



STATE OF NEVADA  
Department of Conservation & Natural Resources  
Joe Lombardo, Governor  
James A. Settlemeyer, Director  
Denise K. Beronio, Administrator

PUBLIC ADOPTION HEARING AGENDA  
LCB File No. R060-24

Monday June 3, 2024  
3:00 PM  
Richard Bryan Building  
Bonnie Conference Room (1<sup>st</sup> Floor)  
901 S. Stewart Street  
Carson City, NV 89701

Teleconference Access Information

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MWI5OWNmYTETzmU4NC00MTkOLWE2ZTYtNmRhOGFkYTMwMWUx%40thead.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22639016bb-3935-4a62-8700-a284ce058da4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MWI5OWNmYTETzmU4NC00MTkOLWE2ZTYtNmRhOGFkYTMwMWUx%40thead.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22639016bb-3935-4a62-8700-a284ce058da4%22%7d)

Dial-in by phone:  
+1 775-321-6111,,308323304#  
Phone conference ID: 308 323 304#

- 1. CALL TO ORDER**
- 2. PUBLIC COMMENT**

All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives).  
Comments will not be restricted based on viewpoint.

- 3. REVIEW AND DISCUSSION OF LCB File R060-24**

The proposed regulation change relates to the Nevada Outdoor Education and Recreation grant program. These revisions include updating eligibility for the grant program, updating the proposals reviewed by the Division of Outdoor Recreation, and updating the Technical Advisory Committee.

- 4. ADOPTION OF LCB FILE R060-24 (FOR POSSIBLE ACTION)**
- 5. PUBLIC COMMENT**

All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives).  
Comments will not be restricted based on viewpoint.

## 6. ADJOURNMENT

Note: Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda.

Notice of this meeting was posted in the following locations:

Nevada Division of Outdoor Recreation website: <https://dcnr.nv.gov/divisions-boards/NDOR>

Nevada State Legislature website: [www.leg.state.nv.us/App/Notice/A/](http://www.leg.state.nv.us/App/Notice/A/)

Nevada Public Notice website <http://notice.nv.gov>

Department of Conservation and Natural Resources, 901 S Stewart St. Carson City, Nevada 89701

Nevada State Legislature, 401 S. Carson St., Carson City, Nevada

Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada

Grant Sawyer State Office Building 555 E Washington Ave Las Vegas, Nevada 89101

Downtown Reno Library, 301 South Center Street, Reno, NV 89501

Notice of this meeting was also posted to the Division website at <https://dcnr.nv.gov/divisions-boards/ndor>, Nevada Public Notice website at <https://notice.nv.gov/>, and Nevada Legislature Administrative Notices at <https://www.leg.state.nv.us/App/Notice/A/>

We are pleased to provide reasonable accommodation for individuals with disabilities who wish to attend the meeting. To request special accommodations or assistance at the meeting, please notify our office by writing to the Division of Outdoor Recreation, 901 S. Stewart Street, Suite 1002 Carson City, NV 89701; or by calling 775-684-2731 no later than two (2) working days prior to the scheduled meeting.

To obtain support material for the agenda please email [k.scott@ndor.nv.gov](mailto:k.scott@ndor.nv.gov), call 775-684-2731 or write to Nevada Division of Outdoor Recreation 901 S. Stewart Street, Suite 1002, Carson City, NV 89701. Materials will also be posted at <https://dcnr.nv.gov/divisions-boards/ndor>



STATE OF NEVADA  
Department of Conservation & Natural Resources  
Joe Lombardo, *Governor*  
James A. Settlemeyer, *Director*  
Denise K. Beronio, *Administrator*

## NOTICE OF INTENT TO ACT UPON A REGULATION

### Notice of Hearing for the Adoption of Permanent Regulations for the Nevada Outdoor Education and Recreation Grant Program LCB File No. R060-24

The Nevada Division of Outdoor Recreation (NDOR) will hold a public hearing to receive comments from all interested persons regarding the adoption of permanent regulations that pertain to Chapter 407A of the Nevada Administrative Code.

Date: Monday June 3, 2024  
Time: 3:00 PM  
Location: Bryan Building, Bonnie Conference Room (1<sup>st</sup> Floor)  
901 S. Stewart St.  
Carson City, NV 89701  
Virtually: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MWI5OWNmYtEtZmU4NC00MTk0LWE2ZTYtNmRhOGFkYT MwMWUx%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22639016bb-3935-4a62-8700-a284ce058da4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MWI5OWNmYtEtZmU4NC00MTk0LWE2ZTYtNmRhOGFkYT MwMWUx%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22639016bb-3935-4a62-8700-a284ce058da4%22%7d)  
Dial-in by phone:  
+ 1 775-321-6111,,308323304#  
Phone conference ID: 308 323 304#

The following information is provided pursuant to the requirements of NRS 233B.0603:

1) The need for and the purpose of the proposed regulation or amendment:

The proposed regulation seeks to improve efficiency and efficacy of the program by clarifying the types of activities eligible for grant funding, updating applications that may be reviewed by the Division based upon workload feedback from the Advisory Board on Outdoor Recreation, and reflects changes set forth in Assembly Bill 164 from the 2023 Legislative Session that tasks the Advisory Board on Outdoor Recreation with serving as the Technical Advisory Committee for the Nevada Outdoor Education and Recreation grant program.

- 2) If the proposed regulation is a temporary regulation, the terms of the substance of the proposed regulation to be adopted, amended, or repealed, or as description of the subjects and issues involved.

This is not a temporary regulation.

- 3) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:
  - a) Both adverse and beneficial effects; and
    - i) On Business: The Nevada Division of Outdoor Recreation (NDOR) foresees minimal to no beneficial or adverse effects on regulated businesses as a result of the adoption of the proposed regulation change. A beneficial result of implementing this regulation is increased efficiency in reviewing project proposals by increasing the proposals that may be reviewed by NDOR.
    - ii) On the Public: The Division foresees minimal to no adverse effects on the public with the adoption of the proposed regulation change. Potential benefits include increased access to diverse outdoor recreation and education opportunities for Nevada's students.
  - b) Both immediate and long-term effects.
    - i) On Business: The Division foresees minimal to no immediate or long-term effects on regulated businesses as a result of the regulation.
    - ii) On the Public: The Division anticipates minimal to no immediate or long-term effects based on the proposed regulations.
- 4) The methods used by the agency in determining the impacts on a small business.

During the development of the proposed regulation, the public, including small businesses, were invited to provide comments during NDOR's public workshop held on March 14, 2024, or provide written comments directly to the agency. NDOR did not receive public comment during the workshop or any written comment from small businesses containing any feedback, concerns, or priorities. A business impact survey and analysis were not conducted to assess the impact of this regulation because the regulation does not have a direct impact on small business.

- 5) The estimated cost to the agency for enforcement of the proposed regulation.

NDOR's Grants & Projects Analyst will continue the responsibilities related to the proposed regulations and this work will be incorporated into the job duties of this employee. The Division does not anticipate additional costs for enforcement of the proposed regulation beyond this allocated staff time.

- 6) A description and citation to any regulations of other state or local government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any existing regulation. It amends a current regulation.

- 7) If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law and there is no equivalent federal law.

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

The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

- 9) Whether the proposed regulation establishes a new fee or increases an existing fee.

The regulation does not establish a new fee or increase an existing fee.

- 10) If the proposed regulation is a temporary regulation, address each at which the text of the regulation may be inspected and copied.

This is not a temporary regulation.

Persons wishing to comment upon the proposed action of the Nevada Division of Outdoor Recreation may appear at the scheduled public hearing or may address their comments in written form, to Kendal Scott at 901 S. Stewart St. Ste. 1002 Carson City, NV 89701 or [k.scott@ndor.nv.gov](mailto:k.scott@ndor.nv.gov). Written submissions must be received by the Nevada Division of Outdoor Recreation on or before Monday June 3, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Division of Outdoor Recreation 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, Archives and Public Records, 100 Stewart Street, Carson City, NV, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Nevada Division of Outdoor Recreation, 901 S. Stewart St. Ste. 1002 Carson City, NV 89701, and in all counties in which an office of the agency is not

maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the Nevada Division of Outdoor Recreation, if requested to do so by an interested person, either before adoption or within 30 days therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Division of Outdoor Recreation website: <https://dcnr.nv.gov/divisions-boards/ndor>

Nevada State Legislature website: [www.leg.state.nv.us/App/Notice/A/](http://www.leg.state.nv.us/App/Notice/A/)

Nevada Public Notice website <http://notice.nv.gov>

Department of Conservation and Natural Resources, 901 S Stewart St. Carson City, Nevada 89701

Nevada State Legislature, 401 S. Carson St., Carson City, Nevada 89701

Nevada State Library and Archives, 100 N. Stewart St, Carson City, Nevada 89701

Grant Sawyer State Office Building 555 E Washington Ave Las Vegas, Nevada 89101

Downtown Reno Library, 301 South Center Street, Reno, NV 89501

Carson City Library, 900 N. Roop St. Carson City, NV 89701

Douglas County Public Library, 1625 Library Ln, Minden, NV 89423

White Pine County Library, 950 Campton St, Ely, NV 89301

Elko County Library, 720 Court St, Elko, NV 89801

Lincoln County Library, 63 Main Street, Pioche, NV 89043

Esmeralda County Library, P.O. Box 430, Goldfield, NV 89013-0430

Pershing County Library, 1125 Central Avenue, P.O. Box 781 Lovelock, NV 89419

Mineral County Public Library, 110 W 1<sup>st</sup> St, Hawthorne, NV 89415

Lyon County Library, 20 Nevin Way, Yerington, NV 89447

Churchill County Library, 553 South Main Street, Fallon, NV 89406

Battle Mountain Branch Library, 625 South Broad Street, Battle Mountain, NV 89820

Humboldt County Library, 85 East 5<sup>th</sup> Street, Winnemucca, Nevada 89445

Eureka County Library, 80 Monroe Street, Eureka, Nevada 89316

Las Vegas-Clark County Library District Headquarters, 7060 W. Windmill Lane, Las Vegas, NV 89113

Tonopah Public Library, 167 Central St, Tonopah, NV 89049

Storey County Community Library, 175 Carson St, Virginia City, NV 89440

Posted on: 5/2/24

**PROPOSED REGULATION OF THE ADMINISTRATOR  
OF THE DIVISION OF OUTDOOR RECREATION OF THE  
STATE DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES**

**LCB File No. R060-24**

April 29, 2024

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

AUTHORITY: §§ 1-2 and 4-6, NRS 407A.605 and 407A.610, as amended by section 1.3 of Assembly Bill No. 164, chapter 77, Statutes of Nevada 2023, at page 392; § 3, NRS 407A.605.

A REGULATION relating to outdoor recreation; revising provisions governing the purposes for which grant money from the Outdoor Education and Recreation Grant Program may not be used; revising requirements relating to the referral of an application for a grant to the Advisory Board; establishing certain duties of the Advisory Board relating to the Grant Program; repealing certain provisions establishing the Technical Advisory Committee as an advisory committee to perform certain duties relating to the Grant Program; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law creates the Outdoor Education and Recreation Grant Program and requires the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to adopt regulations for the governance of the program. (NRS 407A.605) Existing regulations set forth the purposes for which a grant from the Grant Program may and may not be used. (NAC 407A.140) **Section 2** of this regulation removes organized youth sports from the list of purposes for which a grant from the Grant Program may not be used.

Before the passage of Assembly Bill No. 164 (A.B. 164) of the 2023 Legislative Session, existing law required the Administrator to adopt regulations to establish an advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. (NRS 407A.610) Existing law creates the Advisory Board on Outdoor Recreation, which is required to advise the Administrator on any matter concerning outdoor recreation in this State. (NRS 407A.575) A.B. 164 removed the requirement for the Administrator to establish such an advisory committee and instead requires the Advisory Board to assist and advise the Administrator in the development and administration of the Grant Program. Consistent with the changes made by A.B. 164, **section 6** of this regulation repeals the provisions of existing

regulations defining the advisory committee as the Technical Advisory Committee and establishing the membership of the Technical Advisory Committee. **Section 1** of this regulation makes a conforming change to remove a reference to a regulation repealed by **section 6**. **Sections 3-5** of this regulation make conforming changes to replace references to the Technical Advisory Committee with the Advisory Board on Outdoor Recreation.

Existing regulations authorize the Administrator to review and approve or disapprove an application for a grant that requests less than \$5,000 instead of referring the application to the Technical Advisory committee. (NAC 407A.145) **Section 3** increases the amount from \$5,000 to \$7,500.

**Section 1.** NAC 407A.100 is hereby amended to read as follows:

407A.100 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 407A.105 to ~~407A.125,~~ **407A.120**, inclusive, have the meanings ascribed to them in those sections.

**Sec. 2.** NAC 407A.140 is hereby amended to read as follows:

407A.140 1. The Administrator will administer the Grant Program to provide grants for outdoor environmental, ecological, agricultural or other natural resource-based education and recreation programs for pupils in this State.

2. The following are eligible to apply for a grant from the Grant Program:

(a) Any department, division or agency of the Federal Government, this State or a local government.

(b) A federally recognized Indian tribe.

(c) A private nonprofit organization.

(d) A school district, public school, private school or charter school.

(e) Any community-based program, entity or organization.

3. To apply for a grant, the agency, tribe, organization, program or entity must submit an application on a form provided by the Division.

4. A grant from the Grant Program:



- (a) May be used for the following purposes:
  - (1) Outdoor education and recreation;
  - (2) Outdoor environmental education;
  - (3) Agricultural education;
  - (4) Natural resource-based education and recreation;
  - (5) Conservation education;
  - (6) Ecological education;
  - (7) Environmental stewardship education; or
  - (8) Environmental restoration education.

(b) May not be used for the following purposes:

(1) Activities that may reasonably be perceived to lobby or advocate for political purposes; *or*

(2) Activities that would violate any local, state or federal law . ~~[-; or~~

~~— (3) Organized youth sports, including, without limitation, community leagues and school teams.]~~

**Sec. 3.** NAC 407A.145 is hereby amended to read as follows:

407A.145 1. The Administrator may establish limitations on the availability and use of grant money. Any such limitations will be set forth in the applicable application instructions.

2. The Administrator may:

(a) Review and approve or disapprove an application for a grant that requests equal to or less than ~~[\$5,000]~~ \$7,500 instead of referring the application to the ~~[Technical Advisory Committee;]~~

*Advisory Board;*

(b) Require that any applicant for a grant make a matching contribution to be eligible for the Grant Program; or

(c) Reduce the money provided from that which is requested in a grant application for any element of the grant proposal.

**Sec. 4.** NAC 407A.155 is hereby amended to read as follows:

407A.155 When evaluating completed grant applications for each periodic solicitation of grant applications, the ~~[Technical Advisory Committee]~~ *Advisory Board* shall:

1. Consider, without limitation:
  - (a) The eligibility requirements for a grant;
  - (b) The requirements and priorities for program selection set forth in NRS 407A.605;
  - (c) Any limitations set forth by the Administrator pursuant to NAC 407A.145;
  - (d) The feasibility of the project; and
  - (e) The estimated costs of the program and benefits to the pupils in this State.
2. Rank each application received in order of priority for awarding grants. Unless otherwise required by the Administrator pursuant to NAC 407A.145, a matching contribution is not required to apply for a grant, but applications that include a matching contribution, including, without limitation, cash or in-kind matches, may receive a higher ranking.
3. Recommend the amount of a grant to be awarded, if any, for a project proposed in a grant application.
4. Provide the Administrator with a ranked list of applicants and the recommended amount of the grant for each applicant.

**Sec. 5.** NAC 407A.160 is hereby amended to read as follows:

407A.160 The Administrator will:

1. Except as otherwise provided in NAC 407A.145, consider the grant applications in the order the applications were ranked by the ~~[Technical Advisory Committee;]~~ *Advisory Board;*

2. Determine whether to award a grant and, if applicable, in what amount the grant should be awarded; and

3. Post on the Internet website of the Division any grants awarded pursuant to this section not later than 5 business days after awarding the grant.

**Sec. 6.** NAC 407A.125 and 407A.150 are hereby repealed.

---

---

### TEXT OF REPEALED SECTIONS

---

---

**NAC 407A.125 “Technical Advisory Committee” defined. (NRS 407A.605)**

“Technical Advisory Committee” means the committee established pursuant to NRS 407A.610.

**NAC 407A.150 Technical Advisory Committee: Membership; Executive Secretary; terms; Chair and Vice Chair. (NRS 407A.605, 407A.610)**

1. The Technical Advisory Committee consists of:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources; and

(b) The following members appointed by the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources:

(1) One member who represents a state agency other than the Division of State Parks or the Division of Outdoor Recreation;

(2) One member who represents a local government;

(3) One member who represents a federal agency;

(4) One member who represents a school district or a public school other than a charter school;

(5) One member who represents a private school or charter school;

(6) One member who represents a private nonprofit organization or community-based program, entity or organization;

(7) One member who represents the outdoor business community; and

(8) One member who has participated in an outdoor recreation and education grant program funded by a grant awarded pursuant to NRS 407A.605 or, if no such person is available to serve, a person who represents pupils in this State and has knowledge and experience in outdoor education and recreation programs.

2. The Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources or his or her designee shall serve as the Executive Secretary to the Technical Advisory Committee.

3. Each member of the Technical Advisory Committee appointed pursuant to paragraph (b) of subsection 1 serves a term of 2 years and may be reappointed. Such members serve at the pleasure of the Administrator.

4. The Chair and Vice Chair of the Technical Advisory Committee shall be elected by a majority vote of the members of the Technical Advisory Committee.

