

Nevada Collaborative Public Lands Management Structure For Implementation of US Forest Service and Bureau of Land Management Records of Decision for Greater Sage-Grouse Land Use Plans

SHORT BACKGROUND

The State was approached by the U. S. Forest Service (FS) Region 4 to discuss their agency approach for implementing the Record of Decision (ROD) for the greater sage-grouse Resource Management Plan Amendment. The FS explained that a collaborative approach would be used to implement standards and guidelines for livestock grazing over a two to three year period.

The FS requested that the State take the lead in establishing an inter-agency collaborative process to assist with and guide ROD implementation – which we agreed with and appreciate. We approached the BLM and asked if they would like to participate in the collaborative group, and they responded positively. State agencies that would also be involved include NDOW, NDOA, and DCNR.

Not wanting to recreate another interagency body to respond to the FS request, it was suggested that the Sagebrush Ecosystem Council would serve well in this role. Looking into the legal and practical aspects of fulfilling the FS request, it was determined that such responsibilities were in fact already delegated to the SEC through Nevada statutes (statute NRS232.161).

The Governor's office, BLM, FS, and DCNR formed a small planning group and have had several meetings to begin looking at organization and process. Using Utah as an example, we currently envision a three-tiered approach that would include Agency Managers (Tier 1); Agency Program Managers and Subject Experts (Tier 2); and Local Area Working Groups and Special Task Teams (Tier 3).

A collaborative process is envisioned that will work by consensus to provide feedback from the State to FS and BLM who maintain the decision authority. The consensus approach will provide the state some assurance that our input will be equally considered with federal ideas.

The DRAFT concept was introduced at the Sagebrush Ecosystem Council meeting on April 7, 2016. A Briefing paper (see below) was provided to individual council members following the meeting and individual comments were requested which are summarized below.

SEC QUESTIONS/CONCERNS AND RESPONSES.

1. We need everyone to remain engaged and work closely together – is this the right format?

This format was modeled after a program being created in Utah and is in accordance with the statutory authority of SEC. The format is also consistent with the 2014 Nevada Greater Sage-Grouse Conservation Plan adopted by the SEC. The Nevada Plan set a balanced foundation and vision for a coordinated management approach to conserve greater sage-grouse (GRSG) and the sagebrush ecosystems in Nevada by defining the following goal:

Due to the broad reach of sage-grouse habitat, effective management and implementation of sage-grouse conservation actions must be conducted through a collaborative, interagency approach that engages private, non-governmental, local, state, Tribal, and federal stakeholders to achieve sufficient conservation of sage-grouse and their habitat.

2. Agencies are challenged to accept recommendations from outside advisory groups under the Federal Advisory Committee Act.

Recommendations would come from the SEC to the Governor's Office and then conveyed to the federal land management agencies – based on consensus of all SEC members including ex-officio.

SEC Decision-making authority.

Decision-making authority remains with BLM and USFS. The State would provide recommendations based upon consensus. No consensus...no recommendation.

3. Addition of FWS staff leads for BLM Districts and USFS Ranger Districts.

These staff would fit in with the concept for Tier Two and the DRAFT document has been edited accordingly.

4. How would Local Area Working Groups be defined?

Where they currently exist, Local Area Working Groups (LAWGs) are comprised of land owners, local, state, and federal resource managers, tribal members, and other stakeholders with vested interests in a geographically designated area, who voluntarily work collaboratively to evaluate and plan for landscape scale conservation or land use planning. LAWGs are usually geographically connected through conservation districts, sage-grouse population management unit boundaries (PMU), Biologically Significant Unit boundaries (BSU), counties, or rural ranch communities. LAWGs may also be formed based upon interests in a common issue. LAWGs may either be activated at the request of the Field Coordinators, or they may be activated on their own initiative to elevate natural resource issues to higher levels.

- 5. The decisions and actions of local area working groups may not conform to the goals expected by state, national or nonprofit interests. Secondly, decisions may not reflect outside group interests such as wild horse advocates, OHV interests, or even some nonprofit interests. While some of this local focus, in this policy, may be offset by the inclusion of state and federal government participation, there have been, at times, significant anti-sage grouse statements by local groups that may color decisions or result in a jaundiced view of those decisions coming out of local groups.**

It is not envisioned that the SEC would set specific goals for LAWGs. Participation in LAWGs is open to all interests who chose to participate and voice their ideas and/or expertise. The thought was that knowledge based on local experience (within Nevada) in addition to the science that has already gone into the policy would contribute to successful implementation.

- 6. What is the role of the SEC in reviewing or verifying local decisions which meet or don't meet state/BLM policy guidelines?**

The SEC is not intended to oversee the business of LAWGs. In this framework, the local area working groups would be used to identify issues they encounter at the ground level related to implementation of the ROD and to assist program managers with project implementation when possible. Problems or issues identified at the ground level would be elevated to the SEC for review and further discussion and possible resolution. If the SEC comes to consensus on a response or recommendation, the recommendation would be provided to the Governor's Office who would submit it to USFS and/or BLM for their decision and action.

Concept Paper
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Implementation of US Forest Service and Bureau of Land Management Records
of Decision for Greater Sage-Grouse Land Use Plans
FINAL DRAFT

MISSION

Nevada is a unique and diverse state where policy implementation is best understood and accomplished with inclusion of local knowledge. The policies and conservation actions described in the greater sage-grouse Records of Decision (ROD) and plan amendments for Nevada will be implemented with leadership, guidance, and assistance through collaborative state, federal, and local participation.

Areas to be addressed through the collaborative structure could include implementation of:

- Additionality and Durability of Credits on Public Land**
- Adaptive Management**
- Monitoring**
- Mitigation**
- Data Sharing and Availability**
- Reporting**
- Disturbance Calculations**
- Habitat Objectives**
- Other Topics As Needed**

ORGANIZATION AND RESPONSIBILITIES

The Collaborative Public Land Management Structure will improve understanding and communication concerning actions set forth in the RODs and will operate by consensus to provide recommendations to the State of Nevada, who will present them to the federal management agencies with the decision-making authority on public lands. The collaborative structure will function at three levels, or tiers, to incorporate State, federal, and local participation in the most efficient and effective manner. Tough questions will be contemplated at all levels to determine if the actions and policies in the RODs are resulting in the intended outcomes; and if not, why not.

Tier One – Sagebrush Ecosystem Council

The Sagebrush Ecosystem Council (SEC) will serve as the over-arching framework for the collaborative structure. The SEC members include (ex officio) the top-level state and federal resource agency managers from the Nevada Department of Conservation and Natural Resources (DCNR), Nevada Department of Agriculture (NDOA), Nevada Department of Wildlife (NDOW), Bureau of Land Management (BLM), US Forest Service (USFS), US Fish and Wildlife Service (USFWS), [Natural Resources

Conservation Service– to be added], and gubernatorial appointed representatives from Nevada industry and users of public lands, conservation groups, and local government. State and federal agency representatives participating in the working group retain both the authority and responsibility to make decisions within their jurisdiction based on law, regulation and policy, best available science, and other relevant sources of information.

The duties of the SEC authorized in Nevada Revised Statutes (NRS) 232.162 are consistent with the Mission of the Collaborative Structure. The statutes state that the Council shall:

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

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

Sagebrush Ecosystem Council Responsibilities

The SEC will provide primary coordination between the tiers to facilitate discussion of state-wide issues, as well as unique or controversial local issues relevant to greater sage-grouse conservation. The SEC provides the opportunity for broad, statewide stakeholder input on challenges and opportunities regarding implementation of the greater sage-grouse RODs. Consensus-based recommendations from the SEC will be conveyed to the Governor's Office and forwarded to the federal agencies.

The SEC will engage in topics at their discretion that originate from the RODs to coordinate and collaborate on matters such as:

- Coordinating greater sage-grouse conservation actions throughout the state;
- Developing credits on public land;
- Interpretation of habitat and population monitoring data and adaptive management triggers;
- Effectiveness of the Nevada Conservation Credit System and other mitigation strategies used by the federal agencies;
- Effectiveness reporting of the actions in the Land Use Plans for inclusion in the five-year review by US Fish and Wildlife Service;
- Resolution of state-wide issues and unique or controversial local issues as they come up from the Field Coordinators' discussions.
- Organization of Special Task Teams, as needed.

At this level, the members can effectively communicate recommended implementation strategies and budget concerns both up the chain of command to Washington, D.C. and to the Nevada Governor's Office, as well as down the chain of command to the field levels. The SEC will not forward recommendations if consensus cannot be reached.

Tier Two: State and Federal Program Managers and Subject Experts

The purpose of Tier Two is to establish a group of staff-level points of contact that can work together to address statewide sage-grouse implementation issues. This group will provide staff support to the SEC to investigate and recommend strategies and solutions concerning major procedural and policy issues. Tier Two also will bring emerging issues and concerns to the attention of the SEC. Program Managers and Subject Experts will meet more frequently than Tier 1, which will provide for more rapid resolution of minor issues and will facilitate sharing of information through coordination between state and federal agency field staff.

The Field Coordinators are the mid-level subject matter experts including BLM and USFS ROD Implementation Leads, the State Conservation District Program Manager and/or Regional Staff Specialists, USFWS staff leads for BLM Districts and USFS Ranger Districts, designated program managers from the Nevada Division of Forestry, Nevada Department of Wildlife, Nevada Department of Agriculture, and the Sagebrush Ecosystem Technical Team Program Manager. Program Managers will ensure involvement of other appropriate staff as necessary.

Program Managers Responsibilities

All Field Coordinators will meet together initially to participate in collaboration training and establish meeting protocols. Subsequent meetings may be organized by geographical areas and may utilize conference calls and teleconferencing to minimize travel and time commitments at their discretion. Field meetings will be required for specific on-the-ground issues.

Tier Two will also work collaboratively to:

- Coordinate greater sage-grouse conservation activities throughout the state;
- Identify and prioritize tracking needs for disturbance, monitoring, and mitigation;
- Evaluate the results of monitoring adaptive management triggers;
- Review recommendations from Local Area Working Groups;
- Respond to other tasks and requests from the SEC.

Field Coordinators will work with or assemble Local Area Working Groups as applicable for specific issues or geographic needs when policy or implementation recommendations are needed to improve implementation effectiveness of the RODs.

Field Coordinators are the communication link between local areas and the SEC. Field Coordinators are responsible for communicating information from the SEC to the ground level, and vice-versa. Field Coordinators ensure that the SEC is aware of activities such that they may address potential issues as soon as possible and report to the SEC on the status of implementation of the RODs (e.g. monitoring, permitting, resource concerns, and successes worthy of acknowledgement.)

Tier Three: Local Area Working Groups and Special Task Teams

Where they currently exist, Local Area Working Groups (LAWGs) are comprised of land owners, local, state, and federal resource managers, tribal members, and other stakeholders with vested interests in a geographically designated area, who voluntarily work collaboratively to evaluate and plan for landscape scale conservation or land use planning. LAWGs are usually geographically connected through conservation districts, sage-grouse population management unit boundaries (PMU), Biologically Significant Unit boundaries (BSU), counties, or rural ranch communities. LAWGs may also be formed based upon interests in a common issue. LAWGs may either be activated at the request of the Field Coordinators, or they may be activated on their own initiative to elevate natural resource issues to higher levels.

Membership of Special Task Teams will be composed of qualified specialists from around the state in the fields of sage-grouse biology, conservation biology, the Nevada Conservation Credit System, range ecology, range management, livestock management, land reclamation/restoration, fire and fuels management, mining and exploration, and other specialists. Special Task Teams will be established by Field Coordinators on an as-needed basis and will be interdisciplinary or discipline-specific depending upon the task at hand.

Tier Three Responsibilities

LAWGs and Special Task Teams will identify opportunities and facilitate on-the-ground logistics and participation in specific tasks and conservation actions as requested by the Field Coordinators. LAWGs will provide input into projects and evaluations conducted at the field level. LAWGs are also tasked with elevating issues for conflict resolution to the attention of the Field Coordinators.

Special Task Teams will work collaboratively to formulate recommendations for resolving site-specific planning dilemma and provide discipline-specific guidelines and interpretations of data. When formed to address a specific task, they could be retired when their assignment was completed, or have the option of staying together to address other challenges. Other Special Task Teams could be assigned to provide ongoing technical assistance to local area working groups, or act as a standing Science Team.