



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

**Date:** Wednesday, April 5, 2017  
**Time:** 9:00 am  
**Place:** Nevada Department of Wildlife Conference Room  
6980 Sierra Center Parkway #120, Reno, NV 89511

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, Allen Biaggi, Steven Boies, Starla Lacy, via teleconference, who left at 11:20 a.m., and reconnected at 12:42 p.m., Bevan Lister, Tina Nappe, Sherman Swanson, Bill Dunkelberger, Ray Dotson, John Ruhs, Carolyn Swed, Jim Barbee, Bradley Crowell, who left at 11:20 a.m., Jim Lawrence and Tony Wasley

**Council Members Absent:** Gerry Emm

1. **CALL TO ORDER** – Chairman J.J. Goicoechea called the meeting to order at 9:05 a.m.
2. **PUBLIC COMMENT** – None
3. **APPROVAL OF AGENDA – \*FOR POSSIBLE ACTION**
  - A. *Approval of agenda for April 5, 2017* – Member Chris MacKenzie moved to approve the agenda; seconded by Member Allen Biaggi; motion passed unanimously. **\*ACTION**
4. **APPROVAL OF MINUTES – \*FOR POSSIBLE ACTION**
  - A. *Approval of minutes from the meeting held on March 3, 2017* - Member Tina Nappe noted that the minutes reflect Mr. Stringham and should be Ms. Stringham. Carolyn Swed, US Fish & Wildlife Service (USFWS) noted that on page 4, the minutes reflect collaboration with The Service and the Bureau of Land Management (BLM) to assist in establishing a process for implementing the Conservation Credit System (CCS) on public lands to fulfill projected mitigation demand and conserve the best habitat for Greater Sage-grouse in Nevada. This should be changed from “The Service” to “United States Forest Service (USFS)”. Member Sherman Swanson made a motion to approve the minutes with the proposed amendments; seconded by Member Steven Boies; motion passed unanimously. **\*ACTION**
5. **COUNCIL MEMBER ITEMS AND CORRESPONDENCE –**
  - A. Council members may make comments at this time and the Program Manager will bring forward any pertinent correspondence directed to the Council.

Member Bevan Lister disclosed that he had sent correspondence to Bryan Stockton, Deputy Attorney General for the Sagebrush Ecosystem Council (SEC), inquiring about a discussion at the last SEC meeting regarding the Memorandum of Understanding (MOU) between BLM, USFWS and the Nevada Department of Wildlife (NDOW). Member Lister explained that he is not aware of the specifics of the MOU, but assumed that the MOU has to do with the Land Use Plan Amendment (LUPA) listing the BLM, USFS and NDOW as an arbitration team for issues that may arise in relation to the LUPA. He noted that Nevada law provides that the authority and jurisdiction regarding habitat and planning related to sage-grouse habitat is given to the Sagebrush Ecosystem Program (SEP). Member Lister expressed his concern that the MOU will undermine state law and the objections the SEC has had to the LUPA. Mr. Wasley, NDOW, replied that he believed Mr. Lister's concerns surround the arbitration process and the roles and responsibilities that NDOW may have in the arbitration process. Mr. Tony Wasley explained that the parties to the MOU believe there is a clear need to expound on the roles and responsibilities of the agencies. He advised that there are specific statutory responsibilities that NDOW has to manage the species, and the SEP does not change the statutory responsibility of NDOW. Mr. Wasley explained that the MOU articulates working with proponents and that the Sagebrush Ecosystem Technical Team (SETT) has a similar process in their MOU. Chair Goicoechea stated that he hopes the MOUs are on parallel tracks with the SEP.

Sheila Anderson, Nevada State Governor's Office, commented that the Nevada Collaboration Conservation Network (NCCN) has discussed this issue and it is important for the BLM, USFWS, NDOW and SETT to maintain open communications so that all parties understand what the other is working towards. Mr. Jim Lawrence said the LUPAs identify a variance or arbitration process for the three-percent disturbance cap to be exceeded and the variance can be granted by concurrence with USFWS, BLM and NDOW. Mr. Lawrence clarified that the SETT has its own MOU with the BLM and USFWS regarding implementation of the CCS. Moving forward, the groups need to communicate and assure that the policies and procedures of the existing MOUs are being followed. Mr. Stockton noted that NDOW has the duty, under its statutes, to manage the wildlife of the state on a day-to-day basis and the statutory authority of the SEC is to provide direction to NDOW. Mr. Stockton said that he does not want to minimize the authority of the SEC, but NDOW also has a duty to manage the sage-grouse habitat. John Ruhs, BLM, stated that it is his understanding that the BLM will have a MOU with USFWS and a separate MOU with NDOW. He clarified that it will not be a three-agency MOU. He further stated that he has not reviewed the NDOW MOU, but work is still being done on the USFWS MOU. Mr. Ruhs said that once they have finished the process he can share the MOUs with the SEC.

Member Biaggi brought a matter to the attention of the SEC by stating that United States District Judge Miranda Du issued an order with regard to the Sagebrush Focal Areas (SFAs) and mineral withdrawal. The ruling required that the BLM and USFS prepare a supplemental Environmental Impact Statement (SEIS) for certain counties in Nevada. Mr. Stockton explained that Judge Du ruled that the State of Nevada did not have standing as it could not show a specific injury under the LUPA. Judge Du did find that Eureka, Humboldt and Washoe counties had standing related to the federal sage-grouse habitat mapping, which incorrectly included urban areas, landfills and a gravel pit as SFAs. Judge Du did not enjoin the LUPA and the Environmental Impact Statement (EIS) in the Record of Decision (ROD) from going forward. Member Biaggi asked if the State of Nevada and the SETT provided comments on the mineral withdrawal. Mr. Lawrence said that the Governor's office had filed comments on behalf of the state. Mr. Stockton explained that Judge Du had not ruled on the mineral withdrawal, but that ruling must be made by September, 2017. Once that ruling has been issued, the state may choose to appeal. Member Boies asked if the counties or other interested parties will be allowed to comment on the SEIS. Mr. Stockton stated that they could, but the SEIS will only address those areas affected in Eureka, Humboldt and Washoe counties.

**6. DISCUSSION AND RECOMMENDATIONS FOR FUNDING THE 'FULL PROPOSALS' FOR STATE FUNDING TO IMPROVE, RESTORE OR MAINTAIN SAGEBRUSH ECOSYSTEMS WITH THE INTENT TO GENERATE CONSERVATION CREDITS – Dan Huser, Nevada Division of Forestry (NDF), presented the Staff Report dated April 5, 2017.– \*FOR POSSIBLE ACTION\***

Chair Goicoechea noted that there are proponents in the room and although this matter is an "Action" item, he will entertain comments if any proponent would like to speak to their project.

Dan Huser, SETT, presented a PowerPoint updating the SEC on the 2017 State Solicitation for CCS Projects, which is available on the Program's website. Mr. Huser stated that in late March, full proposals for the six selected projects were received by the SETT. The SETT evaluated potential credit estimates for each project. The full proposals were ranked according to the current habitat quality; assessment of anthropogenic disturbances; habitat improvement and risk reduction; credit generation readiness and probability; cost effectiveness of the state's investment; and meaningful characteristics of the project not captured by other criteria. The SETT attempted to delineate significant meadow habitats and digitize all known anthropogenic disturbances. Mr. Huser asked that the SEC keep in mind that the figures provided in the PowerPoint were estimates. The PowerPoint listed the proposed projects, as well as the management categories; proposed actions; acres involved; total funds requested; total estimated credits generated; estimated credits per acre; proposed state investment per estimated credit; and the ranking score. The highest ranking project is Eureka Livestock, which is generally comprised of primary habitat management area (PHMA) and predominantly meadow habitat. The total funds requested for the project is \$99,750.00 and has an estimated credit generation of 1,956. Crawford Cattle Company was next, containing all PHMA, requested funding is \$473,431.00 and with an estimated credit generation of 4,838. The Heguy Ranch, containing all PHMA, was the next project listed with a funding request of \$238,896.00, and an estimated credit generation of 1,708. The fourth proposed project is RDD, containing 100% PHMA, with requested funding of \$214,461.00, and an estimated credit generation of 1,011. The fifth proposed project is Earthton Coogan and contains three different analysis areas. One of the parcels in the Earthton Coogan project planned to conduct pinion juniper (P-J) removal and the SETT has yet to quantify the benefits of P-J removal. If it is found that P-J removal is not beneficial, the other two parcels could be funded. Getch Fields also applied, however its ranking was the lowest. Mr. Huser reminded the SEC that there is \$1.2 million dollars available in the SEP and the total funding requested is just over \$1.7 million dollars. The SETT's recommendation is to fund the first four projects and discuss Earthton Coogan.

Chair Goicoechea asked Mr. Huser to clarify the SETT's recommendation as to the fifth project. Mr. Huser clarified that the first four projects request funding in the amount of \$1.03 million dollars. Incorporating the Earthton Coogan project request the requested funding would total approximately \$1.19 million dollars. Mr. Huser said that it would be the decision of the SEC if they want to expend all of the available funding, or keep some in reserve. Chair Goicoechea said that he understands the estimated totals could fluctuate and asked if the total funds requested were subject to change, or if they are locked in. Mr. Huser advised that the projects would not exceed the funding requested. Mr. Huser noted that if the SEC approved the Earthton Coogan project, the SETT would request the full funding. However, if it is determined that the benefits of the P-J removal are not cost effective, the funding in that analysis area would be reduced. Member Lister inquired if the total funds requested represent the entire funding required for the project, or if there is a private match by the proponents. Mr. Huser informed the SEC that there is approximately \$100,000 available in matching funds. Member Boies advised that there are also in-kind services provided by the proponents. Member Lister stated that in-kind services are still a cost and lend to the total cost of creating credits, and it is important for the SEC to understand the actual cost of creating a credit. Member Swanson asked if there was an effort in the Legislature to request additional funds for these types of projects next year. Mr. Lawrence advised that the Governor's recommended budget did not contain further funding of the SEP for the next biennium.

Member Nappe stated that she believed the goal of the SEP was to increase habitat values, while protecting the current habitat, but noted that the projects proposed are mostly maintenance of existing habitat values. Mr. Huser replied that the SETT had two criteria in evaluating the projects—the potential for uplift and the state's investment. He noted that the Earthton Coogan project has P-J removal which comes at a higher cost and is extensive uplift, versus Eureka Livestock, which is largely preservation of habitat, which comes at a reduced cost. The SETT values both uplift and preservation. Mr. McGowan said that all the projects have the potential for enhancements and they contain a good mix of preservation and enhancement. Member Boies stated that some of the habitat is priority habitat which is critical, and as a landowner, incentive should be provided to protect the current habitat.

Member Nappe and Ms. Swed are both interested to see the matched funds amounts and Member Nappe would like those figures added to the full project proposal descriptions, funding requests and rankings. Mr. Huser agreed and advised that the matched funding is approximately 8-12% for each project. Mr. Lawrence noted that projects entering the credit system have a 30-year management commitment, with five year verifications to assure they are still actively managed. Mr. Lawrence stated that matching funds are difficult to prove due to that management commitment and asked Mr. Huser if the 8-12% included any of the management cost. Mr. Huser replied that it was not, but offered that the SEP pays for the initial Habitat Quantification Tool (HQT) process and for the next 5 years of management and maintenance, which is the timeline that the property owners have to sell their credits. Upon the sale of the credits, the owners build in the long term management dollars into financial assurances and repay the SEP.

Mr. Huser continued the PowerPoint presentation noting that if the SEC accepts the SETT's recommendations, the approval will not be a guarantee of funding but will allow the SETT to refine and finalize proposed actions and budgets; ensure project proponents are committed to credit generation; review the need for the state to recover the upfront funding provided upon the sale of credits to seed additional credit projects; and pursue finalization of agreement terms.

Mr. Huser reviewed the specifics of each proposed project, beginning with Crawford Cattle Company. Mr. Shane Hall, of Crawford Cattle Company addressed the SEC noting that proponents are locked in for 30 years and he is concerned that as science changes how landowners will adjust. Mr. Huser replied that the contract executed by the proponents in 2017 is the agreement between the parties, however as the program changes, adjustments could be made and landowners would not be expected to meet futuristic conditions. Mr. McGowan added that the SETT acknowledges the potential for climate impacts and habitat fluctuation and that it is not meant to be a static line that must be maintained.

The next project reviewed was Eureka Livestock, then Heguy Ranch and lastly, RDD. Mr. Kim Summers, of RDD, addressed the SEC and stated the he also understands the difficulty in establishing the cost of a conservation credit, as expressed by the Council members. Mr. Summers inquired if there was a way, through the SEC or the SETT, to track and establish those costs He believes the program will be more successful if there is real knowledge and numbers established. Mr. McGowan advised that the SETT has developed a pro forma form which has the potential to establish and develop a budget, not only for the specific projects, but for monitoring and maintenance over the years. Mr. McGowan would like to work with the proponents to establish those credit costs. Mr. McGowan also mentioned that in the near future, the SETT will be touring each project with the landowners and offer suggestions and to gain a better understanding of the property. Member Lister then remarked that another portion of establishing the cost of conservation credits is the cost to the SETT to perform these evaluations. Mr. Boies stated that as a landowner, he is able to estimate the costs, but it is the unknowns that concern him and asks if financial assurances can be addressed in a future agenda item.

Mr. Huser continued the PowerPoint, ending with the Earthton Coogan project noting that this project is not as contiguous as the others and they are awaiting an analysis of the benefits of P-J removal. Mr. Jerry

Miller addressed the SEC, via telephone, with regard to the Earthton Coogan P-J removal and advised that the BLM is working on mastication surrounding the proposed project area. It would be difficult if the BLM performed the P-J removal on the contiguous federal lands, leaving an island of P-J on the Earthton Coogan parcel. However, if the BLM does not continue the mastication, Mr. Miller recommends that the SEC not proceed with P-J removal on the private land. Member McKenzie thanked the applicants for their involvement.

Chair Goicoechea stated that he would entertain a motion; Member Boies moved that the SETT pursue final negotiations with the four recommended projects and to potentially fund, up to the amounts requested, including 5% for contingencies, and for the SETT to negotiate with Earthton Coogan with regard to P-J removal and if there is funding available, to proceed with that project. Chair Goicoechea asked for discussion on the Motion. Member Lister inquired if the Earthton Coogan project was for complete P-J removal and it was confirmed. Member Lister noted that it is crucial for the P-J seed source to be removed and believes that valuable information could be gained from that project. Member Biaggi seconded the Motion.

There was further discussion prior to the vote on the Motion. Mr. McGowan advised the SEC that he has received a proposal from AboveGeo, Inc. The proposal is for the use of drones to take high resolution imagery on some of the proposed projects in order to determine if site scale data collection could be captured in this manner. Mr. McGowan urged the SEC to endorse the project as this may enhance the SETT's ability to gather data in a more economical manner as compared to field verifiers. Mr. McGowan stated that field verifiers will still be utilized on the proposed projects. Mr. McGowan further stated that AboveGeo, will be performing this collection at no cost to the SEP. Chair Goicoechea noted that AboveGeo will compare what the field verifiers find and then see how the data lines up. The SEC could endorse that program going forward if it is sound. Chair Goicoechea clarified that the proposal received from AboveGeo is not a part of the Motion moved by Member Boies. Member Lister stated this program is something that the BLM, USFS and USFWS might be interested in, as the data could be valuable and easily captured and extracted.

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

Chair Goicoechea called for further discussion on the motion, seeing none; Motion passed unanimously.

**\*ACTION**

**7. UPDATE OF THE DISCUSSIONS HELD BETWEEN SETT STAFF, BLM AND USFS REGARDING CREDIT DEVELOPMENT ON PUBLIC LANDS** - Sara McBee, Nevada Division of State Lands (NDSL), presented the Staff Report dated April 3, 2017. **\*FOR POSSIBLE ACTION**

Sara McBee, SETT, submitted the Staff Report to highlight the MOUs between the SETT, BLM and USFS with regard to implementing a process for developing credits on public lands. The SETT met with BLM on March 21, 2017. Ms. McBee stated that this meeting was a brainstorming session to outline and troubleshoot any challenges regarding the developments of credits on public land. The two main items developed from the meeting were 1) SETT will draft an outline of initial strategy on how the state envisions the CCS operating on public lands and 2) the BLM will draft a more detailed outline of the tools available for mitigation actions on BLM administered lands. The SETT also met with Shelia Anderson and Skip Canfield, Senior Land Use Planner, NDSL, in order to draft an initial strategy for credit development. Ms. McBee noted that a second meeting was held with the BLM on March 31, 2017, focusing on outlining their long and short term options for developing conservation credits. A similar meeting was held with USFS on March 31, 2017, wherein the USFS provided the SETT an unequivocal direction on their long and short term goals. The SETT's next step is to schedule a

broader meeting which would include the BLM, USFS, FWS, and NRCS. At that proposed meeting, the SETT will work with leaders to develop draft concepts for the purpose of providing direction to the SETT.

Bill Dunkelberger, USFS, stated that the meetings were very productive and staff has talked to the regional office, as well as the federal office, as to the path forward. The USFS believes that developing conservation credits on public lands will not be as complicated as first anticipated. Mr. Ruhs noted that the tool most useful for the BLM in developing credits would be the easement process and that is what is being focused on. Mr. Dunkelberger stated that for the USFS, the tool most useful would be existing grazing permits, as resource improvement activities are already authorized. Mr. Dunkelberger said that if the BLM does not have an existing grazing allotment, it could be accomplished through a stewardship agreement. Member Biaggi thanked the group for their efforts and remarked that these meetings are the key to moving forward towards a successful program. Member Lister asked if a discussion has been had as to who the proponents may be. Ms. McBee responded that in the short term, it could be a permittee driven plan, considering those who are already within the CCS. The SETT is exploring options with the BLM on larger restoration projects where multiple permittees may be incorporated. In the long term, the SETT would explore larger conservation and mitigation areas. Chair Goicoechea inquired of Mr. Ruhs regarding the Three Bars Mine restoration EIS and if there would be an avenue to generate public land credits. Mr. Ruhs replied that it is a timing issue, as the EIS has been finalized and modifications would have to be made in order to generate the credits. **\*NO ACTION.**

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

**8. REVIEW OF THE SETT STAFF COMPARATIVE ANALYSIS OF THE MITIGATION PLAN FOR THE GOLD BAR MINE DRAFT ENVIRONMENTAL IMPACT STATEMENT** – Mr. Kelly McGowan, Program Manager, SETT, led the discussion and reviewed a PowerPoint presentation. The presentation is available on the Program's website. **\*FOR POSSIBLE ACTION**

Chair Goicoechea noted that this agenda item had been requested by Member Nappe at the meeting held on March 3, 2017.

Mr. McGowan stated that he would like to go over a qualitative analysis prepared by the SETT staff of the Gold Bar Mine draft Environmental Impact Statement (DEIS). The SEC had requested the SETT to analyze a proponent driven mitigation plan (PDMP) project compared to the CCS. The Gold Bar Mine did not select the CCS to evaluate within the DEIS, and the SETT had the data from both the PDMP and the CCS. Mr. McGowan directed the Council's attention to the slide titled "Overview and Impacts." Mr. McGowan explained that the mine is located in the center of the polygon pictured and contains approximately 400 acres of non-reclaimed mine disturbance on-site. According to the DEIS, construction and operation of the mine will result in 889 acres of new direct disturbance within greater sage-grouse habitat. Post project, approximately 768 acres of disturbance will be restored. Mr. McGowan remarked that there is no estimate of credits generation through the PDMP. Due to the unknowns, the SETT could not complete a quantitative analysis and therefore, a qualitative analysis is being presented to the SEC. Mr. McGowan outlined the potential mitigation actions contained in the PDMP as manual and mechanical treatments to remove P-J; targeted grazing; biological control; prescribed burns; seeding and planting; firewood cutting; streambank stabilization and channel restoration; and activity fuels disposal. Mr. McGowan stated that some of these mitigation items are measurable within the CCS, but noted that the CCS is based on outcome, and it would be difficult to know if all the mitigation actions contained in the PDMP would generate credits.

Mr. McGowan presented the credit potential noting that there is significant potential for credit generation in the area and acknowledged the good habitat conditions, the potential to achieve uplift, the composition of

seasonal sage-grouse habitats and the existing disturbances nearby. Mr. Lawrence noted that the goal of this endeavor was to compare “apples to apples”, and formulate a numeric comparison, and asked Mr. McGowan to clarify why a quantitative analysis could not be performed. Chair Goicoechea asked to weigh in on this question and stated that a number of the items Mr. McGowan has outlined in the PowerPoint are contained in the Three Bars’ EIS that was just discussed, and is not necessarily in the mitigation plan for Gold Bar. Gold Bar has polygons outlined in their mitigation plan as to their restoration efforts. Chair Goicoechea wanted the SEC to be clear that the area Mr. McGowan is discussing is the broader 750,000 acres and is not directly tied to the Gold Bar project. Ms. McBee stated she has a copy of the Gold Bar Mitigation Plan, as well as the Three Bars Restoration project and that she has not seen the map specifying current treatment areas in the Gold Bar EIS. Chair Goicoechea asked Jake Tibbets, natural resource manager for Eureka County, appearing telephonically, to respond. Mr. Tibbets responded that he has read the Staff Report presented to the SEC and he is not sure that the plan reviewed by the SETT for the Staff Report is the same plan contained in the Appendix of the draft EIS.

There was further discussion, questions and concerns regarding the use of the qualitative analysis versus the quantitative analysis, as well as the Gold Bar DEIS and Three Bars project which can be reviewed in the recording located on the Program’s website.

Mr. McGowan continued with the PowerPoint to address the unknowns of the PDMP. Mr. McGowan noted those as the measuring of the net loss or gain of habitat; the siting of the activities; the combination of activities to be implemented; the lack of defining contingencies to address risk; the identification and quantification of success; and the limited information on durability, financial assurances and redundancy. In comparison to the PDMP, the CCS accounts for indirect disturbance; the temporary and permanent loss of habitat; the quantifiable metrics; and durability, financial assurances and redundancy. In addressing the Gold Bar project, the SETT estimated that the project would generate approximately 6,200 debits and 12,000-18,000 acres of enhancement or protection would be required to offset those debits.

Mr. McGowan noted, in conclusion, that it was determined by the proponent that the CCS was not a viable mitigation option as there were no credits available for purchase. However, Mr. McGowan pointed out that verified credits will be available for purchase within a short time and the PDMP proposes mitigation that will not be required to be completed until six years after the end of the active mining. The SETT is hopeful that there may be opportunities for the Gold Bar project to phase in credit purchases over time. The SETT believes that the HQT is the preferred method for quantifying uplift and will continue discussions and collaboration with BLM and the project proponent. 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 11:21 a.m., and reconvened at 11:34 a.m.

**9. REVIEW AND DISCUSS 2016 FINDINGS AND IMPROVEMENTS RECOMMENDATIONS SPECIFIC TO WEIGHTS AND DISTANCES RELATED TO POWER LINES AND TOWERS – Ms. Katie Andrie, SETT, introduced Jim Sedinger, Professor, University of Nevada, Reno, Department of Natural Resources, who reviewed a PowerPoint presentation. Ms. Andrie then went on to lead the discussion and reviewed a PowerPoint presentation. That presentation is available on the Program’s website. **\*FOR POSSIBLE ACTION****

Ms. Andrie noted that at the last meeting, the SEC asked that the SETT provide a more thorough investigation of the research and available literature relating to power lines and their impacts on sage-grouse avoidance behavior. Ms. Andrie introduced Dr. Jim Sedinger, who presented the Council with a study done in Eureka County over a ten-year period with the goal to assess the impact of the Falcon to Gondor transmission line on the sage-grouse population. Dr. Sedinger stated that the predominant hypothesis at the beginning of the

study was that sage-grouse were afraid of over-head structures. A more recent hypothesis opines that it is not the power line or the overhead structures themselves, but the colonization of these structures by avian predators, predominantly ravens. As background information, a fundamental aspect of the study is how ravens react to a power line. State-wide, there was a 3.5%, per year, increase of raven abundance during the study period. The Falcon to Gondor transmission line area received a 16%, per year, increase in raven population—displaying obvious colonization on that transmission line. Dr. Sedinger presented slides denoting that sage-grouse are more likely to nest near the lines when raven abundance is low, and are more likely to nest further away from the line when raven abundance is high. This would imply that it is not the power line itself causing sage-grouse avoidance, but the presence of predators associated with the line. Dr. Sedinger continued with the PowerPoint presentation and then addressed Councilmembers' questions and/or concerns.

Member Biaggi asked Dr. Sedinger the reason for the increase in raven population. Dr. Sedinger replied that it is related to the increase in anthropogenic food subsidies. Member Boies asked for Dr. Sedinger's opinion on how different types of power lines should be weighted. Dr. Sedinger noted that there is not enough data to parse out which structure, line size or height of the line causes a predator population to colonize a line. He also noted that the Falcon to Gondor line was fitted with perch deterrents and it may have had a minor impact, but the deterrents did not keep ravens from perching or nesting on the line. Dr. Sedinger said that the overall increase in raven population is human caused, and it may be that there is justification for managing that population. Member Biaggi inquired if the effectiveness of perch deterrents had been studied, what the mitigation options are and how effective those options would be in terms of decreasing raven population. Dr. Sedinger reminded the SEC that perch deterrents were installed on the Falcon to Gondor line, which did not deter ravens from colonizing that line. Dr. Sedinger is not aware of any perch deterrent design that is consistently effective. Dr. Sedinger stated that he believes that barring cleaning up dump sites and removing roadkill daily, the only option available at this time would be lethal control, but science supporting that option has not been studied. Member Swanson advised the SEC of a successful program in the State of Montana wherein roadkill is removed and composted and it is his opinion that all types of efforts must be undertaken to control raven predation on the sage-grouse population.

There was further discussion on Dr. Sedinger's presentation captured in the audio recording, which is available on the Program's website. The Councilmembers thanked Dr. Sedinger for the presentation

Ms. Andrie supplemented Dr. Sedinger's presentation with a PowerPoint containing additional research that the SETT had gathered with respect to impacts of towers and power lines on sage-grouse. Ms. Andrie reviewed the different categories of impact of power lines and transmission lines starting from raven abundance and occupancy to demographic effects and behavioral avoidance. Ms. Andrie presented research on raven abundance over time in relation to anthropogenic subsidies and if put in conjunction with increased perching and nesting on transmission lines, have caused the raven population to increase dramatically in recent years. A study prepared by Dr. Peter Coates showed that the probability of occupancy of ravens on anthropogenic structures was 80% and a study in Wyoming found a 90% probability of nesting within 400 meters of survey locations at oil development sites, cities and roads. The Howe study found a 31% decrease in odds of nesting ravens for every kilometer increase in distance from a power line. A less recent study showed increased raven nesting by 80% following construction of a 500kV transmission line. In reviewing the distance effect, the Coates study also found that the probability of raven occurrence in relation to transmission lines was most significant within 2 kilometers of the line, but the effect was observed out to 27 kilometers. The Wyoming study also found that raven density was highest within three kilometers of cities, urban areas and associated infrastructure and dropped sharply beyond that distance. Behavioral avoidance studies show sage-grouse avoidance within an immediate proximity of a power line. Overall, there is a 500-600 meter buffer around power lines where avoidance effects were documented. Ms. Andrie noted that Member Starla Lacy had mentioned the Chad LeBeau, et al., study at the last Council meeting which reported nest survival was not influenced by distance to power lines. Ms. Andrie noted that this study focused on the effects of wind turbines and associated infrastructure on the local sage-grouse populations. Ms. Andrie stated that there is some



research that does not support the SETT's recommendation, however in looking at the amount and quality of research that has been compiled, the SETT believes the research overwhelmingly supports that there are effects of power lines and towers on the sage-grouse population demographics. Ms. Andrie then presented examples of applied science in other states, a full discussion of which can be found on the PowerPoint presentation captured on the Program's website.

Ms. Andrie presented the SETT's recommendation to sub-divide the disturbance types and to weight towers at 75% at a distance of six kilometers; high voltage, steel lattice, H frame and monopole transmission lines would also be weighted at 75% at a distance of six kilometers; and monopole distribution power lines without cross members or supporting arms would be weighted at 25% at a distance of six kilometers. The reason for the sub-division related to the ability and probability of ravens nesting and colonizing the lines. Chair Goicoechea inquired if a single phase monopole distribution line would be classified as 25% or 0%. Ms. Andrie stated that it would be 25%. Member Lister stated that if it was a single phase with a cross-arm, it would be weighted as a transmission line at 75%. Member Boies stated that the sub-division places huge towers in the same group as a single phase pole with a cross-arm, and that is a problem. Member Swanson asked if there was any literature available regarding the distance decay or the level of the impact in relation to the height of a power line. Ms. Andrie stated that the studies she has researched do not differentiate for height, but added that research is needed. Ms. Andrie continued with the PowerPoint noting that the 75% weight relates to two items; the avoidance factor and raven occupancy and colonization of that line. The 25% weight would equate to the probability of occurrence of birds perching on the power lines. Ms. Andrie pointed out that if effective minimization efforts were utilized to significantly reduce occupancy, there could be a justification for the SETT to drop the weight from 75% to 25%. Further documentation and studies were provided by Ms. Andrie which can be found on the Program's website.

Ms. Swed expressed her appreciation to the SETT and stated that USFWS has been very interested in understanding the workings of the CCS and the changes being entertained. Ms. Swed stated that she believes the changes recommended by the SETT are consistent with the recommendations of NDOW, USFWS biologists and available scientific literature, and offers support for those changes. Ms. Swed also stated that through the dialogues that have occurred they are achieving the collective understanding and communication for USFWS to continue to support the application of the CCS toward mitigation.

Member Boies reiterated his concern about the sub-division of power lines, and offered that a single phase power line with one cross arm may warrant its own category, or be weighted at 50%. There was further discussion on the weighting formula of power lines which can be found in the recording located on the Program's website.

Member Biaggi asked if it was possible to write in some flexibility that will allow the SETT to evaluate a power line on a case-by-case basis and take an appropriate reduction. Ms. Andrie responded affirmatively, that if a proponent believed that a power line on their project does not warrant a 75% weight and if justification is provided, the SETT could minimize the weight. Member Biaggi asked if that specific language could be added to the policy, and Member Lacy agreed with that request. Mr. Lawrence offered his concern that from the onset the SEC has attempted to build a system that is informed by science and that the CCS works best when consistently applied so that there is certainty between debit creators and credit producers. Chair Goicoechea asked the SETT to confirm that credits can be generated by installing anti-perch devices and nest deterrents. Mr. McGowan replied that the policy was written for removal of power lines, not for minimization, however that could be developed. Mr. McGowan's concern is that gray areas will begin to be developed within the CCS, which becomes problematic for all parties. Chair Goicoechea replied that Dr. Seding's presentation pointed out that nesting pairs of ravens tend to have the largest impact on the sage-grouse population. If there is a power line, and it can be proven that there is no nesting on that line, that project should be rewarded. Mr. McGowan said that as the science further develops, changes to the policy could be made in the future. Ms. Swed reiterated that USFWS is looking for a transparent system, informed by science, applied consistently

over time with confidence that it is adequately off-setting the effects of structures. She is confident in the SEC's ability to apply the CCS and overcome the uncertainties. Member Lister commented that the science the SEC has gathered leads the Council to this determination and, until other science is gathered, there is no other option to go in a different direction.

There was further discussion which can be found in the recording located on the Program's website.

Member Biaggi moved that the SEC move forward with the recommendations for the height and weight distances for power lines and towers with the inclusion in the policy of the following language, "The project proponent may request review and adjustment of the weight distance criteria based upon power line height, construction, perch deterrents or other factors. Any adjustments must be documented and scientifically defensible". Member Lacy asked if the words "site specific" could be placed in front of the word "factors". The SEC agreed. Chair Goicoechea asked for discussion on the Motion. Ms. McBee asked if this applied to both debit and credit projects. Chair Goicoechea responded affirmatively. Further discussion on the Motion ensued, which is contained in the recording located on the program's website. For clarity, Member Biaggi restated the Motion as follows: "Moved that the SEC move forward with the recommendations for the height and weight distances for power lines and towers with the inclusion in the policy of the following language, 'The project proponent may request review and adjustment of the weight distance criteria based upon power line height, construction, perch deterrents or other site specific factors. Any adjustments must be documented and scientifically defensible.'" Member Nappe seconded the Motion; motion passed unanimously. **\*ACTION**

## **10. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DISCUSSED DURING THIS MEETING AND SCHEDULING NEXT SEC MEETING –**

- 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. The SEC requested an update from Jeff White, Director of Renewable Resources, Newmont Mining.
- C. Financial Assurance
- D. An explanation of what constitutes additionality.
- E. The SEC requested that Ray Dotson, USDA, NRCS, provide an update on programs available in Nevada.
- F. The Council scheduled their next meeting for Thursday, June 8, 2017, location and time to be determined.

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

- A. U.S. Fish and Wildlife Service – No Update
- B. Bureau of Land Management (BLM) – Mr. John Ruhs reported that the new federal administration has provided preliminary priorities, and those are: making America safe through energy independence; making America great through shared conservation; getting America back to work; serving the American family; and making America safe by restoring our sovereignty. Mr. Ruhs stated that he will be in Washington, D.C., beginning on April 24, 2017 for a period of sixty days. Mr. Ruhs also wanted to remind the SEC that the BLM, USFWS, the Nevada Department of Agriculture (NDA) and the Cattlemen's Association have make-up permittee meetings scheduled in Ely and Austin on the 7<sup>th</sup> and 8<sup>th</sup> of April, 2017.
- C. US Forest Service (USFS) – No update.

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

E. Other – No update.

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

A. Office of the Governor – No update.

B. Department of Conservation and Natural Resources (DCNR) – Mr. Jim Lawrence reported that he has received calls and questions regarding executive orders issued by the new administration and how those orders will impact the state plan. At this time Mr. Lawrence does not know how those orders will affect the CCS, but he believes that the SEP and the CCS are solid and sound and he will continue to keep advocating for the state plan.

C. Department of Wildlife (NDOW) – Mr. Tony Wasley reported that lek counts are in full swing and access is challenging with washed out roads and snowbank cover. Fixed-wing aerial infrared surveys are being conducted in various parts of the state based on suitable lek habitat modeling. NDOW has received supplemental funding from the USFS to assist with the surveys. At this time, the surveys have been conducted in the Monitors, Toquimas, the Toiyabes of Central Nevada and the Jacksons in Humboldt County. The surveys have yielded two new potential lek locations in the Monitor range, two sites in the Toiyabes and at least one in the Toquimas. The survey also documented significant activity at two previously “unknown status” leks in the Toquima range. NDOW contracted with USGS research crews and are capturing and radio marking birds and following population management units in the Santa Rosas, Monitors, Desatoya, Virginia Mountains, Mount Grant and Desert Creek. NDOW staff are participating in the 2020 Conservation Collaborative, which is now in the process of developing a mechanism to capture as much relevant data as possible with respect to state plans and efforts to address the 2020 status review and potential questions generated from a five-factor analysis. Mr. Wasley stated that USFWS had approached all states through the Western Association of Fish and Wildlife agencies and Sagebrush Oversight Executive Committee and would like the states to be a part of the building of records that USFWS will use to conduct the 2020 evaluation.

D. Department of Agriculture (NDA) – Jim Barbee acknowledged Meghan Brown’s work in putting the Native Seed Forum meeting together.

E. Conservation Districts Program – No update.

F. Sagebrush Ecosystem Technical Team (SETT) – Mr. Kelly McGowan reported that the SETT has finalized the dates for the Verifier Training and they will be held on the 17<sup>th</sup> and 18<sup>th</sup> of April, 2017. Ms. McBee noted that the Nevada Conservation Collaborative Network (NCCN) met and progress is being made.

G. Other – No update.

## **13.PUBLIC COMMENT**

None

**14.ADJOURNMENT** – There being no further business to come before the Council, Chair Goicoechea adjourned the meeting at 2:05 p.m.