

Permanent Regulation Section	Comments	Commenter	Representing	Scenario / Reason for Comment	Possible Resolution	Scenario / Reason for Resolution
Section 3	"Defined by the State Plan" rather than the Sagebrush Ecosystem Council	Jeremy Drew	NACO	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	NACO/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	NACO	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 entities..." and remove specifics	Jeremy Drew	NACO	Left out Conservation Districts and For-Profit businesses	Possible amendment: "Credits that are created to protect, enhance or restore sagebrush ecosystems." and remove the rest. Refer to "Possible Revisions" document.	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 <b>and their subdivisions</b> , and nonprofit organizations <b>and 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	Possible amendment: "Credits that are created to protect, enhance or restore sagebrush ecosystems." and remove the rest. Refer to "Possible Revisions" document.	If all people are to be included, then don't include anyone.
Section 14.1(a)	Give anthropogenic features a geographical limitation such as the Habitat Management Area	Jeremy Drew	NACO	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.	Possible amendment: "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 sections is beyond the Council's legal authority to hold up permits and should be deleted.	Maintain current	Authority given in NRS 232.162 to create regulations requiring compliance with the CCS, and permits require compliance with state laws to be valid.
Section 14.1(b)	Limit permits affected to "State or Federal review, approval, or authorization."	Jeremy Drew/ Carolyn Turner	NACO/ Nevada Rural Electric Association	Too many permits to try to regulate	Possibly amend there and throughout the document	
Section 14.2(b)	Strike the part of the sentence beyond "December 7, 2018."	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)	Change to "An activity or project <b>with authorized land uses that were approved prior</b> to December 7, 2018."	Jim Butler	Nevada Gold Mines	The requirements for the "grandfather" for prior approved projects are written too broadly.	Possibly remove 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.	Possibly amend	
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.		Upon advice of the council, without knowing what the amendment would be, was not recommended to include in permanent regulations.
Section 14.2(d)	Exempt all mineral exploration projects.	Mark Compton/David Shaddrick	American Exploration and Mining Association/ Nevada Mineral Exploration Coalition	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	NACO	Don't want to have to get permission every time there is an emergency.	See "Possible Revisions" document for comment.	

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Section 14.2(e)new(2)	Bring back routine administrative functions	Jim French/Jeremy Drew/Jim Penrose/Jim Butler/Carolyn Turner	NACO/NACO/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.	Possible new amendment: "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" as in the temporary regulation.	This was deemed as unnecessary by LCB because the CCS doesn't regulate those activities.
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	Council's discretion - concerns from LCB "Work with the Sagebrush Ecosystem Technical Team to avoid and minimize disturbances to the greatest extent possible to reduce the potential mitigation obligations;"	LCB stated that this was not part of the mitigation process, therefore not part of the regulation. Something outside the purview of the regulation.
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.	Possible amendment: "...verifier and Program Manager, <b>the Program Manager will work with the Verifier to finalize the calculation, and if there is still a difference, the calculations...</b> "	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 <b>transferring</b> a sufficient number of credits..."	Jeremy Drew	RCI	Confused with the Section 15.1(b)(2)(II) as they seem similar.	Possible amendment: "acquiring or <b>transferring</b> 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	Possible amendment: "Developing a mitigation plan <b>with the Sagebrush Ecosystem Technical Team...</b> "	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	Possible amendment: "Developing a mitigation plan with the Sagebrush Ecosystem Technical Team <b>that is consistent with the Conservation Credit System...</b> " and "The conservation actions that are included in the plan and the number of credits as <b>determined by the Habitat Quantification Tool...</b> "	Want to leave it open to allow for future programmatic expansion, which will fall under the CCS, so allowing for alignment with the CCS should clear it up.
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 " <b>Any discrepancy between the debits and credits quantified by a verifier and the debits and credits quantified by the Program Manager.</b> "	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.	Possible amendment: " <b>Within 10 working days after</b> 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 Project 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.
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.

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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.

**Other items the SEC may wish to consider**

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New Section 9	Add Sec. 9. "Mineral Exploration" means exploration of minerals pursuant to NRS 120A.096.				Possible amendment	
Throughout	Add "on public lands" after "an activity or project"			Remove any direct or indirect mitigation requirements on private lands from disturbances on private lands	Council's discretion in Section 14.1(a), Section 14.1(b), and Section 15.1.	This change would negate any indirect mitigation from anthropogenic disturbances on private lands.
Section 11/12 (new)	Add Sec. 12. "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 or entity.			Remove any direct or indirect mitigation requirements on private lands from disturbances on private lands	Council's discretion	This change is necessary if indirect mitigation from anthropogenic disturbances on private lands is negated.