

# PROPOSED REGULATION OF THE DEPARTMENT OF WILDLIFE

## LCB File No. R038-11

### Proposed NAC Sections in Support of AB 307

#### Notes

- Where NRS already states an item with sufficient clarity, no NAC sections were offered
- A few information items were added to the application to allow for a more comprehensive understanding of the proposed project
- Powerlines under 50 kV (distribution in most cases) are eliminated from consideration as were generation projects less than 10MW
- Two deposit categories were created based upon what is anticipated to be the amount of time required to provide an initial review of the project
- The deposit and the application will provide an early opportunity to review aspects of the project and prepare an estimate of future cost recovery and project information needs
- If additional cost recovery money is needed, quarterly requests will be made, which will need to be paid within 30 days
- All unspent money will be returned within 60 days after the completion of review activities
- Criteria for potential use of the “Energy Planning and Conservation Fund” are identified
- We will plan to place the application, details on how to fill it out and an explanation of the process on our website with links to and from the NV Office of Energy, PUCN, BLM, USFS and County sites
- A mailing from the NV Office of Energy to energy companies introducing these regulations would be beneficial
- The geothermal leasing process has been excluded from consideration in the cost recovery process because the review process occurs while the parcels are still in BLM ownership and thus there are no private parties to seek cost recovery from. NDOW is already involved in BLM’s Competitive Lease Sale review process and does not require additional involvement until the successful lessee files an application with the BLM for exploration. The exploration and energy development phases require an application and will be covered by this cost recovery process.

*NAC \_\_\_\_\_ Definitions (NRS \_\_\_\_\_) As used in this chapter, unless the context otherwise requires, the words and terms defined in \_\_\_\_\_ to \_\_\_\_\_ inclusive, have the meanings ascribed to them in those sections.*

*NAC \_\_\_\_\_ “energy development project” is defined as any project for the generation, transmission or development of energy, whether on public or private land. Projects with a design rating of less than 10 megawatts, powerlines rated less than 50kV and natural gas pipeline distribution systems within urbanized areas are exempt from further consideration in this section.*

NAC \_\_\_\_\_ “applicant” is defined as any person who files an application with the Federal Government for a lease or easement for a right-of-way for an energy development project or an application with the Public Utilities Commission of Nevada or any county in this State relating to the construction or expansion of an energy development project. The geothermal, oil and gas leasing process is exempt from further consideration in this section. The exploration and development phases of energy development projects are required to comply with this section.

NAC \_\_\_\_\_ “notice” is defined as the application to be filed with the Nevada Department of Wildlife, concurrent with the filing of an application with the Federal Government, the Public Utilities Commission of Nevada, or any county in this State, for all energy development projects except those that qualify for exemption under NRS \_\_\_\_\_.

NAC \_\_\_\_\_ “Reimbursement Costs” is defined as the amount of reimbursement by the applicant, not to exceed \$100,000, for costs incurred by the Department of Wildlife for providing to the Federal Government, the Public Utilities Commission of Nevada, an applicant or any county in this State any information relating to any wildlife or wildlife habitat based on the location of the energy development project for which a notice is filed.

“The Fund for the Recovery of Costs”

NAC \_\_\_\_\_ Concurrent with the filing of an application with the Federal Government, the Public Utilities Commission of Nevada or any county in this State, an applicant shall file a notice (application) with the Nevada Department of Wildlife containing at a minimum the following information:

- (a) the name of the person completing the form, name of company and officers of the Company, project name, contact information (mailing address, phone number and e-mail address);
- (b) a description and map of the location of the proposed energy development project to be constructed over the life of the project;
- (c) a description of the boundaries of the project and the estimated requirements for infrastructure including, without limitation, power, fuel and communication lines, access roads, rail lines and water use of the proposed energy development project;
- (d) the maximum estimated energy production (nameplate rating) of the project and estimated design voltage of powerlines;
- (e) a proposed schedule of construction activities; and
- (f) other information deemed necessary as directed by the Department of Wildlife.

NAC \_\_\_\_\_ Payments for the Recovery of Costs-

- (a) In conjunction with the notice to the Nevada Department of Wildlife, applicants shall include as Reimbursement Costs an initial deposit of:
  - (i) \$5,000 for proposed geothermal projects and powerline projects 50kV or greater in voltage and less than 50 miles in length, or

*(ii) \$10,000 for proposed energy development projects other than geothermal, powerline projects 50 kV or greater in voltage and 50 miles or greater in length, natural gas pipeline or fossil fuel generation projects.*

*(b) Deposits must be made in one of the following forms; (check, or electronic wire transfer) and made payable to the “Nevada Department of Wildlife”.*

*Within 30 days of receipt of the notice and initial deposit, the Nevada Department of Wildlife will provide an estimate of anticipated additional expenses necessary for Reimbursement Costs. Depending upon project activity, the Department of Wildlife may request additional quarterly payments payable to the Department within 30 days of the request. Any unused portion of the payments provided will be returned within 60 days of the cessation of project review activities.*

#### *“Energy Planning and Conservation Fund”*

*NAC \_\_\_\_\_ Criteria for Use of the Energy Planning and Conservation Fund  
The Energy Planning and Conservation Fund may be used for the following projects, programs and purposes:*

- (a) fish, wildlife and habitat inventory for inclusion into the GIS database*
- (b) fish, wildlife population and habitat monitoring in support of planning, status determination and impact assessment*
- (c) fish and wildlife habitat, potential habitat and fish and wildlife occurrence mapping in support of database development and maintenance*
- (d) GIS infrastructure support and database development and maintenance*
- (e) conservation projects designed to establish or enhance fish or wildlife populations or their habitat; and*
- (f) as non-federal match for federal grants, projects and programs*

*All purposes must be consistent with the plans and directives outlined in the current State Wildlife Action Plan.*