GUNNISON BASIN SAGE-GROUSE STRATEGIC COMMITTEE
REGULAR MEETING MINUTES
July 17, 2013

The July 17, 2013 Gunnison Basin Sage-grouse Strategic Committee meeting was held in the Commissioners' Meeting Room in the Courthouse at 200 E. Virginia, GunnisonCO81230.

CommitteeMembers Present:
Voting:
Ken Stahlnecker, Chairperson, National Park Service (NPS)
J Wenum, Vice-Chairperson, Colorado Division of Parks & Wildlife (CPW)
Linda Joseph, Saguache County Board of County Commissioners (Saguache BOCC) – by phone
Sue Navy, High Country Citizens' Alliance (HCCA)
Greg Peterson, Gunnison County Stockgrowers' Association (GCSA)
Phil Chamberland, Gunnison County Board of County Commissioners (BOCC)
Brian St. George, Bureau of Land Management (BLM)
John Murphy, United States Forest Service (USFS)
Patty Gelatt, US Fish and Wildlife Service (USFWS)
Peter Caloger, Public At-Large
Lee Spann, Public At-Large Alternate
Eric Ferchau, At Large, Development Community
David Wiens, At-large Recreation Community

Visitors:
Jenny Nehring, Saguache County Biologist, Consultant/Coordinator – by phone
Jim Seitz, Gunnison County Planning Commission
Pat Magee

Staff Members Present:
Jim Cochran, GunnisonCountyWildlife Conservation Coordinator
Brenda Wiseman, Legal Assistant

Others present as listed in text.

CALL TO ORDER: Chairperson Stahlnecker called theJuly 17, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee to order at 10:00 am.

DETERMINATION OF QUORUM: Chairperson Stahlnecker confirmed that a quorum was present.

PUBLIC NOTICE CONFIRMED: Chairperson Stahlnecker verified that proper legal public notice had occurred.

AGENDA APPROVAL: No modifications to the agenda were requested. The agenda was approved as circulated.

APPROVAL OF JUNE 19, 2013 MEETING MINUTES: Moved by J Wenum to accept the June 19, 2013 meeting minutes as amended, seconded by Greg Peterson. The motion carried.

COMMITTEE MEMBER COMMENTS/REPORTS:

J Wenum provided status regarding the habitat protection program. Wenum received three proposals from the Gunnison Basin. Chairperson Stahlnecker asked when results were to be expected. Wenum reported there were 44 applications statewide for this area. Those applicants were all in the same ballpark.

John Murphy reported on the conference opinion (on the CCA) from U.S. Fish and Wildlife Service (FWS). Based on email comments, the opinion came back favorable. St. George is in the midst of looking at the opinion as well and will provide some feedback. Charlie Richmond was provided a draft, will finish internal review and get back with FWS. Cochran asked if this was a draft preliminary opinion. Murphy explained that the draft they have is a working draft among the FWS and state agencies. Navy asked if the draft could be shared with the rest of the Committee. St. George responded that it is best to keep the changes in small group first, then when ready they will distribute to the remainder of the Committee.

Brian St. George reported that the BLM policy regarding the Gunnison Sage-grouse is complete and distributed it to the Committee members present. The Policy provides the Bureau of Land Management field office with interim management options until a decision is made by the FWS. Peterson asked how the BLM is handling permit renewals in the interim. St. George said everything refers to a CCA in the interim.

Linda Joseph reported on a fire incident in Saguache County. The staging area was in critical habitat area for Gunnison Sage-grouse. It was determined after the incident that a multi-agency discussion should occur regarding these types of issues. St. George said he was pleased to hear that a table top discussion has commenced. There should be a process within the fire management team to deal with these situations and identify them with maps and location assessments right away. St. George explained that the BLM Policy he just distributed deals with fire suppression in the fire management teams and he believes Saguache County will benefit from a table discussion on this. Peter Caloger asked if the staging area had been surveyed or received vegetation survey previously. Jenny Nehring responded that it had been surveyed before, repeated some surveying in the last 12 to 13 years, and access roads the fire crews were using were major roads. Caloger asked if there are resources available to determine what happened in those staging areas. Nehring said there would be some sort of impact. Some of the roads being used were in Gunnison Sage-grouse habitat area. Joseph commented that there will be further discussion at the next commissioner meeting in Saguache.

Patty Gelatt expressed her appreciation to Gunnison County for hosting the visit with Director Ashe. She reported that the notice to extend the determination deadline to March 31, 2014 should be in the Federal Register within the next few days. This notice will also reopen the public comment period. Gelatt said a public hearing has tentatively been set for August 22, 2013 in Gunnison and for August 21, 2013 in Monticello. Phil Chamberland suggested that 6:00 pm would be a good time for the public hearing in Gunnison. Greg Peterson asked how much time the FWS would foresee the public hearings to last. Gelatt responded that the tentative agenda would include a short summary, a question/answer time slot and then the formal public hearing. Lee

Spann asked if the FWS would take questions during the question/answer period. Gelatt replied that once the public hearing starts the FWS would conduct a formal recording by the public. Chairperson Stahlnecker summarized that the public hearing is tentatively scheduled for August 22, 2013 from 6-9 pm in Gunnison. There will be a briefing of the contents of the Economic Analysis, a Q/A by the FWS, then the FWS will proceed to a public hearing. The FWS is tentatively scheduled to release the Economic Analysis in early August. He concluded that the hearing dates are subject to change if the Economic Analysis comes out later.

Patty Gelatt reported that the CCA conference opinion document should be completed by the end of July. St. George explained that the Committee talked briefly about this and reported to the Committee that the opinion is still in a draft stage. Gelatt said the FWS may make a request to federal agencies to review. Peterson commented that if the draft remained the same would it be necessary to have an open review by others. St. George responded that has been a founding principle on how to move through the process. If significant concerns arise, St. George would share those concerns with the Committee.

Jim Cochran asked if another comment period is triggered when the Economic Analysis (EA) is published. Patty Gelatt replied another comment period would be triggered. Chairperson Stahlnecker reiterated that in early August when the EA comes out, there will be another comment period.

Eric Ferchau asked how the extension of time affects Certificates of Inclusion. Patty Gelatt responded that it extends that opportunity. J Wenum clarified it will extend the Certificate of Inclusion by approximately 6 months to enroll properties. Wenum added that the earlier landowners enroll the better. If landowners wait until September or October, it would be harder to do an analysis (baseline habitat assessment). Jim Cochran concurred.

PROPOSED PUBLIC LANDS LEGISLATION: Laura Yale from High Country Citizens' Alliance (HCCA) presented that there is an opportunity for this county to take another proactive approach to protecting sage grouse lands, to provide more regulatory protection for sage-grouse habitat through a proposed public lands legislation. Senator Bennet asked that local communities collaborate and provide a recommendation of areas that should be managed to protect wildlife and recreation. Chamberland commented this provides for an opportunity to allow grazing on public lands no matter what designation we end up with. Yale said the designation of a special management area could be implemented into this legislation. Wenum asked how special management areas compare to areas of environmental concern. St. George said this designation can identify key resources of value then will leave agencies with the management framework within the special designation area. Chairperson Stahlnecker shared he is concerned with time to thoughtfully figure out what management framework is needed. Staff resources is a huge concern prior to the listing. St. George suggested that Congress can decide the management practices and not entertain local agencies. The designation part is just a starting point and there is a lot of work to do afterward. Murphy is not advocating one way or the other for the legislation but added we already have tools available to us. Navy asked if Congress puts together the management area is there an example or model they will follow and how long is the process. St. George answered there is a Dolores River Project example that John Whitney is working on that is a public project – not an agency project or process. A project like this could take years. Spann asked how this proposal fits into the agricultural community. Yale said the range of land

management designations allow for all different types of uses. St. George added the overall goal is to add regulatory certainty for protection of the bird and congressional designation suggests management in perpetuity. Flexibility at this point and a process of reinventing the wheel is a concern of St. George's at this time. St. George is reluctant to get into sage-grouse planning at this time and his focus is on implementation and doing. Murphy said to be careful of legislative fixes. The Forest Service has 8 wilderness areas and Colorado Roadless Rules. IRA has never been set up to allow land allocation. Wenum said he may not support issue if nothing new and different is being brought forward. If this proposed legislation is simply creating more process, additional work and not yielding additional results –he may not support issue. Wiens asked if congressional legislation would benefit grazing. Navy replied that grazing is permitted in wilderness areas. Wiens is concerned with disallowance in the legislative framework. Gelatt asked about the timeframe expectations. Yale said Senator Bennet's office is receiving the recommendations and will begin to draft the bill. The draft bill should come out no earlier than next summer. Gelatt asked if there was an expectation to get this proposed legislation done before the final determination by FWS. Yale said there was no expectation. Chamberland said with the community work that has been accomplished with CCA and CCAA, he is concerned about redundancy. In all agencies there is a lack of resources and personnel. Navy said it would make sense to wait until after March. Chairperson Stahlnecker said there is an unresolved issue of perceived or real regulatory certainty; this would be a discussion worth having. Peterson does not see how this proposed legislation will benefit especially after all the work that been done for several years. He would need more clarity such as what areas would fall into the designation. He is not ready at this point to go down another process road when there are other opportunities for actions. Yale acknowledged that it is the intent that if there are other areas that can be added to the proposed legislation that they wanted to consider it. Murphy and Wiens both asked if the purpose of the proposed legislation is to protect the Gunnison Sage-grouse from oil and gas activities, geothermal or other resource extraction. St. George answered that the BLM Policy has extensive controls around resources activity such as oil and gas activities. Chairperson Stahlnecker asked if there was an assignment for Laura Yale. Peterson stated his opposition at this time for the proposed legislation in that it would be a full time process for years, there would be industry opposition, and he doesn't see overall goal in what is being pursued with the legislation. Wenum seconded Peterson's comments adding the Committee has enough that they are focusing on.

Chairperson Stahlnecker called for dissenting thoughts. Navy asked if the Committee further down the line wanted to provide additional input could they and if Senator Bennet would like anything in writing. Yale said they could because it will be a long process. Chamberland added it is a long process, he is in regular communication with Senator Bennet's office and believes he knows their position. The minutes will reflect the Committee's comments.

St. George concluded that it can be conveyed to Senator Bennet that we need more congressional and partner support for more research on Sage-grouse demographics, conservation easements, CCA pilots, education and outreach to the general public. Murphy added more funding for restoration would be beneficial as well.

USFWS DIRECTOR ASHE VISIT: St. George congratulated Jim Cochran for a well thought out tour and meeting with Director Ashe. Phil Chamberland thanked Jim Cochran, Paula Swenson and David Baumgarten adding the message was fluently read. Patty Gelatt said the local staff received positive feedback from all levels of the FWS regarding the visit. Peter Caloger added he heard consistently from counties the uncertain of levels of protection for landowners if listed, concerns regarding economic impacts, and recourse for landowners around critical habitat areas. St. George agreed that he heard the same from other counties about critical habitat. He suggested the FWS can help counties with that fear and provide them with more information. Gelatt acknowledged that the FWS needs to provide information about what critical habitat means and that critical habitat adds another layer of responsibilities for the landowners. St. George stated that further clarification on the 4.d rule would be beneficial. St. George commented on Director Ashe's comment that a threatened listing would impose or imply how the 4.d rule could be used on private and public lands. Gelatt said a 4.d rule allows a level of take, and if the rule addressed ranching practices for instance, those activities would be exempt from a take. A 4.d rule identifies those specific practices and exempts those practices from a listing. Phil Chamberland added there is a fear of listing and what has been done in the Gunnison County model is what can be found in the Conservation Plan. Gunnison County has provided a great model and can do as good a job of protecting and preserving the bird without burdening participants with consultation costs. Greg Peterson asked how a 4.d rule can interface with a CCA. Gelatt said a 4.d rule would fit together with the CCA and any management direction would be a good tool. Gelatt stated a 4.d rule would and could affect private lands. Peterson has other concerns with potential litigation and grazing permits that remain unanswered. FWS could use a model CCA to deal with issues. Peterson said several of the same questions come up again and again – there's still uncertainty. He suggested the FWS come up with Question/Answer (Q/A) in written form from the Committee so these specific uncertainties can be answered. Chamberland asked if the FWS has a forum for frequently asked questions. This suggestion was echoed throughout the Committee.

Sue Navy said she heard a lot of things from Director Ashe that should be considered. Peter Caloger commented on the predator control comments from Director Ashe. Caloger believes there is a link or parallel between the status of predation change of years and control programs. Gelatt acknowledged that the FWS has received a lot of comments along those lines.

Eric Ferchau stated the real estate industry needs to disclose to prospective buyers possible exposures. He mentioned some of those as what exposure does the buyer or landowner have if they need to remove sage-brush in a critical habitat area. He questioned how can he put people at ease regarding the potential impacts and how can he adequately provide notification. Gelatt explained if there is no federal action – there is no exposure. Ferchau said it would be easier if there was a table in place that would state approximate mitigation costs rather than leaving it to the imagination. Chairperson Stahlnecker questioned that if this question was put in writing would it be easier for the FWS to answer. Gelatt said those questions can be answered in a general fashion. Peterson reiterated this question too is better resolved in a Q/A fact sheet. Peterson questioned whether if there is an issue with a taking can the FWS process be enacted to address the take. Gelatt said if the county determines it is not significant, the FWS conclusion would be no take on the Gunnison Sage-grouse. The FWS can help with determining a taking. The FWS would need some potential outcomes if doing a specific activity. Peterson said the FWS needs to explain this take to constituents. Gelatt said the 4.d rule applies to activities and not

development. Ferchau asked then for the FWS's clarity on development and improvements. He explained examples of development and improvements. Gelatt responded one thing to consider during the comment period is to provide input on questions and topics like ones mentioned that what might go into a 4.d rule. Cochran explained examples and a model of a 4.d rule are found in the Lesser Prairie Chicken listing. He will distribute the information found in the Lesser Prairie Chicken listing to the Committee. Chairperson Stahlnecker proposed that the Committee draft questions for a publicly available FAQ. Chairperson Stahlnecker asked Navy to have the I&E Subcommittee coordinate the questions. Any questions posed by the Committee need to be sent to Navy by Wednesday, July 24th. The questions from Navy will be presented to the FWS by July 31st.

RANGEWIDE CONSERVATION AGREEMENT: Jim Cochran reported Director Ashe was provided a copy of the Conservation Agreement signed by all nine counties, the Governor of Colorado and the Governor of Utah. The reason this carries so much substance is the Conservation Agreement contained 3 important appendices - one being the Rangewide Conservation Plan. The nine counties agreed to update the plan and adopt the updated plan; and work with Gunnison County to adopt a Habitat Prioritization Plan. The two counties that did not sign the Conservation Agreement were Montezuma County and Hinsdale County. These counties only have proposed critical habitat within their respective county boundaries. Patty Gelatt said Director Ashe was very impressed at what has been done here. Gelatt added eventually FWS will need some assistance from the counties. They will need information for the PECE analysis and she recommended keeping the dialogue open. Specifically the FWS will need to know what all these county actions mean in addressing sage-grouse efforts, along with mapping and GIS mapping. So in short, Gelatt said the FWS would like a summary of acres and maps. Cochran explained the appendices are what consumes the volume of the Conservation Agreement. The Rangewide Conservation Plan is the best information we have and all counties participating agreed to its contents. Cochran concluded the counties need guidance from the FWS on what information they are requesting and what is needed for the PECE analysis. St. George added it would be very worthwhile to collaboratively address the 4.d rule. Gelatt concluded that the public comment closes in September and encouraged people to include their comments and concerns regarding the 4.d rule in their respective comments.

HABITAT PRIORITIZATION TOOL UPDATES: Jim Cochran discussed a process by this Committee of updating the Habitat Prioritization Tool. Cochran and Mike Pelletier (Gunnison County GIS Director) determined the Habitat Prioritization Tool required some revisions to tie it to the CCA. Cochran shared the importance of the update because the Habitat Prioritization Tool is used in regulations. He received direction from the Gunnison County BOCC to develop a process in the Land Use Resolution to allow for updates to the tool. Cochran asked the Committee about developing a policy as a starting point. St. George acknowledged that he has not made time for this, but understands the importance for the County and the BLM to regularly update the Tool. St. George added it makes sense to move out this out of the Technical Subcommittee and put it in the hands of the GIS specialist of BLM and Mike Pelletier. Cochran said to make this a policy it needs to be clarified who is handling the Tool. Pelletier added certain issues need to be defined in the Tool and several layers are not being used in the current version. He said the County would like Pelletier and others to coordinate CPW data to utilize a map or tool that would work

for all, list development potentials, conservation easements, CCAA's and identify public lands. What they intend to eliminate are the city boundary, landfill, and clean up the tool with the Committee's assistance. Phil Chamberland agreed that the County has agreed to fund this project and have Pelletier work on this. St. George proposed that the Committee sanction a team to work on this. The team would be Mike Pelletier and Amanda _____ (GIS Specialist, BLM), maybe someone from the Forest Service or Park Service. The Committee would provide a clear charter and tasks in the short term to update the process and put the new process in place. St. George furthered that the GIS folks can make certain updates, improvements and maintenance. Cochran said at this time he would like to make a recommendation to the Committee to consider putting this in the hands of the GIS specialists. Cochran concurred with St. George's suggested team and added Liz With (if she is able). St. George said he will talk to Chris Bove. Wenum will offer the participation of Nate Seward, but added Nate still needs to focus on CI's. St. George said the process should be continually evaluated to make sure information is current. Murphy is reluctant to offer assistance from Forest Service staff at this time. Chairperson Stahlnecker said he would like Teresa Childress to be involved as well.

Moved by Brian St. George to designate Amanda _____, Mike Pelletier, Teresa Childress and Liz With (conditioned upon approval from Chris Bove) to work on the Habitat Prioritization Tool update. Further St. George moved that the group be assigned with the task to develop a review and update process for Habitat Prioritization Tool, to conduct an update of the current data layers used in Tool, and to make recommendations on improvements to the Tool. An initial report from team is due back to the Strategic Committee by August 22nd. Seconded by Greg Peterson. The motion carried unanimously.

FUTURE MEETINGS:

Date	*Time*	*Notes*
July 30, 2013	8:30 am	AM Training @ Multipurpose Building; PM Training at Wolf Creek or Flattop
August 05, 2013	8 am -5 pm	Brood Rearing Restoration/ Resilience Project on Flattop
August 22, 2013	10 am -2 pm	Regular Meeting **ADDED:** 6-9 pm Evening Public Hearing with FWS
September 18, 2013	10 am -2 pm	Regular Meeting
ADDED: October 16, 2013	10 am –2 pm	Regular Meeting

After discussion, it was determined that a tentative public hearing with the U.S. Fish and Wildlife Service was scheduled for August 22, 2013 from 6 pm to 9 pm. Venue has not yet been determined. Patty Gelatt requested that any items involving the FWS on the August 22, 2013 Strategic Committee meeting agenda be scheduled later on that day to allow FWS to return from their Public Hearing in Monticello on August 21, 2013.

Chairperson Stahlnecker scheduled the October 16, 2013 regular meeting with the Strategic Committee beginning at 10:00 am.

ADJOURN: **MOVED** by Chairperson Stahlnecker to adjourn the meeting. Motion carried unanimously. The July 17, 2013 meeting of the Gunnison Basin Sage-grouse Strategic Committee adjourned at 12:50 pm.

CERTIFICATION OF APPROVAL:

_____
Ken Stahlnecker, Chairperson

_____
Greg Peterson, Secretary

Minutes Prepared By:

_____
Brenda Wiseman, Legal Assistant/Deputy Clerk