



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

**Date:** Monday, June 27<sup>th</sup>, 2019  
**Time:** 8:30 a.m.  
**Place:** Nevada Department of Wildlife  
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:** JJ Goicoechea, Chris MacKenzie, Allen Biaggi, Steve Boies, Bevan Lister, Sherm Swanson, William Molini, Bill Dunkelberger, Justin Barrett, Jon Raby, Ray Dotson, Jim Lawrence for Bradley Crowell, Jennifer Ott.

**Council Members Absent:** Gerry Emm, Starla Lacey, Tony Wasley, Bradley Crowell.

**1. CALL TO ORDER**

Chairman JJ Goicoechea called the meeting to order at 8:52 AM. Chairman Goicoechea indicated that agenda item 10 would be moved to item 6, and all subsequent agenda items would be shifted accordingly.

**2. PUBLIC COMMENT**

No public comment.

**3. APPROVAL OF THE AGENDA - \*FOR POSSIBLE ACTION\***

Chairman Goicoechea asked to move agenda item 10 to item 6 and shift all other items accordingly. Member Mackenzie moved to approve the altered agenda and Member Swanson seconded the motion. **\*ACTION**

**4. APPROVAL OF MINUTES - \*FOR POSSIBLE ACTION\***

Member Molini moved to approve the minutes, Member Biaggi seconded the motion. **\*ACTION**

**5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE**

Member Molini asked about a BLM and Forest Service Energy Corridor Study and wondered if a report could be made on the study. Mr. McGowan indicated that correspondence would be reserved for later in the meeting.

**6. UPDATE FROM THE U.S. FISH AND WILDLIFE SERVICE RELATING TO THE POTENTIAL INCREASE IN RAVEN TAKE PERMITS IN NEVADA - \*FOR POSSIBLE ACTION\***

Mr. Justin Barrett gave a short update the text of which is available on the website under agenda item 10. Mr. Mark Jenson (State Director for USDA APHIS Wildlife Services) commented that APHIS is conducting a statewide

Environmental Analysis and an agency draft was just completed with input from partners that will go for public comment soon, with an anticipated Record of Decision by Fall. When the analysis is done the State will need to decide if more ravens need to be removed to protect sage grouse. If the State wants to remove ravens, a request would need to be made for an increase in the permit from the Region 8 Fish and Wildlife Service Office, and the Fish and Wildlife Service would need to decide whether to increase the permit. That decision would be based on the APHIS NEPA analysis. If a request is made, and a permit issued, Wildlife Services would eventually help the state implement the state plan to remove more ravens. Member Biaggi asked if predation numbers were based statewide, or if they were broken down into a regional area? Member Biaggi clarified and asked if more could be taken based on a geographic region? Mr. Jensen indicated that the permit does not specify where the ravens would be taken, but that Wildlife Services anticipates working with the Dept. of Wildlife to prioritize areas that need protection, and that the objective would be to reduce raven densities during the nesting season to increase nesting success at the specific locations. Mr. Barrett mentioned that the population estimates are statewide, but the implementation of lethal take would continue to be strategic, not across the board. Mr. Jensen clarified that this would not be an attempt to reduce the raven population, and that Wildlife Services does not have authority to do that. The objective would be to protect sage grouse during the nesting season. Chairman Goicoechea asked if it would take an amendment of the Migratory Bird Act to reduce population numbers, or if it could be done through NEPA analysis? Mr. Jensen clarified that if the intent was to reduce raven population numbers, it would require an EIS with input from the Fish and Wildlife Service and a completely different analysis to achieve that goal. Chairman Goicoechea asked if national legislation was pursued related to the Migratory Bird Act if the population numbers could be changed at that level? Mr. Barrett answered yes. Member Molini commented that a reduction in migratory bird populations have been pursued and effected with Snow Geese in the past. Mr. Jim Lawrence asked if the nineteen thousand was just for Nevada, or nationwide? Mr. Jensen answered that it was Nevada specific, and that the analysis includes the number of ravens which can be removed without negatively affecting the population. Mr. Barrett commented that protection for sage grouse needs to be multi-pronged. Mr. Jensen indicated that the sage grouse protection permit is always at maximum, but the livestock protection permit is responding to request for assistance for raven damages and that Wildlife Services does not take ravens just because they are on the permit, it is in response to damages, but that the sage grouse portion of the permit is always at maximum. Member Boies asked if personnel and capacity was sufficient to deploy increased control methods? Mr. Jensen replied that it will be a challenge and that they will need some lead time, and money to develop the capacity for increased raven control. Mr. J.A. Vacca asked if there were opportunities for proponents to assist with the control efforts? Mr. Barrett replied that there are approximately 4 permits in the State and that the permits are provided to private parties in limited circumstances, but that the label for the control agent specifies that Wildlife Services has to apply the product. Mr. Jensen indicated that Wildlife Services cannot allow others to apply the product, and that would be the limiting factor. Member Boies asked for clarification on the sustainability of egg oiling, and for on the number of eggs required per bird. Mr. Barrett answered that the current permits apply to flighted birds, and there is no take authorized for egg oiling. Mr. Barrett indicated that egg oiling could be assumed to have a 50% mortality on flighted birds and that egg oiling has had success for desert tortoise protection. Drones may be used to apply oil to raven eggs, but that research towards application of oil is challenging. Member Boies asked for clarification on the oiling method. Mr. Barrett clarified that the application of oil inhibits clutch success, and also occupies the birds so that re-nesting does not occur, reduces nutritional demand, and leaves intraspecific competition resulting in less pressure to the target organism. Mr. Barrett also indicated that research has shown that nesting may not occur in the year subsequent to application as well which results in a two-year benefit from one application. Chairman Goicoechea asked if a loss of nesting the following year would result in more roving juveniles? Mr. Barrett concurred that a failure to nest the following year may result in more juveniles due to no territories being established. Member Mackenzie asked if there exists a target population and what the scale of those targets were? Mr. Barrett answered that population targets do not currently exist, but there are conversations about their potential establishment. Member MacKenzie mentioned that we have an ever increasing population which results in a losing proposition. Mr. Jensen indicated that any effort to reduce population numbers would require an EIS and setting population levels would be included in that analysis. **\*No Action**

**7. UPDATES AND POTENTIAL REQUESTS FROM THE FOLLOWING NEVADA NATURAL RESOURCE CONSERVATION WORK GROUPS – NEVADA ASSOCIATION OF CONSERVATION DISTRICTS, LOCAL AREA WORKING GROUPS, NEVADA COLLABORATIVE CONSERVATION NETWORK, LOCAL WORKING GROUPS, NEVADA ASSOCIATION OF COUNTIES, RESULTS ORIENTED GRAZING FOR ECOLOGICAL RESILIENCY, STEWARDSHIP ALLIANCE OF NORTHEAST ELKO, AND NORTHEAST NEVADA STEWARDSHIP - \*FOR POSSIBLE ACTION\***

Ms. Cheva Gabor gave a presentation relating to the Nevada Collaborative Conservation Network. This presentation is available on the website under agenda item 6.

Member Lister gave a presentation on the Lincoln LAWG, also available on the website. Mr. Jon Raby mentioned that the Ely district has had a successful PJ program since the initiation of the national fire plan, and was interested in learning more about the differences between actions in Nevada Vs. Utah and would follow up on that angle. Mr. Raby emphasized that he does not want to see State boundaries get in the way of landscape scale conservation efforts. Mr. Raby mentioned that a refining of the required design features is underway to make sure that islands of PJ are not left behind. Mr. Raby mentioned that he would stay in communication about efforts and that wild horses continue to be a focus within the congressional authorization provided to the BLM. Member Swanson mentioned that he appreciated a focus on riparian areas. Member Swanson also mentioned the issue of PJ using water resources.

Mr. Gerry Miller gave a presentation on the Northeast Nevada Stewardship Group which is available on the website under agenda item 6. Member Swanson asked if the sagebrush carcasses could be collecting an increased amount of snow? Mr. Miller replied that was not being measured, but that microclimates were likely the reason for the success. Member Molini asked what the Biodegradable material was mentioned in the presentation? Mr. Miller replied that he did not know. Mr. Jim Lawrence asked how labor intensive the sagebrush carcass planting was and how it could scale? Mr. Miller replied that a crew of 5 people 2 acres of carcass planting took less than 4 hours. Member Swanson mentioned that the power of the sagebrush carcass tool could be dropped from a moving vehicle and that Member Swanson would like to see it tried with an emphasis on the science required to apply the method at a landscape scale (e.g., spacing, locations, etc.). The method could be used to create islands in strategic places in large burn areas. Mr. Miller concurred. Chairman Goicoechea asked what the ideal selection method was for the carcass? Mr. Miller indicated that as close to the site as possible is the best way. Member Swanson mentioned that the more space a plant has, the more seed is available, so harvesting where spacing is optimal would be desirable.

Mr. James Rogers gave a presentation regarding the Results Oriented Grazing for Ecological Resilience which is available on the website under agenda item 6.

Mr. Lawrence asked if the accomplishments of the local groups are being uploaded to the Conservation Efforts Database? Ms. Jasmine Kleiber answered that yes, the regular uploads are being made. If partners are involved in projects, those efforts are being captured. Mr. Lawrence expressed the desire that all efforts be made to capture as much as possible. Mr. Dan Huser mentioned that there is a web interface where local groups can upload projects. Ms. Kacey KC also added that Conservation Efforts Database is specific to sage grouse projects but that NDOW is working on a broader based effort for the interface they are developing, but that all these databases will be linked together making Nevada one of the first states to link the efforts via a common contractor.

Mr. Ethan Mower and Ms. Robin Boies gave a presentation on the Stewardship Alliance of Northeeastern Nevada which is available on the website. Member Boies indicated that the Shoesole Group would be conducting a field tour beginning with sagebrush carcass test sites.

## **8. DISCUSSION ON THE FEDERAL SEED STORAGE OPERATIONS; SEED PROCUREMENT (NATIVE AND NON-NATIVE), AVAILABILITY, PRIORITIES, LIMITATIONS, DEMAND, ETC. - \*FOR POSSIBLE ACTION\***

Mr. Derek Conn and Ms. Patricia Roller gave a presentation on the BLM seed warehouse operations available on the website under agenda item 7. Ms. Roller indicated during the presentation the all sagebrush seeds have a seed transfer zone matched to local areas. Chairman Goicoechea asked for clarification. Ms. Roller answered that it is a climate indicator based on the number of freezing days during the winter, combined with an aridity index in an attempt to match the ecology of the selection to the fire site. Member Lister clarified that a simpler term would be locally adapted seed and matched with a similar environment. Member Boies mentioned that private landowners have seed available, but that there is no price incentive to get involved into providing local seed. Member Boies asked if the BLM will give a premium for local seed? Mr. Conn answered yes, source identified seed costs more, and a premium will be provided. Member Boies asked if the seed warehouse is involved at the harvest level? Mr. Conn answered that they do not. Chairman Goicoechea asked how seed is made available for sale by private growers if available? Ms. Roller answered that NRCS can provide startup seed, but that the certification is done with the State Department of Agriculture. Mr. Conn answered that unless BLM is requesting a certain type of seed, it is hard to get growers to produce seed due to the high risk. Chairman Goicoechea commented that his previous question was how the grower is expected to begin to

participate in the action of growing native seed? Ms. Roller presented about the IDIQ (Indefinite Delivery, Indefinite Quantity) process, information is available on the website. Mr. Raby summarized the program by mentioning that bids are submitted to grow certain species, BLM negotiates prices for the seed with the grower which sets a minimum price for the seed, and the BLM purchases the seed at the negotiated price which reduces the risk of growing seed. Member Molini asked about the feasibility of collecting wild seed. Mr. Conn responded that it would be infeasible to expect collection to keep up with demand. Member Molini clarified that sagebrush seed is generally wild collected, Mr. Conn affirmed that sagebrush is generally wild collected. Member Boies commented that private landowners with current stands of native seed should become an integral part of the seed system. Member Lister asked how many seed transfer zones exist? Ms. Roller answered that the U.S. Forest Service maintains a website called the WWETAC (<https://www.fs.fed.us/wwetac/threat-map/TRMSeedZoneMapper.php>) which will list all the seed transfer zones. Most of the sagebrush seed is going to the great basin, to approximately 5-6 ecoregions, within each ecoregion there are 6-8 seed transfer zones. Member Lister asked who does seed verification and germination testing on produced seed? Mr. Conn answered that most vendors will do it on their own before selling the seed. BLM will verify the seed themselves at a separate seed lab. Ms. Jennifer Ott asked if the IDIQ was 5 years for the whole program? Ms. Roller answered that it is 5 years from a solicitation, and after this initial solicitation more vendors can be added. Ms. Ott asked for clarification that new interested vendors need to wait 4 more years to enter? Ms. Roller answered yes. Member Boies asked what qualified as a native seed? Ms. Roller answered that source identified native species collected from wildland places, or cultivated plants grown from seed collected from a wildland place, and native species can only be grown in a field for 4 years. Mr. Conn mentioned that all seed will be source identified and have tags identifying the areas grown. Ms. Leana Carey asked if the BLM guarantees the absence of cheatgrass in the seed? Mr. Conn answered that the BLM pays a premium for weed-free certified seed based on the absence of noxious weeds. Member Boies commented that local seed is important, and ecologically valuable. Ms. KC answered that she may have something to add from a state perspective. Mr. Raby commented that the IDIQ process is meant specifically to provide local capacity and availability. Member Swanson added that the market certainty will contribute to the lack of interest in growing native seed. Mr. Conn mentioned that the IDIQ will also be able to match up people who contribute bids for certain seeds to known needs of seed and be able to purchase the seed with a much higher frequency.

Ms. Kacey KC presented about the State Forestry seed efforts. Nevada Department of Forestry operates two nurseries, one in Washoe Valley and one in Las Vegas. NDF cannot sell within city limits and buyers must have 1 acre minimum land ownership. NDF seedbanks started from locally sourced and collected seedbanks. NDF mixed seed which went out to projects across the state, wildfire increased, and seed demand grew too high. The primary uses of reseed are state and private lands, although application may be on federal land as well. NDF became more of a seed broker, where it held contracts for all state agencies. If the large seed buyer does not have enough, NDF holds a seed contract (126,400 lbs. of pure live seed) currently with multiple different species. NDF also collects and cuts seedlings and saplings and grows them at nurseries to be used within the state. Ms. KC mentioned the Nevada Native Seed Partnership came up with a list of things to be locally grown, and how much needs to be grown. This group is targeting incentives for local growers. NDF is working with State Parks to grow native local seed for revegetation efforts and the grower will hopefully continue to produce seed to be used with different state agencies. The Nevada Native Seed Partnership is working on matching growers with sellers. NDF is focused on contracting the best native seed. The State also passed a bill that provides five million dollars for long term planning, restoration, rehabilitation and mitigation of wildland fires that can be used for group, collaborative funding that matches federal funding. NDF has generally brought manpower, but can now provide funding as well and this contributes to momentum that is being built in the state. Member Lister asked about coordination with the Department of Agriculture and how information and resources are getting to producers. Ms. KC indicated that there is a list of desired species and mentioned that the Nevada Native Seed Partnership and the message needs to be shared more aggressively. Member Lister commented that information needs to find its way to the ground level. Ms. KC agreed, but shared that coordination at the state level needed to happen first, and that the partnership is better situated to coordinate more locally now. Ms. Ott commented that an IDIQ type system is potentially needed due to the high risk involved with asking producers to try new crops which have a variable market. Funding certainty is needed. Ms. Liz Munn added that a presentation from the Nevada Native Seed Partnership would be timely. Ms. Munn described the latest Nevada Seed Forum meeting which happened in Sparks earlier in the year. Ms. Munn described that the feedback received at that meeting was that market information is needed by producers, not necessarily technical advice. A step down of the seeds of success national program is being looked at for Nevada.

Mr. Lee Turner added that NDOW has spent 3 million dollars in 2018 including herbicide, seed and seed application. 2017 saw 2.7 million on the efforts. Mr. Turner talked about the diversity of organizations that contribute to the money spent. NDOW has participated in BLM seed purchases and total of approximately 14 fires. NDOW has a part-time

employee at the BLM Ely seed warehouse to provide planning assistance. NDOW would like a more seamless interaction with BLM processes and that position has helped with that interaction. Mr. Turner talked about entering into contracts with local producers where the state can buy direct from producers. NDOW purchased \$550,000 of Kochia from producers via direct contract, because there was no other mechanism to make the purchase. Mr. Turner commented on the infinite demand present in the state. Mr. Turner indicated that NDOW intends to continue in the rehabilitation direction and create demand for seed and the need for local seed. Mr. Turner indicated that a disconnect exists between those who want to buy seed connected with producers who want to grow the locally sourced material. Member Boies indicated that there needs to be some kind of premium for local growers to compete with other producers. Mr. Turner commented that NDOW is willing to pay more for better seed. Ms. Roller commented that the transfer of funds is currently difficult if NDOW purchases from the seed warehouse. Idaho has succeeded in streamlining the effort by keeping the transfer of funds at the state level instead of having it happen through the national operations center. Ms. Roller offered to work with someone from NDOW and the Nevada BLM state office. Mr. Turner agreed. **\*NO ACTION**

#### **9. DISCUSSION ON THE POTENTIAL USE OF USDA-NRCS FUNDING ON FEDERAL LANDS - \*FOR POSSIBLE ACTION\***

Mr. Ray Dotson began answering several questions regarding use of NRCS funding on federal land. Mr. Dotson confirmed that NRCS funding can be used on federal lands and the program utilized is the Environmental Quality Incentives Program (EQIP), NEPA is required from both agencies (the land management agency and the NRCS). Mr. Dotson mentioned that private land does not need to be tied to the public land for funding to be expended on public land. Mr. Dotson said that the NRCS could assist with large scale rehabilitation actions if participants qualify for the programs. Mr. Dotson indicated that the Nevada NRCS is moving to rolling sign-ups instead of discrete application periods. Mr. Dotson commented that there are no restrictions to activities on public land provided the practice exists in NRCS technical manuals and if NEPA is completed. Mr. Dotson answered the question of why California can implement actions faster than Nevada by indicating that those dollars were not tied to NRCS funds. Mr. Dotson said that as long as NEPA is completed, and a producer is qualified and ranks as a priority, they can receive assistance. Chairman Goicoechea asked if EQIP could be used on maintenance actions or just implementation? Mr. Dotson answered that both can be funded. Member Boies asked if the NRCS can do NEPA? Mr. Dotson answered that the NRCS can do its own NEPA analysis, not another agency's NEPA. Member Lister asked why there isn't only one NEPA analysis? Mr. Dotson answered that they cannot put aside the requirement that comes with expending federal dollars to perform a federal action. Chairman Goicoechea commented that the NRCS does not have Categorical Exclusions. Mr. Dotson answered that the NRCS does do Categorical Exclusions, and that they use them. Mr. Jon Raby commented that he and Mr. Dotson should get together to determine how the two agencies can achieve one NEPA analysis with two decisions to avoid the duplication of efforts. Member Lister asked how the Sage Grouse Initiative (SGI) ties in to all of this? Mr. Dotson responded that SGI is basically EQIP that is tied to practices known to benefit sage grouse. Member Lister then asked who qualifies as an applicant and who does not? Mr. Dotson responded that the eligibility requirements have to do with income level. Member Lister asked to clarify that the Sagebrush Ecosystem Program cannot be an applicant, the applicants have to be individuals? Mr. Dotson affirmed. Mr. Bill Dunkelberger asked for confirmation that the Forest Service cannot apply for funding, but permittees could. Mr. Dotson affirmed. Mr. McGowan mentioned the need to spread the word of the availability of NRCS funds. Mr. Dotson agreed, but brought up the need to have NEPA done ahead of actions. Mr. Barrett asked if Nevada is allocated a certain amount of money and if Nevada utilizes all the funds allocated? Mr. Dotson answered yes, a certain amount is given based on the Farm Bill and specific algorithms, money is given to the state, people apply for the funds, and the NRCS allocates contracts. Funds must be reverted if contracts are not given. Mr. Barrett asked if the State is sending money back. Mr. Dotson answered that yes, Nevada sometimes sends money back, and that the programs are voluntary. There are sometimes restrictions associated with programs. Chairman Goicoechea asked for more information about the revolving application period. Mr. Dotson indicated that the goal is to have ready by next year. Member Swanson asked whether fencing and water developments are available within EQIP? Mr. Dotson answered yes. Mr. Dotson commented that the important thing is that it is producer led. Member Boies commented that NEPA is a road block. Member Boies expressed that many applicants don't come in because they have experienced obstacles before, and have given up. **\*NO ACTION**

#### **10. UPDATES FROM THE BUREAU OF LAND MANAGEMENT, U.S.FOREST SERVICE, AND NEVADA DIVISION OF FORESTRY ON RECENT AND PLANNED WILDLAND FUEL TREATMENTS AND FIRE OUTLOOK - \*FOR POSSIBLE ACTION\***

Mr. Paul Petersen gave a presentation on fire outlook and wildland fuel treatments. This presentation is located on the website under agenda item 9. Member Swanson asked where data from previous years features into a fire outlook? Ms. KC answered that previous climatic data does tie into the forecasting.

Mr. Tim Thiessen presented on BLM fuels treatment activities. This presentation can also be found on the website under agenda item 9. Member Swanson asked what the expected budget is for fuels treatment? Mr. Thiessen answered that negotiations are ongoing but that the request is for 13 million but that approximately 7-8 million could be expected. Mr. Lawrence asked about projected budget shortfalls? Mr. Petersen answered that it is significant, and that the BLM cannot do it all on their own, emphasizing the need for partnerships. Mr. Thiessen distributed a paper regarding targeted grazing, available on the website under agenda item 9. Katherine Dyer mentioned that the statewide targeted grazing EA is on track with public scoping occurring soon. Mr. Thiessen outlined the prioritization for vegetation treatments via a handout, available on the website under agenda item 9. Mr. Barrett asked where local concerns are incorporated into the prioritization process. Mr. Thiessen answered that local on the ground issues are brought forward at the district level. Ms. Carrey asked if anyone on the council had an explanation for why crested wheatgrass could not be used in vegetation treatment actions? Mr. Raby answered that the BLM has no objection to considering additional crested wheatgrass seedings. Mr. Dunkelberger answered that the Forest Service also had no objection to using additional crested wheatgrass seedings. Member Boies asked Ms. Katherine Dyer if targeted grazing was directed towards monocultures of cheatgrass or if targeted grazing on areas not yet overtaken by cheatgrass an option as well? Ms. Dyer answered that yes, it would be part of the option. Ms. Dyer indicated that work with Tamzen Stringham has occurred, and ecological states are considered. Member Boies indicated that some habitats might be in good shape, without significant cheatgrass, that are at risk due to fuels buildup. Member Boies expressed the need to be able to graze land that have vegetative build up that may not be expressly cheatgrass related. Ms. Dyer answered that the EA will be a foundation for many other documents taking an ecological site approach. The BLM decided to keep this document confined to areas where annual grasses are a large component because the goal is to have field offices capable of doing determinations of NEPA Adequacy and decisions from the Environmental Assessment directly as opposed to requiring tiered NEPA if a document becomes too large in scope. Member Molini asked if there was enough experience to indicate that targeted grazing works? Ms. Dyer expressed that there was adequate experience to create things like fuel breaks, but that at large landscapes or in mixed systems there might be nuances involved. Ms. Dyer expressed definitively that as a fuel break tool, livestock are effective. Fall grazing can be employed to reduce many fuel characteristics. Unintended negative consequences were analyzed, and there will be monitoring employed to learn as the project progresses. Member Molini expressed concerned that at larger scale containing perennial forage that is impacted by grazing, that could cause consequences that are worse than expected. Member Molini asked for confirmation that most successes have been seen in cheatgrass monocultures along existing rights-of-way? Ms. Dyer replied that most projects have been focused because of the reduced disagreement about objectives and potentials about the projects. Member Boies replied that results should compare fire behavior in systems that have had targeted grazing vs systems that have not had grazing. Member Boies commented that areas which have seen grazing do not seem to have long term damage that areas which have not seen grazing have, and that data to support that is needed. Member Boies expressed that his concern is with areas that are intact currently, but are at risk. Mr. Raby added that the objective of targeted grazing is fuel reduction and that outcome based grazing is the mechanism used to look at landscape level type, location, numbers, season of use, etc. to achieve healthy rangelands that are resilient to fire. Mr. Dunkelberger added that the Forest Service has started a targeted grazing study that can provide peer reviewed science that the Forest Service can use to show that targeted grazing makes a difference. Member Swanson asked how much the fire map reflects woody fuels vs. fine fuels? Mr. Thiessen replied that that is captured in the burn probability displayed in the map. Member Swanson asked how much the map will change from year to year based on weather conditions. Mr. Thiessen replied that the parameters have minimal changes from year to year. Member Swanson commented that the map may not be a good tool to use in the adaptive management process contained in the state plan. Mr. Thiessen replied that predictive services are producing a product that predicts fine fuels and the differences in normal using remote sensing. Mr. Thiessen replied that a real-time tool to use for the adaptive management process is close, but that right now the information is not available. Member Swanson asked if that tool incorporates NDVI? Mr. Thiessen replied yes, it was one component. Member Swanson expressed the desire that the council hear more about the tool as it is developed. Mr. McGowan asked if it was possible to separate treatments by targeted vegetation (e.g., cheatgrass, pinyon-juniper, etc.)? Mr. Petersen replied that yes, it was possible and that the BLM is converting to a database which will be able to separate those treatments easily. Member Lister asked what policies, guidelines, or instructions add to fuel loads? Mr. Thiessen asked for clarification of the question, does the BLM have management activities that contribute to increased fuel loads? Member Lister confirmed. Mr. Thiessen replied in general absolutely not. Mr. Dunkelberger replied that hopefully they are not currently contributing to fuel loads, but that historically they have because of fire suppression activities. Mr. Dunkelberger

pointed out a fire currently that the Forest Service is letting burn, and that less suppression is sometimes needed, and more prescribed fire is needed in a general sense. Mr. Raby added that anything that would preclude active management through unnecessary restrictions would contribute to fuel loads, and that the BLM tries to minimize that. Member Swanson added that the trajectory of thinking about rangeland management has been tied up with overgrazing, and to the degree the problem is referred to as overgrazing instead of under management we focus on conservative stocking rates which leads to more fine fuels. The need to preserve the resilience of the perennial community takes management. Conservative stocking rates may be replaced with tools like the Grazing Response Index which may be used without the baggage of increased fuel loads. Increased grazing to reduce the fire problem will need more active management, which may come with more AUMs. More AUMs may reduce resilience which is the goal, but lighter stocking rates are not the answer either, because that leads to fire problems. Member Boies commented that what had driven the lighter stocking rates is a focus on riparian areas, which has resulted in uplands with increased fuel loads, and the challenge is to balance the riparian areas with upland management and not lose much of it to fire. Member Swanson agreed with Member Boies and commented that the key is the movement of animals. Member Boies commented that for movement to happen fences and water are needed. Member Swanson agreed that the development of water away from riparian areas that is large enough for large amounts of animals is a key to management. Mr. Dunkelberger commented that a shared stewardship summit is planned for the fall where all partners can come together and prioritize actions that are focused on a statewide, holistic level.

Duncan Leao presented on fuels and vegetation management for the Humboldt-Toiyabe National Forest. This presentation is available on the website under agenda item 9. Member Lister commented on the difficulty of doing any actions in wilderness areas and asked how any vegetation management is supposed to happen in those areas? Mr. Leao answered that one option is to treat around the wilderness, and a natural ignition in the wilderness area will not spread easily to surrounding areas. Mr. Dunkelberger answered that a Categorical Exclusion is being developed for natural fires in the wilderness areas where the fire will be allowed to burn, and that the treatment surrounding the wilderness will manage the fire outside the areas. Chairman Goicoechea asked about mapping fire ignitions in the forest system that will require active management vs. letting the fire burn? Mr. Dunkelberger replied that they have used that modeling effort before, but for NEPA and Categorical Exclusions there cannot be any extraordinary circumstances which includes special areas. Member Molini asked about addressing treatments in wilderness areas which may have critical habitat? Mr. Dunkelberger replied that they prioritize critical habitat for containing the fire, and that the decision tree for suppressing the fire includes critical habitat. Mr. Leao added that the policy has been confusing for a number of years, but that within fire suppression there are multiple options and there are strategies within other strategies.

Ms. Kacey KC presented on Nevada Division of Forestry's (NDF) actions. Ms. KC said that NDF has more than doubled treatment acres in 2019, and the work has been done primarily on private lands. Approximately 10,000 acres were treated this year, with approximately 1 million board feet of timber, 500 cords of firewood, 2200 tons of chips. Future plans include 35 projects, 19,000 acres in 11 counties. Ms. KC commented on the Division of Forestry's budget for landscape scale projects, which has come largely through the U.S. Forest Service and the BLM which has averaged around 3.5 million dollars per year. This year the legislature added 5 million with a potential match of an additional 5 million and FEMA funding have been received totaling another approximately 5 million. The Nevada Division of Forestry's budget is now approximately 17 million dollars. The Division of Forestry has land management responsibilities in addition to wildfire suppression responsibilities and a culture shift with a focus on collaboration and holistic management is needed. The shared stewardship meeting in the fall will gather landscape scale managers at the state, local, and federal scale. A strong outreach and educational campaign is needed to solve wildfire problems. Ms. KC mentioned that the reason resource crews are not utilized for landscape scale projects is because the crews are typically fighting fires, so the crew specifications have been re-written to include half resource managers to encourage the use of conservation crews for treatment projects. Crews will always be available to implement projects year round. Chairman Goicoechea asked if the reclassified conservation crews would also be able to be deployed on fires? Ms. KC answered yes, if they are credentialed. Ms. KC commented that the strategy would make more fire crews available. Chairman Goicoechea asked if the conservation crew was the closest resource to an ignition if they could be deployed? Ms. KC answered that as long as they had credentials they would be deployed. Ms. KC commented that the goal of the reclassification was to provide the most effective structure for initial attack and firefighting capacity. Member Biaggi asked how collective bargaining would affect the Division of Forestry and if staff costs would increase? Ms. KC answered that she did not know what the legislation meant for her division. Mr. Lawrence commented that all state agencies were unsure of what collective bargaining means for each agency, but that it was not binding on the Governor. Mr. Lawrence asked for clarification on the potential match for the 5 million dollars that was approved by the state legislature? Ms. KC replied that the 5 million dollars is intended as match for other funds that are brought in

by NDF. With the match it makes 10 million dollars actually available to the state. Long term planning is incorporated into this as well, not just implementation. Nevada went from 5 million dollars in a suppression account to 19 million and new equipment was also secured. A large part of the shared stewardship meeting is to determine the best place for all the diverse funding avenues. Mr. Lawrence indicated that the highest priority areas would be funded, but that one focus would be to make sure that the money is spent appropriately. **\*No Action**

#### **11. DISCUSSION OF THE ENVIRONMENTAL REVIEW TIMELINES FOR CURRENT PROPOSED ANTHROPOGENIC DISTURBANCES AND THE APPLICABILITY OF STATE ADOPTED TEMPORARY REGULATIONS REQUIRING MITIGATION - \*FOR POSSIBLE ACTION\***

Mr. McGowan directed attention to a handout available on the website under agenda item 11. This handout details projects with mitigation plans which are uncertain with respect to the Nevada Mitigation Regulations. Mr. McGowan detailed Rossi mine which examined two alternatives within the EIS for mitigation, one proponent driven alternative and an alternative that included the potential use of the CCS. The final EIS stated that they were not required to mitigate and the State did not have regulations in place at the time. When the final EIS was completed no mitigation was included.

Mr. McGowan detailed the Gold Bar project, which also analyzed two alternatives for mitigation, one was proponent driven, and the other was the use of the CCS. The proponent driven project was selected, however 6 months was allowed to select the mitigation measure, but the area selected for mitigation required an EIS, which has not yet been authorized. Mr. McGowan mentioned that the project is not in compliance with the mitigation requirements. Member Molini asked what non-compliance meant in terms of an outcome? Chairman Goicoechea asked if all the projects could be presented before an answer was given.

Mr. McGowan detailed the Gold Rock project, which began the authorization process in 2014. This project also analyzed two different alternatives for mitigation, one being proponent driven mitigation where the mitigation would be done on public lands, and the other alternative including the use of the CCS. The Record of Decision was signed and had 90 days to coordinate with state and federal government to determine where the mitigation would occur, and the SETT has not been aware of any coordination to implement mitigation and are thus in non-compliance with the mitigation requirements.

Mr. McGowan also detailed the Prospect mine which the SETT was made aware of two weeks prior. On all of the projects presented the SETT was not requested as a cooperating agency. The comments for the Environmental Assessment closed on June 13<sup>th</sup>, and thus would be out of compliance with any mitigation requirements. Member Biaggi asked what the disturbance area is on the prospect mine? Ms. Andrie indicated that possibly 82 acres would be disturbed with only 2-3 acres of previously authorized disturbance, with some amount of those acres being underground which are not calculated within the CCS.

Chairman Goicoechea commented that there is a meeting in Eureka on the 2<sup>nd</sup> of July regarding the Prospect mine. The other 3 projects are not in compliance. The Rossi mine has been a difficult situation, and Eureka county pushed for the use of the CCS, especially due to the cutoff of December 7<sup>th</sup> detailed in the regulations which specified if a mitigation plan was not in place that the CCS would be required. The mine indicated that they would not do any mitigation. Chairman Goicoechea then asked what non-compliance meant? Chairman Goicoechea expressed the thought that if clean air and clean water permits were not issued mining would not take place, and if the approval from the SEC was not given, those permits would not be issued. Chairman Goicoechea commented that the BLM is in a difficult position of possibly holding up projects that do not have state authorization. Mr. Jon Raby answered that transition periods are particularly difficult, and that he wanted to be crystal clear that when the BLM completed the plan amendment it represented a contract with the public and partners and that the BLM would live up to those obligations. Mr. Raby commented that these projects represent a subset that have nuances to them, Rossi in particular. When the BLM was caught between the executive order and the regulations being in place, from a legal standpoint the BLM could not analyze an action in advance of having a final state law approved. However, in the land use plan appendix, the CCS process was detailed. Once the state law was enacted, the final decision recognized that process and require that as part of the decision for that entity to be compliant with all state laws. Mr. Raby detailed the language in the final decision which lays responsibility on the applicant to contact state and local agencies to obtain the necessary permits, and be informed of the applicable state and local regulations pertaining to the project, if the BLM has notified the state and the applicant is not in compliance with any state law or regulation including the regulations that require mitigation consistent with the Nevada CCS program, the BLM will take appropriate action to address non-compliance with BLM



service management regulations. Mr. Raby indicated that this was the language which will be in the final decision for Rossi mine. It will be implemented, and will be in compliance at the end of the day. Chairman Goicoechea asked if the onus was on the state to notify the BLM that the project does not have everything in place before the BLM signs the decision, and that it was not the responsibility of the proponent to present the authorization from the State? Mr. Raby answered that no, the BLM was not requiring any kind of notification from the proponent prior to the decision at this time. The BLM knows having worked with the state through this process that the applicant has not offered any mitigation, and that is their prerogative because the BLM cannot require mitigation. The BLM does work through the avoid and minimize hierarchy, but that unless something is tied to a federal requirement such as ESA, or it is part of the state law requirement such as clean water act or clean air act, and this (CCS), the BLM cannot require it. Chairman Goicoechea commented that everyone understood the issue with Rossi, but what would happen when a project comes up in the future, whose responsibility is it to make sure that they are in compliance with those regulations? Does Mr. McGowan notify the BLM that they are in compliance, or does the proponent notify the BLM that they are in compliance? Mr. Raby commented that there should be both of those situations going on at the same time. An applicant is likely to know the process, and their own view of whether they are in compliance, but officially the State has jurisdiction over the compliance. Chairman Goicoechea emphasized the need for the SETT to be a cooperating agency on projects so that the SETT is not informed after the fact. Mr. Raby agreed. Member Biaggi asked if cooperating agency status had anything to do with it? Chairman Goicoechea asked how the SEP was to analyze impacts if the SETT cannot look at the project? Member Biaggi mentioned that NDEP is a regulatory authority but are never listed as a cooperating agency. Chairman Goicoechea responded that if they do not have permits, the project is held up by the BLM, but that presently the BLM is indicating that the SEP needs to inform proponents of compliance, how will the SEP accomplish that if the data is not present during permitting to analyze the impacts? Member Biaggi responded by pointing out that it is up to the program to inform the permitting agency. Mr. Lawrence commented that being a cooperating agency is not required, but that it has been the program's experience that unlike NDEP it is critical that the program is a cooperating agency because the program finds out too late to weigh in. Advance notice also allows the SETT to work with project proponents to minimize disturbance and thus minimize debit generation as well. Member Biaggi asked if it would be a policy statement that the SETT will be a cooperating agency whenever possible? Mr. Lawrence answered yes. Various members vocalized that the program already has an MOU to that effect. Mr. Raby answered that the projects that are currently being addressed are more legacy projects which have unique circumstances, and can be viewed as learning opportunities, and that it is not the intent of the BLM to move forward in a less than transparent manner. Mr. Raby has given clear direction to district personnel on how he expects them to engage with the state on this process. Chairman Goicoechea asked if there was language in the BLM Internal Memo relating to mitigation indicating that the BLM would ensure compliance? Mr. Raby answered that if the BLM is notified that the project is not in compliance, that is the point that they can take action. Chairman Goicoechea asked for confirmation that the BLM has to be notified? Mr. Raby answered yes. Member Molini asked if the Secretary of the Interior gets involved in the record of decision? Mr. Raby answered that there is a streamlined process which involves the assistant secretary of lands and minerals and members of various teams to go through a draft EIS, a final EIS, and a record of decision for all types of projects. Mr. Raby expressed the view that the Secretary of Interior is focused on being in compliance with law, regulations, and policy. If the BLM is operating within those constraints, they will receive 100% support from his office. Chairman Goicoechea read language from the BLM IM: "When compensatory mitigation is required as part of a state plan, program, or authorization, or required by federal laws other than FLPMA, the BLM will include the required mitigation in all of its action alternatives in the NEPA analysis." Mr. J.A. Vacca confirmed that was correct. Mr. Vacca provided clarification that the BLM is working with the state and the BLM solicitors, and that the 2019 plan clearly states "quantification of impacts through the HQT." The idea is that in every alternative that the BLM will disclose the impact and the results of the HQT, and acknowledge that the proponent is responsible for offsetting that number of debits through the system. Mr. Vacca acknowledged that there are many options through the system for fulfilling those mitigation obligations. Mr. Vacca communicated that the BLM may not know at the time of document preparation how exactly the offset will happen. The only time the BLM will be analyzing the actual mitigation action is when it is tied to proponent driven actions where BLM lands are a nexus. The BLM can go through the process and get to a decision point, and BLM solicitors have communicated that they will not delay a decision, but that the decision will state that the specific debits will be offset through the state's CCS and HQT, but that the BLM will not analyze that specific plan. When it comes to enforcement, with respect to Rossi, now is a good time for the state to issue a letter communicating that the project is responsible for offsetting the functional acres of the alternative that is moving forward in the final decision. Mr. Bryan Stockton commented that as to future projects, certification is needed from the SETT before state agencies may proceed with permits. Member Biaggi asked where that language was? Mr. Stockton replied that it was in section 4 subsection 2 of the temporary regulations. Mr. Stockton indicated that the state agencies would need to get authorization from the program manager before authorization of the disturbance was issued. Chairman Goicoechea commented that the onus rests with the SEC to make sure that proponents know about

the mitigation requirements, and that the BLM will analyze it, but the BLM will not know exactly how the offset will be worked out? Mr. Raby and Mr. Vacca indicated that was correct. Mr. Raby indicated that there might be a more precise indication in the decision of how mitigation would be performed, but that there would be a spectrum. Member Lister asked what kinds of physical evidence projects provide to the BLM to indicate that they are in compliance with the state laws? Member Biaggi answered that there are physical permits which can be quite large. Member Lister asked if there was a physical letter that the SEC provides that proponents of projects can take to the BLM? Mr. Lawrence indicated that there was a letter required in the regulations. Member Lister then asked if the projects have gone through preliminary process, and the BLM issues a record of decision, and the project falls out of compliance, what is the recourse? Mr. Raby answered that they would need to be notified by the state and the BLM could take appropriate action on their authorization which could include a number of actions, but if projects fall outside the conditions of their authorization the BLM would be required to take action. Mr. Stockton pointed out that the last section of the regulations he pointed out earlier was related to public lands and that the relevant section is less clear on how the permitting is going to be issued. Mr. Vacca clarified that in the first draft of the MOU being currently developed with the state, there was a back and forth with the state regarding communication, but that when BLM issues authorizations, they don't always know when state permits are completed. Mr. Vacca commented that negotiations and planning with the SETT may be ongoing as decisions are being developed. Decisions therefore will simply state that the project will fulfill the requirement of meeting the obligation. The BLM only has to know that the communication with the SETT is ongoing and if those communications between the SETT and the Projects cease, or that the project is proceeding without having a plan in place. If the BLM is notified of those instances, they will then know that projects are in non-compliance. Member Biaggi points out the importance of the letter provided to the council of the nexus between state law and federal law before the temporary regulations were passed. Chairman Goicoechea mentioned that clarity is needed going forward that everyone is required to participate in this system. Chairman Goicoechea directed a question to Mr. McGowan asking if a letter is needed to inform Rossi of non-compliance? Mr. Vacca mentioned that the BLM has not issued a decision, thus using the term "non-compliance" is not appropriate, and a letter simply informing them of the passage of the regulations and the need for mitigation would be more appropriate. Chairman Goicoechea agreed with that assessment. Chairman Goicoechea then expressed that a letter be sent to Gold Bar as well informing them of the passage of the regulations? Mr. McGowan also mentioned that Gold Bar has another proposed expansion which includes area where some of the mitigation is proposed to occur. Mr. McGowan did acknowledge that there are nuances and grey areas, and that there are options to work with proponents within already proposed actions to fulfill mitigation, but that the intention will be to measure actions with the HQT because money has been put up front which may not cover the generation of credits for offset. The whole meaning of the CCS is to achieve consistency and that inconsistent offsets jeopardize the efforts of the CCS. Chairman Goicoechea expressed frustration not with any of the before mentioned projects, but with the uncertainty of the process of requiring mitigation. Mr. Lawrence expressed the desire that the council give clear direction to the SETT on each project individually. Member Swanson asked if the SEC needs to write the letter, or if Mr. McGowan should write the letter under the authority of the SEC and that his preference would be that the SEC would set a policy and that Mr. McGowan should write the letter. Chairman Goicoechea agreed.

Chairman Goicoechea detailed that a letter should be sent to Haliburton indicating the passage of the regulations and that they are in fact in place. Member Molini moved to approve the action. Member MacKenzie asked if the SEC misses a project with a notification letter does that open a situation where other projects can point to the fact that they did not receive a letter as justification for no mitigation? Mr. Lawrence commented that language can be added indicating that the SETT was not aware of the projects status that way if projects come up the SETT can point to the fact that they were not aware of the project? Member Mackenzie replied that would be helpful. Chairman Goicoechea commented that being a cooperating agency is important. Member Biaggi commented that a clear policy direction at the next meeting would be helpful where if there are any impacts to sage grouse habitat the SETT needs to be a cooperating agency. Member Lister commented that the MOU already states to that effect. Member Lister seconded the motion. Member Swanson asked if the SETT needs specific direction, or if this is standard operating protocol moving forward? Chairman Goicoechea said that the council will be providing specific direction on the projects presented today, but that moving forward authority would rest with the program manager. Member Swanson asked if the authority could be added as an amendment to this motion? Chairman Goicoechea suggested that this be on a future agenda item. Member Lister asked if the letter needed to indicate a timeline for a response? Mr. Raby indicated that a decision would not be issued without compliance so a timeline is not needed.

Chairman Goicoechea detailed that a letter be sent to Gold Bar asking the status of the process, notifying them of the regulations which were passed, similar to Rossi mine. The situation is different with this mine due to the acknowledgement of the mine that they would use the CCS after 6 months and the project being past that deadline,

but that the desired action was tied to a NEPA action that has not been completed. This situation may happen again, and Chairman Goicoechea asked how the council wanted to proceed with this situation? Mr. Raby commented that a letter detailing the agreement, and that the tie between the two EIS documents are not completed, and compliance with state law needs to be achieved. Member Swanson moved to send such a letter, motion seconded by Member Boies.

Chairman Goicoechea then commented on Gold Rock mine, which has a different situation due to a decision final before the executive order or the regulations, however the project detailed that it would work with NDOW and the SETT for mitigation. Based on the Regulations and based on the Executive Order they do not have to use the CCS, but they are required to coordinate with the SETT based on the terms of the permit. Chairman Goicoechea suggested a letter detailing the terms of the permit a plan needs to be developed to achieve mitigation. Member Lister moved to approve this type of letter and Member Molini seconded the motion.

Chairman Goicoechea commented on the Prospect mine and suggested that the letter contain language notifying them that the regulations are in place, and if there are impacts they need to be analyzed in accordance with the State Plan. Mr. Lawrence commented that even if the project is small, it may be one of the first projects that allow a credit developer to sell credits. Member Swanson moved to approve such a letter and Member Boies seconded the motion.

Member Boies commented that the landscape for mitigation has changed, that there are companies actively shopping for credits, and the program is succeeding. Mr. Lawrence then suggested that the Chairman of the SEC should be copied on the letter sent out and that Mr. Raby should be copied. Mr. Raby suggested that the BLM state director be copied, the office which will authorize the action as well. Member Mackenzie asked how the communication was within DCNR? Mr. Lawrence answered that it could be tighter. A meeting with J.A., Division of Minerals, and the SETT would be useful. Mr. Stockton reminded the council that the temporary regulations need to be made permanent and that process must be started soon. Member Biaggi asked if the regulations had been sent to LCB? Mr. Stockton answered that they cannot be sent until the review is completed by the Secretary of State. **\*Action**

## **12. REVIEW AND POSSIBLE APPROVAL OF TWO CCS IMPROVEMENTS:**

- A. CLARIFICATION OF UPLIFT CREDIT TERM LENGTH - \*FOR POSSIBLE ACTION\* Ethan Mower, SETT**
  
- B. USE OF PRE-PROJECT CONDITION FOR UPLIFT CREDIT BASELINE - \*FOR POSSIBLE ACTION\* Ethan Mower, SETT**

Mr. Mower called attention to the reports contained within the packets which are available on the website under agenda item 12. Mr. Mower detailed what led to the improvements which involved issues asking for uplift activities. One roadblock related to achieving uplift credits have to do compensation and risk for uplift action, as well as the overall planning of those uplift actions. In a previous meeting the discussion of prorating credits was approved which allows credits to have a term of less than 30 years and prorating those terms into longer termed debits. The prorating enables the ability for all credits to expire at the time of the expiration of the original stewardship projects. The other roadblock is related to the risk of uplift action not meeting the regional baseline which results in no credits being awarded. The proposal involves changing the regional baseline to pre-project condition for uplift only. Any uplift measureable by the HQT is awarded. Mr. Mower focused on figure 1 in the report. The amount of time left on the stewardship project at the time of quantification will be the term. If project proponents are able to provide proof of the implementation time half of that time will be added to the base term assigned. The SETT expects to allow credit developers to quantify uplift at any time with the restriction of terms no less than 10 years, and the expectation is that most people will use the regularly scheduled verification of 15 years to quantify uplift. Member Biaggi expressed confusion with the concept. Mr. Lawrence discussed the concept of pre-project condition as a way of getting more uplift credits in the CCS vs. preservation credits. Member Biaggi asked where the additional years come from in addition to the 15 year term if quantification happens in year 15? Mr. Mower indicated that the 5 years comes from half of the implementation time, which in the example was 10 years. Mr. Mower indicated that the purpose of this action is to clean up timelines on multiple uplift actions. Member Biaggi asked what the downside was and if there was a possibility that the habitat might not be improved? Mr. Mower indicated that the uplift will be maintained for the life of the stewardship project, and that it would be prorated into debit terms which may not be known at the time. Mr.

McGowan clarified that it is a maintenance issue for landowners which also helps with the administration of the system, but that paired with the subsequent improvement might be the most significant improvements related to incentivizing uplift. Member Biaggi concurred that uplift was important due to the lack of it in the system. Member Boies asked about baseline. Mr. McGowan clarified that the baseline improvement was next in the conversation. Member Boies asked for clarification that credits could be awarded and sold prorated at the time of sale. Mr. McGowan answered yes.

Mr. Mower then discussed the improvement related to baseline and explained that pre-project condition would be used as a baseline for uplift, which provides better incentives and less risk for uplift actions. Member Swanson commented that using WAFWA zones creates high variability in data that calculates baseline. Member Swanson commented that there needs to be an objective to incorporate data that have a reduced variability for calculating baseline for a particular map unit, and that the solution will involve ecological site descriptions, disturbance response groups, or something similar, but that the problem is necessitating a temporary fix. Mr. Mower commented that stewardship projects would retain the regional baseline where a high degree of quality is expected, but in an attempt to incentivize people to achieve uplift the intent is to make baseline the quality where people start at, and that will be measured at the beginning of a stewardship project. Chairman Goicoechea commented on people who cause intentional damage might be rewarded for putting it back? Member Swanson commented that the perverse incentives are why ecological sites need to be adopted for the site specific baseline. Chairman Goicoechea commented that the perverse incentives still exist with the temporary fix. Mr. Lawrence answered that long conversations were had over the perverse incentives, and the concern makes sense in wetland scenarios where habitat can be grown quickly, but in the Nevada landscape the likelihood is not as high as some of the original conversations made it seem. Mr. McGowan added that it is within the prerogative of the program to deny entry into the system and many efforts will be made to ascertain a perverse incentive, and this will enable us to help those who might want to turn land around. Mr. McGowan also mentioned that we have resources like the DRGs and ESDs that will enable us to know what we should be able to find on the site. Member Boies commented that the creation of habitat is the overall important consideration. Mr. Mower commented that the focus is on incentivizing new people to improve land. Member Biaggi clarified that the proposal is only for habitat that exists below baseline? Mr. Mower answered yes and that the uplift will need to have land which is enrolled in a stewardship project to be eligible. Member Biaggi recognized that the CCS is adaptive and recommended that this action is worth pursuing with the knowledge that it can be changed in the future. Mr. Mower commented that the report included language indicating that the SETT will summarize that status of uplift credits in future SEC meetings which leaves the council the option to discuss the success and challenges. Mr. Barrett expressed appreciation for the action and support for the initial action to incentivize uplift. Mr. Vacca asked if this would be the same tool to try and look at any proponent driven projects? Mr. Mower answered that discussions on public lands and what the best approach would be may look somewhat different, and that he was not sure. Mr. Lawrence expressed the answer was yes, and that consistency would be important, and that those situations would come back to the council. Mr. McGowan expressed that the majority of projects have pockets of annual grass, and if those areas exceed 30% it becomes non-habitat. Mr. McGowan expressed the uncertainty about whether that would be an intentional reversal, but still an intentional reversal in our system which results in landowners leaving pockets of land out of the CCS in fear of that result. Mr. McGowan expressed that the goal would be to keep projects whole and intact, and the desire for a framework that can encourage keeping projects intact. Mr. Mower commented that this proposal incentivizes improving invasive annual grass especially well. Member Swanson expressed the desire to incorporate ESDs, and DRGs eventually, but also states and phases. Member Biaggi moved to accept the improvements. Member Lister seconded the motion. **\*Action**

### **13. REVIEW OF THE JUNE 2019 SEMI-ANNUAL PROGRESS REPORT TO THE GOVERNOR'S OFFICE - \*FOR POSSIBLE ACTION\***

Mr. McGowan reviewed the report to the governor which is available on the website under agenda item 13. Member Biaggi moved to approve the report, seconded by Member Molini. Member Lister mentioned that activities of Local Work Groups might be summarized in the next report. **\*Action**

### **14. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DISCUSSED DURING THIS MEETING AND SCHEDULING NEXT SEC MEETING - \*FOR POSSIBLE ACTION\***

Mr. McGowan mentioned agenda items including a summary of the power corridor EIS, Policy of issuing regulations relating to letter of non-compliance with a discussion of the MOU. A discussion of the timeline relating the creation of permanent regulations ensued. Member Lister asked about a sunset policy for the regulations and a safe harbor

agreement in the CCS. Member Biaggi suggested waiting on those issues until permanent regulations are adopted so that there is no lapse in coverage. Member Lister agreed with that, but indicated that he would continue to bring it up. The next SEC Meeting was set on August 14<sup>th</sup>, 2019. **\*No Action**

#### 15. FEDERAL AGENCY UPDATES AND COMMENTS:

##### A. US Fish and Wildlife Service

The field supervisor position is open. Several people will fill on details for a period of time.

##### B. Bureau of Land Management

Training with NDOW and the SETT on the sage grouse plan and coordination needs. Horse gathers planned in the Pinenut range, Triple B complex, and the Antelope and Fish Creek HMA. A report for the energy corridor is available for region 1 and comments are due July 22nd.

##### C. US Forest Service

The Forest Service is proposing to revise NEPA regulations, three new categorical exclusions for restoration projects (4200 acres), infrastructure projects include water developments are in the works, the USFS sage grouse plan amendment is still under review. The USFS has discomfort continuing to require compensatory mitigation since the BLM did not. Mr. Lawrence asked if it would be helpful if the council would write a letter in support for leaving the requirement for compensatory mitigation? Mr. Stockton mentioned that this is not an agenda item and cannot be acted upon by the body. The Forest Service is working on two projects with the SETT which are going well, and might be on the next meeting's agenda.

##### D. USDA – Natural Resources Conservation Service

A state Engineer has been hired.

##### E. Other

#### 16. STATE AGENCY UPDATES AND COMMENTS:

##### F. Office of the Governor

No updates, Jordan Hosmer-Henner is the new policy analyst.

##### G. Department of Conservation and Natural Resources

The Governor's budget went through, money for the council operation is present. Contract dollars have been retained even though contracts have been reduced, but the funding is still available for various contracts. Grants that are equally distributed to the conservation districts have been increased to the pre-recession \$5000. The legislation resolution supporting the CCS was passed. A 200 million dollar conservation bond bill was passed, and a new position was approved which will come along next July, and many other efforts may be funded in the future.

##### H. Department of Wildlife

Bi-state grouse coordination developed a 2012-2018 progress report, ~46,000 acres have been treated in the bi-state area, ~30,000 acres of conservation easement acquisitions, ~17,000 acres of wildfire restoration and pre-suppression treatment, ~3,000 acres of invasive weed treatments, ~2,000 acres of fence/transmission line removal, 89% of the original actions identified in the plan were completed. Reviewed a report provided by the USGS relating to the sage grouse population models. Statewide Lek data submission is occurring. Conducted a field tour of the Massacre Population Management Unit to identify projects which would benefit sage grouse including meadow fencing and fuel breaks. Member Boies asked if Lek counts are down? Ms. Kleiber answered in general yes. Member Boies asked if more areas will be closed for hunting? Mr. Stockton answered that there were some areas closed and some areas where seasons were reduced. Member Boies asked how that information is disseminated? Mr. Stockton answered that the records of the commission meeting are available on the website.

##### I. Department of Agriculture

Ms. Ott commented that two years previous 12-20 source id actions were conducted, and last year over 100 were conducted. There is more seed collected in the state that should be available.

J. Conservation Districts Program

K. Sagebrush Ecosystem Technical Team

The SETT met with BLM field offices and conducted trainings and the SETT intends to provide a packet which explains the CCS and State expectations. The SETT plans to meet with the Forest Service and provide the same packet as well. An issue has come to the attention of the SETT with the exception provided in the regulations of exploration activities of 5 acres or less. Many exploration activities individually are 5 acres or less, and the some exploration activities are lumped together when being authorized by the forest service, and cumulatively they are well above 5 acres. The Forest Service has asked for direction from the SETT. The SETT plans to put together a working group with stakeholders to discuss the topic of mitigation for exploration activities that are cumulatively authorized and exceed 5 acres. Mr. McGowan mentioned that it could have an impact on the temporary regulations. Member Biaggi indicated that it would be better to wait until the permanent regulations are passed to make changes. A major work plan will be developed for the SETT and will be discussed with the SEC. A BLM grant opportunity is being pursued by the SETT. A new state solicitation will be developed later in the year. The SETT has seen an uptick in the number of debit projects in for review and the importance of developing credits is high. The adaptive management meetings are ongoing with the Statewide Technical Team. A list of the members of the statewide team will be posted on the website under agenda item 16. The MOU with the BLM is close to being finalized. Member Boies asked how long it takes to develop credits if the field season is amenable? Mr. McGowan replied that it could be done in 6 months in a perfect case scenario. Member MacKenzie asked if there were any organic development of credits between credit developers and credit buyers? Mr. McGowan replied that he is not aware of anything, but that that was a concept that has been pitched and that there are several credit developers that have paid for credit development out of pocket.

L. Other

**17. PUBLIC COMMENT**

No public Comment.

**18. ADJOURNMENT**

Motion to adjourn meeting was made by Member Biaggi, seconded by Member Lister. Meeting was adjourned at 3:42 PM.