

**THIRD REVISED PROPOSED REGULATION OF THE STATE
CONSERVATION COMMISSION IN THE STATE DEPARTMENT
OF CONSERVATION AND NATURAL RESOURCES**

LCB File No. R139-13

April 10, 2014

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

AUTHORITY: §§1-6, NRS 548.160.

A REGULATION relating to conservation; establishing a grant program to benefit sage grouse populations; and providing other matters properly relating thereto.

Section 1. Chapter 548 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, “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 grant program for the purpose of awarding equal grants of money to each qualifying conservation district with money provided by legislative appropriation to the Sage Grouse Grant Fund, which is hereby established using money appropriated to Budget Account No. 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 Commission will give due notice of the availability of such a grant, which must specify:*

- (a) The deadline for the submission of applications; 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 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;

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

Sec. 4. *1. An application for a grant of money pursuant to the sage grouse grant program must be submitted on a form prescribed by the Program.*

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

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

(b) Is ready to be implemented within 30 days after 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.

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

4. 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 grants of money to each qualified district.

2. Grants of money may be disbursed in a lump sum or in installments, at the discretion of the Commission, and:

(a) Except as otherwise provided in this section, grants of money will be disbursed as reimbursements.

(b) The Commission may approve the advance funding of a project at a maximum of 75 percent of the total amount of the grant awarded.

(c) A maximum of 15 percent of the total amount of the grant awarded may be designated and used for administrative costs related to the activities of the project.

3. A grant of money awarded by the Commission pursuant to sections 2 to 6, inclusive, of this regulation must be expended or obligated during the fiscal year in which it was awarded. 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 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 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 shall submit regular monitoring reports regarding the project. The proposed frequency and specificity of the monitoring reports 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.