

SENATE BILL NO. 277—SENATOR SEGERBLOM

MARCH 13, 2015

Referred to Committee on Natural Resources

SUMMARY—Enacts the Nevada Environmental Policy Act.  
(BDR 40-439)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 20-22, 24, 27)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to environmental protection; enacting the Nevada Environmental Policy Act; creating the Council on Environmental Quality within the Office of the Governor; requiring the Council to adopt certain regulations; requiring state and local agencies to prepare environmental reports that analyze the environmental impact of agency activity and certain private activity; authorizing an agency to charge a fee to prepare an environmental impact statement for certain private projects that require the authorization or financing of the agency; authorizing the Governor to hire staff for the Council; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 The provisions of this bill enact the Nevada Environmental Policy Act and  
2 establish a structure for the review of certain activity by a state or local agency  
3 which may have a significant impact on the environment of the State. **Sections 4-14**  
4 of this bill define certain terms for the purposes of carrying out the environmental  
5 review process. **Sections 15 and 16** of this bill create the Council on  
6 Environmental Quality within the Office of the Governor and govern the  
7 proceedings of the Council. **Sections 16 and 17** of this bill require the Council to  
8 adopt regulations to carry out the provisions of the bill and require the State  
9 Department of Conservation and Natural Resources to provide assistance and  
10 support to the Council, including providing comments on all environmental impact  
11 statements submitted to the Council. **Section 18** of this bill requires the Council to



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12 evaluate the adequacy of all declarations of impact and environmental impact  
13 statements. **Section 19** of this bill prescribes other duties of the Council, which  
14 include providing assistance to agencies in the environmental review process and  
15 developing policies to promote environmental quality in this State.

16 Existing law authorizes the Governor to employ staff for the Office of the  
17 Governor. (NRS 223.085) **Section 30** of this bill adds the Council to the list of  
18 entities for which the Governor may hire staff within the Office.

19 **Section 20** of this bill establishes the procedure an agency must follow when  
20 filing, publishing notice of and soliciting public comments for any environmental  
21 report required by this bill. **Sections 21 and 22** of this bill require for any proposed  
22 action, including a proposed regulation or ordinance and a project or activity, that a  
23 state or local agency or any other political subdivision of the state or local  
24 government must prepare an environmental assessment and a declaration of impact  
25 to determine if the action may have a significant impact on the environment. If an  
26 agency has determined that a proposed action may have a significant impact on the  
27 environment, **section 23** of this bill authorizes the agency to gather information to  
28 narrow the scope of the environmental impact statement that the agency will  
29 prepare. **Section 24** of this bill requires an agency to prepare an environmental  
30 impact statement for any action which may significantly affect the quality of the  
31 environment. An agency must make a draft of the environmental impact statement  
32 available for review, respond to comments received on the draft and, if necessary,  
33 revise the draft. **Section 25** of this bill authorizes an agency to adopt or require  
34 mitigation measures to minimize any adverse impacts to the environment of a  
35 proposed action and requires the agency to monitor any such measures that are  
36 implemented. If a proposed action is to be carried out by two or more agencies,  
37 **section 26** of this bill provides criteria to determine which agency will be the lead  
38 agency for the environmental review process and which will be a cooperating  
39 agency.

40 **Section 27** of this bill requires an agency to complete an environmental  
41 assessment, determination of impact and, if there may be significant environmental  
42 impacts, an environmental impact statement for certain actions proposed by a  
43 person or organization. The person or organization is required to submit certain  
44 information to the agency to enable the agency to complete the environmental  
45 review process. **Section 27** also authorizes an agency to charge a reasonable fee for  
46 the preparation of the environmental impact statement.

47 **Section 28** of this bill authorizes judicial review of the final decision of an  
48 agency relating to certain environmental reports prepared pursuant to this bill.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 40 of NRS is hereby amended by adding  
2 thereto a new chapter to consist of the provisions set forth as  
3 sections 2 to 29, inclusive, of this act.

4 **Sec. 2.** *This chapter may be cited as the Nevada*  
5 *Environmental Policy Act.*

6 **Sec. 3.** *As used in this chapter, unless the context otherwise*  
7 *requires, the words and terms defined in sections 4 to 14,*  
8 *inclusive, of this act have the meanings ascribed to them in those*  
9 *sections.*

10 **Sec. 4. 1. "Action" means:**



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(a) *A proposed regulation or ordinance of an agency; or*

(b) *A project or activity:*

(1) *Undertaken by an agency;*

(2) *Sponsored or supported in whole or in part by an agency through a contract, grant, subsidy, loan or other form of financial assistance; or*

(3) *Involving the issuance to a project applicant by an agency of a lease, permit, license, certificate or other authorization for use or permission to act.*

2. *The term does not include:*

(a) *Any activity for which the filing of an environmental impact statement is required by the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq.*

(b) *Any state, local or interstate activity for which an environmental review process must be completed pursuant to the Federal Water Pollution Control Act, 33 U.S.C. §§ 1381 et seq., or the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.*

(c) *Any activity undertaken during a state of emergency declared by the Governor.*

**Sec. 5.** *“Agency” means any bureau, board, commission, department or division of the Executive Branch of the State Government, a local government or a bureau, board, commission, department or division of a local government.*

**Sec. 6.** *“Council” means the Council on Environmental Quality created by section 15 of this act.*

**Sec. 7.** *“Declaration of impact” means a document prepared by an agency pursuant to section 22 of this act which states the determination of the agency as to whether a proposed action may have a significant impact on the environment. The term includes a declaration of no significant impact, a declaration of mitigated impact and a declaration of significant impact.*

**Sec. 8.** *“Environment” means the physical conditions existing within an area which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution of growth and the existing character of a community or neighborhood.*

**Sec. 9.** *“Environmental assessment” means a document prepared by an agency pursuant to section 21 of this act which evaluates the potential environmental impact of a proposed action.*

**Sec. 10.** *“Environmental impact statement” means a document prepared by an agency pursuant to section 24 of this act which details and analyzes the significant environmental impact of a proposed action.*



1     **Sec. 11.** *“Lead agency” means the agency that is primarily*  
2 *responsible for carrying out the environmental review process*  
3 *pursuant to this chapter.*

4     **Sec. 12.** *“Project applicant” means a private person or*  
5 *organization submitting an application or request to an agency for*  
6 *the approval or financing of a proposed action.*

7     **Sec. 13.** *“Scoping document” means a document that sets*  
8 *forth the results of the scoping process for a proposed action.*

9     **Sec. 14.** *“Scoping process” means the process required by*  
10 *section 23 of this act to determine the scope of an environmental*  
11 *impact statement.*

12     **Sec. 15.** *1. The Council on Environmental Quality is*  
13 *hereby created within the Office of the Governor. The Council*  
14 *consists of seven voting members appointed by the Governor, of*  
15 *whom:*

16     *(a) Five members must represent a broad range of*  
17 *conservation and environmental interests; and*

18     *(b) Two members must represent the general public and must*  
19 *be knowledgeable of environmental issues and environmental*  
20 *planning.*

21     *2. The following persons serve ex officio as nonvoting*  
22 *members of the Council:*

23     *(a) The Director of the State Department of Conservation and*  
24 *Natural Resources;*

25     *(b) The Director of the Department of Wildlife;*

26     *(c) The Director of the State Department of Agriculture;*

27     *(d) The Administrator of the Division of Minerals of the*  
28 *Commission on Mineral Resources; and*

29     *(e) The Chair of the State Environmental Commission.*

30     **Sec. 16.** *1. After the initial terms, each voting member of*  
31 *the Council serves a term of 4 years.*

32     *2. A vacancy in the membership of the Council must be filled*  
33 *in the same manner as the original appointment for the remainder*  
34 *of the unexpired term. A member may be reappointed to the*  
35 *Council.*

36     *3. From among the voting members, the Council shall elect a*  
37 *Chair and a Vice Chair. The terms of the Chair and Vice Chair*  
38 *are 2 years.*

39     *4. The Governor may remove a member appointed to the*  
40 *Council for malfeasance in office or neglect of duty. Absence from*  
41 *two consecutive meetings of the Council constitutes good and*  
42 *sufficient cause for removal of a member by the Governor.*

43     *5. The Council shall meet at least four times each calendar*  
44 *year and may meet at other times upon the call of the Chair.*



1       6. A majority of the voting members of the Council  
2       constitutes a quorum, and a majority of the voting members  
3       present must concur in any decision.

4       7. While engaged in the business of the Council, each voting  
5       member of the Council is entitled to receive a salary of not more  
6       than \$80 per day, as established by the Council, and the per diem  
7       allowance and travel expenses provided for state officers and  
8       employees generally.

9       8. The State Department of Conservation and Natural  
10      Resources shall provide technical and administrative advice,  
11      support and assistance to the Council and provide comments on  
12      all environmental impact statements submitted to the Council.

13      **Sec. 17.** 1. The Council shall adopt regulations to carry out  
14      the provisions of this chapter. The regulations must include:

15      (a) Specific criteria for an agency to follow in determining  
16      whether a proposed action is an action which may significantly  
17      affect the quality of the environment.

18      (b) On the basis of those criteria, a list of classes of action  
19      which have been determined by the Council not to have an  
20      individually or cumulatively significant adverse impact on the  
21      quality of the environment and do not require the preparation of  
22      an environmental impact statement. In adopting these regulations,  
23      the Council must make an explicit finding that each such class of  
24      actions will not significantly affect the quality of the environment.

25      (c) Provisions governing the form, content and level of detail  
26      required for an environmental assessment, declaration of impact,  
27      scoping document and environmental impact statement.

28      (d) Methods for assessing the environmental impact of a  
29      proposed action.

30      (e) Procedures for obtaining public comment on an  
31      environmental impact statement and providing public notice of  
32      an agency decision with respect to the preparation of an  
33      environmental assessment, declaration of impact and  
34      environmental impact statement.

35      2. Within 180 days after the effective date of the regulations  
36      initially adopted pursuant to subsection 1, each agency shall:

37      (a) Review its regulations to determine whether there are any  
38      deficiencies or inconsistencies in the regulations that prevent full  
39      compliance with the purposes and provisions of this chapter; and

40      (b) Propose such new or amended regulations as may be  
41      necessary to bring its regulations into conformity with this  
42      chapter.

43      3. An agency may adopt regulations establishing one or more  
44      categorical exclusions within the jurisdiction of the agency which  
45      the agency has determined will not individually or cumulatively



1 *have a significant adverse environmental impact. The regulations*  
2 *must clearly define each categorical exclusion, provide*  
3 *representative examples of the actions covered by the exclusion*  
4 *and include any physical, temporal or environmental factors that*  
5 *restrict use of the exclusion. In addition to complying with the*  
6 *requirements of NRS 233B.0395 to 233B.120, inclusive, if those*  
7 *requirements are otherwise applicable to the agency, the agency*  
8 *shall submit to the Council for review and approval any proposed*  
9 *regulations described in this subsection.*

10 **Sec. 18.** 1. *All environmental assessments, declarations of*  
11 *impact, scoping documents, environmental impact statements and*  
12 *supplemental environmental impact statements must be filed with*  
13 *the Council. Each such document is a public record and must be*  
14 *open for inspection pursuant to NRS 239.010. Upon receiving any*  
15 *such document, the Council shall publish notice of the availability*  
16 *of the document on the Internet website of the Council and make*  
17 *the documents available for public review on the website.*

18 2. *The Council shall evaluate the adequacy of each*  
19 *declaration of impact and environmental impact statement*  
20 *submitted to the Council by an agency pursuant to section 22 or 24*  
21 *of this act. For each environmental impact statement received by*  
22 *the Council, the Council shall:*

23 (a) *Approve the document;*

24 (b) *Approve the document contingent upon further analysis,*  
25 *changes to the document or the adoption of mitigation measures*  
26 *specified by the Council;*

27 (c) *Submit the document to the Governor for final disposition;*  
28 *or*

29 (d) *Reject the document as inadequate and require the agency*  
30 *to reconsider, conduct further analysis or gather additional*  
31 *information.*

32 **Sec. 19.** *The Council shall:*

33 1. *Provide technical assistance to state and local agencies to*  
34 *ensure that state and local planning and programs are consistent*  
35 *with this chapter.*

36 2. *Provide information and advice to any agency, on request,*  
37 *concerning the environmental review process or the preparation of*  
38 *an environmental impact statement.*

39 3. *Develop and recommend to the Governor the adoption of*  
40 *policies to improve the environment of this State.*

41 4. *Conduct annually a review of the results of previous*  
42 *actions proposed by agencies for which the Council has received*  
43 *an environmental assessment, declaration of impact or*  
44 *environmental impact statement to evaluate the long-term impacts*  
45 *of agency decision making on the environment and compare*



1 *agency predictions of environmental impacts with the results of*  
2 *the actions on the environment. The Council shall consider the*  
3 *results of this annual review in adopting regulations pursuant to*  
4 *section 17 of this act and in determining the adequacy of*  
5 *declarations of impact and environmental impact statements.*

6 *5. On or before March 30 of each year, submit a written*  
7 *report to the Governor. The report must include:*

8 *(a) Information concerning the number of declarations of no*  
9 *significant impact, declarations of mitigated impact, declarations*  
10 *of significant impact and environmental impact statements*  
11 *submitted to the Council during the last preceding calendar year;*

12 *(b) Information concerning the overall health of the*  
13 *environment of this State and the effect of any policies carried out*  
14 *by the Council; and*

15 *(c) The results of all environmental studies, surveys, research*  
16 *or analysis carried out by the Council.*

17 **Sec. 20. 1.** *After completing an environmental assessment,*  
18 *declaration of impact, notice required by subsection 2 of section*  
19 *23 of this act, scoping document or environmental impact*  
20 *statement, an agency shall provide notice of the completion of the*  
21 *document by:*

22 *(a) Filing the document with the Council if required by section*  
23 *18 of this act;*

24 *(b) Providing a copy of the document to the State Department*  
25 *of Conservation and Natural Resources, any cooperating agency*  
26 *and any agency with jurisdiction or special expertise over the*  
27 *proposed action;*

28 *(c) Making a copy of the document available on the Internet*  
29 *website of the agency, if any;*

30 *(d) Preparing a notice of the completion of the document that*  
31 *includes:*

32 *(1) The name and address of the agency;*

33 *(2) The name of a contact person at the agency who can*  
34 *provide additional information;*

35 *(3) A brief description of the proposed action that is the*  
36 *subject of the document;*

37 *(4) The location of the proposed action;*

38 *(5) A link to the Internet website of the agency where the*  
39 *document is posted or, if the agency does not have a website, a link*  
40 *to the Internet website of the Council where the document will be*  
41 *posted; and*

42 *(6) The deadline for the receipt of any written comments on*  
43 *the environmental impact of the proposed action; and*

44 *(e) Publishing the notice described in paragraph (d) by:*





1       (1) *Posting the notice on the Internet website of the agency,*  
2 *if any;*

3       (2) *Publishing the notice in at least one newspaper of*  
4 *general circulation in the area that will be affected by the*  
5 *proposed action;*

6       (3) *Publishing the notice in any other manner directed by*  
7 *the Council; and*

8       (4) *Providing a copy of the notice to any person who has*  
9 *filed a request for notice with the agency. An agency may provide*  
10 *such notice by electronic mail if the person elects to receive notice*  
11 *by electronic mail.*

12       2. *An agency shall solicit written comments by any interested*  
13 *person concerning the proposed action and establish a deadline of*  
14 *not less than 30 days after the notice has been published in the*  
15 *newspaper for the submission of such comments for each:*

16       (a) *Environmental assessment, declaration of mitigated*  
17 *impact, scoping document and draft environmental impact*  
18 *statement prepared pursuant to this chapter; and*

19       (b) *Declaration of no impact prepared by the agency in a case*  
20 *involving a controversial action.*

21       ↪ *All written comments must be submitted not later than the*  
22 *deadline included in the notice of completion published in the*  
23 *newspaper. An agency may consider written comments submitted*  
24 *after the deadline.*

25       3. *After the close of the written comment period for each*  
26 *environmental assessment, declaration of mitigated impact and*  
27 *environmental impact statement, an agency shall conduct a public*  
28 *hearing for the purpose of obtaining comments on the*  
29 *environmental impact of the proposed action in accordance with*  
30 *the provisions of chapter 241 of NRS. The hearing must be held*  
31 *not later than 15 days after the close of the written comment*  
32 *period. The agency shall consider all comments made in the public*  
33 *hearing.*

34       **Sec. 21. 1.** *Except as otherwise provided in subsection 6:*

35       (a) *In a case involving a proposed action by an agency, not*  
36 *later than 45 days after the action is proposed by the agency; or*

37       (b) *In a case involving a project that requires agency approval*  
38 *or financing, not later than 30 days after the agency receives an*  
39 *application from the project applicant,*

40       ↪ *the agency shall prepare an environmental assessment of the*  
41 *proposed action to determine whether the action requires the*  
42 *preparation of an environmental impact statement pursuant to*  
43 *section 24 of this act.*

44       2. *An environmental assessment of a proposed action must*  
45 *include a discussion of:*





- 1 (a) *The need for the action;*
- 2 (b) *The alternatives to the action; and*
- 3 (c) *The potential environmental impacts of the action and any*
- 4 *alternatives to the action.*

5 3. *In preparing an environmental assessment, an agency*  
6 *shall identify any other agencies which may have jurisdiction or*  
7 *special expertise over the proposed action and consult with those*  
8 *agencies in preparing the environmental assessment to avoid*  
9 *duplication of the environmental review process and determine the*  
10 *lead agency pursuant to section 26 of this act.*

11 4. *The environmental assessment may include enforceable*  
12 *mitigation measures required by an agency pursuant to section 25*  
13 *of this act that are reasonably related to minimizing the adverse*  
14 *environmental impact of the proposed action.*

15 5. *The agency shall file the environmental assessment,*  
16 *publish a notice and provide for public comment on the*  
17 *environmental assessment as provided in section 20 of this act.*

18 6. *An agency is not required to prepare an environmental*  
19 *assessment for any proposed action that:*

20 (a) *Has been categorically found not to have a significant*  
21 *adverse impact on the environment, except in any case in which*  
22 *circumstances indicate that the action may have a significant*  
23 *adverse impact on the environment requiring further*  
24 *environmental analysis; or*

25 (b) *The agency has previously determined will require the*  
26 *preparation of an environmental impact statement.*

27 **Sec. 22.** 1. *Not later than 30 days after the close of the*  
28 *public comment period, based upon the environmental assessment*  
29 *and the comments received on the environmental assessment, an*  
30 *agency shall prepare a declaration of impact that addresses any*  
31 *comments received and briefly explains the finding of the agency*  
32 *that a proposed action:*

33 (a) *Will not have a significant adverse impact on the*  
34 *environment and does not require the preparation of an*  
35 *environmental impact statement;*

36 (b) *Will not have a significant adverse impact on the*  
37 *environment because any such impact will be eliminated or*  
38 *mitigated through revisions to the proposed action or mitigation*  
39 *measures that the agency or a project applicant has decided or*  
40 *agreed, as applicable, to adopt, as a result of which the*  
41 *preparation of an environmental impact statement is not required;*  
42 *or*

43 (c) *May have a significant adverse impact on the environment*  
44 *and requires the preparation of an environmental impact*  
45 *statement.*



2. If an agency finds that a proposed action will not have a significant adverse impact on the environment, the agency shall prepare a declaration of no significant impact. The declaration must briefly state the reasons why the action will not have a significant adverse impact on the environment. The declaration must include the environmental assessment. If the agency issues such a declaration, the proposed action may proceed without additional environmental review.

3. If:

(a) An agency finds that revisions to a proposed action or mitigation measures will result in the action not having a significant adverse impact on the environment, the agency shall prepare a declaration of mitigated impact. The declaration must include the environmental assessment. After issuing the declaration, the agency shall make the declaration and the environmental assessment available for public comment as provided in section 20 of this act.

(b) Comments received during the public comment period lead an agency to conclude that any mitigation measures are infeasible or undesirable, the agency may, following a public hearing or an additional comment period, substitute other mitigation measures or conditions that the agency determines will eliminate or adequately mitigate the significant adverse impacts of the proposed action.

(c) Comments received during the public comment period raise any issues or significant adverse impacts to the environment that the agency has failed to consider, the agency shall:

(1) Prepare a revised declaration of mitigated impact which addresses the issues or impacts raised by the comments by requiring additional conditions or mitigation measures; or

(2) Issue a declaration that the proposed action requires the preparation of an environmental impact statement.

4. If an agency finds that a proposed action may have a significant adverse impact on the environment, the agency shall prepare a declaration of significant impact which briefly states the reasons for its finding and declares the intention of the agency to prepare an environmental impact statement. The agency shall not proceed with the proposed action until the final environmental impact statement has been filed with and approved by the Council.

**Sec. 23.** 1. If an agency determines that a proposed action may have a significant adverse impact on the environment, the agency may, not more than 30 days after issuing a declaration of significant impact, initiate a process to narrow the scope of the environmental impact statement to address:



1 (a) Only those environmental impacts which may be  
2 significant;

3 (b) Reasonable alternatives to the proposed action; and

4 (c) Potential mitigation measures.

5 2. If an agency initiates such a process, the agency shall:

6 (a) Prepare and mail a notice to the Council, any cooperating  
7 agency and any agency with jurisdiction or special expertise over  
8 the proposed action. The notice must state that the lead agency  
9 will prepare an environmental impact statement. Any agency  
10 receiving the notice shall respond within 30 days with any specific  
11 information that falls within the jurisdiction or expertise of the  
12 agency regarding the proposed action and any concerns the  
13 agency may have regarding the impact on the environment of  
14 the proposed action.

15 (b) Publish the notice and solicit written comments as provided  
16 in section 20 of this act.

17 (c) Prepare a document setting forth the results of the process  
18 and publish notice of the completion of the document as provided  
19 in section 20 of this act.

20 3. The agency may hold a meeting in accordance with  
21 chapter 241 of NRS to solicit comments from the public on the  
22 appropriate scope and content of the environmental impact  
23 statement, any environmental information, any potential impacts  
24 on the environment and any other areas of public concern relating  
25 to the environmental impact of the proposed action.

26 Sec. 24. 1. If an agency proposes or approves an action  
27 which may have a significant adverse impact on the environment,  
28 the agency shall prepare an environmental impact statement  
29 which includes a description of:

30 (a) The proposed action and its environmental setting;

31 (b) The impact of the proposed action on the environment,  
32 including, without limitation, the short-term and long-term  
33 effects;

34 (c) Any adverse environmental effects which cannot be  
35 avoided if the proposed action is implemented;

36 (d) Any commitment of environmental resources which would  
37 be irreversible if the proposed action is implemented;

38 (e) The alternatives to the proposed action and the impacts of  
39 the alternatives on the environment;

40 (f) The growth-inducing impact of the proposed action;

41 (g) An analysis of the short-term and long-term costs and  
42 benefits of the proposed action and the economic advantages of  
43 the proposed action; and

44 (h) Any mitigation measures proposed to minimize the  
45 significant impacts of the proposed action on the environment.



2. *The environmental impact statement must:*

(a) *Include relevant and material facts upon which the agency will make its decision to proceed with or approve the proposed action;*

(b) *Be clearly and concisely written in easily understood language;*

(c) *Contain a reasoned analysis of the available information;*

(d) *Address only the potential significant adverse environmental impacts that can be reasonably anticipated or that have been identified in the scoping process;*

(e) *Address any uncertainties or gaps in the available information and the potential costs of proceeding with the proposed action without additional information;*

(f) *Identify the rationale behind any assumptions relied on by the agency; and*

(g) *Describe the strengths and weaknesses of any scientific model relied on by the agency in making a decision to proceed with or approve the proposed action.*

3. *Before preparing an environmental impact statement, an agency shall consult with and obtain the comments of any cooperating agency and any agency with jurisdiction or special expertise over the proposed action.*

4. *The agency shall:*

(a) *Provide notice and solicit comments on a draft of the environmental impact statement as provided in section 20 of this act; and*

(b) *Consider any comments received relating to the proposed action and, if any comments raise an important issue or significant adverse impact to the environment that the agency has failed to consider, the agency shall revise the environmental impact statement to reflect those issues or impacts before publishing the final environmental impact statement.*

5. *The final environmental impact statement must include copies or a summary of the comments received by the agency during the public comment period and the agency's response to those comments. The agency shall file with the Council the final environmental impact statement, together with the comments of the public and other agencies and provide copies to the Governor, the State Department of Conservation and Natural Resources, any cooperating agency and any agency with jurisdiction or special expertise over the proposed action. The final environmental impact statement must be filed within 45 days after the public hearing held pursuant to section 20 of this act.*



6. After completing an environmental impact statement, an agency shall promptly publish a notice of completion as provided in section 20 of this act.

7. If new information is provided to an agency after it publishes a final environmental impact statement that has significant relevance to the proposed action or the impact of the proposed action, the agency shall:

(a) Within 45 days after the information is received, prepare a draft of a supplemental environmental impact statement that details the new information and analyzes the impact of the new information on the proposed action;

(b) Provide notice, solicit comments and hold a hearing on the draft of the supplemental environmental impact statement as required by this section and section 20 of this act; and

(c) After completing the supplemental environmental impact statement, publish a notice of completion as provided in section 20 of this act.

↪ The agency must complete the supplemental environmental impact statement before proceeding or continuing with the action.

**Sec. 25. 1.** To minimize the significant adverse environmental impact of a proposed action, an agency may:

(a) Adopt or require mitigation measures in any environmental assessment, declaration of impact or environmental impact statement;

(b) Include mitigation measures in any grant, permit or other authorization for the proposed action; or

(c) Condition funding of the proposed action on the adoption of mitigation measures.

2. If an agency proposes mitigation measures to minimize the adverse environmental impact of the proposed action, the agency shall monitor the measures to ensure they are implemented and that any adverse impact to the environment is eliminated or adequately mitigated.

**Sec. 26. 1.** If a proposed action is to be carried out by two or more agencies, the following factors govern which agency is designated as the lead agency:

(a) The magnitude or extent of the involvement of each agency in the proposed action.

(b) The authority of each agency to approve or disapprove the proposed action.

(c) The expertise of each agency concerning the environmental effects of the proposed action.

(d) The duration of the involvement of each agency in the proposed action.



2. Potential lead agencies shall determine and confirm by letter or memorandum which agency will be the lead agency and which will be a cooperating agency.

3. The lead agency shall determine whether to prepare an environmental impact statement and, if required, prepare the environmental impact statement.

4. If the agencies involved are unable to determine which agency is the lead agency, any of the agencies may submit the question to the Council, which shall designate the lead agency based on the factors listed in subsection 1.

5. Upon the request of the lead agency, any agency with jurisdiction by law or special expertise shall act as a cooperating agency. Each cooperating agency shall, if requested by the lead agency:

(a) Participate in the scoping process;

(b) Develop information and prepare an environmental analysis for those portions of the environmental impact statement relating to which the cooperating agency has jurisdiction or special expertise; and

(c) Make staff support available to the lead agency.

**Sec. 27.** 1. A project applicant shall provide any information requested by an agency on the proposed action, including, without limitation, a summary of the proposed action, a description of the environment of the proposed action, any environmental studies or analysis the project applicant has undertaken and any other information the agency determines is necessary to prepare an environmental assessment or environmental impact statement.

2. In accordance with sections 21 and 22 of this act, an agency shall prepare an environmental assessment and declaration of impact for the proposed action and notify the project applicant in writing of its finding on the need for an environmental impact statement and the basis for that finding. The agency shall provide the project applicant with a copy of the environmental assessment and the declaration of impact. If the project applicant agrees to revisions or mitigation measures to avoid a potential significant adverse impact to the environment, the agency shall prepare a declaration of mitigated impact pursuant to subsection 3 of section 22 of this act.

3. If an agency determines that an environmental impact statement is required, an application or request from a project applicant shall not be deemed to be complete until the final environmental impact statement has been prepared by the agency.

4. An agency may charge and collect a reasonable fee from a project applicant for the cost of preparing an environmental



1 *impact statement, not to exceed the actual cost to the agency of*  
2 *preparing the environmental impact statement.*

3 **Sec. 28.** *Any person aggrieved by the final decision of an*  
4 *agency on the determination of a categorical exclusion, a*  
5 *declaration of impact or the adequacy of a final environmental*  
6 *impact statement is entitled to judicial review of the decision in the*  
7 *manner provided for by chapter 233B of NRS. The Council or the*  
8 *project applicant may intervene in any proceeding for judicial*  
9 *review.*

10 **Sec. 29.** *Nothing in this chapter may be construed to affect*  
11 *any specific statutory obligation of an agency to comply with*  
12 *criteria or standards of environmental quality.*

13 **Sec. 30.** NRS 223.085 is hereby amended to read as follows:

14 223.085 1. The Governor may, within the limits of available  
15 money, employ such persons as he or she deems necessary to  
16 provide an appropriate staff for the Office of the Governor,  
17 including, without limitation, the Office of Economic Development,  
18 the Office of Science, Innovation and Technology, *the Council on*  
19 *Environmental Quality* and the Governor's mansion. Any such  
20 employees are not in the classified or unclassified service of the  
21 State and, except as otherwise provided in NRS 231.043 and  
22 231.047, serve at the pleasure of the Governor.

23 2. The Governor shall:

24 (a) Determine the salaries and benefits of the persons employed  
25 pursuant to subsection 1, within limits of money available for that  
26 purpose; and

27 (b) Adopt such rules and policies as he or she deems appropriate  
28 to establish the duties and employment rights of the persons  
29 employed pursuant to subsection 1.

30 3. The Governor may:

31 (a) Appoint a Chief Information Officer of the State; or

32 (b) Designate the Administrator as the Chief Information Officer  
33 of the State.

34 ➤ If the Administrator is so appointed, the Administrator shall serve  
35 as the Chief Information Officer of the State without additional  
36 compensation.

37 4. As used in this section, "Administrator" means the  
38 Administrator of the Division of Enterprise Information Technology  
39 Services of the Department of Administration.

40 **Sec. 31.** As soon as practicable on or after July 1, 2015, the  
41 Governor shall appoint the members of the Council on  
42 Environmental Quality pursuant to section 15 of this act.

43 **Sec. 32.** The provisions of NRS 354.599 do not apply to any  
44 additional expense of a local government that are related to the  
45 provisions of this act.





1     **Sec. 33.** This act becomes effective on July 1, 2015, for the  
2 purposes of adopting regulations and performing any other  
3 administrative tasks that are necessary to carry out the provisions of  
4 this act and on January 1, 2016, for all other purposes.

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\* S B 2 7 7 \*