

**LCB File No. R186-03**

**PROPOSED REGULATION OF THE DIVISION OF STATE LANDS  
OF THE STATE DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES**

**NOTICE OF INTENT TO ACT UPON A REGULATION  
NOTICE OF WORKSHOP AND HEARING**

**Adoption of Regulations to Administer the  
Conservation and Resource Protection Grant Program (Question 1), State of Nevada,  
Department of Conservation and Natural Resources, Division of State Lands.**

The Division of State Lands will hold a workshop and public hearing at:

**6:00 pm, July 29, 2003, at Western Nevada Community College, Reynolds Building, Room 103, 2201 West College Parkway (enter off of Combs Canyon Road), Carson City, Nevada.**

**The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to the administration of the Conservation and Resource Protection Grant Program (Question 1).**

Persons wishing to comment upon the proposed action of the Division of State Lands may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the **Nevada Division of State Lands, 333 W. Nye Lane, Room 118, Carson City, Nevada 89706**. E-mail correspondences may be addressed to **Skip Canfield, AICP**, Senior Planner at [scanfield@lands.nv.gov](mailto:scanfield@lands.nv.gov). Written submissions must be received by the Division of State Lands on or before the date of the hearing. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of State Lands may proceed immediately to act upon any written submissions.

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

Additional copies of this notice and the regulations to be adopted are available at the offices of the Division of State Lands 333 W. Nye Lane, Room 118, Carson City, Nevada 89706, at [www.lands.nv.gov](http://www.lands.nv.gov) and at all main county public libraries listed on page 2 of this notice during business hours. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

NRS 233B.064(2): Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will 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:**

1) State Library and Archives	100 N. Stewart St, Carson City, NV 89701
2) Carson City Library	900 N. Roop St., Carson City, NV 89701
3) Churchill County Library	5553 S. Maine St., Fallon, NV 89406
4) Clark County Library	833 Las Vegas Blvd, North, Las Vegas, NV 89101
5) Douglas County Library	P.O. Box 337, Minden, NV 89423
6) Elko County Library	720 Court St., Elko, NV 89801
7) Goldfield Public Library	P.O. Box 430, Goldfield, NV 89013
8) Eureka Branch Library	P.O. Box 293 , Eureka, NV 89316
9) Humboldt County Library	85 East 5 <sup>th</sup> St., Winnemucca, NV 89445
10) Battle Mountain Branch Library	P.O. Box 141, Battle Mountain, NV 89820
11) Lincoln County Library	93 Main St., Pioche, NV 89043
12) Lyon County Library	20 Nevin Way, Yerington, NV 89447
13) Mineral County Library	P.O. Box 1390, Hawthorne, NV 89415
14) Tonopah Public Library	171 Central St., Tonopah, NV 89049
15) Pershing County Library	1125 Central Ave., Lovelock, NV 89419
16) Storey County Library	95 South R St., Virginia City, NV 89440
17) Washoe County Library	301 S. Center St., Reno, NV 89505
18) White Pine County Library	950 Campton St., Ely, NV 89301
19) Division of State Lands	333 W. Nye Lane, Rm 118, Carson City NV 89701

The following information is provided pursuant to the requirements of NRS 233B.060, which requires the Notice of Intent to Act Upon a Regulation to include the following questions and answers:

1. A statement of the need for and the purpose of the proposed regulation.

On November 5, 2002, Nevada’s voters approved a conservation initiative generated by Assembly Bill 9, Chapter 6, Statutes of Nevada, 17<sup>th</sup> Special Session of the 2001 Nevada State Legislature referred to as Question 1, The Conservation and Resource Protection Grant Program. The act requires that the Administrator of the Division of State Lands administer the program. These regulations are proposed to enable the Administrator to implement the program.

2. Either the text of the proposed rule or a description of the substance of the rule and the subjects and issues involved.

The proposed regulations consist of eight sections (“Authority”, “Definitions”, “Awards of Grants”, “Solicitation of Applications”, “Evaluation and Prioritization”, “Matches”, “Use of Grants” and “Grant Agreements”). Combined, these sections will enable the Administrator of the Division of State Lands to implement the Conservation and Resource Protection Grant Program (Question 1). To view the proposed Draft Regulations in their entirety, please visit [www.land.nv.gov](http://www.land.nv.gov) and click on the “Question 1” link.

3. The estimated economic effect of the regulation on the business that it is to regulate and on the public. These must be stated separately and in each case must include both adverse and beneficial effects and both immediate and long-term effects.

The proposed regulations will enable the Administrator of the Division of State Lands to administer a statewide program to protect, preserve and obtain the benefits of property and natural resources of the State of Nevada. No one individual business is directly affected.

The regulations will have beneficial effects on the public through county, municipality, state agency or nonprofit organization applications for grants for acquisitions of land or water (or interests in land or water), grants for acquisitions of urban parks and green belts, grants for the development of open space plans and habitat conservation plans, grants for acquisitions to protect and enhance wildlife habitat, sensitive vegetation, riparian corridors, wetlands, historic/cultural resources and other environmental resources pursuant to an adopted open space plan, grants for the construction of recreational trails, grants for Carson River enhancement and restoration and grants for the development of the Lake Tahoe Path System.

The regulations may be viewed as adverse to some members of the public due to the potential for acquisitions of land in Counties with an abundance of non-private lands already in existence.

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

The cost to the Division of State Lands for enforcement of the regulations is equated to two (2) new full time staff positions that will be charged with overseeing the program. The two positions will be funded completely from interest generated from the sale of state general obligation bonds sold specifically for this program.

5. Any regulations of other state or local governmental agencies that the proposed regulations overlap or duplicate, and a statement explaining why the duplication or overlapping is necessary.

The proposed regulations do not overlap or duplicate any other regulations.

6. If the regulations overlap or duplicate a federal regulation, the name of the regulating federal agency. If the regulations are required pursuant to federal law, a citation and description of the federal law. If the regulations include provisions that are more stringent than a federal law that regulates the same activity, a summary of those provisions.

Not applicable.

7. The date, time and place where, and the manner in which, interested persons may present their views on the proposed rule.

Tuesday July 29, 2003, 6:00 pm, Western Nevada Community College, Reynolds Building, Room 103, 2201 West College Parkway, Carson City, Nevada.

8. All addresses where the text of the rule may be inspected and copied.

Please see page 1 of this notice.

9. The exact language of subsection 2 of NRS 233B.064.

Please see page 2 of this notice.

10. A statement indicating whether the regulations establish any new fee or increases an existing fee.

No impacts will be generated on existing fees or will there be the creation of new fees associated with these regulations.

### **Question 1 Workshops and Public Hearings**

20 public workshops and 3 public hearings involving 287 participants were held in regards to the proposed regulations for the Conservation and Resource Protection Grant Program (also known as Question 1). The public workshops and hearings were held at the following locations and dates:

January 21, 2003	Ely, Nevada
January 22, 2003	Tonopah, Nevada
January 27, 2003	Yerington, Nevada
January 28, 2003	Las Vegas, Nevada
January 30, 2003	Fallon, Nevada
February 3, 2003	Elko, Nevada
February 4, 2003	Winnemucca, Nevada
February 6, 2003	Lovelock, Nevada
February 10, 2003	Hawthorne, Nevada
February 12, 2003	Reno, Nevada
February 13, 2003	Carson City, Nevada
February 21, 2003	Reno, Nevada
May 5, 2003	Carson City, Nevada
May 7, 2003	Ely, Nevada
May 8, 2003	Elko, Nevada
May 12, 2003	Hawthorne, Nevada
May 14, 2003	Las Vegas
May 19, 2003	Fallon, Nevada
May 20, 2003	Winnemucca, Nevada
July, 29, 2003	Carson City, Nevada

Question 1 is a landmark environmental initiative designed to benefit, protect and preserve Nevada's state, regional and local natural resources. It authorizes the state to issue general obligation bonds up to \$200,000,000 for natural resource projects. Funds generated by the bond sales will be used to conserve valuable environmental assets of the state and to support recreational and cultural facilities that further the enjoyment of those assets by the public.

Question 1 provides a fiscally responsible mechanism for addressing the needs of environmental, historic and cultural resources across the state.

Requires almost half of the bond funds to be matched by recipients.

Retires/sunsets when the full amount of the bond has been collected.

Ensures the ability to leverage funds from other sources—will help recipients meet the matching requirements for federal/state/local grants as well as funds from public and private foundations.

The proposal adds less than 3 cents to the ad valorem rate which equates to less than 88 cents per month for a \$100,000 home and supports needs in both Northern and Southern Nevada in rural and urban areas.

Provides funds for development of habitat conservation and open space plans—a benefit to rural areas that currently cannot afford such planning.

Provides funds to protect drinking water supplies and enhance/restore river systems in Northern Nevada (Truckee and Carson Rivers) and Southern Nevada (Clark County Wetlands Park).

Provides funds for development of the Las Vegas Springs Preserve and to establish a permanent state museum in Clark County.

The bill supporters invested substantial time developing the bill to ensure it would not adversely affect state or local budgets or other public needs.

### **Question 1 Funding Allocations**

Department of Conservation and Natural Resources -- \$65,500,000

Funds allocated for grant programs to be administered by Division of State Lands

1. \$10,000,000 to restore and enhance the Carson River corridor (Churchill County, Douglas County, Lyon County or Carson City). Local entity must match 50% of the cost of any projects funded.

2. \$5,000,000 to develop Lake Tahoe path system (Douglas County, Washoe County or Carson City). Local entity must match 50% of the cost of any projects funded.

3. \$7,250,000 to state agencies, counties, municipalities or qualifying private nonprofit organizations for construction of recreational trails. Awards to be coordinated with Division of State Parks.

4. \$5,000,000 to state agencies, counties, municipalities or qualifying private nonprofit organizations for acquisition of land and water for urban parks and greenbelts. Awards to be coordinated with Division of State Parks.

5. \$3,000,000 exclusively to rural counties and municipalities for development of habitat conservation plans. Awards to be coordinated with Division of Wildlife and Nevada Natural Heritage Program.

6. \$250,000 exclusively to rural counties and municipalities for open space plans.

7. \$20,000,000 to counties and municipalities for land and water acquisition to protect wildlife habitat, sensitive or unique vegetation, historic and cultural resources, riparian corridors, floodplains, wetlands and other environmental values pursuant to an adopted open space plan.

8. In counties with more than 100,000 population, the county or municipality must match 50% of the cost of an acquisition

9. In counties with less than 100,000 population, the county or municipality must match 25% of the cost of an acquisition

10. \$15,000,000 for contracts or agreements under which nonprofit conservation organizations may acquire land and water for environmental protection purposes.

11. Funds must be matched 50%

12. State's investment must be secured by an interest in the property

Division of State Parks -- \$27,000,000

To acquire real or personal property for parks and recreation

To support extraordinary capital improvements and renovations in state parks

Division of Wildlife -- \$27,500,000

To acquire real or personal property to enhance, protect and manage wildlife and wildlife habitat

To develop and renovate facilities and habitats for fish and wildlife

Las Vegas Springs Preserve -- \$25,000,000

The Preserve must match 50% of the cost of any project funded

For planning, development, design and construction

To provide wildlife habitat

Clark County -- \$10,000,000

To develop Clark County Wetlands Park

The county must match 50% of the cost of any project funded

To divert water, control erosion and improve existing wetlands

To create new wetlands

Acquire land and water rights

Provide recreational facilities

Provide parking for access to park

Department of Museums, Library and Arts -- \$35,000,000

To establish a museum at the Las Vegas Springs Preserve  
Create new exhibits and move exhibits from other locations to the new museum

Washoe County -- \$10,000,000

To restore and enhance the Truckee River Corridor  
The county must match 50% of the cost of any project funded

**LCB File No. R186-03**

**PROPOSED REGULATION OF THE DIVISION OF STATE LANDS  
OF THE STATE DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES**

**CONSERVATION AND RESOURCE PROTECTION GRANT PROGRAM**

**Question 1**

\*\*\*\*Note: This is the version that includes comments from the final public hearing and is ready for adoption.

**SECTION 1 - AUTHORITY**

On November 5, 2002, Nevada's voters approved a conservation initiative generated by Assembly Bill 9, Chapter 6, Statutes of Nevada, 17th Special Session of the 2001 Nevada State Legislature referred to as Question 1 totalling \$200 million, The Conservation and Resource Protection Grant Program, hereafter called the "Program". The Administrator is authorized to adopt these regulations and implement the Program for the portion of the conservation initiative totaling \$65.5 million designated for administration by the Division of State Lands.

**SECTION 2 -DEFINITIONS**

*Acquisition. "Acquisition" means the gaining of rights of public use by purchase, and/or donations of fee or less than fee interests in real property.*

*Administrator. "Administrator" means the Administrator of the Nevada Division of State Lands within the Department of Conservation and Natural Resources.*

*Carson River corridor. "Carson River corridor" generally means the 100-year floodplain of the Carson River, other adjacent lands, sloughs and old meanders/oxbows. The Administrator shall determine the extent of the corridor on a case by case basis.*

*Conservation and Resource Protection Grant Program. "Conservation and Resource Protection Grant Program", referred to as the "Program", means the voter approved conservation initiative generated by Assembly Bill 9, Chapter 6, Statutes of Nevada, 17th Special Session of the 2001 Nevada State Legislature, and the basis for these administrative regulations.*

*Conservation easement. "Conservation easement" means an interest of a holder in real property, which imposes limitations or obligations by retaining or protecting natural, scenic and/or open-space values of real property, assuring the availability of real property for agricultural, forest, recreational and/or open space use, protecting natural resources, maintaining or enhancing the quality of air or water, and/or preserving the historical,*



*architectural, archeological or cultural aspects of real property. A conservation easement shall be in perpetuity unless the Administrator determines that a term easement is appropriate.*

*Construction. “Construction”, when constructing recreational trails, means those activities directly related to the creation of a new trail or improvements to an existing trail that brings the trail up to a desired standard. The Administrator shall utilize established trail standards that are most appropriate for the situation.*

*Division. “Division” means the Nevada Division of State Lands within the Department of Conservation and Natural Resources.*

*Greenbelt. “Greenbelt” means an open area that may be cultivated or maintained in a natural or semi natural state and used as a buffer between land uses, to mark the edge of an urban or developed area or a natural feature such as a stream or lake, or to create a linear corridor for the provision of trails, views or other amenities.*

*Habitat conservation plan. “Habitat conservation plan” means a plan to protect and/or enhance wildlife habitat for both endangered species, other species that warrant special attention, and/or one, which protects and/or enhances essential habitat for biodiversity. This plan may also provide a basis for compliance with the Endangered Species Act.*

*Historic or cultural resources. “Historic or cultural resources” means all surviving evidence that sheds light on the history of the use of the land from the earliest human occupation to recent historical activities including sites, structures, districts, objects and artifacts, and historic documents associated with or representative of peoples, cultures and human activities and events, either in the present or in the past.*

*Matching contribution. “Matching contribution” means an amount of money or value of services, materials or equipment that is expended on the project.*

*Municipality. “Municipality” means an incorporated city, a qualified unincorporated town as defined in NRS 269, or a qualified general improvement district as defined in NRS 318.*

*Nonprofit organization. “Nonprofit organization” means an entity or organization formed for educational or charitable purposes that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code or other qualified exemption.*

*Nonprofit conservation organization. “Nonprofit conservation organization” means an entity or organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code or other qualified exemption and has as part of its mission “the acquisition of property for conservation purposes”.*

*Open space plan. “Open space plan” means an inventory of undeveloped and semi-developed land or resources along with a plan for long-term preservation and conservation that may include the provision of dispersed recreational opportunities.*

*Project. “Project” means an action or activity that does not violate any law and may include preparation of open space or habitat conservation plans, acquisition and development of land and water interests, construction of recreational trails, protection and enhancement of wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands, enhancement and restoration of the Carson River corridor, development of the Lake Tahoe path system and other environmental purposes.*

*Public benefit: “Public benefit” means outcomes of any project or acquisition that protects, preserves and obtains the benefits of property and natural resources within the State of Nevada.*

*Question 1. See “Conservation and Resource Protection Grant Program”.*

*Recreational trail. “Recreational trail” means trails or pathways for walking, hiking, bicycling, horseback riding, exercising, paddling, swimming or other recreational activities that do not have an adverse impact on threatened and endangered species, wetlands or riparian corridors, wildlife habitat, sensitive or unique vegetation, or other important natural resources. Recreational trails may include associated signs, markings, access points, staging areas, trailheads and directly related improvements such as restrooms, shade structures and landscaping including associated irrigation. New landscaping, revegetation and associated irrigation is only intended for those areas around improvements and areas needing slope stabilization directly as a result of construction.*

*Recreational facility. “Recreational facility” means facilities necessary for the use and enjoyment of outdoor recreation areas that provide opportunities for the observation, interpretation and enjoyment of natural resources.*

*Riparian corridor. “Riparian corridor” means land related to or located on the bank or adjacent to a natural or artificial waterway including rivers, intermittent or permanent creeks or streams and gullies where surface water collects, wetlands, lakes and ditches. These lands exhibit plant types unique to areas with periodic or perennial water sources of a magnitude greater than the surrounding uplands.*

*Sensitive or unique vegetation. “Sensitive or unique vegetation” means habitat types and any species or clusters of species so designated by an appropriate federal or state agency. “Unique species” means those indicating declining trends or those identified as having characteristics worthy of special considerations. “Unique” also refers to species or vegetation types that are highly restricted in distribution or occurring on very specialized habitats. Any type of vegetation listed or identified as noxious weed species is not considered sensitive or unique.*

*State agency. “State agency” means any agency, department or division of the Executive Branch of the State of Nevada. The term also includes the University and Community College System of Nevada.*

*Urban park. “Urban park” means any natural area, areas of scenic value, physical or biological importance and wildlife areas and lands that provide outdoor community space and*

*connections to other public spaces. Urban parks can be any size and shall be open to the public and provide passive recreational opportunities with an emphasis on the natural setting.*

*Wetland. "Wetland" means land having a water table at, near, or above the land surface or which is saturated for a long enough period to promote wetland or aquatic processes as indicated by hydric soils, hydrophytic vegetation and various kinds of biological activity which are adapted to the wet environment.*

*Wildlife habitat. "Wildlife habitat" means a diverse area with the combination of the necessary resources and environmental conditions that promotes a population of one or more species and allows those species to flourish and reproduce. Wildlife species may include insects, amphibians, reptiles, vertebrates and invertebrates.*

### **SECTION 3 – AWARD OF GRANTS**

*1. The Division will award grants of money from the sale of general obligation bonds of this state to counties, municipalities, state agencies or nonprofit organizations. Such money must be distributed as follows:*

- a. Not more than \$7,250,000 to counties, municipalities, state agencies and nonprofit organizations to carry out projects for the construction of recreational trails;*
- b. Not more than \$5,000,000 to counties, municipalities, state agencies or nonprofit organizations to carry out projects for the acquisition of land and water or interest in land and water for urban parks and greenbelts.*
- c. Not more than \$3,000,000 to counties whose population are less than 100,000, or municipalities located within those counties, or state agencies to carry out projects for the development of habitat conservation plans.*
- d. Not more than \$250,000 to counties whose population is less than 100,000, or municipalities located within those counties, or state agencies to carry out projects for the development of and adoption of plans for open spaces.*
- e. Not more than \$20,000,000 to counties and municipalities located within those counties to carry out projects for the acquisition of land and water or interests in land and water to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands and other environmental resources pursuant to an adopted open space plan.*
- f. Not more than \$10,000,000 to Churchill County, Douglas County, Lyon County or Carson City, and municipalities located within those counties to carry out projects to enhance and restore the Carson River corridor.*

*Money awarded under this subparagraph must be used to:*

- i. Acquire and develop land and water rights;*
  - ii. Provide recreation facilities;*
  - iii. Provide parking for and access to and along the Carson river; or*
  - iv. Restore the Carson River corridor.*
- g. Not more than \$5,000,000 to Douglas County, Washoe County or Carson City and municipalities located within those counties to enhance and develop the Lake Tahoe path system.*

*2. The Division may enter into contracts or agreements with nonprofit conservation organizations in an amount not to exceed \$15,000,000 to carry out projects to acquire land and water or interests in land and water for the public benefit, to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, floodplains and wetlands and other environmental resources.*

*3. The Administrator may utilize advisory committees to make recommendations for grants awarded pursuant to paragraph 1 or contract agreements entered into pursuant to paragraph 2.*

*4. The Administrator shall coordinate with the Nevada Division of State Parks for any grants awarded to carry out projects for the development of recreational trails, urban parks and greenbelts.*

*5. The Administrator shall coordinate with the Nevada Division of Wildlife and the Nevada Natural Heritage Program for any grants awarded to carry out projects for the development of habitat conservation plans.*

#### **SECTION 4 - SOLICITATION OF APPLICATIONS**

*1. The Administrator shall periodically:*

*a. Solicit applications from counties, municipalities, state agencies or nonprofit organizations for grants of money from the sale of general obligations bonds issued pursuant to NRS 349;*

*b. Solicit applications from nonprofit conservation organizations to carry out contracts or agreements; and*

*c. Establish deadlines for the submission of those applications.*

*2. An application for a grant must be submitted to the Administrator and include, without limitation:*

*a. A completed application package on forms provided by the Administrator;*

*b. The total projected cost of the project, including without limitation as appropriate, the estimated costs for planning, design, acquisition and construction and how the estimated costs were derived;*

*c. The amount of money requested for the project;*

*d. A detailed description of the project and how the proposal meets the intent of the Program;*

*e. Documentation of the project's commencement on or after July 1, 2000;*

*f. A phasing and implementation schedule;*

*g. Documentation of qualifications of the nonprofit organization, if applicable;*

*h. A detailed description of matching contributions;*

*i. Proof of any title to land, lease or easement that is required to carry out the project or a letter of intent between the property owner and the acquiring governmental entity;*

*j. Proof of a willing seller/donor and willing buyer/receipient, if applicable;*

*k. If the application is by a nonprofit conservation organization for acquisition of land or water, or interests in land or water, the organization's most current financial statement as well as specific details on how the investment of state monies will be secured by an interest in the property;*

*l. A location map and site plan of the project at an appropriate scale;*

*m. A statement from the appropriate local, regional, state or federal agency regarding the conformity of the project to all applicable local, regional, state , and if appropriate, federal plans;*

*n. Documentation and statement by the applicant that adjacent property owners within a one mile radius of the subject property boundary or closest 10 property owners, whichever is greater, were fully notified about the proposal prior to submittal to the Division. The Administrator has the discretion to vary this requirement on a case by case basis;*

*o. A statement from the local affected jurisdiction detailing issues, concerns, support or opposition to the proposal;*

*p. Completed Environmental Impacts Checklist if applicable and a summary of the proposed project mitigation plan; and*

*q. A summary of the proposed operation and maintenance plan of the project for a period of not less than 20 years, including without limitation, the identity of the person/entity who shall operate the project and provide the maintenance.*

## **SECTION 5 – EVALUATION AND PRIORITIZATION**

### **APPLICATION SCREENING**

*Before a county, municipality, state agency or nonprofit organizations submits an application for a proposed project, the county, municipality, state agency or nonprofit organization may submit a pre-application to the Division for an initial determination of the eligibility of the proposed project. In making a determination of the eligibility of the proposed project, the Administrator will consider the following criteria, without limitation:*

*Whether the applicant is eligible to apply for funds;*

*Whether the proposed project is eligible pursuant to section 3, paragraphs 1 and 2; and*

*Whether the proposed project is of benefit to the general public as determined by the Administrator.*

### **APPLICATION RANKING CRITERIA**

*Applications shall be ranked in importance pursuant to the following ranking criteria. If an advisory committees is utilized by the Administrator, the advisory committee shall review applications and make recommendations to the Administrator. The Administrator shall consider the recommendations and utilize the criteria to review each application’s qualities and award grants to those applications which, based on the criteria, are most appropriate for state monies as they relate to the overall intent of the Program. The Administrator’s decision is final. Applicants that do not receive grant awards may reapply at a future date.*

*Note: The Administrator shall rank projects utilizing a point system outlined in the Division’s Administrative Guidelines. Points will be allocated to each of the following topics. Since the intent of the program is to protect, preserve and obtain the benefits of property and natural resources of the State of Nevada, “environmental significance” and “public benefit” will receive higher point scores than the other ranking criteria.*

**1. Environmental Significance:**

*The extent of environmental significance and degree of conservation and natural resource protection including, but not limited to, the preservation of a natural, scientific, cultural, archaeological, agricultural, paleontological or historical site, or a wetland or riparian resource.*

**2. Public Benefit**

*The extent of the public benefit including, but not limited to, an overall advancement in the conservation and protection of the natural resources of the state, an enhancement to recreational opportunities, increased public access to lands and waters and the achievement of goals identified in adopted open space plans.*

**3. Proposal Objectives/Ability to Implement:**

*The objectives of the proposal are clearly stated and the applicant has the ability to carry out the objectives of the proposal.*

*The project is detailed, the design is adequate and there is a detailed management plan included that specifies how the project will be maintained and be consistent with the intent of the Program.*

**4. Proposal Costs/Matches:**

*The projected budget and associated costs of the proposal are reasonable and detailed, the amount and sources of matching funds contributed by the applicant are listed and the proposal meets its objectives in a cost effective manner.*

**5. Cooperative Efforts/Outreach:**

*The proposal is a cooperative effort with other agencies, organizations or individuals. The extent of support from counties, municipalities and other public entities.*

**6. Other Considerations:**

*There is urgency for the action.*

*The applicant utilizes matching contributions that exceed the program requirements.*

*The application for acquisition of land includes water rights or other interests that will remain with the land in perpetuity.*

*There is a local need for the proposal that warrants special consideration due to a lack of similar opportunities in the area.*

*If considering an alternative to an acquisition of fee simple title, the applicant proposes an easement or remainders after life estate (conservation easement).*

**SECTION 6 - MATCHES**

*Each county, municipality, state agency or nonprofit organization that applies for a grant of money shall meet the match requirements specified as follow:*

**Match Requirements:**

**1. Recreational Trails:**

*The county, municipality, state agency or nonprofit organization which receives the grant shall provide a matching contribution to the project of not less than 25 percent of the total cost of the project.*

*2. Urban Parks and Greenbelts:*

*The county, municipality, state agency or nonprofit organizations which receives the grant shall provide a matching contribution to the project of not less than 25 percent of the total cost of the project.*

*3. Habitat Conservation Plans:*

*The county, municipality or state agency which receives the grant shall provide a matching contribution to the project of not less than 5 percent of the total cost of the project.*

*4. Open Space Plans:*

*The county or municipality which receives the grant shall provide a matching contribution to the project of not less than 5 percent of the total cost of the project.*

*5. Land/Water Acquisitions:*

*a. In a county whose population is 100,000 or more, the county or municipality which receives the grant shall provide a matching contribution to the project of not less than 50 percent of the total cost of the project.*

*b. In a county whose population is less than 100,000, the county or municipality which receives the grant shall provide a matching contribution to the project of not less than 25 percent of the total cost of the project.*

*6. Carson River Corridor:*

*The county or municipality which receives the grant shall provide a matching contribution to the project of not less than 50 percent of the total cost of the project.*

*7. Lake Tahoe Path System:*

*The county or municipality which receives the grant shall provide a matching contribution to the project of not less than 50 percent of the total cost of the project.*

*8. Land/Water Acquisitions (for nonprofit conservation organizations to carry out contracts or agreements):*

*Any money provided by the Division to carry out contracts or agreements pursuant to this paragraph shall be matched by a contribution of not less than 50 percent of the cost of the acquisition.*

*Eligible Matches:*

*Eligible matches are allowed for any project initiated on or after July 1, 2000, must be directly related to the project or acquisition, and shall include the following:*

- a. Cash;*
- b. Planning, labor (including volunteer), appraisals, equipment rental and materials costs;*
- c. Federal contributions.*

- d. Any costs associated with required environmental information for the project or acquisition. Documentation must be submitted with the application;*
- e. Costs for the establishment of a monitoring program to monitor a project's success; and*
- f. Any other match subject to the approval of the Administrator.*

***Ineligible Matches:***

*The following matches are ineligible:*

- a. Costs for preparation of the application;*
- b. Cash or in kind services that don't relate to the proposal or the intent of the Program;*
- c. Funds expended prior to the initiation of the project or July 1, 2000, whichever is later;*
- d. Other state Question 1 funds; and*
- e. Other matches deemed inappropriate by the Administrator.*

**SECTION 7 - USE OF GRANTS**

*The Division and the recipient of a grant shall enter into an agreement as follows:*

*1. The recipient of a grant or contract may use the money from the grant or contract to pay for:*

- a. All expenses related directly to the project or acquisition, including, without limitation, expenses related to the planning, design and construction of the project, except for acquisitions, which shall be calculated based on actual costs;*
- b. The documented administrative costs of the project, not to exceed 5 percent of the total cost of the project.*

*2. The recipient of a grant or contract shall not use the money from the grant or contract to pay for:*

- a. Any planning activities which are not directly related to the design and engineering of the project;*
- b. The purchase of new equipment, unless the Administrator has determined that the new equipment is necessary as a one-time purchase specific to the project;*
- c. Any work required by a public agency as mitigation or as a condition of the approval of any other project;*
- d. Any component of the project that is determined by the Administrator not to benefit the public;*
- e. Any project or portion of a project that is already completed; and*
- f. Any other expenses determined by the Administrator not to be necessary to carry out the purposes of this chapter and not in compliance with the intent of the Program.*

**SECTION 8 – GRANT AGREEMENTS**

*The Division and the recipient of a grant or contract shall enter into an agreement that requires that the recipient:*

- 1. Provide a matching contribution of not less than the amount specified in Section 6.*
- 2. Provide an operations and maintenance plan for the project for not less than 20 years after the project is completed.*



*3. Agree to ownership of, or an interest in, the property, easement or project and the inclusion of pertinent non-revocable deed restrictions and appropriate reversionary clauses that ensure that the land is maintained in a manner consistent with the intent of the Program. This agreement shall include a stewardship statement that addresses maintenance, monitoring and enforcement of weeds, dust control and other related issues.*

*4. Agree to any additional conditions determined necessary by the Administrator to carry out the purposes of this section and the Program, including without limitations the posting of a performance bond by the applicant.*

*5. Obtain such easements for conservation or other interests in land in perpetuity, or as otherwise approved, and as are necessary to carry out the project. The Administrator must approve the easements. The Administrator may require that the easement for conservation or other interests in land be held by the state. As used in this subsection, "easement for conservation" has the meaning ascribed to it in NRS 111.410 and as defined in Section 2 under "conservation easement".*

*6. Acknowledge that any interests in land or water acquired by the state or nonprofit organization pursuant to this act:*

*a. Must be acquired and held by the Division pursuant to chapter 321 of NRS.*

*b. Must not be acquired by condemnation or the power of eminent domain.*

*7. Maintain an accurate accounting of all expenditures made from such money;*

*8. The recipient may request that some or all of the grant amount be provided in advance. The recipient shall be required to demonstrate and extraordinary need and enter into an interlocal agreement with the Division which delineates the specific reporting methods that will be implemented, including, but not limited to, quarterly expenditure reports and a project status report that demonstrates the punctuality of the project;*

*9. Grant funds are issued to the recipient in reimbursement for their expenses. The recipient shall provide the Division with detailed invoices on a consistent and agreed-upon basis to ensure timely and accurate payment; and*

*10. Allow the Division to review such accounting upon request.*