



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

DRAFT MINUTES

Date: Wednesday, July 31, 2024

Time: 8:30 a.m.

Place: Nevada State Legislature
Room 3138
401 S Carson St
Carson City, NV 89701

Zoom Access for the Public

Phone number: 888-475-4499

Meeting ID: 859 9434 4115

Live streaming can be accessed on the NV Legislature Website:

<https://www.leg.state.nv.us/App/Calendar/A/>

1. CALL TO ORDER; ROLL CALL

Meeting called to order at 8:31am

Council Members Present: Chris MacKenzie, Chair; Jake Tibbitts, Vice Chair; Bevan Lister, Steven Boies, William Molini, Sherman Swanson; Daphne Emm Hooper; Mathew Johns; Kyle Davis; James Settelmeyer, DCNR; Alan Jenne, NDOW; Lara Enders, USFWS; Cheva Gabor, USFS; Jon Raby, BLM; Chris Rose, NRCS; JJ Goicoechea, NDA

Council Members Absent: None

2. PUBLIC COMMENT

Doug Busselman, Executive Vice President, NV Farm Bureau Federation, gave public comment on Agenda Item #7. Against disturbance caps.

3. APPROVAL OF AGENDA - *FOR POSSIBLE ACTION*

Item #9 pulled from the agenda; Member Lister wanted to ensure that a presentation came before discussion on item #10.

Action:

Member Lister motioned to approve the agenda.

Member Boies seconded the motion.

Motion passed unanimously.

4. APPROVAL OF MINUTES - *FOR POSSIBLE ACTION*

Chris had one correction: time references in record. Couldn't figure out how time references related to recording. Please double check.

Action:

Member Davis motioned to approve the minutes with removal of time stamps.

Member Molini seconded the motion.

Motion passed unanimously.

5. COUNCIL MEMBER ITEMS AND CORRESPONDENCE:

Received correspondence back about Cooperating Agency status from BLM.

6. STATE-OWNED LANDS MANAGEMENT PRESENTATIONS - *FOR POSSIBLE ACTION*

The following agency representatives gave presentations and answered council member questions:

A. State Lands – *Charlie Donohue, NDSL* – Summarized NDSL responsibilities and management near GRS habitat

B. NDOW Managed Lands – *Mark Freese, NDOW* – Presented on NDOW owned/managed properties and their purpose (primarily wildlife and recreational value); discussed several GRS-specific restoration projects, and other sagebrush ecosystem restoration projects public lands as well.

C. State Parks Managed Lands – *Janice Keillor, NV State Parks* – Summarized how State Parks is adhering to CCS on their 9 Parks that fall within GRS habitat

D. NDOT Managed Lands – *Chris Young, NDOT* – Presented on NDOT administered lands, ownership, and coordination with the CCS

No action taken

7. DISCUSSION AND CONFIRMATION OF STATE STANCE ON BLM DISTURBANCE CAPS - *FOR POSSIBLE ACTION* SEP Staff

Kathleen Steele, Sagebrush Ecosystem Program Manager, gave a brief presentation on the reasoning for the discussion and provided background info of disturbance caps in the State Plan and in the ARMPA.

Council members asked questions about the presentation and ARMPA language.

Council members held a discussion.

Vice Chair Tibbitts motioned that this council request of BLM full implementation of the [Nevada] State Plan, and that including the CCS be the avenue for any compensatory mitigation for any exceptions under the BLM plans.

Brief discussion and clarification of motion:

- This would be in lieu of disturbance caps.
- This council is against disturbance caps as long as our State Plan and full process is allowed to move forward.
- Motion is referring to the State Plan in its entirety and the CCS as a sub-element of the State Plan.

Member Swanson seconded the motion.

Motion passed unanimously.

8. DISCUSSION OF THE PUBLIC LANDS RULE WITHIN THE CCS ALONG WITH CRITERIA FOR LAND TRANSACTIONS TO BENEFIT CONSERVATION DISCUSSION - *FOR POSSIBLE ACTION* SEP Staff

Kathleen Steele, Sagebrush Ecosystem Program Manager, gave brief presentation summarizing the public lands rule and how it will be implemented in the CCS;

Council members asked clarifying questions and discussed the rule.

No action taken

9. REVIEW AND DISCUSS THE DISPUTE ON VERSION CONTROL BROUGHT FORTH BY ORLA MINING REGARDING SOUTH RAILROAD MINE PROJECT - *FOR POSSIBLE ACTION* SEP Staff; Donald Dwyer and Glenn King, Orla Mining

Removed from agenda

10. REVIEW OF THE CCS VERIFIERS' CERTIFICATION PROCESS, POSSIBLE CLOSED MEETING TO MEET WITH COUNCIL PURSUANT TO NRS 241.015(4)(C)¹ - *FOR POSSIBLE ACTION* SEP Staff

Kathleen Steele, Sagebrush Ecosystem Program Manager, gave a brief presentation on verifier certification and decertification processes.

Council members asked questions and held discussion.. DAG Nicole Ting clarified procedural and legal aspects.

Chair Mackenzie called for a subcommittee to explore this further. Will consist of Members Kyle Davis as chair of subcommittee, Steven Boies, and James Settelmeyer.

Action:

Member Molini motioned that we support the subcommittee to work on this. Added to motion that we approve the proposed process that has been outlined here with the addition that the council would be the first line of appeal in decertification hearing. Otherwise I think what has been outlined before us we should support, with the understanding that with the subcommittee's work eventually we will go to a regulatory process and make this a regulation.

No second. Motion fails.

Action:

Vice Chair Tibbitts motioned to appoint a subcommittee to work through the procedures including but not limited to development of potential NAC to be brought forward. Committee is Member Davis as chair, Member Settelmeyer, and Member Boies.

Brief clarification of deadline: Vice Chair Tibbitts amended motion to have committee proceed immediately with the process and bring back ASAP without specific deadline

¹ Please note that if a closed attorney client meeting takes place pursuant to NRS 241.015(4)(c) no action will be taken. Any action taken by the public body for this agenda item will take place during the open session portion of this agenda item.

Member Davis seconded the motion.
Brief Discussion
Vice Chair Tibbitts requested closed session prior to voting on motion.
Member Davis withdrew second on motion.
Motion fails.

Action:

Member Lister motioned to go into closed session.
Member Boies seconded the motion.
Motion passed unanimously.

Meeting entered closed session at 11:46am.

Meeting returned to open session at 1:21pm.

Action:

Member Swanson motioned that because SEP verifier decertification process is based on NAC 284.650 NRS 233b.121-150, that we adopt this as our process going forward.

Member Molini seconded the motion.

Brief discussion

Members in favor: Swanson, Lister, Molini, and Johns
Members Opposed: Davis, Boies, and Emm Hooper

Motion passes 4-3

Clarification that subcommittee will still proceed to work on regulation.

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

A. With staff assistance, the Council will review items discussed, as well as items acted upon during this meeting, and determine which of those they wish to direct staff to do further work on, as well as which items the Council wishes to act on that may not have been acted upon during earlier discussion.

B. Determination of any specific items the Council would like to work on at their next regularly scheduled Council meeting.

C. Scheduling of the next Council meeting date, time, and place.

- Clarification to the User's Guide and Manual to reduce misinterpretation.
- Discussion of changing QA process and determining when projects are considered projects
- BLM Presentation on NEPA and permitting process
- Next meeting tentatively scheduled for: Thursday September 26th

12. FEDERAL AGENCY UPDATES AND COMMENTS:

A. US Fish and Wildlife Service – Lara Enders provided staffing update

B. Bureau of Land Management – Jon Raby updated on GRSG RMPA, Solar EIS, Wild Horse and Burro gathers, Wildland Fire Response

- C. US Forest Service – Cheva Gabor updated on Wildland Fire status and preparedness, aerial herbicide and prescribed fire NEPAs have final EIS draft decisions to be released mid-August, funding, staffing, updates to USFS GRSF plan
- D. USDA – Natural Resources Conservation Service – Chris Rose updated on FY24 financial figures and expected funding/priorities for FY25, potential outreach, agreements, staffing, and training. Looking into public land restoration projects, locally led conservation efforts for next year.
- E. Other

13. STATE AGENCY UPDATES AND COMMENTS:

- A. Office of the Governor – Chase McNamara, Policy Advisor, updated on coordinating with BLM on solar EIS/SG EIS timeline
- B. Department of Conservation and Natural Resources – James Settelmeyer, DCNR Director, updated on Conservation District grants and Nevada wildland fire. Kathleen Steele, Sagebrush Ecosystem Program Manager, introduced new Nevada Division of Forestry member of the Sagebrush Ecosystem Technical Team: Casey Adkins. Casey summarized her background.
- C. Department of Wildlife – Alan Jenne, NDOW Director, updated on fire season, staffing, GRSF lek attendance, upland game production
- D. Department of Agriculture – JJ Goicoechea, NDA Director, updated on Mormon crickets (reporting, funding, treatment, and upcoming post-season cricket meeting), funding application periods coming up, noxious weed responses, NEPA commenting, and staffing.
- E. Other

14. PUBLIC COMMENT

- Josh Vittori, Nexus Environmental, made public comment on agenda item 10 in-person. Outlined concerns. Made suggestions to subcommittee on things to consider going forward.
- Ian Dudley made public comment in-person. Important for council to develop mechanisms for achieving net-gain in the State Plan.
- Lee Turner made public comment on agenda item 10 online. Supports rigor in certification/decertification process. Volunteered to help with development process.
- Other public comment received in writing (posted under meeting support materials).

15. ADJOURNMENT

Meeting adjourned at 2:08pm