



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

**Date:** Thursday, October 15, 2015  
**Time:** 8:30 AM  
**Place:** Nevada Legislative Building, Room 3138 – Conference Room

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, Flint Wright for Jim Barbee, Steven Boies, Jim Lawrence for Leo Drozdoff, Wendy Fuell for Bill Dunkelberger, JJ Goicoechea (left at 9:32 a.m., returned at 10:45 a.m.), Mary Grimm, Gerry Emm, Bevan Lister, Amy Lueders, Chris MacKenzie, Tina Nappe, Sherman Swanson (arrived at 10:10 a.m.), and Tony Wasley

**Council Members Absent:** Leo Drozdoff, Jim Barbee, Bill Dunkelberger, Starla Lacy

- 1. CALL TO ORDER** – Chair Goicoechea called the meeting to order at 9:01 a.m. He noted the Council changed rooms from Room 4100 to Room 3138 due to technical difficulties. He also introduced Mike Willden, Chief of Staff, Nevada Governor’s Office and Pam Robinson, Policy Director, Nevada Governor’s Office.
- 2. PUBLIC COMMENT** – Pam Robinson, Nevada Governor’s Office, introduced herself and spoke about the Governor’s perspective on the Council and the current situation with sage-grouse. Governor Sandoval is grateful for councilmembers participation and service on the Sagebrush Ecosystem Council. He is proud of the State Plan and believes it is the correct way to go for Nevada and will continue to support it in any way he can as Nevada moves forward. Governor Sandoval believes an unwarranted listing decision is good for Nevada. With this decision, the Nevada Department of Wildlife (NDOW) stays in control of managing the sage-grouse and it takes Nevada out of consultation issues. Governor Sandoval knows this is a cautious victory. The Secretary of the Department of Interior (Sally Jewell) has committed to continue working with Nevada and to look for ways to implement issues that were not included as the Land Use Plan Amendments (LUPAs) came out. The Governor’s Office will be aggressively working with the Secretary’s staff from the ground up and the top down to ensure nothing is lost in-between. This is where the Council’s input is essential. Ms. Robinson noted that litigation has been filed. The Governor’s Office thinks it is premature to join in the lawsuit. Governor Sandoval is not precluding filing some kind of legal action at some point, however there are opportunities he would like to explore before moving forward with this option. If it becomes apparent that a suit is necessary, that action will be taken by the Governor’s Office.

Ms. Robinson noted there are three areas that appear to be the most troublesome concerning the LUPAs. One is the Sagebrush Focal Areas (SFAs). Nevada's maps did not include any SFAs. Nevada will continue to work on better defining the SFAs and the areas that will be considered for withdrawal. These two things are Secretarial Discretions. Another item that needs review is the Conservation Credit System (CCS). Governor Sandoval wants to see the CCS implemented. He would like an opportunity for a track record to be created. Ms. Robinson had a meeting with Tony Wasley, NDOW, Amy Lueders, Bureau of Land Management (BLM), and Bill Dunkelberger, US Forest Service (Forest Service), to discuss implementation and next steps. Ms. Robinson spoke with Ms. Lueders about the importance of generating credits on public lands. Ms. Lueders was agreeable to this. It is important that everyone (permit holders, etc.) participates in the CCS, and the Sagebrush Ecosystem Technical Team (SETT) be included in reviewing and selecting projects for the CCS moving forward.

Travel Management Plans is another important issue. There needs to be an explanation on how these will be managed. There needs to be discussions on habitat objectives versus standards, disturbance caps, land use allocations and the consistency review process. There is a need for clarity and consistency on several of these issues.

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

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

A. Vice-chair MacKenzie 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. Member Biaggi moved to approve the meeting minutes from August 13, 2015; seconded by Member Lister; motion passed unanimously. **\*ACTION**

### **5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE**

A. Member Emm provided an update on the Tribal listening sessions he discussed at the last meeting. Three sessions were held, providing beneficial information for attendees. There will be a public conference held in January 2016. The details will be shared once they are finalized.

Kacey KC, SETT, reviewed the correspondence included in Council packets.

Dr. Pete Coates, US Geological Survey (USGS), provided a map update to the Council via telephone. There was a product available September 1, however, under review with the SETT and NDOW, the group discovered some limitations needing to be address. He explained the process and how the changes were made. The maps are complete, but under review. There may still be final adjustments made to them. USGS has also created seasonal layers. Member Lister asked if BLM was given information concerning splitting the map into zones prior to the LUPA process. Dr. Coates noted they are comparing the previous map with the most recent map. The BLM's priorities in general areas were derived from these maps. There is an approximate seven percent change between the maps. As long as it is under ten percent, according to the BLM process, it can be updated. Chair Goicoechea asked if there would be an infrastructure layer done. Dr. Coates noted they are masking out these regions in the current maps so it is being accounted for. Member Biaggi asked about

LUPAs and SFAs in the northern part of the state where there is an impact to mining, if the mapping will provide further clarification and definition to actual habitat. Dr. Coates noted this is a question more for the managers and stewardship groups that are established to use these tools. It would be a valuable tool to refine any existing lines that were not used for a modeling process similar to this one. USGS is doing another map layer utilizing lek data that will assist with this issue. Mr. Jim Lawrence, Department of Conservation and Natural Resources (DCNR), asked for clarification on the timeframe for the final maps. Dr. Coates noted they have completed the annual map and it is currently being reviewed. It will be available very soon for trial runs. For release to the public it will need to go through the usual process which will be at minimum a month. For use outside the USGS they can use probably within the next two weeks.

Mr. Lawrence asked for clarification concerning the final Environmental Impact Statement (EIS) process and the issue if there are changes to be made to a map that are within ten percent they could be updated administratively. This concept was included in the draft EIS, however, it was not included in the final EIS. The final EIS states that it can be updated either administratively or through a Resource Management Plan Amendment (RMPA). Ms. Lueders noted the BLM will look at the specifics in terms of the threshold of change and whether it can be done administratively or through an amendment process. The intent is to get the updates done in as timely a manner as possible. They will have to review the magnitude of the changes in terms of which mechanism can be used for the update. Chair Goicoechea asked if the BLM would hold to the ten percent. Ms. Lueders noted ten percent is not a black and white threshold. Working with their attorneys, they cannot say if it is less than ten or greater than ten percent. Smaller percentages will most likely be done through an administrative process. Large magnitude changes will likely have to be done through an amendment. The BLM is looking at streamlining ways to do amendments to make them quicker. They want to be in alignment with the latest USGS maps.

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

## **6. PRESENTATION AND DISCUSSION ON CULTURAL CLEARANCE PROCESS - \*FOR POSSIBLE ACTION**

Bryan Hockett, BLM, provided background on his experience, reviewed a PowerPoint presentation, and answered Council questions on the Cultural Clearance Process, which is a process for complying with the National Historic Preservation Act (NHPA) within the BLM. Mr. Hockett noted the process he is describing today is BLM only. No other federal agency has a state-wide protocol agreement with the Nevada State Historic Preservation Office (SHPO). The other federal agencies have to comply strictly with the regulations that implement the NHPA. The BLM has developed a process to streamline compliance with the NHPA. He reviewed the process via PowerPoint slides. The BLM revised the protocol agreement with Nevada SHPO in 2014.

Member Boies asked about staffing issues. Mr. Hockett noted there would be a standing team at the Nevada State office. There may be a Native American coordinator included in the team. Also there is discussion of getting another archeologist in the office. Ms. Lueders noted the BLM recognizes there are capacity issues and stated they are moving forward with the NEPA Strike Team to have a dedicated group that can work on types of vegetative treatment projects. The BLM is trying to address this in a number of ways in the field and through the NEPA Strike Team process.

Mr. Lawrence asked about the bottleneck in the process and its causes. Mr. Hockett noted the bottleneck is due to poor planning and self-imposed timeframes.

Mr. Hockett noted he would send a pdf document of the agreement to Ms. KC to distribute to Councilmembers.

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

**7. INFORMATIONAL BRIEFING ON FWS LISTING DECISION AND BLM/USFS LAND USE PLAN AMENDMENT RECORD OF DECISIONS AND NEXT STEPS – \*FOR POSSIBLE ACTION\***

Mary Grimm, U.S. Fish and Wildlife Service (The Service), provided an overview of the process they have gone through over the past two years. They have been working on the status review of greater sage-grouse for two years. This is the most scientifically robust, most thoughtful listing process Ms. Grimm has been a part of. They reached out to all of the states within the range, the federal agencies and various conservation groups to ensure they had all the information about what was happening on the land with the birds and with conservation efforts. The Service analyzed information up until approximately two weeks before the announcement. The best habitat has a higher density of breeding birds. This was fundamental of where both the threats were most likely to be of concern and where the conservation efforts would be most effective.

The Service started with the 2010 finding in mind. In 2010, they looked at threats in the Rocky Mountain portion of the range. They were concerned about agricultural conversion and development, particularly oil and gas development. In the Great Basin portion of the range, the largest concern was fire and invasive plants that facilitated a changed fire cycle. When they looked at new information from 2010 findings, they found that agricultural conversion in the Rocky Mountain portion of the range was not an issue. When they looked at availability of moisture in the soils and beneficial land to develop crops they realized all that could be developed had already been developed. There was not a lot of potential left on the ground and where the potential was it was not where the birds were located. Oil and gas continued to be a concern; however there has been an unprecedented level of work done by state agencies, the BLM and the Forest Service to change the regulations about how oil and gas is managed in the areas, protecting the most important habitats. The BLM cites that approximately 90 percent of the highest oil potential areas are outside of core areas that are being protected in the Rocky Mountain portion of the range. This threat was no longer a substantial concern to them, primarily because of the BLM and the Forest Service plans. Montana and Wyoming plans also had substantial protections provided. On the Great Basin portion of the range, analysis and decisions were more challenging. You can regulate land uses you cannot regulate where wildfire occurs.

The Service looked closely at the changes that were occurring at the federal and state level concerning fire and how it was managed, including invasive plants. The important areas in the consideration were the restructuring of resource prioritization, the implementation of Secretarial Order (SO) 3336, and the commitment made by the BLM and the Forest Service to prioritize firefighting efforts in sagebrush habitats. And while some continued loss was likely to occur due to wildfire that there was a paradigm shift occurring in wildfire management such that the impact would not be as bad as originally thought. The Service was going to see improvements and they could manage the losses that could occur and still have large populations of sage-grouse widely distributed across the range such that extinction was not a concern. Based upon the federal planning effort and the commitments to change how to fight wildfire, they came to a conclusion that within the next 20 to 30 years it was unlikely that sage-grouse would be threatened with extinction and was not warranted for a listing.

Ms. Grimm has never seen such an effort to ensure they pulled together all the experts within their agency and all the managers across the 11 state ranges to get their thoughts and input on the decision. It was a unanimous decision that not warranted was the right thing to do, however, there is still a lot of work ahead. From The Service's point of view, there needs to be support for the

successful implementation of the BLM and the Forest Service plans and State planning efforts. In the Great Basin, we need to continue to work very hard to solve the wildfire and invasive weed cycle. The Service is glad to hand the full management of the species over to the states where it has been and needs to continue to be, however they want to remain a strong and committed partner to both the state and other federal agencies in implementing their plans and ensuring the conservation of the sage-grouse.

Ms. Lueders noted the BLM did roll out two Record of Decisions (RODs) for greater sage-grouse, one for the Great Basin and one for the Rocky Mountains. The Forest Service also had two RODs, totaling four RODs that cover the entire planning area, all of the plans and the final EIS. The Assistant Secretary for Lands and Minerals for the BLM signed the BLM plans simultaneously as they were published in the federal register. A proposed mineral withdrawal was also published which started a public comment period with a simultaneous scoping period on the EIS associated with the proposal. This public comment period for the proposed withdrawal ends on December 23, 2015.

The BLM is now focused on the implementation policy and the litigation part. This is a historic moment in the terms of the not warranted decision. The decision did rely heavily on the work on the federal plans by the BLM and the Forest Service. There are a number of pieces the BLM is involved in that are important for involving the state as they move forward on implementation. The first is getting the MOU in place with the SETT in terms of anthropogenic disturbances; avoid, minimize, mitigate; and use of the CCS. In addition to working with the SETT on the MOU, the BLM plans identify a group called the WAFWA Management Zone Conservation Teams (WAFWA Conservation Team). WAFWA Management Zone is a label it is not a WAFWA team per say but is for those zones that WAFWA has identified for conservation. So within 90 days, the day before the comments are due on the proposed withdrawal, the WAFWA Conservation Teams need to be created and ready for work. The BLM will be working across the range to reach out to their federal and state partners to identify membership for the WAFWA Conservation Teams. The first task that the plans identified for those teams is the regional mitigation strategy. The mitigation strategy has to be in place within one year of the ROD. Clearly, as what Ms. KC noted earlier, concerning the state interest and expertise in terms of identifying what are the key minimum components for those regional mitigation strategies, the role and participation of the State of Nevada and the SETT on the conservation teams will be critical to ensuring that there are robust mitigation plans and standards in place. After the conservation teams are set up there will be a meeting held. The expertise that the state can bring as those groups work on the regional mitigation strategy will be critical in terms of ensuring the BLM has a strong minimum standard for mitigation within the state.

Also, the Secretarial Order on Rangeland Fire identifies a regional structure called Regional Leadership Coordination Groups. The BLM is planning to have a group similar to this for the Great Basin and the Rocky Mountain areas. Coordination on the Secretarial Order (SO) actions on rangeland fire that Ms. Grimm mentioned were important critical components in terms of the not warranted listing decision. The BLM will also look at issues that cross state boundaries, such as new science and how to address and coordinate on populations that cross boundaries. The BLM will also be looking at working with states and their federal partners in terms of the participation and what types of things these groups should work on first. The third piece in terms of coordination groups is the Western Governors' Association Sage-grouse Taskforce which was a critical forum to address policy issues across the range during the planning effort. This group will continue in an implementation mode, focusing more on broad level implementation and policy issues.

There are a number of pieces the BLM will be looking to the state to help them with as they move forward in implementation.

There are a number of other things they are working on including an implementation guide, which is an executive summary of the 1000 page document that is the EIS. The BLM is attempting to have it

in a more readable format for both their employees and stakeholders. It will include a section on what it means to be operating in sage-grouse country. They anticipate having the draft ready to share with the state around the holidays to make sure it works in terms of coordination and see if the state feels there are other pieces that would be helpful to include in it. There is also a number of additional national guidance and instruction memorandums that are being worked upon associated with the planning. One of those concerns prioritizing leasing and development outside of priority sage-grouse habitat. There are many others on monitoring, adaptive management, etc.

The BLM will be involved in "in-reach," they have been doing a lot of training within the BLM and the Forest Service to make sure staff are familiar with the plans and making sure they have a consistent understanding. They have started outreach with some of the stakeholder groups and plan before the end of the calendar year to hold open houses in communities where they have offices to give presentations in terms of what is in the plan and specifically if people have interest in oil and gas leasing, mining, recreation, etc., they can get more information. The BLM will be working to schedule those between now and the end of the calendar year. If Council has any thoughts on this, they should let the BLM know.

The BLM is committed to developing credits on public lands. Making sure they have the framework and guidance in terms of how they do that will be important. The BLM is committed to pilot development of credits on public lands.

Raul Morales, BLM, is still working to schedule the FIAT meeting with the group identified at the last Council meeting. Clearly prioritization of projects in terms of where to start first and how to design projects is going to be very important. The BLM is working closely with NRCS at a national level and anticipate having an MOU with NRCS by the end of November. This allows the BLM to look on a landscape basis as NRCS moves forward with their Sage-grouse Initiative 2.0, integrating the public land piece. This will help provide the BLM with additional opportunities in states like Nevada in terms of really accessing the expertise on the experience NRCS has brought to the table on a broader landscape basis.

Member Biaggi asked for clarification on the WAFWA Conservation Team membership. Ms. Lueders noted this was still a work in progress and believes membership will include state and federal entities because of FACA issues. The BLM's intent is ensuring the membership engages the public.

Member Biaggi asked about work being done in the establishment of an MOU versus the work that the WAFWA Conservation Teams will be doing to work on a mitigation strategy. He asked what the relationship and timing is. Ms. Lueders noted in Nevada there is the CCS and the state has worked and made a lot of investments in terms of having a robust mitigation strategy in place. This is not universal across the range, some states have mechanisms in place, some states are working on mechanisms and some states have none. The BLM also knows they have projects that cross interstate rights-of-way where they will have to figure out the currency exchange in terms of if there is a mitigation bank or conservation credit system. In Nevada and Idaho there is a CCS but in Oregon there is not. A linear feature, for example, can cross all three states and the mitigation currency must be consistent across those state boundaries. These are the types of things that the WAFWA Conservation Teams will work on, looking at the currency exchanges across systems to determine how the BLM addresses things on a range-wide basis.

Member Biaggi clarified his understanding that the MOU will be the guiding document, however, the WAFWA Conservation Teams will deal with inconsistencies and filling in holes where they may occur. Ms. Lueders noted this is her vision, it will be a work in progress. The BLM wants to ensure they have a mechanism in place with the SETT on how they are going to work to utilize the existing system and participate in the broader effort that will also provide them with the opportunity on

some of the minimum standards. Another thing the WAFWA Conservation Teams will be looking at is ensuring there is not a wide variance in terms of quality across the range.

Member Lister asked if there would be a new NEPA process for comments concerning the new items Ms. Lueders discussed. Ms. Lueders answered no. The WAFWA Conservation Teams were identified in the draft and the final EIS and identified throughout the planning process along with the Regional Mitigation Strategy. The implementation guide is utilizing the existing document. There will be nothing new. It will be shared with others and the BLM looks forward to hearing from others on their thoughts about it. On the SO concerning rangeland fire, the BLM worked closely with the states, the WGA Taskforce, and others. It is a coordination group on both the SO issues implementation and also in terms of the cross-cutting issues. It won't be a decision-making body but it will be an opportunity for people to come together and talk about it, including consistency and clear intent to resolve any issues at the lowest level possible. The one piece where there will be an additional NEPA is on the proposed withdrawal. Land use plans cannot affect withdrawals and so there will be a separate NEPA process on the proposed withdrawal. The BLM initiated the scoping period when they published the withdrawal; therefore, there will be a separate NEPA process on that proposed withdrawal to come to a final recommendation and decision by the Secretary.

Member Boies noted that a lot of the issues that need to be solved will be resolved without local involvement. He stated the WAFWA Conservation Teams would be made up of officials and agency people. He asked if there would be a time when local people, organizations and working groups will have input as far as implementation. Ms. Lueders noted the WAFWA Conservation Teams membership will be federal and state members, however, the need to engage stakeholders broadly is important. The WAFWA Conservation Teams will have to figure out how they do that as they look at their task of developing a regional mitigation strategy. There are other opportunities as the BLM moves forward with implementation where local coordination will be very important, e.g. doing vegetative treatments to generate credits, or improve habitat in terms of how to design projects. This becomes very important in getting folks on the ground with experience, academic, scientific and actual work on the ground. The plans are very clear in stating that it is site-specific. As they look at permitting projects, it is important to have a discussion with local government and the applicant in terms of what does this mean and how to look at what are opportunities to avoid and minimize and how to design it. When looking at project designs, local area working groups should be included. There are things that will occur at a regional level and things that will occur at a state level. The bulk of it will occur looking at individual projects. The local interaction and partnership is critical as we move forward with implementation.

Member Boies asked about the discussion of implementation concerning SFAs. Ms. Lueders noted the BLM heard a lot of concerns during the planning process about the prioritization within SFAs. One thing the BLM tried to make clear in the final EIS and RODs is that prioritization in an SFA is not about risk, but that this habitat is good and the BLM wants to make sure it continues to stay good. There are no different standards in terms of habitat objectives, the threshold or what is expected in the SFAs. However, it does give the BLM additional tools concerning prioritization in terms of where they make their investments. These can be investments on rangeland improvements, vegetative treatment projects or fuel breaks. The BLM expanded the list of the types of things they are prioritizing in SFAs. They did hear the concern of being more scrutinized. The only two distinctions for the SFAs are the fluid mineral development in terms of being more restrictive and the proposed mineral withdrawal, which will go through its own NEPA process. SFAs are areas that are high quality habitat.

Member Boies noted there are concerns about grazing and the hope is they will be addressed during the in-house meetings. Ms. Lueders noted it is important the BLM get out and meet with stakeholders as there are a lot of unknowns and words in the plans that may be confusing. Having these discussions are important. It is going to be very specific in terms of that place, very specific

about the ecological site potential, recognizing not all places have the same potential. The BLM has learned that it is helpful when there are real life examples to help people understand, which is happening in the in-reach meetings.

Mr. Lawrence noted his appreciation of the comment by Ms. Lueders that representation from the SETT is going to be critical, particularly regarding the CCS. He noted there are projects that will have an impact on others, including the energy industry (transmission lines), mining, etc. As the BLM moves forward in putting these WAFWA Conservation Teams together he hopes there would be more than one seat at the table for state representation and the opportunity for others from the state to be included. Ms. Lueders noted this topic is important for the state to bring up as the BLM reaches out concerning the State's vision. It will be important for the state to voice its opinion on the representation it needs.

Mr. Lawrence asked for clarification on the 90-day comment period for the mineral withdrawal also starting the scoping process for the EIS. Is the comment period specific to the two-year timeframe of the segregated lands or a comment period on the overall proposed withdrawal. Ms. Lueders noted there are two processes. One is the mineral withdrawal process in which the regulations require a public comment period and at least one public meeting during that comment period. The BLM chose to run the EIS Scoping period concurrently to streamline the process. All comments are welcome, but the types of comments that are most helpful are comments about sage-grouse habitat, where it is and what is the quality and distribution. Information on the mineral side is also important, e.g. is there any information from the Nevada department of mines on the last mining activity or information that gives the BLM some sense of the scope of mineral potential that would be foregone if the area were withdrawn. These are the comments that would be most helpful as the Secretary weighs the ultimate decision in terms of the proposal to withdraw.

Member Biaggi stated the segregation has already occurred therefore there is no ability to dispute or make public comment. Ms. Lueders noted that is correct. Member Biaggi asked how the BLM could do scoping and EIS comments at the same time. Ms. Lueders clarified there are two requirements. One is the regulations associated with a mineral withdrawal. The BLM also does NEPA associated with mineral withdrawal, however, the NEPA is a separate process from what is subscribed in the withdrawal regulations. The Scoping Period for the EIS is what is currently happening and this is a public comment period on the mineral withdrawal. There will be a subsequent public comment on the draft EIS that is prepared and associated with the mineral withdrawal. The public comment period going on right now is not associated with the NEPA document. There will be subsequent one.

Member Biaggi noted typically for scoping there is a public meeting. He asked if that would occur and when that would take place. Ms. Lueders noted that in the mineral withdrawal regulations there is a requirement for a public meeting. The BLM has a national project manager leading this effort. There is still work do be done to confirm the when, where, and how many, clearly before the end of the public comment period. This process should be finalized soon.

Vice-chair MacKenzie noted that Nevada's State Plan was not one of the state plans mentioned in the Final EIS as a basis for supporting the non-warranted decision. Can the BLM LUPA and the Nevada State Plan come together and work together. He asked if the State Plan needs to be amended for this to happen. Ms. Lueders noted there are the RODs that implement the BLM and the Forest Service Plans. These plans pulled in some components from Nevada's plan. The BLM is committed to continue to work with the states in terms of implementing the RODs. In Nevada this means working in terms of any mapping changes, working with the CCS and ultimately the commitment from the Secretary to work together as the process moves forward. The desire is for the plans to come together. The BLM is committed to working with the state on the implementation of the plans. The BLM called out opportunities within the plan where there might be some flexibility in the future, but they need to move forward with implementation and as they get to adaptive



management opportunities, everyone must be committed to work together to see where the plans come together.

Ms. Grimm asked for clarification of the question as to how the Nevada State Plan was addressed in the listing decision. Vice-chair MacKenzie noted that in the listing decision several state plans were called out as justification for the decision. There were references to certain portions of the Nevada State Plan (e.g. mitigation), but Nevada's State Plan was not included in the list of state plans. Vice-chair MacKenzie asked if the Council/Nevada should read into that there are deficiencies in the plan. Ms. Grimm noted that Nevada should not read into this that there may be anything wrong with the State Plan. There were attorneys advising The Service on what they could define as a regulatory mechanism under the PECE Policy as it relates to known regulatory mechanisms. For example, Wyoming and Montana had a plan that mimicked the Wyoming core plan and the BLM plan concerning areas where activities were avoided and minimized in the decision-making process. This is a process that has been used for years in Wyoming and has been used with other species in other places generally as a concept therefore The Service was able to say with great confidence that if those plans would be implemented they know what the outcome would be. In Nevada, The Service acknowledged that mitigation through the BLM plans would be very important. The CCS is a newer technique and an approach that The Service could not say with a high level of confidence under the PECE Policy that they knew with certainty what the outcome would be on the land. They acknowledged that mitigation is very important, but they could not rely on it as a regulatory mechanism at this time under the PECE Policy given the legal advice of their team in the evaluation. This is not to say The Service does not think it is important to move forward with the State Plan and the CCS. They very much encourage the implementation of the system and integration with the BLM. There was just enough uncertainty that made it difficult for them legally to lean on it heavily in the listing decision. It does not indicate that they do not think that it should be utilized.

Member Swanson spoke about the Great Basin Region and concerns driven by the preponderance of fire that is present, the fear of fire in the future, and the belief there had been a lot of progress made on that front. He asked that in the fire work that has been done and the work that is anticipated to be done, is The Service depending largely on firefighting and fire control mechanisms or on pre-suppression mechanisms of fuels management. Ms. Grimm noted it was mostly the latter. Fire services already capture about 97 percent of the fires that start before they reach 2,000 acres. Most fires are caught early and kept small. There is a great job being done fighting fire. Perhaps, there are things being done that could improve the statistic, however when the conditions are ripe for a rangeland fire they occur and they get big. Having healthy ecosystems that are the most resistant to fire is important and also focusing resource efforts in those places that are already resistant to fire, because of higher elevation, higher moisture levels, and more resilient non-cheatgrass invaded areas. So the pre-fire prevention type of activity. When a fire does occur, resources should immediately be initiated to restore the areas to prevent cheatgrass from coming in and give sagebrush the best chance it has to return. It is more of a before the fire and after the fire effort. Not so much the stopping of the fire itself.

Member Swanson noted Nevada has two big and almost equal fire problems. One is too much fire, especially fires that are way too big. The other has been a century without enough fire, which has led to this accumulation of woody fuels and also the competition of woody plants with the herbaceous understory which is at the heart of the resilience question, especially on the uplands. He asked if fuels management is focused on primarily the woody fuels or primarily on the fine fuels. Ms. Grimm noted it is not one or the other, it is both. It is looking at an area that, based on some of the work by Jeanne Chambers, has a high likelihood of having successful treatments and figuring out what needs to be done there. Whether it is woody fuels treatments or fine fuels treatments, it depends on the site and what the site needs. Ms. Grimm does not think it is all one or the other. She does know there is a lot of work being done by the NRCS to map where PJ is and figure out where they may want to focus some of their efforts first. There is a lot of effort on what they can do for

cheatgrass both preventing the spread and treating what is already there. It is not across the board and depends on the site-specific objectives. Member Swanson noted his point of view concerning managing the fine fuels component as well as big fires which is not changing the vegetation plant community that is there, but changing the fuel distribution from that plant community across the landscape. One of the tools that are available that could be quite useful for that is the management of livestock grazing. There was a severe misstatement of the grazing problem as if it were overgrazing. In reality it is under management of grazing and in order to solve the under management problem it is going to take some difficult conversations so people will support and finance it as an effective tool for managing fine fuels. Ms. Grimm agreed and noted one of the great things about the paradigm shift mentioned earlier is people being willing to step back and look at the big picture and try and figure out if they are doing the right thing or need to do something different, investing money and research and efforts to figure out how they want to manage this ecosystem. This is part of the fire and fuels approach that they are seeing in the sagebrush ecosystem. There are folks out there doing the right thing on the ground and those are the places they need to go and learn from and figure out what they are doing so that they are successfully managing the ecosystem.

Wendy Fuell, US Forest Service, provided background on where the Forest Service is in implementation. They will be involved in many of the processes that Ms. Lueders presented, including working on the MOU and the CCS. Their main focus is getting the information down to the ground quickly, including what is in the ROD and how they are going to implement it. The Forest Service's Regional Office is heading up this strategy. They are putting together an implementation strategy, which when it is approved and finalized, they will know a little more about what that will look like. The Forest Service has identified team members to be on that implementation team, Ms. Fuell, and Chris Boetner are the ones that have been identified for the Humboldt Toiyabe. They will also host a webinar. Randy Sharp will be giving a presentation on the ROD and the plan amendments, which is a general overview to Forest Service employees so they have a better understanding of what is in the documents. They have been collecting questions from the districts to attempt to inform the implementation process and see where the real concerns are. Obviously, they are aware that minerals and livestock grazing are important. They will work to try and address these concerns.

Chair Goicoechea noted there was a lot of work done in the 1960's and 1970's on PJ thinning and that work is in danger of being lost. He asked if in the EIS/ROD there is a chance to do some maintenance on these projects or do long-term maintenance agreements. Ms. Fuell noted there is opportunity to take a look at areas that have been previously treated and go back in and conduct maintenance. The ROD does identify a large number of acres of treatment restoration acres for PJ restoration as well as invasive and annual areas. The Forest Service will be looking at those areas. Chair Goicoechea noted that if a treatment was done before does that fast-track the process to get maintenance done on it. Ms. Fuell noted it would depend on when the project was done (as far as a NEPA window). They would probably have to go back and take a look at any changing circumstances or extraordinary circumstances through appropriate NEPA levels. The Forest Service is able to do them with categorical exclusions.

Max Symonds noted the Bi-state and the Greater Sage-grouse were both listed separately, will the WAFWA Conservation Teams also work within the Bi-state area. Ms. Lueders noted they will be focused on Greater Sage-grouse not on Bi-state.

Ms. KC asked about a review of the listing decision in five years. She feels there is still a need for them to move forward with the mitigation review team and getting the CCS assurances through this process to give some reassurance to landowners to participate. She asked if there is any movement on that or a date for Nevada to be reviewed. Ms. Grimm noted she isn't sure where the review team is on this. She does not know a date. She will contact them and see what the scheduling looks like.

They were in the process of finishing up another state's plan and are hoping to move on to Nevada fairly soon. Ms. Grimm also noted that yes, in five years The Service will check back in with the listing. This is not intended to be a regulatory status review under Section Four of the act, but more of a chance for The Service, as a partner in sage-grouse conservation and sagebrush ecosystem conservation, to check in and see how things are going. They made a lot of projections on what the future is going to look like in the listing determination and want to ensure things are going the way they thought they would. Under Section Four of the act, someone could petition them any time to list any species within the sagebrush ecosystem and they would have to undergo a review. This was meant more as a commitment of The Service to remain a partner in the conservation and really work with the states, the BLM and the Forest Service as they compile their information through their plan implementation to check in and see how things are going.

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

#### **8. UPDATE ON BLM/USFS/SETT MOU IMPLEMENTATION OF THE CCS IN CONJUNCTION WITH THE LUPA - \*FOR POSSIBLE ACTION\***

Ms. KC provided a brief update on the status of the MOU. The MOU is still in draft form. The purpose of the MOU is the implementation of the CCS. There are four points the SETT is including in the MOU. The consultation process for avoidance and minimization and where that will apply and where that will not apply, when the CCS will be used (the Forest Service will be piloting the CCS in order to direct national policy to allow for off-site mitigation), the equivalency issue of other mitigation processes (making sure the SETT and others have a voice in other mitigation processes to guarantee they are equivalent to the CCS on certain important issues), and developing credits on public land. The SETT will be meeting with the BLM to review final language issues and other issues that have not had a resolution. The next step after the final draft is to have the MOU reviewed by attorneys. They are hoping to have it signed quickly in order to give direction to the BLM staff, the Forest Service staff, and the SETT on what the process will look like.

The BLM is working on an Instruction Memorandum (IM) in the meantime.

Member Biaggi asked what rules are currently in place for mitigation, credits, etc. Ms. Lueders noted that what is currently guiding mitigation is FLPMA, draft mitigation policies, and the Secretarial Order on mitigation both off-site and on-site. This is why it is important to get the MOU in place because there are projects ongoing. Currently, the BLM has been going through on a case by case and project by project basis. Having something that provides more certainty and consistency is important. They have also been running some through informal and formal consultations with the SETT. They are committed to meet with the SETT and attempt to work through some of the remaining issues.

Member Nappe asked about the scope of the MOU. Mr. Lawrence noted this is one of the details that needs to be explored during the meeting. There is not intent by the Council, the BLM, or the SETT for the SETT to get involved in every little project. The CCS is more than just producing credits and accounting for debits, it includes the concepts of avoid and minimize, which are important.

Ms. KC noted that one issue is how the CCS fits into the NEPA process and how it all works together as it is rolled out. They have discussed needing another MOU down the road on how everyone will work together, generally speaking, on other issues. The current draft MOU includes language that the parties will continue to coordinate through the implementation of the LUPA and the State Plan. They are trying to address the use of CCS in this MOU and some of the avoidance and minimization parts of the State Plan.

Member Boies asked for clarification on the Forest Service piloting the CCS. Ms. KC noted the Forest Service does not have national policy to allow for off-site mitigation. They have agreed, through the ROD and the MOU, to pilot the CCS to see how it works with the hopes that it will direct a policy so they can get something similar to the BLM.

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

## **9. PRESENTATION AND DISCUSSION ON LEGISLATIVELY APPROVED CCS PROJECT FUNDS - \*FOR POSSIBLE ACTION**

Mr. Lawrence reviewed a PowerPoint presentation on strategies moving forward for how to get project dollars on the ground and get credits in the bank. He answered Council questions during the presentation. Mr. Lawrence provided legislative background and intent and reviewed Proposed FY 16 Project Objectives, the overall process, selection criteria, potential guiding elements, "Self Direct" funds, project examples, considerations, and next steps.

Member Biaggi asked about coordination between the SETT and the NDOW process that Lee Turner is doing. Mr. Lawrence noted there is coordination with NDOW, however a lot of the projects are specific to Bi-state. Mr. Lawrence noted the money currently being discussed is specific to greater sage-grouse.

There was discussion concerning potential guiding elements. Chair Goicoechea stated his belief there needs to be diverse, multiple projects to demonstrate to people that the CCS can do it all. He noted multiple ownership if the SETT can work with federal partners concerning permittees is key to making this successful. Member Lister stated this should be included as part of the Strategic Action Plan (SAP) to have a matrix of selection criteria.

Ms. Lueders noted it is important to look at NRCS and where those projects are, or where federal agencies are identifying projects. There could be a multiplier affect for some coordination in terms of looking at doing projects in an area no matter who is funding it.

Member Nappe stated her concern about the amount of time needed for certain projects. Vice-chair MacKenzie noted that NEPA is a big stumbling block for timeliness. He also stated that private land is going to be the key to success for the CCS. Mr. Lawrence noted he believes they need to do some projects on public land, however they should do projects across the board. Member Swanson suggested the SETT do a demonstration project that highlights how each component of the CCS works to provide a clear description for people.

Ms. Grimm noted there are a lot of different objectives to be balanced. She recommends staying away from a shotgun approach to conservation. It may be useful to try and hit a lot of objectives, or scatter projects around the landscape, however in 10 to 20 years there would need to be a look at what's been accomplished on the landscape. There may not be the expected landscape scale affect.

Mr. Lawrence asked if the Council was comfortable with the direction the SETT is moving in. Member Biaggi noted concerning the funds he would not utilize the entire one million dollar amount, but allocate a certain portion of it. This will help alleviate the perception of it being a state-funding process that is going out to the agencies. He likes the idea that they are ready to go and something can be addressed immediately. Chair Goicoechea asked Member Biaggi what amount he was thinking to use from the one million dollars. Member Biaggi noted he thinks possibly 30 to 40 percent.

Member Lister asked about State Parks land. Mr. Lawrence noted this is something the SETT is aware of and working on.

Member Lister also asked about moving forward while waiting for the WAFWA Conservation Teams to determine what can be done. Ms. Lueders stated the SETT should not wait. Mr. Lawrence noted the hope is there will not be conflict or working across purposes once the WAFWA Conservation Team is in place. Ms. Lueders stated it will only make the CCS stronger to do a little, earn a little and make adjustments to see how it works in real life. This will make it stronger and the experiences will help inform the WAFWA Conservations Teams in terms of the experiences that Nevada will have on the ground in terms of implementing the CCS.

Member Boies asked who the letter of interests concerning the CCS would be sent to. Mr. Lawrence mentioned some organizations, but also asked Councilmembers to submit their ideas on who should be included and forward the information to Ms. KC via email.

Tony Wasley, NDOW, spoke about the Nevada State Plan not being recognized in the EIS. What NDOW heard from The Service is the lack of a track record and regulatory mechanisms were concerning. He suggested the Council consider what they want the CCS to do and suggest the SETT think about the expectations of The Service concerning the CCS establishing itself as a regulatory mechanism. The NDOW hears a lot of frustration concerning the land use allocations and the LUPA, but it is a by-product of the perception of inadequate regulatory mechanism, which comes down to avoid, minimize, and mitigate. The direction, if any, the Council should consider providing to the SETT would be how to fill those perceived holes and establish a track record to demonstrate the effectiveness of the CCS as a regulatory mechanism. The NDOW put forth five NEPA ready projects totaling \$390,000 that was uplift over and above. There could be some opportunity on public lands to do those things that would immediately generate credits. He asked who will own credits if they do projects on state or federal lands.

Mr. Lawrence spoke about public lands and additionality and NEPA and how they incentivize landowners to participate. A goal of this plan is to make sure there are credits in the bank and have some type of self-revolving program. He reviewed three options.

Mr. Lawrence noted that based upon the direction from Council, the SETT will move forward. Vice-chair MacKenzie noted getting some NGOs involved is important.

After a question from Member Lister, Ms. KC noted the MOU states they will create a process on how to generate credits on public lands and they will began working on detailing that process.

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

## **10. 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 October 15, 2015
- Approved meeting minutes from August 13, 2015

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

- Updates to CCS/Adaptive Management Items – December Meeting
- USGS Map Update and Approval
- Project Updates
- Update from Governor’s Office on LUPA Process

The Council decided the date of their next meeting:

- Thursday, December 10, and (if needed) Friday, December 11, 2015, location to be determined

Items still needing dates for a future agenda:

- Federal Update – Congressman Amodei
- Strategic Action Plan (SAP) – On the Ground Communication/Action
- FIAT Working Group Update
- Reports from Different Agencies on Sage-grouse items
- 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
- Concept of SETT to host a central database for the State on conservation actions
- Establish measurables for the next two years

Member Lister asked about adding an item concerning the Council’s recommendations to the Governor’s Office concerning the LUPA process. Chair Goicoechea stated he felt the Council should hold off on this and keep in contact with the Governor’s Office to keep up with their status and possibly have an updated in December with possible action.

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

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

A. US Fish and Wildlife Service – Member Lister asked Ms. Grimm if any of the land that The Service owns in Nevada is in sage-grouse habitat. Ms. Grimm noted that the Sheldon is within the range, technically within the strongholds that were identified, although it didn’t show up in the maps because they were focused on BLM lands. This area has been managed for sagebrush ecosystem and sage-grouse.

B. Bureau of Land Management (BLM) – Ms. Lueders took a few moments to mention what an honor it has been for her to participate on the Council and for the work being done. This will be her last meeting as she is moving to a new position in the BLM.

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.

## 12. STATE AGENCY UPDATES AND COMMENTS:

- A. Department of Conservation and Natural Resources (DCNR) – No update.
- B. Department of Wildlife (NDOW) – Mr. Wasley thanked Ms. Lueders for her efforts and work. He also provided an update on NDOW, including implementing projects that NDOW is working on with several partners, including PJ removal and meadow and spring restoration and enhancement. They also worked to install pipe rail fence exclosures at locations in the Montana Mountains which is important late brooding habitat for sage-grouse. There over 150 sage-grouse seen during a field visit. Pipe rail fence exclosures were also put in place in late brooding habitat in the Virginia Mountains and upper and lower Scott Spring. Over 70 sage-grouse have been radio-marked recently as part of the Sheldon Hart Massacre Large Ungulate Grazing Study being conducted by UNR. There is also a new research effort to study sage-grouse in areas with little anthropogenic influences in highly suitable habitat conditions and 23 sage-grouse were radio-marked for this research effort. NDOW is working with the US Forest Service on an East Walker Landscape Habitat improvement project in the Bi-state Mount Grant Desert Creek PMUs.
- C. Department of Agriculture – No update.
- D. Conservation Districts (CD) Program – No update.
- E. Sagebrush Ecosystem Technical Team (SETT) – Ms. KC noted the training they set up for training staff from both state and federal agencies on the CCS. They have temporary dates and are still working on locations. The week of January 19, will be in Elko and Ely. The week of January 25, will be in Reno and Winnemucca. In February the Verifier Training for the CCS, for those that will be out in the field, will take place. They will get the information out once it becomes available.
- F. Other – No update.

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

## 13. PUBLIC COMMENT – No Public Comment.

## 14. ADJOURNMENT – Member Emm made a motion to adjourn; meeting adjourned by acclamation at 12:59 p.m. **\*ACTION**