

Sagebrush Ecosystem Program

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STATE OF NEVADA
Sagebrush Ecosystem Program

SAGEBRUSH ECOSYSTEM COUNCIL
STAFF REPORT
MEETING DATE: October 10, 2013

DATE: October 8, 2013
TO: Sagebrush Ecosystem Council Members
FROM: Melissa Faigeles, Watershed Restoration Specialist
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THROUGH: Tim Rubald, Program Manager
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SUBJECT: Discussion and possible consideration of the proposed “avoid process.”

SUMMARY

This item presents a proposed “avoid process” as directed by the Sagebrush Ecosystem Council during their September 12, 2013 meeting. The purpose of this item is to provide further detail and specifics relating to the process of the policy to avoid disturbances to sage-grouse habitat, without the inclusion of “set-aside areas” or “exclusion zones.”

PREVIOUS ACTION

March 27, 2013. The Council directed the SETT to meet with USFWS and NDOW staffs to discuss the USFWS comments on the Nevada State Plan and report back to the Council.

April 22, 2013. The Council directed the SETT to further develop the Nevada State Plan and the EIS Alternative to incorporate the concerns expressed by the USFWS.

July 30, 2013. The Council adopted the Sagebrush Ecosystem Strategic Detailed Timeline, which included revision of the State Plan/ EIS Alternative.

July 30, 2013. The Council assigned the SETT to address Council comments, questions, and concerns on the 2013 Proposed State Plan Revision for the following Council meeting.

September 12, 2013. The Council directed the SETT to develop a proposal for the “avoid process.”

DISCUSSION

After discussion and consideration of revisions to the 2012 State Plan, the Council directed the SETT to develop a process for the policy of avoidance of anthropogenic disturbances to sage-grouse habitat within SGMAs. This was not to include any new, mandatory “set-aside areas” or “exclusion zones”, yet identify and recognize high quality habitat needed for the protection and conservation of sage-grouse populations in the State of Nevada.

The general “avoid process” is based on the establishment of four management categories that have varying levels of criteria for project proponents and land managers to evaluate proposed projects within SGMAs (See Attachment 1). The proposed “avoid process” considers both sage-grouse breeding population density and habitat suitability within SGMAs. This approach was taken in order to conserve large and functioning sage-grouse populations, as well as the habitat needed to support sage-grouse survival. The overarching policy is that avoidance of sage-grouse habitat within SGMAs is the preferred option. The proposed process allows for exemptions to this policy; however it sets a higher bar for project proponents to demonstrate that avoidance is not possible in areas that have higher densities of sage-grouse populations and highly suitable habitat.

The proposed criteria, as presented in Attachment 1, to demonstrate if avoidance is not possible within certain management categories were based on the Idaho State Plan/ Alternative for sage-grouse conservation. These criteria will require discussion and may be further developed or modified based on discussion by, and direction from the Council in order to ensure the long-term conservation of sage-grouse in the State on Nevada.

The concept of delineating sage-grouse breeding population densities was included based on the Council’s discussion and direction at the September 12, 2013 meeting for NDOW to delineate the sage-grouse strongholds or “the best of the best” in order to develop effective conservation measures. The SETT chose to include this concept as a management category based on the ideas set forth by the Council at the September meeting and further discussion may be needed as to whether or not this should be included in the “avoid process”. In the proposed “avoid process” being presented today, areas of high sage-grouse population densities (as to be defined by the Council) would require the highest burden of proof for determining if actions cannot be avoided. Determination of this category would be based on population density and would be independent of habitat suitability as determined by the USGS Habitat Suitability Model.

The other management categories would be based on the output of the USGS Habitat Suitability Model, and for the purposes of this discussion will be referred to as Habitat Suitability Category A, Habitat Suitability Category B, and Non-Habitat. This would apply to areas within SGMAs that fall outside of the high population density areas. An incrementally lower burden of proof would be required in determining if actions cannot be avoided based on suitability of habitat.

For the purposes of this item, the SETT did not develop terminology for habitat categories to focus the discussion on defining what “avoid” truly means in the State Plan/ Alternative. Specific terminology can be developed by the SETT, with input from USGS and NDOW, upon Council direction on key concepts for the “avoid process.”

In addition, the process detailing the role of the SETT in reviewing proposed projects on federal lands as specified in the 2012 State Plan, will still need to be determined. As indicated in the 2012 State Plan, this coordination process will be established to streamline the federal permitting process by allowing project proponents to receive recommendations from the State on how to avoid, minimize, and mitigate the effects of proposed projects on sage-grouse and their habitat. As per the direction of the Council, this will be developed in greater detail in an MOU with BLM and USFS.

FISCAL IMPACT

There is no fiscal impact at this time.

RECOMMENDATION

Staff recommends the Council approves the “avoid process” or provides direction to staff on how to revise it.

POSSIBLE MOTION

Should the Council agree with the staff recommendations, possible motions would be:

- “Motion to approve the avoid process.”
- “Motion to approve the avoid process on condition of specific revisions.”

Attachments:

1. Proposed “Avoid Process” Matrix

mf: TR

**Proposed "Avoid Process"
(to apply within SGMAs)**

<i>Management Category*</i>	High Population Density ("best of the best")	Habitat Suitability Category A	Habitat Suitability Category B	Non-habitat (within SGMAs)
<i>Required Avoid Criteria</i>	<ul style="list-style-type: none"> • Demonstrate that the project cannot be reasonably accomplished elsewhere – the purpose and need of the project could not be accomplished and/ or it would not be economically feasible to complete in an alternative location; • Demonstrate that the individual and cumulative impacts would not result in habitat fragmentation or other impacts that would cause sage-grouse populations to decline; • Demonstrate that sage-grouse population trends within the SGMA are stable or increasing over a five-year period; • Co-locate with existing disturbances to the greatest extent possible; • Develop BMPs to minimize impacts; and • Mitigate unavoidable impacts through compensatory mitigation via the Conservation Credit System. Mitigation rates will be higher for disturbances within this category. 	<ul style="list-style-type: none"> • Demonstrate that the project cannot be reasonably accomplished elsewhere – the purpose and need of the project could not be accomplished and/ or it would not be economically feasible to complete in an alternative location; • Co-locate the project with existing disturbances to the greatest extent possible. If co-location is not possible, siting should reduce individual and cumulative impact to sage-grouse and their habitat; • Demonstrate that the project should not result in unnecessary and undue habitat fragmentation that may cause declines in sage-grouse populations within the SGMA; • Develop BMPs to minimize impacts; and • Mitigate for unavoidable impacts through compensatory mitigation via the Conservation Credit System. 	<ul style="list-style-type: none"> • Demonstrate that the project cannot be reasonably accomplished elsewhere – the purpose and need of the project could not be accomplished and/ or it would not be economically feasible to complete in an alternative location; • Develop BMPs to minimize impacts; and • Mitigate for unavoidable impacts through compensatory mitigation via the Conservation Credit System. 	<ul style="list-style-type: none"> • An analysis for indirect impacts to sage-grouse and their habitat within SGMAs will be required to determine if BMPs to minimize impacts and compensatory mitigation will be required

* Exact terminology to be defined with input from USGS and NDOW upon Council direction