

Coalition for Nevada's Wildlife

P. O. Box 70143
Reno, Nevada 89570

Page 1 of 2

September 4, 2014

The Honorable Harry Reid
United States Senate
522 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid:

Please find attached our comments and suggestions resulting from a thorough review of Discussion Draft II of the "Nevada Sagebrush Landscape Conservation and Economic Development Act of 2014" which are summarized as follows:

- **TITLE I-ECONOMIC DEVELOPMENT, SEC. 101- SEC. 103:**
We view these sections of the draft as potentially extremely dangerous to the future of Nevada's wildlife, specifically our mule deer herds and sage-grouse. The current process lacks transparency because the maps mentioned in the draft have not been made public. Without a timely, thorough review of these proposed land conveyances and sales, we have to strongly oppose TITLE I in its entirety.
- **TITLE II-LOCAL LAND CONVEYANCES AND COMMUNITY ENHANCEMENT, SEC. 201- SEC. 212:**
After a further review with sage-grouse and other wildlife habitat in mind, we can support the proposed conveyances to Nevada's Counties and Municipalities. However, we are adamantly opposed to SEC. 203 and SEC. 204 because they will result in a net loss of public land access and recreational opportunities.
- **TITLE III—SAGEBRUSH-STEPPE LANDSCAPE CONSERVATION, SEC. 301-306:**
This part of the draft includes no more than 10% of the Core and Priority sage-grouse habitat identified in the USGS Nevada Mapping Model (developed by Dr. Peter Coates), needs more clarification, lacks the regulatory certainty needed for habitat management and does nothing to improve the current Federal land management practices which are part of the problem. Without some major changes to TITLE III we cannot support any of the proposed Wilderness Areas. We highly recommend you revisit and reconsider the COAL's "PROPOSAL FOR SAGE-GROUSE CONSERVATION AND A NEW CONGRESSIONAL LAND DESIGNATION, Revision 12.3".
- **TITLE IV—DISPOSITION OF PROCEEDS:**
While the sale of certain public lands will raise some much needed revenue for sage-grouse it will not be enough to make a difference. TITLE V needs a long-term and steady funding stream and Congressionally mandated regulatory certainty. This funding should be used for sage-grouse habitat related projects on lands with or without Wilderness designation, and all projects should be approved by NDOW.
- **TITLE V—DETERMINATION OF LISTING UNDER ENDANGERED SPECIES ACT OF 1973:**
We have serious concerns that the contents of this draft will provide USFWS with enough assurance not to list the Greater Sage-Grouse as endangered.

SUMMATION:

This bill draft does very little to stop the bleeding and start recovering lost sage-grouse habitat and populations. It greatly benefits certain special interests, but is extremely detrimental to the interests of Nevada's wildlife,

*Nevada Sportsmen and Conservationists Working for
the Enhancement of Wildlife and Habitat*

sportsmen, and other outdoor recreationalists who, up until now, have largely footed the bill for sage-grouse conservation and research. We envision a worst case scenario of millions of acres of new Wilderness Areas, an ESA listing of the Greater Sage-Grouse, a huge net loss of public land access and catastrophic losses of critical wildlife habitat which would affect sage-grouse, mule deer and other sagebrush obligate species. While we appreciate your bipartisan efforts to do something, especially in the current political climate, we simply cannot support this draft of the bill. We remain open to working with you, your staff, and all of the other stakeholders to achieve a more desirable outcome, and look forward to hearing from you in the near future.

Sincerely,

The Coalition for Nevada's Wildlife,

Larry J. Johnson – President (also director and past president of Nevada Bighorns Unlimited-Reno)
Tom Smith – Vice President (also Director, Truckee River FlyFishers)
Michael J. Bertoldi – Treasurer (Chairman of Coalition Sage Grouse Subcommittee)
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Enclosures: COAL Reid-Heller II Detailed Comments
COAL Sage-Grouse Land Designation Document 12.3

Cc: Senator Dean Heller
Representative Dina Titus
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Representative Joe Heck
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17 Boards of County Commissioners or Supervisors
17 County Advisory Boards to Manage Wildlife
Nevada Association of Counties
Nevada Board of Wildlife Commissioners
Nevada Sagebrush Ecosystem Council
Nevada Department of Wildlife
Nevada Dept. of Conservation and Natural Resources
Nevada Supervisor, U.S. Fish and Wildlife Service
Safari Club International
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Mule Deer Foundation
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Theodore Roosevelt Conservation Partnership
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Southern Nevada Coalition for Wildlife
Eastern Nevada Coalition for Wildlife
Safari Club International, Northern NV
Back Country Hunters and Anglers, NV
Nevada Trappers Assn.
Truckee River FlyFishers
Nevada Bighorns Unlimited-Reno
Nevada Bighorns Unlimited-Fallon
Nevada Bighorns Unlimited-Midas
Elko Bighorns Unlimited
Nevada Muleys
Carson Valley Chukar Club
Nevada Chukar Foundation
Nevada Wildlife Federation
Sagebrush Chapter of Trout Unlimited
Nevada Guides and Outfitters Assn.
Nevada Waterfowl Assn.
Fraternity of the Desert Bighorn
Wildlife and Habitat Improvement of NV
Nevada Wildlife Record Book Foundation
Safari Club International, Desert

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While the sale of certain public lands will raise some much needed revenue for sage-grouse it will not be enough to make a difference. TITLE V needs a long-term and steady funding stream and Congressionally mandated regulatory certainty. This funding should be used for sage-grouse habitat related projects on lands with or without Wilderness designation, and all projects should be approved by NDOW.

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SUMMATION:

This bill draft does very little to stop the bleeding and start recovering lost sage-grouse habitat and populations. It greatly benefits certain special interests, but is extremely detrimental to the interests of Nevada's wildlife,

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Nevada Sagebrush Ecosystem Council	Carson Valley Chukar Club
Nevada Department of Wildlife	Nevada Chukar Foundation
Nevada Dept. of Conservation and Natural Resources	Nevada Wildlife Federation
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The Coalition for Nevada's Wildlife

Comments and Suggestions Discussion Draft II "Nevada Sagebrush Landscape Conservation and Economic Development Act of 2014"

The Coalition for Nevada's Wildlife (COAL) is a consortium of northern Nevada sportsmen and conservation organizations which have worked together for the past 23 years addressing wildlife management and legislative issues in fulfilling our mission "To Protect and Enhance Nevada's Wildlife Resources". The following is a thorough review and comments from discussion draft II of the "Nevada Sagebrush Landscape Conservation and Economic Development Act of 2014", also known as the "Reid-Heller Bill".

TITLE I-ECONOMIC DEVELOPMENT

SEC. 101. CATEGORICAL EXCLUSION FOR GEOTHERMAL DRILLING; SEC. 102. COVERED LAND CONVEYANCES; SEC. 103. SALE OF CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL:

While the COAL acknowledges the importance of both Geothermal Energy and Mining to the economic well being of our State we are concerned that the Federal land, which is rumored to be offered for sale or lease, may include priority sage-grouse habitat as well as habitat critical to other wildlife species. Mining has already encroached on some critical mule deer migration routes and allowing further expansion without the currently required Federal environmental processes and consultation with the Nevada Department of Wildlife could be disastrous to Nevada's wildlife. This transfer from public to private ownership would also exempt these lands from eligibility for the State of Nevada Conservation Credit System. This may include "CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL" since they may not have been reviewed with sage-grouse or other critical wildlife habitat in mind. In our opinion, this part of the process has been totally flawed by lack of transparency. Without a thorough review of the maps mentioned in the bill draft, which are currently not available to the public, we cannot support these three sections of the draft.

TITLE II-LOCAL LAND CONVEYANCES AND COMMUNITY ENHANCEMENT

SEC. 201. CONVEYANCES TO WASHOE COUNTY; SEC. 202. CONVEYANCE TO THE CITY OF SPARKS; SEC. 205. CONVEYANCES TO CHURCHILL COUNTY; SEC. 206. CONVEYANCES TO ELKO COUNTY; SEC. 207. CONVEYANCE OF CERTAIN FEDERAL LAND TO THE CITY OF CARLIN; SEC. 208. CONVEYANCES TO EUREKA COUNTY; SEC. 209. CONVEYANCES TO HUMBOLDT COUNTY; SEC. 210. CONVEYANCES TO LANDER COUNTY; SEC. 211. CONVEYANCES TO NYE COUNTY; SEC. 212. CONVEYANCES TO PERSHING COUNTY:

In general, we understand the need to convey certain Federal lands to Nevada's Counties and Municipalities to alleviate checker-boarding and allow for future growth. Upon a thorough review of all the land in question to identify wildlife habitat, primarily sage-grouse habitat, we can support most, if not all of these conveyances. However, we do take strong exception to the following two Sections:

SEC. 203. TRANSFER OF LAND TO BE HELD IN TRUST FOR THE RENO-SPARKS INDIAN COLONY:

This land is home to pronghorn antelope, mule deer, cottontail rabbits, quail, and chukar. It is also used heavily by off road recreationalists and for A.K.C. Licensed Field Trials. This transfer would prohibit access to outdoor recreation for all but tribal members and do nothing to enhance existing wildlife habitat. We do not understand the rationale for this transfer of Federal land and adamantly oppose it.

SEC. 204. TRANSFER OF LAND TO BE HELD IN TRUST FOR THE PYRAMID LAKE PAIUTE TRIBE:

This transfer is particularly troubling because the Federal land proposed does contain populations of sage-grouse, as well as pronghorn antelope, mule deer, quail, chukar, cottontail rabbits and bighorn sheep. This is a very popular hunting area and transferring it to the Pyramid Lake Paiute Tribe will again prohibit access to most of the sporting public as well as other outdoor recreationalist. As with section 203, we see no reason for this and also adamantly oppose this transfer unless it does not result in a net loss of public land with wildlife habitat and recreational opportunities.

TITLE III—SAGEBRUSH-STEPPE LANDSCAPE CONSERVATION

SEC. 301. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM:

This past winter and spring the COAL collaborated with several wilderness and wildlife advocacy groups to develop an innovated detailed plan for the Greater sage-grouse in a document titled, **“PROPOSAL FOR SAGE-GROUSE CONSERVATION AND A NEW CONGRESSIONAL LAND DESIGNATION, Revision 12.3”**, (Copy attached for your reference.) This document was developed as the best case scenario for Nevada’s sagebrush ecosystem and the Greater sage-grouse. We wanted to put forward all the best ideas and solutions. We solicited input from ranchers, mining interests, NDOW, Nevada Sagebrush Ecosystem Council, BLM, NRCS, Nevada Wildlife Commission, and USFWS. In the document were several ideas that were viewed by the COAL as “game changers” to conserve and restore sage-grouse and its habitat and avoid an ESA listing by the USFWS. We also reached consensus that a Wilderness Area designation was not the best methodology for sage-grouse, or wildlife and its habitat in general for several reasons, but most importantly, because current WSA’s do not encompass the total sage-grouse and habitat needs and WSA’s and Wilderness Areas may limit crucial habitat manipulation and management. The proposed preferred solution were “Carve-Outs” of critical sage-grouse habitat, as well as other critical wildlife habitat, from the existing WSA’s and any new proposed wilderness and substituting a new congressional land designation to protect them for sage-grouse conservation. While **SEC. 302. ADMINISTRATION**; **SEC. 303. WILDLIFE MANAGEMENT**; and **SEC. 305. HABITAT CONSERVATION AND MITIGATION MEASURES** appear to address some of the concerns for wildlife and habitat management in the proposed Wilderness Areas, in our opinion it still falls short of what is required. There are numerous reasons, but primarily because:

1. This bill as drafted includes no more than 10% of the Core and Priority sage-grouse habitat identified in the USGS Nevada Mapping Model (developed by Dr. Peter Coates).
2. It lacks the regulatory certainty needed. As written in this draft the Secretary “may” implement programs beneficial to sage-grouse and the sagebrush ecosystem, but is under no mandate to do so. We believe there should be a clear mandate by Congress that the Secretary “shall” implement these programs.
3. The amount of time it could take to obtain necessary approvals and implement these projects is also a concern. Our research indicated and was clearly identified in our document that lack of a timely response has been a major factor in the poor success of past habitat manipulation and management projects. We believe this has resulted in wasting millions of dollars on past wildfire rehabilitation projects. These projects need to be approved and acted on within weeks. The current situation in obtaining approvals from Federal land managers (BLM and USFS) takes months and, based on past experience, sometimes years. In our opinion, having to get necessary approvals in Wilderness Areas will only exacerbate this problem.

We are recommending, similar to the Pine Forest Range Wilderness Process, any existing sage-grouse habitat identified in the USGS Nevada Mapping Model as Core and Priority, as well as other critical wildlife habitat, should

still be considered for “Carve-Outs” from WSA’s and proposed Wilderness Areas. The merits for these “Carve-Outs” should be based on the ecological site potential for vegetation, P-J expansion into key areas, and access to get mechanized equipment to the site for prevention and reclamation efforts. Prime examples of areas that should be considered because of needed manipulation and restoration are Buffalo Hills, Twin Peaks and Dry Valley Rim. If additional protection for any of the proposed “Carve-Outs are required, then we are still recommending the new land designation set forth in our document referenced above. We are offering to work closely with all the interested parties to review and identify potential “Carve-Outs”. Upon that review and a satisfactory agreement the COAL may support certain individual WSA’s for designation as Wilderness Areas, but only if manipulation or restoration is currently not, or unlikely to be required in the future.

SEC. 302. ADMINISTRATION:

Under **(h) WATER RIGHTS; (5) NEW PROJECTS; (A) DEFINITION OF WATER RESOURCE FACILITY, (ii) EXCLUSION:** we would like to add after **“wildlife guzzler, riparian and wet-meadow improvement projects designed to enhance wildlife habitat.”**

SEC. 303. WILDLIFE MANAGEMENT:

(d) WILDLIFE WATER DEVELOPMENT PROJECTS.—We would propose changing the wording as follows:

“Subject to subsection (f), the Secretary shall authorize structures and facilities, including existing structures and facilities, for wildlife water development projects, including guzzlers, riparian area and meadow improvement projects in the wilderness areas designated by section 23 301(a) if”...

(e) HUNTING, FISHING, AND TRAPPING.—The current regulations for these activities, particularly trapping, in Wilderness Areas are vague and subject to interpretation. For clarification purposes we propose the following language for insertion:

“Hunting, Fishing, and Trapping (Commercial or Noncommercial) within Nevada borders shall be managed in accordance and subject to all laws, policies, and regulations established by the state of Nevada. We believe that all wildlife in all proposed or existing wilderness areas should be managed under the existing laws of the State which would include the right for an individual to trap fur bearing animals and sell the fur on the open market. This is pursuant to NRS 501.100-Legislative declaration regarding wildlife and NRS 501.181 Duties; regulations.” (see Appendix A. at the end of this document for reference)

SEC. 304. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES and SEC. 305. HABITAT CONSERVATION AND MITIGATION MEASURES:

We have no issues with these sections as currently written.

SEC. 306. INTERAGENCY SAGE-GROUSE TEAM:

The COAL strongly agrees with this as it was also recommended in our document. Our recommendation was: “Develop an interagency and interdisciplinary “Sage-Grouse Strike Team” dedicated for Nevada, to expedite project approvals, delivery, monitoring, and follow up.” Thank you for including this recommendation in the bill draft.

TITLE IV—DISPOSITION OF PROCEEDS

While this is a start, we believe it falls far short of what will be required. Our document provided for a long-term and steady funding stream using a model similar to the Pittman-Robertson (P-R) Act, which allows federally

collected funds to be utilized within states based upon a local match. We also identified several potential funding sources in addition to the sale of public lands. We urge you to revisit our Plan and consider finding other Federal funding sources. Also, relying on the State Sagebrush Ecosystem Council to place the needs of sage-grouse above those of mining, ranching and energy development is unrealistic, so we recommend stronger language regarding the use of the land sale funds such as: "The Secretary **shall** utilize funding from public land sales for sage-grouse habitat improvement and protection" and "The Secretary **shall** implement projects to benefit sage-grouse (on lands with or without Wilderness designation) that are approved by the Nevada Department of Wildlife."

TITLE V—DETERMINATION OF LISTING UNDER ENDANGERED SPECIES ACT OF 1973

Based on our conversations with the USFWS we do not feel that this draft as currently written will provide them with sufficient assurances needed to prevent an ESA listing.

SUMMATION

We feel this bill draft just scratches the surface of what will actually be required by the Federal Government to stop the bleeding and start recovering lost sage-grouse habitat and populations. Our estimation is that the proposed Wilderness Areas include no more than 10% of the identified total "Core" and "Priority" sage-grouse areas. This proposed legislation does very little to help enhance sage-grouse or the sagebrush ecosystem they call home, but greatly benefits certain special interests. It is extremely detrimental to the interests of Nevada's wildlife, conservation hunting community, sportsmen and sportswomen, as well as other outdoor recreationalists who have largely footed the bill for sage-grouse conservation and research through their volunteerism, donations, and tax dollars. While we appreciate your bipartisan efforts to do something to address the potential listing of the Greater Sage-Grouse as an endangered species, we feel this draft as written needs several revisions as put forth in our comments. We also suggest that you revisit and consider the COAL's "PROPOSAL FOR SAGE-GROUSE CONSERVATION AND A NEW CONGRESSIONAL LAND DESIGNATION, Revision 12.3".

Thank you for your time and consideration of our comments.

Sincerely,

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Comments and Suggestions Discussion Draft II "Nevada Sagebrush Landscape Conservation and Economic Development Act of 2014"

Appendix A., Nevada Revised Statutes Regarding the Management of Wildlife

NRS 501.100 Legislative declaration regarding wildlife.

1. Wildlife in this State not domesticated and in its natural habitat is part of the natural resources belonging to the people of the State of Nevada.

2. The preservation, protection, management and restoration of wildlife within the State contribute immeasurably to the aesthetic, recreational and economic aspects of these natural resources.

[Part 8:101:1947; A 1949, 292; 1943 NCL § 3035.08]—(NRS A 1969, 1347)

NRS 501.181 Duties; regulations. The Commission shall:

1. Establish broad policies for:

(a) The protection, propagation, restoration, transplanting, introduction and management of wildlife in this State.

(b) The promotion of the safety of persons using or property used in the operation of vessels on the waters of this State.

(c) The promotion of uniformity of laws relating to policy matters.

2. Guide the Department in its administration and enforcement of the provisions of this title and of [chapter 488](#) of NRS by the establishment of such policies.

3. Establish policies for areas of interest including:

(a) The management of big and small game mammals, upland and migratory game birds, fur-bearing mammals, game fish, and protected and unprotected mammals, birds, fish, reptiles and amphibians.

(b) The control of wildlife depredations.

(c) The acquisition of lands, water rights and easements and other property for the management, propagation, protection and restoration of wildlife.

(d) The entry, access to, and occupancy and use of such property, including leases of grazing rights, sales of agricultural products and requests by the Director to the State Land Registrar for the sale of timber if the sale does not interfere with the use of the property on which the timber is located for wildlife management or for hunting or fishing thereon.

(e) The control of nonresident hunters.

(f) The introduction, transplanting or exporting of wildlife.

(g) Cooperation with federal, state and local agencies on wildlife and boating programs.

(h) The revocation of licenses issued pursuant to this title to any person who is convicted of a violation of any provision of this title or any regulation adopted pursuant thereto.

4. Establish regulations necessary to carry out the provisions of this title and of [chapter 488](#) of NRS, including:

(a) Seasons for hunting game mammals and game birds, for hunting or trapping fur-bearing mammals and for fishing, the daily and possession limits, the manner and means of taking wildlife, including, but not limited to, the sex, size or other physical differentiation for each species, and, when necessary for management purposes, the emergency closing or extending of a season, reducing or increasing of the bag or possession limits on a species, or the closing of any area to hunting, fishing or trapping. The regulations must be established after first considering the recommendations of the Department, the county advisory boards to manage wildlife and others who wish to present their views at an open meeting. Any regulations relating to the closure of a season must be based upon scientific data concerning the management of wildlife. The data upon which the regulations are based must be collected or developed by the Department.

The Coalition for Nevada's Wildlife

PROPOSAL FOR SAGE GROUSE CONSERVATION AND A NEW CONGRESSIONAL LAND DESIGNATION

Revision 12.3

STATEMENT OF PURPOSE:

The primary purpose of this proposal is to conserve and restore the Greater Sage Grouse (*sage-grouse*) and its habitat resulting in sustainable populations for present and future generations. Implementation of this proposal will help preclude the need for an Endangered Species Act (*ESA*) listing by the U.S. Fish and Wildlife Service (*USFWS*). While this document is focused primarily on the Greater Sage Grouse, it is also applicable to the Bi-State sub-species of sage-grouse as well.

The Coalition for Nevada's Wildlife (*COAL*) is a consortium of northern Nevada sportsmen and conservation organizations which have worked together for the past 23 years addressing wildlife management and legislative issues. Nevada sportsmen have underwritten research, management and habitat improvement since the 1950's. We recognize that in order to maintain and increase sage-grouse populations, and to prevent *ESA* listing, we must work with a broad spectrum of state, federal, and citizen organizations.

In 2004 the Nevada Department of Wildlife (*NDOW*) sponsored working groups to develop a sage-grouse plan. Those efforts, however, have not been sufficient to overcome the impacts of wildfires, invasive weeds, pinion-juniper encroachment, drought, predation, over grazing and ongoing development. Across the West, sportsmen have invested millions of dollars to conserve and enhance wildlife and habitat, particularly sage-grouse. Sportsmen support state management of all wildlife species. In fact, sportsmen take pride in their collective efforts to maintain and enhance state wildlife by underwriting most of the costs of *NDOW* and through the extensive private funding we have contributed. We recognize our support, as leaders in wildlife management, is essential in maintaining state management of the sage-grouse. An *ESA* listing would signal failure of the *COAL*'s mission to "Protect and Enhance our Wildlife Resources."

Further, the *COAL* believes that an *ESA* listing of sage-grouse would be detrimental to Nevada's economy, including its ranching heritage, mining, recreation, agriculture, and other consumptive and non-consumptive uses of our public lands. To avoid this detrimental impact, and insure future sustainable sage-grouse populations, considerable habitat restoration and enhancement must be accomplished over a long period of time.

The COAL recognizes that the State of Nevada Sagebrush Ecosystem Council (*SEC*) and the Sagebrush Ecosystem Technical Team (*SETT*) are developing policies, will be identifying Critical sage grouse areas, and a funding mechanism which will benefit sage grouse. We are hopeful that the recommendations set forth in this proposal complement their efforts and believe they should play a major role in the implementation and regulation of this proposed land designation and its funding.

The COAL believes that in accordance with the USGS Nevada Mapping Model (*developed by Dr. Peter Coates*) there are approximately 12 million acres recognized as the "Best of the Best" (BOB) "Core Habitat", 9.8 million acres of high suitability "Priority Habitat", and 10.9 million acres of low to moderate suitability "General Habitat" for the Greater Sage Grouse. The primary focus of this proposal is the areas identified as "Critical" which are the "Core" areas, as well as portions of "Priority" and/or "General" areas deemed necessary for management through sound science. These areas should be the most restrictive in terms of other uses and receive priority for financial investment.

This proposal will help protect sage-grouse and its habitat using the three separate but interconnected components outlined in this proposal:

- I. Provide a more streamlined, effective and efficient means for federal land managing agencies to implement and monitor sage-grouse habitat restoration and management which will allow them to be more proactive and less reactive. This component suggests a dynamic new concept utilizing an interagency and interdisciplinary "Sage-Grouse Strike Team" dedicated for Nevada which we feel is critical to its success.
- II. Provide long-term regulatory certainty with a new Congressional land designation (for the purposes of this proposal "Sage Grouse Conservation Areas" or "SGCA".) which has the sage-grouse and its critical habitat as a priority and primary focus and is not detrimental to other wildlife species.
- III. Provide a funding stream for both I and II, which will allow long-term and steady funding for land agency streamlining and sage-grouse habitat restoration and management.

We feel all three of these components are crucial to the overall effectiveness of a long term sage-grouse solution.

In closing the COAL believes that sage-grouse can be maintained as a state managed species partly by establishing a new Congressional land designation, and by providing extensive federal and state funding for a long period of time as described herein. The ideas set forth in this proposal should be implemented whether or not an ESA listing of the sage-grouse occurs.

I. STREAMLINE FEDERAL LAND MANAGEMENT AGENCY DECISIONS AND ACTIONS

A. Causes For Needed Reform:

- 1) Lack of sufficient funding in the areas of need
- 2) Lack of field personnel
 - a) Too many regulations and not enough personnel to properly implement, enforce, and monitor them
- 3) Lack of consistent monitoring and enforcement
- 4) Lack of "Adaptive Management" practices (as defined in the Nevada Rangeland Monitoring Handbook, Second Edition - Educational Bulletin 06-03 attached as Appendix B)
- 5) Decisions and actions are often too slow
- 6) Agencies are mostly reactive, not proactive

B. Public Land Habitat Management Decisions And Actions Must Be Made Faster And Decisively To Be More Effective On The Ground:

- 1) Develop an interagency and interdisciplinary "Sage-Grouse Strike Team" dedicated for Nevada, to expedite project approvals, delivery, monitoring, and follow up
 - a) *This team would be comprised of experts in all the required aspects of sage-grouse habitat management, which includes, but not limited to:*
 - *NEPA Preparation*
 - *Riparian area management*
 - *Grazing permit and contract compliance*
 - *Archeological studies and clearances*
 - *Wildfire prevention and restoration*
 - *Invasive plant and tree control*
 - *Wild horse management*
 - b) *This team would, among other things:*
 - *Prepare all of the NEPA documents necessary for implementing actions from the sage-grouse EIS*
 - *Use a Programmatic NEPA planning approach*
 - *Timely and consistently monitors compliance and enforcement for all permitted activities in sage-grouse habitat in Nevada*
 - *Would include, but not be limited to: grazing permit monitoring, leasing monitoring, wild horse monitoring, etc.*
 - *Based on best science evaluate and monitor the effectiveness and success of all sage-grouse habitat projects*
 - *Make recommendations for adaptive management (critical to ensure that restoration funds are being effectively spent and the projects are accomplishing the sage-grouse habitat restoration objectives)*
 - c) *Team members should be cross-trained in other members areas of expertise*
 - d) *The team would utilize third party consultants if necessary to expedite processing*
- 2) **Agencies Must Become More Proactive And Less Reactive!**
 - a) *Listen to the land users*
 - b) *Allow range managers more flexibility for to deal with issues on the ground*
 - c) *Deal with issues quickly and decisively using all the means listed above*
 - d) *Implement more field projects*

II. NEW CONGRESSIONAL "SGCA" LAND DESIGNATION

A. Need For This Designation:

- 1) The COAL has reviewed existing federal land designations, both administrative and congressional, as to their appropriateness for protecting Critical sage grouse areas. Congressional designations such as "National Wildlife Refuges" (such as the Sheldon National Wildlife Refuge), "National Conservation Areas" (such as Black Rock, High Rock, Emigrant Trail) or existing "Wilderness Areas" and proposed "Wilderness Study Areas" (WSA) provide some habitat protection but not sufficient to "stop the decline" of Critical habitat and thus sage-grouse. Administrative designations like "Areas of Critical Environmental Concern" (ACEC) could contain some of the necessary requirements, but lack the "Regulatory Certainty" that will be required.
- 2) At this point we have identified no existing federal designations which totally encompass the breadth of habitat or the scope of protective regulatory measures needed for the sage-grouse and its Critical habitat (See "Specific Issues with the Current Public Land Designations" attached as Appendix A.)

B. "SGCA" is Not Intended To Be A Substitute For Wilderness:

- 1) The COAL supports a review of the existing Wilderness Study Areas (WSAs) overlapped with the Nevada Mapping Model to identify critical sage-grouse habitat which will require management
 - a) *We have concerns that the WSA's may not encompass the totality of sage-grouse and habitat needs*
 - b) *WSA's may not be in identified Critical sage-grouse habitat areas*
 - c) *WSA's and Wilderness Areas may limit crucial habitat manipulation and management*
- 2) Based on the Nevada Mapping Model and WSA overlap review, "Carve Outs" of critical sage-grouse habitat from the WSAs and substituting with the "SGCA" designation, shall be preferred
- 3) "Carve Outs" for other critical wildlife habitat shall also be considered
 - a) *2) and 3) are similar to the Pine Forest Range Wilderness Process*
 - b) *2) and 3) will assure that any existing identified Critical sage-grouse habitat, as well as other critical wildlife habitat, in good to excellent condition, but with a high probability of burning in the future, will receive required proactive motorized/mechanized pre wildfire prevention, aggressive wildfire response and rapid post wildfire reclamation work*
- 4) Federal land agency managers shall be required to follow the provision set forth by the Wilderness Act to grant timely waivers for protection and restoration of critical sage-grouse and other wildlife habitat, specifically the temporary use of motorized mechanized equipment for:
 - a) *Fire suppression, including pre and post-fire management*
 - b) *Noxious and invasive species management*
 - c) *Habitat restoration*
 - d) *Maintenance of existing water and spring developments*
 - e) *New water and spring developments*
 - f) *Fencing of wet meadows and riparian areas*
 - g) *Pinion-Juniper removal and controlled burns*
 - h) *Wildlife management and protection*
- 5) Upon the above review the COAL will support certain individual WSA's for designation as Wilderness if manipulation or restoration is not required

C. Goals For The "SGCA" Land Designation:

- 1) Stops the decline of the sage-grouse and its identified "Critical" habitat

- 2) Restores sage-grouse populations
- 3) Provides the USFWS with the regulatory certainty needed to ensure that identified critical habitat areas will be managed for long-term protection and restoration
- 4) Is compatible with multiple uses
- 5) Is based on:
 - a) *Best available sound scientific management of sage-grouse and its habitat as the primary focus*
 - b) *The Nevada Mapping Model which identifies Critical habitat*
 - c) *Identifying funding strategies at the federal and state levels to provide a steady long term investment in habitat improvements*
 - d) *Ensuring that identified Critical habitat receives the highest priority for investment*
 - e) *Streamlining federal land decisions and actions, allowing proactive, efficient and expedient management approvals that benefit the sage-grouse and its habitat*

D. Specific Objectives For The "SGCA" Land Designation:

- 1) **Prioritize Critical sage-grouse habitat using the USGS Nevada Mapping Model**
 - a) ***"Core Habitat" (approximately 12 million acres)***
 - *"Best of the Best" (BOB) Predicted high use areas*
 - b) ***"Priority Habitat" (approximately 9.8 million acres)***
 - *"High Suitability" areas outside the core areas*
 - c) ***"General Habitat" (approximately 10.9 million acres)***
 - *"Low to Moderate Suitability" areas outside the core areas*
 - d) ***This designation concerns sage-grouse habitat referenced as "Critical" which is "Core", and any identified "Priority" and/or "General" deemed necessary for proper management through sound science***
- 2) **Existing Habitat Protection and Improvement**
 - a) ***"Stop the bleeding"- Take care of what is already in good condition and don't allow further losses or habitat fragmentation***
 - *Use of "Adaptive Management" practices (See Appendix B)*
 - *All available treatment methods, mechanical and non-mechanical, should be used for non-native invasive species*
 - *Pinion-juniper removal*
 - *Hazardous fuels reduction and green stripping*
 - *Protection and enhancement of brood rearing habitat utilizing wildlife friendly fences*
 - *Seasonal access restrictions*
 - *Water and spring rehabilitation and developments*
 - *Proper grazing management*
 - *Wild horses and burros*
 - *Livestock*
- 3) **Wildfire Suppression**
 - a) ***Reinforce a governmental agency defense priority for critical sage-grouse habitat***
 - *Second only to human life, inhabited or historic structures*
 - b) ***Timely use of motorized, mechanized equipment***
 - c) ***Timely priority use of aircraft***
 - *Recommend a designated air tanker fleet for Nevada*
- 4) **Wildfire Rehabilitation**
 - a) ***Rapid Response (strive to achieve 80% success by getting on the ground within 2 months after a fire)***
 - *Expedite archeological clearances*
 - *Create a dedicated archeologist position shared between NDOW and federal land agencies or through the proposed Sage-Grouse Strike Team*
 - *Priority seed and plant availability for Nevada*
 - *Need reliable access to existing climate controlled long term seed storage facilities.*

- *Need to construct additional climate controlled long term seed storage facilities if needed.*
 - *Offer SEC Conservation Credits for growing and storing seeds and plants (to mining, ranching and agricultural interest)*
 - *Money needs to be available for immediate allocation*
 - *Use of motorized, mechanized equipment*
 - *Use of aircraft*
 - *Herbicide treatments where appropriate*
 - *Green Stripping where appropriate*
 - *Use of both native and non-native plant species where appropriate*
- b) Follow-up required on all rehabilitation projects**
- *Monitoring and reporting*
 - *Use of "Adaptive Management" practices (See Appendix B)*
- c) Continuing research and development of better seed stock and delivery methods is a must**
- 5) Maintain Multiple Land Uses**
- a) Grazing and Agriculture**
- *Timely enforcement of all grazing permits conditions*
 - *Willing seller or retired allotments would become grass-banks for ranchers or farmers in need*
 - *Offer incentives for those who keep their allotments in healthy condition:*
 - *Federal and state agencies allow users more flexibility in managing their allotments*
 - *State Conservation Credits through the Sagebrush Ecosystem Council*
 - *Receive priority for temporary nonrenewable permits to use grass- banks*
 - *Willing seller and retired allotments that are in need of rehabilitation will be allowed to rest and then included in grass- banks*
 - *Incentives for voluntary, temporary deferment of grazing on critical (Core and necessary Priority) sage-grouse habitat using the CRP model*
 - *Incentives for Ranching and Agriculture to provide seed banks and long term storage*
- b) Wild Horse and Burro Management**
- *Prevent overgrazing*
 - *HMA's shall be managed at the low end of AML levels.*
 - *The identified Critical sage-grouse habitat areas should be the priority for gathers and birth control measures*
- c) Mining Exploration and Development (The SEC proposed mitigation guidelines are not currently available. These are the COAL's minimum recommendations)**
- *Withdrawal of identified Critical sage-grouse habitat except for valid existing claims*
 - *With priority level mitigation on valid existing and future claims*
 - *Core Level Habitat at a 4:1 ratio*
 - *Priority Level Habitat at a 2:1 ratio*
 - *General Level Habitat at a 1:1 ratio*
 - *Based on a \$1000.00 per total acres impacted*
 - *Disturbance of Priority or General Habitat will require mitigation as recommended above for all disturbed and affected areas*
- d) Energy Exploration and Development**
- *Withdrawal of identified Critical sage-grouse habitat for all new leases*
 - *Voluntary withdrawal of identified Critical sage-grouse habitat for existing leases*
 - *Withdrawal of existing leases would require leaser compensation*
 - *With priority level mitigation (as with Mining) for existing leases*
 - *Any developments would also be subject to applicable development fees, royalties and bonds*
- e) Oil and Gas Exploration and Development**

- *Withdrawal of identified Critical sage-grouse habitat for all new leases*
- *Voluntary withdrawal of identified Critical sage-grouse habitat for existing leases*
 - *Withdrawal of existing leases would require leaser compensation*
- *With priority level mitigation (as with Mining and Energy) for existing leases*
- *Any developments would also be subject to applicable development fees, royalties and bonds*

f) Access Roads and Trails

- *There shall be no new construction of improved roads, primitive roads or motorized and mechanized vehicle trails within identified Critical sage-grouse habitat areas, pursuant to emergencies and valid existing rights.*
- *There shall be no motorized and mechanized vehicle cross country travel, including Special Permitted events, in any identified Critical sage-grouse habitat areas*
- *The managing land agencies shall begin an immediate route designation assessment process to establish or amend a minimal, sustainable route system with identified Critical sage-grouse habitat area needs as the priority*
 - *Existing improved roads, primitive roads, motorized and mechanized vehicle and hiking/riding trails that serve as important public access points within identified Critical sage-grouse habitat areas should be maintained if possible, or relocated, to ensure continued public access*
 - *Eliminate and rehabilitate redundant routes to maintain or reestablish Critical sage-grouse habitat*
 - *The responsible agencies shall manage designated primitive roads, motorized and mechanized vehicle and hiking/riding trails within identified Critical sage-grouse habitat areas to maintain their existing character and shall not improve these routes to a higher transportation standard*

g) Recreational Uses

- *Hunting, trapping and fishing*
 - *All are important NV outdoor traditions*
 - *Each is a critical tool, whether for wildlife/predator management and/or gathering research information on sage grouse*
- *Camping, OHVs, hiking, horseback and wildlife viewing*
 - *Each is important to allow public enjoyment of Nevada's wildlife and outdoors*
- *Temporary land closures or restrictions may be required for all*

III. PROPOSED STEADY LONG-TERM FUNDING STREAM REQUIRED TO ACCOMPLISH GOALS AND OBJECTIVES SET FORTH IN SECTIONS I AND II

A. PROPOSED FUNDING MECHANISM:

B. The funding needed to accomplish the level of habitat conservation and restoration necessary to halt the decline and promote sustainable sage-grouse populations far exceeds what has been proposed thus far in the discussion draft of the bill. We propose the following as a more comprehensive and effective funding strategy. A model similar to the Pittman-Robertson (P-R) Act allows federally collected funds to be utilized within states based upon a local match. As in the P-R model, we propose the USFWS administer and allocate funds for sage grouse protection and enhancement upon approval of proposals submitted by the State of Nevada either by NDOW or the State Sagebrush Ecosystem Council. Similarly, the Sage Grouse Initiative, administered by the NRCS through the Farm Bill can provide needed funds to be utilized on both private and public lands. Both of these models could be

compatible with the State Sagebrush Ecosystem Council's proposed Conservation Credit System. This mechanism could include, but not limited to:

- 1) **USFWS Administered Funding Sources**
 - a) *Sale of federal lands to mining, geothermal, and County interests contained within this bill*
 - b) **Land and Water Conservation Fund**
 - *An amount of at least twenty million dollars should be appropriated annually for sage grouse conservation in Nevada*
 - *These funds should not be diverted for any other purpose*
- 2) **NRCS Administered Funding Sources**
 - a) **U.S. Farm Bill**
 - *An amount of at least ten million dollars should be appropriated annually for sage-grouse conservation in Nevada*
 - *Fund Sage Grouse Initiative projects*
 - *Fund willing-seller allotment purchase to be utilized as grass banks*
 - *Fund Incentives for grazing permit holders who meet forage objectives*
 - *Fund subsidies for voluntary, temporary deferment or reduction of grazing on identifying critical habitat in need of rest – similar to the farming CRP program.*
- 3) **The State of Nevada Sagebrush Ecosystem Council would establish a Sage-Grouse Fund to be utilized as a match for federal dollars**
 - a) **Potential funding sources**
 - *Revenues raised through the state sagebrush ecosystem mitigation bank*
 - *Revenues raised from mitigation for industrial activities in sage grouse habitat, including mining, power line, pipeline, and road right of ways, energy development, and other human development*
 - *Revenues from Grazing Boards in those grazing board areas which encompass sage grouse habitat*
 - *Revenues generated through NDOW Upland Game Stamp and sage-grouse viewing stamp*
 - *Revenues raised from a percentage of the OHV licensing program*
 - *Revenues from 10% of the state sales taxes levied on the purchase of outdoor equipment*
 - *Revenues from the State of Nevada General Fund equal to 10% of the total funds deposited in the proposed Sage Grouse Habitat Fund*
 - *Revenues from the Ruby Pipeline Mitigation Fund*
 - *Gifts, grants and donations from environmental organizations and wild horse advocacy organizations*
- 4) **State matching requirements**
 - a) *For the first 5 years after enactment of this legislation the state match will be limited to 10% of the total.*
 - b) *Thereafter, the state match will increase to 25%.*
- 5) **Authorization for disbursement and expenditure of revenues from the federal funds**
 - a) *The USFWS and NRCS will authorize expenditures from the fund to the Nevada Sagebrush Ecosystem Council based on accepted grant applications from the State of Nevada.*
 - b) *The Council will authorize expenditures of funds based upon concurrence and or recommendations by the Director of the Nevada Department of Wildlife, the Sagebrush Ecosystem Technical Team, and the State Director of the Bureau of Land Management (for work on BLM lands) and the Forest Supervisor of the Humboldt-Toiyabe National Forest (for work on USFS lands.)*
- 6) **Reporting Requirements**
 - a) *Annually the Sagebrush Ecosystem Council will report to the USFWS and NRCS on the projects initiated or accomplished and the amount of money expended on each project*

- b) Copies of these reports will be submitted to the Nevada Office of the Governor, Nevada Department of Wildlife, Nevada Department of Conservation and Natural Resources, State Director of the Bureau of the Land Management, the Forest Supervisor of the Humboldt-Toiyabe National Forest and all other cooperating entities*

SUMMATION:

This proposal outlines the three primary steps necessary to reverse the decline of sage-grouse and its habitat. To become successful, this will require the commitment of all stakeholders which include land users and involved state and federal management agencies. This commitment extends well beyond “business as usual” and mandates change by all who live on, manage, use and love the land.

This proposal has been crafted to make “Doing the Right Thing” beneficial to rural economies and traditional lifestyles like ranching and outdoor recreation. We all rely on our national congressional delegation to craft the necessary legislation to transform these goals into reality. If Nevada sportsmen and NDOW had the resources to invest in retaining sagebrush habitat, we would not be facing the sage-grouse decline we have today. But the changes in the land and weather, along with the impacts of current public land uses and interest in further development, are beyond the ability of sportsmen funding to address alone. To preserve the sage-grouse and Nevada's sagebrush landscape federal, state, and private interests must work together, be more effective, and access broader funding resources. We feel the creation of “Sage Grouse Conservation Areas”, with the proposed funding sources, by congressional action will effectively address the issues required for success.

Thank you for your consideration.

Respectively submitted by *The Coalition for Nevada's Wildlife:*

Michael J. Bertoldi – Treasurer (Chairman of Coalition Sage Grouse Subcommittee)
Larry J. Johnson – President (also Director, Nevada Bighorns Unlimited – Reno)
Tom Smith – Vice President (also Director, Truckee River FlyFishers)
Stacy Trivitt – Director (also Director and Past President, Carson Valley Chukar Club)
Joel Blakeslee – Director (also President, Nevada Trappers Association)
Judi Caron – Director (also Director and Past President, Safari Club International, Northern Nevada Chapter)
Jim Puryear – Director (also Member, Nevada Guides and Outfitters Association)
Bob Brunner – Director
Willie Molini – Director (also Director, Nevada Waterfowl Association)
Michael Cassidy – Director (also President, Safari Club International, Northern Nevada Chapter)

Also in Support of This Proposal:

Karen Boeger – Board Member Nevada Chapter Backcountry Hunters and Anglers
Les Smith – Nevada Regional Director, Rocky Mountain Elk Foundation

(See attachments Appendix A and Appendix B)

The Coalition for Nevada's Wildlife

Appendix A-COAL PROPOSAL FOR SAGE GROUSE CONSERVATION AND A NEW CONGRESSIONAL LAND DESIGNATION

"Specific Issues with the Current Applicable Public Land Designations"

A. Wilderness and WSA Designation (*Congressional*):

- 1) Protects land but is often detrimental to wildlife and habitat
- 2) "Minimum tool" requirements hinder firefighting efforts
- 3) "Minimum tool" requirements hinder restoration of burned areas
- 4) Fire-resistant non-native species not allowed in green stripping to protect adjacent native unburned habitat
- 5) Reluctance to permit new man-made water developments
- 6) Reluctance to allow efficient maintenance of existing water developments
- 7) Reluctance to permit beneficial man-made features such as fencing of wet meadows
- 8) Difficulty in needed habitat improvements i.e. pinion-juniper chaining, control burns, spring development
- 9) Waivers to restrictions, though available, are hard to get and seldom used

B. ACEC Designation (*Administrative*):

- 1) Could have many of the desired management tools available
- 2) Is administrative and subjective
- 3) Can have inconsistent management of intent
- 4) Can be amended and or removed in a new RMP process
- 5) Lacks "Regulatory Certainty"

The Coalition for Nevada's Wildlife

Appendix B-COAL PROPOSAL FOR SAGE GROUSE CONSERVATION AND A NEW CONGRESSIONAL LAND DESIGNATION

“Adaptive Management”-as defined in the Nevada Rangeland Monitoring Handbook, Second Edition - Educational Bulletin 06-03 as follows:

ADAPTIVE MANAGEMENT (pg. 12/81)

Adaptive management (Appendix E) is the continual process of learning from our experiences and managing based on what we have learned. An acceptable plan should include a management program and a monitoring program needed to keep management on track, test assumptions, provide the information needed for future planning, and guide rangeland managers. Adaptive management depends on flexibility. Management plans and monitoring methods flow from objectives. Cooperative monitoring (Appendix A) builds on the same principles as cooperative management. People who depend on public land should take particular interest in monitoring. It is the responsibility of the managing agency or landowner to modify the plan as needed in light of new information gathered through monitoring.

Monitoring methods should be selected to determine whether progress is being made toward achieving management objectives. And, to the extent it is not, why not. Objectives may focus management and monitoring on new questions, types of data, and/or interpretations. Because one change leads to another, monitoring methods used through time in the same way and at the same location gain value and develop significance. Keeping existing data, and periodically re-measuring and interpreting vegetation data using established methods on established plots, is extremely valuable for developing our understanding for rangeland management. Cited references describe the methods for many accepted monitoring techniques.

Once the monitoring data are collected, they must be analyzed along with other useful data and information. Analysis includes organizing, summarizing, and evaluating the information. This can include statistical analysis of data along with assessment of its validity and utility. Because it is often preferable to complete planning and monitoring using a collaborative approach, analysis of monitoring data should also be done collaboratively. This is especially true if different people collect different parts of the whole data set. For example, if the permittee collects short-term monitoring data and agencies collect long-term data, collaborative analysis is preferred.

The result of the analysis is reaching conclusions about whether the objectives are being achieved or progress is being made toward the objectives. Additionally, conclusions must be reached about the causes of meeting or not meeting the

objectives. Both kinds of conclusions are essential. Both must be thoroughly reasoned based on all the available information. For application to public lands, that rationale must be documented. The permittee should be included in discussions and development of the conclusions to better understand management practices and conditions for the particular site and season(s) of use.

The conclusions lead to a decision. To generalize, there are three possible decisions; continue existing management, change management, or change objectives. The first two choices are fairly self-explanatory. The third choice, change objectives, would be made when the information, analysis, and conclusions indicated that the objectives were not achievable, or the objectives did not actually relate to or were poor indicators of the identified issues, or the desired future conditions. Changing objectives is also appropriate when new planning sets new goals.