



STATE OF NEVADA  
**SAGEBRUSH ECOSYSTEM COUNCIL**  
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**DRAFT MINUTES**

**Date:** Thursday, September 14, 2017  
**Time:** 8:30 a.m.  
**Place:** Nevada Legislature – Room 4100  
401 South Carson Street, Carson City, NV 89701

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:** J.J. Goicoechea, Chris MacKenzie, Steven Boies, Bevan Lister, William Mollini, Gerry Emm, Bill Dunkelberger, Marci Todd for John Ruhs, Justin Barrett for Carolyn Swed, Meghan Brown for Jim Barbee, Bradley Crowell and Jim Lawrence.

**Council Members Absent:** Allen Biaggi, Sherman Swanson, Ray Dotson, Carolyn Swed, John Ruhs, Tony Wasley and Jim Barbee.

- 1. CALL TO ORDER** – Chairman J.J. Goicoechea called the meeting to order at 8:34 a.m.
- 2. PUBLIC COMMENT** – Doug Busselman, Executive Vice-President of the Nevada Farm Bureau expressed concerns with regard to Secretary Zinke's Order No. 3353. Kim Summers, Ranch Manager of RDD., Inc., inquired if the Sagebrush Ecosystem Council (SEC) would provide him with information regarding clay mine core sampling being performed and any mitigation occurring on those sites. Mr. Summers also expressed concern with Secretary Zinke's Order No. 3353, as well as fire hazards near the RDD property.
- 3. APPROVAL OF AGENDA – \*FOR POSSIBLE ACTION**  
*Approval of agenda for September 14, 2017* – Member Gerry Emm moved to approve the agenda; seconded by Member Chris MacKenzie; motion passed unanimously. **\*ACTION**
- 4. APPROVAL OF MINUTES – \*FOR POSSIBLE ACTION**  
*Approval of minutes from the meeting held on August 3, 2017* – Mr. Bill Dunkelberger, Humboldt-Toiyabe Forest Supervisor, United States Forest Service (USFS) noted an error in the minutes under federal agency updates, last sentence. The sentence should read: "Mr. Dunkelberger also reported that the BLM *and the USFS* recently established a protocol and process to notify the SETT on forest service projects which may impact sage-grouse and confer cooperating agency status to the SETT." Member Steven Boies made a motion to approve the minutes with the correction; seconded by Member MacKenzie; motion passed unanimously. **\*ACTION**

## 5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE –

Council members may make comments at this time and the Program Manager will bring forward any pertinent correspondence directed to the Council.

Mr. Jim Lawrence, Deputy Director, Department of Conservation and Natural Resources (DCNR) advised the SEC that there would be a Pay for Performance Workshop held at the Lawlor Events Center, University of Nevada, on September 19<sup>th</sup> and 20<sup>th</sup> and invited interested parties to attend.

## 6. UPDATES ON THE CURRENT YEAR'S FIRE ACTIVITIES INCLUDING FIRE BREAKS, MAINTENANCE, EFFECTIVENESS, REHABILITATION EFFORTS, AND IMPACTS TO SAGE-GROUSE HABITATS. - \*FOR POSSIBLE ACTION\* Kacey KC, Acting State Forester/Firewarden, Nevada Division of Forestry; Paul Peterson, Acting Associate State Director, BLM

Mr. Paul Peterson clarified that he is now the State Fire Management Officer for the Bureau of Land Management (BLM). Mr. Peterson provided the SEC with a Nevada BLM Fire Briefing/Update handout and tables delineating the number of acres burned in sage-grouse habitat, by state, copies of which are available on the Program's website. Mr. Peterson stated that currently, Nevada is on a national fire preparedness level 5, which is the highest preparedness level in the nation. Mr. Peterson outlined the resources being utilized by the BLM throughout Nevada, including crews, retardant and equipment. Mr. Peterson further outlined BLM's prevention, education and awareness campaigns, and discussed the Winnemucca Mobilization Center. Mr. Peterson demonstrated, via computer link, the Nevada Fire Map, which is maintained by the Nevada BLM. The map displays fire perimeters, current fires, weather, and lightning and red flag warnings. Mr. Peterson then discussed BLM's fuel programs and the fires which impacted fuel breaks, as well as the number of acres treated and maintained by the BLM, this fiscal year and for the near future. Ms. Kacey KC, Acting State Forester/Firewarden for the Nevada Division of Forestry (NDF) added that as planners, NDF knew this was going to be a bad fire season, due to the historic 2016/2017 water year, and with agencies working together, staff was augmented appropriately. Ms. KC advised that NDF treats approximately 5,000 acres per year on both state and private land and the majority of its funding for fuel reduction projects is provided by the USFS, through their state and private forestry program. Ms. KC noted that fuel breaks are effective, but they must be paired with other projects, such as grazing and thinning, in order to remain successful. Ms. KC advised the SEC that funding has been granted for the previously defunct Nevada Fire Safe Council and the program will be slowly rebuilt and hiring will begin sometime during November of this year. Ms. KC further advised that NDF has a similar fire map to BLM, the Nevada Natural Resource Fire and Information Portal, which is available to all landowners and land managers. Mr. Bradley Crowell, Director, DCNR, noted that on September 13, 2017, that the Secretary of the Department of the Interior (DOI) announced that the agency would begin work on aggressive tree thinning. Mr. Crowell asked if there was any information available as to what that program would look like and if there may be a nexus with sage-grouse. Mr. Peterson advised that the BLM has not received additional direction at this time on this subject. Mr. Dunkelberger stated that USFS has not been directed to adhere to that interior order, but fuel reduction is critical and so is the initial attack. Chair Goicoechea asked what the SEC could do, in a formal manner, to assist and draw attention to this matter. Mr. Peterson responded that no one single agency can accomplish these tasks by themselves; it will require multiple partnerships and sufficient funding. Mr. Dunkelberger brought up the issue of fire-borrowing, noting that USFS borrowed \$400 million from its appropriated funds in order to fight fires, leaving less funding for fuel reduction projects and management of recreation sites. Mr. Dunkelberger said that perhaps the SEC could lend its support by urging Congress to find a solution to the fire-borrowing issue. Mr. Crowell noted that the funding pressures are real, and when federal funds are reduced it strains the state's ability to do more than fight the fires closest to it, leaving restoration and mitigation work without the funds to complete the treatment projects. There was further discussion and comments from the members, which is available on the audio recording located on the Program's website. Chair Goicoechea discussed the possibility of drafting a letter from the SEC to the congressional delegates and Nevada legislators urging a solution of fire-borrowing and asking for proper funding of restoration and protection projects. The council agreed that a letter would be drafted and brought back for approval by the SEC at the next meeting.

A full account of the discussion is captured in the audio recording, which is available on the Program's website. **\*NO ACTION**

## **7. REVIEW AND DISCUSSION OF CONSTITUENT INPUT AND FORMATION OF A SAGEBRUSH ECOSYSTEM COUNCIL (SEC) RESPONSE TO SECRETARIAL ORDER 3353 -**

**\*FOR POSSIBLE ACTION\*** Pam Robinson, Policy Director, Governor's Office, Marci Todd, Acting State Director, Nevada BLM, Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS

Ms. Marci Todd provided an opening statement for the SEC stating that when the Secretarial Order was issued in June, the BLM began to identify the topics in an inclusive, collaborative and productive manner. Ms. Todd stated that in response, the BLM produced a report titled, "Clarification/Policy/Amendment-NEVADA," a copy of which is located on the Program's website. Ms. Todd advised that Matthew Magaletti, BLM Greater Sage-grouse Implementation Lead, would be reviewing a PowerPoint presentation entitled, "Review of Secretarial Order 3353 – Greater Sage-Grouse Conservation and Cooperation with Western States Recommendation Report," a copy of which is located on the Program's website. Ms. Todd asked that the SEC, while reviewing this report, keep three items in mind — were the issues and recommendations, as they appear in the report, adequately identified; are there additional issues and recommendations for consideration; and are there subsequent steps for future and ongoing stakeholder engagement. Mr. Dunkelberger added that another item to keep in mind was identifying what changes, if any, could be made administratively versus changes to the National Environmental Policy Act (NEPA) or current regulations and also, are these issues Nevada specific or are they range-wide. Mr. Magaletti began by noting that the goal of the BLM is to ensure that it accurately captures the concerns of the SEC with the BLM's current plans and policies. Mr. Magaletti said that if the SEC does have concerns, they will be elevated to the Sage-Grouse Task Force (SGTF). Mr. Magaletti provided a quick overview of the underlying intent of Secretarial Order No. 3353, as follows:

- 1) Establish a team to work with the SGTF to review BLM sage-grouse policies and plans:
  - a) To ensure they adequately compliment state efforts to conserve the species.
  - b) To identify provisions that require short and/or long term modifications to give weight to the value of energy development on public lands.
- 2) Examine issues associated with preventing and fighting the proliferation of invasive grasses and wildland fire.
- 3) Examine impacts on individual states disproportionately affected by the large percentage of federal lands.
- 4) Provide recommendation on captive breeding, opportunities to enhance state involvement, and the efficacy of target populations on a state-by-state basis.

Mr. Magaletti then led the SEC through the BLM's process for the development and submittal of the report to Secretary Zinke. Mr. Magaletti notified the SEC that the report was submitted on August 4, 2017, and Secretary Zinke directed Deputy Secretary David Bernhardt to being immediate implementation and research of the recommendations contained in the report. Mr. Magaletti noted that the report contains both short and long term recommendations, defining short term recommendations as those that can be implemented without amending the current Greater-Sage Grouse Resource Management Plan (RMP). Mr. Magaletti said that short term recommendations could include changes in policy, such as instruction memorandums (IM), recommendations such as clarification, the development of white papers and the training of staff and partners. Mr. Magaletti noted that the long term recommendations would require an amendment to the RMP, which requires scoping, public outreach and involvement. Mr. Magaletti continued with the PowerPoint presentation with the issues brought forth by the Western Governors Association Sage-Grouse Task Force. Mr. Magaletti started with Topic Area 1: Oil and Gas Stipulations and Leasing, noting that it was unclear if the priority habitat management areas (PHMA) and the general habitat management areas (GHMA) already provide protection from fluid mineral development negating the need for additional Sagebrush Focal Areas (SFA) protections; concerns with PHMA No Surface Occupancy (NSO) stipulation's waiver, exception and

modification (WEM) language; and the differences between state disturbance cap calculations and those in the BLM plans. Mr. Magaletti reminded the council members that in the BLM plan, the anthropogenic disturbance cap is currently 3% for PHMA within project planning area boundaries, as well as biologically significant units (BSU) boundaries. Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Complete a state/BLM plan cross walk to determine if PHMA stipulations already provide enough durability within SFAs.
- 2) Work with states to develop new WEM language for PHMA (recognizing the State's mitigation hierarchy) and determine if new language can be adopted through maintenance or an amendment.
- 3) Rescind existing lease prioritization policy and issue state specific policies/solutions.
- 4) Verify if the disturbance protocols are different between the state and the BLM. Train staff/partners on which is considered disturbance, and accelerate restoration.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Eliminate or remove SFA stipulations.
- 2) Adopt new state-specific WEM language.
- 3) Clarify disturbance types and requirements.

Chair Goicoechea asked if changes to anthropogenic disturbances could be implemented by plan maintenance, or would that require a plan amendment. Mr. Magaletti replied that if the BLM added or removed a disturbance type, it would evaluate the disturbance to determine if the change was editorial in nature, or if a public participation process would be required, thereby requiring a plan amendment. Chair Goicoechea noted that Topic Area 1 captured most of the SEC's concerns regarding the oil and gas stipulations and leasing, but asked why the SFA boundary mineral withdrawal topic was not addressed in the report. Mr. Magaletti stated that is a separate process, the SFA withdrawal segregation is scheduled to expire and the Department of Interior (DOI) will decide on whether to pursue the no action alternative, or other alternatives analyzed in that process. Chair Goicoechea replied that this is a concern for Nevada and will play a large part in what they choose to pursue as an SFA. Mr. Lawrence said that the issue of area disturbance caps is much broader than just oil and gas. Member Lister asked if the removal or elimination of SFA stipulations is the same as removing or eliminating the SFAs. Mr. Magaletti replied in the negative and that this long term recommendation would simply remove the stipulations and management actions attached to the SFA and that Topic Area 9 will cover amending the plan to remove SFA boundaries altogether. Member Boies asked if the 3% disturbance cap includes existing disturbance or is that new disturbance. Mr. Magaletti replied that it includes existing disturbance and if the disturbance was already at 3% there would be no new disturbance added. Member Boies asked for clarification of WEMs. Mr. Magaletti replied that waivers, exceptions and modifications are the three tools associated with no surface occupancy (NSO) and, as an example, oil and gas developers can not disturb an existing surface disturbance, however they could apply to the BLM for a waiver, exception or modification and that process, which would be facilitated with the state, the Nevada Department of Wildlife (NDOW), United States Fish and Wildlife Services (USFWS), as well as BLM and USFS. Mr. Dunkelberger asked if it was Secretary Zinke's recommendation to standardize the WEM language across all states. Mr. Magaletti said that he believed that would depend on the state and the BLM should work with the states to develop language that fits for each state. Mr. Dunkelberger noted that the USFS WEM plan is different, in that the applicant would apply to the USFS Forest Supervisor, who would then confer with the regional forester and a decision would be made. Chair Goicoechea asked Mr. Dunkelberger if the SEC would be consulted during that decision making process. Mr. Dunkelberger said that he would reach out to the SEC, as well as NDOW and USFWS, but it is not prescribed in the USFS plan. Chair Goicoechea expressed his concern with that procedure and believes that the SEC should be involved and should be included moving forward. Member MacKenzie stated that the underlying tone from the SEC is that the council advocates for the Nevada Greater-Sage Grouse Conservation Plan and the Conservation Credit System (CCS).

Mr. Magaletti continued with Topic Area 2, titled Mitigation and Net Conservation Gain and provided that the issue is inconsistent mitigation standards and confusion with the term "net conservation gain." Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Clarification – define net conservation gain, as contained in the BLM plans.
- 2) Evaluate – State's mitigation approach to determine if it meets the intent of a net conservation gain.

- 3) Policy – consider options to use the state’s mitigation standard, if it meets the intent of the mitigation standard in the BLM plans.
- 4) Complete a Memorandum of Understanding (MOU) with the state on application of the state’s mitigation approach and verify where mitigation should occur based on what would be most beneficial for the species. If the MOU does not address issues, develop new policy/MOU.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Change net conservation gain standard to use state’s standard and evaluate the need for a plan amendment to comply with potentially new DOI mitigation policy.

Mr. Magaletti said that the DOI is reevaluating the BLM’s existing mitigation policy, and if revised, the BLM would need to change the mitigation standard in its plans. Chair Goicoechea asked if that policy changes are made would National Environmental Policy Act (NEPA) be required to incorporate that new policy into the plan. Mr. Magaletti responded affirmatively. Ms. Sheila Anderson, Office of the Governor, noted that the state plan has a method to quantify the net conservation gain through credits, and it is possible that part of the plan could become standardized with other states.

Mr. Magaletti continued with Topic Area 3, titled Habitat Assessment Framework, Habitat Objectives and Effectiveness Monitoring stating that the issues contained in Topic Area 3 are that they are unclear how habitat objectives, plan effectiveness reporting, Assessment, Inventory and Monitoring (AIM) and Habitat Assessment Framework (HAF) assessments are related and will be used; unclear how HAF is being implemented; need clarity on how to use AIM data to determine plan effectiveness; and the need to adjust habitat objectives tables to match the state’s. Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Policy – Develop new policy on how to integrate habitat objectives, land health standards, and land use plan effectiveness; how to use existing data and legacy data (specifically during land health standard evaluations); and clarify the scales and the appropriate data used at each scale.
- 2) Training – Continue staff/partner training on use of AIM and HAF data.
- 3) Policy – Issue new IM to clarify purpose of HAF and its relationship to AIM and habitat objectives, how to prioritize assessments, and a statement that HAF should not just be used for grazing, but all public land uses.
- 4) Policy – Issue new IM to clarify the intent, purpose and use of the habitat objectives table and flexibility provided and BLM’s process to adjust objectives based on ecological site potential and state and transition models.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Modify the habitat objectives in the BLM plan.

Member Boies noted some concerns with the AIM approach and asked how that can be portrayed in this document. Member Magaletti stated that one of the challenges is the HAF, as well as AIM, is that they are not decisions contained in the land use plan (LUP), they are policies and procedures that the agency has adopted. Mr. Magaletti believes this concern should be elevated and articulated back to the SGTF for a possible short term recommendation. Member Lister noted that the BLM has historically been unable to conduct effective monitoring in a timely manner, and asked how that will change with AIM. Mr. Magaletti responded that the intent of AIM is to create a consistent methodology to monitor lands across the west and AIM is basically formalizing that process. Mr. Magaletti is hopeful that this report will educate Congress and they will recognize that the BLM requires resources to monitor those lands. Member Lister said that the Rangeland Monitoring Handbook has proven to be tremendously effective on Nevada’s landscapes and that the management policies contained therein should be adopted by the BLM. Ms. Anderson interjected that this could be a state-specific recommendation utilizing the habitat description language contained in the state plan, as well as reinforcement of the Rangeland Monitoring Handbook.

Mr. Magaletti continued with Topic Area 4 titled Adaptive Management and noted that the issues are a need for causal factor analysis once a soft and hard trigger is reached; a need for reversion of hard trigger responses once conditions improve; and ensure hard trigger responses are pertinent to the cause of the population or habitat decline. Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Policy – Clarify in a new (or modified) IM that causal factor analysis are required for soft and hard triggers and work with states to identify a causal factor analysis process.
- 2) Investigate ways with the state as to how to revert a hard trigger response back to previous management once conditions improve.
- 3) Work with states to develop a process to ensure hard trigger responses are pertinent to the cause for the population/habitat decline.
- 4) Policy – modify existing IM (or issue new state-specific IM) to address advance coordination with States and partners before any adaptive management responses are employed.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Consider allowing reversion to previous management from a hard trigger response once population/habitat conditions improve.

Mr. Magaletti clarified that in this report, project specific adaptive management is not addressed, but land use plan level adaptive management is and this has been a difficult item in terms of BLM's existing regulations and the incorporation of adaptive management into the plan without having to initiate a new NEPA process. Mr. Magaletti said that all state plans, throughout the west, contain soft and hard adaptive management triggers and the BLM, through collaboration with USFWS, identified the need to have a clear response to hard triggers. Mr. Magaletti stated that in the current plan, in order for the BLM to remove a hard trigger response a plan amendment would have to be pursued. Member Boies believes that the language needs to be revised to utilization objectives and consultation between permittees and range specialists and states that there was not enough grass-roots discussion and collaborative efforts when the amendments were produced. Mr. Justin Barrett, USFWS, asked if Mr. Magaletti could provide an explanation of hard triggers and whether or not habitat objectives would fall under UFSWS' triggers. Mr. Magaletti defined a soft trigger as an alert that the bird population or habitat is declining in some manner. The BLM plan has 3 scales for evaluation: the lek scale, the lek cluster scale, and the biologically significant lek scale and utilizes the United States Geological Survey (USGS) model, prepared by Dr. Peter Coates, for the population piece to decipher the level of decline. Mr. Magaletti stated that the reason why habitat objectives are not tied to that adaptive management is because the BLM looks, not only at the habitat, but also at the population numbers and the triggers for habitat associated with the percent of anthropogenic disturbance, rather than the achievement of habitat indicators. For clarification, Chair Goicoechea asked that if a hard trigger is hit and action is taken, no matter what the causal factor is, and conditions reverse, that hard trigger will stay in place. Mr. Magaletti responded in the affirmative. Member Lister offered that from his perspective, the BLM is not an active land manager, but manage the permits on the land, so when a hard trigger is affected, the BLM manages whatever permits it can to address that trigger, exclusion or protection. Member Lister noted that if a wild horse herd damages a spring, creating a hard trigger, BLM's management tool is to remove the livestock operator demonstrating why it is essential for a causal factor determination. Mr. Magaletti responded that the BLM uses the term "trigger" to delineate thresholds identified in grazing permits which incorporate thresholds and responses into existing grazing permits which do require a causal factor analysis.

Mr. Magaletti continued with Topic Area 5, titled Grazing, noting that the issues contained in Topic Area 5 are the need to clearly articulate that proper grazing is compatible with enhancing or maintaining Greater Sage-Grouse (GRSG) habitat; causal factor analysis must be completed and grazing should be determined to be the causal factor prior to making changes to a grazing permit; and the need to incorporate flexibility in allotment prioritization process. Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Policy – Revise existing grazing IMs to:
  - Clearly articulate that proper grazing is compatible with and can be beneficial to manage quality GRSG habitat.
  - Develop methods to quickly assess and report conditions on areas where proper grazing is occurring and supporting quality habitat, and focus and place emphasis on problem areas.
- 2) Continue to pursue targeted grazing and outcome based grazing pilots to further demonstrate ways to control fuels and improve habitat conditions.
- 3) Clarify that existing regulations allow Animal Unit Month (AUMs) to increase based on forage availability.
- 4) Training – to staff and partners on how permits are currently modified.

Mr. Magaletti stated that there were no long term recommendations for this topic at this time. Chair Goicoechea asked if the recommendation was correct in stating, "...if the causal factor analysis must be completed and grazing should be determined to be **the** causal factor"...not **a** causal factor. Mr. Magaletti responded in the affirmative. Chair Goicoechea also asked, for clarity, if the BLM has begun working on the recommendation regarding clarification of existing regulations to allow AUMs to increase based on forage ability. Mr. Magaletti responded that BLM is in the beginning stages of this process, but the momentum is there to address the flexibility. Meghan Brown, Nevada Department of Agriculture (NDA) responded that there appears to be momentum out of the Washington office and at the state office level, however, local offices may be overwhelmed with the workload this recommendation may require. Ms. Brown stated that it was important to look at it from a state-level perspective, but also to ensure that the local offices receive the support required to implement the plan. Member Boies asked if there are existing regulations that allow AUMs to increase based on forage availability. Mr. Magaletti responded affirmatively. Member Boies then stated that if he asked for an AUM increase in a pasture for a badly needed fuel reduction project, the local BLM office would not grant the AUM increase, demonstrating the disconnect in the local BLM offices. Ms. Todd recognized that the situation does exist and they will communicate with the district offices to discuss these concerns and to provide support to the local offices as necessary. Mr. Barrett remarked that the USFWS strongly supports these efforts, and suggested a clarification on the training piece recommendation be changed from "Training – to staff and partners on how permits are currently modified," to "Training – to staff and partners can be modified to incorporate flexibility." Mr. McGowan asked if it was possible to add a long term recommendation adjusting the grazing plan to allow for greater usage of targeted grazing on allotments which are primarily annual grass dominated. Mr. Magaletti responded that he will bring that recommendation to the SGTF. Chair Goicoechea reiterated that the SEC needs to see the clarification from BLM on the existing regulations which allow AUMs to increase. Member Mollini expressed his concern with fuel reduction utilizing grazing, noting that he is fully supportive of the removal of cheat grass via appropriate grazing, however, he is concerned with the impact to perennial vegetation, and ultimately, sage-grouse habitat.

Mr. Magaletti continued with Topic Area 6, titled Exclusion/Avoidance Land Use Plan Designations, noting that the issues contained in Topic Area 6 are that the designation of exclusion areas may sometimes differ from the state's approach; concern as to how maintenance and production activities for already authorized activities are being managed; mineral material sales (sand and gravel) closed areas; valid existing rights; misinterpretation of "avoidance"; and the plans do not recognize the state's guidance that some activities are "de minimis". Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Evaluate – Complete an evaluation of state approaches and plan flexibilities compared to BLM land use plan designations.
- 2) Policy – Develop a new IM that clarifies that maintenance and production activities for already authorized uses are allowed for in PHMA and GHMA.
- 3) Evaluate mechanisms to provide conservation while also accommodating the need for mineral materials sales in PHMA.
- 4) Provide clarification to staff and partners, so there is a clear and consistent understanding of application of plan actions to valid existing rights.
- 5) Policy and Training – Develop state-specific IMs that explain what avoidance means and how to apply avoidance criteria and provide training for staff on how to implement this criteria and where there is flexibility.
- 6) Investigate "de minimis" activities as defined by the states and determine if any tools are available for use in federal processes to streamline approval.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Adjust exclusion or closed boundaries or evaluate new restrictions for different uses based on local threats
- 2) Develop programmatic NEPA documents to analyze impacts for tiering of future projects and identify categorical exclusions for "de minimis" activities.

Chair Goicoechea inquired how the BLM would address the issue of existing rights. Mr. Magaletti stated that if there was an existing right, such as a powerline in PHMA, the BLM must respect the stipulations and the authority contained in the grant, however, numerous existing grants have time restrictions and after 30 years

they must be renewed. Prior to renewal, the BLM could review what types of new sage-grouse plan amendment stipulations should be applied to the existing authorization. Member Lister inquired how water rights would be captured in this policy, as that issue is not addressed. Mr. Magaletti stated that if a new policy is developed, the BLM would be sure to address that issue.

Mr. Magaletti continued with Topic Area 7, titled Required Design Features, noting that the issues contained in Topic Area 7 is the need for greater flexibility in using state developed required design features (RDFs); a requirement to include discussion on all RDFs in NEPA; and the lack of consistent application of RDFs in the field. Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Clarify that the BLM plans provide flexibility to select RDFs appropriate to projects and to use other RDFs, including state RDFs, if they achieve equal or better conservation.
- 2) Evaluate the need for templates and streamlined processes to standardize the evaluation of RDFs.
- 3) Training – Provide clarification that RDFs are not “one size fits all” and do not apply to all activities. Also, provide clarification to staff and external partners on when and how to use RDFs.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Plan amendment may be considered to reflect which RDFs are commonly used to align with measures in the state plans, and avoid repeated consideration of RDFs that are never used.

The council did not have any questions of Mr. Magaletti regarding this topic area.

Mr. Magaletti continued with Topic Area 8, titled Lek Buffers, noting that the issues contained in Topic Area 8 are that Lek buffer distances are incompatible with state buffer distances for some types of development; and the need to clarify how to apply lek buffers (e.g., distance for NEPA analysis vs. distance to restrict activities).

Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Provide clarification to staff and partners regarding the use of lek buffers and justifiable departures and re-visit the scientific literature pertaining to lek buffer distances.
- 2) Training – Provide clarification to staff and external partners for how the lek buffer appendix should be used to potentially adjust lek buffers noted in the BLM plans based on project specific information.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Adjust lek buffer distances based on new science and high quality information.

Mr. Magaletti advised the SEC that in 2014, the director of BLM asked that the USGS provide a report on appropriate lek distances and the impact from various activities and that lek buffer appendix and the decisions were then adopted in the sage-grouse plan amendments in 2015. Member Boies noted that in particular, language is contained in the BLM plan that cattle could not be turned out into a pasture within a certain distance of a lek which is an example of issues which need to be reviewed. Mr. McGowan advised the SEC that the staff report provided to the council contains a description as to how the lek buffers were established in the state plan.

Mr. Magaletti continued with Topic Area 9, titled Habitat Management Area Boundaries, noting that the issues contained in Topic Area 9 are the SFA designations; and the need for flexibility to change PHMA and GHMA boundaries. Mr. Magaletti provided short term recommendations suggested by the SGTF as follows:

- 1) Determine the habitat type and associated management actions that underlay SFAs to ensure durable and effective conservation of the species.
- 2) Evaluate the ability to adjust PHMA/GHMA boundaries and their associated management actions to match revised habitat maps without having to conduct a plan amendment.
- 3) Develop policy on how to apply management actions, such as stipulations or land use allocations in areas where PHMA or GHMA do not match habitat maps.

Mr. Magaletti presented the long term recommendations as follows:

- 1) Remove SFA designations and replace their management actions with those attached to PHMA or GHMA or modify only the SFA management actions.
- 2) Align PHMA, GHMA and Other Habitat Management Areas (OHMA) (and their associated management actions) to revised habitat maps and develop criteria for making future adjustments to habitat management area boundaries.



Mr. Magaletti advised the SEC that the SFA designations were a concern of the majority of the participating states. Mr. Magaletti said that the BLM and the USFS are utilizing maps from September 2015, however, in December of 2015, NDOW and DCNR adopted new maps, which have not yet been adopted by BLM. Mr. Magaletti continued with Topic Area 10, titled Wildland Fire and Invasive Species, noting that the recommended additional steps contained in Topic Area 10 contain:

- 1) Continue to work on the ongoing Integrated Rangeland Fire Management Strategy and the 2006 Western Association of Fish and Wildlife (WAFWA) Sagebrush Conservation Strategy.
- 2) Support Intermountain West Joint Venture to implement a Sagebrush Ecosystem Communications Framework – Sage West.
- 3) Support the development of the Western Invasive Weeds Action Plan.
- 4) Implement DOI's National Seed Strategy for Rehabilitation and Restoration.
- 5) Support agreements between BLM, USFS and the Natural Resources Conservation Service (NRCS) to improve coordination with landowners and promote cross-boundary projects that address invasives and wildland fire.
- 6) Explore options for shared funded positions and sharing fire equipment with local rangeland fire protection associations and rural fire departments.
- 7) Use good neighbor authority to promote the easy transfer of funds.
- 8) Promote increased coordination with federal agencies and local governments.
- 9) Explore options for multi-jurisdictional funding across boundaries.
- 10) Move towards a risk-based funding approach at DOI.
- 11) Conduct research and implement pilots.
- 12) Continue investigating the use of targeted grazing and other tools to manage fuels and create fuel breaks.
- 13) Work with other agencies to gain approval of concurrent Environmental Protection Agency (EPA) registration and field-testing bio pesticides and chemical herbicides to expedite this process.

Mr. Magaletti continued with Topic Area 11, titled Wildlife Management, noting that the recommended additional steps contained in Topic Area 11 are:

- 1) Captive Breeding
  - If pursued, efforts should use experimental designs to build on already available information and data, including addressing knowledge of data gaps to effectively rear sage-grouse in captivity for successful release or reintroduction in the wild.
  - Adhere to all relevant state laws and authorities for potential release and reintroductions.
- 2) Predator Control
  - Continue to communicate on outcomes of past predator control effort, including methods, species controlled and the long term results.
  - Conduct additional research into both non-lethal and lethal predator control techniques.
- 3) Population Targets and Species Management
  - Support collaborative efforts with the states to develop range wide, state and local population estimates.
  - Develop a framework to assess sage-grouse population trends, determine biological effectiveness of management actions, and identify emerging issues to adaptively conserve sage-grouse.
  - Work collaboratively with states and federal partners to develop new and improve existing processes to evaluate sage-grouse population information, habitat conditions, and conservation efforts.

Member MacKenzie stated his concern regarding spending resources on a captive breeding program, noting that it will not matter how many sage-grouse are introduced if the habitat or conditions cannot support the birds. Member Mollini agreed, adding that the mortality rate of captive bred birds is astronomical and believes the program would be a waste of dollars. Chair Goicoechea also agreed noting the problems with captive breeding, disease being one issue and cannot, at this time, endorse captive breeding. Chair Goicoechea said that with regard to population targets, it appears that population estimates would be developed, however, his reading of the report contradicts that. Chair Goicoechea said that the SEC will need clarification on population

targets. Mr. Dunkelberger stated that it was his understanding that the Dr. Coates viability model for Greater Sage-Grouse was being utilized for population targets, which analyzes population trends and assesses long-term viability, but not necessarily looking at hard population numbers. Mr. Magaletti affirmed that the BLM is using that model for adaptive management trends. Mr. Magaletti also advised the council that the states in attendance at the SGTF meetings relayed their concerns with captive breeding and population targets and he would encourage the SEC to present their objections to solidify those concerns. Member Boies noted that population levels will never be achieved if predator control is not addressed. Chair Goicoechea agreed and stated the he would like to see an action item in front of the SEC encouraging the USFWS to increase the targeted predator take due to impact on the sage-grouse population. Mr. Mollini agreed with regard to the discussions on captive breeding and in particular, relative to the potential for disease spread, and supports targeted predator control. Chair Goicoechea reminded the council of a previous SEC meeting wherein seasonal targeted raven control was discussed when ravens are relying on landfills and roadkill as a food source. Chair Goicoechea stated that possibly raven control could be conducted during the time period when they are most vulnerable. Mr. Barrett said that the raven issue is being addressed at the USFWS regional office in Sacramento and he believes that the agency would support the three tier approach outlined in the state plan. Chair Goicoechea summarized that with regard to Topic Area 11, the SEC does not support captive breeding, population targets and supports increased targeted predator control.

Mr. Magaletti continued with Topic Area 11, titled Wildlife Management, noting that the recommended additional steps contained in Topic Area 11 are:

- 1) Establish data sharing agreements between federal, state and local entities.
- 2) Maintain a directory of data stewards and technical experts for all agencies.
- 3) Improve procedures for maintaining data in mutually developed catalogs.
- 4) Increase use of common communication tools to increase awareness of new data.
- 5) Establish minimum data standards for information in shared catalogs for use in agency decision making.
- 6) Identify multiscale spatial data units that could be used to aggregate data to increase opportunities for use of information when raw data contains sensitive or proprietary information.
- 7) Continue to work with states and others to identify barriers to data sharing.
- 8) Work with states and tribes to explore ways to improve data sharing for capturing observations of species, as well as local and traditional ecological knowledge.

Chair Goicoechea noted that there should be a long term goal of incorporating the science and data into the plan so that a plan amendment is not required each time new science is brought forward. Mr. Magaletti said that he has heard the concerns of the SEC and that additional stakeholder outreach needs to occur. Mr.

Magaletti then outlined the next steps contained in the report as follows:

- 1) In coordination with the SGTF, hold discussions with counties, local governments and tribes, as well as ranchers, landowners, industries, conservation organizations and other interested parties, to review the issues and recommendations included in this report, and identify any additional issues or recommendations for consideration.
- 2) Review input from other partners, and make any further adjustments to recommendations at SGTF meeting scheduled after the public outreach phase (estimated at the end of October, 2017).
- 3) Develop the evaluations, policies and clarifications identified as short term options in this report to address improvements that can be quickly implemented.
- 4) For longer term options that include potential plan amendments, further refine the issues and potential solutions, including evaluating state-specific solutions and assessing potential additive effects of the proposed changes and the continued ability to achieve conservation of GRSG.
- 5) Review short term actions and evaluate the need for additional short or long term actions, including potential plan amendments as appropriate, in collaboration with the SGTF (estimated in January 2018).

Ms. Brown stated that Secretary Zinke had put forward NEPA streamlining and asked if that will affect the potential Environmental Impact Statements (EIS). Mr. Magaletti responded that the Secretary had signed Order No. 3355, setting time and page limits for EISs, but it is unclear how that Order corresponds with some of the planning regulations. Ms. Todd noted that in addition, the Secretarial Order specifically spoke to infrastructure projects and the BLM is not sure what that will encompass. Ms. Todd stated that the BLM has

thirty days from the time of signing the order to receive clarification on the effects of the order. Member Lister asked who represents the concerns of the SEC on the SGTF. Ms. Pam Robinson, Officer of the Governor, replied that she and Tony Wasley, Director, NDOW represent the SEC. Chair Goicoechea asked Ms. Robinson if the SEC should provide them with the council's concerns and then the Nevada representatives will deliver the information to the SGTF. Ms. Robinson responded affirmatively, and that she would like to present a solid recommendation from the SEC to the SGTF, which is the entity that the Governor has chosen to provide stakeholder input. Ms. Robinson said it is her belief that the parts of the plan that work should be kept and fix the parts of the plan that do not, while making sure Nevada has its position clearly defined for presentation at the October, 2017, meeting. Member Lister asked Ms. Robinson if there is an interest by most states to retain the 2015 Greater Sage-Grouse plan, and if so, did Nevada support that commitment. Ms. Robinson replied that Nevada supports the state plan and there are serious concerns and questions with the BLM plan. Chair Goicoechea asked how the concerns of the SEC, and its constituents, should be presented to the SGTF. Ms. Robinson replied that compiling the information and supplying it to her and BLM would be sufficient. Chair Goicoechea stated that another SEC meeting should be held prior to the next SGTF meeting so that the information can be gathered, with continued outreach to local area working groups (LAWGs), sportsmen and the Conservation Districts (CDs). Ms. Robinson informed the council that addressing wild horses is not part of this plan, but the issue has certainly been discussed at the SGTF meetings and there is a desire on the part of our federal partners to attempt to achieve appropriate management levels (AML's) as this issue is an important component to sage-grouse management.

A full account of the discussion is captured in the audio recording, which is available on the Program's website. **\*NO ACTION.**

Chair Goicoechea called for a recess at 12:15 p.m., and reconvened at 1:33 p.m.

## **8. UPDATE OF CURRENT STATUS OF NEVADA'S WILDHORSE AND BURRO POPULATIONS AND PLANNED MANAGEMENT ACTIVITIES AND POSSIBLE SEC RESPONSE - \*FOR POSSIBLE ACTION\*** John Axtell, Acting State Lead Wild Horse and Burro Program, BLM; Bill Dunkelberger, Forest Supervisor, Humboldt-Toiyabe National Forest, USFS

Mr. John Axtell reviewed a PowerPoint presentation, which is available on the program's website. Mr. Axtell provided the SEC with an update on the wild horse and burro populations in the State of Nevada noting that the March 2017 population estimate is approximately 34,780 head and that the AML is 12,811. Mr. Axtell further noted that 16 of 83 habitat management areas (HMAs) are at AML, 4 HMAs have 0 AMLs and the remaining HMAs are above AML. Mr. Axtell advised that nationally, there are over 45,000 horses held in holding facilities, which comprises the better part of the BLM budget for this program. Mr. Axtell said that if changes are not made to applicable laws and policies, the ecological conditions on the rangelands will continue to deteriorate. Mr. Dunkelberger then reviewed a PowerPoint presentation, which is available on the program's website, providing a graph delineating the district, territory, AML, current population, last survey and the percentage of AML. Mr. Dunkelberger stated that the USFS works closely with BLM in managing herds, but they do not have the same level of staffing as BLM. Mr. Dunkelberger said that the USFS has a wild horse and burro specialist position on the USFS organizational chart, but has never received the funding to fill the position, and they are doing the best they can to manage the herds with the limited budget provided. Mr. Dunkelberger also stated that the Nevada USFS is one of the only forests in the United States containing wild horses. Chair Goicoechea asked if there was a request that Nevada could make to USDA for additional funding to address this issue. Mr. Dunkelberger stated that it could be helpful and it may increase awareness of Nevada's wild horse and burro issue. Member Lister asked for clarification regarding the difference between a herd management area and a territory. Mr. Axtell stated that they are synonymous. Member Lister then asked for the definition of a herd area. Mr. Axtell replied that a herd area is the location where wild horses and burros were found in 1971, when the Wild Free-Roaming Horses and Burros Act was enacted. Member Lister stated that the wild horses and burros are supposed to be contained within the HMAs, but is it acceptable from them to be in the herd areas. Mr. Axtell replied that if BLM had sufficient funding, they would be removed from all areas outside of HMAs. Member Lister noted that Greater Sage-Grouse Land Use

Plan Amendment states that within Greater Sage-Grouse habitat, the HMAs will be brought in to AML and asked if that has occurred. Mr. Axtell replied that HMAs are still over AML in sage-grouse habitat. Member Lister then asked if the BLM has the capacity to bring the herds in to AML. Mr. Axtell replied that they do not have that fiscal capacity. Member Lister asked how long it would take the BLM to accomplish AML in the HMAs. Mr. Axtell said that the 45,000 horses in holding pens consume approximately two-thirds of their budget, and that budget constraints restrict the BLM in accomplishing that task. There was further discussion and concerns expressed by the SEC, which is contained in the audio recording on the Program's website. Chair Goicoechea asked the SEC's preference in formally requesting meaningful reform of Congress. Member Lister noted that time is of the essence, the issue is at a critical point and he is in support of formulating correspondence regarding reform and moved that the SEC, through Chair Goicoechea, sign and cause to be delivered, a letter to the Congressional Delegation, Secretary Zinke, Secretary Purdue, copying Governor Sandoval and Attorney General Laxalt, asking for the full support and use of all tools contained within the Wild Horse and Burro Program in addressing the wild horse and burro population; seconded by Member Mollini; motion passed unanimously. **\*ACTION**

## **9. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DISCUSSED DURING THIS MEETING AND SCHEDULING THE NEXT SEC MEETING – FOR POSSIBLE ACTION**

- A. With staff assistance, the Council will review items discussed, as well as items acted upon during this meeting, and determine which of those they wish to direct staff to do further work on, as well as which items the Council wishes to act on that may not have been acted upon during earlier discussion.
- B. Discussion and update regarding clay mine core sampling and any possible mitigation.
- C. Review of correspondence drafted on behalf of the SEC to the congressional delegation and Nevada legislators requesting a solution to fire-borrowing and proper funding of restoration and protection projects.
- D. Discussion on drafting of correspondence to USFWS requesting an increased take for targeted predator control.
- E. Presentation by Dr. Peter Coates regarding wildfire and its impact on the sage-grouse population.
- F. SEC final review and response to Secretary Zinke's secretarial order.
- G. Discussion regarding the differences between the USFS and BLM grazing permit plans.
- H. Update on the Conservation Credit System.
- I. SETT Improvement Process.
- J. Department of Interior revised mitigation strategy.
- K. Local Area Working Groups coordination.
- L. The Council scheduled their next meeting for Thursday, October 5, 2017, location and time to be determined.

## **10. FEDERAL AGENCY UPDATES AND COMMENTS –**

A. U.S. Fish and Wildlife Service – (USFWS) Justin Barrett noted that the USFWS mitigation policies are currently under review and will be available October. Mr. Barrett stated that with regard to recommendations for the removal of SFA classification and that regardless of how the SFAs were adopted, they were delineated as they represent, “the best of the best” habitat and focus should continue and ways should be found to acknowledge this in future management direction. Mr. Barrett further mentioned that net conservation gain has been proposed to be redefined and it should be encouraged that we continue to aim for net conservation gain where possible, and it is important to continue utilizing the best available science and applying adaptive management when possible. Mr. Barrett said that the USFS recognizes the challenges associated with the application and applicability as it pertains to local scale management and an assessment of habitat trend and encourages the exploration of tools, such as remote sensing and the use of the Nevada Range Monitoring Handbook and cooperative monitoring agreements.

B. Bureau of Land Management (BLM) – Marci Todd reported that the Good Neighbor Agreement has been signed between BLM, NDA, NDOW, DCNR and USFS, which extended capabilities with monitoring and implementing activities on the ground.

C. US Forest Service (USFS) – Bill Dunkelberger stated that there is a new permanent district ranger in Austin/Tonopah, Lance Brown, who has been serving there as the acting ranger for the last few months. Mr. Dunkelberger advised that numerous BLM employees are in Montana and Oregon supporting the large fires in those areas.

D. US Department of Agriculture (NRCS) – No update.

E. Other – No update.

## **11. STATE AGENCY UPDATES AND COMMENTS**

A. Office of the Governor – No update.

B. Department of Conservation and Natural Resources (DCNR) – No update.

C. Department of Wildlife (NDOW) – No update.

D. Department of Agriculture (NDA) – Meghan Brown reported they will be conducting interviews for the SETT position next week and hope to have a selection made soon.

E. Conservation Districts Program – Bettina Scherer introduced herself as the new Program Manager for the Conservation Districts Program.

F. Sagebrush Ecosystem Technical Team (SETT) – Kelly McGowan reported that they will be conducting interviews for the State Lands position on the SETT. Mr. McGowan also said that they are very close to conducting and finalizing the first transaction within the CCS.

G. Other – No update.

## **12. PUBLIC COMMENT**

Mr. Kim Summers advised that the RDD project is coming along well. Mr. Summers noted that he is concerned with the use of biologicals and would like information on the science behind that, and discussed the implementation of reduction of fine fuels and grazing campaigns.

**13. ADJOURNMENT** – There being no further business to come before the Council, Chair Goicoechea adjourned the meeting at 2:43 p.m.