

Meeting Minutes
Northeastern Great Basin Resource Advisory Council
April 19, 2012
California Trail Interpretive Center
Elko, Nevada

RAC Attendance:

Jeff White, Chairman	(1) Energy/Minerals
Tony Carone	(1) Energy/Minerals
Tom Connolly	(1) Federal Grazing
Jacob Carter	(1) Federal Grazing
Kevin Lee	(1) Transportation/Right-Of-Way
Jack Prier	(2) Environmental/Wildlife
Larry Hyslop	(2) Wildlife
David Meisner	(2) Academia
Julie Hughes	(2) Dispersed Recreation
Jeanne Nations	(2) Wild Horse & Burro
Laurie Carson	(3) Elected Official
Vince Garcia	(3) Native American
William Wolf	(3) Public at Large
Bruce Holmgren	(3) State Agency

Bureau of Land Management (BLM) Representatives Present:

Mike Herder	District Manager, Elko District
Doug Furtado	District Manager, Battle Mountain District
Victoria Barr	District Manager, Ely District – <i>Acting</i>
Lesli Ellis-Wouters	Public Affairs Representative, Elko District
Chris Worthington	Planning & Environmental Coordinator, Battle Mountain District
Victoria Anne	Planning & Environmental Coordinator, Elko District

8:00 a.m. Meeting called to order
Introductions and welcome from Jeff White, Chair
Minutes for previous meeting approved
Northeast Nevada Stewardship Dinner and RSVP announced by Larry Hyslop
Introduction and tour of California Trail Center by Gary Koy, Supervisory Park Ranger

8:30 a.m. Guided Discussion: Understanding Grazing Permit Approval Process – Doug Furtado
Overview: Discussion focused on “process(es)” required for renewing grazing permits.

The process for renewing BLM grazing permits is governed by specific congressional (i.e. Taylor Grazing Act), Federal (i.e. 43 CFR 4100), agency driven (i.e. BLM Handbook H-4180-1 Rangeland Health Standards, Resource Management Plans and Land Use Plans), and approved Standards and Guidelines (S&Gs).

Highlights: Many BLM districts were fiscally and operationally unable to fully process all grazing permit renewals by 2009, as requested by the National Office BLM in 2003. Delays were attributed to myriad of tasks required for each permit renewal; i.e. a National Environmental Policy Act (NEPA) ready environmental analysis, complying with Section 7 of the Endangered Species Act, consultations and response times with

various agencies, monitoring and evaluations for rangeland health assessments, and completed S&G's. Other delays included complying with new national, regional, and local concerns; i.e. sage-grouse.

Until full processing for a permit renewal is possible, BLM is authorized to operate under Public Law 106-113, Sect. 123 of the Consolidated Appropriations Act, H.R.3423, Title 1; a legislative "rider" to the Appropriations Act that authorizes BLM to issue new grazing permits for expiring permits, with the same terms and conditions contained in the expired permits, pending processing of such permits in compliance with all applicable laws and regulations.

Although renewals currently expire every 10 years, rangeland health is informally evaluated annually between the appropriate BLM district/field office range consultant and their permittees. Through regular dialogue and/or visits, range consultants observe, assess, and communicate about permittee grazing related responsibilities. Grazing related issues identified that do not meet rangeland health conditions and are not resolved will be addressed during the permit renewal process.

For concerns beyond the permittee's control (i.e. destruction of habitat by wild horses or burros; a wildfire not associated with permittee related endeavors, regional drought, etc.) and providing that all other permit requirements are met, BLM can proceed with the grazing renewal permitting process. Under this scenario however, the permittee works with BLM to promote success for all habitat improvement endeavors such as removing livestock from riparian areas until habitat is considered sufficiently improved, deferring grazing until restoration projects have succeeded, and reducing AUM's to minimize impacts, etc.

Rangeland health improvement plans often include participation with other agencies (NDOW, FWS, NRCS, etc.), especially to enhance wildlife habitat on permitted grazing lands. Current and future revisions to BLM RMPs and LUPs will emphasize the need for "ecological balance" to existing conditions; i.e. increasing requests by forms of multiple-use, forage reductions initiated by drought, etc.

Grazing Permitting Presentation related discussions:

1. Recent attention noted within community about permit renewals being for 20 versus 10 years
 - Although there has been recent discussion regarding changing permit renewal timeframes, nothing has been modified at this time.
2. Question for "why aren't grazing permits processed more frequently than every decade, compared to wild horses that are gathered approximately every other year."
 - Tom Connolly countered that permits are informally reviewed every year by the rangeland management specialist assigned to the allotment
3. Question about appeals upheld by plaintiffs/appellants to NEPA documents?
 - Response included that most appeals to BLM documents are based on:
 - Non-compliance with NEPA regulations
 - Arbitrary and capricious decisions
 - Non-compliance with other agency or regulations (i.e. FLPMA)
 - Judicial interpretations differing on rangeland health conditions
4. Question about length of time needed for permitting process
 - Elko's largest hurdle – staffing due to inadequate housing situation and job competition with the mining industry.
 - Battle Mountain, Elko, and Ely concerns related to staffing
 - BLM budget constraints hindering rehiring efforts for vacated positions
 - Need for funding, staffing, and NEPA analyses that exceeds resources available

10:00 a.m. Presentation: Greater Sage-grouse EIS – Mike Herder

Overview: Efforts to keep the sage-grouse from being listed as an endangered species

Presentation (on file at the Elko District Office) was offered to RAC members explaining the sage-grouse is “warranted but precluded” from being listed by Fish and Wildlife Service (FWS) because of the current lack of “documented” regulatory mechanisms in many RMPs and LUPs.

More in depth explanations included:

- RMPs and LUPs in many districts have not *yet* been revised to specifically include protection measures for conserving sage-grouse habitat. For example, Elko District’s field offices RMP’s for Elko and Wells were last revised in 1985 and 1983 respectively. Revision for a joint RMP is scheduled to begin in 2013. However, each district has been evaluating projects with consideration of conserving primary sage-grouse habitat – primarily through wildlife analyses in NEPA documents.
- Pertinent issues today include: increased requests for multiple use (i.e. mining, recreation, etc.)
- The cumulative impacts that have resulted since the older RMPs were approved, many of which are shown on the FWS graph originally created in 2005 that highlights the top 19 threats (in ranked order) to sage-grouse and sagebrush habitat.
 - Available at:
[BLM - NV-SO Sage Grouse Presentation, A. Lueders](#)
- Although the rankings may have fluctuated over the years since 2005, BLM acknowledges that infrastructure and other forms of multiple-use have contributed to habitat fragmentation.
- Future projects are expected to be considered more at a landscape level than for individual ventures.
- Control for sage-grouse predators, a major concern for many local Elko residents, would be a short-term attempt at conserving sage-grouse. Over time each of the threats will need to be considered during planning endeavors, and conservation efforts may need to be managed differently.

Agencies are working together to develop plans that will keep the sage-grouse from being listed; both for conservation of this “indicator species” (selected to represent several plants and animals dependent upon sagebrush habitat for survival), and to avoid the financial, operational, and additional analyses and consultation needed should the sage-grouse be listed.

EIS progress to-date:

- General information: EIS being developed will provide overall-guidance, at the regional level. Documents pertinent to the district level will be designed with local specifics (i.e. EAs).
- Comments from the scoping period that ended Mar. 23, 2012 are being compiled by the contractor for the EIS.
- The NO-Action Alternative draft is being reviewed
- BLM districts are following interim guidance BLM Instruction Memorandum’s 2012-043 and 2012-044, until the EIS is completed and FWS makes their determination (Sept. 2014).
 - IM 2012-043 provides an overview perspective, and is not subject to NEPA
 - IM 2012-044 provides district level guidance, with more specific instruction, and decisions for NEPA documents are subject to appeal.

- Although the initial comment period for the first phase of the Sage-grouse EIS has passed, public are encouraged to continue submitting comments for other guidance documents, such as:
 - the upcoming RMP/LUP revision in Elko due to begin in 2013
 - all future open EIS comment periods (i.e. draft, etc.)

EIS Update related discussions:

1. Question from RAC about how they [RAC] can further assist BLM in the EIS process?

- During Interim Policy Period (Now through Final EIS)
 - Consider revising, amending, or adding an addendum to existing Standards and Guidelines that defines “desired sagebrush” habitat for BLM specialists to consider during monitoring and rangeland health assessments.
 - Assist with planning and implementing ground-truthing of NDOW Primary and General Priority Habitat areas. Explanations offered by BLM that data used when creating current NDOW sage-grouse maps was based from monitoring and other GIS data accumulated over the past years. Information verifying whether or not mapped conditions are still relevant can be used when determining project decisions.
 - NE NV Stewardship group can assist by supplying council baseline sage-grouse numbers.
 - Communicate with BLM districts about any new or relevant research efforts from other conservation teams to establish regional/local concerns and findings.
- At release of Draft EIS
 - Provide comments/suggestions that will aid BLM with ways to strengthen policies and guidelines to show FWS that efforts have been made, and will be considered for protecting sagebrush habitat.

10:30 a.m. Public Comments

Speaker: Ladonna Smith, Resident Lamoille; Representing American Mustang Foundation

Contact Information: ladonna@pi-engraving.com

- Purpose: Introduction of new non-profit foundation.
- Request of RAC: looking for advisors within community to state where needs and gaps exist for wild horses, which are within foundations ability to contribute.
- Goal of foundation is to improve quality of life and genetic viability of species, such that it can exist in harmony with multiple resources.
 - Desires to:
 - Define/establish the institute of range needed for the aforementioned goal
 - Assisting other organizations with increasing adoptability of wild horses
 - Participate with planning to improve range resources
 - Work with sustainable cattle ranches and assist educating the public with regards to the history of wild horses and cattle grazing

Speaker: Carla Bowers, Representing America’s Wild Horses and Burros

Contact Information: carla84bowers@yahoo.com

- Purpose: Offered RAC members a folder with a compilation of information/ citations/quotes/graphs/charts/figures) from non-BLM sources that provides contrasting data from BLM.
- Request of RAC: review the information and recommend to BLM that forage distribution be considered differently.

- Speaker was allowed by chair to talk beyond her allotted time and continued after all speakers had finished.

Speaker: Felix Ike, Representing Western Shoshone Tribe

- Purpose: Share concerns of lands sacred to tribes that are not being protected.
- Request of RAC: Acknowledge request and become involved where possible.
- Offered that lands with cultural artifacts and spiritual significance exist well beyond residential areas and outside of boundary areas typically selected during planning mining ventures.
 - Recent example cited: Arturo project on BLM lands... artifacts found on the surface by representatives of the Western Shoshone Tribe that were not all recognized by the BLM/Mining representatives during their surveys. Routed photos amongst RAC members.
 - Does not believe that BLM's selected boundary(ies) offers sufficient protection to the areas considered special by the Tribe. (i.e. continuous open-use and camping areas resulting in degradation of cultural sites)
 - Concerned about cumulative effects of various mining ventures to areas with cultural significance.
 - Acknowledged that relations between Tribe(s), BLM, and others should be strengthened.
 - Noted that California Trail Center lacks displays for Native American history.
 - Speaker was asked to speak after all speakers were finished and answered several questions from the RAC.

Speaker: Ralph Sacrison, Resident Elko, Representing Self, for Public

- Purpose: Provide information supporting concern that “predation” is not being adequately addressed by NDOW or BLM in the sage-grouse conservation efforts.
- Request of RAC: Assist with emphasizing need to pursue predation when promoting sage-grouse conservation.
- Proposed that agencies funding be reduced dollar-for-dollar for penalties
 - realized by non-agency entities (i.e. business revenues that can be lost due under current sage-grouse protection efforts.

Discussion regarding public comments:

Recommendation made by Vince Garcia to limit public comments to approved timeframe (5 minutes) and reminder that public comments are not designed as comment/response venue.

Recommendation approved by group.

11:30 break for lunch

12:30 Meeting resumes

Mike Herder read newly released statement from BLM National Office, referencing Saving America's Mustangs proposed Eco-Sanctuary was selected for environmental review. Link: [Eco-Sanctuary Announcement](#)

When asked about funding source(s) for the Eco-Sanctuary EIS, Meghan Brown offered to pose question and respond to RAC with answer about funding source, after she attends upcoming Wild Horse and Burro meeting scheduled next week in Reno.

Meghan Brown addressed the RAC about a recent meeting with Congressman Amodei. Attendees included: BLM, U.S. Forest Service, Nevada Department of Wildlife, State Forrester's, National Resource

Conservation Service, Farm Bureau, Nevada Association of Counties, The Nature Conservancy, FWS, Nevada Cattleman's Association, and others.

- Discussions were candid and beneficial.
- Group talked about “what is and is not working”
- Approaching OMB-Congress about Federal funding process(es)
 - i.e. elevate regional concerns (i.e. fire) to National level, such that more support can be appropriated by those in charge of funding
 - fire rehab efforts – 3 year window not sufficient time to foster veg regrowth
 - consider linking timeframes to biological rather than fiscal cycles
- How to realize best bang for buck with regards to proactive management
 - (i.e. using prescribed burns to minimize wildfire impacts)

12:30 p.m. Wild Horse and Burro sub-committee creation

Jeff White recalled a discussion item at Tri-RAC from Amy Leuders identifying a need for a state-wide WH&B sub-committee.

District Managers agreed to discuss at State Leadership Team meeting. Topic to be addressed at next RAC meeting in Ely.

- Jeanne Nations will coordinate with three RAC teams to determine best approach for developing a subcommittee.
 - Subcommittee could:
 - identify more insight, develop ideas, etc.
 - Assist BLM when eco-sanctuary analysis begins
 - Remember that subcommittee function is to advise BLM with rangeland health within RAC parameters

1:00 p.m. Ely South Step Toe Travel Management Document: Guided discussion by Victoria Barr

- Document was appealed by SNWA, but promptly negotiated for resolution for access to water haul sites
- Process took 4 years, but had involvement of a variety of stakeholders throughout
- Reasons for success largely about “buy-in,” acquired by:
 - Early and consistent discussions with stakeholders. First year mainly planning and subsequent time included many information gathering sessions within community.
 - RAC involvement – provided valuable input
 - Discussions with various groups to determine desired access routes by public
 - BLM regularly attended county commission meetings to present collected information
 - Began with small area, built trust with stakeholders, and approached other areas individually
 - BLM explained “why” specific routes were identified to be closed

1:30 p.m. Review of Socio-economic Strategy

Due to draft strategy not being received by all RAC members, there was no discussion. Strategy to be emailed to RAC members for individual comments to socioeconomic strategy program leads.

2:00 p.m. Battle Mountain RMP status update – Chris Worthington, P&EC Battle Mountain BLM RMPs

- Goal is to design document that is broad at the national/regional level, and flexible enough at the district/field level to prepare NEPA documents without needing amendments to the RMP.
 - Often difficult if RMP offers field managers too much discretion, thus providing room for litigation.

- Distributed handout to members showing various timeframes and accomplishment dates for documents/issues addressed in Battle Mountain RMP
- Request for RAC assistance to occur following alternative development
 - Venues: conference calls, video conferencing, emails, and/or face-to-face
- Elko/Spruce Upcoming Recreation Amendment for existing RMP
 - Discussion about restrictions for cross country travel in Spruce Mtn. Area
 - See: [Spruce Mtn. Fed. Reg. Notice](#)
- RMP – General Discussion (brainstorming-questions by RAC for BLM to consider)
 - Consider forage availability when adjusting grazing AUMs
 - Consider allowing multiple use modifications when changes are made to grazing allotments

3:00 p.m. Review of Action Items/RAC Recommendations

NE NV Stewardship group

- What has happened since studies that occurred 13 years ago? (Great baseline information)
 - i.e. Now using ¼ mile buffer around leks; opposed to “zero” 13 years ago
 - Items once “recommended work” are now considered “mandatory”
 - RMP may not state “it,” but litigation over the past years shows need for documentation
- Can telemetry or other studies be developed that will show changes to rangelands?
- Suggestion to “build on” historical data for sage-grouse efforts

RAC Nominations (Lesli Ellis-Wouters)

- 1st Call completed
- 2nd Call to be published on 4/20/2012 (and extending for 45 days from 4/20/2012)

RAC Discussion(s)

- Members noted the importance of knowing how to provide advice when attempting to balance needs for sustaining eco-system health/capacity with socio-economic stresses being realized within communities dependent upon resources.
 - i.e. Recent experience with China Mountain

4:00 p.m. Meeting adjourned