



Sagebrush Ecosystem Program

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STATE OF NEVADA
Sagebrush Ecosystem Program

June 16, 2015

Ren Lohofener, Regional Director- Pacific Southwest
US Fish & Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, CA 95825

Dear Mr. Lohofener:

The State of Nevada Sagebrush Ecosystem Program (SEP) respectfully requests a formal review by your Mitigation Review Team (MRT) of the Conservation Credit System (CCS) in order to establish regulatory assurances for participants in the CCS prior to an ESA listing decision. The SEP seeks formal agreement with the United States Fish and Wildlife Service (USFWS) that, should the greater sage-grouse (GRSG) be listed as threatened or endangered, the credits and debits developed and established using the CCS will be recognized in a post-listing environment. USFWS assurance is necessary to:

- 1) Provide private landowners and other credit developers who own valuable GRSG habitat, with the confidence to generate credits through the CCS with assurance that they will not be subject to subsequent mitigation requirements; and
- 2) Provide operational certainty to project proponents (credit buyers) to adequately budget and plan for credit acquisition to mitigate for future impacts, without having to negotiate additional assurances directly with USFWS using varying technical methods to calculate offsets for each individual project.

Gaining regulatory assurances for both credit developers and credit buyers ahead of the listing decision allows the CCS to function as designed and allows the adaptive management process to begin, which ultimately will lead to greater conservation gain for GSG.

The *2014 Nevada Greater Sage-grouse Conservation Plan (State Plan)* provides goals, objectives and management actions to ameliorate the primary threats to sage-grouse in Nevada. Although anthropogenic disturbances do not pose as significant of a threat when compared to fire and invasive species, the *State Plan* includes a robust process for the avoidance and minimization of impacts from anthropogenic disturbances. In instances where impacts cannot be avoided or sufficiently minimized, the State created the CCS, a rigorous, scientifically based mitigation program that achieves net conservation gain to sagebrush ecosystems and ultimately provides long-term conservation of the GRSG in Nevada.

The CCS was developed by the State in coordination with the USFWS and BLM, and adopted by the Sagebrush Ecosystem Council on December 4, 2015 after a yearlong public process. We truly appreciate your staff's participation and input to this system. The USFWS has been engaged throughout the development of the CCS at multiple levels, from staff reviews of all draft documents, to participation as an official member of the Technical Review Group and as an ex-officio member of the SEC. Their input has been incorporated through a transparent process with public input and is well documented in the CCS documents that are attached for your review.

We propose the following formal review process in order to provide you with all of the necessary information and adequate time to complete your review:

- Three weeks following receipt of this letter (including all attachments) we request a face to face, one or two day meeting with the MRT to discuss any focused questions the MRT has pertaining to the documents provided, and to discuss assurances and roles and responsibilities of the State, USFWS, BLM and USFS for definition in the formal agreement. Within a week of this meeting, the SEP will provide the MRT with a draft agreement.
- Four weeks following the first meeting with the MRT, we request another one to two day face to face meeting with the MRT to resolve any outstanding issues with the CCS policies and methods and to finalize the formal agreement for signature. We would like to have a complete, signed Assurance Agreement by August 21st, 2015.

Should you or the MRT have any questions or wish to discuss this request further, please do not hesitate to contact me via email at kaceykc@sagebrusheco.nv.gov or via phone at 775-684-8600. We look forward to hearing from you, and to beginning this exciting next step with you and your staff.

Respectfully submitted,

Kacey KC



Program Manager
Sagebrush Ecosystem Program

Attachments: State of Nevada Conservation Credit System Manual Version 1.0 (December 12, 2014)
Habitat Quantification Tool (HQT) Scientific Methods Document Version 1.0 (December 12, 2014)
Nevada Credit System Participant Contract Version 1.0
Nevada Credit System Management Plan Form Version 1.0
Implementation Documents Explanation

Cc: Leo Drozdoff, Director DCNR
Tony Wasley, Director NDOW
Jim Barbee, Director NDA
Jim Lawrence, Special Advisor to DCNR Director