



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

**MINUTES**

**Date:** Wednesday, August 16, 2023  
**Time:** 8:30 a.m.  
**Place:** Sagebrush Ecosystem Program Conference Room  
201 S. Roop Street Suite 101  
Carson City, 89701

**For virtual access, please click this URL to join.**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NzcyM2NkYjctMDk5Zi00ODVhLWI2NjctYThhNGYyZzA1MTg1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%225f27adb5-98e8-401c-b352-34b647b87a9c%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzcyM2NkYjctMDk5Zi00ODVhLWI2NjctYThhNGYyZzA1MTg1%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%225f27adb5-98e8-401c-b352-34b647b87a9c%22%7d)

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**Or Phone:**

**+1 775-321-6111 \*437672338# US (Reno)**

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**Council Members Present:** JJ Goicoechea, Chris MacKenzie, Bevan Lister, Steven Boies, William Molini, Daphne Emm-Hooper, James Settlemeyer, Allan Jenne; Matthew Johns; Kyle Davis; Jake Tibbits; Kristie Boatner for Bill Dunkleberger; Justin Barrett for US Fish & Wildlife; Joshua Cocke for Jon Raby

**Council Members Absent:** Sherm Swanson

**1 CALL TO ORDER**

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

**2 PUBLIC COMMENT**

Craig Downer-submitted and self-read into record.

Anamaria Boustred-submitted and read into record by Kathleen Petter.

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

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

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

Member Davis moved to approve the minutes for the meeting on May 12, 2023, with minor changes. Member Lister seconded the motion. Member Emm-Hooper abstained. The motion was approved. **\*ACTION**

**5 COUNCIL MEMBER ITEMS AND CORRESPONDENCE**

No council member items or correspondence.

**6 COUNCIL UPDATE REGARDING USFWS & NOAA ENDANGERED SPECIES ACT PROPOSED REGULATION REVISIONS – SECTIONS 4 & 7. CONSIDER NECESSITY OF COMMENTS - \*FOR POSSIBLE ACTION\*- Lara Enders, USFWS**

Update from Lara Enders, Reno Fish and Wildlife, regarding the proposed changes to the Endangered Species Act (ESA) regulations in Section 4 and Section 7. Section 4 lists critical habitat and recovery and designation of critical habitat Clarifying language has been added. Reinstating certain regulatory options for protecting threatened species, referred to as “blanket 4(d) rules”. Clarification to Interagency cooperation (consultation) under Section 7. Member Lister clarified the set of three separate proposals, each needing comment, unless no comment is necessary, which was confirmed by Lara Enders. Jake Tibbitts noted the 2020 revision addressed the 2018 Supreme Court decision regarding the designation of critical habitat. Several questions were asked of Lara Enders: How does this service designate critical habitat in unoccupied areas? Can private property be designated as critical habitat in unoccupied areas? Lara Enders will provide additional information at a later date. Jake Tibbitts follow up questions: If put into place does the blanket 4(d) rule over threatened species for any certain species? Once applied, is there flexibility and discretion on a project-by-project basis? Example: 4(d) applies to endangered species, is there flexibility for threatened species? Lara Enders stated this is subject to current regulations through the federal process. The flexibilities available take prohibition with authorizations and permits remaining the same. Steve Boies, in regard to number listing, delisting and reclassification and the possible economic impacts asked if it is the way it would stand with this potential change there would not be considerations for these impacts. For example, would this allow something like the spotted owl? Lara Enders stated this is correct, as it is going back to the language pre 2019 to bring back consistency with the ACT. Chris McCann questioned what determinations have been made since 2019 and is there any retroactive application or will new petitions be required. Lara Enders stated once a final rule is published there would not be retroactive applications. Rules are implemented moving forward not retroactive.

Chair MacKenzie requested council feedback to submit comments or if there were no comments. Member Lister questioned how the comments would be submitted under the new Administration for the State of Nevada. Member Settlemeyer responded that Boards and Commissions submit comments which are then forwarded on to allow for unified responses. Member Lister requested to move to working with other state agencies to submit comments in relation to the rules. Chair MacKenzie responded that going through the determining agreement or disagreement with the changes is direction needed from the Council. Member Lister opposed changes. Steve Boies questioned if the entire document was being approved, as that is not agreeable. Chair MacKenzie clarified the Council is to submit comments on the matter. Member Settlemeyer suggested a subcommittee. Chair MacKenzie noted a week deadline for comments. Kyle Davis stated challenges with staffing and a tight deadline would make it difficult to come to a consensus. Member Settlemeyer requested the date the proposed rule changed commenced. Lara Enders responded June 22 with a 60-day comment period. Kathleen Petter added the proposed rule change was first heard at the end of June / early July. Justin Small noted Sage Grouse ARPA revision has been the focus which may explain the oversight. Chair MacKenzie expressed concern with the short deadline approaching noting a possible request for an extension to the comment period. Jake Tibbitts agreed to the need for an extension. Member Settlemeyer clarified the timeframe of the extension on the comment period. Jake Tibbitts proposed a 60-day extension.

Chair MacKenzie confirmed a motion from Member Tibbitts, seconded by Member Lister. Kathleen Petter will prepare the letter requesting an extension of the comment period. Justin Small requested the likelihood of the request on the extension being accommodated at Fish and Wildlife Services. Lara Enders stated those requests are

directed to headquarters however she is not aware of how often those requests are granted. To submit actual comments for Fish and Wildlife Services Carey Galst 703.358.1954 for Section 4 and Craig Aubrey 703.358.2442 is the contact for Section 7.

Chair MacKenzie received all in favor of the motion without hearing any opposed, motion passing.

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

### **A. CCS STAFF UPDATES**

Kathleen Petter provided an update that Kelly McGowan is no longer with the Council. Kathleen Petter has been promoted to Program Manager for the Sagebrush Ecosystem Program. Justin Small has accepted a new position at NDOW but will continue to be on the SET for the next couple months. NDF position has been hired, Justin Lambert, to start next week. NDA is currently interviewing and expecting to decide next week. NDOW's position will be closed soon, there are several qualified applicants in the queue. The State Lands position just posted and is expected to be open for a while. Kathleen Petter also provided a CCS update stating the finalized mitigation transactions have increased. The mitigation transaction chart can be located on the Sagebrush Ecosystem website. SEP conducted the CCS training for BLM in Ely and Winnemucca. Kathleen Petter presented the SEP on Channel 2 Face the State air date July 23rd, 2023.

### **B. Debit Projects of Concern – White Pine Water Pump Storage and Stagecoach Wind**

Kathleen Petter requested clarification from BLM on the two major projects in White Pine County with no surface occupancy and the procedure. Asking why these projects are moving forward when it is the understanding that there is no exemption. Maps provided on the Sagebrush Ecosystem Program website. Joshua Cocke stated Jon Raby's direction is that there are no amendments while in the planning effort. Additionally, Joshua Cocke stated he is not familiar with the projects in White Pine County and has no comment at this time. Joshua Cocke will take note and inform Jon Raby and provide an update to the Council later. Member Lister requested an update on approximate acres impacted on current designs. Kathleen Petter confirmed acres of both direct/indirect impacts and the anticipated debits. Jake Tibbitts noted there are more than debits relating to this and brought up the targeted annual warning system for Sage Grouse. Justin Small stated he and several others are working to have the language updated from statistical to common speech. Steve Boies requested an overview of the projects. Kathleen Petter provided a brief of each project.

### **C. BLM GREATER SAGE GROUSE PLAN**

Kathleen Petter noted we are a cooperative agency and updates will be provided as allowed. Once the public draft is available anyone that could read through, assess and report back would be helpful.

## **8 PRESENTATION AND DISCUSSION ON WILD HORSE AND BURRO IMPACTS ON RIPARIAN AREAS OUT OF UNIVERSITY OF NEVADA, RENO. *Dr. Amanda Gearhart, Assistant Professor of Rangeland Ecology and Management, UNR***

Justin Small provided an introduction for Dr. Amanda Gearhart, Assistant Professor of Rangeland Ecology and Management and the University Nevada Reno. Dr. Amanada Gearhart presentation touched on the Wildhorse and Burro Act and the protections afford within, over population and the cost, loss of riparian soils, several riparian projects, the lack of database information of all lentic riparian areas within the state of Nevada, and the need for adaptive management. William Molini commented on the need for grazing management and the need for livestock movement. William Molini stated getting the wild horses to the Appropriate Management Level (AML) would be a good start. Dr. Amanda Gearhart agreed a balance must be struck; however, there is not a blanket solution due to the unique areas. Member Settlemeyer requested the information provided by Dr. Amanda Gearhart be posted on the Sagebrush Ecosystem website. Member Lister asked Dr. Amanda Gearhart who would be the contact regarding the housing of spring databases. Dr. Amanda Gearhart suggested this is perhaps a need at a national level not just at the states. Kathleen Petter noted there is a database that Vermont uses for PFC for management and monitoring. Dr. Amanda Gearhart confirmed the PFC database is not public and while it contains records of PFC there is a lot that do not.

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

The next Council Meeting will be held on October 11, 2023, Hosted by the Department of Agriculture in Reno, NV. Topics will include the Science Updates, the Proposed Improvement, among other possible topics.

## 10 FEDERAL AGENCY UPDATES AND COMMENTS:

### A. US Fish and Wildlife Service

Justin Barrett from US Fish and Wildlife Service out of Reno NV provided an update that the Field Supervisor position should be filled within the next few weeks, reviewed petitions received in the last year, and noted the 90-day decision/determinations for Bleach Sandhill Skipper and Pinion Jay was published.

### B. Bureau of Land Management

Joshua Cocke provided an update from the BLM on the Wild Horse and Burros gatherings, proposed grazing rule, public lands rule, and Sage Grouse planning.

### C. US Forest Service

Kristie Boatner provided an update for the US Forest Service that Bill has announced retirement at the end of the calendar year, focus is still the WCS landscape the Sierra and Elko areas, working on agreements for shared stewardship, working with BLM on the Greater Sage Grouse Plan revision, and road work continues to work on impassable roads in the state.

### D. USDA – Natural Resources Conservation Service

No one is present will reach out for new State Director.

### E. Other

## 11 STATE AGENCY UPDATES AND COMMENTS:

### A. Office of the Governor

No one was present. New contact information needed.

### B. Department of Conservation and Natural Resources

Dominique Etchegoyhen, Deputy Director, provided an update for the Department of Conservation and Natural Resources noting Kathleen Petter promoting to the Program Manager, the Nevada Division of Forestry's (NDF) position will start soon, State Lands position is now open and posted. Additionally, Dominique Etchegoyhen provided an update regarding the Conservation Camp Program at NDF.

### C. Department of Wildlife

Shawn Espinosa, Game Division Administrator for the Nevada Department of Wildlife (NDOW), provided an update on the Sage Grouse database with the 2023 data.

### D. Department of Agriculture

J.J. Goicoechea, Director of Nevada Department of Agriculture provided updates on the Conservation Staff Specialist for the SET, applications are open for the Foundation Seed Program, continued enforcement in the Spring Creek area, EDRR regional meeting for noxious weeds, Chad Sestanovich is the new Administrator of Animal Industry, and the draft for Grasshopper and Mormon Cricket control within Sage Grouse habitat.

### E. Other

Dominique Etchegoyhen stated that DCNR is finalizing a Conservation Easement on the Desert Creek Ranch which is important for Sage Grouse noting funding sources. Justin Small requested an update on the

Blue Diamond Property. Shawn Espinosa confirmed this is finalized and will become part of the Steptoe Wildlife Management area. Chair Mackenzie noted new Board Member, Mathew Johns who will be joining in person in October.

**12 PUBLIC COMMENT**

No public comment.

**13 ADJOURNMENT**

Member Boies moved to adjourn, and Member MacKenzie seconded the motion. Chairman MacKenzie adjourned the meeting at 1:22 pm.

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