



# Ability to Adopt Regulations to Collect Proposed Fees and Penalties

Thursday, February 22, 2024

Sagebrush Ecosystem Program



# Reasoning

- On October 30, 2019, the Sagebrush Ecosystem Council passed regulations that required the use of the Conservation Credit System for any mitigation regarding impacts to Greater Sage-Grouse.
- Since then, the number of projects coming through the Program has exponentially increased, which has limited the amount of time and resources the staff must spend on each project, yet we sometimes spend several workdays assessing and correcting submissions.



# Needs

- Add in a fee structure to push for hiring outside of the State to complete larger, more complicated projects
  - Also incentivize cleaner, more completed submissions for the staff to spend less time assessing and correcting
- Add in a fee structure to allow the collection of a set cost for small credit amounts (<10) to be compiled to fund a bigger, more impactful project
  - Removes the bulk of the paperwork for small transactions
- Add in a penalty structure to ensure compliance within the Program
  - Only have had one major non-compliance issue, which was resolved very quickly, so not a major problem at the moment

**Funds accrued are to be put towards larger conservation or restoration projects for GRSG**



# Conceptual Authority

**NRS 321.594 Powers and duties of Administrator and Division regarding programs to improve sagebrush ecosystems; Division authorized to make certain grants and enter into certain contracts and agreements; regulations.**

2. In carrying out the program described in subsection 1, the Division, on behalf of the Director of the State Department of Conservation and Natural Resources, shall:...

(e) Solicit grants and private contributions for projects to improve sagebrush ecosystems; and



# Conceptual Authority

## **NRS 232.162 Sagebrush Ecosystem Council: Creation; members; terms; vacancies; compensation; powers and duties; biannual report to Governor.**

6. The Council may:...

(c) Consider and require the recovery of costs related to activities prescribed by paragraph (d) of subsection 2 of NRS 321.594 pursuant to NRS 701.600 to 701.640, inclusive, or any other authorized method of recovering those costs.



# Decisions

- **Do we have the authority already in NRS to request fees and penalties?**
  - Just an NAC change
  - Goes to the Legislative Council Bureau
- **If not, do we want to pursue a NRS change? How?**
  - Must submit a Bill Draft Request
  - Goes in front of the full Legislature
- **The SETT is hoping to request a much-needed increase in budget at this next Legislation**
  - Requesting too much if we ask for NRS change?



# Questions?

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