

Minutes

Crook County Natural Resources Committee

April 10, 2024

Committee Members Present: Bill McCormack, Frank Porfily, Mike Lunn, Kim Vogel, Steve McGuire, Lynne Breese, Cliff Kiser, Melinda Kestler, Andy Gallagher, Calista Songstad, Tim Deboodt

Members Absent: Casey Kaiser

Guests Present: Lisa Clark (BLM), Sheriff Gautney, Commissioner Susan Hermrick

Public Present: Gayle Hunt, Monty Kurtz, Mike Ervin

Meeting was called to order at 1:00 p.m. by Chair Steve McGuire @ COCC Crook County Open Campus

Pledge of Allegiance

Minutes: Frank Porfily moved to approve the minutes of the March 13, 2024 meeting as amended. Lynne Breese seconded. Motion passed.

Frank moved to not have the “heavy draft” (dark) so that draft minutes are readable. Cliff Seconded. Motion passed.

Agency Updates:

Forest Service: No Report

State Parks: No Report

Lisa Clark (BLM) provided a report for activities related to BLM. As of today, BLM has not issued its final decision on the changes to the Public Land Rule. The National office will roll out the decision notice to the public at the same time the District BLM offices will get the notice. The rule was propose back in 2023. Potential changes associated with the new rule include the issuance of “restoration leases”, modifications to how ACEC (Areas of Critical Environmental Concern) are put in place (perhaps an expedited process), and responses to environmental concerns around climate change. The new rule addresses the need to use “best science and best data”. The rule will not amend Resource Management Plans.

Melinda asked if someone or organization has a conservation lease, can a solar lease supersede it? Lisa said without guidance, she would not be able to answer that one yet. Steve mentioned the County’s Natural Resources Policy and its directive to maintain active grazing permits, even if a permittee wants to no longer use theirs. Permits should be transferred to other permittees who will utilize the forage.

Lisa talked about the new rule, allowing area managers to utilize temporary, emergency closures for areas/roads. Under the old procedures, BLM had to announce 60 – 90 days in the Federal Register. Under the new rules, BLM can utilize radio/newspapers/etc. for announcing immediate closures. Closure announcements require that a specified time (ex. 30, 60, 90 days) be a part of the announcement. Normal type closures (nesting areas) are covered in normal planning process and cannot be use under this “emergency declaration”. Cliff asked what is an emergency? Lisa gave examples of what is not an emergency (houseless camp elevating fire risk) versus what might be (a chemical spill).

Monty Kurtz asked if the FS had a similar rule. Lisa responded that she believed that the FS already has a rule for declaring emergency closures. Cliff asked who has the power to declare the emergency. Lisa responded that the responsibility is at the Field Manager level.

Sheriff Gautney mentioned that this topic was discussed at the Western States Sheriff’s Assoc. meeting in Reno, NV this winter. It was the first that many in local law enforcement had heard about it. Sheriff’s concerns were the lack of guidance on what constitutes an emergency, and the possibility of indefinite closure notices. Sheriff Guatney said the WSSA passed a resolution that would limit the scope of the rule, require the definition of what is an emergency and that timeline statements would be included. Lisa responded by assuring that timeline requirements are a part of the process and that things like planned events are not emergencies. The order she said, is intended to deal with things that cannot be planned for. Things like events, have a planning process.

Cliff expressed a point that the local BLM needs to work with local governments and law enforcement when these closure notices are put in place.

Other BLM updates included that the Chimney Rock Campground project for upgrading the facilities is still on-going and that the campground is still closed to the public. BLM is working with Oregon Division of State Lands on some land transfers. When Oregon became a State, not all federal lands (sections 16 and 32) were transferred to the State. There are some lands east of Bend that are a part of this transfer.

Grizzly Mountain Communication site plan is completed and being reviewed. BLM is working with Deschutes County on landfill relocation, and BLM is in the review and planning phase for the Horse Ridge Trail System. So far, they have received over 340 comments during scoping.

Hiring continues to be a struggle for the Agency. Normally, the BLM has 12-15 techs hired by now, this year so far they have only 3. Issues in hiring continue to be housing and competitive wages. BLM is working with the local youth corp programs. BLM is involved in seasonal survey work for sage grouse, eagles, etc., and pre fire season meetings.

Business:

Cliff Kiser presented the subcommittees draft letter regarding County response to BLM’s Programmatic Solar NEPA. Committee members were Cliff, Lynne, Melinda, Calista and Mike. Cliff and the subcommittee discussed their findings within the draft EIS and the conflicts with the County’s Natural Resources Policy. Concerns about the elimination of multi-use of public lands, the lack of requirements for solar developments to first exhaust all other options of locating on private lands, and the lack of accountability on the private investment companies that are proposing such large scale solar

projects. There appears to be no requirement for coordination with local governments. Public comment about the EIS was there was no recognition or analysis of the impacts to tourism.

Kim Vogel moved to approve the draft letter submitted by the subcommittee and recommends the County adopt the letter and submit it to BLM prior to the deadline date for public comments. Cliff seconded. Motion passed.

Mill Creek Vegetation Management plan and its draft decision notice were discussed. Kim strongly encourages the County to submit a letter of Objection prior to the May 3rd deadline. Significant changes were made from the EA (preferred Alt 3.) and the Decision Notice (modified Alt 4). Discussion included the fact that if the County didn't file a letter of Objection, it would lose its voice in helping to frame the outcome of this project by the FS. The County has submitted letters during the scoping and draft EA public comment period last fall in regards to this project. Andy moved to submit a draft Letter of Objection to the County for its consideration. Kim seconded. Motion Passed. Steve appointed Kim Vogel, Cliff Kiser and himself to assist Tim and representatives from AFRC in the writing of the draft letter for County consideration.

Public Comment: None

Cliff moved to adjourn. Kim seconded. Motion Passed. Meeting was adjourned at 3:00 p.m.