



STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
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MINUTES

Action was taken to approve minutes May 13, 2014.

Date: Tuesday, April 8, 2014 – 9:00 a.m.
Time: The Nevada Legislative Building
Place: 401 S. Carson Street, Room 4100, Carson City, Nevada 89701

The meeting could be viewed on the internet at:
<http://www.leg.state.nv.us/App/Calendar/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: Jim Barbee, Allen Biaggi, Steven Boies, Jeremy Drew, Leo Drozdoff, Bill Dunkelberger arrived at 9:30 AM, Gerry Emm, JJ Goicoechea, Ted Koch arrived at 9:26 AM and left at 2:00 PM, Starla Lacy, Bevan Lister, Tina Nappe, Sherm Swanson arrived at 10:08 AM, Tony Wasley, and Raul Morales as a proxy for Amy Lueders.

Council Members Absent: Amy Lueders.

- 1. CALL TO ORDER** – Chairman Goicoechea called the meeting to order at 9:04 a.m.
- 2. PUBLIC COMMENT** – Public comment was heard by: Floyd Rathbun, Ranching Consultant, Fallon, NV - requested the Council to comment on the Bi-State Sage-grouse now that the comment period has reopened. He discussed issues concerning land owners being denied access to their vested water rights; noting cost of takings should be the responsibility of the federal government.
- 3. REVIEW AND CONSIDERATION OF APPROVAL OF AGENDA** – Vice-Chairman Drew requested agenda item #8 be moved between agenda items #5 & #6 to accommodate the speakers schedule. Vice-Chairman Drew moved to approve the agenda with the noted changes; seconded by Member Biaggi, motion passed unanimously. ***ACTION**
- 4. REVIEW AND CONSIDERATION OF APPROVAL OF MINUTES**
 - A. Approval of minutes from the meeting held February 24, 2014.** – **NOTE:** The incorrect set of minutes were inserted into the packets; the February 13, 2014 minutes were previously approved at

the February 24, 2014 meeting and therefore the action taken under this item is negated. This item will be agendized at the May 13, 2014 meeting.

B. *Approval of minutes from the meeting held March 13, 2014.* – Chairman Goicoechea requested that the last paragraph in item#5 be changed to clarify that the letter Member Koch was referencing was a letter drafted by the Eureka County, Board of County Commissioners, signed by Chairman Goicoechea on the board’s behalf. Member Nappe moved to approve the minutes, as amended; seconded by Member Boies, motion passed unanimously. ***ACTION**

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

A. Council members may make comments at this time and the Program Manager will bring forward any pertinent correspondence directed to the Council.

Mr. Rubald called attention to a letter to the Governor from Secretary of the Interior, Sally Jewell, as well as public comment letters from Mr. Fred Fulstone and Mr. Cliff Gardner.

6. **FURTHER DISCUSSION ON STATE ALTERNATIVE E BASED ON ADDITIONAL COMMENTS.**

Member Wasley led the discussion on Alt. E. He spoke of NDOW’s comments to the draft EIS; exclusion areas and livestock grazing. He emphasized flexibility and regulatory assurances of habitat use and requirements, and thresholds of disturbance based on seasonal habitat availability. He noted PMUs are an appropriate size, however, within that unit a more stringent threshold should be established to discourage or encourage potential users through mechanisms in the Conservation Credit System (CCS). He reviewed several concepts and variables that could apply and that would be adaptive; noting additional refinements would be needed – these were discussed at length. Member Wasley will bring back an overview to the Council at their next meeting. A full account of the discussion is captured in the audio recording and available on the Program’s website.

Vice-Chairman Drew made a motion to direct NDOW, SETT & Environmental Incentives to work together to further develop how to incorporate the concept of disturbance thresholds into the approved Conservation Credit System framework, and if any augmentation is needed and to report back to the Council at the next meeting; seconded by Member Nappe, motion passed unanimously. ***ACTION**

Member Wasley discussed NDOWs comments to the draft EIS pertaining to livestock grazing. Concerns were raised on the validity and/or accuracy of the data used in their analysis, which were provided in the table in the draft EIS. The analysis showed only 41% of allotments had been evaluated and out of the 41%, only 23% were meeting rangeland health standards. NDOW provided their comments specific to the data and stands behind the analysis of the data within the table. Further discussion ensued; a full account of the discussion is captured in the audio recording available on the Program’s website. At the direction of the Chair, the desire of the Council would be to possibly create a committee to address grazing and monitoring issues. The creation of a formal committee will be placed on the next agenda. In the meantime, Chairman Goicoechea, Raul Morales and Member Swanson will work together to collect data to present at the next regular meeting.

Chairman Goicoechea took public comment under this item from John Zablockie, Fish Biologist, Trout Unlimited. Mr. Zablockie discussed remote sensing techniques for rangeland monitoring. He thinks this could provide assistance, objectivity and capability for monitoring needs.

Member Koch expressed a support for action, that the Services’ comments to BLM suggested setting aside, from development, the best of the best habitat. The proposed definition would be 50% breeding bird density areas and 5 kilometers around each lek. The Service thinks the CCS could be the mechanism to accomplish this, but if NDOW could develop another approach it would be beneficial.

Member Koch said the Service's most significant comment relating to livestock grazing is the certainty of implementation and effectiveness, especially implementation. They know there is inadequate monitoring and improper grazing, which will highlight the inadequate regulatory mechanisms in the Service's eyes. It is critical to show expeditious progress on this issue.

Break for lunch 12:07 – 1:20 p.m.

7. PRESENTATION AND DISCUSSION OF SOME OF THE WATER ISSUES FACING THE GREATER SAGE-GROUSE RANGE IN NEVADA

A. At the request of the Council, Mr. Jason King, P.E., Nevada's State Engineer, provided a PowerPoint presentation and discussed range-wide water issues facing the Greater Sage-grouse. The State Engineer's office under NRS 501.97 defines "wildlife" to include wild horses and burros. Member Wasley noted wild horses and burros are not defined in NDOW regulations as "wildlife".

Jason King explained the State Engineer's application process; which includes review and if challenged, water hearings. BLM could apply for water rights to water wild horses and burros on the range. In addition, he referenced NRS 533.436, where a person may apply for a water permit to establish vegetative cover that is resistant to fire; to restore, reduce or prevent wildfire in an area. He said this could be a possible benefit as fire is a top threat for Sage-grouse habitat. A question was raised regarding the level of regulatory review performed by the State Engineers office. Mr. King responded that his office does not field investigate use, unless a complaint has been filed. Further discussion ensued. A copy of the presentation and full account of the discussion is captured in the audio recording and available on the Program's website. ***NO ACTION TAKEN**

8. UPDATE AND DISCUSSION OF THE "DISCUSSION DRAFT" OF A POSSIBLE SAGE-GROUSE BILL BEING BROUGHT FORWARD BY NEVADA'S UNITED STATES SENATORS REID AND HELLER.

A. At the request of the Council, Mr. Sam Crampton, Regional Representative for Natural Resources and Public Lands, Senator Heller's office, provided an update on the developments of the "discussion draft" of a possible bill. Mr. Crampton said their office has performed extensive outreach. Feedback from that outreach included: wildfire suppression/restoration, hazardous fuels and invasive species, removal of wild horses and burros, predator control and available funding sources to get projects on the ground. Administratively, working with the federal partners in Washington D.C. to mitigate any changes that may be coming down the pipeline and to address economic affects. The bill includes fees for disturbance of Sage-grouse habitat. Proposed timeline is September 2015. A discussion ensued, a full account of the discussion is captured in the audio recording and is available on the Program's website.

9. REVIEW, DISCUSSION, AND POSSIBLE APPROVAL OF A DRAFT LETTER TO THE NEVADA ASSOCIATION OF COUNTIES AND THE NEVADA FARM BUREAU FEDERATION, REGARDING A LAWSUIT ABOUT THE MANAGEMENT OF WILD HORSES AND BURROS ON UNITED STATES' PUBLIC LANDS IN NEVADA

A. Mr. Rubald introduced Jeff Fontaine, Executive Director, Nevada Association of County Officials (NACO). Mr. Fontaine stated the point of the lawsuit is to compel BLM and the Department of Interior to comply with the Wild Horse and Burro Act by removing excess animals from the management areas.

The Council reviewed and discussed the lawsuit overview handout and modified the draft letter. A discussion ensued regarding concerns Member Nappe expressed with other sections of the lawsuit. Member Biaggi proposed language in the letter to state, "We support litigation to compel compliance with the Wild Horse and Burro Act of 1971." The letter is not in support of the NACO lawsuit in its entirety. Additional edits were made.

Member Lacy moved to approve the letter as amended; seconded by Member Boies. Member Lacy amended the motion to authorize Chairman Goicoechea to sign the letter outside of the meeting once complete, Member Boies concurred, motion passed unanimously. ***ACTION**

10. REVIEW, DISCUSSION, REVISIONS, AND POSSIBLE APPROVAL OF A DRAFT LETTER TO NEVADA'S UNITED STATES CONGRESSIONAL DELEGATION REGARDING MANAGEMENT OF WILD HORSES AND BURROS ON UNITED STATES' MANAGED PUBLIC LANDS IN NEVADA

A. The Council reviewed and discussed the draft letter. Modifications were made to the letter to include language, "The Council supports policy that compels compliance with the Wild Horse and Burro Act of 1971". In addition to the same edits made to the letter under agenda item #9, it was decided that the distribution list of recipients would include *all* of Nevada's United States Congressional delegation.

Member Nappe moved to approve the letter as amended, and to authorize Chairman Goicoechea to sign the letter outside of the meeting; seconded by Member Emm, motion passed unanimously. ***ACTION**

11. DISCUSSION AND POSSIBLE ADOPTION OF PROPOSED REQUEST TO USFWS REGARDING REVISIONS TO NEVADA'S "PRIORITY AREAS FOR CONSERVATION" (PACs)

A. Lara Niell and Melissa Faigeles presented the staff report and reviewed the map included in the Council's packet. The SETT asked the Council for approval of proposed, revised PACs to be presented to the USFWS, noting the revised PACs reflect best available science and are simply reporting area delineations. Further discussion ensued. Member Lister requested the SETT to provide an electronic copy of all of the maps and their meanings/uses to the Council members.

Member Swanson made a motion to adopt the proposed revisions to the Nevada PACs and for the SETT to submit a request letter asking for the change, and appropriate data to the USFWS; seconded by Member Nappe, motion passed unanimously. ***ACTION**

12. PRESENTATION AND DISCUSSION OF ITEMS THAT WILL BE BROUGHT FORWARD TO THE COUNCIL BY THE SETT FOR THE DEVELOPMENT OF THE 2014 STATE PLAN

A. Melissa Faigeles, SETT, reviewed the timeline. The SETT discussed and proposed a number of products to be developed prior to the data call in September of 2014. The Council provided direction regarding the development of a State Plan, a Strategic Action Plan, and other products as the SETT transitions from EIS work to other issues.

Member Swanson moved to approve the report; seconded by Vice-Chairman Drew, motion passed unanimously. ***ACTION**

B. Eoin Doherty, Environmental Incentives (EI) provided the Council with a brief update of Phase II of the project; including the progress and plans regarding development of the Conservation Credit System. A PowerPoint presentation was provided and is available on the Program's website. EI requested a committee meeting the end of June, first of July before making a formal presentation to the Council. ***NO ACTION TAKEN**

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

A. With staff assistance, the Council reviewed items discussed, as well as items acted upon during this meeting, and items directed to the SETT.

- NDOW, SETT & Environmental Incentives to work together to further develop how to incorporate the concept of disturbance thresholds in the CCS framework.
- Approval of NACO lawsuit letter of support.
- Approval of letter to Nevada US Congressional Delegation regarding management of wild horses and burros on US managed public lands in Nevada.
- Adoption of the revised PACs brought forward by the SETT for the USFWS data call.
- Approval of report brought forward by the SETT for the development of the 2014 State Plan.
- SETT to provide electronic copy to the Council members of all of the maps and their uses.

B. The Council determined specific items they would like to work on at their next regularly scheduled Council meeting. Due to the staff being invited to the Annual SGI Workshop in Twin Falls, Idaho the week of May 5 – 9, it was suggested to moved the next meeting to May 13, 2014 at 9:00 AM, at the Nevada Legislative Building, room 4100. The following items were requested to be placed on the upcoming agenda.

- Predation
- Thresholds discussion
- Possible appointment of a committee to address grazing and monitoring alternatives and issues.
- Bi-State Listing – Reopening/Comments. Mr. Rubald noted that Cassandra Joseph, SEC Deputy Attorney General, had commented during previous conversations that this body does not have authority over the Bi-State. Member Drozdoff will follow-up with Ms. Joseph to clarify.
- Update from Congressman Amodei or Meghan Brown regarding draft bill.

14. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service – Member Koch updated that the Bi-State Executive Committee wrote a letter to the Service asking they reopen the comment period on the proposed rule to list Bi-State Sage-grouse and extend the decision deadline by 6 months. The Service agreed to the request and noticed it in the federal register today. The comment period is open for 60 days, effective today. Member Koch clarified that people don't need to resubmit their comments.

B. Bureau of Land Management – Raul Morales said the DEIS team is wrapping up review of the comments received on the plan. They are in the early phases of developing what the proposed actions will be and they are working closely with the SETT on this ongoing process. They are working on how to incorporate and adopt the State's map (AKA the Coates map) without triggering a supplemental process; as the acreages exceed the 10% buffer that the BLM had allotted for in the draft plan.

C. US Forest Service – Member Dunkelberger reported that he is working with BLM on the Greater Sage-grouse. He said given the 6 month extension period on the Bi-State, they are looking at producing a revised draft to include additional alternatives that will align with the efforts of this Council.

D. Other – No update.

15. STATE AGENCY UPDATES AND COMMENTS:

A. Department of Conservation and Natural Resources – Member Drozdoff commented that they continue to have discussions with USFWS; primarily pertaining to the Bi-State and issues of funding and funding certainty. This is a key issue with the Governor's office and all of the stakeholders are concerned with how not having a predicatable funding source will impact actions and accomplishments. The next Western Governor's Taskforce meeting is scheduled for April 28-29, 2014 in Denver, CO – either Cory Hunt or Leo will attend. The state budget process is underway and DCNR is working with the Dept. of Ag. and Dept. of Wildlife on this program's budget and will provide a report to the Council at a later date.

B. Department of Wildlife – John Tull provided a brief field data update pertaining to lek surveys/activity and some early return results; including earlier peak attendance subsequent to the mild winter. They are in the planning stage for the upcoming Annual Sage-grouse & Sharptail-

grouse Workshop being held June 17-19, 2014 in Elko, NV. For additional information, please visit www.sagegrouseworkshop.org.

C. Department of Agriculture – Member Barbee reported an Agriculturist IV position is now available with the department and that they will recruit specifically for a Range Ecologist; their focus will be to work with producers.

D. Sagebrush Ecosystem Technical Team – Tim Rubald, Program Manager, reported the team is still working on predation. The development of the website, which will be controlled by the Program not StateWeb, is expected to deploy in May. In addition, Joe Locurto is no longer with the Conservation Districts Program; recruitment for the position will occur in the upcoming weeks.

E. Other – No report.

16. PUBLIC COMMENT – John Zablockie, Fish Biologist, Trout Unlimited; addressed the Council and discussed possible NFWF funding. An article will be forwarded to the Council.

17. ADJOURNMENT – Chairman Goicoechea moved to Adjourn. Meeting adjourned by acclamation at 4:10 p.m. ***ACTION**