

Appendix C

NATIVE PLANT PROTECTIONS UNDER NEVADA STATE LAW

BLM MANUAL 6840.06

Sensitive species are taxa that are not already included as BLM special-status species under 1) federally listed, proposed, or candidate species; or 2) State of Nevada listed species. BLM policy is to provide these species with same level of protection as is provided for candidate species in BLM Manual 6840.06, that is, to “ensure that actions authorized, funded, or carried out do not contribute to the need for the species to become listed.” The Sensitive Species designation is normally used for species that occur on BLM-administered lands for which BLM has the capability to significantly affect the conservation status of the species through management. BLM Manual 6840.06 provides factors by which a native species may be listed as “sensitive” if it:

1. Could become endangered or extirpated from a state, or within a significant portion of its range in the foreseeable future;
2. Is under status review by the USFWS and/or National Marine Fisheries Service;
3. Is undergoing significant current or predicted downward trends in a) habitat capability that would reduce a species’ existing distribution; and/or b) population or density such that federally listed, proposed, candidate, or state-listed status may become necessary;
4. Typically consists of a small, widely dispersed population;
5. Inhabits ecological refugia or specialized or unique habitats;
6. Is state listed but may be better conserved through application of BLM sensitive species status.

Many of the plant species on Nevada’s critically endangered species list are not federally listed by the USFWS because of the protection afforded them under Nevada State law (BLM 2004a; NRS 527.260–527.300).

PROTECTION AND PROPAGATION OF SELECTED SPECIES OF NATIVE FLORA

Under the NRS 527.260 legislative finding:

1. The Legislature finds that:
 - a) The economic growth of the State of Nevada has been attended with some serious and unfortunate consequences. Nevada has experienced the extermination or extirpation of some of its native species of flora. Serious losses have occurred and are occurring in other species of flora with important economic, educational, historical, political, recreational, scientific, and aesthetic values.
 - b) The people of the State of Nevada have an obligation to conserve and protect the various species of flora that are threatened with extinction.
2. The purpose of NRS 527.260–527.300, inclusive, is to provide a program for the conservation, protection, restoration, and propagation of selected species of flora and for the perpetuation of the habitats of such species.

(Added to NRS by 1969, 775.)

NRS 527.270

List of species declared to be threatened with extinction; special permit required for removal or destruction. A species or subspecies of native flora shall be regarded as threatened with extinction when the State Forester Firewarden, after consultation with competent authorities, determines that its existence is endangered and its survival requires assistance because of overexploitation, disease, or other factors or because its habitat is threatened with destruction, drastic modification or severe curtailment. Any species declared to be threatened with extinction shall be placed on the list of fully protected species, and no member of its kind may be removed or destroyed at any time by any means except under special permit issued by the State Forester Firewarden.

(Added to NRS by 1969, 775.)

NRS 527.280

Destruction or removal of dangerous species by State Forester Firewarden. Where any species of flora which is declared to be in danger of extinction pursuant to NRS 527.270 is found to be dangerous to domestic animals or fowl or a menace to health, the State Forester Firewarden may provide for its destruction or its removal, alive, for translocating.

(Added to NRS by 1969, 775.)

NRS 527.290

Duties of Governor. The Governor shall review the programs which he administers and, to the extent practicable, use such programs in furtherance of the purpose of NRS 527.260–527.300, inclusive, and shall encourage other state and federal agencies to use their authorities in such a manner.

(Added to NRS by 1969, 775.)

NRS 527.300

Powers and duties of State Forester Firewarden. In carrying out the program authorized by NRS 527.260–527.300, inclusive, the State Forester Firewarden, subject to the approval of the Director of the State Department of Conservation and Natural Resources, shall cooperate, to the maximum extent practicable, with other states and with the counties in the State of Nevada, and may enter into agreements with such other states and counties and with other legal entities for the administration and management of any area established pursuant to NRS 527.260–527.300, inclusive, for the conservation, protection, restoration, and propagation of species of native flora which are threatened with extinction.

(Added to NRS by 1969, 775; A 1977, 1168.)