days for the submission of objections or comments.

4. The State Land Registrar may waive the requirements of subsections 2 and 3 for applications for a permit if:

- (a) The location of the structure that is the subject of the permit has not changed since the last permit was issued;
  - (b) The ownership of the adjacent littoral parcels has not changed since the last permit was issued; and
  - (c) The permittee has adhered to all of the conditions of the permit.
- (Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014; A by R167-18, 8-21-2019)

**NAC 322.180 Public hearing; final decision on application.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#))

1. Within 20 days after the period, if any, for considering objections or comments has expired pursuant to [NAC 322.170](#), the State Land Registrar may set a date and time for a public hearing. The public hearing must be held within 60 days after expiration of the period, if any, for considering objections or comments.
  2. The State Land Registrar will make a final decision on the application:
    - (a) If a public hearing is not held pursuant to subsection 1, within 30 days after the expiration of the period, if any, for considering objections or comments; or
    - (b) If a public hearing is held pursuant to subsection 1, within 30 days after the date of the public hearing.
- (Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014)

**NAC 322.190 Factors to be considered in issuance of authorization associated with navigable body of water of this State.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) In determining whether to issue an authorization 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.
- (Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014; A by R167-18, 8-21-2019)

**NAC 322.195 Annual use fees associated with navigable body of water of this State.** ([NRS 322.100](#), [322.120](#), [322.170](#))

1. The State Land Registrar shall charge and collect the following annual use fees associated with a navigable body of water of this State:

	FY 2020	FY 2021	FY 2022
The commercial use of a pier	\$500	\$1,000	\$1,500
The multiple residential use of a pier	250	500	750
The single residential use of a pier	250	500	750
Any other use of a pier	250	500	750
The commercial use of a mooring buoy or similar device for mooring vessels	200	275	350
Any other use of a mooring buoy or similar device for mooring vessels	100	175	250

- ↪ The fees set forth in this subsection for Fiscal Year 2022 are effective for that fiscal year and each fiscal year thereafter.
2. In addition to the fees collected in subsection 1, the State Land Registrar shall charge and collect the following annual use fees associated with a navigable body of water of this State:
    - (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.
- (Added to NAC by St. Land Registrar by R167-18, eff. 8-21-2019)

**NAC 322.200 Circumstances under which authorization associated with navigable body of water of this State 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)

**NAC 322.210 Permit: Eligibility requirements specific to Lake Tahoe.** ([NRS 322.100, 322.170](#); [NAC 445A.044](#))

1. The provisions of this section apply only to Lake Tahoe.

2. Except as otherwise provided in subsection 3, only a person who is the owner of a littoral parcel may apply for a permit for a pier, breakwater, mooring buoy, water intake line or other structure.

3. An owner of a nonlittoral parcel may apply for a permit for a pier or breakwater if the pier or breakwater was functional before October 30, 1979, and the State Department of Conservation and Natural Resources issued a permit for the pier or breakwater before October 24, 2014. The State Land Registrar will not authorize any expansions or extensions of such a pier or breakwater. Each such pier or breakwater must be maintained in good repair.

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

**NAC 322.220 Permit: Duration; nontransferable.** ([NRS 322.100, 322.170](#); [NAC 445A.044](#)) A permit:

1. Must be issued for not more than 20 years; and

2. Is not transferable.

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

**NAC 322.230 Permit: Cancellation.** ([NRS 322.100, 322.170](#); [NAC 445A.044](#))

1. The State Land Registrar may cancel a permit for the failure of the holder of the permit to comply with the provisions of this chapter or with any condition under which the permit was granted.

2. The State Land Registrar will not cancel a permit until 30 days after the holder of the permit has been informed by certified mail of the State Land Registrar's intention to cancel the permit and the reason for the intended cancellation or until a hearing is held if a hearing has been requested in writing. If, within the 30-day period, the holder of the permit corrects all the violations which were grounds for the intended cancellation, his or her permit will not be cancelled. If the holder of the permit corrects those violations after the 30-day period, he or she may apply for a new permit.

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

**NAC 322.240 Decision on application is final administrative action.** ([NRS 322.100, 322.170](#); [NAC 445A.044](#))

The decision by the State Land Registrar is the final administrative action on an application pursuant to the provisions of this chapter.

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

**NAC 322.250 Requirements for construction and location of pier, breakwater, boat ramp, boat slip, boat fueling facility, boat house, boat hoist, water intake line or deck or similar structures; placement of certain anchors.** ([NRS 322.100, 322.170](#); [NAC 445A.044](#))

1. Unless otherwise provided in a permit issued by the State Land Registrar, a pier, breakwater, boat ramp, boat slip, boat fueling facility, boat house, boat hoist, water intake line or deck or similar structure must be constructed:

(a) As closely to a right angle to the shore as possible; and

(b) So as not to interfere with existing structures.

2. Except as otherwise provided in this subsection, a structure described in subsection 1 other than a water intake line may extend only to a length that will allow access to the water depth necessary for boats customarily in use during a normal period of low water. If extenuating circumstances exist, the State Land Registrar may allow an increase in the length or size of any such structure.

3. Except as otherwise provided in subsections 7 and 8, a structure described in subsection 1 for:

(a) Commercial use must not be located closer than 25 feet from each adjacent property projection line.

(b) Residential use or multiple use must not be located closer than 10 feet from each adjacent property projection line.

4. Except as otherwise provided in subsection 7, the anchor of a mooring buoy must not be:

(a) Placed closer than 50 feet from the anchor of another mooring buoy.

(b) Placed in the water at a depth greater than that necessary for the safe accommodation of boats normally in use on the navigable body of water of this State.

(c) Located closer than 20 feet from each adjacent property projection line.

5. The anchor of a navigational structure may be placed closer than 50 feet from the anchor of another navigational structure.

6. Except as otherwise provided in this subsection, property projection lines:

(a) In Lake Tahoe must be extended at a right angle to the shore from the low water elevation (6,223 feet) of Lake Tahoe.

(b) Of a navigable body of water of this State other than Lake Tahoe must be extended at a right angle to the shore from the ordinary high-water mark of the navigable body of water.

↪ The State Land Registrar may waive the requirements of this subsection if the State Land Registrar determines that such a waiver would provide each owner of a littoral parcel with a reasonable distribution of the area.

7. Except as otherwise provided in subsection 8, if the placement of a structure described in subsection 1 or 4 does not meet the setback distance required pursuant to subsection 3 or 4, as applicable, the State Land Registrar must receive written consent from the owner of the affected adjacent property before the State Land Registrar issues a permit for the structure.

8. The State Land Registrar may issue a permit for a pier or breakwater that does not meet the setback distance required pursuant to subsection 3 without requiring the applicant for the permit to secure consent from the owner of the affected adjacent property if the pier or breakwater was functional before October 30, 1979, or if the State Department of Conservation and Natural Resources or the State Land Registrar issued a permit for the pier or breakwater before October 24, 2014.

9. A structure or facility must be designed and installed so that it will not be damaged by anticipated natural forces.  
(Added to NAC by St. Land Registrar by R135-13, eff. 10-24-2014)

**NAC 322.260 Placement of bridge, utility crossing, irrigation diversion structure and modification of bank of navigable body of water.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#)) Unless otherwise authorized by the State Land Registrar, a bridge, utility crossing, irrigation diversion structure or modification of a bank of a navigable body of water of this State must be placed in a manner:

1. So as not to conflict with any existing uses of the navigable bodies of water of this State;
2. That conforms with any applicable state, local and federal regulations; and
3. So as not to interfere with the navigability of that body of water.

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

**NAC 322.270 Identifying devices, warning markers and hindrances to navigation.** ([NRS 322.100](#), [322.170](#); [NAC 445A.044](#))

1. With regard to the navigable bodies of water of this State, including, without limitation, Lake Tahoe:

(a) The State Land Registrar will issue an identifying device which may be installed on each mooring buoy for which the State Land Registrar issues a permit; and

(b) If the State Land Registrar determines that a structure or facility might not be readily seen or might be a navigational hazard, the State Land Registrar may issue an authorization for the structure or facility which includes the condition that a warning marker, approved by the appropriate agency, is installed on the structure or facility.

2. With regard to Lake Tahoe, a person shall not construct or place below the high water elevation (6,229.1 feet) any swimming buoy, rope, fence or other barrier which hinders navigation unless the State Land Registrar determines that a safety hazard exists or a substantial public benefit will accrue from its construction or placement.

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