



STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
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DRAFT MINUTES

Date: Tuesday, May 13, 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/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: Jim Barbee, Allen Biaggi, Steven Boies, Jeremy Drew, Leo Drozdoff, Gerry Emm, JJ Goicoechea, Starla Lacy, Bevan Lister, Tina Nappe, Sherm Swanson, Tony Wasley. Proxies: Cheva Gabore for Bill Dunkelberger, Carolyn Swed for Ted Koch, and Joe Tague for Amy Lueders.

Council Members Absent: Bill Dunkelberger, Ted Koch, 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 from Cliff Gardner, representing Rural Heritage Preservation. A full account of his comments are captured in the audio recording and available on the Program's website.
3. **REVIEW AND CONSIDERATION OF APPROVAL OF AGENDA** – Member Nappe moved to approve the agenda; seconded by Member Boies, motion passed unanimously. ***ACTION**
4. **REVIEW AND CONSIDERATION OF APPROVAL OF MINUTES**
 - A. *Approval of minutes from the meeting held February 24, 2014.* – Member Swanson made a motion to approve; seconded by Vice-Chairman Drew, motion passed unanimously. ***ACTION**
 - B. *Approval of minutes from the meeting held April 8, 2014.* – Member Boies made a motion to approve; seconded by Member Emm, 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 various letters and communication within the Council meeting packets. He noted the SETT & CD staff attended the SGI Conference in Twin Falls, ID last week and shared some of the items highlighted at the conference; including fire and seed mixes.

6. PRESENTATION AND DISCUSSION OF H.R. 4419 BY CONGRESSMAN MARK AMODEI – *NO ACTION TAKEN

A. Congressman Amodei presented and discussed Bill H.R. 4419, introduced in early April. The Council commented on the bill. The Congressman updated the Council on a recent budget meeting held with the Dept. of Interior, Forest Service and BLM. The outcome of that meeting was a request for a one year listing delay. The purpose of this request is to allow federal land management agencies to request funding to take action; as they are requiring private and state landowners to take action and comply. He noted federal land managers must invest as they are the controlling majority. Congressman Amodei said there is no sufficient regulatory mechanism unless the high threat issue of fire is addressed, prevented and restored. He expressed that every stakeholder's participation is a necessity for success and to prove credibility. A full account of the discussion is captured in the audio recording and available on the Program's website.

7. DISCUSSION OF INCORPORATION OF DISTURBANCE THRESHOLDS INTO THE CONSERVATION CREDIT SYSTEM (CCS)

A. Previous action of the Council has relied on the CCS addressing disturbance thresholds through economic restrictions. Jim Lawrence, Special Advisor to the Director, DCNR; Tony Wasley, Director, NDOW and Jeremy Sokulsky, CEO, Environmental Incentives; led the discussion and provided information pertaining to the incorporation of disturbance thresholds into the CCS. Mr. Lawrence explained they will be completing field work to populate the computer models next week and beyond.

Member Biaggi made a comment regarding set-asides and exclusion areas, noting previous discussions and actions by the Council have been clear that such exclusion areas are not acceptable.

Member Drozdoff elaborated on Allen's point and asked Member Wasley, Jim Lawrence and Jeremy Sokulsky to answer this precise question; "USFWS is stating quite clearly that they believe Nevada's plans focus almost entirely on Bureau of Land Management actions, but do not recognize the need to avoid habitat loss in good, occupied Sage-grouse habitat." He would like them to answer definitively whether that is a true statement or not and report back to the Council.

Member Drozdoff went on to say that it is also, "The USFWS position that they believe that on BLM lands it is important that actions should not be taken to permit what would result in loss of good Sage-grouse habitat occupied by Sage-grouse."

Mr. Lawrence responded that he completely agrees. He clarified that as they respond and complete the analysis to answer the question, the CCS is based on mitigating anthropogenic disturbances, but to adequately answer the question they will need to include set-asides in the analysis and what that means for fire and invasives.

Carolyn Swed, USFWS, Proxy for Ted Koch, commented that she believes Member Drozdoff accurately captured the feedback the Services is trying to provide to the State. She noted Member Koch requested she convey to the Council the importance of demonstrating how the mitigation strategy will adequately avoid impacts in quality habitat and that being vitally important. ***NO ACTION TAKEN**

8. DISCUSSION AND POSSIBLE DIRECTION TO STAFF FOR DEVELOPING COMMENTS ON THE BI-STATE LISTING DECISION TO THE USFWS

A. On April 8, 2014, the US Fish and Wildlife Service announced a 60-day extension of the comment period on their proposed decisions, which include listing the bird as a threatened species, designating approximately 1.86 million acres of critical habitat for the species, and a special rule that would provide increased flexibility for land management practices that are intended to benefit the Bi-state sage-grouse. The extended comment period closes on June 9, 2014. The Council discussed the proposals and provided direction to staff on commenting on the FWS proposals. A full account of the discussion is captured in the audio recording and available on the Program's website.

DAG Joseph verified the Council may comment on the Bi-State. Member Wasley noted they are working with the USFWS to avoid a listing decision of the Bi-State population. Member Drozdoff's comments pertained to funding and agreed on endorsement, in addition addressed federal funding levels and the burden placed on the state. A full account of the discussion is captured in the audio recording and available on the Program's website.

Member Biaggi moved to direct the SETT to draft short comments to include endorsement and funding on a federal level; seconded by Vice-Chairman Drew. Member Biaggi amended the motion to allow the Chairman to sign the letter at his discretion outside of the meeting, Vice-Chairman Drew accepted the amendment, motion passed unanimously. ***ACTION**

Chairman Goicoechea excused himself from the meeting and turned the meeting over to Vice-Chairman Drew.

9. DISCUSSION, CONSIDERATION, AND POSSIBLE ADOPTION OF PROPOSED REVISIONS TO SECTIONS OF THE 2012 STATE PLAN, INCLUDING: PREDATION; WILD HORSE AND BURRO MANAGEMENT; IMPROPER LIVESTOCK GRAZING; AND MITIGATION

A. Lara Niell, SETT, lead the discussion regarding the proposed revisions to Section 7.3 – Predation of the 2012 State Plan. Dr. Peter Coates responded to questions regarding the revisions and proposed changes. The Council discussed the revisions and provided direction to the SETT for additional modifications. Edits were captured within the document and reviewed on the overhead projector.

Chairman Goicoechea moved to approve revised Section 7.3 with the edits captured within the document; seconded by Member Boies. Member Swanson will provide additional edits as long as it doesn't change the substance of the section, motion passed unanimously. A copy of the revised document has been placed as (Attachment A) to the minutes. ***ACTION**

Break for lunch 12:30 p.m. to 1:53 p.m. - Chairman Goicoechea called the meeting to order.

B. Kelly McGowan, SETT, led the discussion regarding the proposed Section 7.4 – Wild Horse and Burro Management of the 2012 State Plan. The Council discussed at length the revisions and Mr. McGowan clarified the revisions are tied to the management actions, goals and objectives. Member Swanson added edits and an additional citation to Management Action 3.1.3 and will provide a copy to the SETT. Edits were captured in the living document during the meeting.

Member Boies moved to approve Section 7.4 with the discussed revisions; seconded by Member Nappe, motion passed unanimously. A copy of the revised document has been placed as (Attachment A) to the minutes. ***ACTION**

C. Kelly McGowan, SETT, led the discussion regarding the proposed revisions to Section 7.5 – Improper Livestock Grazing of the 2012 State Plan. The Council discussed the proposed revisions and made additional changes to the section, including AUMs and a graph/chart, timing of use, ability to move, and numbers for variable active AMUs vs. licensed AUMs. Edits were captured within the document and reviewed on the overhead projector.

Member Swanson made a motion to adopt the revisions, with the additional edits to Section 7.5; seconded by Member Boies. Vice-Chairman Drew abstained on the original adoption of the policy; for consistency he chose to abstain on that account. Vote was 8 in favor, with 1 abstention, motion passed. A copy of the revised document has been placed as (Attachment A) to the minutes.

***ACTION**

D. Melissa Faigeles, SETT, led the discussion of the proposed revisions to Section 8.0 – Mitigation of the 2012 State Plan. She noted the revision is a condensed executive summary of the two documents previously approved by the Council; the Credit System Manual and the Habitat Quantification Tool (HQT) Scientific Methods documents. Additional discussion and edits were captured within the document and reviewed on the overhead projector.

Member Swanson moved to adopt the proposed revisions to Section 8.0 of the 2012 State Plan; seconded by Member Lister, motion passed unanimously. A copy of the revised document has been placed as (Attachment A) to the minutes. ***ACTION**

10. PRESENTATION, DISCUSSION AND POSSIBLE CREATION OF A COMMITTEE TO WORK ON ISSUES INVOLVING RANGE MONITORING PROGRAMS ON FEDERAL LAND, AND APPOINTMENT OF COUNCIL MEMBERS - *NO ACTION TAKEN

A. Joe Tague, BLM State Office, provided a presentation on BLM's current range monitoring processes, protocols, and who is involved. Mr. Tague's PowerPoint presentation and a full account of the discussion is captured in the audio recording and available on the Program's website.

B. Possible creation of a committee, selection of members, and determination by the Council of any specific issues the committee will address. Mr. Rubald discussed the possible need for a committee regarding issues with range monitoring for management purposes. The Council discussed the need and logistics, along with possible participants.

Chairman Goicoechea requested volunteers for the committee. Members Swanson, Boies, Nappe, and Lister volunteered. It was suggested that it would be beneficial for one or two federal partners be on the committee. As Joe Tague and Cheva Gabore were attending as proxy for Amy Lueders and Bill Dunkelberger, they said they would coordinate with their agencies to find a representative to sit on the committee. Member Nappe made a motion to create a committee to focus on monitoring of rangeland health; seconded by Member Boies, motion passed unanimously. Chairman Goicoechea appointed those members to the committee. ***ACTION**

Mr. Rubald will send out a doodle poll to coordinate a teleconference call for the committee. Member Swanson requested a timeline when the Chairman would like the committee to report back to the Council. It was determined that the Council would like the committee to report in advance of the USFWS datacall in September.

11. PRESENTATION AND DISCUSSION OF INVASIVE PLANT FUNDS AND IDENTIFICATION OF POSSIBLE PROJECTS - *NO ACTION TAKEN

A. Member Barbee, Director, Nevada Department of Agriculture, presented and discussed the funding balance and possible options for projects to benefit Sage-grouse. He began with a quick overview of the funds that are available. An increase in pesticide fees raised \$250,000; \$50k for the SETT position; \$50k to support a range ecologist position; and \$150k for on the ground Sage-grouse projects with a focus on invasive plant issues. Additionally, \$10-15k has been spent on the Eddmapps program.

Robert Little, Dept. of Ag. Provided a handout and a brief update of the Eddmapps program and how it has progressed. It is a real-time mapping system that utilizes ARC GIS system layers, however, it is designed to be very user friendly. The program offers query capabilities and a quick map printing functionality. In addition it maintains historical data, including fire, Sage-grouse habitat and noxious weeds, etc. A September release date is expected, potentially sooner. The free App is available now.

Member Barbee reported \$150k for FY15 (July 2014 – June 2015). They will release a Request For Proposal (RFP) on June 2, 2014. They will look to federal partners first; if they have projects ready on federal lands that can rapidly be put on the ground, they urge them to apply. Then they will open it up to private projects. RFPs will have a deadline of July 3, 2014. The review process will be one month. The review team will consist of 3 members from the Council, Mr. Rubald, and Kelly McGowan, SETT, to make funding recommendations to the Department of Ag. for proposals submitted. As of July 1, \$85k will be available for funding. There was a discussion of the Council's priorities for the use of funds. Sean Espinoza, NDOW, suggested hoarycress in brood rearing habitat would be a good place to focus funding for treatments. Mr. Rubald noted that the Conservation Staff Specialists with the Conservation Districts Program have many projects in various stages that could benefit. Kelly McGowan requested coordination of other funding sources available so dollars can be maximized and used as match funding.

12. 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.

- Comment on Bi-State, with letter signed by the Chair.
- Approved sections 7.3, 7.4, 7.5, and 8.0 of the State Plan.
- USFWS will follow up on questions regarding the 5% and 100,000 vs. 190,000 raven population.
- Created a committee on grazing monitoring, to include Members Swanson, Boies, Nappe, and Lister – along with a couple federal representatives. A doodle poll will be sent out to schedule the first meeting.

B. The Council determined specific items they would like to work on at their next regularly scheduled Council meeting. Due to Council members' scheduling conflicts, it was suggested to move the next meeting to Monday, June 23, 2014 9:00 AM, at the Nevada Legislative Building, room 4100. The following items were requested to be placed on the upcoming agenda.

- Sagebrush Ecosystem Program & Conservation District Program coordination/interaction
- Conservation Credit System threshold and sampling
- State Plan continued review to include: monitoring and adaptive management, mineral development, energy production, transmission and distribution, fire and invasives
- Invasive RFP update – Member Barbee

13. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service – Carolyn Swed updated that the public hearings for the Bi-State Sage-grouse listing and critical habitat have been rescheduled to May 28, at the Carson Valley Inn, Minden, NV and May 29, at the Tri County Fairgrounds, Bishop, CA.

Ms. Swed touched on a few points previously discussed during the meeting by Member Drozdoff regarding the meeting with the Service. She stated it is imperative that the Council understand the messages that the Service delivered in the meeting with Governor Sandoval; USFWS, Regional Director, Ren Lohofener; Member Drozdoff; Member Wasley; and Member Barbee with regard to what the Service wants. She referred the Council back to the Conservation Objective Team Report (COT) issued in March 2013, comprising the input of federal and state officials. That report has been peer reviewed and identifies a series of 30 conservation objectives that the Service regards as

essential to conserve the species and its habitat. The report was discussed at length, and Ren Lohofener delivered a list of those 30 objectives to the Governor when the Governor asked for greater specificity in what the Service wants. The Service registered their concern with the fact, although they are fully supportive of this forum as the best vehicle to ensure these necessary conversations, last fall Nevada did undertake a self-assessment of its State Plan and determined at that point in time, understanding that this a work in progress, that the State Plan was not meeting any of the 30 objectives. The Service understands that since then additional work has been done and progress is ongoing, however, they registered their concern that it may be insufficient to conserve Sage-grouse and its habitat. That message was reiterated by Noreen Walsh, USFWS, Regional Director, when she instructed BLM and Forest Service to in effect stay out of the PACs, unless the COT report objectives could be met. She's allowing the possibility that there may be other means to address the report objectives, but the Service needs to hear from the respective states as how they plan to achieve that outcome. Furthermore, in regard to the Conservation Credit System (CCS), the Service has stressed what they are looking for is certainty that the mitigation strategy can achieve avoidance of key habitats via whatever means, be it a mitigation strategy, or through upfront commitments to set aside and avoid impacts in those areas. The Regional Director followed-up to that meeting with a letter to the Governor today.

B. Bureau of Land Management – Joe Tague stated they are currently developing the proposed plan, to include: goals, objectives and management actions should be finalized in the next couple of weeks. It should be released to cooperating agencies by the end of the month.

C. US Forest Service – Cheva Gabore proposed a possible agenda item for the June meeting or a future meeting to include an update from the head of their team on the Bi-State Sage-grouse EIS, to brief the Council on the revised EIS. She added the 2014 Farm Bill reauthorization allowed the Governors of states with national forests to designate insect and forest health treatment proposed areas for submission to the Chief of the Forest Service. They worked with the Nevada Division of Forestry to look at areas and they prioritized 10 areas for forest health treatment. Essentially, the forest has to be experiencing declining forest health, be at risk for insect and disease related mortality and be a threat to public safety or infrastructure to meet the parameters. The list of 10 went forward from the Governor to the Chief. They hope to hear back by May 19 that they were designated so they can move forward as money is identified.

D. Other – No other federal agency updates.

14. STATE AGENCY UPDATES AND COMMENTS:

A. Department of Conservation and Natural Resources – Member Drozdoff commented on the meeting he had with Member Koch and Ren Lohofener of the USFWS, along with Member Wasley and Member Barbee. He expressed his frustration with two main points that the discussion centered around; which he believes are inaccurate and that it isn't indicative of the work the Council has done.

He paraphrased the two broad statements; being the plan is not adequate when it comes to private lands and because the State Plan does not have set asides or exclusionary areas it's viewed as inadequate. He noted, although they quarreled about the terms, the concept the USFWS was referring to was that of set asides being absent in the plan. He believes the scenario analysis that Member Wasley, Jim Lawrence and Jeremy Sokulsky with Environmental Incentives will be completing will be crucial to the point of explaining how we have built and will build a better mechanism. He explained if the Council thought that drawing lines on a map would be some sort of panacea and it would address the threats that the Council wouldn't oppose that. He said they did agree to look at the scenarios that are running, but he isn't hopeful of how that is going to be viewed.

Member Drozdoff addressed the issue of the self-assessment and how with the given timeframe, that he doesn't know how the state could be moving any faster. Recapping that the decision was

made in 2010; the State worked with the federal government in 2011 to set up a group – it's hard to imagine the state could move much faster than we did. The focus now is that we don't have enough time to prove this out. The other important piece of this is tying it back to the COT report and the PACs. He has requested the team to verify this. The PACs are enormous and are so by design to allow the crediting system to be as robust as possible. However, if some sort of maximum disturbance caps are going to be overlaid on the crediting system in these giant areas and it doesn't address the threats, it's troubling, but it also has implications on how the PACs are viewed. He believes it is going to be a fair question that we will be asking and there are two takeaways from this discussion: 1) continue to push greater evaluation of the scenario analysis, that we have something that will work better and if doesn't prove out, then refine it - 2) the issue of the size of the PACs and if we are, by default, subject to a disturbance cap, then that warrants further consideration.

The Council believed the discussion three years ago that there was nothing preordained and that the mitigation crediting system was the best mechanism. However, had we know three years ago that there was going to be a standard requirement of a disturbance threshold, it is likely that we would not have gone in the direction we have gone. Drozdoff believes at this point it is incumbent on the federal agencies to dictate or tell the state what they are planning and to provide the information on "the best of the best habitat", if it exists, and where it is located to be able to advance the discussion.

Mr. Lawrence provided additional information on the self-assessment, stating it is troublesome to hear the assessment being used in that manner. The self-assessment is a guiding document to be used by the state as a tool by the state to determine if the State Plan is adequate - noting that it is not the best tool for the job. The team did a fair assessment, the scale being 1 to 6; 1 to 2 - being bad, 3 to 4 - being good but needing more time to demonstrate success, and 5 to 6 - you have years behind you demonstrating success. In a state that is 85% federally managed and fire and invasives are the threats, the assessment was completed fair and conservative and perhaps when applying numbers it should have been done with more optimism. However, when given the tool, it was not presented that it would be used as a judge against us. They are reviewing the assessment in light of the way it is being evaluated. He assured the Council the scores would be going up knowing that we scored 3 & 4 and most items because we have good mechanisms in place and we are confident over the years the numbers will be there, it simply requires more time to demonstrate our success to possess a 5 to 6 rating.

Member Drozdoff reported out on a meeting with USFWS to address comments put forth by the Service on the CCS. Overall the discussion and feedback was positive. There were regional staff participating in the meeting and in their estimation this is far ahead of any other mitigation conservation credit system being developed anywhere in the west. One item of concern was at one point the USFWS was indicating that they weren't going to give the state credit for any mitigation being performed on public lands; which is very difficult given the amount of federal land in the state. We have since heard some back pedaling on that. The State is moving forward with the assumption that they will be doing mitigation on public land. We are proceeding with what is best for the habitat and best for the bird regardless of political boundaries.

B. Department of Wildlife – Sean Espinoza reported planning of the 29th Sage and Columbian Sharp-tail Grouse workshop being held June 17 – 19, in Elko, Nevada. There will be 43 different talks that will be presented at that meeting regarding the most current science relative to those two species as well as a field tour to the Tuscarora area. Early bird registration is at the end of the week. He recapped several land use projects that are consuming a great deal of their time and resources from a habitat and game perspective. They are wrapping up lek counts and the biologists are entering data at this point. He reported lek activity in select areas. Full agency report captured in the audio recording and available on the Program's website.

C. Department of Agriculture – Member Barbee noted they are recruiting for a Range Ecologist position. In addition, there is a new Agriculture license plate. Proceeds are to benefit the Future Farmers of America and will be available in the next 3 weeks at area DMVs.

D. Sagebrush Ecosystem Technical Team – No update.

E. Other – No update.

15. PUBLIC COMMENT – No public comment.

16. ADJOURNMENT - Chairman Goicoechea moved to Adjourn. Meeting adjourned by acclamation at 5:01 p.m. ***ACTION**