



STATE OF NEVADA  
**STATE CONSERVATION COMMISSION**  
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DRAFT MINUTES  
STATE CONSERVATION COMMISSION

Thursday, June 23, 2011  
Department of Conservation and Natural Resources  
Division of Water Resources – Tahoe Hearing Room  
901 S. Stewart Street, Room 2002, Carson City, NV 89701

The Nevada State Conservation Commission held a public meeting on June 23, 2011 - 1:00 pm at the Richard Bryan Building, 901 S. Stewart Street, Room 2002, Carson City, NV 89701. The State Conservation Commission considered and acted on the following items on June 23, 2011.

**Board Members Present:** Joe Sicking, Paradise/Sonoma CD; Vance Vesco, Big Meadow CD; Chris Freeman, Nevada Tahoe CD; Eric Rieman, Carson Valley CD; Leland Wallace, Esmeralda CD; Joseph Fortier, CD of Southern Nevada; Ed Foster, NV Dept. of Agriculture .

**Board Members Absent:** Dr. Rangesan Narayanan, UNR College of Agriculture Biotechnology and Natural Resources; Donna Lamm, Southern Nye County CD.

**Others Present:** Brandi Ré, NV Division of CDs; Bruce Peterson, State Conservationist, NRCS; Kevin Benson, Deputy Attorney General, NV Attorney General's Office; Barbara Perlman-Whyman, President, NvACD; Michelle Langsdorf, Mason & Smith Valley CD; Jessi Eckert, Lahontan & Stillwater CD, Audrey Brooks-Scott, DCNR – Director's Office.

**I. CALL TO ORDER**- Quorum established.

A. Chairman Sicking called the meeting to order at 1:05 pm. Introductions were made of those present.

**II. REVIEW AND APPROVAL OF AGENDA - \*ACTION\***

A. The agenda was approved as written via a motion to approve by Commissioner Freeman, seconded by Commissioner Vesco, motion passed.

**III. REVIEW, AMENDMENT AND APPROVAL OF MINUTES - \*ACTION\***

A. *Approval of Minutes from February 17, 2011:* A motion to approve the minutes as written by Commissioner Fortier, seconded by Commissioner Wallace, motion passed.

**IV. PUBLIC COMMENTS** – No public comment.

**V. REPORTS TO THE COMMISSION**- Status of Division of Conservation Districts

1. ***Program Update & General Information – Brandi Ré–***

a. Brandi Ré updated the commission on the current restructuring of the Division of Conservation Districts to a program being housed within the

DCNR, Director's Office. The name of the program will be the Conservation District Program (CDP). The program was funded with one full time staff person to the State Conservation Commission and to assist Nevada's 28 conservation districts. The budget was dramatically reduced, and therefore the staff person has a minimal operating and travel budget. The staff person will be providing professional and administrative services to the program. The recruiting process will begin in the near future. In the interim, Brandi will continue to serve the commission in a limited capacity, as she has accepted a position as an Accounting Assistant within the DCNR- Director's office. Brandi is hopeful with the program moving into the director's office, the transition will go smoothly as both she and Sandi will be within arm's reach to assist in training the new staff person.

- b. Brandi highlighted what this change will mean for the conservation districts. The program will administer a \$2500 grant to each district. Reporting requirements associated with good standing are still applicable. The conservation districts are liable to cover premiums for workers compensation, general liability and vehicle insurance. Coverage can be obtained through the state at the state rate; however, this is possibly for a limited time. The AG's office will revisit the policy in May 2012 and a formal decision will be made if districts will have access to coverage through the state. Chairman Sicking requested staff follow-up on the procedure and deadline for districts to apply for coverage through the AG's office and Risk Management. Brandi explained the conservation districts have been previously notified of the requesting process and provided contact information for both Nancy Bowman with the AG's office and Ana Andrews with Risk Management; however, Brandi will reach out to districts again to remind them of the July 1, 2011 deadline. Districts need only to contact the agencies and provide them with their districts personnel information. At that time, the AG's office and Risk Management will provide a quote and bill the district for the coverage sometime in August. Coverage would be effective July 1, 2011 as long as the districts provide them the required information by the July 1, 2011 request deadline.

## VI. AGENCY UPDATES –

### A. *Nevada Department of Agriculture – Ed Foster*

1. Jim Barbee is the now the permanent director for the department. His leadership has been very well received. They are rebuilding their work performance standards and have restructured them as a development tool to ensure everyone is working at their full capacity and potential.
2. The state of Nevada hosted the Western Plant Board which represents 14 western states. The meeting was 4 days and held at the Nugget in Reno. The tours were the highlight of the meeting. Tours included: Churchill Vineyards and Lattin Farms in Fallon, Mushroom Spawn Plant in Dayton, and the Bark Beetle Infestation at Davis Creek.
3. Governor Sandoval toured the Dept. of Ag facility and participated in the department BBQ. He socialized with the staff and the staff enjoyed speaking with him.
4. They received \$130,000 in funding for the Specialty Crop Grant which will be divided among 9 grant recipients. The grants will go towards alternative crops, hoop house farming, and a variety of crops that wouldn't generally be found in the area. There is also a youth and education component as part of the program.
5. The department processed over 170 interruptible rate letters this year.
6. A question by Chairman Sicking was raised if scale certification was going to be required annually? Commissioner Foster noted the administrator over this function was

released last week and they are actively recruiting for the position. A deficiency was raised with the livestock scales that were of major concern and the new director listened to them and took action. The scale certification remains in the Department of Agriculture and was not transferred to DMV. It is unknown at this time if the requirement for certification will continue to be bi-annually or annually.

**B. *Natural Resources Conservation Service – Bruce Peterson –***

1. Budget Update: After a long continuing resolution, a threat of a shutdown, overall the budget is fairly good this year. The Farm Bill runs through 2012 and Bruce is confident they will get good program dollars through 2012 – beyond that it is unknown. As part of the budget process they lost the RC&D program. Overall, the program was very successful in Nevada and it is unfortunate the program was lost. Commissioner Freeman questioned if the program would be coming back in a different form or under a different program? Bruce did not feel that would be the case. Congress cut 470 people nationwide with RC&Ds and expects those reductions to be maintained.
2. Staff Update:
  - a. Three employees will lose their positions with the elimination of the RC&D program. Starting in October, they will be offered reassignments within other programs and could possibly be relocated out of state. In the interim, Dan Kaffer will be in Minden doing outreach for the Bi-State Sage Grouse Initiative. Unfortunately, Bruce currently does not have other positions open that would fit well with the RC&D coordinators. Everyone will be offered a job – they just don't know what or where.
  - b. A partnership with Fish & Wildlife and NDOW on a shared biologist position has been secured to focus on the Sage Grouse Initiative and to help promote the program.
3. Program Update: The easement program, wetland reserve program and grassland reserve program have had great success. They have in the past reverted funds for these programs, however, they have been able to promote them and keep the dollars within the state. The farm and ranch program has not been as successful and some funding has been lost for the program. Overall, he is pleased with the success of the programs.
4. Bruce would like to continue the contract made with the SCC in FY11 for the CDP staff person; utilizing them as outreach for NRCS programs. Bruce can carry the \$40,000 contract for a while, but would like to start billing on. He questioned when the CDP staff person would be hired. There is a possibility of the contract being used for additional travel funding and salary supplement.

**C. *Nevada Association of Conservation Districts – Barbara Perlman-Whyman –***

1. Barbara provided an update on the upcoming NvACD annual meeting to be held in Minden, NV in mid November. Her hope is to coordinate the meeting with the Cattleman's Association meeting, also taking place in Minden. Additional coordination is being made to ensure the annual meeting is not in conflict with the Farm Bureau meeting in Fallon mid November. Her vision for the meeting is a two day event with various interactive workshops designed around the needs of the district. She would like to form a committee to help gather input for meeting format, presentations, workshops and speakers.
2. Barbara has been spending a great deal of time getting up to speed on the latest business facing the association and local conservation districts. She requested involvement from the commission to participate in an active committee to determine how to move forward with the association during this critical transition. She would like to see members of the commission participate in the committee to develop a 2 year plan.

3. Barbara will be meeting with various people, including Steve Robinson of NACD in Las Vegas next week to go over the preliminary planning for the NACD national meeting that will be held in Las Vegas, NV – January 2012 at the Cosmopolitan Hotel & Casino.

- a. During her visit to the area, she will be meeting with Jennifer Clifford of Southern Nevada CD and Southern Nye County CD. The meetings will focus on the current struggles of the districts and how the association can help to improve their situation by reaching into the communities to identify individual concerns.

4. Barbara has a commitment on the part of nationals as well as some of the officer to assist the districts of Nevada. Part of the issue she is seeing expressed on a regular basis is people questioning why they should belong to nationals - what is the value? Recently, Barbara had the opportunity to dialogue with a number of representatives from other states; who are either facing the same issues or have already gone through them. It allowed for a sounding board session of how other states have become creative in dealing with the difficult economic times. Barbara will be in Washington from July 15-20. She feels there is a positive outreach by nationals. She feels there is a great value in meeting with other state representatives and reviewing their models. This allows for Nevada to use other successful state plans and customize them for our own success.

## **VII. OLD BUSINESS**

### **A. Legislative update and outcome. - \*ACTION\* - No action taken.**

1. Updates were provided on the legislative outcome of SB446 and AB306 (see attached bills). SB446 will not impact the local conservation districts. AB306 requires districts to appoint a representative for each county within their district boundaries. Districts should contact their local DA to get clarification of the requirements for noticing the counties of the change in law and opportunity to have a representative on the conservation district board.

2. A copy of the budget summary was reviewed. The approved budget amount for FY11-12 is \$145,131 and FY12-13 is \$145,970. Staff reviewed the line item breakdown for travel with a total of \$9,000; which roughly \$4,500 is allocated to the commissioner's travel costs and the remaining balancing for the staff person. The operating budget is minimal. A question was raised by Commissioner Vesco if a district was to consolidate or be eliminated, what would happen to their funding? Per NRS 548.120 (3) the funds would be evenly distributed among the remaining conservation districts.

## **VIII. NEW BUSINESS**

### **A. Review compliance of the Districts holding elections in November of even numbered years. (NRS 548.285) (3) and NAC 548.110 (5)) - \*ACTION\***

1. Staff reported to the commission that all but one district held elections within the first 10 days of November. All but three conservation districts reported their election results to the division within 7 working days; Ruby Valley, Southern Nye, and White Pine. Commissioner Freeman moved to find Southern Nye Co. CD not in compliance with the election process, seconded by Commissioner Vesco, motion passed. No action was taken on Ruby Valley CD or White Pine CD.

- a. Staff received an email from Ruby Valley's Chairman, Brian Gale stating he had dropped the ball when submitting the results, however, the election did take place within the first 10 days of November and proved to be a legitimate election.
- b. Southern Nye Co. attempted to hold their election via email on 11/9; however, when notified by staff that was unlawful, they rescheduled a meeting to appoint on 11/24.
- c. White Pine submitted a letter to staff explaining that their supervisors are put on the White Pine County ballot. Supervisors Conger and Sanders were

able to be placed on the primary ballot for re-election in June and ran unopposed – and were elected; therefore they did not run in the general election. Supervisor Phillips could not be registered for reasons unknown at the County Clerk's office and the issue went unresolved. The White Pine CD appointed him to the board at their January meeting.

**B. Review compliance of Districts to Open Meeting Law. (NAC 548.110 (1,2,3,4)) - \*ACTION\***

1. The commission reviewed the district report logs. Staff noted all 28 conservation districts have complied with the open meeting law. Commissioner Rieman moved to find all conservation districts in compliance, seconded by Commissioner Freeman, motion passed.

**C. Review of Conservation Districts Budgets for FY 2012. Determination of compliance of Budgets with legal requirements (NAC 548.120 (2)). - \*ACTION\***

1. The commission and staff reviewed the districts' budgets and made note that due to the unusual circumstances surrounding the legislative session; the commission would make an exception that districts would not have to resubmit an amended budget prior to receiving their FY12 grant. The commission agreed districts would be required to document the adjusted state funding amount on their Final Financial Reports. Staff reported 27 out of the 28 budgets were received by the June 1<sup>st</sup> deadline, with the exception of Southern Nye Co. CD and Lander County CD. Reports from Lander County CD were received a day late and Southern Nye Co. CD did not submit reports. Commissioner Vesco noted the missing income sheet for Eureka CD and requested their grant be delayed until staff received it. Commissioner Rieman moved to hold Eureka CD's grant until staff receive their missing income sheet, seconded by Commissioner Vesco, motion passed. Commissioner Fortier moved to approve all the budgets, seconded by Commissioner Rieman, motion passed.

**D. Review of Conservation Districts Annual Work Plans for FY 2012. Determination of their compliance with legal requirements (NAC 548.120 (2)). - \*ACTION\***

1. The commission and staff reviewed the districts' annual work plans. The commission found 27 districts within the legal requirements. Commissioner Vesco moved to approve, seconded by Commissioner Freeman, motion passed.

**E. Review of report log to verify submission of annual reports and final financial reports for FY2010. (NAC 548.110 (7)). - \*ACTION\***

1. The report log was reviewed and the commission found 28 districts in compliance. Commissioner Freeman moved to approve, seconded by Commissioner Rieman, motion passed.

**F. Preliminary finding of "Good Standing" status of Conservation Districts (NAC 548.090 (1)). - \*ACTION\***

1. The commission found 27 districts in 'good standing' with the stipulation that those districts that had not yet submitted agendas and or minutes for their third meeting, do so within the 30 working day timeframe. Commissioner Freeman moved to approve all districts in good standing with the exception of Southern Nye Co. CD, seconded by Commissioner Wallace, motion passed.

**G. Preliminary designation of Conservation Districts eligible for Basic District Operating Grants in FY 2012. (NAC 548.120 (2)). - \*ACTION\***

1. The Commission determined that 27 districts are eligible for their basic district operating grants. Southern Nye Co. CD will not be awarded their FY12 grant. Commissioner Freeman moved to approve, seconded by Commissioner Rieman, motion passed.

**H. Possible award of the Basic Operating Grants to Districts program to districts having been designated as eligible per (NRS 548.178) and (NAC 548.120). - \*ACTION\***

1. The Commission determined that 27 districts are eligible for award of their basic district operating grants. Commissioner Vesco moved to approve all districts, with the

exception of Southern Nye Co. CD be awarded their grant, seconded by Commissioner Freeman, motion passed.

**I. Review (NAC 548.080) and (NAC 548.110) regarding reporting requirement and discussion of possible amendment. – \*ACTION\***

1. The reduction and/or elimination of the reporting requirement or possible consolidation of the multiple due dates were discussed. Various options were proposed. It was suggested by staff to have one due date requirement for district reports, preferably in September. This would alleviate the daily impact on both program staff and district employees; allowing staff resources to be utilized better. Kevin Benson, Deputy Attorney General reviewed the process of regulation changes. He briefly highlighted the process and various steps required; for example, multiple public workshops and a public meeting. Kevin will research if the commission as a whole must be present at the public workshops. He explained the Governor, through an executive order has imposed a moratorium on regulation changes with some exceptions. He felt the changes being discussed could possibly fall within those exceptions as it will allow for a reduction in requirements by state government for local business; essentially making doing business with the state less cumbersome. It requires a review of the regulation by the Governor's staff. Staff will download and email the commission the Board and Commission manual as well as the Rulemaking manual from the AG's website, which will outline the regulation amendment procedure. Commissioner Freeman informed the commission that in previous years when regulation changes were made, the commission would use the NvACD annual meeting as the forum for the required public workshop. The annual meeting provides for a unique opportunity to have many of the districts in one place and allows for generous feedback. Commissioner Freeman moved for staff to go forward with the regulation amendment process, seconded by Commissioner Rieman, motion passed.

**IX. COMMISSIONER ITEMS**

**A. Comments, Report, Items to be included on the next agenda.**

1. Commissioner Freeman requested a member of the commission to sit on the selection committee for the MAII position.
2. NAC/ Regulation – Reporting Requirement Amendment
3. Creation of a district survey to identify interest and parameters to consolidate or eliminate conservation districts.

**X. PUBLIC COMMENTS – No public comment.**

**XI. NEXT COMMISSION MEETING - \*ACTION\***

A. Next SCC meeting was not scheduled at this time. The next tentative meeting will be held in conjunction with the NvACD annual meeting in Minden, Nevada in mid November. A teleconference meeting may be scheduled if the commission deems necessary prior to the annual meeting.

**XII. ADJOURNMENT - \*ACTION\***

Commissioner Freeman made a motion to adjourn, seconded by Commissioner Wallace, meeting adjourned at 3:03 pm.