



STATE OF NEVADA
SAGEBRUSH ECOSYSTEM COUNCIL
201 South Roop Street, Suite 101
Carson City, Nevada 89701-5247
Phone (775) 684-8600 - Fax (775) 684-8604

DRAFT MINUTES

Date: Thursday, July 22nd, 2021
Time: 11:00 a.m.
Place: SEC Tour
SEC Tour of Ormat - McGinness Hills Geothermal and Eureka Livestock Credit Project

Thirty people, including SETT members, SEC members, agency staff, and general public were present on the tour. Tour handouts are available on the Sagebrush Ecosystem Program website. Tour began at 11:00 a.m. at the Austin Summit, visited the Ormat - McGinness Hills Geothermal Plant, moved on to the Eureka Livestock Credit Project, and ended around 5:45 p.m. in Eureka.



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Date: Friday, July 23rd, 2021
Time: 8:00 a.m.
Place: Teleconference Access:
Teleconference Number – 877.411.9748
Participant Code – 3474617#

Council Members Present: JJ Goicoechea, Chris MacKenzie, Bevan Lister, Sherm Swanson, Steven Boies, William Molini, Alan Shepherd for John Raby, Bradley Crowell, Ashley Jeppson for Jennifer Ott, Alan Jenne for Tony Wasley, Lance Brown for Bill Dunkelberger, Justin Barrett for Marc Jackson, Ray Dotson, Tori Sundheim.

Council Members Absent: Allen Biaggi, Starla Lacey, Gerry Emm.

1. CALL TO ORDER

Chairman Goicoechea called the meeting to order at 8:22 a.m.

2. PUBLIC COMMENT

There was no public comment.

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

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

4. APPROVAL OF MINUTES - *FOR POSSIBLE ACTION*

Member Boies moved to approve the minutes for the meeting on May 11, 2021. Member Molini seconded the motion. The motion was unanimously approved. ***ACTION**

5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE

Member Molini brought up the Coalition for Healthy Nevada Lands and that they are putting together a letter to the Secretary of the Interior to request assistance on the horse issue across Nevada. He requested support for the letter from those who were in support of SJR3.

6. DISCUSSION ON UPDATING AND ADVANCING PRIORITIES FOR IMPLEMENTING “NEVADA’S STRATEGIC ACTION PLAN” TO CONSERVE AND ENHANCE THE SAGEBRUSH ECOSYSTEM – *FOR POSSIBLE ACTION*

Mr. McGowan presented his proposed updates on the Nevada Strategic Action Plan, of which the presentation can be found on the Sagebrush Ecosystem website. Member Lister brought up the fact that the local working groups have

identified some good projects, but they lack the scientific support and the funding. Mr. McGowan replied that through this process, if there is funding available for shovel-ready projects, then it could be used for such projects. Mr. Crowell expressed support for the proposal, reminding the council of the dire results shown by USGS. Member MacKenzie asked if there was enough manpower though for this effort. Discussion was had about how the legislature could be approached to help in this endeavor. Member Boies called for more science to inform causes for decline. Discussion was had about how to best move forward with this plan and how to measure success of the actions. Member Swanson moved that the SEC dedicates an upcoming SEC meeting to compile the core conservation areas and the information resources as a chapter with a section of the meeting dedicated to the needs for private land management that are not getting done, with another section about agencies reporting about the work they would like to do but do not have the staff for ongoing adaptive management with the agencies compiling NEPA document needs that keep them from doing important work as well as projects that they would like to do but don't have the funds or staff to do. However, members of the council were concerned about waiting so long and wanted to push the actions sooner than the next SEC meeting. Member Molini moved to direct the SETT to bring together the agencies to prioritize the habitats or ecosystems of the state and to move us where we need to go, as the focus of this discussion. Member MacKenzie seconded. Motion was unanimously approved. ***ACTION**

7. REVIEW OF REVISED IMPROVEMENT TO THE CONSERVATION CREDIT SYSTEM'S (CCS) MANUAL FOR THE FOLLOWING:

A. APPEALS PROCESS FOR CERTAIN DECISIONS MADE BY THE ADMINISTRATOR IN CARRYING OUT PROGRAM REGULATIONS AND CCS POLICIES; AND PROPOSED EDITS TO PERTINENT SECTIONS IN THE CCS MANUAL – *FOR POSSIBLE ACTION*

Mr. McGowan presented the corrected improvement from the previous council meeting. The full document is located on the Sagebrush Ecosystem Program website. Member MacKenzie corrected page 2, line 20 under Section 2.1.9, there should be a colon and not a semicolon. Member Lister made a motion to approve the report with change. Member Molini seconded the motion. Mr. Barrett asked about the use of both the words "performance measures" and "performance standards". Are they the same or different and can they be defined? Also, the management plan does not have performance standards as mentioned in the manual. Mr. McGowan promised to look at the documents and add definitions where needed. Motion was unanimously approved. ***ACTION**

8. REVIEW OF DRAFT POLICY CONCERNING MITIGATION FOR PERMITTED ACTIVITIES PRIOR TO DECEMBER 07, 2018 THAT REQUIRE A PERMIT RENEWAL EXCLUSIVELY FOR AN EXTENDED TERM – *FOR POSSIBLE ACTION*

Mr. Huser presented the proposed policy, located on the Sagebrush Ecosystem Program website. Mr. Jenne asked for clarifying language to be added to mention that the proposed disturbances "may be subject to mitigation through the Sagebrush Ecosystem Program". Member MacKenzie made a motion to approve the report. Member Boies seconded the motion. Motion was unanimously approved. Mr. Barrett asked if mitigation is required across all platforms, not just federal, then why does the second point relate to NEPA only? Also, where would this be placed in Section 2.5.2 in the CCS Manual? Mr. Huser replied that there needs to be some adjustment of section placements in the manual, but the wording regarding NEPA stems from the regulation, and in the regulation, NEPA and the like are used as a filter for debit projects. But Chairman Goicoechea suggested to add the wording "similar state action" to the language regarding a NEPA trigger. He and the Council then voted down the current motion and proposed for the SETT to update the language and bring it back. ***ACTION**

9. STAFF BRIEFINGS TO THE COUNCIL – *FOR POSSIBLE ACTION*

A. Mitigation Requirements - Ensuring proponents are aware of the potential that mitigation may be required regardless of the type of NEPA, size, or location of a proposed project or a proposed modification to an existing project.

Ms. Andrie updated the council on the list of projects the SETT has compiled that have moved through the NEPA process without mitigating, or without the SETT being notified of the project's status, which includes mine expansions, towers, solar complexes, geothermal plants, etc. The plan moving forward is to work directly with the field offices and providing updated packets to inform them of the state mitigation requirements. Much discussion was had about what it would take to ensure the mitigation process becomes a checkbox in the NEPA process, to which Mr. Shepherd replied it should already be. Mr. McGowan inquired if the SETT can be notified of quarterly BLM meetings in order to speak with the managers directly. Mr. Shepherd replied that he can talk to Jon Raby about setting that up. ***NO ACTION**

B. Big Ledge Mine Closure Mitigation Status – Review of unmitigated authorized disturbance associated with the reclamation of an inactive mine to address existing environmental impacts. Review of the first letter to the proponent in adherence with non-compliance notification policy.

Mr. McGowan presented an example where the BLM authorized a disturbance that did not mitigate, even though the proponent knew they needed to do so. The supporting documents Mr. McGowan mentioned are located on the Sagebrush Ecosystem Program website. He asked the SEC about how to move forward with these types of projects that are out of compliance. Should a penalty be enacted? What type? Should it start now with the presented example? Brent Benoit, the Deputy General Counsel for NOV Minerals explained that, while they are in current violation of the State Mitigation Regulations, they are in an agreement with a landowner to develop credits for the mine's use. Mr. McGowan reminded the SEC that 1/3 of the credits must be satisfied before ground is broken, and the remaining credits are subject to a 5% phasing factor. He asked should the whole debit amount be subject to the 5% phasing factor since they are noncompliant. Member Boies made a motion that the Big Ledge Mine be given to the first of the year, January 1, 2022, to fulfill their entire obligation, and, if they do not, then the 5% phasing factor applies. In the meantime, the Program is to come up with a policy, to be discussed at a future meeting, regarding what to do should this noncompliance occur again. Member MacKenzie seconded the motion. Motion was unanimously approved. ***ACTION**

10. UPDATE ON CCS MITIGATION TRANSACTIONS AND STATUS OF CREDIT AND DEBIT PROJECTS – *FOR POSSIBLE ACTION*

Mr. Huser presented the standing CCS update, which the presentation is located on the Sagebrush Ecosystem Program website. Mr. Barrett asked why the timeline starts when the credits are sold rather than when the management plan is signed. Mr. Huser replied that they are still maintaining the credits before selling but are doing it more voluntarily until the asset becomes real. Mr. McGowan brought up an idea for future state funding that we ask for cost sharing. ***NO ACTION**

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

Member Swanson brought up a request for a future agenda item that we assemble information about our core habitats and the needs of private landowners that would enhance sage grouse habitat that are not fundable through the CCS marketplace and adaptive management, and agency projects that are not implemented because of lack of staffing, NEPA, or implementation money. What upcoming planning processes can be focused collaboratively for enhancing resilience of Nevada landscapes, habitats, and ecosystems; and what questions that if we had the answer, we would change what we do as managers if we only had the science and projects recognized as needed by the Local Area Working Groups but not yet funded. Member Boies asked for more information on tax implications, and if we can talk to our Representatives about an exemption for conservation actions. Chairman Goicoechea offered for Member Boies to approach a Representative with the help of Mr. McGowan first and see how that request is received before bringing that to the SEC, where at that time the SEC can offer support for the ask. Chairman Goicoechea brought up that the SETT is to work on the policy for noncompliance for the next meeting. Member MacKenzie also asked for a follow-up by agencies regarding their policies and protocols for ensuring and following up on mitigation requirements. The next SEC meeting was scheduled on October 1, 2021. ***ACTION**

12. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service

Mr. Barrett updated the Council as the Service is looking to reinstate their 2016 mitigation policy. They have also been asked to develop rules and language for conservation banking for the National Defense Authorization Act. There are a few positions being filled within the Service as well.

B. Bureau of Land Management

Mr. Shepherd commented that there is no work on the litigation with the FEIS for the Sage Grouse Plan. The BLM is still under the 2015 plan, but they are looking at initiating plan maintenance to incorporate newer maps, and to revise the HAF and Table 2-2. The IM 2019-018 compensatory mitigation policy has been rescinded under IM 2021-038. Additional updates included fire monitoring, habitat monitoring for the Bistate Sage Grouse, and drought monitoring for wildlife conditions. Due to a proposed transmission line, there is much interest in solar, wind, and geothermal projects on BLM land as well. Discussion was had regarding renewing an Environmental Assessment for wild horse and burro gathers.

C. US Forest Service

Mr. Brown informed the Council about drought conditions and how it is affecting wild horses, fire, and fuels. The USFS has a new chief, as well as other positions either filled or available for hire.

D. USDA – Natural Resources Conservation Service

Jarrold Edmunds filled in for Mr. Dotson. He wanted to announce that the NRCS has published the State Strategy for Working Lands for Wildlife. He directed the team to hand out the books and offered to send out PDF copies to any additional interested parties. Additionally, they have Sage Grouse Initiative grant money for 6 projects. They too have positions open for hire.

E. Other

13. STATE AGENCY UPDATES AND COMMENTS:

A. Office of the Governor

B. Department of Conservation and Natural Resources

C. Department of Wildlife

Mr. Jenne and Mr. Espinosa discussed the severe drought conditions and the effects on the water sources for wildlife. NDOW has collected over 2000 lek count observations and are compiling data, but hunt units have been closed and the hunting season length for sage grouse has been reduced. NDOW has developed a priority map for sagebrush obligate species. They are working on a way to remote sense and catalog sagebrush die off. Western Association of Fish and Wildlife Agencies meetings just wrapped up and they are working on a sagebrush conservation strategy. NDOW is also working on purchasing seed for areas treated with herbicide last fall.

D. Department of Agriculture

Ms. Jeppson updated the Council that the NDA is working on weed free mulch as part of the weed free program. They also received funds to help with source identifying to work with landowners to produce native seed. There is a multi-agency rapid response discussion to highlight areas slated for noxious weeds treatment with available funding. They hope to select projects in the future.

E. Conservation Districts Program

F. Other

14. PUBLIC COMMENT

No public comment was made.

15. ADJOURNMENT

Member Swanson moved to adjourn, Member Boies seconded the motion. Councilman Goicoechea adjourned the meeting at 12:29 pm.

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