



STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
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DRAFT MINUTES

Date: Wednesday, January 8, 2014 - 8:30 a.m.
Time: The Nevada Legislative Building
Place: 401 S. Carson Street, Room 4100, 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/

Council Members Present: Allen Biaggi, Steven Boies, Jeremy Drew, JJ Goicoechea, Ted Koch, Starla Lacy, Kent McAdoo, Tina Nappe. Leo Drozdoff left the meeting at 9:27 a.m. and returned at 12:50 p.m. Gerry Emm was present for the morning portion of the meeting, however, left the meeting at 1:19 p.m.

Dennis Belcourt, Sr. Deputy Attorney General, Attorney General's Office was in attendance.

Council Members Absent: Bill Dunkelberger and Amy Lueders were not present for the meeting. Jim Barbee was not present for the morning portion of the meeting, however, joined the meeting at 12:50 p.m. Tony Wasley was not present for the morning portion of the meeting, however, joined the meeting at 1:17 p.m. Cory Hunt was not present for the morning portion of the meeting, however, joined the meeting after the lunch break.

1. **CALL TO ORDER** – Chairman Goicoechea called the meeting to order at 8:37 a.m.

2. **PUBLIC COMMENT**

- a. Cliff Gardner, representing Rural Heritage Preservation Project. Mr. Gardner called the Council's attention to agenda item #9 and the possible conflict with AB461 and the State Plan, as written, and the restrictions it imposes regarding private lands. He would like a statement written, from a level of legal authority, providing policy clarification.
- b. Sherm Swanson noted after review of the EIS, he would like to raise concerns relating to table 2.7 – Utilization levels where objectives are not being met. He stated by focusing management on allowable use levels where objectives are not being met, puts the emphasis of grazing management on a relatively weak tool. It also focuses management on a grazing regime where grazing may not be the driving management problem or

opportunity. Instead, focus grazing management on season of use, duration of use and rotation of use. If the intent of this table is to provide incentives to have grazing make progress toward objectives, then the approach should only be targeted at those objectives which grazing is relevant.

- c. Bob Brunner, representing Coalition for Nevada Wildlife. Mr. Brunner expressed his support for the Department of Wildlife. He noted sportsmen/women across the west have raised \$143 million for Sage-grouse and Sage-grouse habitat. He urged the Council to work together, putting private interests aside, to bring forward solutions. The Coalition will present a white paper to the Council with ideas they have formulated to assist with that solution.

3. **REVIEW AND CONSIDERATION OF APPROVAL OF AGENDA** – Member Nappe moved to approve the agenda; seconded by Vice-Chairman McAdoo, motion passed unanimously.

***Action**

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

A. *Approval of minutes from the meeting held December 18, 2013.* Member Biaggi moved to approve the minutes; seconded by Member Boies, motion passed unanimously. ***Action**

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

A. The Council members did not present correspondence under this item. Mr. Rubald, Program Manager, reviewed additional meeting collateral items distributed to the Council as supplements to their existing packets. He also introduced Anita Lahey, Ely Conservation Staff Specialist, that recently was hired. He reviewed the territories in which Ms. Lahey will be responsible to coordinate.

6. **PRESENTATION ON THE SAGE-GROUSE INITIATIVE.**

A. Bruce Peterson, State Conservationist, NRCS, Reno, NV introduced Tim Griffiths, National SGI Coordinator, NRCS, Bozeman, MT; Dave Naugle, National SGI Science Advisor & Professor, Wildlife Biology Program, University of MT, Missoula; Jeremy Maestas, National SGI Technical Lead, NRCS, Redmond; Thad Heater, State Biologist, NRCS, Reno, NV. A PowerPoint presentation was provided to the Council on the Sage Grouse Initiative (SGI). SGI national and state leadership described SGI's strategic solutions to addressing key threats to Sage-grouse, highlighted range-wide accomplishments to date, and explored partnership opportunities to expand Nevada's success. The Council, public and staff were given ample opportunity to discuss the various elements of the presentation and program. The presentation is available upon request and on the Sagebrush Ecosystem Program's website. A full account of the discussion is captured in the audio recording and available on the website.

Member Koch stated SGI displays the single greatest effort removing threats that are currently occurring. He believes the Council's focus needs to be on what is being done and where. He noted the State is foregoing opportunities, while waiting for the Coates model and needs to prioritize areas.

Mr. Lawrence agreed with Member Koch of the importance of prioritization. He noted Dr. Peter Coates will present to the Council the State's progress at the January 23 meeting. Ms. Niell, SETT, stated a meeting has been scheduled on January 13, with partners from USGS, NDOW and the SETT to prioritize projects.

7. **DISCUSSION AND CONSIDERATION OF THE PRESENTATION "USING RESILIENCE CONCEPTS TO MANAGE SAGE-GROUSE HABITAT AFFECTED BY ANNUAL GRASSES AND ALTERED FIRE REGIMES – A MULTI-SCALE APPROACH."**

A. Dr. Jeanne Chambers, USFS Rocky Mountain Research Station provided a PowerPoint presentation on the on-going work by WAFWA's Fire and Invasive Initiative to develop a conceptual framework that provides a strategic approach to integrate landscape-scale and local, site-scale prioritization and decision tools for the restoration and conservation of Sage-grouse habitat. This framework has been adopted by the BLM/USFS for incorporation into the Sub-regional EIS. The Science Work Group has vetted this approach and agreed that it was a good direction for the State of Nevada to adopt as well.

The Council provided direction to the SETT to work in partnership with the BLM/USFS to continue developing this framework and adopt it as part of the State's approach on fire and invasives for Sage-grouse conservation. The Chair allowed public comment from Bevan Lister, Fred Fulstone and Sherm Swanson. A discussion ensued. A full account of the discussion is captured in the audio recording and available on the website. A copy of the presentation is available on the Program's website. ***No action taken.**

Gerald Gardner, Chief of Staff, Governor Sandoval's Office, expressed to the Council the Governor's commitment to the development of the State Plan. On behalf of the Governor, he provided thanks to the Council, team and partners for their dedicated work.

8. **DISCUSSION OF PROGRESS REGARDING THE CONSERVATION CREDIT SYSTEM:**

A. Jennifer Newmark, Nevada Natural Heritage Program Administrator, introduced Jeremy Sokulsky, Eoin Doherty and Katie Riley with Environmental Incentives (EI). Mr. Sokulsky led the presentation and discussion on the approach and work plan to develop the Nevada Conservation Credit System (CCS). He and Mr. Doherty reviewed their approach to developing credit systems, the near-term work plan for producing the initial products, and an overview of the initial product currently under development – the Assessment of Habitat Quantification Approaches. A PowerPoint presentation was provided reviewing the credit system features, to include: Credit Production, Acquisition and Governance (policy, procedures and forms) and is available on the Program's website.

Mr. Doherty requested the Council's input to clarify policy. Member Biaggi suggested a sub-committee be formed to work with EI to focus on primary policy issues due to the short timeline. Chairman Goicoechea requested volunteers for the sub-committee. Member Biaggi, Member Lacy, Member Drew and possibly Member Nappe volunteered to serve on the sub-committee. Mr. Belcourt, Sr. DAG, cautioned that this item is not an action item, therefore, the Chair cannot appoint a sub-committee under this item; however, it can be agendaized for the January 23 meeting. After further discussion, the consensus of the Council is to hold a ½ day meeting on January 24 to meet with EI. This decision was deferred to agenda item 11.

Further discussion of the system ensued. Questions were raised if there will be assurances in place to quantify all mitigation is accounted for in the USFWS data call and if the system would include a program administrator vs. the investor and credit producer only. Member Boies and Nappe expressed concern on maintaining transparency, assuring mitigation is being monitored. Cost savings of eliminating the program administrator to allow more mitigation dollars on the ground were debated. It was clarified that the basis for the

system was that the initial set-up is being paid for outside of the system; however, ongoing mitigation would sustain the program administration. A full account of the discussion is captured in the audio recording and available on the website.

9. DISCUSSION AND CONSIDERATION OF THE PROPOSED WITHDRAWAL OF SECTION 7.0 DE MINIMIS ACTIVITIES OF THE 2012 STATE PLAN/EIS ALTERNATIVE.

A. Kelly McGowan, SETT, led the Council in a discussion regarding the proposed withdrawal of the De Minimis Activities section from the updated State Plan/EIS Alternative. Handouts were provided to the Council and reviewed. Chairman Goicoechea allowed public comment from Cliff Gardner and Bevan Lister who expressed their concern on the implication/relations to private lands.

Member Biaggi made a motion to withdraw Section 7.0 De Minimis Activities of the 2012 State Plan/EIS Alternative; seconded by Member Boies, motion passed unanimously. ***Action**

Chairman Goicoechea allowed Mr. Gardner to comment on this section once again. Mr. Gardner asked to raise a point of order in that regard. He said in AB461 it is made very clear that the Council is encouraged, in cooperation with individuals and industry, to conduct this process. He does not feel the Council allows all parties to have equal time and input into the process. He does not believe the Council is in compliance with the intent of AB461. He would like the Council to entertain a motion to seek an opinion from legal counsel of the Governor's office regarding private land and regulatory authority; to determine whether under appeal or future litigation of the State Administrative Procedures Act – AB233B. Mr. Gardner stated the question of arbitrary actions will arise and the public has the right to know and have clearly defined, how these actions are going to affect private property interests.

10. DISCUSSION AND CONSIDERATION OF SAGEBRUSH ECOSYSTEM PROGRAM COMMENTS ON THE BLM/USFS SUB-REGIONAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS).

A. Possible development of additional comments on specific items to be considered by the Council and possible direction to the SETT on how to further develop the comments. A discussion ensued to clarify the SETT's expectations of the Council comments, for the consideration on the Sub-regional DEIS. It was clarified that one set of comments will be prepared by the SETT and submitted by the Council. Council members will provide more specific comments to the team on sections they believe are needed. In addition, industries represented by the Council's statutory makeup will submit comments independently to preserve their appeal rights for the DEIS for the future process. It was determined the Council required additional time to formulate their comments. The Council will submit comments to the SETT to incorporate for review. Item deferred to the January 23 -24, 2014 meeting. ***No action taken. *Task Assignment**

Member Nappe requested the SETT provide the cover letter that will accompany the Council's formal comment submittal to the BLM DEIS, for Council's consideration during their upcoming meeting. Mr. Rubald noted the intent of the SETT is to have a copy available for the Council's review at the January 23 meeting. ***Task Assignment**

11. 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.**

It was determined the Council will not have a quorum on January 9, 2014 and elected to cancel the meeting.

Action Items – Task Assignments:

- Remove Section 7.0 De Minimis Activities of the 2012 State Plan/EIS Alternative.
- Council develop comments to the Draft EIS and submit to SETT.
- SETT draft Cover Letter to accompany comment submittal for Council review.
- Add ½ day meeting on January 24, to the January 23rd meeting, for comments and CCS policy decisions.
- Rubald to follow-up with NRCS invite for Conservation Staff Specialist to participate with SGI training.

B. The Council determined the following items they would like to work on at their January 23rd, 2014 meeting, which is the next scheduled Council meeting.

Future Agenda Items:

- USGS – Dr. Coates Presentation
- Grazing
- DEIS Comments
- Create sub-committee to work with Environmental Incentives and the SETT on the Conservation Credit System primary policy issues.

Future Agenda Items: February 13, 2014 Meeting

- Sub-Committee Reports Back – Conservation Credit System
- Predation

12. FEDERAL AGENCY UPDATES AND COMMENTS:

- A. US Fish and Wildlife Service – No agency update.
- B. Bureau of Land Management – No agency representative in attendance.
- C. US Forest Service – No agency representative in attendance.
- D. Other – No other federal agencies present.

13. STATE AGENCY UPDATES AND COMMENTS:

- A. Department of Conservation and Natural Resources – No agency update.
- B. Department of Wildlife – Member Wasley recently attended the mid-winter Western Association of Fish and Wildlife Agencies' conference, held in Corpus Christi, TX. He noted a significant amount of attention is being paid to Sage-grouse. He commented there were meaningful interactions with our federal partners. There were closed door discussions to address potential litigation strategies; perhaps by acting as an intervener on behalf of the Service, if they should decide not to list or if they find themselves on the other side of the issues, should they find a listing warranted. The agency continues to progress with their planning efforts and provide input where requested.
- C. Department of Agriculture – Member Barbee noted all they lack now is final approval from the Legislative Commission for the set-a-side funding for the invasive species program. Funds are being collected now and they need to start considering what actions and how they want to direct the use of the funds relative to invasive species.

D. Sagebrush Ecosystem Technical Team – No additional updates.

E. Member Nappe noted the Western Section of the Wildlife Society will be meeting on January 27-30, in Reno at the Grand Sierra Resort. There will be an all-day meeting held on January 26 devoted to Sage-grouse. Mr. Rubald noted there will be SETT representation at the meeting.

14. PUBLIC COMMENT

A. Bevan Lister addressed the council, representing himself. In relation to the DEIS he believes one of the pieces missing is the evaluation of the steady decline of Sage-grouse and sagebrush obligate species over the 80 years of non or mismanagement administered by federal agencies. He stated there is a direct correlation between the time that the management agencies started restricting access and uses, to the diminishment of healthy habitat and sagebrush obligate species.

15. ADJOURNMENT – Chairman Goicoechea entertained a motion to adjourn; motion by Member Boies, seconded by Member Nappe, meeting adjourned at 4:34 p.m.