

Testimony of Julian Joseph (J.J.) Goicoechea on behalf of Public Lands Council, Nevada Cattlemen's Association, and Eureka County Nevada

"Empowering State Based Management Solutions for Greater Sage Grouse Recovery"

House Committee on Natural Resources

October 25, 2017

Chairman Bishop, Ranking Member Grijalva, and members of the subcommittee, my name is J.J. Goicoechea and I am a fourth generation cattle producer from Eureka, Nevada. I am a past president of the Nevada Cattlemen's Association and currently serve on the Executive Committee for that organization and I am the current Vice-chair of the National Cattlemen's Beef Association Federal Lands Committee. In addition, I am in my second term as a Eureka County Nevada Commissioner and currently serve as chairman of the board. In 2013 I was appointed to represent Local Government on the Nevada Sagebrush Ecosystem Council and last year I was reappointed to a second term. I have been honored to serve as the chairman of the SEC since its creation. It is a pleasure to testify before you today regarding empowering state based management for the Greater Sage Grouse.

A fundamental question before us today is what is being done at the local and state levels now that benefits the "recovery" of the Greater Sage Grouse. It should be no surprise that western states are actively implementing plans within their respective states that are having positive impacts on habitats. In 2013, Nevada took a major step in providing for the management and recovery of the Greater Sage Grouse. The creation of the Nevada Sagebrush Ecosystem Council by the Nevada Legislature during the 2013 regular session demonstrated Nevada's commitment to the long term management of the sagebrush ecosystem and the species that rely upon it. These species include the multiuse industries that rely upon this same ecosystem for their survival. Nevada Revised Statute 232.162, the chapter establishing the Nevada Sagebrush Ecosystem Council, reads in part;

7. The Council shall:

*(a) Consider the best science available in its determinations regarding and conservation of the greater sage grouse (*Centrocercus urophasianus*) and sagebrush ecosystems in this State;*

(b) Establish and carry out strategies for:

(1) The conservation of the greater sage grouse and sagebrush ecosystems in this State;

(h) Coordinate and facilitate discussion among persons, federal and state agencies, and local government concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage-grouse;

Nevada, much like most other western states, developed a State Plan for the conservation of the Greater Sage Grouse. This plan, entitled the 2014 Nevada Greater Sage-grouse Conservation Plan was adopted October 1, 2014 and updated April and May of 2015. The Nevada plan contains specific goals and objectives for Nevada. It also identified **state specific** threats to the Greater Sage Grouse and the Sagebrush Ecosystem. The Nevada plan was intended to be the preferred alternative in the 2015 Nevada and Northeastern California Land Use Plan Amendment by the Bureau of Land Management. Instead, a broader cookie cutter approach was taken by the federal agencies. In an attempt to find "consistency" in the west, the Department of Interior greatly overlooked the fact that no two states are exactly alike, no two states have the exact same threats and impacts. Even within states, the threats vary among geography location, elevation, and land management agencies, etc. In addition, many habitats and populations of sage grouse are stable. A robust plan should include the protection of these areas and birds in addition to providing lift to others in need. The arbitrary designation of millions of acres as Sagebrush Focal Areas and further restricting the very activities that made these areas the best of best is an example of overreach and a top down approach to management that has failed in the past and will only harm populations of sage grouse if left in place. At no time did the State of Nevada endorse or advocate for a special land designation. The Sagebrush Ecosystem Council recognizes the importance of quality habitat and is ultimately responsible for its protection and enhancement. Restricting activities lessens the value of credits created in Nevada's Conservation Credit System and actually deters enrollment in protective actions that would benefit the sage grouse for generations.

Nevada can't carry out our own legislatively mandated management of sage grouse and habitat in our state because the federal agencies elected to once again take a heavy handed top down approach to management. Wildlife is the responsibility of the state in which they reside. If a species is not on the Endangered Species List, it should be the state making decisions for the species.

The major threats to the GS in Nevada are fire and invasive species that often invade the ecosystem after fire. Nevada is working diligently with the BLM in an attempt to limit the size and severity of wildland fires in our state and to better manage invasive species. We continue to encounter hurdles as we work to decrease fuel loading invasive annual grass seed loads. The vast majority of these hurdles at the District Office level arise from the 2015 LUPA's. Habitat objectives for the GS included in the LUPA's are a recipe for disaster when considering their impacts on fire behavior. Grazing allotments in SG habitat need to meet the objectives contained in Table 2.2. This table, while perhaps ideally what SG would like to have for habitat is nothing more than a tool to further limit multiple use on federal lands, and in the process allow for fuel loading and the continues spread of invasive species. How can the driest state in the nation address its top threat to SG, fire, when a table being used by BLM employees to manage lands is defining habitat as having a minimum of 7 inches of droop height. When managing for a native deep rooted perineal plant to have 7 inches of height in the summer months, what do you think we are also managing for?

It is no secret that cheat grass is the number one invasive plant threat in Nevada today. Cheat grass greens up early, ahead of native perineal plants and takes the nutrients and water from the soil before

the native plants growing season. As we wait idly by with our rulers and yard sticks, hoping the native grasses get to 7 inches, hoping we maintain a canopy cover of shrubs for nesting, we are allowing gasoline to grow unchecked. By June, the cheat grass is over a foot tall in places, it is cured, meaning seed heads have developed, it is no longer palatable to animals and it waves in the wind waiting for a spark. When the spark comes, Nevada's number one threat to sage grouse and sage grouse habitat once again devastates the ecosystem. Fires of 200,000 acres plus gobble up islands of previously unburned habitat and annihilate restoration efforts in old burn scars. We are seeing the same areas burn again and again. What is the first step taken when this happens? Remove the one tool that could have prevented severity of the fires in the first place, grazing.

This last summer a prime example of this occurred in Nevada. Late spring a ranching operation asked the BLM if they could stay on an allotment for a few more weeks beyond the permit. The reason for this was that a large buildup of fuel due to two back to back record winters was being seen. The ranching operation knew this fuel loading was going to be an issue and they had livestock there and were willing to make changes in order to help. The answer from the agency was no. The fear of litigation by doing something outside a set of sideboards drives decisions like this daily. So despite repeated requests to stay longer and reduce fuel, the livestock were moved. The Rooster Comb Fire ignited on Sunday July 9th at 4:00 PM. Before it was contained, it burned nearly 220,000 acres of Sage Grouse Habitat.

Now large fires were not unusual this summer, but this fire was the result of repeated attempts to rehabilitate an area that has burned numerous times over the past few decades. Livestock grazing had been excluded from the area during recent rehabilitation efforts and this year grazing was allowed, but as mentioned above, not effectively to help alleviate the number one threat to Sage Grouse in Nevada. So while the birds in the area of the Rooster Comb Fire may very well have ideally wanted 7 inches of deep rooted perineal plants across the landscape with at least 25 percent shrub cover, they now have 220,000 acres of zero cover, no perineal plants, and another attempt to restore burned habitat begins with the issuance of a livestock grazing closure decision for the area.

The Nevada State Plan under the threat of Wildfire and Invasive Species lists Objective 1.1: *Reduce the amount of sage-grouse habitat loss due to large acreage wildfires and invasion or potential domination by non-native plants.*

Pre-suppression

In order to address the threat of fire and invasive plants, which continues to challenge land managers throughout the western United States, the State proposes a paradigm shift. This entails a shift in focus from the current suppression-centric approach to a more nuanced, cost effective and proactive approach focusing on pre-suppression activities;

The second significant threat to sage grouse habitat in Nevada is Pinion Juniper Encroachment. This is a threat isolated to the Great Basin for the most part. In the Nevada Plan, our state lays out objectives and actions to tackle the continued spread of Pinion Juniper into our sagebrush ecosystems. To date thousands of acres of invasive Pinion Juniper have been removed from predominately private property. The red tape associated with getting NEPA done on public lands once again is limiting how effective

treatments can actually be. The west slope of the Diamond Mountains looks like a patchwork quilt with nearly every acre of private property treated for Pinion Juniper and vast expanses of public lands remaining untreated. We need to keep in mind that sage grouse will not use habitat that has over 4% pinion juniper on it per some reports. While private property owners continue to leverage grants and expend private dollars to match, and even create leks in some cases, to have meaningful watershed wide improvement, we need the federal agencies to remove the red tape, come to the table with state and local officials, and spend dollars on meaningful projects to better habitat, slow fire spread, decrease fire intensity, and bolster our rural economies.

As you can see, Nevada is clearly aware of the threats to our state, we are clearly committed to helping our federal land management partners and we have the statutory authority within the Sagebrush Ecosystem Council to coordinate with federal and state agencies. The creation of the Nevada State Plan was an example of collaboration and coordination among all groups. The nine (9) voting members representing conservation and environmental issues, the Board of Wildlife Commissioners, local government, Native American tribes, mining, energy, agriculture, general public and ranching consulted with and considered input by ex-officio members of the council. The ex-officio members were the State Directors of BLM, United States Fish and Wildlife and Natural Resource Conservation Service, the State Supervisor for the Humboldt Toiyabe National Forest, the Directors of Nevada Department of Wildlife, Nevada Department of Agriculture, and Nevada Department of Conservation and Natural Resources. Hundreds of hours of public comment was accepted and a balanced plan was created that will protect the Greater Sage Grouse, its habitats, all the while preserving the economies of rural Nevada.

If there is still a perception that there is a “lack of regulatory mechanisms” in place for protecting the greater sage grouse, I will state as I have in numerous public meetings, it isn’t a lack of regulatory mechanisms it’s the wrong regulatory mechanisms. Insanity is doing the same thing over and over and expecting a different outcome. Why don’t we listen to state and local officials and implement plans that were developed at the ground level? The top down approach has continued to squeeze public land industries all while continuing to lose sensitive habitats and imperil wildlife species. If the true goal is conservations, put it back in the hands of those closest to the land. If the goal instead is to remove economic drivers from rural communities with no desire to protect habitats, then continue on the path we are on. We have a tremendous head start at that.