

# Sage grouse roundtable in Winnemucca

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## Goicoechea, Dahl

Dee Holzel/Free Press Correspondent

State Sen. Pete Goicoechea, R-Eureka, left, and Elko County Commissioner Demar Dahl, who is also with the American Lands Council. Dahl spoke about a connection between the sage grouse issue and the council's effort to shift control of federal land to states.

2014-01-20T06:00:00Z Sage grouse roundtable in WinnemuccaBy DEE HOLZEL, Free Press Correspondent Elko Daily Free Press

January 20, 2014 6:00 am • [By DEE HOLZEL, Free Press Correspondent](#)

WINNEMUCCA — As the U.S. Fish and Wildlife Service ponders whether the sage grouse will be declared an endangered species, at Harney Electric they've begun to crunch numbers in order to

estimate what it might cost to relocate and bury the miles and miles of transmission and distribution lines that go through sage grouse habitat.

The estimated cost: \$500 million. And that is just for the 1,200 customers on the Oregon side of the state line.

Harney Electric General Manager Randy Whitaker attended the Sage Grouse Roundtable held Wednesday in Winnemucca.

“We can’t go to our customers and ask for that. We can’t borrow that type of money, and the BLM isn’t going to fund us,” Whitaker told the crowd gathered in the Humboldt County Courthouse.

The cooperative provides electricity in some rural regions of southern Oregon and northern Nevada. What will happen to those people if Harney Electric has to mitigate for sage grouse habitat? Whitaker told those at the table significant numbers of people in those areas will not have power.

The roundtable was organized by State Sen. Pete Goicoechea, R-Eureka. He was joined in the Humboldt County Commission meeting room by representatives from state and local government, businesses, ranching and mining.

The most immediate concern for those in attendance was the Jan. 29 deadline for comments on the BLM’s draft land-use plan amendments and environmental impact statement for protection of the sage grouse, part of the overall update to the Resource Management Plan.

The U.S. Fish & Wildlife Service considers five factors before listing a species as endangered. Two of those factors, loss of habitat and inadequacy of existing regulatory mechanisms, were addressed in the draft EIS.

However, there are other deadlines looming that were cause for concern as well, including the 2015 deadline for the agency to determine whether to list the sage grouse as an endangered species.

For those attending the roundtable there were question about the region’s ability to mitigate the situation before the 2015 deadline, whether mitigation efforts would matter, and whether the pill would be worse than the poison; that is, would mitigation efforts be worse than restrictions that come with having a listed endangered species in the neighborhood.

The roundtable was organized for discussion, but the secondary purpose was to rally the troops into action before the comment deadline.

Addressing that issue was Jake Tibbets, natural resource manager for Eureka County, who outlined the mechanics of commenting.

For some, it might be tempting to just write “this is BS” when commenting, Tibbets said. “Those comments may make you feel good, but they don’t get you anywhere.”

He stressed the importance of having substantive and meaningful comments, primarily because a legal challenge may follow and it will be important to demonstrate that the public presented constructive comments seeking specific changes.

'Consistency' requirement

But there's more. Tibbets went on to explain the public has a powerful tool at its disposal: the consistency requirement.

Under the Federal Land Policy and Management Act of 1976, the BLM, Forest Service, and all federal agencies are obligated to maintain consistency in their documents (EIS, Guidance and Resource Management Plans, amendments to Management Plans, etc.) with those of other federal agencies, state and local governments, and even Indian tribes.

State directors and field managers are required to keep apprised of state and local government plans, policies and programs. However, they're not considered accountable for assuring consistency if they have not been notified in writing of inconsistencies by state and local government and Indian tribes.

Tibbets advised the group to point out how the draft EIS is inconsistent with locally adopted policies.

The governor is given 60 days to determine if consistency exists. If he determines there are inconsistencies, he can notify the state director in writing and make recommendations to achieve consistency.

If the state director opts not to utilize the recommendations, the governor can appeal directly to the director of the BLM, and the director of the BLM shall accept the recommendations if he or she determines they provide for a reasonable balance between state and national interests.

Cory Hunt, a policy analyst with Gov. Brian Sandoval's office, noted the governor's consistency review does not kick in until the final EIS, so it is important to comment before then, during the draft EIS stage.

Those in the room who have been through comment periods on other EISs were not hopeful it would make a difference, but they still encouraged the public to submit substantive comments.

Elko County Natural Resource Manager Randy Brown said, "Be thinking of the next level. We need to be able to say we told them about this, we gave them our thoughts and evidence in our comments."

Humboldt County Commissioner Jim French agreed, noting if they failed to participate at this level they would lose their standing to participate on the implementation side.

As monumental as the task seems, many in the room were up for a bigger challenge: that of getting the feds to turn over endangered species management to individual states.

The suggestion was in line with the effort of rural counties to have the feds turn management of public lands over to the state.

For Elko County Commissioner Demar Dahl, the issues were directly connected.

“I think what we’ve heard here today is important because we do need to follow the process, we do need to make the comments, we need to do it right, we need to cover all of our bases,” Dahl said.

He continued, “But I think we’re here today because most of us, we believe after we do all we can do, this bird is still going to be listed. And so then we need to figure out what we do then.”

Part of the frustration for many who attended the roundtable was the complicated interaction between different regulating agencies. The draft EIS primarily concerns the habitat of the sage grouse; management of the bird itself falls to other departments.

But, as Brown noted, it only makes sense to combine the habitat issue with the population issue.

What about the numbers?

At this point Goicoechea raised the issue of bird population and the lack of hard data. He challenged anyone in the room to give him a number and guarantee it within 10,000 birds.

Humboldt County rancher John Falen brought up another threat, that of predators. One of the most serious, according to Falen and others, is the raven, which feeds on sage grouse eggs.

The raven is protected by the 1918 Migratory Bird Treaty, which prohibits the killing of listed birds. In this case, federal requirements to control predators runs headlong into the act that protects the predator — in addition to the fact the BLM, the agency creating the draft EIS under discussion, isn’t in charge of managing the birds.

Commissioner French gave his opinion the BLM isn’t even managing well that which is in their purview to manage: wild horses, wildfire suppression, and fire rehabilitation — primarily due to funding limitations, the agency says.

While attendees may have been frustrated with the bureaucracy of public lands management, they were furious over a compromise offered jointly by U.S. senators Harry Reid and Dean Heller.

The Nevada Sagebrush Landscape Conservation and Economic Development Act, released in the form of a discussion draft, would attempt to accomplish two things: conserve sage grouse habitat while encouraging economic development.

The act would provide permanent protection in unresolved Wilderness Study Areas and Inventoried Roadless Areas — both of which are currently off-limits to development — that overlap with sage grouse habitat by designating them as wilderness. These areas of non-development would perpetually preserve a portion of sagebrush-steppe landscape to help aid in the bird’s population recovery. The proposal would also provide the option to restore and rehabilitate areas in need before they are designated wilderness.

The proposal would also provide land for development purposes by conveying land at or above fair market value, and provide for targeted conveyances of land for local government services and development of local economies.

The hope, of course, is to avoid an endangered species listing. But those attending the roundtable had all kinds of opinions on wilderness and wilderness study areas. As was noted, once something goes wilderness the public never gets it back.

#### Reid-Heller proposal

Some in the audience had concerns with the Nevada Sagebrush Landscape Conservation and Economic Development Act. On an initial reading, it appeared to limit geothermal development to one site in each of three counties. It also appeared the geothermal sites identified by the Secretary of the Interior would get fast-track permitting.

As French noted, fast-track permitting was something all developing geothermal plants could benefit from.

Additionally, the program would be paid for by a special account to fund the restoration and rehabilitation of sage-grouse habitat in Nevada.

The act reads: "This special account would be funded through the land sales in this proposal and a conservation fee placed on new development in areas identified as sage-grouse habitat. The account will allow Nevada to address one of the primary concerns regarding the sustainability of sage-grouse habitat identified by federal agencies."

Former Assemblyman John Carpenter took the floor and said, "I suggest they find a trash can in Washington, D.C., to put this bill in."

Samuel Crampton, the regional representative from Heller's Office, stressed to the audience the bill was a discussion draft only. He said the reason he was at the meeting, and would continue to meet with folks in the rural counties, was to gather their comments and take them back to Heller.

During public comments, Mike Laughlin, who owns a ranch in Elko County, sat down to discuss the issues — including predator control.

"This predator control thing has been swept under the carpet," he said. "It's easier to talk about habitat. People love that."

Addressing his comments directly to Crampton and Hunt, he asked, "How long does it take sagebrush that you plant today to grow tall enough to cover up a sage grouse? Do you have any idea?"

They did not appear to, so Laughlin continued, "Wouldn't it be better to give each sage grouse that's left an umbrella for the bird to hide under while it's waiting for the sagebrush to get tall enough?"

The two men and audience members laughed, but thought he made a good point: Sometimes the policy makers are a distance from the practicalities on the ground.

While there were some lighter moments during the roundtable discussion, there were also moments of gravity when those in the audience wrapped up their view of the potential listing of the sage grouse, the draft EIS, and the Reid/Heller bill into one conclusion: It's all a land grab by a government that wants to control what goes on in rural Nevada.

The real fear, as expressed by those attending, was that the real endangered species were the ranchers, miners and hunters whose way of life was disappearing under the heavy weight of government regulation.