

JOE LOMBARDO  
Governor



**Sagebrush Ecosystem Program**

201 Roop Street, Suite 101  
Carson City, Nevada 89701  
Telephone (775) 687-2000

[www.sagebrusheco.nv.gov](http://www.sagebrusheco.nv.gov)

**Kelly McGowan**, Program Manager  
**Emily Hagler**, Agriculture  
**Dan Huser**, Forestry/Wildland Fire  
**Kathleen Petter**, State Lands  
**Justin Small**, Wildlife

**STATE OF NEVADA**  
**Sagebrush Ecosystem Program**

**Notice of Public Hearing to Review Regulation**  
**NAC 232.400-232.480**

**Wednesday, April 5, 2023 – 10:00 a.m.**

**Risk Management Conference Room (Second Floor)**  
**201 S Roop Street**  
**Carson City, NV 89701**

**Virtual Access**

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[Click here to join the meeting](#)

Meeting ID: 252 009 370 40

Passcode: SgKiLw

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The Sagebrush Ecosystem Program (SEP) under the Sagebrush Ecosystem Council will be holding a public hearing to solicit comments for the following regulation. The purpose of the hearing is to undertake a comprehensive review of the regulations subject to the Program's enforcement, as per Executive Order 2023-003. The Program is seeking comments on how the regulation can be streamlined, clarified, reduced, or otherwise improved to ensure the regulation provides for the general welfare of the State without unnecessarily inhibiting economic growth. Persons wishing to provide comment on the review of NAC 232.400 – 232.480 may appear at this public hearing or submit written comments to: Sagebrush Ecosystem Program, 201 S. Roop Street, Suite 101, Carson City, NV 89701 or by email to Kathleen Petter at [kpetter@sagebrusheco.nv.gov](mailto:kpetter@sagebrusheco.nv.gov).

**Written submissions must be received on or before March 17, 2023.**

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Sagebrush Ecosystem Program may proceed immediately to act upon any written submissions.

Nevada Revised Statutes §232.162 (6)(a) provides authority for the Sagebrush Ecosystem Council to adopt regulations specific to the management of sagebrush ecosystem and the establishment and oversight of a mitigation program.

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**1. OPEN HEARING, INTRODUCTION**

**2. PUBLIC COMMENT**

Persons making comment will be asked to begin by stating their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). **Comment will not be restricted based on viewpoint.**

**3. PUBLIC COMMENTS REGARDING THE REVIEW OF REGULATION (NAC 232.400-232.480) – PUBLIC COMMENT ALLOWED**

NRS 232.162 provides authority for the Sagebrush Ecosystem Council to adopt regulations specific to the management of sagebrush ecosystem and the establishment and oversight of a mitigation program. The Sagebrush Ecosystem Council is a governor-appointed council, established to create and carry out strategies for "the conservation of the greater sage-grouse and sagebrush ecosystems in this State" as well as other strategies outlined in NRS 232.162.

The purpose of the hearing is to undertake a comprehensive review of the regulation subject to the Program's enforcement, as per Executive Order 2023-003.

**4. CONSIDERATION OF ALL COMMENTS AND REVIEW OF REGULATION. THE COUNCIL MAY ADOPT COMMENTS FOR INCLUSION IN THE REPORT DUE TO THE NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES DIRECTOR – \*FOR POSSIBLE ACTION\***

## 5. PUBLIC COMMENT

Persons making comment will be asked to begin by stating their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.

## 6. CLOSE OF HEARING

## 7. ADJOURNMENT – \*FOR POSSIBLE ACTION\*

**NOTICE: Items on this agenda may be taken in a different order than listed.**

*A copy of this Notice and the Regulations to be adopted, amended, or repealed will be on file at the State Library, 100 North Stewart Street, Carson City, Nevada, or at the Sagebrush Ecosystem Program at 201 S. Roop Street, Suite 101, Carson City, NV 89701 for inspection by members of the public during business hours. In all counties in which an office of the agency is not maintained, the proposed regulation may be reviewed and copied at the main public library, during business hours.*

*Please contact Kelly McGowan at 201 S. Roop Street, Suite 101, Carson City, NV 89701; or by calling 775-687-2000; or email [kmcgowan@sagebrushheco.nv.gov](mailto:kmcgowan@sagebrushheco.nv.gov), to obtain support material before or after the meeting. Materials will also be posted on the [sagebrushheco.nv.gov](http://sagebrushheco.nv.gov) website. The agency's small business impact statement is attached.*

*Upon adoption of any regulation, the Agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.*

*We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special accommodations or assistance at the meeting are requested, please notify our office by writing to the Sagebrush Ecosystem Program, 201 S. Roop Street, Suite 101, Carson City, NV 89701; or by calling 775-687-2000 no later than two (2) working days prior to the scheduled meeting. You can also email Kathleen Petter at [kpetter@sagebrushheco.nv.gov](mailto:kpetter@sagebrushheco.nv.gov).*

**Notice of this meeting was sent to all persons on the agency's mailing list and posted at the following locations:  
Nevada Risk Management Conference Room, 201 S. Roop Street, Carson City, NV (Location of Meeting)**

Sagebrush Ecosystem Program, 201 S. Roop Street, Suite 101, Carson City, Nevada  
Nevada Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, Nevada  
Nevada State Library and Archives, 100 S. Stewart Street, Carson City  
Department of Wildlife, 6980 Sierra Pkwy #120, Reno, NV  
Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, Nevada  
Department of Wildlife, 1100 Valley Road, Reno, Nevada  
Capitol Building, 101 North Carson Street, Carson City, Nevada  
Legislative Building, 401 South Carson Street, Carson City, Nevada  
Carson City Library, 900 North Roop Street, Carson City, Nevada  
Churchill County Library, 553 South Main Street, Fallon, Nevada  
Las Vegas-Clark County Library District Headquarters, 833 Las Vegas Boulevard North, Las Vegas, Nevada  
Douglas County Public Library, 1625 Library Lane, Minden, Nevada  
Elko County Library, 720 Court Street, Elko, Nevada  
Esmeralda County Library, Corner of Crook and 4<sup>th</sup> Street, Goldfield, Nevada  
Eureka County Library, 80 Monroe Street, Eureka Nevada  
Humboldt County Library, 85 East 5<sup>th</sup> Street, Winnemucca, Nevada  
Battle Mountain Branch Library, 625 South Broad Street, Battle Mountain, Nevada  
Lincoln County Library, 63 Main Street, Pioche, Nevada  
Lyon County Library System, 20 Nevin Way, Yerington, Nevada  
Mineral County Public library, 110 First Street, Hawthorne, Nevada  
Pershing County Library, 1125 Central Avenue, Lovelock, Nevada

Storey County Treasurer and Clerk's Office, 265 B Street Drawer D, Virginia City, Nevada  
Tonopah Public Library, 167 South Central Street, Tonopah, Nevada  
Washoe County Library System, 301 South Center Street, Reno, Nevada  
White Pine County Library, 950 Campton Street, Ely, Nevada

Notice of this meeting was also posted on the Sagebrush Ecosystem Program website at: [sagebrushco.nv.gov](http://sagebrushco.nv.gov), the Nevada Public Notices Website at [notice.nv.gov](http://notice.nv.gov), and the Nevada State Legislature Website at [leg.state.nv.us](http://leg.state.nv.us).

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**STATE OF NEVADA**  
**Sagebrush Ecosystem Program**

**Executive Order 2023-03 – Form For Review of Regulations**

**Section 1 - Comprehensive Review of Regulations**

*Every executive branch department, agency, board and commission shall undertake a comprehensive review of the regulations subject to its enforcement. On or before, May 1, 2023 each department, agency, board and commission shall provide a report to the Governor's office detailing how the regulation subject to its enforcement can be streamlined, clarified, reduced or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth.*

The report must include for each regulation identified in the comprehensive review that can be streamlined, clarified, reduced, or otherwise improved to ensure that the regulation provide for the general welfare of the State without unnecessarily inhibiting economic growth:

1. The citation of the regulation with clear indication of the proposed modification in blue italics and matters to be omitted in red and bracketed.
2. A clear and concise explanation on why such change should occur.
3. Information for each public meeting held to discuss the proposed regulation change, as mandated by Section 3 of Executive Order 2023-003, which must include:
  - a. The date of the meeting(s) and number of persons who attended;
  - b. Information for each person who provided public oral or written comment or testimony on the regulation:
    - i. Name of person;
    - ii. Name of entity or organization represented and address (if applicable);
    - iii. Contact telephone number;
    - iv. Electronic mail address; and
  - c. A summary of each person's public oral or written comment or testimony.
4. The estimated impact on any business, person, or agency if the change is to occur, which must include:
  - a. The adverse and beneficial effects;
  - b. The positive or negative economic impact; and
  - c. Cost savings to the state or agency.
5. In the event your agency has sufficient justification for an exemption to this Executive Order, as described below and in Section 5, please submit a list of requests for any such exemption to [dktedford@gov.nv.gov](mailto:dktedford@gov.nv.gov). Qualifying purposes for an exemption include:
  - a. Regulations that affect public health;
  - b. Regulations that affect public safety and security;
  - c. Regulations that are necessary in the pursuit of federal funds and certifications;
  - d. Regulations that affect the application of powers, functions and duties essential to the operation of the executive branch agency, department, board or commission at issue;
  - e. Regulations that affect pending judicial deadlines; and
  - f. Regulations necessary to comply with federal law.

The following information is provided pursuant to the requirements of the Nevada Revised Statutes (NRS) 233B.0603 and the directives of the Nevada State Governor:

**Name of department, agency, board, or commission:** Nevada Department of Conservation and Natural Resources, Sagebrush Ecosystem Program, overseen by the Sagebrush Ecosystem Council

**Director Name:** James Settelmeyer

**E-mail Address:** jsettelmeyer@dcnr.nv.gov

**Address:** 901 S Stewart St, Carson City, NV 89701

**Telephone Number:** 775.684.2726

**Representative Name:** Kelly McGowan

**E-mail Address:** kmcgowan@sagebrusheco.nv.gov

**Address:** 201 S. Roop St. Ste. 101, Carson City, NV 89701

**Telephone Number:** 775.684.8600

**Date:** 02/08/2023

In 2015, the US Fish and Wildlife Service determined to not list the greater sage grouse as "endangered", with stipulations. This determination was based, in part, that there were regulatory assurances in place to stem the decline of habitat loss. To help stem this loss, the Sagebrush Ecosystem Program created a mitigation system, which allows for mining, oil, gas, electric, and other actions that cause a disturbance, but also requires offsets of certain impacts through on or off-site mitigation. The proposed regulations specify that mitigation would be a requirement, to adequately offset habitat loss for the greater sage grouse, thus preventing a listing under the Endangered Species Act.

NRS 232.162 provides authority for the Sagebrush Ecosystem Council to adopt regulations specific to the management of sagebrush ecosystem and the establishment and oversight of a mitigation program. The Sagebrush Ecosystem Council is a governor-appointed council, established to create and carry out strategies for "the conservation of the greater sage grouse and sagebrush ecosystems in this State" as well as other strategies outlined in NRS 232.162.

NRS 321.594 provides authority for the Division of State Lands to adopt regulations for the oversight and administration of a program to mitigate damage to sagebrush ecosystems.

EO-2018-32 requiring the SEC to develop regulation that would address and enforce compensatory mitigation, thereby reducing the odds of Greater Sage-grouse becoming a listed species and to enhance the conservation of sagebrush ecosystems.

**Section 1 - Comprehensive Review of Regulations / Section 3 – Mandatory Meeting and Report**

The above-named department, agency, board, or commission conducted a comprehensive review of the regulations subject to its enforcement that can be streamlined, clarified, reduced, or otherwise improved to ensure those regulations provide for the general welfare of the State without unnecessarily inhibiting economic growth. The regulations identified for Section 1 of Executive Order 2023-03 are listed below with the information as required on page 1 of the instruction sheet on the following pages of the report:

<b>Regulation/ Information as required on page 1</b>	<b>Page number</b>
1. NAC-232.400 - 232.480	2-11

## 1. Citation of the Regulation:

NAC-232.400-232.480. No changes recommended.

The purpose of this regulation, inclusive, is to ensure continued management and conservation of Greater Sage-grouse and sagebrush ecosystems pursuant to NRS 232.162, NRS 321.592, and NRS 321.594 by setting forth requirements to mitigate certain disturbances in identified Greater Sage-grouse Habitat.

**Section 1** states the purpose and authority of the regulations.

**Section 2** outlines the instances where the regulation is applicable, as well as certain exceptions to the mitigation requirements.

**Section 3** outlines the process to which a Project Proponent must adhere in order to satisfy their mitigation obligations.

**Section 4** outlines the requirement of state agencies to receive certification of satisfactory mitigation requirements prior to authorization of activities resulting in anthropogenic disturbance in Greater Sage-grouse Habitat on state-owned land.

See Appendix A for Regulation

## 2. Clear and concise explanation on why such change should occur:

### Changes Proposed:

No changes were proposed at the workshop by the public or the Council. The following are minutes from the Sagebrush Ecosystem Council Meeting that summarize the proposed changes from the Sagebrush Ecosystem Program that the Council could consider.

Member MacKenzie opened the floor to the Council members' concerns or comments for the regulation. Hearing none, he asked the SETT for their recommendations or concerns. Mr. McGowan reminded the Council about the need for a Hearing to finalize this process. He then introduced his list which is summarized as follows:

- Section 232.475: to clarify the issuance of a certification of mitigation under NAC 232.475 subsection 1, adding language to ensure that the certification delineates the debits generated and their obligation to offset those debits and their requirements to finalize the mitigation transaction.
- Section 232.475 Subsection 1A: The number of credits- "and term" should be included, as it is important to outline the term, which is a minimum of 30 years for most projects.
- Section 232.475 Subsection 2: add previously proposed language "Prior to any ground disturbance being authorized, the person or entity..." to make clear that mitigation must be completed prior to any ground disturbance.

Council members asked questions to clarify how the regulation already works, and a discussion was had about notice level exploration and how that is mitigated for when there is an exception in the regulation. Many questions were asked, and ideas put out there about how to deal with the disturbance caused by notice level (five acres or less) exploration. Member MacKenzie reminded the Council that this discussion relates to the Executive Order and has a tight timeline, and item may require more than a minor regulation

change. Mr. Gibbs stated that the USFWS would have issues with the conservation of sagebrush obligate species if the regulation was softened any. He did not recommend doing so. Mr. Barrett also echoed that he was hesitant to make changes as they are unsure how changes would affect the Program as a whole. Council member Davis made a motion that no changes to the regulation be proposed at this time, and the SETT is to complete a report that would represent the discussion on the regulation and include the SETT's recommendations into the report. Member Swanson seconded the motion, all approved.

All details not covered in these minutes was captured in the minutes or can be heard on the meeting recording at <https://sagebrusheco.nv.gov/Meetings/Meetings/>.

### 3. Information on each meeting held:

The public were able to voice their concerns during the workshop on March 2, 2023, in the Nevada Department of Wildlife Main Conference Room at 6980 Sierra Center Pkwy #120, Reno 89511. The Sagebrush Ecosystem Program notified interested parties through email, sent notices for posting to eight public buildings, and posted notice of the workshop online at the Sagebrush Ecosystem Program's website, the Legislative Counsel Bureau's site, and the State of Nevada's official site. Entities were encouraged to comment on the proposed mitigation regulation, either verbally or through written comments.

Thirty-eight people were present at the workshop, with ten people making verbal comments and no one submitting written comments.

Minutes of the public workshop and hearing capture the discussions held regarding the adopted regulation. Minutes and written comments may be obtained online at [sagebrusheco.nv.gov](https://sagebrusheco.nv.gov) or from the Sagebrush Ecosystem Program at 201 S. Roop Street, Suite 101, Carson City, Nevada 89701 by contacting Kathleen Petter, Sagebrush Ecosystem Technical Team at [kpetter@sagebrusheco.nv.gov](mailto:kpetter@sagebrusheco.nv.gov).

A list of names and contact information, including telephone numbers, electronic mail address, and name of entity or organization represented, for each person identified above is attached below in Appendix B.

### 4. If changes are made, a statement of the:

- (a) The adverse and beneficial effects of the regulation any business, person, or agency which it is to regulate:

No changes recommended.

- (b) Estimated economic, both adverse and beneficial, effects of the regulation any business, person, or agency which it is to regulate:

No changes recommended.

- (c) Estimated cost or savings by the agency of the proposed 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.





**STATE OF NEVADA**  
**Sagebrush Ecosystem Program**

**Appendix A.**  
**NAC 232.400-232.480**

**CHAPTER 232 STATE DEPARTMENTS**

**SAGEBRUSH ECOSYSTEM COUNCIL: MITIGATION OF ADVERSE IMPACT TO  
GREATER SAGE-GROUSE AND HABITAT**

NAC 232.400-232.480

March 2020

AUTHORITY: Statutes of Nevada 2013, NRS 232.162 of Assembly Bill No. 461; Statutes of Nevada 2013, NRS 321.592 of Assembly Bill No. 461; Statutes of Nevada 2013, NRS 321.594 of Assembly Bill No. 461

A REGULATION to mitigate certain activities that impact lands identified as Greater Sage-Grouse Habitat.

<u><a href="#">232.400</a></u>	<b>Definitions.</b>
<u><a href="#">232.405</a></u>	“Anthropogenic disturbance” defined.
<u><a href="#">232.410</a></u>	“Credit” defined.
<u><a href="#">232.413</a></u>	“De minimis impact” defined.
<u><a href="#">232.415</a></u>	“Debit” defined.
<u><a href="#">232.420</a></u>	“Greater sage-grouse” defined.
<u><a href="#">232.423</a></u>	“Habitat quantification tool” defined.
<u><a href="#">232.430</a></u>	“Mineral exploration” defined.
<u><a href="#">232.433</a></u>	“Nevada Conservation Credit System” defined.
<u><a href="#">232.438</a></u>	“Program Manager” defined.
<u><a href="#">232.440</a></u>	“Public lands” defined.
<u><a href="#">232.445</a></u>	“Sagebrush Ecosystem Council” defined.
<u><a href="#">232.447</a></u>	“Sagebrush Ecosystem Technical Team” defined.
<u><a href="#">232.450</a></u>	“Verifier” defined.
<u><a href="#">232.460</a></u>	<b>Applicability.</b>
<u><a href="#">232.470</a></u>	Duties of person or entity proposing activity or project on public lands that will cause anthropogenic disturbance; submission of certain information to Sagebrush Ecosystem Technical Team; criteria for approval of mitigation plan by Council.
<u><a href="#">232.475</a></u>	Issuance of certification of mitigation by Program Manager; compliance with terms set forth in certification.
<u><a href="#">232.480</a></u>	Training and certification of verifiers by Sagebrush Ecosystem Technical Team; maintenance of list of trained and certified verifiers.

## **SAGEBRUSH ECOSYSTEM COUNCIL: MITIGATION OF ADVERSE IMPACT TO GREATER SAGE-GROUSE AND HABITAT**

**NAC 232.400 Definitions.** ([NRS 232.162](#)) As used in [NAC 232.400](#) to [232.480](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 232.405](#) to [232.450](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.405 “Anthropogenic disturbance” defined.** ([NRS 232.162](#)) “Anthropogenic disturbance” means any direct or indirect adverse impact to the greater sage-grouse or the habitat of the greater sage-grouse, as determined by the Sagebrush Ecosystem Council.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.410 “Credit” defined.** ([NRS 232.162](#)) “Credit” means a unit of habitat conservation of the greater sage-grouse as quantified pursuant to the habitat quantification tool or other method approved by the Sagebrush Ecosystem Council.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.413 “De minimis impact” defined.** ([NRS 232.162](#)) “De minimis impact” means an anthropogenic disturbance for which the adverse impact to the greater sage-grouse or the habitat of the greater sage-grouse has been determined by the Sagebrush Ecosystem Council to be minor or trivial.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.415 “Debit” defined.** ([NRS 232.162](#)) “Debit” means a unit of loss or degradation of habitat of the greater sage-grouse caused by an anthropogenic disturbance as quantified pursuant to the habitat quantification tool.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.420 “Greater sage-grouse” defined.** ([NRS 232.162](#)) “Greater sage-grouse” means the species of bird classified as *Centrocercus urophasianus*.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.423 “Habitat quantification tool” defined.** ([NRS 232.162](#)) “Habitat quantification tool” means the science-based method of calculating debits and credits in the Nevada Conservation Credit System.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.430 “Mineral exploration” defined.** ([NRS 232.162](#)) “Mineral exploration” means the exploration of gas, oil, coal and other gaseous, liquid and solid hydrocarbons, oil shale, cement material, sand, gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources, precious metals, base metals and industrial minerals.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.433 “Nevada Conservation Credit System” defined.** ([NRS 232.162](#)) “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 project.
2. Credits that are created to protect, enhance or restore sagebrush ecosystems.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.438 “Program Manager” defined.** ([NRS 232.162](#)) “Program Manager” means the program manager of the Sagebrush Ecosystem Technical Team.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.440 “Public lands” defined.** ([NRS 232.162](#)) “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 or local government.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.445 “Sagebrush Ecosystem Council” defined.** ([NRS 232.162](#)) “Sagebrush Ecosystem Council” means the Sagebrush Ecosystem Council created by [NRS 232.162](#).

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.447 “Sagebrush Ecosystem Technical Team” defined.** ([NRS 232.162](#)) “Sagebrush Ecosystem Technical Team” means the interagency technical team created by the Governor pursuant to Executive Order No. 2012-19 to support the Sagebrush Ecosystem Council.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.450 “Verifier” defined.** ([NRS 232.162](#)) “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. The debits related to an anthropogenic disturbance; and
2. The number of credits necessary to offset such debits.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.460 Applicability.** ([NRS 232.162](#))

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, apply to any person or entity that proposes an activity or 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, 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.
- (Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.470 Duties of person or entity proposing activity or project on public lands that will cause anthropogenic disturbance; submission of certain information to Sagebrush Ecosystem Technical Team; criteria for approval of mitigation plan by Council. (NRS 232.162)**

1. Any person or entity that proposes an activity or a 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 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 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 project; and
    - (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); or
      - (II) Developing a mitigation plan with the Sagebrush Ecosystem Technical Team approved by the Sagebrush Ecosystem Council pursuant to subsection 2 that will generate enough credits to offset the direct and indirect adverse impacts the proposed activity or 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, 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 project.
- (Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.475 Issuance of certification of mitigation by Program Manager; compliance with terms set forth in certification. (NRS 232.162)**

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 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 project will have to the greater sage-grouse or the habitat of the greater sage-grouse.

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 project.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**NAC 232.480 Training and certification of verifiers by Sagebrush Ecosystem Technical Team; maintenance of list of trained and certified verifiers. (NRS 232.162)** The Sagebrush Ecosystem Technical Team shall:

- 1. Train and certify persons to be verifiers; 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.

(Added to NAC by Sagebrush Ecosystem Council by R024-19, eff. 10-30-2019)

**Appendix B.**  
**List of all Attendees by Workshop or Hearing**

Workshop 03/02/2023	Attendees				
Name	Organization	Phone	Email	Business Address	Comments (Verbal/Written)
Alan Jenne	NV Department of Wildlife		ajenne@ndow.org	6980 Sierra Center Pkwy #120, Reno, Nevada 89511	
Alan Klebenow					
Alan Shepherd	Bureau of Land Management		-	1340 Financial Blvd, Reno, Nevada 89502	
Anthony Walsh	Attorney General	775.684.1228	awalsh@ag.nv.gov	100 N Carson St, Carson City, Nevada 89701	
Ashley Nikkel					
Bevan Lister	Sagebrush Ecosystem Council		blister8@yahoo.com	201 South Roop Street Suite 101, Carson City, Nevada 89701	
Cari Anderson					
Chaantae Lessard					
Chris Jasmine	Nevada Gold Mines	775.340.6764	Chris.jasmine@nevadagoldmines.com		
Chris MacKenzie	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	
Chris Rose	US Department of Agriculture Natural Resources Conservation Service	775.836.7407	christopher.rose@usda.gov	1365 Corporate Blvd, Reno, NV 89502	
Curtis Moore					
Glen King					
Jacob Brinkerhoff	Nevada Association of Counties	801.695.7042	jbrinkerhoff@nvnao.org		
James Settelmeyer	NV Department of Conservation and Natural Resources		jsettelmeyer@dcnr.nv.gov	901 S Stewart St, Carson City, NV 89701	
Jasmine Kleiber	NV Department of Wildlife	775.688.1561	jkleiber@ndow.org	6980 Sierra Center Pkwy #120, Reno, Nevada 89511	
Jay Gibbs	US Department of Agriculture Natural Resources Conservation Service		jay.gibbs@usda.gov	1365 Corporate Blvd, Reno, NV 89502	V
Jim Gifford	US Department of Agriculture Natural Resources Conservation Service	775.834.0874	jim.gifford@usda.gov	1365 Corporate Blvd, Reno, NV 89502	
Josh Vittori	Nexus	775.224.6063	josh.vittori@nexus.env.com		
Julian Goicoechea	NV Department of Agriculture		jgoicoechea@agri.nv.gov	405 21st St, Sparks, NV 89431	
Justin Barrett	US Fish and Wildlife Service		-	1340 Financial Blvd, Reno, Nevada 89502	V
Kris Boatner	US Forest Service		-	1200 Franklin Way, Sparks, Nevada 89431	
Kyle Davis	Sagebrush Ecosystem Council		kyle@pinyonpublicaffairs.com	201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Lara Enders	US Fish and Wildlife Service	775.861.6318	lara_enders@fws.gov	1340 Financial Blvd, Reno, Nevada 89502	
Leana Carey	Progressive Rancher		Progressiverancher@elko.net		
Lewis Mendive	Resource Concepts Inc.	775.883.1600	lewis@rei-nv.com	340 N Minnesota Street, Carson City, Nevada 89703	
Liz Munn	The Nature Conservancy	415.596.2985	liz.munn@tnc.org		
Margaret Walch	Western Biological		Margaret@westernbiological.org		
Meghan Brown	NV Department of Agriculture		m.brown@agri.nv.gov	405 21st Street, Sparks, Nevada 89431	
Melany Aten	Conservation Districts	775.625.0901	maten@dcnr.nv.gov	3275 Fountain Way, Winnemucca, NV 89445	

Michael Visher	NV Division of Minerals	775.684.7044	mvisher@minerals.nv.gov	901 S Stewart St, Carson City, NV 89701	
Mike Visher	NV Division of Minerals	775.684.7044	mvisher@minerals.nv.gov	400 W King Street # 106, Carson City, Nevada 89703	
Sherman Swanson	Sagebrush Ecosystem Council	775.233.6221	sswanson@cabnr.unr.edu	201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Steven Boies	Sagebrush Ecosystem Council		osboies@yahoo.com	201 South Roop Street Suite 101, Carson City, Nevada 89701	
Tamara Baker	SSR Mining		Tamara.baker@ssrmining.com		
Tim Robb			trobb@gov.nv.gov		
William Molini	Sagebrush Ecosystem Council		williammolini@att.net	201 South Roop Street Suite 101, Carson City, Nevada 89701	
Wyatt Mesna	Elko CAB / Gibbs Ranch	775.293.1114	wyattmesna@gmail.com		