

RESOLUTION No. 2013-022

**A RESOLUTION OF THE
OURAY COUNTY BOARD OF COUNTY COMMISSIONERS**

Adopting a Policy Regarding Protection of Gunnison Sage Grouse Habitat

WHEREAS, the Board of County Commissioners has the authority pursuant to C.R.S. 29-20-104 to plan for and regulate the use of land by “protecting lands from activities which would cause immediate or foreseeable material danger to significant wildlife habitat and would endanger a wildlife species”; and

WHEREAS, the Board of County Commissioners also has the authority pursuant to C.R.S. 42-4-111 to adopt temporary or experimental regulations as necessary to cover emergencies or special conditions and to order temporary closures of county roads as authorized by statute; and

WHEREAS, the Gunnison Sage Grouse is a species being considered by the U.S. Fish and Wildlife Service for listing as an endangered species, pursuant to the Endangered Species Act, and has identified limited locations within Ouray County as being existing or potential habitat for the Gunnison Sage Grouse; and

WHEREAS, the Board of County Commissioners finds that, if scientific evidence confirms the existence of an active lek within 0.6 miles of the identified locations in Ouray County shown on Exhibit A hereto, critical breeding and brooding habitat can be protected seasonally by imposing temporary restrictions on motor vehicle use of certain roads within Ouray County; and

WHEREAS, temporary restrictions on motor vehicle use of said roads, and the restrictions on building permits will not cause substantial injury to the owner or occupants of adjacent lands, and will not adversely affect the health and safety of property owners, residents and visitors to Ouray County; and

WHEREAS, potential adverse impacts to the Gunnison Sage Grouse habitat can be addressed with conditions on a site specific basis, as necessary, imposed as terms and conditions of a building permit for construction in an area in which an active lek has been confirmed during a field investigation, to ensure that critical breeding and brooding habitat is not disturbed by construction activities.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

1. Upon confirmation by field investigation and sighting of an active lek within 0.6 miles of the property identified by the USFWS in Exhibit A, the Board of County Commissioners will direct Road and Bridge Department to provide for temporary, seasonal closures to motor vehicles not belonging to adjacent property owners or their guests, from March 15 until May 15 of each year. Such temporary closures will be continued annually so long as an active lek exists within 0.6 miles of a county road within the area identified on Exhibit A.
2. Upon confirmation by field investigation and sighting of an active lek within 0.6 miles of a construction site for which a building permit has been requested, any building

permit issued by the County Land Use Department shall contain appropriate terms and conditions to require best management practices approved by the appropriate state or federal agency with jurisdiction over the species to minimize and avoid any impact to critical breeding and brooding habitat between March 15 and May 15 of any year.

3. If a site development permit is requested within the habitat shown on Exhibit A, Staff will inform the applicant of the existence of the habitat and provide them with impact mitigation techniques.

APPROVED AND ADOPTED THIS 28th DAY OF MAY, 2013.

Voting for: Commissioners Fedel, Padgett and Batchelder
Voting against: None

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO



F. Mike Fedel, Chair



Lynn M. Padgett, Vice-Chair



Don Batchelder, Commissioner

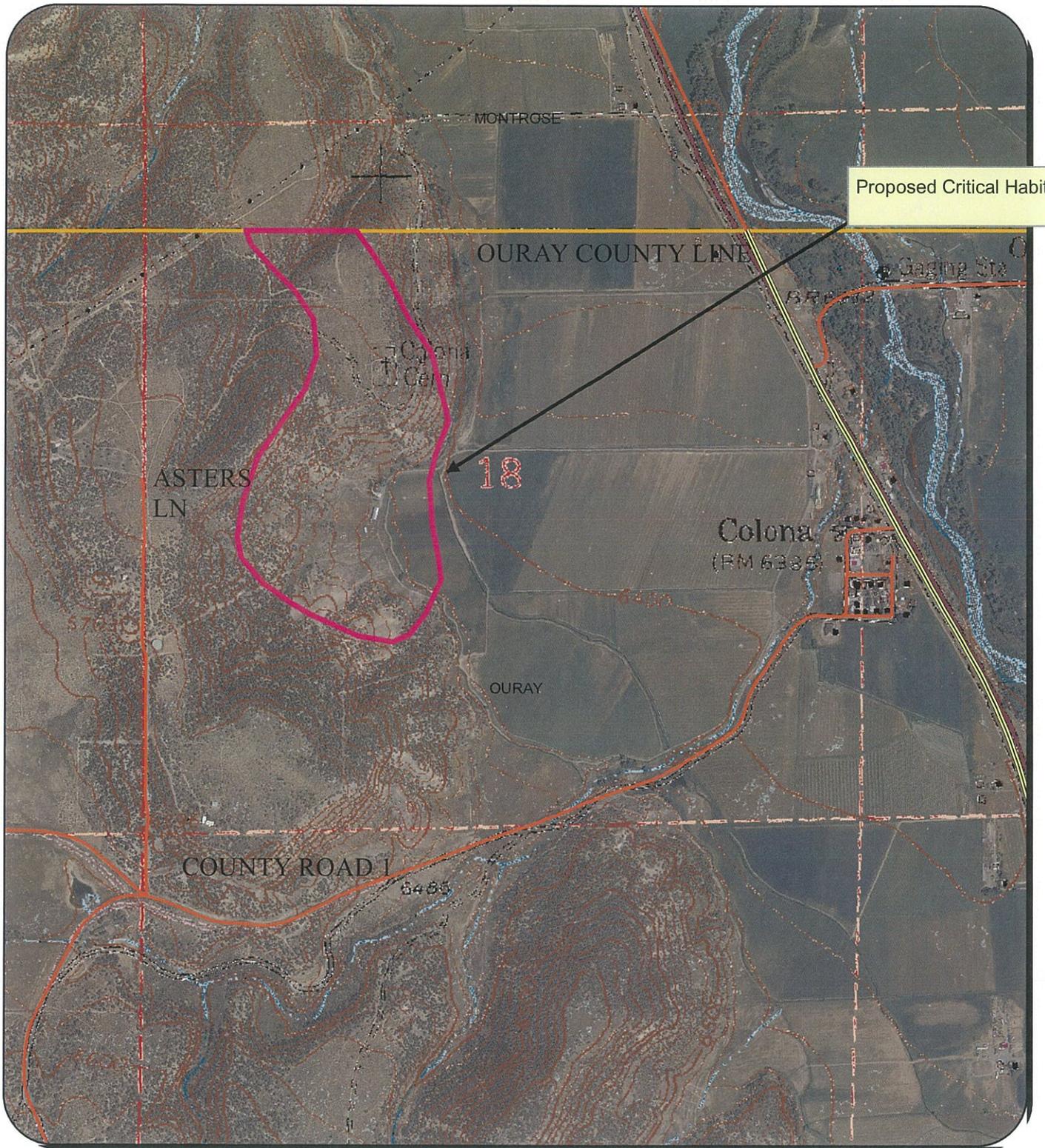
Attest:



Michelle Nauer, Clerk and Recorder

By: Linda Munson-Haley, Deputy Clerk of the Board

EXHIBIT A



Proposed Critical Habitat

MONTRGSE

OURAY COUNTY LINE

ASTERS LN

18

Colona (RM 6385)

OURAY

COUNTY ROAD 1

Legend

- USFS Roads
- Highways
- Ouray County Roads
- Gunnison Sage Grouse Proposed Critical Habitat
- Ouray County Boundary
- County Boundary



1:12,000

Source: <http://www.fws.gov/coloradoes/gusg/> downloaded May 22, 2013.

