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# NEVADA DIVISION OF FORESTRY

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STATE OF NEVADA  
Department of Conservation & Natural Resources  
Joe Lombardo, *Governor*  
James A. Settlemeyer, *Director*  
Kacey KC, *State Forester/Firewarden*

## SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

September 19, 2024

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

NDF conducted a survey by mail, reaching out to all 65 businesses in Nevada, identified through online and cooperator sources, that specialize in outdoor activities within and around the Red Rock National Conservation area where Red Rock Sunflower (*Helianthus devernii*) is known to exist. NDF received zero survey responses. The summary may also be obtained from NDF's website at [forestry.nv.gov/happening-now/events](https://forestry.nv.gov/happening-now/events).

- 2. Describe the manner in which the analysis was conducted.**

NDF generated a list of businesses that provide services and operate in Nevada from federal databases and online directories. Small business impact surveys were then sent to 65 identified businesses via US Postal Mail and E-mail for entities without postal addresses. Survey recipients were given a 30-day time period to complete and return the surveys to NDF. Respondents solicited in the survey were directed to send responses by mail or email to 901 S. Stewart Street, Suite 1001 Carson City, NV 89701 or [ndfinfo@forestry.nv.gov](mailto:ndfinfo@forestry.nv.gov).

- 3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

Since there were no survey respondents, it can be assumed that none of those surveyed anticipated any significant financial impact to their businesses or general industry as a result of the proposed regulation. However, the regulation may affect private properties that contain populations and habitat or the Red Rock Sunflower. Previous real estate transactions on properties containing state-listed endangered species suggest that while listing can depress development value, it may also increase non-development value of the property. This occurs when conservation organizations purchase properties for permanent conservation status and retire development rights. Based on the lack of survey responses or other information, NDF concluded the action of listing the Red Rock Sunflower within the list of fully endangered species (NAC 527.010) and performing other necessary names changes within the list will have little to no impact on small businesses because there were no positively identified impacts.

**4. Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

NDF and its cooperators at the US Department of Interior-Bureau of Land Management (BLM) and the Nevada Division of Natural Heritage researched the Red Rock Sunflower's life history, legal and rarity status, population and biological research, local land use, and land use history of the plant and its habitats to better understand how the proposed regulation may impact small businesses. The agency prefers not to list a species if sufficient controls exist to mitigate threats to the plants, eliminating the need for NDF to regulate activities that could lead to the species' extinction. This was not an option in this case due to the rapid pace of development encroaching on the plant's habitat among other threats found by researchers which could lead to destruction of the populations in the near future. Additionally, recreation land uses in the direct proximity of the plant populations and habitats already pose threats to the population viability. NDF and other agencies, such as the BLM or US Fish and Wildlife Service have not designated the plant with a legal status that results in its protection from purposeful or incidental destruction on both federal and non-federal lands. Therefore, listing the species is necessary to prevent its extinction from current and future threats.

**5. The estimated cost to the agency for enforcement of the proposed regulation.**

There are not anticipated costs to NDF.

**6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation does not create a new fee or increase an existing fee.

**7. An explanation of why any duplicative or more stringent provisions other than federal, state or local standards regulating the same activity are necessary.**

Not applicable.

**8. Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

NDF diligently contacted all identified businesses involved in the business activities within and around the lands that contain Red Rock Sunflower and habitats to gather feedback on the proposed regulation change by NDF. None of the businesses responded with concerns. As a result, NDF has chosen to follow NRS 527.270, which mandates the agency to add any species needing assistance for survival to the endangered list due to overexploitation, disease, or habitat threats, such as destruction, drastic modification, or severe curtailment.

I certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained within the statement is accurate.

Respectfully,

Kacey KC  
State Forester, Firewarden