GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
February 20, 2013

The February 20, 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)
Jonathan Houck, Gunnison County Board of County Commissioners (BOCC) Alternate
David Wiens, At-large Recreation Community
Peter Caloger, Public At-Large
Matt Vasquez, United States Forest Service (USFS) Alternate
J Wenum, Vice-Chairperson, Colorado Division of Parks and Wildlife (CPW)
Chris Bove, Natural Resources Conservation Service (NRCS)
Greg Peterson, Gunnison County Stockgrowers' Association (GCSA)
Linda Joseph, Saguache County Board of County Commissioners (Saguache BOCC) (conference call)
Patty Gelatt, US Fish and Wildlife Service (USFWS) (conference call)

Non-voting:
Nathan Seward, Colorado Division of Parks and Wildlife (CPW) Alternate
Charlie Sharp, US Fish and Wildlife Service (USFWS) Alternate (conference call)
Polly Oberosler, At-Large Recreation Community 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 February 20, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee to order at 10:01 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.

In the audience:
- John Scott
- Pat Magee
- Vicki Spencer, Gunnison County Electric Association (GCEA)

- Mike McBride, GCEA
- Elise Thatcher, Colorado Public Radio
- Jenny Nehring, Saguache County (conference call)
- Steve Westbay, City of Gunnison Planner

APPROVAL OF JANUARY 23, 2013 MEETING MINUTES: **Moved** by Navy to accept the January 23, 2013 meeting minutes as amended, seconded by Wenum. Motion carried.

APPROVAL OF FEBRUARY 05, 2013 MEETING MINUTES: **Moved** by Wenum to accept the February 05, 2013 meeting minutes, seconded by Bove. Motion carried.

COMMITTEE MEMBER COMMENTS/REPORTS:

SAGUACHE COUNTY; UPDATE: Joseph reported to the Committee that Saguache County had a work session, where Planning Commissioner members Cochran, Peterson and Caloger met with the Saguache County Commissioners. She informed that Cochran provided a PowerPoint at that meeting, which was very helpful. There will be a joint meeting between the Saguache BOCC and the Gunnison BOCC on 3/12/13. She informed the Committee that Saguache BOCC requested that the USFWS hold a public meeting in Saguache. They also requested a comment deadline extension. The Saguache BOCC is working on their comment letter and the Saguache Planning Commission is working on land use regulations. Saguache County Land Use Director Wendy Maez is working with Cochran to replicate the land inspections performed in Gunnison County.

USFWS; PROPOSED LISTING: Gelatt informed the Committee that Counties should review their current abilities to address sage-grouse habitat fragmentation. Jenny Nehring asked if the USFWS could respond on how Gunnison County land use regulations are inadequate because it would be helpful for other counties to replicate the Gunnison County regulations, but if they are considered inadequate by the USFWS, what additional is necessary. Gelatt suggested the best thing to do would be to go back and review the Proposed Rule. Gelatt commented that Gunnison County's current regulations address each parcel individually and provide for Gunnison sage-grouse consultation but if you are looking at the larger picture, they do not address habitat fragmentation. Peterson inquired about protecting large blocks of habitat, and is the USFWS asking for zoning? Gelatt commented that we need to look at what other tools we have out there to protect habitat.

Gelatt informed that they have received multiple requests for public hearings, and they will determine a location for the public hearing, once all the requests have been received.

CITY OF GUNNISON: Westbay informed the USFWS that Gunnison County has growth management policies and Intergovernmental Agreements requiring that growth and development will occur within the 3 mile boundary of the city. He explained the growth management tools adopted by the City of Gunnison and Gunnison County.

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Westbay commented that this information will be provided in the City of Gunnison's comments to the USFWS.
The USFWS informed the Committee that the Policy for Evaluation of Conservation Efforts (PECE) analysis was not done for the Proposed Rule because they do not do one for Proposed Rules. This is how their processes works.

LANDFILL MITIGATION COMMITTEE: Navy informed the Committee that the Landfill Mitigation Committee will be having meetings quarterly for more formality. The Mitigation Committee will be Meeting on the 1st Monday of January, April, July and September.

CPW; CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES: Seward informed the Committee there has been great progress on Certificates of Inclusion (CI). The total acreage has been changing so frequently that he cannot keep track of the amount, and it is an ongoing process. Seward noted, that in his opinion, the last practical date to begin is May 1, but CIs in process by Sept. 30 could still get assurances.

BOCC; APPOINTEES: Cochran informed the Committee that the Gunnison BOCC appointed Nathan Seward as the CPW Alternate and Polly Oberosler as the At-large Recreation Community Alternate. These appointments were effective February 5, 2013.
MITIGATION FUND: Cochran informed the Committee that the BOCC approved the Committees request for up to $4,000 from the Mitigation Fund for the 2013 Gunnison Sage-grouse Festival.

CCA: Cochran informed that Staley provided in the packet an update on the CCA. As of yesterday the Biological Assessment (BA) is in the BLM office for a 1 week review. Once the review is completed, formal conferencing will begin with the USFWS on 2/25/13.

CONSERVATION EASEMENTS: Cochran informed the Committee about Conservation Easements. Cochran and Pelletier have been working with Gunnison Ranchland Conservation Legacy (Legacy) to update the list of easements. Right now the list contains >40,000 acres in occupied habitat, and >50,000 acres in critical habitat. Cochran mentioned that Legacy has been speaking with Bove about NRCS' Grassland Reserve Program easement possibilities. Bove informed the committee that there is opportunity for participation in this program.

REVIEW/DISCUSSION; GUNNISON COUNTY STAFF PROPOSED COMMENT OUTLINES:

GUNNISON COUNTY STAFF PROPOSED COMMENTS: Cochran informed the Committee that the Gunnison BOCC agreed to make their comment process transparent and public. Cochran provided the preliminary outline for the comments Gunnison County will be submitting to the USFWS. The Committee reviewed the comment outline. The purpose of this agenda item is for the Committee to review and notify Gunnison County if there are any missing, pertinent pieces. Gunnison County will have a very rough draft of proposed

comments for review and discussion at the upcoming BOCC meeting on 3/5/2013. The Committee was asked to review the comments outline by the Gunnison County and inform Cochran if there are any missing pieces.

POLICY FOR EVALUATION OF CONSERVATION EFFORTS (PECE) ANALYSIS: The PECE Analysis will be completed by September. Gelatt encouraged the Committee to submit comments before the deadline, because the sooner they receive comments the sooner they can make changes to the Proposed Rules.

PROPOSED CRITICAL HABITAT ECONOMIC ANALYSIS CONSULTANTS: The USFWS could not answer who the consultants will be contacting. Gelatt informed that she will contact the consultants. She informed the Committee that the consultants are already under contract, and she will get the name of the consultants to the Committee. The Committee expressed that they would like to review the consultant's previous deliverables from past consulting agreements, to anticipate their analysis. Sharp mentioned he will look into getting this information for the Committee.

ECONOMIC ANALYSIS: Westbay asked Gelatt if she would identify the parameters and scope of the analysis and if the USFWS has a standardized policy regarding what the analysis has to cover. Gelatt informed the Committee that there isn't a standardized policy, but there is some guidance. The analysis will look at the incremental effects of the Critical Habitat Designation, which compares the designation of critical habitat and the cost of that, as compared to just a listing on its own. It will look at the baseline current conditions, economic situation of the baseline conditions, cost of listing itself, and incremental effects of critical habitat designation. Cost refers to affected community and stakeholders. NEPA will have to be performed on the analysis. Gelatt explained that is typically an Environmental Assessment (EA), and they do not know if an Environmental Impact Statement (EIS) is required until the EA is completed. Hypothetically, if the sage-grouse was found to be not warranted, the USFWS will make a determination at the end of September.

PROPOSED RULES: PRIORITIZED ACTION ITEMS: The Committee reviewed items that were identified at the last meeting that needed to be provided in the comments to the USFWS. Gelatt confirmed that the USFWS has the current list of CI participants. Seward informed the Committee that 5/1/2013 would be the latest he could begin working with a landowner on a CI, to get it finalized by the end of September. The CPW is attempting to finalize all CIs by September 30, 2013. Wenum informed the Committee that due to time constraints the list had to be prioritized.

The Committee discussed that after reviewing the New Mexico dunes lizard "case", it appears that CIs helped in avoiding the listing. Wenum asked the Committee to be considerate in talking with landowners about participating in CIs. The Committee discussed that some landowners may not be aware of the program. Wenum opined there is a very high level of awareness by landowners. Cochran noted that he was aware of several large landowners that were not informed that CPW was taking new applications. The Committee discussed that they want to help with awareness of the program, because it is critical to inform landowners that this is very important for the decision of the proposed listing of the bird. Nehring opined Poncha Pass landowners may be under the assumption that the program is not open. Seward informed

Nehring that the landowners need to contact their local CPW office and express interest in the program. Vasquez informed the CPW that if there is property adjacent to USFS managed lands, he can help with funding for the baseline assessment.

Moved by Peterson and seconded by Bove to write a letter to the adjacent Counties with grouse populations in their boundaries, to educate them on the benefits of the CCAA process. Include in the letter the best way to communicate to their landowners and inquire how interested they are in participating. Copy the letter to CPW Regional and local offices for these populations. Wenum abstained because CPW is on the receiving end of this letter and the motion may result in additional costs to CPW. Motion carried.

Gelatt informed the Committee that September 30, 2013 is the deadline for the USFWS to send their decision to the Federal Register. The decision may be published about a week after, and the decision will not become final until 30 days after publication in the Federal Register. Once the bird is listed it is not longer a candidate species. The terms of the CCAA apply, but no new properties may be enrolled. The Committee discussed taking into consideration what needs to be done to ease the transition of listing. Comments received after the comment deadline will be accepted, and will be incorporated into the information for the Final Rule. It comes down to timing of receiving the information because they have to incorporate it in to the Final Rule. May is too late to receive information. The Committee reviewed the Action Items and Matrix of Factors identified from the last meeting. The Committee discussed the best use of this Committee's time for the next few months (besides providing comments to the USFWS for the proposed rule).

Cochran informed the Committee he did not receive any responses from any of the counties with grouse populations in response to the letter from the Committee asking if they were interested in us coming to communicate with them. Delta County asked prior to the letter to meet with Gunnison County. Montrose County does not appear to be interested in discussing sage-grouse. The Committee discussed that there is not enough time to outreach to the other communities. The priority is ensuring that Gunnison County has responded and provided all the information needed.

Houck informed the Committee that there was a formal request made by Gunnison County Attorney David Baumgarten, at the direction of the BOCC, to extend the comment period. Baumgarten was present for this discussion topic. Baumgarten informed the Committee that he asked the USFWS to extend the comment period by 60 days. He asked for the extension due to the time frame to review and analyze the Proposed Rule, because of its complexity and size of the record. He informed the Committee that he does not know when he may receive a response from the USFWS. Baumgarten informed the Committee that he is also attempting to move the Final Rule decision date back, which is difficult because this date was driven by a court order. Baumgarten expressed that this decision needs complete and full analysis by all parties. Gelatt commented that the response to the extension will have to come from the USFWS headquarters.

Cochran informed the Committee that they received the Record from the USFWS in electronic form, and there are still some parts of the record missing. Cochran informed the Committee that the comments will become public once submitted. The Gunnison County Attorney's office,

Community Development Department, Public Works Department, GIS Department and the City of Gunnison are working on compiling comments to submit to the USFWS.

Westbay provided a table to the Committee regarding the table of Contents on the Proposed Rule to see if this would help facilitate discussion on who needs to do what. The Committee reviewed the table provided.

Cochran opined that agencies with regulatory authority need to compare their information referenced in the Proposed Rule and ensure that the information is correct, because the information could be outdated, mis-stated, mis-used or misunderstood

PEER REVIEW PROCESS: Peterson inquired about the Peer Review process. He asked how the reviewers are selected and if we can have any involvement in that process. Gelatt informed that the Peer Review is in process right now. It will be complete by 3/12/2013. The USFWS asked for reviewer recommendations from the Colorado Division of Parks and Wildlife and the Utah Division of Wildlife Resources. The USFWS is deciding if it is appropriate to provide who is performing the Peer Review. Sharp informed the Committee that after the Peer Review, the Committee will know who it was performed by. The USFWS informed that the Peer Review is being done by sage-grouse scientists, and there is not an economist or land use planner specialist assisting with the Peer Review. The Committee opined that Land Use is a major aspect of the Proposed Rule, and the lack of having the Rule not reviewed by one of these specialists would be inadequate. Cochran opined that lack of a land use specialist is a fatal flaw in the peer review process. Gelatt stated that she appreciated the comments and suggested including this in comments to be submitted for the comment period. The USFWS informed the Committee that an economist will be reviewing the documentation in the EA. It was determined the peer review will be reviewed similar to the comments provided.

FUTURE MEETINGS:

Date	*Time*	*Notes*
March 20, 2013	10-2	Regular Meeting
April 24, 2013	10-2	Regular Meeting

ADJOURN: **MOVED** by Stahlnecker to adjourn the meeting. Motion carried unanimously. The February 20, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee adjourned at 1:49 pm.

CERTIFICATION OF APPROVAL:

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Ken Stahlnecker, Chairperson

Greg Peterson, Secretary

Minutes Prepared By:

Bobbie Lucero, Administrative Assistant III

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