

**GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
November 8, 2006**

The November 8th, 2006 Gunnison Basin Sage-grouse Strategic Committee meeting was held in the Commissioners Meeting Room in the Courthouse at 200 E. Virginia, Gunnison CO 81230.

Regular Members Present:

Erich Ferchau, At-Large/Development Community	J Wenum, DOW
Kenny McDaniel, BLM	Paula Swenson, Gunnison County BOCC
Greg Peterson, GCSA	Ken Stahlnecker, NPS
Sue Navy, HCCA	Al Pfister, USFWS
John Scott, NRCS	
Jim Dawson, USFS	

Staff Members Present:

Jim Cochran, Sage-grouse Conservation Coordinator
Keri Hodgkin, Administrative Assistant III

Alternate Members Present in Audience: Lars Santana, NRCS
Amy Seglund, DOW

Others present as listed in text

CALL TO ORDER: Meeting was called to order at 10:00 a.m.

QUORUM & PUBLIC NOTICE CONFIRMED: Proof of publication was presented by Keri Hodgkin. Quorum and public notice was confirmed by Chairman Stahlnecker.

AGENDA APPROVAL: Jim Cochran asked to add an update on the Saguache County appointment. The agenda was approved as amended.

MINUTES APPROVAL: Sue Navy asked for the correction of one omitted word. Al Pfister asked for a correction of one additional omitted word.

Moved by John Scott, seconded by Al Pfister to approve the October 10, 2006 minutes as amended.

INTRODUCTIONS: Navy asked Martha Greywal, who was in the audience to introduce herself. Greywal said she was visiting from Cedaredge and is a member of the Black Canyon Audubon Society.

GUNNISON COUNTY NOTICE OF INTENT TO BEGIN PROCEEDINGS FOR FURTHER REGULATIONS REGARDING GUNNISON SAGE-GROUSE: Cochran said that the temporary LUR regulations affecting access, reclamation, I.S.D.S. and building permits regarding sage-grouse, which were adopted in June will sunset in March of 2007. The Commissioners wanted to begin review of those regulations no later than November 1, 2006. The first work session will be with the Gunnison County Planning Commission on December 1st. Cochran gave the Planning Commission copies of the Rangewide Conservation Plan, the Local Plan and the Priority Regions document. Cochran also stated that he and Commissioner Swenson had met with the Saguache County Commissioners. Saguache County expressed an

interest in having an Intergovernmental Agreement between the two counties, once these regulations are reviewed. They also agreed to appoint one of their Commissioners as their representative to this committee.

Greg Peterson asked if any part of the temporary regulations review will deal with incentives, such as an expedited process for the property owners who cooperate to benefit the sage-grouse. Commissioner Swenson replied that they have discussed potential incentives for land owners. Cochran said that was not addressed in the temporary regulations. Swenson said they were also discussing incentives for the 35 acre parcels, thinking that if the building envelopes had already gone through the review process the land might be more marketable. Potential buyers would then know it's already been done and they would not have to go through that process. Peterson said the best case scenario would be finding a way for this process to be economically justified for the land owners and make it a win/win situation for the owners and the sage-grouse. Navy said perhaps the extra density for open space provision in the LUR could be applied to sage-grouse somehow.

Erich Ferchau said he wasn't sure that the Large Parcel Incentive Process (LPIP) has been utilized a lot. He said time is probably a more important factor than density. He said that 35 acre parcel subdivisions require very little time to complete. He agreed that having pre-approval for a lot is a benefit and the process can work, but said if the value of the lot has been degraded because of the location of the building envelope the developer isn't necessarily being done a big favor. Navy said that something unforeseen invariably comes up that slows the process. She said you wouldn't want to get into a situation where a decision is rushed because time is up. Ferchau reiterated that time is an important consideration to those weighing the LPIP against 35 acre parcels. Peterson asked Ferchau "if the process for 35 acre parcels being split off is sped up for developers, can they recognize the property value equal or above or below when comparing how it is done traditionally to clustering it on one part of the property which isn't such critical habitat?" Ferchau answered that they can but it depends on the layout of the property. He said if the views are compromised in the clustering or the feasibility of the type of home you want to build is affected, you may be reducing your buyer pool. Peterson asked if value is gained by the money not being tied up. Ferchau said the time value of the money itself is as important as the process.

FEDERAL BUDGET REQUEST TO CONGRESSIONAL DELEGATION: Cochran covered the two submittals requested by and made to Congressman Salazar for the 2007 budget. Chairman Stahlnecker said that when Congressman Salazar was here he had requested proposals from the Federal Agency members. Kenny McDaniel said he could not submit a request to Senator Salazar's office, because that's not the process their agency uses. He thought any such requests should be submitted by the committee. Chairman Stahlnecker said that was his initial reaction as well, but has since talked to others at his agency who said if the Congressman requested it, go ahead and send one. He said he understands if other agencies don't agree and that it should probably be a unified position- either they all do it or none of them do it.

John Scott said that the annual plan or five year plan which has been discussed should be part of the strategic plan and refined if needed to show where they want to put the money. He agreed with McDaniel that it should come from the Committee with support from the agencies in developing it. Cochran said that if the County is the grant recipient the money can be put into a non-expiring fund and then be dispersed over five years, if desired, to avoid having to come up with the money each year. Jim Dawson said he likes that approach and added that it should be tied to the real costs associated with projects in the strategic plan. Pfister agreed that it would

be easier to have the request come from the whole group and have it go to the county. He suggested that perhaps a second proposal with reference to the CCAA would be good so money could be given to the USFWS who could then give it to DOW to implement the CCAA. McDaniel said that when the group does come up with an action plan, he can still submit that request through his agency's process.

Chairman Stahlnecker summarized that the group agreed to not submit requests from the agencies as requested by Congressman Salazar, but the Strategic Committee would present a unified request with the county as the suggested recipient. There was further discussion of how many requests to make. Cochran agreed that the group could submit a specific request for the CCAA funding too. There was discussion about how to get the request done in time and the group decided to work on it during the afternoon work session.

THREATS/ISSUES/STRATEGIES RANKING PROCESS FOR RCP STEERING COMMITTEE: Amy Seglund stated that they were trying to encourage all local working groups to use the same methodology. She said the Rangewide Plan listed threats and strategies, but it's overwhelming to figure out how to implement those strategies and track what's being done. She worked with Sarah Lupus to develop a ranking methodology and definitions for all the working groups to use. The working groups have all agreed to those. Seglund understood that for this area the Local Working Group was going to do the ranking and the Strategic Committee was going to sign off on it. The committee asked Navy to try to arrange a meeting of the Local Working Group so they can get their input to the Strategic Committee for review in December. Seglund offered her assistance if they can meet on the 30th.

RCP STEERING COMMITTEE MEETING- DECEMBER 8, 2006: Cochran said the joint meeting with San Miguel's working group would probably have to wait until January or February. Seglund said she asked each group to send a couple people to the Steering Committee meeting. Cochran said he would be attending to hear the discussion. Seglund said she asked the working group leaders to send someone to do presentations on the ranking results as well as projects they've implemented. Peterson said that he would remind the Steering Committee to continue to be a resource for questions that come up regarding the plan they wrote. Pfister said that's the type of input the Steering Committee is looking for- what the working groups think the Steering Committee's role should be now that they've finished the Rangewide Plan.

There was discussion about what the Strategic Committee's role was compared to the working groups. Peterson said this group is the decision making group for Gunnison County. Seglund asked how the Strategic Committee and Local Working Group communicated and was told that Navy was the liaison between the two. Cochran said he attends the Local Working Group meetings in order to inform this committee of their activities. He said one reason this committee was formed was to resolve some of the issues the Working Group was unable to resolve. He added that they are a tremendous resource for this committee and they should do the ranking, but should issues come up in that ranking it would be this committee's job to resolve those issues. Peterson said it should be understood that this committee will review and likely update what the Working Group presents to the Steering Committee.

John Scott asked if Cochran should present the Temporary Land Use Regulations as a success story to report to the Steering Committee. Cochran added that he could report on the success of the spring road closures, the BOCC level of involvement that Saguache County has agreed to, the Landfill mitigation and that we have a committee organized and working on the highest level to protect the largest population and largest area of habitat of the sage-grouse. Pfister suggested that Cochran also share the challenges this committee is faced with so that brainstorming can be

done among all the groups. McDaniel said Cochran could report on the Programmatic Environmental Assessment being worked on between BLM and the Park Service as well.

WILDLIFE ACTION OPPORTUNITIES FUND: Cochran said that the group applying had to be a 501C3. Pfister said one requirement of the overall proposal was that it be used in support of the State Wildlife Conservation Plan and anything dealing with sage-brush habitats would fit into that category. Navy said that HCCA is a 501C3 and has done joint proposals with BLM before. Pfister said that it's probably meant more for on the ground habitat work. Navy noted that it was due in a week. Pfister thought that perhaps one of the requests submitted to Congressman Salazar's office could be used put in this application. Navy said that it would require some staff time for HCCA to do it, but it probably wouldn't be a problem. Chairman Stahlnecker said they would come back to it at the end of the work session after discussion the funding plan some more.

GUSG CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES (CCAA): Pfister gave the group copies of the agreement. Seglund said they already have land owners signed up and have several of their Habitat Evaluations completed. They will be meeting with Biologic at the beginning of December to talk about how to write all the management plans. She said that as soon as the land owner's management plans are written, the USFWS signs off on them and they have their Certificate of Inclusion (CI). Pfister said there's a template in the document that shows the CI, which the biologists will use in working with the land owners to write the management plans. He said the template will be used to write the specifics of what the individual land owner will be doing. Seglund said they have over 60,000 acres already assessed.

Peterson asked if the template can be changed to meet the land owner's needs or concerns or does the template have to remain the same for everyone? Pfister said it's a template and not verbatim, but the bottom line is that the CI has to be for the net conservation benefit of the species, so the individual land owner's management plan has to be for the net conservation benefit of the species. He said it's not a question that can be answered yes or no. Peterson asked if there was any room for word-smithing in the unfinished document/conference opinion dealing with take if there are things in it that land owners may be uncomfortable with. He also asked if that document will be an attachment to the CI and CCAA once it's finished. Pfister said that document was finalized as part of signing this permit. He said conference opinions and biological opinions can be revisited and revised. Peterson asked if there's a question of interpretation of that document can there be an addendum that clarifies what the question of interpretation may be. Pfister said that would need to be negotiated with the individual land owner in the development of the management plan before everyone signs off on the CI.

Pfister said that their administrative record or background information has to be kept so if there were conditions negotiated for the CI between the land owner and USFWS by a series of emails, for example, that would become part of the record. John Scott said that narratives will be written on the practices currently used by the land owners and want to do in the future with the realization that ongoing normal operational ranch land activities will probably result in a certain amount of take. He asked if the land owner wants to do something not outlined in the CI which might result in take, is the 60 day reference for re-negotiation. Pfister said he thought the 60 day reference was more for the land owner who doesn't want to participate any more, so the DOW has enough notification to transplant the birds if needed. He said it was a big challenge to try to guess what might happen out there.

Navy asked how this will affect people thinking about conservation easements. Wenum said the hope is that the process will be more efficient because the management plan should be able to be

rolled into a CI. Pfister said that people can get the Assurances under the CCAA if there is already an existing conservation easement. Scott said that those having the CCAA and the CI might raise the priority of funding for that easement, because they would already be managing to those standards. Peterson said it would be good to have one signed and finished as an example to others to increase their comfort level. There was some discussion about who might have the first one completed.

There was also discussion about how any successful lawsuits against USFWS could affect these agreements and if a legal strategy can be put together to give more support to the land owners. Pfister said that USFWS issued the permit on the basis that it was as legally sound as they could make it, but have not developed any specific such legal strategy to deal with 'what ifs' because the 'what ifs' are too many. Wenum reminded everyone that it is a voluntary agreement and the land owner can opt out.

Ferchau asked how the transfer of the agreement is handled if the land is sold. Pfister answered that it's not like a deed restriction. He said it can be transferred, but it doesn't have to transfer. Wenum said there is language included which addresses that. He said DOW would be notified by the land owner of the sale so they could approach the new owner to see if they would want to participate. Swenson said it's on page 20.

Peterson asked if this becomes a seamless transition if the bird gets listed. Pfister said the land owner will not be required to do additional conservation measures if that happens. Wenum said this is an attempt to offer the land owner the protection level prior to a listing so they can roll forward with the practices outlined in their agreement. Scott said a successful first signup will be the fastest way for word to spread.

UNSCHEDULED CITIZENS: Martha Greywal said the Colorado Audubon Societies gave \$4,000.00 to San Miguel to help hire a Conservation Coordinator. They would like to work with this group if possible to help protect the Gunnison sage-grouse.

ADJOURN: Chairman Stahlnecker adjourned the regular meeting at 12:20 p.m. The group then met until 2:00 for a strategic plan work session.

Certification of Approval:

Ken Stahlnecker, Chairperson

Greg Peterson, Secretary

Minutes Prepared By:

Keri Hodgin, Administrative Assistant II