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Nevada Commission on Off-Highway Vehicles
Maurice White, *Chair*
Kevin Malone, *Vice Chair*

REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

LCB File: R122-20

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 490.

1. A clear and concise explanation of the need for the adopted regulation.

The adopted regulation changes are necessary to update program grant management practices, annual reporting, and grant review procedures. Since the administrative code was last updated in 2015, advances in how grants are reviewed, and maintained require support from the Nevada Administrative Code.

Existing regulations require each project to be audited annually by the Nevada Off-Highway Vehicles Program (NOHVP) to ensure the ongoing maintenance of the investment. When implemented, annual grant reporting can be completed by a third party and submitted to NOHVP for a period of 5 years. This provides additional capacity for grant recipients to stay in compliance with reporting tasks.

The technical advisory committee review of grant applications will provide expertise in land management and natural resources to better support the Nevada Commission on Off-Highway Vehicles (OHV Commission) in their grant making processes. The Committee will be selected by the OHV Program and may fluctuate between years. Members of the committee will exclude any voting members of the OHV Commission.

The regulation also tasks NOHVP with soliciting grant applications, notices for grant agreements, administering the grant through the two-year lifecycle, and closing completed grant project prior to final reimbursement. These changes are required to conform to statute changes made in 2017 and expand the authority of NOHVP to solicit grant applications without holding a commission meeting prior to the grant awards.

2. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Two public workshops were held virtually, pursuant to the Governor’s Emergency Declaration, on May 13, and June 24, 2020 to solicit comments from interested parties. The workshop notices were distributed via email to the OHV distribution list, grant recipients, and published in accordance with the Open Meeting Law. A final adoption hearing was held on June 6, 2022. Members of the public were invited to participate in person and virtually in accordance with the

Open Meeting Law. Additionally, copies of the proposed regulations, notice of workshop, and notice of intent to act upon regulations were posted to the Program website, the Legislative Counsel Bureau website, and the public notice website. There were no comments entered about the regulation during the public hearing on June 6, 2022.

All meeting materials are available at: <https://ohv.nv.gov/meeting>
https://ohv.nv.gov/assets/etc/meetings/Final_AGENDA_June24_NAC490_Workshop.pdf
https://ohv.nv.gov/assets/etc/meetings/AGENDA_May13_OHV_CommMTG.pdf
https://ohv.nv.gov/assets/etc/meetings/OHV_NAC_NOTICE_FINAL.pdf

3. The number of persons from the public who:

- a. **Attended each hearing:** *There were 10 attendees at the hearing on June 6, 2022.*
- b. **Testified at each hearing:** *None*
- c. **Submitted to the agency written comments:** *None*

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented (if provided to the agency), for each person who testified at each hearing and submitted to the agency written statements.

N/A

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

NOHVP determined that its proposed regulation changes have no significant negative effect on Nevada Small Businesses. The proposed regulation relates to the administration of Nevada Off-Highway Vehicle grants and submitting of documents to register an off-highway vehicle (OHV) in Nevada. The goal of the regulation is to streamline the review of grant applications to enhance OHV recreation in Nevada.

Therefore, comment has not been solicited from small businesses, and no summary of their response is provided, because small businesses are not impacted by these regulations and thus a burden or economic impact cannot be assessed.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was approved by the NCOHV and adopted by the Department of Conservation and Natural Resources and Nevada Commission on Off-Highway Vehicles with one change to section 19 that required the program follow guidance from the Nevada Commission on OHVs when soliciting OHV Grant applications.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include: both adverse and beneficial effects and the immediate and long-term effects.

A. Economic Effect on Businesses

- **adverse and beneficial effects on business**

There were no immediate or long term, adverse or beneficial effects to businesses.

- **immediate and long-term effects on business**

There were no immediate or long term, adverse or beneficial effects to businesses

B. Economic Effect on Public

- **adverse and beneficial effects on public**

No adverse economic effects will be assessed on the public resulting from these regulation changes. Members of the public, NGOs, and other businesses will benefit from the increased flexibility of OHV grant awards.

- **immediate and long-term effects on public**

There were no immediate or long term, adverse effects to the public

8. The estimated cost to the agency for enforcement of the adopted regulation.

There are no changes to costs to the program for adopting these regulations.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other regulations of other state or government agencies which the proposed regulation overlaps or duplicates. The proposed regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity and no summary is provided.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulation does not include provisions which are more stringent than a federal regulation which regulates the same activity, and no summary is provided.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

There is no fee associated with this regulation.