

Minutes

Crook County Natural Resources Committee

August 9, 2023

Committee Members Present: Lynne Breese, Bill McCormack, Melinda Kestler, Frank Porfily, Mike Lunn, Tim Deboodt, Andy Gallagher, Kim Vogel

Members Absent: Casey Kaiser, Cliff Kiser, Steve McGuire

Guests Present: Greg Jackle (ODFW), Skyler Vold (ODFW), Slater Turner (USFS), Jimmy Eisner (BLM), Stephanie McKinney (BLM), Michael Kline (ODFW), Rachel Davee (Sage Con), Julie Unfried (Sage Grouse LIT), Sarah Kaschmitter (USFS), Jennifer Abernathy (USFS), Kirk Flannigan (USFS)

Public Present: John Breese, Gayle Hunt, Jenna Deidel, Jona Ensley, John Dehler, Brian Wilk, Cora Klein

Meeting was called to order at 1:00 p.m. by Vice-chair Lynne Breese @ COCC Crook County Open Campus

Pledge of Allegiance

Approval of June 14, 2023 minutes: Melinda pointed out that during the presentation by Greg Jackle on wolf presence, he noted confirmed wolf kills in both Deschutes and Jefferson Counties and a location of a collared wolf in the Murderers Creek area. Mike moved to approve the minutes as amended. Bill Seconded. Motion passed.

Agency Reports:

Kirk Flannigan (Acting Supervisor – Ochoco National Forest) introduced himself. Currently on the Sawtooth National Forest but has served previously on the Deschutes National Forest. He will be on the Ochoco until mid-fall. The entire grasslands is now a part of the National Wildfire Strategy. Originally on the portion of the grasslands west of highway 97 was included. This area will now become a priority area by the Forest. Frank asked about information he had that the FS was not using borate for fire fighting in the valley. Kirk explained that there is an avoidance zone (300 ft away from waterways) in which they will not use aerial drops unless there is a life safety concern.

Jimmy Eisner provide the BLM update. The Deschutes field office has hired a replacement for Jimmy's position, a hydrologist position and are still in the process of hiring for range and assistant field manager. Jimmy is retiring mid-September. Jimmy described the Grizzly Mtn Communication plan and BLM's efforts to update it. It is not a plan requiring NEPA and the public will not be asked to comment. Future activity on the Grizzly Mtn area will be a few years out. This would include wildfire risk assessment and plan along with an updated allotment management plan (currently inactive). Jimmy also noted that anyone needing a right-of-way permit could be as far out as 9 years, the backlog is that large due to staffing issues.

Jimmy addressed Grizzly Mtn road (road to the top from Hwy 26.) In 1964, the BLM obtained a right-of-way through private lands (McCabes). The agreement requires BLM to grade the road once a year. BLM has been doing it twice a year. Utility services (Republic Services, UPS, etc) have been complaining about road maintenance. BLM intends to continue the twice a year grading.

John Delher, a landowner whose property adjoins BLM on Grizzly Mtn. made presentation of their attempts as neighbors to work with BLM on the issues associated with BLM. Those issues include grazing, wildfire risk and public trespass as people visit the top of Grizzly. John's desire to present through the NRAC is to encourage the BLM publicly to elevate the work needed in this area by BLM. Concerns in the area include wildfire risk (several small fires in the last couple of years), safety to infrastructure on top of the mountain, and large number of scattered residential sites on the slopes of Grizzly. John expressed a desire to return grazing to the mountain. John stated that grazing is a powerful tool for vegetation management and fire prevention. John also is concerned about timber stands on the mountain and the lack of attention they are getting. John asked the Committee to assist in helping develop a working relation with BLM and others to address these concerns.

Mike Lunn asked how much of Grizzly is protected by ODF. John responded that approximately the upper ½ is. Lynne asked by grazing is no longer allowed. John responded that sometime during the transfer of private property associated with the allotment, the allotment went into non-use because the permit didn't follow the transfer. Kim Vogel asked if BLM could cost share on boundary fences. Jimmy said no. Melinda asked what the Committee can do. John responded that helping to create awareness (today's meeting) is a great thing. Melinda asked if the County Court should write a letter? John responded that if it is a priority for County then yes.

Mill Creek Vegetation Management Plan

Jill Abernathy, Ochoco National Forest provided an overview of the draft vegetation management plan for Mill Creek. FS has been working on this project for since scoping started December, 2021. Prior to that date, FS personnel gathered resource condition to better understand needs. A 1999 EA for Mill Creek authorized multiple actions within Mill Creek and it is now time for new treatments. A draft EA will be released to the public the week of August 14, 2023. The draft plan will address different ways to thin from below to achieve desired vegetation (forestry) goals.

The draft analyzes 4 alternatives; no action, and 3 different treatment levels. The plan reviews non-commercial thinning (up to 12" dbh), biomass (up to 14" dbh) and commercial logging along with the use of prescribed burning and some riparian restoration work. Alternatives 3 and 4 allow for some removal of trees over 21" dbh focusing primarily on Grand fir/white fir/douglas fir. These alternatives were developed under the guidance of the recent changes to the East Side Screens.

Public comment will be open for 30 days. Mid-September is the anticipated deadline date. The public is encouraged to sign up on line to receive the notices for publications and then to comment.

Oregon Department of Fish and Wildlife Sage Grouse Map and Plan update

Skyler Vold, State Sage Grouse Habitat Coordinator (ODFW) lead discussion about the new draft maps that have been developed by ODFW with its cooperating partner agencies that are now out for public review and comment. Skyler provided an update on the history of the management of the sage grouse

in Oregon, its listing review in the early 2000's and the State's adopted plan and maps created around 2015. It is time to update those documents since the Department now has better information on the bird and more science has been collected on the habitats the bird lives in.

Skyler noted that it is ODFW goal to maintain the authority to manage the bird within the State and not the Federal agencies. To do this, the bird has to stay off the Endangered Species List. The update that ODFW is going through now is the result of new information about the birds and habitat use since 2011.

Kim Vogel asked if the revisions will be used by ODFW to work with the Federal agencies (BLM, USFS, etc) in managing the bird. Skyler said they have been working closely with these agencies in their updating process and anticipate its use in future management activities. Melinda asked if maps are based on data and modeling, when was the data last updated. Skyler said that lek data and collared bird data collected from 2015 – 2022 was used.

Lynne asked what was Andy's involvement? Andy responded that he and Rachel (now with Sage Con) worked closely with ODFW in ground trothing the new draft maps.

The question was asked what is the impact on landowners with these maps? Skyler said there will be no impact to agricultural activities. There would be no restrictions placed on farming, grazing or farm associated construction. The designation of core or other could impact things like solar developments. Impacts could include mitigation requirement placed on the developer.

ODFW would like to receive public comments regarding the draft maps and changes to the management plan by early fall (late September was suggested). The Commission is scheduled to take action on the proposals at their December, 2023 meeting.

Public Comment:

Don Vogel asked the Slater Turner (FS) if the Forest would meet with the landowners within the Mill Creek drainage. Slater said they (FS) would not be holding a meeting specific to that group but if any group wished to have a presentation on the draft plan, the FS would work with them to make it happen.

Kim Vogel asked for a brief overview of the tree species composition within the proposed project area. Jennifer provided a brief overview and then said that information will be included in the draft EA.

Tim asked about the economic study identified within the presentation for helicopter and high-lead logging being proposed on steep slopes within the project area. The concern is that these systems are not viable on the east-side dry forests because volume is not high enough and they don't exist on this side of the mountain. FS responded that they did not want to do a forest amendment to address steep slope logging with ground-based equipment. FS also asked that those comments be submitted during this 30 day comment period.

No other business

Mike moved to adjourn. Frank seconded. Motion passed

Meeting adjourned at 3:30 p.m.

Crook County Project/Activity Briefing

Bureau of Land Management – Prineville District – August 2023

Grizzly Mountain Communications Plan: the BLM is in the process of updating the Grizzly Mountain Communications Site Plan. When complete, this plan will outline operations procedures for the numerous communication companies holding leases with the Prineville District. The plan will address subjects such as: fees and bonding, conditions for construction, security, maintenance, roles of various authorities (e.g., BLM vs FCC), siting new facilities vs. using existing facilities to house multiple lease-holders, and building standards (type, safety, color, etc.).

To address needs for environmental analysis in Crook Co - The document is not a NEPA document and will not have public review and will not serve as a document that can analyze other actions such as grazing permit renewals, fuels reductions, etc.; however, the BLM will be hosting meetings will all current lease holders to involve them in the development of this plan. Activities on Grizzly Mountain outside the communication sites will require an environmental analysis and the current workload for the field office is prohibitive. The field office is receiving numerous applications for safety related issues such as land conveyances for wastewater treatment plants, road realignments and improvements, powerline maintenance and installations, railroad crossing improvements, hazardous fuel reduction projects, etc. The field office is working on an EA for the La Pine area that has rolled in numerous actions (grazing permit renewals, fuel reduction, spotted frog habitat improvement, recreation site development, etc.) – this would likely be the model that would have the most potential and the field office could address several projects in the county re: grazing permits, Barnes Butte, trail development, etc. The timeline for this could be several years out – and could be bumped by incoming urgent/safety related actions.

Crook County Roads

The BLM has recently been approached by residents and businesses regarding the condition of roads. The assumption has been that many of these roads in question (Grizzly Mountain Road, numerous roads in Juniper Canyon) are “BLM roads” because they cross BLM-administered lands. The office has been told that Republic Garbage and Recycling and UPS are going to stop driving on these roads.

BLM acquired an exclusive perpetual easement from Francis and Beth McCabe in 1964. The easement extends from Federal Highway 26/State Highway 360 to the summit and was acquired for the purpose of providing general access for the public and for specific users who hold rights-of-way at the communication site. The easement requires BLM to grade the road annually in the fall to facilitate access to the 80-acre communication site. For at least the past decade, the BLM has been exceeding this standard and grading the road twice a year. At this point the BLM does not have plans to add additional road maintenance to the schedule and residents on the private lands below the BLM land will have to identify a path forward for maintenance on the lower several miles.

For the roads in Juniper Canyon (and elsewhere), right-of-way holders are required to do their own maintenance – in accordance with their right-of-way. For example, a ROW might describe the width, length and surface type for a road, and maintenance must fit within these restrictions or the ROW holder will need to apply for an amendment. All of the roads in Juniper Canyon



identified by Republic were either not on BLM, crossed BLM with a legal ROW (meaning that ROW holder is responsible for the maintenance) or were roads without legal rights-of-way (trespass).



Oregon Department of Fish and Wildlife 2023 Greater Sage-Grouse Habitat Mapping Update

The purpose of this document is to provide some frequently asked questions regarding the Oregon Department of Fish and Wildlife's (ODFW) 2023 update to Oregon's Sage-Grouse core and low-density habitat maps. This document gives an overview of the process and provides resources for more information on how to engage. Additional information can be found on our [Sage-Grouse Planning website](#).

Where can I find information about sage-grouse conservation in Oregon?

The ODFW [sage-grouse website](#) has several links and resources available to learn more about sage-grouse conservation in Oregon. This includes specifics on the ODFW [Sage-Grouse Mitigation Program](#), information on sage-grouse policies in Oregon (OAR 660-023-0115 and OAR 635-140-0000 through 0025), consideration for land use development in sage-grouse habitat, and resources about the sage-grouse core and low-density habitat map updates.

What are the Greater Sage-Grouse Core and Low-Density habitat maps?

The purpose of Oregon's sage-grouse core area approach to conservation (OAR 635-140-0015) is 'to address greater sage-grouse management from a conservation biology perspective that identifies the most productive populations and habitat that meets all life history needs.' Under this overarching goal, ODFW identified and mapped sage-grouse habitats necessary to conserve 90% of Oregon's greater sage-grouse population, defined as 'Core Areas'. Similarly, ODFW identified Low Density habitats, which provide additional breeding, summer, and migratory habitats for Oregon's greater sage-grouse population. The core and low-density habitats were initially delineated in 2011 and have not been updated since this initial mapping.

In early 2022, ODFW began reviewing and revising Oregon's Sage-Grouse Core and Low-Density habitat designations in conjunction with updating [Oregon's Sage-Grouse Conservation Assessment and Strategy \(CAAS\)](#), which guides ODFW's management of sage-grouse in Oregon.

Why is ODFW updating the maps now?

The CAAS recommended Core Area maps be updated as new information is obtained on sage-grouse winter habitat use, lek distribution, disturbance thresholds from various types of development, and success of mitigation measures. Over the past 12 years, Oregon has improved knowledge of sage-grouse distribution and habitat requirements through the discovery of over 150 new leks, development of new habitat suitability maps, and through sage-grouse research projects, which have generated spatial habitat use and movement data from radio- and GPS-marked birds.

Updating Oregon's Sage-Grouse Core Areas in 2023 is timely, in that it will coincide with the Bureau of Land Management's (BLM) amendments to the range wide sage-grouse Approved

Resource Management Plan (ARMP), which guides sage-grouse habitat conservation and restoration on BLM-managed lands in 10 Western states.

How are the maps developed?

The process ODFW used to delineate sage-grouse core areas and low-density habitat in 2011 is outlined in detail in the CAAS [pg. 79–83]. For the update to Oregon’s core and low-density habitats, ODFW followed the same modeling process as was used in 2011 but updated the model with new data that has become available since 2011, including new lek locations, new GPS- and VHF- locations of marked sage-grouse, and a new sage-grouse occupied habitat layer. Additionally, there are many sage-grouse leks which were used the 2011 mapping process that are no longer occupied by sage-grouse, so these leks were not included in the habitat revision.

Who is involved in the mapping update and what are the next steps?

ODFW, the Department of Land Conservation and Development (DLCD), counties with mapped sage-grouse habitat and other partners have a role in the sage-grouse core and low-density habitat map update. ODFW has been closely evaluating the modeled sage-grouse habitat maps over the past several months, utilizing the most biologically relevant and best available scientific data to make initial modifications to the modeled core and low-density boundaries. Coordination with partners to identify potential boundary modifications has begun, following specific biologically-justified revision criteria. ODFW is working to schedule in-person partner meetings to disseminate information on the mapping process, respond to questions, and provide insight for suggesting boundary alterations. Finally, ODFW will take the revised habitat maps and suggested edits to the Oregon Fish and Wildlife Commission for formalized decisions and adoption of the final map and CAAS.

How are the maps used for county land use planning purposes?

The original US Fish and Wildlife decision that listing was “warranted but precluded” included a key finding that there were not “adequate regulatory mechanisms to arrest the decline of the species. In Oregon, the Governor’s Office responded by directing the Land Conservation and Development Commission (LCDC) to consider revisions to the administrative rule implementing Statewide Planning Goal 5.

The Goal 5 sage-grouse rule ([OAR 660-023-0115](#)) (Sage-Grouse Rule) was adopted by LCDC in 2015. The rule defines core and low-density sage-grouse habitat and makes specific reference to sage-grouse habitat maps delineated by ODFW as outlined in the CAAS. LCDC adopted the 2011 map into the rule as the controlling document identifying significant sage-grouse habitat.

It is expected that LCDC will adopt the updated maps as part of the Sage-Grouse Rule, thereby replacing the 2011 map. Until this happens, the 2011 map will continue to apply for Goal 5 and the new maps will not be applicable to county land use proceedings until adopted by LCDC.

Oregon Counties that have mapped sage-grouse habitat have a role through implementation of Goal 5 in their local comprehensive plans and zoning codes. County authorities are not changed by the updated maps.

Does the county have to adopt the maps or modify land use regulations?

No, the Sage-Grouse Rule (OAR 660-023-0115) directly applies to county land use decisions affecting significant sage-grouse habitat. A county may develop a Goal 5 program to achieve consistency with the Sage-Grouse rule. However, until LCDC has acknowledged a county amendment to its comprehensive plan and land use regulations to be in compliance with Goal 5 and the Sage-Grouse Rule, OAR 660-023-115 applies directly.

What does it mean to be in a mapped area?

When adopted by LCDC, the updated maps for Oregon's Sage-Grouse Core Areas and Low-Density habitats will influence conservation and development in significant sage-grouse habitat per Executive Order 15-18 and OAR 660-023-0115.

The Sage-Grouse Rule defines significant sage-grouse habitat and identifies types of land use that could conflict with the conservation of sage-grouse habitat. The rule directs counties to review applications for development permits using the mitigation hierarchy (avoidance, minimization, and mitigation) and sets development thresholds that limit the amount of core habitat impacted due to new development.

Core areas, also identified as priority areas for conservation (PACs), are limited to no more than 3% direct impact resulting from development (OAR 635-140-0010(1)(d)). Changes to individual core areas under the revised sage-grouse habitat maps will require the 3% development caps to be recalculated. ODFW will coordinate with partners to recalculate these 3% caps.

What are the types of land use that may conflict within mapped sage-grouse habitat?

OAR 660-023-0115 identifies land uses that conflict with sage-grouse habitat and criteria where a county may approve a conflicting use. Conflicting uses include large-scale development (greater than 50 feet in height; direct impact in excess of five acres; more than 50 vehicle trips per day; or noise levels of at least 70 dB for sustained periods of time) and other activities that require review by county decision makers pursuant to OAR 660-033-0120 table and are proposed within specific distances of an occupied or occupied-pending lek.

What does it mean if a county has a reduction in mapped sage-grouse habitat?

The updated maps may result in a reduction in acreage of sage-grouse core or low-density habitat in a county. An area that is no longer mapped as sage-grouse habitat should not be considered under the Sage-Grouse Rule. It's important to note that sage-grouse populations and our understanding of their use of the landscape can change over time. These changes can

cause areas of the mapped significant sage-grouse habitat to move and reappear across map updates.

What does it mean if a county has an increase in mapped sage-grouse habitat?

The updated maps may result in an increase in acreage of sage-grouse core and low-density habitat in a county. If a county has new acreage identified, land use proposals that constitute conflicting uses in those areas would be regulated through OAR 660-023-0115 when the new map is adopted by LCDC.

Who can I contact for more information?

ODFW is coordinating with partners during the review and revision of Oregon's Sage-Grouse Core Areas and Low-Density habitats. Partner participation during this process will be necessary to ensure an accurate and representative update of Oregon's key sage-grouse habitat designations. For more information please contact:

ODFW Sage-Grouse Planning Team: SageGrouse.Plan@odfw.oregon.gov

Skyler Vold, ODFW Sage-Grouse Conservation Coordinator
541-573-6582
skyler.t.vold@odfw.oregon.gov

Nigel Seidel, ODFW Sage-Grouse Mitigation Coordinator
503-947-6074
nigel.e.seidel@odfw.oregon.gov

Jon Jinings, DLCD Community Services Specialist
541-325-6928
jon.jinings@dlcd.oregon.gov