



STATE OF NEVADA  
**SAGEBRUSH ECOSYSTEM COUNCIL**  
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## **MINUTES**

*Action was taken to approve minutes January 8, 2014.*

Date: Monday, December 18, 2013 - 8:30 a.m.  
Time: The Nevada Legislative Building  
Place: 401 S. Carson Street, Room 1214, Carson City, Nevada 89701

**Video Conference was not available, but could be viewed on the internet at:**  
<http://www.leg.state.nv.us/App/Calednar/A/>

A full audio recording of this meeting is accessible through the following website -  
[http://sagebrusheco.nv.gov/Meetings/Sagebrush\\_Ecosystem\\_Council\\_Meeting/](http://sagebrusheco.nv.gov/Meetings/Sagebrush_Ecosystem_Council_Meeting/)

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**Council Members Present:** Jim Barbee, Allen Biaggi, Steven Boies, Jeremy Drew, Bill Dunkelberger, Leo Drozdoff, Gerry Emm, JJ Goicoechea, Ted Koch, Amy Lueders, Kent McAdoo, Tina Nappe, and Tony Wasley.

Jim Barbee was represented by Flint Wright in the AM portion of the meeting. Cassandra Joseph was represented by Shane Chesney in the AM portion of the meeting and Dennis Belcourt in the PM portion of the meeting.

**Council Members Absent:** Starla Lacy. Leo Drozdoff was not present for the portion of the meeting after the lunch break.

1. **CALL TO ORDER** – Chairman Goicoechea called the meeting to order at 8:39 a.m.
2. **PUBLIC COMMENT**
  - a. Cliff Gardner – representing Rural Heritage Preservation Project. Mr. Gardner provided information to the Council regarding predator control and the states responsibility to address it as well as other public safety issues, even those of monetary concern. A copy of his handout was presented to the recording secretary and is available upon request.
3. **REVIEW AND CONSIDERATION OF APPROVAL OF AGENDA** – Vice Chairman McAdoo moved to approve the agenda; seconded by Member Emm, motion passed unanimously.  
**\*Action**

**4. REVIEW AND CONSIDERATION OF APPROVAL OF MINUTES**

A. *Approval of minutes from the meeting held November 18, 2013.* Member Boies made a motion to approved the minutes; seconded by Member Emm, motion passed unanimously.

**\*Action**

**5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE:**

A. Mr. Rubald reviewed additional meeting collateral items that were handed out the morning of the meeting. He noted the Council is behind the timeline benchmarks.

Vice Chairman McAdoo addressed two topics that he believes impact the credibility of the EIS document; the lack of any reference to science-based site-specific predator control, and the lack of pertinent scientific references regarding grazing management, especially those that contrast heavy/abusive grazing with moderate grazing. He noted to include the best wildlife science while excluding pertinent range science could be interpreted as a lack of objectivity. Member Lueders encouraged Member McAdoo to submit his comments through the Council as well as individually. Member Nappe supported Member McAdoo's statement, with the explanation that only the state can address predator generating issues like land fills and road kill. Member Boies requested an item specific to predator control be added to the Jan 8 or 9 meeting agenda. Deferred to agenda item#12.

Chairman Goicoechea stated he received a letter of support from the State Conservation Commission Chairman, Joe Sicking, and will distribute the letter to the Council and SETT.

**6. DISCUSSION OF THE CONSERVATION CREDIT SYSTEM:**

A. Jennifer Newmark, Administrator for the Nevada Natural Heritage Program (NNHP) provided a brief update on the status of the Conservation Credit System and an overview of her program and its role. The contract was awarded to Environmental Incentives, LLC (EI) and will expire in 2014. Work has begun assessing metrics from other crediting systems, including: metrics, values of credits, values of the ecosystem and timelines. In reviewing other systems, they will determine what can be used and what will need to be adapted for Nevada. Additionally, working manuals for future functionality and structuring of the system will be created. Ms. Newmark noted the team has reviewed the framework of the system with USFWS and she doesn't foresee issues with those components.

**7. DISCUSSION AND CONSIDERATION OF PROPOSED REVISIONS TO SECTION 3.0 GOALS AND OBJECTIVES OF THE 2012 STATE PLAN.**

A. Melissa Faigeles, SETT led the discussion of the substantial edits to the 2012 State Plan, including cumulative impacts, as directed during the September 12, 2013 and October 10, 2013 Council Meetings, and discussed at the November 18, 2013 meeting.

The Council agreed to strike Maximum Allowable Disturbance (MAD) and cumulative impacts from the document; noting they will be addressed in the crediting system. The intent is to have the contractor, EI, flesh this out. After further discussion, Members Wasley and Drew stated it was conceptually agreeable.

Member Nappe expressed her disappointment that Nevada's support to preserve Sage-grouse is not highlighted in the document. Chairman Goicoechea spoke to Member Nappe's concern, stating the language does exist in the plan; in the first sentence of 3.0 and AB461 clearly states Nevada's intent to preserve the bird.

Chairman Goicoechea is concerned with the direction change from fire to invasives. Member Koch provided an explanation for the shift in the Services' shift in prioritizing threats. A discussion relating to lower elevation ensued. Member Lueders suggested adding language to pg. 9 line 22. Member Nappe requested to include lower elevation. The majority of the Council expressed concern that "lower definition" would need to be defined and is variable by site and many other factors; i.e.: rainfall. The Council decided not to add language specific to lower elevation.

Vice Chairman McAdoo made a motion to prioritize the threat of fire before invasives in the State Plan; seconded by Member Nappe. Further discussion through public comments. Mr. Hunt noted this is consistent with the COT report. **\*Action**

The Chair called for public comment. Mr. Gardner, Mr. Lister and Ms. Struhsacker provided comments on the proposed edits, along with revisions they disagree with and offered suggestion to the Council.

Mr. Swanson agreed with not incorporating lower elevation in the plan, stating if the Council attempts to define it, they will be deficient and if it's left broad, it can be nuanced in a very site specific manner. He suggested inserting the concept recommended by Member Lueders. The concept will be inserted, on pg. 10 line 5 – adding a line 6 to state: 'Support robust coordinated and rapid fire suppression, using a diversity of agencies; federal, state and local, as well as empowerment of land owners, such as through the wildfire support group, i.e.: wildland fire districts. Member Biaggi recommended including comprehensive fire suppression management in the wording, as to not focus solely on suppression. Motion by Vice Chairman McAdoo; seconded by Member Boies, to amend the proposal to include the above language as an insert on pg. 10 line 6, motion passed unanimously. **\*Action**

Discussion of Table 3.1. Member Biaggi noted that at the last meeting, Member Busselman had lead a discussion pertaining to this section, no action was taken, but was requested to revisit at the next Council meeting for possible action.

Member Nappe made a motion to adopt with the amendment the revision to Section 3.0 Goals and Objective of the 2012 State Plan; seconded by Member Emm, motion passed unanimously. **\*Action**

Member Drew made a motion to direct the SETT to work with the Conservation Credit System (CCS) contractor to consider cumulative impacts and the concept of maximum allowable disturbance on Sage-grouse habitat at the population level in the development of the metrics and for the SETT to work with the contractor to consider structure and policies in developing the CCS; seconded by Member Biaggi, motion passed unanimously. **\*Action – Team Assignment**

Mr. Gardner stated the Rural Heritage Preservation Project is adamantly opposed to the adoption of design features because the historical science documents they presented to the Council have not been considered and the Council is basing their decisions on false assumptions. Chairman Goicoechea clarified that the motion is to direct the team to work with the contractor to develop, not adopt the metrics.

**8. DISCUSSION AND CONSIDERATION OF PROPOSED SITE SPECIFIC CONSULTATION DESIGN FEATURES, PERTAINING TO THE 'MINIMIZE' POLICY TO BE INCLUDED IN THE REVISED VERSION OF THE 2012 STATE PLAN AND STATE EIS ALTERNATIVE.**

A. Kelly McGowan, SETT led the discussion and consideration of proposed Site Specific Consultation Design Features to be included in the revised State Plan and EIS Alternative, as requested during the October 10, 2013 Council Meeting, incorporating comments made by the Council *et. al.* between the November 18, 2013 meeting and this meeting. Mr. McGowan noted they addressed site specific recommendations on the first page, rather than addressing it throughout the document. Policy items were removed. Member Lueders provided an explanation regarding the concerns raised by Member Boies on how they will be used, as an outline or potential use. She noted it comes down to which apply and which don't and documenting to be consistent.

Shane Chesney, DAG was replaced by Dennis Belcourt, Sr. DAG – 11:24 a.m. timestamp.

Member Nappe referenced the language of 3 years being 'long-term', believing this is a short term period and needs to be retitled as such. Member Napped apologized for not submitting her comments earlier as requested. She addressed a list of items she stated she believed were oversights to the process, which included: predator control, specifically for ravens, livestock management, power lines, reclamation, removal of fences, fluids, water and usage stating she believes these have been completely omitted. Chairman Goicoechea requested Member Nappe to provide the list of comments she dictated so they could be reference by the Council and SETT. She expressed among all of her concerns, her greatest concern would be water being used by mines. Member Biaggi addressed Member Nappe's comment, stating that water and its use are issues of the State Engineers office, and not one of this body. Further discussion ensued to understand and incorporate Member Nappe's items into the document.

Member Lueders addressed Member Nappe's concerns on reclamation. She explained the objectives BLM uses when reviewing reclamation standards. She suggested striking 'minimum of 3 years' on pg. 18 of 20, line 4, as it is based on the required objectives of the reclamation being achieved rather than a set time period.

Vice Chairman McAdoo, pg. 4. – preemergent pesticides, question does that preclude other postemergent herbicides from being used? Mr. McGowan stated that is not the intent. He said language can be included for postemergent. It was suggested, to strike 'preemergent' and replace it with 'herbicides'. Chair called for consensus, all agreed.

Vice Chairman McAdoo, pg. 16, line 7 – prescribed grazing, emphasize rest periods when appropriate as part of the grazing management plan. He suggested adding 'and/or seasonal deferment' after rest periods. Chair called for consensus, all agreed.

Member Biaggi suggested editing language on pg. 1 of 20, line 8 regarding 're-permitting in SGMAs' to 'These projects may be reviewed every five years and when NEPA action occurs.' Member Lueders provided clarity that BLM defines permits as 'authorizations of actions'. Discussion to strike language, 'that require re-permitting'. A discussion ensued.

Member Drew made a motion to edit language on pg. 1, lines 6-11 that would read, 'Design features in the state of Nevada's plan apply to all newly proposed projects and

modifications to existing projects within SGMAs. Existing projects within SGMAs are not currently subject to design features, however; all design features listed below, according to program area, are required to be considered as part of the SETT Consultation process; seconded by Member Emm, motion passed unanimously. **\*Action**

Member Biaggi is concerned with pg. 6 of 20, line 6 regarding 'locatable minerals'. He asked what is the definition of locatable minerals and is that referring solely to exploration or to operations. The SETT explained this section was originally developed under the NTT and would be anything under BLMs definition. Member Lueders clarified BLM's definition of locatable minerals refers to all actives under 3809 regulations. Further discussion ensued.

The Council recessed for a lunch break.

Member Biaggi proposed language changes starting on pg. 6 of 20, line 7 to eliminate all of the language under locatable minerals, including that under roads, reclamation and operation and to add the following language: 'Locatable Minerals - For consistency, Greater Sage-grouse site specific design features for locatable minerals shall be considered in association with state and federal permitting requirements including bonding, if applicable. This format will be duplicated for the subheadings 'Operations' and 'Reclamation' under Locatable Minerals.

The Council chose to retain the existing bullets on lines 9-26 for consideration in the permits. Member Biaggi made a motion to amend the language ('Locatable Minerals - For consistency, Greater Sage-grouse site specific design features for locatable minerals shall be considered in association with state and federal permitting requirements including bonding, if applicable. This format will be duplicated for the subheadings 'Operations' and 'Reclamation' under Locatable Minerals); seconded by Vice Chairman McAdoo, motion passed unanimously. **\*Action**

Member Drew requested an amendment for consideration under 'Miscellaneous' on pg. 18. Member Drew made a motion to amend language to read, 'Work with federal, state, and local governments and project proponents to minimize anthropogenic subsidies for predators, including ravens; seconded by Member Boies, motion passed unanimously. **\*Action**

Member Boies moved to adopt, with amendments, the proposed Site Specific Consultation Design Features, pertaining to the 'Minimize' policy to be included in the revised version of the 2012 State Plan EIS Alternative; seconded by Member Drew. During discussion, Member Nappe wanted it noted for the record, that she still has concerns with the absence of dealing with water, particularly in relation to mining. Chairman Goicoechea called for a vote; motion passed unanimously. **\*Action**

## **9. DISCUSSION AND POSSIBLE INFLUENCE OF PRIVATE LANDS BY THE SAGEBRUSH ECOSYSTEM PROGRAM.**

A. Cory Hunt, with Governor Sandoval's office, led a discussion regarding the influence of AB461 on the Council's actions and how private lands in the state might be affected by the actions of the Council or SETT. Mr. Hunt provided an update that data is being collected to facilitate working with private land owners. Tools and processes are being formulated from a legal, biological and policy perspective. There will be options for land owners to opt-in for benefits. AB461 is not intended to see regulatory authority. As with NGOs, CDs, Local

Working Groups, NRCS, NDOW and USFWS, programs are available to landowners. Incentives will be offered through the Conservation Credit System to provide a level of assistance.

**10. DISCUSSION AND CONSIDERATION OF "HABITAT OBJECTIVES FOR GREATER SAGE-GROUSE" TO BE INCLUDED IN THE REVISED VERSION OF THE 2012 STATE PLAN AND STATE EIS ALTERNATIVE.**

A. Lara Niell, SETT, led the discussion of proposed habitat objectives for Greater Sage-grouse that would be incorporated into the revised State Plan. These objectives were originally developed for the BLM for inclusion in the EIS and have been discussed with the Science Work Group. A handout was provided to the Council - referred to as Table 4.0 & 4.1- Habitat Objectives. Ms. Niell noted the table defines ideal habitat, not where habitat is. BLM was interested in including this in the Sub-regional EIS and focusing the data to be more specific to Nevada. Dr. Peter Coates was the primary lead through the USGS, along with data from Jim Sedinger's graduate students. This is a science based document and has been reviewed by the Science Working Group. Ms. Niell explained this is presented as a new section to the State Plan, along with Appendix B. Ms. Niell highlighted the purpose of the objectives and uses once included in the State Plan. A discussion ensued.

Vice Chairman McAdoo made a motion to approve the proposed additions to Section 4.0 – Habitat Objectives to the 2012 State Plan; seconded by Member Nappe, motion passed unanimously. **\*Action**

**11. DISCUSSION OF THE BLM/USFS SUB-REGIONAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS).**

A. Mr. Rubald, Program Manager, SETT led the discussion of the Sub-regional DEIS. The Council reviewed specific items and worked on developing comments on sections of the DEIS and provided additional direction to the SETT. He noted the federal partners, NDOW, and the SETT have bi-weekly meetings scheduled. The SETT is working tirelessly to incorporate the State Alternative into the BLM Preferred Alternative. He stressed the need for adaptive management and monitoring to be addressed. The Council highlighted grazing as a focus item to strengthen the State Alt. within the next 45 days. Member Koch expressed his greatest concern is for the Service to say that there are adequate regulatory mechanism in place for grazing, and there is the certainty of implementation and management. A lengthy discussion ensued.

Member Drew requested the Science Work Group review the DEIS Preferred Alternative and prepare recommendations to the SETT. **\*Team Assignment**

**12. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DRAFTED ON FLIP CHARTS DURING THIS MEETING**

A. The Council, with staff assistance, reviewed items discussed as well as items acted upon during this meeting, and determined which of those they wish to direct staff to further work on, as well as which items the Council wishes to act on that may not have been acted upon during earlier discussion. **\*No Action Taken**

Action Items:

- SETT – Science Working Group consult – recommendations to the DEIS Pref. Alt.
- Develop comments for submittal by 1/28
- Develop alternative for the February submittal

- Work with Member Nappe regarding water related issues

B. Determination of any specific items the Council would like to work on at their January 8<sup>th</sup> and 9<sup>th</sup>, 2014 two day meeting, which is the next regularly scheduled Council meeting in Room 4100.

- Predation – brief set of comments – Member Lueders noted it is important to delineate components that can stand alone.
- Virginia Mt. data (baseline) – provide specific recommendations (Member Wasley to provide to SETT) Plan to expand on the Virginia Mt. data.

### **13. FEDERAL AGENCY UPDATES AND COMMENTS:**

A. US Fish and Wildlife Service – Member Koch reviewed the letter from the USFWS, Regional Director to Governor Sandoval which was distributed to the Council. The Service proposed to list the Bi-State population in their preliminary finding. They embrace the local area working group action plan. They set in their proposed rule that if fully resolved and implemented, it could adequately remove threats. The Bi-state Technical Team estimated the cost to implement the action plan over 5 years is \$38 million.

B. Bureau of Land Management – Member Lueders updated the Council that the BLM completed 2 weeks of public meetings on the Greater Sage-grouse in Nevada and California and they were well attended. She encouraged the submission of comments.

C. US Forest Service – Member Dunkelberger noted the USFWS is extending their comment period on the proposed listing of Bi-State to February 10, 2014. As a result of that, the USFS has extended the comment period on the Bi-State Draft EIS to Jan. 17, 2014. The USFS is the lead on that and looking forward to receiving more comments.

D. Other – No additional federal agency update.

### **14. STATE AGENCY UPDATES AND COMMENTS:**

A. Department of Conservation and Natural Resources – Cory Hunt provided a brief update on behalf of Member Drozdoff, highlighting their recent attendance at the Western Governors Association meeting. Items of focus were funding for fire and invasives, BLM restoration projects and State coordination. Applications are being vetted for the Council vacancy made by Mr. Busselman's resignation at the last meeting.

B. Department of Wildlife – Member Wasley provide an update on the "Wing-bee" harvest statistics. He stated there was a lower hunting harvest, and that hen production was up this year 1.7 chicks per hen; fewer birds harvested, and overall better production.

C. Department of Agriculture – Member Barbee noted they went to LCB on December 9 and received approval to set aside the funds for mapping projects for invasive and noxious weed issues.

D. Sagebrush Ecosystem Technical Team – Mr. Lawrence thanked the Council for all of their hard work. Mr. Rubald echoed Mr. Lawrence comments and wished the Council Happy Holidays.

E. Other – no other agency updates.

**15. PUBLIC COMMENT** – Samuel Crampton, from Senator Dean Heller's office, provided a brief congressional update; noting they are working on mechanisms to ensure funding and that critical habitat is taken care of at the federal level.

**16. ADJOURNMENT** – Chair called to adjourn at 4:30 p.m.