GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
January 23, 2013

The January 23, 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)
Peter Caloger, Public At-Large
Phil Chamberland, Gunnison County Board of County Commissioners (BOCC)
John Murphy, United States Forest Service (USFS)
Greg Peterson, Gunnison County Stockgrowers' Association (GCSA)
David Wiens, At-large Recreation Community
Chris Bove, Natural Resources Conservation Service (NRCS)
Brian St. George, Bureau of Land Management (BLM)
Patty Gelatt, US Fish and Wildlife Service (USFWS)
J Wenum, Vice-Chairperson, Colorado Division of Parks and Wildlife (CPW)
Eric Ferchau, At Large, Development Community

Non-voting:
Connie Rudd, National Park Service Alternate
Allen Roper, Gunnison County Stockgrowers' Association (GCSA) Alternate
Lee Spann, Public At-Large Alternate
Charlie Sharp – US Fish and Wildlife Service (USFWS) Alternate
Matt Vasquez, United States Forest Service (USFS) Alternate
Kathy Griffin, Colorado Division of Parks and Wildlife (CPW) Alternate
Jonathan Houck, Gunnison County Board of County Commissioners (BOCC) Alternate

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 January 23, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee to order at 11:00 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 DECEMBER 19, 2012 MEETING MINUTES: **Moved** by Navy to accept the December 19, 2012 meeting minutes, seconded by Chamberland. Motion carried.

IN THE AUDIENCE:

- Brenda Felmlee, Field Representative, Congressman Scott Tipton's Office
- David Baumgarten, Gunnison County Attorney
- Mike Pelletier, Gunnison County GIS
- Steve Westbay, City of Gunnison
- Samantha Staley, BLM
- Nathan Seward, CPW
- John Scott
- Al Pfister
- Howard & Margaret Funk
- Pat Youmans
- Theresa Childers
- Lance Kreuger
- Polly Oberosler
- Bill Trampe
- Ken Spann

COMMITTEE MEMBER COMMENTS/REPORTS:

BLM; SCOPING LETTER: St. George informed the Committee about a letter that has been distributed by BLM regarding livestock trailing permits and routes. The letter was distributed to the Committee on 1/22/2013.

BLM CCA: Staley informed the Committee that she had signed copies of the CCA. Staley provided 6 copies of the signed agreement for Committee members that wanted a copy. The Committee discussed the USFWS conference process. BLM and the USFWS are "informally" conferencing at this time. BLM has received the first round of comments from the USFWS, and will receive the second round of comments by the end of January. Once the second round of comments is received BLM will incorporate those comments into the CCA. BLM is ready to move from the informal conference to a formal conference. There is anticipation that the USFWS will sign the document. Gelatt commented that completing the CCA process in the 9 month period before the final rule is one of USFWS's priorities.

PAT'S SCREEN PRINTING; SAGE-GROUSE T-SHIRTS: Cochran informed the Committee that Pat's Screen Printing sent a check in the amount of $117 from sage-grouse t-shirts that had been sold in 2012. This money will be deposited into the I&E Fund. Cochran informed the Committee that a credit card fee had been applied to the t-shirts purchased by credit card and the remaining inventory consists of 8 shirts.

FEATHER COLLECTION FOR DNA ANALYSIS: Cochran informed the Committee that he spoke with Sara Oyler-McCance, USGS they would like to increase feather collection activities. Cochran handed out a document to the Committee to review. Cochran explained that this is to continue feather collection for DNA Analysis, and will require CPW approval. Seward informed the Committee that they collected feathers last

year but did not have a large sample size. The Committee reviewed the document Cochran provided and decided to place this on a future agenda to discuss.

GUNNISON SAGE-GROUSE FESTIVAL: Cochran informed the Committee that the City of Gunnison has allowed Events Planner John Messner to help organize the Festival. Wiens informed the Committee that the Festival has helped to educate the public on the conservation of the sage-grouse. Wiens informed the Committee that Gunnison Trails has money in their account for the Festival. St. George informed the Committee that they would like to replenish their supply of sage-grouse "stop" (informational) signs. Cochran informed the Committee that the newspaper insert will be modified into a document that is not dated and can be handed out throughout the year. The Committee discussed engaging more Western State Colorado University (WSCU) students, presentations on private lands and the CCA. The Festival is scheduled for 4/13/2013.

CONSERVATION EASEMENTS: Cochran informed the Committee that NRCS recently circulated a press release regarding $10 million in their Farm & Ranch Land Protection Program (FRPP) for grouse easements in Colorado. He discussed with the Committee that by using the Habitat Prioritization Tool (HPT) to identify high priority habitat lands containing high priority sage-grouse habitat, we would then need to attempt to establish some sort of funding stream for conservation easements with interested property owners. The two primary easement funding sources are NRCS and CPW. Committee needs to work with the organizations to create a funding source for land owners with high priority habitat. Gunnison Ranchland Legacy has had a long waiting list since it was formed, and that waiting list is still accurate. The Committee discussed the possibility of re-prioritizing that list based upon sage-grouse habitat. Gunnison County has updated their easement mapping layer in GIS with the help of Gunnison Ranchland Legacy.
Cochran informed the Committee that there are 54,273 acres of conservation easements in proposed critical habitat, 38,968 acres in mapped occupied habitat and 23,467 acres that contain a portion of priority habitat on the property with a HPT score of 15 or greater, based upon the latest updates. The update process is continuing, so additional acreage is likely to be added. The HPT only covers occupied habitat. Cochran informed that landowners are interested, and he opined that the HPT can help prioritize the waiting list that is in high priority habitat.

The Committee discussed that CPW does not have an open enrollment or sage-grouse specific prioritization system. There is an application cycle due the end of June. Applications go through 7-8 month ranking process. NRCS and CPW have 2 separate lists and processes for conservation easements.

Bove commented that it is unrealistic to get this completed in the next few months. Wenum mentioned that it takes a minimum of a 1 ½ years to get this process finalized because federal dollars need to be tied to the private land owner. Wenum commented that the match component helps applications score higher.

Gelatt informed the Committee that the USFWS will recognize projects that are in the process and moving forward. Wenum mentioned that the Greater Sage-grouse is also a high profile species. The Committee discussed the possibility of NRCS & CPW partnering on CE's in some manner. Bove commented that they could, but it is not simple. Some would like to have a

CCAA/CI while others may not need one; a CCAA/CI agreement is for 20 years., Most conservation easements are in perpetuity. The CE's and CI's are similar but are also distinct.

The Committee discussed that if it is the right thing to do, whether it took 6 months to 2 years, we should do it regardless of what the Committee's other high priorities are at the moment. The committee discussed how to prioritize their workload in the next few months.
There was discussion on being sensitive to landowner's privacy while using the HPT. Some landowners may not want to participate if they feel they are being targeted by having priority habitat. Gelatt commented that the CCAA is an important conservation tool. She recommended the Committee keep on focusing on continuing conservation easements.

Peterson will meet with the Gunnison Ranchland Legacy Board, and inquire if they would like to move forward. **Moved** by St. George and seconded by Bove, to table this action item until after the USFWS meeting this afternoon. Motion passed unanimously.

John Scott mentioned a possible funding source - the installation of Blue Mesa dam and possible mitigation funding for sage-grouse from the Bureau of Reclamation. Pfister commented that conservation easements are not the only tool that can help.

PROPOSED RULES: USFWS Colorado Field Office Supervisor Susan Linner and Deputy Assistant Regional Director Nicole Alt were present for the meeting. Linner informed the Committee that the comment period ends on 3/12/13. The comments can be submitted to regulations.gov. The USFWS informed the Committee that they are looking for comments on scientific information, not opinions on whether you think the bird should be listed or not.

Gelatt handed out a document to the Committee members on a listing action in New Mexico/Texas. The Committee reviewed the New Mexico Dunes Sage-brush Lizard case that recently occurred. Gelatt compared and contrasted the situation and actions with the lizard and the sage-grouse. Private landowners negotiated CI's under an umbrella CCAA, and oil companies paid $2/acre into a conservation fund because the biggest threat to the species was well pads that were being installed near the dune complexes. Measures were employed to reduce or eliminate threats to the lizard and the proposed rule was withdrawn.

The Committee inquired about clear, defined differences between the Dunes Lizard and the Gunnison Sage-grouse, when the situations seem very similar. The USFWS did not provide a clear answer on what the differences are. The Committee inquired that the lizard not being listed as endangered seems to be the result of having had a lot of acres covered under CI's, under CCAA's. The Gunnison CCAA was acknowledged in the proposed rule but seemed to be dismissed because it is voluntary and the CI's are revocable contracts. Linner explained that the CCAA is not regulatory in Gunnison, which doesn't mean that CI's are not providing conservation benefits.

Linner pointed out that the USFWS is looking at the entire range-wide status of the species, not just the population in the Gunnison Basin. She informed that the satellite populations cannot be listed separately because they do not meet the criteria to be a Distinct Population Segment (DPS), because the populations are very small, and they cannot be listed separately. Alt asked if the proposed rule analyzed the DPS option. Linner noted that the rule has a short section on DPS. Sharp stated that it had been considered, but that analysis was not included in the proposed rule. St. George voiced concern that all available conservation opportunities have

been and are being acted upon in the Gunnison Basin. He asked what else can be done? The Committee argued how the satellite populations are not large enough to support the species on their own, but they are the principle driver of the endangered proposed listing. Linner replied that the Gunnison Basin population is healthy, but the satellite populations are not. They fear they may be setting themselves up for failure if they only list the satellite populations and they cannot recover. The USFWS would like to look at the species as a whole. Linner discussed the possibility, if all populations of the species are listed, that there is opportunity for different levels of regulation in the Gunnison Basin.

Ken Spann inquired to the USFWS on how the public makes an informed comment when they do not know if the NEPA process will be undertaken, or where the EA is in terms of the critical habitat designation, or the fact that the effect of a CI under the CCAA is unclear. Spann also inquired on how to make an informed comment when they are unsure what the process is and when the USFWS is going to approve the CCA. The USFWS responded that they are performing an Economic Analysis on critical habitat, which will result in a different comment period specifically on the EA. The USFWS replied that anyone can make comments on any aspect of the listing during public comment periods. The USFWS does not perform a NEPA analysis on listings. They will do a NEPA analysis on the critical habitat proposal.

The USFWS will hire an economic consultant for the required economic analysis for the proposed critical habitat. Based on the threats the USFWS identified, the economic consultant will contact affected groups. The economic consultant will perform interviews with affected groups and will go through their process.

Gunnison County Attorney David Baumgarten inquired what the peer review process is and how the County may participate. Gelatt explained that USFWS selects scientific experts on Gunnison Sage-grouse. Scientists will be selected based on input received from CPW & Utah Division of Wildlife. Their goal is to have 3 scientists peer review the proposed listing rule & proposed critical habitat rule.

Al Pfister reminded the Committee that there are 2 separate decisions being made, so make comments on both the listing decision and the critical habitat decision, then the comments will be reviewed appropriately.

Gelatt recommended starting with a Gunnison Basin Habitat Conservation Plan (HCP), and then expand into a HCP that incorporates the satellite populations. She informed the Committee that the HCP is a USFWS process. The party requesting a permit hires a consultant and the consultant produces the HCP. Linner informed the committee that they can request planning grants through CPW. These are competitive grants from the State of Colorado.

The Committee discussed what would be included in the HCP that is not provided in the CCA. Should the CCA have been reviewed through the USFWS PECE analysis? Linner commented that the economic projections in the proposed rule were made about 3 years ago before the collapse of the economy. She informed that they need to develop a more realistic footprint for the Gunnison Basin.

The Committee inquired what requirements the USFWS is going to impose on private land owners, and are there any activities that will result in take of the species, and loss of habitat? The USFWS responded that traditional ranching activities have not been considered take of the

species, yet subdivision of a ranch may be considered a problem that will have to be looked at. The Committee opined that they have not been given enough credit for what they have already done towards conservation of the grouse.

City of Gunnison City Planner Steve Westbay informed the USFWS that the Gunnison growth pattern has been much different than the picture painted in the proposed rule. He suggested that the USFWS look at the Comprehensive Plans and the policy components because they identify boundaries of growth.

Baumgarten reminded the USFWS that in a meeting 2 years ago, there was worry that the USFWS will be pushing the responsibility of regulatory taking onto local government.

Linner informed the Committee to review the proposed rule. Linner suggested that the Committee "read it the way we intended it to be written. What we're saying is we don't believe that the Gunnison Basin population is endangered." The USFWS commented that the Gunnison Basin has a more than healthy population of sage-grouse. The USFWS commented that different types and specific types of habitat are what need to be conserved. The USFWS has the following options after their review in making a final decision:

- List as endangered
- List as threatened
- Listing is not warranted

FUTURE MEETINGS:

Date	*Time*	*Notes*
January 22, 2013	5-7pm	USFWS Public Meeting
January 23, 2013	8:30	USFWS meeting with Gunnison County Staff
February 20, 2013	10-2	Regular Meeting
March 20, 2013	10-2	Regular Meeting

ADJOURN: **MOVED** by Stahlnecker to adjourn the meeting. Motion carried unanimously. The January 23, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee adjourned at 2:17 pm.

CERTIFICATION OF APPROVAL:

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Ken Stahlnecker, Chairperson

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Greg Peterson, Secretary

Minutes Prepared By:

Bobbie Lucero, Administrative Assistant III