United States Department of the Interior

Bureau of Land Management
Gunnison Field Office
216 North Colorado
Gunnison, Colorado 81230
970-641-0471
FAX 970-641-1928

In Reply
Refer to:
CO-160/COC-60329

SEP 30 1999

Dear Interested Party:

This is to notify you that the environmental assessment for the Gunnison County Landfill Conveyance has been completed. The analysis of the impacts of the proposed action and the mitigation measures to be implemented resulted in a Finding of No Significant Impact. Attached for your information you will find a copy of the environmental assessment report, the statement of a Finding of No Significant Impact and the Decision Record documenting my decision to offer the subject lands for conveyance to Gunnison County for the purpose of providing a sanitary landfill for the long term needs of Gunnison County residents for solid waste disposal.

The Recreation and Public Purposes Act requires that a Notice of Realty Action shall be published one time in the Federal Register and three times in a local newspaper. That Act requires that a minimum period of 45 days following the date of publication of the Notice of Realty Action in the *Federal Register* shall be allowed for comments. A Notice of Realty Action has been sent to the Office of the Federal Register and to the *Gunnison Country Times* for publication. I wish to inform you that the ending date for comments will be November 22, 1999.

Written comments should be submitted to the address above before close of business on the specified date.

Thank you for your interest and participation in this process.

Sincerely,

Barry A. Tollefson
Field Manager

BUREAU OF LAND MANAGEMENT
GUNNISON FIELD OFFICE

FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment Number: CO-160-99-010 EA

Gunnison County Landfill Conveyance

I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined that the Proposed Action, with recommended mitigation measures, will not have any significant impacts on human health or the environment and that an environmental impact statement is not necessary to further analyze the environmental effects of the proposed action.

Dam Kolkofer
Authorized Officer

Field Manager
Title

9/30/99
Date

BUREAU OF LAND MANAGEMENT
GUNNISON FIELD OFFICE

DECISION RECORD

Environmental Assessment Number: CO-160-99-010 EA

Gunnison County Landfill Conveyance

It is my decision to offer for conveyance to Gunnison County, under the terms of the Recreation and Public Purposes Act (as amended), the following lands:

Township 49 North, Range 1 East, New Mexico Principal Meridian, Colorado

Sec. 10; S½NE¼SE¼, SE¼SE¼;
Sec. 11; Lots 9-11 inclusive, SW¼SW¼, W½SE¼SW¼;
Sec. 14; W½NE¼NW¼, NW¼NW¼, N½SW¼NW¼, N½S½SW¼NW¼, N½SW¼SE¼NW¼, NW¼SE¼NW¼;
Sec. 15; N½NE¼NE¼, NE¼NW¼NE¼, N½SE¼NW¼NE¼, N½SW¼NE¼NE¼, SE¼NE¼NE¼, NE¼SE¼NE¼, N½SE¼SE¼NE¼;

Containing 319.95 acres, more or less, in Gunnison County, Colorado.

The issuance of patent for the subject lands will be contingent upon Gunnison County's acceptance of the mitigation measures identified in the Environmental Assessment and restated below.

MITIGATION MEASURES

Cultural Resources

1. During earth disturbing activities that are to occur in cultural site Locality #4, the first 40 cm. of such disturbance will be monitored by an archaeologist. If subsurface deposits are identified during the above monitoring activities, construction will halt, and Gunnison County will consult with the BLM archaeologist prior to resuming such activity, and will mitigate any significant cultural resources.

Noxious Weeds

1. Seed and mulch used for operational or reclamation purposes shall be certified weed free.

Sage Grouse

1. Loss of critical winter habitat and physical impacts to surrounding habitat as described in the EA will be mitigated by the establishment by Gunnison County of the "Gunnison Sage Grouse Conservation Trust" with the following mission:

"The mission of the Gunnison Sage Grouse Conservation Trust is to preserve and improve sage grouse habitat and associated wildlife habitat in order to increase the numbers of Gunnison sage grouse, to meet the goal of the Gunnison Sage Grouse Conservation Plan, to increase the knowledge of sage grouse ecology, and to raise the awareness of the public regarding the importance of this species to our ecosystem".

2. The Gunnison Sage Grouse Conservation Trust and the Trust fund shall be managed in accordance with organization and procedural guidelines and guiding principles as mutually agreed upon by the Gunnison Sage Grouse Working Group, Gunnison County and the Bureau of Land Management.

3. Gunnison County will establish a $1.00 per yard surcharge on solid waste being hauled to the landfill which will generate the base funding for the Gunnison Sage Grouse Conservation Trust Fund. The surcharge will be implemented at the beginning of the year 2000 and will remain in effect through the year 2015. Biological assessments will be conducted by the Trust at five year intervals to evaluate the success in fulfilling the mission.

4. The landfill shall be closed to all operations prior to 10:00 a.m. from March 1 to May 30 to reduce disturbance to sage grouse during mating season.

5. A fence shall be constructed and maintained by Gunnison County around the perimeter of the land to be conveyed that will restrict domestic livestock in order to improve the habitat for sage grouse and other wildlife. The perimeter fence shall be constructed in such a manner so as to facilitate pronghorn and other wildlife movements in and around the landfill. The type and design of the fence will be determined collectively by Gunnison County, the Bureau of Land Management and the Colorado Division of Wildlife prior to fence construction.

6. Gunnison County shall implement and maintain an aggressive raven management program to reduce the raven density to what is typical for areas of the basin more than 15 miles from the landfill.

7. Gunnison County shall include sage grouse habitat objectives in the landfill reclamation plan.

<u>Wildlife</u>

1. Proposals considered by the Gunnison Sage Grouse Conservation Trust to purchase private lands or easements for protection or conservation of sage grouse

shall also be evaluated for their benefits to deer, elk and pronghorn.

2. Deer, elk and pronghorn habitat objectives shall be included in the landfill reclamation plan and in the Gunnison Sage Grouse Conservation Trust Project Evaluation Guidelines.

3. Habitat treatments for sage grouse shall also include any compatible provisions to improve elk, deer and pronghorn winter range habitat through seedings, fertilization and other types of land manipulations.

4. The development of the habitat preservation/enhancement areas within the land to be conveyed shall include the development of a water source for pronghorn dry season use. The water development can include, but is not limited to, ponds and/or catchments. The site and type will be selected by the Bureau of Land Management, Colorado Division of Wildlife and Gunnison County.

Rationale: This Decision allows the Bureau of Land Management to proceed with the Recreation and Public Purposes Act conveyance of the Gunnison County Landfill and selected adjacent lands to Gunnison County for use as a sanitary landfill for solid waste disposal in accordance with the Landfill Design, Operations, and Closure Plan for Gunnison County Landfill, Colorado, revised April 25, 1996.

The conveyance of the landfill and adjacent lands will secure a long term site for Gunnison County for solid waste disposal and landfill management operations as well as to secure lands for wildlife habitat preservation and enhancement as mitigation for the impacts associated with the development and operation of the landfill.

The conveyance of the subject lands will allow Gunnison County to make the capital expenditures necessary to ensure compliance with applicable State and Federal regulations concerning solid waste disposal. It will also enable the Bureau of Land Management to accomplish Bureau policy and requirements to cease the leasing of public lands for solid waste disposal purposes while still enabling Gunnison County to provide for the needs of residents of this region for solid waste disposal in an environmentally sound manner.

This action is consistent with the Gunnison Resource Management Plan, with the Recreation and Public Purposes Amendment Act of 1988 which permits the sale of waste disposal sites and with the Bureau of Land Management policy mandating the sale or closure of all waste disposal sites on public lands.

I have determined that the conveyance of the Gunnison County Landfill and adjacent lands for long term operation of a sanitary landfill for disposal of solid waste is in the best public interest.

September 30, 1999

Signature

Barry A. Tollefson

Field Manager

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:
FWS/R6/MBSP

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

MAR 20 2012

3/22/2012
cc: J. Cochran

Mr. Ken Stahlnecker
Gunnison Basin Sage-Grouse Strategic Committee
200 East Virginia Avenue
Gunnison, Colorado 81230

Dear Mr. Stahlnecker:

Thank you for your letter of November 21, 2011, to the Fish and Wildlife Service (Service) inquiring about options/strategies to address predator control for conservation of Gunnison sage grouse. The three-year average (2009 through 2011) population for Gunnison sage grouse in the Gunnison Basin is approximately 3,738 individuals, a level well above the population "trigger" values specified in the Range-wide Conservation Plan (RCP) (i.e., 3-year average population below 25 birds or to 25% of the long-term average goal). Consequently, using the RCP as a guiding document suggests that a predator control program in the Gunnison Basin for the benefit of Gunnison sage grouse is not warranted at this time because of current population levels. We acknowledge that predator control could be considered at population levels above the RCP triggers, with several caveats.

We are recommending the Range-wide Steering Committee re-examine the 25 bird population trigger and perhaps the population viability analysis that was used in the development of the population trigger. Further, before a predator control program is undertaken in the Gunnison Basin, we recommend a review of available data on nest success, brood survival and female survival in the Gunnison Basin to see if there is any evidence that predation is reducing Gunnison sage-grouse survival rates, and if we can identify any localized areas where this is occurring within the Gunnison Basin. If predation appears to be reducing survival rates in localized areas, we recommend the Strategic Committee coordinate with scientists on the Range-wide Steering Committee to develop a predator control plan that, as stated in the RCP, "include quantifiable objectives and long-term monitoring of both predator and GUSG populations in order to evaluate the effectiveness and validity of the program." We would also recommend that any potential predator control program have a well-defined geographic scope and time period.

Any predator control program would likely be a short-term management tool. Therefore, before and during the implementation of a predator control program, we would encourage the implementation of strategies that reduce predator populations or reduce predator effectiveness,

such as the minimization of anthropogenic factors associated with predator abundance and projects that increase habitat quality and quantity. This type of program should be tailored to the specific factors influencing predation at the location(s) of concern.

If, at a future date, in coordination with the Range-wide Steering Committee and the Strategic Committee, the Service determines that a predator control program is advantageous to Gunnison sage grouse conservation, a take permit under the Migratory Bird Treaty Act (MBTA) would be required from the Service, which administers the MBTA. In order to lethally control migratory birds or their active nests, some designated entity (perhaps Gunnison County) would need to obtain a MBTA take permit. The permit would specify an allowed individual take cap, method of take, and identify the individual who would hold the permit.

If you have questions regarding this letter, or the steps necessary to determine whether an MBTA take permit would be appropriate, please contact Susan Linner, Colorado Ecological Services Field Office Supervisor at 303-236-4774.

Sincerely,

Matt Hogan
Assistant Regional Director
Migratory Birds and State Programs

U.S. Fish and Wildlife Service- Region 6- Migratory Bird Management Program

May 8, 2012

Questions for MBTA permit applications (50 CFR 21.41) to control Common Raven (CORA) in order to benefit Sage-Grouse (Gunnison or Greater) populations.

A. Required questions that permit applicants need to answer as part of the application process for a CORA depredation permit.

1. Define/describe the specific geographic area where CORA control authority is requested.

2. Describe what is known about Sage-Grouse populations within the specific geographic area where CORA control is requested.

   -How many Sage-Grouse leks occur within this area and what is the size of these leks?

   -Are these leks being monitored and if so what are the population trends for them (over the last 3 years/ last 5 years/ last 10 years)?

3. Describe or provide documentation of all available evidence that CORA populations are actually depredating Sage-Grouse within the specific geographic area where control is requested.

   -Is there evidence that CORA are depredating Sage-Grouse nests within this area? Describe the extent of this evidence.

   -Is there evidence that CORA are depredating Sage-Grouse chicks/young within this area? Describe the extent of this evidence.

   -What specific evidence is available to demonstrate that CORA populations are in fact impacting or limiting Sage-Grouse populations in any way (i.e. survival, recruitment, population growth) within this area?

B. Depredation permit applicants are not required to answer the following additional questions. But USFWS requests that applicants voluntarily answer these questions to

provide further background information, which will assist USFWS in the decision-making process on your permit application.

1. Have non-lethal control methods been attempted to limit CORA populations within the geographic area (i.e. taste-aversion attempts with chemical-injected eggs, putting up perch deterrents on power lines or fence posts, etc.)?

2. Are there other factors present in the geographic area that CORA control is requested that might be maintaining CORA populations at artificially high levels within this area (i.e. a subsidized predator population)? This would include landfills or dumps, proximity to human communities/human waste, availability of livestock carcasses, presence of energy development facilities (e.g. condensate tanks, power lines), etc. If so have specific management actions been undertaken relative to any or all of these factors to avoid or minimize subsidized CORA populations?

COLORADO PARKS & WILDLIFE

6060 Broadway • Denver, Colorado 80216
Phone (303) 297-1192
wildlife.state.co.us • parks.state.co.us

Received
County Adminstration
8/7/2012

August 6, 2012

Gunnison Basin Sage Grouse Strategic Committee
Attention-Chairman Ken Stahlnecker
200 E. Virginia Avenue
Gunnison, CO 81230

RE: Predator control inquiry

Dear Chairman Stahlnecker,

Thank you for your letter regarding a proposal to conduct a predator control project in the Gunnison Basin and your recommendation to review the Gunnison Sage-Grouse Rangewide Conservation Plan (RCP) to keep the science current. Colorado Parks and Wildlife (CPW) appreciates your continued interest in conservation actions that may benefit Gunnison sage-grouse (GuSG). As you point out in your letter, predator control is a very sensitive issue. In the RCP, criteria were developed (through a public process), including thresholds, to evaluate the need for conservation actions such as predator control and we still believe these criteria are based on the best available science. Sage-grouse populations can vary widely over time. CPW had spent considerable time reviewing data, literature, research and options before recommending the Miramonte predator control project. The Wildlife Commission then approved the project at Miramonte as a management action with specific objectives, monitoring and other criteria and for a limited time (two years). In addition, a considerable amount of public outreach was conducted to inform the public of the proposal to conduct a predator control project and established the 2-year time frame for the experiment to be conducted within.

Our data from grouse studies and monitoring in the Gunnison Basin do not support predator control in the Gunnison Basin under the guidelines of the RCP. The criteria that would need to be considered before implementing a predator control program for the Gunnison Basin population are the same as those that were used for Miramonte. The Wildlife Commission Mammal Predator Management Policy and the RCP guidelines require evidence for the need for predator control; there is no documented evidence of increased predation on the Gunnison Basin population. Lek counts have doubled between 2004 (498 males) and 2006 (1061 males) and have remained around 750 males (50% increase) over the last 5 years. Absent other scientific evidence to the contrary, that trend can anecdotally be interpreted as though predation is not a significant

STATE OF COLORADO
John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
Rick D. Cables, Director, Colorado Parks and Wildlife
Parks and Wildlife Commission: Robert W. Bray • Chris Castilian • Jeanne Horne
Bill Kane, Vice-Chair • Gaspar Perricone • James Pribyl • John Singletary, Chair
Mark Smith, Secretary • James Vigil • Dean Wingfield • Michelle Zimmerman
Ex Officio Members: Mike King and John Salazar

limiting factor to recruitment of young of the year in GuSG. Therefore, we still consider long-term habitat conservation that is intended to minimize fragmentation, to be the highest priority conservation action for GuSG in the Gunnison Basin.

Although the Gunnison Basin GuSG population seems to have been reasonably robust in recent years, all of the small populations outside of the Gunnison Basin currently meet the RCP recommended guidelines for considering predator control as a conservation measure. Given the highly vulnerable long-term viability of these populations, we conclude they should be given high priority for conservation efforts (including predator control).

Miramonte was selected for the predator control project because of timely data from on-going research which showed that predators, primarily coyotes, were suppressing the limited population in that area. Further, Miramonte is a small geographic area (only about 12,000 acres). Past coyote control efforts demonstrate that coyote numbers are most effectively reduced when control efforts are implemented across relatively small areas. Thus, Miramonte was an ideal location for implementing predator control given biological data implicating coyotes and the likelihood for successfully reducing coyote numbers. Predator control efforts were only recently completed and data have not been fully analyzed. Preliminary indications are that nest success and chick survival have not increased significantly in response to two years of predator control efforts.

In addition to the lack of biological data in support of predator control, we have additional financial, legal, programmatic and social concerns about a Gunnison Basin-wide predator control experiment. Costs associated with large scale predator control are very significant and could easily run $100,000 - $500,000 annually. Such a project would require contracting and coordinating predator control with the U. S. Department of Agriculture (Wildlife Services). Additional funding would be needed to conduct surveys and other demographic studies necessary to meet the criteria in the RCP to approve a predator control project as well as subsequent monitoring costs to determine the effectiveness of such control. Funding for predator control would likely have to be diverted from other conservation actions as our resources are not unlimited. We want to make sure that we are focusing first and foremost on those conservation actions that address the primary threats identified by the U.S. Fish and Wildlife Service (USFWS) in its warranted but precluded finding (or any future listing proposals).

The USFWS would also need to be involved in predator control involving corvids, such as those mentioned in your letter, including ravens, crows and magpies. These avian species fall under the Migratory Bird Treaty Act and are under the authority of the USFWS, and any take of corvids would require a federal permit, likely issued to a local or

state agency. Additionally, the Miramonte project indicated a need to also take raptors which was not allowed by the Wildlife Commission action which approved the project. The take of raptors (which are federally protected), while possibly necessary, could create a significant amount of public dissatisfaction with the action and the predator project over-all.

Initiating a predator control project at this time is also complicated by the possible change in legal status of GuSG, as the Endangered Species listing decision is only a few months away. If GuSG is found to warrant listing as either a federally threatened or endangered species, authority for their management will likely transfer from Colorado to the USFWS.

Because a listing decision is imminent (no later than September 2012), CPW is reluctant to undertake a review of the Gunnison Sage-Grouse Rangewide Conservation Plan this year. If GuSG are listed, we expect that the USFWS will create a recovery outline over the 18 months that follow, and subsequently develop a recovery plan. If this scenario unfolds, we feel that the most appropriate time to update the science that was used to develop the RCP is during the development of a recovery plan. The USFWS has solicited updates to all science as well as ongoing conservation activities relating to GuSG since the RCP was approved in 2005, through their Candidate Review process. Through this process, CPW has contributed annual updates on monitoring, research, habitat improvement and conservation. We are happy to provide you with copies of these documents upon request.

Gunnison sage-grouse continue to be a high profile species and will become more so with the listing decision deadline approaching. CPW appreciates all the efforts of the Gunnison Basin Sage-Grouse Strategic Committee, and we will continue to work with you for the benefit of the grouse and their habitat.

Sincerely,

Tom Spezze
SW Region Manager

cc: Rick Cables, Jeff Ver Steeg, Craig McLaughlin, Chad Bishop, J Wenum, Kathy Griffin, Francie Pusateri

Gunnison County
COLORADO

GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
Phone: (970) 641-7600, Fax: (970) 641-3061
Website: www.GunnisonCounty.org

November 6, 2012

Gunnison Sage-grouse Rangewide Conservation Plan Steering Committee
% Kathy Griffin
Colorado Parks and Wildlife
711 Independent Avenue
Grand Junction, CO 81505

Dear GUSG Rangewide Plan Steering Committee:

Over the last two years, the Gunnison Basin Sage-grouse Strategic Committee (Strategic Committee) has had numerous public discussions regarding predator control as a conservation effort for the Gunnison Sage-grouse. In each discussion, and in letters received from the U.S. Fish and Wildlife Service and Colorado Parks and Wildlife (attached) in response to an inquiry letter from the Strategic Committee (attached) on predator control, the Gunnison Sage-grouse Rangewide Conservation Plan (RCP) predation objective (Predation, Objective #1; RCP Page 243) is referenced as the "standard" to be met before any predator control program can or should be implemented.

In May, 2012, the Strategic Committee requested a meeting with the RCP Steering Committee and CPW staff to discuss the RCP Predator Control Objective with a second request to discuss current science and information synthesis, relative to the RCP. In August, 2012, CPW responded, stating that because of the imminence of an (ESA) listing decision they were reluctant to undertake a review of the RCP (please see the attached letter for details).

The Strategic Committee has continued to review and discuss predator control, but has reached an impasse, in view of the two regulatory agencies' (USFWS, CPW) positions on the Predation Objective in the RCP. A number of members of the Committee and many members of the public, believe that sage-grouse predation is a significant issue in the Gunnison Basin, and that the involved agencies and the Strategic Committee are not addressing the predation issue at the level, with the amount of science (or lack thereof) required, that they are addressing other "threats" to the species.

The issue, in summary, is the standard defined in the RCP which would trigger predator control efforts *(Objective 1: Protect GUSG from excessive predation when populations (3-year average) fall below 25 birds or to 25% of the long-term average goal.")* To many, this objective is far too low, triggering predator control at population levels below that which seems reasonable and prudent for an ESA Candidate Species with a total rangewide population of less than 4,500 birds (CPW, 2012).

The Gunnison Basin Sage-grouse Strategic Committee believes that the predator control objective in the RCP needs to be re-considered and if justified upon review, revised, even though there is an imminent ESA "listing decision" on the horizon. Delaying action on this issue, based upon possible future

procedural actions, post-listing, is of concern to the Strategic Committee and many members of the public. Therefore, the Gunnison Basin Sage-grouse Strategic Committee formally requests a meeting with the Gunnison Sage-grouse Rangewide Conservation Plan Steering Committee as soon as such meeting can be scheduled to specifically discuss, and if agreed upon, initiate review, with possible revision, of the Predation Objective #1, page 243, Gunnison Sage-grouse Rangewide Conservation Plan (CPW 2005).

Sincerely,

Ken Stahlnecker

Ken Stahlnecker, Chair

Attachments:

Strategic Committee Letter to USFWS and CPW Dated November 21, 2011
USFWS Letter Received March 30, 2012 to Ken Stahlnecker, Chair
CPW Letter Dated August 6, 2012 to Ken Stahlnecker, Chair