GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
November 19, 2014

The November 19, 2014 Gunnison Basin Sage-grouse Strategic Committee meeting was conducted in the Gunnison County Blackstocks Government Center, 2nd floor meeting room, located at 221 N. Wisconsin # D, Gunnison, Co. 81230

Committee Members Present:
Voting:
Ken Stahlnecker, Chairperson, National Park Service (NPS)
J Wenum, Vice-Chairperson, Colorado Division of Parks and Wildlife (CPW)
Sue Navy, High Country Conservation Advocates (HCCA)
Peter Caloger, Public At-Large
Matt Vasquez, United States Forest Service (USFS)
David Wiens, At-large Recreation Community
Linda Joseph, Saguache BOCC (by telephone)
Eric Ferchau, At Large, Development Community
Jonathan Houck, Gunnison County Board of County Commissioners (BOCC)
Russ Japuntich, Bureau of Land Management (BLM) Alternate
Susan Linner, USFWS

Non-voting:
Nathan Seward, Colorado Division of Parks & Wildlife (CPW) Alternate
John Toolen, US Fish and Wildlife Service (USFWS) Alternate
Elinor Laurie, Saguache County Alternate (by telephone)
Nicole Alt, USFWS Denver

Staff Members Present:
Jim Cochran, Gunnison County Wildlife Conservation Coordinator
Michelle Spain, Admin Assistant

Attending on phone:
Jenny Nehring, Poncha Pass Local Working Group
Diana Leiker, Tracy
Leigh Espy, BLM RMP EIS Project Manager

Others present as listed in text.

10:01:57 AM **CALL TO ORDER:** Chairman Stahlnecker called the November 19, 2014 meeting of the Gunnison Basin Sage-grouse Strategic Committee to order at 10:00 A.M.

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.

10:03:00 AM **APPROVAL of October 15, 2014 MEETING MINUTES: Moved by** Navy and seconded by Ferchau to accept the October 15, 2014 meeting minutes. Motion carried.

10:04:40 AM **COMMITTEE MEMBER COMMENTS/ REPORTS**

- Melisa Garcia was introduced.
- Sara Miller and Susie Parker were introduced**.**
- Brandon Diamond will be District Wildlife Manager for the Gunnison North West District.

10:06:57 AM **GUNNISON SAGE-GROUSE ESA LISTING DECISION update on activities;**

- **Review commenced by Linner**. Linner introduced the final critical habitat map. This decision was made on the best scientific information that was available. The Gunnison Basin population has remained stable over the last 19 years. The conservation measures in place were recognized by this agency. A listing as "Threatened" provides more flexibility than Endangered. The Poncha Pass area is not included in critical habitat. Conservation easements were reviewed in the County. A listing as threatened is range wide. The critical habitat areas were discussed. Both rules will be published on November 20, 2014 in the Federal Register and will be effective on December 22, 2014. The Gunnison County Regulations were discussed in a couple of places in the document. Dolores, Montrose, Ouray, San Miguel Counties were also discussed in Factor D, the regulatory mechanism section. Threats to the species were addressed in this document. The other counties regulations were addressed in Factor A, conservation efforts. The next steps were then discussed. 4d Rule was discussed. They will be moving forward with the 4d Rule. Farm Bill Practices will be looked at. The 4d Rule will cover private activities. Grazing, routine agricultural activities, certain types of development, will be looked at. Ultimately a recovery planning process will be undertaken. Linner recommend review of the section involving the recovery process. This is an open public process. See page 500 on the steps to initiate a recovery plan.

Open to questions.

Houck asked why the 4d Rule was not being released at the same time of the listing as the court had ordered previously. Response from Linner was they did not have adequate time to get this completed. This is now a top priority. Linner indicated that this should be done in the next year.

Houck indicated that the 4d Rule is coming so far after the listing that it puts this community into guessing game of what will be the components of this rule.

Alt responded that the time to discuss this is now. The constraints of time for proper review did not allow this action to take place in conjunction with the listing decision.

Houck asked about the protective measures in place and the scientific items that were not reviewed fully. Houck questioned the director's response that they now could look at these measures. Linner indicated that this was spoken in error. They did review these activities.

Linner indicated that these items were reviewed. Moving on with the 4d Rule they will now look at the items in place. The threats are:

1) The small size of the satellite areas
2) Habitat fragmentation
3) Drought, climate change, disease, invasive species

These are the items that will be reviewed for the 4d Rule.

There are other programs available to the County and private land owners. Some of these items are listed in handouts that have been provided.

Caloger indicated that his review of various lists indicated that free roaming wild equids was a major concern of habitat destruction. Would the possible elimination of this invasive species be addressed? Linner responded that his would not be an appropriate discussion for a 4d Rule. This could be addressed in a consultation with BLM.

Wiens asked if recreational trails will be reviewed by the committee. Linner responded yes and stake holder meetings would be very helpful. ESA requirements were reviewed. Linner indicated that recreational activities need to be reviewed for non-adverse status. Critical habitat was then discussed.

Navy asked why the Poncha Pass population was not designated as Critical Habitat. Linner indicated that the population was not critical to recovery. It is still listed. The BLM consultation is still in effect in this area.

Stahlnecker indicated that there are many activities that are now ongoing on Federal Lands. What will happen to these programs? Linner indicated that they have recognized these existing programs and some new ones. They have requested that these items get prioritized and a list submitted to them.

Cochran noted that the CCAA has the same paragraph regarding a biological opinion as the CCA. What does that mean when the species is listed? There is a gap. Linner recognized this and asked for a contact.

Wenum indicated that Kathy Griffin will be a good contact to assist to turn this into a Biological Opinion.

Cochran indicated that BLM is in the process of preparing a range-wide EIS. How does this process go forward when the service is trying to develop a 4d rule?

Linner indicated that the 4d Rule will not provide take coverage for federal agencies. They have to go through the section 7 process. The draft EIS and 4d Rule hopefully will come out at the same time.

Espy indicated that the range is broad enough at this time and they will be able to structure the needs and make it compatible for adjacent lands. They hope to be flexible to respond to the 4d rule and recovery plan.

Cochran indicated that Gunnison County has been a proponent of managing across fence lines. **Espy** indicated that this is very important. The 4d rule will addresses private lands and the EIS will address public lands. Both of these need to work together so that the conservation efforts will be a success. **Espy** agreed.

Stahlnecker asked about recovery planning. Bringing private lands in with the government plans. Do you see the Rangewide Conservation Plan providing any foundation for recovery planning?
Linner indicated that specific measurable criteria is necessary in the recovery plan. What really are the population targets? This is a piece of the recovery plan.

Wenum asked if there will be any additional staffing for this. **Linner** indicated that they will be hiring for the Grand Junction office and this person will be responsible for the Gunnison area. The ultimate goal is to have 2 positions located in Grand Junction for the Gunnison Sage-grouse.

Alt indicated that office sharing will be available and there is one person there already. They are interviewing for Patty Gelatt's position. **Linner** indicated that the open positions hopefully will be filled by the first quarter of 2015.

Houck noted that the listing decision indicated that Fish & Wildlife takes the reins for this program. Why do they not take over the financial expense as well? Gunnison County has spent millions for grouse conservation. So with the recovery program needed how do these communities pay for this? **Linner** indicated that listing does offer some financial help. The States can apply for Section 6 Dollars. Habitat conservation planning and, acquisition of properties are other areas which may be funded from the Federal budget.

Wenum asked where these funding items come from. **Alt** indicated that there is funding available but need to be requested and reviewed. Section 6 grants need to be applied for and specific funding requirements must be met. **Linner** indicated that they will assist with funding that is available. It is not a tremendous amount.

Ferchau asked if private land owners have a CCAA in place, will this run with the land?
Linner responded that it can be transferred with the land but they will need to apply for this. If the parcel were to be subdivided by heirs then they would be subject to the provisions of the ESA. The CI would be voided. **Ferchau** asked who was involved in this type of review. CPW would be involved. CCAA is between the State of Colorado and the Fish and Wildlife Service.

Ferchau asked if in the interim before a 4d Rule, will the current county regulations be endorsed by the agency? **Linner i**ndicated they are still in effect. The Fish & Wildlife Service is now in control.

Cochran indicated that Gunnison County will still administer our regulations. The County will not make the determination of take, jeopardy, or adverse impact on habitat based on the ESA.

Cochran indicated that we still have no agreement. There will be a disclosure indicating that the applicant will need to comply with the new listing requirements, if any.

Linner indicated that they will be reviewed if no problems they will stamp off. Otherwise they will require further review.

Linner explained the statutory time frames. 30 days for answer will not sign off automatically. It could take longer.

Caloger asked about agricultural operations. What about ditches, stock tanks. Will this type of item be under normal agricultural operations?

Linner responded. These are the type of things that need to be identified as very minimal or no effect on the species.

Houck asked about how we will be able to address the gap of 18 months possible. Do we put everything on hold at this time? So how do we handle the requests?

Linner indicated that before the 4d Rule is in effect the Service will need to review this. County Planning will be sending notices to the department (Fish & Wildlife) to see if it will be approved. This is currently how other areas in the state handle this.

Ferchau questioned the requirements to comply with this rule. Does he avoid the County and send requests directly to Fish & Wildlife?

Open to the Public.

Oberosler asked with regard to occupied and non-occupied Critical Habitat, at what point does recovery drop the status. If the birds are moving into the area what will happen.

Alt indicated that the expansion of the bird will not jeopardize the recovery plan.

Linner indicated that the review will be number counts of the birds.

Oberosler requested that prior year's conservation activities be given acknowledgement to this type of compliance.

John Scott stated that population numbers are now tied to the recovery program.

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Linner indicated that the Gunnison basin is the only area that is meeting the goal. Habitat needs will be reviewed to help prepare for a recovery plan.

Alt indicated that they are not looking at historic numbers. They are not looking at 100 years ago.

Scott indicated that the determination was based on outlying areas.

Linner responded to keep doing what the Gunnison area is still managing.

Burt Guerrieri asked about the interim between the time of listing and the 4d Rule. Can he go feed his livestock?

Linner answered that grazing is not a major issue. Lek is the area that is the major concern at nesting season.

Guerrieri asked about feeding livestock at this time. **Linner** indicated that they will not be looking at this type of activity. If a lek is deliberately vandalized this could trigger an investigation. Your CCAA will cover this type of activity.

Alt reiterated that the lek is the major part of concern.

Rachel McGruder asked what if Gunnison County does not go to a 4d Rule. Will everything go to Fish & Wildlife?

Linner indicated that Gunnison County does not need to enter into a 4d Rule. They will still be automatically covered.

Russ Forrest asked if a parallel process needs to be addressed. If you are in occupied territory, you will need to contact Fish & Wildlife.

Linner indicated that they could draft a sheet for the customer at the counter.

Forrest stated that the County will still do site visits.

Linner does not want our process to cease.

Cochran indicated that this is just another layer for us to address for the customer.

Scott, indicated that Alt already covered the NRCS practices.

Scott reiterated that it does not need to be a contract. It can be a conservation plan.

Toolen responded that as long as all the items are listed in the plan.

Nathan Seward asked, whether CPW needs to give a biological opinion on the Certificates of Inclusion.

Linner indicated that yes CPW needs to do a separate request. This is a formal process but must be completed. It is a fairly simple process.

Seward asked about feeding livestock during lekking. The rancher opens this area and that is when the birds show.
Linner indicated that if it is written in their CIs they are protected. Using common practices will not be a problem.

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Steve Westbay asked about the City of Gunnison's two major projects for this summer. What are the details that the Fish & Wildlife needs?

Linner responded that the new boundaries for the City are now in place and to review this. What is the project, where, when does it occur? The Corps of Engineers will write a biological assessment on items that the City is involved in. **Linner** reviewed the various steps that could be taken.

Westbay asked what about a Federal Nexus. Flood Plain permits will also need to be sent to Fish & Wildlife.

Ferchau asked about within the City limits. Do all requests need to go to the Fish & Wildlife at this time?

Linner responded that under ESA there are no requirements. If you are in a Federal Nexus you will need to contact the Fish & Wildlife Service. Inside the City limits certain items will be exempt. Existing infrastructure is part of the existing base line.

Bryant Wilds said that there may be some hurt feelings on the listing. What will Fish & Wildlife do to involve the community to stay involved?

Linner indicated that the 4d Rule and recovery program are areas of involvement for the entire community. The existing working partnership needs to continue to make this work.

John Joy asked what sort of recovery will be needed to stop the listing.

Linner indicated that over time during the recovery process the Service could reevaluate the areas for delisting. Once a 4d Rule is approved it can go both directions.

Linner indicated that a 4d Rule in place can relax some of the requirements.

Alt explained the formal components in changing a 4d Rule that has been in place.

David Baumgarten stated that yes it can be changed.

Roger Grogg, Chief Operation Officer of GCEA asked about the Gunnison County Electric Association (REA) project that they are dealing with. Since the timing for this project is spring 2015 it may be a good time to submit and request review for this area in Parlin.

Linner asked for maps from REA to start the review.

Linner indicated that if there is any federal funding, permit, federal land, the process time is shorter.

Caloger asked if federal agencies help with the process why is the depredation permit for ravens taking so long?

Alt indicated that they have conflicting species protection. Migratory Bird protection is the real question.

Linner indicated that this was probably in the Federal Register.

Caloger indicated that the raven population since 1970 has increased and the sage grouse has not.

Linner responded predator control can be discussed later as a part of the recovery process.

Stahlnecker then thanked all who attended and asked for an evening meeting for the community.

Linner indicated that there are handouts that will be left for us.

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COUNTY COALITION REPORT

- Tabled at this meeting.

12:10:09 PM **BLM RESOURCE MANAGEMENT PLAN AMENDMENT EIS**

- **Espy** commenced her review. The EIS team will be attempting to complete their process by July 2016. The scoping report will be available next week and hopefully on the website. They are working on the alternatives.

- **Melissa Garcia** will be converting the conference opinions to biological opinions. Her office is working on understanding the listing document. If there are questions they can contact this local office for further information.

12:13:44 PM **SIGNAL PEAK RECREATION AREA PLANNING UPDATE**

- **Houck** indicated that this committee has met and had good representation. This recommendation will be circulated for review and then brought back to this committee. Then once this committee approves the recommendations will be sent to the BOCC.

RIPARIAN RESTORATION AND RESILIENCE PROJECT UPDATE

- Tabled at this meeting.

12:14:44 PM **PREDATOR CONTROL INVESTIGATION SUBCOMMITTEE- REPORT**

- **Cochran** met with Gunnison County Public Works staff and FWS Migratory Bird office staff. This depredation permit will not be issued solely for the protection of the sage-grouse. This depredation permit will likely be issued in conjunction with the airport's permit. There will be with FAA involvement. This will be discussed further with the various federal organizations.

Dr. Pat Magee noted that going forward with raven control at the landfill he felt will be pretty ineffective. In other areas it has been shown that they are juvenile birds. The adult birds are the issue. Training the adult birds to be non-egg eating birds is the real issue. There are many dimensions to this problem.

Cochran indicated that there are health issues related to the ravens at the landfill. The FAA is also concerned about bird/aircraft collisions.

FUTURE MEETINGS: Future meetings will occur on the 3rd Wednesday of the month in the Planning Commission meeting room, located at 221 N. Wisconsin, Gunnison, Co. 81230, unless changed for a specific reason.

Date	Time	Notes	Building and location
12/17/14	10-2	Regular Meeting	Blackstock; 221 N. Wisconsin 2nd floor meeting room
01-21-15	10-2	Regular Meeting	Blackstock; 221 N. Wisconsin 2nd floor meeting room

12:21:07 PM **ADJOURN: MOVED** by Stahlnecker to adjourn the meeting. Motion carried unanimously. The November 19, 2014 meeting of the Gunnison Basin Sage-grouse Strategic Committed adjourned at Time P.M.12:21 pm.

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Ken Stahlnecker, Chairperson

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Greg Peterson, Secretary

Minutes Prepared By:

/S/ Michelle Spain
Administrative Assistant
Gunnison County Community Development Department

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