

Assembly Joint Resolution No. 3—Committee on
Natural Resources, Agriculture, and Mining

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Expressing support for the Nevada Greater Sage-Grouse Conservation Plan and the Nevada Conservation Credit System and urging the United States Bureau of Land Management to require compensatory mitigation to offset anthropogenic disturbances in accordance with the Nevada Conservation Credit System.

WHEREAS, The State of Nevada is known as the Sagebrush State and the greater sage-grouse (*Centrocercus urophasianus*) is an important species that inhabits much of the sagebrush ecosystem in this State; and

WHEREAS, Restoration and maintenance of the sagebrush ecosystem is essential to sagebrush obligate species, wildlife, domestic animals, watersheds, biodiversity, culture and economic productivity in the State of Nevada; and

WHEREAS, In 2012, Governor Brian Sandoval issued Executive Order 2012-09, establishing the Governor's Greater Sage-grouse Advisory Committee to provide the Governor with recommendations on policies and actions for developing a statewide strategy to preclude the need to list the greater sage-grouse as a threatened or endangered species; and

WHEREAS, Based on the recommendations of the Greater Sage-grouse Advisory Committee, Governor Sandoval issued Executive Order 2012-19, establishing the Sagebrush Ecosystem Council; and

WHEREAS, Executive Order 2012-19 directed the Sagebrush Ecosystem Council to implement a conservation strategy for the greater sage-grouse, identify a long-term adaptive management structure for sagebrush ecosystems that engages local stakeholders, ensure the effective implementation of these conservation and management strategies and establish a mitigation banking and credit program for sagebrush ecosystems tailored to the needs of the greater sage-grouse; and

WHEREAS, In 2013, the Nevada Legislature established the Sagebrush Ecosystem Council as a statutory body with duties that included the establishment of a mitigation banking and credit program; and

WHEREAS, The Sagebrush Ecosystem Council unanimously approved and adopted the 2014 Nevada Greater Sage-Grouse Conservation Plan, which provided strategies and actions to protect



and enhance the greater sage-grouse habitat in the State of Nevada; and

WHEREAS, In 2014, the Sagebrush Ecosystem Council unanimously approved and adopted the Nevada Conservation Credit System and the Habitat Quantification Tool Scientific Methods Document as a science-based program to quantify habitat improvements (credits) and anthropogenic disturbances to greater sage-grouse habitat (debits) in this State; and

WHEREAS, The requirement for mitigation under the Nevada Conservation Credit System is critical to the success of the Nevada Greater Sage-Grouse Conservation Plan based on the demonstrated efficacy of mitigation projects to offset anthropogenic disturbances in greater sage-grouse habitat by ensuring a net conservation benefit; and

WHEREAS, In 2015, the United States Fish and Wildlife Service issued a decision that listing the greater sage-grouse as threatened or endangered was not warranted based on the establishment of adequate conservation plans and regulatory mechanisms to protect the greater sage-grouse and its associated habitat in the State of Nevada and other states with sagebrush ecosystems; and

WHEREAS, The 2015 decision not to list the greater sage-grouse stated the intention of the United States Fish and Wildlife Service to conduct a status review of the greater sage-grouse in 2020 and that procedures to list the greater sage-grouse as endangered or threatened could be initiated at any time if new information indicates that listing is necessary; and

WHEREAS, On July 24, 2018, the Bureau of Land Management issued Instruction Memorandum 2018-093 providing that the Bureau of Land Management may not require compensatory mitigation on federal lands unless a state specifically requires compensatory mitigation; and

WHEREAS, The State of Nevada is home to almost 14 million acres of primary or general greater sage-grouse habitat on lands managed by the Bureau of Land Management; and

WHEREAS, If the Bureau of Land Management ceases to require compensatory mitigation within these 14 million acres, the State of Nevada is at risk of having the greater sage-grouse listed as threatened or endangered due to a lack of effective regulatory mechanisms on these public lands; and

WHEREAS, On October 11, 2018, the Sagebrush Ecosystem Council unanimously recommended that the Governor of Nevada issue an Executive Order establishing explicit state requirements for mitigation of anthropogenic disturbances in greater sage-grouse



habitat on state and federal lands and direct the Sagebrush Ecosystem Council to develop regulations requiring mitigation; and

WHEREAS, On December 7, 2018, Governor Sandoval issued Executive Order 2018-32, which required the Sagebrush Ecosystem Council to adopt regulations requiring compliance with the Nevada Greater Sage-Grouse Conservation Plan and the Nevada Conservation Credit System for the conservation of the greater sage-grouse and its habitat using compensatory mitigation for anthropogenic disturbances on state and federal lands that cannot be avoided or further minimized as determined through the Conservation Credit System; and

WHEREAS, Executive Order 2018-32 further provided that, as regulations are being developed and finalized, state agencies shall work with their federal counterparts and Nevada stakeholders to implement mitigation strategies in accordance with the Nevada Conservation Credit System; and

WHEREAS, It continues to be in the best interest of the State of Nevada to protect and enhance greater sage-grouse habitat and implement measures to preclude the listing of the greater sage-grouse by the United States Fish and Wildlife Service; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 80th Session of the Nevada Legislature express their support for the implementation of the Nevada Greater Sage-Grouse Conservation Plan and utilization of the Nevada Conservation Credit System to provide compensatory mitigation on state and federal lands; and be it further

RESOLVED, That the members of the 80th Session of the Nevada Legislature urge the United States Secretary of the Interior of the United States Department of the Interior to direct the Bureau of Land Management to require compensatory mitigation to offset anthropogenic disturbances in accordance with the Nevada Conservation Credit System; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the United States Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the United States Secretary of the Interior, the Director of the Bureau of Land Management and the Governor of the State of Nevada; and be it further

RESOLVED, That this resolution becomes effective upon passage.

