



Nevada Farm Bureau Federation

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August 12, 2013

Letter Sent Via Attachment To Email

Nevada Sagebrush Ecosystem Program
201 S. Roop St. Suite 101
Carson City, NV 89701

Attention: Tim Rubald, Program Manager

Dear Tim:

This letter includes my comments and concerns regarding the proposed rewrite of Section 3.0 Goals and Strategies. As I understand the directions given, these comments and concerns will be included in consideration by the Sagebrush Ecosystem Council's determination to proceed with the proposed rewrite of Section 3.

If you or other members of the Technical Team have questions or need further explanation on the comments and concerns I've provided here, please contact me and I would be happy to discuss in more detail.

Tentative Acceptance With Completed Version Changes Possible: When these levels of major changes are proposed for considerations in a piecemeal fashion (on a chapter by chapter basis), there seems to be the potential for accepting an overall outcome that is not intended or consistent. With appropriate corrections made to the "***Draft Revised Section 3.0 Goals and Strategies***" and the agreed to idea that when all the various sections have been completed, it will be possible to revisit any or all of the document before actual approval, I would be willing to consider the corrected copy to be accepted for the time being.

Not Knowing Where "Habitat" Might Be: Although not included in the specifics of Section 3, the inter-related issue of not having a state-wide sage-grouse habitat suitability map to understand what areas will be considered "Sage Grouse Management Areas" is problematic. The natural result of this "you'll get it in January 2015" is that our plan covers unknown areas, or a blind acceptance that what the federal agencies are using is good enough for the time being.

Since the "***Governor's Sage-Grouse Advisory Committee***" agreed and accepted the Nevada Sage Grouse Management Area Map in 2012, I would maintain that we would write this into the State Plan as being the areas to be covered by our Plan rewrite, until such time as **the final** "Coates Map" is delivered and accepted.

What Was Left Out In Rewrite: If I understand correctly, the new proposed version of Section 3 Goals and Strategies will replace the “Original Section 3 Goals and Strategies.” In my review, I note that the “Original Section 3...” included ***3.1 Management Strategy In Occupied Habitat, 3.2 Management Strategy In Potential Habitat*** and ***3.3 Management Strategy In Non-Habitat***.

While recognizing the need to document various “avoidance”, “minimize” and “mitigate” elements that might have been in the “Original Section 3...”, I do not find it acceptable to eliminate the concepts of “***Occupied Habitat***,” “***Potential Habitat***” and “***Non-Habitat***” management ideas expressed in the “Original Section 3...”. Perhaps by excluding these concepts there is an intention to dismiss these categories from further usage, through the use of a strategy of omission. This should not be allowed to take place without a deliberate policy action taken by the Sagebrush Ecosystem Council.

“Mitigation” for Habitat Within Sage Grouse Management Areas: On page 2 of the proposed rewrite, immediately following the definitions for “Avoid,” “Minimize” and “Mitigate” the paragraph reads, “*Any proposed action within an SGMA will trigger consultation with the SETT for assessment of impacts...*” This paragraph further describes there will be a ground-truth requirement for the project site “*and its surrounding areas*”... I believe that it is necessary to clearly indicate that “Minimize” and “Mitigation” will only apply to identified “***Occupied Habitat***” or “***Potential Habitat***” -- “Non-Habitat” within a Sage Grouse Management Area should explicitly be identified as not requiring “Minimize” or “Mitigation.”

“Definitions” Required: While I understand that various definitions are planned to be included in a “Definitions” section (that we have not yet received and won’t likely obtain until the end of the rewrite process), I believe that a definition for what a project is needs to be written into the narrative (possibly at the top of page 3) and then also included in the “Definitions” section. Without having the definitions known, we are being asked to piece-meal accept something that needs to be completely understood in the context of the proposed rewrite.

This same point of view also applies to “DFs” spoken in the first paragraph following the heading “Minimize”. While bureaucrat-speaking individuals may understand that “DFs” is an acronym for “Designed Features” and the point may imply that we are actually talking about Best Management Practices...the first time an acronym is used it should include that actual English translation of what the acronym stands for {Example: Designed Features (DFs)} and since this is intended to imply that Designed Features is a BLM concept for Best Management Practices, it would be a good idea to put that in writing.

Authority Of SETT To Determine? As part of the responsibilities for the Sage Grouse Ecosystem Technical Team (SETT) to “*determine which specified DBs would be most applicable to the project...*” it would be useful to understand whether this “determination” will actually mean anything to the federal land manager who will be making the actual decision. Because I’ve asked about the role of the SETT in the context of land management decisions, I’ve learned that there is an intention to seek and implement a coordination agreement/Memorandum of Understanding (MOU) which spells out this inter-relationship. I believe the rewrite of the Plan should explain the role that the SETT has within the land management decision process and the nature of how SETT will be considered by the federal land management agency.

Context of Mitigation: Partially, along the lines of the points made above on “Authority” and partially because the “*Options for mitigation will be identified in the State’s Strategic Action Plan...*” I believe the proposed rewrite needs to have further explanation on how the federal land management agencies (and perhaps the U.S. Fish and Wildlife) will consider “Off-Site” mitigation to be applied, supposedly anywhere in the state that has a prioritized status.

We’ve seen in the past the federal agencies participate in the discussion and then have issues after the fact, which they won’t accept. I believe the principles of the role of authority for Mitigation needs to be clearly spelled out in the rewrite for Section 3 and specific recognition that under whatever requirements are necessary, the federal agencies will accept the agreed to mitigation that a project proponent and SETT resolve to carry out.

Context of State’s Strategic Action Plan: There needs to be a subsection which identifies the relationship that the *State’s Strategic Action Plan* will have with the State Plan and how these documents tier together. In explaining the details for the *State’s Strategic Action Plan* it should be clearly identified as to who will be developing this document, how it will be evaluated for the purpose of being consistent with the State Plan, how it may be amended or changed to fit future needs, etc.

“Maximum Allowable Disturbance”: The concept of using a four-mile buffer around the project, within a Sage Grouse Management Area, seeking the overlap of this land area with leks (“active,” “pending active” and “inactive”) appears to accept that non-habitat within a Sage Grouse Management Area could be burdened with a requirement of mitigation and treated as if it were “*occupied habitat*” or “*potential habitat.*” This expansion seems to indicate that there is an unwillingness to accept that “*non-habitat*” should be considered “safe” from further land-use restrictions, wherever it may occur.

The use of a manual covering the details for a Nevada adaptation of a “Density/Disturbance Calculation Tool”, still to come, and outside the Plan, is more than I believe appropriate. Until the still to be developed tool and the details for how such a plan will operate are known, the specifics of any buffers should be left out of the Plan.

Thank you for including these concerns and comments in the consideration/deliberations for the actions to be taken on a rewrite of Section 3.

Sincerely,



Doug Busselman
Agriculture Representative
Nevada Sagebrush Ecosystem Council