



STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
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DRAFT MINUTES

Date: Tuesday, March 13, 2018
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/

Council Members Present: J.J. Goicoechea, Chris MacKenzie, Allen Biaggi, Steven Boies, Bevan Lister, William Molini, Sherman Swanson, Starla Lacy, via teleconference, Bill Dunkelberger, John Ruhs, Justin Barrett for Carolyn Swed, Gary Roeder for Ray Dotson, Jim Lawrence, Jim Barbee and Tony Wasley.

Council Members Absent: Gerry Emm, Carolyn Swed, Ray Dotson and Bradley Crowell.

1. CALL TO ORDER – Chairman J.J. Goicoechea called the meeting to order at 8:33 a.m.

2. PUBLIC COMMENT – None

3. APPROVAL OF AGENDA – *FOR POSSIBLE ACTION

Approval of agenda for March 13, 2018 – Member Chris MacKenzie moved to approve the agenda; seconded by Member Allen Biaggi; motion passed unanimously. ***ACTION**

4. APPROVAL OF MINUTES – *FOR POSSIBLE ACTION

Approval of minutes from the meeting held on February 8, 2018 – Member MacKenzie noted a clarification to page 3, advising that the Rule Against Perpetuities rationale should read as follows, “Member MacKenzie advised that he had discussed the issue with the SETT and he thought basing the multiplier on the life of the sagebrush, rather than sage-grouse would be more logical. Member MacKenzie advised that he had discussed the issue with the SETT and he thought basing the multiplier on the common law Rule Against Perpetuities, which precludes perpetual estate planning, and substituting the life of the sagebrush, rather than sage-grouse would be more logical. Mr. MacKenzie said he believed the life span of sagebrush was 100 years, plus the 21 year time frame established in the Rule Against Perpetuities, equated to a rounded number of 120 years, and that calculation would result in a 4:1 ratio using 30 years as a standard term credit duration. This was considered equivalent to the rule against perpetuities as a basis of comparison.” Member William Molini 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.

Kelly McGowan, Sagebrush Ecosystem Technical Team (SETT) brought forward three items of correspondence for the Sagebrush Ecosystem Council's (SEC) review. The first item was a news release from the Humboldt-Toiyabe National Forest regarding the Releases for Public Comment on its Integrated Invasive Plant Treatment Project's Notice of Intent. The second item was correspondence received from the United States Department of Agriculture (USDA) Sonny Perdue, Secretary, acknowledging the SEC's communication to him regarding challenges for State and Federal agencies managing the growing population of wild horses and burros in Nevada. The last item was correspondence from Governor Brian Sandoval, on behalf of the SEC, to the McAdoo Family expressing condolences on the passing of Kent McAdoo.

6. DISCUSSION ON POTENTIAL AMENDMENTS TO THE BUREAU OF LAND MANAGEMENT / U.S. FOREST SERVICE LAND USE PLANS REGARDING GREATER SAGE-GROUSE CONSERVATION AND THE NEVADA STATE PLAN FOR GREATER SAGE-GROUSE CONSERVATION - *FOR POSSIBLE ACTION*

Matthew Magaletti, Bureau of Land Management, Sage-grouse Implementation Lead and Monique Nelson, Sage-Grouse Coordinator for the Humboldt-Toiyabe National Forest

Mr. Magaletti provided the SEC with a high-level status update presentation titled, "BLM Nevada and Northeastern California 2018-2019 Greater Sage-Grouse Planning Effort Discussion," a copy of which is available on the Program's website. Mr. Magaletti noted that the public scoping period ended on December 1, 2017, for the Greater Sage-Grouse (GRSG) planning effort and that the BLM received over 175,000 submissions from non-governmental organizations (NGOs), federal, state, local governments, private industry and members of the public. Mr. Magaletti advised that on December 27, 2017, BLM released a series of implementation policies for sage-grouse plan implementation with regard to habitat assessments, adaptive management, grazing thresholds and responses, grazing permit prioritizations, habitat objectives, and oil and gas prioritizations. Mr. Magaletti said that three of the existing policies are currently under review, namely, habitat assessments, thresholds and responses, and habitat objectives and those updated policies should be available in the near future. Mr. Magaletti said that the purpose for the habitat objective implementation policy review is for the BLM to clarify the appropriate use of the landscape level habitat objectives table (Table 2.2) in the day-to-day BLM management. Mr. Magaletti continued by stating that on March 2, 2018, the BLM's Potential Amendments to Land Use Plans Regarding Greater Sage-Grouse Conservation Scoping Report was published, a copy of which is located on the Program's website. Mr. Magaletti said that the BLM was advised that the Department of Interior (DOI) would recommend to Secretary Ryan Zinke that the BLM move forward with state-by-state targeted amendments. Mr. Magaletti advised that the BLM has been submitting Memorandums of Understanding (MOUs) to establish formal cooperating agency status with partners and that the first cooperating agency meeting has been scheduled for March 21, 2018. Mr. Magaletti continued with the PowerPoint presentation and described the range-wide purpose and need for the state amendments for the BLM noting that there are three points to be aware of: The purpose of this action is to continue conserving, enhancing and restoring GRSG and their habitat; BLM will modify its existing land use plans (LUP) to improve alignment with state plans and management strategies; and pursuant to the March 31, 2017, order from the United States District Court for the District of Nevada, BLM will evaluate the inclusion of sagebrush focal areas (SFAs) in the Environmental Impact Statement (EIS). Mr. Magaletti provided the SEC with possible issues gleaned from the comments received by BLM, a review of the scoping comments, as well as meetings held with the states. Mr. Magaletti said that some issues may be addressed through plan amendment alternatives and some may be addressed through plan decision clarification or policies. Mr. Magaletti stated that the issues that might be addressed through a plan amendment are: modifying habitat boundaries; removal of SFAs; adopting the most recent 2016 United States Geological Survey (USGS) habitat management area maps; added flexibility associated with adopting the new habitat maps; adaptive management; an exception process and seasonal timing restrictions. Mr. Magaletti provided further information on the adaptive management issue

by stating that the BLM does not currently have the ability to not impose new land use plan restricted allocations once a hard trigger response has been reached, and the BLM would like to instead institute a causal factor analysis process with partners to determine the appropriate implementation level mechanisms to address the population or habitat decline. Mr. Magaletti also advised that the BLM will be reviewing an exception process for all allocation decisions that are attached to habitat management areas (HMAs), allowing the BLM to make exceptions to land use plan allocation decisions. Mr. Magaletti advised that some issues the BLM hopes to address through plan decision clarification or policy include the application of habitat objectives, lek buffers, design features, compensatory mitigation, fire and invasive grasses and weeds, and outcome based grazing. Mr. Magaletti advised the SEC that this planning effort is on an expedited basis due to Secretary Zinke's Order 3353 which contains a deadline to complete the final environmental impact statements (EIS) and proposed amendments by February, 2019. Mr. Magaletti stated that BLM Nevada and northeastern California will be part of one planning area and the amendment for this planning area will contain no more than three alternatives—no action alternative, management alignment with the state alternative and an alternative to further address planning issues. Mr. Magaletti then provided the tentative planning schedule advising that in March and April of 2018, BLM will be developing alternatives with cooperating agencies, following which, BLM will develop and review impact analysis for the alternatives. Mr. Magaletti said that the goal is to publish the Notice of Availability for Draft Amendment/EIS in late summer, early fall as well as opening the public comment period and holding the public meetings throughout the state. Mr. Magaletti also said that BLM will then develop and review the preliminary proposed amendment and final EIS in January of 2019, with the intent to publish the Notice of Availability for Proposed Amendment/Final EIS in February of 2019. Mr. Magaletti completed his presentation.

Ms. Monique Nelson, Sage-Grouse Coordinator for the Humboldt-Toiyabe National Forest provided the SEC with the United States Forest Service's (USFS) plan amendment update. Ms. Nelson stated that the USFS is a cooperating agency with the BLM. Ms. Nelson said that the BLM is much further ahead in the process than USFS. Ms. Nelson said that the USFS expects to also have an expedited planning process, but they do not have the strict deadlines of the BLM. Ms. Nelson said that the USFS is motivated by the court ordered supplemental EIS (SEIS) to analyze SFAs, as well as an opportunity to improve the USFS plans and it is expected that the planning process will be complete by the end of calendar year 2019. Ms. Nelson stated that the USFS comment period for the Notice of Intent (NOI) ended in January of 2018, and the USFS regional office in Ogden, Utah, is preparing the scoping agreement which should be completed in the near future. Ms. Nelson also said they are focusing on comments from the state, but are also reviewing other comments that have been received. Ms. Nelson said that USFS received approximately 50,000 comments. Ms. Nelson also said that USFS, similar to the BLM, plans to utilize a state-by-state approach and will provide recommendations to the regional levels regarding the needs of the state and what will best serve Nevada and the Humboldt-Toiyabe after the cooperating agency meeting on March 21, 2018. Ms. Nelson stated that the USFS does not yet have a proposed action plan at this time, but USFS is aware of issues they would like to resolve, including SFAs and the removal of references to the SFAs, as well as map updates. Ms. Nelson concluded her update.

Member Biaggi asked Mr. Magaletti, with regard to compensatory mitigation, why this is being addressed in policy rather than the land use plan. Mr. Magaletti replied that the land use plan, in terms of mitigation, was more associated with the mitigation standard of net conservation gain and that there are two existing appendices in the land use plan associated with mitigation where they attempt to tie-in how BLM can better utilize the Conservation Credit System (CCS). Mr. Magaletti said that it made more sense for the implementers of the plan to clarify the process and how BLM may engage with the SETT in terms of analyzing impacts to third party authorizations without modifying or changing that standard. Member Biaggi encouraged the BLM to utilize the CCS for both federal and state entities. Chair Goicoechea commented that he has had discussions with Mr. Magaletti with regard to the use of the habitat quantification tool (HQT) and would also encourage BLM to incorporate that tool. Member Bevan Lister asked Mr. Magaletti if, within the amended plan, the habitat maps would be referred to as a broad scale reference and that onsite evaluations will make the actual determination. Mr. Magaletti replied that there is a possibility that language similar to that could be brought forth at the cooperating agency meetings when reviewing alternatives. Mr. Magaletti also said that he believes

it would be more helpful to identify an exception process to review site-specific conditions in order to determine if it is habitat. Member Lister stated that using an exception type process could lead to subjective decisions by the BLM and believes there must be language contained in the plan insisting on site-specific evaluations. Ms. Nelson stated that Member Lister has pointed out one of the differences between the USFS and BLM plans. Ms. Nelson said that USFS has been discussing this issue with the state regarding how to simplify application of lek buffers, improve mapping efforts and create exception processes, while making sure that there is still an intact conversation plan. Ms. Nelson also said that USFS has as a tool that the BLM does not, which allows USFS projects to occur in areas of non-habitat within mapped habitat management areas based on a site-specific analysis. Member Lister asked Mr. Magaletti if, under the issues to be addressed through the amendment alternative, the BLM was considering a total removal of that designation. Mr. Magaletti replied in the affirmative. Member Lister then asked, with regard to the buffer zones and design features, if that area could be treated as site specific and under adaptive management. Mr. Magaletti again replied in the affirmative adding that there is flexibility built in for a deviation of a required design feature, however the language is confusing and BLM desires to make it clear on how to apply those exceptions. Chair Goicoechea stated that there are many items that must be included for analysis and alternatives and if it is the SEC's desire to align this more closely with the 2014 Nevada Greater Sage-Grouse Conservation Plan (State Plan), then, the SEC must review the current State Plan on these key issues at its next scheduled meeting. Chair Goicoechea further said that the State Plan should be brought before the SEC for consideration, review and possible revisions. Chair Goicoechea then asked Mr. Magaletti for deadlines as to when the SEC must provide their comments and recommended language to the BLM. Mr. Magaletti replied that it would be helpful if the language was available at the cooperating agency meeting scheduled for March 21, 2018, and the latest date to provide the input would be mid-April. Member Biaggi suggested that individual members of the SEC provide input to the SETT regarding issues to be addressed for the cooperating agency meeting and allow the SETT to assemble the information. Chair Goicoechea clarified that each SEC member, and the constituents they represent, would submit its language and information to the SETT, and not to SEC members, on or before Friday, March 16, 2018, for presentation at the cooperating agency meeting on March 21, 2018. There was further discussion and questions regarding this matter which are available on the audio recording located on the Program's website. ***NO ACTION**

7. PRESENTATION AND DISCUSSION ON TOOLS FOR ASSESSING ECOLOGICAL POTENTIAL OF SAGEBRUSH ECOSYSTEMS IN NEVADA IN THE CONTEXT OF THE HABITAT OBJECTIVES IN THE NEVADA AND NORTHEASTERN CALIFORNIA GREATER SAGE-GROUSE APPROVED RESOURCE MANAGEMENT PLAN AMENDMENT - *FOR POSSIBLE ACTION* *DEVON SNYDER AND DR. TAMZEN STRINGHAM, UNIVERSITY OF NEVADA, RENO*

Ms. Devon Snyder reviewed a PowerPoint presentation titled, "Tools for Assessing Ecological Potential of Sagebrush Ecosystems in Nevada," a copy of which can be found on the Program's website. After the presentation, the council asked questions of Ms. Snyder and thanked her for the presentation. The full discussion can be found on the audio recording of the meeting located on the Program's website. ***NO ACTION**

Chair Goicoechea called for a recess at 10:51 a.m., and reconvened at 11:10 a.m.

8. PRESENTATION AND DISCUSSION ON A SERIES OF DECISION-SUPPORT TOOLS RECENTLY DEVELOPED TO INCREASE THE ABILITY TO MANAGE FOR RESILIENCE AND RESISTANCE IN SAGEBRUSH ECOSYSTEMS - *FOR POSSIBLE ACTION* *DR. JEANNE CHAMBERS, USFS, ROCKY MOUNTAIN RESEARCH STATION*

Dr. Jeanne Chambers reviewed a PowerPoint presentation titled, "Decision-support Tools to Increase the Resilience and Resistance of Sagebrush Ecosystems," a copy of which can be found on the Program's website. After the presentation, the council asked questions of Dr. Chambers and thanked her for the presentation. The

full discussion can be found on the audio recording of the meeting located on the Program's website. ***NO ACTION**

9. PRESENTATION AND DISCUSSION ON RECENT RESEARCH ON WILDFIRE AND INVASIVE PLANTS, CONIFER EXPANSION, ANTHROPOGENIC EFFECTS, PREDATOR SUBSIDIES, AND THEIR EFFECTS TO MACRO AND MICRO SAGE-GROUSE HABITATS - *FOR POSSIBLE ACTION* DR. PETER COATES AND DR. MARK RICCA, USGS, WESTERN ECOLOGICAL RESEARCH CENTER

Dr. Peter Coates and Dr. Mark Ricca reviewed a PowerPoint presentation titled, "Greater Sage-Grouse Population Ecology Studies to Inform Land Management Actions in Sagebrush Ecosystems," a copy of which can be found on the Program's website. The presentation was divided into five sections: 1) Wildfire; 2) Predators (Ravens); 3) Conifer Encroachment; 4) Macro- and Micro-Habitat; and 5) Multi-scale Population Assessment Tools.

Chair Goicoechea called for a recess at 1:25 p.m., and reconvened at 1:37 p.m.

Dr. Coates and Dr. Ricca concluded the PowerPoint presentation, at which time the council had questions and discussions, and then thanked them for the presentation. The full discussion can be found on the audio recording of the meeting located on the Program's website. ***NO ACTION**

10. 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. Review, discussion and possible revision of the 2014 Nevada Greater Sage-Grouse Conservation Plan.
- C. Update on Table 2.2 contained in the Approved Resource Management Plan Amendment (ARMPA).
- D. Update from Member Swanson on the latest version of the Rangeland Monitoring Handbook.
- E. The Council scheduled their next meeting for Thursday, April 5, 2018, location and time to be determined. ***NO ACTION**

11. FEDERAL AGENCY UPDATES AND COMMENTS –

- A. U.S. Fish and Wildlife Service – (USFWS) No update.
- B. Bureau of Land Management (BLM) – Mr. John Ruhs advised that BLM is performing Great Basin regional fuel break and fuels reductions EIS's, and the scoping period for those programmatic EISs closed on March 1, 2018, and the comments are currently being reviewed. Mr. Ruhs further advised that as a follow-up to Secretarial Order 3353, the BLM is receiving comments on short term recommendations with regard to habitat assessment framework, implementation of habitat objectives tables and incorporating thresholds in responses in the grazing permits and leases and more information will be forthcoming.
- C. US Forest Service (USFS) – No update.

D. US Department of Agriculture (NRCS) – Mr. Gary Roeder advised that NRCS has approximately \$500,000.00 available in 2018 grant funds and are seeking applications from agriculture producers for these funds for land treatment practices for the benefit of sage-grouse in Nevada.

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 clarified that the DCNR did execute the MOU to act as a cooperating agency with the BLM.

C. Department of Wildlife (NDOW) – Mr. Tony Wasley advised that NDOW held its annual volunteer sage-grouse lek survey training and twelve volunteers were in attendance and are currently being assigned leks for survey purposes. Mr. Wasley stated that NDOW has developed a new sage-grouse lek count application which can be downloaded on to smart phones and tablets, allowing for a more efficient download of data in the statewide lek database. Mr. Wasley further said that NDOW is coordinating with USFS in the Owyhee area to conduct aerial infrared lek surveys and USFS is providing additional funding for these flights and the surveys will be concentrated at high-elevation mountain ranges in central Nevada, but will also include the North Schell Creek and Snake Ranges in White Pine County.

D. Department of Agriculture (NDA) – Mr. Jim Barbee advised that NDA is in the final beta testing of their application and they succeeded in having the app link to the ecological site descriptions.

E. Conservation Districts Program – Ms. Bettina Scherer advised that the State Conservation Commission held its meeting to review and rank the State Conservation Commission competitive sage-grouse habitat grants, four applications were received and those four were funded. Ms. Scherer advised that one of the grants was within the Bi-State sage-grouse habitat and three were located within greater sage-grouse habitat.

F. Sagebrush Ecosystem Technical Team (SETT) – Mr. Kelly McGowan reported that the SETT will be conducting its annual certification for verifiers in the near future. Mr. McGowan advised that the SETT has begun the process to update the CCS manual with the improvements approved by the SEC. Mr. McGowan also advised that the CD program, along with the SETT and NDF, will be collaborating this spring on conducting the HQT on one of the credit projects for training purposes.

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 4:31 p.m.