STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
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DRAFT MINUTES

Date: **Thursday, July 9, 2015**
Time: **8:30 AM**
Place: **Nevada Department of Agriculture – Conference Room**

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: Allen Biaggi (arrived at 9:10 a.m.), Steven Boies, JJ Goicoechea, Gerry Emm, Starla Lacy, Bevan Lister, Raul Morales for John Ruhs, Tina Nappe, Flint Wright for Jim Barbee (who arrived at 12:20 p.m.), Sherman Swanson, and Tony Wasley (arrived at 8:58 a.m.)

Council Members Absent: Bill Dunkelberger, Mary Grimm, Chris MacKenzie, Leo Drozdoff, and John Ruhs

1. **CALL TO ORDER** – Chair Goicoechea called the meeting to order at 8:36 a.m.

2. **PUBLIC COMMENT** – Debbie Struhsacker, Nevada Mineral Resources Alliance, acknowledged the Council and the SETT for the well-written Protest Letter submitted on the FEIS.

   Cory Hunt, Governor's Office, also acknowledged the Council and the SETT for Protest Letter. Mr. Hunt announced his promotion as the Northern Regional Director of the Governor's Office of Economic Development. Mr. Hunt will continue to work on sage-grouse with the Council as an advisor to the Governor.

   Cynthia Oceguera, Walker River Paiute Tribe (via telephone), stated the Walker River Paiute Tribe also submitted protests on the FEIS by the deadline.

3. **REVIEW AND CONSIDERATION OF APPROVAL OF AGENDA - *FOR POSSIBLE ACTIONS**

   A. Member Swanson moved to approve the Agenda; seconded by Member Boies; motion passed unanimously. ***ACTION**

4. REVIEW AND CONSIDERATION OF APPROVAL OF MINUTES – *FOR POSSIBLE ACTIONS

A. Andrea Sanchez-Turner, Department of Conservation and Natural Resources (DCNR), noted the meeting minutes from July 12, 2015, are not available for review. Member Nappe moved to approve the meeting minutes from June 23, 2015, meeting; seconded by Member Lacy; motion passed unanimously, with Chair Goicoechea abstaining because he was unable to attend the meeting. ***ACTION**

5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE

A. Kacey KC, SETT, noted she distributed a letter to Council from the Division of Minerals addressed to the Governor about their consistency review items.

Member Boies asked for confirmation the protest letter was signed and made the deadline. Ms. KC noted the letter was signed by her and made the deadline. Chair Goicoechea asked if it was okay that Ms. KC signed the letter. Mr. Hunt noted the understanding was that having Ms. KC sign the letter preserved the standing for the State as far as their authority under the statutes. Shane Chesney, Nevada Attorney General's Office, noted it has been vetted as far as who needs to sign the letter, however, he will ask Bryan Stockton, Nevada Attorney General's Office, to confirm that is the case.

6. DISCUSSION AND POSSIBLE ACTION ON POTENTIAL GOVERNOR CONSISTENCY REVIEW SUBMITTAL FOR THE NEVADA AND NORTHEASTERN CALIFORNIA GREATER SAGE-GROUSE PROPOSED LAND USE PLAN AMENDMENT AND FINAL ENVIRONMENTAL IMPACT STATEMENT (EIS) - *FOR POSSIBLE ACTIONS

A. Mr. Hunt provided background on the Consistency Review process for the Governor's Office. The Governor's Consistency Review is wide-ranging and crosses a number of boundaries and jurisdictions. The Council and the SETT should focus on key issues. Mr. Hunt noted the protest letter did a good job of centering on key issues. The Governor wants to make sure to include and cover major issues, including sage-brush focal Areas, disturbance caps, and the different grazing standard heights. The Governor is required to recommend solutions for each inconsistency he includes. Mr. Hunt noted that although the Governor continues to the support the State Plan, he may provide a recommendation that is different from what is in the Plan. Mr. Hunt suggested the Council/SETT states major issues clearly, what the inconsistency is, and give as much or as little detail that is appropriate.

Mr. Hunt acknowledged travel management is an issue being brought up by some counties. This issue is something the Governor's Office is working to understand.

Mr. Jim Lawrence, DCNR, noted there was a point in time when federal agencies stated they would work on a fact sheet to assist with clarification concerning the roads issues. He asked if this was still going to occur. Mr. Hunt noted he is participating in a conference call at 9:30am to discuss travel management and valid existing rights to ensure they are putting together a fact sheet on those issues. Mr. Hunt will send a copy of the fact sheet as soon as he receives it to Chair Goicoechea and the SETT for distribution to the Council. Mr. Hunt noted the hope is they redo the section so the intent and meaning are clear.

There was discussion about travel management, the Governor's Consistency Review, and what should be included in the Council letter to the Governor. Mr. Hunt noted if there is something

missing from the key issues already identified, that discussion should take place today. The official letter should be submitted by the middle of the week of July 20.

Member Lacy asked if the Governor has been looking at other state plans. Mr. Hunt noted Nevada has been meeting quarterly with other states with the sage-grouse taskforce to understand what other state plans are doing. He noted he is not sure the Governor has any requirement or authority to weigh in on consistency with other state plans; however, they are trying to make a case that the state plans are very similar in their outcomes.

Member Lacy also noted economic development is important. Mr. Hunt stated the economic impact analysis is something that will continue to occur as the ROD is signed. Member Nappe noted the State Plan does not have the force of law. Mr. Hunt acknowledged the reason for proposing the State Plan as alternative to the BLM RMP is because federal agencies have authority on 86 percent of the land in Nevada. Mr. Hunt stated it is unfair to characterize the State Plan as having no effect, as Nevada has no authority to have that effect, therefore it is proposed as an alternative option. The State cannot tell the federal government what to do. Mr. Hunt acknowledged t the Governor's Consistency Review can emphasize all the good things the State Plan will do if adopted.

There was discussion about the State Plan, the implementation of the State Plan, and the commitments of Nevada to the State Plan, including the creation of the SETT and the Council.

Chair Goicoechea suggested the Council focus on the items they would like the Governor to focus on for the Consistency Review. He listed four items: focal areas, grazing, habitat objectives, and transportation.

Member Lister noted he is supportive of the issues listed in the Department of Minerals letter. There was discussion on the process of how to identify issues for the consistency letter and specifically how to deal with issues if they have already been stated or if they have already been brought up by another entity.

Member Lister proposed the FEIS inconsistency with the FLPMA should be listed. Lauren Mermejo, Bureau of Land Management (BLM), noted this would be a protest point not a consistency point. Chair Goicoechea stated there is no FLPMA at the state level; therefore, there is no inconsistency.

Mr. Lawrence noted the SETT developed a draft letter for Council to review for the consistency letter. The SETT distributed the letter and the Council took time to review it.

There was discussion on what is appropriate for protest and what is appropriate for the consistency review. Ms. Mermejo noted discussion on the process of the SFAs is appropriate for the protest, but not the consistency review.

The Council proposed adding their mission statement to the top of the draft letter. Member Biaggi stated the Executive Order creating the Council included an economic component that can be cited for the letter.

Member Swanson proposed adding language to the end of the second bullet, "…It does specify that desired habitat conditions inform setting resource objects at the local level…"

Member Boies proposed including some language about the involvement of local area working groups.

Ms. KC noted the SETT will attach the submitted protest letter to the consistency review letter.

After the discussion, Chair Goicoechea reviewed the items for inclusion in the consistency review letter, which included disturbance caps, habitat items, and travel management issues. There was discussion on the roads issues. Raul Morales, BLM, noted that BLM will take a look at a block of ground and see what is needed. It could stay open, the BLM could reroute it, or they could close some roads. It is all about sustainable roads and protecting the resources. He also stated they look at public roads. There was discussion about this issue. Mr. Morales noted the BLM would not be closing private grounds. Chair Goicoechea noted this needs to be clearly stated in the FEIS. Mr. Morales noted this is a legitimate concern. Ms. Mermejo stated the FEIS does not close a single road. It makes area determinations. There are three determinations the BLM makes in planning: open, limited, or closed. These are area determinations limited to existing roads and trails. If there are existing roads they are there currently and would remain open. It is not until BLM gets to the implementation and travel planning phase that everyone gets involved and there is an open public involvement process. Therefore, the FEIS is not closing anything. Member Boies noted that it does shut down roads at times during the day certain seasons. Ms. Mermejo stated it does not. Member Lister clarified that it provides the mechanism for arbitrary administrators to later close roads. Chair Goicoechea noted the SETT should include a citation with this issue.

Kelly McGowan, SETT, noted he also did a point by point review on the tables and the grazing section. He provided some examples and there was discussion.

Member Swanson proposed adding a sentence at the end of the bullet concerning livestock grazing, "…Whereas the LUPA specifies less effective actions that would create less benefit for sage-brush ecosystems and sage-grouse habitats, but more impact to ranches…" There was discussion about the LUPA and how it is ineffective, and the State Plan accomplishes much more for sage-grouse and the habitat. The Council liked the concept of Member Swanson's language, but directed the SETT to work on the language and its placement in the letter.

There was discussion concerning the wild horse and burro section with Mr. Lawrence noting the section in the FEIS is consistent with the State Plan, it is not an inconsistency issue. Mr. McGowan acknowledged that in the State Plan it manages wild horses and burros at a lower level than the FEIS.

Member Biaggi stated there have been a number of county and state resolutions concerning sage-grouse and asked if the scope of the consistency review includes these.

Mr. Morales noted this could be included in the consistency review. You must look at the state plan and the local plans to determine the level of consistency. Member Biaggi acknowledged resolutions and/or ordinances do not have a scope of law.

Mr. Lawrence stated there are two resolutions (AJR 2, SJR 5) approved by the Legislature. Member Biaggi suggested including these items within the consistency letter. The Council agreed to include them in the letter. Chair Goicoechea noted he is aware of a number of counties who intend to include the inconsistencies on their resolutions, ordinances and master plans in their letters to the Governor.

Chair Goicoechea proposed language that identifies entities that have supported the State Plan.

Member Swanson proposed adding language on the management of wild horses and burros concerning late brooding habitat with the key being implementation. There was discussion concerning this issue, including the adaptive management and the difference between wild horse and livestock grazing. The Council directed staff to consider the discussion when finalizing the letter.

There was the discussion about the process for reviewing and submitting the letter. At the direction of Mr. Chesney, the decision was to have staff edit the letter according to the discussion and send it out via email (blind cc) for Council review. Councilmembers will submit any proposed changes via email to Ms. KC only for incorporation into the letter. If an issue comes up that is more entailing, there will be an emergency meeting or conference call.

Member Biaggi made a motion to have the staff consider the discussions today and input made by the members to craft into a letter to send the letter out to the individual members and as the member of the SEC have issue with it, they individually respond back to the SETT for consideration; seconded by Member Emm; motion passed unanimously. ***ACTION**

Mr. Lawrence noted the SETT will send a letter to the Council by the end of next week. It will require a short turnaround time for Council's input.

A full account of the discussion is captured in the audio recording, which is available on the Program's website.

7. TOUR OF NEVADA DEPARTMENT OF AGRICULTURE SEED TESTING FACILITY AND DISCUSSION OF WEED PROGRAM

A. Flint Wright, Department of Agriculture, provided a description of the tour and the process for the tour.

8. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DRAFTED ON FLIPCHARTS 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.

Approved Items

- Approved Agenda for July 9, 2015
- Approved meeting minutes from June 23, 2015
- Approved motion to have the staff consider the discussions today and input made by the members to craft into a letter, to send the letter out to the individual members and as the member of the SEC have issue with it, they individually respond back to the SETT for consideration.

B. The Council determined specific items they would like to work on at their next scheduled Council meeting.

- Federal Update – Congressman Amodei - August
- Strategic Action Plan (SAP) – August
- Fire and Invasives Assessment Tool (FIAT) – August
- Reports from Different Agencies on Sage-grouse items – Future Item

The Council decided the date of their next meeting:

- Thursday, August 13, 2015, location to be determined

Items still needing dates for a future agenda:

- Updated Pinyon Juniper Layer for Coates Map – September
- Review adding areas of the Bi-state to be eligible for the CCS
- Review a comparison between the BEA and the State Plan, specifically looking at ratios
- New Versions of HQT and CCS Manual
- Concept of SETT to host a central database for the State on conservation actions
- Establish measurables for the next two years

There was discussion on meeting locations for the future and moving the meetings around the State with several people offering meeting locations for the Council.

A full account of the discussion is captured in the audio recording, which is available on the Program's website.

9. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service (The Service) – No update.

B. Bureau of Land Management (BLM) – Mr. Morales noted the BLM is preparing to go out to their offices and talk about the FEIS, implementation and what is contained within the FEIS so when the ROD is signed staff is in a good position to implement the plan. This will happen during July and August. Externally, once the ROD is signed, the agency would like to have open houses with stakeholders, cattlemen, mining associations, etc. providing direction and understanding on the FEIS, and giving them an idea of what to expect when they start coming in for projects.

   Chair Goicoechea asked for clarification on the timing of the consistency review and when there will be an agreement. Mr. Morales noted it will be a quick timeline. He also noted that once the ROD is signed there will still be some unanswered questions. The FEIS is massive and complex and there will be questions that no one has considered. The first year will be a challenging year for everyone internally and externally.

   Member Boies asked how it would work if it is legally challenged. Mr. Morales noted if there is a "stay" they will be unable to implement it until court dates and other items are resolved. With some plans, like the forest plan, only specific parts were stayed. You could implement some parts and not others. It is a very awkward time because you start getting up to speed on one thing and then a lawsuit comes in and throws that out and you have to go a different route.

C. US Forest Service – No update.

D. Other – No update.

A full account of the discussion is captured in the audio recording, which is available on the Program's website.

10. STATE AGENCY UPDATES AND COMMENTS:

A. Department of Conservation and Natural Resources (DCNR) – Mr. Lawrence noted there have been conversations with Environment Incentives (EI) on a grant submittal concept for the NRCS' program, Regional Conservation Partnership Program (RCPP). EI has a concept for this program considering Nevada has CCS, Colorado has a habitat exchange, and Montana is beginning its

program at doing a credit system. EI is putting in for a large region-wide RCPP using these three systems. Nevada would use the funds to match state funds to do some large landscape work. This is an exciting idea of using functional acres as mitigation. Member Swanson asked if it had met the deadline of July 8 for pre-proposals. Mr. Lawrence noted he believed it did meet the deadline.

B. Department of Wildlife (NDOW) – Tony Wasley, Department of Wildlife, noted NDOW is conducting brood surveys. Once available, NDOW will share the data with the Council. NDOW is also still in the process of finalizing lek data, which is the basis for all population estimates. Mr. Wasley will share once this is completed.

C. Department of Agriculture – Tina Mudd, Department of Agriculture, noted that Director Jim Barbee, Department of Agriculture, was unavailable for this meeting as he traveled to Las Vegas where Agriculture will be moving into a new building. Ms. Mudd also thanked Council for participating in the tour and noted if they have any additional questions, please contact them.

D. Conservation Districts (CD) Program – Tim Rubald, Conservation Districts, noted the State Conservation Commission has held five meetings in the latter part of May and in June. They distributed approximately $40,000 in grants to 11 applicants a variety of different projects. Next year this will be a competitive process due to the Legislature and the Governor's Office.

Mr. Rubald noted the Conservation Districts were able to sign a deal with NRCS to match the $40,000 the State provides. They will have $80,000 to put on the ground. The Districts will be asked to match any grant money they receive.

The State Conservation Commission, with the help of the Nevada Association of Conservation Districts, submitted an application for the RCPP. The package is for approximately $15 million. It is a five year program and will be approximately $3 million a year. The first couple of years they plan to do conservation resource management plans in all 28 districts. The initial results of the competitive process will be released in September.

Member Boies asked how the 28 management plans will be created. Mr. Rubald noted each district would do their own with technical assistance and facilitation from the Conservation Districts Program. Each district is different with different needs. If the grant is awarded there will be funding available for them to implement those plans, once the planning phase is complete.

Member Lister asked for clarification on the timeline. Mr. Rubald noted there would be a two year planning process and implementation will be three years. Member Lister asked how district plans would work with the State's Strategic Action Plan (SAP). Mr. Rubald noted in the districts where the sage-grouse is a major issue the plans will work closely with the SAP. In districts where sage-grouse is not the top of the list, there may not be any interaction with the SAP.

E. Sagebrush Ecosystem Technical Team (SETT) – Ms. KC provided an update on the CCS pilot project. The SETT has a version 1.0 of the Users' Guide from EI. It is being piloted through desktop analysis. The SETT identified areas that need changing. The SETT also received version 1.0 of the Participant Contract and the Management Plan from EI and will test them with the Boies Ranch pilot project. The SETT plans to go Boies Ranch and get the final brood rearing data collection to complete the project at the end of August. When that is complete they will have the first official answer of what a credit project looks like in the system.

The SETT is working on $1 million for state-funded conservation projects and getting items ready for RFPs. Staff put some feelers out to NDOW, US Forest Service, BLM, and other agencies that already have lists of projects in sage-grouse habitat.

The SETT is also working through Division of Forestry on a couple of grant opportunities in the fall for some sage-grouse projects.

Member Boies noted he has suggested to interested landowners to contact the SETT to get a projects up and running. He confirmed the SETT was prepared to start projects. Ms. KC said they were.

Ms. KC noted the SETT has been working with EI on a communication plan for moving forward with the CCS. This includes a traveling roadshow to attend meetings and explain the CCS.

Member Boies noted the Cattlemen's Association and the Farm Bureau has meetings in November. There was discussion about meetings and possibility coordinating the types of meetings with the SEC meeting. Ms. KC asked Councilmembers to provide her with dates and locations of these types of meetings.

Member Lister asked to reopen the Consistency Review Agenda Item (Item 6) to discuss inconsistencies with the process for updating maps. Mr. Morales noted he raised the issue of the flexibility to adapt to a new map when it comes out to BLM. As of now the BLM has to do a Plan Amendment because of the way the plan is rolled out, allocations and how it was analyzed for the public to see. There could be some issues associated when adapting a new map. Chair Goicoechea asked Mr. Morales if it would be beneficial for the Council to include this issue in their consistency letter. Mr. Morales noted it would be. The Council agreed to include this in the letter.

F. Other – No update.

A full account of the discussion is captured in the audio recording, which is available on the Program's website.

11. PUBLIC COMMENT – Ms. Struhsacker thanked the Council and the SETT for their efforts on developing the consistency letter. She suggested augmenting it with an additional theme that the State Plan is designed to apply on all lands in the State. The LUPA is not. This is another key reason the State Plan provides superior sage-grouse habitat conservation. Member Nappe proposed including Ms. Struhsacker's suggested language from in the first paragraph of letter. Chair Goicoechea agreed.

Bill Upton, Barrick Gold, noted Barrick was pleased to see the acknowledgement of the Barrick Bank Enabling Agreement with BLM and the US Fish and Wildlife Service in the protest letter. Barrick is concerned about language in consistency letter that says, "...is not committing to the primary use of the CCS…" This seems inconsistent with language contained within the protest letter that clearly acknowledged the Barrick Bank Enabling Agreement. Barrick tried to be as consistent as they could with the CCS. The concern is about allowing other equally effective mitigation tools and systems.

Jeff White, Newmont Mining and Elko Land and Livestock, noted in reference to wording, "…primary use of the CCS…", asked that the letter emphasized the CCS or equivalent, agreeing with Bill Upton's comments. He would like added flexibility to land users. He fully supports the state system but there are some potential situations where there would need to be flexibility to meet objectives. He also noted that while doing some monitoring on the IL Ranch this breeding season, one of leks monitored jointly with Newmont and NDOW they counted 173 breeding males. This lek is under multiple use management and is a success of proper multiple use management.

Member Biaggi noted at the last meeting he proposed alternative language for the protest letter to the SETT, which was included in the final letter concerning the issue of alternative mitigation tools and systems. He will do the same thing with this letter. Chair Goicoechea proposed adding language about other adaptive mitigation systems.

A full account of the discussion is captured in the audio recording, which is available on the Program's website.

12. **ADJOURNMENT –** Member Lister made a motion to adjourn; seconded by Member Swanson; meeting adjourned by acclamation at 12:14 p.m. ***ACTION**