



STATE OF NEVADA
Sagebrush Ecosystem Program

NOTICE OF INTENT TO ACT UPON A REGULATION
Notice of Public Hearing for the Regulation Amendment of the
Sagebrush Ecosystem Program

The Sagebrush Ecosystem Program (SEP) under the Sagebrush Ecosystem Council will hold a public hearing at 12:00pm, on the 17 day of November of 2025 at 201 S. Roop St., Suite 101, Carson City, NV 89701. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 232 of the Nevada Administrative Code.

Nevada Revised Statutes §232.162 (6)(a) provides authority for the Sagebrush Ecosystem Council to adopt regulations specific to the management of sagebrush ecosystem and the establishment and oversight of a mitigation program. NRS §321.594 provides authority for Division of State Lands to adopt any regulations necessary to oversee and administer a program to mitigate damage to sagebrush ecosystems.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- The purpose of the amendment is to include requirements for becoming a certified verifier and the decertification process, and to clarify definitions and language throughout.
- The approved or revised text of the proposed regulation amendment can be found in the State of Nevada Register of Administrative Regulations

(<https://www.leg.state.nv.us/register/>).

LCB File: **NAC:** **Subject:**

R045-25 232 Establishes provisions relating to projects and verifiers.

- The estimated economic effect of the regulation and the methods used in determining the impact on small businesses is detailed in the included Small Business Impact Statement within this document.
- There is no estimated cost to the agency for enforcement of the proposed regulation.
- This Regulation does not duplicate any existing federal, state, or local standards regulating the same activity.
- This Regulation is not required pursuant to federal law.
- This Regulation is not more stringent than a federal regulation relating to the same activity.
- The proposed regulation does not establish new fees or increase an existing fee.

Persons wishing to comment upon the proposed action of the Sagebrush Ecosystem Program may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Sagebrush Ecosystem Program, 201 S. Roop Street, Suite 101, Carson City, NV 89701. Written submissions must be received by the Sagebrush Ecosystem Program on or before November 16, 2025. If no person who is directly affected by the proposed

action appears to request time to make an oral presentation, the Sagebrush Ecosystem Program may proceed immediately to act upon any written submissions.

A copy of this Notice and the Regulations to be adopted, amended, or repealed will be on file at the State Library, Archives and Public Records, 100 North Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted, amended, or repealed will be on file at the Sagebrush Ecosystem Program, 201 S. Roop Street, Suite 101, Carson City, NV 89701 for inspection by members of the public during business hours. In all counties in which an office of the agency is not maintained, the proposed regulation may be reviewed and copied at the main public library, during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the Agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City, NV
Nevada State Library and Archives, 100 S. Stewart Street, Carson City, NV
Department of Wildlife, 6980 Sierra Pkwy #120, Reno, NV
Sagebrush Ecosystem Program, 201 S. Roop Street, Carson City, NV
Department of Agriculture, 405 South 21st Street, Sparks, NV
Department of Wildlife, 1100 Valley Road, Reno, NV
Capitol Building, 101 North Carson Street, Carson City, NV
Legislative Building, 401 South Carson Street, Carson City, NV
Carson City Library, 900 North Roop Street, Carson City, NV
Churchill County Library, 553 South Main Street, Fallon, NV
Las Vegas-Clark County Library District Headquarters, 833 Las Vegas Boulevard North, Las Vegas, NV
Douglas County Public Library, 1625 Library Lane, Minden, NV
Elko County Library, 720 Court Street, Elko, NV
Esmeralda County Library, Corner of Crook and 4th Street, Goldfield, NV
Eureka County Library, 80 Monroe Street, Eureka NV
Humboldt County Library, 85 East 5th Street, Winnemucca, NV
Battle Mountain Branch Library, 625 South Broad Street, Battle Mountain, NV
Lincoln County Library, 63 Main Street, Pioche, NV
Lyon County Library System, 20 Nevin Way, Yerington, NV
Mineral County Public library, 110 First Street, Hawthorne, NV
Pershing County Library, 1125 Central Avenue, Lovelock, NV
Storey County Treasurer and Clerk's Office, 265 B Street Drawer D, Virginia City, NV
Tonopah Public Library, 167 South Central Street, Tonopah, NV
Washoe County Library System, 301 South Center Street, Reno, NV
White Pine County Library, 950 Campton Street, Ely, NV

Notice of this hearing was also posted on the Sagebrush Ecosystem Program website at: <http://sagebrusheco.nv.gov>, the Nevada Public Notices Website at <http://notice.nv.gov/>, and the Nevada State Legislature Website at <https://www.leg.state.nv.us/>.

JOE LOMBARDO
Governor



Sagebrush Ecosystem Program
201 Roop Street, Suite 101
Carson City, Nevada 89701
Telephone (775) 687-2000

www.sagebrusheco.nv.gov

Kathleen Steele, Program Manager
Cheyenne Acevedo, Wildlife
Casey Adkins, Forestry/Wildland Fire
Sarah Hale, State Lands
Skyler Monaghan, Agriculture

STATE OF NEVADA
Sagebrush Ecosystem Program

**Public Hearing for the Regulation Amendment of the Sagebrush
Ecosystem Program Agenda**

Monday, November 17, 2025 – 12:00 p.m.

**SEP Conference Room
201 S. Roop St., Suite 101
Carson City, NV 89701**

Virtual Access

Links may not work on Apple® products. Use "Join on Web" and manually enter the Meeting ID and Passcode.

**Microsoft Teams [Need help?](#)
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Meeting ID: 214 479 019 995

Passcode: h4GN9bL7

Dial in by phone

[+1 775-321-6111,,245163976#](#) United States, Reno

[Find a local number](#)

Phone conference ID: 245 163 976#

1. OPEN HEARING, INTRODUCTION

2. PUBLIC COMMENT

Persons making comment will be asked to begin by stating their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). **Comment will not be restricted based on viewpoint.**

**3. PRESENTATIONS AND DISCUSSION OF PROPOSED REGULATION –
PUBLIC COMMENT ALLOWED**

NAC 232.480 refers to the training and certification of verifiers by the Sagebrush Ecosystem Technical Team.

The purpose of the proposed regulation change is to add definitions and to clarify language, and to clarify requirements for becoming certified as a verifier for the Conservation Credit System, behavior and violations that would warrant warnings or decertification, and the decertification process.

4. CONSIDERATION OF ALL COMMENTS AND ADOPTION OF REGULATION – *FOR POSSIBLE ACTION*

5. PUBLIC COMMENT

Persons making comment will be asked to begin by stating their name for the record. All public comments should be as brief and concise as possible so that all who wish to speak may do so (3 minutes for individuals and 5 minutes for group representatives). Comment will not be restricted based on viewpoint.

6. CLOSE OF HEARING

7. ADJOURNMENT – *FOR POSSIBLE ACTION*

NOTICE: Items on this agenda may be taken in a different order than listed.

We are pleased to provide reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special accommodations or assistance at the meeting are requested, please notify our office by writing to the Sagebrush Ecosystem Program, 201 S. Roop Street, Suite 101, Carson City, NV 89701; or by calling 775-687-2005 no later than two (2) working days prior to the scheduled meeting. You can also email Kathleen Steele at ksteele@sagebrusheco.nv.gov

Please contact Kathleen Steele at 201 S. Roop Street, Suite 101, Carson City, NV 89701; or by calling 775-687-2005; or by emailing ksteele@sagebrusheco.nv.gov, to obtain support material before or after the meeting. Materials will also be posted on the <http://sagebrusheco.nv.gov> website. The agency's small business impact statement is attached.

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Nevada State Library and Archives, 100 S. Stewart Street, Carson City, NV
Department of Wildlife, 6980 Sierra Pkwy #120, Reno, NV
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The following information is provided pursuant to the requirements of the Nevada Revised Statutes (NRS) 233B.0603 and the directives of the Nevada State Governor:

FORM 1: FORM FOR ADOPTION, FILING AMENDMENTS OR REPEAL OF REGULATIONS

1. Name, address, telephone number, and signature:

Name: Kathleen Steele

Address: 201 S. Roop St. Ste. 101, Carson City, NV 89701

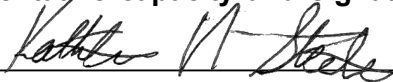
E-mail Address: ksteele@sagebrushco.nv.gov

Telephone Number: 775.687.2005

Date of Notice: 10/15/2025

Date of Hearing: 11/17/2025

Representative capacity and signature of petitioner, authorized individual, or attorney:



2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

Government Agency - Sagebrush Ecosystem Council/Division of State Lands -

NRS 232.162 provides authority for the Sagebrush Ecosystem Council to adopt regulations specific to the management of sagebrush ecosystem and the establishment and oversight of a mitigation program. The Sagebrush Ecosystem Council is a governor-appointed council, established to create and carry out strategies for "the conservation of the greater sage grouse and sagebrush ecosystems in this State" as well as other strategies outlined in NRS 232.162. NRS 321.594 provides authority for the Division of State Lands to adopt regulations for the oversight and administration of a program to mitigate damage to sagebrush ecosystems.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

This will be an amendment to an existing regulation, NAC 232, which seeks to add several definitions, add clarifying language throughout, and to clarify the verifier certification and decertification processes in NAC 232.480.

The exact proposed amendment is located at the end of this form.

4. A statement of the need for and purpose of the proposed regulations:

The Sagebrush Ecosystem Program was tasked with establishing a mitigation framework to offset adverse impacts to the sagebrush ecosystem, while allowing for activities important to Nevada's economy on public lands. The mitigation framework put in place was the Conservation Credit System, which seeks to create net conservation gain for the Greater Sage-grouse through the generation of credits (units of Greater Sage-grouse habitat benefit) to offset debits (units of Greater Sage-grouse habitat loss).

NAC 232 contains Sagebrush Ecosystem Council regulations. Additional definitions and clarifying language are needed to reduce ambiguity. NAC 232.480 provides authority to the Sagebrush Ecosystem Technical Team to train and certify verifiers who are authorized to conduct work for the Sagebrush Ecosystem Program. Verifiers are hired by CCS project proponents to act as an unbiased third-party and accurately assess ecosystem conditions at potential project sites. The proposed regulation changes will codify 1) requirements for becoming and remaining a certified verifier for the CCS, and 2) the verifier decertification process for when rules and/or standards are not adhered to.

Adding clarity to the requirements for obtaining verifier certification will ensure that verifiers are adequately experienced and trained to conduct work for the Sagebrush Ecosystem Program. Adding accountability through a detailed decertification process will ensure that certification can be revoked if verifiers become a risk to the integrity, or burden to the workload, of the program.

Overall, the proposed regulation amendment will enhance the efficiency and credibility of the Sagebrush Ecosystem Program.

5. A statement of the:

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

The proposed regulation amendment will enhance clarity of the Sagebrush Ecosystem Program's regulations and will provide details on the verifier certification and decertification processes. There is not one specific industry that it will regulate, but it has the potential to affect businesses who are involved in the Conservation Credit System, including independent consultants, consulting firms, ranches, and mining, energy, and technology companies.

a. Both adverse and beneficial, direct and indirect effects:

The proposed regulation change will not directly affect businesses, but has the potential for indirect economic effects, both adverse and beneficial.

Adverse economic effects could arise from the cost of traveling to the Reno/Carson City area for the full in-person training, required once every five years for each person certified. Additionally, adverse effects could occur if a certified verifier chooses not to adhere to rules and standards set forth by the SEP and is subsequently decertified through a standardized process and disciplinary hearing. Decertification would result in a loss of opportunity to conduct work as a verifier for the CCS, and the associated loss of income. For other small businesses, indirect economic effects could occur from the need to hire a new verifier and potential project delays if

their verifier is decertified.

Indirect beneficial economic effects on small businesses are also expected as a result of this regulation change. Once certified, verifiers can generate significant income by performing work for CCS Project Proponents (on average, rates for consulting work can range from approximately \$100 - \$200/hour). Additionally, by requiring rigorous training and holding verifiers accountable when they do not adhere to the SEP's rules and standards, the SEP can ensure that businesses who hire verifiers will not pay extraneous consulting charges or experience significant project delays when work is completed inefficiently or incorrectly.

(b) Estimated economic effect on the public:

There is no anticipated economic effect on the general public.

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

N/A. There is no anticipated economic effect on the general public.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The enforcement of the regulation falls within current operations of the Program; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

6. A description of any regulations for 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 name of the regulating federal agency:

This Regulation does not duplicate any existing federal, state, or local standards regulating the same activity.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

This Regulation does not duplicate any existing federal, state, or local standards regulating the same activity, thus it is not more stringent than a federal regulation relating to the same activity.

8. 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.

FORM 4:
NEVADA SAGEBRUSH ECOSYSTEM PROGRAM SMALL BUSINESS IMPACT DISCLOSURE
PROCESS PURSUANT TO 233B “Nevada Administrative Procedures Act”

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the Sagebrush Ecosystem Council in order to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time employees” (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

2. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. See Question 8.

3. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

Yes, See attached Small Business Impact Statement

If **Yes** to either of question 1 & 2, a SBIS must be noticed and available at the public workshop.

FORM 4: SMALL BUSINESS IMPACT STATEMENT (NRS 233B.0609)
(Provide attachments as needed)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
(Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.)

The Sagebrush Ecosystem Program (SEP) sent a questionnaire out to all known affected businesses, which included independent consultants, consulting firms, ranches, and mining/energy/technology companies. It was determined that there are 115 small businesses in Nevada that may be impacted by the regulation change. All entities captured and not captured by this mailing were able to voice their concerns during the workshop on September 2, 2025 in the Tahoe 2-E Conference Room at the Department of Conservation and Natural Resources, 901 S. Stewart St., Carson City, Nevada, and will have another opportunity to voice concerns during the hearing to be held November 17, 2025 at 12:00pm at 201 S. Roop St., Suite 101, Carson City, Nevada, 89701.

Of the one hundred and fifteen questionnaires sent out, two were undeliverable, and zero were returned with answers.

Minutes of the public workshop and subsequent hearing(s) will capture the discussions held regarding the amended regulation. These may be obtained online at sagebrusheco.nv.gov no later than 30 days after each meeting.

2. The manner in which the analysis was conducted (if an impact was determined).

As noted above, the SEP solicited input from all known small businesses who may be affected by the regulation change. The regulation would primarily affect small businesses who are involved in the Conservation Credit System (CCS), including independent consultants, consulting firms, ranches, and small mining, energy, and technology firms. No concerns were expressed through the questionnaire or during the September 2, 2025 workshop, but those affected will have another opportunity to provide input and participate in the process during the November 17, 2025 hearing.

3. The estimated economic effect of the proposed regulation on small businesses:

a. Both adverse and beneficial effects:

The proposed regulations will clarify definitions and NAC language in a manner that aligns with current policy to prevent confusion or misinterpretation. The proposed regulations will also codify two SEP policies that relate to third-party verifiers for the CCS. Verifiers are consultants hired by CCS project proponents to act as an unbiased third-party to accurately assess ecosystem conditions at a potential project site for Greater Sage-grouse mitigation. The proposed regulation changes will add definitions of Credit Obligation, Credit Project, and Debit Project, will clarify language in several sections throughout, and will codify 1) requirements for becoming and remaining a certified verifier for the CCS, and 2) the verifier decertification process for when rules and/or standards are not adhered to.

The proposed regulation change will not directly affect small businesses, but has the potential for indirect economic effects, both adverse and beneficial.

Adverse economic effects could arise from the cost of traveling to the Reno/Carson City area for the full in-person training, required once every five years for each person certified. Additionally, adverse effects could occur if a certified verifier chooses not to adhere to rules and standards set forth by the SEP and is subsequently decertified through a standardized process and disciplinary hearing. Decertification would result in a loss of opportunity to conduct work as a verifier for the CCS, and the associated loss of income. For other small businesses, indirect economic effects could occur from the need to hire a new verifier and potential project delays if their verifier is decertified.

Indirect beneficial economic effects on small businesses are also expected as a result of this regulation change. Once certified, verifiers can generate significant income by performing work for CCS Project Proponents (on average, rates for consulting work can range from approximately \$100 - \$200/hour). Additionally, by requiring rigorous training and holding verifiers accountable when they do not adhere to the SEP's rules and standards, the SEP can ensure that small businesses who hire verifiers will not pay extraneous consulting charges or experience significant project delays when work is completed inefficiently or incorrectly.

a. Both direct and indirect effects:

Same as above.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. (Include a discussion of any considerations of the methods listed below.)

The SEP has worked to improve documents and training materials for verifier certification to ensure those becoming certified understand the process, their role, and responsibilities.

The SEP has considered methods to minimize the burden of the regulation on the most affected small businesses through several means:

- Providing verifier certification training free of charge
- Requiring in-person attendance for re-certification every 5 years instead of at more frequent intervals
- Offering a virtual option for re-certification in years between a verifier's required in-person training
- Allowing for multiple warnings prior to initiating the decertification process
- Allowing an appeals process at several points during the decertification process

A. Simplification of the proposed regulation:

- See above

B. Establishment of different standards of compliance for a small business:

- NA

C. Modification of fees or fines so that a small business is authorized to pay a

lower fee or fine:

- See above

5. The estimated cost to the agency for enforcement of the proposed regulation. (Include a discussion of the methods used to estimate those costs.)

The enforcement of the regulation falls within current operations of the Program; therefore, there will be no additional cost to the agency above the current legislatively approved budget.

6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

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

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide and explanation of why such duplicative or more stringent provisions are necessary.

There is no other federal, state, or local standard regulating the activity of verifiers certified by the SEP.

8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

After an analysis of the 115 impacted businesses that the Program is aware of, it was determined that the regulation has the potential to cause indirect financial impacts (both adverse and beneficial) on smaller businesses. The SEP has mitigated the costs of attending in-person training as much as possible (as discussed in number 4) while still ensuring the integrity of the program. Other indirect adverse impacts can be avoided by verifiers adhering to the rules and standards set forth by the SEP. A workshop was held, and subsequent hearing(s) will be held, to acquire more comments from the public and affected businesses.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.



Kathleen Steele, Program Manager, Sagebrush Ecosystem Program

10/14/2025

Date

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>

**PROPOSED REGULATION OF THE
SAGEBRUSH ECOSYSTEM COUNCIL**

LCB File No. R045-25

October 13, 2025

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-19, NRS 232.162.

A REGULATION relating to greater sage-grouse; defining certain terms relating to the Nevada Conservation Credit System; setting forth certain requirements relating to the certification of a person as a verifier; establishing requirements and procedures for disciplinary actions taken against a verifier; exempting certain land owned by a tribal government from the requirements of the Nevada Conservation Credit System; revising requirements relating to the maintenance of sagebrush ecosystems and the conservation of the greater sage-grouse; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Sagebrush Ecosystem Council within the State Department of Conservation and Natural Resources and requires the Council to establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems. (NRS 232.162) Existing regulations establish the Nevada Conservation Credit System which requires, with certain exceptions, a person or entity that proposes an activity or project on public lands that will cause an adverse impact to the greater sage-grouse or the habitat of the greater sage-grouse to: (1) submit to the Sagebrush Ecosystem Technical Team certain information about the proposed activity or project; (2) work with the Team to avoid and minimize disturbances before mitigation; and (3) have a verifier quantify such impact in the form of debits. (NAC 232.470)

Once the impact to the greater sage-grouse or habitat of the greater sage-grouse is quantified and approved by the Program Manager of the Team, the person or entity is required to, among certain other requirements, mitigate the adverse impact on the greater sage-grouse or the habitat of the greater sage-grouse by: (1) acquiring or transferring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the debits; or (2) developing a mitigation plan that generates enough credits to offset the debits. (NAC 232.470) **Section 17** of this regulation authorizes a person or entity to submit to the Council a written appeal of the calculation of debits. **Section 17** also: (1) requires that any credits acquired or transferred from the Nevada Conservation Credit System must be acquired or transferred before a person causes the anthropogenic disturbance; (2) authorizes a person to mitigate a disturbance by implementing certain credit projects that have been preapproved by the Council; and (3) sets

forth the credit projects that have been preapproved. **Section 18** of this regulation makes a conforming change to account for the approval of a credit project by the Team.

Section 14 of this regulation revises the definition of “public lands” to exclude lands to which title is held by a tribal government, which eliminates the applicability of the Nevada Conservation Credit System to such lands.

Sections 2 and 3 of this regulation define the terms “credit project” and “debit project.” **Sections 13 and 16** of this regulation make conforming changes to account for the definition of the term “debit project.” **Section 15** of this regulation revises the definition of “verifier.” **Section 12** of this regulation applies the definitions in existing regulations and **sections 2-4** of this regulation to the provisions that govern the Nevada Conservation Credit System and **sections 5-11** of this regulation.

Section 5 establishes the qualifications for certification as a field verifier or desktop verifier including certain education, experience and training. **Section 5** further requires a person who wishes to be certified as a verifier to apply to the Program Manager of the Team. Additionally, **section 5** provides that a certification as a verifier is valid for 1 year and may be renewed up to four times by participating in certain training. **Section 6** provides that if the Program Manager denies an application, the applicant may request from the Program Manager a statement of the reasons for the denial. Further, the applicant may appeal the denial to the Council. **Section 19** of this regulation requires the Team to train and certify persons to be verifiers in accordance with certain the requirements set forth in **section 5**.

Section 7 sets forth the grounds for the Program Manager to take disciplinary action against a verifier. **Section 8** authorizes the Program Manager to issue a verbal or written warning that identifies the cause for the warning, any required corrective actions and a timeline for completing such actions. **Section 8** authorizes a verifier who receives such a warning to appeal the warning to the Council within 30 days after receiving the warning. **Section 9** authorizes the Program Manager to issue a notice of a disciplinary hearing if a verifier does not take the proper corrective action in response to a verbal or written warning. **Section 9** requires that such notice and hearing be conducted in accordance with certain provisions of existing law governing contested cases. (NRS 233B.121-233B.150)

Section 4 defines the term “hearing officer” to mean a person who did not take part in an initial disciplinary action and who is appointed by the Program Manager to oversee disciplinary hearings held pursuant to **section 9**.

Section 10 authorizes the Program Manager to summarily suspend a certification as a verifier if the Program Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and irreparable harm to the interests of this State which requires emergency action and the immediate summary suspension of the certification. **Section 10** further requires the Program Manager to provide notice of such a suspension and initiate proceedings for a contested case.

Section 11 authorizes a person whose certification as a verifier was suspended or revoked to reapply for certification after not less than 5 years after the date on which his or her certification was suspended or revoked. **Section 11** further: (1) provides that the person will be on probationary status for 5 years; and (2) requires the Program Manager to immediately initiate disciplinary action against a person who is issued a certification under such circumstances, if the Program Manager has cause to believe that the person has engaged in an activity that is grounds for disciplinary action.

Section 1. Chapter 232 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *“Credit project” means a project or other activity that preserves or improves the habitat of the greater sage-grouse and creates a credit.*

Sec. 3. *“Debit project” means a project or other activity that causes an anthropogenic disturbance and creates a debit.*

Sec. 4. *“Hearing officer” means a person who did not take part in an initial disciplinary action and who is appointed by the Program Manager to oversee a disciplinary hearing conducted pursuant to section 9 of this regulation.*

Sec. 5. 1. *To qualify for an initial certification as a verifier, a person must:*

(a) For a field verifier:

(1) Hold a bachelor’s degree in natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;

(2) Have at least 2 years of experience with standard quantitative vegetative field data collection methods, including, without limitation, experience with line-intercepts, Daubenmire plots and photo point monitoring;

(3) Have at least 1 year of experience using a global positing system; and

(4) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.

(b) For a desktop verifier:

(1) Hold a bachelor's degree in geographic information systems, natural resources management, ecology, forestry, wildlife management or environmental science or have experience equivalent to such a degree;

(2) Have at least 2 years of experience using a comprehensive geospatial platform to conduct spatial analysis; and

(3) Successfully complete the training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for an initial certification, including, without limitation, achieving a passing score on any exam offered during such training.

2. A person who wishes to be certified as a verifier shall apply to the Program Manager, on a form prescribed by the Sagebrush Ecosystem Technical Team. The Program Manager shall approve or deny the application for certification. The Program Manager may deny certification to a person who:

(a) Does not satisfy the requirements set forth in subsection 1, as applicable; or

(b) Has practiced, or attempted to practice, any deception or fraud in the certification or examination of the applicant, or in securing the certification of the applicant.

3. A certification as a verifier is valid for 1 year and may be renewed annually up to four times by participating in training offered by the Sagebrush Ecosystem Technical Team pursuant to NAC 232.480 for the purpose of renewing a certification. After the fourth renewal, a person who wishes to be certified as a verifier must submit a new application for certification in accordance with subsection 1 to remain certified as a verifier.

Sec. 6. If the Program Manager denies an application for certification submitted pursuant to section 5 of this regulation, the applicant may:

1. Request that the Program Manager provide the applicant with a statement of the reasons for the denial. The Program Manager shall provide the statement upon receiving such a request.

2. Appeal the denial to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer appointed by the Program Manager or, at the request of the applicant, the Sagebrush Ecosystem Council. If the hearing officer or Sagebrush Ecosystem Council, as applicable, determines that the application should not have been denied, the hearing officer or Sagebrush Ecosystem Council, as applicable, will order the Program Manager to approve the application.

Sec. 7. 1. The Program Manager may take disciplinary action against a verifier for the following causes:

(a) Activity which is incompatible with the conditions of certification of a verifier or that violates state or federal law;

(b) Disgraceful or discourteous treatment of the public, the Sagebrush Ecosystem Technical Team or another verifier;

(c) Incompetence, inefficiency or inexcusable neglect of duty that creates an undue burden on the Sagebrush Ecosystem Program;

(d) Deception or fraud relating to the Nevada Conservation Credit System;

(e) Abuse, damage to or the waste of public equipment, property or supplies because of inexcusable negligence or willful acts;

(f) Conviction of any criminal act involving moral turpitude;

(g) Any act of violence that arises out of or during the performance of the official duties of the verifier;

- (h) Repeated violations of any regulation of the Sagebrush Ecosystem Council;*
- (i) Failure to participate in any investigation conducted by or at the request of the Program Manager or the Sagebrush Ecosystem Council into the verifier's performance of his or her duties as a verifier;*
- (j) Failure to act as an unbiased third party and objectively verify project conditions while acting as a verifier; or*
- (k) Acting as a verifier on any debit project in which the verifier, an associate of the verifier or a family member of the verifier has an interest.*

2. The Program Manager shall not take disciplinary action against a verifier in response to questions, comments or constructive criticism of the Nevada Conservation Credit System or in retaliation against a verifier.

Sec. 8. *1. If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation, the Program Manager may:*

(a) Issue a verbal warning to the verifier. The Program Manager shall document the verbal warning, including, without limitation, the cause for the warning and any required corrective actions, and provide such documentation to the verifier.

(b) Issue a written warning by personal delivery or by certified mail at the mailing address identified on the most recent application for a certification or application for renewal, as applicable. The written warning must include, without limitation, the cause for the warning, any required corrective actions and a timeline for completing such actions.

2. *Within 30 days after receiving a verbal or written warning, a verifier may appeal the warning to the Sagebrush Ecosystem Council. The appeal must be heard by a hearing officer or, at the request of the verifier, the Sagebrush Ecosystem Council. If the appeal is heard by:*

(a) A hearing officer, the hearing officer will hold a meeting with the verifier and determine whether the warning was appropriate; or

(b) The Sagebrush Ecosystem Council, a meeting must be held in compliance with chapter 241 of NRS at which the Council will determine whether the warning was appropriate.

Sec. 9. 1. *If a verifier does not take the proper corrective action in response to a verbal or written warning issued pursuant to section 8 of this regulation, the Program Manager may issue a notice of a disciplinary hearing to suspend or revoke the certification of the verifier. Such notice and hearing must comply with the provisions governing contested cases in NRS 233B.121 to 233B.150, inclusive. The hearing officer, or at the request of the verifier, the Sagebrush Ecosystem Council, will preside over the proceedings.*

2. Upon the written agreement of all parties, the date of the hearing may be changed.

3. Except as otherwise provided in NRS 233B.126, a verifier may communicate with the Program Manager to seek an explanation of the reasons for the disciplinary action and the related disciplinary procedures.

4. A verifier may waive in writing his or her right to a disciplinary hearing. Upon the receipt of such a waiver by the hearing officer or the Sagebrush Ecosystem Council, as applicable, the certification of the verifier must be immediately suspended or revoked, as applicable.

Sec. 10. 1. *The Program Manager may summarily suspend the certification of a verifier without complying with the requirements of section 9 of this regulation if the Program*

Manager finds that, based upon the evidence in the possession of the Program Manager, the actions of the verifier pose a threat to life, limb or property or will cause immediate and irreparable harm to the interests of this State which require emergency action and the immediate summary suspension of the certification of the verifier.

2. If the Program Manager suspends a certification pursuant to subsection 1, the Program Manager shall provide notice of the summary suspension to the holder of the certification by certified mail at the most recent mailing address identified on the application for certification and initiate proceedings for a contested case in accordance with NRS 233B.121 to 233B.150, inclusive, and section 9 of this regulation.

Sec. 11. *1. A person whose certification as a verifier was suspended or revoked may submit an application for certification pursuant to section 5 of this regulation not less than 5 years after the date on which his or her certification was suspended or revoked. The Program Manager may issue a new certification to such a person provided that the person has complied with any orders that arose from the prior disciplinary proceedings.*

2. If a person is issued a certification pursuant to subsection 1, the person will be placed on probationary status for 5 years after the date the certificate is issued. If the Program Manager has cause to believe that a verifier has engaged in any action that constitutes grounds for disciplinary action pursuant to section 7 of this regulation during the probationary period, the Program Manager shall immediately initiate disciplinary action against the person pursuant to section 8 of this regulation by issuing a written warning.

Sec. 12. NAC 232.400 is hereby amended to read as follows:

232.400 As used in NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC

232.405 to 232.450, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

Sec. 13. NAC 232.433 is hereby amended to read as follows:

232.433 “Nevada Conservation Credit System” means the system established by the Sagebrush Ecosystem Council pursuant to NRS 232.162 that calculates:

1. Debits that will be caused by a proposed ~~[activity or a]~~ *debit* project.
2. Credits that are created to protect, enhance or restore sagebrush ecosystems.

Sec. 14. NAC 232.440 is hereby amended to read as follows:

232.440 “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, private entity , *tribal government* or local government.

Sec. 15. NAC 232.450 is hereby amended to read as follows:

232.450 *1.* “Verifier” means a person trained and certified by the Sagebrush Ecosystem Technical Team to use the habitat quantification tool for the purpose of calculating:

~~[1.]~~ *(a) The credits that will be generated by a credit project;*

(b) The debits related to an anthropogenic disturbance; and

~~[2.]~~ *(c)* The number of credits necessary to offset ~~[such debits.]~~ *a debit project.*

2. The term includes a field verifier and a desktop verifier.

Sec. 16. NAC 232.460 is hereby amended to read as follows:

232.460 *1.* Except as otherwise provided in this section and to the extent it is not prohibited by federal law, the provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* apply to any person or entity that proposes ~~[an activity or]~~ *a*

debit project on public lands subject to state or federal review, approval or authorization, that will cause an anthropogenic disturbance.

2. The provisions of NAC 232.400 to 232.480, inclusive, *and sections 2 to 11, inclusive, of this regulation* do not apply to:

- (a) A direct anthropogenic disturbance on private lands;
- (b) An activity or project which was approved by all relevant federal agencies and state agencies before December 7, 2018, so long as the activity or project maintains compliance with any condition or requirement for any such approval;
- (c) An activity or project using a mitigation agreement or framework agreement for greater sage-grouse signed by the United States Fish and Wildlife Service before December 7, 2018, and any amendments thereto;
- (d) A mineral exploration project which is limited to a surface disturbance of not more than 5 acres;
- (e) An activity or project that:
 - (1) Is necessary to protect public health or safety; or
 - (2) Will have a de minimis impact to greater sage-grouse and sagebrush ecosystems in this State; or
- (f) Any emergency activity or routine administrative activity that:
 - (1) Is performed by a federal agency, state agency, local government or utility for a public purpose; and
 - (2) Does not require any additional approval from the Federal Government or the State.

Sec. 17. NAC 232.470 is hereby amended to read as follows:

232.470 1. Any person or entity that proposes ~~{an activity or}~~ a **debit** project on public lands, subject to state or federal review, approval or authorization, that will cause an anthropogenic disturbance shall:

(a) Submit to the Sagebrush Ecosystem Technical Team sufficient information for determining the adverse impact the proposed ~~{activity or}~~ **debit** project will have to the greater sage-grouse or the habitat of the greater sage-grouse, including, without limitation, geographic information system data files and work with the Sagebrush Ecosystem Technical Team to avoid and minimize such adverse impact to the greatest extent possible; and

(b) Have the direct and indirect impacts of the anthropogenic disturbance:

(1) Quantified by a verifier in terms of the number of debits that the ~~{activity or}~~ **debit** project will cause. Upon completion of his or her calculations, the verifier shall submit the calculations to the Program Manager. The Program Manager shall use the habitat quantification tool and available field data to conduct a quality assurance of the calculations of the verifier not later than 30 days after the verifier submits his or her final calculations to the Program Manager. If there is a difference between the calculations of debits by the verifier and Program Manager, the Program Manager will work with the verifier to finalize the calculation. If there is still a difference between the calculations of debits by the verifier and the Program Manager, the calculations of debits by the Program Manager apply to the ~~{activity or}~~ **debit** project . ~~{; and}~~ *The person or entity proposing the debit project may submit a written appeal of the calculation of the debits to the Sagebrush Ecosystem Council. The Council will consider the appeal at its next regularly scheduled meeting, at which time the Council will render a decision on the matter by formal action.*

(2) Mitigated by:

(I) Acquiring from or transferring a sufficient number of credits in the Nevada Conservation Credit System to offset the number of debits determined pursuant to subparagraph

(1) ~~1; or~~ *before the person or entity causes the anthropogenic disturbance;*

(II) Developing a mitigation plan with the Sagebrush Ecosystem Technical Team approved by the Sagebrush Ecosystem Council pursuant to subsection ~~2~~ 3 that will generate enough credits to offset the direct and indirect adverse impacts the proposed ~~activity or~~ debit project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~1~~; or

(III) Subject to the approval and administration of the Sagebrush Ecosystem Technical Team, implementing a credit project set forth in subsection 3 that has been preapproved by the Council. The Sagebrush Ecosystem Technical team shall consider the factors set forth in subsection 2 to determine whether the credit project will generate enough credits to offset the direct and indirect adverse impacts the proposed debit project will have to the greater sage-grouse or the habitat of the greater sage-grouse.

2. In determining whether to approve a mitigation plan ~~1~~ *developed pursuant to subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1*, the Sagebrush Ecosystem Council must consider:

- (a) The conservation actions that are included in the plan and the number of credits to be generated from such conservation actions;
- (b) The location where the credits will be generated;
- (c) The length of time necessary to generate the credits;
- (d) The length of time the credits will be maintained;

(e) Whether the credit durability provisions of the plan include appropriate mechanisms to ensure that a sufficient number of credits will be maintained for the appropriate amount of time; and

(f) Whether the financial provisions ensure maintenance of the credits for the duration of the ~~{activity-or}~~ *debit* project.

3. The following credit projects are preapproved by the Council:

(a) Meadow improvement;

(b) Pinion-juniper woodland removal;

(c) Fire restoration or rehabilitation;

(d) Invasive weeds treatment; and

(e) Anthropogenic disturbance removal.

Sec. 18. NAC 232.475 is hereby amended to read as follows:

232.475 1. Not later than 10 working days after completion of the process set forth in NAC 232.470, the Program Manager must issue to the person or entity that is proposing the ~~{activity-or}~~ *debit* project a certification of mitigation that sets forth:

(a) The number of credits that the person or entity will acquire from or transfer to the Nevada Conservation Credit System; ~~{or}~~

(b) The mitigation plan approved by the Sagebrush Ecosystem Council pursuant to NAC 232.470 that will mitigate the direct and indirect adverse impacts that the proposed ~~{activity-or}~~ *debit* project will have to the greater sage-grouse or the habitat of the greater sage-grouse ~~{-}~~ ; or

(c) The preapproved credit project that the person will implement approved by the Sagebrush Ecosystem Technical Team.

2. The person or entity to whom a certification of mitigation is issued must ensure compliance with the terms set forth in the certification of mitigation for the duration of the ~~activity or~~ *debit* project.

Sec. 19. NAC 232.480 is hereby amended to read as follows:

232.480 The Sagebrush Ecosystem Technical Team shall:

1. Train and certify persons to be verifiers ~~as~~ *in accordance with the requirements set forth in section 5 of this regulation;* and
2. Maintain a list on the Internet website of the Sagebrush Ecosystem Program of all verifiers who have been so trained and certified for the current calendar year.

Appendix A. List of all Workshop Attendees

Name	Affiliation	Attendance	Small Business?
Isabella Ocava	Lithium Americas	Virtual	No
LeeAnn Havelka	Commnet Broadband	Virtual	No
Alexis Leidigh	Commnet Broadband	Virtual	No
Tessa Behnke	UES Consulting Services	Virtual	No
Cathy Erskine	Nevada DCNR	Virtual	No
Danielle Goodman	Y2 Consultants	Virtual	Yes
Lauren Drown	Rocky Mountain West Telecom	Virtual	Yes

Appendix B. Summary of Comments and Responses

No public comment received.