

**CASTLE
COUNTRY
LOCAL
WORKING
GROUP**

Date: 4/19/17

Place: DNR office in Price, Utah

Present: Nicole Nielson (UDWR), Makeda Hansen (UDWR), Leah Lewis (BLM), Jim Spencer (NRCS), TJ Cook (NRCS/UDWR), Michael Asch (USFWS), Derris Jones (wildlife consultant), Bill Butcher (Landowner), Scott Gibson (UDWR), Alisha Mosloff (SGI/NRCS), Klint Eastman (Preston Nutter Ranch), Brad Crompton (UDWR), Leo Hardy (Landowner), Alan Clark, Dana Truman (BLM), Lorien Belton (USU Extension facilitator)

Information Presented/Discussion Highlights

Utah's Compensatory Mitigation Program

Alan Clark presented the almost-finalized compensatory mitigation program for sage-grouse habitat in Utah. The draft rule was published on April 15th. There is a public comment period that ends May 15th, for anyone who has feedback on the proposed rule. Once the comment period has ended, the rule will be edited as necessary to address the comments, and then published formally by Mike Styler at the Department of Natural Resources. Some portions of the system, specifically the full accounting system/database, may not be in place until the fall.

First, Alan provided the history and context for why Utah is developing a mitigation program. The state sage-grouse plan calls for permanent disturbance in sage-grouse to be mitigated on a 4-to-1 ratio. It is non-regulatory, but provides a framework for how that mitigation will be tracked and accomplished. He also reviewed some of the key terms found in the draft rule, such as "mitigation" and "permanent disturbance."

Some of the key points in the program:

- Only habitat within the SGMA boundaries is eligible to be used as mitigation, and only permanent disturbance of habitat in the SGMA will count toward disturbance calculations.
- There are three options for how mitigation can be done within the program.
 - o The first option is largely for state-developed projects that will be done to mitigate for permanent disturbance on SITLA and private lands. The state is taking responsibility for doing mitigation when disturbance happens on these lands, and will not require any input from the landowners.
 - o The second option allows private landowners to develop "credits" of good habitat on their land, then sell it to anyone looking for mitigation credits. The state will provide a tracking system for the acres, and be a communication tool for people looking to buy or sell credits, but will not be involved in setting the price. (The market will adjust for that.) This is most likely to be useful if federal agencies require mitigation by energy developers or similar entities. Those companies

- would have the option to purchase those credits directly from landowners.
- The third option is a conservation bank, which is allowed for in the rule, but is complex and may not be developed.

The group discussed several elements of the mitigation program:

- This program is much simpler than many other state's mitigation programs. It uses a simple 4-to-1 ratio and does not take the type of quality of habitat into account. While not perfect, it helps create a system that is not too complex to use.
- Letting the market set the rate seemed reasonable but also produced a lot of uncertainty.
- Split estate situations could be complicated.
- It is not totally clear whether SGI/NRCS funds would be able to be used to do projects that could become mitigation areas, but for now it seems that they will be able to. It might be looked at similarly to funds that are put toward farm and ranch infrastructure, which then allow operators to earn more money from their operations. This depends on NRCS policy in addition to what the state rule says. Right now the rule, as written, does not prohibit it.
- Alan provided two examples of how mitigation credits might be used.
- Monitoring will be required to ensure that credits stay as functional sage-grouse habitat. That monitoring can be done several ways but will require a certified individual who is trained in how to determine whether habitat is suitable for sage-grouse and meets the criteria in the rule.
- New habitat will be created from currently non-functional habitat. No protection of existing lands or good-quality habitat will be done under this rule, as it would not create a net conservation gain for sage-grouse. Easement programs exist through other channels to preserve land, if that is someone's goal.
- The existence of this mitigation program will be helpful when the USFWS revisits the sage-grouse listing decision in 2020.
- SGMA boundary changes are possible, but the program will not disadvantage anyone with a credit, even if boundaries change later.
- Mitigation credits can be purchased in different SGMAs than where the disturbance occurred.

Round Robin Updates

The following updates and discussions came up during a round-robin discussion at the end of the meeting:

- The field tour will focus on Beaver Dam Analogues on Leo Harvey's property. The group picked June 21 as a tentative date. Last summer's evening field tour, with dinner, was successful and we will do another evening field tour, with food, this year also.
- Mike Ashe introduced himself and explained that he is the point person at Fish and Wildlife Service in Utah for all things sagebrush or sage-grouse, including Gunnison sage-grouse.
- Makeda noted that they planted 10,000 sagebrush starts on Porphyry Bench. It took one

day to plant them, then another 5 days to put protective mesh cages around about 4000 of the starts to protect them from herbivory. A snow fence will also be put up in areas to see if it assists with growth or survival of the plants. This would be a good stop on the field tour.

- TJ still has 12 pallets of fence markers. Several people expressed interest. Nicole and Makeda will help find volunteer labor to put them out on fences if landowners are interested.
- Brad noted that the leks counts this year were down 20% from last year, which was not surprising since last year's counts were very high and the birds are likely about to start cycling downward with normal population trends. Just last week, some collars were put out on Scofield birds, and 13 GPS collars will soon be put out on Emma Park, as part of a larger statewide effort by BLM to track birds using GPS collars. Someone asked if we learned anything during this harsh winter about where key winter areas might be. Although the collars were not out at the time, Brad noted that some pictures were taken to see where sagebrush remained above the snow.
- Dana is a wildlife biologist with BLM now.
- Leah asked to have a follow-up conversation if anyone had information about "exchange of use" agreements. Brad will follow up with Leah after the meeting.
- Bill noted that he had done some rabbit brush mowing last fall on Emma Park. The group had a short discussion on methods to manage rabbit brush.
- Although Rex Sacco could not make the meeting, he asked that we announce his interest in updating the county sage-grouse plan with any new information on populations or threats. This may be an agenda item for our next sit-down meeting.

Follow-up Needed

- Lorien will confirm the field tour dates and announce it to the full group.
- Lorien will forward the public comment information on the mitigation program to the list.

Next Meeting:

The next meeting will be the field tour. June 21st was set as the tentative date. Lorien will check to see if there are any conflicts. We will visit some BDA installations on Leo Hardy's land, and also visit the sagebrush plantings done earlier this month. It will be an evening meeting with dinner. Meet at DNR at 5:30 pm.