



## White River and Douglas Creek Conservation Districts

P.O. Box 837 – 351 7<sup>th</sup> Street – Meeker, CO 81641 – Phone (970) 878-5628, Ext. 101

April 2, 2013

Public Comments Processing  
Attn: FWS-R6-ES-2012-0108  
Attn: FWS-R6-ES-2011-0111  
Division of Policy and Directives Management  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, MS 2042-PDM  
Arlington, VA 22203

COMMENTS SUBMITTED  
ELECTRONICALLY

RE: Endangered Status for Gunnison Sage-grouse; Proposed Rule; Docket No: FWS-R6-ES-2012-0108; 4500030113, 78 Fed. Reg. 8, 2486 (January 11, 2013); and Designation of Critical Habitat for Gunnison Sage-grouse; Proposed Rule; Docket No: FWS-R6-ES-2011-0111; 4500030114, 78 Fed. Reg. 8, 2540 (January 11, 2013)

To Whom It May Concern:

White River and Douglas Creek Conservation Districts state the organizations' intent and reserves the right to make further comments and to participate fully in each available component of the process of the United States Fish and Wildlife Service ("FWS") regarding the proposed rule for Endangered Status for Gunnison Sage-grouse; Docket No: FWS-R6-ES-2012-0108; 4500030113, 78 Fed. Reg. 8, 2486 (January 11, 2013) ("Proposed Rule for ESA Listing"); and the proposed rule for Designation of Critical Habitat for Gunnison Sage-grouse; Docket No: FWS-R6-ES-2011-0111; 4500030114, 78 Fed. Reg. 8, 2540 (January 11, 2013) ("Proposed Rule for Designation") (collectively "Proposed Rules").

The White River and Douglas Creek Conservation Districts (Districts) are located in Rio Blanco County, Colorado. As political subdivisions of the State charged with caring for the natural resources within the Districts' respective boundaries, we have been actively engaged in the Greater Sage-Grouse issue. We find the proposed "endangered" or even a "threatened" listing of the Gunnison Sage-Grouse (GSG) unacceptable and it important to provide comment on this Decision as we believe it sets a precedent for the future decision regarding the Greater Sage-Grouse.

The work conducted in the Gunnison Basin and other satellite populations is "The Model" for sustaining the sage-grouse species and it should be replicated rather than dismissed and trivialized. The existing working groups and numerous partners have conserved thousands of acres, maintained and improved habitat across the range and positively impacted population numbers, all done without a listing stranglehold. If the FWS successfully lists the GSG, after all the efforts and resources committed to this species, all opportunity and incentive to encourage landowners and managers to cooperatively work together to maintain and improve habitat for both the Gunnison and Greater Sage-grouse species is lost.



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Given the multitude of partners working to protect the GSG, a “significant portion of the range” has increased by approximately 33% since 1953 and has been determined by Colorado Parks and Wildlife to have less than .5% risk of extinction in the next 50 years. Therefore, this species is not warranted to be listed as threatened or endangered. However, the FWS blatantly chose to recommend listing the GSG as “endangered” after all the work, dedication, time and resources put into sustaining the Gunnison Sage-grouse by Colorado tax payers, private property landowners and local government entities. This proposed listing is an affront from all perspectives.

A great deal of the GSG habitat is within areas that have livestock grazing. While some believe the two cannot sustainably exist on the range together, science has proven they can and often do. The bigger concern for GSG is habitat fragmentation, housing development and human population. One doesn't have to look far to see that ranchers and farmers are the only thing standing between the current open space (GSG habitat) and those much greater threats of fragmentation, housing development and human populations. Where GSG is thriving, you will typically find best management grazing practices a large part of their success. If the GSG is listed, it will place more restrictions on the ranchers and cause many to sell. The highest bidder for rangeland is typically a developer with the intent of subdividing the ranch. Therefore, ESA regulations would actually be the cause of the habitat fragmentation, housing development, and increased human populations in these areas.

The NEPA process was established to allow for local input and consideration in deliberations for endangered species listings. We believe it is time for FWS to listen and work with local communities including counties the States' wildlife agencies to find real solutions rather than use the ESA regulations that will result in greater threats to the GSG habitat.

The Districts share the following concerns with the local communities directly affected by this decision:

- 1. Proven successful partnerships have been and will continue to improve GSG habitat and a sustainable population without regulation that comes with ESA.**
  - If this species is listed under the Endangered Species Act (ESA), the partnerships that are critical to a sustainable Grouse population will be lost.
  
- 2. To date, the FWS has failed to establish that the Gunnison Basin Population is facing material or imminent threats. In fact, the Colorado Parks and Wildlife (CPW) find the Gunnison Basin population of Sage-grouse is stable, healthy and growing and is likely to persist in the long-term.**
  - The Gunnison Basin represents 88% of the species population.
  - The GSG population in the Gunnison Basin has increased by 16.86% since 2001 and by 33% since 1953
  - There is less than .5% risk of extinction for the Gunnison Sage-grouse over the next 50 years.



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### 3. The GSG is NOT a “Threatened or Endangered Species” under the Endangered Species Act.

- The term “endangered species” “means any species which is in danger of extinction throughout all or a significant portion of its range...” 16 U.S.C. §1531(b). The term “threatened species” “means any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Id. §1532(20). The FWS has failed to establish that the GSG meets either definition.
- In 2012, there was an estimated population of 4,621 in the Gunnison Basin alone. This is even with 221 birds being translocated out of the Gunnison Basin.
- Looking at the CPW Gunnison Basin Population Estimates from 1953 – 2012, there always has been significant population fluctuations. There always will be significant fluctuations.
- In partnership with FWS and many others, CPW contracted a Population Viability Analysis (PVA) for the GSG. This analysis determined that a population in excess of 500 birds had an extinction risk of less than 5% within the next 50 years. Further review of the analysis reveals a population over 3,000 has a .5% risk of extinction within the next 50 years. The Gunnison Basin alone has a population of more than 4,000.
- The Fish and Wildlife Service has not made the necessary analysis as required by the Endangered Species Act of whether the Gunnison Basin Population is a “significant portion of the range” as required under the Fish and Wildlife Service’s 2011 Draft Policy. The Gunnison Basin Population is a significant portion of the range, but 4,082 birds is a sustainable number and is neither endangered nor threatened. By definition, by policy and by law this means that the GSG is neither endangered nor threatened under the Endangered Species Act.
- The Fish and Wildlife Service has not made the necessary analysis of whether the satellite populations individually or collectively are a “significant portion of the range” under the Fish and Wildlife Service’s 2011 Draft Policy on Interpretation of “Significant Portion of the Range”. The satellite populations individually and collectively are not a “significant portion of the range”. Therefore, the GSG is neither endangered nor threatened under the Endangered Species Act.

### 4. Community efforts and comments have been disregarded in the proposed rule, for example:

- Community efforts have included significant amounts of conservation easements, fee simple acquisitions, and execution of Candidate Conservation Agreements and facilitation of landowner participation in a Candidate Conservation Agreement with Assurances.
- Regulatory efforts such as specific rules regarding orientation of homes, driveways and lights have been instituted to avoid disturbance of the bird.
- Cerro Summit, Crawford and Poncha Pass populations are within the standard range of variability for static populations. Existing conservation plans and working groups have stabilized populations as evidenced by USFWS data.



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- 5. FWS has significantly overstated the magnitude and causes of alleged threats to the Gunnison Basin Sage-Grouse population.**
- It appears the FWS has overestimated the pace and numbers of residential development that may impact the Gunnison Sage-grouse and its habitat.
  - Draft rules misinterpret or misstate scientific studies (such as the Aldridge Study which overemphasizes the impacts of development on the bird).
  - The Proposed Rule states that Sagebrush habitats within the range of Gunnison sage-grouse are becoming increasingly fragmented as the result of various changes in land uses and the expansion in the density of and distribution of invasive plant species. The references cited were primarily discussing the Great Basin and the cheat grass threat to the Greater Sage-grouse. The habitat for the Gunnison Sage-grouse is not being invaded by cheat grass with the exceptions of very few parcels. Invasive plant species are not a major threat to the Gunnison Sage-grouse and this should be re-evaluated by the USFWS.
  - Projections of habitat degradation due to grazing have not been borne out as represented by the current stable, healthy and growing population co-existing with current grazing operations.
  - The USFWS listing document clearly states that there is no direct correlation between historic grazing and reduced Gunnison sage-grouse numbers. However, in the same paragraph the extrapolation continues by saying that grazing impacts individuals and habitat conditions. Specific to nesting success cited in (Gregg 1991) USFWS does not acknowledge in this study, overall nesting success was significantly lower than other studies measuring nesting success. In fact, other studies have found little differences between nesting success based on grass height independent of grass species. More often than not, grass height was the same or taller at unsuccessful nests than at successful nests (Aldridge and Brigham 2002, Fisher 1994, Greg 1191, Gregg et al. 1994, Gregg et al 1997, Gikkirab 1999, Popham and Gutierrez 2003, Sveum et al. 1998, and Wakkinen 1990).
- 6. The conclusions regarding the impacts from domestic grazing are overstated and incorrect.**
- There is no research that distinctly correlates livestock grazing and reduced Gunnison Sage-grouse numbers. No research demonstrates that livestock grazing itself is responsible for a reduction in Sage-grouse numbers and there is no established correlation between livestock densities and grouse persistence.
  - Historical high numbers of grouse are often reported in the 1940s and 50s and this equates to the same period of time when there was 50 percent more livestock numbers on the federal lands than there is now. If livestock grazing was a major factor on the population, grouse numbers would be increasing. Research would indicate this is not a correlation; however the same reasoning cannot be used in reverse in that reducing livestock numbers will increase sage grouse numbers; however that is the implication of the proposed rule.
  - Numerous citations within the proposed rule cite that there is not a correlation between livestock grazing and grouse numbers, however reducing livestock numbers is discussed in the document on 20 pages of the rule. The proposed rule indicates that development was the primary reason for listing and it only warranted 13 pages. This would indicate that the proposed rule is not about the species but about targeting a specific land use that research cited in the proposed rule is not correlated to a reduction in the population of the Sage-grouse.



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- 7. Studies cited for sagebrush plan communities and domestic grazing disturbance are not germane to the Gunnison sage-grouse occupied and critical habitat soils, moisture and ecological site descriptions and therefore do not belong in this particular listing document.**
- Cite specific research on Mountain Loam and Dry Mountain loam show that complete exclusion of livestock does not return to pristine conditions. The listing document implies that would occur, but again, realities of soils, precipitation, herbivory by all species, do not provide proof that would occur. The listing document implies that reducing livestock numbers would assist in the recovery of the Gunnison sage-grouse; however their own researchers (Aldridge et al 2008) could not find any relationship between sage grouse persistence or population levels and livestock densities.

Given the above information, the Douglas Creek and White River Conservation Districts oppose a “threatened” or “endangered” listing of the Gunnison Sage-Grouse.

Thank you for considering these comments.

Sincerely,

Leonard Thompson, President  
White River Conservation District

Scott Robertson, President  
Douglas Creek Conservation District