



NEVADA DIVISION OF FORESTRY

STATE OF NEVADA
Department of Conservation & Natural Resources
Joe Lombardo, *Governor*
James A. Settlemeyer, *Director*
Kacey KC, *State Forester/Firewarden*

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

LCB File: R154-24

The following statement is submitted for adopted amendments to Nevada Administrative Code (“NAC”) Chapter 527.

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

The proposed regulation to list the Red Rock Sunflower (*Helianthus devernii*) on Nevada’s list of fully protected species of native flora (NAC 527.010) is needed due to its limited and specific habitat requirements and the presence of threats that threaten its long-term survival. The species faces immediate and future risks, including intensive recreational use, potential land development, lack of protection from grazing by ungulates, wildfires, and invasive species. Protecting the Red Rock Sunflower through this regulation aims to mitigate these threats and ensure the species' continued existence in its native habitat. The regulation also includes minor spelling and nomenclature corrections for currently listed species, as required by NAC 527.010(3).

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 June 21, 2024, to solicit public comment from interested parties. There were no participants during the public workshop that provided comment. A final adoption public hearing was held on October 21, 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 posted at public libraries, all locations where the Nevada Division of Forestry has an office, the Bryan Building in Carson City, and the State Office Building in Las Vegas. 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:

a. Attended each hearing:

No person from the public attending the public hearing on October 21, 2024.

b. Testified at each hearing:

No person from the public testified the public hearing on October 21, 2024.

c. Submitted to the agency written comments:

No person from the public submitted written comment to the agency.

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.

The following is a list of names and contact information for all public persons who attended, testified or submitted written statements.

a. None

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.

NDF conducted a survey by mail, reaching out to all 65 businesses in Nevada, identified through online and cooperator sources, that specialize in outdoor activities within and around the Red Rock National Conservation area where Red Rock Sunflower (*Helianthus devernii*) is known to exist. No survey responses were received by NDF.

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.

No public comment was received; the Division is submitting for final adoption as proposed.

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; and

- **On business:** NDF foresees no adverse economic effect on regulated businesses as a result of the regulation partially due to the relatively small geographic area impact by the protections. NDF foresees the potential for enrichment of current outdoor recreation-related business operations and local economies by organizations and people interested in rare endemic species and the general appreciation of natural history and unique characteristics of the Red Rock area.
- **On the public:** This regulation benefits the public by protecting a rare endemic species that is threatened with extinction, a public obligation per NRS 527.260(b). The public will also benefit in similar ways as businesses identified above through opportunities to observe the rare species and its contribution to the unique character of the Red Rock area while recreating. It may also benefit landowners who wish to conserve their properties as open space and habitat for

the species through the selling of valuable conservation easements. Adverse impacts to public may include the exclusion of certain ground disturbing activities, including recreation, from sites where populations exist, or unoccupied habitat is designated. Additionally, landowners who have property with populations of this species may see an adverse economic impact due to lower development potential and value because permitted take is not guaranteed in order to develop the property.

b. Both immediate and long-term effects.

- **On business:** Immediate effects may include the reduction of access to very small areas where businesses can guide recreation activities in a very large landscape within the Red Rock National Conservation Area. In the long term, the protected plants may attract increasing amounts of tourists and visitors who contribute to local economies and businesses in the outdoor recreation sector.
- **On the public:** Nevada will be in compliance with NRS 527.260(b) by offering protection to this rare endemic species. The presence of protected plants may also result in the restriction of private property owners conducting any activities that can result in the take (NAC 527.140) of the plants on their property unless they are issued a Condition Take Permit issued by NDF. In the long-term, the public will have the opportunity to view these unique and rare plants in their native habitats. Private landowners may have the opportunity to sell their properties for conservation purposes.

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

There is no cost to the agency. Existing staff in the agency are charged with the related tasks already for other species in the same geographic area.

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.

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

Not applicable.

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.

Not applicable.