

**PROPOSED REGULATION OF THE
STATE CONSERVATION COMMISSION**

LCB File No. R176-24

August 16, 2024

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

AUTHORITY: §§ 1-6, NRS 548.160 and 548.178.

A REGULATION relating to conservation; requiring the State Conservation Commission in the State Department of Conservation and Natural Resources to administer a competitive grant program for projects that enhance, protect or conserve renewable natural resources; providing requirements for applications to receive a grant and the review of such applications; creating requirements for the distribution and expenditure of grant money; making certain reporting requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Conservation Commission in the State Department of Conservation and Natural Resources to: (1) establish a competitive grant program from money appropriated by the Legislature for conservation districts; and (2) distribute money to conservation districts unequally if certain conditions are satisfied. (NRS 548.178) **Section 2** of this regulation authorizes the Commission to administer a competitive grant program to award grants in unequal amounts to conservation districts for projects that enhance, protect or conserve renewable natural resources. **Section 2** additionally provides the requirements a conservation district must satisfy to apply for a grant. **Section 3** of this regulation sets forth the requirements for an application to receive a grant. **Section 4** of this regulation provides the procedures used by the Commission to review an application for a grant. **Section 5** of this regulation: (1) authorizes the Commission to appoint a technical committee to review applications for grants; and (2) sets forth the requirements for the distribution and expenditure of grants of money. **Section 6** of this regulation requires the recipient of a grant to: (1) submit a report to the Conservation Districts Program in the State Department of Conservation and Natural Resources that satisfies certain requirements; and (2) enter into a grant award agreement with the Program to receive the grant of money.

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. 1. In accordance with the provisions of sections 2 to 6, inclusive, of this regulation, the Commission will administer the Renewable Natural Resource Competitive Grant Program for the purpose of awarding grants of money to qualifying conservation districts for projects that enhance, protect or conserve renewable natural resources in the conservation districts. Grants of money may be awarded to qualifying conservation districts in unequal amounts.

2. The Renewable Natural Resource Competitive Grant Program will be funded by money appropriated by the Legislature to the Grant Program and any additional money obtained from other sources which is specifically intended for projects that enhance, protect or conserve renewable natural resources in the conservation districts.

3. The Commission will provide advance notice of the availability of a grant from the Renewable Natural Resource Competitive Grant Program. The notice must specify the deadline for the submission of an application for a grant of money.

4. 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) Has demonstrated past ability to complete similar projects in a reasonable manner; and

(c) Has adequate resources to track a grant project and administer the grant money.

5. The Commission has the final authority in all matters relating to the Renewable Natural Resource Competitive Grant Program set forth in sections 2 to 6, inclusive, of this regulation.

Sec. 3. 1. *An application for a grant of money from the Renewable Natural Resource Competitive Grant Program:*

(a) Must be submitted on a form prescribed by the Commission.

(b) Will only be accepted by the Commission within the application period. Any applications received after the deadline specified in the notice provided pursuant to section 2 of this regulation will not be considered.

(c) Must include, without limitation:

(1) A budget for the use of grant money;

(2) The goals for the project; and

(3) The proposed frequency and specificity of the monitoring reports required pursuant to section 6 of this regulation for the project.

2. The Commission will accept more than one application for a grant of money from an eligible applicant. If an applicant submits more than one application, the applications must be ranked by the applicant in order of importance at the time the applicant submits the applications.

3. There is no limit on the amount of grants of money that may be requested by each applicant, but the amount of money awarded to each applicant is solely within the discretion of the Commission.

Sec. 4. 1. *The Commission may appoint a technical committee of not less than two but not more than five experts in the field of renewable natural resources. If appointed, the technical committee serves at the pleasure of the Commission.*

2. *In reviewing an application for a grant of money from the Renewable Natural Resource Competitive Grant Program, the Commission will:*

(a) Rank each application received in order of priority for awarding grants. 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, will receive a higher ranking by the Commission.

(b) Submit each application to the technical committee, if appointed pursuant to subsection 1, or to another entity with expertise in matters pertaining to renewable natural resources selected by the Commission to review the application and determine whether the project will enhance, protect or conserve natural resources in the conservation district.

(c) Consider only applications for projects that:

(1) Have been determined pursuant to paragraph (b) to enhance, protect or conserve natural resources in the conservation district; and

(2) Can be implemented immediately upon approval by the Commission.

(d) Not consider an application for a grant that is determined by the Commission to be primarily for the purpose of acquiring equipment.

Sec. 5. 1. Unless otherwise authorized by the Commission in an agreement to award a grant of money, grants of money will be disbursed as reimbursements. Grants of money may be disbursed in a lump sum or in installments at the discretion of the Commission.

2. A maximum of 15 percent of the total amount of the grant or grants of money awarded to a conservation district from the Renewable Natural Resource Competitive Grant Program in a fiscal year may be designated and used for administrative or indirect costs related to a project if the conservation district requested to use the grant of money for such costs in the budget included in the application for the grant of money.

3. A grant of money awarded by the Commission pursuant to sections 2 to 6, inclusive, of this regulation:

(a) Except as otherwise provided in paragraph (b), must be expended or obligated during the fiscal year in which it was awarded.

(b) If the Commission authorized the disbursement of the grant of money on a basis other than reimbursement, must be expended or obligated during the fiscal year in which it was disbursed.

(c) May not be committed for expenditure beyond the terms of the grant. Any amount of the grant of money which has not been committed for expenditure during the fiscal year or years for which the money was granted will be deducted from any grant awarded to the conservation district in a future year.

Sec. 6. 1. Unless otherwise required by the Commission, not later than 60 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 Commission and must include, without limitation:

(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 conducted pursuant to NAC 548.115 of whether the

conservation district is found in good standing and eligible to receive a grant of money from the Commission.

3. Each conservation district that is awarded a grant of money pursuant to sections 2 to 6, inclusive, of this regulation shall enter into an agreement with the Program for the award of the grant of money. The agreement must include, without limitation, a requirement that the conservation district submit regular monitoring reports regarding the project, as appropriate for the project. The frequency and specificity of the monitoring reports must be agreed upon by the Program and the conservation district before any grant of money will be distributed by the Commission to the conservation district.