



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

**Date:** Thursday, December 5<sup>th</sup>, 2019  
**Time:** 8:30 a.m.  
**Place:** Nevada Legislature – Room 4100  
401 South Carson Street, Carson City, NV 89701

A full audio recording of this meeting is accessible through the following website  
[http://sagebrusheco.nv.gov/Meetings/Sagebrush Ecosystem Council Meeting/](http://sagebrusheco.nv.gov/Meetings/Sagebrush_Ecosystem_Council_Meeting/)

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**Council Members Present:** Chris MacKenzie, Allen Biaggi, Steven Boies, Bevan Lister, Sherm Swanson, Starla Lacey, William Molini, Cheva Gabor for Bill Dunkelberger, Justin Barrett, Jon Raby, Karri Honaker for Ray Dotson, Jim Lawrence for Bradley Crowell, Jennifer Ott, Tony Wasley.

**Council Members Absent:** JJ Goicoechea, Gerry Emm.

**1. CALL TO ORDER**

Vice-Chairman MacKenzie called the meeting to order at 8:40 AM.

**2. PUBLIC COMMENT**

No public comment.

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

Member Biaggi moved to approve the agenda, Member Boies seconded the motion. **\*ACTION**

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

Member Swanson moved to approve the minutes, Member Lister seconded the motion. **\*ACTION**

**5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE**

No correspondence.

**6. REVIEW AND DISCUSSION OF THE PROPOSED IMPROVEMENT TO THE CONSERVATION CREDITS SYSTEM FOR CERTAIN CREDIT PROJECTS TO BE DEVELOPED ON PUBLIC LANDS AND OVERVIEW OF THE "MITIGATION PLAN" - \*FOR POSSIBLE ACTION\***

Mr. Mower gave a presentation regarding the proposed improvement. The presentation may be found on the Sagebrush Ecosystem Program website. Member Biaggi asked how many credit project developers were participating in the system. Mr. Mower responded that off the top of his head there were between 10 and 12.

Member Boies expressed concern that all the credit generating potential comes from PJ removal, and that PJ removal on public land could overwhelm the ability of private lands to produce credits and that this undercut the system. Member Boies expressed that PJ removal should be limited to 25%. Mr. Mower commented that the SETT does not believe that PJ removal on public land is an attractive option due to more stringent requirements for the removal actions, and all those requirements will affect the price of removal and thus might make credits generated on public lands expensive. Member Boies and Molini commented that meadow improvements will be important. Mr. Mower indicated that the SETT intends to require 1/3 of all credits need to be acquired up-front which may drive credit purchase on private lands. Member Swanson commented on the need for incentivizing meadow habitat. Mr. Mower mentioned the already existing meadow habitat factor which places emphasis on these habitats in the CCS. Mr. Lawrence noted that robust discussions around late brood rearing habitat were had in the initial stages of the program and those are accounted for in the system, and that PJ removal is a need that is available and ready in many cases. Mr. Raby and Mr. Mower commented that the council will have ultimate decision power over all projects that are proposed on public lands within the CCS. Member Biaggi asked if there was a way to track credit costs to monitor the effect of public land credits on private land credits. Mr. Mower responded that the CCS was always intended to stay away from the type of monitoring on private transaction but that cost on public lands will be known. Member Swanson asked if it is known how many potential projects will have private lands available? Mr. Mower responded no. Member Boies asked how meadow improvements are intended to work. A conversation ensued related to meadow improvements- the ability of livestock management actions on federal land. Member Boies expressed the desire for mitigation plans to be holistic and all-encompassing. Member Lister expressed frustration that the CCS seems focused on details when large opportunities for restoration are lost, especially when other options on public land apart from PJ and meadow restoration might be needed. Mr. Mower commented that conversations with federal agencies are ongoing. Mr. Raby commented that the proposal represents common ground the SETT has been able to find with federal agencies. Mr. Lawrence commented that the SETT has been directed to develop a framework for credits on public land and this proposal represents the first piece of the effort. Member Boies expressed the desire for credits on public land, but not such that they undercut the program. Member Lister asked a question related to who can create credits? Mr. Mower responded that only the debit project proponents would be able to create credits on public lands. A conversation ensued related to permitted actions on public land, and Mr. Raby expressed that a structure allowing for 3<sup>rd</sup> party credit generation would be a large effort. Member Boies asked if action needed to be taken today. Mr. McGowan replied that if approval was deferred he would appreciate clear guidance on what the council desires so that appropriate amendments could be made. Member Boise made a motion to approve the proposal with a limit on how much PJ could be used for credit generation. A back and forth conversation ensued which can be found on the meeting recording on the program website. The final motion proposed by Member Biaggi was as follows: "...move to approve the proposed improvement to the CCS for certain credit projects to be developed on public lands, direct the SETT to track the statewide public lands totals of PJ, to bring proposals back when 25% is reached back to this body for reconsideration and re-direction, and that the program include a provision that good faith efforts must be undertaken to secure private lands credits in light of moving forward with public lands credits." Another back and forth conversation ensued where the council clarified that the 25% applied to public land credits only, and that it applied to PJ only. Member Biaggi clarified that the 25% was not a "cap" per se, but that it was more of a soft trigger for the council to consider possible refinement of the issue. The motion was seconded by Member Boies. The council voted unanimously to approve the improvement. **\*ACTION**

## **7. REVIEW AND DISCUSSION OF THE PROPOSED IMPROVEMENT TO THE CONSERVATION CREDIT SYSTEM ALLOWING FOR THE PHASING-IN OF MITIGATION OFFSETS - \*FOR POSSIBLE ACTION\***

Ms. Petter gave a presentation related to phasing in of mitigation credits which may be found on the program website. Member Biaggi asked how the 5% credits phasing factor was derived. Ms. Petter commented that it seemed reasonable. Member Biaggi asked about the bankruptcy language and asked about the financial assurances that are supposed to address that issue. Ms. Petter replied that the financial assurances are focused on credit projects and do not cover when a debtor may become insolvent. Mr. Barret expressed appreciation for the functionality this provides to the CCS and that it would be phased out eventually, and asked if the SETT considered an incentive to pay off any obligations early. Ms. Petter replied that the SETT believed there existed enough incentive, and that the project was still covered for 10 years if any problems were encountered. Motion to approve was made by Member Swanson, seconded by Member Molini. The council voted unanimously to approve the improvement **\*ACTION**

**8. OVERVIEW AND DISCUSSION ON THE INITIAL STAFF RANKINGS AND RECOMMENDATIONS TO PROCESS WITH 'FULL PROPOSALS' FOR STATE FUNDING TO IMPROVE, RESTORE, OR MAINTAIN SAGEBRUSH ECOSYSTEMS WITH THE INTENT TO GENERATE CONSERVATION CREDITS. - \*FOR POSSIBLE ACTION\***

Mr. Huser gave a presentation relating to potential credit projects which is available on the program website. Several clarifying questions were asked with satisfactory answers provided by Mr. Huser. Motion to approve was made by Member Biaggi and seconded by Member Molini. **\*ACTION**

**9. UPDATE AND DISCUSSION ON THE 2019 FIRE SEASON, FORE RESTORATION ACTIVITES, ADDITIONAL NEEDS, AND STATUS OF 2019 RESIDUAL FINE FUELS/2020 OUTLOOK - \*FOR POSSIBLE ACTION\***

Mr. Mike Fettic gave a presentation related to fire activities in 2019 which may be found on the program website. Several appreciative comments were made and clarifying questions were asked with satisfactory answers provided by Mr. Fettic. **\*NO ACTION**

**10. UPDATE ON THE ADAPTIVE MANAGEMENT PROCESS AND OVERVIEW OF AREAS THAT REACHED POPULATION OR HABITAT TRIGGERS - \*FOR POSSIBLE ACTION\***

Mr. Mower gave a presentation on the Adaptive Management Process which may be found on the program website. A conversation ensued related to the BLM response and the timeliness of data available from Dr. Coates given that the population information originated in 2016. **\*NO ACTION**

**11. REVIEW AND DISCUSSION ON THE SEMI-ANNUAL PROGRESS REPORT TO THE GOVERNOR'S OFFICE - \*FOR POSSIBLE ACTION\***

Mr. McGowan reviewed the Semi-Annual Progress Report which may be found on the program website. Member Biaggi asked if approval was needed. Mr. McGowan replied in the affirmative. Member Biaggi moved to send the progress report to the Governor. Member Lister seconded the motion. Member Lister asked about a Western State mitigation summit. Mr. McGowan replied that it was time to hold a mitigation specific conference that could be used to compare efforts that are employed by various Western states and that he hoped it could be held in Nevada initially. Member Lister concurred and remarked about threats on page 10 and that the fire threat was not highlighted sufficiently. Mr. McGowan commented that the SETT's intention was that fire is a primary threat and that the SETT could edit the report. Mr. Huser commented that a map of fire history could be added. Member Swanson commented that the most important things to highlight would be the problems that are within the sphere of influence and whether management of issues is adequate. Member Swanson commented that public agencies needed additional staffing to address rangelands issues. Mr. Raby answered that any assistance that the council could provide to encourage and highlight the need for better hiring for the BLM would be appreciated. **\*ACTION**

**12. REVIEW AND DISCUSSION ON THE 2019 ANNUAL CCS SPECIFIC PERFORMANCE REPORT - \*FOR POSSIBLE ACTION\***

Mr. McGowan reviewed the CCS Performance Report which can be found on the program website. Member Boies asked for confirmation that the IL ranch had approximately 24,000 acres being assessed for the CCS? Mr. McGowan confirmed. Member Boies asked if there would be a large amount of credits coming from the project. Mr. McGowan replied that it depended on the habitat conditions. Member MacKenzie commented that this report was important and that the report looked good. **\*NO ACTION**

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

Member Lister asked that Dr. Coates could be asked to give an update on the Bi-State and Greater sage grouse status. Member Boies concurred. Mr. Dunkelberger commented that the Conservation Planning Tool would be a good topic for Dr. Coates to cover as well. Mr. Lawrence commented that responses from the local area planning groups for the adaptive management process would be a good topic. Next meeting was set on the 25<sup>th</sup> of February. **\*NO ACTION**

**14. FEDERAL AGENCY UPDATES AND COMMENTS:**

A. US Fish and Wildlife Service

The Field Supervisor position will be re-opened. The decision for the California Spotted Owl was not warranted.

B. Bureau of Land Management

Work continues on the PEIS for fuel breaks, final will be out this month. Draft PEIS for fuel reduction and rangeland restoration in the great basin will be out in the spring/ summer of 2020. Targeted grazing EA work is continuing. Outcome based grazing workshop was held in Reno. Mr. Raby addressed the 2019 plan revision and related lawsuits. An preliminary injunction was issued that suspended the 2019 sage grouse plan which puts BLM back to implementing the 2015 plan. The Washington office is working on a supplementary EIS which will not issue a NOI and will address the 5 points brought up in the original lawsuit. The timeline is that the draft EIS will go out in January for a 45 day comment period and the final would come out in March. Mr. Barret asked about the effect this decision had on the Sagebrush Focal Areas. Mr. Raby responded that the BLM has to consider those areas as part of the 2015 plan, but that the BLM still has the ability to look at those with discretion but will need to be consistent with the 2015 plan. Mr. Raby was confident that the BLM could stay the course between now and March and be consistent with efforts that the state was engaged in. Mr. Lawrence asked for clarification about the SFAs and mineral withdrawals and the withdrawals were still off the table? Mr. Raby affirmed, and this was a part of the discretion the BLM has. Mr. Raby also commented that the HQ move was still in effect and work continued on that front.

C. US Forest Service

Mr. Dunkelberger commented that the Forest Plan was in the objection resolution stage. A shared stewardship agreement was signed to make a joint commitment to reduce wildfire risk statewide. An executive committee was formed and 2 priority landscapes would be identified and 2 fuel reduction projects would be concluded by 2021, and that a goal was formed to increase the number of acres treated for fuels reduction by 50%. The Secretary of Agriculture encouraged the signing of these agreements with each Governor where there are Forest Service Land.

D. USDA – Natural Resources Conservation Service

Mr. Dotson commented that the assistant for field operations was hired, and that trainings for NRCS services will be held in the near future.

E. Other

**13. STATE AGENCY UPDATES AND COMMENTS:**

F. Office of the Governor

G. Department of Conservation and Natural Resources

Mr. Lawrence commented that many efforts are underway on the state level to address the sagebrush ecosystem and wildfire. Mr. Lawrence commented that telling the story of all the conservation efforts underway will be important. The new CD program manager is Zachary Ormsby.

H. Department of Wildlife

I. Department of Agriculture

Ms. Ashley Jeppson commented that efforts for native seed production is continuing.

J. Conservation Districts Program

Mr. Ormsby commented that funding opportunities were currently open.

K. Sagebrush Ecosystem Technical Team

Mr. McGowan commented that Verifier training is upcoming and that further research activities were continuing.

L. Other

The new Deputy Attorney General is Tori Sundheim.

**14. PUBLIC COMMENT**

Member Lister thanked the team for the adaptive management response group efforts and commented that it is a good effort.

**15. ADJOURNMENT**

Member Lister moved to adjourn the meeting. Member Biaggi seconded the motion. Meeting was adjourned at 5:03 PM.