



EUREKA COUNTY BOARD OF COMMISSIONERS

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April 15, 2014

The Honorable Senator Dean Heller
361-A Russell Senate Office Building
Washington, D.C. 20510

The Honorable Senator Harry Reid
522 Hart Senate Office Building
Washington, D.C. 20510

RE: Nevada Sagebrush Landscape Conservation and Economic Development Act

Dear Senators Heller and Reid:

We have reviewed your cosponsored Discussion Draft of the Nevada Sagebrush Landscape Conservation and Economic Development Act. We appreciate the proactive effort you and your staff have put forward in trying to address Greater Sage Grouse (GSG) conservation in Nevada and your intent to avert a listing of the GSG under the Endangered Species Act. We do believe that Congress must intervene to address what we believe is an overreach by the US Fish and Wildlife Service (FWS) and the federal land management agencies, primarily Bureau of Land Management (BLM) and US Forest Service (USFS).

Respectfully, we do not believe your proposed legislation will get us where we need to be for GSG conservation, especially related to wilderness designations. In fact, our County Master Plan and County Code prohibit us from supporting the wilderness provisions of the bill. The Eureka County Master Plan was updated in 2010 through extensive advisory board and public input and participation. The overwhelming consensus from our citizenry and advisory boards regarding wilderness and other restrictive land-use designations is memorialized in the Natural Resources and Federal and State Land Use Element, Chapter 6, which states (directly quoted with emphasis added):

- **No additional Wilderness Areas will be permitted in Eureka County.**
- Develop comprehensive guidance to Congress **seeking release of all WSAs** deemed by the Department of Interior to be unsuitable for wilderness designation to multiple use management.
- Provide for optimum scenic value in Eureka County through achievement of vegetation and soils watershed objectives and implementation of nondegrading, nonimpairing range improvement activities, construction, use and maintenance of livestock management facilities, and facilities for public enjoyment of the land.
- Upon Congressional release, **return management policies for the affected area to those consistent with land use plans and the non-wilderness full multiple use concept** mandated by Congress in the Federal Land Policy & Management Act and Public Rangelands Improvement Act.
- Develop and establish objective scientific classifications of areas **providing the amenities of wilderness experience under multiple use management** based upon ecological site potential, desired plant community, and ecological condition and trend criteria, soil stability, topography, and proximity of disturbance such as designated military air space.
- Identify measurable accomplishments or benefits that will be obtained through future designation of restricted use areas; **no designation of restricted use areas such as Roadless, ACEC, or others will be completed until it is clearly demonstrated that such designations will not be detrimental to**

existing property rights, recreation including hunting or fishing, livestock grazing management, wildlife habitat management, County administrative needs, and future mining or energy development.

- Designation of ACEC, Roadless Area, or other use restrictions serve as surrogate for Wilderness designation but do not fall within the limitations of the Wilderness Act, *such designations must not impair existing rights.*

The Eureka County Code, Title 9, states the following regarding wilderness and other restrictive land-use designations (directly quoted with emphasis added):

- To the extent that multiple-use of federal lands is vital to the economy of Eureka County, the ***County is opposed to the designation of any Wilderness Areas or Wilderness Study Areas within its geographic boundaries.*** The ***County calls for removal of Wilderness Study Area designations and re-introduction of active stewardship of these lands that do not meet the suitability criteria of the 1964 Wilderness Act.*** Eureka County demands local input and decision-making in the designation and management of parks, refuges, Areas of Environmental Concern, roadless areas or any other legislative action, regulatory decision or policy that limits access to or use of federal land or resources within the geographic boundaries of the County.

We also point out that at the April 8, 2014 Nevada Sagebrush Ecosystem Council, the Director of the Nevada Department of Wildlife (NDOW), Tony Wasley, noted that wilderness areas and other “exclusion zones” by nature arbitrarily exclude areas that truly are not important to GSG. He also noted that these restrictive designations “tie our hands” with regards to management options. He advocated for adaptive management and regulatory mechanisms that truly benefit the landscape and the GSG rather than “large polygons of wilderness areas” that do not truly address GSG habitat needs—current or future.

We believe that GSG thrive in the presence of active management, not restriction and prohibition. This belief is evidenced by scientific research and anecdotal observations. GSG declines have been coincident with increasing regulation and reduction in actively managed rangelands. Due to the increased level of “hands off” preservation based land management schemes, wildlife populations, including GSG, have declined to deplorable levels. When ranchers and land users were able to actively manage through water and rangeland improvements and predator control, GSG populations boomed. Further, the manipulation of the historic fire regime has allowed pinyon-juniper woodlands to encroach into the sagebrush ecosystem at mind-boggling rates negatively and greatly affecting GSG. Restricting the ability to remove these trees through bureaucratic hurdles has only exacerbated the issue. The proposed bill does nothing to streamline habitat work, such as pinyon-juniper removal, nor does it address predators as a major threat to GSG. Further, the WSAs and IRAs in Eureka County are not great GSG habitat. Many of these areas are wooded and steep country with difficult and rough terrain which GSG do not inhabit. While there are portions of these areas that are good habitat, locking up the land will result in no real benefit to the GSG.

The current GSG populations are reflective of past periods with minimal human interaction and management. Realistic and attainable wildlife population goals have as a baseline the historical observations of wildlife populations at the time of European settlement which indicate that wildlife and GSG populations were generally sparse with very few GSG, deer, or bighorn sheep being observed by early explorers. Archeological interpretations support this scarcity of GSG and wildlife. Wildlife populations at levels of those existing at the time of European settlement is the best that natural habitats can provide without active management. Wildlife populations increased in the mid-1900s following the establishment of ranches and farms, and the continuation of the preferred wildlife populations will require positive and active management actions.

Another concern we have on the proposed bill is that it does not specifically state that GSG will not be listed under the ESA. Further, it also does not address the layers of regulatory burden than are being proposed by BLM and USFS. At this point, we assert that the actions proposed by BLM and USFS are close to being as burdensome and detrimental to our economy as an ESA listing would be. At least through an ESA listing, there are abilities to manage according to state plans and find a way out of a listing whereas BLM/USFS regulatory schemes if imposed will persist regardless of an ESA listing.

We do appreciate the intent behind the portions of the bill that have yet to be provided relating to directed land conveyances for development and targeted land conveyances to local governments. We have our desires for lands that we would like conveyed to Eureka County and private interests. We welcome the opportunity to work with you to get these lands identified and conveyed.

In closing, we support efforts to conserve GSG and sagebrush ecosystems in Nevada. We too wish to avert an ESA listing. The focus should be on streamlining the ability to actively and adaptively manage our landscapes in a way that brings management closer to home (e.g., state and local levels) and protects multiple use and preexisting rights and enhances our long-term community socioeconomic stability. The recently introduced HR 4419, Sage-Grouse and Endangered Species Conservation and Protection Act, proposed by Congressman Amodei, is the type of legislation needed to address the real threats to GSG in Nevada and our economy. In accordance with our local plans and policies referenced above, we support focusing on ways to actually benefit the bird and its habitat while sustaining our local economy and custom and culture through increased and adaptive on-the-ground management, as reflected in HR 4419. Through legislation that empowers our ability to adaptively manage, there can be reasonable checks put into place that provide for changes in management along the way to ensure GSG are indeed benefitted. Once an area is locked up as wilderness, the ability to adaptively manage or ever remove the designation if it is not meeting the intended result of GSG benefit will be nearly impossible. Wilderness designations will not provide the conditions necessary to enhance GSG in Nevada.

Please take this letter as constructive criticism. We do appreciate your concern and willingness to address the issue and want to work with you to ensure Nevada is strong moving forward—economically, socially, and environmentally.

Sincerely,



J.J. Goicoechea, DVM, Chairman
Eureka County Board of Commissioners

cc: Congressman Mark Amodei
Congressman Steven Horsford
Congresswoman Dina Titus
Congressman Joe Heck
Governor Brian Sandoval
NV Senator Pete Goicoechea
NV Assemblyman John Ellison
NV Sagebrush Ecosystem Council
Jim Barbee, Director, NDOA
Leo Drozdoff, Director, NDCNR
Tony Wasley, Director, NDOW
Nevada Association of Counties