



# **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