

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
January 23, 2026, 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 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 remote access and provide verbal public comment during designated times by using the provided [Microsoft Teams Link](#).

AGENDA

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 the 2026 NACO Officers.
4. NACO President's Report.
5. NACO Executive Director's Report.
6. Approval of Minutes of December 12, 2025, NACO Board of Directors Meeting. **For Possible Action**
7. Discussion and Possible Approval of NACO's 2026 Federal Priorities. **For Possible Action**
8. Review and Possible Approval of the NACO 2026 County Directory. **For Possible Action**
9. Presentation from the Economic Development Authority of Western Nevada (EDAWN), Regarding the America the Entrepreneurial Initiative, Doug Erwin, SVP Entrepreneurial Development, EDAWN.
10. Update from NACO Health and Human Services Manager.
11. **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. Federal Agency Comment Letters, Including, but not limited to The Endangered Species Act (ESA) and Waters of the U.S. (WOTUS).

Updates from Standing Committees:

12. NACO Legislative Committee
13. NACO Committee of the Emeritus
14. NACO Committee on Housing
15. NACO Committee on Cooperative Extension
16. Updates from Members of the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.
17. 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 Berg at (775) 883-7863. Supporting material will be available at the NACO office and on the NACO website at: 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
NACO Website: www.nvnaco.org

NEVADA ASSOCIATION OF COUNTIES (NACO)

Board of Directors' Meeting
Friday, December 12, 2025, 9:30am

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

UNADOPTED MINUTES

Attendance: President Andreozzi, President Elect Gardner, Vice President Andriola, Past President Giomi, Churchill County Commissioner Getto, Clark County Commissioner Kirkpatrick, Esmeralda County Commissioner Perez, Lander County Commissioner Helming, Lincoln County Commissioner Reese, Lyon County Commissioner Keller, Nye County Commissioner Boskovich, Pershing County Commissioner Crim, Storey County Commissioner Carmona, Washoe County Commissioner Herman, White Pine County Commissioner VanCamp, and NACO Staff (Vinson Guthreau, Jennifer Berthiaume, Amy Hyne-Sutherland, and Amanda Berg)

The meeting was called to order at 9:30 a.m.

1. **Public Comment.** None was given.
2. **Approval of Agenda.** The agenda was approved on a motion by Vice President Andriola with second by President Elect Gardner.
3. **NACO President's Report.** President Andreozzi thanked the Board for the opportunity to serve as President and expressed the great value he places in NACO and his appreciation for to the Board members for the service they provide to their communities. He wished the Board a Merry Christmas and explained that he would need to step out of the meeting for a brief to attend another meeting remotely.
4. **NACO Executive Director's Report.** Vinson informed the Board that the Legislative Committee would resume monthly meetings beginning the first Friday in February, reminding them that the Committee is open to all county elected officials and staff. He also noted that Bill Draft Requests for the 2027 Legislative Session are due on September 1, 2026. Vinson discussed the National Association of Counties annual Legislative Conference that will be held in February 2026 in Washington DC, noting that he has heard the Senate will be in session and that he will be checking on the status of the House in preparation for planning meetings with the Delegation. He also informed the Board that Storey County would be sponsoring the dinner held for Nevada attendees and their guests. Vinson next discussed the workshop on AB211, which was sponsored by Assemblymember Considine during the 2025 Legislative Session, to address neighborhood blight and how the receivership process can benefit communities. He noted that the workshop is not a part of the quarterly workshop series developed with the assistance of the Emeritus Committee, that it would be taking place on January 9th, and directed the Board's attention to the flyer in the agenda packet. Vinson concluded his report by reminding the Board that the swearing in of the 2026 NACO officers would take place at the January meeting and wishing everyone a safe and happy holiday season.

Consent Agenda

5. **Approval of Minutes of November 21, 2025, NACO Board of Directors Meeting. For Possible Action**
6. **Approval of the Reappointment of Joni Eastley, former Nye County Commissioner, to the Nevada Rural Housing Authority (*NRS 315.977*). For Possible Action**
7. **Approval of the Reappointment (Joint Appointment with the Nevada League of Cities and Municipalities) of Zetkha Fountas, Resident Representative, to the Nevada Rural Housing Authority (*NRS 315.977*). For Possible Action**
8. **Approval of Reappointment of Joe Crim, Jr, Commissioner, Pershing County, as a NACO Appointment to the Board of Indigent Defense Services (BIDS), (*NRS 180.300*). For Possible Action**
9. **Approval of Appointment of Eric Blakey, Commissioner, Churchill County, Replacing Dave Mendiola, Former Humboldt County Manager, to the Board of Indigent Defense Services (BIDS), (*NRS 180.300*). For Possible Action**
10. **Approval of the Reappointment of Maurice White, Supervisor, Carson City, as a NACO Appointment to the Commission on Off-Highway Vehicles (*NRS 490.067*). For Possible Action**
11. **Approval of the Reappointment of Debra Strickland, Commissioner, Nye County, as a NACO Appointment to the Nevada Advisory Board on Outdoor Recreation (*NRS 407A.575*). For Possible Action**
12. **Approval of the Reappointment of Stacey Giomi, Supervisor, Carson City, as a NACO Appointment to the Board for the Fund for Hospital Care to Indigent Persons (*NRS 428.195*). For Possible Action**
13. **Approval of the Reappointment of Delmo Andreozzi, Commissioner, Elko County, as a NACO Appointment to the Board for the Fund for Hospital Care to Indigent Persons (*NRS 428.195*). For Possible Action**
14. **Approval of the Reappointment of William McCurdy II, Commissioner, Clark County, as a NACO Appointment to the Board for the Fund for Hospital Care to Indigent Persons (*NRS 428.195*). For Possible Action**
15. **Approval of the Reappointment of Shayla Holmes, Human Services Director, Lyon County, as NACO's County Social Services Appointment to the Board for the Fund for Hospital Care to Indigent Person (*NRS 128.195*). For Possible Action**
16. **Approval of the Appointment of Dee Helming, Commissioner, Lander County, as NACO Appointment to the Board for the Fund for Hospital Care to Indigent Persons, Replacing Outgoing White Pine County Commissioner Laurie Carson, (*NRS 428.195*). For Possible Action**

The consent agenda was approved as presented on a motion by Vice President Andriola with second by Commissioner Getto.

Regular Business

17. Approval of NACO Resolution 25-04 Recognizing January 2026 as National Radon

Month. President Andreozzi read the resolution into the record, and it was approved on a motion by Vice President Andriola with second by Commissioner Getto.

18. Presentation by the Nevada Emergency Preparedness Association (NEPA), Taylor Allison, Lyon County Emergency Management and Government Affairs Director.

Ms. Allison gave the Board an overview of the Association including its leadership and membership makeup, noting that she currently serves as the Western Nevada Director. She informed the Board that the Association's credentialing program which began in 2019 aligns with National standards and includes three certification levels (professional, associate, and support) with the third having been added in 2025. Ms. Allison shared with the Board the list of currently credentialed county personnel and noted that many county staff members are in the process of obtaining certification which will take place in February of 2026. She discussed the creation of a report on Emergency Management Capacity throughout the many levels of government throughout the state that is expected to be released prior to the summit being conducted in February as well. Ms. Allison gave the Board an overview of emergency management personnel statewide, noting that there are only 88 full time emergency management staff statewide, and that 50% of county staff and 94% of State staff are federally funded positions. She discussed the increase in county level emergency management investment and the divestiture of federal resources since COVID and the structural imbalance of responsibility and resources based upon the national approach to emergency management (locally executed, state driven, federally supported). Ms. Allison informed the Board that once the FEMA report is currently being developed is released and a new plan will need to be structured to provide effective emergency management services statewide. She discussed the Association's 2026-2027 policy priorities and how partnership with NACO is beneficial, including the right-sizing of emergency management for all counties and closed her presentation by inviting counties to attend the Nevada Preparedness Summit in Clark County in February and announcing the creation of a new group that will address the specific responsibilities of local emergency management. Amy inquired as to whom would be recommended for the third credentialing level, and Ms. Allison informed the Board that the Support level certification is for those with some level of training but who's main job does not involve regular emergency management tasks. She also noted that NEPA is working with all the other associated associations (Sheriffs, fire, etc.) to avoid and/or eliminate duplication within training programs. President Elect Gardner concluded the item by remarking on the collaboration necessary for effective emergency management activities when necessary.

19. Final Discussion and Approval of the NACO Annual Budget for 2026.

Vinson reminded the Board that it was the second presentation of the budget documents and informed them that overall, the final budget numbers had not changed. He drew their attention to the documents included in the agenda packet and noted the only change was that previously the contract for natural resources support services was included in the salaries line item but was removed to a separate category at the suggestion of the bookkeeping staff, informing the board that the justification for the change was included in the budget descriptions. Vinson discussed the memo from the Association's Fiscal Officer, Alan Kalt, and drew their attention to the county dues schedule also included in the agenda packet. He informed the

Board that the budget continues to make strong investments in staff and programming and upon approval of the budget that invoices for the county dues would be distributed. Fiscal Officer Kalt concluded the discussion by informing the Board that it continues to be a pleasure for him to serve on behalf of the Board and to work with Vinson and the NACO staff on the development of a strong and responsible budget. The 2026 NACO budget and county dues schedule was approved as presented on a motion by Past President Giomi with second by Vice President Andriola.

20. **Presentation of the Annual NACO Investment Portfolio Review, Andy Robbins, Managing Partner, Moreton Asset Management.** Mr. Robbins began his presentation with a discussion of the expected interest rate cuts and shared an updated graph with the Board based on information received subsequent to the distribution of the agenda packet. He noted that projections are expecting two interest rate reductions in 2026. Mr. Robbins discussed that a new Chair of the Federal Reserve (Fed.) will be installed in June following the expiration of the current Chair's term in May, noting that it is expected that the new Chair will favor lower interest rates. However, he also noted that interest rate changes will depend on current rates of inflation and employment which are both currently rising. Vice President Andriola inquired as to what is being seen based on recent Supreme Court cases, specifically *Slaughter v. Trump*. Mr. Robbins informed the Board that he did not have great insight into the case, but that the markets are currently as volatile and unpredictable as he has seen, noting that even the Fed is not able to make accurate predictions. He also discussed the attempts to balance inflation and unemployment, drawing the Board's attention to a slide on the effects of tariffs on imports being difficult to determine. Next, Mr. Robbins discussed the effect that loan delinquencies (auto, mortgage, student loan etc.) are having on the markets. President Elect Gardner inquired as to if the hold placed on student loan payments from 2021-2024 and the expected forgiveness of the loans did not occur were causing the spike. Mr. Robbins stated that yes, a lot of borrowers had relied on the forgiveness of their student loans and have since been put in a bind due to excessive credit card spending. He then drew the Board's attention to the Association's investment portfolio giving a high-level overview of the account, noting that there was currently approximately \$177 thousand in unrealized gain and that the portfolio was approaching \$1 million dollars. Mr. Robbins gave the Board a breakdown of the current investments, noting that there was a high level of liquidity and a good mix of allocations, with a long-term yield of just under 4% for fixed rate investments. He concluded his presentation by informing the Board that the portfolio is poised to perform well in 2026. NACO Fiscal Officer Kalt noted the importance of highlighting the growth of the portfolio between the audits conducted in 2023 and 2024 and the fact that the unrealized gain helps with the budget. He also reminded the Board of the sweep account instituted and that those revenues help to support important NACO programming. Vinson inquired whether Mr. Robbins would recommend any changes to the currently approved investment policy. Mr. Robbins said he would need to refamiliarize himself with the policy but believes the current policy is good. However, he did note that the portfolio included approximately \$200 thousand as a buffer and inquired as to whether the Board would like to maintain the liquidity or to invest the funds. Fiscal Officer Kalt suggested keeping \$50 thousand in liquid funds and moving the remainder to investments, based off of the approved budget which does not require Board action based on the adopted investment policy. President Andreozzi concluded the item by thanking Mr. Robbins for his detailed presentation, noting that it is good to see the background on the portfolio and that the economic outlook is improving.
21. **Update from NACO Health and Human Services Manager, Including Presentation and Summary of Final Grant Report.** Amy informed the Board that the subgrant from the State which had funded the Public Health Coordinator position and related activities had ended in

November (2025) that she had submitted the final grant report, drawing their attention to the summary included in the agenda packet. She highlighted intergovernmental coordination activities with the Nevada Division of Public and Behavioral Health, the Divisions of Child Welfare and Adult Protective Services, as well as the Department of Agriculture. She discussed the work completed on the statewide review and report on Foundational Public Health Services and Opioid needs assessments in the counties to maximize State support and the educational opportunities and workshops conducted outside of the annual conference. Amy then informed the Board of a series of monthly workshops that would be conducted from February to May of 2026 on child welfare in Nevada and the updated NACO website with links and resources related to public health. President Andreozzi noted that Amy had been wonderful and effective in the role and that he was glad the Board had prioritized keeping the position past the grant funding. Vice President Andriola echoed the President's remarks and also discussed the creativity of the creation of the immunization toolkits that allow for customization by the counties, highlighting yet another example of the value of NACO membership for the counties.

22. **Update from NACO Committee of the Emeritus.** Past President Giomi informed the Board that there had been no activity by the Committee since the November meeting. Vinson informed the Board that updates had been made to the New Commissioner Handbook, and that it is available on the NACO website, noting that there were not a lot of changes but reiterating that it is a valuable resource for new Commissioners.

23. **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.**

Jeremy Drew of RCI informed the Board that there had been a lot of activity following the federal government shutdown. He informed the Board that the State Water Engineer had stepped down and that Chase McNamara had stepped down as the Policy Advisor on Natural Resources for Governor Lombardo. Jeremy noted that there would be a learning curve with his replacement, but there would be a benefit to a short overlapping timeframe. He also announced that SLUPAC had recently been staffed. Jeremy discussed proposed ESA reforms, noting that four sections were to be addressed (listing, habitat, interagency cooperation and threatened), noting that new comments could be informed by a previously approved comment letter since the comment deadline was December 22nd. He also discussed a proposal to clarify the definition of WOTUS, noting that the process would slow due to judicial actions, specifically the Sacket decision. He informed the Board that the proposed definition changes would be closely reviewed, and comments would be submitted on January 5th if the requested extension was not approved. Jeremy next discussed renewable energy transmission projects moving forward, landscape solar projects being placed on hold, and the lack of guidance from the BLM on the new revenue sharing program for solar energy projects. He did note that current information indicates that the program is for both new and existing projects, and that 25% would go to State and local governments. Jeremy discussed a meeting with the Navy to address ongoing issues with compensation and access with regards to the withdrawals surrounding the Fallon Naval Air Station and the effects it will have for multiple counties. He informed the Board that the spending plan for the Wild Horse and Burro program requested by the Department of the Interior and submitted prior to the shutdown had yet to be approved. Vinson concluded the item by informing the Board that SRS had recently passed, and both Lincoln and Nye counties would be included in the back payments for the two years the program was not passed. No action was taken.

24. **Updates from Members of the National Association of Counties Board, Western Interstate Region Board, and Individual Counties.** Commissioner Kirkpatrick informed the Board that NACo was getting caught up on committee hearings post shutdown. President Elect Gardner informed the Board that he would be attending the NACo Board symposium being held in the President's home county remotely due to a conflict with his county commission meeting. He also informed the Board that a new We are Counties campaign had been approved as well as policy priorities and encouraged attendance at the upcoming legislative conference and the annual conference in July. He also informed the Board that FEMAs planned discontinuation of the BRIC program had been denied by a federal judge. Board members gave updates on activities within their counties.
25. **Public Comment.** Varlin Higbee informed the Board that Karen Bud Fallon had reappointed all members to the Wild Horse and Burro Committee and that would be meeting would take place in February where it was expected that the previous recommendations would be pushed back up to Washington.
26. ***CLOSED SESSION PURSUANT TO NRS 241.030.*** To receive information regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction, or advisory power, and to deliberate toward a decision on the matter and direct staff accordingly.

Following the closed session, the meeting was adjourned at 11:39 a.m.



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Nevada Association of Counties (NACO) 2026 Federal Priorities

Nevada's counties proudly serve as the foundation of the local social safety net, delivering essential community services that support Nevadans at every stage of life. As communities continue to evolve, counties are ready to thoughtfully and strategically respond to emerging needs. Counties are committed partners in strengthening Nevada's economy and the quality of life by fostering safe, healthy and resilient communities. Through collaboration at all levels of government and with partners in the private sector, counties help connect residents to opportunity, maintain vital public services, and support responsible growth. Continued investment in county programs ensures that communities across Nevada remain vibrant, prepared, and in a strong position for lasting success.

Local Public Health & Community Resiliency

Continued Support for Local Public Health: While unprecedented federal funding and aid to counties has occurred in recent years, it has served to highlight 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. During Nevada's response to a historic public health emergency, we saw that the lack of sustained resources for health districts, emergency responders and county hospitals complicated those efforts. As a result, in partnership with the State, Nevada's counties will focus on working with the federal delegation to support increased flexible funding for public health so that we can be better prepared for any future public health crisis while also improving health outcomes in our communities. This includes support for Federal scholarships, loan repayment programs, and direct support for training of all public health professionals in continuing efforts to build the state's public health workforce. This also includes support for the continuation of the CDC's Public Health Infrastructure Grant (PHIG), which has been instrumental in improving local public health coordination, strategic planning, and public health infrastructure development across the State of Nevada. As Nevada's counties collaborate 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. NACO supports a federal effort for a comprehensive state and local analysis of the Public Health System and current and effective local and regionally driven policy recommendations. In addition, NACO encourages initiatives that support rural health through incentives for health professionals practicing in rural and underserved areas, extended Medicare reimbursement for telemedicine to all rural areas, and enhancements to rural health infrastructure.

Direct Assistance to Counties for Ongoing Mental Health Response: NACO remains grateful to our Nevada Congressional delegation for supporting vital relief packages such as the CARES Act and the American Rescue Plan Act (ARPA). These pieces of legislation



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provided direct, flexible funding to local governments that allowed for mitigation from the pandemic. Counties have been able to stand up programs such as mobile crisis services, community-based behavioral health services, and housing stabilization services.

With 75% of the U.S. population reliant on county-based behavioral health services, the National Association of Counties (NACo) launched a [Commission on Mental Health and Wellbeing](#). The Commission aims to bring county leaders from across the country together to address the mounting mental health crisis from the local government perspective while building and supporting the mental health workforce and enhancing local crisis response systems. Due to the various touchpoints that counties have with residents seeking care, direct mental health service delivery responsibilities have steadily increased. Counties should be considered in any regulatory reforms that support the development and funding of long-term mental health support services.

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 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 Nevada's eight public hospitals, seven of which are designated Critical Access Hospitals. Without sustained funding, some hospitals may be forced to shutter their doors, especially in frontier and rural areas. The Rural Health Transformation Program enacted by H.R.1 is an important step in mitigating the impacts of federal Medicaid changes. NACO is in support of this program and also recognizes, because this is one-time funding with limitations on eligible uses, there is still a need to continue support for other sustainable funding sources of safety-net healthcare programs. For example, the CMS Hospital Provider Tax (implemented in Nevada in 2023) is a sustainable funding stream that is critical to the improvement of Nevada's Medicaid and Youth Behavioral Health system. The 15% administrative costs allowed to Nevada Medicaid under this program is earmarked for Children's Behavioral Health Transformation as a result of Nevada's settlement with the Department of Justice. While the Provider Tax is implemented by private hospitals and directly supports private hospitals, the H.R.1 tiered scale-down of the Provider Tax program will still negatively impact the public hospital system. Nevada's Critical Access Hospitals in particular, regularly transfer patients to private hospitals due to



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capacity issues and to access higher levels of care. NACO supports an ongoing robust Provider Tax Program that enables private hospitals, counties, states, and the federal government to partner in the cost of Medicaid. Counties also support efforts to improve the efficiency, flexibility, and effectiveness of policies and operations. NACO supports the strengthening of the intergovernmental partnership envisioned in the Medicaid statute and the provision that requires the Federal Medical Assistance Percentage (FMAP) to be passed through to counties contributing to the non-federal share.

Department of Housing and Urban Development (HUD) Continuum-of-Care (CoC)

Program: Nevada's counties are direct recipients and administrators of CoC funding and support the continued funding of this critical program for responding to homelessness. NACO is concerned with a last minute NOFO withdrawal that was reissued and included significant restrictions on permanent supportive housing funding. These last-minute changes have detrimental impacts for Nevada Counties and CoCs in the state and limit the county's ability to plan for policy changes to avoid funding gaps, seek alternative funding streams for current, effective permanent supportive housing programs, and revise processes to accommodate changes to the federal program. NACO supports HUD continuation of the prior fiscal year CoC program competition to enable counties to plan for policy changes. NACO also supports maintenance of current funding levels for the CoC Program.

Justice and Public Safety

Medicaid Inmate Exclusion Policy (MIEP): The state of Nevada passed a state-based solution to the MIEP that required Nevada Medicaid to apply for a Section 1115 Reentry Services Demonstration waiver. The waiver will enable coverage of authorized services for Medicaid-eligible, incarcerated adults 90 days prior to scheduled release. Nevada is still awaiting approval of their waiver from CMS, which was anticipated in October, of 2025. NACO continues to support a federal solution to the policy, that upon detention (*not conviction*), inmates are no longer eligible for Federal health benefits. The current federal policy denies federal health benefits to individuals who are pending disposition and still presumed innocent under the U.S. Constitution. Instead, NACO supports access to federal health benefits for non-convicted individuals as it would allow for improved coordination of care and also decrease short-term costs to local taxpayers and long-term costs to the federal government. NACO additionally supports access to federal health benefits for all incarcerated individuals 90 days pre-release, as such a policy enables successful re-entry into the community and reduces recidivism, which reduces the financial and administrative burden on local government. On April 1, 2025, the U.S. House of Representatives reintroduced the *Reentry Act* (H.R.2586) and the *Due Process Continuity of Care Act* (H.R. 1510), two bills which seek to improve health care access for justice-involved individuals. NACO, together with NACo, supports these measures. Regarding Justice Involved Reentry Initiatives for Youth, effective January 1, 2025, Nevada Medicaid began covering authorized services for youth up to age 21 and former foster youth up to age 26, thirty (30) days pre- and post-release. This



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includes Targeted Case Management (TCM). NACO continues to support programs that enable continuity of care, improve outcomes and reduce recidivism.

Mental Health and Jails: County jails are not the appropriate place to treat individuals with mental illness, but unfortunately, the incidence of mental illness for those that are incarcerated is significantly higher than the general population. Additionally, drug and alcohol abuse and addiction are factors in the crimes and incarceration of 80 percent of the inmates in local jails. 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 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. This includes community continuation-of-care programs that ensure individuals transitioning out of a carceral setting are connected to clinical care and recovery supports. For example, NACO encourages continued federal support for the [NACO Stepping Up Initiative](#), a national project to reduce overincarceration of people with mental illnesses, that was launched in 2015 together with the CSG Justice Center and the APA Foundation. **NACO also supports the continued funding of SAMHSA prevention, treatment, and recovery grants that save lives and divert individuals from carceral settings.**

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. One example of a critical federal program that counties rely on to provide services to our incarcerated populations and reduce recidivism is the Second Chance Act, which supports state and local government, and nonprofit organizations in their work to reduce recidivism and improve outcomes for people returning from state and federal prisons, local jails, and juvenile facilities.

Public Lands & Natural Resources

Public Land Management and Funding County Services: As Nevada's Congressional Delegation is well aware, our state has the largest percentage of federal lands of any state in the contiguous 48 at over 80% federal ownership. Some of our counties (Nye, Esmeralda, Lander, Lincoln, and White Pine) have over 90 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 with public access for recreation is also a high priority. It is important to recognize the impacts of public land use on local economies and ways of life, as well as on the demand for county services. As a western state with a large amount of Federal land, it is critical for all 17 of our counties to stay involved in federal land management planning and conservation efforts. Individual county governments have a critical role in



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policy development, planning, and management of federal land. 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. NACO thanks the Nevada delegation for their support of the Secure Rural Schools (SRS) program in Senate Bill 356 and urges full support of H.R. 6938, which fully funds the payments in lieu of taxes (PILT) program. These payments to counties offset a portion of the loss in tax revenue that result from federal land ownership within their jurisdictions. Because local governments are unable to collect property taxes on federal lands, Nevada's rural counties increasingly rely on these payments to balance their budgets and provide essential services. NACO supports comparable funding that allows counties to provide the above-mentioned essential services and remain solvent.

Consultation on Planning and Rulemakings: NACO is appreciative of the delegation's support on several significant land withdrawal proposals. Even when 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.

Renewable Energy: While supporting diversification of energy production that brings economic activity to Nevada, NACO has long held the position that public lands administered by the federal agencies should be managed for multiple uses. Nevada's counties recognize that achieving U.S. energy independence requires a responsible expansion of alternative energy resources. NACO supports coordination on the infrastructure for renewable energy on public lands with a thorough analysis showing that local economies will not be negatively impacted. Mechanisms such as tax abatements and exemptions extended to renewable energy companies result in county taxpayers subsidizing renewable energy projects. Renewable energy projects should contribute to local economies with ongoing revenue streams so that the counties are able to provide the required support services during the life of these projects. County government should be able to provide local input on renewable energy projects proposed on public lands and be remunerated for the permitting, infrastructure, safety and emergency services they will provide to these projects. NACO continues to support the principle of maintaining a revenue-sharing mechanism for renewable energy development on public lands.



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Wild Horses and Burros: Nevada has by far the largest population of wild horses and burros (WHB) on public lands of any State. 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 a major impediment 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 inhumane death from starvation or dehydration due to resource scarcity. Nevada Counties remain concerned about appropriate management levels being met for the WHB program, as indicated with at least seven counties declaring states of emergency due to loss of habitat and resource impacts.

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. Wildlife and habitat conservation are important to Nevada counties. Local communities both value and depend on the natural resources and ecosystems that surround them. It is NACO's belief that any Endangered Species Act reform should focus on promoting on-the-ground results and habitat restoration that recognizes efficiency as well as the importance of local government and stakeholder planning to conservation. Listing decisions should be based on verifiable science, consistent protocols, and the input of local and state stakeholders and we appreciate continued engagement on this issue.

Telecommunications and Technology

Boosting Broadband and Emerging Technologies: NACO supports the deployment of existing and emerging technologies that provide timely and effective services to support equitable economic and educational opportunities, emergency preparedness and response, as well as new public safety systems. The Infrastructure Investment and Jobs Act provided \$42.45 Billion to fund broadband deployment in underserved areas through the Broadband Equity, Access, and Deployment (BEAD) program. NACO continues to be grateful for this 10-year Federal investment in broadband expansion and access, especially for the rural areas of the Silver State. As our Federal Delegation is aware, Nevada was recently approved to deploy \$170 million of the \$416 million total BEAD allocation for the state to connect reliable high-speed internet throughout the state using a mix of technologies, including fiber-optic, hybrid fiber-coax, licensed fixed wireless and satellite broadband.

NACO has a history of calling for accurate broadband connectivity data which is essential to build out 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



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connectivity businesses require. Counties utilize advanced telecommunication systems for a full range of public and law enforcement services. This requires voice and data interoperability for coordination, programmatic integrity, and accountability.

NACO is in support of policies that speed up federal permitting, but not at the expense of intergovernmental coordination, ensure open and transparent broadband networks, and require fair access, performance standards, and local oversight for providers.

Cybersecurity: Unfortunately, Nevada is not immune to the ever-growing threat of cyber-attacks. Counties are on the front lines of protecting residents' data, critical infrastructure and essential records. Attacks are only becoming more frequent and sophisticated, requiring an evolving set of tools and standards. NACO supports strong collaboration with federal and private partners; including funding, training and information sharing.

Artificial Intelligence (AI): Artificial Intelligence (AI) is rapidly becoming part of daily life for people around the world. As with any new technology, the implications can be both positive and negative. NACO recognizes that counties across the country have utilized AI to automate administrative tasks, analyze large amounts of public information in a short amount of time, and to provide language translation in public meetings or in the process of county transactions. NACO supports the responsible use of AI, with guardrails that advance innovation while minimizing risks to the public. This would include the ability to modify regulations as AI evolves, as well as strong coordination, oversight, and public engagement to address misuse, misinformation, consumer harm, and accountability.

County Financing and Funding

Optimizing Intergovernmental Partnerships and Federalism: NACO is pleased with our partnership with our federal delegation, and we look to continued coordination on policies that benefit and impact Nevadans. NACO continues to oppose 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. It is the right and a responsibility for counties to be able to raise the necessary revenues to finance critical basic public services. 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 State of Nevada is a recipient of



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the State Administered CDBG program, also known as the Small Cities' CDBG program or the CDBG non-entitlement. Each State develops annual funding priorities and criteria for selecting projects. Nevada's priorities are established by the consolidated planning process, state priorities, and the regional community and economic development needs of each community. The CDBG program provides increased opportunities for elected county officials to plan, implement, and evaluate local community development and housing assistance programs. NACO asks for continued flexibility of the funds to address certain immediate and unanticipated priorities from all levels of government.

Transportation

Long-term Transportation Funding and Financing: As the five-year, \$973 billion Bipartisan Infrastructure Law (BIL) (P.L. 117-58), approaches its conclusion, NACO remains grateful for this historic investment in American infrastructure. Over 60,000 projects have gone forward, modernizing and making improvements across all modes of transportation. NACO maintains an [interactive funding matrix](#) which is continually updated and easy to interpret that includes, funding levels, program descriptions, and eligibility requirements. The most recent surface transportation reauthorization was included in the broad BIL, which will expire on September 30, 2026. As Congress works on reauthorizing surface transportation, NACO supports increasing local access to federal transportation funding, maintaining and improving grant opportunities, and streamlining permitting processes while preserving local input and environmental protections.

In Nevada, counties maintain over 75% of the roads in the State and have benefited from additional federal funding for 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. All federal infrastructure investment should reflect county priorities and capabilities. This includes 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. Additionally, the long-term solvency of the Highway Trust Fund is critical as is the Federal Lands Access Program (FLAP) funding.

NACO supports strengthening the Highway Trust Fund by maintaining its current structure, increasing and indexing fuel fees with revenues dedicated to roads and transit, and exploring fair, long-term funding sources while reducing administrative costs to maximize investment in highway improvements.



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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. The diversity of geography, population distribution, and language needs across the country and specifically across Nevada, require local understanding. Election integrity and safety is critical to a strong democracy. As administrators and financiers of our elections, 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 by involving county election officials, promoting information sharing, and coordinating resources and guidance through agencies like the Cybersecurity and Infrastructure Security Agency, the Election Assistance Commission, and the Election Infrastructure Information Sharing and Analysis Center. NACO continues to urge federal lawmakers to protect local control over election administration and to fully fund any new mandates and specific requirements regarding equipment, procedures, and personnel responsibilities.

NACO appreciates the advocacy and leadership of the Nevada Congressional delegation that led the U.S. Postal Service (USPS) to reconsider downsizing and relocating part of the operations of the Reno Processing and Distribution Center and rerouting processing to Sacramento, California. The mail system, both domestically and internationally, is an integral support for our election system ensuring that all voters are able to fairly and freely participate in the process. NACO urges USPS to consult with counties before service changes, ensure reliable and transparent mail delivery for elections and essential services, support military and overseas voters, and provide discounted postage rates for required local government mailings.



NACO Symposium ***Medicaid Managed Care*** ***Community Reinvestment Program***

NACO is pleased to announce the hosting of a symposium on the Medicaid Managed Care Community Reinvestment Program with all five of Nevada's Medicaid Managed Care Organizations (MCOs). As of January 2026, Medicaid members across Nevada (with some exceptions) are served by an MCO, an insurer responsible for supporting all of their clients in accessing care and navigating the healthcare system. As part of the contract with the State of Nevada, all MCOs must reinvest 2% percent of their profits back into the communities they serve beginning in 2026. The purpose of this symposium is for counties to learn about each MCO's current and future reinvestment priorities, the process for local partners to apply for the funding, and how opportunities for funding will be communicated to ensure counties can be ready to apply. The meeting will also cover a high-level overview of projects already selected for funding and allow time for Q&A.



Invited: County Elected Officials & Staff

When: Monday, February 9th, 2:30 p.m. - 4:00 p.m.

Where: Microsoft Teams, this is a remote attendance only event.

[Click here to contact our Health & Human Services Manager, Amy to register, for additional information, and to submit questions to the MCOs in advance.](#)

Calendar invitations with the meeting access link will be sent upon registration.



DCFS INFRASTRUCTURE & RURAL CHILD WELFARE WORKSHOP SERIES

Please join NACO and the State of Nevada Division of Child and Family Services (DCFS) for a four-part educational series on DCFS Infrastructure

Second Thursdays, February through May 9:30AM-11AM

All Workshops will be hosted
REMOTELY via TEAMS

WHO SHOULD ATTEND?

ALL OF THE WORKSHOPS WILL BE HELPFUL FOR COUNTY LEADERSHIP INTERESTED IN IMPROVING CHILD WELFARE

COUNTIES SHOULD CONSIDER SENDING SUBJECT MATTER EXPERTS FROM THEIR STAFF TO WORKSHOPS APPROPRIATE TO THEIR SCOPE (I.E. FISCAL STAFF TO WORKSHOP 1; JPO TO WORKSHOP 3)

WORKSHOP 1 12 FEBRUARY 2026

DCFS Overview & County Assessments

Review of State Budgets supported by county DCFS assessments including funding formulas and a high-level overview of functions delivered through each budget category, including statewide FTE and resource distribution.

WORKSHOP 2 12 MARCH 2026

CPS, Foster Care, & Supports for Unhoused Youth

Overview of CPS infrastructure and Foster Care (Traditional and Kinship), as well as systems of support for youth experiencing homelessness and youth with Severe Mental Illness (SMI).

WORKSHOP 3 9 APRIL 2026

Youth Parole & Youth Alternative Placement

Overview of programs and budgets associated with these two assessments and the systems of support in place to support participating youth

WORKSHOP 4 14 MAY 2026

What Comes Next: Action Plans for Governmental Coordination on Rural Child Welfare

This workshop will build on the knowledge shared from the previous three workshops to structure specific collaboration plans for systems improvement between state and local governments.



To register, scan QR code, click [THIS LINK](#), or email ahs@nvnaco.org to receive TEAMS invite and supplemental materials.



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(775) 883-7863
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December 18, 2025

Via Federal eRulemaking Portal

ATTN: FWS-HQ-ES-2025-0029
U.S. Fish and Wildlife
Kevin Lilly
Principal Deputy of Fish,
Wildlife and Parks
5275 Leesburg Pike
Falls Church, VA 22041-3803

***RE: FWS-HQ-ES-2025-0029, Endangered and Threatened Species Regulations
Pertaining to Endangered and Threatened Wildlife and Plants***

Dear Mr. Lilly:

The Nevada Association of Counties ("NACO") greatly appreciates the opportunity to provide input on the U.S. Fish and Wildlife Service's (FWS) proposal to revise regulations that implement the Endangered Species Act (ESA), 50 CFR 17.31 and 17.71 which extends protections to threatened wildlife and plants (Docket No. FWS-HQ-ES- 2025-0029) as amended. NACO's members include all 17 Nevada counties, and we work with our members to adopt and maintain local, regional, state, and national cooperation, which will result in a positive influence on public policy while optimizing the management of county resources.

Wildlife and habitat conservation are important to Nevada counties. Local communities both value and depend on the natural resources and ecosystems that surround them. It is NACO's belief that ESA reform should focus on promoting on-the-ground results and habitat restoration that recognizes efficiency as well as the importance of local government and stakeholder planning to conservation. Listing decisions should be based on verifiable science, consistent protocols, and the input of local and state stakeholders.

On September 21, 2018, NACO submitted comments in support of the 2019 4(d) Rule revisions, which provided for important distinctions between threatened and endangered wildlife and plants and enabled species-specific rules. For your reference, we have attached the comments submitted by NACO in 2018 here. On August 21, 2023, NACO again submitted comments to FWS generally in opposition to reversing the 2019 4(d) Rule. In 2024, the 4(d) Rule was revised, reversing much of the 2019 4(d) Rule.

The elimination of the 4d blanket rule in 2019 allowed for protective regulations that are custom-made for the conservation needs of each threatened species and provided many benefits, including removing redundant permitting requirements, which is extremely important to our members.



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NACO supports the FWS proposal to provide protective regulations to threatened wildlife and plants through species-specific rules and the elimination of the 4d blanket rule as presented in FWS-HQ-ES-2025-0029.

NACO also suggests that species and habitat conservation actions should be promulgated concurrently with the listing or re-classification of threatened species. This should be specifically called out in the regulatory text to ensure there is no confusion regarding species-specific rules. At the time of the listing, the FWS should have already performed all necessary steps required to list the species: assessing the current status of the candidate species, review of relevant biological information, and review of the magnitude of the threat(s) to the species. These steps provide the framework for a threatened species' rule, the protective regulations therein, and allow stakeholders to understand FWS actions and the regulatory environment. If the information has already been reviewed sufficiently to determine if a listing is warranted, FWS should be required to promulgate these rules concurrently with the listing.

NACO again appreciates the opportunity to provide input on this proposed rule and looks forward to working with FWS on better solutions to protect wildlife and habitat. Thank you for considering these important issues. If you have any questions, please do not hesitate to contact me at vguthreau@nvnaco.org, or by phone at (775) 883-7863

Respectfully,

A handwritten signature in dark ink, appearing to read "Vinson W. Guthreau".

Vinson Guthreau
Executive Director

VG/ce/jld/ca



Nevada Association of Counties
304 South Minnesota Street
Carson City, NV 89703
(775) 883-7863
www.nvnaco.org

December 18, 2025

Via Federal eRulemaking Portal

ATTN: FWS-HQ-ES-2025-0039
U.S. Fish and Wildlife
Kevin Lilly
Principal Deputy of Fish,
Wildlife, and Parks
5275 Leesburg Pike
Falls Church, VA 22041-3803

Office of Protected Resources
Neil A. Jacobs
Under Secretary of Commerce for Oceans and
Atmosphere and NOAA Administrator
1315 East-West Highway, 14th Floor
Silver Spring, MD 20910

RE: FWS-HQ-ES-2025-0039, Endangered and Threatened Wildlife and Plants; Listing Endangered and Threatened Species and Designating Critical Habitat

Dear Mr. Lilly and Mr. Jacobs:

The Nevada Association of Counties ("NACO") greatly appreciates the opportunity to provide input on the U.S. Fish and Wildlife Service's and the National Marine Fisheries Service's (collectively "the Services" hereafter) proposed rule to revise regulations that implement section 4, factors for listing species and designating critical habitat, of the Endangered Species Act of 1973 (ESA) (Docket No. FWS-HQ-ES-2025-0039). NACO's membership includes all 17 Nevada counties. Our work with counties encourages and facilitates local, regional, state, and national public policy cooperation and collaboration, and the optimal management of county resources.

Wildlife and habitat conservation are important to Nevada counties. Local communities both value and depend on the natural resources and ecosystems that are within and around them. NACO believes that ESA reform should focus on promoting on-the-ground results and habitat restoration that recognizes efficiency as well as the importance of local government planning to conservation. Listing decisions should be based on verifiable science, consistent protocols, and meaningful engagement with state and local governments. It is from this perspective that NACO is providing input on the Services' proposed reform of the regulations implementing the ESA. NACO kindly requests that the Services consider the following input in their decision-making process.



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304 South Minnesota Street
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(775) 883-7863

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Section 424.11: Factors for Listing, Delisting, or Reclassifying Species

Economic Impacts

In 2019, NACO supported the Services' proposal to present economic information in proposals to list, delist, or reclassify species. **NACO again supports the proposal today as outlined in FWS-HQ-ES-2025-0039.** At the local level, the decision to list, delist, or reclassify a species will have a significant and immediate impact on communities, local land uses, and economies. NACO argues that economic impacts should be considered in the decision to list, delist, or reclassify a species. NACO strongly supports removing the phrase *"without reference to possible economic or other impacts of such determination"* as it would ignore important socioeconomic information surrounding listing decisions, reduce government transparency, and disregard the potential financial impact to private landowners and businesses. NACO recognizes and appreciates the intrinsic value of biodiversity and the critical role that the Services have in sustaining biodiversity and species conservation; however, presenting the economic impacts associated with such actions is also important. The public should be made aware of the economic costs associated with listing decisions.

Foreseeable Future

Under the 2019 rules, which NACO supported, the foreseeable future for a threatened species was that period of time into the future when the FWS could reasonably rely on information about the threats to the species and the species' response to those threats. The 2019 rules reasoned that because the ESA requires status reviews for listed, proposed, candidate, or warranted but precluded species, if the prediction of the foreseeable future changed based on the best scientific and commercial data available, then a new decision could be issued. We are concerned that the current language gives weight to threats to a species but does not adequately provide for consideration of the possibility that the species may adapt to those threats, or that those threats may change over time. **NACO supports the proposed reversion under FWS-HQ-ES-2025-0039 to the Services' 2019 regulation description of foreseeable future as "The term foreseeable future extends only so far into the future as the Services can reasonably determine that both the future threats and the species' response to those threats are likely".**

Delisting

The ESA sets five criteria that the Service must consider if a species is to be listed as threatened or endangered under the ESA. Those five criteria include: present or threatened destruction, modification, or curtailment of its habitat or range; over-utilization of the species for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and other natural or manmade factors affecting its continued existence. Given that the presence of those factors is required to list a species, the 2019 regulations stated that if a listed species no longer met these factors, it should be delisted. **NACO supports the proposed reversion, under FWS-HQ-ES-2025-0039, to the Services' 2019 regulations in §424.11(e) that list "three circumstances in which it is appropriate to delist a species: (1) the species is extinct, (2) the species does not meet the definition of an endangered species, and (3) the listed entity does not meet the definition of a species".**



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304 South Minnesota Street
Carson City, NV 89703
(775) 883-7863

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Section 424.12 – Criteria for Designating Critical Habitat

Not-Prudent Determinations: NACO supports the changes to § 424.12 under FWS-HQ-ES-2025-0039 as it more clearly describes the circumstances under which the Services may, but are not required to, find it is not prudent to designate critical habitat. The text proposed for this section more closely mirrors that text regarding non-prudent designations, which was included in the changes to this regulation in 2019.

The proposed rules regarding critical habitat designations note that there are times when designating critical habitat may not be prudent. The first of two important changes would explicitly identify circumstances when designation of critical habitat may not be prudent. The second important change would more clearly explain that any such determination must be based on the best available data. **NACO therefore supports the removal of current text in § 424.12(a)(1) and replacing it with the version of § 424.12(a)(1) that was promulgated in 2019.**

Designation of Unoccupied Habitat: The 2019 regulations, which NACO supported, required a two-step process that prioritized the designation of occupied areas over unoccupied areas in the designation of critical habitat. The Secretary would only consider unoccupied areas to be essential where a critical habitat designation limited to geographical areas occupied would be inadequate to ensure conservation of the species. **Under FWS-HQ-ES-2025-0039, the regulations would revert to those finalized in 2019. NACO supports this proposal.**

Conclusion

In conclusion, NACO is in support of FWS-HQ-ES-2025-0039 because it represents a more commonsense approach to the issues described in this docket. NACO supported these regulations in 2019 and continues to support them today. NACO again appreciates the opportunity to provide input and looks forward to working with the Service on sensible regulations implementing this section of the ESA. Thank you for considering these important issues. If you have any questions, please do not hesitate to contact me at vguthreau@nvnaco.org or by phone at (775) 883-7863.

Respectfully,

A handwritten signature in dark ink that reads "Vinson W. Guthreau".

Vinson Guthreau
Executive Director

VG/ce/jld/ca



Nevada Association of Counties
304 South Minnesota Street
Carson City, NV 89703
(775) 883-7863
www.nvnaco.org

December 18, 2025

Via Federal eRulemaking Portal

ATTN: FWS-HQ-ES-2025-0044
U.S. Fish and Wildlife
Kevin Lilly
Principal Deputy of Fish,
Wildlife, and Parks
5275 Leesburg Pike
Falls Church, VA 22041-3803

Office of Protected Resources
Neil A. Jacobs
Under Secretary of Commerce for Oceans and
Atmosphere and NOAA Administrator
1315 East-West Highway, 14th Floor
Silver Spring, MD 20910

RE: FWS-HQ-ES-2025-0044, Endangered and Threatened Species: Interagency Cooperation

Dear Mr. Lilly, and Mr. Jacobs:

The Nevada Association of Counties ("NACO") greatly appreciates the opportunity to provide input on the U.S. Fish and Wildlife Service's and National Marine Fisheries Service's (collectively, "Services") proposed rule to amend regulations that implement Section 7, Interagency Cooperation of the Endangered Species Act of 1973 (ESA) (Docket No. FWS-HQ-ES-2025-0044). NACO's membership includes all 17 Nevada counties. Our work with counties encourages and facilitates local, regional, state, and national public policy cooperation and collaboration, and the optimal management of county resources.

Wildlife and habitat conservation are important to Nevada counties. Local communities both value and depend on the natural resources and ecosystems that are within and around them. It is NACO's belief that ESA reform should focus on promoting on-the-ground results and habitat restoration that recognizes efficiency as well as the importance of local government planning to conservation. Listing decisions should be based on verifiable science, consistent protocols, and meaningful engagement with state and local governments. It is from this perspective that NACO is providing input on the Services' proposed reform of the regulations implementing the ESA. NACO respectfully requests that the Services consider the following input in their decision-making process.



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NACO supported the Services' proposal in 2018 to expedite the consultation process for actions that would have minimal adverse effects on listed species, but that would otherwise normally require regular formal consultation (September 21, 2018, NACO Comment Letter is attached). We believe that the changes to the ESA that were implemented in 2019 met the important goal and intent of clarifying and improving the consultation process. At times, Nevada's counties have been stuck in lengthy environmental review and permitting processes associated with species listing decisions for rights-of-way, roads, and other infrastructure vital to providing county services. The 2019 streamlining of consultation processes acted to improve this situation.

"Effects of the Action"

NACO supported the clarifying language in 2019 that added "but-for" and "reasonably certain to occur" to the causation standard for evaluating the effects of proposed actions. We are always supportive of language and regulation revision that improves the clarity of regulations and reduces the possibility for misinterpretation and litigation. As such, **NACO supports the proposed reinstatement of the 2019 version of § 402.17, including the clarification of the term "reasonably certain to occur".**

"Environmental Baseline"

We also supported the 2019 clarifications regarding the definition of "environmental baseline". We contend that continuing to use the term "consequences" as it pertains to "reasonably certain to occur" effects of proposed actions is a more precise and appropriate term than the proposed replacement of the term with "impact." The Services are required to only consider the impacts caused by the proposed action, and not general environmental conditions. The proposed change in terms here could be considered by courts to have a broader definition and include general environmental changes that are only tangentially tied to the proposed action. **Therefore, NACO supports the reversion to the 2019 definition of "Environmental Baseline", as proposed in FWS-HQ-ES-2025-0044, and the use of the term "consequences" rather than "impact" throughout § 402.02.**

The ESA requires that all the Services' decisions be based on "the best scientific and commercial data available." The 2019 rule clarified that the Services needed to determine what was the "best" by "clear and convincing evidence". This change again added clarity and some form of standard by which the "best scientific and commercial data" could be judged. The proposed rule eliminates the "clear and convincing standard" requirement and leaves it to the more arbitrary discretion of the Services that fits in "best scientific and commercial data available." **NACO again supports the reversion to 2019 language, which added clarity and more quantifiable metrics to the "best scientific and commercial data available" measure.**

"Reasonable and Prudent Measures"

In the 2024 rule, the Services made amendments to the regulatory provisions relating to the scope of reasonable and prudent measures (RPMs) in incidental take statements to facilitate "offsetting" RPMs. After reconsidering the statutory and regulatory text, the Services are proposing to rescind all changes made in 2024 that created the option for "offsetting" RPMs and revert to the regulatory provisions as they existed at § 402.02.



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NACO supports this action under FWS-HQ-ES-2025-0044.

NACO recognizes and appreciates the intrinsic value of biodiversity and recognizes the critical role that the FWS has in sustaining biodiversity and species conservation; however, providing clarity, precise definitions, and quantifiable measures to facilitate an expedited consultation process ensures species conservation while also maintaining economically healthy communities and efficient governance.

We again express our appreciation for the opportunity to provide input and look forward to working with the Services in updating and optimizing the regulations implementing Section 7 of the ESA. The formal consultation process can become lengthy and burdensome, so much so that local economies and governments can, and often do, suffer as a result. Continuing to provide efficient and expedited processes and programmatic consultations for actions would not result in major adverse effects to listed species; it would, however, maintain the original intent of the ESA while also allowing local communities to maintain their cultures and economies.

Thank you for considering these important issues. If you have any questions, please do not hesitate to contact me at vguthreau@nvnaco.org or by phone at (775) 883-7863.

Respectfully,

A handwritten signature in dark ink, reading "Vinson W. Guthreau".

Vinson Guthreau
Executive Director
VG/cc/ca



Nevada Association of Counties
304 South Minnesota Street
Carson City, NV 89703
(775) 883-7863
www.nvnaco.org

December 18, 2025

Via Federal eRulemaking Portal

ATTN: FWS-HQ-ES-2025-0048
U.S. Fish and Wildlife
Kevin Lilly
Principal Deputy of Fish,
Wildlife, and Parks
5275 Leesburg Pike
Falls Church, VA 22041-3803

***RE: FWS-HQ-ES-2025-0048, Endangered and Threatened Wildlife and Plants;
Regulations for Designating Critical Habitat***

Dear Mr. Lilly:

The Nevada Association of Counties (NACO) greatly appreciates the opportunity to provide input on the U.S. Fish and Wildlife Service's (the Service's) proposal to revise regulations that implement the Endangered Species Act (ESA), 50 CFR part 17, which extends protections to threatened wildlife and plants (Docket No. FWS-HQ-ES-2025-0048). NACO's members include all 17 counties in Nevada, and we work with our members to adopt and maintain local, regional, state, and national cooperation, which will result in a positive influence on public policy while optimizing the management of county resources.

Wildlife and habitat conservation are important to Nevada counties. Local communities both value and depend on the natural resources and ecosystems that surround them. It is NACO's position that ESA reform should focus on promoting on-the-ground results and habitat restoration that recognizes efficiency as well as the importance of local government and stakeholder planning to conservation. ESA decisions, especially on designation of critical habitat, should be based on verifiable science, consistent protocols, and the input of local and state stakeholders.

Under section 4(b)(2) of the ESA, the Secretary is required to take into consideration certain impacts before designating critical habitat. The Secretary may exclude particular areas if the benefits of exclusion outweigh the benefits of inclusion unless exclusion will result in the extinction of the species. Impacts to be considered include the following:

- "Economic impacts" which may include, but are not limited to, the economy within a particular area, productivity, and jobs;
- Impacts on national security; and,
- "Other relevant impacts" may include, but are not limited to, impacts to Tribes, States, local governments, public health and safety, community interests, the environment



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(such as increased risk of wildfire or pest and invasive species management), and conservation plans, agreements, or partnerships.

These analyses will be considered when: 1) The Services decide to on a discretionary basis; or 2) A proponent of excluding an area presents “credible information” that the benefits of exclusion may outweigh the benefits of inclusion. “Credible information” refers to information that constitutes a reasonably reliable indication that the benefits of exclusion may outweigh the benefits of inclusion for a particular area. Regarding impacts that may be outside of the Services' expertise, the Services will assign weight in reliance on the expert or firsthand information of other parties, unless we have evidence that rebuts that information. Impacts may be outside the scope of the Services' expertise and may include, but are not limited to:

- Nonbiological impacts identified by Tribes, States, local governments, permittee, lessee, or contractor applicant for a permit, lease, or contract on Federal lands;
- Impacts to national security or homeland security identified by the Department of Defense, Department of Homeland Security, or any other Federal agency responsible for national security or homeland security;
- Impacts are weighed relative to the conservation value of a particular area;
- Exclusion of areas covered by ESA permitted (section 10) plans and programs;
- Exclusion of areas covered by other plans or programs and demonstrated partnerships that provide a benefit to the species and its habitat; and,
- For Federal lands, consider whether non-Federal entities have a permit, lease, or other authorization for use on Federal lands managed under agreements that provide for the conservation of the species.

NACO supports these potential exclusions; however, it would request explicit coordination with affected local governments before granting any waivers.

Docket No. FWS-HQ-ES-2025-0048 proposes to reinstate certain text and regulations, including § 17.90, from rules promulgated in 2020 on the Designation of Critical Habitat. **NACO supports this proposal as it is a sensible way to consider the designation of critical habitat under ESA listing while considering potential economic, security, and other relevant impacts.**

Thank you for considering these important issues. If you have any questions, please do not hesitate to contact me at vguthreau@nvnaco.org, or by phone at (775) 883-7863

Respectfully,

A handwritten signature in dark ink, appearing to read "Vinson W. Guthreau".

Vinson Guthreau
Executive Director

VG/ce/jld/ca



Nevada Association of Counties
304 South Minnesota Street
Carson City, NV 89703
(775) 883-7863

www.nvnaco.org

January 5, 2026

Via Federal eRulemaking Portal

ATTN: EPA-HQ-OW-2025-0322
Stacey Jensen
Office of Water, Oceans, Wetlands,
and Communities Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Milton Boyd
Office of the Assistant Secretary of the
Army for Civil Works
U.S. Department of the Army
108 Army Pentagon
Washington, DC 20310-0104

***Subject: Substantive Comments related to Docket No. EPA-HQ-OW-2025-0322; Updated
Definition of "Waters of the United States"***

Dear Ms. Jensen and Mr. Boyd:

The Nevada Association of Counties (NACO) appreciates the opportunity to provide input on the U.S. Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers (Corps) proposed rule revising the definition of "Waters of the United States" (WOTUS) under the Clean Water Act (CWA). NACO's membership includes all seventeen counties in Nevada. NACO and our members would also like to thank the U.S. EPA, and the Corps for the "*Local Government Listening Sessions*" that were conducted during this process. While the technical glitches caused some challenges, we believe the format was well intended and would encourage more of this type of robust engagement in the future.

NACO works with counties to adopt and maintain local, regional, state, and national cooperation, which will result in a positive influence on public policy and optimize the management of county resources. Counties provide and maintain services and infrastructure pertinent to the CWA. These include, but are not limited to, roads, stormwater 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. Being the most arid state in the United States, having clear and relevant definitions and regulations regarding WOTUS is important to the local governments of Nevada.



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The 2025 WOTUS rule will help Nevada communities accelerate economic prosperity while protecting vital water resources. It will fully implement the direction provided by the U.S. Supreme Court's 2023 decision in *Sackett v. EPA* (*Sackett*). The rule will provide clarity for farmers, ranchers, developers, small businesses, landowners, industry, and energy producers. NACO supports the concept of clearly defining certain waters that are NOT classified as water of the US in this proposed rule. This portion of the rule can be valuable in providing clarity and certainty to counties that are responsible for providing critical public services and infrastructure, and the cost of providing said services and infrastructure.

The proposed definition of WOTUS would implement the Court's direction by ensuring federal jurisdiction is focused on relatively permanent, standing, or continuously flowing bodies of water—such as streams, oceans, rivers, and lakes—and wetlands that are connected and indistinguishable from such waterbodies.

In its Proposed Rule, the EPA and Corps specifically indicate that they do not propose to change the scope of paragraph (a)(1)(i) but solicit comments on clarification of the term "...susceptible to use in interstate or foreign commerce" as well as soliciting comments on an alternative approach to eliminate or greatly limit the applicability of "interstate commerce" in defining WOTUS. As proposed, the agencies' reliance on an expansive commerce-susceptibility standard has concrete jurisdictional consequences. Under (a)(1)(i) entirely intrastate waters lacking any surface-water connection to interstate waters, such as the Humboldt River system in Nevada, could be subject to federal jurisdiction based solely on asserted susceptibility to interstate commerce despite no "navigable" nexus to another state and no or limited navigable segments within the State. As such, NACO recommend that the agencies rewrite (a)(1)(i) in a manner that limits commerce to specifically to traditional navigable waters and not any and all new means of "commerce".

For additional clarity, and following the legislative history cited by the agencies stating "intrastate waters were not included" in the Congress's intended federal jurisdiction of the CWA, NACO further recommend that the agencies include the following exclusion for intrastate waters in the Proposed Rule:

Wholly intrastate waters. Waters, waterbodies, or water systems that are entirely located within a single State such that they do not cross, form, or connect by tributaries or continuous surface connection to a downstream traditional interstate navigable water under paragraph (a)(1)(i) are excluded from the definition of "waters of the United States," regardless of whether such waters are capable of supporting navigation or may be used for recreational, economic, or commercial purposes.



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The Proposed Rule would also define several key terms, including:

- **Define “relatively permanent”** – This would ensure the *Sackett* decision is fully implemented. The term relatively permanent focuses on those waters that are standing or continuously flowing year-round or at least during the “wet season.” This would be applicable to the tributaries and lakes and ponds categories. NACO recommends removing the ambiguous term “...or at least during the wet season” from the definition.
- **Define “tributary”** – The proposed definition of tributary will ensure only those relatively permanent bodies of water that meet specific requirements are considered jurisdictional.
- **Define “continuous surface connection”** – This term would require wetlands to meet a new two-part test to be jurisdictional: 1) they must abut a jurisdictional water, and 2) they must have surface water at least during the wet season.
- **Remove interstate waters from the categories of jurisdictional waters** – This will make it clear that such waters no longer gain jurisdiction by simply crossing state lines.
- **Clarify what constitutes “excluded ditches”** – Revisions to the ditch exclusions will provide more clarity and regulatory certainty to farmers and agricultural producers, ensuring that fewer ditches will be found to be jurisdictional. The proposed rule would eliminate jurisdiction over ditches dug in dry land regardless of flow.
- **Clarify what constitutes “excluded prior converted cropland”** – This definition allows the agencies to identify prior converted cropland and to ensure that prior converted cropland only loses its designation when it has been abandoned and reverts to wetlands. This definition provides additional context for abandonment to ensure that agricultural producers do not inappropriately lose the exclusion under the Act.

NACO is supportive of this definition. However, in previous comments in April of 2019 (comment letter attached), NACO expressed concern over the 5-year window for determining if such cropland is ‘abandoned’. Oftentimes, in an arid state like Nevada, 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. NACO again requests that the window for determining ‘abandonment’ should be a minimum of 10-years if not longer, particularly in times of prolonged drought or other hardship. NACO also requests an exemption to the 5-year window for prolonged drought conditions or a related declaration of emergency.
- **Clarify what constitutes “excluded waste treatment systems”** – The proposed rule includes the addition of a clearer definition of treatment systems for additional clarity, consistency, and transparency.
- **Underscore that groundwater is not considered WOTUS** – Although groundwater is not generally considered to be WOTUS, the rule proposes an exclusion including groundwater drained through subsurface drainage systems, such as tile drains from agriculture. The proposed rule would provide additional clarity and regulatory certainty to farmers by explicitly codifying an exclusion in the agencies’ regulations once again.



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NACO generally supports the proposed rule and appreciates the opportunity to offer substantive comment on Docket Number EPA-HQ-EPA-HQ-OW-2025-0322; Updated Definition of "Waters of the United States". We ask again that you consider our comments regarding limiting applicability of "commerce" specific to Section (a)(1)(i), further clarifying "relatively permanent" by excluding "wet seasons", and "excluded prior converted cropland" and request that the window for determining 'abandonment' be extended to a minimum of 10-years rather than the proposed 5-years. We also request an exemption from abandonment for drought or declared emergencies.

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 or by phone at (775) 883-7863.

Respectfully,

A handwritten signature in dark ink, appearing to read "Vinson W. Guthreau".

Vinson Guthreau
Executive Director

VG/ce

Attachment: April 12, 2019, Comment Letter from Nevada Association of Counties Re: Substantive Comments from the Nevada Association of Counties (NACO) Pursuant to Docket ID No. EPA-HQ-OW-2018-0149 Regarding a Proposed Rule for a Revised Definition of "Waters of the United States"