

Endangered Species Issues in Nevada

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Biodiversity and the Extinction Crisis

- Biodiversity is the variety of life on Earth and the sum of their interactions.
- Biodiversity gives us clean air, clean water, food, shelter.
- **Biodiversity is an essential prerequisite for humans' continued existence.**
- Global extinction crisis:
 - “Sixth Mass Extinction.”
 - Current rate of extinction 100x to 1,000x greater than background rate.
 - More than 1,000,000 species at risk of extinction.
 - Primary drivers: habitat loss, climate change, invasive species.



Federal Endangered Species Act

- National policy of the United States is to prevent extinction.
- Gives primary jurisdiction over listed species to federal government.
- Prohibition on “take”:
 - “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct.”
- Requirement for consultation:
 - Actions with a federal nexus cannot put species in jeopardy of extinction.
- Critical habitat:
 - Actions with a federal nexus cannot cause adverse modification of critical habitat.



Nevada Endangered Species Act

- NRS § 501.110: Classification of Wildlife (protected, sensitive, threatened, endangered animals).
- NRS § 503.584-589: Policy on endangered animals.
- NAC § 503.005-104: List of species and regulations for management of protected animals.
- NRS § 527.260-300: Policy on fully protected species of plants. Managed by Division of Forestry.
- NAC § 527: List of fully protected species of plants; permits for take; petition procedures.



Endangered Species in Nevada

- 646 at-risk species (3rd in U.S.)
- 196 “watch list” species
- 309 endemic species and subspecies (6th in U.S.)
- At least 8 extinctions:
 - 6 fishes, 1 mammal, 1 springsnail



Endangered Species in Nevada

- 48 federally listed species
 - 25 fishes; 11 plants; 3 insects; 3 birds; 2 amphibians; 2 mammals; 1 reptile
- 54 state listed animals
 - 34 fishes; 10 mammals; 9 birds; 1 reptile
- 24 state listed plants



Current Federal Listing Activity

- Dixie Valley toad: emergency listed April 2022
- Tiehm's buckwheat: due for final listing decision September 2022
- Las Vegas bearpoppy: due for proposed listing decision September 2024
- Mojave poppy bee: due for proposed listing decision September 2026
- Fish Lake Valley tui chub: awaiting 90-day finding
- Railroad Valley toad: awaiting 90-day finding
- Springsnails: awaiting proposed listing decisions

Non-CBD:

- Three-corner milkvetch: awaiting proposed listing decision
- Pinyon jay: awaiting 90-day finding



Partial List of At-Risk Species Which Could Be Listed

Animals:

- Hot Creek toad
- Amargosa toad
- Oasis Valley speckled dace
- Relict dace
- Independence Valley tui chub
- Railroad Valley tui chub
- Moorman White River springfish
- Wall Canyon sucker
- Big Dune beetle
- Sand Mountain blue butterfly
- Pahrangat Valley montane vole
- Bleached sandhill skipper

Plants:

- Ash Meadows ladies-tresses
- Churchill Narrows buckwheat
- Monte Neva paintbrush
- Carson Valley monkeyflower
- Steamboat monkeyflower
- Altered andesite buckwheat
- Tecopa birds beak
- White-margined beardtongue
- Sodaville milkvetch



Biodiversity Policy Gaps & Solutions

- Management authority over insects
- Rare and endangered plant management
- “Biodiversity management” – Natural Heritage program
- Nevada Endangered Species Act overhaul



Terrestrial Insects

- Terrestrial insects are currently unmanaged under the NRS.
- 109 species of “at-risk” insects in Nevada.
- Includes butterflies, moths, beetles, bees, ants.
- Department of Agriculture only manages “pest” insects.
- No agency has authority over non-pest insects.
- **Proposed legislation:**
 - **Give NDOW authority to manage insects.**
 - **Budget line item for at least one entomologist.**



Rare and Endangered Plant Management

- Per NRS 527, state endangered plants managed by Division of Forestry.
 - Primary duties of NDF: wildfire response, prevention, and rehabilitation.
- NDF manages only protected plants – nobody is managing unprotected plants to prevent them from becoming endangered.
- NDF's only management role for protected plants is take permitting.
- Nevada has 288 species of at-risk plants; 91 species on watch list.
- Only way to prevent federal listing is through active management and protections.



Rare and Endangered Plant Management

- Other states' rare plant management (43 states manage):
 - 28 states (65%) : Dept. of Wildlife or same agency as wildlife.
 - 5 states (11%): Dept. of Agriculture.
 - 5 states (11%): Dept. of Natural Areas.
 - 4 states (9%): Dept. of Forestry.
 - 1 state (2%): mixed jurisdiction.
- 7 states: no rare plant management program.



- Proposed legislation:

- **Transfer authority over endangered plants to NDOW.**
- **Expand authority to include unprotected but rare or vulnerable plants.**
- **This should be mostly revenue neutral.**



“Biodiversity Management” and the Natural Heritage Program’s Role

- DCNR is primarily a resource management agency.
- NDOW is a wildlife/biodiversity management agency.
- One agency should be responsible for managing the biodiversity of Nevada.
- Division of Natural Heritage primary job is to curate data on biodiversity.
- Nevada currently has two agencies curating data on wildlife.

- **Proposed legislation:**

- **Transfer Division of Natural Heritage to NDOW.**
- **Duplicative roles between NDOW/NDNH could be cost-saving.**



Nevada Endangered Species Act Overhaul

- NESAs are ineffective at preventing harm to species, extinction, or listing.
- NESAs are primarily a permitted take program with no real protection for species.
- NESAs are not subject to public participation requirements.
- NESAs have “no teeth” – citizens and the courts cannot compel agencies to obey the law.
- NESAs are ineffective at providing assurances of conservation sufficient to prevent federal ESA listing.



Nevada Endangered Species Act Overhaul

- Reforming NESA would be complicated and contentious.
- Not reforming NESA will mean more federal endangered species listings.
- **Recommendation:**
 - **We recommend implementing previous suggestions and then convening a working group or study for NESA reform.**



Summary of Recommendations

- Create statutory management authority for NDOW over insects.
- Transfer management of endangered plants to NDOW.
- Create statutory management authority for NDOW over non-endangered plants.
- Transfer Division of Natural Heritage to NDOW.
- Ensure appropriate budget and personnel for the above.
- Convene working group/study for NESAs reform.

