State of Nevada

Executive Department

Executive Order 2012-09

Establishing a Greater Sage-grouse Advisory Committee

WHEREAS, the Greater Sage-grouse (*Centrocercus urophasianus*) is an iconic species that inhabits much of the sagebrush-steppe habitat in Nevada;

WHEREAS, the United States Fish and Wildlife Service ("USFWS") has determined that the Greater Sage-grouse species is warranted for listing as a threatened or endangered species under the Endangered Species Act (ESA), but is precluded by other higher priority species;

WHEREAS, the United States District Court for the District of Idaho ruled on February 2, 2012 that the USFWS must re-evaluate the status of the Greater Sage-grouse by September 30, 2015;

WHEREAS, the United States Secretary of the Interior has invited the eleven western states, including Nevada, impacted by the potential listing of the Greater Sage-grouse to develop state-specific regulatory mechanisms to conserve the species and preclude the need to list under the ESA;

WHEREAS, the development of a state-specific strategy in Nevada will be critical in demonstrating to the USFWS that the species does not warrant federal protection under the ESA;

WHEREAS, the Bureau of Land Management ("BLM") is currently implementing national Instruction Memoranda to guide interim management of public lands and to develop sage-grouse conservation measures for incorporation into the agency's existing Resource Management Plans (RMPs) by September 2014;

WHEREAS, the development of a state-specific strategy will enable the BLM to incorporate the State's plan as an alternative in its environmental analysis pursuant to the National Environmental Policy Act (NEPA);

WHEREAS, the State of Nevada has management authority over Greater Sage-grouse populations in Nevada;

WHEREAS, the State of Nevada under the leadership of Governor Kenny Guinn's Sage-grouse Conservation Team developed the First Edition of the Greater Sage-grouse Conservation Plan for Nevada and Eastern California in 2004;

WHEREAS, it is in the interest of this State to bring stakeholders and experts together to recommend a course of action that will provide for conservation measures sufficient to preclude the need to list the Greater Sage-grouse;

WHEREAS, the listing of the Greater Sage-grouse would have a significant adverse affect on the custom, culture, and economy of the State of Nevada; and

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that, "The Supreme Executive Power of this State shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada."

NOW, THEREFORE, by the authority vested in me as Governor by the Constitution and laws of the State of Nevada, I hereby direct and order as follows:

1. The Governor's Greater Sage-grouse Advisory Committee ("Committee") is hereby created. The Committee shall be appointed by and serve at the pleasure of the Governor until July 31, 2012.

    a. The Committee shall be comprised of nine (9) members, representing the various geographic areas, non-governmental organizations and industries of the State within the range of the species.
    b. The Office of the Governor will assist in staffing this Committee. My office may rely on the services of other Governors or any member of my Cabinet in staffing this Committee.

2. The Committee members shall be appointed from the following categories:
    a. Agriculture
    b. Conservation and Environmental
    c. Energy
    d. General Public
    e. Local Government
    f. Mining
    g. Sportsmen
    h. Ranching
    i. Tribal Nations

3. The Committee shall provide the Governor recommendations on policies and actions, using the 2004 Nevada Sage-grouse Conservation Plan, BLM Interim Memorandum Guidance, National Technical Team Report and other existing strategies and on-going activities as a basis for developing a state-wide strategy to preclude the need to list the species. The recommendations must be based on the following objectives and/or criteria:

    a. Conserve the species and its habitat while maintaining predictable and multiple uses of private, state and public lands;
    b. Tailor the management recommendations to the importance of the habitat and is attuned to the interests of the State;
    c. Address the following primary threats to the species as identified by the USFWS:

        i. Habitat fragmentation due to wildfire and invasive species;
        ii. Conversion and encroachment of habitat caused by development;
        iii. Lack of appropriate regulatory framework.

    d. Address the secondary threats to the species as identified by the USFWS, as appropriate;
    e. Identify opportunities for pro-active sage-grouse habitat enhancement projects; and
    f. Recognize, encourage and incentivize land use practices that are actively maintaining or improving sage-grouse habitat as evidenced by improvements in habitat quality and quantity, and monitoring which indicates stable/increasing populations of the species.
    g. Identify a long-term adaptive management structure that engages local working groups and ensures the effective implementation of these recommendations.

4. The duties of the Committee are solely advisory.

5. The Committee will provide its recommendations to the Governor no later than July 31, 2012.

6. The Committee may request consultation, information and technical expertise from Directors or their designees of state agencies regarding the biological needs of the species, activities in state, federal and private lands potentially impacted by the status of the species, and requirements of the ESA and other relevant statutory requirements, including but not limited to the members of the Nevada Legislature, the Nevada Department of Wildlife, the Nevada Department of Conservation and Natural Resources, the Nevada Department of Agriculture, the Nevada Governor's Office of Energy, and the Nevada Indian Commission.

7. The Committee may request comments, information and technical expertise from the universities of the State, federal agencies, including but not limited to the USFWS, the BLM, the U.S. Forest Service and the Natural Resources Conservation Services, and members of the public including members of existing local sage-grouse working groups

8. The Director of the Nevada Department of Wildlife shall retain an independent contractor to provide technical assistance for the task force from such funds as are available in the Wildlife Trust Fund provided in NRS 501.3585.

9. The Nevada Sage-grouse Conservation Team established in 2000 by Governor Guinn shall hereby cease to exist.

10. Local sage-grouse working groups are encouraged to continue in their efforts to conserve the Greater Sage-grouse in the State of Nevada and are advised to participate in the development of the recommendations here ordered, in consultation with the Nevada Greater Sage-grouse Advisory Committee.

11. The Committee may establish procedural bylaws to aid it in the performance of its duties.

12. The Committee may establish subcommittees comprised of members of the Committee to aid it in the performance of its duties.

13. All records documenting the Committee's activities shall be retained and transferred to the State Archives for permanent retention in accordance with the State record retention policy.

14. The Committee shall cease to exist on July 31, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 30th day of March, in the year two thousand twelve.

Governor of the State of Nevada

By the Governor:

Secretary of State

Deputy Secretary of State