NOTICE OF WORKSHOP
To Solicit Comments on Proposed Regulations

To:         To All Interested Parties
From:      Tim Rubald, Program Manager
Date:       September 17, 2015
Re:         Workshop on Proposed Regulations

On behalf of the Nevada State Conservation Commission, the Conservation Districts Program will hold a workshop with regard to the possible adoption of regulations related to the Sage Grouse Habitat Competitive Grant Fund providing grants to Conservation Districts for Sage Grouse habitat projects. The Department will hold the workshop to receive comments as follows:

Date and Time of Meeting:  Thursday, September 17, 2015 – 1:00 PM

Place of Meeting:  Department of Conservation and Natural Resources
                  Ponderosa Room – 5th Floor
                  901 S Stewart Street, Ste 1003
                  Carson City, Nevada  89701

The meeting will also be available by teleconference:
Call 888-808-6929; Access Code 3499573

Contact Tim Rubald, Program Manager at the Carson City address listed above, call Tim at 775-684-2717, or email timrubald@dcnr.nv.gov for questions about the workshop.

Written comments must be received by September 16, 2015 at 5 p.m.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify our office by writing to 901 S. Stewart Street, Suite 1003, Carson City, NV 89701 or by calling 775-684-2717 no later than two (2) working days prior to the scheduled meeting.

Please contact Tim Rubald at 901 S. Stewart Street, Suite 1003, Carson City, NV 89701; or phone 775-684-2717 to obtain supporting material for the workshop.
Notice of this meeting was posted in the following Carson City, Nevada locations: Department of Conservation and Natural Resources, 901 S Stewart St; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street.

Notice of this meeting was E-mailed for posting to the following locations: Nevada NRCS, 1365 Corporate Boulevard, Reno, Nevada; Nevada NRCS, 555 West Silver St., Ste. 101, Elko, Nevada; Nevada NRCS, 744 E North Industrial Way, Ely, Nevada; Nevada NRCS, 111 Sheckler Road, Fallon, Nevada; Nevada NRCS, 360 Lincoln Street, Caliente, Nevada.

Notice of this meeting was posted on the Internet through the Department of Conservation and Natural Resources Conservation Districts Program website at: http://dcnr.nv.gov/conservation-district-program and the state’s meeting notice website at https://notice.nv.gov/

Notice of this meeting was mailed to the Churchill, Douglas, Elko, Esmeralda, Humboldt, Lander, Lincoln, Lyon, Mineral, Pershing, Storey, Washoe and White Pine County Libraries; the Carson City and Tonopah Public Libraries and the Clark County District Library.
PROPOSED PERMANENT REGULATION OF THE STATE
CONSERVATION COMMISSION IN THE STATE DEPARTMENT
OF CONSERVATION AND NATURAL RESOURCES

LCB File No. __________

September 1, 2015

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

AUTHORITY: §§1-6, NRS 548.160, and SB45 of the 2015 Legislative Session, Sec. 1 (5).

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 to read as follows:

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 equal grants of money to each qualifying conservation districts for the creation, preservation and support of sage-grouse habitat. with money provided by legislative appropriation to the Sage Grouse Grant Fund, which is hereby established using The grants shall be funded by money specifically appropriated by the Legislature to the Sage-grouse Competitive Grants Program and any additional funds obtained from other sources which are also intended to Budget Account #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 grants may be awarded in unequal
amounts. The Commission will give due advance notice of the availability of such a grant which must specify:

(a) The deadline for the submission of qualifications applications for the competitive grant; 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, at the time of the application, 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 to support the success of the project;

(c) Has demonstrated past ability to complete similar conservation 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 through 6, inclusive, of this regulation.

Sec. 4. 1. An application for grants of money pursuant to from the sage–grouse Competitive Grant Program:

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

(b) Must be submitted prior to the application deadline; and
(c) Will be accepted only during the application period, as indicated on the Program Grant Application Invitation.

2. Multiple project applications will be accepted from eligible districts. Multiple applications are required to be ranked in order of importance by the submitting district at the time of submission.

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

(a) Has been reviewed and approved by the Sagebrush Ecosystem Technical Team;

(b) Is ready to begin implementation within thirty days 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.

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

45. 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 grant funds to each qualified district. Only those districts in good standing, as determined by the Commission, will be invited to apply for funding through the Competitive Grant Program.

2. There is no match required to apply, however, applications with a cash match will receive higher ranking by the Commission.

3. There is no cap on the grant funding requested per applicant, other than funds available; however, the Commission will use its discretion in awarding all grant funding.
24. Those districts determined by the Commission to be recipients of Grants of money may receive funding be disbursed in a lump sum or in installments, at the discretion of the Commission, and:

(a) Except as otherwise provided in this section specifically approved by the Commission, grants of money will be disbursed as reimbursements.

(b) The Commission may approve the advance funding of a project.

(c) A maximum of 15 percent of the total amount of the grants awarded may be designated and used for administrative or indirect costs if requested in the application budget.

35. A grant of money awarded by the Commission pursuant to sections 2 to through 6, inclusive, of this regulation must be expended or obligated during the fiscal year in which it was awarded. No uncommitted grant funds may be carried over for expenditure beyond the term of the grant. Any uncommitted funds will be deducted from any other grant awarded in future fiscal years.

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 through 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’s 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, will be required to enter into a grant award agreement. The terms of the agreement will include, but not be limited to required submission of regular monitoring reports as appropriate to the project regarding the project. The proposed frequency and specificity of the monitoring reports which shall be agreed to between the recipient district and the Program prior to the release of any funds 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.