

CMG Meeting Notes 7.8.15

Participants:

Evan Thompson - IRC
Bob Schweigert – IRC
Jeremy Lutz – NDOW
Lynn Tomera – permittee
Angie Meriluch – permittee
Max Fillippini – permittee
Adam Cochran – BLM
Michael Vermeys – BLM
John Carpenter
Laura Van Riper – NRST
Mike Lunn – NRST
Wayne Elmore – NRST

Cooperative Monitoring Group Purpose & Function

- Laura led a discussion about the CMG, its role and operating approaches based on wording from the Settlement Agreement. Several points were stressed to insure that all members are on the same page. This is a group that helps to solve problems, provides scientifically sound monitoring and recommendations, and does not seek consensus nor make decisions. The NRST serves as a facilitator, and also helps resolve conflicts. Where members of the CMG are unable to reach agreement on an approach or solution, the NRST will listen to the sides and then make a recommendation to the Field Manager with rationale as to how/why the recommendation was chosen.
- Applicability of settlement agreement to non-signatory permittees – A new issue arose during discussion when it was noted by several CMG members that several additional permittees graze portions of the Argenta Allotment including some of the previously closed areas. Those permittees have indicated interest in CMG participation. The agreement replaces closure decisions on Argenta, so there is no legal closure now. Does settlement agreement apply to these other permittees that operate in these use areas but are not signatories to the agreement? If so, it seems logical that non-signatory permittees would need to sign the agreement and follow terms/conditions and stockmanship plan as a pre-condition to turn out and participation on the CMG. Additionally, the NRST learned that at least one of these other permittees area of use overlaps one or more use areas of the Tomeras. An important element of the settlement agreement was that each of the permittees would operate only within their own assigned use areas in order for each to be fully responsible and accountable for meeting assigned triggers and end of year utilization. This is an unexpected complication.
 - This requires further discussion and staffing, tasks include:

- Develop briefing paper on the issue and distribute to CMG – Adam 7/16/15
 - Call with Nancy, Doug and NRST on 7/17/15 to discuss
 - Further discuss during 7/20/15 call with NRST, Doug and John Ruhs.
- BLM Management Participation in CMG – BLM managers are not required nor expected to participate in the CMG; the CMG and NRST should provide completed staff work to management. If the group finds themselves in situation where CMG/NRST recommendations are routinely not accepted by management, CMG will likely request management participation in some future CMG activities so they can better understand the background and discussions that were had to inform decision making.
- CMG Ground Rules
 - Add – CMG will conduct all monitoring and review activities as a group so that everyone can see and hear the same thing at the same time
 - Evolving document, will revisit as necessary
 - 15 – clarify
 - 30 – clarify
 - 7 – delete ‘rather than debate/argument’
 - 5 - Clarify
 - Send to revised ground rules to CMG (changes highlighted in different color) for review (Laura will distribute updated document)

Group discussion on barriers and concerns, hopes and success

Mike passed out 3x5 cards to each person, and asked them to write their answers to the following questions, reversing sides of the cards for the answer to the second question. The answers written by each person follow the question.

- As you think about the work we are beginning, what do you see as the biggest barriers, or what are the biggest concerns/fears that you have?

BLM still putting obstacles in the way to fencing the riparian areas. BLM is not putting forth effort to get Carico Lake-Argenta allotment fence constructed.

Not meeting short-term goals (%utilization) in year 1 and 2 will become an indicator of failure. Don't let short-term problems and lack of success take us away from the long-term goal.

Ability to make adjustments that will result in being able to meet rangeland health standards.

Not being able to move past personal issues and attitudes toward each other. Not incorporating the best available science for rangeland health management.

Biggest concern in that any party won't operate in good faith and will undermine the process and potential outcomes.

Experience vs. inexperience – ranchers know the land, BLM mostly new. Timelines of being able to implement changes.

Implementing stockmanship plan. Water hauls - lack of water and permits. Rough terrain. More and better trained riders. Need boundary fence and some fences around riparian areas of concern ASAP. Water developments.

Some people being anti-grazing. Fencing not getting completed in a timely manner. This country not being ideal herding country. The utilization numbers being too restrictive.

- *If we work together to resolve the issues, what will be the key elements of success? (Hopes and best outcomes)*

I hope BLM will get involved to get water hauls, riparian fences, and allotment fences constructed. Can not put together a grazing plan without the infrastructure in place.

Good faith effort to meet targets. Whether they are met or not (this is a) big change in the way business is going to be done and we need to recognize that we need to meet the goal more than we need to meet short term targets.

Meeting rangeland health standards.

Meeting rangeland health standards; operating under multiple use.

Livestock operations make a lot of profit and the riparian areas of concern improve to the benefit of other resources.

Improved range conditions and cooperative view point. Permittees having a say over allotment decisions.

Cattle will be on better feed. Creek bottoms will have a chance to recover. Water hauls will keep cattle off problem areas until fencing is done, if they are approved in a timely manner. Better rangeland health and cooperation between all.

Success would (include): being able to run our cows on our allotments, not closing areas, not being trespassed, being listened to, and feeling like we are part of the multiple use process.

Facilitator Note – Mike spoke several minutes about the effects of both worst outcomes and best outcomes, and how they affect the way we approach situations, and also the effect of our beliefs and behaviors. Our brains (or most of us anyway) are programmed when we face a new experience such as this, to first think about all the things that likely can or will go wrong, and the threat that may present. The strongly felt emotion causes the brain to direct the release of

adrenaline, the “fight or flight” drug. Worst outcomes are often based on past experiences. And, they haven’t happened yet; they are only one possibility.

Best outcomes are another possibility; but we will usually not consider them until we have acknowledged the possible worst, or the threats to our security. Best outcomes are also a future imagined event that we can feel strongly in the present. Many people may never have experienced them but can still imagine them.

Either worst or best can become a self-fulfilling prophecy if acted upon. If we allow ourselves to only consider the worst, which is usually our first consideration, we often will behave in ways that make them happen. The same can be true of the best; if we choose to work for the best, and develop approaches to make them happen, we will behave differently and in a way that helps us achieve them.

Mike also discussed “beliefs and behaviors”. Beliefs are strongly held principles that all of us have, many were developed early in our life and reflect who we are, and often the culture in which we exist. Behaviors are the way we act, talk, or treat others; they are strongly influenced by our behaviors. Some strongly held beliefs are deeply held, and we sometimes are not even conscious of how they affect what we do. As strategies and actions for implementing the Settlement Agreement are developed and pursued, they need to be congruent with our beliefs, or our behavior will likely cause them to fail.

The people involved in the settlement; the BLM, permittees, WWP, NLAA and others have a history of working very differently than what will be required to be successful. It will not be easy to change those beliefs, but we can move forward together if we are willing to set some of our beliefs/behaviors aside that will get in the way of success, and adopt some new ones for this work. It is possible that the permittees might learn to trust the BLM; it is also possible that the BLM might trust the permittees that they will do what they say. It is possible that improved relationships can be developed, and people will feel comfortable calling each other, and working on the tough issues.

Overview of Key Elements of Settlement Agreement

- Effective Date – June 24, 2015 for purposes of calculating timelines, although the document was not available to the parties until June 29. Timelines in agreement flexible (somewhat), assuming parties working in good faith.
- Throughout the settlement document, the word ‘decision’ can mean proposed, final or full force and effect depending on the circumstance. BLM will act in accordance with regulations and policies, and will follow appropriate and applicable decision making method and timeframe/process depending on circumstance.

Updates

- Stockmanship Plan
 - Tomeras have moved out of Mule Canyon (permittees received a 5-7 day extension on Mule Canyon) and into 'starting' location as identified in stockmanship plan (typical spring use area). Initial schedule has been adjusted somewhat due to the fact that they are starting so late. Concerns about fact that what were supposed to be early use areas have now become later season due to delay.
 - Meriulch's have moved tubs 2-3 times, cows not licking them as much as they thought they would. Steve C and L have noted that cows don't typically use tubs much during early part of season while grass is green; although they will still use salt. The important point is – are they moving around to places they weren't before? The answer is yes.
 - Fillippinni's same generally. They are trying to work through the plan and figure it out.
 - In general, permittees are concerned that following the stockmanship plan is easier said than done - particularly because water supplies are short, and cows are not bred for herding. This is a big change, and this year permittees are at least 6 weeks behind where we should be. Thus, they are not able to work in as organized of a fashion as would have liked. Now is the time they should be haying; everything is coming all at once.

- Communication
 - Laura (NRST) is primary contact for CMG and Argenta settlement. Disputes or questions will be raised at the lowest level to start – Field Manager (with cc to Adam, Michael and Laura), then District Manager, and lastly to State Director as needed. Laura will be cc'd on all communication and help facilitate discussions and resolution. District agrees that permittee questions or concerns will be addressed in a timely manner. To the extent possible, parties agree to document verbal conversations in writing with cc to Laura. Follow similar pattern for all issues, including trespass or unauthorized use concerns.

- Fencing and water haul proposals
 - All projects have been flagged and archeological curves done on all of these (round 1 and 2).
 - Doug has told staff that District's #1 priority is to meet the timelines required under the Argenta settlement.

Riparian Fencing

- **ROUND 1** – Mill Creek Spring, N Fork Mill Creek Spring, Fire Creek Wetland(upper), The Park (Round Spring) – Lynn is working on the private land portion, Slaven Creek (decision will assumes private can be included...Lynn working on it), and Ratfink Canyon Lotic.

- Covers 5 lentic sites identified in agreement and includes at others that make sense to go with this group (small enclosures).
 - Consultation, Coordination, Cooperation (CCC) letter and ready to go out by 7/10/15 to interested public list. Maps and project design description included.
 - CMG will get electronic copy PDF of draft letter by 7/9/15 for review, any suggested edits should be sent to entire CMG ASAP. (Completed 7/9/15)
 - There will be one letter for all of the projects. This is unique in so far as combining different actions (water hauls, riparian enclosures – lentic), citing 2 different NEPA actions (CX and DNA).
 - The first 6 enclosures done through CX because permanent.
 - Proposed decision for lentic fences will be in the mail by 7/20/15. If proposed decision is unopposed for 15 days after an individual receives letter, then it becomes final and a 30 day appeal process begins. If not appealed, then decision can be implemented. Earliest fences can begin to be built is end August or early Sept.
 - Time may be needed to secure fence materials. This can be started now.
 - Will also need a signed cooperative range improvement agreement. BLM will provide materials, permittees will provide labor and maintenance. This can be started now.
- **ROUND 2** – (Lentic) Cooks Creek, Trout Creek, Ferris Creek, Fire Creek (lower), North Fork Stream, and in-stream modifications on mill creek and fire creek.
 - These will be reviewed by NRST and CMG 7/27 week.
 - Agreement says that BLM will issue proposed decision by end of year, but BLM plans to get working on these right away once NRST recommendations are made.
 - These will be covered by CX or DNA where possible, but depending on the nature of some of these (i.e., in-stream), they may not be able to be included in CX or DNA authority. These may need to be part of a round 3.
 - Need to revisit county funding and how best used if an EA is needed. Probably best to go through private contractor.
- Water Hauls
 - Any water rights issues must be cleared through the state. Process can take 45-60 days. Permittees are responsible for taking care of this and providing BLM proof that everything is squared away with the state (letter or email). Permittees will start on this now.
 - 3 sites in mule canyon – no issues, included in round 1

- East flat #1 – no issues, included in round 1
 - Harry canyon – archaeological issues exist, so placement needs to occur in a particular manner but it is do-able. The biggest concern is where to tie into existing pipelines; current proposal is not consistent with CX or DNA authority. Pipeline water rights must be squared away (covered with Ellison, but need documentation with the state).
 - Option 1 – change to water haul location and then go forward just fine. Option 2 – modify proposal to be in line with Drought EA. If pipeline is tied into end point (not mid-point) and tank is fitted with a float valve, then it can be covered through a DNA under the drought EA.
 - Decision is to go with option 2. CCC letter will set conditions (i.e., change place tied off from). There is also a need to revisit archeological survey. This will occur during the week of 7/27; it won't hold up letter. Harry Canyon proposal will be included in round 1.
 - Adam will call Casey to determine rationale for end of pipe requirement.
 - East Flat #2 – concern with proposal to pump out of mine pit to a trough. Adam spoke with NV state water engineer, who also noted this is a first. Water rights issues need to be worked out.
 - Bigger issue is drought EA and CX authority, because pumping water from a storage facility and trough is not covered by DNA. Must come off existing pipeline and the end of that pipeline (under drought EA). Also no CX authority.
 - Decision is to change this to a regular water haul proposal; it will be included in round 1. BLM and permittees will continue to consider other options in the future.
 - Conditions for DNA tied to drought EA – temporary for duration of drought plus one year following, and can be used up to 30 days/year. Can have multiple troughs at a site; permittees should consider using one at a time to spread cows out.
- S Boundary Fence
- 7 miles of fence.
 - BLM would need to order materials, don't have enough.
 - Barrick told John C. that they will provide materials and build fence; they have it in their budget and have a regular fence crew. (John C will get Adam contact information for Barrick)
 - EA is hardest thing for BLM to do due to staffing needs and competing projects. Will Barrick cover EA?
 - BLM can cover cultural, materials, and funding for construction.
 - EA is out of BLM work load capacity. Process will have to go through EA; would be best if had 3rd party contractor.

- More practical to follow road out of Indian creek to highway, and tie into fence out of ferris creek.
 - Water on both sides of fence is needed.
 - Can use existing surveys if current. Barrick did a lot as part of their plan – are they willing to share information?
 - Should we include entire allotment boundary fence in the EA, just to get it authorized? Don't need to physically complete it all at the same time, but having it all approved would expedite future work and not add significantly to EA. Probably not a bad idea to do it that way.
 - Coordinate meeting with BLM (Adam), affected permittees (Jimmy and Johnny Fillippinni/Barrick, Meriluch, Tomera, Nemont) at a minimum. Other CMG members will be invited, but not required to attend. Meeting will be indoors, purpose to: map out fence line, determine who can contribute what in terms of resources, and set timeframes. Meeting in August sometime, likely during last two weeks. **Adam will take the lead to arrange meeting.**
 - Following August meeting, will meet and discuss needed easements with various private landowners.
- Monitoring activities
 - No pre-season monitoring occurred due to late start and advanced plant/soil conditions. Scratching any pre-season monitoring in 2015 , since we're mid-season already and most of the plants have already gone through their life-cycle by now.
 - Jason Spence and Bob Schweigert went to Mule Canyon to review appropriateness of extending beyond 30 days (Monitoring results sent to CMG 7/9/15).
 - BLM will commit to be involved in pre and end of season monitoring, but not necessarily in within season.
 - The general plan for within-season monitoring is as follows:
 - If concerned that getting close to use level, consultants will run out and check, and move cows if needed. When permittees start moving cows out of an area, permittee consultants will pick a date to do utilization monitoring and send notice to CMG. (Need to give people 1 week notice.) BLM and other members of the CMG will participate as they can. Monitoring data will be shared with CMG within 10 days of collection.
 - IRC plans to monitor Mule Canyon, east and west flat 7/17/15. (See 7/9/15 email from Bob)
 - End of season monitoring will occur in October (date TBD). If possible depending on snow conditions, return after final cattle are pulled off the allotment (usually end of November)...revisiting the last area or two that cows were in for the end of year.
 - There are concerns about several monitoring locations; these will be discussed and settled during the week of 7/27. Bob get info to Adam regrading specific

areas of concern in advance of 27th week. For now, monitoring will occur at existing sites; consultants may also add others that they think are appropriate. After 7/27 meeting, monitoring will occur on agreed upon sites. Decision also needs to be made regarding upland protocol (height-weight vs key forage).

- Permittee observations – Steve Cote will provide permittees and riders with a pocket observation guide, and will work with riders to train on this during the week of 7/20/15.
 - Dedicated person - Beginning in 2016 at the latest, BLM will hire someone to focus on Argenta monitoring. Options include the following: hiring a GBI seasonal tech, working with the NV Landscape Coalition, or hiring a full-time natural resource specialists for the duration of the agreement. The number one condition of the group is that a qualified person is selected. They favored the idea of full-time hire – possibly a SCEP through UNR, but are willing to consider all options. BM has worked with NV Landscape Coalition as part of 3 bars effort, so a vehicle for doing this exists.
 - Remaining questions include: where will funding come from and who will supervise the individual? There is a desire to have NRST supervise, train, and mentor the individual if possible. **This will be further discussed during the 7/20 call between the NRST, Doug and John Ruhs.**
- NRST involvement
 - Issue Resolution Form accepted by CMG with slight edit (**Laura will revise and distribute the form to CMG**)
- Permittee renewal process
 - State permit renewal team getting staffed up, should be ready to go by Sept. Argenta is one of the first in the que. State permit renewal team should be able to finalize process and timelines in the fall.
 - In the meantime, BLM will be uploading any existing data.
 - There is also a need to get more on the ground monitoring. NVSO has committed to fund 3rd party data collection (i.e., FS enterprise team or something). Will occur next summer (2016). CMG members can participate as much as they'd like.
 - Land health determination by March of 2017.
 - If any Land Health Standard not being met must take action by the following year (FY 18). Timelines line up with agreement.
 - Will follow standard NEPA process for permit renewals.
 - Adam will be liaison or part of state permit renewal team to ensure tie to local conditions and opportunities to keep permittees fully informed and involved.
- Trespass issues (process)
 - Handle trespass communications using same process discussed under stockmanship plan.

Calendaring

- Laura will send a revised schedule to the CMG

Additional Items

- Correct delineation of use areas considering fencing – Adam has updated GIS and will distribute final to CMG for review by July 13th week.

Agenda for July 27th Week

- Laura and Adam finalize agenda by 7/17/15 and distribute to CMG by 7/20/15
- Archaeologist will participate 7/27-7/28 for riparian fencing review. Riparian Monitoring will be second agenda item, and upland monitoring will be third.
- Alden will participate 7/27-7/28.
- Review Mill Creek MIM site; others to add?
- Review upland stratification process and specific sites.
- Determine upland monitoring protocols. There is a disagreement over the use of height-weight versus key forage method. Jack and Bob both prefer height-weight method over key forage method; Adam prefers key forage method. CMG members and NRST should review both of these approaches prior to 7/27 in order to have full participation in this technical determination.