

December 15, 2005

## ***DECISION NOTICE***

### ***PROPOSED ADDITION OF Eriogonum corymbosum var. nilesii, Las Vegas buckwheat to the list of critically endangered and threatened with extinction pursuant to NRS 527.270***

Three public hearings on the proposed regulation were conducted on September 28, 2005 in the communities of Carson City, Elko and Las Vegas. The public hearings and text of the proposed regulations were noticed in accordance with NRS 233B and affected businesses and members of the public known to be interested in the subject matter were notified individually. Public comments and written comments were taken and considered at these hearings. Written comments were accepted through October 3, 2005. The testimony received was mixed with comments both for and against the proposed regulation revision.

The Nevada Rare Plant Workshop and the Nevada Natural Heritage Program technical experts and advisors for the Division of Forestry regarding the listing or delisting of native flora species critically endangered and threatened with extinction has proposed the addition of ***Eriogonum corymbosum var. nilesii, Las Vegas buckwheat*** to NRS 527.010. Throughout the course of the last year significant new information has emerged regarding existing Las Vegas buckwheat plants and their range, primarily found on public lands managed by the USDI Bureau of Land Management (BLM). The BLM is in the process of conducting surveys for the Las Vegas buckwheat in Clark County. Research has yet to demonstrate unique genetics for the Las Vegas buckwheat in southern Nevada separating it from other varieties. Concurrently, rapid urban development in southern Nevada is threatening Las Vegas buckwheat plants and its habitat with removal and permanent alteration.

Significant conservation efforts have been initiated for the Las Vegas buckwheat by federal, state, county and city partners through the establishment of Conservation Transfer Areas (CTA) and implementation of specific management measures. The commitment to conserving the Las Vegas buckwheat and its habitat in conjunction with state listed native flora species is commendable and these efforts are encouraged to continue through the land use and planning processes. Cooperative agreements are in place and on the ground conservation practices are slated for implementation.

Therefore, as State Forester Firewarden and in accordance with NRS 527.270, I do not believe sufficient evidence exists to support the proposed regulation change at this time. Specific research efforts to determine the genetic uniqueness of the Las Vegas buckwheat and the extent of its range are critically necessary. The use of

CTAs and specific conservation measure agreements are critical to the future health of the species and reduces the potential for listing as a critically endangered and threatened with extinction pursuant to NRS 527.270. The Division of Forestry will continue to closely monitor the threats and stressors impacting the Las Vegas buckwheat and its habitat and will reconsider listing as necessary.

---

Pete Anderson,  
State Forester Firewarden

---

Date