



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

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

LCB FILE No. R060-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 407A.

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

The proposed regulation seeks to improve efficiency and efficacy of the Nevada Outdoor Education and Recreation Grant Program by clarifying eligible activities for grant funding, updating applications that may be reviewed by the Nevada Division of Outdoor Recreation (NDOR) based upon feedback from the Advisory Board on Outdoor Recreation, and implementing changes from Assembly Bill 164 from the 2023 Legislative Session, which designates the Advisory Board on Outdoor Recreation as the Technical Advisory Committee for the grant program.

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.

A public workshop was held in-person and virtually on March 14, 2024, to solicit public comment from interested parties. There were no participants during the public workshop. A final adoption public hearing was held on June 3, 2024. Members of the public were invited to participate in-person and virtually in accordance with the Open Meeting Law. There was no public comment during the adoption hearing.

Additionally, copies of the proposed regulations, notice of workshop, and notice of intent to act upon regulations were posted to the Division's website, the Legislative Counsel Bureau website, and the public notice website. Notices and copies of the proposed regulations were also sent to all public libraries, and the Bryan Building in Carson City. The Division also allowed the public to submit written comment, though no written comment was received.

3. The number of persons from the public who attended a hearing, testified at a hearing, and submitted written comments:
 - a. March 14, 2024 Workshop:
 - i. Attendance: Kendal Scott, Chelsea Kincheloe, Nicole Ting, Denise Beronio, Elisabeth Johnson, Nikhil Narkhede
 - ii. Testified: None

- iii. Written comments: None
 - b. June 3, 2024 Hearing:
 - i. Attendance: Kendal Scott, Chelsea Kincheloe, Elisabeth Johnson, Denise Beronio, Nicole Ting.
 - ii. Testified: None
 - iii. Written comments: None
- 4. A list of names and contact information, include telephone number, business address, business telephone number, email, and name of entity or organization represented (if provided to the agency), for each person who testifies at each hearing and submitted to the agency written statements.

No persons testified or submitted written statements for the hearing.

- 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.

The regulation does not include fees or new regulations on small business. 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. All public, including small businesses, were invited to provide comment directly to the NDOR through the public workshop (3/14/24), the adoption hearing (6/3/24), or directly to the agency, none of which resulted in any comment submittals to NDOR. Therefore, no comment summary was created.

The meeting minutes and recordings can be viewed at <https://dcur.nv.gov/divisions-boards/ndor/meetings> or by contacting Kendal Scott at k.scott@ndor.nv.gov or (775) 684-2731.

- 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 adopted with changes.

In 407A.145 Section 3 Subsection 2, this update allows for the division administrator to approve or disapprove an application for a grant that requests equal to or less than \$7,500 rather than referring the application to the Advisory Board on Outdoor Recreation. This changes that amount from the previous \$5,000. We have proposed an amendment to the LCB draft regulation to include, “*equal to or less than \$7,500*” rather than, “*less than \$7,500*” to clarify the limit for the division and for grantees.

- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulation and on the public. These must be stated separately and each case must include:
 - a. Both adverse and beneficial effects;
 - i) On Business: The Division 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.

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

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.

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

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 is not required by federal law and there is no equivalent federal law.

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.

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