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*Katie Andriele*, Wildlife

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

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY**  
**NRS 233B.066**  
**LCB FILE NO. R024-19**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 348A.

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

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. In order to help stem this loss, the Sagebrush Ecosystem Program created a mitigation system, which still allows for mining, oil, gas, electric, and other actions that cause a disturbance, but offsets certain impacts through off-site mitigation. The proposed regulations specify that mitigation would be a requirement, in order to help prevent key habitat loss for the greater sage-grouse, thus reducing the chance for a listing under the Endangered Species Act. With a listing, the management of the greater sage-grouse would transfer to the federal government. This regulation benefits the State of Nevada as a whole by keeping the bird and its habitat under the state's control with the state benefiting from our conservation programs.

**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.**

The Sagebrush Ecosystem Program sent a questionnaire out to all known affected businesses, which included, but was not limited to, mining and energy industries. It was determined that, through information from sources such as the Nevada Division of Minerals, there are sixty-six small businesses in Nevada that may be impacted by the regulations.

Of the sixty-six questionnaires sent out, two were undeliverable, and six were returned with answers. Four stated no impacts, and two stated impacts, but the type and magnitude of impacts were unknown. The Program followed up with the one of the impacted business to further discuss their concerns. Even though there was a misunderstanding as to what the regulations would require, they did voice that this might cause a financial hardship for the smaller industries, such as mineral exploration, to require mitigation on top of their initial costs.

All other entities not captured by this mailing were able to voice their concerns during the temporary regulation workshops on December 11, 2018 in the Guinn Room at the Capitol Building at 101 N. Carson Street, Carson City, Nevada and December 20, 2018 in Room 201 at the County Courthouse at 50 W 5th Street, Winnemucca, Nevada. The Sagebrush Ecosystem Program notified interested parties through email and sent notices for posting to:

**Public buildings for both workshops and hearings:**

<b>Office</b>	<b>Address</b>
Nevada Department of Agriculture	405 South 21st Street, Sparks, Nevada
Nevada Department of Conservation and Natural Resources	901 S. Stewart Street, Carson City, Nevada
Nevada Department of Wildlife	1100 Valley Road, Reno, Nevada
Nevada Department of Wildlife	6980 Sierra Pkwy #120, Reno, Nevada
Legislative Building	401 South Carson Street, Carson City, Nevada
Library and Archives	100 N. Stewart Street, Carson City, Nevada
Nevada State Capitol	101 North Carson Street, Carson City, Nevada
Sagebrush Ecosystem Program	201 South Roop Street, Ste. 101, Carson City, Nevada

**All county libraries for the hearings:**

<b>Library</b>	<b>Address</b>
Carson City Library	900 N Roop Street, Carson City, Nevada 89701
Churchill County Library	553 South Main Street, Fallon, Nevada 89406
Las Vegas-Clark County Library HQ	833 Las Vegas Boulevard North, Las Vegas, Nevada 89101
Douglas County Library	1625 Library Lane, Minden, Nevada 89423
Elko County Library	720 Court Street, Elko, Nevada 89801
Esmeralda County Library	P.O. Box 430, Goldfield, Nevada, 89013
Eureka County Library	80 Monroe Street, Eureka, Nevada 89316
Humboldt County Library	96 East 5th Street, Winnemucca, Nevada 89445
Battle Mountain Branch Library (Lander County)	625 South Broad Street, Battle Mountain, Nevada 89820
Lincoln County Library	63 Main Street, Pioche Nevada 89043
Lyon County Library	20 Nevin Way, Yerington, Nevada 89447
Mineral County Library	P.O. Box 1390, Hawthorne, Nevada 89415
Pershing County Library	1125 Central Avenue, Lovelock, Nevada 89419
Storey County Treasurer and Clerk's Office	265 B Street Drawer D, Virginia City, Nevada 89440
Tonopah Public Library (Nye County)	P.O. Box 449, Tonopah, Nevada 89049
Washoe County Library	301 South Center Street, Reno, Nevada 89501
White Pine County Library	950 Campton Street, Ely, Nevada 89301

**Online for workshops and hearings:**

<b>Office</b>	<b>Website</b>
Sagebrush Ecosystem Program Website	<a href="http://sagebrusheco.nv.gov/Meetings/Meetings/">http://sagebrusheco.nv.gov/Meetings/Meetings/</a>
State of Nevada Posting Notice Site	<a href="https://notice.nv.gov/">https://notice.nv.gov/</a>
Legislature Administrative Regulation Notices	<a href="https://www.leg.state.nv.us/App/Notice/A/">https://www.leg.state.nv.us/App/Notice/A/</a>
Listserv – Sagebrush Ecosystem Program	<a href="https://listserv.state.nv.us">https://listserv.state.nv.us</a>
Legislative Council Bureau	<a href="mailto:regulations@lcb.state.nv.us">regulations@lcb.state.nv.us</a>

Entities were encouraged to comment on the proposed mitigation regulation, either verbally or through written comments.

Thirty-seven people were present at the December 11 workshop, with ten people making verbal comments and one submitting written comments. Fifteen people were present at the December 20, 2019 workshop, with eight people making verbal comments and one submitting written comments. Three more sets of written comments were submitted following this final workshop.

Four sets of comments were submitted prior to the Temporary Regulations Adoption Hearing on March 19, 2019 in the PEBP room at the Bryan Building at 901 S Stewart St, Carson City, NV 89701, with thirty-four people present at the hearing. Fifteen people made verbal comments. The adoption of the temporary regulations was postponed at this hearing pending more information. One written comment was submitted after this hearing. Another adoption hearing was held on April 29, 2019 at the Nevada Department of Wildlife at 6980 Sierra Center Pkwy #120, Reno, NV 89511. Thirty-two people were present at this hearing, with thirteen making verbal comments. The temporary regulation was unanimously adopted after minor wording changes.

The workshop for the permanent regulations was held September 19, 2019 at 9:00am in the Tahoe Room at the Richard Bryan Building at 901 S. Stewart Street, Carson City, Nevada. The hearing for the adoption of the regulations was held on October 3, 2019 at 1:00pm at the Nevada Department of Wildlife at 6980 Sierra Center Pkwy #120, Reno, NV 89511. The Sagebrush Ecosystem Program notified interested parties through email, sent notices for posting to eight public buildings (and all county libraries for the hearing), and posted notice of the workshops and hearings online at the Sagebrush Ecosystem Program's website, the Legislative Counsel Bureau's site, and the State of Nevada's official site (see above for details). Entities were encouraged to comment on the proposed mitigation regulation, either verbally or through written comments by September 27, 2019.

Fourteen people were present at the September 19 workshop, with four people making verbal comments and one submitting written comments. Six additional comments were submitted prior to the September 27, 2019 deadline. Thirty-eight people were present at the October 3, 2019 hearing, with seventeen making verbal comments. The permanent regulation was unanimously adopted after various wording changes.

Minutes of the public workshops and hearings capture the discussions held regarding both the adopted permanent and the adopted temporary regulation. Minutes and written comments may be obtained online at [sagebrusheco.nv.gov](http://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 A. A summary of comments and responses are included below in Appendix B.

**3) The number of persons who**

- a) **Attended each hearing:** Temporary Regulation Hearing 03/19/2019 – 34; Temporary Regulation Hearing 04/29/2019 – 32; Permanent Regulation Hearing 10/03/2019 – 38
- b) **Testified at each hearing:** Temporary Hearing 03/19/2019 – 15; Temporary Hearing 04/29/2019 – 13; Permanent Regulation Hearing 10/03/2019 – 17
- c) **Submitted to the agency written comments:** One written comment was submitted after the 03/19/2019 Temporary Regulation Hearing, and no written comments were submitted after the 04/29/2019 and 10/03/2019 Hearings.  
Please see #4 above and Appendix A for details.

**4) A list of names and contact information, including telephone numbers, 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.**

Please see Appendix A.

**5) A description of how comments were solicited from affected businesses, a summary of their responses, and an explanation how other interested persons may obtain a copy of the summary.**

The comments were solicited from affected businesses in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to #2 above.

**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 Regulation was not adopted without change. The Sagebrush Ecosystem Council took comments into consideration and made changes to the regulation.

- 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.**

Estimated economic effect of the regulation on the business which it is to regulate:

The proposed regulations will require mitigation for certain disturbances in greater sage-grouse habitat. The majority of greater sage-grouse habitat is located on federally managed lands with the majority of current disturbances generated through mineral production, energy development and/or linear transmission facilities. Currently, mitigation is voluntary for disturbances on federal lands and the proposed regulations will clarify that mitigation is required on federally managed lands as well as State-owned lands. The effects on industries could vary depending on the proposed disturbance and location. With this regulation, required mitigation on Federal lands and mitigation in general on State-owned Lands would be the new requirement. However, impacts to State Lands is anticipated to be insignificant given the minor amount of State-owned Lands residing within greater sage-grouse habitat and the majority of that land already being managed for recreational and conservation purposes.

(1) Both adverse and beneficial, immediate and long-term effects:

An adverse effect from this regulation may be increased expenditures due to more appropriate mitigation of disturbances and higher consulting costs, which will vary depending on the size and type of disturbance, the location, and past mitigation efforts. Many affected businesses have already participated in voluntary mitigation in the past, so this new regulation will have minimal to no effect on them, and would be more standardized across the state. However, providing regulatory assurances for the protection of greater sage-grouse habitat may help to ensure that the species does not become listed as an endangered species. If the greater sage-grouse were to become a listed species, environmental review costs and conservation actions for businesses could increase. Further, this would provide economic certainty for these businesses, as the requirements to mitigation change with the political atmosphere. Prior years have seen the mitigation requirements go from Net Conservation Gain to No Net Loss, from enforced by the federal agencies to completely voluntary. This regulation would clarify the mitigation requirements through the changes in policies and would keep the conservation local and consistent.

Estimated economic effect on the public:

There is no direct adverse economic effect to the general public. However, there may be a positive monetary benefit to landowners or industries that carry out certain activities to benefit greater sage-grouse habitat. Entities that improve habitat and enroll the activities in the Conservation Credit System are eligible to receive compensation for their work from entities that are required to do mitigation. In addition, the regulations will help manage for more intact landscapes long-term and improved sage-grouse and other wildlife habitats and populations that allow for better recreational benefits to the public, tourism opportunities, hunting opportunities, and preservation of Nevada's natural heritage. The regulations would also benefit consulting firms and contractors with the increased need for people to conduct on the ground verification of habitat as well as habitat conservation work on the landscape.

(1) Both adverse and beneficial effects, immediate and long-term effects:

Immediate impacts will see increased economic opportunities for landowners and businesses carrying out, or involved with, projects to benefit greater sage-grouse habitat. In addition to continuation of all immediate benefits listed above, long-term benefits would include more intact landscapes long-term with better recreational benefits to the public, tourism opportunities, and preservation of Nevada's natural heritage; improved sage-grouse and other wildlife habitats and populations; and better game populations and hunting opportunities. However, most importantly, the regulation will improve upon efforts to avoid a sage-grouse listing, which would likely have significant detrimental impacts to ranchers, ranching communities, agriculture, and other industries. A potential indirect adverse effect of these regulations to the general public could be an increase in the cost of industrial products and services to recover the costs of mitigation.

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

The enforcement of the regulation falls within current operations of the Sagebrush Ecosystem 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 same 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.**

On December 6, 2018, the Bureau of Land Management sent out Instruction Memorandum 2019-018 that stated "Except as described herein, the BLM will not impose, and will not build mechanisms for it to enforce mandatory compensatory mitigation into its official actions, authorizations to use the public lands, and any associated environmental review documents, including, but not limited to, permits, rights-of-ways, environmental impact statements, environmental assessments, and resource management plans... Any compensatory mitigation that a project proponent proposes must be voluntary, or in compliance with State requirements or other Federal requirements."

In light of IM 2019-018 and other considerations, Governor Sandoval enacted Executive Order 2018-32 requiring mitigation as a regulation in order to work towards preventing a listing of the greater sage-grouse and to continue to conserve sagebrush ecosystems

**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.**

The proposed regulation does not provide for new fees or increase an existing fee.

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

Workshop 12/11/2018 *Known Small Businesses					
Name	Organization	Phone	Email	Business Address	Comments (Verbal/Written)
Allen Biaggi	Sagebrush Ecosystem Council	775.781.2112		201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Bettina Scherer	Conservation Districts	775.684.2717	<a href="mailto:bscherer@dcnr.nv.gov">bscherer@dcnr.nv.gov</a>	901 South Stewart Street Suite 1003, Carson City, Nevada 89701	
Bradley Crowell	Nevada Department of Conservation and Natural Resources		<a href="mailto:bcrowell@dcnr.nv.gov">bcrowell@dcnr.nv.gov</a>	901 South Stewart Street Suite 1003, Carson City, Nevada 89701	
Brian Amme	Bureau of Land Management	775.861.6590	<a href="mailto:bamme@blm.gov">bamme@blm.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	V
Britt Johnson	Sunrise Minerals LLC*		<a href="mailto:britt.bbr@gmail.com">britt.bbr@gmail.com</a>		
Bryan Stockton	Attorney General	775.684.1228	<a href="mailto:bstockton@ag.nv.gov">bstockton@ag.nv.gov</a>	100 N Carson St, Carson City, Nevada 89701	
Carolyn Swed	US Fish and Wildlife Service		<a href="mailto:carolyn_swed@fws.gov">carolyn_swed@fws.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	
Cheva Gabor	US Forest Service		<a href="mailto:chevalgabor@fs.fed.us">chevalgabor@fs.fed.us</a>	1200 Franklin Way, Sparks, Nevada 89431	
Chris MacKenzie	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Don Siecke	Kelmore Development		<a href="mailto:don@kelmoredevelopment.com">don@kelmoredevelopment.com</a>		
Doug Busselman	Nevada Farm Bureau	775.870.3349	<a href="mailto:doug@nvfb.org">doug@nvfb.org</a>	2165 Green Vista Drive #205, Sparks, Nevada 89431	V/W
Floyd Rathbun	FIMCorp.	775.423.4267	<a href="mailto:Rathbun@phonewave.net">Rathbun@phonewave.net</a>		
Gail Ross	Barrick Gold of North America		<a href="mailto:gross@barrick.com">gross@barrick.com</a>	905 West Main Street, Elko, Nevada 89801	
Gary Roeder	Natural Resources Conservation Service	775.857.8500	<a href="mailto:gary.roeder@nv.usda.gov">gary.roeder@nv.usda.gov</a>	1365 Corporate Blvd, Reno, Nevada 89502	
Ginger Peppard	Elko Mining Group	775.223.2677	<a href="mailto:gingerpeppard@elkomininggroupp.com">gingerpeppard@elkomininggroupp.com</a>	9650 Gateway Dr #202, Reno, Nevada 89521	
J. A. Vacca	Bureau of Land Management	775.681.6613	<a href="mailto:jvacca@blm.gov">jvacca@blm.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	
Jasmine Kleiber	Nevada Department of Wildlife	775.688.1561	<a href="mailto:jkleiber@ndow.org">jkleiber@ndow.org</a>	6980 Sierra Center Pkwy #120, Reno, Nevada 89511	
Jeremy Drew	Resource Concepts Inc./Nevada Association of Counties	775.883.1600	<a href="mailto:jeremy@rei-nv.com">jeremy@rei-nv.com</a>	340 N Minnesota Street, Carson City, Nevada 89703	
Jeremy Sokulsky	Environmental Incentives	530.841.2980	<a href="mailto:jsokulsky@enviroincentives.com">jsokulsky@enviroincentives.com</a>	3351 Lake Tahoe Blvd # 2, South Lake Tahoe, California 96150	
Jim Lawrence	Nevada Department of Conservation and Natural Resources		<a href="mailto:lawrence@dcnr.nv.gov">lawrence@dcnr.nv.gov</a>	901 South Stewart Street Suite 1003, Carson City, Nevada 89701	
Karen Boeger	Nevada Backcountry Hunters and Anglers	775.722.4249	<a href="mailto:rboegerroll@gmail.com">rboegerroll@gmail.com</a>		
Kim Summers	RDD Inc.	775.304.6214	<a href="mailto:knottcreekranch@gmail.com">knottcreekranch@gmail.com</a>		V
Lara Enders	US Fish and Wildlife Service	775.861.6318	<a href="mailto:lara_enders@fws.gov">lara_enders@fws.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	
Matt Magaletti	Bureau of Land Management	775.861.6472	<a href="mailto:mmagalet@blm.gov">mmagalet@blm.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	
Meghan Brown	Nevada Department of Agriculture		<a href="mailto:m.brown@agri.nv.gov">m.brown@agri.nv.gov</a>	405 21st Street, Sparks, Nevada 89431	
Mike Visher	Nevada Division of Minerals	775.684.7044	<a href="mailto:mvisher@minerals.nv.gov">mvisher@minerals.nv.gov</a>	400 W King Street # 106, Carson City, Nevada 89703	
Monique Nelson	US Forest Service	775.355.5314	<a href="mailto:moniquenelson@fs.fed.us">moniquenelson@fs.fed.us</a>	1200 Franklin Way, Sparks, Nevada 89431	
Paige Barnes	Crowley and Ferrato		<a href="mailto:paige@crowleyandferrato.com">paige@crowleyandferrato.com</a>		
Pam Robinson	Governor's Office		<a href="mailto:probinson@gov.nv.gov">probinson@gov.nv.gov</a>		V
Rich Perry	Nevada Division of Minerals	775.684.7047	<a href="mailto:rmperry@minerals.nv.gov">rmperry@minerals.nv.gov</a>	400 W King Street # 106, Carson City, Nevada 89703	V
Sandra Brewer	Bureau of Land Management	775.861.6622	<a href="mailto:sbrewer@blm.gov">sbrewer@blm.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	
Sherman Swanson	Sagebrush Ecosystem Council	775.233.6221	<a href="mailto:sswanson@cabnr.unr.edu">sswanson@cabnr.unr.edu</a>	201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Sheila Anderson	Governor's Office		<a href="mailto:skanderson@gov.nv.gov">skanderson@gov.nv.gov</a>	101 N Carson Street # 1, Carson City, Nevada 89701	
Steven Boies	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Tim Rubald	Retired	775.790.8035	<a href="mailto:tim@rubaldandassociates.com">tim@rubaldandassociates.com</a>		
Vinson Guthreau	Nevada Association of Counties	775.883.7863	<a href="mailto:vguthreau@nvnaco.org">vguthreau@nvnaco.org</a>	304 S Minnesota Street, Carson City, Nevada 89701	
William Molini	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Workshop 12/20/2018 *Known Small Businesses					
Name	Organization	Phone	Email	Business Address	Comments (Verbal/Written)
Bevan Lister	Sagebrush Ecosystem Council	775.962.1283	<a href="mailto:8milelister@gmail.com">8milelister@gmail.com</a>		V
Doug Busselman	Nevada Farm Bureau	775.870.3349	<a href="mailto:doug@nvfb.org">doug@nvfb.org</a>	2165 Green Vista Drive #205, Sparks, Nevada 89431	V
Hunter Burkett	Pheasants Forever and Natural Resources Conservation Service	775.843.3669	<a href="mailto:hburkett@pheasantsforever.org">hburkett@pheasantsforever.org</a>	1200 E Winnemucca Blvd, Winnemucca, Nevada 89445	
Jim French	Humboldt County Commission	775.843.8327	<a href="mailto:jlfrench6472@sbcglobal.net">jlfrench6472@sbcglobal.net</a>	50 W 5th Street #205, Winnemucca, Nevada 89445	V
Joe Sicking	Nevada State Conservation Commission and Paradise Sonoma Conservation District	775.427.3234	<a href="mailto:sickings@gmail.com">sickings@gmail.com</a>		V
Joel Lenz	Governor's Office of Economic Development	775.430.1059	<a href="mailto:jlenz@diversifynevada.com">jlenz@diversifynevada.com</a>	808 West Nye Lane, Carson City, Nevada 89703	
Kim Summers	RDD Inc.	775.304.6214	<a href="mailto:knottcreekranch@gmail.com">knottcreekranch@gmail.com</a>		V
Kimberley Wolf	Barrick Gold of North America	775.934.0658	<a href="mailto:kwolf@barrick.com">kwolf@barrick.com</a>	905 West Main Street, Elko, Nevada 89801	
Kurt Englehart	Senator Cortez Masto	775.225.1457	<a href="mailto:kurt_englehart@cortezmasto.senate.gov">kurt_englehart@cortezmasto.senate.gov</a>	400 South Virginia Street Suite 902, Reno, Nevada 89501	
Melany Aten	Conservation Districts	775.625.0901	<a href="mailto:maten@dcnr.nv.gov">maten@dcnr.nv.gov</a>	901 South Stewart Street Suite 1003, Carson City, Nevada 89701	
Ron Espell	Prophecy Development	775.777.4777	<a href="mailto:respell@prophecydev.com">respell@prophecydev.com</a>		
Sam Haigh	Natural Resources Conservation Service	775.623.5025	<a href="mailto:samuel.haigh@nv.usda.gov">samuel.haigh@nv.usda.gov</a>	1200 E Winnemucca Blvd, Winnemucca, Nevada 89445	
Shane Hall	Crawford Cattle	775.304.8002	<a href="mailto:ccbarcattle@gmail.com">ccbarcattle@gmail.com</a>		V
Thad Ballard	Wells Rural Electric Co.*	775.752.0926	<a href="mailto:tballard@wrec.coop">tballard@wrec.coop</a>	1322 Chestnut Street, Carlin, Nevada 89822	V/W
Tim Crowley	McEwen Mining and Lithium Nevada	775.843.1345	<a href="mailto:tim@crowleyandferrato.com">tim@crowleyandferrato.com</a>		V

Hearing 03/19/2019					
Name	Organization	Phone	Email	Business Address	Comments (Verbal/Written)
Adrian Juncosa	Ecosynthesis		<a href="mailto:ajuncosa@ecosynthesis.com">ajuncosa@ecosynthesis.com</a>		
Allen Biaggi	Sagebrush Ecosystem Council	775.781.2112		201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Bettina Scherer	Conservation Districts	775.684.2717	<a href="mailto:bscherer@dcnr.nv.gov">bscherer@dcnr.nv.gov</a>	901 South Stewart Street Suite 1003, Carson City, Nevada 89701	
Bevan Lister	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Carolyn Swed	US Fish and Wildlife Service		<a href="mailto:carolyn_swed@fws.gov">carolyn_swed@fws.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	V
Cheva Gabor	US Forest Service		<a href="mailto:chevalgabor@fs.fed.us">chevalgabor@fs.fed.us</a>	1200 Franklin Way, Sparks, Nevada 89431	V
Chris MacKenzie	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Craig Burkett	Attorney General			100 N Carson St, Carson City, Nevada 89701	
Debbie Lassiter	Elko Mining Group	775.335.5694	<a href="mailto:debbie.lassiter@elkomininingroup.com">debbie.lassiter@elkomininingroup.com</a>	9650 Gateway Dr #202, Reno, Nevada 89521	
Erica Freese	Stantec	775.530.3311	<a href="mailto:erica.freese@stantec.com">erica.freese@stantec.com</a>	6995 Sierra Center Pkwy, Reno, Nevada 89511	
Gerry Emm	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	
Ginger Peppard	Elko Mining Group	775.223.2677	<a href="mailto:gingerpeppard@elkomininingroup.com">gingerpeppard@elkomininingroup.com</a>	9650 Gateway Dr #202, Reno, Nevada 89521	
Hank James	Nevada Rural Electric Association	775.275.0439	<a href="mailto:hjames@nrea.coop">hjames@nrea.coop</a>	1894 E Williams Street Suite 4222, Carson City, Nevada 89701	
J. A. Vacca	Bureau of Land Management	775.681.6613	<a href="mailto:ivacca@blm.gov">ivacca@blm.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	V
J.J. Goicoechea	Sagebrush Ecosystem Council			201 South Roop Street Suite 101, Carson City, Nevada 89701	V
Jasmine Kleiber	Nevada Department of Wildlife	775.688.1561	<a href="mailto:jkleiber@ndow.org">jkleiber@ndow.org</a>	6980 Sierra Center Pkwy #120, Reno, Nevada 89511	
Jeremy Drew	Resource Concepts Inc./Nevada Association of Counties	775.883.1600	<a href="mailto:jeremy@rei-nv.com">jeremy@rei-nv.com</a>	340 N Minnesota Street, Carson City, Nevada 89703	V
Jim Butler	Barrick Gold of North America	775.323.1601	<a href="mailto:jbutler@parsonsbehle.com">jbutler@parsonsbehle.com</a>	50 West Liberty Street Suite 750, Reno, Nevada 89501	
Jim Lawrence	Nevada Department of Conservation and Natural Resources		<a href="mailto:lawrence@dcnr.nv.gov">lawrence@dcnr.nv.gov</a>	901 South Stewart Street Suite 1003, Carson City, Nevada 89701	V
John Cleary	Western Exploration	775.329.8119	<a href="mailto:clearj@westernexploration.com">clearj@westernexploration.com</a>		
Jon Raby	Bureau of Land Management	775.861.6590	<a href="mailto:jraby@blm.gov">jraby@blm.gov</a>	1340 Financial Blvd, Reno, Nevada 89502	V
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## Appendix B. Summary of Comments and Responses

Permanent Regulation Section	Comments	Commenter	Representing	Scenario / Reason for Comment	Resolution	Scenario / Reason for Resolution
Section 3	"Defined by the State Plan" rather than the Sagebrush Ecosystem Council	Jeremy Drew	Nevada Association of Counties	The State Plan is less able to change on a whim than the Sagebrush Ecosystem Council	Maintain current; consider as a future amendment	LCB states we cannot add in the State Plan unless it too goes through the regulatory process.
Section 3	Give anthropogenic features a geographical limitation such as the Habitat Management Area	Jeremy Drew/ Jim Butler	Nevada Association of Counties/Nevada Gold Mines	To avoid having to mitigate for disturbances outside of sage-grouse management areas	Maintain current	The Executive Order and Temporary regulation both intended to capture direct and indirect impacts to sage-grouse habitat.
Section 5	"Defined by the State Plan" rather than the Sagebrush Ecosystem Council	Jeremy Drew	Nevada Association of Counties	The State Plan is less able to change on a whim than the Sagebrush Ecosystem Council	Maintain current	LCB states we cannot add in the State Plan unless it too goes through the regulatory process.
Section 5	Change to "...has been determined by the Sagebrush Ecosystem <b>Technical Team in cooperation with the project proponent and land manager</b> to be minor or trivial."	Carolyn Turner	Nevada Rural Electric Association	Unknown	Maintain current	De Minimis impacts should be determined through science and literature and ultimately approved by the Sagebrush Ecosystem Council.
Section 9.2	Change to "Credits that are created by persons or <b>entities</b> ..." and remove specifics	Jeremy Drew	Nevada Association of Counties	Left out Conservation Districts and For-Profit businesses	Revised: "Credits that are created to protect, enhance or restore sagebrush ecosystems." and remove the rest.	If all people are to be included, then don't include anyone.
Section 9.2	Change to "...by persons, <b>entities</b> , federal and state agencies, local governments and their <b>subdivisions</b> , and nonprofit organizations and <b>associations</b> to protect, enhance or restore sagebrush ecosystems."	Carolyn Turner	Nevada Rural Electric Association	Not-for-profit associations of persons and political subdivisions of the State should be given the same ability to generate credits as other stakeholders in the Conservation Credit System ("CCS") process	Revised: "Credits that are created to protect, enhance or restore sagebrush ecosystems." and remove the rest.	If all people are to be included, then don't include anyone.
Section 11/12 (new)	Exempt local government from the definition of public land.	Jeremy Drew	Nevada Association of Counties	Remove any direct or indirect mitigation requirements on private lands from disturbances on private lands	Revised	
Section 14.1(a)	Give anthropogenic features a geographical limitation such as the Habitat Management Area	Jeremy Drew	Nevada Association of Counties	To avoid having to mitigate for disturbances outside of sage grouse management areas	Maintain current	The Executive Order and Temporary regulation both intended to capture direct and indirect impacts to sage-grouse habitat.
Section 14.1(a)	Change to "The provisions of sections 2 to 17, inclusive, of this regulation apply to any person or entity that proposes an activity or project that will cause an anthropogenic disturbance <b>within greater sage-grouse designated habitat areas and is subject to state or federal review, approval, or authorization</b> ."	Jim Butler	Nevada Gold Mines	The applicability of the rule is written too broadly and should be revised.	Revised: "The provisions of sections 2 to 17, inclusive, of this regulation apply to any person or entity that proposes an activity or project <b>subject to state or federal review, approval, or authorization</b> that will cause an anthropogenic disturbance." Refer to "Possible Revisions" document.	The Executive Order and Temporary regulation both intended to capture direct and indirect impacts to sage-grouse habitat.; but can change back to "subject to state or federal review, approval, or authorization"
Section 14.1(b)	Delete Section	Jim Butler	Nevada Gold Mines	This section is beyond the Council's legal authority to hold up permits and should be deleted.	Removed	Does not change how the Program will work with federal agencies to enforce regulations.
Section 14.1(b)	Limit permits affected to "State or Federal review, approval, or authorization."	Jeremy Drew/ Carolyn Turner	Nevada Association of Counties/ Nevada Rural Electric Association	Too many permits to try to regulate	Removed there and revised throughout the document	
Section 14.2(b)	Strike the part of the sentence beyond "December 7, 2018." Change to "An activity or project <b>with authorized land uses that were approved prior to December 7, 2018.</b> "	Tom Williams	Fiore Gold Inc.	The inclusion of the requirement of the activity to "maintain compliance with any condition or requirement for any such approval" is vague and unenforceable.	Maintain current	Permitted activities beyond December 7, 2018 may be subject to the regulations.
Section 14.2(b)		Jim Butler	Nevada Gold Mines	The requirements for the "grandfather" for prior approved projects are written too broadly.	Removed local governments	
Section 14.2(c)	Change to "An activity or project <b>using</b> a mitigation agreement or framework agreement..."	Justin Barrett	U.S. Fish and Wildlife	Therefore there are no debit projects with said mitigation agreements. The agreements are mechanisms for creating credits; debit projects can USE those mitigation agreements to fulfill their obligation.	Revised	
Section 14.2(c)	Add "or any amendment to such mitigation agreement or framework agreement " at the end.	Jim Butler	Nevada Gold Mines	The regulations should clearly recognize existing compensatory mitigation agreements, including future amendments to such agreements.	Revised: "...before December 7, 2018, <b>and any amendments thereto;</b> "	
Section 14.2(d)	Exempt locatable minerals.	Laura Granier	Fiore Gold Inc./Western Exploration	Mining Law of 1872	Maintain current	There are statutory requirements to comply with state and Federal Laws to ensure that mining operations meet today's cultural and environmental needs.
Section 14.2(d)	Exempt all mineral exploration projects.	Mark Compton/David Shaddrick/Debbie Struhsacker/Laura Granier	American Exploration and Mining Association/ Nevada Mineral Exploration Coalition/American Exploration and Mining Association/Fiore Gold Inc./Western Exploration	The regulations will create undue hardships on the small exploration businesses, as most do above-notice level disturbances	Maintain current	We believe that the exploration improvement reduces the burden of mitigation significantly as proposed in the improvement document.
Section 14.2(d)	Add Linear Projects to <5 acres of disturbance exemption.	Carolyn Turner	Nevada Rural Electric Association	Construction and maintenance of power lines, which requires little active surface disturbance, should be considered for placement on the list of projects and activities which do not require mitigation or the use of credits.	Maintain current	Maintenance, as long as nothing is expanded or creating additional long-term disturbance, is already exempt.
Section 14.2(e)	Remove "...that the Sagebrush Ecosystem Council determines:"	Jeremy Drew	Nevada Association of Counties	Don't want to have to get permission every time there is an emergency.	Revised	
Section 14.2(e)	Clarify this section.	Jesse Wadhams	Nevada Rural Electric Association	Provision of power in remote areas should be health and safety.	Removed "...that the Sagebrush Ecosystem Council determines:"	
Section 14.2(e)new(2)	Bring back routine administrative functions	Jim French/Jeremy Drew/Jim Penrose/Jim Butler/Carolyn Turner	Nevada Association of Counties/Nevada Association of Counties/Nevada Mining Association/Nevada Gold Mines/Nevada Rural Electric Association	Do not want to mitigate for a temporary administrative function such as grading a road or emergency repairs or use of a gravel pit.	Added: " <b>Routine administrative or emergency functions conducted by federal, state, or local government that serve a public purpose that do not require federal or state authorization or that do not result in an additional direct or permanent indirect impact</b> " as in the temporary regulation.	Council deemed it important to have in, to ensure freedom to complete these tasks in the future.

Permanent Regulation Section	Comments	Commenter	Representing	Scenario / Reason for Comment	Resolution	Scenario / Reason for Resolution
Section 15.1.new(b)	Reinsert working with SETT on the Avoid and Minimize consultation	Jim Penrose/Jim Butler	Nevada Mining Association/Nevada Gold Mines	Important to require	Added: "Work with the Sagebrush Ecosystem Technical Team to avoid and minimize disturbances to the greatest extent possible to reduce the potential mitigation obligations;"	Council deemed it important to have in, to ensure the agencies work together.
Section 15.1(b)(1)	Add an interim step to try to mediate the differences when there is a dispute over final debit numbers	Jeremy Drew/Jim Penrose	RCI/Nevada Mining Association	Should have a meeting before deciding on a final number.	Revised: "...verifier and Program Manager, the Program Manager will work with the Verifier to finalize the calculation, and if there is still a difference, the calculations..."	This is a typical part of the QA process prior to final submission.
Section 15.1(b)(1)	The Sagebrush Ecosystem Council should have the final say on any disputes	Jim Penrose/Carolyn Turner	Nevada Mining Association/Nevada Rural Electric Association	The Sagebrush Ecosystem Council should have the final say on any disputes	Maintain current	Program Manager should be given discretion prior to Council review. (if incorporated as suggested, could lead to lengthy delays and costly resolution for minor discrepancies.
Section 15.1(b)(2)(i)	Change to "acquiring from or transferring a sufficient number of credits..."	Jeremy Drew	RCI	Confused with the Section 15.1(b)(2)(ii) as they seem similar.	Revised: "acquiring or transferring a sufficient number of credits..."	Credit offsets can be purchased or transferred.
Section 15.1(b)(2)(ii)	Require the mitigation plan to be completed with the SETT	Jim Penrose	Nevada Mining Association	Requirement not specified	Revised: "Developing a mitigation plan with the Sagebrush Ecosystem Technical Team..."	Would typically be a part of the SEP administrative process prior to submission to the council.
Section 15.1(b)(2)(ii)	Require the HQT to be followed during the mitigation plan process	Kim Summers	Self	Requirement not specified	Maintain current	Credits are already defined to align with the CCS and the HQT.
Section 15.1(b)(2)(ii)	Add opportunity for a debit creating project on federal lands to be able to create credits on federal lands.	Tom Williams	Fiore Gold Inc.	It is impossible for all debits created on federal lands in the state to be mitigated by creation of credits on private lands.	See Section 15.1(b)(2)(ii)	Development of a mitigation enables proponent-driven mitigation on public lands (also included as an improvement to the CCS).
Section 15.2new(g)	Add "Any discrepancy between the debits and credits quantified by a verifier and the debits and credits quantified by the Program Manager."	Carolyn Turner	Nevada Rural Electric Association	A method for review or appeal of decisions for approval or denial of an application for mitigation plan or calculation of credits should be clearly delineated. Where applicable, any discrepancy between the calculation of credits required for a project between a verifier and the Program Manager should be considered by the Council and subject to review.	Maintain current	Addressed in Section 15.1(b)(1) comments above.
Sections 15 and 16	Have a timeline to complete the administration process such as 90 days or 120 days.	Jim Penrose	Nevada Mining Association	To prevent the process from extending over long periods of time. Unsure what process he is referring to.	Revised: "Within 10 working days after completion of the process set forth in section 15 of this regulation..."	Most everything is timed already in the regulation. Most of the timeline is up to the Proponent. This was removed from the original temporary regulation.
Throughout	Ensure that the regulations apply to not only "people and entities", but government agencies as well	Jim Penrose	Nevada Mining Association	To capture everyone	Maintain current	LCB assured us that "persons or entities" legally captures all people, agencies, etc.
Throughout	Wording changes	Sagebrush Ecosystem Council	Self	Clarity or discussion of comments during the hearing.	Revised as proposed	
Other	Allow roadkill removal to be quantified as credits.	Tom Williams	Fiore Gold Inc.	The Conservation credit System (CCS) makes no quantitative allowance for roadkill removal as a project mitigation strategy; this may well be more important than any amount of minor incremental improvement of existing GSG habitat.	NA	Not part of the current regulation.
Other	Address flaws in the HQT.	Tom Williams	Fiore Gold Inc.	HQT fails to take into account other factors important to the habitat and the conifer layer is not accurate.	NA	Not part of the current regulation.
Other	Prior to adoption of the proposed ordinance, the SETT should disclose in clear terms: 1) how many credits have been transferred by a credit generator that is not owned by the debit creating entity; 2) how many credits are truly available on the "open" credit market; and, 3) how many debits are estimated for currently approved or proposed projects.	Tom Williams	Fiore Gold Inc.	For the CCS approach to be required of all projects, there must be a reasonable expectation that sufficient credits can be feasibly created to offset the calculated debits.	1) None at this time; 2) 6,854 currently; 3) 1,531 currently. All information is available on our website at <a href="http://sagebrushheco.nv.gov/CCS/ConservationCreditSystem/">http://sagebrushheco.nv.gov/CCS/ConservationCreditSystem/</a>	Not part of the current regulation.
Other	Indirect impacts should not be used to calculate credits or debits from a proposed project.	Tom Williams	Fiore Gold Inc.	Indirect impacts are too vague and the current science to understand them is insufficient to base regulation upon.	NA	Not part of the current regulation.
Other	HQT be dropped in favor of a more simple, direct impact versus replacement process.	Tom Williams	Fiore Gold Inc.	HQT is not transparent enough for use in regulation	NA	Not part of the current regulation.
Other	A simple method of determining how many acres of habitat will be lost by direct impacts and then requiring that number of acres to be reclaimed or replaced within the local area would be easier, less costly and more effective.	Tom Williams	Fiore Gold Inc.	This process is too onerous and too complicated to be functional or affordable for the average mining company.	NA	Not part of the current regulation.
Other	Re-write these regulations in light of a better understanding of the effects of climate change on greater sage-grouse consistent with best available science.	Tom Williams	Fiore Gold Inc.	This statement is over-reaching and for just one example does not separate out the effects of climate change.	NA	Not part of the current regulation.