



STATE OF NEVADA
STATE CONSERVATION COMMISSION

201 South Roop Street, Suite 101
Carson City, Nevada 89701
Phone (775) 684-8600 Fax (775) 684-8604

NOTICE OF PUBLIC HEARING FOR THE ADOPTION AND
AMENDMENT OF PERMANENT REGULATIONS OF THE
STATE CONSERVATION COMMISSION

The State Conservation Commission will hold a public hearing on May 16, 2014 commencing at 1:30 p.m. at the offices of the Nevada Department of Conservation and Natural Resources, Tahoe Hearing Room, Second Floor, 901 South Stewart Street, Carson City, Nevada.

There will be a telephonic connection available for this public hearing. Please call (888) 808-6929, and then enter code 3499573 to participate.

The State Conservation Commission will receive testimony from all interested persons and consider and take action on the following proposed adoption of amendments, additions and deletions to the Nevada Administrative Code pertaining to the State Conservation Commission and the state's numerous Conservation Districts. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Conservation Commission may proceed immediately to act upon any written submissions:

1. The Need for and Purpose of the Proposed Permanent Regulations.

The need and purpose of the proposed permanent regulations are to implement changes in NAC Chapter 548 with regard to changes in administration of grant funding for the Conservation Districts with the addition of the Sage-grouse Grant Fund, and to set forth and clarify substantive procedural matters for administration of the grant fund.

2. Terms or Substance of the Proposed Permanent Regulations or Description of the Subjects and Issues Involved.

First: Adding to and amending NAC Chapter 548, LCB File No. No. R139-13, providing for procedures and methods required by the Commission pertaining to the Sage-grouse Grant Fund;

Second: Amending the regulation to conform to the changes in administrative procedures pertaining to the grant fund.

3. Estimated Economic Effect of the Proposed Permanent Regulations on Small Business.

The proposed permanent regulation has no adverse economic effect on the Commission, the Conservation Districts, the Department of Conservation and Natural Resources, or the agricultural industry. The regulation has no negative impact on Small Business.

The permanent regulation could have a beneficial economic effect on the Conservation Districts and Small Business. The regulation should enable Conservation Districts to perform additional projects related to the sagebrush ecosystem thereby benefiting Sage-grouse. The regulation could benefit Small Business through contracting, purchases and other areas of inclusion in these projects.

Methods used in determining the economic impact on Small Business included simulation utilizing an impact analysis tool developed by Applied Economics and through deductions based on this analysis. (See attached copy *Financial Impact Statement for Proposed Regulations Pertaining to the Sage Grouse Habitat Competitive Grant Fund*)

Additionally, requests for input on the economic impact on Small Business were e-mailed to the Retail Association of Nevada, Governor's Office of Economic Development, Nevada Small Business Development Center, Elko Chamber of Commerce, Carson Valley Chamber of Commerce, White Pine Chamber of Commerce, Wells Chamber of Commerce, Pershing County Chamber of Commerce, Fallon Chamber of Commerce, Dayton Chamber of Commerce, Battle Mountain Chamber of Commerce and The Chamber for Reno and Sparks.

4. Estimated Cost to Agency for Enforcement of Proposed Permanent Regulations.

The proposed permanent regulation will present no additional cost to the Commission or the Department in administering the new grant program.

5. Regulations of Other State or Local Governmental Agencies which the Proposed Permanent Regulations Overlap or Duplicate and the Necessity Therefore.

The proposed permanent regulations do not appear to overlap or duplicate regulations of other state or local governmental agencies.

6. Establishment of New Fee or Existing Fee Increase.

The permanent regulations would not increase any existing fee or create any new fee.

7. Statement pursuant to NRS 233B.064:

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Persons wishing to comment on the proposed action of the State Conservation Commission may appear at the above scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the State Conservation Commission, 201 S. Roop St., Suite 101, Carson City, Nevada 89701. **Written submissions must be received at least one week prior to the above scheduled public hearing.**

A copy of this notice and the proposed permanent regulations to be adopted and amended will be on file at the Nevada State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed permanent regulations to be adopted and amended will be available at the Department of Conservation and Natural Resources, 901 S. Stewart St., Ste. 1003, Carson City, Nevada; Nevada NRCS Office, 1365 Corporate Boulevard, Reno, Nevada; Nevada NRCS Office, 555 West Silver St., Ste. 101, Elko, Nevada; Nevada NRCS Office, 1200 Winnemucca Blvd. East, Winnemucca, Nevada 89445, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel

Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. The text of the proposed permanent regulations will include the entire text of any section of the Nevada Administrative Code, which is proposed for amendment or repeal. Copies will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.



Tim Rubald
Conservation Districts Program

Members of the public who are disabled and require accommodations or assistance at the meeting are requested to notify the State Conservation Commission in writing or by calling 775-684-8600 no later than five working days prior to the meeting.

Notice has been posted at the following locations: The Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada. Notice was mailed to each County Public Library for posting.

Notice has been emailed for posting at the following locations: Nevada NRCS, 1365 Corporate Boulevard, Reno, Nevada; Nevada NRCS, 555 West Silver St., Ste. 101, Elko, Nevada; Nevada NRCS, 1200 Winnemucca Blvd East, Winnemucca, Nevada 89445

Notice has been posted at the Conservation Districts Program website:
<http://dcnr.nv.gov/conservation-district-program>



STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
CONSERVATION DISTRICTS PROGRAM
201 S. Roop Street, Suite 101
Carson City, Nevada 89701
Phone (775) 684-8600 - Fax (775) 684-8604

October 14, 2013

FINANCIAL IMPACT STATEMENT FOR PROPOSED REGULATIONS
PERTAINING TO THE SAGE GROUSE HABITAT COMPETITIVE
GRANT FUND

The intent of this proposed permanent regulation is to designate a process for the affected Conservation Districts in Nevada to be able to apply for and receive funding for projects in the area of the state designated as habitat for sage grouse. Per appropriation of the 77th Session of the Nevada Legislature, there is currently \$40,000 appropriated for each year of the biennium.

Per AB408 of the 77th Session of the Nevada Legislature, there is required that the Conservation Commission "Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses."

The \$40,000 grant fund, distributed per year directly to Conservation Districts that have applied and been approved for receipt of the funds by the State Conservation Commission, will have no significant effect or impact on any small business in Nevada.

This was determined through a process of deduction and simple analysis of the effects of the regulation. Additionally, the impact was simulated through a 2012 version of an impact analysis tool developed for the State of Nevada by Applied Economics, a firm in Phoenix, Arizona. These simulations proved the deductive analysis that there would be some positive affects to overall economic activity in Nevada from the promulgation and implementation of this regulation.

A handwritten signature in blue ink, appearing to read "Tim Rubald", written over a horizontal line.

A handwritten date "10/15/2013" in blue ink, written over a horizontal line.

Tim Rubald, Program Manager, does hereby certify that to the best of my knowledge, the information contained in this Impact Statement is accurate and was prepared as described above.

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

LCB File No. R139-13

April 10, 2014

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

AUTHORITY: §§1-6, NRS 548.160.

A REGULATION relating to conservation; establishing a 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 grant program for the purpose of awarding equal grants of money to each qualifying conservation district with money provided by legislative appropriation to the Sage Grouse 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;

(b) Provides written confirmation from the Sagebrush Ecosystem Technical Team that sufficient sage grouse habitat or potential sage grouse habitat exists within the boundaries of the conservation district where the proposed project will benefit the sage grouse;

(c) Has demonstrated past ability to complete similar projects in a reasonable manner; and

(d) Has adequate resources to track a grant project and administer the grant funds.

3. The Commission has the final authority in all matters relating to the sage grouse 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 sage grouse 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 and approved by the Sagebrush Ecosystem Technical Team;

(b) Is ready to be implemented within 30 days after 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. *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. *The Commission will determine the number of qualified districts and award equal grants of money to each qualified district.*

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 and used for administrative costs related to the activities of the project.*

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. Any money which has not been committed for expenditure before July 1 of the fiscal year after the fiscal year or years for which the money was granted must be deducted from any grant awarded for that fiscal year.*

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 Program. 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. Failure to submit the report or assessment required pursuant to this section will be considered in future determinations of whether or not the district is found in good standing and eligible to receive a grant of money.

3. Each conservation district that is awarded a grant of money pursuant to sections 2 to 6, inclusive, of this regulation shall submit regular monitoring reports regarding the project. The proposed frequency and specificity of the monitoring reports must be provided in the original application. The Commission will review each applicant's proposal for monitoring reports. If the Commission determines that the applicant's proposal is not suitable, the Commission will provide the required specificity and due dates of the reports to the applicant in the final grant award agreement.