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United States Department of the Interior

ENVIRONMENTAL PROTECTION

**Pacific Southwest Region
FISH AND WILDLIFE SERVICE**

Reno Fish and Wildlife Office
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July 28, 2016

J.J. Goicoechea
Chairman, Sagebrush Ecosystem Council
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701

Mr. Goicoechea:

As Chairman of the State of Nevada's Sagebrush Ecosystem Council (Council) which oversees the functions of the Sagebrush Ecosystem Program (SEP), we are requesting clarification from you on the expectations of the State of Nevada for the U.S. Fish & Wildlife Service (Service) regarding implementation of the state's Conservation Credit System (CCS) for mitigating impacts to greater sage-grouse habitats.

On June 16, 2015, the SEP wrote requesting the Service's "approval" of the CCS to provide regulatory assurances for program participants. Because of this request, upon completion of revisions to the CCS in December 2015, we engaged in a dialogue with the SEP on how the Service might support the CCS. The SEP and Service met on February 18 and March 8, 2016 to meet this need. In our conversations we believe we agreed that the CCS is a component of a larger state conservation program; the CCS has potential value as a tool for guiding mitigation; the nuances of how the CCS is implemented are important; and, we should work together on its implementation so we can learn and adapt together. Through this series of meetings we also provided to the SEP a list of key concepts that the Service would like more clearly addressed regarding ecological and programmatic effectiveness. These key concepts in part reflected our continued lack of understanding of the reasons for the changes made to the CCS last December. Since our last meeting the SEP has directed its energies towards implementing specific projects under the CCS. We understand and support the SEP spending its valuable time implementing on-the-ground actions when project timeframes demand work in the field, and that this is a primary reason we have not met again. Unfortunately, however, this has resulted in the Service not yet becoming more involved in implementation of the CCS as we discussed this spring.

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U.S. FISH AND WILDLIFE SERVICE

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Finally, on June 13, 2016, in comments from the SEP to the Service on our proposed revised Mitigation Policy (46 FR 7656 (1981-01-23)), the state requested, "deference" from the Service to its plans, policies, and programs; we are unsure how to interpret this request, particularly in the context of our previous communications described above.

As you stated at our last Council meeting on June 29, 2016, you trust the Service will speak up when we have any concerns; with this letter we are redeeming our responsibility by requesting clearer communications with you. Knowing that the SEP has entered into Memoranda of Understanding with other federal agencies on CCS implementation, but not with the Service, and given the uncertainties we are experiencing with various communications with the SEP as described above, we recommend a robust conversation on what, if any, role the Council would like the Service to play in implementing the CCS. We then recommend we agree in writing to any roles to avoid confusion or uncertainty moving forward. The meetings held in February and March of this year were productive and rewarding for the Service and we would be interested in resuming them to help meet this need, if the SEP wishes.

Within our office and our agency as a whole, we have valuable staff expertise that could help fulfill the Department of Interior's Commitment to the Governor's Office to support successful implementation of sagebrush ecosystem conservation in Nevada, including a mitigation program that is effective ecologically and programmatically. The Service has been engaged in wetland and conservation mitigation banking for several decades, and nationwide we have a long history of tools, knowledge, and lessons learned to increase the success and effectiveness of these types of programs. We are willing to provide that help if the SEP finds it would be of benefit, and if we can agree on expectations.

Thank you for your time and commitment to this effort.

Sincerely,



Mary Grim
Sagebrush Ecosystem Coordinator



Edward D. Koch
Field Supervisor