

**GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
January 16, 2008**

The January 16, 2008 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:

Gary Hausler, At-Large	Erich Ferchau, At-Large/Development Community
Kenny McDaniel, BLM	Amy Seglund, Alternate for DOW
Greg Peterson, GCSA	Paula Swenson, Gunnison County BOCC
Sue Navy, HCCA	Ken Stahlnecker, Chair, NPS
Al Pfister, USFWS	Jim Dawson, USFS

Staff Members Present:

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

Others present as listed in text.

CALL TO ORDER: The meeting was called to order at 10:08 a.m.

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

AGENDA APPROVAL: Kenny McDaniel requested the addition of a Bureau of Land Management (BLM) personnel update after the minutes approval and Sue Navy asked for a Candidate Conservation Agreement with Assurances (CCAA) update after that.

MINUTES APPROVAL: Sue Navy requested three corrections and two clarifications. Chairman Stahlnecker requested one correction.

Moved by Paula Swenson, seconded by Gary Hausler, to adopt the November 14, 2007 minutes as amended. Motion carried unanimously.

BLM PERSONNEL UPDATE: Kenny McDaniel said Sandy Borthwick is no longer with the local BLM office. Russell Japuntich is their acting Wildlife Biologist at this time. Carol Sole will be leaving their office the 1st of February and will be replaced by Everett Barts, from Las Vegas. Everett has Weed Coordinator experience and will be BLM's second Range Management Specialist. McDaniel also requested a place on next month's agenda to discuss BLM's draft alternatives, which may be included in the draft Environmental Impact Statement (EIS) for the Transportation Plan as it relates to sage-grouse.

CCAA UPDATE: Amy Seglund reported that Nathan Seward, with the Division of Wildlife (DOW), completed a Certificate of Inclusion (CI) for one property, and received comments from the Stockgrowers' Association. The draft CI is now with the USFWS for comments. This draft CI will serve as a template for other CI's, which DOW biologists are currently working on. Seglund said they don't have any new properties being considered this year. There were 19 properties considered the first year, and approximately 15 of those were in the Gunnison Basin. She said approximately 124,000 acres were considered in the second year, with a large portion being in the Gunnison area. DOW performed range health assessments, mapped seasonal

habitat and did habitat transects at considered properties. That information was given to DOW biologists, who are working with the land owners to develop land management plans. Those will be sent to USFWS. Seglund further explained that each land owner will have their own management plan and CI. Peterson said he thought more owners would sign up once the first CI is completed.

GUNNISON RISING ANNEXATION MITIGATION RECOMMENDATIONS: Jim Cochran reported that the County was compiling their comments and had asked the Strategic Committee to submit their recommendations. He handed out the County Commissioners' draft document, which included his recommendations, for review. Cochran said the Committee is in no way obligated to make those comments, or any comments. Commissioner Paula Swenson asked the Committee to discuss item numbers 1 (i) through 10 (x) under Roman numeral iv, on Pg. 3.

Sue Navy asked if the Committee would be making these recommendations without knowing the outcome of the private meetings between the proponents and the DOW regarding offsite mitigation. Cochran answered yes. He said the DOW did recommend to the proponents that the mitigation be done offsite, rather than onsite, for a number of reasons. These included flight safety and concerns about drawing birds into a developed area. Swenson said the comments could say that the Strategic Committee is supportive of the applicants' participation with the DOW in finding offsite mitigation. Steve Westbay, Director of Community Development and Planning with the City of Gunnison, reminded the group that the 3rd phase is where the issues really have to be addressed and identified for the written agreements.

i. McDaniel said BLM sent comments to City of Gunnison recommending the 7 acre piece south of Tomichi Creek not be developed, because of concerns about creating an 'island' of development in the midst of habitat. Cochran said that parcel has not been legally subdivided and was set aside by the developers for a family member. The Committee looked at a map showing where the parcel was. Cochran said that the parcel is currently within the proposed annexation. He and the DOW share concerns about the parcel being annexed, since the City of Gunnison doesn't really have a mechanism in place for dealing with sage-grouse issues. Swenson said she was concerned that this parcel would be surrounded by federally held lands. There was lengthy discussion about possible recommendations, running utilities to the parcel, zoning possibilities and the status of the Bureau of Reclamation (BOR) purchase.

Moved by Al Pfister, seconded by Paula Swenson, to strongly recommend to the BOCC that the area south of Tomichi Creek (such as the 7 acre parcel currently proposed as of January 16th, 2008) not be developed. If, in the course of any negotiations between the City of Gunnison and the developer, it is decided that development is deemed necessary, that strict mitigation requirements will be applied to it.

Vote: Yeah: Erich Ferchau, Kenny McDaniel, Amy Seglund, Greg Peterson, Paula Swenson, Sue Navy, Ken Stahlnecker and Al Pfister.

Nay: Gary Hausler

Abstain: Jim Dawson

The motion passed.

ii: Cochran said the DOW has significant concerns about the management of the potential BOR acquisition if it's annexed. He said the issue is the buffer between the development north of Tomichi Creek and south of Highway 50 and the sage-grouse habitat along and south of Tomichi Creek as well as lands within the City having different expectations from the public regarding use than lands outside the City limits. Cochran and DOW would like to see that managed in a

manner which meets the legal requirements of the BOR acquisition, but doesn't draw people in a manner that negatively impacts the sage-grouse habitat south of Tomichi Creek. Chairman Stahlnecker wondered if the Committee needed to comment on this (ii) or if the first comment (i) would be sufficient. Pfister said the BOR tends to manage towards recreation when the land is originally obtained explicitly for wildlife, and thought the Committee should strongly support the DOW's comments regarding that property.

Westbay said that the developers have explained in public meetings that the reason they want this portion annexed is because they feel that having 7 miles of fishing stream within the City boundaries would be an economic amenity to the community. He said the council members have expressed concern about having this type of habitat within the City and what the implications are for resource management, especially with a species that could be listed. Westbay recommended that if the council goes forward with the annexation on this piece, they create CCAAs to establish the parameters the City would apply to resource management of the property. Swenson said the BOCC will also recommend CCAAs to the City. She said this parcel has previously been included in the open space percentage of the total development. She agreed with supporting DOW's comments, since they will most likely end up managing this parcel. Hausler said it shouldn't matter whether or not the parcel is annexed, as long as restrictions are in place which will help the management of the sage-grouse.

Moved by Gary Hausler, seconded by Greg Peterson, that the Strategic Committee is not concerned whether or not the BOR parcels are annexed, as long as sufficient protections are incorporated on the properties which protect sage-grouse. The Committee supports the DOW recommendations in regards to the management of these parcels.

Further discussion: Chairman Stahlnecker asked if it was conflicting to say the committee isn't concerned about annexation, and then support DOW's recommendation that this parcel not be annexed. Ferchau said the motion specifically states a non-position in regards to the annexation and support in regards to the management. Peterson said the Committee's purview isn't the annexation, but the protection of sage-grouse. Chairman Stahlnecker again asked if the first recommendation would be sufficient. Ferchau said the Committee is charged with focusing on the sage-grouse and they've dealt with that. He said the marketing value of fishing on Tomichi Creek would be very beneficial to the community. Navy asked for an amendment to the motion which would remove the 'not concerned' wording. Seglund said that annexation would limit DOW's management capabilities. Cochran pointed out that the discharge of firearms is not legal within city limits. Jim Dawson agreed that DOW would have a broader sweep of management decisions available to them than the City would.

Motion amended: **Moved** by Gary Hausler, seconded by Greg Peterson, that the Strategic Committee does not take a position on the annexation of the Bureau of Reclamation acquisitions, but recommends that sufficient protections are incorporated on the properties that will protect the Gunnison sage-grouse. The Strategic Committee supports the DOW's recommendations in regards to the management of these parcels.

Vote: **Yea:** Erich Ferchau, Gary Hausler, Greg Peterson, Paula Swenson, and Ken Stahlnecker
Nay: Kenny McDaniel, Al Pfister and Sue Navy

Abstain: Amy Seglund and Jim Dawson

The motion passed.

iii: The Committee decided this was taken care of in the previous motion for ii.

iv: Cochran suggested a recommendation that trails development not occur south of Tomichi Creek. He said there is a proposal for significant trail development along the base of W Mountain. Swenson said it isn't along the base of W Mtn. She explained further that the

recommendation from the Gunnison County Trails Commission was that the trail should follow the airport fence, which keeps it as far away from the sage-grouse habitat as possible. Cochran said his wording still works with the Trails Commission recommendation. Ferchau asked if they meant no trails or excluding access, adding that he wouldn't support excluding access.

Moved by Al Pfister, seconded by Paula Swenson, to recommend to the BOCC that no trail development take place south of Tomichi Creek, and any development north of Tomichi Creek be in accordance with what has been discussed with the Gunnison County Trails Commission as recommended by the Division of Wildlife, with strong emphasis on management for the Gunnison sage-grouse

Vote: Yeah: Erich Ferchau, Gary Hausler, Greg Peterson, Paula Swenson, Ken Stahlnecker, Kenny McDaniel, Al Pfister and Sue Navy

Nay: None

Abstain: Jim Dawson and Amy Seglund

The motion passed.

v: Cochran noted the Strategic Committee's support of offsite mitigation. Pfister said he supports DOW's contention that offsite mitigation would be more beneficial. Peterson cautioned against limiting any possible future successes with onsite mitigation, but Cochran felt that supporting offsite mitigation wouldn't negate any future onsite mitigation. He reminded the group that the airport and the Federal Aviation Administration (FAA) are a big consideration when discussing habitat improvement in this area. Hausler said there is a lot of potential for habitat improvement south of Tomichi Creek.

Moved by Sue Navy, to encourage offsite mitigation in general, but should there be a proposal for onsite mitigation, that it be given only after the utmost scrutiny from DOW, the Sage-grouse Strategic Committee and the Local Working Group (LWG). The motion failed for lack of a second.

Pfister discussed the difference between minimization and mitigation and said that when assuming there are impacts from a given action, you minimize and then you mitigate. Hausler suggested using the DOW's definition of what mitigation is. Ferchau asked if the two can't overlap and Pfister answered "Yes, but that would occur after you've evaluated all the impacts of a given action". Swenson said the Committee already agreed to support offsite mitigation in regards to the proposed development north of Highway 50. Ferchau stated his belief that the 400 acres of open space is sufficient mitigation in itself and disagreed that offsite mitigation was needed. He compared it to building on a 35 acre parcel and noted that 100% of the impact on the property does not need accounted for. He said it's important to the sage-grouse to have the development occur adjacent to the town. Ferchau said that the Strategic Committee and LWG should be removed from the motion because DOW is plenty capable. Pfister agreed that review from all three would be too cumbersome. Peterson agreed as well, adding that they (DOW) are the professionals.

Moved by Greg Peterson, seconded by Paula Swenson, to recommend to the BOCC that they encourage offsite mitigation in general, but should there be a proposal for onsite mitigation, that it be given only after the utmost scrutiny from the Division of Wildlife.

Vote: Yeah: Gary Hausler, Greg Peterson, Paula Swenson, Ken Stahlnecker, Kenny McDaniel, and Sue Navy

Nay: Erich Ferchau

Abstain: Jim Dawson, Amy Seglund and Al Pfister

The motion passed.

vi: Cochran said the proponents are proposing trails along the Cemetery Ditch and the Contour Ditch. McDaniel said BLM is in opposition of any trails going from the Contour Ditch up to Signal Peak, because that would head directly into a lek. He said they would agree to accommodate some of the proposed trails if they stayed away from the leks and avoided some of the critical areas in the NE corner of the property.

Moved by Gary Hausler, seconded by Greg Peterson, to recommend to the BOCC that formal trail development north of Highway 50 be limited to the Contour Trail and the trail along the Cemetery Ditch, inside the Gunnison Rising boundary, as defined on January 16, 2008.

Further Discussion: McDaniel said the Cemetery Ditch Trail is a defined trail. Westbay said there are other trails that will receive support from the City as part of the City Trail System, but they are trails which would connect to the college trails and are not located in the sage-grouse habitat areas. Ferchau said there will still be sidewalks and trails in the development, and suggested the motion be amended to say 'north of the Cemetery Ditch'.

Motion amended: Moved by Gary Hausler, seconded by Greg Peterson, to recommend to the BOCC that formal trail development north of the Cemetery Ditch be limited to the Contour Trail and the Cemetery Ditch Trail inside the Gunnison Rising boundary as it is defined on January 16, 1008.

Vote: Yeah: Erich Ferchau, Gary Hausler, Greg Peterson, Paula Swenson, Ken Stahlnecker, Kenny McDaniel, Al Pfister and Sue Navy.

Nay: None

Abstain: Amy Seglund and Jim Dawson.

The motion passed.

BREAK: Chairman Stahlnecker recessed the meeting from 12:15 to 1:00 for a lunch break.

vii: Cochran said the open space north of the Highway 50 is going to have to be managed appropriately in order to benefit the sage-grouse. He recommended that a management plan address the Gunnison Sage-grouse requirements and provide a buffer between the development and public lands. He suggested that be a requirement of the annexation. McDaniel asked what Cochran meant by 'buffer' and Cochran said perhaps fewer allowed uses as you get closer to the public lands.

Moved by Gary Hausler, seconded by Al Pfister, to recommend to the BOCC that a management plan be developed which emphasizes the needs of the Gunnison sage-grouse, for the open space in the Gunnison Rising project, north of Highway 50.

Further Discussion: McDaniel said that the letter should state appreciation for the proponents stepping up to the plate and adjusting the development down towards the highway. Referring to DOW comments, Navy asked who would have oversight if the open space wasn't included in the annexation. Ferchau said the County would. Cochran said ownership of that open space has not yet been decided, and that DOW would like to participate in that management plan, but doesn't want to be solely responsible for it. An amendment was suggested by Pfister.

Motion amended: Moved by Gary Hausler, seconded by Al Pfister, to recommend to the BOCC that a management plan for the open space of the Gunnison Rising Project north of Highway 50 be developed which addresses the management needs of the Gunnison sage-grouse with consultation and coordination of the appropriate wildlife and/or land management agencies.

Vote: Yeah: Erich Ferchau, Gary Hausler, Greg Peterson, Paula Swenson, Ken Stahlnecker, Al Pfister, Kenny McDaniel, and Sue Navy.

Nay: None

Abstain: Amy Seglund and Jim Dawson

The motion passed.

viii: Cochran asked what kind of offsite infrastructure will be required for this project, such as gas or power lines being built or enlarged. He recommended the proponent accomplish an infrastructure analysis to identify those, since they might have to come across public and private lands which have sage-grouse habitat. Hausler disagreed, saying the infrastructure already exists along Highway 50. Ferchau said to be careful about asking for frivolous expenses that are unnecessary, and said any such infrastructure would likely follow existing easements and would likely be underground within the development. Cochran said he's talking about the offsite infrastructure. Ferchau asked if Cochran meant for the extent of the impact to be addressed and Cochran answered "no, whether it's going to be necessary".

Swenson said Cochran's asking if the city has to increase their WAPA lines to provide the electricity for this development and how that might affect other sage-grouse habitat. Navy asked how the Rangewide Conservation Plan (RCP) addresses this subject and if the Committee could refer to that. Peterson said if the offsite infrastructure did have to be enlarged, there would be opportunities to provide input and discussion at that time. McDaniel agreed and said anything done on public lands would require an Environmental Assessment (EA) and a Right of Way application, which would have to follow any stipulations set for the in the RCP. Navy thought it was important to have on record what the Committee is thinking at this time. Hausler said the Committee did not need to address this issue at this time. Ferchau and Peterson agreed with Hausler. Cochran recommended a reference to the RCP.

Moved by Al Pfister, seconded by Paula Swenson, to recommend to the BOCC that offsite infrastructure development may affect Gunnison sage-grouse and/or their habitats. Therefore, the Gunnison Basin Sage-grouse Strategic Committee recommends that the guidelines for infrastructure development contained within the Rangewide Conservation Plan be followed.

Vote: Yeah: Gary Hausler, Greg Peterson, Paula Swenson, Ken Stahlnecker, Kenny McDaniel, Al Pfister, Amy Seglund and Sue Navy.

Nay: Erich Ferchau

Abstain: Jim Dawson

The motion passed.

ix: Cochran said pet control is a huge issue with all of the County's permit application reviews. Swenson said the City already has strict animal ordinances within city limits, which will likely take care of this issue. Ferchau said those ordinances are well enforced.

Moved by Al Pfister, seconded by Paula Swenson, that the Strategic Committee supports the City of Gunnison's continued implementation of their current pet control regulations to assist in implementing the goals of the Rangewide Conservation Plan.

Further Discussion: Sue Navy asked for an amendment to the motion to include education of the populous on appropriate behavior for the adjacent trail system. Pfister declined the amendment to his motion.

Vote: Yeah: Gary Hausler, Erich Ferchau, Greg Peterson, Paula Swenson, Ken Stahlnecker, Al Pfister, Kenny McDaniel, Amy Seglund and Sue Navy.

Nay: None

Abstain: Jim Dawson

The motion passed.

x: Chairman Stahlnecker read this aloud. Ferchau said the city's lighting needs are completely different than the County's. Swenson said the BOCC did recommend cutoff lighting and berms because of the observatory.

Moved by Greg Peterson, seconded by Paula Swenson, to recommend Coordination with other entities to ensure compatibility of projects and infrastructure, including trails, lighting, and other issues, with sage-grouse requirements and guidelines in accordance with the Rangewide Conservation Plan.

Vote: Yeah: Gary Hausler, Greg Peterson, Paula Swenson, Ken Stahlnecker, Kenny McDaniel, Al Pfister, Amy Seglund and Sue Navy.

Nay: Erich Ferchau

Abstain: Jim Dawson

The motion passed.

Swenson then directed the Committee to paragraph iii at the top of Page 3 and everyone agreed that it should be deleted. Chairman Stahlnecker said affects should be changed to effects in paragraph ii at the bottom of Page 2. The Committee agreed to remove paragraph iv at the top of Page 3. The Committee decided to leave paragraph i as written. Cochran said he would immediately compile the motions for the BOCC. There was some further discussion about minimization and mitigation.

ANTLER SHED ISSUE UPDATE: Swenson reported a successful trip to the Wildlife Commission meeting. She said Tom Spezze, with DOW, recommended the 9 a.m. closing. Cochran read Commissioner Linda Joseph's letter to the Wildlife Commission. Swenson talked about who the members of the committee were, but specified that the DOW members had abstained from all votes on this matter. Hausler talked about the issue from the private land owner's prospective. The Wildlife Commission did approved alternative #1, with a 6-2 vote. Chairman Stahlnecker thanked those who attended the meeting.

FUTURE MEETINGS: The February meeting will be held on the 13th, from 10:00 to 2:00. The March meeting will be held on the 19th, from 10:00 to 2:00.

ADJOURNED: Chairman Stahlnecker adjourned the meeting at approximately 1:50 p.m.

Certification of Approval:

Ken Stahlnecker, Chairperson

Greg Peterson, Secretary

Minutes Prepared By:

(No longer available for signature.)

Keri Hodgins, Administrative Assistant III

Minutes Finalized By:

Katherine Haase, Administrative Services Manager