



STATE OF NEVADA  
**SAGEBRUSH ECOSYSTEM COUNCIL**  
201 South Roop Street, Suite 101  
Carson City, Nevada 89701-5247  
Phone (775) 687-2000

### MINUTES

**Date:** Wednesday, December 15<sup>th</sup>, 2021  
**Time:** 8:30 a.m.  
**Place:** Sagebrush Ecosystem Program Office  
201 S. Roop St., Ste. 101 Carson City, NV 90701  
**Teleconference Access:**  
**Join the video meeting:** <https://call.lifesizecloud.com/3983136>  
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**Call in by Phone (audio only):** United States: +1 (877) 422-8614  
**Meeting extension:** 3983136#

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**Council Members Present:** JJ Goicoechea, Chris MacKenzie, Allen Biaggi, Bevan Lister, Sherm Swanson, Steven Boies, Gerry Emm, William Molini, Starla Lacey, John Raby, Bradley Crowell, Meghan Brown for Jennifer Ott, Tony Wasley, Bill Dunkelberger, Marc Jackson, Ray Dotson, Craig Burkett.

**Council Members Absent:** None

**1. CALL TO ORDER**

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

**2. PUBLIC COMMENT**

Doug Busselman of the Nevada Farm Bureau commented about the planning process through the Bureau of Land Management and the way the planning process can result in new requirements. Recently a document came out titled "The Greater Sage Grouse Plan Implementation Rangeland Monitoring Report for 2015-2020." Requests the SETT works with the BLM regarding the information in the document, specifically Appendix 11, to help those interested to better understand the information and the relevant content in the document. He also requests to have a workshop to explore and better understand how this is affecting Nevada.

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

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

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

Member Molini made a correction on Agenda Item 15, in the NDOW reporting. Tony Wasley was named the President of the Association of Fish and Wildlife Agencies. Member Biaggi moved to approve the minutes for the meeting on October 1, 2021. Member Lister seconded the motion. The motion was unanimously approved. **\*ACTION**

## **5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE**

Member Lister appreciated the information that was sent out regarding the meeting as well as the resolution on the Western Governors Association. He was glad the state has a plan in place for habitat and habitat management. He looks forward to working with the agencies and requests that the SEP does an in-depth review of the current plan to ensure the Program is where it should be moving forward.

Mr. McGowan also commented, mentioning a few items of interest, including the Plan Mr. Busselman touched on. He offered to send out a link to the aforementioned document, as well as the page numbers that refer to Nevada.

## **6. DISCUSSION ON THE BUREAU OF LAND MANAGEMENT'S (BLM) PLANNING EFFORTS TO UPDATE THE ADOPTED 2015 AND AMENDED 2019 GREATER SAGE-GROUSE LAND USE PLANS FOR NORTHEASTERN CALIFORNIA AND NEVADA AND THE SEP PARTICIPATION IN THAT PLANNING EFFORT – \*FOR POSSIBLE ACTION\***

Nada Culver, Deputy Director of Policy and Programs for the BLM, presented to the Council an update regarding the Greater Sage Grouse Plan. She reviewed the past litigation surrounding the Plan. They are currently implementing the 2015 Plan due to this litigation. The BLM was directed to re-initiate consideration of a mineral withdrawal (Sagebrush Focal Areas). Draft EIS published in 2016 and cancelled in 2017 and challenged. They are working to publish an updated draft EIS next year. The BLM finalized the various Sage Grouse State Plans in 2015 and now have kicked off public scoping. They hope to focus on managing sage grouse and implementing these plans. The NOI was published on November 22 and is in a 75-day scoping period. The BLM hopes to get people to engage, addressing fire, invasives, add new research, horses, predators, climate, and compensatory mitigation. They continue to invest in treating sage grouse habitat under 2015 plan. Efforts that are expected to continue under the 2015 Plan includes restoration over the years, fuel breaks, meadow restoration, and maintain and expand habitat and connect habitat.

Currently, the BLM is implementing the 2015 plan, and to update, they are going to start with that as a base. They are looking at what was changed in 2019 and to see if that is needed moving forward. Next steps, the BLM is looking for comments during scoping. They are identifying Cooperative Agencies, as they want to identify what is important regarding new science and look to do what can be done to reverse trend of downward population of sage grouse. The BLM is committed to working closely with Cooperating Agencies, tribes, local groups, and other partners.

Matt Preston of the BLM Headquarters in Washington DC commented on the aforementioned Rangewide Monitoring Report. He explained they are a framework to the new plans that guide how to monitor and implement the plans. Questions were asked regarding the 2019 Plan and the current implementation of the 2015 Plan. Member Boies asked about Sagebrush Focal Areas and Ms. Culver replied that the development and implementation of them are still in the works, but they will be taking account of habitat boundaries, corridors, and restoration capabilities when identifying areas. Mr. Raby added that, regarding SFAs and mineral withdrawals, it was intended to serve as an added conservation measure that would increase the protection of sage grouse. There are many protections that weren't there when the plans were developed, and these protections can be used to inform the withdrawals. A discussion was had regarding wild horse and burro gathers, to which everyone was assured that the BLM will continue to focus on their five-year horse strategy. Questions were asked regarding flexibility as well. Ms. Culver replied that they are working to incorporate adaptive management and flexibility in updating new data and science into the Plans. **\*NO ACTION**

## **7. DISCUSSION ON BLM PLAN TO RE-INITIATE THE NATIONAL ENVIRONMENTAL POLICY ACT PROCESS FOR A PROPOSAL TO WITHDRAW THE SAGEBRUSH FOCAL AREAS (SFAs) FROM LOCATION AND ENTRY UNDER THE MINING LAW OF 1872 TO PROTECT GREATER SAGE-GROUSE AND ITS HABITAT AND THE SEP PARTICIPATION IN THAT PROCESS – \*FOR POSSIBLE ACTION\***

Alan Shepherd updated on the Sagebrush Focal Areas (SFA). He mentioned that the letters requesting Cooperating Agencies have been sent out for both the letters and the SFAs. Member Biaggi expressed concern over the SFAs. There will be a letter submitted on this issue, but in summary, this has potential impacts to Nevada's economy. The threat is wildfire and invasive species, not mining. Questions were asked about the scoping process, and it was mentioned that the public comment period is the time to comment should someone wish to. Member MacKenzie asked if the SFAs were going to be

general or specific in terms of location. Mr. Preston replied that everything is uncertain at the moment. There could be a decision not to do withdrawals to where they could be broad areas and anywhere in between. But if there are datasets to inform decisions, they would like to have them. Pat Deibert of the BLM Headquarters in Washington DC commented that his name and contact information is listed in the Federal Registry should anyone like to send him specific data to inform any alternatives. **\*NO ACTION**

## **8. STAFF BRIEFINGS AND UPDATES TO THE COUNCIL**

### **A. GOLD BAR AND GOLD BAR SOUTH MITIGATION**

Mr. McGowan updated the Council on the status of Gold Bar and Gold Bar South. Gold bar had a mine approved in the Roberts Mountain and proponent driven mitigation was approved (3:1 and 4:1). Since then, little mitigation has been accomplished. Gold Bar South is new and has fallen under the regulation. The QA has been run and the SETT has been working with them on the mitigation necessary for the Gold Bar South, where they intend to purchase 1/3 up front. The SETT is working with them to conduct restoration in the Three Bars area that the BLM proposed for conservation actions. Member Boies asked what restoration would be done on public lands, to which Mr. McGowan replied that the only thing they can do is pinyon juniper removal and meadow enhancement. Chairman Goicoechea requested the local governments be kept in the loop. **\*NO ACTION**

### **B. BIG LEDGE MITIGATION**

Mr. McGowan updated the Council on the Big Ledge Mitigation. Big Ledge became a mitigation project but was authorized prior to mitigation being satisfied. The decision was made to allow them to get their mitigation satisfied by the end of the calendar year. The SETT has been working with the credit producer. They finalized the management plan, and the paperwork should be sent in by the next week and the transfer completed by the end of the year. The intent is to not just offset the 1/3 but to offset the full amount. **\*NO ACTION**

### **C. WHITE PINE WATER BOREHOLE EXPLORATION**

Mr. McGowan updated the Council on the White Pine Water Borehole Exploration. The Debit Project Proponent provided a report on behalf of their activities which can be made available to the Council. It has been confirmed that all drilling activities were stopped on October 31, before seasonal restrictions. All of their reclamation was also completed by Nov 2. They will follow up in the spring to see how the reclamation efforts have taken effect. They believe they can fit the remainder activities in within the free time between seasonal restrictions. Greg Copeland of R+ Energies added that all physical activities were completed in time except for the mulch. They do have plans to complete the remainder of the drilling between seasonal restrictions. They have been asked for further shallow borings and are working with the NDOW and BLM offices to get the permitting. They will be visiting with the Council and NDOW to see if they can do the seismic reflectometry work during the seasonal restrictions time. **\*NO ACTION**

### **D. STRATEGIC ACTION PLAN – INTER-AGENCY COLLABORATIVE PLANNING MEETING**

Mr. McGowan updated the Council on the Strategic Action Plan (SAP) progress. He explained that as we are down several staff members, there has not been a lot of traction on the plan. The SETT recently met with various agencies to get a good sense on where agencies are in planning processes and explore new tools and modeling that could assist in the SAP process. There are a lot of planning processes with overlap. These are the beginning efforts to ensure coordination and an opportunity to get tools that can provide assistance to the effort. The next meeting may have John Bradford from USGS with a seed selection modeling tool for rehabilitation to help with SFA discussions as it goes down the path of identifying priority areas for conservation. The hope is to expand the meeting to include partners and local input and NGOS into the planning process. **\*NO ACTION**

### **E. NON-COMPLIANCE ASSESSMENT FACTOR**

Mr. McGowan reminded the Council of the proposal for consideration last time, and the concern with whether that is a rule making process requirement. He told the Council that no decision has been made. If they do have to go down the path of rulemaking, then they will. But it is advantageous for us to look at other opportunities to address fees and other assessments that would help the program function long term and

provide operating funds to conduct additional conservation or provide for the needs to expand science and knowledge. **\*NO ACTION**

**9. REVIEW AND DISCUSSION ON THE DECEMBER 2021 SEMI-ANNUAL PROGRESS REPORT TO THE GOVERNOR'S OFFICE - \*FOR POSSIBLE ACTION\***

Mr. Huser presented on the Semi-Annual Progress Report. The full document is located on the Sagebrush Ecosystem Program website. A couple corrections were made to the background slide. Member Boies asked if they could get an update on where other states are at with mitigation and what their programs are doing. Mr. McGowan and Ms. Andrie replied that this could be done collaboratively as Ms. Andrie had been working with the WAFWA Conservation Team. Mr. Crowell commented that the Western Governors Association is bringing states together to discuss this. The current goal is to set up a collaborative conservation task force to look at all the various things going on and working groups, where one is specific to sage grouse and sagebrush. Nevada will be included on that, and this will give insight. **\*NO ACTION**

**10. REVIEW AND DISCUSSION ON THE 2021 ANNUAL CCS SPECIFIC PERFORMANCE REPORT - \*FOR POSSIBLE ACTION\***

Ms. Petter presented on the Annual Performance Report. The full document is located on the Sagebrush Ecosystem Program website. Questions were asked about the information provided to the CCS Project Proponents and how everyone seems to be liking being in the System. Mr. McGowan mentioned that there are a couple tools that allow Debit Projects to connect with Credit Projects, all available on the Sagebrush Ecosystem Program Website. Member Boies asked about funding opportunities, where Mr. McGowan replied that there is not much money available at this moment, but there may be in the future, with changes. Max Goodman with Magnolia, representing the Heguy Ranch commented that the Debit Projects are under the impression that they cannot purchase credits outside their WAFWA zone, which is not the case. **\*NO ACTION**

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

Chairman Goicoechea requested that a future agenda item be the non-compliance assessment factor and fees, as well as what other states are doing regarding non-compliance and fees. Mr. McGowan reminded the Council that the Program will be asked to provide comments during the scoping process and the Notice of Intent Process for the federal actions. Chairman Goicoechea mentioned that we should emphasize the work that the state has been doing in regard to sage grouse and sagebrush habitat. Member Biaggi requested an agenda item regarding staffing levels for the SETT, to understand that there is enough staff for both current and future needs. Member Molini pointed out that the deadline for comments for the Sage Grouse Plans is early February, whereas Mr. McGowan proposed a quick, single item meeting if needed. The next meeting has been proposed for February 23 or 24, 2022. **\*NO ACTION**

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

A. US Fish and Wildlife Service

Mr. Jackson updated the Council regarding the Infrastructure Bill. There is \$50m for sagebrush ecosystems for the next 5 years. They are working to create a coordinated approach to use funds and leverage existing partnerships. They especially want to make sure they are complimentary to efforts put forth by NDOW and SETT. He also reported that the US Fish and Wildlife Service is going through an effort to complete five-year reviews for nine species, which is standard for recovery planning process. They will be sending out letters requesting data and other information to inform the reviews. Additionally, they are working with NDOW and SETT to complete the statewide programmatic Candidate Conservation Agreement with Assurances (CCA), which are voluntary agreements that with conservation actions, no other limitations will be imposed beyond what they are already doing. If they can get proactive measures in place, it can be beneficial for landowners to get assurances for their businesses. Mr. Crowell asked how much of the Infrastructure Bill money is coming to Nevada and if there is anything the state can do to support the receipt of more, to which Mr. Jackson replied that they definitely can use the support, but they are not yet sure how it will be split. More information is coming available each week. Mr. Crowell also asked in the event a species gets listed, how does the CCA factor into a listed species. Mr. Jackson replied that those questions are identified in the CCA. For example, if the landowner is interested and becomes part of it, that would carry over into the listing decision. There wouldn't be more restrictive measures that come into play. The goal is to provide assurances.

B. Bureau of Land Management

Alan Shepherd notified the council that the BLM is still moving forward to do background work on the Resource Plan revisions. They are working on finalizing Prep Plan and are sending the document to Headquarters for approval to move forward. The BLM is still monitoring drought conditions and the districts are looking at potential letters about the drought to work with permittees on potential actions. He also mentioned that applications are coming in for renewable and nonrenewable energy applications. The BLM completed or have planned further Wild Horse and Burro gathers and treat mares for fertility control. They are finalizing the NEPA process for two holding facilities in Nevada. Member Molini asked about the status of the Thacker Pass Mine, to which Mr. Shepherd replied he was not sure, but Mr. Crowell stated that they are in the middle of outreach meetings and going through air and water permits for such. Judge is going to decide whether everything is adequate for a federal process. The state will not be permitting any activity that goes below the water table. Member Boies asked how long the BLM has been administering the fertility drugs and how effective has it been. Mr. Shepherd replied that it has been done since 1984 and that since those treated were in such small numbers, they do not know how effective it has been.

C. US Forest Service

Mr. Dunkelberger stated they are continuing to work with the BLM to see how their plans affect the USFS plans. They have selected a new district ranger for the Santa Rosa district. And finally, they have entered into a joint NEPA document with BLM for horse gathers. Chairman Goicoechea asked for an update on the seeding for the Cherry Fire, to which Mr. Dunkelberger replied he did not know the status.

D. USDA – Natural Resources Conservation Service

Mr. Dotson stated that they moved forward with the State technical advisory meeting, and they are excited to get local working groups together to give good feedback and meet regularly. They are getting excellent feedback to tailor the program as much as possible, and the information is on the state website if someone is interested in attending. Working Lands for Wildlife came up with a plan based on results on what has been done in the past year. America the Beautiful is looking at corridors for big game. NRCS was asked to assist with that effort to look at mule deer corridors and use easements to best be effective. Funding increase expected in Public Law 566 (small watersheds). Reached out to NACO to present to counties.

E. Other

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

A. Office of the Governor

Jordan Hosmer-Henner stated that he is working to identify how to use the federal money coming into the state. They are going through the comments regarding how to use the money, and where they can be most strategic. There will be additional rounds of funding, but they need to triage the most critical needs first. The governor also signed a proclamation regarding climate change and its relationship to drought.

B. Department of Conservation and Natural Resources

Mr. Crowell reported there was nothing to report on.

C. Department of Wildlife

Mr. Jenne stated that the NDOW position on the SETT is being advertised, but there is low interest in position. In the meantime, they are coordinating with the SETT to create the Habitat Conservation Framework. They would like to kick off an initial meeting with our stakeholders. Their total restoration projects to date amount to 26,158 acres of herbicide treatments and 27,000 for seeding treatments, mostly completed. The sagebrush conservation strategy team will have their final draft by end of January, and USGS open file peer review report after.

D. Department of Agriculture

Ms. Brown informed the SEC that there are low numbers of applicants for the open position on the team. They currently have a few names in both the underfill and the regular position, but it has been open for quite a while. But the Department hired a noxious weed coordinator position for early detection and rapid response. The Department is also working with nonprofit partners with Nevada native seed partnership forum in February.

E. Other

**14. PUBLIC COMMENT**

Member Swanson added a request for a future agenda item discussing how to keep good people in their jobs to continue doing the land management they learn about while employed in this state.

**15. ADJOURNMENT**

Member Swanson moved to adjourn; Member Molini seconded the motion. Chairman Goicoechea adjourned the meeting at 12:00 pm.

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