



STATE OF NEVADA  
**SAGEBRUSH ECOSYSTEM COUNCIL**  
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### **DRAFT MINUTES**

**Date/Time:** Friday, June 12, 2015 – 8:30 a.m.  
**Location:** Public Employees' Benefit Program Conference Room  
901 S. Stewart Street, Carson City, NV 89701

A full audio recording of this meeting is accessible through the following website -  
[http://sagebrusheco.nv.gov/Meetings/Sagebrush\\_Ecosystem\\_Council\\_Meeting/](http://sagebrusheco.nv.gov/Meetings/Sagebrush_Ecosystem_Council_Meeting/)

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**Council Members Present:** Allen Biaggi, Steven Boies, Bill Dunkelberger, JJ Goicoechea, Starla Lacy, Jim Lawrence – proxy for Drozdoff Leo, Bevan Lister, Chris MacKenzie, Tina Nappe, John Ruhs – proxy for Amy Lueders, Sherm Swanson, Tony Wasley, Flint Wright – proxy for Jim Barbee.

**Council Members Absent:** Jim Barbee, Leo Drozdoff, Gerry Emm, Mary Grim

1. **CALL TO ORDER** – Chairman Goicoechea called the meeting to order at 8:39 a.m.
2. **PUBLIC COMMENT** – Karen Boegler, Nevada Chapter Backcountry Hunters and Anglers, commented on the EIS document and expressed her interest on the Council's interpretation. She also wanted the Council's perspective on the two amendments in the US Senate under the National Defense Authorization Act as they pertain to Sage-grouse and what affect those may have on the State Plan.
3. **REVIEW AND CONSIDERATION OF APPROVAL OF AGENDA**
  - A. Member Biaggi moved to approve the agenda; seconded by Member MacKenzie, motion passed unanimously. **\*ACTION**
4. **REVIEW AND CONSIDERATION OF APPROVAL OF MINUTES**
  - A. *Approval of minutes from the meeting held May 14, 2015* – Member Nappe proposed the correction of the spelling of Shawn Espinoza's name on pg. 6 paragraph 9. Member MacKenzie moved to approve the minutes with the proposed amendment; 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.

Kacey KC, SETT, Program Manager, acknowledged a letter of correspondence and maps (provided online) from Quantum Minerals-Jarbidge Explorations, as well as Assembly Joint Resolution II, from Sharon Furlong, Chief Clerk of the Assembly that were presented to the Council.

Member Boies shared photos of the SETTs field work at the Boies Ranch in late May.

## 6. DISCUSSION AND POSSIBLE ACTION ON 30- DAY PROTEST PERIOD AND 60-DAY GOVERNOR CONSISTENCY REVIEW PERIOD FOR THE NEVADA AND NORTH-EASTERN CALIFORNIA GREATER SAGE-GROUSE PROPOSED LAND USE PLAN AMENDMENT AND FINAL ENVIRONMENTAL IMPACT STATEMENT (EIS). - \*FOR POSSIBLE ACTION\*

- A. Member Dunkelberger introduced Lauren Mermejo, Great Basin GRSG Project Manager, BLM and Randy Sharp, Sharp Consultants. Ms. Mermejo provided an overview PowerPoint presentation of the LUPA/EIS process and the protest and Governor's consistency review periods. Presentation are available upon request and a complete account of the discussion is captured on the audio recording.

There are two separate plans in the EIS; Bureau of Land Management (BLM) and US Forest Service (USFS). (43CFR 1610.5-2) applies to both BLM and USFS. Protests must be in writing and filed with the Washington Office BLM Director. Protests MUST be filed and postmarked within 30 calendar days of the date the EPA published the notice of receipt of the FEIS (May 29, 2015) in the Federal Register. All of the required elements of the review will be completed within 60 days. A lengthy discussion ensued on the various aspects of the process and clarification was provided by the speakers and federal representatives. It was noted that beyond the Director's decision, the final decision would be an appeal to the federal court.

The Governor's consistency review applies ONLY to BLM under (43 CFT 1610.3-2(e)). The Governor's consistency review does not apply to the USFS as it is not in their regulations. May 29, 2015, BLM submitted the Proposed Plan/FEIS to the Governor with a notification letter requesting a consistency review within 60-days. If the Governor does not respond within 60-days, the plan amendment shall be presumed to be consistent.

Randy Sharp, provided a supplemental PowerPoint presentation on the USFS key points and element of the plans amendments. Member Biaggi commented on the coordination decisions and future processes for withdrawals. Mr. Sharp explained it is a recommendation only. Ms. Mermejo provided additional clarification that it is not a decision, they are only recommendations. She responded to a question on priority of habitat and noted they would follow the decision.

Mr. Hunt expressed concern on the mineral exploration withdrawal validity exam. Ms. Mermejo explained it would be up to a decision to withdrawal valid existing rights. There was additional discussion of factors and definitions of "valid existing rights". A discussion regarding the segregation process ensued. Mr. Hunt requested a specific definition of "valid existing rights" be provided to the Governor's Office and Council. Mr. Ruhs, BLM, confirmed they would provide those specifics. Mr. Hunt said withdrawals and the proposal of withdrawals has a defacto action of withdrawing those lands both in the interim, with interim guidance, but also from a purely investment perspective. He went on to say, capitol investors will have to disclose to their shareholders that these areas have been identified for withdrawal. He said the Governor's Office believes there will be a chilling effect on development in these areas and that is a serious concern for the state.

Member Swanson questioned the State Plan process; the timing of amendments and objectives table and their validity. Ms. KC stated the updated plan from April is in the FEIS Preferred Alternative.

Member Nappe expressed her concern of the validity of the existing rights of the Sage-grouse; not only the uses of the land but the habitat. Member Boies noted there are millions of dollars in conservation efforts on the ground. All plans will have a net benefit to the species dependent on the ecosystem.

Member Lister commented that historically more restrictions do more harm. Member Nappe said she is not advocating to eliminate grazing or mining but would like to keep the focus on the bird and the habitat it depends on.

Mr. Hunt said the Councils efforts, State Plan, and on the ground efforts provide a much greater net conservation as a whole.

B. Kacey KC, SETT, Program Manager reviewed and provided a summary of the LUPA/FEIS differences with the 2014 State Plan. Ms. KC noted the SETT spent a considerable amount of time reviewing the Final Plan, focusing primarily on the differences. Ms. KC provided a bulleted list to the Council.

There was an extended and reoccurring discussion regarding the Sagebrush Focal Area (SFAs). Mr. Ruhs, BLM said their direction is SFA, Priority Habitat and General Habitat. Chair Goicoechea said the focal areas are offset in various areas of the state for fire response, restoration and suppression and the use of the Credit Conservation System (CCS) would achieve the best results; saying he would like to see the federal partners incorporate the CCS more than they have.

Member Dunkelberger explained the USFS does not have policy or regulation in place to adopt the State CCS, however, said they will be utilizing it to pilot projects and guide national policy direction.

Member Nappe expressed her concern on SFAs stating the need to work together as funds become available. To set priorities rather than using SFA delineation to set funding. Member Boies indicated the SFAs were too restrictive and need to be adaptable; potentially on a sliding scale for management.

Member Wasley weighed in on the SFA concept stating there is unified concern regarding the SFAs. He said there is perception that it is lowering or raising the bar depending on the use. However, there is a need to provide a track record of certainty to the federal partners. He said discussion should be how we regain the desired flexibility, but it will have to be in exchange of demonstrated effectiveness of the CCS and certainty of implementation. He said potentially as the CCS is implemented and proven then there may be less restrictions of those areas.

Member Swanson expressed his frustration that Mary Grim, nor any FWS representative, is in attendance to speak for the service and that federal partners have not been forthcoming with information so items of concern can be addressed.

Mr. Hunt commented on the Governor's consistency review; requesting key recommendations and themes to focus on. He said the more information the better, but information presented in an actionable item is preferred. Mr. Hunt said the Governor's Office had received a number of letters from counties and local governments asking the Governor to use his review to identify the inconsistencies – Mr. Hunt said he regretted that it was ever a question that the Governor would do so. The Governor *will* use this period to identify any inconsistency with both state and local plans. They are working with NACO to help engage the county and local governments in this process.

Member Biaggi notified the Council that the NV Mining Association will file their own protest.

Member Lacy said the fact that exclusion zones are considered mitigation and not seen as "alternative" conservation is a concern.

Member Swanson expressed his frustration that due to the MOU, the comments submitted by the SETT can't be shared with the Council. Mr. Ruhs said he would follow up on the language in the MOU and will respond in writing as to why the SETT's comments can't be shared.

C. Discussion of the final plan and what the Sagebrush Ecosystem Program will need to address in the protest period and the Governors consistency review. Chair Goicoechea noted this item had been reviewed under previous agenda items and wanted to provide a clear direction to the team moving forward. Direction was provided to the team that the Council would like to protest on all the bulleted items provided. Questions from the Council are to be directed to KC Kacey, SETT, Program Manager. Member Biaggi reminded the Council to remain compliant with the Open Meeting Law when communicating with the team on these items; not to send group emails or reply all.

Member Lister stated the impacts of the proposed action have never been reviewed cumulatively.

Member Swanson moved for the SETT to provide a 'draft protest' and present it to the Council for adoption or amendment at the June 23 meeting; seconded by Member Biaggi, motion passed unanimously. **\*ACTION**

## **7. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DRAFTED ON FLIP CHARTS DURING THIS MEETING**

- A. The SETT will bring forward a 'draft protest' for the Council to review, amend and/or adopt at the next schedule meeting. Member MacKenzie requested a discussion item on the potential federal funding and how NDOW and Wildlife Managers will be brought into those decisions/if they will be brought into those decisions.
- B. The next meeting will be held Tuesday, June 23, 2015 at 8:30 a.m. in the Guinn Room at the Capitol Complex.

## **8. FEDERAL AGENCY UPDATES AND COMMENTS:**

- A. US Fish and Wildlife Service – None – no representative present.
- B. Bureau of Land Management – Mr. Ruhs said he will be working on the agenda coordination for the consistency review and preparing for the implementation phase. BLM is currently working on other statewide Land Use Plans. He said fire preparedness is a big issue for the agency; June 20 begins a statewide 'National Fire Preparedness' review. The BLM has ongoing coordination with the State of Nevada and RFPAs and the statewide MOU is moving forward.
- C. US Forest Service – Bill Dunkelberger said they are involved in the RFPA implementation with NDF. He and Bob Roper, NDF Director, were successful at securing match funding for training and PPE. Mr. Dunkelberger provide a personnel update: Wendy Fuell, Elko District Ranger, has relocated to the Sparks office as the new Sage-grouse Program Manager. He said the Bi-State objection process is nearly completed and they will be releasing their proposed resolutions on the objections in the next couple of weeks, with a final record of decision the end of July.
- D. Other - None

## 9. STATE AGENCY UPDATES AND COMMENTS:

A. Department of Conservation and Natural Resources – Mr. Lawrence, Deputy Director, said the lion share of their time has been taken by the review of the FEIS and coordinating the information for the protest period and Governor’s consistency review. In addition, the budget submittal was adopted through the legislative process with a shift in more reliable funding source being General Fund appropriations for the Council and SETT. Project implementation dollars of \$1 million in each year of the biennium were secured. Funds are available for NEPA consulting contracts if needed to expedite project completion on public lands, ongoing funds for mapping efforts as well as the Conservation Credit System.

Member Biaggi asked what the plan was for the \$1 million in project dollars. Mr. Lawrence indicated as part of the strategic action plan, all funding/project ideas will be discussed with the Council. Mr. Lawrence said that one of the goals is to complete projects that will generate credits to help put credits in the Conservation Credit System bank immediately. They will identify the high priority areas with the largest net gain, but will keep an eye for projects that will generate credits more immediately than long term to launch the CCS.

B. Department of Wildlife – John Tull said the agency has spent a great deal of time working on the cooperative review of the final EIS and substantive comments to the agencies. He shared that Director Wasley attended a task force meeting where discussions and direction was provided at higher levels within the federal agencies. He said there are rather large federal grants through the Dept. of Defense and NRCS for Sage-grouse habitat that they are pursuing. Mr. Tull said lek count data has not been formalized, however, on the ground feedback sounds hopeful.

Member Nappe asked if NDOWs comments were consistent with the SETT. Mr. Tull indicated he did no comparison between NDOWs comments and the SETTs comments. He suggested that the SETT and NDOW could review their comments relative to the final and combine them into one set for the final; noting he would need to verify with BLM to see if that is acceptable under the MOU. Ms. KC indicated the SETT did review NDOW’s comments and where many of them were consistent, there were others that were not. Mr. Lawrence ensured Member Nappe that there was a sharing of information during the process.

C. Department of Agriculture – Tina Mudd reported that in partnership with the Conservation Districts, they have their first round of summer interns out helping to educate land owners on their monitoring requirements and upcoming protocols. There is monitoring occurring in Elko County as well as weed mapping for the BLM. There is a project under-way with Elko Cooperative Extension office to review 100 year landscapes and create historic photograph updates. This project is in partnership with USFS, BLM, and Extension office.

D. Conservation Districts Program- Mr. Rubald said the State Conservation Commission has held four meetings in the last 30 days. The CD Program will be applying for the NRCS/RCPP, which provides up to \$10 million for on the ground projects; the deadline for submissions is July 9. The Commission will hold a meeting on Monday, June 15 to determine their final recommendation on the Humboldt River Watershed Project prior to submitting the application. The Conservation District’s open-competitive grant round for Sage-Grouse projects closes Tuesday, June 16 at Noon. He noted they will be reviewing those quickly as the funds must be expended by the end of FY15. Chair Goicoechea asked the status of the NRCS State Conservationist appointment. Mr. Rubald indicated Dennis Workman is the interim State Conservationist with NRCS and an appointment of the position is expected mid-July.

E. Sagebrush Ecosystem Technical Team – Ms. KC said they are sending a formal request next week to the USFWS requesting to be part of the next mitigation review team for the Conservation Credit System. They are asking for regulatory assurance that credits and debits would be recognized

in a post listing environment. There will be a delay to the map that was to be released in June. Rather the map will be out in August because new data collected by USGS won't be available until July 1. The map will be released with the new sagebrush layer that is an improvement to what they had before. Dr. Coates is looking at an August deadline for the seasonal habitat and the updated management categories map with the PJ layer. The SETT has been completing a pilot debit project desktop analysis. Shelia Anderson has been charged with drafting the Strategic Action Plan and the team has provided their input. The SETT will be completing the late brood rearing data collection in July/August on the Boies Ranch. Once that is complete and the data is entered they will have for a full analysis for a credit project.

F. Other - None

- 10. PUBLIC COMMENT** – Tim Rubald, Representing the Nevada Section of Society for Range Management, reported there will be a Nevada Section Summer tour held Aug. 6 – 8 in Oregon. Stacy Davies, Roaring Springs Ranch, will be hosting tours and covering cheatgrass grazing issues. For more information go to the SRN website or contact Tim Rubald. Member Swanson noted there was a January Winter meeting on how to apply this tool on the ground. All the presentations and notes are on available on the website.

Patrick Malone, Barrick-Gold highlighted their concerns: 1) is the map update truly controlling; 2) are the Coates maps integrated in the record of decision; 3) SFAs are important, but the impact of the PHMAS affect a greater percentage of the state, how is the 3% cap calculated, and how are they developing transportation limitations? He said they are continuing to move forward with projects, and cautioned the Council, saying in an effort to bolster the CCS to keep in mind that Barrick-Gold have good projects under way and if the Council is too aggressive with their language it may undermine the benefit of the bird, the state, and local economies.

- 11. ADJOURNMENT** – Member Biaggi moved to adjourn; seconded by Member Nappe. 12:10