

GRANTS FROM ACCOUNT FOR OFF-HIGHWAY VEHICLES draft without markup jls

General Provisions

NAC 490.127 Definitions. ([NRS 490.068](#)) As used in [NAC 490.127](#) to [490.1465](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 490.1275](#) to [490.133](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1275 "Applicant" defined. ([NRS 490.068](#)) "Applicant" means a person or entity who qualifies to apply and applies to the Commission for a grant.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.128 "Application" defined. ([NRS 490.068](#)) "Application" means a request by an applicant to the Commission for the award of a grant.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1285 "Commission" defined. ([NRS 490.068](#)) "Commission" means the Commission on Off-Highway Vehicles created by [NRS 490.067](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.129 "Grant" defined. ([NRS 490.068](#)) "Grant" means money awarded by the Commission from the Account for Off-Highway Vehicles created by [NRS 490.069](#) to a grantee to pay for all or part of the costs of a project.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1295 "Technical Advisory Committee" defined. ([NRS 490.068](#)) "Technical Advisory Committee" means a committee that may be formed by the Director, as needed, to provide input to the Commission on Off-Highway Vehicles regarding the completeness and merit of applications, pursuant to subsection 1 of [NAC 490.1393](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.130 "Grantee" defined. ([NRS 490.068](#)) "Grantee" means an applicant awarded a grant by the Commission.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1305 "ExOfficio Members" defined. ([NRS 490.068](#)) "Ex Officio Members" means the four nonvoting members of who shall serve on the Commission as long as the ex officio member retains the office by virtue of which he or she is serving on the Commission pursuant to paragraph (d) of subsection 1 of [NRS 490.068](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.131 “Notice to Proceed” defined. ([NRS 490.068](#)) “Notice to Proceed” means the notice provided by the Program to a grantee pursuant to subsection 1 of [NAC 490.1435](#) approving the date upon which work may begin on the applicable project.

(xxx to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.132 “Person” defined. ([NRS 490.068](#)) “Person” has the meaning ascribed to it in [NRS 0.039](#).

(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1323 “Program” defined. ([NRS 490.068](#)) “Program” means the Department of Conservation and Natural Resources, Off Highway Vehicle Program described in paragraph (1) of Section 1 of [NRS 232](#).

NAC 490.1325 “Project” defined. ([NRS 490.068](#)) “Project” means a project described in subparagraphs (1) through (9) of paragraph (c) of subsection 2 of [NRS 490.069](#).

(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.133 “Request for Grant Applications” defined. ([NRS 490.068](#)) “Request for Grant Applications” means a solicitation that is created and publicized by the Program, inviting qualified applicants to apply for a grant.

(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

Grant Applications

NAC 490.1335 Request for Grant Applications issued within limits of available money. ([NRS 490.068](#)) From time to time, within the limits of available money and the limits imposed by [NRS 490.069](#), the Program will issue requests for grant applications through a Request for Grant Applications.

(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.134 Qualifications to apply for grant. ([NRS 490.068](#)) To qualify to apply to the Commission for a grant, an applicant must comply with the provisions of [NAC 490.1345](#), [490.135](#) and [490.1355](#).

(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1345 Entity applying for grant must be in good standing. ([NRS 490.068](#)) If an applicant that seeks to apply to the Commission for a grant is a

corporate or other legal entity that is registered with the Secretary of State of Nevada or the secretary of state of another state, such entity must be in good standing in the state in which it is registered.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.135 Letter of support from governmental agency required to apply for grant project on public land. ([NRS 490.068](#)) If an applicant seeks to apply to the Commission for a grant project on public land, the applicant must first obtain a letter of support from the governmental entity having jurisdiction over that land.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1355 Interest in real property required to apply for grant project on private land. ([NRS 490.068](#))

1. At the time an applicant seeks to apply to the Commission for a grant project on private land, the applicant must have an interest in the real property on which the proposed project will be carried out, such that the interest satisfies the requirements of this section.

2. The interest in the real property, whether by way of ownership, lease, rental, easement, right-of-way, written agreement or other legal instrument, must be sufficient in scope and authority to allow the applicant:

(a) To complete the proposed project; and

(b) To operate and maintain construction projects for 25 years after completion, or for the normal life of the facility, whichever is longer.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1365 Grant Application required to comply with certain provisions. ([NRS 490.068](#)) An application that is submitted to the Commission to apply for a grant must comply with the Request for Grant Applications and provisions of [NAC 490.137](#) and [490.1375](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.137 Contents of Grant Application: Generally. ([NRS 490.068](#)) An application must include verifiable evidence, in writing:

1. Setting forth that each appropriate private entity, federal, state or local governmental agency:

(a) Has been consulted by the applicant; and

(b) Has approved the proposed project.

2. Addressing all applicable laws and regulations concerning:

(a) Threatened and endangered species in the area or areas affected by the proposed project;

(b) Ecological, cultural and archaeological sites in the area or areas affected by the proposed project; and

(c) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area or areas affected by the proposed project.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1375 Contents of Grant Application: Plan for completion of project. (NRS 490.068) Except as otherwise provided in this section, an application must include, in writing, the applicant's plan for completing the proposed project not more than 2 years after the Notice to Proceed is issued, as described in subsection 1 of [NAC 490.1435](#). The Program may, for good cause shown, waive or otherwise modify the requirement set forth in this section.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

Approval or Rejection of Applications and Awarding of Grants

NAC 490.138 Request, publication, evaluation and approval or rejection of Grant Applications. (NRS 490.068) Applications must be requested, publicized, evaluated and approved or rejected in accordance with [NAC 490.1385](#) to [490.143](#), inclusive.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1385 Request for Grant Applications: Posting on internet website; content. (NRS 490.068) The Program will ensure that the Request For Grant Applications, pursuant to [NAC 490.1335](#):

1. Is posted on the Programs internet website; and
2. Sets forth, in addition to the requirements of subsection 2 of [NAC 490.1393](#):
 - (a) The amount of grant funds being made available.
 - (b) The date by which applications must be received.
 - (c) Notice to prospective applicants that the Program, will not score or take further action with respect to an application that is not complete by the deadline for accepting applications.
 - (d) All details and definitions that are required for an application to be considered complete.
 - (e) Such other information, exhibits and addenda necessary or desirable in carrying out the purposes of [NAC 490.127](#) to [490.1465](#), inclusive.
 - (f) The types of projects for which the grant may be used;
 - (g) The specific factors and criteria that will be used to evaluate and score applications; and
 - (h) The form of any specific grant agreement that a successful applicant will be required to enter into with the Program.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.140 Submission of incomplete or noncompliant Grant Applications.. (NRS 490.068)

1. ~~Within 7 days after receiving~~ If an incomplete application is submitted to the Program prior to the deadline, it may be returned for correction, provided the final deadline is met.

NAC 490.1405 Ranking of Grant Applications. (NRS 490.068) When the Program receives the scored applications the Program will:

1.

3. Provide to the Commission a ranked list of applications.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.141 Determination of award of grant. (NRS 490.068) At a properly noticed public meeting, the Commission, by majority vote of a quorum will:

1. Consider the grant applications in the order in which they were ranked; and

2. Determine whether, and in what amount, to award a grant to an applicant.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1415 Posting of awarded grants on internet website. (NRS 490.068) The Program will post on its internet website any grants that are awarded pursuant to [NAC 490.141](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

Completion of Project

NAC 490.1435 Provision of Notice to Proceed to grantee; Program to monitor and evaluate project. (NRS 490.068) After a grant is awarded, the Program will:

1. Provide to the grantee a Notice to Proceed approving the date upon which work may begin on the applicable project, subject to the conditions of the contract described in [NAC 490.144](#).

2. Monitor, evaluate grant progress and completion in accordance with [NAC 490.144](#) to [490.1465](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.144 Grant Agreement for completion; exception. (NRS 490.068) Except as otherwise provided in this section, after a grant is awarded, the Program will enter into a grant agreement with the grantee for the completion of the proposed project.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1445 Time Limit for entering into grant agreement for completion. (NRS 490.068) Unless otherwise expressly approved by the Program, the grantee must, not later than 90 days after the date on which the grantee receives the draft of the grant agreement; execute and finalize said agreement and provide to the Program all information pertinent to said agreement that the Program requests.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.145 Proof of Due Diligence in moving forward with completion of project. . (NRS 490.068) Unless otherwise expressly approved by the Program, a grantee must show due diligence in moving forward with the project within 90 days of notice to proceed.

1.

If the grantee has not proven such due diligence, the program may give 30 days' notice to the grantee and cancellation of the grant agreement can occur.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1455 End-date for project. (NRS 490.068) Grant agreements must specify an end-date for the project for which the grant is awarded. Unless otherwise expressly approved by the Program, the end-date for the project must provide that the project will be substantially completed not more than 2 years after the Notice to Proceed is provided to the grantee as described in subsection 1 of [NAC 490.1435](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.146 Notification; satisfactory completion. (NRS 490.068)

1. A grantee shall submit quarterly reports as directed in the Request for Applications and shall notify the Program and coordinate a final inspection by the Program prior to requesting final payment.

2. If the Program determines that a project has not been completed satisfactorily:

(a) The Program will inform the grantee as soon as practicable as to what must be done to achieve satisfactory completion of the project; and

(b) The Program will hold the final payment until the project is complete. The grantee, after performing the acts that the Program indicates must be performed, shall resubmit final reimbursement request and quarterly to the Program. (Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1465 Monitoring of past grant projects. (NRS 490.068) The Program will monitor funded projects on a five year cycle to ensure maintenance is occurring according to the grant agreements. The grantee, may be requested by the Program to submit a self-inspection report to the Program showing how the project is being operated and maintained.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)