

**GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
March 19, 2009**

The March 19, 2009 Gunnison Basin Sage-grouse Strategic Committee meeting was held in the Commissioner's Meeting Room in the Courthouse at 200 E. Virginia, Gunnison CO 81230.

Regular Members Present:

Ken Stahlnecker, Chairperson, National Park Service (NPS)
John Scott, Vice-Chairperson, Natural Resources Conservation Services (NRCS)
Erich Ferchau, At-Large, Development Community
Al Pfister, US Fish & Wildlife Service (USFWS) - Teleconference
Paula Swenson, Gunnison County Board of County Commissioners (BOCC)
Jim Dawson, United States Forest Service (USFS)
Jon Mugglestone, Public At-Large
Russell Japuntich, Bureau of Land Management (BLM)
Greg Peterson, Gunnison County Stockgrowers Association (GCSA)
J Wenum, Colorado Division of Wildlife (DOW) (arrived at 10:11 am)

Alternate Members Present

Liz With, Natural Resources Conservation Services (NRCS)
Keith Berger, Bureau of Land Management (BLM)
Elinor Laurie, Saguache County

Staff Members Present:

Jim Cochran, Gunnison County Wildlife Conservation Coordinator
Ruth Dukeman, Administrative Assistant III

Others present as listed in text.

CALL TO ORDER: Chairperson Stahlnecker called the March 19, 2009 meeting of the Gunnison Basin Sage-grouse Strategic Committee to order at 10:04 am.

PUBLIC NOTICE CONFIRMED: Stahlnecker verified that proper legal public notice had occurred.

DETERMINATION OF QUORUM: It was confirmed that a quorum was present.

AGENDA APPROVAL: Due to time constraints the following topics were recommended to be moved to a future agenda:

1. PRESIDENTIAL MEMORANDUM REGARDING CONSULTATIVE AND CONCURRENCE PROCESSES WITH REFERENCE TO THE ENDANGERED SPECIES ACT. DISCUSSION OF POSSIBLE IMPACTS TO LOCAL AGENCY ACTIONS/ACTIVITIES:

2. DISCUSSION – CANDIDATE CONSERVATION AGREEMENTS ON FEDERAL LANDS:

INTRODUCTION OF NEW MEMBERS: Jon Mugglestone was introduced as the At-large Alternate, Russ Japuntich as the Regular Member and Keith Berger as the Alternate Member

representing the Bureau of Land Management (BLM). Elizabeth (Liz) With was introduced as the Natural Resource Conservation Service (NCRS) Alternate Member. All were welcomed by the Committee.

ELECTION OF OFFICERS: Japuntich asked if the current officers Ken Stahlnecker, Chairperson, John Scott, Vice-chairperson and Greg Peterson, Secretary would continue serving in their positions to the Committee. The current officers indicated that they would be willing to do so. **Moved** by Ferchau, seconded by Swenson that the current slate of officers continues for another term. Motion carried unanimously.

COMMITTEE MEMBER COMMENTS/REPORTS:

BLM: Japuntich provided a road closure update. He advised that his patrol had identified several antler shed hunters out and about, and the season seemed to be going well.

Darien Long was introduced as the new BLM Permanent Seasonal Wildlife Biologist in the Gunnison Field Office. He comes with experience from other regions.

Japuntich reported that the BLM/Forest Service proposed Gunnison Basin Federal Lands Travel Management Draft EIS (DEIS) was released for Public Review. Public meetings have been scheduled for the coming weeks in Crested Butte, Lake City and Gunnison with staff available to answer questions. The 90 day public comment period ends June 4, 2009. Plan documents are available online at: http://www.fs.fed.us/r2/gmug/policy/travel_mgmt/index.shtml, CD's are available at the Gunnison BLM/USFS office and hard copies can be checked out for use at the meeting room in the Forest Service/BLM office and at the Gunnison Public Library. After discussion it was decided that a summary of the Plan would be included in meeting materials and a presentation referencing the Sage-grouse portion of the plan would be scheduled tentatively for the April 9, 2009 Committee meeting.

CDOW: Wenum reported Nathan Seward is working on the Candidate Conservation Agreement with Assurances (CCAA) Certificate of Inclusion (CI) process with several land owners (Irby and Spann). He also reported that an exemption from the State hiring freeze was granted allowing for CDOW Sage-grouse Lek Count Coordinator Jessica Frey to be hired. She will be coordinating Lek counts and research crews working in the basin.

USFWS: Pfister announced that in the coming week a decision regarding the lawsuit challenging the Gunnison Sage-grouse listing decision will be made.

Gunnison County: Cochran provided a map and information about the County/BLM Road Closures; he announced that the Gunnison County Public Works Department, Administration Department, BLM and DOW offices have information to assist the public. Key/lock combinations/access authorization is an annual process to those with a need to access the closed areas. Japuntich reported that many land owners have expressed positive feedback about the road closures, as they are pleased that the routes are closed during the mud season and the do not get damaged for use later in the year.

APPROVAL OF FEBRUARY 5, 2009 MEETING MINUTES: Modifications to the February 5, 2009 minutes were discussed, and agreed upon. Pfister requested a modification to note a non-roll call vote, it was decided that no modification should be made, and the requested information could be included in future minutes. **Moved** by Swenson to accept the February 5, 2009 meeting minutes as corrected, seconded by Scott. Motion carried.

LETTER TO COLORADO WILDLIFE COMMISSION REGARDING 5-YEAR SEASON

STRUCTURE: A letter provided to the Gunnison County Board of County Commissioners from Jessica Young, was circulated for review (faxed to Pfister at 970-245-6933). Wenum advised that to avoid a conflict of interest he was unable to participate in this discussion. Peterson started the discussion and advised that the Stockgrowers' are concerned with habitat issues and requested a letter from the Committee to the Colorado Wildlife Commission expressing concern about the issue as well. Discussion ensued about habitat concerns (with inclusion of data from Japuntich's study) the interaction of the Sage-grouse and big game on the winter range and other topics the letter could include. It was decided to write a factual letter expressing concern about habitat issues, without including information on what actions should be taken by the Wildlife Commission, but supporting their tools and management strategies. Dawson also volunteered any available Forest Service data relating to the topic if needed to further support Japuntich's information.

GRAZING RESEARCH SUBCOMMITTEE REPORT: Peterson advised that trying to put together a comprehensive, scientifically based proposal has resulted in a challenging process that has lead the subcommittee to request additional direction from the Committee.

Cochran explained the tiers of the proposed study:

1. Impacts of grazing regimes on habitat, to include several regimes and levels of grazing.
2. Impacts of grazing regimes on habitat and Sage-grouse chick imprinting with assessment of the condition factors of the chicks – DOW is now working on artificial propagation of the Gunnison Sage-grouse and if successful, these chicks could be a part of the grazing study.
3. Sage-grouse population impacts directly related to grazing regimes. Researchers feel this could be very difficult, if not impossible to support scientifically as this study would require inference techniques, tracking of a large number of birds and coordination of the research across large areas of land.

The Committee discussed the details of the different tiers. They determined that advancing the science and providing information to land managers was a priority. It was determined that an analysis and study proposal be prepared even if funding was not available or reduced. Liz With recommended inviting other institutions to review the proposed activities to see if any others have ideas to contribute to the study logistics and feasibility.

Laurie reminded the Committee that an inference may be the best type of information available and further discussion and investigation into that area was why this topic went to the subcommittee. Peterson noted that there appeared to be concern expressed by the scientific community to have an all inclusive successful project. Peterson provided an update on the budget process as supported by Representative Curry with a timeframe of early May to have an organized, cohesive proposal ready for presentation.

A Grazing Management Research Subcommittee Meeting was scheduled for March 25, 2009 from 9:00 am – 12:00 pm at the Planning Commissioners Meeting room 2nd floor of the Blackstock Government Center.

LUNCH – PRESENTATION BY DR. PATRICK MAGEE RESEARCH PROPOSAL: USING AUTOMATED LISTENING STATIONS TO QUANTIFY NOISE DISTURBANCE ON GUNNISON SAGE-GROUSE BREEDING BEHAVIOR:

Dr. Magee introduced Ryan Blazer Western State College (WSC) student and researcher for the project. Blazer provided an overview of the proposed project designed to analyze potential noise disturbance at the Waunita Watchable Wildlife Site. Magee provided additional details. Cochran asked about the impact of the Habitat Stamp requirement for those individuals who do not typically purchase a stamp with hunting and/or fishing licenses. Magee reported that all participants have been willing to comply and reported an observation that some of the out of town groups face logistical challenges finding vendors to provide the Habitat Stamp during the early morning or late evening hours.

Magee advised that a protocol was established for lek photography and that a consistent message that it is not allowed for other leks is being delivered by WSC and the CDOW.

Peterson asked about the implications of the of the study, and reflected how this study, like the proposed grazing management project is scientifically based, yet is planned as an observational study using inference allowing information to be available for future management decisions about watchable wildlife areas. Scott asked about video taping the Lek. Magee advised that was considered and would provide valuable information that could be analyzed not only at the time of data collection, but also in a laboratory setting, however, the timing and funding for this season was prohibitive. Video taping may be considered as a future study. Ferchau wondered if, like dogs, the birds would have frequency issues outside of the human (observer) range with the equipment. Magee reported that so far there were no observations that noted the birds being disturbed by the equipment.

ACTION PLAN SUBCOMMITTEE REPORT: Ferchau updated the Committee on a recent meeting held about the development of an Action Plan. He passed out an Action Item form to capture the priorities from each committee member to help determine what members are passionate about. The subcommittee set a plan to identify stakeholders in the community, identify action items and then prioritize the items to the interested stakeholders. He further stressed the importance of the processes being results oriented, and that the number of action items was not as important as getting them accomplished. He reminded the Committee that just because a project or task was not included on the list, other proposed projects can get done, and that the process was inclusive if someone was showing a level of commitment of, using Peterson's words, having the passion in their heart and the resources to complete the task.

He further summarized how stakeholders represent the commitment pool from the community and the Subcommittee hoped to identify three stakeholders per category, as there are 10 different categories in the plan, there could potentially be 30-40 people participating to identify and define action item implementation with the hope that someone in that group would be willing to personally sponsor (or know someone who would) each action item. He explained an

example of how different entities may be focusing on habitat, as the Committee feels those are valid and worthwhile activities. This Plan wants to be sure to capture what work is being done and summarize that activity. This process was designed to identify new/different activities.

A Three year horizon for the Action Plan was agreed to by the Committee. Not to limit projects, but for initiation for the project to start. Ferchau further explained how the Subcommittee then planned to meet with the stakeholders (three or more times was proposed) to gather information to report back to the Committee. He further emphasized for action item success it would need to have a sponsor, someone to assume the level of responsibility to ensure project completion.

Ferchau then asked each of the Committee members to identify their personal top priorities in reference to the Gunnison Sage-grouse and resource availability. As the Subcommittee had already identified several draft actions, they wanted to be assured that the action(s) aligned with the priorities of the Committee. Action Plan Response: Scott: The need for additional historic habitat information and creating a GIS database containing all possible information that has affected birds in the past; to be able to use the data to make inferences on potential effects in the future's and the importance of the conversation plan that other had alluded too. Stahlnecker: Gathering all information into a manageable and usable format to help steer management decisions; identify and protect high value habitat and have those tools available. Pfister: Development of a comprehensive conservation plan, to help guide land use; recreation decisions; Sage-grouse management, allowing a broad understanding of the issues. Peterson: The relationship of livestock grazing and Sage-grouse conservation and work toward conservation to avoid permanent loss of the most critical Sage-grouse habitat; Development of conservation acquisition plans. Dawson: Habitat and keep consistency (Flat Top as an example using primarily prescribed burning) to have a vegetative mosaic to benefit the grouse and continued habitat improvements; Leverage activities with other resources and people. Wenum: Habitat protection/enhancement (Land use greatest concern, travel management, housing, etc.) Cochran: Habitat conservation; grazing regime management, research to determine how different regimes affect habitat. Laurie: Conservation guidelines. With: Habitat guidelines and more scientific definitions of them. Mugglestone: Public information and education. Swenson: Heard everyone's thoughts and they are good and if she has additional information to contribute she will get in touch with the Subcommittee.

GUNNISON RISING MITIGATION LETTER OF CONCERN: Discussion about the Gunnison Rising Mitigation process commenced. Pfister expressed concerns, specifically about the use of land within the original development envelope as mitigation for the 200 acres recommended for mitigated lands, and the conservation plan associated with the lands as a whole to assure habitat preservation for the Sage-grouse as presented at the February 5, 2009 meeting. Drafting of a letter to communicate the desires of the Committee and to what audience was further debated. The importance of this situation not setting precedence was emphasized.

It was decided to move ahead with the letter to the BLM, with a second, separate letter drafted by Scott and Cochran, with a suggested audience of the City of Gunnison and/or Gunnison Valley Partners (GVP) that would address additional details about the implementation of mitigation recommendation and the annexation agreement.

Moved by Peterson, seconded by Swenson to send the draft letter as written by Cochran with a copy to the City of Gunnison with the following change under #2, the last sentence "by the proposed 15% (or reduced at all)", and strike the last sentence (#3), "The Committee additionally requests that it be formally involved in the BLM process should adding the AUMs relinquished back to the permittees, within the allotments, be a consideration in the future." With a friendly amendment for several wording changes and modifications to verbiage, see copy of the modifications made and approved by the Committee below.

Ferchau expressed concern that the Committee was created to support the Sage-grouse and that support for any specific entities interest may not be within its mission. Berger provided insight to Committee on the BLM processes and communication tools that could be used in the future. Laurie expressed her support about addressing habitat issues and Ferchau asked if the topic could be brought back into generic terms for habitat versus grazing

rights.

To the Gunnison Field Office, BLM:

On February 5, 2009 the Gunnison Basin Sage-grouse Strategic Committee (Committee) recommended the Gunnison Sage-grouse mitigation plan as presented by the Colorado Division of Wildlife (CDOW) for the "Gunnison Rising" annexation proposal being considered by the City of Gunnison. The Gunnison City Council had requested a recommendation on sage-grouse mitigation from the Committee. The proposal, recommended to the Committee by the CDOW, will be forwarded to the City Council as our formal recommendation.

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Mr. J. Wenom, CDOW Area Wildlife Manager, at the request of the Committee, worked with the annexation proponents, Gunnison Valley Partners (GVP), to develop a mitigation plan. Using a draft Gunnison Sage-grouse mitigation formula, developed by local CDOW staff, a recommended mitigation acreage for replacement of directly impacted Gunnison Sage-grouse habitat was calculated in the amount of 200 acres. This could be protected in a number of ways, including a non-development conservation easement.

In response, GVP proposed a non-development conservation easement on 160 acres in the northeast corner of the northern portion (north of US Highway 50) of the proposed annexation area. To offset the additional 40 acres of mitigation, the GVP will relinquish 356 AUMs of Federal grazing permits administered by the Bureau of Land Management (BLM) on 26,328 acres of public lands in the Cabin and Alder Creek drainages of the upper Gunnison River Basin.

After due consideration, the CDOW recommended this mitigation plan to the Committee. The mitigation plan is summarized as follows:

- 1) Place a non-development conservation easement on 160 acres of GVP property in the northeast portion of that part of the annexation proposal north of US highway 50. Specific restrictions in the easement will include:
 - a. Easement conditions that would minimize the use of the property within the easement.
 - b. Easement conditions that would prohibit certain activities during the grouse lekking season from mid March through mid May, including but not limited to:
 - i. Trail closures
 - ii. Pet leash requirements
- 2) Relinquishment of the Federal grazing permit currently held by GVP in the Cabin and Alder Creek drainages of the upper Gunnison River Basin (356 AUMs).

The Committee, after due consideration accepted the CDOW's recommendation. A number of concerns were identified that the Committee would like to bring to BLM's attention regarding this mitigation plan. These are specifically identified as:

1) This mitigation plan is unique to the Gunnison Rising annexation and must not be considered a precedent for future Gunnison Sage-grouse or other wildlife mitigation in the Gunnison Basin. Each mitigation proposal that arises must be considered on its own merits. Several Committee members are concerned that relinquishment of Federal grazing permits as mitigation for development within Gunnison Sage-grouse habitat will become the norm rather than the exception, without consideration for the impacts to sage-grouse, other wildlife, or the community, that such relinquishments may have.

2) The Committee understands that the other grazing permit holders within the Cabin and Alder Creek allotments had been informed by BLM, that in order to meet land health standards their permits, which are under consideration for renewal, may be reduced (permitted AUMs) by 15%. The GVP relinquishment exceeds 15% of the AUMs on these allotments. It was the intent of the Committee, in recommending this mitigation plan, to convey to BLM the recommendation that the current permit holders' permits not be reduced, in lieu of the grazing permit relinquishment by GVP. Those permit holders provide valuable sage-grouse habitats on their private lands that would be jeopardized by the proposed reduction.

3) The concept of mitigation is generally considered "in perpetuity". Certainly the loss of Gunnison Sage-grouse habitat as a result of the Gunnison Rising annexation will be "in perpetuity". The conservation easement on 160 acres must be conditioned likewise. Less certain is how the grazing permit relinquishment will be treated and what procedures BLM will follow to incorporate the final decision into regulation – be it in perpetuity or temporary. At minimum, permanent relinquishment by GVP must be a certainty.

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Roll call vote:

Abstain: Berger, to avoid any conflict of interest.

Yeah: Laurie, Stahlnecker, Scott, Swenson, Ferchau, Mugglestone

Nay: Pfister

Scott and Cochran will work together to draft a letter to the City of Gunnison/Gunnison Valley Partners for consideration at the next meeting.

FUTURE MEETINGS:

April 9, 2009 - Regular Meeting 10:00 am – 2:00 pm
May 21, 2009 - Regular Meeting 10:00 am – 2:00 pm

An invitation was extended from Local Working Group members to their next meeting May 5, 2009. As many of the Committee members were not available to attend (and several travel to attend these meetings), it was proposed to extend an invitation to the Local Working Group to join the Committee at the May 21, 2009 meeting. Peterson asked if there was any indication of proposed agenda topics for the joint meeting. Swenson recommended an update of the Action Plan progress and Ferchau volunteered to communicate efforts with the Local Working Group directly during development.

Laurie requested future meetings quarterly.

ADJOURN: MOVED by Stahlnecker to adjourn the meeting seconded by Scott. Motion carried unanimously. The March 19, 2009 meeting of the Gunnison Basin Sage-grouse Strategic Committee adjourned at 2:45 pm.

Certification of Approval:



Ken Stahlnecker, Chairperson



Greg Peterson, Secretary

Minutes Prepared By:



Ruth Dukeman, Administrative Assistant III