



## STATE OF NEVADA STATE CONSERVATION COMMISSION

### **Notice of Public Workshop to Review Regulation Conservation District Program NAC 548.010 - 548.540**

**March 30th, 2023 – 9:00 a.m.**

**Date: Thursday March 30<sup>th</sup>, 2023**

**Meeting Location:** Nevada Department of Conservation and Natural Resources, 901 South Stewart Street, 2nd Floor, Pyramid Room in Carson City, Nevada.

**Teleconference (Call in option): 775-321-6111 PHONE ID: 568 666 481**

**Videoconference Link: [Click here to join the meeting](#)**

**Full link below**

Contact the Nevada Conservation District Program Manager for additional information. Melany Aten (775) 625-0901, [maten@dcnr.nv.gov](mailto:maten@dcnr.nv.gov) Meeting information can be found at <http://dcnr.nv.gov/divisions-boards/conservation-districts-program/state-conservation-commission>

The State Conservation District Program under the State Conservation Commission will be holding a public workshop to solicit comments for regulation NAC 548.010 through NAC 548.540. The purpose of the workshop is to undertake a comprehensive review of the regulation subject to the Program's enforcement, as per Executive Order 2023-003. The Program is seeking comments on how the regulation can be streamlined, clarified, reduced, or otherwise improved to ensure the regulation provides for the general welfare of the State without unnecessarily inhibiting economic growth. Persons wishing to provide comment on the review of NAC 548.010 – 548.540 may appear at the scheduled public workshop or may send their comments, data, views, or arguments in written form to: Conservation District Program, 901 S. Stewart Street, Suite 1003, Carson City, NV 89701 or by email to Melany Aten at [maten@dcnr.nv.gov](mailto:maten@dcnr.nv.gov)

**Written submissions must be received on or before March 28th, 2023.**

### **Virtual Access**

[https://teams.microsoft.com//meetup-join/19%3ameeting\\_YTU4YTY2MWQtZTM3My00NzZkLTg5NzYtYmJmMTg2YjQ3NmYz%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d23ebaf0-2fdb-4f72-94bd-4a58c746f6c0%22%7d](https://teams.microsoft.com//meetup-join/19%3ameeting_YTU4YTY2MWQtZTM3My00NzZkLTg5NzYtYmJmMTg2YjQ3NmYz%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d23ebaf0-2fdb-4f72-94bd-4a58c746f6c0%22%7d)



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#### **1. OPEN WORKSHOP, INTRODUCTION**

- a) As required, Nevada Conservation District Program (NCDP) will be providing a report to DCNR for reporting to the Governor's office by May 1, 2023 "detailing how those regulations can be streamlined, clarified, or otherwise improved to ensure they provide for the general welfare of the State without unnecessarily inhibiting economic growth."

#### **2. PUBLIC COMMENT**

**Persons making comment will be asked to begin by stating their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.**

#### **3. REVIEW OF REGULATIONS NAC 548.010 – 548.540**

##### **PUBLIC COMMENT ALLOWED**

- a) **NRS 548.160 Rules and regulations.** The Commission may adopt and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.
- b) The purpose of the workshop is to undertake a comprehensive review of the regulations subject to the Program's enforcement, as per Executive Order 2023-003.

#### **4. PUBLIC COMMENT**

**Persons making comment will be asked to begin by stating their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.**

## **5. CLOSE OF WORKSHOP**

## **6. ADJOURNMENT – \*FOR POSSIBLE ACTION\***

**NOTICE: Items on this agenda may be taken in a different order than listed.**

Please contact Melany Aten by calling 775-625-0901; or email [maten@dcnr.nv.gov](mailto:maten@dcnr.nv.gov), to obtain support material before or after the meeting. Materials will also be posted on the <http://dcnr.nv.gov/divisions-boards/conservation-districts-program/state-conservation-commission>.

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special accommodations or assistance at the meeting are requested, please notify our office by calling 775-625-0901 no later than two (2) working days prior to the scheduled meeting. You can also email Melany Aten at [maten@dcnr.nv.gov](mailto:maten@dcnr.nv.gov)

Notice of this meeting was posted in the following location: Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, NV 89701. NRCS Office 3275 Fountain Way, Winnemucca, Nevada 89445. Nevada Division of Forestry 911 Falcon Lane, Elko, NV 89801, NRCS Office 555 West Silver Street, Suite 101, Elko, Nevada 89801. NRCS Office 744 E. North Industrial Way Ely, Nevada 89315.

Notice of this meeting was also posted on the Internet website at:

<http://dcnr.nv.gov/conservation-district-program/conservation-commission> And the Nevada Public Notice website <http://notice.nv.gov/>

## **Virtual Access**

[https://teams.microsoft.com//meetup-join/19%3ameeting\\_YTU4YTY2MWQtZTM3My00NzZkLTg5NzYtYmJmMTg2YjQ3NmYz%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d23ebaf0-2fdb-4f72-94bd-4a58c746f6c0%22%7d](https://teams.microsoft.com//meetup-join/19%3ameeting_YTU4YTY2MWQtZTM3My00NzZkLTg5NzYtYmJmMTg2YjQ3NmYz%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22d23ebaf0-2fdb-4f72-94bd-4a58c746f6c0%22%7d)

[Rev. 6/10/2016 3:11:08 PM]

[NAC-548 Revised Date: 6-16]

## CHAPTER 548 - CONSERVATION

### GENERAL PROVISIONS

<a href="#">548.010</a>	Definitions.
<a href="#">548.020</a>	“Annual meeting” defined.
<a href="#">548.030</a>	“Annual report” defined.
<a href="#">548.040</a>	“Annual work plan” defined.
<a href="#">548.050</a>	“Commission” defined.
<a href="#">548.060</a>	“Conservation district” defined.
<a href="#">548.070</a>	“Program” defined.

### CONSERVATION DISTRICTS

<a href="#">548.080</a>	Filing of annual reports with Program.
<a href="#">548.085</a>	Submission of statement of accounts of receipts and disbursements.
<a href="#">548.090</a>	Determination of whether conservation district is in good standing: Procedure; effect.
<a href="#">548.100</a>	Petition for reevaluation of determination; review of status and recommendations for improvement; finding that conservation district is in good standing.
<a href="#">548.110</a>	Prerequisites for conservation district to be in good standing.
<a href="#">548.115</a>	Determination of whether conservation district is eligible to receive grant: Procedure.
<a href="#">548.120</a>	Distribution of grants; time restriction on use of grants.
<a href="#">548.130</a>	Duty to account for grants of money.
<a href="#">548.140</a>	Pooling of grants by conservation districts.
<a href="#">548.150</a>	Interpretation of term “reasonable and necessary expenses.”

### SAGE GROUSE GRANT PROGRAM

<a href="#">548.500</a>	Administration; funding; notice of availability of grant; eligibility to apply for grant; authority of Commission.
<a href="#">548.510</a>	Applications for grants.
<a href="#">548.520</a>	Duties of Commission in reviewing applications for grants.
<a href="#">548.530</a>	Distribution and expenditure of grants of money.
<a href="#">548.540</a>	Reporting requirements.

### GENERAL PROVISIONS

**NAC 548.010 Definitions.** (NRS 548.160) As used in [NAC 548.020](#) to [548.110](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 548.020](#) to [548.070](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

**NAC 548.020 “Annual meeting” defined.** (NRS 548.160) “Annual meeting” means a public meeting of a conservation district held at a regular time each year, during which a public review of the annual report and the annual work plan of the conservation district is conducted.

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

**NAC 548.030 “Annual report” defined.** ([NRS 548.160](#)) “Annual report” means a written report completed by a conservation district at the end of each year that sets forth the accomplishments of the conservation district during that year, and includes a financial report for that year.

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

**NAC 548.040 “Annual work plan” defined.** ([NRS 548.160](#)) “Annual work plan” means a written plan which is developed by a conservation district before the beginning of each year setting forth the plans and the budget of the conservation district for that year.

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

**NAC 548.050 “Commission” defined.** ([NRS 548.160](#)) “Commission” means the State Conservation Commission in the State Department of Conservation and Natural Resources.

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

**NAC 548.060 “Conservation district” defined.** ([NRS 548.160](#)) “Conservation district” has the meaning ascribed to it in [NRS 548.032](#).

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

**NAC 548.070 “Program” defined.** ([NRS 548.160](#)) “Program” means the Conservation Districts Program in the State Department of Conservation and Natural Resources.

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

#### CONSERVATION DISTRICTS

**NAC 548.080 Filing of annual reports with Program.** ([NRS 548.160](#)) Each conservation district shall file annual reports with the Program which contain such information as the Commission may require.

(Added to NAC by Conservation Comm’n, eff. 9-5-90)

**NAC 548.085 Submission of statement of accounts of receipts and disbursements.** ([NRS 548.160](#))

1. The supervisors of each conservation district shall, not later than September 30 of each year, or such later date as approved by the Commission, submit to the Commission a statement of the accounts of receipts and disbursements of the conservation district for the fiscal year ending the immediately preceding June 30.

2. The timely submission to the Commission of the statement required by subsection 1 and the approval of the statement or a revised statement by the Commission pursuant to [NAC 548.115](#) shall be deemed by the Commission to satisfy the annual audit requirement set forth in [NRS 548.320](#).

(Added to NAC by Conservation Comm’n by R081-12, eff. 12-20-2012)

**NAC 548.090 Determination of whether conservation district is in good standing; Procedure; effect.** ([NRS 548.160](#), [548.178](#))

1. The Commission, at a regular meeting, will request the Program to review the records of each conservation district that are maintained by the Program and advise the Commission concerning which conservation districts appear to be in good standing.

2. If it appears to the Commission that there is evidence that a conservation district is not in good standing:

(a) The Commission will request the Program to notify the conservation district that there is evidence that it is not in good standing; and

(b) The Commission will schedule the determination of the status of the conservation district for the next regularly scheduled public meeting of the Commission.

3. Upon receiving a notice from the Program that there is evidence that it is not in good standing, a conservation district may respond to the Commission in writing within 60 days after receiving the notice or attend the determination hearing at the next regularly scheduled public meeting of the Commission, or both.

4. The Commission will make a final determination as to whether the conservation district is in good standing after it reviews the evidence and hears testimony at its next regularly scheduled public meeting.

5. If the Commission determines that a conservation district is not in good standing, it will:

(a) Place the conservation district on a list which makes it ineligible for grant programs administered by the Commission;

(b) Notify the Natural Resource Conservation Service that the conservation district is not in good standing; and

(c) Ask the conservation district if it wishes to be discontinued or consolidated with another conservation district. The Commission may assist the conservation district by following the procedures for discontinuance as set forth in [NRS 548.530](#).

(Added to NAC by Conservation Comm'n, eff. 9-5-90; A 12-26-95)

**NAC 548.100 Petition for reevaluation of determination; review of status and recommendations for improvement; finding that conservation district is in good standing. ([NRS 548.160](#), [548.178](#))**

1. A conservation district that is determined not to be in good standing may petition the Commission at any time requesting a reevaluation of the determination.

2. The Program shall review the status of all conservation districts that are not in good standing at least annually and shall recommend to the Commission any actions that may be taken to assist a conservation district in the improvement of its status.

3. The Commission may find a conservation district to be in good standing after a public hearing is held during any regularly scheduled meeting of the Commission.

(Added to NAC by Conservation Comm'n, eff. 9-5-90)

**NAC 548.110 Prerequisites for conservation district to be in good standing. ([NRS 548.160](#), [548.175](#), [548.178](#))** To be in good standing, a conservation district must:

1. Hold regularly scheduled meetings of the governing board of the conservation district.

2. Hold such meetings at least three times each year, one of which must be an annual meeting, except that not more than one meeting of the governing board held during a calendar month may be used to satisfy the requirements of this subsection.

3. Properly give notice of each such meeting, prepare an agenda and issue it in conformance with the requirements of [chapter 241](#) of NRS.

4. File the agenda for and the minutes taken at each such meeting with the Program within 30 working days after the meeting.

5. Hold an election of supervisors on one of the first 10 days of November in each even-numbered year and submit the results of the election to the Program before November 30 of that year.

6. Not later than June 1 of each year, or such later date as approved by the Commission, develop a work plan and budget and submit the work plan and budget to the Program.

7. Not later than September 30 of each year, or such later date as approved by the Commission, develop an annual report and financial report for the fiscal year ending the immediately preceding June 30 and submit the annual report and financial report to the Program.

(Added to NAC by Conservation Comm'n, eff. 9-5-90; A 12-26-95; R158-07, 12-4-2007; R081-12, 12-20-2012)

**NAC 548.115 Determination of whether conservation district is eligible to receive grant: Procedure. ([NRS 548.160](#), [548.175](#), [548.178](#))**

1. At the first meeting of the Commission after September 30 of each year:
  - (a) The Program shall provide to the Commission a report on each conservation district. The report must include, without limitation, the work plan and budget and the annual report and financial report of each conservation district submitted to the Program pursuant to [NAC 548.110](#).
  - (b) The Commission will review the work plan and budget and the annual report and financial report of each conservation district provided to the Commission by the Program pursuant to paragraph (a) and determine whether the actions of the conservation district comply with the requirements of this chapter and [chapter 548](#) of NRS.
  - (c) For each conservation district, the Commission will:
    - (1) Approve the statement of the accounts of receipts and disbursements of the conservation district that was submitted by the supervisors of the conservation district to the Commission pursuant to [NAC 548.085](#); or
    - (2) Require the supervisors to submit to the Commission, not later than 60 days after the meeting, a revised statement of such accounts of receipts and disbursements of the conservation district.
  - (d) The Commission will designate a conservation district as being in good standing and eligible to receive a grant of money from the Commission if:
    - (1) The Commission determines pursuant to paragraph (b) that the actions of the conservation district comply with the requirements of this chapter and [chapter 548](#) of NRS; and
    - (2) The Commission approves the statement of the accounts of receipts and disbursements of the conservation district submitted by the supervisors of the conservation district to the Commission.
2. If the Commission requires the supervisors of a conservation district to submit to the Commission a revised statement of the accounts of receipts and disbursements of the conservation district pursuant to paragraph (c) of subsection 1, the Commission will, at the first meeting of the Commission after the revised statement is submitted, designate the conservation district as being in good standing and eligible to receive a grant of money from the Commission if:
  - (a) The Commission determines pursuant to paragraph (b) of subsection 1 that the actions of the conservation district comply with the requirements of this chapter and [chapter 548](#) of NRS; and
  - (b) The Commission approves the revised statement.
 (Added to NAC by Conservation Comm'n by R081-12, eff. 12-20-2012)

**NAC 548.120 Distribution of grants; time restriction on use of grants. ([NRS 548.160](#), [548.175](#), [548.178](#))**

1. The Commission will equally distribute among the conservation districts that have been designated as being in good standing and eligible to receive a grant of money pursuant to [NAC 548.115](#) all available grants of money provided by legislative appropriation pursuant to paragraph (a) of subsection 1 of [NRS 548.178](#) for the Commission's program of basic operating grants to conservation districts. A grant of money received by a conservation district is for the fiscal year for which it was granted. Any money which has not been committed for expenditure before July 1 next following the date on which the money was granted must be deducted from any grant awarded to the conservation district for the fiscal year next following the fiscal year for which the money was granted.
  2. The Commission may, pursuant to paragraph (b) of subsection 1 of [NRS 548.178](#), distribute grants of money provided by sources other than legislative appropriation in such amounts and subject to such conditions as the Commission determines appropriate to any conservation district which the Commission determines qualifies for a grant.
- (Added to NAC by Conservation Comm'n, eff. 12-26-95; A by R158-07, 12-4-2007; R081-12, 12-20-2012)

**NAC 548.130 Duty to account for grants of money.** ([NRS 548.160](#), [548.178](#)) Each conservation district that receives a grant of money pursuant to [NAC 548.120](#) shall:

1. Maintain an accurate accounting of all expenditures made from such money; and
2. Allow the Commission to review such accounting upon request.

(Added to NAC by Conservation Comm'n, eff. 12-26-95)

**NAC 548.140 Pooling of grants by conservation districts.** ([NRS 548.160](#), [548.178](#)) Two or more conservation districts may agree to pool any grant of money awarded to them pursuant to [NAC 548.120](#) to carry out a conservation program.

(Added to NAC by Conservation Comm'n, eff. 12-26-95)

**NAC 548.150 Interpretation of term "reasonable and necessary expenses."** ([NRS 548.160](#), [548.178](#)) For the purposes of [NRS 548.178](#), the Commission will interpret the term "reasonable and necessary expenses" of a conservation district to include, without limitation:

1. Operating expenses of the conservation district, including, without limitation, office supplies, postage, telephone bills and other items approved for the budget of the district;
2. Travel expenses of supervisors based on the current rate available for the reimbursement of state officers and employees generally;
3. Dues and registration;
4. Support staff;
5. Conservation programs; and
6. Any cost associated with pooling of grants of money.

(Added to NAC by Conservation Comm'n, eff. 12-26-95)

#### SAGE GROUSE GRANT PROGRAM

**NAC 548.500 Administration; funding; notice of availability of grant; eligibility to apply for grant; authority of Commission.** ([NRS 548.160](#), [548.170](#))

1. In accordance with the provisions of [NAC 548.500](#) to [548.540](#), inclusive, the Commission will administer a competitive grant program for the purpose of awarding grants of money to qualifying conservation districts for projects that specifically benefit sage grouse populations in the conservation districts. Grants of money may be awarded to qualifying conservation districts in unequal amounts.

2. The sage grouse 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 benefit sage grouse populations in the conservation districts.

3. The Commission will provide advance notice of the availability of such a grant. The notice will 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 sage grouse competitive grant program set forth in [NAC 548.500](#) to [548.540](#), inclusive.

(Added to NAC by Conservation Comm'n by R139-13, eff. 6-23-2014; A by R113-15, 12-21-2015)

**NAC 548.510 Applications for grants.** ([NRS 548.160](#), [548.178](#))

1. An application for a grant of money pursuant to the sage grouse competitive grant program:

- (a) Must be submitted on a form prescribed by the Program; and

(b) Will only be accepted by the Commission within the application period. Any applications received after the deadline specified in the notice pursuant to [NAC 548.500](#) will not be considered.

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 in order of importance at the time the applicant submits the applications.

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

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

(Added to NAC by Conservation Comm'n by R139-13, eff. 6-23-2014; A by R113-15, 12-21-2015)

**NAC 548.520 Duties of Commission in reviewing applications for grants. ([NRS 548.160](#), [548.178](#))**

1. In reviewing an application for a grant of money from the Sage Grouse 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 Sagebrush Ecosystem Technical Team or to another entity with expertise in matters pertaining to sage grouse selected by the Commission to review the application and determine whether the project will benefit the habitat of the sage grouse.

(c) Consider only applications for projects which:

(1) Have been determined pursuant to paragraph (b) to benefit the habitat of the sage grouse; 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.

2. As used in this section, "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 by [NRS 232.162](#).

(Added to NAC by Conservation Comm'n by R113-15, eff. 12-21-2015)

**NAC 548.530 Distribution and expenditure of grants of money. ([NRS 548.160](#), [548.178](#))**

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 Sage Grouse 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 [NAC 548.500](#) to [548.540](#), inclusive:

(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 distributed.

(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 fiscal year.

(Added to NAC by Conservation Comm'n by R139-13, eff. 6-23-2014; A by R113-15, 12-21-2015)

**NAC 548.540 Reporting requirements. ([NRS 548.160](#), [548.178](#))**

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 [NAC 548.500](#) to [548.540](#), inclusive, 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 conservation 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 [NAC 548.500](#) to [548.540](#), inclusive, shall enter into an agreement with the Program to award 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 proposed frequency and specificity of the monitoring reports must be provided in the original application for the grant of money and agreed upon by the Program and the conservation district before any grant of money will be distributed by the Commission to the conservation district.

(Added to NAC by Conservation Comm'n by R139-13, eff. 6-23-2014; A by R113-15, 12-21-2015)