



STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
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MINUTES

Date: Tuesday, May 11th, 2021
Time: 8:30 a.m.
Place: Teleconference Access:
Teleconference Number – 877.422.8614
Participant Code – 3983136#

Council Members Present: JJ Goicoechea, Chris MacKenzie, Bevan Lister, Sherm Swanson, Steven Boies, Starla Lacey, William Molini, Allen Biaggi, John Raby, Marc Jackson, Jim Lawrence for Bradley Crowell, Meghan Brown for Jennifer Ott, Shawn Espinosa for Tony Wasley, Ray Dotson, Cheva Gabor for Bill Dunkelberger, Tori Sundheim.

Council Members Absent: Gerry Emm.

1. CALL TO ORDER

Chairman Goicoechea called the meeting to order at 8:30 a.m.

2. PUBLIC COMMENT

There was no public comment.

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

Member Biaggi moved to approve the agenda, Member Boies seconded the motion. The motion was unanimously approved. ***ACTION**

4. APPROVAL OF MINUTES - *FOR POSSIBLE ACTION*

A few corrections were suggested by Chairman Goicoechea and Member MacKenzie regarding some punctuation and wording errors in Sections 9C and 9E of the minutes.
Member MacKenzie moved to approve the minutes for the meeting on March 30, 2021. Member Swanson seconded the motion. The motion was unanimously approved. ***ACTION**

5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE

Member Lister mentioned he was running into roadblocks on his personal project regarding which Land Use Plan is being implemented through the BLM. Member Biaggi asked where the June 2021 Semi-Annual Report was located, to which Mr. McGowan replied it was posted on the website, not sent out because it was too large of a file.

6. REVIEW OF PROPOSED IMPROVEMENTS TO THE CONSERVATION CREDIT SYSTEM'S (CCS) MANUAL AND SCIENTIFIC METHODS HABITAT QUANTIFICATION TOOL FOR THE FOLLOWING:

A. CONSIDERATION OF ADDITIONAL CLASSIFICATIONS OR SUB-TYPES OF ANTHROPOGENIC DISTURBANCES – *FOR POSSIBLE ACTION*

Ms. Andrle gave her presentation, available on the SEP website. Midway through, Chairman Goicoechea and Member Boies asked about gravel pits categorization and who is in charge of mitigating for them, especially state managed ones. Ms. Andrle replied that categorization would be on a case by case basis, but it would require mitigation if it were expanding outside its permitted boundary. Further discussion was had regarding when a gravel pit would require mitigation and who is in charge of many state-managed gravel pits. Ms. Andrle then continued her presentation. Clarification questions were asked. Chairman Goicoechea asked about the talk of reinstating Railway Line E on the presentation map and how the SETT would handle that. Ms. Andrle replied they would have to discuss and review if the line was to be resurrected as originally intended and such. Member Lister asked if there were any studies conducted analyzing the impacts to sage grouse from railroads, to which Ms. Andrle replied there have been none, but comparisons were drawn between railroads and high use roads, which have been studied quite extensively. Floyd Rathbun asked a public question regarding the 10-decibel (db) limit for sage grouse disturbance, to which Ms. Andrle replied that it was 10db over ambient, and offered studies that showed this to be the limit of disturbance to sage grouse. Chairman Goicoechea moved to accept the proposed classifications, Member Biaggi made the motion and Member Molini seconded. Motion was unanimously approved. ***ACTION**

B. REVIEW OF AN APPEALS PROCESS FOR CERTAIN DECISIONS MADE BY THE ADMINISTRATOR AND DISPUTED BY A PROJECT PROPONENT AND PROPOSED EDITS TO SECTIONS 2.1.9 AND 2.3.3 IN THE CCS MANUAL – *FOR POSSIBLE ACTION*

Mr. McGowan gave his presentation, available on the SEP website. Clarifying questions were asked regarding the policy additions and changes. Member MacKenzie pointed out a wording change in Section 2.1.9. Member Biaggi stated that there should be a more general appeals process, not just in regard to disputes but in general, however Mr. McGowan explained that the SETT did not want every dispute to come to the council but only what was disputed in regards to CCS policy and administering the regulation. Debbie Struhsacker asked a public question in regard to a wording choice made in the changes and asked to make the language clearer. Chairman Goicoechea asked for a motion, to which Member Biaggi proposed a motion to remand the proposed improvement back to the SETT to make proposed changes and to bring back to the SEC. Member Lister seconded. Motion was unanimously approved. ***ACTION**

C. RECOMMENDATION FOR ESTABLISHING POLICY REGARDING POTENTIAL COMPETING LAND USE CONFLICTS BETWEEN CREDIT AND DEBIT PROJECTS – *FOR POSSIBLE ACTION*

Ms. Petter gave her presentation, available on the SEP website. Clarifying questions regarding what is considered the start of NEPA were asked, as well as summaries of what the options up for discussion are portraying. Member MacKenzie asked for clarification about what happens to the credit projects should a debit project not move forward. Mr. Raby asked how the SETT would handle a proposed debit project that is impacting a proposed credit project, but the debit project area is still being adjusted, and thus the impact is constantly fluctuating. Mr. McGowan responded saying that a credit project would be given the worst-case scenario for the debit project, as adjusted as the NEPA becomes finalized. Debbie Struhsacker made a public statement suggesting that the Plan of Operations be the trigger when a debit project becomes valid. Ms. Andrle asked Mr. Raby questions regarding the timeline of the NEPA process and what starts it. Ethan Mower made a public comment expressing his desire for the Council to choose what is best for the sage grouse and their habitat and to identify those conflicts that affect the habitat as early as possible. Further discussion was had regarding how to define the start of NEPA. Member Boies asked if there was a time limit on NEPA projects, to which Mr. Raby replied that it could continuously be a viable project indefinitely as long as they fill out the correct paperwork as the project picks up again. Mr. Huser added that on the CCS side, the field data is only good for 5 years before they need to redo the data collection. Ms. Andrle asked if the publication of the Notice of Intent starts the EA or EIS process. Mr. Raby clarified that the Notice of Intent for an EIS starts the 12-month timeframe for the BLM to finalize the NEPA process. EA's follow a separate system, starting with a notice in the local newspaper. Robert Veldman made a public statement that, in his experience, the federal trigger is the Purpose and Need Statement available for Public Scoping, or when the Notice of Intent is approved for the Federal Register.

Chairman Goicoechea proposed to adopt option 1 of the first finding, provided that the language be changed to "Debit Review form is turned in to the SETT with proof of the start of NEPA, which could include the finding of notice of intent or public notice initiating public comment, or state equivalent on state-owned land." Member MacKenzie moved the motion and Member Biaggi seconded. Chairman Goicoechea also proposed to approve the finding 2 recommendation, Member MacKenzie made the motion to approve and Member Biaggi seconded. Motion was unanimously approved. ***ACTION**

7. REVIEW OF THE JUNE 2021 SEMI-ANNUAL PROGRESS REPORT TO THE GOVERNOR'S OFFICE – *FOR POSSIBLE ACTION*

Mr. Huser walked through the Report, available on the SEP website. Member Biaggi complimented the report and encouraged the SETT to prominently display it on the website. Member Biaggi made a motion to approve the report. Member Molini seconded the motion but also asked is the team would update the council on the results of the mentioned 5-year monitoring. ***ACTION**

8. STAFF BRIEFINGS TO THE COUNCIL

A. Status update on the Calico Ranch management plan addressing the concerns of potential degradation due to stray horses.

Mr. McGowan spoke briefly regarding the Calico Ranch stray horses. He summarized the decision to outline a process to have the horses removed before they cause an unintentional impact to the credit project. Member Boies asked some clarifying questions regarding the project. Mr. McGowan clarified that the map units at risk would be the last to be transferred until the stray animals can be controlled.

B. Status of AB433 – Authority for the SEP to establish fees for certain activities related to the implementation of the CCS.

Mr. McGowan then spoke briefly about the lack of votes for AB433, which renders the Bill dead for the current session. He suggested to look at opportunities for the next session. Member Biaggi was dismayed that the SEC was not informed that the Program was moving forward with the Bill, as the Council could have helped move it through. Mr. Lawrence explained that the Program was in a time crunch situation where something had to be put in quickly, but they hope to utilize the Council moving forward.

C. Status update on the Gold Bar South Mine expansion and mitigation.

Mr. McGowan then updated the Council on the Gold Bar South Mine expansion. He mentioned it is the proponent's intention to utilize the CCS as their mitigation. No questions were asked.

D. Renewal of existing disturbance permits and mitigation (e.g. powerlines, roads, geothermal, etc.)

Mr. McGowan then brought up a question of how to handle grandfathered-in disturbances that are coming up on a permit renewal, whether they are altering their permit or not. Are they required to participate in the CCS? Clarifying questions were asked. Ms. Gabor for the USFS explained their process of permit renewals, that when permits expire, the USFS are not engaging in a new process if nothing changes. If something changes, then that triggers NEPA. Mr. Raby for the BLM added that where the BLM are authorizing rights of way, they do not require a complex level of NEPA. If there are changes in alignment, the BLM would work with the holder and go through the appropriate level of NEPA for that realignment section, and, if it's in habitat, then that would trigger the appropriate requirements.

9. REVIEW OF ACTION ITEMS AND FUTURE AGENDA ITEMS DISCUSSED DURING THIS MEETING AND SCHEDULING NEXT SEC MEETING– *FOR POSSIBLE ACTION*

The next SEC meeting was scheduled on July 22-23, 2021. Mr. McGowan reminded the Council that the SETT will bring back Agenda 6B, corrected, for the Council to review. Member Swanson suggested it to include a field tour of some of the projects, to which everyone agreed.

10. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service

Mr. Jackson informed the Council of his staff working to attend the 5-year annual monitoring trips with the SETT. He also added that the USFWS is trying to fill the Assistant Field Supervisor position.

B. Bureau of Land Management

Mr. Raby updated the Council on the sage grouse plan litigation. Previously, the Bureau filed a status report regarding ongoing litigation out of Idaho, posting it to the BLM sage grouse website. He also updated on Outcome Based Grazing and summarized the year to date wild horse and burro gather successes. The oil and gas lease sale has been postponed for a thorough review. The BLM has seen an increased interest in renewable energy, more applications in Ely and Battle Mountain and Winnemucca.

C. US Forest Service

Ms. Gabor notified the Council that the status remains unchanged on the Sage Grouse Plan, still under review. The state is not looking good for fire danger this year. The USFS is disappointed SJR3 went the way it did, support for horse management is essential. The Service will update the Council next time on the Shared Stewardship.

D. USDA – Natural Resources Conservation Service

Mr. Dotson informed the Council that NRCS has finished preauthorization for NEPA program, anticipate using all EQIP funds. He also outlined staff position increases as they attempt to keep up with workload. NRCS has finalized the State strategy for Working Lands for Wildlife and offered to send the document to the Council. NRCS has created environmental readiness fund pool for emergencies, which allows more flexibility to allow signups when the need is there.

E. Other

11. STATE AGENCY UPDATES AND COMMENTS:

A. Office of the Governor

B. Department of Conservation and Natural Resources

Mr. Lawrence updated the Council on the status of the legislative session and encouraged them that, even though the authority bill for fees didn't make it out of the committee, it allows for the SEP to do more work to prepare them for the next session. He also informed the Council that the budget subcommittee is looking to reinstate the Program's research money.

C. Department of Wildlife

Mr. Espinosa updated the Council on the current projection for the sage grouse lek numbers, which are in decline. NDOW is looking to close several units and reduce season lengths. They are working on replacing damage done by horses over time in sage grouse habitat and are working on a Conservation Easement in the Bi-State population.

D. Department of Agriculture

Ms. Brown shared with the Council that NDA continues to participate in shared stewardship activities to help to engage other local agencies regarding noxious weeds. They also have been busy working on modernizing their regulations this legislative session. Member Lister asked if the Department is working to hire a new member for the SETT, to which Ms. Brown replied that they are, but it will take a few months.

E. Conservation Districts Program

F. Other

12. PUBLIC COMMENT

No public comment was made.

13. ADJOURNMENT

Member Lister moved to adjourn, Member MacKenzie seconded the motion. Councilman Goicoechea adjourned the meeting at 12:33 pm.

All details not covered in these minutes can be heard on the meeting recording at <https://sagebrushco.nv.gov/Meetings/Meetings/>.