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Office of the Governor

December 3, 2015

The Honorable Sally Jewell
Secretary of the Interior
Department of the Interior
1849 C Street, SW
Washington, D.C. 20240

Re: Greater Sage-Grouse

Dear Secretary Jewell:

I sincerely appreciate the ongoing dialogue between your staff and mine on the concerns the State of Nevada has as a result of the recent Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) and the Record of Decision (RoD) that was signed regarding the Greater Sage-Grouse (GRSG) for the Great Basin Region. I continue to believe that the not warranted decision for the GRSG is a positive development in the range-wide effort to protect and conserve the bird and its habitat.

However, as you and I have discussed, Nevada has several concerns that still need to be addressed and I appreciate your commitment to work with me to find mutually acceptable resolutions. Of particular concern are the following items related to the ARMPA:

Baker Water Tank. As you know, the small community of Baker has a leaking water tank and was in the process of expanding its right of way to build a new tank adjacent to the old one. The recent listing determination and plan amendment has stalled the project, even though there is virtually no potential for impacts. Not only is this the community's water supply, it is used for fire suppression as well. I would like your commitment to grant a 30 foot right of way in the most expeditious manner possible so construction of the new tank can be completed by early next year. We cannot allow plan implementation to endanger the health and safety of this community. An immediate decision is warranted.

Valid Existing Rights. This letter reconfirms your staff's commitment that all valid existing rights will be exempt from mineral withdrawal and other restrictions prescribed in the Sagebrush Focal Areas (SFAs). In addition, all active mines, existing projects operating under approved plans of operations and notices of intent, and signed operating agreements will move forward with no additional restrictions. Written clarity on this issue from the Bureau of Land Management (BLM) to Nevada stakeholders will provide certainty to these stakeholders.

Maps. It has been known for some time that the 2014 Sage-grouse Habitat Management Category maps, approved by Nevada's Sagebrush Ecosystem Council (SEC) and our federal agency partners and used in the Land Use Planning Amendment (LUPA), the Draft

Environmental Impact Statement (DEIS) and the Final Environmental Impact Statement (FEIS), were broad-based and that ground-truthing at the project scale was required for more accurate interpretations. The BLM also knows that Nevada is investing considerable funds to have the 2014 maps updated by Dr. Peter Coates from the U.S. Geological Survey (USGS) and that they would be replaced with new maps when completed to continue to reflect the best science available. I am pleased that, as a result of joint negotiations by our staffs, the BLM will immediately begin using the updated maps for project evaluation and to inform decisions currently being made on projects. With your agreement to use the updated maps immediately for project-level decisions, the school and cemetery sites in Washoe County are no longer located in Sage-grouse habitat and those projects can continue.

However as we move forward with implementation, it is imperative that all parties formally adopt the same maps. Based on our staffs' conversations, I'm pleased to confirm via this letter that the BLM will prioritize the adoption of the new maps and use the most expeditious option, by your administrative action if possible.

Pilot Program. I am also pleased that the BLM has agreed to develop a pilot program in collaboration with Nevada's Sagebrush Ecosystem Technical Team (SETT) to expedite review of projects in Nevada that are pending, but not approved, but may be impeded by habitat designations in the 2014 maps. We will work with the counties to determine projects best suited for inclusion in this pilot program. For example, White Pine County needs an industrial park and has identified BLM land identified for disposal that would be suitable. This may be a good candidate for a pilot project.

Implement Nevada's Conservation Credit System. Nevada has a comprehensive, science-based Sage-grouse conservation plan (the Nevada Plan), that we believe should have been selected as the management plan for Nevada. A fundamental component of the Nevada Plan is the Conservation Credit System (CCS), which was developed with the BLM providing valuable guidance and engaging as an active participant. It is essential that the CCS be given the chance to demonstrate that habitat conservation and mitigation is more effective and quantifiable in this system than in the RoD. Your commitment to Nevada's CCS is crucial; I would appreciate a public statement to this effect.

With over 87% of our land managed by the federal government, our stakeholders must be able to accrue credits on public lands in order for Nevada's CCS to work. Nevada's CCS dovetails closely to President Obama's recent memorandum outlining a mitigation program for public lands, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment". This may also be a tremendous opportunity to collaborate on a pilot program to demonstrate the viability of the system. Accruing credits on public lands is essential in Nevada and I request that we develop the process to incorporate the Nevada Plan and how it will be used moving forward.

Clarification of Implementation. There are a number of areas in the RoD where clarification could reduce confusion or perceived inconsistencies for both my constituents and your employees in the field. For example, the Habitat Objectives Table, known as Table 2-2, is an extensive table that seems to dictate standards, but if you look at one of the footnotes, it says the Table should be viewed as objectives. This table is very concerning especially to our livestock producers and is one area, among others, where an Instructional Memorandum is necessary. I would like an Instructional Memorandum developed in consultation with the SETT clarifying the elements and implementation of the Habitat Objectives Table on or before March 1, 2016.

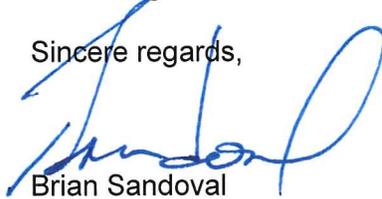
Roads and Transportation Plans. Roads and transportation are the life support system of rural America. There has been a great deal of discussion in Nevada about access to existing properties, grazing allotments and projects. My staff has been told that the BLM will be developing a travel management plan where decisions on roads will be made. This is a multi-year process that could have a negative impact on existing permittees, hunters, and recreationists. It is imperative that all existing roads and routes be maintained under their current status until a thorough analysis of transportation needs is conducted by local area working groups that include private landowners, agency resource managers, and other stakeholders. A workable transportation plan must be based upon local knowledge of the road network, seasonal road conditions, access routes to water developments and mining claims, hunting access, and dispersed recreation. Each of these uses can be adequately addressed in the realm of conservation of GRSG if transportation plans are developed collaboratively at the local level. This process can begin immediately through our local conservation districts and working groups. I understand through staff, you're committed to a robust public engagement process in developing the plan with significant, meaningful public participation.

Sagebrush Focal Areas. The SFAs have been the focus of much discussion and concern in Nevada. I would like to work with you on the determination of withdrawal areas and the length of any such withdrawal. This process will obviously take more time and staff work, and I appreciate your commitment to develop a meaningful process through which this can be accomplished. As soon as possible, we should jointly announce that our staffs will develop a timeline and benchmarks for the joint process.

You and I are in agreement that the not warranted decision was the best outcome for the species and the west, but it is imperative that the hard work by my Sagebrush Ecosystem Council and the Technical Team and similar efforts in other western states that led to this determination continue to be recognized by the Department of the Interior as sound, scientific plans. The steps I have outlined above will provide this recognition and help my administration meet the needs of all Nevadans.

I appreciate the opportunity to continue to work with you to reach positive outcomes for Nevada and the habitat and look forward to our meeting.

Sincere regards,



Brian Sandoval
Governor