



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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Reno, Nevada 89502-7147
<https://www.blm.gov/nevada>

MAY 28 2024

Chris MacKenzie, Chairman
Sagebrush Ecosystem Council
201 S. Roop St
Carson City, Nevada 89701

Dear Chairman MacKenzie:

Thank you for reaching out to the Bureau of Land Management (BLM) and requesting that the Sagebrush Ecosystem Council (SEC) become a cooperating agency in future National Environmental Policy Act (NEPA) processes. Upon receipt of your request, I asked BLM staff and our attorneys from the Department of the Interior's (DOI) Regional Solicitors Office to review our regulations and policy regarding the qualifications of a cooperating agency. Under the NEPA regulations, a cooperating agency is defined as any Federal, State, Tribal, or local agency with jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal that has been designated by the lead agency. 40 CFR § 1508.1(g).¹

In considering the SEC's request, the BLM reviewed the Nevada Revised Statutes § 232.162 that outlines specific roles and responsibilities of the SEC. Based on our review, the SEC does not meet the regulatory definition to be a cooperating agency since it is not a "Federal, State, Tribal, or local agency." Moreover, the SEC's voting members include individuals that are not associated with or employees of any agency and instead are appointed to represent specific industries or interests, which may implicate the Federal Advisory Committee Act.

The BLM greatly values the perspectives of the SEC and I want to continue our exceptional working relationship with the State of Nevada. To that end, I suggest that the Nevada Department of Conservation and Natural Resources (DCNR) become a cooperating agency and work with the SEC to incorporate its input into the overall NEPA process. DCNR clearly meets the definition of a cooperating agency and has participated in the BLM's NEPA processes in the past. Similarly, the Nevada Board of Wildlife Commissioners has provided input to the BLM through the Nevada Department of Wildlife (NDOW) when NDOW was a cooperating agency.

Thank you again for your inquiry and for the opportunity to provide assistance. If you would like to discuss further, please contact me at (775) 861-6590.

Sincerely,

Jon K. Raby
State Director

¹ This citation is to the NEPA regulations that will go into effect on July 1, 2024. 89 Fed. Reg. 35442 (May 1, 2024). The current regulation, found at 40 CFR § 1508.1(e), is substantively similar.