

## **NACO Suggested Amendment to the Sagebrush Ecosystem Proposed Regulation for Mitigation in Greater Sage-grouse Habitat**

**Sec. 2.** Applicability of regulations. Mitigation of residual direct or indirect anthropogenic impacts resulting in potential habitat loss or degradation as defined by the Nevada Greater Sage-Grouse Conservation Plan and the Nevada Conservation Credit System, within Greater Sage-Grouse Habitat Management Areas is required when the anthropogenic disturbance is subject to state or federal review, approval, or authorization, as ordered by Nevada Executive Order 2018-32, signed on December 7, 2018. The following are not subject to these regulations:

- 1) Activities that are in compliance with authorized land uses that were signed prior to December 7, 2018,
- 2) Activities using any mitigation agreement or framework signed by the U.S. Fish and Wildlife Service prior to December 7, 2018, including any “Bank Enabling Agreement” or “Conservation Framework Agreement”, between the Department of Interior and private companies, or any amendments thereto,
- 3) Direct impacts of projects or actions located on privately owned lands,
- 4) Mineral exploration activities causing surface disturbance of five (5) acres or less,
- 5) De minimis activities as identified in the Nevada Greater Sage-Grouse Conservation Plan, ~~or~~
- 6) Anthropogenic disturbances outlined in the Nevada Greater Sage-Grouse Conservation Plan and the Nevada Conservation Credit System which directly address public health and safety, ~~through the approval of the Sagebrush Ecosystem Program Manager, or~~
- 7) 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 impact or permanent indirect impact.**