



SAGEBRUSH ECOSYSTEM PROGRAM OVERVIEW OF AUTHORITIES

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Presentation to the
SAGEBRUSH ECOSYSTEM COUNCIL
Thursday, January 8, 2015**



Topics of Presentation

- **AB 461**
- **NRS walk-through**
 - **Council Authorities**
 - **DCNR/State Lands Division Authorities**
 - **Programs such as the Conservation Credit System (CCS)**
 - **Public vs. Private lands**
- **Council involvement in Resolving Conflicts re CCS**
- **Council's Legal Representation**



AB 461

-2013 Session

-Created Sagebrush Ecosystem Council (SEC)

-Nevada is first state to create law to protect and enhance Sagebrush Ecosystems



NRS 232.161

Creates account for monies to be used to carry out programs to preserve, restore and enhance sagebrush ecosystems.



NRS 232.162

- Establishes SEC membership
- Establishes duties of SEC:
 - Establish and carry out **strategies** for conservation and land management
 - Provide **direction** to state agencies concerning conservation programs
 - Establish a mitigation program
 - If requested, provide advice for resolution of any conflict



NRS 321.592

Provides Division of State Lands authority to “establish” and “carry out” programs to preserve, restore and enhance sagebrush ecosystems on public land . . . and privately owned land . . . with the consent of the owner.”



NRS 321.594

The Division shall:

“Oversee and administer a program to mitigate damage to sagebrush ecosystems through a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations”



Statutory Authority

What does this do?

- Allows SEC to **establish** programs
- Allows DCNR/State Lands to **administer** programs
- Includes all public lands, as well as private lands where consent



Public Lands

Any projects on public lands require consultation with SETT

- NRS 321.594(2)(d)

- cooperation with federal agencies

- Interface with NEPA

- MOU to establish cooperative agreement between state and federal agencies



Private Lands

Once a private land owner has agreed to participate in programs, including CCS, contractual obligation to perform preservation, restoration and enhancement of sagebrush ecosystems consistent with contract

NRS 321.594(3)(a)



SEC Involvement in Resolving Conflicts Re CCS

- CCS Manual
 - Section 2.1 Governance Roles
- Review process of SETT recommendation to be set out in Dispute Resolution Manual
- SEC or appointed panel to review and decide recommendation in advance of BLM decision



Regulations

-SEC may adopt regulations regarding the governance and management of Council

NRS 232.161(6)(a)

-Administrator of State Lands may adopt regulations to preserve, restore and enhance sagebrush ecosystems

NRS 321.594(3)(e)



SEC Legal Representation

Absent extenuating circumstances, SEC members will be represented by the Attorney General's Office

NRS 228.140

NRS 228.170