



**Board of County Commissioners
Nye County
Pahrump, Nevada**

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August 20, 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: Nye County comments regarding second discussion draft of the Nevada Sagebrush Landscape Conservation and Economic Development Act of 2014

Dear Senators Heller and Reid:

Nye County has reviewed your cosponsored second discussion draft of the Shield Bill, and staff and Commissioners have participated in discussions with staff from your offices regarding the same. We appreciate the effort you are making to address Greater Sage Grouse (GSG) management issues in the State of Nevada, in hopes of preventing an Endangered Species Act listing of the GSG. We also appreciate being afforded the opportunity to evaluate and provide comments to you regarding the Discussion Draft. Nye County provided comments on the first draft of this bill May 6, 2014, and the comments in this letter are intended to build upon those submitted previously.

We note that significant changes have been made in the second draft that allow use of mechanized equipment for firefighting, reduce the amount of land proposed for Wilderness designation, and removes buffer zones around habitat. However, Nye County still has serious concerns regarding the provisions of the draft bill that prevent our support:

A listing of the GSG will be made on an 11-state basis, not state-by-state unless this bill directs the US Fish & Wildlife Service to do otherwise. Congress has the power to say this bill will prevent listing or to mitigate some of the effects of a listing, but this bill in its current form still does neither. As a practical matter, this bill helps to perpetuate the myth that humans and activity on public lands is the cause of the decline in GSG populations. The agencies of the federal government have ignored the scientific evidence and comments from local and state governments that show the GSG populations thrived under the settlement and grazing in the west. The declines in recent years are mostly due to overregulation and mismanagement by the federal agencies.

Since 1999, Nye County has sought to have Wilderness Study Areas (WSAs) released from WSA status and returned to multiple use (Nye County Resolution 99-07). In addition, the 2011 Nye County Comprehensive Master Plan calls, to the extent possible, for federally managed lands to be released back to local government to be managed, released to private ownership for economic development purposes, or to remain in multiple use status if retained in federal management. The second draft of your bill proposes 250,048 acres for Wilderness designation, but only 25% of those lands (62,814 acres) are considered Sage Grouse habitat. In addition, the map included with the draft bill does not delineate sage grouse habitat, which makes our analysis more difficult.

Development in sage grouse habitat can be allowed, and mitigation measures have been broadened from simply collecting per-acre fees to include habitat conservation plans (HCPs), mitigation plans, investment in habitat mitigation banks, as well as the collection of per-acre fees. While this does give the agencies more flexibility in mitigation measures, it also introduces more uncertainty into the development process. How will potential developers know what the agency will require, and what are the standards for the other options? Nye County has been attempting to develop an HCP for Desert Tortoise for several years, and we do understand very well how frustrating it can be when the agency changes their approach, standards and requirements part way through the process.

Only 15% of the proceeds generated under the bill go to the state; the remainder goes to the federal agencies. This does provide funding for federal management, but does not encourage management at the state or local level, where it would be most effective.

The bill still does not prevent listing of the sage grouse under the ESA. The final page of the draft says that the “efforts and conservation practices provided for in this Act” will be considered during any listing determination. This fails to provide any incentive for local government in general, and Nye County in particular, to support the bill as currently written.

Nye County stands with our fellow Nevada Counties and communities in opposition to the bill in its current form. We further (again) request that lands in Nye County currently designated as WSAs be released from that status, consistent with the position of Nye County Resolution 99-07.

Again, we appreciate the time and effort you and your staff have taken to reach out to the local communities regarding habitat conservation efforts for the GSG. We continue to believe that the best way to manage the species is through “grassroots” efforts at the local level, involving stakeholders from private industry, local, state, and federal agencies, and others. We have seen success applying this approach to the Amargosa Toad, preventing the species becoming listed, and are confident such an approach with the GSG could be successful.

Nye County looks forward to working together with you and your staff to find a solution to this problem that works for all stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Schinhofen', with a long, sweeping horizontal line extending to the right.

Dan Schinhofen, Chairman
Nye 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