GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
SPECIAL MEETING MINUTES
June 14, 2012

The June 14, 2012 Gunnison Basin Sage-grouse Strategic Committee special meeting was held in the Van Tuyl Room of the Fred R. Field Western Heritage Center, Gunnison Colorado.

Committee Members Present:
Ken Stahlnecker, Chairperson, National Park Service (NPS)
J Wenum, Vice-Chairperson, Colorado Division of Parks and Wildlife (CPW)
Connie Rudd, National Park Service Alternate
Liz With, Natural Resources Conservation Service Alternate
Linda Joseph, Saguache County Board of County Commissioners (Saguache BOCC)
Elinor Laurie, Saguache County Alternate
Sue Navy, High Country Citizens' Alliance (HCCA)
Greg Peterson, Gunnison County Stockgrowers' Association (GCSA)
Allen Roper, Gunnison County Stockgrowers' Association (GCSA) Alternate
Phil Chamberland, Gunnison County Board of County Commissioners (BOCC)
Hap Channell, Gunnison County Board of County Commissioners (BOCC) Alternate
Brian St. George, Bureau of Land Management (BLM)
Russell Japuntich, Bureau of Land Management (BLM) Alternate
Kathy Griffin, Colorado Division of Parks and Wildlife (CPW) Alternate
John Murphy, United States Forest Service (USFS)
Matt Vasquez, United States Forest Service (USFS) Alternate
Peter Caloger, Public At-large
Eric Ferchau, At-large, Development Community
David Wiens, At-large, Recreation Community

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

U.S. Fish and Wildlife Service Staff Present:
Mike Thabault, Assistant Regional Director, Ecological Services, Mountain-Prairie Region
Susan Linner, Colorado Field Supervisor, Mountain-Prairie Region

Others present as listed in text.

CALL TO ORDER: Chairperson Stahlnecker called the June 14, 2012 special meeting of the Gunnison Basin Sage-grouse Strategic Committee to order at 9:06 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.

INTRODUCTORY SESSION: Stahlnecker introduced everyone and announced this meeting is between the Gunnison Basin Sage-grouse Strategic Committee and the U.S. Fish and Wildlife Service (USFWS) to explain and discuss actions that can be taken to conserve the sage-grouse. Stahlnecker explained to everyone that the focus is on the big picture and gathering ideas. The purpose of this meeting is not to discuss why in the past we did or did not do certain things. He explained that if the grouse is listed that will be a discussion for a later date and it is not the purpose of today's meeting. Stahlnecker introduced Mike Thabault, Assistant Regional Director, Ecological Services, for the Fish and Wildlife Service and Susan Linner, Colorado Field Supervisor for the Fish and Wildlife Service**.**

People who would like to be recognized in the audience introduced themselves. Please reference the meeting recording for names and organizations.

BACKGROUND/STATUS OF THE SPECIES: Thabault explained that the current status of the sage-grouse is a candidate species on the USFWS list. He explained the Multidistrict Litigation (MDL). The Service was being litigated in 19-20 different federal courts due to the USFWS failing to list 250+ different species (Gunnison sage-grouse included). They reached a settlement agreement with the plaintiffs to make decisions on species on the candidate list. The USFWS must either withdraw the species from their list or propose them for listing. The USFWS must also propose critical habitat at the time of the proposed listing, as the other half of their settlement, resulting from previous failures to designate critical habitat. The USFWS is obligated to make a decision on the Gunnison Sage-grouse by September 30, 2012. They are in the process of completing 90-day findings to determine if the information provided is substantial and then will have a 12 month finding process for a final determination. Within the next six years the USFWS must determine whether or not the remaining species on the list of candidates should be listed or not.

Susan Linner, Colorado Field Supervisor, FWS: Linner gave a quick overview of ESA Section 4 listing process. She explained that species are proposed for listing as threatened or endangered in a Proposed Listing Rule, and critical habitat will be proposed in the same rule. There will be a public comment period and economic analysis. 12 months after the proposed rule a final ruling will be made. If there is a proposed rule September 30th there will be a final listing decision by October 1, 2013, unless there is information provided during the listing process that can alter the outcome. They must consider factors that may be affecting the species.

Linner explained the following threats listed by the USFWS:

- Historical loss of sagebrush habitats
- Ongoing habitat loss and fragmentation due to residential development, roads, powerlines, improper grazing management and climate change
- Predation effects, especially on small populations
- Inadequate regulatory mechanisms.

Linner explained that these threats are based on future threats, looking into the future to avoid those threats. Linner explained human-related fragmentation, recognizing that it results in habitat loss due to human activities. Linner went over a number of charts and graphs in her PowerPoint presentation.

COUNTY PLANNING ISSUES: Chamberland informed the USFWS that Gunnison County has been proactive in trying to preclude the listing of the bird. He explained that Gunnison County has attempted to keep residential growth near residential areas where infrastructure is already installed, and not developing in the grass lands. Chamberland opined that recreation is a major reason why people come to Gunnison, and there is big push to increase amenities. Wiens agreed that recreation is important for retention, relocation and recruiting. Chamberland informed the USFWS that the County has been trying to be proactive about the listing process and have created guidelines for all permit applications that come before the Planning Commission. Chamberland reviewed the regulations regarding mitigation techniques, which were developed to help support habitat and to reduce fragmentation.

Thabault commented that there is one thing that jumped out at him was the 6/10 of a mile. He commented that it would be helpful to know if these regulations have been waived and how often have they been implemented. Thabault informed that they need information on the effectiveness of regulations and the history on if they have been effective, and what we need to do moving forward. Cochran informed the USFWS that the 6/10 of a mile came from the Range wide Conservation Plan. Cochran explained that the regulations came out in 2006, and were adopted as a part of the Gunnison County Land Use Resolution in 2007. Cochran informed that he has reviewed approximately 360 building permits in sage-grouse occupied habitat in Gunnison County, and majority of the permits have been for modifications to an existing structure. Cochran explained that the county enforces this control with a goal of avoiding leks and avoiding or minimizing impacts to other priority habitats. Cochran explained the County process and how they are attempting to help conserve the grouse. Chamberland explained that mitigation is difficult, and that the County has struggled with how to perform mitigation that is fair. The Committee discussed how they have taken on the task of helping with the Candidate Conservation Agreement (CCA) and developing a mitigation plan.

Navy commented that the County is limited in its ability to deny requests to build in occupied habitat by lack of funds, and that mitigation isn't as beneficial as habitat conservation.

St. George asked about the effectiveness of measures, and commented that it is difficult to measure the effectiveness of conservation measures. What is the next step, does there need to be a mitigation approach/plan? Thabault commented that there needs to be a level of certainty; is there a conservation strategy in place and will it be carried out and be effective? How can we identify these areas, then how do we do it with all the organizations involved?

St. George informed the USFWS about the difficulties with the CCA and that the agencies have tried to develop good conservation measures and created the Habitat Prioritization Tool (HPT) to identify different quality landscapes. St. George asked the USFWS how, with limited money and limited resources, do we convince the USFWS that Gunnison is committed to the conservation of the bird and what are the mitigation steps? St. George commented that we need to demonstrate that our actions are effective, but how do we demonstrate this within 12

months? Thabault commented that they are taking into consideration all of the work the County has done, the work on the CCA, and giving due diligence and credit to those who have been working on the sage-grouse.

There was a discussion about how important it is for other counties to get on board and be involved. Linner commented that they do recognize what Gunnison has done to help, and if the species is listed, other counties will need to focus on improving the status of the species in their locations and how we are going to bring those populations back. Thabault commented that Gunnison Basin is a large portion of the listing decision, but in other locations the USFWS may need to review different threats than those in the Gunnison Basin.

St. George informed the USFWS that the CCA document is not just a BLM CCA. There was discussion that the Committee has taken leadership of the CCA, and there is close coordination with the member organizations to work together to accomplish the CCA. The CCA is a tool the Committee is using for federal lands, and it is not easily transferred over to private property.

Warren Wilcox with the Gunnison County Planning Commission commented that there are 70 years of inventory of private parcels already approved. He commented that people are concerned about the speed of growth of Gunnison, but he is concerned with the opposite. He commented that the trend is showing that growth has slowed or even moved backwards. Wilcox explained to the USFWS that this is an isolated area with severe weather which impacts the rate of growth. He pointed out areas that have been around since the 1800s (Ohio City and Pitkin) have not had much growth and he doesn't see much growth in the coming years. Thabault responded that all historical information is helpful. Growth rates and projections are important information for making the listing decision. Linner commented that the concern is parcels in high quality grouse habitat.

Steve Westbay with the City of Gunnison informed the USFWS about the 3 Mile Plan IGA between the City and County. Westbay explained that 85% of recent development has occurred within 3 miles of Gunnison, and the plan addresses sage-grouse in development, utilities, and annexation agreements.

Pelletier gave a presentation on the Habitat Prioritization Tool (HPT). Pelletier & Cochran explained how the HPT was created and the buffers that have been applied. The HPT and CCA were developed based on the Rangewide Conservation Plan.

There was discussion on predator control. Chamberland questioned how much flexibility will the USFWS have if the grouse is listed in an area that has tried to be proactive for the bird? Thabault commented that counties all have different priorities, and the USFWS may be more concerned with the species, not what the county/community has tried to do. Thabault informed the Committee that predator control permits are issued on a scientific basis, and they would need to justify the issuance of those permits. Thabault explained the more targeted you can make the request, the more likely you are to get a permit.

PUBLIC LAND MANAGEMENT ISSUES: There was a discussion on the "improper grazing management" mentioned on Linner's slide show. St. George commented they have management guidelines and do not perform improper grazing management. St. George

explained the CCA document to the USFWS. St. George opined that the fenceline of private and public land is being ignored due to the tension and un-comfortableness of trying to manage that area. St. George explained that the CCA demonstrates that BLM is managing public land grazing. Grazing causes a temporary reduction of vegetative cover for grouse and we need to know what the level of impact is. We need a greater level of monitoring on the ground during grazing to know if it is affecting the habitat. The CCA is helping address these questions and how to respond when we are not meeting those guidelines. Thabault informed the Committee that the Colorado Cattlemen's Association asked him to review the CCAA and CCA and make sure they integrate well.

Doug Washburn, public/grazing permittee, commented that grazing does not always mean cattle. Washburn is concerned that elk have been above herd objectives, and that there is inadequate control on the elk grazing in Unit 54. Wenum commented that the CPW has adjusted their regulations to increase elk harvest in Unit 54, and that in the most recent year the harvest numbers were above normal. Wenum commented that the CPW is working on controlling elk harvest on private land. Wenum informed that the CPW has taken steps to improve this situation, and significantly greater elk harvest is occurring than in past years.

St. George commented that drought may affect management, and asked what the USFWS is using to measure take and adverse impacts? Linner commented that research has been ample on the Greater Sage-grouse, yet there is a lack of measurable information regarding the impact of grazing on Gunnison sage-grouse. Linner informed the Committee that if the bird is listed there will be measurable criteria given, and in the future they need to determine these numbers more scientifically. Thabault opined that population estimates are hard to achieve, and the science is not perfect.

St. George asked if the population viability and trends are something we should measure. Thabault commented that he doesn't think you can set a population number; instead you have to set objective criteria, and set breeding population numbers for birds for a certain number of years. He informed that there needs to be review of reproductive success on the landscape, and chick survival. Linner commented that the bottom line is the status of the species, which is measured by habitat and species numbers. Thabault commented the main issues are to list or not list. He suggested to the Committee that managing the habitat where the grouse is located will help its success in keeping it from being listed. The USFWS needs the existing information: what are the mechanisms, what are we basing the habitat condition on, and evaluate if we are achieving results. He commented that the USFWS cannot base the listing decision on science that has not yet been developed.

Nathan Seward with CPW commented that once the Gunnison Basin population is stable we can move onto other outlying populations. He informed the USFWS that the RCP specifies the population goal for birds in the Gunnison Basin. Since 1997 Gunnison has averaged 3,600 birds for the average population. Seward commented that with the severe droughts and winters, the population viability analysis of >3,000 has a 1% chance of the Gunnison Basin population becoming extinct. Linner commented the population has been stable and the numbers are sustainable, yet the threats analysis in the future is what is concerning, primarily future development. Linner stated that the USFWS concerns lie in the future, and what it may hold. Linner opined that if Gunnison can maintain what it has now, there would not be concern for

the Gunnison population, but there needs to be regulatory mechanisms in place. Thabault commented that if a portion of the species is threatened they must list the whole species; they cannot list a portion of the species.

The Committee inquired: What level of certainty does the USFWS need for comfort on the CCA for regulatory certainty? Do they need signatures? How do we identify regulatory certainty with the CCA because this is all they can get between now and September? Thabault responded that the CCA will need to protect 70% of the habitat to protect the species. Thabault explained to the Committee that the USFWS needs to know how much habitat Gunnison needs to protect and what mechanisms need to be in place to protect that habitat, and whether there is enough confidence in those regulations to convince the USFWS that this bird doesn't need to be listed (CCA, CCCA, County regulations, etc.) Thabault explained that the Committee needs to work on how all of the referenced documents are going to knit together, and questioned whether they can convince the USFWS that there is commitment to the conservation of the species. Linner informed that the goal of the ESA is to make sure the population persists into the future and can be maintained in the future regardless of disease, drought, and threats that impact the populations. Thabault commented that there will be 18 months to discuss what percentage of habitat is needed to protect the species.

Pelletier informed the USFWS that the Gunnison County recently completed a Land Use Analysis which discusses human development patterns in Gunnison County, and where the County has grown /not grown. Pelletier suggested that the USFWS review this document before the listing decision.

St. George commented that we do not know the impacts of recreation. The CCA tries to identify where recreation can occur in the landscape and become something that is long term and meets demand. He opined that the public is beginning to comply because they are beginning to understand the message that there are recreational opportunities provided along with sage-grouse conservation. Wiens commented that there is a desire for more recreational opportunities near town, and that recreation creates happier and healthier communities. He informed the USFWS that his organization has broadcast the conservation message to recreational users and informed the community which has been impacted; they want to help with conservation. St. George commented they are trying to reduce fragmentation in recreational areas and still increase recreational opportunities. St. George informed the USWFS that the USFWS has been a partner in all of the discussions on the CCA.

COMPREHENSIVE REGULATORY MECHANISMS DISCUSSION (LISTING FACTOR D):
Linner explained that when the rule is proposed there will be a follow up meeting where working groups can participate. Linner gave a PowerPoint presentation and explained that CCAA's will no longer be available if the grouse is listed. Safe Harbor Agreements can be done with local landowners or across geographic area, documenting the baseline conditions then identifying additional conservation measures after the species is listed. At the end of permit (could be 20-30 yrs) a landowner can take property back to the baseline condition. If the grouse is listed it does not mean all the efforts previously done don't mean anything— they are helpful.

QUESTIONS & ANSWERS/OTHER DISCUSSION TOPICS:
Thabault explained that the process to get the bird delisted is to develop a recovery plan. Thabault commented that they cannot consider CCAA's. Peterson commented that there is no incentive for the landowner to withdraw from a CCAA because it is a win-win situation for the landowner. Landowners will see value in the CCA and CCAA. Thabault commented that they are determined that CCAA Certificates of Inclusion (CI) in process will be finalized before the final determination and encouraged the Committee to finalize them before the listing. Linner explained to the Committee that the more documents they (USFWS) can review that show there is commitment will help with the decision. They need to focus on threats identified and prove there are regulations for control.

Jeff Wilkerson with Mackenzie Grace Mining Co. commented that his business obeys the 9 am rule, but the public does not. Wilkerson is concerned that if the bird is listed it will interfere with their right of way to the mine, and them accessing their mining site. Thabault commented that the USFWS cannot preclude their use of the road.

Linner commented the USFWS has reviewed the RCP, and has developed their maps based on the parameters of the RCP. She commented that the HPT can be considered into the decision if it is provided in time before the listing decision. Thabault informed the Committee that they will be happy to meet with the other working groups in a different location to inform them of what has been discussed.

Tom Spezze, Southwest Regional Manager, CPW complimented the Committee for doing what they have to preserve the grouse.

Joe Oglesby from Crawford was concerned that the bird will be listed without addressing the predator problem. Thabault informed Oglesby that the USFWS will manage predation but they will not perform predator control. The USFWS will be looking at predation in the proper context and it will be managed appropriately.

WRAP-UP SESSION: Thabault commented that everyone has worked to develop the HPT to help identify high priority grouse habitat. The Committee needs to find out how much of this needs to be conserved to ensure viable populations and decreased threats and predation. Thabault commented that the core question that needs to be addressed is how we mesh the CCA and CCAA documents to ensure that they work together. There needs to be certainty that the bird will survive. Thabault commented that we need to collectively pull together all of the different documents intended to conserve the grouse. Wilcox informed the USFWS that there is fear in the community that if the bird is listed they will be regulated out of their living. Chamberland informed the USFWS that it would be beneficial to know what will happen if the bird is listed, because we need to communicate what is expected of the public.

ADJOURN: **MOVED** by Stahlnecker to adjourn the meeting. Motion carried unanimously. The June 14, 2012 meeting of the Gunnison Basin Sage-grouse Strategic Committee adjourned at 1:10 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