

Informational Statement Form

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 232.

1. A clear and concise explanation of the need for the adopted regulation.

The Sagebrush Ecosystem Program was tasked with establishing a mitigation framework to offset adverse impacts to the sagebrush ecosystem, while allowing for activities important to Nevada's economy on public lands. The mitigation framework put in place was the Conservation Credit System, which seeks to create net conservation gain for the Greater Sage-grouse through the generation of credits (units of Greater Sage-grouse habitat benefit) to offset debits (units of Greater Sage-grouse habitat loss).

NAC 232 contains Sagebrush Ecosystem Council regulations. Additional definitions and clarifying language are needed to reduce ambiguity. NAC 232.480 provides authority to the Sagebrush Ecosystem Technical Team to train and certify verifiers who are authorized to conduct work for the Sagebrush Ecosystem Program. Verifiers are hired by CCS project proponents to act as an unbiased third-party and accurately assess ecosystem conditions at potential project sites. The proposed regulation changes will codify 1) requirements for becoming and remaining a certified verifier for the CCS, and 2) the verifier decertification process for when rules and/or standards are not adhered to.

Adding clarity to the requirements for obtaining verifier certification will ensure that verifiers are adequately experienced and trained to conduct work for the Sagebrush Ecosystem Program. Adding accountability through a detailed decertification process will ensure that certification can be revoked if verifiers become a risk to the integrity, or burden to the workload, of the program.

Overall, the proposed regulation amendment will enhance the efficiency and credibility of the Sagebrush Ecosystem Program.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the Sagebrush Ecosystem Program and the verifier certification and decertification processes, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Sagebrush Ecosystem Program (SEP), www.sagebrusheco.nv.gov, the Nevada Public Notice website, <https://notice.nv.gov/>, the State of Nevada Register of Administrative Regulations website, <https://www.leg.state.nv.us/register/>, mailed to all county libraries in Nevada, and posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, NV 89701
Nevada State Library and Archives, 100 S. Stewart Street, Carson City, NV 89701
Sagebrush Ecosystem Program, 201 S. Roop Street, Carson City, NV 89701
Department of Agriculture, 405 South 21st Street, Sparks, NV 89431
Department of Wildlife, 6980 Sierra Pkwy #120, Reno, NV 89512
Department of Wildlife, 1100 Valley Road, Reno, NV 89511
Department of Wildlife, 4082 Reno Hwy, Fallon, NV 89406
Capitol Building, 101 North Carson Street, Carson City, NV 89701

Legislative Building, 401 South Carson Street, Carson City, NV 89701
Nevada Way Building, 1 State of Nevada Way, Las Vegas, NV 89119

A workshop was held to discuss proposed regulation amendments on September 2, 2025. Thereafter, on October 15, 2025, the Sagebrush Ecosystem Program issued a Notice of Intent to Act Upon a Regulation which incorporated in the proposed amendments any suggestions of the parties attending the September 2nd workshop as well as the recommendations of the Sagebrush Ecosystem Council. A public hearing was held on November 17, 2025 to provide a final opportunity for public input on the proposed regulation amendments, and during which the regulations were adopted with minor revisions provided by the Sagebrush Ecosystem Council.

No public comment was received either during the workshop, hearing, or in writing, thus there is no summary of the public response to the proposed regulation amendment.

Minutes of the public workshop and subsequent hearing(s) capture the discussions held regarding the amended regulation. These may be obtained online at https://sagebrusheco.nv.gov/Meetings/2025/2025_Meetings_of_the_Sagebrush_Ecosystem_Council/.

3. The number persons who:

(a) Attended each hearing: November 17, 2025: 16 (7 council members and ex-officio members, 5 staff, 4 public)

(b) Testified at each hearing: November 17, 2025: 0

(c) Submitted to the agency written comments:

No written comments were submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.

Attached as Appendix A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The Sagebrush Ecosystem Program (SEP) sent a questionnaire out to all known affected businesses, which included independent consultants, consulting firms, ranches, and mining/energy/technology companies. It was determined that there are 115 small businesses in Nevada that may be impacted by the regulation change. All entities captured and not captured by this mailing were able to voice their concerns during the workshop on September 2, 2025 in the Tahoe 2-E Conference Room at the Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada, and during the public hearing on November 17, 2025 in the SEP Conference Room at 201 S. Roop St., Suite 101, Carson City, Nevada 89701.

Of the one hundred and fifteen questionnaires sent out, two were undeliverable, and zero were returned with answers. No public comment was received during the workshop and subsequent hearing, or in writing from potentially affected businesses.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted on November 17, 2025 and included all of the changes suggested at the workshop and public hearing held on November 17, 2025. Minor revisions from the hearing are highlighted in yellow in the attached regulation language.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long-term effects.

(a) Both adverse and beneficial effects

The proposed regulations will clarify definitions and NAC language in a manner that aligns with current policy to prevent confusion or misinterpretation. The proposed regulations will also codify two SEP policies that relate to third-party verifiers for the CCS. Verifiers are consultants hired by CCS project proponents to act as an unbiased third-party to accurately assess ecosystem conditions at a potential project site for Greater Sage-grouse mitigation. The proposed regulation changes will add definitions of Credit Obligation, Credit Project, and Debit Project, will clarify language in several sections throughout, and will codify 1) requirements for becoming and remaining a certified verifier for the CCS, and 2) the verifier decertification process for when rules and/or standards are not adhered to.

The proposed regulation change will not directly affect small businesses, but has the potential for indirect economic effects, both adverse and beneficial.

Adverse economic effects could arise from the cost of traveling to the Reno/Carson City area for the full in-person training, required once every five years for each person certified. Additionally, adverse effects could occur if a certified verifier chooses not to adhere to rules and standards set forth by the SEP and is subsequently decertified through a standardized process and disciplinary hearing. Decertification would result in a loss of opportunity to conduct work as a verifier for the CCS, and the associated loss of income. For other small businesses, indirect economic effects could occur from the need to hire a new verifier and potential project delays if their verifier is decertified.

Indirect beneficial economic effects on small businesses are also expected as a result of this regulation change. Once certified, verifiers can generate significant income by performing work for CCS Project Proponents (on average, rates for consulting work can range from approximately \$100 - \$200/hour). Additionally, by requiring rigorous training and holding verifiers accountable when they do not adhere to the SEP's rules and standards, the SEP can ensure that small businesses who hire verifiers will not pay extraneous consulting charges or experience significant project delays when work is completed inefficiently or incorrectly.

(b) Both immediate and long-term effects.

The proposed regulation will not have an immediate effect on the public or the businesses this regulates. The proposed regulation will clarify definitions and NAC language in a manner that aligns with current policy to prevent confusion or misinterpretation and codify two SEP policies that relate to third-party verifiers for the CCS. These policies are already internally in place but are being added to regulations for transparency.

Determining long-term impacts based on this regulation are complex. Verifier certification costs the consulting firm money, just as any licensing does. Decertification would result in a loss of opportunity to conduct work as a verifier for the CCS, and the associated loss of income, and there would be the need to hire a new verifier by the project proponent and potential project delays if their verifier is decertified. Potential negative long-term impacts could be increased costs from the verifiers or the project proponents should a verifier be decertified, which could cause a trickle-down effect to other small businesses and the public in the way of increased costs.

However, the potential long-term beneficial impact, one that has been the goal of this regulation, is increased quality of work by hired verifiers due to the possibility of decertification. That could reduce costs as work becomes more streamlined and efficient, which fewer returning of work by Program staff.

8. The estimated cost to the agency for enforcement of the adopted regulation.

The enforcement of the regulation falls within current operations of the Program; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This Regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This Regulation does not duplicate any existing federal, state, or local standards regulating the same activity, thus it is not more stringent than a federal regulation relating to the same activity.

11. If the 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.

This regulation does not provide a new fee or increase an existing fee.

Appendix A. List of all Workshop and Hearing Attendees

Workshop: September 2, 2025

Name	Affiliation	Attendance	Address	Phone Number	Email Address	Small Business?
Kathleen Steele	Sagebrush Ecosystem Program	In-person	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2005	ksteele@sagebrushheco.nv.gov	No
Sarah Hale	Sagebrush Ecosystem Program	In-person	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2001	sarah.hale@sagebrushheco.nv.gov	No
Casey Adkins	Sagebrush Ecosystem Program	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2003	Casey.adkins@sagebrushheco.nv.gov	No
Cheyenne Acevedo	Sagebrush Ecosystem Program	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	NA	NA	No
Isabella Ocava	Lithium Americas	Virtual	Not provided	Not provided	Isabella.ocava@lithiumamericas.com	No
LeeAnn Havelka	Commnet Broadband	Virtual	Not provided	Not provided	LeeAnn.Havelka@commnetbroadband.com	No
Alexis Leidigh	Commnet Broadband	Virtual	Not provided	Not provided	Alexis.Leidigh@commnetbroadband.com	No
Tessa Behnke	UES Consulting Services	Virtual	6995 Sierra Center Parkway, Reno, NV 89511	707.972.2712	tbehnke@teamues.com	No
Cathy Erskine	Nevada DCNR	Virtual	901 S. Stewart Street Carson City NV 89701 United States	775.684.2705	c.erskine@dcnr.nv.gov	No
Danielle Goodman	Y2 Consultants	Virtual	PO Box 2870, Jackson, WY 83001	307.733.2999	danielle@y2consultants.com	Yes
Lauren Drown	Rocky Mountain West Telecom	Virtual	Not Provided	Not provided	lauren.drown@rmwt.com	Yes

Public Hearing: November 17, 2025

Name	Affiliation	Attendance	Address	Phone Number	Email Address	Small Business?
Chris Mackenzie	Sagebrush Ecosystem Council, Chair	In-person	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2000	Not disclosed	No
Jake Tibbitts	Sagebrush Ecosystem Council, Vice Chair	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2000	Not disclosed	No
Kyle Davis	Sagebrush Ecosystem Council, Member	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2000	Not disclosed	No
Bevan Lister	Sagebrush Ecosystem Council, Member	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2000	Not disclosed	No
Daphne Emm Hooper	Sagebrush Ecosystem Council, Member	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2000	Not disclosed	No
Mathew Johns	Sagebrush Ecosystem Council, Member	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2000	Not disclosed	No
Cheva Gabor	Sagebrush Ecosystem Council, Ex-Officio Member	Virtual	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2000	Not disclosed	No
Kathleen Steele	Sagebrush Ecosystem Program	In-person	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2005	ksteele@sagebrusheco.nv.gov	No
Sarah Hale	Sagebrush Ecosystem Program	In-person	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2001	sarah.hale@sagebrusheco.nv.gov	No
Casey Adkins	Sagebrush Ecosystem Program	In-person	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2003	Casey.adkins@sagebrusheco.nv.gov	No
Skyler Monaghan	Sagebrush Ecosystem Program	In-person	201 S. Roop St., Suite 101, Carson City, NV 89701	775.687.2004	Smonaghan@sagebrusheco.nv.gov	No

Nicole Ting	Nevada Office of the Attorney General	Virtual	100 N. Carson Street Carson City, NV 89701	775.684.1213	nnting@ag.nv.gov	No
Alan Klebenow	Nexus Environmental Consulting	Virtual	Not Provided	775.385.5328	alan.klebenow@nexus-env.com	Yes
Astrea Strawn	NDOW	Virtual	NDOW 6980 Sierra Center Pkwy, Ste 120 Reno, Nevada 89511	775.688.1561	astrawn@ndow.org	No
Todd Allai	NRCS	Virtual	Not Provided	Not Provided	Todd.Allai@usda.gov	No
Tim Bowden	BLM	Virtual	BLM, Nevada State Office	530-708-5880	tbowden@blm.gov	No

Appendix B. Summary of Comments and Responses

No public comment received.

**PROPOSED REGULATION OF THE
SAGEBRUSH ECOSYSTEM COUNCIL**

LCB File No. R045-25

October 13, 2025

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

AUTHORITY: §§ 1-19, NRS 232.162.

A REGULATION relating to greater sage-grouse; defining certain terms relating to the Nevada Conservation Credit System; setting forth certain requirements relating to the certification of a person as a verifier; establishing requirements and procedures for disciplinary actions taken against a verifier; exempting certain land owned by a tribal government from the requirements of the Nevada Conservation Credit System; revising requirements relating to the maintenance of sagebrush ecosystems and the conservation of the greater sage-grouse; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Sagebrush Ecosystem Council within the State Department of Conservation and Natural Resources and requires the Council to establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems. (NRS 232.162) Existing regulations establish the Nevada Conservation Credit System which requires, with certain exceptions, a person or entity that proposes an activity or project on public lands that will cause an adverse impact to the greater sage-grouse or the habitat of the greater sage-grouse to: (1) submit to the Sagebrush Ecosystem Technical Team certain information about the proposed activity or project; (2) work with the Team to avoid and minimize disturbances before mitigation; and (3) have a verifier quantify such impact in the form of debits. (NAC 232.470)

Once the impact to the greater sage-grouse or habitat of the greater sage-grouse is quantified and approved by the Program Manager of the Team, the person or entity is required to, among certain other requirements, mitigate the adverse impact on the greater sage-grouse or the habitat of the greater sage-grouse by: (1) acquiring or transferring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the debits; or (2) developing a mitigation plan that generates enough credits to offset the debits. (NAC 232.470) **Section 17** of this regulation authorizes a person or entity to submit to the Council a written appeal of the calculation of debits. **Section 17** also: (1) requires that any credits acquired or transferred from the Nevada Conservation Credit System must be acquired or transferred before a person causes the anthropogenic disturbance; (2) authorizes a person to mitigate a disturbance by implementing certain credit projects that have been preapproved by the Council; and (3) sets

forth the credit projects that have been preapproved. **Section 18** of this regulation makes a conforming change to account for the approval of a credit project by the Team.

Section 14 of this regulation revises the definition of “public lands” to exclude lands to which title is held by a tribal government, which eliminates the applicability of the Nevada Conservation Credit System to such lands.

Sections 2 and 3 of this regulation define the terms “credit project” and “debit project.” **Sections 13 and 16** of this regulation make conforming changes to account for the definition of the term “debit project.” **Section 15** of this regulation revises the definition of “verifier.” **Section 12** of this regulation applies the definitions in existing regulations and **sections 2-4** of this regulation to the provisions that govern the Nevada Conservation Credit System and **sections 5-11** of this regulation.

Section 5 establishes the qualifications for certification as a field verifier or desktop verifier including certain education, experience and training. **Section 5** further requires a person who wishes to be certified as a verifier to apply to the Program Manager of the Team. Additionally, **section 5** provides that a certification as a verifier is valid for 1 year and may be renewed up to four times by participating in certain training. **Section 6** provides that if the Program Manager denies an application, the applicant may request from the Program Manager a statement of the reasons for the denial. Further, the applicant may appeal the denial to the Council. **Section 19** of this regulation requires the Team to train and certify persons to be verifiers in accordance with certain the requirements set forth in **section 5**.

Section 7 sets forth the grounds for the Program Manager to take disciplinary action against a verifier. **Section 8** authorizes the Program Manager to issue a verbal or written warning that identifies the cause for the warning, any required corrective actions and a timeline for completing such actions. **Section 8** authorizes a verifier who receives such a warning to appeal the warning to the Council within 30 days after receiving the warning. **Section 9** authorizes the Program Manager to issue a notice of a disciplinary hearing if a verifier does not take the proper corrective action in response to a verbal or written warning. **Section 9** requires that such notice and hearing be conducted in accordance with certain provisions of existing law governing contested cases. (NRS 233B.121-233B.150)

Section 4 defines the term “hearing officer” to mean a person who did not take part in an initial disciplinary action and who is appointed by the Program Manager to oversee disciplinary hearings held pursuant to **section 9**.

Section 10 authorizes the Program Manager to summarily suspend a certification as a verifier if the Program Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and irreparable harm to the interests of this State which requires emergency action and the immediate summary suspension of the certification. **Section 10** further requires the Program Manager to provide notice of such a suspension and initiate proceedings for a contested case.

Section 11 authorizes a person whose certification as a verifier was suspended or revoked to reapply for certification after not less than 5 years after the date on which his or her certification was suspended or revoked. **Section 11** further: (1) provides that the person will be on probationary status for 5 years; and (2) requires the Program Manager to immediately initiate disciplinary action against a person who is issued a certification under such circumstances, if the Program Manager has cause to believe that the person has engaged in an activity that is grounds for disciplinary action.

Section 1. Chapter 232 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *“Credit project” means a project or other activity that preserves or improves the habitat of the greater sage-grouse and creates a credit.*

Sec. 3. *“Debit project” means a project or other activity that causes an anthropogenic disturbance and creates a debit.*

Sec. 4. *“Hearing officer” means a person who did not take part in an initial disciplinary action and who is appointed by the Program Manager to oversee a disciplinary hearing conducted pursuant to section 9 of this regulation.*

Sec. 5. 1. *To qualify for an initial certification as a verifier, a person must:*

(a) For a field verifier:

(1) Hold a bachelor’s degree in natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;

(2) Have at least 2 years of experience with standard quantitative vegetative field data collection methods, including, without limitation, experience with line-intercepts, Daubenmire plots and photo point monitoring;

(3) Have at least 1 year of experience using a global positing system; and

(4) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.

(b) For a desktop verifier:

(1) Hold a bachelor's degree in geographic information systems, natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;

(2) Have at least 2 years of experience using a comprehensive geospatial platform to conduct spatial analysis; and

(3) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.

2. A person who wishes to be certified as a verifier shall apply to the Program Manager, on a form prescribed by the Sagebrush Ecosystem Technical Team. The Program Manager shall approve or deny the application for certification. The Program Manager may deny certification to a person who:

(a) Does not satisfy the requirements set forth in subsection 1, as applicable; or

(b) Has practiced, or attempted to practice, any deception or fraud in the certification or examination of the applicant, or in securing the certification of the applicant.

3. A certification as a verifier is valid for 1 year and may be renewed annually, and before the termination of the current certification period, up to four times by participating in training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for the purpose of renewing a certification. After the fourth renewal, a person who wishes to be certified as a verifier must submit a new application for certification in accordance with subsection 1 to remain certified as a verifier.

Sec. 6. If the Program Manager denies an application for certification submitted pursuant to section 5 of this regulation, the applicant may:

1. Request that the Program Manager provide the applicant with a statement of the reasons for the denial. The Program Manager shall provide the statement upon receiving such a request.

2. Appeal the denial to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer appointed by the Program Manager or, at the request of the applicant, the Sagebrush Ecosystem Council. If the hearing officer or Sagebrush Ecosystem Council, as applicable, determines that the application should not have been denied, the hearing officer or Sagebrush Ecosystem Council, as applicable, will order the Program Manager to approve the application.

Sec. 7. 1. The Program Manager may take disciplinary action against a verifier for the following causes:

(a) Activity which is incompatible with the conditions of certification of a verifier or that violates state or federal law;

(b) Disgraceful or discourteous treatment of the public, the Sagebrush Ecosystem Technical Team or another verifier;

(c) Incompetence, inefficiency or inexcusable neglect of duty that creates an undue burden on the Sagebrush Ecosystem Program;

(d) Deception or fraud relating to the Nevada Conservation Credit System;

(e) Abuse, damage to or the waste of public equipment, property or supplies because of inexcusable negligence or willful acts;

(f) Conviction of any criminal act involving moral turpitude;

(g) Any act of violence that arises out of or during the performance of the official duties of the verifier;

- (h) Repeated violations of any regulation of the Sagebrush Ecosystem Council;*
- (i) Failure to participate in any investigation conducted by or at the request of the Program Manager or the Sagebrush Ecosystem Council into the verifier's performance of his or her duties as a verifier;*
- (j) Failure to act as an unbiased third party and objectively verify project conditions while acting as a verifier; or*
- (k) Acting as a verifier on any debit project in which the verifier, or family member of the verifier has a pecuniary interest, or to any person to whom the verifier or employee of the verifier has a commitment in a private capacity.*

2. The Program Manager shall not take disciplinary action against a verifier in response to questions, comments or constructive criticism of the Nevada Conservation Credit System or in retaliation against a verifier.

Sec. 8. 1. *If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation, the Program Manager may:*

(a) Issue a verbal warning to the verifier. The Program Manager shall document the verbal warning, including, without limitation, the cause for the warning and any required corrective actions, and provide such documentation to the verifier upon request.

(b) Issue a written warning by personal delivery or by certified mail at the mailing address identified on the most recent application for a certification or application for renewal, as applicable. The written warning must include, without limitation, the cause for the warning, any required corrective actions and a timeline for completing such actions.

2. *Within 30 days after receiving a verbal or written warning, a verifier may appeal the warning to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer or, at the request of the verifier, the Sagebrush Ecosystem Council. If the appeal is heard by:*

(a) A hearing officer, the hearing officer will hold a meeting with the verifier and determine whether the warning was appropriate; or

(b) The Sagebrush Ecosystem Council, a meeting must be held in compliance with chapter 241 of NRS at which the Council will determine whether the warning was appropriate.

Sec. 9. 1. *If a verifier does not take the proper corrective action in response to a verbal or written warning issued pursuant to section 8 of this regulation, the Program Manager may issue a notice of a disciplinary hearing to suspend or revoke the certification of the verifier. Such notice and hearing must comply with the provisions governing contested cases in NRS 233B.121 to 233B.150, inclusive. The hearing officer, or at the request of the verifier, the Sagebrush Ecosystem Council, will preside over the proceedings.*

2. Upon the written agreement of all parties, the date of the hearing may be changed.

3. Except as otherwise provided in NRS 233B.126, a verifier may communicate with the Program Manager to seek an explanation of the reasons for the disciplinary action and the related disciplinary procedures.

4. A verifier may waive in writing his or her right to a disciplinary hearing. Upon the receipt of such a waiver by the hearing officer or the Sagebrush Ecosystem Council, as applicable, the certification of the verifier must be immediately suspended or revoked, as applicable.

Sec. 10. 1. *The Program Manager may summarily suspend the certification of a verifier without complying with the requirements of section 9 of this regulation if the Program*

Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and irreparable harm to the interests of this State which require emergency action and the immediate summary suspension of the certification of the verifier.

2. If the Program Manager suspends a certification pursuant to subsection 1, the Program Manager shall provide notice of the summary suspension to the holder of the certification by certified mail at the most recent mailing address identified on the application for certification and initiate proceedings for a contested case in accordance with NRS 233B.121 to 233B.150, inclusive, and section 9 of this regulation.

Sec. 11. *1. A person whose certification as a verifier was suspended or revoked may submit an application for certification pursuant to section 5 of this regulation not less than 5 years after the date on which his or her certification was suspended or revoked. The Program Manager may issue a new certification to such a person provided that the person has complied with any orders that arose from the prior disciplinary proceedings.*

2. If a person is issued a certification pursuant to subsection 1, the person will be placed on probationary status for 5 years after the date the certificate is issued. If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation during the probationary period, the Program Manager shall immediately initiate disciplinary action against the person pursuant to section 8 of this regulation by issuing a written warning.

Sec. 12. NAC 232.400 is hereby amended to read as follows:

232.400 As used in NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC

232.405 to 232.450, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

Sec. 13. NAC 232.433 is hereby amended to read as follows:

232.433 “Nevada Conservation Credit System” means the system established by the Sagebrush Ecosystem Council pursuant to NRS 232.162 that calculates:

1. Debits that will be caused by a proposed ~~activity or a~~ *debit* project.
2. Credits that are created to protect, enhance or restore sagebrush ecosystems.

Sec. 14. NAC 232.440 is hereby amended to read as follows:

232.440 “Public lands” means all lands within the exterior boundaries of the State of Nevada except lands to which title is held by any private person, private entity , *tribal government* or local government.

Sec. 15. NAC 232.450 is hereby amended to read as follows:

232.450 *1.* “Verifier” means a person trained and certified by the Sagebrush Ecosystem Technical Team to use the habitat quantification tool for the purpose of calculating:

~~1-1~~ *(a) The credits that will be generated by a credit project;*

(b) The debits related to an anthropogenic disturbance; and

~~1-2~~ *(c)* The number of credits necessary to offset ~~such debits.~~ *a debit project.*

2. The term includes a field verifier and a desktop verifier.

Sec. 16. NAC 232.460 is hereby amended to read as follows:

232.460 1. Except as otherwise provided in this section and to the extent it is not prohibited by federal law, the provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* apply to any person or entity that proposes ~~an activity or~~ *a*

debit project on public lands subject to state or federal review, approval or authorization ~~that will cause an anthropogenic disturbance~~.

2. The provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* do not apply to:

- (a) A direct anthropogenic disturbance on private lands;
- (b) An activity or project which was approved by all relevant federal agencies and state agencies before December 7, 2018, so long as the activity or project maintains compliance with any condition or requirement for any such approval;
- (c) An activity or project using a mitigation agreement or framework agreement for greater sage-grouse signed by the United States Fish and Wildlife Service before December 7, 2018, and any amendments thereto;
- (d) A mineral exploration project which is limited to a surface disturbance of not more than 5 acres;
- (e) An activity or project that:
 - (1) Is necessary to protect public health or safety; or
 - (2) Will have a de minimis impact to greater sage-grouse and sagebrush ecosystems in this State; or
- (f) Any emergency activity or routine administrative activity that:
 - (1) Is performed by a federal agency, state agency, local government or utility for a public purpose; and
 - (2) Does not require any additional approval from the Federal Government or the State.

Sec. 17. NAC 232.470 is hereby amended to read as follows:

232.470 1. Any person or entity that proposes ~~{an activity or}~~ a **debit** project on public lands, subject to state or federal review, approval or authorization, that will cause an anthropogenic disturbance shall:

(a) Submit to the Sagebrush Ecosystem Technical Team sufficient information for determining the adverse impact the proposed ~~{activity or}~~ **debit** project will have to the greater sage-grouse or the habitat of the greater sage-grouse, including, without limitation, geographic information system data files and work with the Sagebrush Ecosystem Technical Team to avoid and minimize such adverse impact to the greatest extent possible; and

(b) Have the direct and indirect impacts of the anthropogenic disturbance:

(1) Quantified by a verifier in terms of the number of debits that the ~~{activity or}~~ **debit** project will cause. Upon completion of his or her calculations, the verifier shall submit the calculations to the Program Manager. The Program Manager shall use the habitat quantification tool and available field data to conduct a quality assurance of the calculations of the verifier not later than 30 days after the verifier submits his or her final calculations to the Program Manager. If there is a difference between the calculations of debits by the verifier and Program Manager, the Program Manager will work with the verifier to finalize the calculation. If there is still a difference between the calculations of debits by the verifier and the Program Manager, the calculations of debits by the Program Manager apply to the ~~{activity or}~~ **debit** project . ~~{; and}~~ *The person or entity proposing the debit project may submit a written appeal of the calculation of the debits to the Sagebrush Ecosystem Council. The Council will consider the appeal at its next regularly scheduled meeting, at which time the Council will render a decision on the matter by formal action.*

(2) Mitigated by:

(I) Acquiring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the number of debits determined pursuant to subparagraph

(1) ~~1; or~~ *before the person or entity causes the anthropogenic disturbance;*

(II) Developing a mitigation plan with the Sagebrush Ecosystem Technical Team approved by the Sagebrush Ecosystem Council pursuant to subsection ~~2~~ 3 that will generate enough credits to offset the direct and indirect adverse impacts the proposed ~~activity or~~ debit project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~1~~; or

(III) Subject to the approval and administration of the Sagebrush Ecosystem Technical Team, implementing a credit project set forth in subsection 3 that has been preapproved by the Council. The Sagebrush Ecosystem Technical team shall consider the factors set forth in subsection 2 to determine whether the credit project will generate enough credits to offset the direct and indirect adverse impacts the proposed debit project will have to the greater sage-grouse or the habitat of the greater sage-grouse.

2. In determining whether to approve a mitigation plan ~~1~~ *developed pursuant to subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1*, the Sagebrush Ecosystem Council must consider:

- (a) The conservation actions that are included in the plan and the number of credits to be generated from such conservation actions;
- (b) The location where the credits will be generated;
- (c) The length of time necessary to generate the credits;
- (d) The length of time the credits will be maintained;

(e) Whether the credit durability provisions of the plan include appropriate mechanisms to ensure that a sufficient number of credits will be maintained for the appropriate amount of time; and

(f) Whether the financial provisions ensure maintenance of the credits for the duration of the ~~{activity-or}~~ *debit* project.

3. The following credit projects are preapproved by the Council:

(a) Meadow improvement;

(b) Pinyon-juniper woodland removal;

(c) Fire restoration or rehabilitation;

(d) Invasive weeds treatment; and

***(e) Anthropogenic disturbance
removal.***

Sec. 18. NAC 232.475 is hereby amended to read as follows:

232.475 1. Not later than 10 working days after completion of the process set forth in NAC 232.470, the Program Manager must issue to the person or entity that is proposing the ~~{activity-or}~~ *debit* project a certification of mitigation that sets forth:

(a) The number of credits that the person or entity will acquire from or transfer to the Nevada Conservation Credit System; ~~{or}~~

(b) The mitigation plan approved by the Sagebrush Ecosystem Council pursuant to NAC 232.470 that will mitigate the direct and indirect adverse impacts that the proposed ~~{activity-or}~~ *debit* project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~{.}~~ ; or

(c) The preapproved credit project that the person will implement approved by the Sagebrush Ecosystem Technical Team.

2. The person or entity to whom a certification of mitigation is issued must ensure compliance with the terms set forth in the certification of mitigation for the duration of the ~~activity or~~ *debit* project.

Sec. 19. NAC 232.480 is hereby amended to read as follows:

232.480 The Sagebrush Ecosystem Technical Team shall:

1. Train and certify persons to be verifiers ~~as~~ *in accordance with the requirements set forth in section 5 of this regulation;* and
2. Maintain a list on the Internet website of the Sagebrush Ecosystem Program of all verifiers who have been so trained and certified for the current calendar year.