

Public Lands Coordination Commission

February 28, 2012

PLCC Commissioners present: Frank Green, Zane Odell, Drew Gordanier, Matt Clark and Travis Greenlee, Slim McWilliams.

Montezuma County Commissioners present: None

Citizens Present: Approximately 3

Federal Agency Representatives:

Forest Service; Derek Padilla, Debbie Kill **BLM**; Connie Clementson, Marietta Eaton, Tom Rice, Eric Freels, Boyd Logan & Victoria Atkins. **Colorado Parks & Wildlife**; Chris Kloster

An over view of the Gunnison's Sage Grouse was given by Eric Freels, BLM Wildlife Biologist and Chris Kloster Colorado Parks and Wildlife Biologist.

In Colorado there are 7 populations of Sage Grouse the most significant populations are in the Gunnison Basin. The other six are small. Only Male Grouse are counted the females are extrapolated from the number of males. There is a small population in San Juan County Utah which is the only population found outside of Colorado. A map indicating overall range, or populated habitat was shown. The map also indicates vacant/unknown habitat which is essentially similar and/ or adjacent habitat which bird have not been verified in. Adjacent can include lands that have a separation. Birds are reported to move as far as 40 miles. CPW has been working on Sage Grouse for many years (over 14). The main objective is to recover the population keeping it off the Endangered Species List. The Range wide Conservation Plan identifies a conservation target number of 200 birds for Dove Creek and 300 birds for Monticello.

The Gunnison Basin is the make or break for population recover as it hold 95% of the total population, roughly 4000 birds. And it is the only population large enough to transplant birds from. Dove Creek is an odd population since the birds were not counter until 1993. However now that the birds have been differentiated from the Greater Sage Grouse we are now on the radar. In 1993 we may have been over the 200 bird target. The Dove Creek Population crashed in 2003 due to the drought. They have not recovered since. Last years count was 12 males and numbers have been up form every year since 2003. The habitat hasn't changed much and the CRP program has been a help to improve the Sage Grouse numbers. The sage Grouse have helped the enrollment in the CRP program. The question of predator control was raised and it was reported that work was going on up at Miramonte. San Juan County has been doing predator control as well. It is not heavy on coyotes but they have been doing Corvid (Crows) work. Corvids are really big nest predators especially on eggs. They do not have much information on the results. On small population it may be helpful but it is financially not very sustainable because with a bird it is not just coyotes it is virtually every other little rodent and bird running around out there so it is hugely expensive to reduce predation for a bird as opposed to just gunning coyotes. It is not a long-term solution because we cannot afford it. But for small populations temporarily it may help Right now we probably have 50 birds plus or minus 20. Back in the early 90s the highest male count was around 76 the average was in the 50's for a male count which would

translate into a population of 150 to 200 birds. Dove Creek is different from all of the other Sage Grouse habitats as it is in a landscape dominated by Dry land agriculture. None of the others are that way, the others are grazing dominated landscapes. It is odd because in this landscape the birds move from lek to lek. All of the other populations the birds stay on the same lek. In Dove Creek the leks bounce around all over the place. This makes it very difficult to work with energy companies in particular because while we have protections in terms of regulations in trying to mitigate impacts on Sage Grouse people want regulatory certainty. They want to know going in where is the boundary at? But when the leks bounce around every year we cannot sure for sure where they are going to be.

Eric Freels showed everyone a map gave an over view on what the BLM had been doing noting that they have been working with CSPW moving birds from Gunnison to here to augment the populations. Eric noted that the map showed potential critical habitat. Eric also noted that the Dove Creek population was a mix of vegetation types and the birds are often found in a mix of vegetation types very uncharacteristic of any of the populations elsewhere. The BLM has been working with CSPW to avoid an ESDA listing. During the time they were working together the species was nominated to USFWS for a listing. It was rejected...they found it was warranted for listing but precluded. USFWS was then sued over the finding and then included in a list of over 200 species that the USFWS was to list that they were to list this year. Since it was a candidate species it then becomes a BLM sensitive species. That is how BLM has been managing the species...which means BLM is under mandate to do everything they can to make sure the species does not go towards listing. However it looks like it will happen. So it is a candidate species...it is going to be proposed...and with the proposal the USFW is going to release the proposed critical habitat with the species. This is unusual as they usually have a year to do the listing and they have up to three years to list the critical habitat. We don't know if it will be larger than what we have mapped as overall range. There are maps indicating historical range but it is limited to historical records. There is a lot of overlap between Greater and Gunnison's but it is a good question as to what we will see. It appears as though it will all be in Dolores County and north.

Chris Kloster furthered that the mapping definition for potential habitat included land that is within the range of which the current population that would use it and it has to be similar habitat to what they are using now. The potentially suitable habitat layer however does flow into Montezuma County and it is area that overlaps historic range and it has potential to be restored as Sage Grouse Habitat. This mapping was developed from a conservation standpoint. If you are going to rebuild a population you don't look at where you want to be with habitat 20 years from now in dead end areas. Grouse will never be on the east side of the Dolores River canyon so why push conservation efforts CRP or what ever into a dead end. So it was mapped looking towards the future...if you want save as much habitat as you possibly could and landowners are willing, and you have the farm bill to help out what would it be? Unfortunately the map is floating around out there and I don't know what we will see because I have never worked on one that has mapped critical habitat designated before. I don't know what the USFW will use. They will use all of our research though.

The question was raised regarding grazing allotments. Eric Freels responded that the Dove Creek population is unique because it is on 90% private ground as opposed to the Gunnison Basin which is nearly all public. There are no current plans to restrict or

reduce grazing allotments. We are going to face some of those challenges but we will find a balance just like they did in the Gunnison Basin. The Endangered Species act though does indicate that critical habitat is key the survival of the species and it considers anything that that manipulates that habitat as dire as a take of that species. ESA listings supersede all other land use designations, which could put severe limitations on what federal agencies and other landowners can do with their land. We are mainly worried about oil and gas operation and how that will affect them.

Once a species is proposed the BLM will treat this species as a key need species and we are mandated under BLM regulations... that anytime we have a negative effect under our NEPA analysis that we have to formally conference with USFWS. For either a threatened or a proposed species we are in formal conference with the USFWS for anything that may affect the species. Once the species is proposed it will come out in the federal Registry and it will be announced. The Federal agencies, the public etc. everyone then has 60 days to comment on it. Because the critical habitat is going to be mapped and released this is a good opportunity for the PLCC to comment because we have the information right up front rather than two years later. The USFWS will review comments for about a year and then if will probably come out threatened or endangered. Then we have a listed species. It was asked if the USFWS will identify potential habitat along with the critical habitat. Eric responded that he felt like they would probably buffer the identified critical habitat polygons an bit because they want to assume the population will expand. The BLM can also designate potential habitat. They will also write a recovery plan to dictate how the public and the agencies will act to protect the species. Those may take 6 years or longer to complete. The range wide conservation plan from 2006 will probably be the template.

The Dove Creek population is particularly difficult to count because they shift around from lek to lek creating a situation for double counting. It is also difficult to find the birds in the vegetation cover type in that area. The mix of oak brush in the sage make it really hard to find them.

The question of rising market prices was also discussed. Since some commodity prices are rising some farmers may be inclined to pullout of the CRP and begin farming again. Chris Kloster responded...in Dove Creek the future of Dove Creek Sage Grouse rides the Farm Bill... because of the CRP program. There does need to be some habitat restoration to get the numbers back up. The DOW cannot fund what the farmers can fund. The Farm Bill provides some incentive to do habitat restoration. NRCS will probably have to do a range wide NEPA to address it. Drew Gordanier expressed concern over the potential for takings. Chris responded that is the exact question if you are in the CRP now what happens if you try to take it out? Since they are all enrolled under the conservation area for sage grouse is it a taking? It was pointed out however that it may be possible to get a taking permit if economic benefit can be proven. Chris noted that he thinks there will be a programmatic fix for that problem but there will still be uncertainly there.

Questions from the public were then taken. Al Heaton noted that there was an effort to fund a compilation of studies of the Greater Sage Grouse to gather all of the information together and review the information.

A member of the public asked if there was evidence that Sage Grouse benefited from CRP. Chris responded that yes it was documented. He noted that the mature CRP was

not as useful as the new CRP or disturbed CRP where weeds had grown up. The Sage Grouse is almost entirely dependant on Sage Brush but can eat some of the small weeds. Sage Grouse cannot eat seed because they have no gizzard so they are dependent on leaves. They key in on certain time of the year on weeds but don't eat grass. As CRP mature they use it less and less because it becomes grass dominate. Nests are nearly always under sage brush. They may nest under rabbit brush occasionally but they are more successful under sage. They also need moist areas along drainages and seeps because that is where all the leafy green stuff is. During the winter their diet is virtually all sage brush. They really need a variety of micro-habitats that include sagebrush.

The Endangered Species Act does not list species just because they are rare. In the case of listings it is based on the fact that the range has contracted to the point that the population may go extinct across its range. And that the threats that created that situation have not been addressed. If we had a dozen populations across the state that were fairly robust & viable...if the birds disappeared out of Dove Creek...nobody would care. The fact that we don't have another population that is counting over 50 males on any lek or all leks combined 10 years ago the DOW would not have cared about Dove Creek. DOW was concerned about the Dove Creek population because there are only 7 across the state. And if we let one die out the message is that we need to list them because the State really isn't taking care of them. All Fish and Wildlife Service knows is that the population is in dire threat of extinction because it is not large enough to be viable. One catastrophic event could push them over the top. It is the threat analysis that they are concerned about. Part of the reason for listing is to de-list it. The long term goal for Dove Creek is to connect it to Monticello Utah. A single interconnected population would make it the second largest population of Sage Grouse in the world.

The next item of business was the BLM Resource advisory applications. No additional letters from the BOCC were needed.

CANM Route Closures were discussed. Marietta Eaton gave an over view of the plans for decommissioning routes. A map was circulated that indicates the areas where closures were to take place. The CANM Management Plan process was initiated in 2002 and the BLM coordinated with Montezuma & Dolores Counties throughout the process. The County Commissions supported the formation of a Monument Advisory Committee. Two members one from Montezuma County and one from Dolores County sat on that committee. Very early on the private landowners and permittees were contacted to see what they needed. County maps were used as the foundation. There were many meeting with the advisory committee and the BOCC. For whatever reason the decision was made to talk about what roads would remain open in the Monument and that was what was moved forward. Through that time many roads were inventoried...other roads we are continuing to find and there are some resulting from trespass and some for maintenance. The ROD was completed in 2010. 178 total miles of routes were identified, 147 miles are to remain open, and 31 miles were to be closed. Since that time an additional 12 miles of routes have been identified. There is an OHV route designated and there are administrative routes which remain open but only to property owners, permittees, lease holders emergency services etc. The decision to close these routes was already made in the plan but there is some discussion regarding methodology and exactly where the closures happen can be discussed. Boyd Logan gave an overview of the reasons for route closures. Boyd reported that resource damage, to natural and cultural, redundant access, parallel road going to the same area, expanding new

damage, or lengthening routes, driving around closures, widening of routes and the fact that the resource management plan calls for the routes to be closed. Several routes were viewed that were closed. It illustrated that low impact means were used which included re-seeding, and moving brush and rocks to blend the route into the surrounding terrain hiding it. Sometime Carsonite signs or fences are used as well. Gates are used on routes that are administrative. Marietta explained that as she reviewed the closure plans along county road 10 it appeared that all of the routes initiating from that road were to be closed which she felt was kind of severe. One reason some of these roads are being closed is because BLM is mandated to respond to impacts on cultural resources. However there are safety concerns along CR 10 people need to be able to get off the road and park and the sides of the road are very steep through here. So the question is...where can we close them? We would like to coordinate with the county to identify places for people to pull off and have access. The Pedro Point Road has some big issues with archaeological sites in the middle of the route. We don't know if it is feasible but we would like to move that closure back from CR 10 some distance and we should do NEPA work to do a trail and have parking etc. Near Hovenweep there is a place where people camp and we would like to see that continue. I am looking at backing off of those closures right from CR 10 and providing opportunities because I didn't feel like we might have thought those through well enough. The closure is in the decision but some of the methodologies and the point of closure I think I have some discretion over those. Marietta noted that it would be helpful to get out on the ground with the group to look at these areas and suggested a field trip. The Pedro Point access has some issues regarding safety as well as Archeology but if we can coordinate with the County we can possibly relocate the entry. Since this is a main thoroughfare across the Monument our objective is not to shut people out of the Monument.

Al Heaton noted that he occasionally uses one of those roads to haul water for cows out to a pond on the point to try to keep the cows dispersed out there. There was no water but good feed. Marietta noted that the road will be open for administrative access. Al also noted that they try to be respectful of the people that come to camp on the weekends. We generally try to work around the time that they are there. Sometimes people park in front of the loading chute which can be frustrating on our end.

Some signs and other methods could be used to help alleviate that problem.

Zane read a letter from Dennis Atwater into the record It asked two questions.

1. Where was and is the coordination.
2. Did any of the roads exist prior to Oct 21, 1976?

Marietta noted that she would be happy to discuss any specific routes and RS 2477. Dennis believes it is the responsibility of the Federal Government to address these and I believe it is up to the County but if we want to have those discussions and resolve them or if we want to talk about specific routes I am happy to do that. It is always open.

CANM Acquisitions and base for land exchanges were discussed. CANM is purchasing some private property and the BOCC have already been notified. Marietta went over a map that showed about 8000 acres of lands in our district that were identified for land exchanges. Connie Clementson went over the process that BLM uses for identifying properties for disposal. Connie noted that if the County would identify some properties we could work on a sale. There are different tools available to accomplish that. Direct

sales may be one way, or to the cities and counties through the RMPP Act (Recreation and Public Purposes Act).

The possibility of a shooting range on BLM land was then discussed. There are potentially some DOW monies available for developing shooting ranges. Marietta noted that there are some issues surrounding shooting areas. Trash, lead, wildlife concerns etc. and there are some conflict with activities such as dispersed camping. It would be easier for us to respond to a proposal that shows where might be a good area for a shooting range. One question would be what are the expectations? We have limited staff and limited budget. We are happy to work with the county on the possibilities but there may be opportunities for partners. Maybe the County would like to put it into county owners ship...maybe the DOW etc. The biggest issue is trying to come up with an area close to town that doesn't have safety issues or is large enough for the long range shooting that has been identified.

Meeting adjourned at 9:30 pm.