



**STATE OF NEVADA
DEPARTMENT OF WILDLIFE**

Director's Office

6980 Sierra Center Parkway, Ste. 120 • Reno, Nevada 89511
(775) 688-1500 Fax (775) 688-1987

MEMORANDUM

DECEMBER 19, 2022

To: Nevada Board of Wildlife Commissioners, County Advisory Boards to Manage Wildlife, and Interested Publics

From: Kailey Musso, Management Analyst 3, Director's Office

Title: **Commission Policies**

Purpose: The Administrative Policies, Regulations and Procedures (APRP) Committee will be reviewing all Commission Policies throughout the next year. They will be forwarded to the Commission for approval after Committee review.

Summary

The policies to be reviewed and amended include Commission Policy 11, 23, 61 and 62.

Brief Explanation of Proposed Policies

*The formatting of every policy will be updated, as they are passed, so that it is consistent in each policy.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 11 in June and again in November. The policy was heard by the Commission for the first time at the November Commission Meeting. It was updated to reflect the selection for Heritage Grants. This policy will now be considered for a second reading by the Commission.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 23 at their March 2022 and November 2022 meetings. The policy was simplified and removed repetitive language. One meeting of the year was removed, taking the number of Predator Plan Readings from eight meetings per year to seven. The policy will now be considered for a second reading by the Commission.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 61 at their April 2022 meeting. The Commission heard the policy for the first time at the August 2022 meeting and second time at the November meeting. The policy was simplified and removed repetitive language. The policy will now be considered for a third reading by the Commission.

The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed Commission Policy 62 at their November 2022 meeting. The Commission heard the policy for the first time at their November 2022 meeting. The policy was simplified and removed repetitive. The Administrative Policies, Regulations and Procedures (APRP) Committee reviewed

Recommendation

Adopt

Commission Policy 11
Commission Policy 23
Commission Policy 61
Commission Policy 62

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 11

Number: P-11
Title: Wildlife Heritage Grants
References: NRS 502.3575, NAC 501.300-340
Effective Date: July 1, 2012
Amended Date: September 23, 2016,
Review Date: 2022

PURPOSE

To inform the public and guide the Nevada Department of Wildlife (Department) in actions relating to the Board of Wildlife Commissioners' (the Commission) review and approval of expenditures from the Wildlife Heritage Account in accordance with NRS 501.3575.

POLICY

It is the policy of the Board of Wildlife Commissioners (Commission) to make awards from the Wildlife Heritage Account to project proposals in conformance with NAC 501.300-340. Furthermore, all awards shall be made in the form of grant awards as prescribed by the Department's Heritage Program Grant Manual. The Department will rank and score project proposals based on project viability and resource enhancement potential. As a condition for accepting any award, project proponents must agree to the terms and conditions of the Heritage Program Grant Manual.

PROCEDURE

The Department shall administer the Heritage Program Grant Manual and ensure its compliance with all applicable state rules and regulations. Furthermore, the Manual shall be posted on the Department's website as part of the Wildlife Heritage Program and shall otherwise be made available for public inspection.

This policy shall remain in effect until amended, repealed, or superseded by the Commission.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, XX, MONTH, 2023 .

Tommy Caviglia, Chairman
Board of Wildlife Commissioners

Nevada Board of Wildlife Commissioners

WILDLIFE HERITAGE PROGRAM

GRANT MANUAL



Administered by the
Nevada Department of Wildlife



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STATE OF NEVADA

**BOARD OF WILDLIFE
COMMISSIONERS**

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POLICY

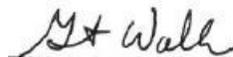
It is the policy of the Board of Wildlife Commissioners (Commission) to make awards from the Wildlife Heritage Account to project proposals in conformance with NAC 501.300-340. Furthermore, all awards shall be made in the form of grant awards as prescribed by the Department's Heritage Program Grant Manual. [The Department will rank and score project proposals based on project viability and resource enhancement potential.](#) As a condition for accepting any award, project proponents must agree to the terms and conditions of the Heritage Program Grant Manual.

PROCEDURE

The Department shall administer the Heritage Program Grant Manual and ensure its compliance with all applicable state rules and regulations. Furthermore, the Manual shall be posted on the Department's website as part of the Wildlife Heritage Program and shall otherwise be made available for public inspection.

This policy shall remain in effect until amended, repealed, or superseded by the Commission.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
September 23, 2016.



Grant Wallace, Chairman Board of Wildlife
Commissioners

SECTION I: WILDLIFE HERITAGE PROGRAM

INTRODUCTION AND OVERVIEW



History and Legislation

In 1994, the Nevada Department of Wildlife's (Department's) Director, along with the Idea Team, put together the Wildlife Heritage Account concept. The intent was to gather funds from various sources and create a Grant program for projects, not covered by license dollars, which would benefit wildlife in Nevada. The idea was blessed by the County Game Boards (now referred to as County Advisory Boards for Managing Wildlife or CABMWs) and supported by Governor Bob Miller. It was formalized and submitted to the Nevada Legislature. In 1996, NRS 501.3575 made it official. The amount allowed for granting that year was \$16,539. Due to the generosity of its participants over the years, the account has now grown to over \$9 million. For State fiscal year (SFY) [2022-2023](#) a record amount of Wildlife Heritage funds in the amount of [\\$1,513,377.69](#) ~~\$1,452,971~~ were awarded to new projects.

Related rules and regulations have evolved since its inception, but the original concept remains the same: to award grant money to projects *“for the protection, propagation, restoration, transplantation, introduction, and management of any game fish, game mammal, game bird or fur-bearing mammal and the management and control of predatory wildlife in this state.”* (NRS 501.3575)

Examples of some of the various projects that have been funded include:

- big game capture, transplant, and disease monitoring
- wildfire-related habitat restoration
- development and maintenance of water guzzlers
- habitat enhancement that benefits a wide variety of game and non-game wildlife species
- Operation Game Thief educational materials
- upland game bird population studies
- Sage grouse and bighorn sheep genetics studies
- other scientific data collection and analysis, including the purchase and deployment of GPS collars for tracking the movement of wildlife
- protection and restoration of springs and riparian corridors
- providing the state match portion of the funding used to purchase two helicopters

The Wildlife Heritage Program is authorized by NRS 501.3575 and is administered by the Board of Wildlife Commissioners and the Wildlife Heritage Committee, which is composed of five Wildlife Commissioners and two at-large members that are Chairmen and/or members of CABMWs. Department employees, other agencies, sportsmen’s groups, other non-profit organizations and interested individuals are encouraged to apply for Heritage grant dollars.

Funding

The Wildlife Heritage Account obtains funds from the receipts of auctions of special hunting tags, and from gifts of money made by any group or individuals.

The major funding source for the program is the Heritage Tag program. Special tags offering a unique hunting opportunity are issued to Commission-approved vendors for auction during fundraising events. Tags are issued for game animals such as mule deer, antelope, elk, bighorn sheep, and wild turkey. NRS 502.250 authorizes the Wildlife Commission to designate the number of Wildlife Heritage game tags to be auctioned each year. The average amount received during auctions for a Heritage Tag has been around \$50,000, with some desirable elk and bighorn sheep tags going for as ~~much as more than \$100~~ 200,000 and \$175,000 ~~each~~ respectively.

The Heritage Fund also gets funding from the Partnership in Wildlife (PIW) program. Conducted pursuant to NRS 502.250, it is a voluntary and optional participation program that offers special hunting opportunities to hunters by offering a limited number of statewide big game tags. Those who are unsuccessful in obtaining a tag in the regular drawing can apply to be involved in the special PIW tag drawing for the amount of \$10. Funds donated through the PIW program are placed in the Wildlife Heritage Account.

Another funding source is the Silver State Tag, a program that started in 2011 and is being touted as the “Silver State Hunt of a lifetime.” It is similar to the Heritage Tag but without the auction or auction prices. Applicants pay a nonrefundable fee of \$25 to \$30, depending on species, to be submitted into the draw. The Silver State Tag draw is open to both resident and non-resident hunters who are eligible to hunt big game.

The Heritage Project Year runs on the same year as the State of Nevada fiscal year, July 1 through June 30. The amount of funds available for granting to approved projects vary from year to year due to the amount of funds deposited each year and the interest earned on the account annually. NRS 501.3575 states, “the Department may annually expend from the Wildlife Heritage Account an amount of money not greater than 75 percent of the money deposited in the Account during the previous year and the total amount of interest earned on the money in the Account during the previous year. In addition, the Department may, at any time, expend from the Account any portion of the amount of money in the Account which exceeds \$5,000,000.” In the event that the annual authorized funding allowed per fiscal year is not utilized for projects, the unused portion will revert to the principal of the account.

Example:

SFY 2000 total deposits \$100,000 x .75 = \$75,000
Total Interest Earned 5,000
Amount available for SFY 2001 Projects \$80,000

The annual amount of funds awarded from the Wildlife Heritage Account since 2007 is summarized below.

State Fiscal Year	Heritage Funds Awarded
2007	\$580,836
2008	\$678,319
2009	\$658,640
2010	\$631,379
2011	\$447,318
2012	\$403,078
2013	\$525,796
2014	\$477,741
2015	\$558,628
2016	\$708,029
2017	\$688,231
2018	\$727,672
2019	\$887,474
2020	\$979,703
2021	\$1,268,277
2022	\$1,452,971
<u>2023</u>	<u>\$1,513,377.69</u>

The total available funding for Heritage projects during the upcoming State fiscal year is calculated and made public during the February Wildlife Commission meeting. Additional information on annual funding can be obtained by visiting the Heritage Program’s web page at <https://www.ndow.org/blog/wildlife-heritage-tag/>.

NRS 501.3575 was recently updated in 2021, which includes the following, “In addition, the Department may, at any time, expend from the Account any portion of the amount of money in the Account which exceeds \$5,000,000.” At the June 24, 2022 Heritage Committee Meeting, the committee recommended “to cap principal projects at 50% of the amount of available funds per year and send to the APRP committee for discussion.”

In order to properly manage and award Heritage funds, the Board of Wildlife Commissioners has established a project proposal (or application) submittal and review process. The process consists of submissions of project proposals, proposal reviews and ranking by the Department, reviews by the Wildlife Heritage Committee of the Commission, and final approval/denial of the proposals by the full Wildlife Commission. Additional information regarding this process is found in the sections below. The program’s annual proposal timeline is summarized below.

Annual Wildlife Heritage Proposal Timeline

- November 1 A funding availability notice and web link to the Heritage project proposal form and related guidelines is emailed to the non-profit organizations, sportsmen groups, interested individuals, Department employees, and others on the Department’s Heritage Program email list.
- January 1 to March 1 Project proposals can be submitted as early as January and no later than March 1. They are then reviewed by Department staff and assembled for Commission, Committee and CABMW review.

April 15 A package of the new project proposals, program financial information, and project completion and status reports is sent to the Committee, Commission, and each CABMW for review.

May During their May meeting, the Wildlife Heritage Committee reviews and comments on the new project proposals and develops preliminary recommendations regarding project approvals and funding allocations. These preliminary recommendations are provided to the Commission at their May meeting, which is usually held the next day. Authors of the project proposals are encouraged to attend the May Committee meeting so they can provide a brief overview of their project and be available to answer questions.

June The Wildlife Heritage Committee usually meets again the night before, or the morning of, the first day of the June Commissioners meeting. At this meeting, the Committee addresses extension requests from the managers of existing Heritage projects, considers the reallocation of funds from projects that do not need all of their awarded funds (if any), and may make adjustments to their new project funding recommendations for the Commission. The Commission then reviews the recommendations of the Committee at their June meeting and formally acts on each of the recommendations. All parties that have submitted project proposals will be notified of the Commission's decisions. Successful parties are required to complete and enter into a Heritage Program Grant Agreement with the assistance of Department staff.

Late June to Early July The Department's management approves the Heritage Program Grant Agreements for new projects and, absent any unforeseen events, project work can commence in July.

In an effort to meet generally accepted accounting practices, an organization or individual receiving Heritage funding must comply with provisions Nevada's State Administrative Manual, which is a compilation of policy statements concerning internal operations of State government.



SECTION II: ELIGIBILITY

Heritage conservation project proposals will be accepted from Department employees, CABMWs, other agencies, sportsmen groups and other non-profit organizations, and private individuals. The Wildlife Heritage Account Project Proposal Form and related guidelines may be downloaded from the Wildlife Heritage Program's web page at:

<https://www.ndow.org/blog/wildlife-heritage-tag/>

~~All proposals must be submitted on an approved Wildlife Heritage Project Proposal form. If additional space is required for any information, additional pages may be attached. Those submitting requests are encouraged to provide as much information as possible so that their project will receive appropriate consideration.~~

~~Funding priority will be given to applicants who have obtained outside funding sources as partial support for the project. Additional priority will be given for projects of habitat restoration and improvement of a long term or permanent nature and projects that demonstrate in writing a need for money to fund the project. It is important that all of a project's funding sources are appropriately coordinated and documented. Additional information concerning the criteria the Department uses while reviewing Heritage proposals is provided in Section IV below.~~

SECTION III: APPLICATION PROCESS

1. In order to apply for Heritage account funds, ~~each~~ NDOW applicants must submit a proposal through the Habitat Conservation Framework Project Portal (HCFPP). For non-NDOW applicants, applications can be submitted complete on an the approved Wildlife Heritage Project Proposal Form. Forms, which can be found on the Heritage Program's web page cited above or by contacting the Department. Those submitting proposals are encouraged to provide as much information as possible so that their project will receive appropriate consideration by the Commission. If additional space is required for any information, additional pages may be attached to the application or uploaded in the "Documents" section of the HCFPP.
2. NDOW applicants submitting projects through the HCFPP will need to provide the following:
 - Project Overview – Project Name, Project Manager, Start and Finish Date, NEPA Clearance Information, Project Schedule, General Location, Project Partners and Organizations
 - Project Details – Priority Wildlife Resources, Project Activities, Project Rationale, Monitoring Plan
 - Funding – Funding Sources (cash, donations, volunteer match, etc.) and allocations and Budget Narrative – Note that Indirect Cost cannot be charged to Heritage Funds. Please list all funding sources used to complete the project.
 - Project Location – Spatially defined project location and treatments
 - Actions - (Conifer Removal, Seeding, etc.)
 - Habitat/Threats
 - Documents – opportunity to upload documents

3. Applicants submitting an application on an approved Wildlife Heritage Project Proposal form will need to provide similar information, including the following:

- All projects that have a specific location/area must submit a location map. The proposal may be rejected if staff/and or the Commission cannot locate the project area with the information provided.
 - More than one map may be submitted if necessary and additional information may be provided for clarification. The location map must define the location explicitly. Include any street, access roads, trails, or other terms of locations (Section, Township, and Range). The map must include the title of the project, a scale of the map, the date the map was created or modified and a north arrow.
 - A legal description of the area or property on which the proposed project is to be located is required. The legal description should include the address of the property or location of the project area, any access roads, township, range and section. The proposal may be rejected if the Committee and/or the Commission cannot locate the project proposal area with the information provided.
 - A site development plan should also be submitted if one is associated with the proposed project. This should be as specific as possible and include any information relative to planting, seeding or building or other structure construction.
 - A breakdown of the estimated funding sources is required. Identify all the costs required to complete your entire project. Besides identifying the Heritage funds, identify any other funding sources, whether they are cash contributions or “in-kind” contributions (donated staff or volunteer time, materials, equipment and mileage). IT IS IMPORTANT TO NOTE THAT INDIRECT COSTS CANNOT BE CHARGED ON HERITAGE PROJECTS.
- ~~2.~~
- ~~3.~~ • On the project proposal form, the final funding amount from all sources combined and the final estimated project cost total should be the same amount, thus confirming that you have enough funding to cover the entire project costs.

SECTION IV: PROPOSAL REVIEW AND APPROVAL PROCESS

Upon receipt of the project proposal, the Department will complete their portion of the forms and a full copy of each project proposal will be posted on the Heritage Program’s web page no later than April 15 of each year. The Committee will review the requests, listen to public comment and make their funding recommendations to the Commission at its annual May Commission meeting. The Commission shall make their final decisions for funding the projects at its annual June Commission meeting. All organizations/individuals submitting projects will be notified as soon as practical after the Commission action as to the approval or denial of their requests.

The criteria to be used by Department staff, the Heritage Committee and Wildlife Commission while reviewing Heritage proposals are described below.

1ST LEVEL REVIEW - THRESHOLD CRITERIA: If any project does not meet the Threshold Criteria, it will not be given further consideration. (All criteria will be specified in proposal solicitations).

1. **Consistent with Heritage Program Intent** (as defined in NRS 501.3575) - Projects must address one of the following:
 - The protection, propagation, restoration, transplantation, introduction, and management of any game fish, game mammal, game bird, or fur-bearing mammal and,
 - The management and control of predatory wildlife in the state of Nevada.
2. **Consistent with Intent of NDOW Programs and Policies** – The project must be within the scope of, and consistent with, the intent of the Department’s plans and policies, as well as suitable in the habitat in which the project will be conducted.
3. **Technically and Procedurally Sound-Feasible** - The project must be technically and procedurally sound. Consideration will be given to the level of uncertainty and the degree of success of similar projects in the past.

2ND LEVEL REVIEW - SCREENING CRITERIA: Projects that meet the Threshold Criteria shall be further evaluated using ~~the additional~~ screening criteria ~~below~~. ~~These screening criteria shall be used to distinguish between preferred and non-preferred projects~~ The Department will rank and score project proposals based on project viability and resource enhancement potential. These scores and rankings will be provided to the Heritage Committee to help prioritize project funding. Ranking and scoring criteria may include: likelihood of success, partner funding, duration of benefits expected, project scale, building upon existing work, magnitude of benefits expected, restoration of priority habitats or critical life stages for priority game or fish, addressing knowledge gaps, cost effectiveness, timely completion, urgency, etc.

- ~~1. **Likelihood of Success** – Consider the potential for successful completion and successful outcomes of the proposed project. This includes the capability/experience of individuals or organizations expected to conduct the work or implement the project.~~
- ~~2. **Additional Program Funding** – Funding priority will be given to applicants who have obtained outside funding sources as partial support for the project. Consider availability of matching or supplemental funding. In order for outside funding sources to be accepted by each Committee, a letter from the outside group, organization or individual needs to be attached to your proposal.~~
- ~~3. **Habitat Restoration or Improvement of a Long Term Nature** – Priority will be given for projects of habitat restoration and improvement of a long term or permanent nature.~~
- ~~4. **Programmatic Merit** – Determine how well the proposal will meet the intent of the Wildlife Heritage Program, as defined under Threshold Criterion number 1 above.~~

- ~~5. **Cost-Effectiveness** – Consider the relationship of expected project costs to expected results and the relevance of those results to Heritage Program goals. Seek the least costly approach to deliver an equivalent or greater benefit.~~
- ~~6. **Total Cost and Accuracy of Cost Estimate** – The total cost estimate should include money to complete the project. Validity of the estimate is determined by the completeness, accuracy, and reliability of methods used to estimate costs, as well as the credibility of the person submitting the estimate.~~
- ~~7. **Originality/Not Duplicative** – Projects should be independent in nature and not duplicate other projects. Projects should be innovative and unique.~~
- ~~8.1. **Timely Completion** – Projects that have already obtained any necessary permits, and do not require, or have already had related National Environmental Policy Act (NEPA)–related compliance completed, will be preferred to projects that have not received necessary permits or projects that require NEPA compliance and such compliance will not be completed before the beginning of the State fiscal year for which funding would be awarded.~~

SECTION V: PROJECT MANAGER RESPONSIBILITIES

A person who is responsible for managing a Wildlife Heritage conservation project that is approved by the Commission shall:

- complete a copy of the Heritage Grant Agreement for the project. A copy of this agreement is found in the Heritage Program Grant Manual referenced above. Once a project is approved, the project’s manager fills out a grant agreement with the assistance of Zeida Albert of the Department’s Fiscal Services Section. Nancy can be reached at zalbert@ndow.org or 775-688-1014 if you have any questions.
- comply with all local, state and federal laws when executing the project,
- coordinate all of the project’s relevant funding sources,
- submit written requests for money in accordance with the policy of the Department before receiving a payment from the account, and
- upon request of the Commission, allow the Commission or a representative of the Commission who has been designated for such purpose, to observe any activity related to the project.

Other Requirements

A Heritage conservation project that receives money from the Heritage Account must be completed by the end of the fiscal year for which the money is awarded, unless, before that date, a person who is responsible for managing the project demonstrates that unusual circumstances exist which require an extension of time and the Commission approves their extension request.

All equipment/supplies purchased with Heritage Account funds, and remain after the completion of the project, will be returned to the Department.

As noted above, *indirect costs cannot be charged on Heritage projects.*

All travel costs for per diem and mileage will be paid at the current State of Nevada approved rates.

Consistent with the Department's fiscal policies, the Department will not pay invoices/requests for Heritage funds received from outside organizations or individuals until the project's monitor (a Department employee identified in the project proposal) has confirmed that the work was completed by the organization or individual in a satisfactory manner. Requests for final payment/final invoices after a project is completed must also be accompanied with a 30 Day Project Completion Report that has been reviewed by the project's monitor. The form for this report is found on the program's web page at

<https://www.ndow.org/blog/wildlife-heritage-tag/>

[NDOW project monitors will enter external projects into the HCFPP that have been awarded Heritage funding. NDOW project monitors will also need to ensure projects are "closed-out" in the HCFPP once completed.](#)

~~For all Department employees submitting~~ Heritage project proposals with additional funding sources [should supply a](#), a letter of intent from a donating group, agency, organization or individual ~~will need to be attached to your proposal~~ to verify funding commitments. [If submitting through the HCFPP upload letters to the "Documents" section.](#)

Department employees are not allowed to include Department personnel or travel costs in their Heritage project proposals.

The project year is on a ~~fiscal year~~ [SFY](#) basis (starting July 1 and ending June 30).

If a person who is responsible for managing a project fails to meet any of the above criteria, the Commission may cancel funding of the project and disqualify the project from any future funding.

Before applying for these funds, please review all potential tax and insurance issues that might occur if your project is approved.

Deadlines

[All NDOW submitted proposals must complete an application in the HCFPP.](#) All [non-NDOW](#) proposals must be submitted ~~by first filling out the Microsoft Word version of the~~ [on approved Wildlife Heritage Project Proposal Form](#) found on the Heritage Program's web page at: <https://www.ndow.org/blog/wildlife-heritage-tag/>

Proposals must be submitted between January 1 and March 1 of each calendar year and the preferred submittal method is [through the HCFPP \(NDOW\)](#) or to email the completed Word proposal form to Mark Freese at markfreese@ndow.org. A PDF version of the proposal may also

be submitted but, at a minimum, project proponents must email the Department a Word version of the proposal. Mark can be reached at 775-688-1542 if you have any questions.

Upon receipt of the project proposal, the Department will complete their portion of the forms and a copy of each project proposal will be posted on the Department's Heritage web page no later than April 15 of each year. The Department will then send the proposals to each of the Department's Commissioners and each County Advisory Board to Manage Wildlife (CABMW). The Wildlife Heritage Committee and CABMW will review the proposals, listen to public comments, ask questions of the authors of the proposals, and make their recommendations to the Commission after holding its annual May meeting (usually held on a Thursday evening the night before the May Board of Wildlife Commission meeting). Authors of the proposals are encouraged to attend the May Committee meeting in order to provide a brief overview of their projects and to answer any questions. At the June Committee meeting, usually the night before or morning of the June Commission meeting, the Committee revisits their preliminary funding recommendations and finalizes their recommendations. Their final recommendations are considered and acted upon by the Commission at their June Commission meeting. All organizations and individuals submitting projects will be notified as soon as practical after the Commission action as to whether their requests were approved or denied, and if approved, how much funding was awarded to their project.

All approved projects require a completion report ([either closed out through HCFPP for NDOW projects or on word form for non-NDOW projects](#)) to be prepared for their project within 30 days after completion of the project. All completion reports are required to be submitted to the Department no later than July 30 of each year.

If, at any other time of the year, the Commission determines that money is available to fund additional projects, the Commission may do one or more of the following: request, accept and approve applications at such time for Heritage conservation projects which are urgent and which present unique opportunities.

SECTION VI: ACCOUNTING AND REPORTING

Department grants are subject to inspection and audit by representatives of the Department, the State Department of Administration, the Audit Department of the Legislative Counsel Bureau or other appropriate state or federal agencies to verify financial transactions, ascertain all policies, plans and procedures are being followed and to determine the reliability of financial aspects and conduct of the project.

- A grantee must use an adequate accounting system that meets the following criteria:
- A. Funds cannot be obligated until the date the Funding Agreement begins.
 - B. Provide cost and property control to ensure optimal use of funds, including a tracking system for property records of all equipment.
 - C. Control funds and other resources to assure expenditure of funds and property use are in conformance with any general or special conditions that apply to the recipient;
 - D. Meet the prescribed requirement for periodic financial reporting of operations;
 - E. Provide financial data for planning, control, measurement, and evaluation costs;

- F. Maintain all required records for three years from the date of the final report or until all questions arising from an audit have been resolved.

All information associated with Heritage projects is potentially publicly accessible.

The project year is based on the ~~State of Nevada's fiscal year~~ SFY of July 1 through June 30. Request for payment should be done no later than 15 days after the end of the fiscal year.

Before applying for these funds, please review all potential tax and insurance issues that might occur if your project is approved.

Grantees must be willing and able to register as a Vendor with the State of Nevada in order to establish a Vendor Number. Payments cannot be made through the State accounting system without vendor numbers.

Payments are made on a reimbursement basis. Payments will be made only upon receipt of official invoices. Invoices must be approved by the Project Manager, and if the Project Manager is not a Department employee, by the Department employee that has been assigned to the project as its monitor. Invoices must include detailed documentation like timesheets, mileage reports, or documented receipts of charges as described in the Project Proposal as Attachment AA of the Grant Agreement.

All equipment/supplies purchased with Heritage funds that remain after the completion of the project, will be returned to the Department. No indirect costs can be charged on Heritage projects. All travel costs for per diem and mileage will be paid at the current State of Nevada approved rates.

For a list of operational conditions and assurances see: APPENDIX A - ASSURANCES

Final Reporting

Upon completion of the project, all managers of projects other than Department employees, must ask their Department monitor to complete an inspection of their project. (As required on the project proposal form, all project managers that are not Department employees must designate a Department monitor who is familiar with their project.)

[NDOW project managers must update and close-out projects in the HCFPP. Non-NDOW project managers must complete](#) the 30 Day Heritage Project Completion Report form (can be downloaded from the Heritage webpage at <https://www.ndow.org/blog/wildlife-heritage-tag/>) and must be submitted to ~~Lee-Davis~~ Mark Freese at markfreese@ndow.org no later than 30 days after completion of the project. Projects completed by early March, must submit their completion reports no later than March 15. For projects not completed prior to early March, the project manager must submit a one paragraph project status report no later than March 15 and it must include a brief summary of the project's status, project accomplishments thus far, remaining tasks to be completed, and its estimated completion date. The completion and status reports will be reviewed by staff and forwarded to the Heritage Committee, Wildlife Commission and each CABMW by April 15. The completion report should contain color photographs of the project "before" and "after" if possible. Any publicity articles or other photographs should also be

attached. If technical reports, journal articles, etc. are prepared for the project, related references to these items should be included in the completion report [or uploaded into the HCFPP](#).

Any additional information that would be useful to the Commission and/or the Department is also requested. Your recommendations and comments will be used to help improve and expand the program in future years.

Your continued support for the Heritage program is appreciated. It is through your efforts that the account and program is growing, and it's also through your efforts that the wildlife of the State of Nevada will continue to benefit.

Staff Assistance and Information Sources

Department staff is available to provide advice on funding eligibility for potential projects and to provide assistance in developing the proposal. In addition, members of the Wildlife Commission may be contacted for assistance. Additional information regarding the Heritage Program is found on the program's web page at: <https://www.ndow.org/blog/wildlife-heritage-tag/>

If you have any questions regarding the Heritage Program or its proposal process, or the duties of a Heritage project manager, please do not hesitate to contact:

Mark Freese, NDOW Wildlife Staff Specialist
Nevada Department of Wildlife
6980 Sierra Center Parkway, Suite 120
Reno, Nevada 89511
(775) 688-1542 or markfreese@ndow.org

Questions related to the Heritage Grant Agreement or State Administrative Manual and their related requirements should be directed to:

Zeida Albert, NDOW Fiscal Services Section
Nevada Department of Wildlife
6980 Sierra Center Parkway, Suite 120
Reno, Nevada 89511
(775) 688-1014 or zalbert@ndow.org

APPENDIX A

HERITAGE GRANTEE ASSURANCES

As a condition of receiving granted funds from the Nevada Department of Wildlife, the Grantee agrees to the following conditions:

1. Grantee agrees grant funds may not be used for other than the awarded purpose. In the event Grantee expenditures do not comply with this condition, that portion not in compliance must be refunded to the Nevada Department of Wildlife.
2. Grantee agrees to submit reimbursement requests only for expenditures approved in the spending plan. Any additional expenditure beyond what is allowable based on approved categorical budget amounts, without prior written approval by the Nevada Department of Wildlife, may result in denial of reimbursement.
3. Approval of grant budget by the Nevada Department of Wildlife constitutes prior approval for the expenditure of funds for specified purposes included in this budget. Unless otherwise stated in the Scope of Work the transfer of funds between budgeted categories without written prior approval from the Nevada Department of Wildlife is not allowed under the terms of this grant. Requests to revise approved budgeted amounts must be made in writing and provide sufficient narrative detail to determine justification.
4. Recipients of grants are required to maintain grant accounting records, identifiable by grant number. Such records shall be maintained in accordance with the following:
 - a. Records may be destroyed not less than three years (unless otherwise stipulated) after the final report has been submitted if written approval has been requested and received from the Administrative Services Officer III of the Nevada Department of Wildlife. Records may be destroyed by the Grantee five (5) calendar years after the final financial and narrative reports have been submitted to the Nevada Department of Wildlife.
 - b. In all cases an overriding requirement exists to retain records until resolution of any audit questions relating to individual grants.

Grant accounting records are considered to be all records relating to the expenditure and reimbursement of funds awarded under this Grant Award. Records required for retention include all accounting records and related original and supporting documents that substantiate costs charged to the grant activity.

5. Grantee agrees to disclose any existing or potential conflicts of interest relative to the performance of services resulting from this grant award. The Nevada Department of Wildlife reserves the right to disqualify any grantee on the grounds of actual or apparent conflict of interest. Any attempt to intentionally or unintentionally conceal or obfuscate a conflict of interest will automatically result in the disqualification of funding.
6. Grantee agrees to comply with the requirements of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, P.L. 93-112, as amended, and any relevant program-specific regulations, and shall not discriminate against any employee or offeror for employment because of race, national origin, creed, color, sex, religion, age, disability or handicap condition (including AIDS and AIDS-related conditions).
7. Grantee agrees to comply with the Americans with Disabilities Act of 1990 (P.L. 101-136), 42 U.S.C. 12101, as amended, and regulations adopted thereunder contained in 28 CFR 26.101-36.999 inclusive, and any relevant program-specific regulations.
8. Grantee certifies, by signing this grant, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency. This certification is made pursuant to regulations implementing Executive Order 12549, Debarment and Suspension, 28 C.F.R. pt. 67 § 67.510, as published as pt. VII of May 26, 1988, Federal Register (pp.19150-19211). This provision shall be required of every Grantee receiving any payment in whole or in part from federal funds.
9. Grantee agrees, whether expressly prohibited by federal, state, or local law, or otherwise, that no funding associated with this grant will be used for any purpose associated with or related to lobbying or influencing or attempting to lobby or influence for any purpose the following:
 - a. any federal, state, county or local agency, legislature, commission, council, or board;
 - b. any federal, state, county or local legislator, commission member, council member, board member, or other elected official; or
 - c. any officer or employee of any federal, state, county or local agency, legislature, commission, council, or board.
10. Nevada Department of Wildlife grants are subject to inspection and audit by representatives of the Nevada Department of Wildlife, the State Department of Administration, the Audit Department of the Legislative Counsel Bureau or other appropriate state or federal agencies to
 - a. verify financial transactions and determine whether funds were used in accordance with applicable laws, regulations and procedures;

- b. ascertain whether policies, plans and procedures are being followed;
 - c. provide management with objective and systematic appraisals of financial and administrative controls, including information as to whether operations are carried out effectively, efficiently and economically; and
 - d. determine reliability of financial aspects of the conduct of the project.
11. Any audit of Grantee's expenditures will be performed in accordance with Generally Accepted Government Auditing Standards to determine there is proper accounting for and use of grant funds. It is the policy of the Nevada Department of Wildlife (as well as a federal requirement as specified in the Office of Management and Budget (OMB) Circular A-133 [Revised June 27th, 2003]) that each grantee annually expending \$500,000 or more in federal funds have an annual audit prepared by an independent auditor in accordance with the terms and requirements of the appropriate circular. A COPY OF THE FINAL AUDIT REPORT MUST BE SENT TO THE NEVADA STATE NEVADA DEPARTMENT OF WILDLIFE, ATTN: ADMINISTRATIVE SERVICES OFFICER II, 6980 SIERRA CENTER PARKWAY, STE 120, RENO, NEVADA 89502- within nine (9) months of the close of the Grantee's fiscal year. **To ensure this requirement is met, Section C of this grant must be filled out and signed.**



BOARD OF WILDLIFE COMMISSIONERS

APPENDIX B

Wildlife Heritage Account Project Proposal Form (external)

APPLICANT INFORMATION

Person Submitting Proposal/Project Manager: _____

Organization/Agency: _____

Date: _____

Address: _____ City: _____

State: _____ Zip Code: _____

Cell: _____ Phone: _____

Email: _____ Fax: _____

NDOW Monitor (if the project would be managed by someone other than a NDOW employee):

PROJECT INFORMATION

Project Title:

State Fiscal Year(s) Wildlife Heritage Account Funds are Needed:

Project Location:

Amount of Funds Requested from Heritage Account:

Is a Project Map Attached? Yes No

(a map must include the project title, map scale, date map was created, and a north arrow; Note that we will need project spatial information in the future if funded)

Project Partners/Organizations and Roles (Implementation Lead, Agency Cooperator, Non-Agency Cooperator, Private Landowner):

Define Priority Resources (Big Game, Diversity, Fish, General Habitat Improvement, Waterfowl, Upland Game):

Select Priority Species (e.g. Sage-grouse, mule deer, etc.):



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Is this Project related to an Project Initiatives (e.g. NDOW Mule Deer Enhancement Program, Sagebrush Ecosystem Program, Shared Stewardship, NRCS Sage-grouse Initiative, NV Biodiversity Initiative, Sagebrush Conservation Initiative, Monitoring and Research, etc.):

Project Activities (e.g. Conifer Removal, Fire Rehabilitation, Fuels Management, Riparian Enhancement, Acquisition, Population Monitoring or Research, etc.)

Does the Project benefit Greater Sage-grouse or their Habitat (Yes/No):

Purpose of the Project:

Detailed Description of Project and Rationale (include any development plans such as vegetation removal, planting, seeding, or installation of structures; also include the schedule for obtaining any necessary permits, completing NEPA compliance, etc.):



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How Would this Project Help with “the protection, propagation, restoration, transplantation, introduction and management of any game fish, game mammal, game bird or fur-bearing mammal in this State; or the management and control of predatory wildlife in this State”? (See NRS 501.3575)

Project Schedule (describe key milestones for project implementation):

Does this Project have a Monitoring Plan and if so, please describe:

Legal Description of the Property on Which the Proposed Project is to be Located (must include the property address, access roads, township, range and section):

Does this Project Have Additional Funding Sources Other than Your Wildlife Heritage Account Request? Yes No

Does this Project Involve Habitat Restoration and Improvement of a Long-term or Permanent Nature? Yes No

Please Describe in Detail the Reason Why You Need Wildlife Heritage Account Funding to Fund this Project:



BOARD OF WILDLIFE COMMISSIONERS

Project Duration: one year two years three years more

Estimated Start Date: _____

Estimated End Date: _____



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PROJECT FUNDING

The funding breakdown below should cover the total funding needs of the project. While projects may be extended beyond the fiscal year for which money was awarded, such an extension must be due to unusual circumstances and be approved by the Wildlife Commission (see NAC 501.340). Double click on the table to activate the embedded spreadsheet.

1. Amount of Heritage Account Funds Being Requested			
2. Other Cash Funding Sources for this Project			
a.			
b.			
c.			
d.			
e. Total Other Cash Funding Sources (lines a - d)		\$	-
3. In-kind Services for this Project			
a. Volunteer Time			
b. Equipment			
c. Materials			
d.			
e.			
f.			
g.			
h. Total Donations/In-kind Services (lines a - g)		\$	-
4. Total Project Funding		\$	-



BOARD OF WILDLIFE COMMISSIONERS

PROJECT COSTS

The cost breakdown below should cover the total costs of the project you are seeking funding for. NOTE: THE HERITAGE ACCOUNT CANNOT BE USED TO PAY INDIRECT COSTS. Double click on the table to activate the embedded spreadsheet.

	Heritage Costs	All Other Costs
1. Land Acquisition		
2. Personnel (NDOW employee costs can't be included in the Heritage column)		
3. Travel (NDOW travel costs can't be included in the Heritage column)		
a. Per diem		
b. Mileage		
c. Total Travel Costs (lines a & b)	\$ -	\$ -
4. Equipment Items		
a.		
b.		
c.		
d. Total Equipment Costs (line a - c)	\$ -	\$ -
5. Materials		
a.		
b.		
c.		
d.		\$ -
e. Total Material Costs (lines a - d)	\$ -	\$ -
6. Miscellaneous Costs		
a.		
b.		
c.		
d.		
e. Total Miscellaneous Costs (lines a - d)	\$ -	\$ -
7. Total Heritage Costs Only (add lines 1, 2, 3c, 4d, 5e, 6e)	<u>\$ -</u>	
8. Total All Other Costs (add lines 1, 2, 3c, 4e, 5e, 6e)		<u>\$ -</u>
9. Total Project Costs (add lines 7 & 8)	<u>\$ -</u>	
(Note: total project funding from previous table must match total project costs)		



BOARD OF WILDLIFE COMMISSIONERS

Budget Narrative:

Are There Going to be Any Ongoing Costs for This Project? Yes No

If There are Ongoing Costs Associated with This Project, is There an Anticipated Funding Source for These Costs?
Yes No

Do You Anticipate Needing Additional Wildlife Heritage Account Funds Beyond the Upcoming Fiscal Year? If So, Please Describe What You Think Your Funding Requirements will be and for What Purposes (As noted above, extensions beyond the first fiscal year must be due to unusual circumstances and approved by the Wildlife Commission.):

How Will You Give Credit to the Wildlife Heritage Account and Other Funding Sources?

Authorizing Signature: _____

Review Date _____

APPENDIX C

EXAMPLE OF A HERITAGE GRANT AGREEMENT

The Heritage Grant Agreement in this appendix is representative of the agreement to be completed with the assistance of the Department's Fiscal Services Section staff. Department staff will help each of the new Project Managers fill out an agreement template that is very similar to the document in this appendix.



Brian Sandoval
Governor

STATE OF NEVADA

DEPARTMENT OF WILDLIFE

6980 Sierra Center Parkway, Ste 120

Reno, NV 89511

(775) 688-1500 • Fax (775) 688-1595

TONY WASLEY
Director

JACK ROBB
Deputy Director

LIZ O'BRIEN
Deputy Director

Mr. /Mrs. / Dr. X
Entity/Organization
Street Address, Phone Number
City, State, Zip code

Subject: Notice of Nevada Department of Wildlife's Wildlife Heritage Trust Account Grant Award.

Dear Mr. /Mrs. / Dr. X:

Entity X has been awarded a Grant award XXXXXX (Agency Number) from the Department's Wildlife Heritage Trust Account in the amount of \$XXX,XXX for the time period of XX/XX/XXXX to XX/XX/XXXX.

1. *The purpose of this award is to fund Heritage Project number, XXXXX as proposed by the Project Manager, Mr./Mrs./ XXXXXXXXXXXX to carry out the work agreed to in the agreement signed between NDOW and XXXXXXXXXXXXXXXX.*
2. *Terms:*
In accepting these funds it is understood that:
 - a. *Expenditures must comply with appropriate state and/or federal regulations.*
 - b. *This Grant award is subject to the availability of appropriate funds.*
 - c. *Recipient of these funds agrees to stipulations listed in Sections A, B, C of Grant award. Stipulation D is required to be adhered to only if applicable.*
 - d. *The parties agree that the services to be performed shall be specifically described; this Grant Agreement incorporates the following attachments in descending order of constructive precedence:*

ATTACHMENT AA: WILDLIFE HERITAGE PROJECT NUMBER _____

Section A- Heritage Grant Agreement

Assurances

As a condition of receiving Granted funds from the Nevada Department of Wildlife, the Grantee agrees to the following conditions:

12. Grantee agrees grant funds may not be used for other than the awarded purpose. In the event Grantee expenditures do not comply with this condition, that portion not in compliance must be refunded to the Nevada Department of Wildlife.
13. Grantee agrees to submit reimbursement requests for only expenditures approved in the spending plan as seen in ATTACHMENT AA. Any additional expenditure beyond what is allowable based on approved categorical budget amounts, without prior written approval by the Nevada Department of Wildlife, may result in denial of reimbursement.
14. Approval of Grant budget by the Nevada Department of Wildlife constitutes prior approval for the expenditure of funds for specified purposes included in this budget. Unless otherwise stated in the Scope of Work the transfer of funds between budgeted categories without written prior approval from the Nevada Department of Wildlife is not allowed under the terms of this Grant. Requests to revise approved budgeted amounts must be made in writing and provide sufficient narrative detail to determine justification.
15. Recipients of Grants are required to maintain Grant accounting records, identifiable by Grant number. Such records shall be maintained in accordance with the following:
 - a. Records may be destroyed not less than three years (unless otherwise stipulated) after the final report has been submitted if written approval has been requested and received from the Administrative Services Officer III of the Nevada Department of Wildlife. Records may be destroyed by the Grantee five (5) calendar years after the final financial and narrative reports have been submitted to the Nevada Department of Wildlife.
 - b. In all cases an overriding requirement exists to retain records until resolution of any audit questions relating to individual Grants.

Grant accounting records are considered to be all records relating to the expenditure and reimbursement of funds awarded under this Grant Award. Records required for retention include all accounting records and related original and supporting documents that substantiate costs charged to the Grant activity.

16. Grantee agrees to disclose any existing or potential conflicts of interest relative to the performance of services resulting from this Grant award. The Nevada Department of Wildlife reserves the right to disqualify any grantee on the grounds of actual or apparent conflict of interest. Any attempt to intentionally or unintentionally conceal or obfuscate a conflict of interest will automatically result in the disqualification of funding.

17. Grantee agrees to comply with the requirements of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, P.L. 93-112, as amended, and any relevant program-specific regulations, and shall not discriminate against any employee or offeror for employment because of race, national origin, creed, color, sex, religion, age, disability or handicap condition (including AIDS and AIDS-related conditions).
18. Grantee agrees to comply with the Americans with Disabilities Act of 1990 (P.L. 101-136), 42 U.S.C. 12101, as amended, and regulations adopted thereunder contained in 28 CFR 26.101-36.999 inclusive, and any relevant program-specific regulations.
19. Grantee certifies, by signing this Grant, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency. This certification is made pursuant to regulations implementing Executive Order 12549, Debarment and Suspension, 28 C.F.R. pt. 67 § 67.510, as published as pt. VII of May 26, 1988, Federal Register (pp.19150-19211). This provision shall be required of every Grantee receiving any payment in whole or in part from federal funds.
20. Grantee agrees, whether expressly prohibited by federal, state, or local law, or otherwise, that no funding associated with this Grant will be used for any purpose associated with or related to lobbying or influencing or attempting to lobby or influence for any purpose the following:
 - a. any federal, state, county or local agency, legislature, commission, council, or board;
 - b. any federal, state, county or local legislator, commission member, council member, board member, or other elected official; or
 - c. any officer or employee of any federal, state, county or local agency, legislature, commission, council, or board.
21. Nevada Department of Wildlife Grants are subject to inspection and audit by representatives of the Nevada Department of Wildlife, the State Department of Administration, the Audit Department of the Legislative Counsel Bureau or other appropriate state or federal agencies to
 - e. verify financial transactions and determine whether funds were used in accordance with applicable laws, regulations and procedures;
 - f. ascertain whether policies, plans and procedures are being followed;
 - g. provide management with objective and systematic appraisals of financial and administrative controls, including information as to whether operations are carried out effectively, efficiently and economically; and
 - h. determine reliability of financial aspects of the conduct of the project.
22. Any audit of Grantee's expenditures will be performed in accordance with Generally Accepted Government Auditing Standards to determine there is proper accounting for and use of Grant funds. It is the policy of the Nevada Department of Wildlife (as well as a federal requirement as specified in the Office of Management and Budget (OMB) Circular A-133 [Revised June 27th, 2003]) that each grantee annually expending \$500,000 or more in federal funds have an annual audit prepared by an independent auditor in accordance with the terms and requirements of the appropriate circular. A COPY OF THE FINAL AUDIT

REPORT MUST BE SENT TO THE NEVADA STATE NEVADA DEPARTMENT OF WILDLIFE, ATTN: ADMINISTRATIVE SERVICES OFFICER II, 6980 SIERRA CENTER PARKWAY, SUITE 120, RENO, NEVADA 89511- within nine (9) months of the close of the Grantee's fiscal year. **To ensure this requirement is met, Section C of this Grant must be filled out and signed.**

Section B- Heritage Grant Agreement

Description of services, scope of work, deliverables and reimbursement

1. Brief Summary of Project

The parties agree that the services to be performed shall be specifically described; this Contract incorporates the following attachments in descending order of constructive precedence:

ATTACHMENT AA: WILDLIFE HERITAGE PROJECT NUMBER _____

2. Grantee Obligations

Grantee's name, hereinafter referred to as Grantee, agrees to provide the following services and reports according to the identified timeframes:

REFER TO ATTACHMENT AA

- *List specific services to be performed, to whom, how many, within what timeframe;*
- *List specific documents, reports, etc. to be prepared, deadlines for submission/approval; include information on the contents of the report and the submission format;*
- *Indicate the number of copies of publications or reports that must be provided to the Nevada Department of Wildlife in order to fulfill the Grant and in what format (hard copy, bound, electronic, etc.);*
- Identify the source of funding on all printed documents purchased or produced within the scope of this Grant, using a statement similar to: **“This publication (journal, article, etc.) was supported by the Nevada Department of Wildlife with [list Federal Agency if federal funds are funding Grant—also identify federal program] are solely the responsibility of the authors and do not necessarily represent the official views of the Nevada Department of Wildlife or the United States Fish and Wildlife Service.**
 - *If the Grant does not facilitate the development or distribution of written materials, delete this bullet statement, as it is not applicable.*

- *Any activities performed under this Grant shall acknowledge the funding was provided through the State Nevada Department of Wildlife with Wildlife Heritage Trust Account funding.*

3. The Nevada Department of Wildlife Obligations:

-
- *Identify specific items the program or Bureau must provide or accomplish to ensure successful completion of this project, such as:*
 - *Providing technical assistance, upon request from the Grantee;*
 - *Providing prior approval of reports or documents to be developed;*
 - *Forwarding a report to another party,*
 - "The program Contract Monitor or Program Manager shall, when federal funding requires a specific match, If a specific vendor or grantee has been identified in the grant application to achieve part or all of the match, "in-kind", or then this shall also be identified in the scope of work as a requirement and a deliverable, including a report of accomplishment at the end of each quarter to document that the match "in-kind", was achieved. These reports shall be held on file in the program for audit purposes, and shall be furnished as documentation for match, in-kind" reporting on the Financial Status Report (FSR) 90 days after the end of the grant period."
 - The Nevada Department of Wildlife reserves the right to hold reimbursement under this Grant until any delinquent forms, reports, and expenditure documentation are submitted to and accepted by the Nevada Department of Wildlife.

4. Joint Obligations:

The site visit/monitoring schedule may be clarified here.

(Note: If this paragraph is applicable to the work being performed, select the appropriate bullet and delete the other.

Section C - Heritage Grant Agreement

Budget, Terms of Reimbursement, Financial Reports

1. Include Budget Table:

REFER TO PROJECT DESCRIPTION ATTACHMENT AA (Project Proposal)

Project proposal has a budget ...

2. **Conditions for Equipment and Travel**

- Equipment purchased with these funds belongs to the federal program from which this funding was appropriated and shall be returned to the program upon termination of this agreement.
- Travel expenses, per diem, and other related expenses must conform to the procedures and rates allowed for State officers and employees. It is the Policy of the Board of Examiners to restrict contractors/Grantees to the same rates and procedures allowed State Employees. The State of Nevada reimburses at rates comparable to the rates established by the US General Services Administration, with some exceptions (State Administrative Manual 0200.0 and 0320.0).

3. **Reimbursement Terms**

Grantee agrees to request reimbursement according to the schedule specified below for the actual expenses incurred related to the Scope of Work during the Grant period.

- *Grantee will submit reimbursements periodically (e.g. monthly or quarterly).*
- *Requests for Reimbursement will be accompanied by supporting documentation, including a line item description of expenses incurred. Payment will be made upon receipt of an official invoice that includes the detailed documentation like timesheets and mileage reports, as well as receipts of charges as described in Attachment AA and Project Manager approval.*
- *Total reimbursement request cannot exceed \$XX, XXX.*
- *Grantee agrees to submit Wildlife Heritage Trust Account 30 Day Project Completion before receiving final grant payments.*
- *Additional expenditure detail will be provided upon request from the Department.*

Additionally, the Grantee agrees to provide:

- A complete financial accounting of all expenditures to the Nevada Department of Wildlife within 30 days of the CLOSE OF THE GRANT PERIOD. Any un-obligated funds shall be returned to the Nevada Department of Wildlife at that time, or if not already requested, shall be deducted from the final award.

All reports of expenditures and requests for reimbursement processed by the Nevada Department of Wildlife are SUBJECT TO AUDIT.

This Grant agreement may be TERMINATED by either party prior to the date set forth on the Notice of Grant Award, provided the termination shall not be effective until 30 days after a party has served written notice upon the other party. This agreement may be terminated by mutual consent of both parties or unilaterally by either party without cause. The parties expressly agree that this Agreement shall be terminated immediately if for any reason the Nevada Department of Wildlife, state, and/or federal funding ability to satisfy this Agreement is withdrawn, limited, or impaired.

This Grant agreement may also be terminated by the Department at any time during the grant year for the following reasons: (1) conduct that interferes with the administration of the grant; (2) illegal activity of any kind; (3) insolvency; (4) failure to disclose a conflict of interest; (5) influence by a gratuity; (6) any other violations of the terms of the grant agreement; and (7) substantiated fraud, abuse, or misappropriation of grant funds.

In the event the Department terminates the Agreement, Grantee shall: (1) repay to the Department any outstanding advance; (2) Grantee shall be reimbursed for any grant-related expenses incurred after the termination effective date; and (3) Grantee shall transfer or liquidate all equipment and non-consumables purchased with grant funds during the grant period (including equipment with an original purchase price of \$1,000 or more, all computers and software regardless of original purchase price, and any other items the Department has required the Grantee to inventory during the course of the grant); (4) surrender any and all documents related to the grant that the Department deems necessary; and (5) repay to the Department all grant funds found to be unallowable costs.

SECTION D - Heritage Grant Agreement

NEVADA STATE NEVADA DEPARTMENT OF WILDLIFE AUDIT INFORMATION REQUEST

1. Non-Federal entities that expend \$500,000.00 or more in total Federal Awards are required to have a single or program-specific audit conducted for that year, in accordance with *OMB Circular A-133*. A COPY OF THE FINAL AUDIT REPORT MUST BE SENT TO THE NEVADA STATE NEVADA DEPARTMENT OF WILDLIFE, ATTN: ADMINISTRATIVE SERVICES OFFICER II, 6980 SIERRA CENTER PARKWAY, SUITE 120, RENO, NEVADA 89511, within nine (9) months of the close of your fiscal year.
2. Did your organization expend \$500,000.00 or more in all Federal Awards during your most recent fiscal year? YES _____ NO _____
3. When does your fiscal year end? _____
4. How often is your organization audited? _____
5. When was your last audit performed? _____
6. What time period did it cover? _____
7. Which accounting firm conducted the audit? _____

SIGNATURE

TITLE

DATE

ATTACHMENT AA: - Heritage Grant Agreement

Wildlife Heritage Project Proposal

(This is where the proposal as submitted by the Project Manager and approved by the Commission is inserted into the Heritage Grant Agreement and serves as the project's scope of work)

Signature Page:

Nevada Department of Wildlife:

NDOW's Fiscal Services' Budget and Funding Approval:

_____	_____	_____
Signature # 1 (ASO III)	Date	Title

_____	_____	_____
Signature # 2 (Program Manager)	Date	Title

_____	_____	_____
Signature # 3 (Deputy Director)	Date	Title

_____	_____	_____
Signature # 4 (Deputy Director)	Date	Title

Grantee:

_____	_____	_____
Signature # 1	Date	Title

_____	_____	_____
Signature # 2	Date	Title

APPENDIX D

WILDLIFE HERITAGE PROJECT 30 DAY COMPLETION FORM



Wildlife Heritage Project 30 Day Completion Report

Name of Project:

Project Manager (PM):

Organization/Agency:

PM Email Address:

PM Phone Number:

Heritage Award Amount:

Heritage Project Number:

NDOW Monitor (if the project was managed by someone other than a NDOW employee):

State Fiscal Year Project was
Approved For:

Date this Report was Submitted
to NDOW:

Project Start Date:

Project Completion Date:

Date NDOW Monitor Inspected Your Completed Project (if the project was managed by someone other than a NDOW employee):

Type of Work Completed with Measurable Metrics (Associated Acreages, Linear Feet, Number of Animals, etc.):

Summary of the Project's Accomplishments and Wildlife Species that Will Benefit:

Summary of Project Costs and Funding Sources

<i>Types of Costs Incurred</i>	<i>Amount of Heritage Funds Used</i>	<i>Amount of Funds Used from Other Sources (*define the sources used at the bottom of table below)</i>
Travel		
Equipment (specify)		
Materials		
Miscellaneous incl. Contractors (specify)		
Sub-totals		
Total		
<p>*List Each Source Used in Addition to Heritage Funds (please define what types of costs were covered by each source and the total amount used by source):</p>		

Any Unanticipated Events, or Lessons Learned that Could Help Future Project Managers?

Please attach project photos (including before and after photos if it is a habitat restoration or enhancement project), and include references to any project-related technical reports, media postings, journal articles, etc.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 23

Number: P-23

Title: Predation Management

Reference: NRS 501.100, 501.105,
501.181, 502.253

Effective Date: December 7, 2013

Amended Date:

The Nevada Department of Wildlife (Department) and the Nevada Board of Wildlife Commissioners (Commission) recognize the need to effectively manage predators in Nevada. Predation Management actions are a viable and legitimate wildlife management tool that must be available to wildlife professionals when necessary. The Predation Management Program will incorporate the tools of predation management for the protection of nonpredatory game animals and sensitive wildlife species and conducting research necessary to determine successful techniques for managing and controlling predatory wildlife, including the use of proven and emerging science-based techniques of predator population management.

PURPOSE

The purpose of this policy is to inform the public and guide the Department in actions related to Predation Management. Should the Department make the decision to implement predation management actions, the management actions will be directed by the Predation Management Plan.

NEED

Where wildlife populations are failing to reach Department population management objectives, or where evidence suggests that predation may be a significant factor inhibiting the ability of a prey population to reach expected population levels, the Department may consider implementing predation management actions. The Department will consider acting if declining population trends cannot be explained by habitat conditions, weather or climatic events, disease, or other factors. The Commission is aware of the diverse public opinions concerning predation issues and recognizes the need to increase public education to facilitate a better understanding of predation management, including the effects of not managing predators.

AUTHORITY FOR PREDATION MANAGEMENT

Pursuant to Nevada Revised Statutes (NRS) 501.100 the Legislature has declared "wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada. The preservation, protection, management, and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational, and economic aspects of these natural resources."

In accordance with NRS 501.105 and 501.181, the Board of Wildlife Commissioners (Commission) shall establish policies necessary to the preservation, protection, propagation, restoration, transplanting, introduction, and management of wildlife and its habitat in this state.

Pursuant to NRS 502.253(1) a fee of \$3 is charged for processing each application for a game tag to be used by the Department for costs related to:

- (a) Programs for the management and control of predatory wildlife.
- (b) Wildlife management activities relating to the protection of non-predatory game animals, sensitive wildlife species and related wildlife habitat.
- (c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to insure effective programs for the management and control of predatory wildlife; and
- (d) Programs for the education of the general public concerning the management and control of predatory wildlife.

Pursuant to NRS 502.253(2) the Department is hereby authorized to expend a portion of the money collected pursuant to subsection 1 of NRS 502.253 to enable the State Department of Agriculture to develop and carry out programs described in subsection 1 of NRS 502.253.

Pursuant to NRS 502.253(3) any program developed, or wildlife management activity or research so conducted must be developed or conducted under the guidance of the Commission pursuant to NRS 501.181(2). Pursuant to NRS 501.181(2) the Commission shall guide the Department in its administration and enforcement of provisions of Title 45, Wildlife (Chapters 501-506) of NRS by establishment of broad policies for the protection, propagation, restoration, transplanting, introduction, and management of wildlife in this State.

Pursuant to NRS 502.253(1) the revenue from the \$3 fee must be accounted for separately and deposited in the Wildlife Fund Account.

PREDATION MANAGEMENT POLICIES

A. POLICY FOR THE MANAGEMENT AND CONTROL OF PREDATORY WILDLIFE

1. Management decisions will be based on the best available scientific information.
2. Projects will be conducted in the most efficient and cost-effective manner possible. Clear goals, measurable objectives and limited timelines will be defined at the onset, with an emphasis of identifying and refining prescriptive measures of Predation Management for use in the future.
3. Lethal and/or nonlethal predator control efforts will be undertaken in a targeted fashion to minimize specific predator-caused losses to wildlife populations.
4. The U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (Wildlife Services), is the cooperating agency in lethal predatory

wildlife control. Contractors may be used for predator population management, habitat management, predator prey research, conservation education and carnivore population monitoring efforts.

5. Wildlife Services personnel and contractors shall salvage (when practical) the hide and skull of any mountain lion, black bear and bobcat removed under authority of the contract and present them to the Department within 96 hours of the removal.
6. Control activities will be conducted where game and sensitive wildlife populations are at risk of being disproportionately affected by predation.
7. Priority will be given to act in areas where other conservation efforts are completed, underway, or planned that will also benefit wildlife populations.
8. Geographic locations for Project areas will be determined based on an objective analysis and on the needs of wildlife populations in the area.
9. If needed, statewide and Project area estimates of terrestrial and avian predator populations or densities will be based on an objective analysis.

B. POLICY FOR CONDUCTING RESEARCH FOR MANAGING AND CONTROLLING PREDATORY WILDLIFE

1. Wildlife research activities will be undertaken in a targeted fashion to address questions regarding the effects of predator control on game populations, predator-prey relationships including improved control techniques, predator-prey responses to habitat restoration activities and specific influences of predators on Nevada ecosystems.
2. Geographic locations for Project areas will be determined based on an objective analysis and on the needs of wildlife populations and habitats in the area, as well as the need for objective science on subjects related to Predation Management. Priority will be given in areas where other conservation efforts are being implemented.
3. Wildlife research efforts will be promoted that: a) provide wildlife managers with objective scientific analysis for making sound decisions regarding future wildlife population and habitat management; and b) provide insights into the role predators play in maintaining vigorous and healthy ecosystems.

PREDATION MANAGEMENT PLAN AND REPORT PROCEDURES

The Department shall prepare an annual Predation Management Plan. The Predation Management Plan shall identify, (a) projects for the management and control of predatory wildlife for the benefit of other species of wildlife, and (b) research projects related to predatory wildlife, successful techniques, and effective programs for managing and/or controlling predatory wildlife and related habitats.

If Habitat or Conservation Education projects are proposed, they should identify wildlife habitat management activities for the protection of non-predatory animals and programs for education of the public concerning the management and control of predatory wildlife and the role predators play in a well-functioning ecosystem.

Predation Management Plan Fiscal Year procedure and timeline:

1. The Department shall prepare a Draft Predation Management Plan (Draft Plan) outlining proposed actions needed for the protection, preservation, management, and restoration of wildlife populations. Descriptions of Control Projects, Research Projects, Habitat Management Activities and/or Education Programs shall include:
 - A. Project Number and Title.
 - B. Justification (detailed description of the proposed project, including a statement of why the Department believes that the predatory wildlife is a limiting factor in the growth and or maintenance of a target prey population).
 - C. Project Purpose (Wildlife Control, Research Project, Habitat Management, or Education).
 - D. Project Manager.
 - E. Project Type (Implementation, Experimental Management, or Experimentation).
 - F. Monitoring Level (Standard, Intermediate, or Rigorous).
 - G. Potentially Affected Species.
 - H. Duration.
 - I. Project Area (Unit(s), County, or Statewide).
 - J. Limiting Factor Statement, including why potential non-lethal methods would not be effective.
 - K. Response Variable (further actions to be taken depending on project success or type).
 - L. Project Goals and measurable objectives, including the criteria to determine when the project will be discontinued due to either success or failure.
 - M. Habitat Conditions (whether such habitat is a migratory corridor, summer range, winter range, fawning, calving, nesting or brood-rearing habitat or a combination of any of the above).
 - N. Comments From Previous Year's Predator Report.
 - O. Methods and Timing.
 - P. Prey Population Estimate (if a specific population objective is desired).
 - Q. Anticipated Results.
 - R. Staff Comment.
 - S. Project Direction (Department Recommendation).
 - T. Project Budget (\$3 Predator Fee, Pittman Robertson monies, private donations, etc.).
 - U. A status update of the previous year's Plan, by project: cost expenditures, amount left, how many years it has been ongoing, status of project over lifespan
2. The Draft Plan shall be submitted to the Commission prior to the January Commission meeting. The Draft Plan will be made available to all Stakeholders, including Wildlife Services, contractors, County Advisory Boards to Manage Wildlife (CABMWs), conservation organizations, and interested publics and shall serve as a vehicle to elicit suggestions for changes, adjustments, new ideas and input from all Stakeholders.
3. The Predatory Animal and Rodent Committee (PARC) and Wildlife Damage Management Committee (WDMC) shall set meetings in conjunction with the March

Commission Meeting to review all comments received on the Draft Plan. After consideration of findings and recommendations of the Department, and with respect to lethal Control Programs, recommendations of Wildlife Services and other contractors, as well as all comments and recommendations received, the Chairman of the WDMC Committee shall make a preliminary report to the Commission on which Projects should be funded in the subsequent Fiscal Year.

4. The Department shall prepare a Final Draft Predation Management Plan and present it to the WDMC and the Commission prior to the May meeting. The Final Draft Plan shall be posted on the Department's website and made available to the public and distributed to CABMWs. After consideration of all comments, the Commission shall make final recommendations to the Department on the Final Draft Plan.
5. On or before June 30, the Final Predation Management Plan shall be posted on the Department's website.
6. If, at any other time of the year, the Department, in consultation with the Committee, identifies additional or changing Predation Management needs and determines that money is available to fund additional Projects, the Department may approve Projects which are urgent in nature or which present unique opportunities.
7. In July of each year, contractors, or grantees of Projects from the previous Fiscal Year shall submit a report to the Department which should include a summary of work completed, including predators removed, habitat work conducted (if applicable), and viability of the project moving forward.
8. The Department shall prepare an annual Predation Management Status Report detailing results of the previous Fiscal Year's Projects. This report will include a summary of all lethal removal reports, excluding any sensitive data, proprietary information, or time-sensitive locational information. This Status Report shall be presented at the last Commission meeting of each calendar year.
9. This Status Report will be used in Department and Commission deliberations in subsequent years and in future Predation Management planning efforts. A summary of the status report will be included in the following years' Draft Predation Management Plan to make deliberations easier for the Committees and Commission.

This policy shall remain in effect until amended, repealed, or superseded by the Commission.

**BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS REGULAR SESSION,
December 7, 2013.**

Tommy Caviglia, Chairman
Board of Wildlife Commissioners

DEFINITIONS

Experimental Management: The primary objectives are management of predators through lethal or non-lethal means and to learn the effects of a novel management technique. NDOW will collaborate with USDA Wildlife Services, private contractors, and other wildlife professionals to conduct lethal or non-lethal management of predators and will put forethought into project design. Response variables will be identified, and data will be collected to determine project effectiveness. Expected outcomes will include project effectiveness, agency reports, and possible peer-reviewed publications.

Experimentation: The primary objective is for increasing knowledge of predators in Nevada. NDOW may collaborate with other wildlife professionals to study and learn about predators of Nevada. Expected outcomes will include agency reports, peer-reviewed publications, and information on how to better manage Nevada's predators.

Implementation: The primary objective is to implement management of predators through lethal or non-lethal means. NDOW will collaborate with USDA Wildlife Services and private contractors to conduct lethal and non-lethal management of predators. Identifying and monitoring a response variable is not a primary objective for implementation.

Intermediate Monitoring: The primary objective of intermediate monitoring is to apply a specific monitoring plan designed to evaluate the response of game species or sensitive wildlife to lethal or non-lethal management of predators. NDOW may collaborate with other wildlife professionals to identify reference and treatment areas or evaluate productivity of game species or sensitive wildlife before, during, and after implementation to determine effectiveness of predator management. Composition surveys may be modified to thoroughly evaluate productivity in the reference and treatment areas and to better accommodate annual variation in survey conditions. Expected outcomes will include an indication of project effectiveness, agency reports, and possible peer-reviewed publications.

Nonpredatory Game Animals: For the purposes of this policy includes mule deer, pronghorn antelope, bighorn sheep, Rocky Mountain elk, mountain goat, moose, upland game birds, upland game mammals, and migratory game birds.

Predation: The act of an individual animal or group of animals killing another live animal.

Predation Management: Selective reduction and/or management of terrestrial, avian, or aquatic predator populations when and where predation is identified by the Department as a limiting factor negatively affecting another wildlife population.

Predator: Any wild animal species subsisting, wholly or in part, on other living animals captured through its own efforts.

Predator Removal: The physical removal of an animal from an area where its presence is undesirable for wildlife management purposes, generally requiring lethal actions.

Prey: Any animal hunted or killed as food by a predator.

Rigorous Monitoring: The primary objective of rigorous monitoring is to evaluate several response variables known to affect productivity of game species or sensitive wildlife and to determine the relative influence of those variables when measuring the response to lethal or non-lethal management of predators. NDOW may collaborate with other wildlife professionals to identify the requirements of rigorous monitoring and to further evaluate factors influencing productivity of game species or sensitive wildlife such as survival of juveniles, body condition of adults, or habitat productivity. Rigorous monitoring efforts will help to disentangle biotic and abiotic conditions that may influence productivity of game species or sensitive wildlife from the effects of lethal or non-lethal management of predators. Expected outcomes will include agency reports, peer-reviewed publications, and information on how to better manage Nevada's wildlife.

Sensitive Wildlife Species: For the purposes of this policy includes nonpredatory reptiles, mammals, birds, fish, and amphibians.

Standard Monitoring: The primary objective of standard monitoring is to use existing survey protocols to evaluate the response of game species or sensitive wildlife to lethal or non-lethal management of predators. NDOW conducts annual and biannual surveys to evaluate trend and composition of game species or sensitive wildlife and to inform the season and quota-setting process. Composition surveys will yield response variables such as recruitment of juveniles into the adult population and will be compared to published benchmarks of productivity in the management area of interest, to neighboring areas not receiving predator management, or in the same area before treatment began. Standard monitoring represents no change to existing monitoring efforts. Expected outcomes include an indication of project effectiveness and agency reports.

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 61

Number: P-61

Title: Water Rights

Reference: NRS 501.105, 503.584,
503.589

Effective Date: August 20, 1982

Amended Date: December 2, 1995,
January 27, 2022

Reviewed Date: 2002, 2022

PURPOSE

The Board of Wildlife Commissioners shall establish policies necessary for the preservation, protection, management and restoration of wildlife and its habitat and shall utilize its land management authority to carry out a program for conserving, protecting and propagating wildlife and their habitats.

Water is essential for the existence and survival of fish and most species of wildlife, and in Nevada's arid climate, water is the key to the distribution and population abundance of the State's fish and wildlife resources (here forward wildlife).

The purpose of this policy is to guide the Department of Wildlife in securing water for the preservation, maintenance, restoration and enhancement of wildlife and their habitats. The provisions of this policy are in complete accord with Nevada water law, and will not impair any vested, permitted or certificated rights for the use of water.

POLICY

The Board of Wildlife Commissioners does hereby establish the following policy to provide for the preservation, protection, management and restoration of wildlife and its habitat:

1. **Instream Flow:**

It is the policy of the Commission to ensure adequate instream flows to maintain existing fish life and aquatic ecosystems. Whenever waters with significant wildlife values are identified and a willing water seller are identified, the Department shall, subject to available staff and financial resources, apply for and/or purchase such waters for the benefit of fish and wildlife.

2. Minimum Reservoir Pools:

It is the policy of the Commission to achieve, the maintenance of minimum reservoir pools necessary to support viable fish populations. The Department shall collaborate with private reservoir owners, whenever possible to secure cooperative agreements for public access, angling, and minimum pools. The Department shall work through the federal land management agencies to ensure public access and minimum pools are maintained on all reservoirs constructed wholly or partially on public lands.

3. Wetlands:

It is the policy of the Commission to maintain, restore and expand viable wetland habitats in Nevada. Whenever waters possessing significant wildlife and wetland values are identified and a willing water seller is identified, the Department shall, subject to available staff and financial resources, apply for and/or purchase such waters as are necessary to support wetlands for the benefit of fish and wildlife. The Department shall work with landowners and managers to ensure the most efficient and effective collective water management processes are pursued.

4. Springs and Seeps:

It is the policy of the Commission to ensure, that wildlife have access to the water from springs and seeps necessary to maintain existing and anticipated distribution and abundance. The Department shall, subject to available staff and financial resources:

- a. Where significant wildlife values are identified file applications for permits to appropriate the necessary water to support existing and anticipated wildlife populations on springs and seeps where unappropriated water is available.
- b. File joint applications, where appropriate, to obtain the amount of water needed for maintenance of wildlife populations.
- c. Develop procedures to implement the provisions of Chapter 533 of NRS to ensure wildlife access to appropriated waters.
- d. Work cooperatively with private water right holders and public land management agencies to ensure that sufficient water from springs and seeps is available for wildlife. In addition, work to protect,

conserve and enhance riparian areas, meadows, wetlands, and other habitats associated with water resources that provide valuable habitats for wildlife.

- e. The Department will evaluate filing protests with the State Water Engineer on new applications or changes for waters of significant value to wildlife and where the proposed use will remove waters from the lands or deny wildlife access or availability thereto, and where all other avenues of ensuring wildlife access to such waters have been exhausted.

This policy shall remain in effect until amended, repealed, or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION, JANUARY 27, 2022.

Tommy Caviglia, Chairman
Board of Wildlife Commissioners

**STATE OF NEVADA
BOARD OF WILDLIFE COMMISSIONERS**

Commission Policy Number 62

Number: P-62
Title: Mitigation Policy
Reference: NRS 501.105
Effective Date: January 23, 1987
Amended Date: December 1, 2001,
January 27, 2022
Reviewed Date 2002, 2022

PURPOSE

The purpose of this policy is to guide the Department of Wildlife in mitigation of activities which have the potential to adversely impact fish and wildlife resources in Nevada.

BACKGROUND

Anthropogenic activities associated with human population growth and economic development result in various demands on the State's natural resources. In some cases, these activities create adverse impacts on wildlife and habitat resources. The severity and scale of these impacts on wildlife and habitat resources is wide-ranging and can vary significantly based on the intensity and location of the activity.

Examples of these impacts include habitat degradation by wild horse and burro, the loss of mule deer migration corridors and winter range from residential and mineral development, and greater sage grouse habitat loss and fragmentation from various anthropogenic impacts.

Addressing these negative impacts is possible, but also complex in Nevada due the high percentage of federally administered public land. Development of public land provides an opportunity for stakeholders to engage in the process, but is simultaneously complex because it can include different federal, state, and local government agencies with different rules, regulations, and policies for land and resource management. An approach by the Department aimed at avoiding or minimizing adverse impacts for a specific proposed project may be acceptable to one agency, but unrealistic or unacceptable for another.

The basis for the development of this mitigation policy (and the Department's Technical Review Program) lies in the Department's statutory charge that the protection of fish and wildlife resources are in the public interest and that comprehensive participation in land use management decision-making, and National Environmental Policy Act (NEPA) processes, are rooted in robust science and professional expertise.

For the purposes of this policy, "impacts" may include direct, indirect, and cumulative effects, may be short, medium, or long in duration, and may vary in significance. "Mitigation" will be defined as: Avoid, Minimize, Mitigate, and shall consist of:

1. Avoiding the impact(s) altogether by not taking a certain action or parts of an action, or through moving all or part of a proposed action to a less critical area.
2. Minimizing, reducing, or rectifying impacts by protective measures, or through limiting the degree or magnitude of the action and its implementation during the life of the action.

Rectifying the impact by repairing, rehabilitating, or restoring the affected environment may also minimize impacts and is often achieved through reclamation requirements.

3. Mitigating the impact(s) by replacing or providing substitute resources or environments, or through compensation (also referred to as “compensatory mitigation”). This may occur near/adjacent to the proposed action(s), or off-site.

The overall objective of this policy is to provide guidance for the Department’s role in land use, project, and conservation planning processes where avoidance, minimization, and/or compensatory measures may be necessary to offset activities which have the potential to adversely impact fish, wildlife, and habitat resources in Nevada.

JUSTIFICATION

The Department’s basic responsibility as a conservation agency is derived by state law which gives the Commission the authority to “...establish policies and adopt regulations necessary to the preservation, protection, management and restoration of wildlife and its habitat.” (NRS 501.105). Numerous other state laws outside of Title 45 also provide for the consideration and protection of wildlife in the state. Some of the more prominent state statutes are as follows:

NAC 232.400-480 – “Sagebrush Ecosystem Council: Mitigation of Adverse Impact to Greater Sage-Grouse and Habitat”, and the establishment and implementation of the Nevada Conservation Credit System to achieve mitigation.

NRS 278.020 – With respect to the improvement of land as regulated by cities and counties: “(2) Any such regulation, restriction and control shall take into account the potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment.”

NRS 278.160 – As part of the master planning process, conservation plans are to be developed “For the conservation, development and utilization of natural resources, including water, ...fisheries, wildlife, ...and other natural resources.”

NRS 278.337 – With respect to the Commission adoption of regulations for Department review of tentative subdivision maps for impacts to wildlife resources.

NRS 321.5977 – “The public lands of Nevada must be administered in such a manner as to conserve and preserve natural resources, wildlife habitat, ...and to permit the development of compatible public uses for recreation, agriculture, ranching, mining...”

NRS 445.132 – The legislature declares that it is the policy of this state and the purpose of NRS 445.131 to 445.354 inclusive: “To maintain the quality of the waters of the state consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, ...”

NRS 445.244 – “The water quality standards must reflect water quality criteria which define the conditions necessary to support, protect and allow the propagation of fish, shellfish and other wildlife and to provide for recreation in and on the water if these objectives are reasonably attainable.”

NRS 528.053 – “No felling of trees, skidding, rigging or construction of tractor or truck lands or landings, or the operation of vehicles, may take place within 200 feet, measured on the slope, of the high water mark of any lake, reservoir, stream or other body of water unless a variance is first obtained from a committee composed of the state forester fire warden, the Director of the Department of Wildlife and the state engineer.”

NRS 533.367 – “Before a person may obtain a right to the use of water from a spring or water which has seeped to the surface of the ground, he must ensure that wildlife which customarily uses the water will have access to it.”

NRS 503.400 – “Every person who has erected, or who may hereafter erect, any dams, water weirs or other obstructions to the free passage of fish in the rivers, streams, lakes, or other waters of the State of Nevada shall construct and keep in repair to the satisfaction of the Department fishways or fish ladders at all such dams, water weirs or other obstructions so that at all seasons of the year fish may ascend above such dams, water weirs or other obstruction to deposit their spawn.”

NRS 701.610-640 - Notice of energy development project: Filing with Department of Wildlife; form; contents; regulations and associated review and recommendations provided by the Department on behalf of energy development projects.

In an effort to recognize the importance of mitigation as a tool in minimizing wildlife losses, this policy guides the Department to:

- Recommend alternative approaches in federal, state, or private projects to avoid or minimize degradation or loss of fish and wildlife resources or, where impacts are unavoidable seek mitigation.
- Develop suitable Best Management Practices (BMP) and/or Design Features (DF) for avoiding and/or minimizing adverse impacts to fish and wildlife and habitat resources. These will incorporate BMPs and DFs already accepted by land and resource managers where appropriate, and may require development of new BMPs and/or DFs where none currently exist or are unsuitable.
- Maintain close coordination and cooperation with user groups and land and resource managers, seeking the most favorable land use alternatives for all fish and wildlife and emphasizing mitigative measures to replace irrevocable losses.

Since approximately 87% of Nevada is public land administered by several federal land management agencies, and these lands include diverse habitats essential to a wide variety of wildlife species, it is important that federal law pertaining to state agency involvement and recommendations be reviewed. These federal regulations provide opportunities for state involvement in activities on federal lands or using federal funds which may or may not be applicable to private lands. In addition to the Public Trust Doctrine, which is founded in common law, a few of the more important regulations pertaining to mitigation include the following:

- Fish and Wildlife Coordination Act (16 U.S.C. § 661-666) authorized ...state agencies responsible for fish and wildlife resources to investigate all proposed federal undertakings and nonfederal actions needing a federal permit or license which would impound, divert, deepen, or otherwise control or modify a stream or other body of water and to make mitigation and enhancement recommendations to the involved federal agency.
- National Environmental Policy Act (NEPA, 42 U.S.C. § 4321) gives all governmental agencies in addition to private citizens an opportunity for greater involvement for all federal projects and private projects involving federal funds or federal land. One of the primary purposes of NEPA as listed in section 2 is “To promote efforts which will prevent or eliminate damage to the environment.”

- Federal Land Policy and Management Act (FLPMA, 43 U.S.C. § 1712); to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the lands are located.

POLICIES

The approach of the Department relative to mitigation emphasizes the public need for healthy and sustainable fish and wildlife populations and habitats while recognizing other public needs or agency mandates (e.g. multiple use) may result in potential conflicts between resources. The program is further intended to provide recommendations which will help avoid and minimize adverse impacts.

1. It is the policy of the Commission that the Department will continue to emphasize wildlife data collection and dissemination so that wildlife and habitat values can be disclosed and considered in federal, state, and local decision-making processes. The Department will fulfill data requests and use a standard reporting process to describe resource values within or proximate to the location of the proposed activity when that information is useful to inform decision-making processes. More detailed and project-specific data may also be shared when appropriate.
2. It is the policy of the Commission that the Department will provide technical assistance to the permitting entity and applicants when reviewing proposed development actions. Department biologists may assist in identifying fish and wildlife species and habitats, identify the type, extent, and duration of potential impacts, and identify or recommend avoidance and minimization measures. When impacts are anticipated to occur after avoidance and/or minimization measures have been incorporated, the Department may recommend mitigation measures to achieve the goals and standards of the Policy to offset impacts to fish and wildlife resources. The Department will formally provide any recommendations to the permitting entity and project developer.
3. It is the policy of the Commission that the Department should coordinate closely with the Sagebrush Ecosystem Technical Team, who is charged with implementation of the Nevada Conservation Credit System for greater sage-grouse mitigation.
4. It is the policy of the Commission that the Department should coordinate closely with any other governing body or entity with authority over a Department, State of Nevada, or federally approved mitigation program in Nevada.
5. It is the policy of the Commission that costs associated with mitigation are all normal costs of development projects, independent of state or federally required reclamation, and therefore should be borne by the developers and/or beneficiaries of the project. Costs associated with mitigation for greater sage-grouse in Nevada will be accounted for through the Nevada Conservation Credit System, unless otherwise accounted for as approved through the Sagebrush Ecosystem Council.
6. It is the policy of the Commission that cash payments or donations may be accepted:
 - a. To support projects designed to directly offset potential resource losses related to the development of the project; or
 - b. For deposit into a special mitigation account. Monies from this account are to be administered by the Department and used for fish, wildlife, or habitat restoration,

enhancement, acquisition projects, or, under special circumstances, research related to the loss of such resource(s).

7. It is the policy of the Commission that any mitigation negotiated with the Department shall include establishment of a cooperative mitigation agreement between the project proponent and the Department, to be completed prior to initiation of ground disturbance for the development project. Any such agreement will describe party responsibilities and timelines for mitigation.

PROCEDURES

The Department will implement the above listed policies in accordance with the definitions as described in the National Environmental Policy Act and consistent with federal regulations under 40 CFR 1508.20. Mitigation will include in order of priority implementation:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.

The Department's emphasis will be directed toward providing input and recommendations which avoid conflicting land uses with an overall objective of maintaining as much existing natural habitat as possible. This approach is particularly important for projects conflicting with threatened or endangered species and in areas of critical environmental concern or key habitat types. Emphasis on the preservation of wetlands, spring sites and associated vegetation, riparian habitat, and meadow systems, should also fall under this category due to the limited nature and importance of these habitat types in the Great Basin. The Department shall provide sufficient supporting information to the decision makers as a means of justifying the need for avoidance measures. Recommendations for avoidance measures should be for a "no action alternative" or for relocation of the proposed action into a less sensitive area.

2. Minimizing impacts by limiting the degree or magnitude of the action or its implementation. This includes:
 - (a) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - (b) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

This approach is intended to reduce the duration, scope, or intensity of the adverse impacts and/or losses to wildlife and/or habitat resources and may require operation and/or maintenance obligations. Minimizing wildlife and habitat disruptions may be achieved through permit stipulations, restrictions in timing of activities, repairing, rehabilitating, or restoring the affected environment, protective measures such as fences, alterations in project design, Best Management Practices, and Required Design Features. The use of a fence to protect wildlife species from cyanide ponds used in mining operations, for example, not only needs to be designed to accomplish specified objectives but also needs to be maintained during the life of the project to insure continued protection. Necessary aFor example, aActivities proposed within mule deer winter range might be less disruptive if confined to the summer months, thus implementing the activity during less critical timeframes may result in fewer adverse impacts. The Department shall provide sufficient supporting information to the decision makers as a means of justifying the need for minimization measures.

3. Mitigating/Offsetting for the impact(s) by compensating, replacing, or providing substitute resources or environments.

Compensation or replacement for habitat losses affecting wildlife resources under the multiple use concept of federal land management should be of last resort. Requests for recommendations for this type of mitigation where significant or irrevocable damage is likely to occur, however, is an appropriate approach when impacts cannot be avoided and have been minimized to the greatest degree possible. Compensatory mitigation may be negotiated between the project developer/project beneficiary, permitting entity, and the Department, and all parties should be in agreement with the type and amount of compensation necessary for each proposed action. This form of mitigation is the least desirable since it accepts the loss of natural habitat values and oftentimes cannot result in total replacement for lost values. Compensation is best applied to wildlife and habitat values that will be adversely impacted after all reasonable measures to avoid and minimize impacts have been implemented; it is not intended nor desirable to use compensation in place of avoidance and minimization strategies. As compensatory mitigation may be a highly sensitive subject, the following specific procedures will be in effect:

- a) The Department may accept monetary contributions or donations as mitigation which are tied to programs or activities designed to offset potential resource losses or for mitigation banking for habitat restoration, enhancement, acquisition projects, or, under special circumstances, research related to the loss of resource(s), provided that a cooperative mitigation agreement has been finalized between the project proponent and the Department.
- b) Compensatory mitigation should be oriented within or adjacent to the project area in a suitable area as to be effective and successful and should be designed to compensate for the same functions, habitat types and species being impacted wherever possible. Off-site compensation should be considered when mitigative measures cannot be applied to adjacent areas or to benefit the same species that are impacted.
- c) All final actions associated with compensatory mitigation will be approved by the Director of the Department to ensure that agreements are consistent with Commission policy and program direction. This measure is not intended to preclude land management or other resource management agencies under appropriate program and procedures, from negotiations, but it is directed at ensuring a uniform statewide approach to fish and wildlife resource mitigation.

This policy shall remain in effect until amended, modified, or repealed by the Nevada Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,
MONTH, DAY, YEAR.

Tommy Caviglia, Chairman
Board of Wildlife Commissioners