

**SECOND REVISED PROPOSED REGULATION OF THE STATE
CONSERVATION COMMISSION IN THE STATE DEPARTMENT
OF CONSERVATION AND NATURAL RESOURCES**

LCB File No. R139-13

February 13, 2014

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

AUTHORITY: §§1-6, NRS 548.160.

A REGULATION relating to conservation; establishing a competitive grant program to benefit sage grouse populations; and providing other matters properly relating thereto.

Section 1. Chapter 548 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, “Sagebrush Ecosystem Technical Team” means the interagency technical team created by the Governor pursuant to Executive Order No. 2012-19 to support the Sagebrush Ecosystem Council created pursuant to NRS 232.162.*

Sec. 3. 1. *The Commission will administer a competitive grant program for the purpose of awarding grants of money provided by legislative appropriation to the Sage Grouse Competitive Grant Fund, which is hereby established using money appropriated to Budget Account No. 8799 by the 2013 Legislature, and into which will be deposited any subsequent legislative appropriations to that budget account, for projects that specifically benefit sage*

grouse populations in the conservation districts. The Commission will give due notice of the availability of such a grant, which must specify:

- (a) The deadline for the submission of applications; and*
- (b) The amount of the application fee, if any, that must be submitted with the application.*

2. An application for a grant of money may be submitted only by a conservation district that:

(a) Is in good standing as set forth in NAC 548.110 and eligible to receive a grant of money pursuant to NAC 548.115; and

(b) Provides written confirmation from the Sagebrush Ecosystem Technical Team that sage grouse habitat or potential sage grouse habitat exists within the boundaries of the conservation district.

3. The Commission has the final authority in all matters relating to the competitive grant program set forth in sections 2 to 6, inclusive, of this regulation.

Sec. 4. 1. An application for a grant of money pursuant to the competitive grant program must be submitted on a form prescribed by the Program.

2. The Commission will consider an application for a project only if the project:

- (a) Has been reviewed by the Sagebrush Ecosystem Technical Team;*
- (b) Is ready to be implemented upon approval by the Commission; and*

(c) Directly benefits the sage grouse population in this State, as determined by the Sagebrush Ecosystem Technical Team or another entity approved by the Commission.

3. The Commission will not consider an application for a grant of money that is primarily for the purpose of acquiring equipment.

4. The Commission will accept multiple applications from each eligible applicant. If an applicant submits multiple applications, the applicant must rank each application in order of importance.

5. If appropriate, applicants may use specifications provided by approved governmental agencies, including, without limitation, the Natural Resources Conservation Service of the United States Department of Agriculture, when preparing an application.

Sec. 5. 1. There is no limit on the amount of money which may be requested by an applicant, but the Commission will determine the amount of money, if any, to award to each qualified applicant based on priority, with higher priority to be given to applications for projects that include:

(a) The participation of other entities, including occupiers of land within the conservation district and other agencies of this State and the United States; and

(b) Matching contributions that will be provided by the applicant. Projects that include matching contributions will be ranked according to the nature of the contributions in the following order:

(1) Both cash and in-kind matches.

(2) Cash matches only.

(3) In-kind matches only.

2. Grants of money may be disbursed in a lump sum or in installments, at the discretion of the Commission, and:

(a) Except as otherwise provided in this section, grants of money will be disbursed as reimbursements.

(b) The Commission may approve the advance funding of a project at a maximum of 75 percent of the total amount of the grant awarded.

(c) A maximum of 15 percent of the total amount of the grant awarded may be designated for administrative costs.

3. A grant of money awarded by the Commission pursuant to sections 2 to 6, inclusive, of this regulation must be expended or obligated during the fiscal year in which it was awarded.

Sec. 6. 1. Unless otherwise required by the Commission, within 45 days after the completion of a project for which a grant of money has been approved pursuant to sections 2 to 6, inclusive, of this regulation, the conservation district that was awarded the grant shall submit a report to the Commission. The report must be on a form prescribed by the Program and must include:

(a) A complete accounting of all expenditures of the money received and of any matching money, payments in kind and donations, as applicable;

(b) An assessment of the accomplishments of the project based on the goals stated in the application for the grant of money; and

(c) Any other information that the Commission requires.

2. Each conservation district that is awarded a grant of money pursuant to sections 2 to 6, inclusive, of this regulation must submit regular monitoring reports regarding the project. The dates on which the reports will be due will be provided to the applicant by the Commission.