

**MSARM  
LOCAL  
WORKING  
GROUP**

**Date:** October 25, 2016

**Place:** Summit County Courthouse, Coalville

**Members Present:** Brandon Flack (USU), Erin Bragg (Summit County), Pam Kramer (UDWR), Kate Sattelmeier (Summit Land Conservancy), Scott Walker (UDWR), Anthony Gray (USFS-Heber), Christina Hacker (USFS-Evanston), Alan Clark (UDNR), Loralie Cox (UDAF), Lorien Belton (USU Extension; MSARM facilitator)

**Discussion and Updates**

*Personnel Updates*

Thomas Hoskins position has still not been filled; Craig McKnight is the best NRCS contact for this group for now. Alan Clark will be retiring in January; his position will likely be advertised in the upcoming weeks.

*Research Update*

Brandon Flack, USU graduate student in charge of the local sage-grouse research study, updated the group about the research he has now completed. All field work is done, and he is working on analyzing the data.

The grouse in this area have a very small home range, and did not move much. Most of the birds nested within 1 km of the leks where they were trapped, and most raised chicks within several hundred meters of their nesting site. Calculations for the nesting/summer home range is only 7 square miles. A few birds went further away for winter, but most also stayed in that same area for last winter. Two GPS birds left the area and were trackable. Four VHF birds appear to have left the area during winter, but it is not clear where they went. Based on how long the two GPS females who left spent at other lek areas, it is possible that there could be genetic flow from other populations into the Henefer-Divide population, but without additional research on genetics, it is not possible to know for sure.

The birds in this population also had high nest initiation rates: 90% in 2015 and 122% in 2016 (due to 7 re-nesting birds). 19 nests hatched each year. Of the total 40 marked birds from 2015, 5 died. Of the 38 marked birds starting the 2016 season (some collars were redeployed), 18 died, mostly males. There was a peak of mortalities in July.

The group briefly brainstormed a few questions that would require future research:

- What is happening on the Henefer-Echo WMA? There are probably sage-grouse there.
- Is there genetic flow between the leks off the SGMA to the south, and into the Henefer-Divide population?
- What does the existing vegetation data tell us about how we could improve the habitat in the H-D area so the population could expand its use of surrounding areas?

- Could we get one more year of movement data while the collars are still active, even if there is no associated vegetation data in the spring? (The group felt the vegetation data was less important than capturing the movements until the collars die, if there was an option for limited funding to continue to one year.)

### *New Compensatory Mitigation Program*

Alan Clark presented the draft compensatory mitigation program for the state of Utah. It is currently in the rulemaking phase, so details are not final, but he presented the core concepts and took questions.

The state sage-grouse plan outlines a 4:1 mitigation ratio for permanent disturbance in sage-grouse habitat. Although no one on private or SITLA land is required to do the mitigation, the state has taken the responsibility to make sure mitigation happens for disturbance on those lands. Federal agencies are in the process of working out details of what kind of mitigation they will require. To hopefully accommodate the many possible scenarios, the state of Utah is writing a rule (authorized by Senate Bill 200 and to be administered by the UDNR) that would set up a program to manage compensatory mitigation.

The rule, which is in development, outlines three different ways mitigation can happen.

- 1) In cases where there are no regulatory requirements (i.e. SITLA or private lands) to mitigate permanent disturbance to sage-grouse habitat, the Watershed Restoration Initiative (WRI) database will be used to track state-initiated projects done largely on state ground. To qualify, habitat projects will need to add to existing sage-grouse habitat by doing vegetation work (probably juniper removal) in areas adjacent to occupied sage-grouse habitat. Also, sagebrush cover will need to meet a minimum coverage percentage and tree (juniper) coverage will be limited to under 4%; otherwise the project will not count. This system does not require permanent land protection to protect the life of the projects; however, if projects are in danger of becoming no longer usable, the credits can be moved to another project location to maintain the viability of the credits.
- 2) So that private entities can also participate, a second option is available. If a private landowner creates new sage-grouse habitat on their land, they can sell those credits, using the state of Utah's tracking system as an intermediary, to developers or others who need to purchase credits in Utah. The land that has the projects will also need to be protected for the life of the disturbance, under a mechanism such as an easement, to ensure that the project will stay in sage-grouse habitat for the length of the disturbance. If the original disturbance is removed, the credits can then be resold by the landowner if still functional habitat. This is similar to systems used by Colorado and Nevada. The landowners will be paid for the credits at a yet-to-be-discovered market value per acre. They will also be required to pay for ongoing monitoring to ensure that the habitat is still good for sage-grouse. Developers will only be able to purchase already created credits, so this system may take a couple years to come to full fruition. These projects will also be tracked in the WRI database using a "compensatory mitigation" label so they are not double-counted with other projects for habitat improvement. The state of Utah hopes that this

mitigation will match with what at least some federal agencies can use according to their policies, so that disturbances on federal land (Forest Service, for example) might be able to be mitigated on private land. The mitigation ratios for this type of work will depend on what each agency requires.

- 3) A conservation bank, according to USFWS guidelines, is the third and most complex option. This would require that a conservation bank be set up formally. The state of Utah will not be developing the bank, but now allows for one to be established.

There will also be a fee-in-lieu option which could be useful as the system is developing, before existing credits are available on the market. In this scenario, a federal agency could charge a fee to a developer, and put it into the WRI system (for use via option #1, above).

For now, the main way to create sage-grouse habitat under this mitigation program will be juniper removal, primarily in stage 1 or 2 juniper stands where sage-grouse can occupy the habitat quickly after treatment. One possible other option would be to create corridors between occupied habitat areas. The rule making is still in draft process, so full details are not yet available.

The draft rule was presented, as required, to a legislative committee on October 19<sup>th</sup>. They gave the go-ahead to continue the process and get public comment. This comment period will likely begin in November and go for 30 days. Lorien will send out info to the sage-grouse groups when this is available. Once comments are reviewed and any necessary adjustments are made to the rule, Mike Styler of the UDNR will be the one who formally adopts the rule.

Alan took clarification questions (incorporated into the summary above). Then the group discussed options for getting landowners who might be interested aware of and familiar with the program. Alan recommended having key individuals, like Kate at Summit Land Conservancy, learn the rule thoroughly so that landowners interested in a suite of potential tools can know when holding mitigation credits might be of interest to them. Alan noted that he has written several case studies geared toward how industry might use the credits, but does not have any yet to show landowners why the program might work for them. Kate and others indicated that would be useful. The group briefly discussed the possibility of USU Extension hosting a workshop to educate interested landowners once the rule is finalized.

Alan noted two other processes related to the state sage-grouse plan. First, in 2017 (using 2016 imagery), the state disturbance maps will be updated from the original baseline maps done several years ago. Second, working groups (or others, with discussion at working group meetings) can propose boundary changes to SGMAs as our information about certain populations grows.

### *Possible projects*

The group discussed what projects could be done in the MSARM area now that we have population data for the first time. Because much of the area serves the grouse for all seasons, it is not clear exactly how treatments could improve the quality of habitat. The best place to start

may be some small demonstration projects in areas where weed management is a concern, to improve the sage-grouse habitat and protect the sagebrush from weed infestations. Pam and Scott identified a few areas where approaching the landowner about a small improvement project might make sense. There is not as much juniper concern for the populations we know about, but everyone will continue to be aware of possible project areas. For this year, the group will probably not submit any WRI project proposals for sage-grouse, however.

### **Follow-up Needed**

- Lorien will send out information to the group when the public comment period for the mitigation plan begins.
- Once the mitigation rule is finalized, Lorien will explore the possibility of hosting an event for landowners and land trusts to learn more about the options.
- Lorien will schedule the evening January meeting.

### **Next Meeting**

The next meeting will be an evening dinner event in January, focused on topics of interest to landowners. This could be the mitigation program as it applies to landowners who may be interested in participating, research updates, test projects, IM updates pertinent to grazers in the west desert or other BLM areas, or test projects to improve habitat in the area.