GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
September 18, 2013

The September 18, 2013 Gunnison Basin Sage-grouse Strategic Committee meeting was held in the Commissioners' Meeting Room in the Courthouse at 200 E. Virginia, Gunnison CO 81230.

Committee Members Present:
Voting:
Ken Stahlnecker, Chairperson, National Park Service (NPS)
Sue Navy, High Country Citizens' Alliance (HCCA)
Charlie Sharp, US Fish and Wildlife Service (USFWS) Alternate
Peter Caloger, Public At-Large
Chris Bove, Natural Resources Conservation Service (NRCS)
Dave Kauffman, Bureau of Land Management (BLM) (for Brian St. George, Regular Member)
Greg Peterson, Gunnison County Stockgrowers' Association (GCSA)
Jonathan Houck, Gunnison County Board of County Commissioners (BOCC) Alternate
John Murphy, United States Forest Service (USFS)
Eric Ferchau, At Large, Development Community
Nathan Seward, Colorado Division of Parks and Wildlife (CPW) Alternate
Linda Joseph, Saguache County Board of County Commissioners (Saguache BOCC) (via phone)

Non-voting:
Elinor Laurie, Saguache County Alternate (via phone)
Polly Oberosler, At-large Recreation Community Alternate

IN THE AUDIENCE:
- Pat Magee
- John Waschbusch, Montrose County Government Affairs Director
- Theresa Childers, NPS
- Doug Washburn, GCSA
- Jenny Nehring, Saguache County (via phone)

Staff Members Present:
Jim Cochran, Gunnison County Wildlife Conservation Coordinator
Bobbie Lucero, Administrative Assistant III

Others present as listed in text.

CALL TO ORDER: Chairperson Stahlnecker called the September 18, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee to order at 10:00 am.

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

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

AGENDA APPROVAL: No modifications to the agenda were requested. The agenda was approved as circulated.

APPROVAL OF JULY 17, 2013 MEETING MINUTES: **Moved** by Navy to accept the July 17, 2013 meeting minutes as modified, seconded by Bove. Motion carried.

APPROVAL OF AUGUST 22, 2013 MEETING MINUTES: **Moved** by Navy to accept the August 22, 2013 meeting minutes as amended, seconded by Bove. Greg Peterson abstained because he was absent. Motion carried.

COMMITTEE MEMBER COMMENTS/REPORTS:

USFWS PUBLIC HEARING: Sharp informed the Committee the USFWS released the Proposed Critical Habitat Draft Environmental Assessment, Draft Economic Analysis and noticed the extension of the Public Comment Period to 10/19/13. He reported that the public hearings are 10/7/13 and 10/8/13 in Gunnison and Monticello. This can be viewed on the USFWS website.

AMENDMENT TO THE LAND USE RESOLUTION (LUR) FOR SAGE-GROUSE: Cochran reported to the Committee that the Planning Commission reviewed the amendments to the LUR and has approved them. The amendments will now be sent to the Gunnison County Board of County Commissioners for approval. Cochran informed the Committee that he will send the amendments to the Committee via email.

GUNNISON COUNTY STAFFING: There was discussion that if Cochran were to retire from the County Wildlife Conservation Coordinator position, the technical expertise is on staff at Gunnison County, whether Cochran retires or not. If and when he retires, the County will ensure they find the appropriate person to fill the position. Cochran informed the Committee that there will likely be a significant transition period when he retires, which he has not discussed with the BOCC.

WEST ELK RIDGE SUBDIVISION: Navy inquired about the West Elk Ridge Subdivision that is out near Castle Mountain and in sage-grouse habitat. There was discussion that the lots were not approved by the County, but it has a County approved access road. Cochran informed that Gunnison County is working with the subdivision parcel owners,. The property is divided into 35 acre parcels. Cochran informed that there are locations in the subdivision that are in priority sage-grouse habitat as modeled by the Habitat Prioritization Tool (HPT). The road was approved to be installed in 2004. There was discussion that the road is in, but the driveways are not.

Seward informed the Committee that the County asked CPW for their recommendation for mitigation, depending on types of sage-grouse habitat that may be impacted. He informed that the CCA is purely for public land, not private land. There was discussion that a Habitat Conservation Plan (HCP) may be what is needed for private lands.

GUNNISON SAGE-GROUSE: PERMANENT CONSERVATION EASEMENTS ON PRIVATE LANDS: Peterson informed the Committee the Gunnison Sage-grouse:

Permanent Conservation Easements on Private Lands report is provided in the packet materials for the Committee to reference. Peterson opined that this is an outstanding report that summarizes easements on private lands, which has clarified information and will be helpful in the future. He informed the Committee that each and every deed has been researched that is referenced in the document. Cochran informed that the maps that are provided are not maps that are provided by GIS. There was discussion that this document is very helpful. Sharp opined that he was impressed with the report. Cochran informed the committee that CPW is working on mapping the CCAA enrolled lands.

COUNTY COALITION REPORTS: Cochran informed the committee that the Coalition met last Thursday and the discussion was the Coalition is thinking about working on HPT's for each population of Gunnison Sage-grouse. Cochran informed the Committee that Lori Armstrong, BLM Southwest Regional Manager, attended the County Coalition meeting last week to discuss how the Gunnison HPT might export to other populations of grouse. Due to different slopes, terrain, soil, etc, the HPT may not work in other populations. Cochran reported that the County Coalition will be working with Delta County and Montrose County to export the HPT to the Crawford population first, and will work to get validation of the tool in that population, before attempting to export the tool to other populations. Cochran informed that this is a soil based tool and then other layers are plugged in, such as parcel layers, power lines, roads, etc. He informed that the first layer of soil information has been entered into the draft Crawford HPT. Cochran informed that he has not heard from Crawford Local Working Group regarding their interest in testing the tool in their population.

There was discussion that there will be review of the Draft Economic Analysis and there is outreach to other groups to help assist with the review.

Cochran informed that the State of Colorado appointed Kathy Griffin, Statewide Grouse Coordinator, to the County Coalition. The state of Utah has appointed someone to the Coalition, but official notice has not been received.

Montrose County External Affairs Coordinator John Waschbusch informed the committee that Montrose County is in the process of developing regulations for sage-grouse. There will be a review by CPW as well as a contracted wildlife consultant. He reported that Montrose County has publicized it in the County and has had positive feedback. He reported that this item has been continued to the 10/21/13 BOCC meeting, to give the public time to respond to CPW's comments. He anticipates that it may be decided upon at the 10/21/13 meeting, unless there are significant changes. The comments are provided on the Montrose county website.

The Committee discussed the gravel pit that was proposed in Montrose County. Waschbusch informed the Committee that there has been a submittal for a special use permit for a gravel pit, which does fall within occupied sage-grouse habitat.

FESTIVAL ALTERNATIVES: Cochran informed that the County Coalition has enough on its table at this time, and therefore he did not bring this item to the Coalition. He opined that he does not think that this is something they would be interested in, except possibly the rangewide paper insert.

The Committee discussed a possible mobile display to take to events. Navy informed the Committee that there used to be a mobile display that was in BLM for these types of events. The Committee discussed that the I&E subcommittee needs to discuss this, include Dave Wiens and bring it to the Committee for approval. There was discussion that the Summit will not be held in 2014, due to all the time commitments for the rulemaking process, unless someone like Leigh Robertson is able to coordinate it.

HABITAT PRIORITIZATION TOOL – CRAWFORD POPULATION UPDATE: GIS Director Mike Pelletier was present for the discussion. He informed the Committee that the soils are different in other populations. This item was discussed previously in the meeting. Pelletier informed that after they have the habitat map that they can take power lines and house points and pull value from areas that are impacted by these features. He reported that it is not a quick process. He informed that the other populations will also need to figure out the uniqueness of their soils.

RAVEN PROJECT – DR. PAT MAGEE: Dr. Pat Magee reported to the Committee. He provided a hardcopy of his report. He reported that he has completed three surveys, two in August and one in September. He has 12 different sites, which are listed in the report. He reported that there are quite a few ravens and crows at 9 of the 12 sites, and they have been using the habitat on the ground. He reported that a few of the sites do not have a lot of human activity. The Committee reviewed the report provided. He reported that the nocturnal roosts tend to be in a more densely vegetated tree. He informed the Committee that a few of these sites may not be accessible during the winter.

USFWS RESPONSE TO COMMITTEE QUESTIONS: The Committee discussed the responses from the USFWS regarding their questions.

Question #12: Caloger inquired from Sharp, that if any organization which has been a proponent to listing already has standing? Sharp informed that he does not have the expertise on this question. He informed Caloger that his understanding is, it is not automatic, and you would have to have some sort of evidence of take. Sharp informed that his understanding is you cannot have speculation, there must be evidence of the violation of take. He opined that just because there is a project in sage-grouse habitat, it does not mean there is take, because there must be evidence of take.

Question #4: There was discussion about the 4(d) Rule. Sharp confirmed that all questions reference to the 4(d), and it is all the same.

There was discussion regarding what is the process, if the bird is listed, to retrieve a building permit from the County and how many levels of oversight will there be. Sharp informed the Committee that the goal will be to use the processes that are currently in place, and that are already asking the questions that need to be answered. He informed it would not go through Denver and then to Washington DC for approval. He informed the other options may be to have a HCP that will set up screening for projects, and the goal is to keep the process in private hands.

There was discussion that if the bird is listed, due to local regulatory processes not being enough, but the USFWS wants to continue using the local processes for screening because they are already

asking the questions that need to be asked, what will Gunnison need to do for screening. Sharp suggested that the HCP will help with more in depth screening. Sharp suggested that a HCP provides assurance as to what a project looks like and what the project's constraints are. He informed that USFWS and Gunnison County had been looking into creating a screen that would correlate to the probability or the likelihood of take. There was an inquiry that if the local review is sufficient, does it empower the County to make the decision? Sharp confirmed that the County has the option to say "No effect to species", yet on private lands there is a question of "take" due to the higher level of probability.

Eric Ferchau informed the committee that he has had lengthy discussions with Gelatt about hypothetical situations. He informed that Gelatt's response was that the County's screening is more extensive than the USFWS screening would be. Sharp informed that a HCP has the assurance and it takes years to create one. He informed that it will take about 5-6 years to get the HCP in place. He suggested setting up a temporary alternative screen to ensure that everyone is on the same page.

The Committee expressed to Sharp that there are a lot of grey areas that need to be addressed, such as about how the process will work if the bird is listed. There was discussion on where the customer would have to go to get their project screened. Sharp informed that there is a possibility to have a customer go to the USFWS for consulting for a permit and then the customer takes the permit to the County for the additional planning and permitting to install the project. Ferchau expressed that he would prefer to work through the USWFS screening process rather than the County's process.

There was a discussion regarding placing driveways on private lands. The Committee discussed that if the landowner pays for the driveway out of their pocket and the County blesses it, the USFWS doesn't have a say in the project because there is no Federal Nexus. Sharp confirmed that the USFWS would not have a say unless it went to court, and the court asked for the USFWS's expertise. The Committee inquired if the blading of sage-brush habitat while installing a driveway would be in violation of take? Sharp commented that the blading of the driveway to a house would not constitute take, even if you are removing sage brush because there is no measurable effect on breeding, feeding and sheltering of sage-grouse. Sharp confirmed that not all blading of sage brush is clear of not violating take. There was discussion that the current Gunnison County site-specific analysis makes an adverse effect determination for sage-grouse.

FUTURE MEETINGS:

Date	*Time*	*Notes*
October 16, 2013	10-2	Regular Meeting
November 20, 2013	10-2	Regular Meeting

ADJOURN: **Moved** By Stahlnecker to adjourn the meeting. Motion carried unanimously. The September 18, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee adjourned at 12:36 pm.

CERTIFICATION OF APPROVAL:

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Ken Stahlnecker, Chairperson

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Greg Peterson, Secretary

Minutes Prepared By:

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Bobbie Lucero, Administrative Assistant III