
ASSEMBLY BILL NO. 490—ASSEMBLYMEN HETTRICK, DE BRAGA, CARPENTER, DINI
AND PARNELL

MARCH 11, 1999

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing river channel clearance. (BDR 48-1357)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to navigable rivers; authorizing under certain circumstances a governmental entity, its employees and agents to conduct channel clearance of rivers without certain permits; expanding the related provision regarding immunity; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 532.220 is hereby amended to read as follows:
2 532.220 1. The channel clearance, maintenance, restoration,
3 surveying and monumenting program is hereby established and must be
4 administered by the state engineer.
5 2. This program is to aid local governments in this state in the
6 clearance, maintenance, restoration, surveying and monumenting of
7 navigable rivers.
8 3. Any incorporated city, county or other political subdivision of this
9 state may apply to the state engineer for a grant under this program if the
10 incorporated city, county or other political subdivision requesting the
11 money agrees to match the state grant equally.
12 4. The state, its departments, divisions and agencies, an incorporated
13 city, a county and all other political subdivisions of this state, and their
14 employees and agents, are immune from civil liability for damages caused
15 by an alteration or disturbance of a riverbed or flooding sustained as a

1 result of any act or omission by an employee or agent in clearing or causing
2 to be cleared, maintaining or restoring a channel of a river pursuant to this
3 section if the channel is cleared, maintained or restored pursuant to :

4 *(a) Except as otherwise provided in subsection 5, a permit granted by*
5 *the division of state lands of the state department of conservation and*
6 *natural resources ; and ~~such~~*

7 *(b) Such* other permits and approvals as are required by law.

8 5. *Subject to the limitations contained in subsection 6, an*
9 *incorporated city, county or political subdivision, and its employees and*
10 *agents, may conduct clearance, maintenance, restoration, surveying and*
11 *monumenting without obtaining a grant, without obtaining a permit*
12 *issued by the division of state lands or the division of environmental*
13 *protection of the state department of conservation and natural resources*
14 *and without paying application or permit fees for such permits if:*

15 *(a) The governmental entity applies for the applicable permits from*
16 *the division of state lands and from the division of environmental*
17 *protection of the state department of conservation and natural resources;*

18 *(b) The governmental entity obtains all other permits and approvals as*
19 *are required by law;*

20 *(c) The governmental entity applies for a grant pursuant to subsection*
21 *3; and*

22 *(d) The grant is denied for lack of money in the account after:*

23 *(1) The state engineer requests an allocation from the contingency*
24 *fund pursuant to subsection 4 of NRS 532.230; and*

25 *(2) An allocation from the contingency fund is not made within 90*
26 *days after the request is made.*

27 *The immunity provided in subsection 4 applies to any action taken*
28 *without a permit by a state governmental entity in accordance with this*
29 *subsection. The division of state lands and the division of environmental*
30 *protection of the state department of conservation and natural resources*
31 *shall refund the application or permit fees, if any, paid by a*
32 *governmental entity to apply for permits relating to work performed*
33 *pursuant to this subsection if the grant is denied for lack of money and*
34 *the state permits are not issued for that reason.*

35 6. *If a permit is issued by the division of state lands or by the division*
36 *of environmental protection of the state department of conservation and*
37 *natural resources to a governmental entity who performs work pursuant*
38 *to subsection 5, the work performed by or on behalf of the governmental*
39 *entity pursuant to subsection 5 must be performed in accordance with the*
40 *permit or permits. If no such permit is issued, the work must be:*

41 *(a) Limited to the work for which the grant and permits were*
42 *requested; and*

1 ***(b) Conducted in accordance with accepted best management***
2 ***practices.***

3 **7.** As used in this section, “navigable river” means a river or stream
4 that is used, or is susceptible of being used, in its ordinary condition for
5 trade or travel in the customary modes of trade or travel on rivers or
6 streams.

7 **Sec. 2.** NRS 532.230 is hereby amended to read as follows:

8 532.230 1. The account for the channel clearance, maintenance,
9 restoration, surveying and monumenting program is hereby created in the
10 state general fund.

11 2. The money in the account must be administered by the state engineer
12 and must be expended only to aid local governments in the manner
13 provided in NRS 532.220.

14 3. If the balance in the account is below \$250,000, the state engineer
15 may request an allocation from the contingency fund pursuant to NRS
16 353.266, 353.268 and 353.269.

17 ***4. If the balance in the account is not sufficient to provide a grant of***
18 ***money to an incorporated city, a county or a political subdivision of this***
19 ***state, the state engineer shall request an allocation from the contingency***
20 ***fund pursuant to NRS 353.266, 353.268 and 353.269. If an allocation***
21 ***from the contingency fund is not made within 90 days after a request by***
22 ***the state engineer, the incorporated city, county or political subdivision,***
23 ***and its employees and agents, may conduct the work for which the grant***
24 ***was requested pursuant to subsection 3 of NRS 532.220.***

25 **Sec. 3.** NRS 445A.465 is hereby amended to read as follows:

26 445A.465 1. Except ***as otherwise provided in NRS 532.230 or***
27 ***except*** as authorized by a permit issued by the department pursuant to the
28 provisions of NRS 445A.300 to 445A.730, inclusive, and regulations
29 adopted by the commission, it is unlawful for any person to:

30 (a) Discharge from any point source any pollutant into any waters of the
31 state or any treatment works.

32 (b) Inject fluids through a well into any waters of the state.

33 (c) Discharge from a point source a pollutant or inject fluids through a
34 well that could be carried into the waters of the state by any means.

35 (d) Allow a pollutant discharged from a point source or fluids injected
36 through a well to remain in a place where the pollutant or fluids could be
37 carried into the waters of the state by any means.

38 2. The commission shall adopt regulations which provide a simplified
39 procedure for approval by the department of permits that are required by
40 subsection 1 for work related to clearing and maintaining the channel of a
41 navigable river, including, without limitation, dredging or filling, bank
42 stabilization or restoration, channel clearance, construction of irrigation
43 diversions or the clearance of vegetation, debris or temporary obstructions.

1 The regulations must include a limitation on the time allowed for the
2 processing of an application for such a permit to not more than 60 days
3 after receipt by the department of a completed application and any required
4 fees, unless the administrator determines that it is in the public interest to
5 hold a public hearing regarding the application and promptly notifies the
6 applicant of that determination.

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