

## NOTICE OF INTENT TO ACT UPON A REGULATION

### Notice of Hearing for the Adoption of Permanent Regulations of the State Conservation Commission

LCB File Number R176-24

The State Conservation Commission and the Nevada Conservation District Program (NCDP) within the Nevada Department of Conservation and Natural Resources, will hold a public hearing to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 548 of the Nevada Administrative Code.

Date: January 21, 2025  
Time: 1:00pm  
Location: Department of Conservation and Natural Resources  
Bonnie Conference Room, 1<sup>st</sup> Floor  
901 South Stewart Street  
Carson City, NV 89701  
Virtual: Click or type the shortcode to access the meeting:  
Link: <http://tinylink.net/oo3HI>  
Meeting ID: 260 036 594 108  
Passcode: aH24Dx6b  
Or call in (audio only): 775-321-6111  
Phone conference ID: 348 440 536#

The following information is provided pursuant to the requirements of NRS 233B.0603:

**1. The need for and the purpose of the proposed regulation or amendment.**

The purpose of the proposed regulation aims to guide the State Conservation Commission and Conservation District Program in awarding grants to eligible conservation districts for projects that enhance, protect or conserve renewable natural resources within their boundaries.

**2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is not a temporary regulation.

**3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**

**a. Both adverse and beneficial effects; and**

- On business: The proposed regulation does not directly or indirectly impose an adverse effect on businesses. Beneficial direct or indirect business affects may include an increase in revenue for businesses which offer conservation services or

products related to the enhancement and or conservation of renewable natural resources.

- On the public: The proposed regulation does not directly or indirectly impose an adverse effect on the public. The regulation benefits the public by creating opportunities for grant funding for local projects.

**b. Both immediate and long-term effects.**

- On business: The proposed regulation does not impose any long term adverse effects on businesses. Beneficial direct or indirect affects many include increased revenue for businesses which offer conservation services or products related to the enhancement and or conservation of renewable natural resource.
- On the public: The proposed regulation does not impose any long-term adverse effects on the public. The regulation benefits the public by creating grant funding and enhancement and or conservation of renewable natural resources.

**4. The methods used by the agency in determining the impact on a small business.**

The Conservation District Program and State Conservation Commission reviewed, discussed and considered any potential expected or unexpected impacts of the proposed regulation on small businesses. After careful consideration and examination, it was considered that this regulation would not affect small businesses in any significant way. As a result, the Conservation District Program and State Conservation Commission concluded that no further analysis was necessary regarding the impact on small businesses.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

NCDP does not anticipate incurring any additional cost resulting from the proposed regulation.

**6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any existing regulation.

**7. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

**8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The proposed regulation is not more stringent than a federal regulation.

**9. Whether the proposed regulation establishes a new fee or increases an existing fee.**

The regulation does not create any new fees or increase an existing fee.

**10. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.)**

This is not a temporary regulation.

Persons wishing to comment upon the proposed action of the State Conservation Commission may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, by emailing [maten@dcnr.nv.gov](mailto:maten@dcnr.nv.gov) or by mailing to the following address: Nevada Conservation District Program, 901 S. Stewart Street Ste. 1001, Carson City, NV 89701. Written submissions must be received by the Nevada Conservation District Program on or before January 10<sup>th</sup>, 2025. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours.

Additional copies of the notice and the regulation will be available at each program office location detailed in the notice below and in all counties in which an office of the agency is not maintained, at the main public library, 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/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the State Conservation Commission, 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.

This notice of hearing has been posted at the following locations:

Nevada Conservation District Program website <https://dcnr.nv.gov/divisions-boards/conservation-districts-program/state-conservation-commission>

Nevada State Legislature website [www.leg.state.nv.us/App/Notice/A/](http://www.leg.state.nv.us/App/Notice/A/)

Nevada Public Notice website <http://notice.nv.gov>

Nevada Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, NV 89701

State of Nevada Campus, 1 State of Nevada Way, Las Vegas, NV 89119

Nevada State Legislature, 401 S. Carson St., Carson City, NV 89701

Nevada State Library and Archives, 100 N. Stewart St, Carson City, NV 89701

A copy of the notice and proposed regulation has been mailed to:

Carson City Library, 900 North Roop Street, Carson City, NV 89501

Churchill County Library, 553 South Maine Street, Fallon, NV 89406

Clark County Library, 1401 E. Flamingo Road, Las Vegas, NV 89119

Douglas County Library, 1625 Library Lane, Minden, NV 89423

Elko County Library, 720 Court Street, Elko, NV 89801

Esmeralda County Library, Crook Avenue & 4th Street, Goldfield, NV 89013

Eureka County Library, 10190 Monroe Street, Eureka, NV 89316  
Humboldt County Library, 85 Est 5<sup>th</sup> Street, Winnemucca, NV 89445  
Lander County Library, 625 South Broad Steet, Battle Mountain, NV 89820  
Lincoln County Library, 63 Main Street, Pioche, NV 89043  
Lyon County Library, 20 Nevin Way, Yerington, NV 89447  
Mineral County Library, 110 1st Street, PO Box 1390, Hawthorne, NV 89415  
Nye County Library, 701 East Street, Pahrump, NV 89048  
Pershing County Library, 1125 Central Avenue, PO Box 781, Lovelock, NV 89419  
Storey County Library, 175 Carson Street, Virginia City, NV 89440  
Washoe County Library, 301 S. Center Street, Reno, NV 89501  
White Pine County Library, 950 Campton Street, Ely, NV 89301

Posted on: 12/18/2024

## **NOTICE OF ADOPTION OF REGULATION**

The State Conservation Commission adopted regulations assigned LCB File No. R176-24, which pertain to chapter 548 of the Nevada Administrative Code on 1/21/2025. A copy of the regulations as adopted is attached here to.

**PROPOSED REGULATION OF THE  
STATE CONSERVATION COMMISSION**

**LCB File No. R176-24**

August 16, 2024

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

AUTHORITY: §§ 1-6, NRS 548.160 and 548.178.

A REGULATION relating to conservation; requiring the State Conservation Commission in the State Department of Conservation and Natural Resources to administer a competitive grant program for projects that enhance, protect or conserve renewable natural resources; providing requirements for applications to receive a grant and the review of such applications; creating requirements for the distribution and expenditure of grant money; making certain reporting requirements; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law authorizes the State Conservation Commission in the State Department of Conservation and Natural Resources to: (1) establish a competitive grant program from money appropriated by the Legislature for conservation districts; and (2) distribute money to conservation districts unequally if certain conditions are satisfied. (NRS 548.178) **Section 2** of this regulation authorizes the Commission to administer a competitive grant program to award grants in unequal amounts to conservation districts for projects that enhance, protect or conserve renewable natural resources. **Section 2** additionally provides the requirements a conservation district must satisfy to apply for a grant. **Section 3** of this regulation sets forth the requirements for an application to receive a grant. **Section 4** of this regulation provides the procedures used by the Commission to review an application for a grant. **Section 5** of this regulation: (1) authorizes the Commission to appoint a technical committee to review applications for grants; and (2) sets forth the requirements for the distribution and expenditure of grants of money. **Section 6** of this regulation requires the recipient of a grant to: (1) submit a report to the Conservation Districts Program in the State Department of Conservation and Natural Resources that satisfies certain requirements; and (2) enter into a grant award agreement with the Program to receive the grant of money.

**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. 1. In accordance with the provisions of sections 2 to 6, inclusive, of this regulation, the Commission will administer the Renewable Natural Resource Competitive Grant Program for the purpose of awarding grants of money to qualifying conservation districts for projects that enhance, protect or conserve renewable natural resources in the conservation districts. Grants of money may be awarded to qualifying conservation districts in unequal amounts.*

*2. The Renewable Natural Resource Competitive Grant Program will be funded by money appropriated by the Legislature to the Grant Program and any additional money obtained from other sources which is specifically intended for projects that enhance, protect or conserve renewable natural resources in the conservation districts.*

*3. The Commission will provide advance notice of the availability of a grant from the Renewable Natural Resource Competitive Grant Program. The notice must specify the deadline for the submission of an application for a grant of money.*

*4. 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) Has demonstrated past ability to complete similar projects in a reasonable manner; and*

*(c) Has adequate resources to track a grant project and administer the grant money.*

*5. The Commission has the final authority in all matters relating to the Renewable Natural Resource Competitive Grant Program set forth in sections 2 to 6, inclusive, of this regulation.*

**Sec. 3. 1. *An application for a grant of money from the Renewable Natural Resource Competitive Grant Program:***

*(a) Must be submitted on a form prescribed by the Commission.*

*(b) Will only be accepted by the Commission within the application period. Any applications received after the deadline specified in the notice provided pursuant to section 2 of this regulation will not be considered.*

*(c) Must include, without limitation:*

*(1) A budget for the use of grant money;*

*(2) The goals for the project; and*

*(3) The proposed frequency and specificity of the monitoring reports required pursuant to section 6 of this regulation for the project.*

*2. The Commission will accept more than one application for a grant of money from an eligible applicant. If an applicant submits more than one application, the applications must be ranked by the applicant in order of importance at the time the applicant submits the applications.*

*3. There is no limit on the amount of grants of money that may be requested by each applicant, but the amount of money awarded to each applicant is solely within the discretion of the Commission.*

**Sec. 4. 1. *The Commission may appoint a technical committee of not less than two but not more than five experts in the field of renewable natural resources. If appointed, the technical committee serves at the pleasure of the Commission.***

**2. *In reviewing an application for a grant of money from the Renewable Natural Resource Competitive Grant Program, the Commission will:***



*(a) Rank each application received in order of priority for awarding grants. A matching contribution is not required to apply for a grant, but applications that include a matching contribution, including, without limitation, cash or in-kind matches, will receive a higher ranking by the Commission.*

*(b) Submit each application to the technical committee, if appointed pursuant to subsection 1, or to another entity with expertise in matters pertaining to renewable natural resources selected by the Commission to review the application and determine whether the project will enhance, protect or conserve natural resources in the conservation district.*

*(c) Consider only applications for projects that:*

*(1) Have been determined pursuant to paragraph (b) to enhance, protect or conserve natural resources in the conservation district; and*

*(2) Can be implemented immediately upon approval by the Commission.*

*(d) Not consider an application for a grant that is determined by the Commission to be primarily for the purpose of acquiring equipment.*

*Sec. 5. 1. Unless otherwise authorized by the Commission in an agreement to award a grant of money, grants of money will be disbursed as reimbursements. Grants of money may be disbursed in a lump sum or in installments at the discretion of the Commission.*

*2. A maximum of 15 percent of the total amount of the grant or grants of money awarded to a conservation district from the Renewable Natural Resource Competitive Grant Program in a fiscal year may be designated and used for administrative or indirect costs related to a project if the conservation district requested to use the grant of money for such costs in the budget included in the application for the grant of money.*

3. *A grant of money awarded by the Commission pursuant to sections 2 to 6, inclusive, of this regulation:*

*(a) Except as otherwise provided in paragraph (b), must be expended or obligated during the fiscal year in which it was awarded.*

*(b) If the Commission authorized the disbursement of the grant of money on a basis other than reimbursement, must be expended or obligated during the fiscal year in which it was disbursed.*

*(c) May not be committed for expenditure beyond the terms of the grant. Any amount of the grant of money which has not been committed for expenditure during the fiscal year or years for which the money was granted will be deducted from any grant awarded to the conservation district in a future year.*

**Sec. 6. 1.** *Unless otherwise required by the Commission, not later than 60 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 Commission and must include, without limitation:*

*(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 conducted pursuant to NAC 548.115 of whether the*

*conservation district is found in good standing and eligible to receive a grant of money from the Commission.*

*3. Each conservation district that is awarded a grant of money pursuant to sections 2 to 6, inclusive, of this regulation shall enter into an agreement with the Program for the award of the grant of money. The agreement must include, without limitation, a requirement that the conservation district submit regular monitoring reports regarding the project, as appropriate for the project. The frequency and specificity of the monitoring reports must be agreed upon by the Program and the conservation district before any grant of money will be distributed by the Commission to the conservation district.*



**STATE OF NEVADA**  
**STATE CONSERVATION COMMISSION**



**SMALL BUSINESS IMPACT STATEMENT AS**  
**REQUIRED BY NRS 223B.0608**

December 13, 2024

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The Nevada Conservation District Program (NCDP) determined that the proposed language being considered does not impose a direct or significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business. Therefore, comments have not been solicited from small businesses, and no summary of their response is provided.

- 2. Describe the manner in which the analysis was conducted.**

NCDP did consider the potential impact of the regulation on small businesses. After careful examination, it was determined that this regulation would not affect small businesses in any significant way. As a result, NCDP logically concluded that no further analysis was necessary regarding the impact on small businesses.

- 3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

The regulation does not impose an adverse or beneficial effect, or directly or indirectly affect small businesses.

- 4. Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

NCDP concluded that the proposed regulation does not impact small businesses, therefore, there was no need for the agency to consider reducing the impact on small businesses.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

There are not anticipated costs to NCDP.

- 6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation does not create a new fee or increase an existing fee.

7. **An explanation of why any duplicative or more stringent provisions other than federal, state or local standards regulating the same activity are necessary.**

Not applicable.

8. **Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

NCDP concluded that there was no impact on small businesses with the adoption of these regulations.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained within the statement was prepared properly and is accurate.

Respectfully,

A handwritten signature in blue ink, reading "Jake Tibbitts", is written over a solid black horizontal line.

Jake Tibbitts  
State Conservation Commission Chairman  
Nevada Department of Conservation and Natural Resources