

Federal and State Wildlife and Natural Resources Managers Collaborate on Historic Conservation Agreement

SEPTEMBER 12, 2016

The WilmerHale Energy, Environment and Natural Resources group was proud to represent Newmont Mining in working with state and federal entities, among other stakeholders, to develop a historic 1.5-million-acre voluntary, landscape-level conservation agreement, which was finalized last week in Carson City, Nevada. The agreement was signed by Nevada Governor Brian Sandoval and representatives from the US Bureau of Land Management, the US Fish and Wildlife Service, the Nevada Department of Wildlife, the Nevada Department of Conservation and Natural Resources, and Newmont.

Collaborative Conservation

Newmont envisioned the agreement as the next step in its conservation and resource management efforts in the region, and as a means by which to formalize those efforts, which implicate a variety of statutory and regulatory regimes, including the Endangered Species Act, the Federal Land Policy and Management Act (and land management plans issued under it), the National Environmental Policy Act, and state wildlife and habitat management statutes.

The agreement represents an unprecedented public-private partnership and sets a framework for how the signatory entities will interact with respect to conservation projects to be proposed by Newmont on approximately 1.5 million acres of public and Newmont-owned land in Nevada. Those lands represent a significant piece of the local sagebrush ecosystem, which has faced a variety of threats in recent years.

Aligning Objectives

The agreement will enable Newmont to harness its on-the-ground resources and expertise to develop projects to restore and conserve sagebrush habitat in a manner that allows it to integrate conservation projects with its existing operations, and to better plan for its future.

As the Department of the Interior's Assistant Secretary for Land and Minerals Management noted at the signing ceremony, the agreement demonstrates that "continued economic growth and

conservation of our important natural resource heritage need not be at odds.”

The signing coincided with the 20th Lake Tahoe Summit, an annual conservation gathering of federal, state and local officials in Lake Tahoe, California. The White House highlighted the significance of the Newmont agreement in its press release for the summit, calling it “a first-of-its-kind mitigation credit system” that will “highlight ways to enable important economic development while meeting our Nation's commitment to conservation.”

A Model for Conservation

WilmerHale was delighted to represent Newmont in conceptualizing, drafting and negotiating the agreement, which represents the next phase of Newmont's land stewardship in the region and ideally will serve as a model for conservation going forward. Such measures represent a tremendous opportunity for institutional landowners and natural resource industry leaders to work side by side on a voluntary basis with regulators as professional partners—a proactive collaboration to promote both conservation and business certainty.