



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

**Date:** Tuesday, June 23, 2015  
**Time:** 8:30 AM  
**Place:** Nevada State Capitol – Guinn Conference Room

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:** Allen Biaggi, Steven Boies, Bill Dunkelberger (arrived at 8:51 a.m., arrived at 1:49 p.m. and left at 3:24 p.m.), Mary Grimm (arrived at 8:41 a.m.), Starla Lacy (via telephone, dropped from call at 2:30 p.m., back on call at 3:00 p.m.), Bevan Lister, Raul Morales for John Ruhs, Chris MacKenzie, Tina Nappe, Sherman Swanson, and Tony Wasley (arrived at 8:41 a.m. and left at 2:45 p.m.)

**Council Members Absent:** JJ Goicoechea, Gerry Emm, Leo Drozdoff, and John Ruhs

1. **CALL TO ORDER** – Vice-chair MacKenzie called the meeting to order at 8:32 a.m.
2. **PUBLIC COMMENT** – No public comment.
3. **REVIEW AND CONSIDERATION OF APPROVAL OF AGENDA**
  - A. Member Biaggi moved to approve the Agenda; seconded by Member Nappe; motion passed unanimously. **\*ACTION**
4. **COUNCIL MEMBER ITEMS AND CORRESPONDENCE**
  - A. None to review.
5. **DISCUSSION AND POSSIBLE ACTION ON POTENTIAL PROTEST AND GOVERNOR CONSISTENCY REVIEW SUBMITTALS FOR THE NEVADA NORHTEASTERN CALIFORNIA GREATER SAGE-GROUSE PROPOSED LAND USE PLAN AMENDMENT AND FINAL ENVIRONMENTAL IMPACT STATEMENT (EIS) - \*FOR POSSIBLE ACTION\***

A. Kacey KC, SETT, noted a valid protest needs to show violations of applicable statutes, regulations, or policies, and are due by June 29. The Governor's Consistency Review is to provide recommendations, and where possible resolve inconsistencies with state or local plans, policies or programs, and is due July 29. The US Forest Service does not have a Governor Consistency Review; therefore, whatever the Council decides to protest concerning the US Forest Service would have to be done in the protest period. Ms. KC noted the SETT is looking for clear direction on what the Council does and does not want to move forward with in both the Governor's Consistency Review and the protest period, including clear direction on what the Council thinks are the issues to be addressed with each process, and anything the Council thinks has been omitted. The SETT will provide the Council with a copy of the final document when it is mailed out on Monday, June 29.

Member Nappe asked for clarification on the process to be followed concerning the Governor's Consistency Review. Jim Lawrence, Department of Conservation and Natural Resources (DCNR), noted the deadline for the Governor's Consistency Review is July 29. The thought is to have a Council meeting before July 29 for time to clarify what the Council would like to forward on to the Governor's Office for the Governor's consideration for the consistency review.

There was discussion on how counties within Nevada will be represented concerning the EIS process.

Member Lister noted his concern that the EIS meets the requirements to improve sage-grouse habitat. There are not specific "on the ground" actions identified in the EIS for improving sage-grouse habitat. Raul Morales, Bureau of Land Management (BLM), noted although the BLM does not have a dollar figure, it does have an amount of acres that should be treated over a ten year process. The Fire and Invasives Assessment Tool (FIAT) process is another tool that the BLM has to improve sage-grouse habitat, which includes 20 years of work identified. There are places throughout the EIS that show what the BLM is going to do on the ground to actively manage and treat invasive species, PJ encroachment, etc. There was additional conversation about how this would develop into reality. Mr. Morales noted the BLM is aware of the monies needed and has requested some of the funds. If they do not receive funding, they will re-evaluate their internal process on how to make things happen. Shelving the EIS is not an option. The BLM will do what is needed to ensure the success of the implementation of the EIS.

There was discussion on the protests purposed by the SETT, what is included in the protests, and how to justify the protests according to the guidelines. Member Swanson noted that he has a document created by Tom Harris, Department of Economics, University of Nevada – Reno (UNR), that could be used as supporting documentation on a possible protest concerning the analysis of economic impacts of the EIS. There was discussion concerning an economic impacts analysis protest and how that can be completed within the timeline. Member Biaggi suggested covering the protest period items and then moving on to the Consistency Review items as there is confusion when discussing them at the same time.

As reviewing each protest item, Ms. KC stated the Council should note if it is in fact an item the Council would like to set forth in protest, if the argument is clearly stated, and what can be done to strengthen the argument.

The Council reviewed and discussed each submitted protest section individually with the SETT staff overviews.

### Adaptive Management and Hard Trigger Response

There was discussion about the new methodology used for Adaptive Management that was not included in the draft EIS. This new methodology was not reviewed or available for public comment. The Council supported this protest item.

### Allowance of Other Unspecified Mitigation Systems

There was discussion concerning the EIS, the Conservation Credit System (CCS), and the EIS mitigation strategies. Sheila Anderson, SETT, noted this is a consistency issue as many of the BLM's mitigation strategies outlined in the BLM Regional Mitigation Strategy in the EIS, are included in the State Plan and the CCS. Mr. Morales noted the mitigation strategy looks at mitigation per WAFWA Management Zone level. Nevada is part of three WAFWA Management Zones. The CCS is focused on Nevada only. The BLM approach is looking at a strategy that crosses state boundaries. Team members will be selected to be a part of that process. After the signing of a Record of Decision (ROD), there will be a mitigation strategy. The CCS portion will be a part of that, but is only focused on Nevada. Each state is looking at having different credit systems and somehow it has to all be rolled in to what has already been developed and see if there are any shortfalls. Kelly McGowan, SETT, noted the concern about inconsistencies in the different mitigation systems. There was discussion about the wording and if it should include the opportunity for other mitigation strategies to be utilized.

Member Biaggi noted his concern with the wording suggested by the SETT being too stringent and not allowing other mitigation methodologies to be used.

Bill Dunkelberger, US Forest Service, noted the BLM and the US Forest Service have been working with the SETT developing an MOU on how to implement the CCS. It is not that federal agencies do not want to use it, it is partially untested. They have faith it will be a good system. The US Forest Service does not have national policy on off-site mitigation, but the Humboldt Toiyabe National Forest will use the CCS as a pilot program to inform national policy. They are highlighting this and learning as they go along. The ROD is where the details will be revealed. The ROD will reference the MOU, which will detail how the US Forest Service and the BLM will work with the State and how the CCS will be implemented on projects where the federal agencies feel it is most appropriate. They still will retain some discretion how and where the mitigation will occur on federal land. They may want to pilot some projects where people can develop credits on federal land, which is challenging because policy has not yet been developed on this.

Mr. Morales suggested that the protest include language that any alternate mitigation systems developed for use on federal lands should require a robust peer Review process. Mr. Morales acknowledged that the systems currently developed have yet to be tested and do not have a track record to show how they are going to work and how they may need to be adapted. In the end the goal is for net conservation for the bird and its habitat. Mr. Dunkelberger noted that the BLM and the US Forest Service have a mitigating agreement with the mining association. They could come in the door and state they would like to follow the agreement currently in place. The federal agencies may decide to conduct an analysis to confirm that is the correct agreement to follow or may decide to go with the CCS on a case by case basis. They want to ensure they have some discretion on which they use and are not locked into one particular mitigation system. Mr. Morales noted the mining MOU was developed to be used in the interim until the ROD was finalized. Now that it is developed the intent is to use the CCS. Mr. Dunkelberger noted the idea is to give the SETT Cooperating Agency status in all of the NEPA that is undertaken, therefore, it would be up to the SETT to guide and voice their opinion on whether the CCS should be applied on a case by case basis. The SETT would be engaged no matter what mitigation is chosen. It will take some time to pilot some efforts, evaluate them, and then adopt formal national policy for the US Forest Service.

The Council supported this protest item with some changes. Member Biaggi will provide the SETT with wording for changing the language of the protest.

#### Issue or Issues Being Protested

Mr. Lawrence noted the State Plan does not specifically have exclusionary areas because of the robustness of the CCS. It is an economic driven approach. The final EIS has a different approach. It identifies the focal areas and core habitat areas and then has specific allocations restricting use in certain areas. It includes the three percent disturbance cap. This is what this protest item is about.

Member Biaggi likes the protest item, it is well-done, and supports it.

Mr. Morales noted the BLM will look at the area and prioritize where it needs to be treated to improve the habitat. So if the habitat needs improving, the BLM will take a look at it and figure out what needs to be done. The FIAT process identified a number of treatments that need to be done from fuel breaks, PJ treatments, to invasive grass treatments. There was discussion on how the BLM handles exclusion zones.

Melissa Faigeles, SETT, noted one thing not addressed in the protest is the Disturbance Management Protocols on how the three percent disturbance cap would be calculated was not included in the DEIS. The SETT can use the same argument as the adaptive management triggers that this is new information that the public was not able to comment on, therefore, a supplemental EIS is needed. There was discussion about this possible additional protest. Mr. Dunkelberger noted there is an allowance in the EIS for an exception to be made on the three percent only for Nevada. There would need to be consultation with the Nevada Department of Wildlife (NDOW) and the US Fish and Wildlife Service, if all agree it was a net conservation gain, they would waive the three percent cap. Member Swanson noted the CCS approach is stronger for the conservation of sage-grouse habitat than utilizing disturbance caps. Member Boies asked if the BLM would be the ones determining what is a disturbance and what is not. Mr. Morales noted it is big issue on how the BLM is going to manage it and calculate it. This will be managed out of the National Operations Center in Denver, CO. Each state will be required to keep track of data and submit the information to the office in Denver who will be the keeper of the disturbance cap to ensure a consistent approach in how and what the BLM is counting against the disturbance caps. This is still being worked out. The BLM is asking the same questions as the Council. Data management is a critical part of implementation of the EIS. The BLM has asked for more resources and funding to accommodate this. If the funding does not get approved, the BLM will reevaluate how they will do business internally with the existing staff and existing budget, which will be a huge challenge. Mr. Morales noted that Wyoming is a good example of data management for a disturbance cap. Mary Grimm, US Fish and Wildlife Service, noted that Wyoming has a five percent disturbance cap because of two things. They have mapped disturbance at a much higher level of resolution than any of the other states have or are likely to in the near future, therefore, there are a lot more things counting in their calculations than would happen in the states using three percent disturbance caps. The second thing is that fire is considered within their calculations.

There was discussion concerning disturbance caps and what is considered a disturbance cap.

Tony Wasley, NDOW, noted disturbance cap are viewed as an insurance policy given the lack of a track record concerning the CCS. If the CCS works as intended Nevada will not reach that point as habitat will be replaced faster and faster. If you look at the way disturbance is calculated in the CCS, it is with much greater detail than what the BLM is proposing by calculating range-wide because they need a consistent approach state to state so they do not have different states using different methodologies. The methodology the BLM is proposing is not nearly as rigorous as the CCS and

does not take into account indirect effects. Therefore, what three percent is in the CCS is not three percent in the BLM system. This should provide a level of comfort.

The Council supported this protest item and it should include the additional argument that it was not in the draft and was therefore not available for public review or comment.

Mr. Morales noted that he did hear back from the BLM Washington, D.C. office that as long as the protest submittal is postmarked on Monday, June 29, 2015, they will be accepted.

Council supported disturbance caps as its own protest item.

#### BLM and US Forest Service Habitat Objectives/Desired Conditions

Issue 1: This protest item concerns the lack of consistency between the three habitat objectives tables in the EIS, one for the BLM and two for the US Forest Service. This is different from the DEIS, which only contained one set of habitat objectives for sage-grouse. Mr. Dunkelberger noted the US Forest Service wanted to look at consistency across the forest where they are doing sage-grouse plans. They looked at Northeastern Nevada trying to be consistent with Southeastern Oregon and Southwestern Idaho. This is part of what drove the tables. Also, the argument that the national forests tend to be a little higher elevation and generally have a little more precipitation. It has different vegetation conditions.

There was discussion about this protest item. Member Swanson noted that the US Forest Service approach by having it as desired conditions for sage-grouse is more consistent with the State Plan.

Mr. Dunkelberger noted that the US Forest Service desired conditions have an asterisk that states it is subject to local analysis of the ecological site potential.

Member Swanson thinks the protest should include the recommendation for the BLM to adopt the US Forest Service approach.

Mr. Morales reminded the Council the purpose of the protest period is to see if the BLM has violated any applicable statutes, regulations, or policy. This is how the protest issues should be focused.

Mr. Dunkelberger noted that the BLM's planning regulations are more specific towards coming up with objectives where the US Forest Service can come up with desired conditions. From the desired conditions the US Forest Service would generate or develop objectives, but they would be more site-specific. Mr. Morales noted that it does not look like the BLM violated anything coming up with the objectives.

Council supported moving forward with this protest item strengthening the language concerning the State Plan's use of desired conditions and utilizing the consistency argument. Mr. Dunkelberger noted this could also be submitted for the Governor's Consistency Review because of the inconsistency with the State Plan.

Issue 2: Ms. KC noted this issue would be addressed in the livestock section.

Issue 3: There was discussion on if the SETT's protest is clear, and strong enough to be submitted. Mr. Lawrence clarified the argument as being the best available science does not support that the management actions outlined in the LUPA will achieve the specific objectives. Mr. Morales noted this was a good argument, because if you state "best available science" the question may be what "best available science." Ms. Faigeles noted the BLM defines its objectives using the SMART criteria, which

includes that objectives must be achievable, so this may be additional grounds for protest as a violation of BLM policy.

Ms. KC noted the SETT may combine Issues 1 and 3 since they are specific to the table and the actions associated with it.

Member Nappe asked for clarification on the wording of the protests and suggested some wording changes. Member Swanson noted the SMART criteria came from the US Fish and Wildlife Service publication about how to write management plans and it was adopted in the Nevada Rangeland Monitoring Handbook. Ms. Faigeles noted this is something that can be referenced.

#### Livestock Grazing Section

Number 2 from above will be addressed in this section. Ms. Anderson noted there is a disconnect between the habitat objectives and how they are applied to livestock grazing management. Desired Habitat Objectives are being applied to management actions which have no possibility of affecting that. Desired Habitat Objectives are inappropriate for making range management decisions.

There was discussion on the section and land health assessments. Ms. Anderson noted the land health assessments are the wrong methodology to apply to determine if management actions are achieving the habitat objectives.

Member Swanson suggested some language changes to Issue 2, noted by the SETT. Member Nappe also suggested some wording changes to temper the feel of the protest, noted by the SETT.

Kelly McGowan, SETT, provided an overview of the Livestock Grazing Section protest utilizing a one-page handout provided to the Council during this meeting. There was discussion concerning this protest.

Ms. KC noted that all the items listed concerning this section were commented on by the SETT during numerous comment periods. Those comments were not addressed in the FEIS. Now, the SETT needs to provide a protest concerning the items linking them to a violation of policy or statute. There was discussion on this item.

Mr. Lawrence noted the Council is advising to break up Issue 1 into two protests. One is the document fails to analyze the economic impacts. The second is a statement that by making livestock decisions solely on if they are "a" causal factor without any definitions of them being a significant causal factor is arbitrary.

Ms. Faigeles noted an economic argument would be for the Livestock Grazing Section, not just Issue 1.

Lunch from 11:52 a.m. to 1:18 p.m.

Discussion continued on the Livestock and Grazing Section and what to protest and how to word the protest. The discussion included if by ignoring the SETT comments on grazing in the FEIS, the BLM is in violation of policy. Ms. Anderson noted that it is a violation of policy with the land use planning handbook, where it states in development of land use planning process they should encourage collaboration and cooperation with agencies in identifying issues, developing planning criteria, collecting inventory data, analyzing data, etc. Also, the field manager should collaborate with cooperating agencies in evaluating the alternatives and developing the preferred alternative. Therefore, by ignoring the comments is in violation and conflict with the policies in the BLM Land Use Planning Handbook. Perhaps the SETT can incorporate all of the comments submitted; ensuring

all of the comments cover all of the points, and use the argument that they were ignored and the SETT was not given full consideration as a Cooperating Agency. The BLM did not come back and ask for resolution of the differences. Ms. Faigeles noted that according to their federal regulations the BLM has an obligation to point out and attempt to resolve the inconsistencies. This could also be an argument for protesting.

Mr. Morales noted that in regard to consistencies with state and local plans the BLM solicitors state, "BLM is bound by federal law as a consequence there may be inconsistencies that cannot be reconciled. FLPMA and its implementing regulations require that BLM's land use plans be consistent with officially approved state and local plans only if those plans are consistent with the purposes, policies and programs of federal laws and regulations applicable to public lands." When BLM evaluates comments this will be the bar they are looking at as far as being consistent with state and local plans, is it consistent with federal law.

Member Boies noted there is little reference to local involvement, local input and coordinated planning.

Member Lister asked for clarification from Mr. Morales on if there will be any changes made to the proposed action based on protests received. Mr. Morales noted the BLM has a protest team with the goal that if there are some serious things that violate statute, regulation or policy that need to be fixed, they will be fixed. Member Biaggi asked if that would be done in a supplemental or what process would that be. Mr. Morales noted if it is something new that has not been analyzed that would require a supplemental. The goal is that there is not going to be anything new that would require a supplemental or amendment and it is just a matter of fixing up the current plan. Member Biaggi asked if the current plan would be unilaterally modified based upon whether the protest is upheld or not. Mr. Morales noted if the successful protest is within what has been analyzed they can include it in the ROD without having to do a supplemental, however, if the protest highlights something that is beyond what the BLM analyzed in the EIS that would be a different story.

Member Lacy noted the State Plan was not selected as a preferred alternative and the Council is struggling with that decision. Mr. Morales noted that it isn't that the State Plan was not selected he feels there are a lot of things from the State Plan that were selected and are a part of the FEIS. Mr. Morales is not sure it would be correct to say the FEIS does not include many aspects of the State Plan.

Issues 2-6: Mr. McGowan provided an overview on these protest items. Vice-chair MacKenzie asked if there was violation of policy to support this protest item. Ms. Anderson noted there is verbiage in the BLM Land Use Planning Handbook that can be used to support the protest.

The Council supports Issues 2-6 as a protest items, combining the first two bullets.

Issue 3: Was covered during an earlier conversation.

Mr. Lawrence noted as a result of the discussion and the time constraints for submitting protests, the SETT, would like the opportunity to go back and rework the protest concerning this section based on the comments by the Council and will send the section out for review by Councilmembers by Thursday to ensure it addresses the voiced concerns and supports the Council's proposals. Any comments to the SETT after review of the section should be individual comments sent only to the team, excluding other Councilmembers. There was support from Council for this action.

There was discussion on what constitutes a protest with Member Lister asking Bryan Stockton, Nevada Attorney General's Office, his opinion on what a protest is. Mr. Stockton supported Ms. KC's description from earlier in the day about ensuring it violates statute, policy or regulation. Mr.

Stockton also noted that stating as protest that they did not adopt the State Plan in total is probably not a valid protest argument at this point.

Mr. Dunkelberger suggested using the State Plan argument in the Governor's Consistency Review. The Consistency Review is supposed to look at how the LUPA is consistent, or not, with officially adopted state and local plans. This would be the venue to call out any perceived inconsistencies. Member Swanson asked if the US Forest Service would consider the consistency review comments. Mr. Dunkelberger noted they are not required to under law. Since the US Forest Service adopted the BLM protest process for the series of EISs over the west that would be reviewed and if something comes up that is not consistent and they could make it consistent they will try to do that.

Member Biaggi clarified the Council is asking the SETT to consider the discussions that have taken place during the meeting to review the one-page and eight-page documents concerning the Livestock Grazing Section and redo the analysis and provide Councilmembers with a copy of that document so Councilmembers may provide comments back to them on a one to one basis for inclusion on the final document. Mr. Stockton noted the Council would be giving the SETT authorization to draft the final protest. There was discussion on if there should be a motion made with the result being that the Council will make a motion at the end of this agenda item.

#### Map Update Process

Ms. KC noted this issue is the concern that to update a map in the EIS would take a plan amendment, which would not be feasible. The SETT is not sure if this violates any policy, regulation or statute. There was discussion on this protest item.

Mr. Dunkelberger asked for clarification from Mr. Morales as he believed if it was less than ten percent there did not have to be a plan amendment. Mr. Morales noted the solicitors have been reviewing this item and are adamant that there would need to be a plan amendment to change the map from what it is currently in place. He noted the Council should take a look at 43 CFR 1610 for a possible argument. Mr. Dunkelberger asked if they could just do an EA concerning future map updates. Mr. Morales answered no. Mr. Lawrence noted the maps within the FEIS will never achieve the "best available science" because of the delay of submitting a plan amendment. Mr. Dunkelberger noted they could possibly do a programmatic NEPA document that analyzed all the impacts of being able to adjust without doing NEPA in the future for up to a certain percent instead of having to do it every time there is a new map. Mr. Lawrence noted this is where it started but it did not end up in the FEIS. Mr. Morales noted the BLM does not want to update a map every a month, but when enough of it has changed to make a contribution to the science of mapping is when the BLM wants to review it. He did acknowledge that with the USGS map getting the new information in July or August that is where the BLM is struggling.

Member Nappe asked if there was something that could be in the FEIS that states it will regularly update maps. Mr. Dunkelberger noted that could be dealt with in the site-specific NEPA for each project. So you could say that even though the BLM Plan/US Forest Service Plan adopted an older version of the map when someone comes with a proposal they go to the SETT and say they need the best science so the NEPA document done for that project would be able to use the latest map. Mr. Lawrence asked how that would work with the FEIS when it has allocations specifically closing specific uses in core habitat area. Mr. Dunkelberger noted that for the US Forest Service it would be a minor plan amendment. He was not sure how BLM would handle it. Mr. Morales noted that is the challenge, because the land use plan is based upon the allocations on the map and to say that at the project level you will use a particular map for a particular project that is a concern to the solicitors on how the map is utilized. Mr. Lawrence noted the State Plan identifies a process for updating the Management Categories Map. This protest is advocating for that. Mr. Morales

acknowledged the agencies need to develop a process for updating the information that is not so laborious.

The Council supports the protest that the FEIS should use the same map in the State Plan.

#### No Mitigation Requirement in OHMAs

Ms. KC provided a brief overview of this protest item.

The Council supported this protest item.

#### Sagebrush Focal Areas (SFAs)

Issue 1: Ms. KC provided an overview of this protest item. There was some discussion. Ms. Faigeles noted another argument could be that this is also new information that was not included in the DEIS. The Council supported this protest item.

Issue 2: Ms. KC provided an overview of this protest item. There was discussion about this item. The Council supported this protest item.

#### Wild Horse and Burro

Mr. McGowan provided an overview of this protest item. There was discussion on the language used in the FEIS and if it is strong enough to convey the message being stated and if it conforms to The Wild Free-Roaming Horses and Burros Act of 1971. The Council supported this protest item.

#### Travel and Transportation Management

Ms. KC noted the SETT needs guidance on this item on what should be protested and reviewed some ideas from the SETT.

Member Lister noted there is a jurisdiction issue on this item. Roads and travel are the responsibility of state and local governments and it is not in the purview of the federal land management agencies to close routes of access. This could be used as an argument. There was discussion about this. The Council supported a protest on this item including Member Lister's argument.

Mr. Morales noted the BLM travel and transportation management plan is where the BLM identifies what is open and what is closed or restrictions they are taking concerning the lands that are currently open, and saying they will be designated either open or take away the open designation. It is like the US Forest Service transportation management. Vice-chair MacKenzie asked if they would close roads. Mr. Morales stated yes, the BLM does that through the travel and transportation planning efforts.

Member Biaggi made a motion that Council direct staff to do the following: for Issue 1 regarding consistency that will be moved forward into the protest. Issue 2 regarding erroneous use of Table 2.2 is included in the protest with language changes as were discussed today. Issue 3, incomplete use of available science, goes into the protest and may be combined with Issue 1 at the discretion of the staff. Issue 4, land use allocations withdrawals and caps and protests with the cap calculations separated into its own item moved forward into the protest. For livestock grazing, and this applies to grazing only, move to direct staff to consider discussions of the Council today, incorporate them as appropriate into a new protest item or items and provide them to the Councilmembers via email in the immediate future for comment by each member individually back to staff. Staff will then consider those comments in crafting the final protest item. With regard to

mapping, that will move forward into the protest, no mitigation requirements in OHMAs move those forward into the protest. Sagebrush focal areas move those into the protest both items 1 and 2. Wild horse and burro move forward into the protest items 1, 2, and 3 with the addition of the requirements of The Wild Free-Roaming Horses and Burros Act of 1971 and its implications to BLM. For the travel and transportation management, it goes into the protest and add county and state responsibilities and duties for travel management and as a catch all generally direct staff to consider other language changes and implement those into the protest as expressed by the Council today; seconded by Member Boies. Member Lister noted throughout the document it refers to desired design features and they will be implemented regardless of cost. He is concerned and does not believe that a sufficient economic analysis can be done under NEPA if you cannot estimate what the cost is going to be. Member Lister feels this is a violation of the process and NEPA. Another issue is the land use plan amendment is focused on sage-grouse and sage-grouse habit management to the detriment of many other uses. Member Lister believes this is a violation of the FLPMA. It reduces other uses and violates the multiple use concept. Member Lister would like to amend the original motion from what Member Biaggi stated to include these two items for the staff to consider, and if they feel appropriate, to add them to the protest list. Member Biaggi noted this is acceptable. Member Swanson provided a handout to the Council concerning economic comments made by Tom Harris and felt it could fit in the motion as the basis for protest about not using the best scientific information available. Member Biaggi asked if they should direct staff to review the document and incorporate it as they see appropriate in to an economic analysis protest. After discussion concerning the proposed amendments to the original motion, and the decision by Council to make those individual motions, both Member Lister and Member Swanson withdrew their proposed amendments. There was a vote on the original motion proposed by Member Biaggi; the original motion passes unanimously; (with Member Lacy absent). **\*ACTION**

Member Lister reviewed his motions. The first motion addressed his concerns on the Required Design Features (RDFs). There was discussion about the RDFs. Member Lister made a motion to direct staff to consider drafting a protest on the language concerning the RDFs; seconded by Member Biaggi. Vice-chair MacKenzie asked for clarification about Member Lister's concerns. Member Lister is concerned that people applying for permits would be required to meet the RDFs regardless of cost. Member Nappe is concerned about adding these motions into the letter and asked who will be signing the letter of protest. There was discussion concerning this motion. There was a vote on the motion proposed by Member Lister; motion passes unanimously; (with Member Lacy absent). **\*ACTION**

Member Lister reviewed his second motion which concerns writing a land use amendment specific to Sage-grouse which diminishes the multiple use requirements by FLPMA. The protest would be based upon that principle. Vice-chair MacKenzie noted his concern with this motion being too broad. Mr. Stockton noted protests must be limited to items that have already been commented on and there is no indication this has been the case on this issue. There was discussion about this issue and it was decided not to make a motion.

Member Swanson reviewed his possible motion concerning the handout by Tom Harris. Member Swanson contacted his dean with the idea of this information becoming a part of the Council protest. The dean gave Member Swanson permission to use the handout. Tim Rubald, Nevada Conservation Districts, provided an overview of the concepts in the handout. Member Biaggi stated his belief there is standing for this protest. There was discussion about this issue. Ms. Anderson noted the SETT has already been directed to write a protest concerning the socioeconomic analysis and the handout good supportive information. There was discussion about bringing a brand new issue up at this late date. The Council decided against a motion.

Member Biaggi made a motion to move forward in protest of the Adaptive Management and Hard Trigger Responses and Allowance for Other Unspecified Mitigation Systems; seconded by Member Boies; motion passed unanimously (with Member Lacy absent). **\*ACTION**

Member Swanson made a motion to have the appropriate authorized person sign the letter of protest; seconded by Member Nappe; motion passed unanimously (with Member Lacy present). **\*ACTION**

Mr. Morales will clarify and see who should sign the letter.

There was discussion on how to handle the Governor's Consistency Review. Member Swanson made a motion the Council protest be used as the basis for input to the Governor for the Governor's Consistency Review; seconded by Member Boies. There was discussion about the motion. Member Swanson withdrew his motion after the discussion.

There was discussion concerning the timeline for the letter to the Governor on the Consistency Review, which is due July 29.

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

## **6. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DRAFTED ON FLIPCHARTS DURING THIS MEETING**

A. With staff assistance, the Council reviewed items discussed, as well as items acted upon during this meeting, and items directed to the SETT.

### Approved Items

- Approved Agenda for June 23, 2015
- Approved staff moving forward with protest concerning: consistency; the erroneous use of Table 2.2 with language changes; the incomplete use of available science (may be combined with Issue 1); the land use allocations withdrawals and caps and protests with the cap calculations separated into its own item; for livestock grazing, direct staff to consider discussions of the Council today, incorporate them as appropriate into a new protest item or items and provide them to the Councilmembers; mapping; no mitigation requirements in OHMAs; sagebrush focal areas both items 1 and 2; wild horse and burro items 1, 2, and 3 with the addition of the requirements of The Wild Free-Roaming Horses and Burros Act of 1971; travel and transportation management, adding county and state responsibilities and duties for travel management; and generally direct staff to consider other language changes and implement those into the protest as expressed by the Council today.
- Approved staff to consider protesting the language concerning the RDFs.
- Approved staff to move forward with the protest of the Adaptive Management and Hard Trigger Responses and Allowance for Other Unspecified Mitigation Systems.
- Approved the appropriate authorized person to sign the letter of protest.

B. The Council determined specific items they would like to work on at their next scheduled Council meeting.

- Governor's Consistency Review - July
- Seed Testing Facility Tour – Department of Agriculture - July
- Weed Program - Department of Agriculture - July
- Strategic Action Plan – Future Item

The Council decided the date of their next meeting:

- Thursday, July 9, 2015, Conference Room, Department of Agriculture, Sparks, NV

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

Items still needing dates for a future agenda:

- Updated Pinyon Juniper Layer for Coates Map – Agenda Item for June 12, 18, 23
- Fire and Invasives Assessment Tool (FIAT) – Reschedule
- Review adding areas of the Bi-state to be eligible for the CCS
- Review a comparison between the BEA and the State Plan, specifically looking at ratios
- New Versions of HQT and CCS Manual – July Meeting
- Concept of SETT to host a central database for the State on conservation actions
- Establish measurables for the next two years

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

#### **7. FEDERAL AGENCY UPDATES AND COMMENTS:**

- A. US Fish and Wildlife Service (The Service) – No update.
- B. Bureau of Land Management (BLM) – No update.
- C. US Forest Service – No update.
- D. Other – No update.

#### **8. STATE AGENCY UPDATES AND COMMENTS:**

- A. Department of Conservation and Natural Resources (DCNR) – No update.
- B. Department of Wildlife (NDOW) – No update.
- C. Department of Agriculture – No update.
- D. Conservation Districts (CD) Program – No update.
- E. Sagebrush Ecosystem Technical Team (SETT) – No update.
- F. Other – No update.

#### **9. PUBLIC COMMENT** – No public comment.

#### **10. ADJOURNMENT** – Member Biaggi made a motion to adjourn; seconded by Member Lister; meeting adjourned by acclamation at 3:40 p.m. **\*ACTION**