

**PROPOSED REGULATION OF THE
DEPARTMENT OF WILDLIFE**

LCB File No. R038-11

October 6, 2011

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

AUTHORITY: §§1-4, Section 7 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2547 (NRS 701.610); §§5 and 6, Sections 7 and 9 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at pages 2547 and 2548 (NRS 701.610 and 701.630).

A REGULATION relating to energy development projects; requiring that notices relating to energy development projects which are filed with the Department of Wildlife contain certain information; requiring certain applicants to pay reimbursement costs in advance to the Department; establishing a cap on the collection of reimbursement costs by the Department; requiring the Department to return to an applicant any unused portion of reimbursement costs paid in advance; and providing other matters properly relating thereto.

Section 1. Chapter 701 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, “applicant” means a person who is required to file a notice pursuant to section 7 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2547 (NRS 701.610).*

Sec. 3. *In addition to the information that is required to be included with a notice filed pursuant to section 7 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2547 (NRS 701.610), the notice must include:*

- 1. The name, physical address, telephone number and, if applicable, the electronic mail address of the person filing the notice;*
- 2. The name, physical address, telephone number and, if applicable, the electronic mail address of the company, and the officers of the company, on behalf of which the notice is filed;*
- 3. The name of the proposed energy development project;*
- 4. A description and map of the proposed energy development project for each phase of the project until the completion of the project;*
- 5. An itemized estimate of the infrastructure requirements of the proposed energy development project, including, without limitation, an estimate of the amount of power, fuel, communication lines, access roads, rail lines and water use that will be required to complete the project;*
- 6. An estimate of the design voltage of any power lines which are required for the project;*
- 7. A proposed schedule of construction activities; and*
- 8. Any other information that is required by the Department of Wildlife.*

Sec. 4. 1. An applicant must, at the time the applicant files a notice pursuant to section 7 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2547 (NRS 701.610), submit to the Department of Wildlife with his or her notice an initial deposit towards reimbursement costs in the amount of:

- (a) For a proposed energy development project which is a geothermal project, \$5,000.*
- (b) For a proposed energy development project which is a power line project with a voltage of 50 kilovolts or more and which is less than 50 miles in length, \$5,000.*

(c) For a proposed energy development project other than a project identified in paragraph (a) or (b), \$10,000.

2. The Department of Wildlife shall, not later than 30 days after the receipt of a notice filed pursuant to section 7 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2547 (NRS 701.610) and an initial deposit collected pursuant to subsection 1, provide to the applicant an estimate of anticipated additional reimbursement costs.

3. Except as otherwise provided in subsection 6, the Department of Wildlife may, upon consideration of the activity and progress of a project, request a payment from an applicant each quarter to apply towards reimbursement costs which is in addition to the initial deposit submitted by the applicant pursuant to subsection 1. An applicant shall submit a payment requested pursuant to this subsection to the Department not later than 30 days after the applicant receives the request for payment by the Department.

4. An initial deposit or payment submitted by an applicant pursuant to subsection 1 or 3 must be in the form of an electronic wire transfer to the Department of Wildlife or a check made payable to the Department of Wildlife.

5. The Department of Wildlife shall return to an applicant any unused portion of an initial deposit or payment submitted pursuant to subsection 1 or 3 not later than 60 days after the Department completes the review of the energy development project.

6. The Department of Wildlife shall not collect cumulatively more than \$100,000 in reimbursement costs from an applicant for an energy development project for which a notice is filed pursuant to section 7 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2547 (NRS 701.610).

7. As used in this section, “reimbursement costs” means the actual 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 an energy development project for which a notice is filed pursuant to section 7 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2547 (NRS 701.610).

Sec. 5. In addition to the criteria for projects for which money from the Energy Planning and Conservation Fund may be used pursuant to section 9 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at page 2548 (NRS 701.630), the Department of Wildlife may use money from the Fund to provide for the maintenance, database development and infrastructure support of geographic information systems used to carry out the provisions of sections 7 and 9 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at pages 2547 and 2548 (NRS 701.610 and 701.630) and sections 2 to 6, inclusive, of this regulation.

Sec. 6. All final determinations, findings and conclusions of the Department of Wildlife pursuant to sections 7 and 9 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at pages 2547 and 2548 (NRS 701.610 and 701.630) and sections 4 and 5 of this regulation are final decisions. Any person aggrieved by a final decision of the Department of Wildlife pursuant to sections 7 or 9 of Assembly Bill No. 307, chapter 409, Statutes of Nevada 2011, at pages 2547 and 2548 (NRS 701.610 or 701.630) or section 6 or 7 of this regulation is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.