

## NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting  
January 28, 2022, 9:30am  
NACO Conference Room  
304 S. Minnesota Street  
Carson City, NV 89703

### NOTICE TO THE PUBLIC:

The public may provide public comment in advance of a meeting by written submission to the following email address: [info@nvnaco.org](mailto:info@nvnaco.org) For inclusion or reference in the minutes of the meeting, your public comment must include your full name and be submitted via email by not later than 3:00 p.m. the day before the meeting.

*The public may also join the meeting via telephone and provide verbal public comment during designated times by calling: (669) 900-9128 Meeting ID: 876 7016 6870 Passcode: 050761*

### AGENDA

Some NACO Board members may attend via remote technology from other locations. Items on the agenda may be taken out of order. The NACO Board may combine two or more agenda items for consideration. The NACO Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

Call to Order, Roll Call and Pledge of Allegiance

1. Public Comment. Please Limit Comments to 3 Minutes.
2. Approval of Agenda. **For Possible Action.**
3. Investiture of 2022 NACO Officers.
4. NACO President's Report.
5. NACO Executive Director's Report.
6. Approval of Minutes of the December 17, 2021, NACO Board of Directors Meeting. **For Possible Action**
7. Presentation from Senior Legislative Staff of United States Senator Cortez Masto regarding Community Project Funding and the Federal Appropriations Process, Kurt Lynch, Legislative Assistant and Appropriations Director, Senator Catherine Cortez Masto.
8. Review and Discussion of NACO's 2022 Federal Priorities. **For Possible Action**
9. Discussion and Approval of By-Laws of Newly Established Nevada Association of Counties Committee of County Managers and Administrators. **For Possible Action**
10. Approval of NACO's Investment Reports for December 2021. **For Possible Action**

11. Discussion and Possible Ratification of Commissioner Miller to Replace Commissioner Naft as an Appointment by the Governor for NACO's Seat on the Nevada Commission on Nuclear Projects. **For Possible Action.**
12. Discussion and Approval to Replace NACO's Executive Director on the Nevada Executive Committee on Traffic Safety. **For Possible Action**
13. **Update and Possible Action.** Regarding Public Lands and Natural Resources Issues Affecting Counties Including:
  - a. Updates from the NACO Public Lands and Natural Resources Subcommittee.
  - b. Discussion and Possible Approval of NACO's appointment to the Nevada Advisory Board on Outdoor Recreation. **For Possible Action.**
  - c. Discussion and Possible Approval of Comment Letter on Federal Rulemaking for the Waters of the United States (WOTUS). **For Possible Action.**
  - d. Discussion and Possible Approval of Comment Letter on Greater – Sage Grouse Land Use Planning Amendment. **For Possible Action.**
14. NACO Committee of the Emeritus Update
15. Updates from Members on the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.
16. Public Comment. Please Limit Comments to 3 Minutes.

Adjournment.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify NACO in writing at 304 S. Minnesota Street, Carson City, NV 89703, or by calling (775) 883-7863 at least three working days prior to the meeting.

Members of the public can request copies of the supporting material for the meeting by contacting Amanda Evans at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: [www.nvnaco.org](http://www.nvnaco.org)

*This agenda was posted at the following locations:*

NACO Office 304 S. Minnesota Street, Carson City, NV 89703

Washoe County Admin. Building 1001 E. Ninth Street, Reno, NV 89520

Elko County Manager's Office 540 Court Street #101, Elko NV 89801

POOL/PACT 201 S. Roop Street, Carson City, NV 89701

## Agenda Item 6

### NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting  
December 17, 2021, 9:30am  
NACO Conference Room  
304 S. Minnesota Street  
Carson City, NV 89703

#### UNADOPTED MINUTES

**ATTENDANCE:** President Kirkpatrick, President Elect Lucey, Vice President Higbee, Carson City Supervisor Giomi, Douglas County Commissioner Gardner, Elko County Commissioner Steninger, Esmeralda County Commissioner Keyes, Eureka County Commissioner Goicoechea, Lincoln County Commissioner Lister, Lyon County Commissioner Keller, Mineral County Commissioner Hall, Nye County Commissioner Strickland, Storey County Commissioner Gilman, Fiscal Officer Kalt, Pam Delporto, Nevada Sheriffs and Chiefs Association; Lynn Goya, Nevada Association of County Clerks and Election Officials; and NACO Staff (Vinson Guthreau and Amanda Evans)

The meeting was called to order at 9:33 am.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Vice President Higbee with second by Commissioner Hall.
3. **NACO President's Report.** President Kirkpatrick discussed the importance of the Extension Advisory Committee, the need to highlight the work Extension does across the State, and the need to educate urban legislators on the program. She suggested the Board consider a working group to discuss those efforts. President Kirkpatrick also informed the Board that she has been working on issues surrounding childcare and the vast amount of dollars available to support families and providers. President Elect Lucey stated that he is willing to work on both issues, noting that he had recently met with the provost and university leadership, and it is important for them to understand the importance and benefits of the program. Commissioner Hall also expressed willingness to work on both issues and noted that Mineral County's Extension program is largely tribal. President Kirkpatrick informed the Commissioner that there are funds available specific to tribe's and that none from Nevada had applied for the dollars, stating that she would forward information to Commissioner Hall. President Kirkpatrick concluded her remarks by informing the Board that she would be stepping down as Chair of several Boards and Commissions, but that she would remain committed to NACO.
4. **NACO Executive Director's Report.** Vinson reminded the Board that registration for the National Association of Counties (NACo) Annual Legislative Conference is open, and that staff would be planning a dinner for Commissioners in attendance and meetings with the members of the Nevada Delegation. He also informed the Board that work was being done on the Association's federal priorities for 2022 and that the draft would be brought to the Board in January.
5. **Approval of Minutes of the November 19, 2021, NACO Board of Directors Meeting.** The minutes were approved on a motion by Vice President Higbee with second by Commissioner Lister.

6. **Approval of NACO's 2022 Associate Members.** Vinson reminded the Board that approval process is outlined in the By-laws and Associate Members are NACO supporters from the business community. He referred to the list of existing members included in the agenda packet and the application for membership from Clark County Collections Service. President Elect Lucey inquired to the cost of membership, {which is \$750/year}, and when it was last increased. Amanda clarified that it had not been raised in at least eight years, and Vinson indicated that he was considering an increase for new members. Vice President Higbee noted that he was glad to see members of the mining community engaging and suggested having the members present at future Board meetings. Vinson stated that staff is working through updates to the benefits of membership and that those would be addressed on a future agenda. He also noted that By-law changes are not required for updates to the membership fee or the program. The list of renewing members was approved on a motion by Commissioner Hall with second by Commissioner Lister. The new membership application was approved on a motion by Vice President Higbee with second by Commissioner Lister.
7. **Final Discussion and Approval of NACO's 2022 Budget.** Vinson reminded the Board that the budget had been first presented for discussion at the November meeting and informed them that no requests had been made for changes to the draft. He noted the strong and stable financial status of the Association. Vinson discussed some items that had been adjusted from previous years due to rising costs and savings. Fiscal Officer Kalt noted that Associate Members are also supporters of the Annual Conference and that revenues are expected to exceed expenses. Several members of the Board questioned the population component of the Dues Schedule, noting that the numbers conflicted with what the counties had received in Census reports. Vinson informed the Board that the population numbers utilized were the verified numbers from the State Demographer for 2020. The Association's 2022 budget and county dues were approved on a motion by Supervisor Giomi with second by Commissioner Goicoechea.
8. **Discussion and Approval of NACO's Continued Participation in the Live Healthy Rx Program with NACo.** Vinson gave the Board some background on the program, noting that NACO has been a member of the program for several years and that it generates non-dues revenue for the Association. He also gave an overview of updates and expansions to the program, including the addition of discounted services at Minute Clinics, increased rates of revenue sharing and marketing efforts. Vice President Higbee inquired as to if there had been an update on card expedition from a recent online seminar update from NACo. Vinson stated that there has been no update received. NACO's continued participation was approved on a motion by Commissioner Hall with second by Vice President Higbee.
9. **Discussion and Recap of the 2021 NACo County Leadership Institute in Washington, D.C., Commissioner Cassie Hall, Mineral County.** Commissioner Hall thanked the Board for the opportunity to attend the Institute and gave them an overview of her experience. She noted that while the program is challenging it is a wonderful experience that provides vast amounts of knowledge and personal growth and referred to the additional materials that had been distributed that morning. President Elect Lucey and Commissioner Lister noted that they too had attended CLI. Commissioner Hall indicated that discussion is being held on developing a CLI Alumni group that would meet at the Legislative Conference in February.
10. **Approval of NACO Resolution 21-02 Recognizing January 2022 as National Radon Action Month.** Vinson reminded the Board that the Association supports this Extension

program annually and read the Resolution into the record. Holly Gatske informed the Board that testing kits would be available free of charge at all Extension offices through the months of January and February. The resolution was approved on a motion by President Kirkpatrick with second by Commissioner Lister.

11. **Presentation on Newly Launched Webpage for the State Clearinghouse, Scott Carey, Administrator Nevada Division of State Lands.** Mr. Carey gave the Board an overview of the Clearinghouse noting that it is a repository for NEPA notices and central collection site for comments on those notices. He informed the Board that the Clearinghouse is housed within the State's Department of Conservation and Natural Resources and has MOUs with multiple agencies for the collection of comments. He shared the new webpage, walked through the redesign, and updated features, including the new search and notification tools. Commissioner Lister inquired as to why, when the final comments on a NEPA project come out of the State, they often differ from what was submitted by individual agencies. Mr. Carey stated that the Clearinghouse doesn't edit comments, only reviews them for authenticity, then forwarding them to the State for completion of the final comment process.
12. **Discussion and Possible Approval of the Reappointment of Roger Mancebo, and Zethka Fountas, to the Nevada Rural Housing Authority Board of Commissioners, for a Term Beginning on January 1, 2022, respectively. (NRS 315.977)** Vinson informed the Board that NACO appoints two members to the Board to represent counties and one member in cooperation with the Nevada League of Cities that represents those that receive assistance from the Authority. He reminded the Board that the two county representatives are currently former Pershing County Commissioner Roger Mancebo and former Nye County Commissioner Joni Eastley, Mr. Mancebo's term has expired, and Vinson noted that he would like to continue to serve. Ms. Zethka Fountas is the current joint appointment, whose term has expired, and she was also requesting reappointment. Both Mr. Mancebo and Ms. Fountas were reappointed on a motion by Commissioner Lister with second by President Elect Lucey.
13. **Selection and Possible Approval of Host County for Future NACO Conferences.** Vinson reminded the Board that Storey County will be the host for the 2022 Annual Conference and that volunteers for 2023 and 2024 had been solicited at the November meeting. Supervisor Giomi informed the Board that Carson City would like to be the host for the Association's Centennial Anniversary in 2024. Vinson informed the Board that the Elko County Board of Commissioners had voted to approve hosting the event in 2023. He noted that Elko had not hosted a conference since 2007 and staff recommended approval of their request. Commissioner Gilman gave a brief update of Storey County's initial ideas for tours and conference venues. Elko County was approved to host the conference in 2023 and Carson City was approved as host for 2024 on a motion by Commissioner Lister with second by Supervisor Giomi.
14. **Update and Possible Action. Regarding Public Lands and Natural Resources Issues Affecting Counties Including:**
  - a. **Updates from the NACO Public Lands and Natural Resources Subcommittee.** Vice President Higbee informed the Board that the Subcommittee had discussed a proposed renewable energy plan in Washington D.C. Vinson noted that the Bill had been brought to the group's attention by Commissioner Carson and that it had passed out of the associated House committee, also noting that it includes language regarding permits and royalties. Vinson spoke to members of Senator Rosen's staff

and informed the group that there is currently no vote planned or companion legislation in the Senate, but that it would continue to be monitored and that NACo supports the House Bill. The Subcommittee also discussed water planning efforts at the State and encouraged counties to review their Master Plans to ensure that they include the need for Special Use Permit for water projects. The group also discussed the potential need for additional comments on ongoing Sage Grouse plan efforts.

- b. Discussion of NACO's appointment to the Nevada Advisory Board on Outdoor Recreation.** The Board was informed that this is a new Advisory Board and that an additional rural representative was approved during the 2021 Legislative Session. Vinson reviewed the criteria that the nominee must meet and informed the Board that staff's goal is to collect potential nominees for the Subcommittee to vet and discuss and bring back for Board approval in January. No action was taken on agenda item 14.
- 15. NACO Committee of the Emeritus Update.** Vinson informed the Board that the Committee would be meeting next on January 7<sup>th</sup> and would discuss the proposed educational workshops for the 2022 interim.
- 16. Updates from Members on the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.** Commissioner Steninger informed the Board that the full funding of PILT remains a priority of the Western Interstate Region Board, and Commissioner Kirkpatrick informed the group that the NACo Board of Directors is continuing work to include direct funding to counties in the Build Back Better Bill working its way through Washington. Other members of the Board gave updates on activities within their counties.
- 17. Public Comment.** Commissioner Lister requested a future agenda discussion on how counties can work better with the State Lands Division.

The meeting was adjourned at 11:22 am.

# FY 23 Community Project Funding



Senator Cortez Masto Staff Presentation

# The Appropriations Process

- Congress annually considers appropriations measures, which provide funding for the federal government's discretionary programs.
- In the Senate, appropriations bills are under the jurisdiction of the Senate Committee on Appropriations.
- The Committee on Appropriations is made up of 12 subcommittees, each with jurisdiction over funding for certain federal departments and programs.
- Each Spring, the 12 subcommittees initiate a formal request process in which all Senators may submit requests programmatic funding levels, reports, and community project funding.

# Introduction to Community Project Funding

*Programmatic Funding: Language included in an appropriations bill that funds a federal program at a certain level. (ex: \$56.5 billion for CDBG)*

*Community Project Funding: Language included in an appropriations bill that directs funds from a specific federal program be spent on a specific project. (ex: \$2 million in CDBG funds shall be used for a housing development in Las Vegas)*

- Community Project Funding was prohibited under Congressional rules in 2011, but returned with transparency reforms in 2021.
  - Only some federal programs (accounts) are eligible, this is determined by the Appropriations Committee.
  - Like applying for a grant, the project and applicant ***must*** be eligible under the program rules to be considered for community project funding.
  - The language must be included, pass both houses of congress, and be signed into law by the President.
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**Subcommittee on Agriculture, Rural  
Development, Food and Drug Administration,  
and Related Agencies**

# Animal and Plant Health Inspection Service

The Animal and Plant Health Inspection Service's (APHIS) [programs](#) protect the health of U.S. agriculture and natural resources against invasive pests and diseases, regulates genetically engineered crops, and helps people and wildlife coexist.

- Must meet environmental review requirements (i.e. NEPA and ESA).
- Most relevant project themes:
  - Field Crop & Rangeland Ecosystems Pests
  - Pest Detection
  - Plant Protection Methods Development
  - Specialty Crop Pests
  - Tree & Wood Pests
  - Wildlife Damage Management
  - Wildlife Services Methods Development
  - Veterinary Diagnostics
  - Equine, Cervid and Small Ruminant Health
- Check Program Matching Requirements, as some APHIS Programs have required contributions.

# Watershed and Flood Prevention Operations

The Watershed Protection and Flood Prevention [Program](#) helps units of federal, state, local and tribal of government protect and restore watersheds up to 250,000 acres.

- Each project must contain benefits directly related to agriculture, including rural communities, that account for at least 20 percent of the total benefits of the project.
- There are several financial and programmatic requirements in WFPO.
- An applicant must certify that they have contacted their Natural Resources Conservation Service (NRCS) state office and the proposal meets all program requirements, including financial requirements.

# Community Facilities Grants

This [program](#) provides funding to develop essential community facilities in rural areas. An essential community facility is a facility that provides an essential service to the local community for the orderly development of the community in a rural area.

- Rural areas including cities, villages, townships and towns including Federally Recognized Tribal Lands with no more than 20,000 residents according to the latest U.S. Census Data are eligible for this program.
- Funds can be used to purchase, construct, and / or improve essential community facilities, purchase equipment and pay related project expenses.
- Matching requirements based on community size and income levels, but maximum federal share is 75% for smallest communities.
- Must meet environmental review requirements (i.e., NEPA, though most do not need NEPA review).

# Distance Learning and Telemedicine

This [program](#) provides funding for broadband facilities, audio/video equipment, terminal equipment, computer hardware and software, wiring, instructional programming, and technical assistance to expand distance learning or telemedicine.

- There is a flat 15 percent match (matching funds cannot come from another Federal source).
- USDA will establish the maximum and minimum amounts of a grant to be made available to an individual recipient for each fiscal year in the RUS DLT Program Application Guide. For FY 2021, the grant award floor is \$50,000 and the ceiling is \$1,000,000.
- Even though for-profit entities are eligible for this program, they are not eligible for Community Project Funding.

# Subcommittee on Commerce, Justice, Science, and Related Agencies

# NOAA Operations, Research, Facilities (ORF)

The NOAA ORF [Account](#) is one of two accounts that fund nearly all operations at NOAA, such as the National Ocean Service, National Weather Service, Atmospheric Research, etc.

- Projects should address fisheries, marine mammals, ocean, climate, weather, and atmospheric research and programs.
- Construction projects will not be accepted.
- Applicants should review NOAA Programs to ensure this account applies to their project.

# NIST STRS External Projects

NIST's Scientific and Technical Research and Services (STRS) [activities](#) provide industry, academia and other federal agencies with world-class research capabilities in measurement science that form the foundation of the global system of weights and measures and enable innovation. They supply basic and applied measurements, calibrations and standards that impact things from the accuracy of airplane altimeters to the reliability of clinical measurements and the strength of the encryption technologies.

- Projects should address standards-related research and technology development.
- Construction projects will not be accepted.

# DOJ Byrne JAG Discretionary

The Justice Assistance Grants [program](#) is the leading source of federal justice funding to state and local jurisdictions. Byrne Discretionary projects may provide additional personnel, equipment, supplies, contractual support, training, technical assistance, and information systems for criminal justice systems.

- Allowable costs are those costs consistent with the principles set out in the 2 CFR Part 200, Subpart E, and those permitted by the grant program's authorizing legislation.
- Costs must be reasonable, allocable, and necessary to the project, and they must also comply with the funding statute and agency requirements.
- This funding cannot be used for land acquisition or construction.

# DOJ COPS Law Enforcement Technology

COPS Law Enforcement Technology [projects](#) support the development of technologies and automated systems to assist law enforcement agencies in investigating, responding to, and preventing crime.

- Allowable activities are limited to the statutorily allowable purpose areas under the COPS Office statute, including the procurement of equipment, technology, or support systems, and the development of new technologies to assist recipient entities in reorienting the emphasis of their activities from reacting to crime to preventing crime.
- Applicants should not specify brand names and ensure open competition.
- Agencies should consider the [full range](#) of potential legal, constitutional, and civil liberties and privacy implications associated with generating, acquiring, or using technology or data.

# NASA Safety, Security, and Mission Support

SSMS programs manage the administration of the Agency; operates and maintains NASA Centers and facilities, including Headquarters; and provides oversight to reduce risk to life and mission for all NASA programs.

- Projects should focus on science education, research, and technology development related to NASA's mission.
- This account does not fund construction but could be used for equipment, research funding, or education programs.

# NIST Construction of Research Facilities

NIST Construction [projects](#) fund non-Federal research facilities at research institutions and colleges and universities.

- Extremely competitive account given robust construction needs at Universities across the country.
- Applicants should work closely with our staff at the beginning of the project so we can work with the subcommittee staff to best position the project for success given the competitiveness of this account.

# Subcommittee on Energy and Water Development

# Bureau of Reclamation: Water and Related Resources

Reclamation's Water and Related Resources [account](#) funds most agency activities, including construction, operation and maintenance, dam safety, ecosystem restoration, Indian water rights settlements, and most programmatic and grant authorities.

- BOR Community Projects are unique in that they are carried out by the federal agency itself and must be authorized by law. Applicants must provide a citation.
- Many BOR projects are requested as part of the President's Budget Request. A project that needs only the level of funding requested by the President is a *programmatic request*, not a community project.

# Army Corps of Engineers Projects

The [United States Army Corps of Engineers](#) is an engineer formation of the United States Army that has three primary mission areas: engineer regiment, military construction, and civil works.

- Army Corps Community Projects are unique in that they are carried out by the federal agency itself and must be authorized by law. Applicants must provide a citation.
- Many Army Corp projects are requested as part of the President's Budget Request. A project that needs only the level of funding requested by the President is a *programmatic request*, not a community project.
- Four sub-accounts available:
  - Investigations.
  - Construction.
  - Operation & Maintenance.
  - Mississippi River.

# Department of Energy Programs

The Department of Energy [accounts](#) can fund energy related projects that fall under various programs within five energy related offices:

- Energy Efficiency and Renewable Energy (EERE)
  - Office of Electricity (OE)
  - Office of Cybersecurity, Energy Security, and Emergency Response (CESER)
  - Office of Nuclear Energy (NE)
  - Office of Fossil Energy (FE)
- 
- Applicants should review programs under each office to determine which applies to their needs.
  - EERE is the most lucrative sub-account, with the vast majority of successful FY21 requests under DOE.

# Subcommittee on Financial Services and General Government

# Small Business Administration, Administrative Provisions

The Small Business Administration (SBA) administers several types of [programs](#) to support small businesses. For the purposes of this account, technical assistance training programs to assist small business formation and expansion is most relevant.

- This account is primarily to assist or expand the SBA's network of nonprofit small business centers and technical assistance programs, such as:
  - Small Business Development Centers
  - Women's Business Centers
  - SCORE
- Other initiatives, such as workforce training aimed at small businesses, can also be eligible.

# Subcommittee on Homeland Security

# Pre-Disaster Mitigation

FEMA provides Pre-Disaster Mitigation (PDM) [Program](#) grants to help plan and direct hazard mitigation projects before a disaster

- Requested projects must meet the eligibility requirements of the Building Resilient Infrastructure and Communities (BRIC) grant program, including the cost-share requirement, benefit cost ratio, and environmental and historic preservation requirements.
- All project proposals must be accompanied by a letter of support from the appropriate state agency (Nevada Dept of Emergency Management) affirming that it believes the project is eligible.
- The Committee prioritizes requests for eligible projects that are important to states and local communities but which may not receive adequate attention under the larger BRIC program.

# Emergency Operations Centers

The Department of Homeland Security (DHS) Emergency Operations Center (EOC) [Program](#) is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, strategically located, and fully interoperable EOCs.

- Requested projects must meet the eligibility requirements of the Emergency Operations Center grant program, including the cost-share requirement and environmental and historic preservation requirements.
- All project proposals must be accompanied by a letter of support from the appropriate state agency (Nevada Dept of Emergency Management) affirming that it believes the project is eligible.

# Subcommittee on Interior, Environment, and Related Agencies

# EPA, State and Tribal Assistance Grants, Water and Wastewater Infrastructure

This program includes construction of, and modifications to, [municipal sewage treatment plants](#) and [drinking water treatment plants](#).

- There is a minimum 20% cost share requirement for any state or local water infrastructure funded.
- For State and Local Grants for Drinking or Clean Water Projects, applicants must confirm this status with the state before finalizing your submission:
  - Is the project on the state's most recently finalized Clean Water or Drinking Water State Revolving Fund Intended Use Plan?
  - If the answer to the question above is NO, is the project eligible under SRF guidelines?
- SRF projects have very specific eligibility requirements and the subcommittee will not consider projects that do not meet those requirements.
- For tribal projects, our office will accept requests for projects included on the Indian Health Services' (IHS) Sanitation Deficiency System (SDS) list.

# National Park Service, Historic Preservation Fund

The Historic Preservation Fund (HPF), which was established to help fund the [programs](#) engendered by the National Historic Preservation Act, was designed to preserve historical and archaeological sites in the United States of America.

- The subcommittee accepts requests for non-formula funded activities within HPF that meet the qualifications of HPF programs, including eligible entities and activities.
- All HPF grantees must meet standards set by the Secretary of the Interior and comply with the audit requirements.
- Other qualifications exist, including requirements that the property is listed as an historic place on the National Register of Historic Places at the national level (properties listed at the state or local significance are not eligible for SAT) or as a National Historic Landmark.
- Matching requirements vary by program.

# USFS, State & Private Forestry

The State & Private Forestry [account](#) provides technical and financial assistance grants to non-federal forest landowners, including state, tribal and local governments. Activities within this account include forest health management, cooperative fire protection, wood innovation, and urban and community forestry.

- Project requests should be part of the state's Forest Action Plan, or contribute to meeting the goals of the Forest Action Plan.
- Projects must meet matching requirements of relevant program.
- Applicants must describe how the project will conserve and steward working forests or open space, protect forest health from insects and disease, meet urban and community forestry goals, create opportunities for innovative wood use, improve fire mitigation efforts, or otherwise benefit communities and forested lands.

# Projects on Agency Lists

Requests for any location-specific project that is included in the President's request or the fiscal year 2022 enacted Interior bill, and for which the request for funding is at or below the level in those documents, should be submitted as a programmatic request. Requests for location-specific projects that are not included in the President's request or the FY22 enacted bill, or for location-specific project funding above the President's request or the FY22 enacted level (whichever is higher), will be considered community projects. Lists are as follows:

- LWCF: Great American Outdoors Act, Land and Water Conservation Fund
- LRF: Great American Outdoors Act, Legacy Restoration Fund
- LMCON: Land Management Agencies, Construction

# Other Accounts in Interior

The subcommittee may also consider requests within these accounts, but only on a case-by-case basis.

- Land Management Agencies, Local Projects and Research: In order for requests to be considered within this category, they must be relevant to the specified mission area within the bureaus listed below and contribute to responsible stewardship of land, wildlife, and recreation resources or contribute to priority research areas that inform stewardship of those resources.
- BIA, Operation of Indian Programs, Special Initiatives: BIA provides direct services and funding for compacts and contracts for tribes to provide programs for a wide range of activities. Within this account, requests may be considered that honor the commitment to invest in tribal communities, create economic opportunities, foster cultural heritage, promote efficient and effective tribal governance, and conserve natural resources.
- EPA, Science and Technology, Research: National Priorities: Project requests may be considered for high priority lines of research related to environmental quality and human health.
- EPA, State and Tribal Assistance Grants, STAG Infrastructure Grants: Requests will only be considered for projects related to existing funding categories and activities within the STAG account that will result in improvements in environmental quality and/or human health.

# Subcommittee on Labor, Health and Human Services, and Education

# Department of Labor Programs

The Workforce Innovation and Opportunity Act (WIOA) demonstrations authority, within Training and Employment Services, is the only Department of Labor program allowed to use CPF.

- Projects must meet all requirements under WIOA.
- In addition, all projects must: 1) Include direct services to individuals to enhance employment opportunities; 2) Demonstrate evidence of a linkage with the State or local workforce investment system; and 3) Include an evaluation component.
- Equipment purchases may be included only as an incidental part of the entire project. A similar standard applies to curriculum development, which should be incidental to the project's emphasis on direct services to individuals.
- No construction allowed.

# Health Resources and Services Administration (HRSA)

The Health Resources and Services Administration (HRSA), an agency of the U.S. Department of Health and Human Services (HHS), provides health care to people who are geographically isolated, and/or economically or medically vulnerable. Three Accounts are available:

- Health Facilities Construction and Equipment—Funds for the cost of construction, renovation, or capital equipment purchase for facilities for health. Examples of eligible facilities include hospitals; health centers and clinics; skilled nursing facilities; mental health centers; facilities for schools of medicine, nursing, or other health professions; and medical research laboratories.
- Health Professions Education and Workforce Development—Projects to improve education and training of health care professionals.
- Rural Health —Funds for projects to improve health care in rural areas. Examples of eligible activities include medical, dental, or mental health care services; health promotion and education; chronic disease management; telehealth services; and improvements to emergency medical services. Grant funds can be used for services only in areas that meet HRSA's definition of rural.

# Substance Abuse and Mental Health Services Administration

SAMHSA is charged with improving the quality and availability of treatment and rehabilitative services in order to reduce illness, death, disability, and the cost to society resulting from substance abuse and mental illnesses.

The following [categories](#) are eligible:

- Mental Health—funding to support programs that promote the prevention or treatment of mental health disorders, including rehabilitation, outreach, and other support services.
- Substance Abuse Treatment—funding to support programs that improve access, reduce barriers, and promote high quality, effective treatment and recovery services.
- Substance Abuse Prevention—funding to support programs to prevent the onset of illegal drug use, prescription drug misuse and abuse, alcohol misuse and abuse, and underage alcohol and tobacco use.
- Funds within SAMHSA cannot be used for construction or needle exchange.

# Administration for Children and Families

ACF provides [services](#) related to child support enforcement, adoption assistance, foster care, child care, and child abuse. Projects should be submitted through the Children and Families Services Programs account and must fall under one of the following categories:

- Child Abuse Prevention—funding for projects to improve the prevention, assessment, identification, and treatment of child abuse and neglect through research, model service improvement, information dissemination, and technical assistance. Projects must serve or target abused and/or neglected children and their families.
- Social Services Research and Demonstration—funding for projects to promote the ability of families to thrive through financial self-sufficiency, and to promote the healthy development and greater well-being of children and families. Projects can serve a diverse population including: low-income individuals, children, youth, families, individuals with developmental disabilities, and Native Americans.
- Cannot be used for construction or renovation of facilities.

# Administration for Community Living

ACL provides [services](#) to improve the ability of older adults and individuals of all ages with disabilities to live independently and participate fully in their communities.

- Generally, projects should focus on improving access to, or the quality of, education, training, support services, and independent living services for older adults and individuals with disabilities.
- Projects cannot be used for construction or renovation of facilities.

# Department of Education Programs

The U.S. Department of Education is the agency of the federal government that establishes policy for, administers and coordinates most federal assistance to education. Projects may fall within three accounts:

- [Fund for the Improvement of Education \(FIE\)](#)—covers a wide variety of elementary and secondary education projects, including instructional services, afterschool centers, curricula development, teacher training, acquisition of books and computers, arts education, social and emotional learning activities, full-service community schools, and early childhood education.
- [Demonstration and Training](#)—covers wide variety of projects that further the purposes of the Rehabilitation Act, including by providing individuals with disabilities with education, training, support services, and independent living services. Generally, should focus on improving access to, or the quality of, such services for individuals with disabilities.
- [Fund for the Improvement of Postsecondary Education \(FIPSE\)](#)—supports a wide variety of higher education projects. Generally, requests should focus on improving access to, or the quality of, postsecondary education. Examples of the types of projects that can be funded under FIPSE include projects to hire and train faculty, establish and improve degree programs, improve teacher preparation programs, develop and improve curricula, upgrade technology and telecommunications, acquire science laboratory equipment, provide student support, implement university partnerships with school districts, and establish research and training centers.

# Subcommittee on Transportation, Housing, and Urban Development

# Transportation Programs

The programs available under the Department of Transportation's accounts include research, rail, air, and highway funding. These are available under the following programs:

- [Transportation Planning, Research, and Development \(TPR&D\)](#) - for transportation research projects eligible under title 23 or title 49, United States Code.
- [Grants-in-Aid for Airports \(Airport Improvement Program or AIP\)](#) - for airport capital projects eligible under chapter 471 of title 49, United States Code. Applicants must provide the status of the planning and environmental work and a description of all other sources of funding contributing to the total cost of the project.
- [Highway Infrastructure Program \(HIP\)](#) - for highway capital projects eligible under title 23, United States Code. Applicants are required to provide the status of the planning and environmental work and a link to the Statewide Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP) that includes the requested project.
- [Transit Infrastructure Grants \(TIG\)](#) - for transit capital projects eligible under chapter 53 of title 49, United States Code. Applicants are required to provide the status of the planning and environmental work and a link to the Statewide Transportation Improvement Plan (STIP) or Transportation Improvement Plan (TIP) that includes the requested project.
- [Consolidated Rail Infrastructure and Safety Improvement \(CRISI\) Grants](#) - for rail capital projects eligible under section 22907 of title 49, United States Code. Applicants must provide environmental review statuses and provide a link to the State Rail Plan that includes the requested project.

# Economic Development Initiatives

Applicants can request funding for EDIs within the Community Development Fund [account](#) eligible under chapter 69 of title 42, United States Code. This funding flows from the Community Development Block Grant Program.

- Must provide the current status of the project, a description of all other sources of funding contributing to the total cost of the project, and the status of the planning and environmental review work.
- MUST include relevant data on how activities or projects benefit primarily low- and moderate-income persons or communities to meet program requirements.
- Must provide a link to the project website if available or a link to the HUD five year Consolidated Plan or Annual Action Plan if the project is included or complements planned or current projects within these required plans.

# General Tips

- Be Ready to Proceed - Applicants should demonstrate that the projects can spend the requested money in the fiscal year. It is useful to consider projects that are underway or nearly underway that can get a “boost” through CPF.
- Talk to the Agency - For many accounts, the subcommittee staff will consult with the relevant agency about eligibility and other questions. Talking to the agency on the front end, or having gone through a grant applications process for the program, is helpful in ensuring eligibility and other criteria are met.
- Keep Budget in Mind - Each subcommittee is only able to allocate 1% of the total suballocation it receives to CPF, so lower requests are more likely to have success. Most projects that received funding in FY21 are less than \$4 million, and many are less than \$2 million.
- Consider Local Match - Many accounts require a local match, but even for programs with no requirements it can be helpful to show the committee local dollars are supporting the project.

# A Note on Grants

## WHAT WE DO

### Identifying Grant Opportunities

We are here to help constituents find the appropriate funding sources to meet their needs. If you are interested in receiving our newsletter with updates from my office about new funding opportunities, please email [grants@cortezmasto.senate.gov](mailto:grants@cortezmasto.senate.gov).

### Letters Of Support

Some federal grant applications require letters of support. If you are applying for a federal grant and need a letter of support, please contact us.

### Tracking Grant Awards

If you have applied for a federal grant and need to inquire about the status about the application, we can help you get more information about specific grants.

### General Assistance

There is no one-size-fits-all approach for grant applications. If you have any issues or problems that arise during the grant application process, my staff is happy to help troubleshoot, brainstorm ideas, and answer any questions that you may have.

# Questions and Discussion of Local Priorities

Contact: [Appropriations@cortezmasto.senate.gov](mailto:Appropriations@cortezmasto.senate.gov)



## Nevada Association of Counties (NACO) Federal Priorities

### COVID – 19 & Public Health

*Nevada's counties continue to be at the forefront of the COVID-19 response. Throughout this pandemic, counties have provided COVID-19 testing and contact tracing programs, distributed vaccines and lifesaving treatment to those infected with COVID-19. All while standing up programs that support youth who are not physically in school, providing senior nutrition programs and distributing housing and small business assistance as Nevada emerges from COVID – 19's economic and public health impacts. In addition to their COVID response efforts, counties continue to provide the local social safety net and the many community services that Nevadans depend on, all while revenues suffer the impacts of the economic slowdown.*

**Continued Support for Public Health:** While unprecedented federal funding and aid to respond to COVID has been delivered to states and counties, the COVID-19 pandemic has highlighted the need for additional long-term support for our country's public health system. In Nevada public health is provided through a partnership between health districts, counties, and the State. As Nevada began responding to the COVID-19 public health emergency, we saw that the lack of sustained resources for health districts, emergency responders and county hospitals complicated those efforts. In partnership with the State, Nevada's counties would like to work with the federal delegation to support increased funding for public health so that we can be better prepared for any future public health crisis. As Nevada's counties explore ways to stand up additional public health services, we look to the federal delegation to support these efforts with direct funding that supports these local programs.

**Direct Assistance to Counties for COVID Response:** NACO thanks the Nevada Congressional delegation for supporting CARES ACT funding, a vital first step in getting relief to our counties. Also, counties applaud the passage of the American Rescue Plan Act (ARPA) which provided direct, and flexible funding to local governments, to mitigate impacts from the pandemic and support the ongoing response to COVID-19. As a direct result of the passage of ARPA, counties have stood up programs to assist small businesses, local nonprofits, and recover lost revenue, along with housing and nutrition programs. The National Association of Counties (NACO) created a [resource hub](#) that highlights how counties across the country have utilized the direct federal aid to support their communities.



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## Health & Human Services

**Protect the Federal-State-Local Partnership for Medicaid:** NACO supports maintaining the federal-state-local structure for financing and delivering Medicaid services while maximizing or enhancing flexibility to support local systems of care. Counties have made the most of Medicaid's flexibility and have supported health systems that serve a disproportionate share of low-income populations, including the homeless, and those cycling in and out of county jails. Nevada counties are opposed to any measures that would further shift Medicaid costs to counties. In Nevada, counties already provide an important part of Nevada's non-federal Medicaid contribution, and as Nevada's Medicaid caseloads continue to grow, counties are concerned about any proposal that increases State or local responsibility for Medicaid funding. If Medicaid costs or costs for uncompensated care for indigent individuals were increased, counties in Nevada, who have limited ability to raise revenues, would be hard-pressed to meet new fiscal responsibilities. Medicaid funding also impacts county hospitals - without sustained funding, some county hospitals may be forced to shutter their doors. Counties do support efforts to improve the efficiency, flexibility and effectiveness of policies and operations. In the CARES Act there was an increase to the Federal Medicaid Assistance Percentage (FMAP) of 6%, which expired on December 31, 2020. In the American Rescue Plan Act (ARPA) an extension of this increased was included. Counties support this subsequent extension, which allows local governments to effectively mitigate the surplus of low income or indigent residents and continue to diagnose and treat all residents facing the impacts of the COVID -19 virus.



## Justice and Public Safety

**Medicaid Inmate Exclusion Policy (MIEP):** While the state of Nevada passed a state-based solution to the MIEP, NACO continues to support a federal solution to the policy that upon detention (*not conviction*) inmates are no longer eligible for Medicaid, Child Health Insurance Program (CHIP) or veterans' health benefits. NACO supports an update to this policy as counties address behavioral health and basic medical care in our jails. The current federal policy denies federal health benefits to individuals who are pending disposition, and still presumed innocent under the U.S. Constitution. In March of 2019, the National Association of Counties, along with the National Sheriffs Association, convened a taskforce to look at impacts on recidivism and healthcare for our jailed population due to the MIEP. In 2020, that taskforce issued a detailed [report](#), which includes recommendations on removing the MIEP. The report, provides information on steps federal, state, and local policymakers can address on inmate healthcare, addressing bail and various other criminal justice reforms. NACO urges Congress to remove the provision in the Social Security Act and make a differentiation between an incarcerated individual prior to conviction.

**Mental Health and Jails:** County jails are not the appropriate place to treat individuals with mental illness, unfortunately, 64% of jail inmates in the United States have a behavioral health issue. In Nevada, our county jails are the largest provider of behavioral health services in the State. NACO supports sensible measures that promote and advance the overall safety of the public and the communities we serve. Within this context, we also support new policies and approaches that would enhance the ability of counties to prevent and treat mental illness and substance use disorders, both in the community and within the context of the criminal justice system. NACO also supports programs and legislation that divert non-violent individuals struggling with mental illness and/or substance use disorders from jails and into treatment programs while protecting overall public safety. Two critical federal programs that counties rely on to provide services to our incarcerated populations and reduce recidivism are the Justice and Mental Health Collaboration Program (JMHC) and the Second Chance Act.



## Public Lands & Natural Resources

**Public Land Management:** As Nevada's Congressional Delegation is aware, Nevada has the largest percentage of federal lands (87%) of any state in the contiguous 48. Some of our counties (Nye, Esmeralda, Lander, Lincoln, and White Pine) have 90 to 98 percent of their acreage administered by the federal government. As a result, Nevada's counties find their local economies, fiscal condition, and quality of life are greatly influenced by federal land management decisions. For example, in many Nevada communities, resource-based industries that are tied to public lands are their lifeblood and public access for recreation is also a high priority. Because of this, it is important to recognize the impacts of public land use on local economies and ways of life, as well as on demand for county services. For all Nevada counties, staying apprised of and involved in federal land management planning and conservation efforts is critical. Counties provide road maintenance, emergency response, law enforcement and other mandated services on public lands and to public lands users. Counties also manage assets that require federal permits, leases, or easements. NACO supports the following: efforts to increase federal land managers' engagement with county governments; appropriate federal revenue sharing to support county services; and the transfer of select federal land to states or counties when feasible and where appropriate, based on consultation with or direct recommendation of the affected county.

**Consultation on Planning and Rulemakings:** NACO will request cooperating agency status on federal planning associated with the National Environmental Policy Act (NEPA) and engage in rulemaking efforts that affect Nevada's counties. Even where NACO is not a cooperating agency, consultation and coordination with counties is crucial. Whether it is a species listing, or a monument designation, counties take federal mandates to consult very seriously. We supported revisions aimed at expediting the NEPA process. These new regulations should not result in less consideration of county input, as agencies should consider existing studies now available for use under NEPA's new regulations. NACO is current involved in the rulemaking process for The Army Corps of Engineers and U.S. Environmental Protection Agency on the Waters of the U.S. (WOTUS). NACO has also requested Cooperating Agency status for the BLM's Greater Sage-grouse Land Use Plan Amendment Environmental Impact Statement and NACO is also in discussions with the BLM about the possibility for a State-wide Resource Management Plan (RMP) Update. A statewide RMP effort would affect all Nevada counties as RMPs direct BLM management for a 20-year period.

**Continued Full Funding of PILT (Payment in Lieu of Taxes):** NACO thanks the Nevada delegation for their support of full funding of PILT. The PILT program provides payments to counties to offset losses in tax revenues due to the presence of substantial federal land acreage within their jurisdictions. Because local governments are unable to collect property taxes on federal lands, Nevada's rural counties increasingly relying on PILT to balance their



budgets and provide essential services, including those provided on public lands and to public lands users.

**Withdrawals of Public Lands:** The National Defense Authorization Act (NDAA) was passed by Congress in December of 2021. As you are aware, the NDAA kept a “status quo” land withdrawal and did not include any expansion of the disposal boundary for either the Air Force’s Nellis Test and Training Range, or the Navy’s Fallon Range Training Complex. Regarding Fallon, we appreciate the leadership and support from our Congressional Delegation on the withdrawal proposal. NACO looks forward to our continued partnership with the delegation to address county issues on the Navy’s proposal to expand the boundaries. NACO would like to thank the Nevada delegation for their efforts on the NDAA. NACO remains concerned about potential plans to expand NTTR, BLM initiating the process for additional land and mineral withdrawals in Northern Nevada and NASA’s plans in Railroad Valley to withdraw additional lands from multiple use. We support engagement with the impacted local communities.

**Wild Horses and Burros:** Nevada has by far the largest population of wild horses and burros on public lands of any State. Wild horses and burros (WHB’s) have long been an icon of the landscape and heritage of Nevada. The Free-Roaming Wild Horses and Burros Act of 1971 requires the Bureau of Land Management (BLM) to maintain populations at an agency-determined appropriate management level (AML). **Wild horse and burro populations continue to far exceed AMLs. Overpopulation remains the number one impact to effective land management and** has created serious environmental concerns for wildlife, the ecology of Nevada’s rangelands, and for the horses themselves. Wild horses suffer death from starvation or dehydration from resource scarcity. The \$21 million appropriated for WHB in the 2020 omnibus spending bill provides critical funding for this ever more urgent issue, but **additional funding is needed for this program.** NACO supports the [“The Path Forward”](#) proposal, which outlines a strategy of adoption, relocation, and fertility control that is both humane and promotes ecological balance on Nevada’s rangelands. NACO urges the Bureau of Land Management to follow the recommendations contained in their [2020 Report to Congress](#). The recommendations therein reflect those in the Path Forward and BLM’s recognition of the urgency of WHB management.

**Sage-Grouse:** Stakeholders across Nevada have engaged in significant collaborative conservation efforts and species management planning regarding both the Bi-State and Greater Sage-grouse. NACO has been a cooperating agency in both the Departments of Interior’s and Agriculture’s previous Greater Sage-grouse Land Use Plan Amendments. NACO believes the 2019 plans contain more accurate data and provide the flexibility necessary to accommodate the planning needs of the State of Nevada and Nevada’s counties. We appreciate continued engagement on this issue even if a listing is necessary.



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## Telecommunications

**Boosting Broadband and Emerging Technologies:** NACO supports the deployment and availability of emerging technologies, such as small cell 5G, to all areas of Nevada, to ensure equitable economic opportunities, educational opportunities, and emergency preparedness. County officials must also fulfill their responsibilities as trustees of public property and as protectors of public safety and health during this deployment process. By preserving local authority, county governments can ensure that communications providers are serving the public interest regardless of the delivery platform. Federal policymakers should also support local decision-making and accountability and oppose any actions that would preempt or limit the zoning and siting authority of local governments.

NACO thanks the Nevada delegation for their support of S. 1822, *Broadband Deployment Accuracy and Technological Availability Act or the Broadband DATA Act*, which requires accurate and up-to-date mapping of broadband availability as well as a process for ensuring the accuracy of that mapping. NACO has been a longtime supporter in calling for accurate broadband connectivity data which is essential to buildout critical broadband infrastructure in areas lacking access to high-speed internet. As companies continue to look to business-friendly states such as Nevada and as our counties continue to look to diversify their economies, it is essential that Nevada's counties have the connectivity such businesses need. The COVID-19 pandemic demonstrated the connectivity issues facing both rural and urban counties as well as some of the cost saving measures properly connected counties can enjoy. NACO also urges Congress and federal agencies to recognize counties as partners in extending the benefits of advanced telecommunications and broadband technology to all Americans.

**Cybersecurity:** Counties continue to face increasing risk of cyber threats from multiple sources every day and must ensure that citizens' personal information and critical infrastructure are protected, recoverable and secured in the event of any potential breach. As Congress continues addressing threats to cybersecurity at all levels of government, NACO supports ensuring that the needs of counties and local government are considered.



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## County Financing and Funding

**Optimizing Intergovernmental Partnerships and Federalism:** NACO is pleased with our partnership with our federal delegation and look to continued coordination on policies that benefit and impact Nevada's. NACO opposes unfunded mandates and federal initiatives that fail to protect county revenue. We support efforts that recognize and respect the unique roles and responsibilities of counties as essential partners in our nation's intergovernmental system of federal, state, local and tribal officials. County governments are tasked with implementing both state and federal policies as well as regulations at the local level and should be included in all stages of the governing process. NACO urges Congress to support measures that increase transparency, reduce regulatory burden, foster intergovernmental dialogue, and unite all levels of government in supporting our unparalleled system of federalism.

**Support Funding for the Community Development Block Grant (CDBG) Program:** NACO strongly supports the Community Development Block Grant (CDBG) program established in the Housing and Community Development Act of 1974. The CDBG program provides increased opportunities for elected county officials to plan, implement, and evaluate local community development and housing assistance programs. For the potential of the CDBG program to be fully realized, it must be fully funded and properly administered. NACO is thankful for the increased appropriations, recently passed, for the CDBG program, as well as for the HOME Investment Partnership (HOME) Program, which is an important component in providing affordable housing in Nevada's communities.



## Transportation

**Long-term Transportation Funding and Financing:** NACO is pleased to see the passage of the bi-partisan Infrastructure Investment and Jobs Act which reflected the interest by the Administration to address transportation and infrastructure funding. Nevada will see additional federal funding that invests in our roads, broadband, wastewater systems and other critical infrastructure projects. Nevada's Counties support efforts by the administration and Congress to increase our nation's infrastructure investments to help promote economic development, public safety, and overall mobility. In Nevada, counties maintain over 75% of the roads in the State. Counties should be recognized as major owners of transportation infrastructure in any comprehensive package presented by the administration and Congress, including future surface transportation reauthorization legislation. Any federal infrastructure investment should reflect county priorities, such as: allocating more federal seed capital and matching funds for locally owned infrastructure, increasing local decision-making authority and flexibility, and streamlining and shortening the federal permitting process while still requiring robust public participation and world-class environmental stewardship. Additionally, the long-term solvency of the Highway Trust Fund is critical as is the Federal Lands Access Program (FLAP) funding. Finally, NACO also supports continued funding of the I-11 project, including the expansion into Northern Nevada.

## Election Integrity & Funding

**Administering our Nation's Elections:** NACO supports federal policies that provide flexibility for local decision making and increased federal investments in the nation's elections system. Election integrity and safety is critical to a strong democracy. As administrators and financers of our elections, in 2020 counties worked to navigate a very different type of election -- from COVID-19 impacts, to mail in balloting, county election officials worked to ensure the election was both fair and secure. Therefore, NACO continues to support a consistent, predictable, and dedicated federal funding stream to assist counties with meeting the significant federal requirements already imposed on local governments administering elections. We also support efforts by Congress and the Administration to combat cybersecurity threats in a way that is inclusive of county election and technology officials. As Congress considers additional changes to our elections systems, NACO urges federal lawmakers to protect local control over election administration and oppose mandates and specific requirements regarding equipment, procedures, and personnel responsibilities.

**Nevada Association of Counties  
Committee of County Managers and  
Administrators (NCCMA) - Bylaws**

Bylaws of the Nevada Association of Counties (NACO) Committee of County Managers and Administrators (NCCMA), as adopted during the Nevada Association of Counties (NACO) Board of Directors Meeting on XXXX.

**Article I. Name and Purpose**

This committee shall be the "NACO Committee of County Managers and Administrators (NCCMA)," and shall be referred to as such.

Currently, (2022), there are twelve county managers or administrators in Nevada with additional counties exploring the recruitment of a county manager for the first time in their history. Nevada has experienced dynamic and diverse population growth. This has resulted in complex public policy, service delivery and unique impacts to county administration.

This Committee recognizes the need for effective county administration. The purpose of this Committee shall be to encourage professional excellence and to consistently improve the management of Nevada's county governments.

**Article II. Committee Duties**

- 1) Sharing knowledge, information, and experience among the members of NCCMA.
- 2) Assisting and supporting Nevada's counties with the establishment or improvement of effective county administration.
- 3) Mentor, engage and encourage on going professional development of county managers, or administrators.
- 4) Assist the Nevada Association of Counties Board of Directors and NACO's Executive Director on matters having an impact on county government.
- 5) Encourage engagement and membership in the Nevada Association of Counties (NACO).

**Article III. Membership**

Membership on the Committee is open to any current County Manager, including the City Manager of Carson City, of any member County of the Nevada Association of Counties (NACO) Board of Directors.

**Article IV. Meetings**

The Committee will meet quarterly and with additional meetings as deemed necessary by the Committee.

The Committee will conduct all meetings under Roberts Rule of Order. In the absence of the Chair the committee shall vote to designate one individual to lead the meeting.

**Article V. Officers**

The Committee of NCCMA's sole officer will be the Committee Chair, who will be responsible for leading meetings.

The Chair of the Committee will be the County Manager of the Current President of the NACO Board of Directors. The Chair may designate an alternate during times of his/her absence.

The current serving Executive Director of the Nevada Association of Counties (NACO) will serve as staff to the NCCMA and thus will be responsible for the operations of the Committee.

**Article VI. Attendance**

Members shall make every attempt to be present for all Committee meetings. The Committee may elect to adopt attendance rules.

**Article VII. Subcommittees and Working Groups**

The Committee will adopt subcommittees and working groups as the Committee Chair or membership deems necessary.

**Article VIII. Amendment of the Bylaws**

These Bylaws shall be reviewed periodically (annually) and may be amended during any meeting of the Committee by a majority vote of the committee.

# Account Review

12/01/2021 - 12/31/2021

Moreton-NACO (214088)

Dated: 01/06/2022

## Balance Sheet

|                          |            |
|--------------------------|------------|
| Book Value + Accrued     | 664,032.74 |
| Net Unrealized Gain/Loss | 108,052.75 |
| Market Value + Accrued   | 772,085.49 |

## Security Type

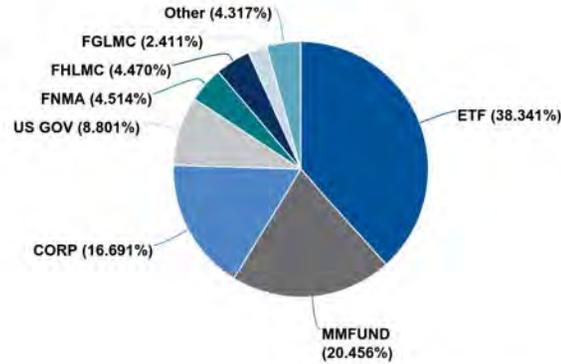
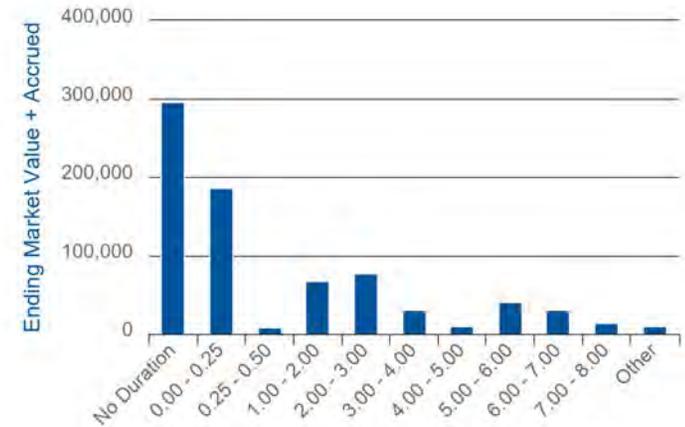


Chart calculated by: Ending Market Value + Accrued

## Duration



## Cash and Fixed Income Summary

| Risk Metric                 | Value      |
|-----------------------------|------------|
| Cash                        | 3.39       |
| MMFund                      | 157,934.95 |
| Fixed Income                | 318,124.15 |
| Duration                    | 2.018      |
| Convexity                   | 0.032      |
| WAL                         | 2.212      |
| Years to Final Maturity     | 2.905      |
| Years to Effective Maturity | 2.211      |
| Yield                       | 0.773      |
| Book Yield                  | 1.670      |
| Avg Credit Rating           | AA/Aa2/AA  |

## Market Sector

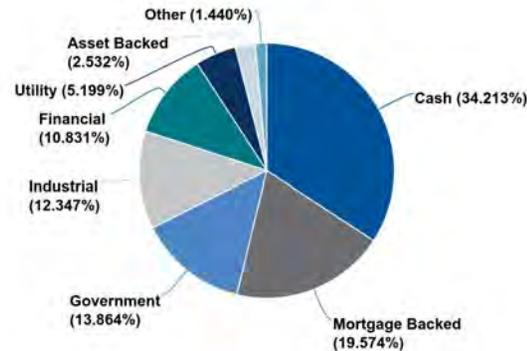


Chart calculated by: Ending Current Units

## Issuer Concentration

| Issuer   | % of Market Value + Accrued |
|--|-----------------------------|
| Other  | 27.103%                     |
| First American Funds, Inc. - Government Obligations Fund | 20.456%                     |
| Vanguard Index Funds - Vanguard Mid-Cap ETF              | 9.767%                      |
| Vanguard Index Funds - Vanguard Large-Cap ETF            | 9.704%                      |
| United States Department of The Treasury                 | 8.801%                      |
| Federal Home Loan Mortgage Corporation                   | 8.600%                      |
| Vanguard Index Funds - Vanguard Small-Cap ETF            | 7.845%                      |
| Vanguard Index Funds - Vanguard Total Stock Market ETF   | 7.724%                      |

--- 100.000%

Footnotes: 1,2

## **Agenda Item 12**

<https://zerofatalitiesnv.com/safety-plan-what-is-the-shsp/nvacts/#pageSubNav>

## **Agenda Item 13b**

<http://dcur.nv.gov/divisions-boards/ndor>  
<http://dcur.nv.gov/divisions-boards/ndor/ndor-advisory-board>

DRAFT – FOR REVIEW BY NACO PLNR COMMITTEE AND BOARD – NOT FOR DISTRIBUTION

XXXXXX

Damaris Christensen  
Oceans, Wetlands and Communities Division  
Office of Water (4504-T)  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Submitted Via Email: [OW-Docket@epa.gov](mailto:OW-Docket@epa.gov)

And,

Online via Federal eRulemaking Portal:  
<http://www.regulations.gov>

And,

Stacey Jensen  
Office of the Assistant Secretary of the Army for Civil Works  
Department of the Army  
108 Army Pentagon  
Washington, DC 203110-0104

**RE: Substantive Comments from the Nevada Association of Counties (NACO) Pursuant to Docket ID No. EPA-HQ-OW-2021-0602 Regarding a Proposed Rule for a Revised Definition of “Waters of the United States”**

Dear Mr. Christensen and Ms. Jensen,

The Nevada Association of Counties (NACO) greatly appreciates the opportunity to provide substantive comments to Docket ID No. EPA-HQ-OW-2021-0602 regarding a proposed rule to revise the definition of “waters of the United States” (WOTUS) under the Clean Water Act (CWA). Specifically, the proposed rule to re-tore the regulations defining WOTUS that were in place prior to 2015 and as amended by Supreme Court decisions. NACO provided comment on the two-prior rule-making processes as these rules and definitions have a direct impact on the daily operations and responsibilities of its member counties.

NACO works with our member counties to adopt and maintain local, regional, state and national cooperation which result in a positive influence on public policy and optimize the management of county resources and deliver services to their communities. Counties provide and maintain services and infrastructure pertinent to the CWA. These include, but are not limited to, roads, storm water and sewer systems, flood control facilities, land use planning, building and safety codes and permitting, emergency management, engineering and capital projects, parks and open space, and other infrastructure and utilities. It is from this perspective that NACO, on behalf of its 16 member counties, is providing substantive comments.

**Background:**

NACO opposes returning to pre-2015 regulations as amended by agency interpretation and informed by Supreme Court case law. The ambiguity in the pre-2015 regulations and agency guidance has led to differing interpretations and inconsistencies in permitting. It was recognition of these inconsistencies that propelled the Obama Administration to implement change in 2015. Implementation of these proposed pre-2015 regulations as currently proposed does not resolve these inconsistencies.

NACO requests clear and consistent rules be provided. NACO continues to support the “relatively permanent” standard set forth by Justice Scalia and the plurality in *Rapanos v. United States*, 547 U.S. 715 (2006) (*Rapanos*). The “relatively permanent standard” which states that the regulatory authority under the CWA should extend to relatively permanent, standing or continuously flowing bodies of water that are connected to a traditional navigable water and to wetlands with a continuous surface water connection to such waters. Scalia’s approach, along with adherence to clear and well defined WOTUS exemptions, would address the uncertainty that often causes inaction of regulators and the regulated public.

Jurisdictional uncertainties result in States' unwillingness to assume responsibilities due to apprehension of, and past experiences with, wasteful “means to an end” battles. A simpler, bright line rule as provided by Justice Scalia will help States and local governments re-align their respective incentives and ultimately provide the protection the public seeks. While the attached previous comment letter provides NACO’s suggested definition of WOTUS, the following comments cover some of the key inputs being sought in the Federal Register Proposed Rules dated December 7, 2021 (EPA-HQ-OW-2021-0602; FRL-6027.4-03-OW). These comments are arranged to match the headings and subheadings found in the proposed rule and contain NACO’s general position on the various components of the proposed rule. For more detailed legal justification for these positions, please reference the attached comments previously provided. Additionally, If NACO’s comments conflict with those provided by associated Counties, NACO would ask the Agencies to defer to the County-specific comment, as the individual counties better understand their circumstances and needs regarding this project.

**Proposed Rule:**

**1. Traditional navigable waters:** NACO generally supports the proposed rule definition of traditional navigable waters as defined in the 1986 regulations as this definition includes waters that are navigable-in-fact, and currently used or susceptible to use in interstate or foreign commerce.

**2. Interstate Waters:** NACO does not support the categorical protection of all interstate waters within the WOTUS definition. This inclusion could potentially extend jurisdiction to ephemeral waters and desert washes that may extend across state lines regardless of whether they have the potential to impact traditional navigable waters, which is beyond the central framework and protections intended under the CWA.

NACO recognizes the need to protect interstate waters that are indeed navigable or meet the relatively permanent standard and have a surface water connection to a traditional navigable water. The proposed rule should include an exemption for non-relatively permanent interstate waters.

**3. Other Waters:** NACO supports the inclusion of “other waters”, including intrastate lakes, rivers, stream mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa or natural ponds with a continuous surface water connection to a traditional navigable water and that meet the *relatively permanent standard* as defined in *Rapanos* (2006).

NACO’s previous comments suggested a definition of “relatively permanent” waters as *those waters that flow for at least three contiguous months per year, except during periods of extreme drought or precipitation according to USGS standards*. As such, NACO strongly supports the **exclusion** of non-relatively permanent waters, including waters with ephemeral and intermittent flow regimes, that do not

meet this definition. This exclusion would include dry washes, arroyos and similar features that lack the required relatively permanent flows.

NACO strongly disagrees with assigning jurisdiction over “other waters” based on a “significant nexus standard” as there is no clear and consistent guidance on how to provide “evidence” of significance. Prior to the regulatory changes in 2015, the use of significant nexus standard resulted in confusion amongst the public and inconsistent application throughout the country and State of Nevada. When it is unclear to the public and county agencies if a water feature may significantly affect the chemical, physical, or biological integrity of a traditional navigable water, the Army Corp of Engineers (Corps) is required to make a case-specific analysis. This results in delays in jurisdictional determinations and can result in assumptions of jurisdiction and regulation of waters never intended to be regulated under the CWA. This practice drives up the costs to public agencies (i.e. counties) and landowners who must often hire consultants to assist in the request for a jurisdictional determination and causes significant delays. Currently, it can take up to a year for the Corps and EPA to provide an approved jurisdictional determination for potentially jurisdictional waters in the Sacramento District, which includes portions of Nevada. It has often become the norm for a project proponent to assume jurisdiction and proceed with permits rather than to have the Corps issue a determination, leading to unnecessary costs to the project proponent and increase workloads for the Corps. A clear definition of WOTUS along with a list of well-defined and scientifically sound exemptions should be included in this proposed rule to provide clarity of jurisdiction that is consistently applied.

**4. Impoundments:** NACO supports the use and definition of impoundments contained in the proposed rule when it applies to waters that are relatively permanent and have a surface water connection to a traditional navigable water. It would be helpful to include a clear definition and exemptions for impoundments that are required for critical County functions such as sewer and stormwater treatment, flood attenuation, etc.

**5. Tributaries:** NACO's previous comments suggested a definition specific to tributaries that included, *relatively permanent, standing or continuously flowing streams, rivers, and lakes having an indistinguishable surface connection with navigable-in-fact waters.* As such, NACO has concerns with the proposed inclusion of “intermittent flow” in the definition of WOTUS. NACO previously suggested that the definition of “relatively permanent” *are those that flow for at least three contiguous months per year, except during periods of extreme drought or precipitation according to USGS standards.* As such, NACO supports inclusion of this definition rather than the current definition of “intermittent flow”.

NACO strongly supports the exclusion of ephemeral flows, including dry washes, arroyos and similar features that lack the required relatively permanent flow regimes to satisfy the tributary definition.

**6. Territorial seas:** NACO has no position on territorial seas.

**7. Adjacent wetlands:** NACO does not support the term “adjacent” as currently defined by the Court to mean “bordering, contiguous or neighboring”, but supports the inclusion of wetlands that directly abut and are indistinguishable from traditional navigable waters and tributaries as WOTUS. The definition should include the fact that wetlands must meet the definition currently provided by the Corps.

**8. Exclusions:** NACO recognizes that the proposed rule does not alter statutory permitting exemptions for agriculture, silviculture, or those waters considered “generally not jurisdictional” in prior preamble language, and NACO supports the inclusion of the two exemptions within the proposed rule. However,

NACO requests that the agencies bring back several of the exclusions provided in the Navigable Waters Protection Rule (NWPR) and include a written list of water features that are NOT determined to be WOTUS in the proposed rule. Clearly established exclusion of water NOT determined to be WOTUS would provide greater clarity to county agencies and landowners, increasing project efficiencies and decreasing costs. In addition to the two currently proposed exclusions, NACO requests the Corps and EPA include to the following exclusions that clearly identify waters that are NOT determined to be WOTUS.

*a. Prior converted cropland:* NACO generally supports this exemption for prior converted cropland. NACO is not supportive of a 5-year window for determining if such cropland is ‘abandoned’. Often times, prolonged drought can result in a 5-year non-use based on a lack of water alone. Fluctuating commodity prices, change in ownership, etc. can also dictate such periods of non-use. The window for determining ‘abandonment’ should be a minimum of 10-years if not longer, particularly in times of prolonged drought or other hardship. In terms of evaluation of the cropland exclusion, documentation of state-managed or issued water rights should be considered in making such a determination as such rights have to be documented, filed and kept in good standing with the State.

*b. Waste treatment systems:* NACO strongly supports the exemption of waste treatment systems, including treatment ponds or lagoons.

*c. Stormwater control features:* NACO continues to support an exemption for stormwater control features from the definition of WOTUS. The definition should apply to all stormwater control features (curb and gutter, storm drains, green infrastructure, etc.) including those located within municipal separate storm sewer systems (MS4s). NACO is not advocating for elimination of the MS4 Program, as it is important to a stormwater management program in densely populated areas, rather NACO is requesting clarity and reduction in overlap between the Section 402 and 404 programs to the greatest practical extent. The below background has been provided previously by the National Association of Counties (NACo) and is supported by NACO:

Under the CWA Section 402 National Pollution Discharge Elimination System (NPDES) permit program, all facilities which discharge pollutants from any point source into “waters of the U.S.” are required to obtain a permit; this includes localities with a Municipal Separate Storm Sewer System (MS4). An MS4 is defined as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)” owned by a state, tribal, local or other public body, which discharge into “waters of the U.S.” They are designed to collect and treat stormwater runoff.

Since stormwater management activities are not explicitly exempt under the proposed rule, NACO is concerned that man-made conveyances and facilities for stormwater management could now be classified as a “water of the U.S.” EPA has indicated that there could be “waters of the U.S.” designations within a MS4 system, especially if a natural stream is channelized within a MS4. This means an MS4 could potentially have a “water of the U.S.” within its borders, which would be difficult for local governments to regulate.

The definitional changes could easily be interpreted to include the whole MS4 system or portions thereof which would be a significant change over current practices. It would also potentially change the discharge point of the MS4, and therefore the point of regulation. Not only would MS4 permit holders be regulated when the water leaves the MS4, but also when a pollutant enters the MS4. Since states are responsible for water quality standards of “waters of the U.S.” within the state, this may trigger a state’s

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oversight of water quality designations within an MS4. Counties and other MS4 permittees would face expanded regulation and costs as they will now have to ensure that discharges from outfalls to these new “waters of the U.S.” meet designated water quality standards.

MS4s are subject to the CWA and are regulated under Section 402 for the treatment of water. However, treatment of water is not allowed in “waters of the U.S.” This automatically sets up a conflict if an MS4 contains “waters of the U.S.” Would water treatment be allowed in the “waters of the U.S.” portion of the MS4, even though it’s disallowed under current law? Additionally, if MS4s contained jurisdictional waters, they would be subject to a different level of regulation, requiring all discharges into the stormwater system to be regulated along with regulating discharges from a NPDES system.

This would be problematic and extremely expensive for local governments to comply with these requirements. Stormwater management is often not funded as a water utility, but rather through a county or city general fund. If stormwater costs significantly increase due to the proposed rule, not only will it potentially impact our ability to focus available resources on real, priority water quality issues, but it may also require that funds be diverted from other government services such as education, police, fire, health, etc. Our county members cannot assume additional unnecessary or unintended costs.

Further, by shifting the point of compliance for MS4 systems further upstream, the proposed rule could reduce opportunities for establishment of cost-effective regional stormwater management systems. Many counties and stormwater management agencies are attempting to stretch resources by looking for regional and integrated approaches for managing stormwater quality. The rule would potentially inhibit those efforts. Even if the agencies do not initially plan to treat an MS4 as a “water of the U.S.,” they may be forced to do so as a result of CWA citizen suits that attempt to address lack of clarity in the proposed rule.

The EPA has indicated these problems could be resolved if localities and other entities create “well-crafted” MS4 permits. In our experience, writing a well-crafted permit is not enough—localities are experiencing high levels of litigation from outside groups on approved permits that have been signed off by both the state and the EPA. A number of Maryland counties have been sued over the scope and sufficiency of their approved MS4 permits.

In addition, green infrastructure, which includes existing regional stormwater treatment systems and low impact development stormwater treatment systems, is not explicitly exempt under the proposed rule. A number of local governments, as well as private developers, are using green infrastructure as a stormwater management tool to lessen flooding and protect water quality by using vegetation, soils and natural processes to treat stormwater runoff. The proposed rule could inadvertently impact a number of these facilities by requiring Section 404 permits for green infrastructure construction projects that are jurisdictional under the new definitions in the proposed rule. Additionally, it is unclear under the proposed rule whether a Section 404 permit will be required for maintenance activities on green infrastructure areas once the area is established.

While jurisdictional oversight of these “waters” would occur at the federal level, actual water quality regulation would occur at the state and local levels, becoming an additional unfunded mandate on our counties and agencies.

*d. Groundwater:* NACO continues to support that groundwater should never qualify as WOTUS and it should be specifically excluded in the definition. The exclusion of groundwater in the definition should be expanded to include groundwater drained through subsurface drainage systems and shallow subsurface hydrologic connections used to establish jurisdiction between surface and groundwater.

*e. Non-relatively Permanent Waters:* NACO previously commented on, and still supports an exemption for, non-relatively permanent waters (*waters flowing less than three contiguous months per year, except during periods of extreme drought or precipitation according to USGS standards*). This includes waters with ephemeral and intermittent flow regimes. NACO supports incorporation of a specific exclusion of non-relatively permanent waters in the proposed rule. This exemption should specifically reference the exclusion of stormwater run-off, including directional sheet flow over upland areas, swales, erosional features, and arroyos.

## **9. Other Definitions:**

*a. Wetland:* NACO generally supports the definition of “wetlands” within the proposed rule as it makes no changes from the 1986 and 2020 rules. However, NACO strongly suggests that the definition should include the fact that wetlands must meet the definition currently provided by the Corps.

*b. Adjacent:* NACO does not support the definition of “adjacent” within the proposed rule as it means “bordering, contiguous, or neighboring.” As currently written, this definition has proven to be inconsistently applied and has led to sweeping extension of the agency’s jurisdiction and over regulations of waters with no connection to traditional navigable waters.

NACO requests the reinstatement of the previous interpretation of “adjacent” as applied under the NWPR to mean directly abutting a jurisdictional water or those wetlands that are (1) inundated by flooding from a jurisdictional water, 2) separated from a jurisdictional water only by natural features (e.g., a berm, bank or dun), or (3) physically separated from a jurisdictional water by an artificial structure that “allows for a direct hydrologic surface connection” between the wetland and the jurisdictional water.

*c. High Tide Line:* NACO has no position on this definition.

*d. Ordinary High Water Mark:* NACO generally supports the definition of “ordinary high water mark” within the proposed rule as it makes no changes from the 1986 and 2020 rules.

*e. Tidal Waters:* NACO has no position on this definition.

*f. Uplands:* NACO encourages the agencies to provide a definition of “upland” in the proposed rule to provide clarification of the jurisdictional extent of the agencies’ regulations. NACO strongly suggests the following definition:

*“Upland” refers to any land area above the ordinary highwater mark or high tide line that does not satisfy all three wetland delineation factors (i.e., hydrology, hydrophytic vegetation, and hydric soils) under normal circumstances, as described in the Corps’ 1987 Wetland Delineation Manual. Features that were once wetlands but have been naturally transformed or lawfully converted to upland (e.g., in compliance with a section 404 permit) would be considered upland.*

NACO strongly encourages the agencies to clarify, or at a minimum, maintain that areas within the 100-year floodplain that do not meet wetland criteria and/or wetlands that have been converted to upland do not qualify under the definition of WOTUS. With Nevada being the driest state in the nation, most historic development occurred near and around perennial water. This resulted in a high density of County infrastructure (roads, ditches, wastewater treatment plants, etc.) being located within the 100-year flood

plain (due to periodic flood events) that often did not contain areas that would meet wetland criteria. A clear definition of ‘upland’ provides regulatory consistency with regards to County critical infrastructure that is built on upland and non-jurisdictional under the CWA.

## **10. Significantly Affect**

NACO strongly disagrees definition and use of the term “significantly affect” for the purposes of determining whether a water feature meets the significant nexus standard, especially when it is applied to non-relatively permanent waters. Implementation guidance on applying the term suggests that field staff evaluate all available hydrologic information, such as gage data, flood predictions, historic records of water flow, statistical data, personal observations, etc., the vast majority of which will never be available for non-relatively permanent waters. If available, this type of analysis cannot be completed by the average landowner or local and state agency personnel, and response times for USACE and EPA determinations on jurisdiction are crippling. Landowners and regulatory agencies need a clear definition of WOTUS that can be applied consistently.

### **Rule Implementation:**

#### **1. Generally Not Considered “waters of the United States”**

NACO strongly suggests that the agencies provide clear definitions of certain waters that are NOT classified as WOTUS in this proposed rule. Those waters include ditches currently exempt per regulatory guidance and those non-jurisdictional waters discussed in the regulatory preamble. This portion of the rule can be very valuable in providing clarity and certainty to counties that are responsible for providing critical services and infrastructure, and the cost of providing said services and infrastructure.

*a. Certain ditches:* NACO believes that a separate definition for jurisdictional ditches is helpful. Under the proposed rule, the jurisdiction of ditches is still very complicated. As previously mentioned, NACO supports an exclusion for ditches that would be used for agricultural and flood control purposes. The same concern would apply to ditches and structures utilized for flood abatement and/or stormwater control purposes including roadside ditches.

*b. Certain other features:*

To provide clarification of jurisdiction, NACO requests the inclusion of the following features within the proposed rule in addition to being described in preamble language or subsequent guidance letters.

Artificially irrigated areas: NACO requests a written exemption to the proposed rule for artificially irrigated areas, including irrigation induced wetlands, that would revert to uplands if irrigation ceased.

Artificial lakes and ponds: NACO requests an exemption to the proposed rule for artificial lakes and ponds constructed in uplands (see comments on proposed upland definition above).

Water-filled depressions: NACO requests an exemption to the proposed rule for water-filled depressions and believes the definition should apply to such waters located in uplands as defined in the proposed rule (see comments on proposed upland definition above).

Wastewater recycling structures and waste treatment systems: NACO strongly supports exemptions for wastewater recycling structures and waste treatment systems and believes the definition should apply to such systems located in uplands as defined in the proposed rule (see comments on proposed upland definition above).

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Thank you for your attention and consideration of these comments. If you have any questions, please do not hesitate to contact me at [vguthreau@nvnaco.org](mailto:vguthreau@nvnaco.org), or by phone at (775) 883-7863.

Respectfully,

Vinson Guthreau, Executive Director  
Nevada Association of Counties

VG/jd/jm/ae

Attachment: September 1, 2021 Comment Letter from the Nevada Association of Counties (NACO)  
Pursuant to Docket ID No. EPA-HQ-OW-2021-0328 Regarding the Definition of Waters of  
the United States

cc: Governor Steve Sisolak  
Nevada Congressional Delegation  
National Association of Counties

## Agenda Item 13d

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Comments due on or before Feb. 7, 2022

XXXXXX

Patricia Deibert, National Sage-grouse Coordinator (Acting)  
Bureau of Land Management  
440 W 200 S, Suite 500  
Salt Lake City, UT 84101

Also submitted via Email: [BLM\\_HQ\\_GRSB\\_Planning@blm.gov](mailto:BLM_HQ_GRSB_Planning@blm.gov)

And,

Online at: <https://eplanning.blm.gov/eplanning-ui/project/2016719/595/8002640/comment>

**RE: Nevada Association of Counties Scoping Comments to the Bureau of Land Management's (BLM) Notice of Intent to Amend Land Use Plans Regarding Greater Sage-grouse Conservation and Prepare Associated Environmental Impact Statements 86 Fed Reg 66331 (Nov. 22, 2021)**

Dear Ms. Deibert:

As the statewide association representing 16 of Nevada's 17 counties, the Nevada Association of Counties (NACO) appreciates the opportunity to provide scoping comments on the Bureau of Land Management's (BLM) Notice of Intent to Amend Land Use Plans Regarding Greater Sage-grouse Conservation and Prepare Associated Environmental Impact Statements (EIS) 86 Fed Reg 66331 (Nov. 22, 2021). NACO has been actively engaged in both previous BLM Sage-grouse Land Use Planning Amendment (LUPA) processes as well as the State of Nevada's Sage-grouse conservation, planning and management efforts. All previous inputs and comments are hereby incorporated by reference. If NACO's comments conflict with those provided by associated Counties, NACO would ask the Agencies to defer to the County-specific comment, as the individual counties better understand their circumstances and needs regarding this project.

NACO's comments will be specific to the previous BLM Nevada and Northeastern California Planning Area. It is unclear if the BLM intends to move this effort forward using similar planning areas or not, but NACO supports the planning area for Nevada either remaining consistent with previous LUPAs or modified to include only the State of Nevada. Given the differences from state to state in geography, climate, priority threats to Sage-grouse, conservation approaches and State and local plans, NACO does not support a more regional approach for this planning process. NACO believes that the State of Nevada's collaborative Sage-grouse planning efforts, implementation of conservation actions (including compensatory mitigation) and establishment of its Sagebrush Ecosystem Program have been successful in balancing Sage-grouse conservation with continued multiple use management of public lands. These efforts and programs need to be acknowledged, documented and incorporated as part of this BLM planning effort.

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**Comments due on or before Feb. 7, 2022**

Following the 2015 LUPA, NACO filed a lawsuit in the United States District Court for the District of Nevada along with nine member counties (Humboldt, Eureka, Elko, White Pine, Lincoln, Washoe, Pershing, Churchill, and Lander Counties). NACO successfully argued that the BLM violated the National Environmental Policy Act (NEPA) by failing to prepare a Supplemental EIS for the Nevada and Northeastern California Greater Sage-grouse Resource Management Plan. In part, this action led to the BLM's subsequent LUPA planning process, which resulted in a signed Record of Decision in 2019, followed by a subsequent Record of Decision in 2020 after a Supplemental EIS analysis. NACO contributed significantly as a Cooperating Agency to the 2019 and 2020 LUPA processes and concluded that these subsequent plans were significant improvements over the 2015 LUPA.

NACO is not supportive of the BLM's current direction to implement the 2015 LUPA as it is deeply flawed, confusing and inconsistent with State and local plans. As stated in a December 19, 2018 Governor's Consistency Review Letter specific to the 2019 Nevada and Northeastern California Greater Sage-grouse Proposed Resource Management Plan Amendment and Final Environmental Impact Statement, Governor Sandoval stated that *The 2015 Resource Management Plan Amendments for Greater Sage-Grouse (2015 RMP) created confusion, and uncertainty at the field level for many of the natural resource-based land users and rural communities whose culture and economies are linked with sagebrush ecosystems on public land. The Governor goes on to say, "...targeted management actions and allocations from the 2015 RMP that were inconsistent with State Plans, and created unintended consequences, were identified for analysis in the 2018 RMP/EIS.* NACO supports these statements and asks that the BLM analyze a preferred alternative that incorporates the 2019 and 2020 LUPAs rather than an alternative that defaults to a deeply flawed 2015 LUPA.

**Priority Issues for the Nevada Association of Counties:**

**Socioeconomic Analysis:** NACO has continually pointed out to the BLM, and subsequently argued in its legal action, that the BLM's socioeconomic analysis was inadequate during the prior two planning processes. Such an analysis is essential for counties to understand how proposed plans will impact local economies, customs, and culture. Much has changed as relates to the availability of socioeconomic baseline data. NACO recognizes and sincerely appreciates the BLM's partnership with the University of Nevada, Reno's College of Agriculture, Biotechnology and Natural Resources (UNR-CABNR), Nevada Extension (NE), the U.S. Forest Service and counties to complete a socioeconomic baseline data collection for all counties in Nevada through the Nevada Economic Assessment Project (NEAP). NACO strongly encourages the use of this information as it will be valuable in conducting an adequate socioeconomic analysis of the alternatives advanced by the BLM during this planning effort. NACO fully expects the BLM to utilize NEAP data in order to complete a thorough and robust socioeconomic analysis.

**Exemption Process for Critical County Functions:** Counties are responsible for providing a host of administrative and emergency functions. As such, it is imperative that any alternative developed by the BLM as part of this planning process include an exemption process for critical local government functions that take place in priority or general habitat. Below is specific language that NACO would recommend for inclusion in the BLM's Preferred Alternative:

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*In PHMAs and GHMAs, the State Director or District Manager may grant an exception to the land use plan allocations and stipulations if one of the following applies (in consultation with NDOW and/or CDFW):*

- i. The location of the proposed action is determined to be non-habitat; or*
- ii. The proposed action will not have direct, indirect, or cumulative effects on GRSG or its habitat; or*
- iii. The proposed action must be authorized to address a public health or safety concern; or*
- iv. The action is required as part of regular administrative function by State or local government including authorized uses, valid existing rights and existing infrastructure (i.e., roads, utilities, FLPMA ROWs) that serve such a public purpose.*
  - a. New uses, rights or infrastructure that serve such a public purpose that result in a functional acre equivalent under the Nevada Conservation Credit System.*
- v. Changes in land tenure (disposals, exchanges, and recreation and public purpose) that result in a functional acre equivalent under the Nevada Conservation Credit System. This would include all lands previously identified by an approved RMP and/or Congressional Action.*

Other priority issues are presented below and categorized under the “Preliminary Issues Identified by the BLM” in the Notice of Intent. However, a listing of the most significant priorities for NACO include:

- Eliminating Sagebrush Focal Area and avoiding development of new special designations such as Areas of Critical Environmental Concern (ACECs) that limit multiple use of public lands.
- Adopting the Current Habitat Management Area Mapping produced by the State of Nevada as well as the State’s process for updating these maps on a regular basis and a provision for ground-truthing habitat mapping.
- Refining a clear adaptive management process that is inclusive of State and local governments and affected stakeholders and that is consistent with the Department of Interior’s guidance on such processes.
- Focusing on achieving consistency between the BLM’s Land Use Plan, the State of Nevada’s Greater Sage-grouse Conservation Plan (2019) and applicable county plans.
- Ensuring that all applicable scientific information is identified and analyzed in an objective manner to develop sound habitat goals, objectives, and management actions.

**Feedback to Preliminary Issues Identified by the BLM:**

The below headings in ***bold italic type*** are those identified by the BLM as preliminary issues in the notice of intent. NACO’s input to each is listed under each heading.

***Whether the BLM should reconsider alternatives from the analyses supporting the 2015 and 2019 Sage-Grouse Plan Amendments.***

NACO support analyses of the BLM’s 2019 Management Plan Alignment Alternative (Alternative B) as part of this process. NACO does not support analysis of the BLM’s 2015 Preferred

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Alternative, nor any other alternatives, as all are outdated as it relates to State and local plans as well as current best available science.

***The identification, management, and conservation of the most important GRSG and sagebrush habitat, referred to as “Sagebrush Focal Areas” in the 2015 and 2019 Sage-Grouse Plan Amendments.***

NACO does not support identification of “Sagebrush Focal Areas” or similar designations as such an action would be inconsistent with the State of Nevada Greater Sage-grouse Conservation Plan.

***The BLM also invites the public to nominate or recommend areas that may be considered for designation as areas of critical environmental concern (ACEC).***

NACO does not support identification of “Areas of Critical Environmental Concern” or other similar special designations as such an action would be inconsistent with the State of Nevada Greater Sage-grouse Conservation Plan. In addition, such special designations tend to limit the BLM’s multiple use management, which is critical to supporting NACO’s member counties’ economies, customs, and cultures.

***The designation of priority and general habitat management areas for GRSG, and how to adapt these management areas over time, according to the best available science, and how to manage non-habitat within habitat management areas.***

NACO supports adoption of the State of Nevada maps (December 2015) and any subsequent State updates. The BLM must recognize that these maps are iterative and still contain areas of non-habitat that have been identified as Priority, General and Other Habitat Management Areas (PHMA, GHMA, and OHMA). As such, retaining the process of ground-truthing habitat and updating maps is of critical importance. As such, NACO recommends adding the following language:

*At the onset of a proposed project, habitat evaluations or “ground-truthing” of the project site and its surrounding areas shall be conducted by a qualified biologist with Sage-grouse experience using methods as defined in Stiver et al (2010), or other mutually agreed to scientifically valid techniques, to confirm habitat type. Evaluations can be conducted by the Sagebrush Ecosystem Technical Team or Nevada Department of Wildlife (NDOW) at the request of the project proponent.*

Designation of “other habitat” by the State has addressed some of the key areas not designated as PHMA or GHMA and the State’s Conservation Credit System accounts for indirect impacts from development in OHMA or non-habitat. As such, no additional restriction should be placed in non-habitat, particularly since those are areas where new development should be encouraged in order to avoid more critical areas.

***The approaches to minimizing disturbance to GRSG and sagebrush habitats, including disturbance/density caps and buffers around important GRSG habitat types (e.g., leks), to ensure appropriate protection for the species while being able to concurrently implement other portions of the BLM's management responsibilities.***

NACO strongly believes that the issues of lek buffers should be addressed as part of this planning effort. While a process was identified for editing lek buffers in the 2019 BLM LUPA (Appendix B), there is a direct tie between lek buffers and habitat mapping categories. As such, the process for updating maps based on new information should also include revision of leks buffers based on such information to ensure consistency and durability of changes that are made.

Specifically, NACO supports revision of lek buffers to make clear that undertaking BLM management actions, and consistent with valid and existing rights and applicable law in authorizing third-party actions, the BLM will evaluate the lek buffer-distances during project specific NEPA, or exception may be made based on site-specific information. Possible language for such an exemption is as follows:

*The seasonal dates may be modified or removed (in coordination with NDOW and/or CDFW) based on site-specific information that indicates that a proposed activity's impacts would be negligible, temporary, or beneficial based on documented local variations (e.g., higher/lower elevations) and/or annual climatic fluctuations (e.g., early/late spring, long/heavy winter). Modifications may also be made to address urgent public health and safety concerns in a timely manner.*

***The appropriate management of wild horse and burro populations in GRSG and sagebrush habitat.***

One of the few species on federal land that State and local governments do not manage is wild horses and burros. The continued failure to adequately managed wild horses and burros was identified by the US Fish and Wildlife Service as a threat to the Sage-grouse across every population unit in the Great Basin Region in Nevada. It was further reported that, this threat is more widespread than mining, energy, or urbanization. The failure to address the overpopulation of wild horses and burros has caused irreparable damage to the range, Sage-grouse habitat and damage to the counties' ability to protect natural resources from harm. The BLM must gather to the low range of Appropriate Management Levels in Greater Sage-grouse habitat as soon as possible.

***How new and relevant scientific information affects GRSG and sagebrush habitat management, building upon the existing foundation of science relied upon in the 2015 and 2019 Sage-Grouse Plan Amendments.***

The BLM should not make the assumptions that all pertinent science was incorporated into the 2015 and 2019 LUPAs. An update of the relevant scientific data should include both new and previously unincorporated data. NACO specifically recommends incorporation of data developed by or provided from UNR-CABNR, Nevada Extension, the NRCS Sage-grouse Initiative, the Agricultural Research Service, the Nevada Sagebrush Ecosystem Program, and the Nevada Department of Wildlife.

Specifically, NACO has a direct interest in ensuring the BLM completes a thorough socioeconomic impact assessment of all alternatives proposed during this planning process. Such an assessment

should include the baseline data compiled through the recent NEAP cited above. This information is available online at: <https://extension.unr.edu/neap>. NACO would further suggest that the BLM coordinate with the NEAP project leads to utilize the baseline models to project economic impacts associated with proposed alternatives.

***The process to adapt the BLM's management of GRSG and sagebrush habitat to respond to GRSG and sagebrush habitat loss and GRSG population declines.***

Any Adaptive Management response developed by the BLM should be in accordance with *Adaptive Management: US Department of the Interior Technical Guide* so that the process and framework is clearly defined. NACO fully supports inclusion of local partners in all phases of any adaptive management process.

The 2015 LUPA Adaptive Management process was not consistent with the Department of the Interior's (DOI's) Technical Guide and should therefore be eliminated from consideration as part of this planning process.

The soft trigger process documented in the 2019 LUPA lends itself to a true adaptive management process and should be considered as an alternative in this planning process. However, the hard trigger process documented in the 2019 LUPA was NOT consistent with the DOI's technical guidelines and should not be analyzed as part of this planning process.

***The role of wildland fire and invasive species in the management of GRSG and sagebrush habitat, considering the vast acreages lost to wildland fire and invasive species over the last several years.***

The BLM must provide the necessary prioritization of all three aspects of fire management: pre-suppression, suppression, and rehabilitation and find ways to expedite on the ground treatments to address this present and widespread threat in Nevada. Any efforts to do so should be coordinated directly with State and local governments. Further, NACO supports the intent of the Programmatic EIS process that the BLM has advanced in recent years for fuels breaks and range restoration being undertaken by the BLM on this matter. Anything that can be done to streamline permitting of such activities and increased on-the-ground implementation is much needed.

***The strategies for conducting effective GRSG and sagebrush habitat restoration on BLM-managed public lands, including constraints on such efforts to avoid unintended consequences to other species' habitats.***

NACO supports the direction by the BLM to implement any and all strategies to implement habitat restoration as supported by the best available science and as informed by ecological site descriptions, state-and-transition modeling, and monitoring from previous restoration efforts. The BLM also should not constrain itself to "restoration", realizing that some sites may require "rehabilitation" if an ecological threshold has been crossed. Any efforts should be coordinated with State and local agencies as well as local research institutions such as the Agricultural Research Service, UNR-CABNR, Nevada Extension, the Nevada Sagebrush Ecosystem Program, and the Nevada Department of Wildlife.

***The appropriate habitat objectives for GRSG on public lands, with respect to the diverse habitat conditions across the range of GRSG, including the effects of climate change (e.g., drought conditions).***

Previous planning efforts have seemed to confuse broad habitat goals with specific habitat objectives. The State of Nevada Greater Sage-grouse Conservation Plan identifies a series of “Desired Habitat Conditions for Greater Sage-grouse” and NACO would suggest that the BLM align with the State Plan.

The main issue with previous BLM “Objectives” is that they were not SMART (Specific, Measurable, Achievable, Relevant, and Trackable), as defined on page 12 of H-1601-1 – Land Use Planning Handbook. Many of the BLM’s prior “Objectives” were not “achievable” across the planning area given the geophysical properties of any given site. In the LUPA process, the BLM should focus more on broad goals or “Desired Conditions” and NOT develop “Objectives”. Objectives are better developed and applied at the appropriate program or project scale rather than in a LUPA, so they are developed in consideration of the given ecological site, associated state-and-transition model, and current state.

***The application of the mitigation hierarchy, including compensatory mitigation, to address impacts to GRSG and sagebrush habitat, ensure that additional disturbance will not contribute to GRSG and sagebrush habitat loss and GRSG population declines, and help support the conservation and restoration of resilient habitat.***

Application of the mitigation hierarchy should be consistent with the State Plan.

***The strategies for short- and long-term monitoring of GRSG and sagebrush habitat.***

Short and long-term monitoring should be consistent with the State Plan. The BLM, State and local partners must coordinate and synchronize monitoring methods, protocols, standards, and report to a shared clearinghouse in order to maximize consistency, transparency and application of monitoring data.

***The leasing and development of mineral resources in GRSG and sagebrush habitat, including how to appropriately prioritize and manage such use of the public’s resources and how to consider the use of waivers, exceptions, and modifications as related to development of mineral resources.***

NACO defers specific input on this industry-related issue to its member counties and industry representatives. However, it should be noted that any restrictions placed on this industry sector must be incorporated into the broader socioeconomic analysis as this industry does play a major role in individual county’s economies and social structures.

***The leasing and development of renewable energy resources in GRSG and sagebrush habitat, including associated transmission lines, to support the mitigation of and adaptation to the effects of climate change through both habitat conservation and the expansion of renewable energy.***

NACO defers specific input on this industry-related issue to its member counties and industry representatives. However, it should be noted that any restrictions placed on this industry sector must

**Comments due on or before Feb. 7, 2022**

be incorporated into the broader socioeconomic analysis as this industry does play a major role in individual county's economies and social structures.

***The appropriate management of livestock grazing.***

NACO defers specific input on this industry-related issue to its member counties and industry representatives. However, it should be noted that any restrictions placed on this industry sector must be incorporated into the broader socioeconomic analysis as this industry does play a major role in individual county's economies and social structures.

NACO appreciates the opportunity to provide scoping comments on this BLM planning effort. NACO intends to participate in this process as both a Cooperating Agency and as a directly effected stakeholder during public comment processes. If you have any questions or need additional background or clarification on any of the above listed comments, please feel free to contact me directly.

Respectfully,

Vinson Guthreau, Executive Director  
Nevada Association of Counties

cc: Jon Raby, State Director, BLM Nevada  
Alan Shepherd, Deputy State Director for Resources, Lands and Planning, BLM Nevada  
Governor Steve Sisolak  
Bradley Crowell, Director, Nevada Department of Conservation and Natural Resources  
Tony Wasley, Director, Nevada Department of Wildlife  
Kelly McGowan, Program Manager, Nevada Sagebrush Ecosystem Program  
Nevada Congressional Delegation