



STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
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DRAFT MINUTES

Date: Thursday November 10, 2016
Time: 8:30 AM
Place: Nevada State Capitol, Guinn Conference Room, Carson City, NV

A full video recording of this meeting is accessible through the following website -
http://sagebrusheco.nv.gov/Meetings/Sagebrush_Ecosystem_Council_Meeting/

Council Members Present: Jim Barbee (who left at 10:28 a.m., returned at 11:41 a.m., and left at 2:55 p.m., Flint Wright sat in for him for part of the time he was gone), Steven Boies, Ray Dotson, Cheva Gabor for Bill Dunkelberger, JJ Goicoechea, Jim Lawrence (left at 2:52 p.m.), Bevin Lister, Carolyn Swed, Tina Nappe, Sherman Swanson, Gerry Emm, John Ruhs (left at 2:39 p.m.) and Tony Wasley (left at 2:10 p.m.)

Council Members Absent: Starla Lacy, Allen Biaggi, Bill Dunkelberger and Chris MacKenzie

- 1. CALL TO ORDER** – Member Boies called the meeting to order at 8:54 a.m., because Chair Goicoechea was out of the room on a conference call.
- 2. PUBLIC COMMENT** – Tim Rubald, Conservation Districts, introduced a new member of his staff, Lauren Williams, who will fill the Ely position.

Jim Lawrence, Nevada Department of Conservation and Natural Resources (DCNR), noted Kelly McGowan, Sagebrush Ecosystem Technical Team (SETT), has been selected to fill the Program Manager position on the SETT.

Mr. McGowan introduced two new members on the SETT. Katie Andrie, Nevada Department of Wildlife, who provided a brief background on herself, and Sara McBee, Nevada Division of State Lands, who also provided a brief background on herself.

Mr. McGowan also introduced Daniel Huser, Nevada Division of Forestry, who will start officially with the SETT on Monday. Mr. Huser provided a brief background on himself.

Mr. Lawrence welcomed Ray Dotson, Nevada – USDA-NRCS, as the new ex-Officio member of the Council.

Brian Jackson, Environmental Defense Fund, via telephone noted he was pleased to see all the movement with the Conservation Credit System (CCS).

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 ACTION*

A. Member Emm moved to approve the Agenda for November 10, 2016; seconded by Member Nappe; motion passed unanimously. ***ACTION**

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

Member Swanson moved to approve the meeting minutes from September 13, 2016; seconded by Member Boies; Chair Goicoechea abstained from voting as he was not in attendance at the September 13, 2016 meeting; motion passed. ***ACTION**

5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE

A. Chair Goicoechea thanked Member Biaggi for acting as Chair for the September 13, 2016, meeting and Member Boies for starting the current meeting.

Member Boies noted some well applications were denied for stock water from the State Engineer within the Humboldt drainage. This has an impact on sage-grouse, NRCS projects, etc. He asked if this could be added to a future agenda. Chair Goicoechea agreed there were number of questions needing answers. Mr. Lawrence asked for clarification on if all the wells were in the Humboldt River Basin. Both Chair Goicoechea and Member Boies noted they were. Member Swanson stated issues in the Humboldt Basin are issues that affect other basins as well.

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

6. OVERVIEW AND DISCUSSION OF DRAFT GRAZING IMPLEMENTATION GUIDE – *FOR POSSIBLE ACTION*

A. Terry L. Padilla, U.S. Forest Service (Forest Service), reviewed a PowerPoint presentation, which included the scope of implementation concerning grazing; the Forest Service's structure for implementation and their key objectives; and the different phases of the implementation.

Based upon the evaluation of the 2016 field season, the Forest Service is ready to move into the next phase which is the consideration of permit modifications. They will identify allotments and permits that are affected by the direction in the Record of Decision (ROD) for grazing. They will modify those permits and present them to the permittees for their consideration and signature.

The Forest Service will modify permits in phases and it will be done across the region in a synchronized manner. It is currently scheduled to begin in January 2017. The first phase of permit modifications was specifically designed to not cause any adverse impacts for permittees. The modifications are dropping relevant grazing guidelines and desired conditions in the affected permits and Allotment Management Plans (AMPs). Some permits and allotments will be affected differently.

Another key feature is the working partnership with permittees, where the permittees are actively working with the Forest Service through the adaptive management process while they determine what is happening on the ground. There will be no compliance action against any permittee that is working with the Forest Service.

Mr. Padilla noted the dates he lists are fluid due the new administration coming in.

They will do a three year phased in approach concerning grazing. The initial goal is to have the permit modifications in this region done by the grazing season of 2017, except for the State of Nevada and the Humboldt-Toiyabe as they there is a spilt plan situation with California and the Bi-state and because of the size of the area.

He reviewed what would go into the permits and AMPs. He noted there are questions about grazing guidelines in brood rearing and nesting habitats. When permits are modified the Forest Service will map the habitat based upon the sampling design.

The Forest Service, unlike the Bureau of Land Management (BLM), is different concerning their authorities. They have done an Environmental Impact Statement (EIS) and they can adjust permits through the regional EIS.

The draft grazing guidelines reviewed during this presentation are the Forest Service's instructions to their staff for how to adjust, evaluate, implement and incorporate them. The guidelines have been vetted and sent to the Forest Service Washington, D.C. office. The deadline for comments internally is next week. Mr. Padilla will then incorporate any adjustments. The document will then be sent to the BLM, states and key Non-government Organizations (NGOs). There will be a comment period through December 2016. Mr. Padilla hopes to finalize the document and have it available to the public in December.

Mr. Padilla believes the Forest Service will present permit modifications not this spring, but next spring.

There was discussion.

Mr. Padilla noted Forest Service staff will meet with permittees in the spring and review an allotment map where they will see what the Forest Service has validated concerning their allotment. This will determine where brood rearing and nesting habitats are located. The allotment map will also show what guidelines the Forest Service believes would apply to the specific allotment and how much the permit and allotment are affected by the guidelines. It will also show the desired conditions out of the ROD that are pertinent to the permit. Field work has been done in 2016 so this information should not come as a surprise to most permittees. The Forest Service will make any adjustments that are needed administratively in the annual grazing operations. They will monitor and if the permittee works with them this will not adversely affect them. There will be no reduction to permitted occupancy. There will be no change to the grazing season. They will work within the imperatives of the current permit and see what that does. The friction will come from three places. One, permittees that are angry and will continue to be angry. The Forest Service will do their best to let permittees know their interest in them keeping their permit. Two, permittees that will work with the Forest Service. The State of Nevada is currently the only state where the Forest Service precludes district rangers from developing new water. The reason they don't develop new water is because the state has determined they are not a beneficial user. Mr. Padilla believes they need to develop water across the region. The cheapest vegetation management tool all the agencies have is public land grazing and the Forest Service can meet a lot of objectives with it. Three, permittees that will litigate.

Member Emm spoke about the feral horse gathering the Fort McDermitt Paiute and Shoshone Tribe attempted before litigation started with the Forest Service and the desire for the tribe to continue these efforts, however, they cannot because they do not have the funds. This gathering is necessary. Cheva Gabor, Forest Service, noted the region is supportive of the Forest Service and their desire to deal with this. The Forest Service knows they are not wild horse, however, the lines in terms of what the advocates think and what they are able to convince the public of are too blurred. Any support the Forest Service can get from other interests in terms of why it is so important for sage-grouse conservation and other reasons to manage both the tribal domestic horses and the wild horses is crucial. Member Emm noted the Bureau of Indian Affairs (BIA) has gone up their chain to attempt to get a discussion started concerning this issue. It is important to get it resolved. Member Lawrence asked if Ms. Gabor saw the Council as part of the support she mentioned. Ms. Gabor answered she thought that would be appropriate. Ms. Gabor suggested the Council write letters to the appropriate executives if the Council is interested in doing that. Ms. Gabor can get the contact information. Ms. Gabor also noted it is not that the Forest Service does not want to manage the issue, they do and locally they understand the importance. They need to hear from everyone about their concerns. Member Lawrence noted the issue would not be discussed now, but can be something the Council explores if they are interested. Ms. Gabor noted the letter should be addressed to Bill Dunkelberger, Forest Service, and copied to others, however, there can be a discussion to see what is the most appropriate process to follow. Jim Barbee, Nevada Department of Agriculture (NDA), noted during the original court case the NDA was listed on the record in court as the experts within the State of Nevada. He suggested the Forest Service request an official review by the brands department in charge of animal identification within the state. This is under the NDA's authority. This would put it on the record. Ms. Gabor noted she would follow up on this suggestion.

Member Nappe suggested a future agenda item concerning horses in relation to sage-grouse, which would be appropriate for the Council.

Chair Goicoechea asked about clarification on the draft grazing guidelines being released in December. Mr. Padilla noted it would probably be before December. Member Swanson asked when the deadline for feedback would be. Mr. Padilla noted through January 2017. Chair Goicoechea questioned if there was no defined comment period. Ms. Gabor said that is correct. She also noted the feedback would probably be ongoing. The guidelines are not set in stone. This is simply an initial opportunity to look at the draft before it is widely released.

Chair Goicoechea noted there needed to be better coordination between the Forest Service and the BLM in regards to horses.

Member Swanson stated the water issue needs to be resolved because it is blocking good management. He asked if there is a process in place or being discussed to address this issue. Member Nappe suggested the Nevada State Legislature. There was discussion. Member Lister noted the Forest Service changed its guidelines concerning water permits. He stated the water right is held by the permittee, if the Forest Service wants a permittee to work with them, the permittee can apply for the water. They can develop the water. The water right belongs to the permittee and the Forest Service should recognize that. Mr. Padilla noted the Forest Service interest is the water stays with the land and stays with the allotment for multiple resource reasons. Also, the threshold of use for stock water is low.

Mr. Padilla asked the Council not to overreact concerning the grass height issue. He noted grass height or density is important to the sage-grouse. It is too early to start jumping to conclusions about the research.

Ms. Gabor asked Rixey Jenkins, Forest Service, to provide information on the Humboldt-Toiyabe National Forest. Mr. Jenkins noted 95 percent of the allotments have mapped sage-grouse habitat

on them and it will affect about 95 percent of Forest Service permits when they go through the mitigation process. Fifty two out of 255 allotments have wild horse use on them.

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

7. OVERVIEW AND DISCUSSION OF BLM NATIONAL GREATER SAGE-GROUSE INSTRUCTIONAL MEMORANDUMS (IMs) OVERVIEW - *FOR POSSIBLE ACTION*

A. Gordon Toevs, BLM, reviewed a PowerPoint and noted the BLM would not be changing any policy or processes as they implement their plans. They now have a way they are going to incorporate quantitative habitat measures into their analysis of an allotment. There is no change in the process. There is a prioritization. The BLM will review permit by permit as they have always done. They will be prioritized differently than they have in the past.

Matthew Magaletti, BLM, noted the BLM does adaptive management with a three scale approach the BLM monitors at the lek scale, the lek cluster scale, as well as the Biologically Significant Unit (BSU) scale.

Mr. Toevs noted the BLM has a three percent disturbance cap with the exception of states managing disturbance on state land (e.g. Wyoming and Montana), which have a five percent cap. Mr. Magaletti stated there are often questions on what constitutes an anthropogenic disturbance. There are a lot of range improvement projects in Nevada. Anything associated with range is not considered an anthropogenic disturbance that counts against the cap.

Mr. Toevs reviewed IM 2016-144, Habitat Assessment, noting hiding cover is the key. It is not about grass height.

Mr. Magaletti spoke about Land Use Plan Adaptive Management Hard and Soft Triggers (IM 2016-143), which outlines when the BLM will actually conduct an analysis and when they will conduct their habitat adaptive management strategy outlook. At the end of the year they are required to meet with their partners and look at the model reports. If there is a catastrophic event across the state (e.g. wildfire) they are required to respond as quickly as possible and understand what they can do in terms of management to address whatever the decline is whether it birds or habitat.

Mr. Toevs provided a brief background of the 2020 Status Review, which includes the following components: Monitoring and Reporting; Diffuse Uses; Discrete Uses; and Conservation and Restoration.

He also reviewed mitigation. The BLM and the Forest Service somehow need to certify or get a Memorandum of Understanding (MOU) for the state mitigation processes. Mr. Toevs is confident the State of Nevada will meet the requirements of the BLM.

Mr. Toevs noted the principle document will go the taskforce the third week in December. Once the taskforce adopts it, it will be rolled out to the states. A draft report should be going to the mitigation team within the next few days.

Mr. Magaletti provided a BLM Nevada Implementation Update. The BLM has the flexibility to develop specific IMs for Nevada. One is Adaptive Management. The BLM is working with the USGS to develop an integrative state's based population model that helps look at a variety of factors as to why there are declines as in certain leks, lek clusters, or BSU scale. He also spoke about the habitat assessment framework. Field staff needs more training concerning the BLM's habitat objectives that

are in the land use plan. In December or late January they will be working with the USGS to look at the adaptive management state based models.

In June, they had a series of livestock grazing workshops, which were well-received. There will be a series (five) of similar meetings between January 17 and January 21. The BLM is conducting a Great Basin-wide fuel breaks and habitat restoration programmatic EIS in January. They will continue to track and report.

There was discussion.

Member Boies noted he has concerns about managing for population. Mr. Magaletti clarified this is associated only with their land use plan level adaptive management strategy. He provided an explanation.

Member Boies clarified that the three percent disturbance cap pertained to private, state and public land. Mr. Toevs noted that is correct and provided an explanation. There was discussion. Tony Wasley, Nevada Department of Wildlife (NDOW), noted the Population Management Units (PMUs) and BSUs were designed with geographic barriers and one of the unique things about the Nevada plan is that they can exceed those caps in areas where there is a net conservation gain. There is that flexibility built into the land use plan that does not exist in others with the concurrence of the BLM, the Forest Service and the state wildlife agency.

There was discussion.

Carolyn Swed, U.S. Fish and Wildlife Service (The Service), noted she will be replacing Mary Grimm, The Service, on the Council. She stated she appreciates the remarks she is hearing along the lines of figuring out the collaboration and the communication to develop broad public support for these plans and their desired conditions. The Service could not agree more. The Service is invested in their ability to continue to uphold the decision not to list sage-grouse by making the measures that they relied upon effective. Given all that, how do they do adaptive management defensibly knowing it is a major concern?

Mr. Toevs spoke about monitoring and evaluating condition at the landscape scale without an initial emphasis on use. Ms. Swed noted this makes sense, because it is a mechanism for The Service to get away from the need to look at every particular place and expect it to look like they want it to all of the time. There are struggles concerning management in regards to grazing and the decisions made at the allotment scale. She is concerned about the timing and the mechanism for the landscape scale evaluation of condition and how that gets reconciled with processes like permit renewal because circling back to the Service's interest, they want to be able to demonstrate that progress in improving the condition of landscape health. Connecting those scales of monitoring will be key and it is not yet clear on how that will be done. Mr. Toevs provided an example of how it will work. He explained the first step is the assessment, the next step is the valuation and the third step is the determination and if and where the departure is happening on the ground. Ms. Swed asked what the timeframe for the evaluations is. Mr. Toevs noted that grazing permit renewals will continue and they will continue with this prioritization process that has been outlined. The areas they know that are not meeting standards right now are their priority. In March, they will have a training session in Nevada for the habitat assessment framework. This is the first training session and will not be open to the public. They do have every intention of bringing the public in. He believes within the next couple of years there will be progress in the priority habitat area. This is all part of the implementation.

Mr. Padilla noted there are different authorities for each agency. Under the National Forest Management Act (NFMA), once you amend a forest plan you must bring all surrogate plans, contracts and permits under compliance with the forest plan and you cannot take 30 years to do it.

He gets questions why the BLM is slower than the Forest Service. Implementation of forest plans is at the site specific level.

Mr. Lawrence asked if Mr. Toevs saw the regional mitigation framework applying to projects and permits having to do with valid existing rights. Mr. Toevs answered that he did not, because of valid existing rights. Mr. Lawrence noted the State of Nevada built their plan to have specific metrics to quantify actual results. He is not hearing discussion on specific metrics to use so that when we get to 2020 there are not spreadsheets and databases with different types of mitigation projects that have been done or restoration projects that were done, comparing apples to oranges. Mr. Toevs noted that he has written a white paper concerning this issue. He believes this is important. In order to know what was done resulted in good results, there needs to be an indication of where it started. There also needs to be an objective and results showing it was achieved. There needs to be agreement on these three indicators.

Ms. Swed noted The Service, the Forest Service and the BLM have to grapple with the adaptive management that is called for within their plans, the questions The Service believes that it needs to be able to answer and what sorts of information they are already poised to be gathering so they do not set themselves up for false expectations of the answers that they can reasonably expect to have prior to their review of the listing in 2020. The Service is not interested in debits and records. The Service is interested in the condition of the habitat and if they are poised to address the decline in habitat. This is the fundamental question The Service will need to answer. Mr. Lawrence noted the CCS is based upon actual results. It is a tool that has all the indicators built into it and then it quantifies the credits and debits. Mr. Padilla noted the Forest Service takes the same position as the BLM that the duty to impose management conditions is delegated to the states with the exception of where private interests have delegated that responsibility to the federal agency. He spoke about a private land grazing permit available through the Forest Service where a landowner is delegated the responsibility as part of incorporating their private land in with the overall federal management. They have delegated the management of that to the Forest Service.

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

8. UPDATE ON CONSERVATION CREDIT SYSTEM PROJECTS AND STATUS OF FY 2017 SOLICITATION - *FOR POSSIBLE ACTION*

A. Mr. McGowan provided an update of the current credit projects in the CCS and identified which credits are expected to be available in early 2017, while addressing council questions and/or concerns.

Mr. McGowan reviewed the latest efforts by the SETT to solicit interest in applying for state funding for conservation efforts and generate credits in the system. A letter went out last week. He noted January 9, 2017, is the deadline to submit a letter of interest with any accompanying documentation. The SETT will review the submittals and will select the finalists by January 20, 2017, and will notify the finalists and will help them develop full proposals due February 28, 2017. The SETT will bring these to the Council for final review and approval.

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

Break from 12:27 p.m. to 1:40 p.m.

Chair Goicoechea took Agenda Items 13 and 14 at this time.

9. REVIEW AND POSSIBLE APPROVAL OF THE NEVADA STRATEGIC ACTION PLAN (SAP) FOR IMPLEMENTATION OF THE 2014 GREATER SAGE-GROUSE CONSERVATION PLAN - *FOR POSSIBLE ACTION*

Mr. McGowan stated the SETT added additional information in Sections one through three for clarity, more organization and structure. He noted the overall structure of the SAP is to ensure the local area groups and the conservation districts, those responsible for developing their own priorities for their areas, have the tools necessary to help them with that process. The SETT would play a role and can help them use those tools. Chair Goicoechea noted the Council has been talking about this document for a while and there is a need to get something out. The local groups are key to this.

Mr. McGowan noted the SETT will work with federal agencies, state partners and local groups on this and if changes or other items take place, it will be brought before the Council for review. Mr. Lawrence noted perhaps there should be a Consent Item on Council Agendas to review this document at each meeting if there are changes.

Ms. Andrlé provided a brief overview of Section four. Member Lister noted that he expected to see more structure identified within the plan such as a flow chart of some type, including a communication path.

Ms. Anderson asked about the graphs that show the population trend lek data for each area where there are approximately three or four trend leks. She questioned if the SETT averaged those altogether. Ms. Andrlé noted the figures are from the NDOW. They were not produced by the SETT. It is not delineated perfectly by planning area, but by counties. Ms. Anderson spoke about the reporting of trend and using rate of change instead of peak male counts, because this is the parameter the BLM is tracking for the triggers. She suggested the SETT do this. There was discussion. Ms. Swed noted it is population rate change that The Service is looking at. Ms. Anderson said that this does track back to the RODs. Mr. Lawrence asked if the data was available now. Ms. Andrlé noted she would see what data exists.

Ms. Anderson also stated there may need to be more qualification needed concerning the threat assessments that came out of the COT report. She suggested adding a comment about it. There was discussion.

Mr. McGowan noted there have been discussions concerning the new roles the SETT members will be taking on. He reviewed the different roles that each member be assigned.

Ms. Swed suggested looking at the conservation efforts database to see the metrics it is requiring and see if they are what the SETT can provide. She would also welcome feedback if there are concerns about the metrics. Ms. Swed will verify if anyone can submit metrics into the database. There was discussion.

Member Lister made a motion to adopt the administrative draft of the Strategic Action Plan for 2016 and continue to bring back these recommended changes (the flow charts, threats, etc.); seconded by Member Nappe; motion passed unanimously. ***ACTION**

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

10. REVIEW AND POSSIBLE APPROVAL OF THE BIENNIAL REPORT FOR SUBMITTAL TO THE GOVERNOR - *FOR POSSIBLE ACTION*

Mr. McGowan reviewed the sections of the document for the Council.

Member Emm proposed Page Four, last paragraph should include "tribes" or "Tribal Nations."

Member Swanson made a motion to approve the Report for submittal with the proposed changes, including the addition of the SETT members, and the additional wording on Page Four; seconded by Member Emm; motion passed unanimously. ***ACTION**

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

11. CONSERVATION CREDIT SYSTEM CONTINUAL IMPROVEMENT PROCESS PRIORITY LIST PREVIEW - *FOR POSSIBLE ACTION*

Mr. McGowan reviewed a spreadsheet the SETT compiled concerning improvements and recommendations. The spreadsheet is to update the Council. The final document will be a number of pages and will be brought before the Council for review. It will be on the next Council meeting agenda following the agreement made by the Council to review, revise, and make improvements to the CCS. There is a list of approximately 80 findings; the ones listed on the current spreadsheet are high priority items. Those listed on the spreadsheet will be the ones reviewed at the next meeting. Mr. McGowan reviewed the spreadsheet and provided examples.

Mr. McGowan noted they intend to engage partners, including the NDOW, The Service, etc. from here through the process to ensure they have a level of comfort in what the SETT is proposing and so that the SETT can get guidance from them that will assist in putting recommendations together.

Member Boies asked about the timeline in having credits available. Mr. McGowan noted he anticipates having all the credits from the state funded projects available in early 2017. There was discussion concerning the availability of credits.

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

12. 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 November 10, 2016
- Approved Meeting Minutes from September 13, 2016
- Approved the adoption of the administrative draft of the Strategic Action Plan for 2016
- Approved the Biennial Report for submittal to the Governor

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

- Water: Public and Private Use (Jason King, P.E., DCNR)
- Environmental Quality Incentives Program (EQIP) and the CCS
- Continual Improvements for review and potential approval (SETT)
- Newmont Conservation Agreement Update (SETT and Newmont) – Standing Item

There was discussion concerning the water agenda item. Ms. Gabor noted she would work on getting the Forest Service's water rights person from the regional office to attend. Chair Goicoechea stated he would work on getting some recommendations concerning stock water.

Member Lister requested a spreadsheet concerning the different monitoring or inventory programs to include who is in charge, what they are gathering and where it applies. Mr. McGowan stated the SETT would work on this. It can be posted on the website and updated accordingly.

The Council decided the date of their next meeting:

- Thursday, January 26, 2017, location and time to be determined.

Items still needing dates for a future agenda:

- Federal Legislative Update – Governor's Staff
- Discussion on the implementation of Table 2.2 within the Greater Sage-grouse Land Use Plan
- Review how Powerlines are Weighed in the CCS
- Public Relations, Communications Concerning CCS
- 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

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

13. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service (The Service) – Ms. Swed spoke about a raven workshop that occurred in Palm Springs. The Service will try to have another meeting in a better location and with more notice so those in the sage-grouse arena can be engaged. She spoke about an all hands meeting The Service will be having in November. This is an effort to sustain the sagebrush ecosystem conservation effort. There will be a drafted operations plan to articulate how they will organize themselves well into the future across three regions of The Service and eleven western states. Ms. Swed believes The Service is heavily invested in the decision to not list the species, trying to be successful and maintaining that outcome. To do that they need to figure out how to ensure all conservation measures work. Mr. Wasley noted he had staff members attend the raven workshop. The recent settlement between Wildlife Services and Wild Earth Guardians is requiring an updated EIS or Environmental Assessment (EA) relative to predator removal. Therefore, Wildlife Services are currently prohibited from the "take" of

predators in wilderness study areas until the completion of that. The NDOW will be cooperating as a cooperating agency with wildlife services in this endeavor.

- B. Bureau of Land Management (BLM) – Mr. Ruhs noted the BLM is supportive of the upcoming collaborative workshop/training. It is important. He also spoke about the permittee workshops in January 2017, which is an opportunity to bring people together. It is being done by the BLM, the Forest Service, NDA and the Nevada Cattlemen's association.
- C. US Forest Service – Ms. Gabor noted they have a potential project to be looked at under the CCS. It is in the Ruby Mountains near Mountain City. Raft River Rural Electric wants to replace a powerline that burned in a fire which occurred in 2012. The company originally had not seen a need to replace it, however, they have revised that belief. The area is a Sage-grouse Focal Area (SFA). It is also within the four mile buffer of six leks. The proposal was originally returned because it was not in compliance with the sage-grouse plan amendment. The Forest Service suggested they look at undergrounding the line. Raft River Rural Electric is concerned with the costs so the Forest Service suggested they get in contact with the SETT. There are at least 75 people signed up for the collaborative training. Ms. Gabor will send out an email with additional information on the training at the end of Thanksgiving week. The latest version of the concept paper will soon be posted on the website. This is a living document and changes can be made. An email will go out once it is posted. There was discussion about the powerline.
- D. USDA – NRCS – Mr. Dotson noted NRCS will have a state technical advisory committee meeting with every field office in the state. This is a forum for anyone working in Nevada in agriculture to provide feedback about how their programs are operating so he can take that into consideration. They just hired Julie Malvitz who will be assisting Mr. Dotson with a number of things and reaching out on his behalf. He reviewed staff vacancies and spoke about the CCS and the EQIP. The NRCS position comes from their mission of helping people help the land. They want to provide an opportunity for every agricultural producer in the state to have options to be sustainable therefore he is confident there is space for both of these programs to work. There was discussion.
- E. Other – No update.

14. STATE AGENCY UPDATES AND COMMENTS:

- A. Office of the Governor – Ms. Anderson noted Governor Sandoval did approach the Nevada Attorney General concerning the Bi-state sage-grouse lawsuit and the Attorney General is intervening on behalf of The Service. Bryan Stockton, Nevada Attorney General's Office, noted the motion to intervene was filed a few days ago. Ms. Anderson continued stating the Governor thinks there needs to be support for the Bi-state action plan and the concept of local area working groups doing conservation plans. She noted there are approximately four issues concerning the lawsuit.
- B. Department of Conservation and Natural Resources (DCNR) – Mr. Lawrence noted that before the last Council meeting, he met with Ms. Swed and Ted Koch, The Service, and discussed how to move forward with the CCS now that there are projects on the ground, including getting some assurances from The Service regarding the use of the CCS. The Service still has some questions and needs some clarifications regarding certain items, for example, how to achieve net conservation gain or net conservation benefit. As a result of this discussion, the SETT has reengaged with The Service and their staff going over specific concerns and it has been a positive exchange. Ms. Swed noted she appreciates the resumption of conversations concerning the CCS at the staff and project level. She has heard the conversations have been constructive.

This is the path to addressing the questions The Service has. Concerning the collaborative training that is happening at the end of the month The Service is also excited about it, however, The Service is Regional Directors across the range of sage-grouse has convened an all hands meeting in Denver at the same time as the training so The Service's representation will not be as robust as it could have been. She noted she could use some education on the expectations in terms of the collaborative framework that the Council is seeking to set up. She wondered if it is a forum for identifying where The Service has concerns elevating those concerns through the Governor's Office to then be conveyed to the BLM and the Forest Service, or is it a forum to resolve concerns and possibly seek modifications to commitments in the plans. This is not clear to The Service. It is important for everyone to have clear expectations of what is trying to be achieved. Ms. Swed appreciates and believes there is a need for this dialogue to ensure the broad spectrum of public support for the desired outcomes. She can appreciate the BLM and the Forest Service are the authors of those plans. They have the decision making authority, but fundamentally they serve for The Service as a regulatory mechanism that The Service relied upon for the finding of not listing sage-grouse. Ms. Gabor noted there is no intent to use the process in the short-term to revise the RODs or land use plan amendments. In fact, that potential does not really exist giving how long it takes both agencies to go through land use plan amendments. There may be ideas about changes further in the future. The purpose is to take whatever flexibility is in those and use that flexibility to collaborate and come up with more effective actions and to identify whether there may be opportunities for joint projects. There is no deviation from the RODs. Ms. Anderson stated the intent is to foster collaboration and problem-solving at the ground level. When issues cannot be resolved at the ground level they can be presented to the Council, which is a body of agencies and different perspectives looking at the issue, and the Council would work on the issue and try and come up with a consensus recommendation on how to resolve it or approach it. With Federal Advisory Committee Act concerns the recommendation would go through the Governor's Office back to the BLM or the Forest Service for submission, however, because they are part of the process it will not be a recommendation that cannot be implemented. Ms. Gabor noted that the Forest Service is on the schedule for forest plan revision for 2021 so this would be an opportunity to put things aside for consideration. There was discussion.

Mr. Lawrence also provided some background on the new director for the Department of Conservation and Natural Resources, Brad Crowell, who will start on December 12, 2016.

- C. Department of Wildlife (NDOW) – Mr. Wasley provided updates on monitoring efforts. The NDOW is working on a new contract with the University of Nevada Cooperative Extension to continue the facilitation of local working groups within Lincoln, north central, and Bi-state planning areas. Meetings were recently held for the north central working group. A Bi-state technical advisory meeting was held yesterday to discuss sage-grouse monitoring efforts and begin work on the Bi-state action plan, a progress report for 2016, and development of a two page flyer on Pinyon-Juniper extent and encroachment (historic versus current). They also discussed standardization of vegetation treatment on monitoring methodologies. Staff and administrators from the NDOW attended the WAFWA sagebrush conservation strategy workshop in Denver. It was held to further the sage-grouse conservation effort in the western US, address other species of conservation need besides sage-grouse and further prioritize habitats for conservation and restoration purposes from a multi-species standpoint.

Chair Goicoechea asked about any studies or data about why there was poor nest success in certain areas. Mr. Wasley noted there was additional work being done to try and provide some explanation. Ms. Andrie noted that she worked on these projects with the USGS. She noted it is the first year for these field sites (Santa Rosas and Monitor Valley) and the sample sizes were low as work started there this spring. Getting a high enough sample size to track and follow birds is difficult. You cannot draw any conclusions from the low sample size in a one year study.

- D. Department of Agriculture (NDA) – Mr. Barbee noted the NDA has a new range position they hired for in Elko. This position is responsible for building the instruction portion of the range monitoring app, which should be ready this spring. This app is free and will be put out for use not only in Nevada, but in neighboring states. Additionally, with Mr. McGowan’s promotion there is an opening on the SETT for the NDA position. The position will be open in the state system by the end of next week.
- E. Conservation Districts (CD) Program – No update.
- F. Sagebrush Ecosystem Technical Team (SETT) – Mr. McGowan noted a few weeks ago the SETT worked with the Nevada Cattlemen’s Association and did a tour around the area. They met in Eureka, Elko and Winnemucca with landowners/ranchers. They were able to spread the word on the CCS. The SETT has been working on putting the final touches on some of the financial assurances. They are close to having something ready for submittal.
- G. Other – No update.

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

15. PUBLIC COMMENT

Member Lister noted that at the raven workshop the big focus was on fertility control.

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

- 16. **ADJOURNMENT** – Member Nappe made a motion to adjourn; seconded by Member Lister; meeting adjourned by acclamation at 3:31 p.m. ***ACTION**