AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Ratification of BOCC Chair Sign.; Draft Recovery P

Action Requested:

Parties to the Agreement:

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

Comments of Gunnison County Stockgrowers' Association Inc. and Gunnison County Board of County Commissioners on Draft Recovery Plan for the Gunnison Sage-Grouse

Fiscal Impact:

Submitted by: Lauren Hibbard **Submitter's Email Address:** lhibbard@gunnisoncounty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ○ Required ◉ Not Required

Comments:

Reveiwed by: Discharge Date: Certificate of Insurance Required

Yes ○ No ○

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 1/3/2020

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted: 0

Agenda Date: 1/7/2020

Revised April 2015

December 27, 2019

Ann Timberman, Field Supervisor
Colorado Ecological Services Field Office
U.S. Fish and Wildlife Service (USFWS)
445 West Gunnison Avenue # 240
Grand Junction, CO 81501-5711

Transmitted via email: gusgrecoveryplan@fws.gov

Comments of Gunnison County Stockgrowers' Association, Inc. and Gunnison County Board of County Commissioners on Draft Recovery Plan for the Gunnison Sage-Grouse (Agency/Docket Nos. FWS-R6-ES-2019-N125; FXES11130600000-190-FF06E00000; Document No. 2019-23894)

We respectfully submit the following comments of the Gunnison County Stockgrowers' Association, Inc. and Gunnison County Board of County Commissioners.

The Gunnison County Stockgrowers' Association, Inc. is comprised of over 100 members of the local ranching community in Gunnison County and the Gunnison Basin portions of Saguache County. The Stockgrowers have participated since the mid-1990s – along with federal and state agencies, Gunnison County, and others – in a broad range of efforts to address the conservation needs of the Gunnison sage-grouse (GuSG). These efforts have been successful in putting in place the current framework that promotes rangeland health and supports implementation of habitat conservation measures of benefit to GuSG throughout the Gunnison Basin. We are confident that the measures in place today are providing for the continued security of the species on both federal and non-federal lands in the Basin.

The Gunnison County Commissioners have a unique perspective with respect to the protection of GuSG and its habitat, and in relation to the effect of U.S. Fish and Wildlife (USFWS) regulatory and implementation decisions under the ESA. First, Gunnison County has the authority to protect and promote the health, welfare, and safety of the people of Gunnison County, and the authority to regulate land use planning and environmental quality and protection (including wildlife) in Gunnison County; pursuant to these authorities, the Gunnison County Commissioners have adopted policies and regulations including the review, approval, conditioning or denial of proposed activities and uses of land and natural resources that reasonably might impact the GuSG. Second, the Gunnison County Commissioners have, since 1995, consistently provided personnel, facilities, financial support in excess of one million dollars, and conspicuously public efforts – political, diplomatic, collegial, organized, and scientifically-based – to protect and foster the GuSG and its habitat. Third, the decisions of the USFWS will impact the citizens, and the social, economic and environmental fabric and future of the Gunnison County community, in qualities and ways different than any single community in the United States.

We appreciate the USFWS completion of a Draft Recovery Plan for the GuSG within the time frame agreed to under its settlement stipulation in the sage-grouse litigation. We offer the following comments in response to the notice of availability of the Draft Recovery Plan published in the Federal Register at 84 FR 58734 (November 1, 2019).

1. The Draft Recovery Plan should clearly recognize the importance of the Gunnison Basin Population – and the ongoing efforts to foster it. The Draft Recovery Plan does not acknowledge, much less support, the continuation of the Gunnison County GuSG land use process. More specifically, the Draft does not mention the Gunnison Basin Habitat Prioritization Tool which is the basis for the County GuSG land use process and for the Candidate Conservation Agreement (CCA) on federal lands. This should be recognized in the Recovery Plan and in the subsequent Recovery Implementation Strategy. A biologically sound and achievable Recovery Plan would recognize that the Gunnison Basin population is the essential fulcrum for recovery, and that the existing efforts in the Gunnison Basin – if continued and funded – will provide the necessary redundancy, resilience and representation for recovery. Please see our comment No. 5 below.

2. The Draft Recovery Plan correctly recognizes the high resiliency of the GuSG population in the Gunnison Basin. The Draft Recovery Plan is consistent with the recently completed Species Status Assessment (SSA) for the GuSG that confirms the high resiliency of the Gunnison Basin population (SSA p. 43; Draft Recovery Plan pp. 7, 9). The SSA contains peer reviewed scientific analysis of the species' biological status, threats, and conditions needed to maintain populations over time. The SSA analyzed nine future scenarios through 2035 and 2050 to capture climate predictions, anticipated environmental response, ranges of future anthropogenic influences, and ranges of potential conservation actions. The SSA found that under all those projections – including the continuation, optimistic, and even pessimistic scenarios – the Gunnison Basin would continue to support a high health population.

3. The Draft Recovery Plan correctly recognizes the strength of habitat protections in the Gunnison Basin. The stability and well-being of the GuSG population in the Gunnison Basin can be attributed in part to the management regime that began pre-listing and that continues to be implemented today on both non-federal and federal lands in the Basin. We appreciate the Draft Recovery Plan's recognition of the importance of voluntary participation by private landowners in advancing local conservation strategies in furtherance of the well-being of the species (Draft Recovery Plan p. 11).

   On non-federal lands in the Gunnison Basin, over 53,000 acres of agricultural lands (primarily ranchlands) are enrolled under the GuSG Candidate Conservation Agreement with Assurances (CCAA) that contains grazing practice protocols consistent with the GuSG Rangewide Conservation Plan. Over 85,000 acres of private lands have been placed under conservation easements in occupied and unoccupied habitat in the Basin. Ranchers have also participated and continue to participate in additional voluntary habitat enhancement programs and projects. Cooperative efforts among multiple federal, state, and local interests are implementing mesic and wet meadow restoration projects in the Gunnison Basin (SSA p. 45). Gunnison County land use regulations also address habitat conservation needs through the local planning process.

On federal lands, the Gunnison Basin Candidate Conservation Agreement (CCA) among federal land management agencies and the Gunnison Basin Sage-Grouse Strategic Committee continues to promote conservation of the Gunnison Basin sage-grouse population. The CCA is consistent with the conservation objectives for GuSG in the Rangewide Conservation Plan. It contains livestock grazing management guidelines for programmatic ESA compliance for federal grazing permit renewals in occupied habitat on federal lands in the Basin, as well as protective criteria for streamlined coverage of other defined development and recreation actions on those lands. This was approved by the USFWS in a conference opinion in 2013 and approved for post-listing purposes through a biological opinion issued by the USFWS in 2015. This applies to approximately 395,000 federal acres of occupied habitat, nearly two-thirds of the total occupied acres in the Gunnison Basin.

The SSA recognizes the above protections and finds that the Gunnison Basin has habitat in high condition (SSA pp. 40, 42-43, 53). The SSA identifies current domestic livestock grazing as a human influence on GuSG (SSA p. 59) but one where grazing management within most populations maximizes understory growth and health to the benefit of the grouse (SSA p. 60). Grazing practices in the Gunnison Basin are not identified as negatively affecting GuSG habitat (see SSA pp. 60, 62). We appreciate that the Draft Recovery Plan is consistent with these findings.

4. <u>The High Male Count (HMC) recovery criteria for the Gunnison Basin is more than adequate to gage the continued resiliency of the species</u>. The Draft Recovery Plan uses the median of the raw annual HMC data for historic periods of stability and growth of the species between 1996 and 2018 to develop its HMC recovery criteria, and considers populations resilient when they meet and maintain the target HMCs for 7 out of 9 consecutive years as measured by a 3-year running average. The HMC of 748 for the Gunnison Basin is an aggressive target, in view of the natural and anticipated fluctuations in GuSG populations and the reality that conditions periodically limit accessibility to monitor leks for securing reliable count numbers.

5. <u>The Draft Recovery Plan overestimates the likely contribution of the satellite populations to the diversity, adaptive capacity, and long-term viability of the species</u>. The USFWS recovery vision and strategy link recovery of the species to HMCs and improved habitat in the satellite areas. This is a function of the USFWS reliance on the principles of resiliency, redundancy, and representation, and of its conclusion that improvement of the smaller populations to enhance the species' diversity, number, and distribution is needed to meet these "3Rs." We refer the USFWS to our comments on the SSA dated December 15, 2018. There, we address the 3Rs relative to the Gunnison Basin alone. The Basin is of extensive geographic scale with topographic variation. It supports high habitat quality, quantity, and diversity; a resilient GuSG population; multiple subpopulations of sage-grouse; and intra-population connectivity. See also SSA p. 30. We thus continue to question whether recovery must be linked to redundancy through the smaller populations, and note that it remains unclear whether there is a level of localized adaptive capacity among the other populations that would further the species' representation (see Draft Recovery Plan p. 7). We believe this perspective should inform, and may indeed control, the assessment of whether the satellite

populations contribute meaningfully to the diversity, adaptive capacity, and long-term viability of the species.

6. Comments on specific Recovery Actions:

   A. *Translocation efforts*. The Draft Recovery Plan identifies translocation of GuSG from the Gunnison Basin as a Priority 1 recovery action. In the past, these efforts have been of limited success and have lost birds. Translocation carries with it a number of risks. These include the risk of mortality from the process of moving birds as well as loss through their behavioral response to being in new habitat (SSA p. 41). The primary issue with introduction of GuSG from the Gunnison Basin into the much smaller satellite populations is that the Gunnison Basin has very different habitat to which GuSG have adapted. If GuSG translocated from the Gunnison Basin do survive in a satellite population, they are likely to dilute any adaptive gene pool of the receiving population, actually causing more harm than good. Translocation stands to alter genomic differences in receiving populations and thereby reduce representation of the species in the interest of redundancy (to the extent the smaller GuSG populations reflect adaptation to different local environmental conditions, a point warranting further investigation here). Also, translocation reduces bird numbers in the core Gunnison Basin population, which has its own HMC target under the Draft Plan.

      Biologically, there are other options that should be considered before raw translocation of Gunnison Basin birds, the primary of which is captive rearing of chicks taken from satellite population birds to increase chick survival. This would have the least chance of impacting adaptive genes in the satellites. Any translocations from the Gunnison Basin must be approached with caution and be limited in scale to circumstances where it will not adversely impact the Gunnison Basin; to situations where it is deemed essential; to receiving areas that will support additional birds through sufficient suitable habitat; and only be employed after a careful weighing of the need for translocation to maintain population numbers with the risks of potential genetic dilution, potential loss of local adaptive capability, and potential stress and loss of birds.

   B. *Development of additional habitat in the Gunnison Basin*. The Draft Recovery Plan identifies the restoration and development of mesic and summer habitats in all areas as a Priority 2 action. The Gunnison Basin has a history of proactive, cooperative efforts to improve sage-grouse habitat quality and quantity. Those efforts are significant and they are on-going. That being said, we do not believe there is evidence that the amount or quality of habitat is limiting to GuSG in the Gunnison Basin. We request that this be recognized in the Recovery Plan.

   C. *Predator management*. The Draft Recovery Plan identifies predator control and management as a Priority 2 recovery action. Predation may have a population level effect in most if not all GuSG populations. For this reason, we request that the Recovery Plan prioritize efforts toward predator research and development of a robust

predator management program that will enable us to better address the role of predation on GuSG.

D. *Wild ungulate grazing*. We request that the Recovery Plan recognize the role of wild ungulate herbivory from the standpoint of nesting habitat (cover) in the spring and winter habitat management.

E. *Estimated time and cost to achieve recovery*. The Draft Recovery Plan estimates that recovery of the species may take up to 50 years at a cost of over $560 million. This is a long time and a lot of money. Who will pay for implementation of the local recovery strategies? What assurances can be offered to encourage continuation of ongoing efforts and to bring additional private and local interests to the table to further advance these conservation strategies?

F. *Funding*. USFWS has required a clear funding pathway for conservation actions in other grouse populations (Bi-state population of Greater Sage-grouse as an example). We believe the USFWS should be required to be held to the same standard in this Recovery Plan.

7. Recovery Implementation Strategy. The USFWS has stated that the specifics and prioritization of on-the-ground activities to implement recovery actions will be set forth in a Recovery Implementation Strategy (RIS) document that will be completed following finalization of the Recovery Plan. The Stockgrowers' Association and Gunnison County request the opportunity to participate in the process of developing the RIS and, toward that end, ask that they receive notice of any meetings in Gunnison related to development of the RIS. We further request an opportunity to formally comment on the draft RIS document once it is prepared.

8. Bureau of Land Management Lands. The Draft Recovery Plan does not adequately consider or address GuSG on U.S. Bureau of Land Management lands which are essential habitat for the GuSG, particularly in the satellite populations.

9. Population Viability Analysis. The Draft Recovery Plan mentions developing another population viability analysis (PVA). This would be the fourth PVA developed for this species. We are unaware of any new data, other than annual population estimates, that would input into a new PVA. We are not certain of the need for, or the efficacy of, a new PVA.

Thank you in advance for consideration of our input on the Draft Recovery Plan. We reserve the opportunity to submit additional information during the course of this recovery planning process.

Gunnison County
Stockgrowers' Association, Inc.

By: Paul
President

Gunnison County
Board of County Commissioners

By:
Chairperson