STATE OF NEVADA

SAGEBRUSH ECOSYSTEM COUNCIL

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DRAFT MINUTES

Date:	**Thursday, April 28th, 2022**
Time:	**8:30 a.m.**
Place:	**Nevada Department of Wildlife Headquarters** **6980 Sierra Center Pkwy #120** **Reno, NV 89511** **Teleconference Access:** **Please click this URL to join.** **https://us02web.zoom.us/j/89455308576?pwd=ZDJ6cDdrcm9TeHFXYkpqZmQwUEdNdz09** **Passcode: 712006** **Or Phone:** **1 253 215 8782 89455308576# *712006# US (Tacoma)** **1 346 248 7799 89455308576# *712006# US (Houston)** **Webinar ID: 894 5530 8576** **Passcode: 712006**

Council Members Present: JJ Goicoechea, Chris MacKenzie, Bevan Lister, Sherm Swanson, Steven Boies, William Molini, Starla Lacey, Alan Shepherd for John Raby, Jim Lawrence for Bradley Crowell, Meghan Brown for Jennifer Ott, Tony Wasley, Cheva Gabor for Bill Dunkelberger, Justin Barrett for Marc Jackson, Jim Gifford for Ray Dotson, Anthony Walsh.

Council Members Absent: Gerry Emm, Allen Biaggi

1. CALL TO ORDER

Chairman Goicoechea called the meeting to order at 8:30 a.m.

2. PUBLIC COMMENT

No public comment.

3. APPROVAL OF THE AGENDA - *FOR POSSIBLE ACTION*

Member Boies moved to approve the agenda; Member Swanson seconded the motion. The motion was unanimously approved. ***ACTION**

4. APPROVAL OF MINUTES - *FOR POSSIBLE ACTION*

Member Lister commented that it seemed Chairman Goicoechea both made the motion to adjourn and seconded it. Regardless, Member Lister moved to approve the minutes for the meeting on February 24, 2022. Member Swanson seconded the motion. The motion was unanimously approved. ***ACTION**

5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE

Member Swanson introduced the Council to his publication: "Sustaining Wild and Free-Roaming Horses and Burros – History, Vision, Reality, Nightmare, Paths, and Needed Action." This document is available on the Sagebrush Ecosystem Program website. Mr. McGowan also wanted to take the opportunity to introduce the newest member of the SETT – Justin Small, representing NDOW. Mr. Small introduced himself briefly.

6. CONSIDERATION OF A REQUEST FOR EXEMPTION TO MITIGATE FOR THE PROPOSED "PLAN OF DEVELOPMENT FOR THE COUNTY ROADS PROJECT (UPGRADES TO ROADS 719 AND 100)" IN CONFORMANCE WITH NEVADA ADMINISTRATIVE CODE 232.460 – *FOR POSSIBLE ACTION*

Mr. McGowan reminded the Council that a packet regarding this request was sent out prior to the meeting with a recommendation from the SETT. At the time of the packet, the SETT felt that there was not enough information to grant the exemption. The team met with Kinross and expressed concerns since, and more information has come to light regarding the project. Beth Erickson of Kinross then presented the proposed project, planning to widen and realign Elko County Road 719 and White Pine County Road 1000. The proposed plan can be found on the Sagebrush Ecosystem Program website. With her were Josh Vittori of Nexus Environmental Consultants, William Ericson of ICF, Dan Nally of ICF (consultants), Brett Bingham of Bingham Mapping, Curtis Moore - Elko Country Natural Resources Director, and Martin Troutt - White Pine County Superintendent. Mr. Moore added that the purpose is to straighten the curves and reduce the hills and has been a concern since early 2000s. Public safety should not only be reactive but proactive to reduce the incidents. This route is an emergency access route for Spring Creek. Mr. Troutt voiced his support for the concern. Chairman Goicoechea asked Mr. Moore and Mr. Troutt if any of the incidents stated were not caused by the road but by speeding and if the speed was going to be enforced by doing this work. Mr. Moore replied that the road alignment would not affect the speed, but they can see obstacles on a straight road better than on a curved. After much discussion over the need of the project, Chairman Goicoechea reminded everyone that the project will be done, the request is just to waive the mitigation requirement. He opened the discussion up to the Council, who asked many questions about the structure of the proposed changes and the reasoning for all the traffic on the road. This discussion and more can be found on the meeting recording on the Sagebrush Ecosystem Program website. Member Swanson brought up the topic of "is the project 'necessary'?" if the issue is created by the mine itself and not caused primarily by the public. Cheva Gabor of the USFS mentioned that regardless of the decision made at the meeting, the project still crosses USFS land and is subject to the Forest Plan. So, when it does go through NEPA, the USFS will expect them to avoid, minimize, and mitigate, regardless of the exemption from the Council. Member Lister made a motion to deny the exemption on the basis that speed is probably more the issue and public safety can be managed in other ways than road alignment. Member MacKenzie seconded the motion. Member Boies expressed concern over the denial of the exemption, as he is personally familiar with the safety issues on the road and the fact that adding to the road is not going to affect the sage grouse much. He expressed concern over further loss of life if the project was delayed. Further discussion was had about the word "necessary," and legal counsel was consulted to ensure there was no legal interpretation that would tie their hands. Mr. Walsh stated the Council was within their right to make a decision, ensuring it is not made arbitrarily or capriciously. Chairman Goicoechea called for a vote on the motion to deny the exemption for Kinross to participate in the CCS. One opposed and motion carried. ***ACTION**

7. REVIEW OF CONSERVATION PRIORITIZATION TOOL DEVELOPED IN UTAH TO OPTIMIZE HABITAT BENEFITS FOR GREATER SAGE-GROUSE

Mr. Small presented his sage grouse research conducted as part of his PhD work, and the tool that was developed through that research to identify optimal sage grouse priority areas for restoration. This presentation is available on the Sagebrush Ecosystem Program website. Member Molini asked, since his research was ongoing, was there going to be someone ground truthing the project this next year, to which Mr. Small replied that the professors will monitor his study for the next few years to show the function of his tool on the landscape. Member Swanson commented that the reason for treating PJ is to avoid crossing an ecological threshold. One of the big problems with PJ is that it takes out sagebrush and grass and then goes into a fire cycle. He then asked if the model is capable of looking at other timeframes so people can see this as a response with a curve to evaluate other benefits or costs. Mr. Small replied that the purpose was to get the fastest turnaround, but it has the ability to change the timeframe. It's hard for people to wrap their heads around any more than ten years into the future. The project areas that were benefitted the best had the best surrounding habitat, good vegetation, and good resistance and resilience. The best results are the ones in Phase I PJ.

8. UPDATE ON SCIENCE WORK GROUP THAT CONSIDERED ADDITIONAL SCIENCE THAT MAY BE INCORPORATED INTO THE CONSERVATION CREDIT SYSTEM TO ACCOUNT FOR GREATER SAGE-GROUSE POPULATIONS WORKLOAD – *FOR POSSIBLE ACTION*

Mr. McGowan updated the Council on the Science Work Group meeting and the possibility of adding population science into the Conservation Credit System. The full presentation is available on the Sagebrush Ecosystem Program website. Mr. Boies asked to define "source leks," to which Shawn Espinosa from NDOW replied that a source lek is one that maintains a population growth rate of 1 or greater and helps maintain the leks around them. They are hard to assess on the landscape but there are models to estimate. Problem is that there's not many leks that show an increase. Mr. McGowan added that with this update, there would be some weighing values tied to leks in the area and their population. However, Member Swanson commented that the bigger question is the limiting factors in the habitat that we should focus on instead of population. Mr. Huser reminded the Council that what started this discussion was the issue of lek loss and how to deal with that loss. Mr. Jenne commented that they don't have the tools to guide is to the limiting factors. It's always been to try to protect leks. Mr. Espinosa finished the conversation with a comment that models are just meant to inform, not decide. ***NO ACTION**

9. STAFF BRIEFINGS AND UPDATES TO THE COUNCIL

A. CCS PROJECTS AND TRANSACTIONS

Mr. Huser updated the council on the CCS status. The presentation is available on the Sagebrush Ecosystem Program website. Member Lister asked why South Railroad has such a high debit amount, to which Mr. Huser replied that it was due to the indirect areas affected by the direct disturbance.

B. GREENLINK WEST – ADAPTATION OF CCS FOR USE IN BI-STATE HABITATS

Mr. McGowan updated the Council on the Greenlink West project affecting bi-state sage grouse. The next step is to reach out to NDOW and to the executive committee to see if a tool can be used and is necessary to be used in that area, see if CCS can be used on the debit side to help with quantification of impacts. It will not be a long-term solution.

C. SWIP TRANSMISSION LINE

This agenda item was discussed after Agenda Items 9D, 9E, and 9F. Mr. McGowan updated the Council on a high voltage transmission line going from Phoenix to Twin Falls. Phoenix to Ely has been completed. Ely to Twin Falls has not been developed, though NEPA has been completed. There are concerns with the route. Post-ROD, congress took action to establish a corridor. But both of those actions occurred prior to the Executive Order mandating mitigation. The question is whether we can require the CCS for this project. The SETT continues to meet with proponents to discuss. Mr. Walsh commented that the problem is more whether they can challenge an act of congress. There is a bit of research and legal decisions being discussed in the background. Mr. Lawrence commented that they are unsure what mitigation had been completed prior and what the weight of a congressional action is. The project is ready to move forward but there will be a lot of disturbance.

D. BAKER RANCH POWER TIE-IN

Mr. McGowan updated the Council on the Baker Powerline project, that they purchased one credit from a credit producer. Mitigation has been completed and the SETT is working with them on two more projects.

E. GOLD BAR AND GOLD BAR SOUTH MINE MITIGATION

Mr. McGowan reminded the Council about Gold Bar and Gold Bar South Mines. Gold Bar developed a plan for mitigation around Roberts Mountain in the Three Bars area without consultation with NDOW and SETT. Now, the SETT can help identify the most appropriate areas to be done. We continue to work with them to talk about priority areas within that area. Gold Bar South, expansion on the original mine, runs through the CCS. We've calculated the debits associated with that and they intend to secure 1/3 up front. Are working with a credit producer to do so.

F. NATIONAL MITIGATION AND ECOSYSTEM BANKING CONFERENCE

Mr. McGowan mentioned that he will be attending a Mitigation Conference in Boise, ID, talking about habitat and species mitigation.

10. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DISCUSSED DURING THIS MEETING AND SCHEDULING NEXT SEC MEETING – *FOR POSSIBLE ACTION*

Mr. McGowan offered the idea of the next SEC meeting to be a tour combined with a meeting, held June 22-23. The Council agreed to this date. Mr. McGowan reminded the Council that the topics will be an update from Pete Coates, an update regarding the Science Work Group, a discussion on SWIP, and a discussion on the South Railroad ingress and egress impacts. Member MacKenzie also added a discussion regarding small credits for debit projects. ***NO ACTION**

11. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service

Mr. Barrett notified the Council that the emergency listing for Dixie Valley toad was on April 4th. They proposed to list species as endangered. Comment period open and will hold public meeting about proposed rule on May 9th. The past Monday, they received petition to list pinyon jay. Not clear what office will take lead on it for the 90-day finding to see if it is warranted. Regarding the bipartisan infrastructure law, they received funding to benefit sagebrush ecosystem. Trying to identify projects to put funding for.

B. Bureau of Land Management

Mr. Shepherd reminded the Council that the BLM taking on the new science and impacts to sage grouse habitat designations and keying into durability on habitat. That information will be supplied to the states for use in the planning process for updating the 2015 Plan. California and Nevada are doing a Plan maintenance so they are in tune with the rest of the partners. The BLM is updating HAF forms too. Close to approving plan maintenance to use updated maps. Work with permittees on drought and grazing flexibility. Headquarters office is working on range regulations to incorporate more flexibility. They also offered additional funding to find flexibility type projects. Nevada is doing a programmatic EA to look at flexibility for LCT habitat. Green energy proposals coming out. Horse gathers to start in July, but there are budgeting issues. Opening of new horse holding facility is July or August. BLM and National Fish and Wildlife Foundation have Memorandum of Agreement to establish a national mitigation account specific to mitigation actions in the state.

C. US Forest Service

Ms. Gabor notified the Council that the USFS is in the middle of fire preparation, as they are expecting another bad season. They are in the process of conducting cooperators meetings to talk about preparation for fire season. Fortunate to have increased staffing for bipartisan infrastructure law. They are looking forward to committing to the rancher liaison program again. USFS offices reopening June 6th to the public. The accomplishments report for the Nevada Shared Stewardship will be ready soon. They would like to share the presentation after the fact. Accomplishment report is for Elko, Spring Creek, Lamoille. About to move into additional landscapes. Joint Chiefs restoration grant will fund three new projects. There is a new Bridgeport District Ranger.

D. USDA – Natural Resources Conservation Service

Ray Dotson updated the Council that NRCS is tying up dollars to contract with producers for Joint Chiefs. They are trying to move unused dollars to support what they are doing. Next phase is to be more proactive in public outreach for programs. The State technical advisory meeting coming up, and they are laying the foundation to have the local workgroup meetings earlier. People want to sign up earlier and don't want to waste the first quarter of the government fiscal year.

E. Other

12. STATE AGENCY UPDATES AND COMMENTS:

A. Office of the Governor

Jordan Hosmer-Henner informed the Council that they are working on climate change related issues and working with the infrastructure law to get money regarding wildfire.

B. Department of Conservation and Natural Resources

Mr. Lawrence reminded the Council of the Fire briefing that will be on May 5th to brief the governor on the fire situation. Conserve Nevada is funded through general obligation bonds and was passed by legislature. DCNR going through the process to get the regulations to give out grants in June, then they can ask for appropriations to get the program funded. Specifically, there will be eligibility for folks that want to purchase CCS credits and retire them, land acquisition for conservation easements, and watershed resilience projects.

C. Department of Wildlife

Mr. Jenne updated the Council that lek counts for 2022 showed attendance is down slightly or down from last year, which indicates drought. Conservation Assessment was supposed to be completed in 2020 but addressed by Western Associate of Fish and Wildlife Agencies. WAFWA team working through comments and revisions. Final publication expected to be completed Fall 2022. NDOW implemented 62,862 acres of wildfire restoration efforts and are prepping for 2022 wildfire season.

D. Department of Agriculture

Ms. Brown commented that NDA is still recruiting a position on SETT and would like help getting word out. Underfill and normal postings are open. They continue to engage with native seed partnership and held conference last month. It was well attended. Early detection rapid response weed species engagement with partners in ongoing. They are establishing standard operating procedures and would welcome engagement.

E. Other

13. PUBLIC COMMENT

Member Lister commented that there is a continued need to get what the SEC is doing to the local groups. There have been two years where the local groups have not met, and no one knows what is happening to the Conservation Districts Program, but things need to get back on the ground.

14. ADJOURNMENT

Member Lister moved to adjourn and Member MacKenzie seconded the motion. Chairman Goicoechea adjourned the meeting at 1:03 pm.

All details not covered in these minutes can be heard on the meeting recording at https://sagebrusheco.nv.gov/Meetings/Meetings/.