

**RURAL HARITAGE PRESERVATION PROJECT**

**HC 60 Box 700**

**Ruby Valley, NV 89833**

**February 2, 2015**

**Information Request # 1**

Nevada Sagebrush Ecosystem Council Members:

J.J. Goicoechea; Chris MacKenzie; Allen Biaggi; Steve Boies; Gerry Emm; Starla Lacy; Bevan Lister; Tina Nappe; and Sherman Swanson, each individually, in keeping with your oaths of office, and the mandates that are incorporated within the Constitution of the United States, and the Constitution of the State of Nevada, wherein it is required that "no person shall... be deprived of life, liberty, or property, without due process of law...".

And in pursuance to NRS 232.162, 7. (a), 7. (c), and 7. (i), wherein the Council shall, consider the best science available in its determinations; providing for input from interested persons; coordinate and facilitate discussion; and provide information. (See attachment C.)

And in pursuance to NRS 239.010, and NRS 239.0107.

Please make available to us (via electronic mail, preferably) copies of such reference material as was requested of Tim Rubald on 9/28/14. (See attachments A. and B.)

We at Rural Heritage Preservation Project are concerned that members of the Council have not conducted themselves in such a manner, as to ascertain that the plan for the protection of sage grouse (which Council members have now adopted) is based upon best available science. If they had, they themselves would have seen that such references were made available for their own review. Which did not happen.

We are also concerned that the Council did not carry on a true coordinative process during plan development, whereby those representing the private sector are given equal opportunity to participate in the planning process.

Fortunately, NRS 232.162 calls for a carrying out long-term strategies using an adaptive management framework.

Hopefully, time will allow for a better process to emerge from this time forward, whereby such scientific information as is presented by the public is fully considered in a true coordinative manner.

Respectfully submitted,



Cliff Gardner

Attachment

A

9/28/14

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Tim:

As you are aware, we at Rural Heritage Preservation Project have long feared that a strategy for the protection of sage grouse of the type that you are now on the verge of completing would not be based on **"the best available scientific and commercial data"** as is mandated by the Endangered Species Act, but instead would reflect the needs and desires of those in government.

Sadly, I must now say that my greatest fears are coming true.

In that vein however, I must tell you, we have no intention of giving up, for in the end, far too much is at stake. Which reminds me of another mandate that was put forth by Congress - wherein, **40 CFR Sec.1500.1** reads; **...procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.** In this regard, I respectfully ask that you make available to the public upon request, copies of all such data as has been referenced by SETT and supplied by others regarding issues involving sage grouse, as is listed below.  
(See attachments 1 through 14)

Print **Attachment B**

**Information Request** Close  
**# 1**

**RE: request**

From: **Tim Rubald** (timrubald@sagebrusheco.nv.gov)  
Sent: **Mon 9/29/14 6:21 PM**  
To: 'Cliff Gardner' (cliffgardner@hotmail.com)

Cliff,

Thanks for your email. Most of the literature cited in the state Plan is already available publicly in University libraries or on line. We are not required to provide the extensive library of peer reviewed scientific literature upon which we based many of the planning decisions made by the Council on a piece by piece basis, nor do we have the resources to do so. If there are a couple of specific articles that you would like a copy of, I would take my personal time and try to obtain them for you. Beyond that there's not much I can do. Thanks and have a great evening.

Tim Rubald, Program Manager

Sagebrush Ecosystem Program

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**From:** Cliff Gardner [mailto:cliffgardner@hotmail.com]  
**Sent:** Sunday, September 28, 2014 11:47 AM  
**To:** Tim Rubald  
**Subject:**

# Attachment C Information Request # 1

## State Department of Conservation and Natural Resources

### **NRS 232.161 Account to Restore the Sagebrush Ecosystem: Creation; duties of Director; limitations on use of money in Account.**

1. The Account to Restore the Sagebrush Ecosystem is hereby created in the State General Fund. The Director shall administer the Account in a manner consistent with policies and priorities established by the Sagebrush Ecosystem Council created by NRS 232.162.

2. The Director may apply for and accept any gift, donation, bequest, grant or other source of money. Any money so received must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money that remains in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The money in the Account may only be used to establish and carry out programs to preserve, restore and enhance sagebrush ecosystems pursuant to NRS 321.592 and 321.594 and is hereby authorized for expenditure as a continuing appropriation for this purpose.

5. Claims against the Account must be paid as other claims against the State are paid.  
(Added to NRS by 2013, 3383)

### **NRS 232.162 Sagebrush Ecosystem Council: Creation; members; terms; powers; duties; report to Governor.**

1. The Sagebrush Ecosystem Council is hereby created in the Department. The Council consists of:

(a) The following nine voting members appointed by the Governor:

- (1) One member who represents agricultural interests;
- (2) One member who represents the energy industry;
- (3) One member who represents the general public;
- (4) One member who represents conservation and environmental interests;
- (5) One member who represents mining interests;
- (6) One member who represents ranching interests;
- (7) One member who represents local government;
- (8) One member who acts as a liaison for Native American tribes; and
- (9) One member of the Board of Wildlife Commissioners or his or her designee.

(b) In addition to the members appointed pursuant to paragraph (a), the following nonvoting members:

- (1) The Director of the State Department of Conservation and Natural Resources;
- (2) The Director of the Department of Wildlife;
- (3) The Director of the State Department of Agriculture;
- (4) The State Director of the Nevada State Office of the Bureau of Land Management;
- (5) The State Supervisor of the Nevada State Office of the United States Fish and Wildlife Service;
- (6) The Forest Supervisor for the Humboldt-Toiyabe National Forest; and
- (7) Any other members appointed by the Governor as nonvoting members.

2. The provisions of subsection 6 of NRS 232A.020 do not apply to the appointment by the Governor of the members of the Council.

3. After the initial terms, each member of the Council appointed pursuant to subparagraphs (1) to (8), inclusive, of paragraph (a) of subsection 1 and subparagraph (7) of paragraph (b) of subsection 1 serves a term of 4 years, commencing on July 1.

4. A vacancy in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed.

5. While engaged in the business of the Council, each voting member is entitled to receive a salary of not more than \$80 per day, as established by the Council, and the per diem allowance and travel expenses provided for state officers and employees generally.

6. The Council may:

(a) Adopt regulations to govern the management and operation of the Council;

(b) Establish subcommittees consisting of members of the Council to assist the Council in the performance of its duties; and

(c) Consider and require the recovery of costs related to activities prescribed by paragraph (d) of subsection 2 of NRS 321.594 pursuant to NRS 701.600 to 701.640, inclusive, or any other authorized method of recovering those costs.

**7. The Council shall:**

(a) Consider the best science available in its determinations regarding and conservation of the greater sage grouse (*Centrocercus urophasianus*) and sagebrush ecosystems in this State;

(b) Establish and carry out strategies for:

(1) The conservation of the greater sage grouse and sagebrush ecosystems in this State; and

(2) Managing land which includes those sagebrush ecosystems, taking into consideration the importance of those sagebrush ecosystems and the interests of the State;

(c) Establish and carry out a long-term system for carrying out strategies to manage sagebrush ecosystems in this State using an adaptive management framework and providing for input from interested persons and governmental entities;

(d) Oversee any team within the Division of State Lands of the Department which provides technical services concerning sagebrush ecosystems;

(e) Establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems;

(f) Solicit suggestions and information and, if necessary, prioritize projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;

(g) If requested, provide advice for the resolution of any conflict concerning the management of the greater sage grouse or a sagebrush ecosystem in this State;

(h) Coordinate and facilitate discussion among persons, federal and state agencies and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage grouse;

(i) Provide information and advice to persons, federal and state agencies and local governments concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594; and

(j) Provide direction to state agencies concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594 and resolve any conflict with any direction given by another state board, commission or department jointly with that board, commission or department, as applicable.

8. On or before June 30 and December 31 of each year, the Council shall submit a written report to the Governor. The report must include, without limitation:

(a) Information concerning the overall health and population of the greater sage grouse within this State and in the United States and the overall health of sagebrush ecosystems within this State, including, without limitation, information concerning any threats to the population of sage grouse and any sagebrush ecosystems within this State;

(b) Information concerning all strategies, systems, programs and projects carried out pursuant to this section and NRS 321.592 and 321.594, including, without limitation, information concerning the costs, sources of funding and results of those strategies, systems, programs and projects; and

(c) Any other information specified by the Council.

(Added to NRS by 2013, 3383)