CONSERVATION AGREEMENT

FOR THE GUNNISON SAGE-GROUSE

1.0 INTRODUCTION.

This Conservation Agreement is among:

- the U.S. Fish and Wildlife Service ("FWS"),
- the State of Colorado ("State of Colorado"),
- the Board of County Commissioners of Gunnison County, Colorado ("Gunnison County"),
- the Board of County Commissioners of Saguache County, Colorado ("Saguache County"),
- the Board of County Commissioners of Dolores County, Colorado ("Dolores County"),
- the Board of County Commissioners of Montezuma County, Colorado ("Montezuma County"),
- the Board of County Commissioners of Delta County, Colorado ("Delta County"),
- the Board of County Commissioners of Montrose County, Colorado ("Montrose County"),
- the Board of County Commissioners of Hinsdale County, Colorado ("Hinsdale County"),
- the Board of County Commissioners of Mesa County, Colorado ("Mesa County"),
- the Board of County Commissioners of San Miguel County, Colorado ("San Miguel County"), and
- the Board of County Commissioners of Ouray County, Colorado ("Ouray County").

(collectively the "Parties").

The Parties intend to establish a culture of cooperation, collaboration and partnership that foster Gunnison Sage-grouse so that the species is stable and growing, healthy and likely to persist in the long term.

The Parties jointly and individually state their commitment to assist with and participate in the implementation of this Conservation Agreement. Specific commitments made hereby are as follows:

1. Each Party will exercise its independent judgment to implement as it deems appropriate resolutions, regulations and guidelines ("Institutional Controls")

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within the constraints of existing laws, policies and management plans to enhance species and its habitat;

2. Each Party will exercise its independent judgment to work with the other Parties, private landowners, other entities and the public in an open and collegial manner to foster reasonable and necessary conservation actions to conserve the species and its habitat ("Voluntary Efforts").

2.0 GUIDING PRINCIPLES AND PHILOSOPHY, AUTHORITIES.

2.1 Purpose.

The purpose of this Conservation Agreement is to identify and implement measures and strategies to help reach the goal of increasing the current abundance and vitality of Gunnison Sage-grouse and their habitat by providing coordinated guidance, recommendations and a Rangewide perspective as well as analysis of threats, and specific Rangewide and local assessment goals, strategy goals, implementation tools, and targets.

2.2 Guiding Principles And Philosophy.

The guiding principles of this Conservation Agreement are to (1) encourage and support conservation actions that meet the needs of Gunnison Sage-grouse and that promote economic communities or minimize impacts to communities; (2) manage for a health sagebrush steppe ecosystem so that other sagebrush obligate species in the system will benefit; (3) create a plan that will be flexible enough to incorporate Gunnison Sage-grouse research findings and successful management practices into conservation actions; (4) acknowledge the pivotal role private landowners and local work groups play in conservation efforts; and (5) maintain an atmosphere of cooperation, participation and commitment among all levels of government, wildlife managers, landowners, public and private land managers, other stakeholders, and interested public in development, continuation and implementation of conservation actions.

A guiding philosophy of this Conservation Agreement is that conservation works best when implemented at the most local level possible, coordinated collegially among all the impacted and governing entities.

2.3 Authorities.

2.3.1 Overview of the Endangered Species Act.

The purpose of the Endangered Species Act ("ESA") is to protect and recover imperiled species and the ecosystems upon which they depend. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. When evaluating a species for listing, the FWS considers five factors: (1) the present or threatened destruction, modification, or curtailment of

its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. When one or more of these factors imperils the survival of a species, the FWS may take action under ESA Section 4 to protect it.

The ESA protects endangered and threatened species and their habitats by prohibiting the "take" of listed animals. Section 9 of the ESA prohibits "take" of any federally endangered wildlife species (16 United States Code (USC) § 1538(a)). As defined by the ESA, "take" means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 USC § 1532(19)). "Harm" is further defined by FWS regulations as "an act which actually kills or injures wildlife and may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns including breeding, feeding or sheltering." 50 CFR § 17.3. "Harass" in the definition of take is defined by FWS regulations as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering." *Id*.

The Endangered Species Act at Sections 4(a)(1) and 4(b)(1)(A), and 50 C.F.R. 424.11(f), require the FWS to consider any local regulations, programs or other specific conservation measures that positively affect a species status. 50 C.F.R. 424.11(f) states: "The secretary (of Interior) shall take into account, in making (listing determinations) those efforts, if any, being made by … any political subdivision of a state … to protect such species, whether by … protection of habitat, or other conservation practices, within any area under its jurisdiction…"

2.3.2 Legal and Regulatory Framework.

There are many federal, state and county statutes and regulatory mechanisms that offer protection to Gunnison Sage-grouse. Federal agencies including the United States Fish and Wildlife Service ("USFWS"), United States Bureau of Land Management ("BLM"), United States Forest Service ("USFS"), United States National Park Service ("NPS") and United States Natural Resources Conservation Services ("NRCS") have laws, regulations, policies and funded programs that authorize and support conservation actions for habitat and population management. Both Colorado and Utah have state laws and regulations to protect, preserve and manage wildlife. In Colorado and Utah, counties have regulatory authorities for wildlife and/or Gunnison Sage-grouse conservation.

2.3.3 Federal Authority.

a. United States Fish and Wildlife Service. Among other authorities, the USDI USFWS has authority for conservation of the GUSG through: (1) the ESA of 1973, as amended; (2) the Fish and Wildlife Act of 1956, as amended; and (3) the Fish and Wildlife Coordination Act, as amended. Congress, in Section 2 of the ESA, declares that there is value in having incentives for conservation, and

Section 5 of the Act, as amended in 1978, provides authority for agencies to engage in conservation activities for the protection of candidate species. Section 6 of the ESA directs that the "Secretary shall cooperate to the maximum extent with the states ..." (16 U.S.C. 1535(a)). The Secretary of Interior may also authorize states for monitoring the status of candidate species (16 U.S.C. 1535(c)). The Fish and Wildlife Act of 1956, as amended, and the Fish and Wildlife Coordination Act, as amended, give authorities to the USFWS for enhancement of all fish and wildlife species and mitigation of impacts to fish and wildlife, particularly from Federal water development projects. The Federal Aid and Wildlife Restoration Act of 1937 (Pittman-Robertson Act), as amended, serves as the principal mechanism for providing federal assistance to states for the acquisition, restoration, and maintenance of wildlife habitat, for the management of wildlife areas and resources, and for research into problems of wildlife management (16 U.S.C. 669-669i).

2.3.4 State Law.

a. Colorado Division of Parks and Wildlife. The CPW, a branch of the Colorado Department of Natural Resources, has responsibility for the management and conservation of wildlife resources within state borders, including the conservation and management of threatened and endangered species, as defined and directed by state laws (i.e. Colorado Revised Statutes, Title 33 Article 1). Title 33 Article 1-101, Legislative Declaration states: "It is the policy of the State of Colorado that the wildlife and their environment are to be protected, preserved, enhanced and managed for the use, benefit, and enjoyment of the people of this state and its visitors. It is further declared to be the policy of this state that there shall be provided a comprehensive program designed to offer the greatest possible variety of wildlife-related recreational opportunity to the people of this state and its visitors and that, to carry out such program and policy, there shall be a continuous operation of planning, acquisition, and development of wildlife habitats and facilities for wildlife-related opportunities."

2.3.5 County Authority/County Institutional Controls.

a. County Authority. A Colorado county has the authority to protect and promote the health, welfare and safety of the people within its jurisdiction, the authority to regulate land use planning and environmental quality and protection, and the express authority to protect lands "from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species." See: C.R.S. 29-20-104(1)(b).

3.0 BACKGROUND.

Gunnison Sage-grouse Rangewide Conservation Plan, April 2005 ("Rangewide Conservation Plan") (attached hereto as Appendix A) was the culmination of almost 2 years of effort by the U.S. Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, U.S. National Park Service, the Natural Resources

Conservation Service, the Colorado Division of Wildlife, the Utah Division of Wildlife Resources, North American Mediation Associates and others.

The Rangewide Conservation Plan provided a "conservation assessment," an analysis of threats, and conservation strategies. The Rangewide Conservation Plan provided the then best available, accurate description of the Gunnison Sage-grouse and Gunnison Sage-grouse habitat. The Rangewide Conservation Plan is the bench mark document on which this Conservation Agreement is based.

4.0 DESCRIPTION OF THE AREA TO BE COVERED.

This Conservation Agreement is intended to address conservation strategies for Gunnison Sage-grouse and Gunnison Sage-grouse occupied habitat for all currently existing populations:

a. Gunnison Basin, Colorado
b. Cerro Summit – Sims Mesa, Colorado
c. Crawford, Colorado
d. Dove Creek, Colorado
e. Piñon Mesa, Colorado
f. Poncha Pass, Colorado
g. San Miguel Basin, Colorado

5.0 CURRENT PROGRAMS.

5.1 Local.

5.1.1 Individual Counties.

i. Gunnison County, Colorado (See: Appendix B).
ii. Saguache County, Colorado (See: Appendix C).
iii. Dolores County, Colorado (See: Appendix D).
iv. Montezuma County, Colorado (See: Appendix E).
v. Delta County, Colorado (See: Appendix F).
vi. Montrose County, Colorado (See: Appendix G).
vii. Hinsdale County, Colorado (See: Appendix H).
viii. Mesa County, Colorado (See: Appendix I).
ix. San Miguel County, Colorado (See: Appendix J).
x. Ouray County, Colorado (See: Appendix K).

5.2 State (See: Appendix L).

5.3 Federal (See: Appendix M).

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5.4 Joint Efforts Among Various Parties.

Significant efforts to enhance the species and its habitat already have been initiated among several of the Parties; the Parties intend to continue and expand those efforts which include:

a. Gunnison Sage-grouse Rangewide Conservation Plan, April 2005 ("Rangewide Conservation Plan"). See: Section 3.0 above, and Appendix A. The purpose of the Rangewide Conservation Plan is to identify measures and strategies "to help reach the goal of increasing the current abundance and vitality of Gunnison Sage-grouse and their habitat "by providing guidance, recommendations, and a Rangewide perspective" as well as analysis of threats, and specific Rangewide and local "assessment goals," "strategy goals" and targets.

b. Gunnison Basin Strategic Committee. The Gunnison Sage-grouse efforts were first organized under the Gunnison Basin Local Working Group, founded in 1994, and later incorporated into the Gunnison Basin Sage-grouse Strategic Committee (GBSC), created in 2005, by the Gunnison County Board of County Commissioners, to implement programs and steps that would aid in the preservation of the Gunnison Sage-grouse. They have created both local and regional conservation plans (Gunnison County Sage-grouse Local Working Group 1997, Gunnison Sage-grouse Rangewide Steering Committee 2005, Gunnison Basin Sage-grouse Strategic Plan 2009, Gunnison Basin Sage-grouse Habitat Prioritization Tool 2012), invested over $30 million in direct conservation actions and passed county-level land use regulations." The Charter of the Gunnison Basin Strategic Committee is attached as Appendix P.

c. Candidate Conservation Agreement with Assurances for Gunnison Sage-grouse (*Centrocercus minimus)* between the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service.

In July, 2006 the U.S. Fish and Wildlife Service (FWS) and the Colorado Division of Wildlife (currently, Colorado Parks and Wildlife (CPW)) entered into a Candidate Conservation Agreement with Assurances (CCAA) for the Gunnison Sage-grouse across the range of the species in Colorado. Participating landowners may also be included under the CCAA by signing a Certificate of Inclusion (CI), subject to approval by CPW and concurrence by the FWS.

The purpose of this CCAA is for the FWS to join with the CPW and participating private landowners to implement conservation measures for Gunnison Sage-grouse in a manner consistent with the FWS' policy on CCAA's w (64 FR 32726) and applicable regulations. The conservation goal of the CCAA is to achieve the protection and management necessary to preclude listing by obtaining agreements for grouse habitat protection and/or enhancements on private lands. The conservation goals will be met by giving the State of Colorado and private landowners incentives to implement conservation measures. Landowners will be provided with regulatory certainty concerning land use restrictions that might otherwise apply should the Gunnison Sage-grouse become listed under the Endangered Species Act (ESA).

The CCAA pertains to non-federal lands in Colorado encompassed by the current distribution of Gunnison Sage-grouse, and to those non-federal lands that provide potential habitat that may be occupied by the species in the future, referred to in the Rangewide Conservation Plan as "vacant/unknown" and "potentially suitable" habitats.

Landowners may participate in the CCAA by signing an agreement referred to as a Certificate of Inclusion (CI). CI's are of two basic types: 1) Type 1 – CI's maintain existing conditions and broad management actions; 2) Type 2 – CI's that enhance habitat conditions through changes or additions to existing management actions.

Goals for habitat protection in populations without seasonal habitats mapped were identified in the CCAA Agreement as:

Table 2. Targets for Habitat Protection in populations without seasonal habitats mapped. Population Name	Utilized habitat w/in Occupied Habitat (ac.) (All Ownerships)	Utilized habitat w/in Occupied Habitat (ac.) on Federal Lands	Utilized Habitat in Private Ownership (ac.)	Cons. Easements on pvt. Land in Utilized habitat (ac.) (considered protected)	Remaining pvt land needing protection (ac.)	Utilized Habitat w/in Occupied that is not included in target for protection (*1)(ac.)	Target for CCAA Protection: (Remaining Pvt land minus non-targeted acres) See footnote 2
Crawford	34,908	26,775	8,186	552	7,634	3,491	**4,143**
Dove Creek	86,483	3,725	23,588	997	22,591	8,648	**13,943**
Pinon Mesa	24,185	11,595	15,059	4,005	11,054	2,419	**8,635**
Poncha Pass	14,781	15,092	4,054	0	4,054	1,478	**2,576**
San Miguel	85,999	37,078	47,110	821	46,289	8,599	**37,690**

As of April 24, 2013, CPW provided the following CCAA enrollment information:

Gunnison Basin Population	
16 properties with approved CI's	17,679 acres
7 properties with CI's in process	14,863 acres
2 properties with baseline reports	214 acres
4 new properties awaiting baseline reports	7,585 acres
10 new properties needing additional time	27,485 acres
Potential Gunnison Basin CCAA enrollment	67,826 acres (122% of CCAA goal)
Crawford Population	
1 property with approved CI	2479 acres
1 property with CI in process	1391 acres
1 property with baseline report needed	161 acres
Crawford population CCAA Enrollment	4031 acres (97% of CCAA goal)

d. Gunnison Basin Candidate Conservation Agreement ("CCA"). Beginning in January, 2010, federal land management agencies and the Gunnison Basin Sage-grouse Strategic Committee developed a draft Candidate Conservation Agreement ("CCA") to promote conservation of the Gunnison Basin Population of the

Gunnison Sage-grouse. The CCA addresses three categories of threats to Gunnison Sage-grouse habitat on federal lands in the Gunnison Basin, as identified in the 2010 FWS status review: development, recreation and grazing. The CCA will apply to such actions on the approximately 395,000 federal acres of occupied habitat, or approximately 2/3 of the total 590,000 acres of occupied Gunnison Sage-grouse in the Basin.

It is intended that signatories be:

- USFS: Gunnison Range District of the Gran Mesa, Uncompahgre and Gunnison National Forest.
- USNPS: Black Canyon of the Gunnison National Park and Curecanti National Recreation Area.
- USBLM: Gunnison Field Office.
- USFWS: Western Colorado Field Office.
- USDA Natural Resources Conservation Service, Colorado.
- State of Colorado – Department of Natural Resources, Colorado Parks & Wildlife: Gunnison Service Center.
- Board of County Commissioners of Gunnison County, Colorado.
- Board of County Commissioners of Saguache County, Colorado.

e. Memorandum of Understanding. A memorandum of understanding ("MOU") has been executed among of the governing boards of all of the counties that have either Gunnison Sage-grouse, occupied habitat, or both, in their respective jurisdictions. These counties are:

- Gunnison County, Colorado
- Saguache County, Colorado
- Dolores County, Colorado
- Montezuma County, Colorado
- Delta County, Colorado
- Montrose County, Colorado
- Hinsdale County, Colorado
- Mesa County, Colorado
- San Miguel County, Colorado
- Ouray County, Colorado
- San Juan County, Utah

The intent of the MOU is that the counties, individually and collectively, ensure that "reasonable and adequate work is being conducted, and shall continue to be conducted, to reach the goal of increasing the current abundance, viability and

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vitality of Gunnison Sage-grouse and their habitat. The purpose of (the) MOU is to identify measures and strategies to achieve this goal. This will be accomplished by sharing data, strategies, plans and tools, engaging in dialogue, providing among the parties to the MOU and others recommendations and critique and fostering a Rangewide perspective on Gunnison Sage-grouse and their habitat.

The parties to the MOU memorialized:

1. Their intent to continue informally their joint discussions;
2. Their intent formally to schedule and conduct regular coordination meetings;
3. Their intent to take specific coordinated actions to reach the goal of increasing the current abundance, viability and vitality of Gunnison Sage-grouse and their habitat;
4. Their intent, when reasonable, to enter into formal intergovernmental agreements to implement actions that result from the MOU;
5. The fact that the parties to the MOU, individually and in combinations, already have accomplished significant efforts to foster the Gunnison Sage-grouse.

A copy of the MOU is attached as Appendix Q.

f. Gunnison Sage Grouse Conservation Trust. Gunnison County Sage-grouse Conservation Trust ("Landfill Mitigation Fund For Gunnison Sage-Grouse"). In 1999 the Gunnison County Landfill property was transferred from the Bureau of Land Management to Gunnison County. A requirement of that transfer was mitigation for possible impacts to Gunnison Sage-grouse. A mitigation fund, the *Gunnison Sage-grouse Conservation Trust,* was established by the Gunnison County Board of County Commissioners to hold and disburse funds for Gunnison Sage-grouse projects.

The Gunnison Sage-grouse Conservation Trust commonly referred to as the "landfill mitigation fund" mission statement and guiding principles, as adopted by the Gunnison County Board of County Commissioners, are:

MISSION STATEMENT AND GUIDING PRINCIPLES

The mission of the Gunnison Sage Grouse Conservation Trust is to develop pilot projects, which will preserve Sage Grouse habitat and associated wildlife habitat within a two mile radius of the Gunnison County Landfill. The goal is to increase the number of Gunnison Sage Grouse within this defined area; to address 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.

Efforts to fulfill this mission will be guided by the following principles:

- *The primary emphasis is to use these funds to develop pilot projects within the defined area, which have the potential of being replicated in other Gunnison Sage Grouse habitat areas in the County. This will involve the*

development of standards and goals to measure the success of these projects. A secondary emphasis is focused on acquiring basic biological data through monitoring and research necessary to predict management actions and consequences to achieve the goals of the Sage Grouse Conservation Plan.

- *The primary funding strategy is to cooperate with partners in order to match and maximize all available financial resources. Partners may include the municipalities, government agencies and programs, educational institutions, conservation groups, and trusts and private individuals.*
- *Available resources are spent in a manner to achieve a balance between urgent, immediate demands and farsighted, long-range goals.*
- *To cooperate with the County's agricultural community in sharing information regarding the success or failure of pilot projects in order to retain and continue production on large tracts of farm and ranchlands when preserving sage-grouse habitat.*

In 2006 the Gunnison County Board of County Commissioners expanded the area of consideration for funding from the Trust Fund to include all areas of Gunnison Sage-grouse Occupied Habitat in Gunnison County.

Over $250,000 has been expended from the Trust Fund for Gunnison Sage-grouse Projects (Table 24).

6.0 DURATION.

6.1 This Conservation Agreement is a dynamic document designed to change and adapt to the needs of the Gunnison Sage-grouse as they are identified. It is the intent of the Parties that this Conservation Agreement be formally reviewed every second year after its execution, and will terminate when the Gunnison Sage-grouse is removed from the Colorado Species of Concern List in Colorado and the Utah Sensitive Species List in each State's respective discretion.

7.0 PROPOSED ACTIONS.

7.1 Covered Geographic Areas and Anticipated Activities.

It is the intent of the Parties that the Gunnison Sage-grouse continue to be healthy, robust, stable and likely to persist in the long term. To that end, the Parties shall review and update the Rangewide Conservation Plan to identify each geographic area and each ongoing or reasonably anticipated activity for which a Rangewide conservation strategy or a local conservation strategy should be adopted and implemented by the appropriate governmental entity.

The Parties shall:

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i. Review and amend the existing Rangewide Conservation Plan, no later than _____, to include current information and analysis of population sizes, threats to the species, strategies, and goals;;

ii. Formally adopt the amended Rangewide Conservation Plan, no later than _____;

iii. Expand the current County MOU group to include the other Parties to be a Conservation Agreement Group which shall meet no less than every six months;

iv. The local governments create and continue "local population" strategic committees;

v. Each Party in its discretion shall implement local strategies consistent with the Rangewide Conservation Plan as amended – individually or with other Parties – (both regulatory and nonregulatory) in its own jurisdiction (defined for the federal and state governments by agency, and for local governments by their legal, jurisdictional boundary);

vi. Each local government shall develop a "habitat prioritization tool" (similar to that developed by Gunnison County) in its respective jurisdiction;

vii. The Parties to work in collaboration to export and import strategies based on the needs of each Gunnison Sage-grouse population;

viii. Monitor for performance of Rangewide Conservation Plan (as amended) goals;

8.0 ADDITIONAL ACTIONS.

The Parties will explore:

1. Additional conservation partners:

a. United States Department of Interior Bureau of Land Management ("BLM").

The United States Department of Interior (USDI) BLM has authority for conservation of GUSG through: (1) the Federal Land Management Policy Act (FLMPA) of 1976 (43 U.S.C. 1701 et seq.; 90 stat. 2743; PL 94-579; (2) the Sikes Act, Title II (16 U.S.C. 670 et seq.), as amended; and (3) the BLM Manual 6840, Special Status Species Management. Specifically, the FLMPA guidance on sensitive species authorizes that "the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air, and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals… (43 USC 1701 Sec. 102 (a) (8))."

Section 06 (C) of the 6840 Manual gives the following guidance on candidate species: "Consistent with existing laws, the BLM shall implement management plans that conserve candidate species and their habitats and shall ensure that

actions authorized, funded, or carried out by the BLM do not contribute to the need for the species to become listed." Specific BLM guidance is outlined in the 6840 Manual. Section .12 of the 6840 Manual states: "Actions authorized by BLM shall further the conservation of federally listed and other special status species and shall not contribute to the need to list any special status species under provisions of the ESA, or designate additional sensitive species under provisions of this policy." The Department of Interior Fish and Wildlife Policy: State-Federal Relationships (43CFR Part 24.4 (c)) states in part that "…the Secretary of Interior is charged with the responsibility to manage non-wilderness BLM lands for multiple uses, including fish and wildlife conservation. In addition, the RCP is consistent with the BLM National Conservation Strategy for Sage-grouse (Bureau of Land Management 2004b).

b. United States Department of Agriculture Forest Service ("USFS").

The United States Department of Agriculture (USDA) Forest Service (USFS) has authority for conservation of the GUSG through: 1) the Multiple Use-Sustained Yield Act (MUSY) of 1960 (P.L. 86-517, 74 Stat. 215, 16 U.S.C 528(note), 528-531); 2) the Sikes Act of 1960 (P.L. 86-797, 74 Stat. 1052, 16 U.S.C. 670 et seq., as amended); 3) the Forest and Rangeland Renewable Resources Planning Act (RPA) of 1974 (P.L. 93-378, 88 Stat. 476, as amended; 16 U.S.C. 1600(note), 1600-1614); 4) the National Forest Management Act (NFMA) of 1976 (P.L. 94-588, 90 Stat. 2949, 16 U.S.C. 472 et seq.) and its implementing regulations (36 CFR 219); 5) Public Rangelands Improvement Act of 1978 (P.L. 95-514, 92 Stat. 1806, 43 U.S.C. 1901-1908); and 6) USDA Regulation 9500-4 and the Forest Service Manual (FSM) Chapter 2600. MUSY directs the USFS to administer the National Forests for outdoor recreation (including wilderness), range, timber, watershed, and wildlife and fish purposes, in cooperation with interested State and local governmental agencies and others. "Multiple use" means the harmonious and coordinated management of the various surface renewable resources so that they are utilized in the combination that will best meet the needs of the American people. The Sikes Act provides authority for cooperative planning, habitat improvement, and providing adequate protection for threatened or endangered species under the Endangered Species Act of 1973 or species considered to be threatened, rare, or endangered by the State agency. RPA and NFMA provide for comprehensive, integrated planning that will provide for the diversity of plant and animal communities to meet overall multiple-use objectives. USDA Regulation 9500-4 directs the USFS to manage "habitats for all existing native and desired nonnative plants, fish and wildlife species in order to maintain at least viable populations of such species." USFS policy states: "To preclude trends toward endangerment that would result in the need for federal listing, units must develop conservation strategies for those sensitive species whose continued existence may be negatively affected by the forest plan or a proposed project." (FSM 2621.2).

c. United States Department of Interior National Park Service ("NPS").

The USDI NPS has authority for conservation of the GUSG through the 1916 NPS Organic Act (16 USC 1) which charges the NPS with management of parks to "... conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." Additional authorities that guide the NPS are found in the General Authorities Act of 1970 (16 USC 1c (a)) and the Redwood Act of 1978 (16 USC 1a-1). Furthermore, the Presidential Proclamation establishing Black Canyon of the Gunnison National Monument (Proclamation No. 2033; March 2, 1933; 17 Stat. 2558), and the Memorandum of Agreement between the NPS and Bureau of Reclamation dated February 11, 1965, provide authorities for protection of the GUSG at Black Canyon of the Gunnison National Park and Curecanti National Recreation Area.

NPS Management Policies and the NPS-77 Natural Resources Management Guideline state that the NPS will seek to perpetuate the native animal life as part of the natural ecosystem of parks. They further define Species of Concern as all native animal species within a park that face an immediate danger of losing their natural role in an ecosystem because of human-induced change. Regarding Species of Concern, NPS-77 states that the NPS should also look for opportunities to enter into cooperative and interagency agreements and memoranda of understanding with other federal and state agencies on research, monitoring, and management of the Species of Concern, and, where appropriate, promulgate regulations. The NPS must strive to protect the natural conditions and processes and the ecosystem integrity to the greatest extent possible for Species of Concern.

NPS-77 further states, "Management of Candidate species should, to the greatest extent possible, parallel the management of federally listed species." The NPS Management Policies identifies the management of threatened or endangered plants and animals as follows: "The Service will survey for, protect, and strive to recover all species native to national park system units that are listed under the ESA. The Service will fully meet its obligations under the NPS Organic Act and the ESA to both proactively conserve listed species and prevent detrimental effects on these species."

d. United States Department of Agriculture Natural Resources Conservation Service ("NRCS").

The USDA NRCS has authority for conservation of GUSG through: (1) the Soil Conservation and Domestic Allotment Act of 1936, as amended (PL 74-46; (2) the Department of Agriculture Reorganization Act of 1994 (PL 103-354; 7 U.S.C. 6962); and (3) the Farm Security and Rural Investment Act (Farm Bill) of 2002 (PL 107-171).

e. United States Farm Services Administration ("FSA").

The FSA, under the Conservation Reserve Program, establishes contracts with agricultural producers to retire highly erodible and other environmentally sensitive cropland and pasture for improvement of surface water quality,

creation of wildlife habitat, preservation of soil productivity, and reduction of offsite wind erosion damages.

f. The State of Utah ("State of Utah").

Utah Division of Wildlife Resources. Title 23 of the Utah Code is the Wildlife Resources Code of Utah and provides the UDWR the powers, duties, rights, and responsibilities to protect, propagate, manage, conserve, and distribute wildlife throughout the state. Section 23-13-3 declares that wildlife existing within the state, not held by private ownership and legally acquired, is property of the state. Sections 23-14-18 and 23-14-19 authorize the Utah Wildlife Board to prescribe rules and regulations for the taking and/or possession of protected wildlife. The hunting season for GUSG in Utah has been closed since 1989.

UDWR's wildlife management philosophies are reflected in its Mission Statement and Strategic Plan. The mission of the UDWR is to assure the future of protected wildlife for its intrinsic, scientific, educational, and recreational values through protection, propagation, conservation, and distribution throughout the state of Utah. The UDWR Strategic Plan calls for focusing efforts on increasing the abundance, distribution, and range for species of conservation need by sustaining and restoring habitat functions. A ten-year comprehensive wildlife conservation plan for Utah will be developed and implemented to address species/habitats of conservation need, their priorities, and the necessary actions and future changes.

g. The Board of County Commissioners of San Juan County, Utah ("San Juan County, Utah")

A Utah county has the authority to provide for the health, safety and welfare, and promote the property and aesthetics of each county and its present any future inhabitants and businesses, and provide fundamental fairness in land use regulation. See: U.C.A. §§17-27a-102.

2. NRCS and Other Private Lands Conservation Programs (E.g. EQIP, WHIP, FRPP).
3. Non-agricultural CCAA's.
4. Mitigation Agreement.
5. Habitat Conservation Funding.

9.0 SEPARATE ACTIVITIES AND RESOURCES.

Each of the Parties retains its sole discretion to conduct its own activities and utilize its own resources, including expenditure of its own funds, in implementing this Agreement. Nothing in this Conservation Agreement shall commit a Party to obligate or transfer funds. Specific work projects or activities that involve the transfer of funds, services or property will require separate agreements and be contingent upon the availability of appropriated funds. Each Party will carry out its separate activities as expeditiously as possible in a coordinated and mutually beneficial manner.

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10.0 SIMILAR ACTIVITIES.

This Conservation Agreement in no way restricts a Party from participating in similar activities with other public or private agencies, organizations or individuals.

11.0 REMEDIES LIMITED.

This Conservation Agreement does not, and shall not be construed to, create any cause of action in law or equity. The sole remedy for breach or nonperformance shall be termination of the Conservation Agreement.

FOR U.S. FISH AND WILDLIFE SERVICE

By:

_____

Name, Title

FOR THE STATE OF COLORADO

By:

_____

Name, Title

FOR THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO

By:

_____

Paula Swenson, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY, COLORADO

By:

_____

Linda Joseph, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF DOLORES COUNTY, COLORADO

By:

_____

Douglas R. Stowe, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY, COLORADO

By:

_____

Steve Chappell, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF DELTA COUNTY, COLORADO

By:

_____

FOR THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO

By:

_____

DRAFT

C. Doug Atchley, Chairperson

Ronald D. Henderson, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY, COLORADO

By:

_____

Cindy Dozier, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO

By:

_____

Steven Acquafresca, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO

By:

_____

Joan May, Chairperson

FOR THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO

By:

_____

F. Mike Fedel, Chairperson

APPENDICES.

A. Gunnison Sage-grouse Rangewide Conservation Plan
B. Gunnison County, Colorado
C. Saguache County, Colorado
D. Dolores County, Colorado
E. Montezuma County, Colorado
F. Delta County, Colorado
G. Montrose County, Colorado
H. Hinsdale County, Colorado
I. Mesa County, Colorado
J. San Miguel County, Colorado
K. Ouray County, Colorado
L. State

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M. Federal

N. Candidate Conservation Agreement with Assurances for Gunnison Sage-grouse (Centrocercus minimus) between the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service

O. Candidate Conservation Agreement on Federal Lands in the Gunnison Basin

P. Strategic Committee Charter

Q. Memorandum Of Understanding Among The Board Of County Commissioners Of Gunnison County, Colorado, The Board Of County Commissioners Of Saguache County, Colorado, The Board Of County Commissioners Of Dolores County, Colorado, The Board Of County Commissioners Of Montezuma County, Colorado, The Board Of County Commissioners Of Delta County, Colorado, The Board Of County Commissioners Of Montrose County, Colorado, The Board Of County Commissioners Of Hinsdale County, Colorado, The Board Of County Commissioners Of Mesa County, Colorado, The Board Of County Commissioners Of San Miguel County, Colorado, The Board Of County Commissioners Of Ouray County, Colorado And The Board Of County Commissioners Of San Juan County, Utah

R. Habitat Prioritization Tool Documentation

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APPENDIX A

Gunnison Sage-grouse Rangewide Conservation Plan, April 2005 ("Rangewide Conservation Plan")

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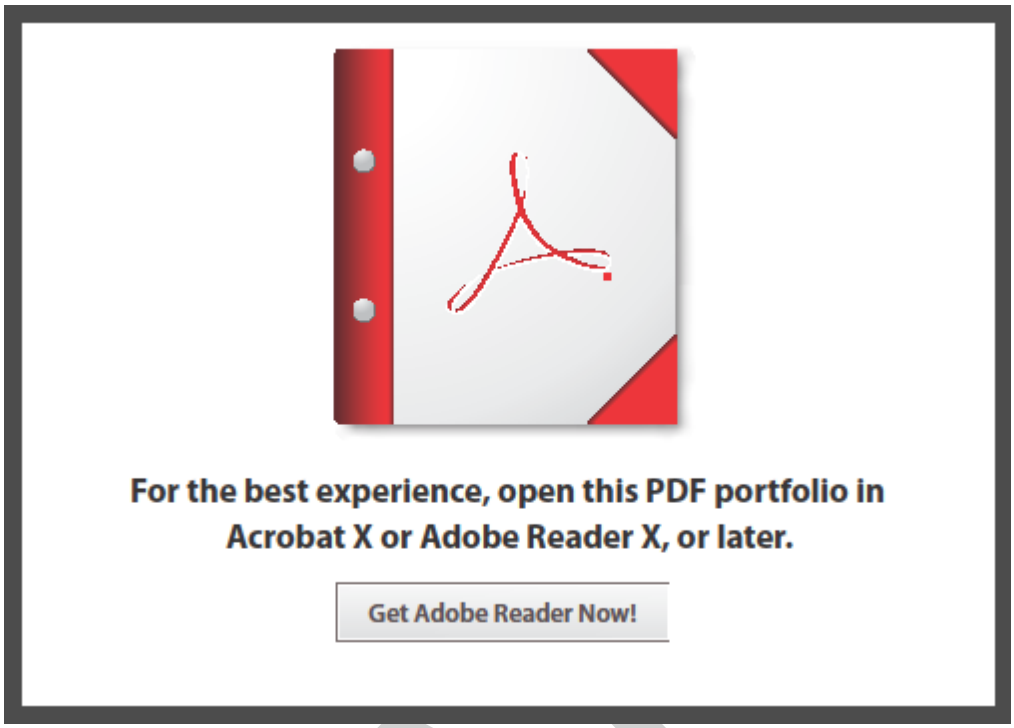
GUNNISON SAGE-GROUSE RANGEWIDE CONSERVATION PLAN

April 2005

PLAN REPRESENTATIVES:
Bureau of Land Management
Colorado Division of Wildlife
National Park Service
Natural Resources Conservation Service
North American Mediation Associates
United States Forest Service
United States Fish and Wildlife Service
Utah Division of Wildlife Resources

Cover Artwork by Brian Maxfield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APPENDIX B
Gunnison County, Colorado

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A. Institutional Controls. Gunnison County has adopted the following Institutional Controls:

(1) Gunnison County Land Use Resolution.

(a) Gunnison County first adopted a"Subdivision Resolution" in 1972, and first adopted a "Land Use Resolution" in 1977. Since 1977, Gunnison County has had in effect, continuously, a comprehensive land use regulatory document. The most current version was adopted in 2001.

(b) The Gunnison County Land Use Resolution is intended both as a comprehensive planning document and a regulatory tool. One of the comprehensive planning goals, articulated at Gunnison County Land Use Resolution, Section 1-103. Purposes, D.3., Preserve Wildlife Habitat, states that a primary function of the document is: "To protect and preserve lands from land use activities and patterns of development that would cause significant net adverse effects to sensitive wildlife habitat and to discourage land uses that will impair or destroy such habitats, or their utilization by wildlife species, or that would endanger a wildlife species. It is the intent of this *Resolution* that private landowners do not lose reasonable use of their land or, when appropriate, receive fair compensation because of owning sensitive wildlife habitat."

(c) Gunnison County Land Use Resolution, Section 11-106, Protection of Wildlife Habitat Areas.

Section 11-106 is explicitly designed to:

(i) Sustain and enhance survival of the Gunnison sage-grouse.

(ii) Help implement an effective strategy and programs that will preclude the need to list the Gunnison Sage-grouse.

(d) Section 11-106 requires review of building permits, access permits, individual sewage disposal system permits, and reclamation permits on a parcel that is wholly or partially within 0.60 miles of a Gunnison Sage-grouse lek or occupied habitat, including referral of minor and major impact projects to the Colorado Division of Parks and Wildlife.

(e) Section 1-110, Process For Designating Special Areas. Section 1-110 establishes a process by which the County may also be used as a planning tool and the basis of a regulatory regime. Pursuant to this section, Gunnison County can designate particular geographical areas, basins or other land areas as being subject to specialized land use regulations.

(2) Gunnison County Special Development Project Regulations. Gunnison County first adopted a "Special Development Projects Resolution" in 1990. Statutory authority for that document includes C.R.S. 24-65.1-101 et seq. (the "1041" statute). Gunnison County uses its "1041" authority to regulate projects that are characterized by:

(a) Any one or a combination of the following:

(i) Development within a mineral hazard area;\

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(ii) Development within a natural resource area;

(iii) Development within an area containing or having a significant impact upon historical, natural or archeological resources of statewide importance;

(iv) Areas around key facilities;

(v) Site selection and construction of major new domestic and wastewater treatment systems;

(vi) Site selection and development of solid waste disposal sites;

(vii) Site selection of an airport;

(viii) Site selection of rapid or mass transit terminals;

(ix) Site selection of arterial highways;

(x) Site selection and construction of a major facility of a public utility;

(xi) Site selection and development of a new community;

(xii) Efficient utilization of municipal and industrial water projects;

(xiii) Nuclear detonations;

(xiv) Development of a recreation development.

AND that:

(i) Results in additional direct or indirect employment within the County, whether temporary or permanent, equal to at least 2% of the County's population at the time of the application; or

(ii) Involves total capital expenditure of more than $25,000,000; or

(iii) Increases the population of the County, whether temporarily or permanently, by at least five percent; or

(iv) Is a project which will be the subject of an EIS pursuant to NEPA; or

(v) Is a development conducted by a governmental entity.

Standards for approval include:

(a) Section 5-101, X, <u>No Significant Degradation Of Terrestrial Animal Life And Habitat</u>, which reads: "The Proposed Project shall not significantly degrade the terrestrial animal life and habitat. The determination of effects of the Proposed Project on terrestrial animal life and habitat may include but is not limited to the following considerations:

(i) Alterations in population size that threaten population viability, disrupt community dynamic, or affect ecosystem processes.

(ii) Continued provision of historical access or agreed upon new access other than the historical access, for the Colorado Division of Wildlife to manage wildlife and to monitor wildlife activities.

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(iii) Changes to habitat and critical habitat, including calving grounds, mating grounds, nesting grounds, summer or winter range, migration routes, or any other habitat features necessary for the protection and propagation of any terrestrial animals.

(iv) Changes to the terrestrial food webs.

(v) Compliance with the standards of *Land Use Resolution* Section 11-106: *Protection of Wildlife Habitat Areas*.

(vi) Compliance with the terms of the 2005 G*unnison Sage-grouse Rangewide Conservation Plan*."

(b) Section 5-101, Z., NO SIGNIFICANT DEGRADATION OF TERRESTRIAL AND AQUATIC PLANTS**.** The Proposed Project shall not significantly degrade terrestrial and aquatic plants. The determination of effects of the Proposed Project on terrestrial and aquatic plants may include but is not limited to the following considerations: (i) Changes to the structure and function of vegetation, including species composition, diversity, biomass, and productivity. Changes in advancement or succession of desirable and less desirable plant species, including noxious weeds.

(3) Gunnison County Regulations For Oil and Gas Operations.

(a) Section 1-108 D. requires that an "oil and gas operation" "shall not cause significant degradation of wildlife or sensitive wildlife habitat."

(b) Gunnison County's authority to regulate impacts of oil and gas operations on wildlife and wildlife habitat, on non-federal and federal land, was upheld in Board of County Commissioners of Gunnison County, Colorado v. BDS International, 159 P.3d 773 (2006).

(4) Gunnison County Individual Sewage Disposal Regulations. Pursuant to the Gunnison County Land Use Resolution, Section 11-106, sitting of an individual sewage disposal system within 0.60 miles of a Gunnison Sage-grouse lek or occupied habitat is specially reviewed.

(5) Gunnison County Standards And Specifications For New Construction Of Roads And Bridges.

(a) Pursuant to the Gunnison County Land Use Resolution, Section 11-106, a road access permit within 0.60 miles of a Gunnison Sage-grouse lek is specially reviewed habitats and specific conditions are included in an approval.

(b) Pursuant to the Gunnison County Land Use Resolution, Section 11-106, a road access permit within mapped Gunnison Sage-grouse occupied habitat is reviewed for impacts to Gunnison Sage-grouse and their habitats and specific conditions are included in an approval.

(6) Gunnison County Ordinances and Resolutions Regarding Dogs.

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(a) Ordinance No. 5, 1988, An Ordinance Concerning Vicious Dogs. This ordinance defines what a "vicious dog" is, outlines control of vicious dogs and identifies enforcement action and penalties. This ordinance is in effect and countywide.

(b) Ordinance No. 13, 2000, An Ordinance Establishing Regulations for Control of Domestic Animals within the Unincorporated Areas of Gunnison County, Colorado. This ordinance regulates "unleashed" dogs and other domestic animals that are not being used to assist with the herding or care of livestock from interfering with livestock on agricultural lands and identifies penalty. This ordinance is in effect and county wide.

(c) Resolution No: 92-49, A Resolution Designating the Antelope Hills Division of the Gunnison County Water and Sewer District as a Designated Dog Control Area. This Resolution designates the Antelope Hills Division of the Gunnison County Water and Sewer District as a dog control area pursuant to Resolution No: 92-10. However Resolution No: 02-23 repealed Resolution No: 92-10 so although Resolution No: 92-49 is actively on the books, we recommend it be formally repealed.

(d) Resolution No: 02-23, A Resolution Concerning Control and Licensing of Dogs. Pursuant to C.R.S. §30-15-101, et. seq., this Resolution provides for control, licensing, dogs running at large, seizure and impoundment and penalties regarding dogs in the entirety of the unincorporated areas of Gunnison County. However, Licensing is required <u>only</u> in the unincorporated areas identified in Appendix "A" which are Allen Home Sites, Crested Butte South, First through Fourth Filings. We are not aware that the licensing requirements are being enforced. An issue to consider is whether licensing should be county wide or should include Antelope Hills.

(e) Resolution No: 02-30, A Resolution Amending Resolution No: 02-33. This Resolution amended paragraph 2.i of Resolution No: 02-23 defining "Running at Large" to reference Section 2d rather than 2c.

(7) BOCC Resolution No. 2005-31, A Resolution Initiating Designation Of Particular Geographic Areas For Specialized Land Use Regulations Regarding The Gunnison Sage-grouse (copy attached as Appendix A).

(8) BOCC Resolution No. 2007-09, A Resolution Authorizing Temporary Closure of Certain Roads Within The county of Gunnison, Colorado For Protection Of Gunnison Sage-grouse (copy attached as Appendix B).

(9) BOCC Resolution No. 2007-17, A Resolution Amending Section 11:106: Protection of Wildlife Habitat Areas, And Related Sections of the Gunnison County Land Use Resolution, and Replacing The Temporary Regulations for Gunnison County Land Use Change, Access, Reclamation, Individual Sewage Disposal System or Building Permit Located Wholly Or Partially Within A 0.60 Mile Radius of a Gunnison Sage-grouse Lek, or Located Wholly Or Partially Within Gunnison Sage-grouse Occupied Habitat (copy attached as Appendix C).

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(10) BOCC Resolution No. 95-34, A Resolution Stating Policy Regarding Regulation Of Parcels Of Land (over 35 acres in size.) (Copy attached as Appendix D).

B. Voluntary Efforts.

(1) Gunnison County's Intergovernmental Actions.

(a) Gunnison County/City of Gunnison Intergovernmental Planning Agreement –one of the first such documents in the State of Colorado; allows the City of Gunnison to comment on all proposed development in the municipal three mile planning area.

(b) Gunnison County and City of Gunnison Utility Extension Service Agreement (2001) which serves as a primary growth management tool directing development to subdivisions with utility services.

(c) Gunnison River Watershed Integrated Weed Management Plan.

(d) Hartman Rocks Management & Master Plan, December 11, 1997.

(e) Multi-agency (Gunnison County, BLM, USFS) Gunnison Sage-grouse season road closures.

(2) Gunnison Basin Sage-grouse Strategic Committee.

In 2005, Gunnison County created the Gunnison Basin Sage-grouse Strategic Committee "to work with the Gunnison County Wildlife Conservation Coordinator to implement programs and steps which will aid in the preservation of the Gunnison Sage-grouse."

The purposes of the Sage-grouse Strategic Committee are to work with the County's Wildlife Conservation Coordinator in implementing the following action steps:

a. To work with the Wildlife Conservation Coordinator in an advisory capacity in developing a Strategic Plan for the recovery of Gunnison Sage-grouse.

b. To implement programs and strategies which will aid in the preservation of the Gunnison Sage-grouse. This will involve coordination with the Sage-grouse Mitigation Committee, the Sage-grouse Working Group, the Bureau of Land Management, U.S. Forest Service, the Colorado Division of Wildlife, US Fish and Wildlife Service, National Park Service, Natural Resources Conservation Service, Range Wide Conservation Committee and private landowners.

c. To assist in the review of the Gunnison County Land Use Resolution to advise as to what revisions need to be made to further protect Sage-grouse Habitat.

d. To work with the Wildlife Conservation Coordinator in assisting Gunnison County in negotiating multiple Certificate of Inclusions with the DOW's CCAA for all appropriate County property.

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e. To assist the Wildlife Conservation Coordinator in negotiating uniformity of requirements that are consistent and predictable among the various regulatory agencies.

f. To assist the Wildlife Conservation Coordinator to ensure there is a coordinated review process of permits and projects which will occur on federal property.

g. To assist the Wildlife Conservation Coordinator in implementing a communications and education program which will provide accurate and current information regarding the potential listing of the Gunnison Sage-grouse under the Endangered Species Act.

h. Committee action include but are not limited to:

   1. Gunnison Basin Sage-grouse Strategic Plan (Appendix E) (adopted by the Gunnison County BoCC on February 17, 2009)

   2. Gunnison County Sage-grouse Conservation Action Plan (Appendix F). Adopted by the Gunnison County BoCC on October 20, 2009)

   3. Gunnison Basin Antler Shed Collection Regulations (Colorado Wildlife Commission 2009)

   4. Gunnison Sage-grouse Festival (2011, 2012, 2013)

   5. Gunnison Basin, Gunnison Sage-grouse Candidate Conservation Agreement (BLM 2013)

i. Membership is comprised of thirteen regular members. Twelve members shall be appointed by the Gunnison County Board of County Commissioners and one member shall be appointed by the Saguache County Board of County Commissioners. Applicants to the Sage-grouse Strategic Committee will be drawn from: three at large of which one shall represent the public at-large, one shall represent the development community and one shall represent the recreation community; one appointed by the Gunnison County Board of County Commissioners to represent Gunnison County; one appointed by the Saguache County Board of County Commissioners to represent Saguache County; one nominated by High Country Citizens' Alliance; one nominated by the Bureau of Land Management; one nominated by the Gunnison County Stockgrowers; one nominated by the U.S. Fish and Wildlife Service; one nominated by the Division of Wildlife; one nominated by Natural Resources Conservation Service; one nominated by the Forest Service; and one nominated by the National Park Service. The Wildlife Conservation Coordinator shall be an ex-officio non-voting member of the committee. The Gunnison County Board of County Commissioners shall appoint one alternate for each at-large position. The other nominating entities shall recommend one member and one alternate for a two-year term. The alternates may only vote on issues before the Sage-grouse Strategic Committee if the member is absent.

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APPENDIX C
Saguache County, Colorado

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SAGUACHE COUNTY GOVERNMENT
501 Fourth Street · P. O. Box 655
Saguache, Colorado 81149

Gunnison Sage Grouse (GuSG) Conservation Activities in Saguache County • *May 27, 2013*

SAGUACHE COUNTY GOVERNMENT 2011-2013

- Review by Saguache County Planning Commission of the Wildlife Chapter of the Land Use Code, which pertains to all wildlife including Gunnison Sage Grouse.
- Saguache County Land Use Dept., working with Gunnison County Wildlife Conservation Coordinator:
  - and their GIS/GPS staff in developing habitat prioritization overlay maps for Poncha Pass, projected to be available by June 1. This will allow us to further identify areas for attention regarding growth and development patterns and conservation priorities.
  - reviewing Gunnison's inspection procedures for properties in grouse habitat, conducted in collaboration with their area wildlife manager, for a parallel procedure in Saguache County grouse habitat.
- Road Closures to protect grouse
  Poncha Pass Population:
  - Spring 2013, BLM Roads 980, 948, 982 closed for lek season.

  Gunnison Basin Population:
  - currently closed annually - WW13 (for many years)
  - Following consultations with the Gunnison County Wildlife Coordinator, County Roads under study for closing/seasonal restrictions - UU13, PP14, NN14, 17GG, 23YY, 24UU, 24VV, KK14, 6YY, 6UU, 5YY, YY10, 1TT.
- Saguache County Commissioners have convened key counterparts for the Poncha Pass area, to those serving on the Gunnison Sage Grouse Strategic Conservation Committee for the Gunnison Basin. Gunnison County Wildlife Conservation Coordinator and their Area Wildlife Coordinator presented their collaborative procedures for Sage Grouse conservation. In attendance: Saguache County Commissioners, Land Use Dept. personnel, Poncha Working Group Cooridator, Gunnison Strategic Committee Alternate for Saguache County, BLM, Forest Service and Parks & Wildlife.
  Follow-up items, in progress:
  - Consider formalizing a standing Wildlife & Habitat Strategic Conservation Committee, with additional stakeholder representation, to build collaborative relations, capacity and activities.
  - Convene a Poncha Pass Working Group meeting in June, to update the broader group on the issues and needs of Poncha.
  - On the ground review of drought impacts is necessary. Habitat preservation/restoration activities are needed.

- Saguache County has authorized:
  - Title III funds to Grouse mapping, planning and conservation coordinations ($5,000), and
  - a grantwriting stipend to pursue grouse/habitat related project funding for Poncha Pass ($500)

Lack of resources has been the main issue with addressing the health and vitality of the Poncha Pass GuSG and habitat, historically.

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Page 1 of 1
State of Colorado
Carla Gomez Saguache County Recorder
05-07-2013 11:45 AM Recording Fee $11.00

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SAGUACHE, COLORADO
RESOLUTION – 2013 – LU – 11

RESOLUTION STATING POLICY REGARDING REGULATION OF PARCELS OF LAND

WHEREAS, the Planning Commission and staff of Saguache County, Colorado have requested the Board of County Commissioners of Saguache County, Colorado to articulate County policy regarding County regulation of individual parcels of land greater than 35 acres in size, and

WHEREAS, those persons with an interest in individual parcels of land greater than 35 acres in size will benefit from such an articulation of County policy, and

WHEREAS, the Board of County Commissioners of Saguache County, Colorado desires to clearly state its policy regarding regulation of individual parcels of land greater than 35 acres in size, and

WHEREAS, Saguache County is precluded, under current State Statue, generally from regulating the act of subdividing land into parcels all of which are 35 acres or greater in size.

NOW, THEREFORE BE IT RESOLVED THAT the Board reaffirms that the policy of Saguache County is that individual parcels of land greater than 35 acres in size are subject to the same County review and regulatory processes as individual parcels less than 35 acres in size except, as is generally provided in current state statute, for the act of subdividing such parcels into resultant parcels all of which are 35 acres or greater in size.

INTRODUCED by Commissioner Jason Anderson, seconded by Commissioner Ken Anderson and adopted this 7th of May, 2013.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SAGUACHE, COLORADO

Linda Joseph, Chairperson

Ken Anderson, Commissioner

Jason Anderson, Commissioner

ATTEST:

Clerk of the Board

DRAFT
June 13, 2013

APPENDIX D
Dolores County, Colorado

DRAFT

A. Institutional Controls. Dolores County has adopted the following Institutional Controls:

(1) Resolution No: 05-13-04, A Resolution Recognizing Planning and Regulating Means Available For Local Efforts In Preservation of Gunnison Sage Grouse

Page 1 of 2
LeRita Bergelson County Clerk & Recorder
Dolores County, CO RP 50.00
05-21-2013 11:00 AM Recording Fee $5.00

RESOLUTION NO. 05-13-04

A RESOLUTION RECOGNIZING PLANNING AND REGULATING MEANS AVAILABLE FOR LOCAL EFFORTS IN PRESERVATION OF GUNNISON SAGE GROUSE

At a regular meeting of the Board of County Commissioners of Dolores County, Dove Creek, Colorado, held and convened on the 20th day of May, 2013, with the following persons:

Commissioners present:	Ernie Williams, Julie Kibel and Doug Stowe
Commissioners absent:	None
County Attorney:	Dennis R. Golbright
Deputy Clerk to the BOCC:	Margret Daves

WHEREAS, the U.S. Fish and Wildlife Service has proposed certain rules regarding the listing of the Gunnison Sage Grouse as an endangered species and also designating certain habitat as "critical," much of which is located within Dolores County; and

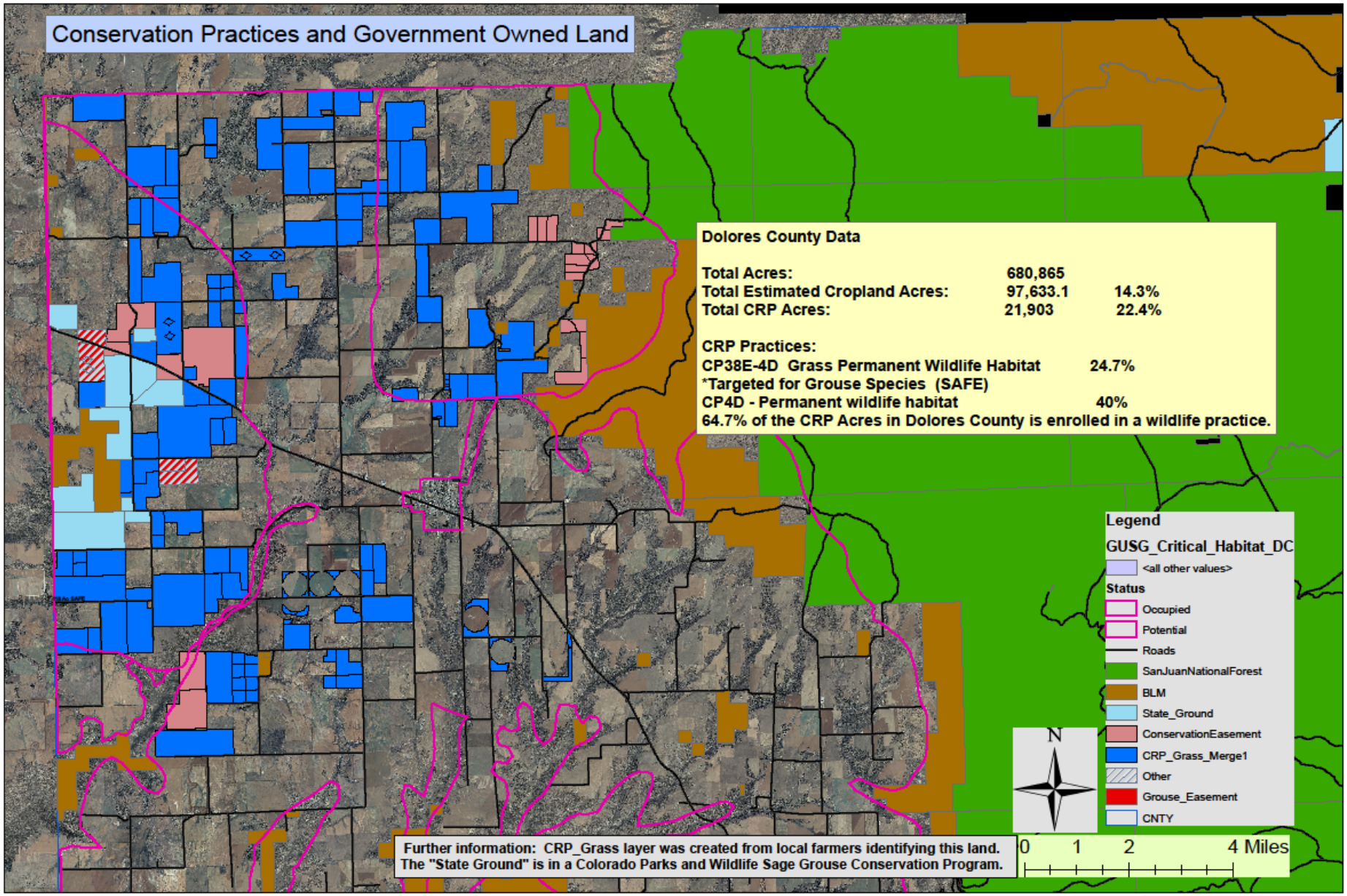
WHEREAS, the Dolores County BOCC has submitted certain comment letters and has taken certain positions regarding the proposals. One such position is that local action is the most effective means for conserving the Gunnison Sage Grouse; and

WHEREAS, the Dolores County BOCC wishes to enumerate some of the regulatory tools available to the County in promoting and mandating conservation efforts and provide commitment to utilizing those tools; and

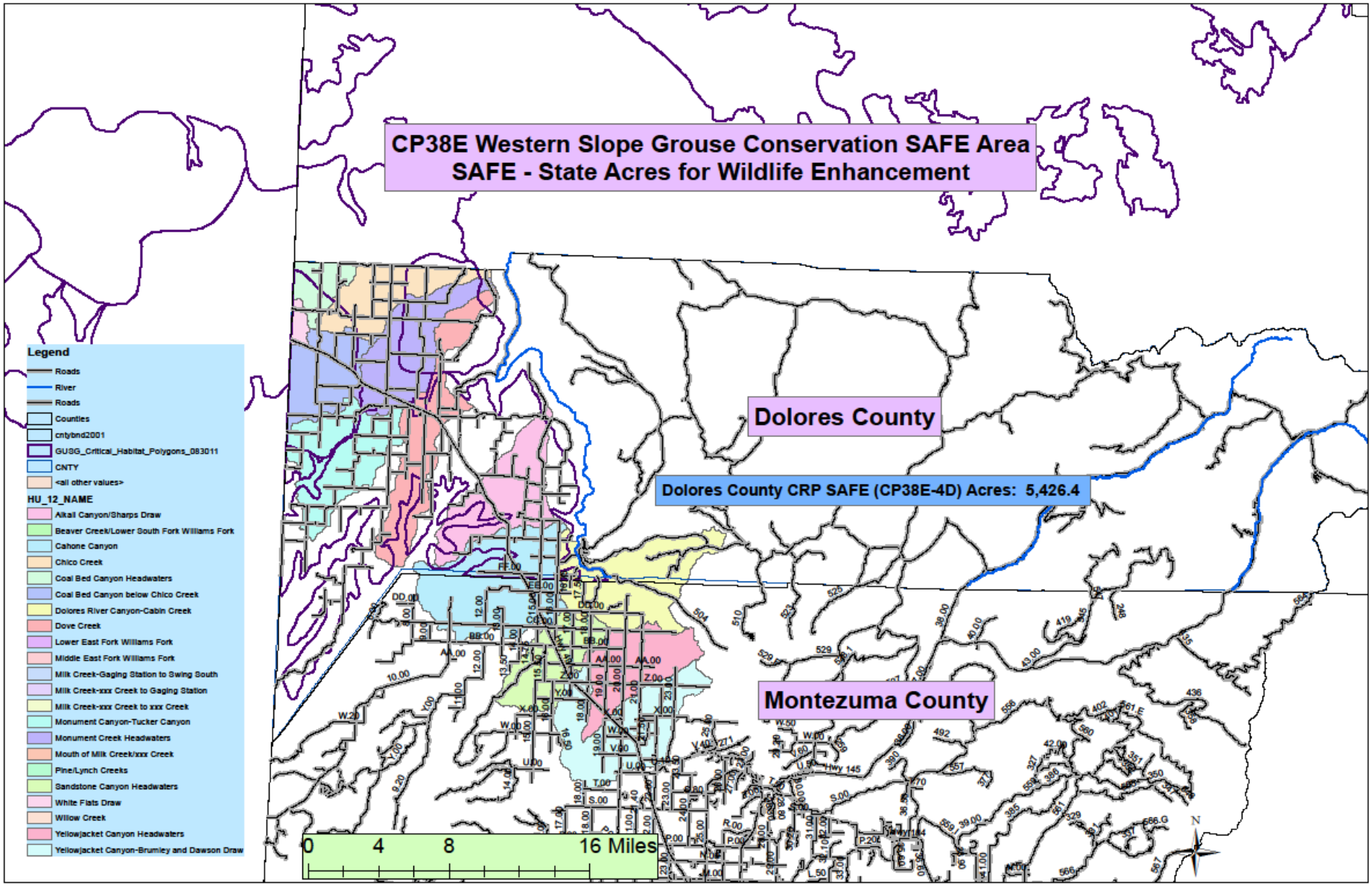
WHEREAS, those tools available include, but are not limited to the following:

1) The Dolores County Development and Land Use Regulations specially provide for the review of impact on wildlife and implementation of recommendations by the Colorado Department of Parks and Wildlife in any Change of Use Application submitted to the County. Further, any such application is forwarded to numerous agencies for comment early in the application process. The agencies include the U.S. Forest Service, BLM, Parks and Wildlife, Canyon of the Ancients National Monument, any other impacted agencies. Recommendations received and/or protections determined prudent by the Dolores County BOCC are included as conditions for final approval. Those conditions are reflected in Land Development Agreements, which are enforceable on an ongoing basis by numerous means.

2) The Dolores County BOCC works closely with the U.S. Forest Service and the BLM coordinating all actions including road closures and other actions designed at protecting specific wildlife, both permanently and seasonally. The coordination takes place at monthly meetings with the BOCC and coordinating agencies in Dove Creek, Colorado. When relevant, the Colorado Department of Parks and Wildlife, as well as the director of Hovenweep National Monument are asked to participate in such coordination meetings.



DRAFT
June 13, 2013



DRAFT
June 13, 2013

Above: Marsh property features many plant communities important for wildlife habitat.

Below: Dan and Anita Fernandez on their property.

...Continued from Page 1

is just a fraction of what it used to be. Whatever the cause of the decline, one thing is readily agreed upon: setting aside large tracts of undeveloped habitat can only be beneficial for the grouse – which is where we come in. By doing what we have always done, MLC can work with willing landowners to place conservation easements on their property, protect important habitat, and help keep the restoration efforts at a local level.

The property borders BLM lands and surrounds one of the last remaining leks north of Dove Creek.

One such example is Sundown Farm; Dan and Anita Fernandez have called the appropriately named Sundown Farm home for nearly 25 years. About six years ago, after living on the property and appreciating its diversity and charm for so long, they decided to place a conservation easement on their land and forever protect its beauty and habitat values. With its rolling sage brush hills, wetland seeps, grazed pastures, and prime grouse habitat, MLC was pleased to work with them to achieve their goal.

The project was the second partnership between MLC and Colorado Parks and Wildlife. In total, 1,180 acres of occupied grouse habitat and working ranchland along Highway 491 has been forever protected. In addition to providing habitat for Gunnison Sage-grouse, unique and rare species such as the burrowing owl, northern leopard frog, and midget-faded rattlesnake also call the property home. MLC also partnered with the National Fish and Wildlife Foundation and our local Montelores Habitat Protection Program committee in addition to the Colorado Parks and Wildlife to make this project possible.

Soon after closing on Sundown Farm, MLC closed on another Gunnison Sage-grouse property. MLC worked with Richard and Monica Marsh to protect their critical property northeast of Dove Creek. Richard and Monica's property was specifically mentioned in Colorado Parks and Wildlife's 'Gunnison Sage-grouse Rangewide Plan' as critical to the continued occupation and survival of the species. Thanks to the Marsh's vision, 733 acres of relatively natural habitat has been permanently protected. Richard and Monica have done a real service to our community in conserving their land for future generations.

From pinion pines and sage brush to canyons and ponderosas, the property borders BLM lands and surrounds one of the last remaining leks north of Dove Creek. A lek is a patch of ground used for communal display in the breeding season by males of certain birds and mammals.

This project was made possible by Colorado Parks and Wildlife, the National Fish and Wildlife Foundation, and our local Montelores Habitat Protection Program committee.

The two properties represent MLC's 68th and 69th conservation easements and bring our total conserved lands to 34,847 acres!

APPENDIX E

Montezuma County, Colorado

NO INFORMATION HAS BEEN SUBMITTED AS OF JUNE 11, 2013

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APPENDIX F
Delta County, Colorado

DRAFT

A. Institutional Controls. Delta County has adopted the following Institutional Controls:

(1) Resolution No. 2013-R-025, A Resolution Confirming Existing Review Of Wildlife Habitat Including Gunnison Sage-grouse In Subdivision and Specific Development Regulations And Access For Parcels Greater Than 35 Acres.

RESOLUTION
OF THE
BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF DELTA, STATE OF COLORADO

RESOLUTION NO. 2013-R-025

A RESOLUTION CONFIRMING EXISTING REVIEW OF WILDLIFE HABITAT INCLUDING GUNNISON SAGE-GROUSE IN SUBDIVISION AND SPECIFIC DEVELOPMENT REGULATIONS AND ACCESS FOR PARCELS GREATER THAN 35 ACRES

WHEREAS The Gunnison Sage-grouse is proposed to be listed as an endangered species under the Endangered Species Act and it would be prudent to attempt mitigation of impacts to its occupied habitat; and

WHEREAS Delta County has a portion of occupied habitat in the southeast corner of the County that is a combination of public and private acres; and

WHEREAS Delta County currently evaluates wildlife habitat needs which includes Gunnison Sage-grouse when it reviews Subdivision and Specific Development Regulations; and

WHEREAS Delta County reviews parcels greater than 35 acres for roads and access,

NOW THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of Delta County Colorado, confirms their commitment to mitigate occupied habitat for the Gunnison Sege- grouse.

Acopted this 20th day of May, 2013.

BOARD OF COUNTY COMMISSIONERS
OF DELTA COUNTY, COLORADO

By: C. Douglas Atchley, Chair

C. Bruce Hovde, Vice Chair

J. Mark Roeber, Commissioner

ATTEST:

Ann B. Eddins
Delta County Clerk and Recorder

[SEAL]

APPENDIX G
Montrose County, Colorado

DRAFT

A. Institutional Controls. Montrose County has adopted the following Institutional Controls:

(1) Resolution No. 20-2013, Concerning Seasonal closure of C77 Road (aka Green Mountain Road) Sec 4, T50N R7W, NMPM

RECEPTION#: 847015, 06/05/2013 at 02:53:13 PM, 1 OF 2, RES FRANCINE TIPTON-LONG, MONTROSE COUNTY, CO CLERK AND RECORDER

Resolution No. 20 -2013

RESOLUTION
OF
BOARD OF COUNTY COMMISSIONERS
OF MONTROSE COUNTY, COLORADO
Concerning
Seasonal Closure of C77 Road (aka Green Mountain Road)
Sec4, T50N, R7W, NMPM

WHEREAS, C.R.S. §§ 42-4-106(1) and 42-4-111(1)(x) authorize a Board of County Commissioners to temporarily close roads under its jurisdiction as provided and C.R.S. §42-4-111(1)(v) authorizes a Board of County Commissioners to adopt temporary regulations as may be necessary to cover special conditions relating to roads under the Board's jurisdiction; and

WHEREAS, C77 Road is a road under the jurisdiction of the Montrose County Board of County Commissioners ("the Board"); and

WHEREAS, by Resolution No. 29-2008, the Board has previously authorized the U.S. Bureau of Land Management ("BLM") to temporarily close C77 Road for the protection of nesting Gunnison Sage Grouse; and

WHEREAS, the Gunnison Sage Grouse is a species which has been proposed for listing as "Endangered" pursuant to the Endangered Species Act; and

WHEREAS, the Board finds that local efforts to protect the Gunnison Sage Grouse are more effective and preferable to the listing of this species under the Endangered Species Act; and

WHEREAS, the Board finds that it will be beneficial to the Gunnison Sage Grouse if access to critical breeding and brooding habitat adjacent to C77 Road is limited by the temporary restriction of motor vehicle use of this road; and

WHEREAS, the road provides for no direct residential or private land access and is wholly contained on BLM land; and

WHEREAS, the proposed closure is not in conflict with the County's maintenance schedule or plans.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Montrose County, Colorado that:

1. C77 Road may be closed by the BLM for the period from March 15 through May 15 for the benefit of Gunnison Sage Grouse. Such closure shall be made at the BLM gate located at C77 Road off the Black Canyon Road.

DRAFT
June 13, 2013

(2) Ordinance 2004-02 re Dog Control.

ORDINANCE TIME LINE

ORDINANCE FOR THE CONTROL OF DOGS IN THE UNINCORPORATED AREA OF MONTROSE COUNTY, COLORADO

Name of Proposed Ordinance

FIRST READING	8/2/2004
PUBLISH IN FULL ( ) at least 10 days ( )	Montrose Daily Press 8/8/2004
ADOPTION	9/7/2004
PUBLISH BY TITLE ( ) (Plus any amendments from 1st Reading) ( ) (at least 30 days) ( )	Montrose Daily Press Sunday 9/12/2004
ORDINANCE GOES INTO EFFECT	10/7/2004

(3) Gunnison Sage Grouse, Conservation Plan, Crawford Area – Colorado, July 22, 1998.

GUNNISON SAGE GROUSE

CONSERVATION PLAN

CRAWFORD AREA - COLORADO

July 22, 1998

APPENDIX H
Hinsdale County, Colorado

DRAFT

A. Institutional Controls. Hinsdale County has adopted the following Institutional Controls:

(1) Resolution No. 2013-10, A Resolution Regarding Regulation of Parcels Of Land Greater Than 35 Acres In Size.

100131 04/25/2013 11:32 AM RES Linda Ragle
1 of 1 R:$0 DF D:$0 N:$0 S:$8.00 M:$0E:$ Hinsdale Co.

BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY, COLORADO

RESOLUTION 10
Series 2013

A RESOLUTION REGARDING REGULATIONS OF PARCELS OF LAND GREATER THAN 35 ACRES IN SIZE

WHEREAS, The Hinsdale Board of County Commissioners (BOCC) desires to articulate the Hinsdale County policy regarding Hinsdale County regulations of individual parcels of land greater than 35 acres in size; and

WHEREAS, those persons with an interest in individual parcels of land greater than 35 acres in size will benefit from such an articulation of Hinsdale County policy; and

WHEREAS, the BOCC of Hinsdale County, Colorado desires to clearly state its policy regarding regulations of individual parcels of land greater than 35 acres in size, and

WHEREAS, Hinsdale County is precluded, under current state statute, generally from regulating the act of subdividing land into parcels all of which are 35 acres or greater in size;

NOW THEREFORE, BE IT RESOLVED THAT the Hinsdale County BOCC reaffirms that the policy of Hinsdale County is that individual parcels of land greater than 35 acres in size are subject to the same County review and regulatory processes as individual parcels less than 35 acres in size, except, as is generally provided in current state statute, for the act of subdividing such parcels into resultant parcels all of which are 35 acres or greater in size.

INTRODUCED by Commissioner Stan Mikinney, seconded by Commissioner Susan Thompson and passed this 24th day of April, 2013.

BOARD OF COUNTY COMMISSIONERS
OF HINSDALE COUNTY, COLORADO

By: Cindy Dozier
Cindy Dozier, Chair

ATTEST:
Linda Patrick Ragle
Linda Patrick Ragle, County Clerk & Recorder

DRAFT
June 13, 2013

(2) Resolution No. 2013-11, A Resolution Authorizing Temporary Closure Of Certain Roads Within The County of Hinsdale, Colorado For Protection Of Gunnison Sage-Grouse.

180132 04/26/2013 11:35 AM REC Linda Ragle
1 of 1 R:$6.00 D:$0 N:$0 S:$6.00 T:$0 Hinsdale Co.

BOARD OF COUNTY COMMISSIONERS
HINSDALE COUNTY, COLORADO

RESOLUTION 11
Series 2013

A RESOLUTION AUTHORIZING TEMPORARY CLOSURE OF CERTAIN ROADS WITHIN THE COUNTY OF HINSDALE, COLORADO FOR PROTECTION OF GUNNISON SAGE GROUSE

WHEREAS, The Hinsdale Board of County Commissioners (BOCC) has the legal authority to regulate and control the use of certain highways and roads in Hinsdale County, Colorado; and

WHEREAS, pursuant to C.R.S. §42-4-111(3)(a) the BOCC has the authority to adopt temporary regulations as may be necessary to cover special conditions; and

WHEREAS, the Gunnison Sage-Grouse is a species being considered to be listed as an endangered species and it would be prudent to attempt mitigation of impacts to its habitat; and

WHEREAS, the BOCC finds that it will be beneficial to the Gunnison Sage Grouse if access to critical breeding and brooding habitat is temporarily limited by the temporary restriction of motor vehicle use of certain roads within Hinsdale County; and

WHEREAS, the roads to be temporarily closed to motor vehicles for a period from March 15th until May 15th each year are in the Gunnison Sage Grouse Critical Habitat; and

WHEREAS, said closure of the roads in the Gunnison Sage Grouse Critical Habitat will not adversely affect health and safety nor will it cause substantial injury to the owner(s) or occupant(s) of adjacent land(s);

NOW THEREFORE, BE IT RESOLVED by the Hinsdale Board of County Commissioners of Hinsdale County, Colorado, that the roads in the Gunnison Sage Grouse Critical Habitat may be temporarily closed from March 15th until May 15th each year.

INTRODUCED by Commissioner Steve Thomas, seconded by Commissioner Suzanne Thompson and passed this 24th day of April 2013.

BOARD OF COUNTY COMMISSIONERS
OF HINSDALE COUNTY, COLORADO

By: Cindy Kinzler
Cindy Kinzler, Chair

ATTEST:
Linda Pavich Ragle
Linda Pavich Ragle, County Clerk & Recorder

DRAFT
June 13, 2013

APPENDIX I
Mesa County, Colorado

DRAFT

A. Institutional Controls. Mesa County has adopted the following Institutional Controls:

(1) See: Letter from Mesa County, dated May 10, 2013 to the U.S. Fish and Wildlife Service.

MESA COUNTY

Received
County Adminstration
5/15/2013
cc BOCC
M. Birmi
J. Cochran
B. Baumgarten

BOARD OF COUNTY COMMISSIONERS

District 1 -- John Justman (970) 244-1605
District 2 - Steve Acquafresca (970)-244-1604
District 3 – Rose Pugliese (970) 244-1606

P.O. Box 20,000 544 Rood Avenue Grand Junction, Colorado 81502-5010 mcboco@mesacounty.us Fax (970) 244-1639

May 10, 2013

Mr. Dan Ashe, Director
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, MS 2042 PDM
Arlington, VA 22203

RE: Gunnison Sage-grouse proposed endangered status and designation of critical habitat

Director Ashe:

Mesa County is a proud signatory to a Memorandum of Understanding with other western Colorado and eastern Utah counties with a common goal "to ensure that reasonable and adequate work is being conducted, and shall continue to be conducted, to reach the goal of increasing the current abundance, viability and vitality of Gunnison Sage-grouse and their habitat." To this end we are committed to supporting the efforts of numerous entities to foster "a range-wide perspective on Gunnison Sage-grouse and their habitat" in a collaborative fashion.

We are writing today to express our belief that local solutions are the preferred management tool and that a "not warranted" listing for the Gunnison Sage-grouse is the best course of action. As a statutory county in Colorado, Mesa County has the authority to enact and enforce many regulatory tools to address potential impacts on wildlife habitat. Mesa County has planned for and zoned the identified Gunnison Sage-grouse habitat in the Piñon Mesa/Glade Park area under planning, land use and zoning authority granted by Colorado State law.

The proposed rule is incorrect in stating Colorado counties have no land use authority on parcels of land 35 acres and larger. Due to Colorado State law, Mesa County does not have review authority over creation of lots 35 acres and greater in size, but we do regulate the use of all land within unincorporated Mesa County through zoning, building codes, driveway access permits, and other authorized land use and development regulations. For example, we require:

- Conditional Use Permits for many uses (mining, outdoor entertainment events, resorts, telecommunications facilities, etc.);
- individual sewage disposal system permits;
- building permits,
- driveway/access permits;
- floodplain permits;
- minor and major site plan permits

In addition, the Mesa County Master Plan and zoning for the area maintains large agricultural tracts of 35 acres or larger. Mesa County uses the expertise of the Colorado Division of Parks and Wildlife as a review agency for all types of permits in areas mapped as important wildlife habitat (Section 7.6.4 of the Mesa County Land Development Code). We also have the authority to coordinate with the BLM and US Forest Service seasonal road closures for a variety of purposes.

Creating a community of opportunities for all residents with a focus on the future.

(2) Mesa County Land Development Code, Section 7.6.4- Wildlife Habitat Protection.

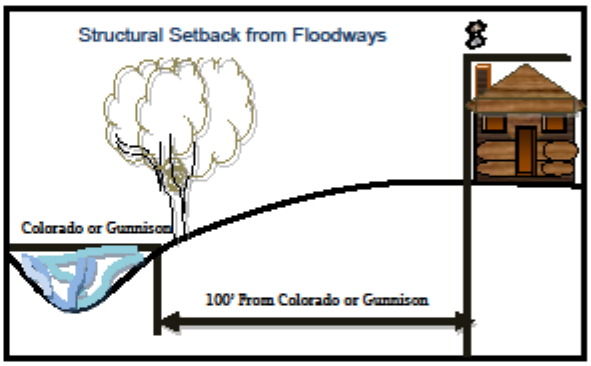
B. Zone 2
Zone 2 shall consist of the area immediately beyond Zone 1 and extending to seventy (70) feet from the primary structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of five feet between tree crowns. All dead trees must be removed from Zone 2 initial construction, and subsequent dead trees shall be removed annually, except that two dead trees per acre may remain to serve as wildlife habitat.

C. Maintenance
Persons owning, leasing, or otherwise maintaining new residential structures covered by provisions of this Land Development Code are responsible for proper maintenance of the defensible space. Maintenance shall include modifying or removing flammable vegetation, keeping leaves, needles, and removing other dead vegetative material annually from roofs of structures.

7.6.4 | Wildlife Habitat Protection

A. Any project on any parcel that falls within the current Wildlife Composite Map for Mesa County, or on an environmental map adopted as part of a specific Master Plan by the Mesa County Planning Commission, shall require consultation with the Colorado Division of Wildlife to substantiate the basis for the potential impact and to address various, specific measures to avoid, minimize, or mitigate negative impacts to wildlife and its habitat.

B. New structures shall not be located within one hundred (100) feet of the floodways of the Colorado or Gunnison Rivers or as recommended by the Colorado Division of Wildlife. Roads, trails, recreation access sites, bridges, fences, irrigation and water diversion facilities, erosion and flood control devices, underground utilities, and similarly necessary structures, may be located within this setback, if necessary. The installation of these structures will comply with all other applicable federal, state, and local regulations.



7.6.5 | Ridge Lines
The purpose of these ridge line development standards is to preserve the character of identified ridge lines, and to minimize soil and slope instability and erosion.

A. Applicability
These provisions apply to lots platted after the adoption date of this Code and to structures built after the adoption date of this Code. These provisions shall not apply to parcels of land and structures existing prior to the adoption date of this Code.

B. Grand Junction Comprehensive Planning Area
Within the Grand Junction Comprehensive Planning Area, new buildings and walls located within the mapped ridge line areas (within one (1) mile of the centerline of US Interstate 70, US Highway 6 and US Highway 50, Colorado State Highway 141 and Colorado State Highway 340, Monument Road, South Camp Road, and South Broadway) shall be setback a minimum of fifty (50) feet from the ridge line.

1. Setbacks shall be measured to the building envelope as established at the time of platting or site plan review.

(3) Mesa County Land Development Code, Section 5.1 - Matrix (the proposed habitat is all zoned AFT or AF35).

Chapter 5
USE REGULATIONS

§5.1 | Use Table

The Principal Uses Allowed within Rural, Urban Residential, and Nonresidential Zoning Districts are identified in Table 5.1 of this chapter (beginning on the following page).

Note: All Principal Uses Allowed in the Rural Zoning Districts are the same (i.e., AF35 and AFT zone districts are treated the same in Table 5.1).

5.1.1 | Use Categories and Specific Uses
All of the use categories listed in the first column of Table 5.1 are defined in Sections 12.2-12.7 (Use Categories). The first column of each of the use tables contains an abbreviated definition of the respective use category. If there is a conflict between the abbreviated definition and the full explanation contained in Chapter 12 the provisions of Chapter 12 will control. In some cases, "Specific Use Types" are listed in the second column of the table. If a Specific Use Type is listed in the table, that use type is allowed only within the districts indicated, not within the districts that allow the broader Use Category.

5.1.2 | A Allowed Uses
An "A" indicates that the listed use is allowed by right within the respective zoning district. Allowed uses are subject to all other applicable standards of this Land Development Code.

5.1.3 | C Conditional Uses
A "C" indicates that the listed use is allowed within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review procedures of Section 3.8. Conditional Uses are subject to all other applicable standards of this Land Development Code.

5.1.4 | Prohibited Uses
A blank cell (one without an "A" or "C") indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

5.1.5 | Uses Subject to Specific Regulations
Many uses are subject to use-specific regulations (in addition to general regulations that apply to development in general). The final column of the use table contains references to applicable use-specific standards.

(4) Mesa County Land Development Code, Section 3.8 - Conditional Use Permits.

C. Planning Director's Action
The Planning Director shall review each Final Plat application, and act to approve or deny the Final Plat, after determining whether or not it is consistent with the approved Final Plan.

D. Acceptance of Improvements
Approval of a Final Plat shall not, in and of itself, constitute acceptance of any public improvements. Such acceptance will require separate action by the Board of County Commissioners.

E. Recording; Lapse of Approval
If the approved Final Plat or Site Development Plan is not recorded with the Clerk and Recorder of Mesa County within three (3) years of the date of approval of the Final Plat, the Concept Plan and Final Plans shall lapse and be of no further effect. Two (2) one-year (1) extensions of time may be approved by the Planning Director upon review of a written request when deemed necessary due to unforeseen circumstances. If approval lapses, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder.

F. Corrections for Errors or Omissions for Minor Changes to Recorded Plats
If it is discovered that there is a minor survey or drafting error, the Registered Land Surveyor who has certified the plat shall be notified of any errors or omissions, where upon the Registered Land Surveyor shall submit an Affidavit of Correction to the County Surveyor for verification. If the Surveyor who certified the plat is absent, the County Surveyor shall prepare the Affidavit of Correction. The completed Affidavit shall be submitted to the Mesa County Planning Department to be recorded with the Mesa County Clerk and Recorder within ten (10) days of completion.

3.7.4| Expiration of Previously Approved Planned Unit Developments
If an Official Development Plan for a Planned Unit Development that was approved before the effective date of this Code (May 1, 2000) lapses or has lapsed prior to adoption of this Code, the subject property shall be governed by the regulations of the zoning district that existed on the property immediately before approval of the Planned Unit Development. Applications to rezone such property to a zoning classification that is consistent with the Mesa County Master Plan shall be accepted without the payment of a fee. If a previously approved Official Development Plan expires, the Planning Director shall record a lapse of approval affidavit with the Mesa County Clerk and Recorder. Within five (5) years of recording of such an affidavit, the Planning Director shall initiate action to rezone the property to a zoning classification that is consistent with the Mesa County Master Plan, in accordance with the Rezoning procedure of Section 3.4.

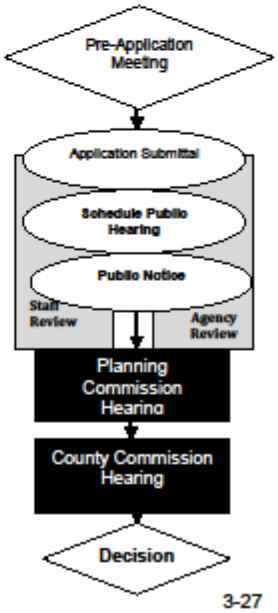
§3.8 | Conditional Use Permits

3.8.1 | Pre-application Meeting
Applicants shall schedule and attend a Pre-application Meeting before filing a Conditional Use Permit application (see Section 3.1.6).

3.8.2 | Application Filing
Applications for Conditional Use Permits shall be submitted to the Planning Director.

3.8.3 | Planning Director's Review and Report
The Planning Director shall review each Conditional Use Permit application in light of the Approval Criteria of Section3.8.7 and, if deemed necessary, distribute the application to other reviewers. Based on those reviews, the Planning Director shall provide a report to the Planning Commission. The Planning Director shall be authorized to require that a qualified consultant be hired at the applicant's expense when staff resources are unavailable or inadequate to conduct a competent analysis of the application.

3.8.4 | Public Hearing Notice
Notice of the public hearing shall be mailed and posted, in accordance with Section 3.1.8.



(5) Mesa County Land Use and Development Policy #31 (Adopted 12/22/88), Glade Park.

GLADE PARK

(AN AMENDMENT TO THE MESA COUNTY MASTER PLAN)

Land Use and Development Policy #31 (Adopted 12/22/88)

MESA COUNTY, COLORADO

APPENDIX J

San Miguel County, Colorado

DRAFT

A. Institutional Controls. San Miguel County has adopted the following Institutional Controls:

(1) **San Miguel Land Use Code**

ARTICLE 2 Land Use Policies

SECTION 2-16: WILDLIFE PROTECTION

It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat, and to prohibit dogs in and adjacent to wildlife habitat areas.

2-1601

It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Division of Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Division of Wildlife.

ARTICLE 5

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Division of Wildlife on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Division of Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities in the West End Zone District are exempt from this Section.

DRAFT

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

I. Residential development shall be clustered to avoid impacting wildlife and their habitat.

II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.

III. Where existing vegetation must be altered, for an access road, utility line or similar uses, an applicant will cooperate with the County and the Colorado Division of Wildlife to devise a compensation plan acceptable to the County. Such compensation plan may substitute, in an accessible nearby area, vegetation equal in type and quantity to that being removed to mitigate effects on wildlife species.

IV. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.

V. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.

VI. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

VII. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.

VIII. Every golden eagle nest site and bald eagle roost site shall be protected with a 300-meter buffer. All other raptor nest sites shall be protected with 100-meter buffers.

IX. Mesh or woven fences shall be prohibited.

X. Fences shall be limited to a maximum of four strands and to 42 inches in height.

XI. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts of the R-1 School District or the F Zone District countywide

DRAFT

(2) San Miguel County, **2014 Gunnison Sage Grouse Payment for Ecosystem Services Project**

In 2012, San Miguel County completed a Payment for Ecosystem Services (PES) pilot project which paid private landowners for access to their land to survey for newly discovered plant species. The pilot provided the necessary proof of concept and set the stage for a larger project involving Gunnison Sage Grouse (GUSG) habitat improvement. This year the county will do the planning necessary to roll out a GUSG PES project during 2014. A key component will be designing and implementing an effective financial incentive to private landowners to improve habitat and/or range conditions for GUSG. The first step will be to ask landowners the types of projects they might be interested in. Potential projects include (1) payment for access to determine habitat suitability for GUSG, (2) payment for habitat improvements for GUSG, (3) payment for development and approval of grazing plans, (4) payment for weed management and control, (5) payment for access for collection of native seeds, (6) payment for self-collection of native seeds, (7) payment for improvement to riparian areas.

Strategic partners are likely to include the San Miguel Basin GUSG Working Group, Natural Resources Conservation Service, US Fish and Wildlife Service, Western State Colorado University, Uncompahgre Com, Colorado Parks and Wildlife, and Colorado Cattlemen's Association.

A working ranch PES scenario might look something like this:

- 1,000-acre ranch
- Grazing and weed management plan developed in partnership with Natural Resources Conservation Service.
- Plan includes installing fencing to allow grazing rotation and includes marking fences to reduce bird casualties.
- Treatment of 40 acres of Canada thistle.
- Receives part of payment (34%) after approval of plan.

DRAFT

- Property inspection during Year 1 (33% payment following demonstrated implementation).
- Property inspection during Year 3 with quantitative monitoring (final 33% of payment following continued use of plan and demonstrated improved rangeland health).

DRAFT

APPENDIX K
Ouray County, Colorado

DRAFT

A. Institutional Controls. Ouray County has adopted the following Institutional Controls:

(1) Resolution No. 2013-022, A Resolution Adopting a Policy Regarding Protection of Gunnison Sage Grouse Habitat.

RESOLUTION No. 2013-022

A RESOLUTION OF THE
OURAY COUNTY BOARD OF COUNTY COMMISSIONERS

Adopting a Policy Regarding Protection of Gunnison Sage Grouse Habitat

WHEREAS, the Board of County Commissioners has the authority pursuant to C.R.S. 29-20-104 to plan for and regulate the use of land by "protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species"; and

WHEREAS, the Board of County Commissioners also has the authority pursuant to C.R.S. 42-4-111 to adopt temporary or experimental regulations as necessary to cover emergencies or special conditions and to order temporary closures of county roads as authorized by statute; and

WHEREAS, the Gunnison Sage Grouse is a species being considered by the U.S. Fish and Wildlife Service for listing as an endangered species, pursuant to the Endangered Species Act, and has identified limited locations within Ouray County as being existing or potential habitat for the Gunnison Sage Grouse; and

WHEREAS, the Board of County Commissioners finds that, if scientific evidence confirms the existence of an active lek within 0.6 miles of the identified locations in Ouray County shown on Exhibit A hereto, critical breeding and brooding habitat can be protected seasonally by imposing temporary restrictions on motor vehicle use of certain roads within Ouray County; and

WHEREAS, temporary restrictions on motor vehicle use of said roads, and the restrictions on building permits will not cause substantial injury to the owner or occupants of adjacent lands, and will not adversely affect the health and safety of property owners, residents and visitors to Ouray County; and

WHEREAS, potential adverse impacts to the Gunnison Sage Grouse habitat can be addressed with conditions on a site specific basis, as necessary, imposed as terms and conditions of a building permit for construction in an area in which an active lek has been confirmed during a field investigation, to ensure that critical breeding and brooding habitat is not disturbed by construction activities.

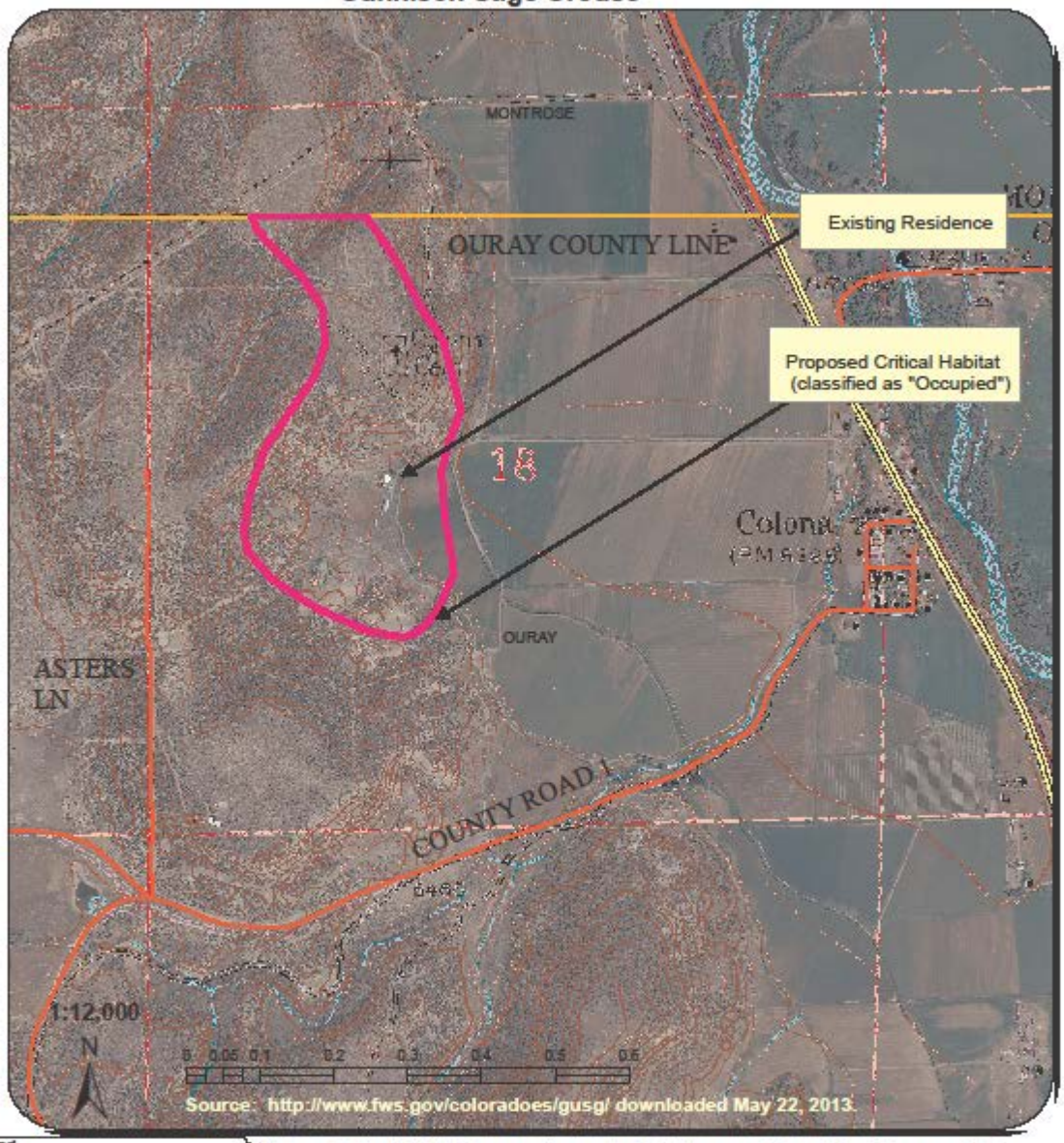
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. Upon confirmation by field investigation and sighting of an active lek within 0.6 miles of the property identified by the USFWS in Exhibit A, the Board of County Commissioners will direct Road and Bridge Department to provide for temporary, seasonal closures to motor vehicles not belonging to adjacent property owners or their guests, from March 15 until May 15 of each year. Such temporary closures will be continued annually so long as an active lek exists within 0.6 miles of a county road within the area identified on Exhibit A.

2. Upon confirmation by field investigation and sighting of an active lek within 0.6 miles of a construction site for which a building permit has been requested, any building

Resolution 2013-022 · Page 1 of 2

OURAY COUNTY, COLORADO
USFWS Proposed Critical Habitat
Gunnison Sage Grouse



Notes: Critical Habitat is mapped as part of the Cimmaron/Cerro/Sims Mesa population.

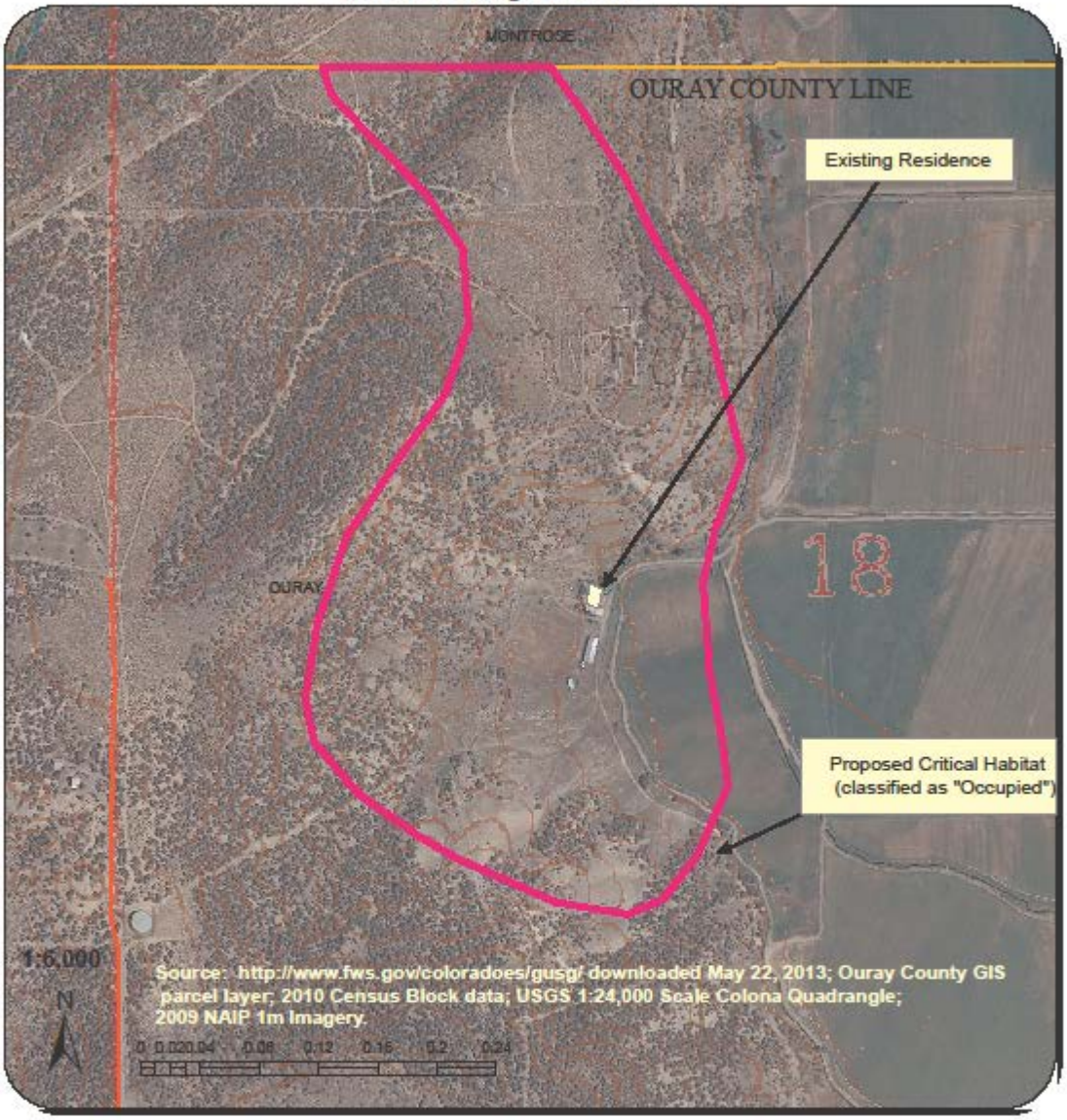
Polygon is 74 acres, all private land.
Primary Uses: Agricultural land (64 acres) with one residence. One historic cemetary (10 acres).

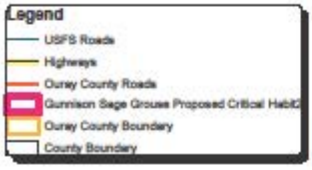
Human Population = 2 people (one residence built in 2000).
Human Population Density = 1 person/17.3 square miles.

Max buildout under county zoning is 3 single family homes.

Included as "overall range" in Colorado NDIS. More than 12 miles west from nearest Gunnison Basin NDIS production area and 5.5 miles east of nearest San Miguel Basin NDIS production area.

OURAY COUNTY, COLORADO
USFWS Proposed Critical Habitat
Gunnison Sage Grouse





Notes: Critical Habitat is mapped as part of the Cimmaron/Cerro/Sims Mesa population.

Polygon is 74 acres, all private land; land is owned by 3 different parties).

Primary Uses: Agricultural land (64 acres) with one residence. One historic cemetary (10 acres).

Human Population = 2 people (one residence built in 2000).
Human Population Density = 1 person/17.3 square miles.

Max buildout under county zoning is 3 single family homes.

Included as "overall range" in Colorado NDIS. More than 12 miles west from nearest Gunnison Basin NDIS production area and 5.5 miles east of nearest San Miguel Basin NDIS production area.

(2) Ouray County Land Use Code, Section 6, Planned Unit Development.

SECTION 6
PLANNED UNIT DEVELOPMENTS

6.1 ENABLING AUTHORITY

The provisions of this Code relating to Planned Unit Developments are enacted under the authority of Colorado Revised Statutes, Title 24, Article 67, Title 29, Article 20 and Title 30, Article 28.

6.2 OBJECTIVES OF DEVELOPMENT AND STATEMENT OF PURPOSE

The objectives of development in Ouray County are as set forth in Section 1 of this Code and in the County Master Plan. The use of the Planned Unit Development ("PUD") concept is intended to provide flexibility in the development of residential projects and to promote the unified development and sensitive use of a site with regard to the natural assets and the character of the County. Implementation of the County Master Plan and preservation of open space in critical areas as part of the development process are important objectives to be achieved through the Planned Unit Development review.

The Planned Unit Development concept is further intended to allow for development of land, subject to those development regulations set forth in this Code. It is intended to allow development of land while protecting unique environmental and/or ecological assets and to allow for residential and recreational developments in which various uses and structures may be grouped in appropriate relationship to each other, to open spaces and to common facilities. Efficient provision for necessary facilities and services is to be addressed utilizing the Planned Unit Development process. This includes off-site impacts reasonably anticipated as a result of a proposed development.

In Planned Unit Developments involving the subdivision of land, as defined in Section 22, the required preliminary PUD Plan is also considered to be a preliminary subdivision plat; the final plat will be contained as one of the required submittals with the Final Development Plan.

6.3 PLANNED UNIT DEVELOPMENT TYPES DEFINED

Three types of Planned Unit Development applications are possible; however, all PUD applications must comply with the underlying density requirements as set forth in Section 3 and Section 6 of this Code. The types of Planned Unit Developments are defined as follows.

A. PLANNED UNIT DEVELOPMENT - LIMITED

A development application consisting of up to three lots, at a maximum density of one unit per 13 acres where allowed by the underlying zoning.

(3) Ouray County Land Use Code, Section 25, Vested Property Rights.

Revised by Ouray County Board of County Commissioners on November 10, 2003

Section 25

VESTED PROPERTY RIGHTS

25.1 PURPOSE

The purpose of this section is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. It is the County's intent to provide procedures and standards for review and approval of a site specific development plan for the purpose of vesting property rights in real property as described herein.

25.2 VESTED PROPERTY RIGHT – DURATION – TERMININATION – EFFECT

A property right which has been vested as provided for in this section shall remain vested for a period of three years. This vesting period shall not be extended by any amendments to a Site Specific Development Plan unless expressly authorized by the Board of County Commissioners. Such an extension may only be granted upon a finding by the Board of County Commissioners of good and sufficient cause and the applicant shall bear the burden of demonstrating the existence of good and sufficient cause for an extension.

A. A Vested Property Right, once established as provided for in this section, precludes any zoning or land use action concerning the subject property which would prevent the landowner from undertaking and completing the development and use of said property under the terms and conditions of the Site Specific Development Plan, except:

(1) With the consent of the affected landowner, or
(2) Upon the discovery of natural or man-made hazards could not reasonably have been discovered at the time of Site Specific Development Plan approval, and which hazards, if uncorrected, would pose a threat to the public health, safety and welfare.
(3) Upon the failure to comply with the terms and conditions of a Development Agreement and sketch plan approved in accordance with Section 25.6 of this Code.
(4) Upon the failure to comply with the terms and conditions of a Final Development Plan and Final Plat or combined Preliminary/Final Development Plan and Plat.

B. Significant changes or amendments to a Site Specific Development Plan, including any amendment of a PUD Final Development Plan that is not consistent with the approved Preliminary Development Plan, shall render the terms and conditions of the original Site Specific Development Plan null and void, and vested property rights shall be forfeited. The County

(4) Ouray Master Plan.

OURAY COUNTY
MASTER PLAN

Prepared by:

Ouray County Planning Commission:

Jim Irvine, Chairperson

Barbara Vanhoutte, Vice-Chairperson
Linda Ingo
John Truijillo
Judy Wolford

Ouray County Land Use and Planning Department

Gary Laura, Administrator
Greg Moberg, Planner
Carol Dunn, Planning Technician
Jane Bennett, Secretary to the Commission

Adopted by the Ouray County Planning Commission

December 1, 1999

Endorsed by:

The Ouray County Planning Commission would like to express its sincere appreciation to the citizens of Ouray County who devoted their time and effort to giving the Planning Commission insight and direction during the preparation of this Master Plan.

APPENDIX L

State

DRAFT

APPENDIX M

Federal

DRAFT

APPENDIX N

Candidate Conservation Agreement With Assurances For Gunnison Sage-grouse (Centrocercus minimus) between the Colorado Division of Wildlife and the U.S. Fish and Wildlife Service

DRAFT

Candidate Conservation Agreement

For the Gunnison sage-grouse, *Centrocercus minimus*
Gunnison Basin Population

Developed cooperatively between:
Colorado Parks & Wildlife
Gunnison County
Saguache County
U.S. Bureau of Land Management
U.S. Fish and Wildlife Service
U.S. Forest Service
U.S. National Park Service
U.S. Natural Resources Conservation Service

APPENDIX O
Candidate Conservation Agreement
On Federal Lands In The Gunnison Basin

DRAFT

APPENDIX P
Strategic Committee Charter

DRAFT

APPENDIX Q

Memorandum Of Understanding

Among The Board Of County Commissioners Of Gunnison County, Colorado, The Board Of County Commissioners Of Saguache County, Colorado, The Board Of County Commissioners Of Dolores County, Colorado, The Board Of County Commissioners Of Montezuma County, Colorado, The Board Of County Commissioners Of Delta County, Colorado, The Board Of County Commissioners Of Montrose County, Colorado, The Board Of County Commissioners Of Hinsdale County, Colorado, The Board Of County Commissioners Of Mesa County, Colorado, The Board Of County Commissioners Of San Miguel County, Colorado, The Board Of County Commissioners Of Ouray County, Colorado And The Board Of County Commissioners Of San Juan County, Utah

DRAFT

MEMORANDUM OF UNDERSTANDING
AMONG THE BOARD OF COUNTY COMMISSIONERS OF GUNNISON COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF SAGUACHE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF DOLORES COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MONTEZUMA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF DELTA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF HINSDALE COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF MESA COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF SAN MIGUEL COUNTY, COLORADO, THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF SAN JUAN COUNTY, UTAH

This MEMORANDUM OF UNDERSTANDING ("MOU") is hereby made and entered into by and among the Board of County Commissioners Of Gunnison County, Colorado, The Board of County Commissioners Of Saguache County, Colorado, The Board Of County Commissioners Of Dolores County, Colorado, The Board Of County Commissioners Of Montezuma County, Colorado, The Board Of County Commissioners Of Delta County, Colorado, The Board Of County Commissioners Of Montrose County, Colorado, The Board Of County Commissioners Of Hinsdale County, Colorado, The Board Of County Commissioners Of Mesa County, Colorado, The Board Of County Commissioners Of San Miguel County, Colorado, The Board Of County Commissioners Of Ouray County, Colorado And The Board Of County Commissioners Of San Juan County, Utah, together referred to as the "Parties".

A. Introduction.

The Parties, individually and collectively, intend to ensure that reasonable and adequate work is being conducted, and shall continue to be conducted, to reach the goal of increasing the current abundance, viability and vitality of Gunnison Sage-grouse and their habitat. The purpose of this MOU is to identify measures and strategies to achieve this goal. This will be accomplished by sharing data, strategies, plans and tools, engaging in dialogue, providing among the Parties and to others recommendations and critique and fostering a rangewide perspective on Gunnison Sage-grouse and their habitat.

B. Activities.

APPENDIX R

Gunnison County Habitat Documentation For Habitat Prioritization Tool

DRAFT

GIS Habitat Analysis for the Gunnison Basin Population of the Gunnison Sage-grouse

Mike Pelletier, GIS Manager, Gunnison County
March 31, 2013

Executive Summary

This report provides an analysis of trends since 1997 regarding the impact of housing growth on Gunnison Sage-grouse (GuSG) within the Gunnison Basin population. The trends show that sufficient habitat will be protected on private lands via conservation easements to meet the 2005 Rangewide Plan objectives many decades before residential development would impact the required habitat. In comparison to the analysis used by the USFWS in the 2012 proposed listing, this report provides the following improvements: 1) utilizes the most accurate habitat area baseline available; 2) provides more accurate home growth projections; 3) uses appropriate distances from which homes cause significant impacts to GuSG; and 4) provides current conservation easement information.

Sections:

1. Background
2. CPW's GuSG Occupied Habitat
3. Current Status of Habitat Protection
4. Growth Projections within GuSG Occupied Habitat
5. Location of New Residential within Occupied Habitat
6. Analysis of New Home Impacts on GuSG use of Habitat
7. Impacts of Residential Growth on Habitat
8. Growth in Conservation Easements

Background

The Gunnison community has been actively involved in protection of the GuSG for over a decade. To date the best available information regarding how much habitat is necessary for the bird's long-term survival is within the Gunnison Sage-grouse Rangewide Conservation Plan, April 2005 (RCP).

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