



Oregon

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May 7, 2020

TO: Land Conservation and Development Commission

FROM: Jim Rue, Director
Gordon Howard, Community Services Division Manager
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SUBJECT: **Agenda Item 6, Attachment C**



ANNUAL SAGE-GROUSE REPORT

I. AGENDA ITEM SUMMARY

The Department of Land Conservation and Development (DLCD, or department) must annually report to the Land Conservation and Development Commission (LCDC, or commission) the amount of new direct impacts in each Priority Area for Conservation (PAC).¹ Please see Attachment C2 for a list of PAC locations in Oregon.

This report covers the period from January 2019 to December 2019. The department has coordinated with all affected counties² who have furnished information showing that very little new development has been approved.

Four counties reported no new development approvals. The most common approval was to allow the replacement of an existing dwelling with a new dwelling. All affected counties will receive a copy of this report.

For further information about this agenda item, please contact Jon Jinings, Community Services Specialist, at 541-325-6928 or jon.jinings@state.or.us.

II. BACKGROUND AND UPDATES

The commission adopted the Sage-Grouse Rule in Burns, Oregon, on July 24, 2015. The rule was a fundamental component of Oregon's Sage-Grouse Action Plan, which was adopted by Governor Brown through Executive Order 15-18 and then submitted to the U.S. Fish and Wildlife Service as evidence that listing the Greater Sage-Grouse as an endangered species was not warranted. On September 22, 2015 the Secretary of the Interior announced that the Greater-Sage Grouse did not require protection under the Federal Endangered Species Act.

¹ "Priority Areas for Conservation" (PACs) means key habitats identified by state sage-grouse conservation plans or through other sage-grouse conservation efforts (e.g., BLM Planning). In Oregon, core area habitats are PACs.

² Baker, Crook, Deschutes, Harney, Lake, Malheur and Union counties.

A. RULE PROVISIONS: OAR 660-023-0115

As part of Oregon’s overarching goal to arrest the decline of the species, the Sage-Grouse Rule was designed to reduce the direct and indirect impacts of anthropogenic activity in the state’s significant Sage-Grouse habitat. To accomplish this objective the rule established several key provisions, which include the following.

1. Identification of Significant Sage-Grouse Habitat.

Significant habitat types have been divided into three categories according to data and mapping products created by the Oregon Department of Fish and Wildlife (ODFW) in descending order of importance: Core (also called PACs), Low Density and General. Please see Attachment C2 for a map of these areas.

2. Identification of Conflicting Uses.

Two categories of conflicting uses are called out. “Large-scale development,” which is defined at OAR 660-023-0115(3)(i); and “other” activities that require land use review and are proposed in near proximity to a lek.³

3. Program to Achieve the Goal of Protecting Significant Sage-Grouse Habitat.

“Other” activities proposed in near proximity to a lek require coordination with ODFW and may or may not require any mitigation.

Large-scale development proposed in Core and Low Density habitat areas must satisfy a three step mitigation hierarchy of avoidance, minimization and compensatory mitigation.

The first two steps, avoidance and minimization, are the purview of county decision makers. If compensatory mitigation (paying for habitat restoration) is necessary to offset any remaining impacts that cannot be entirely avoided or minimized, ODFW’s mitigation requirements must be satisfied. The mitigation hierarchy is applied in a less strenuous fashion to proposals in Low Density habitat.

4. Development Cap and Metering Requirements.

Scientific evidence has demonstrated that Sage-Grouse habitat will become severely compromised if direct anthropogenic disturbance occupies three percent or more of a particular range. Therefore, Core Areas/PACs have a maximum cap. No more than three percent of the total area may be physically occupied with development. As shown in Attachment C3, all of Oregon’s Core Areas/PACs are well below this threshold.

³ Lek” means an area where male sage-grouse display during the breeding season to attract females (also referred to as strutting-ground).

Complementing the three percent cap is a metering limitation. New development may not exceed one percent of the total area of a PAC in any 10-year period.

5. Direct Applicability.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) is generally considered a process goal without direct applicability. The rule implementing Goal 5 (OAR Chapter 660, Division 23) ordinarily specifies how a county should go about establishing a local program to account for the variety of Goal 5 resources.

The Sage-Grouse rule is different. This rule applies directly to development proposals in significant sage-grouse habitat unless counties follow the regular Goal 5 process to establish a local program for the protection of Sage-Grouse. The commission retains acknowledgement authority for local programs. Thus far no affected county has pursued local program development.

B. SAGE-GROUSE CONSERVATION PARTNERSHIP SUMMIT

Oregon’s Sage-Grouse Conservation Partnership (SageCon) held its annual summit this year on October 3 and 4 in Burns, Oregon. The summit was well attended by members of local, state and federal government, as well as the ranching and environmental communities. A full agenda highlighted efforts promoting rangeland resilience, efforts to abate wildland fire and invasive species, and discussions of Oregon’s current Sage-Grouse population.

III. COUNTY DEVELOPMENT APPROVALS

As mentioned above, there was almost no new development activity in significant Sage-Grouse habitat during 2019. The table below shows information reported by the affected counties.

County	Development Approvals in PACs for 2019	Acres Disturbed (estimates)
Baker	Lot-of-Record Dwellings (1) Replacement Dwellings (2)	1 0
Crook	None	0
Deschutes	None	0
Harney	None	0
Lake	None	0
Malheur	None	0
Union	None	0

IV. CONCLUSION

There was very little new development approved in Oregon’s Core Sage-Grouse Habitat (PAC’s) in 2019, which is consistent with past reporting periods. A single lot-of-record dwelling and two replacement of existing dwellings in Baker County were the only local development approvals for the current reporting period. Lot-of-record dwellings may be approved on lands protected under Goal 3 (*Agricultural Lands*) for certain long time property owners, similar to a “grandfather” clause. Dwellings are not considered large-scale development.

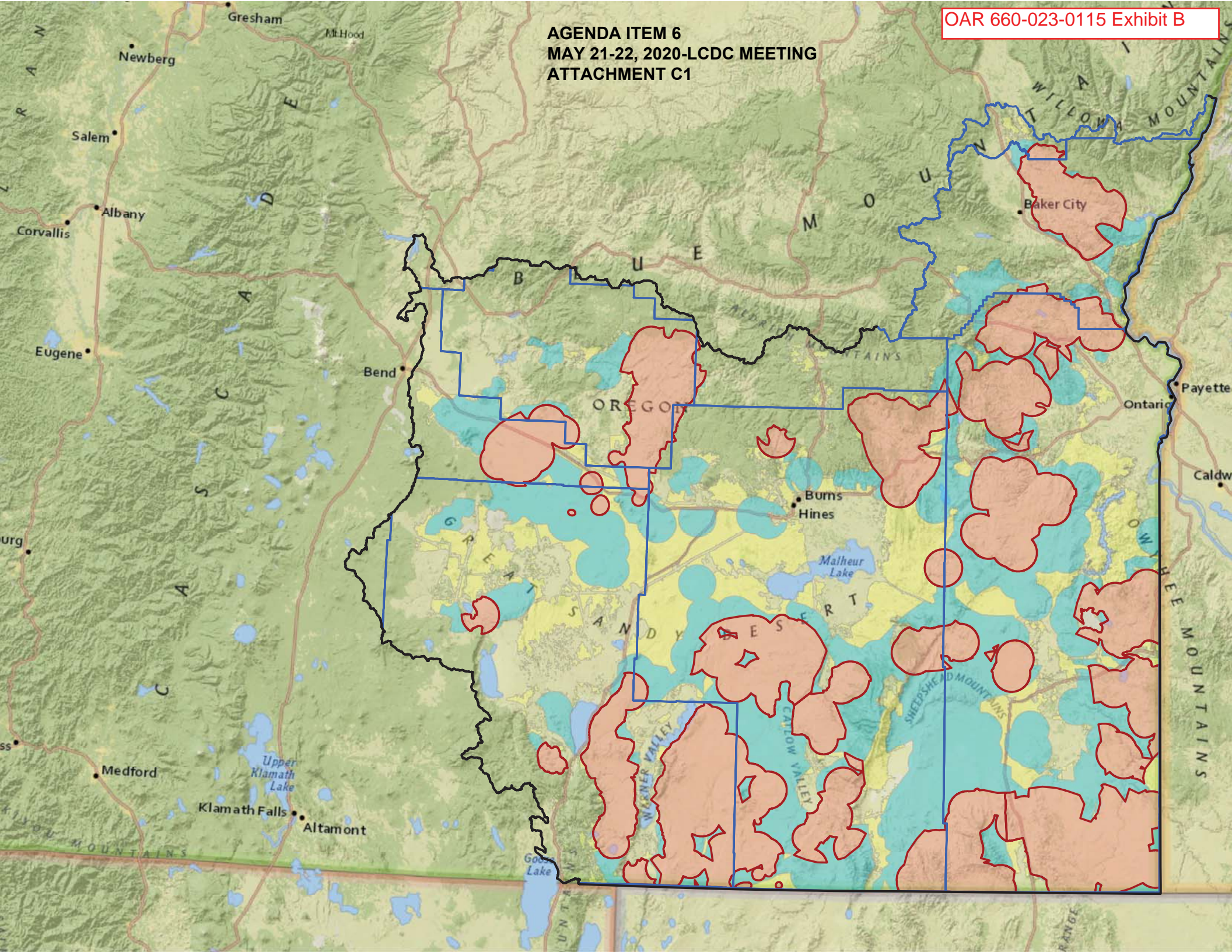
V. ATTACHMENTS

C1. SAGE GROUSE MAP SIGNIFICANT HABITAT

C2. SAGE GROUSE MAP PACS

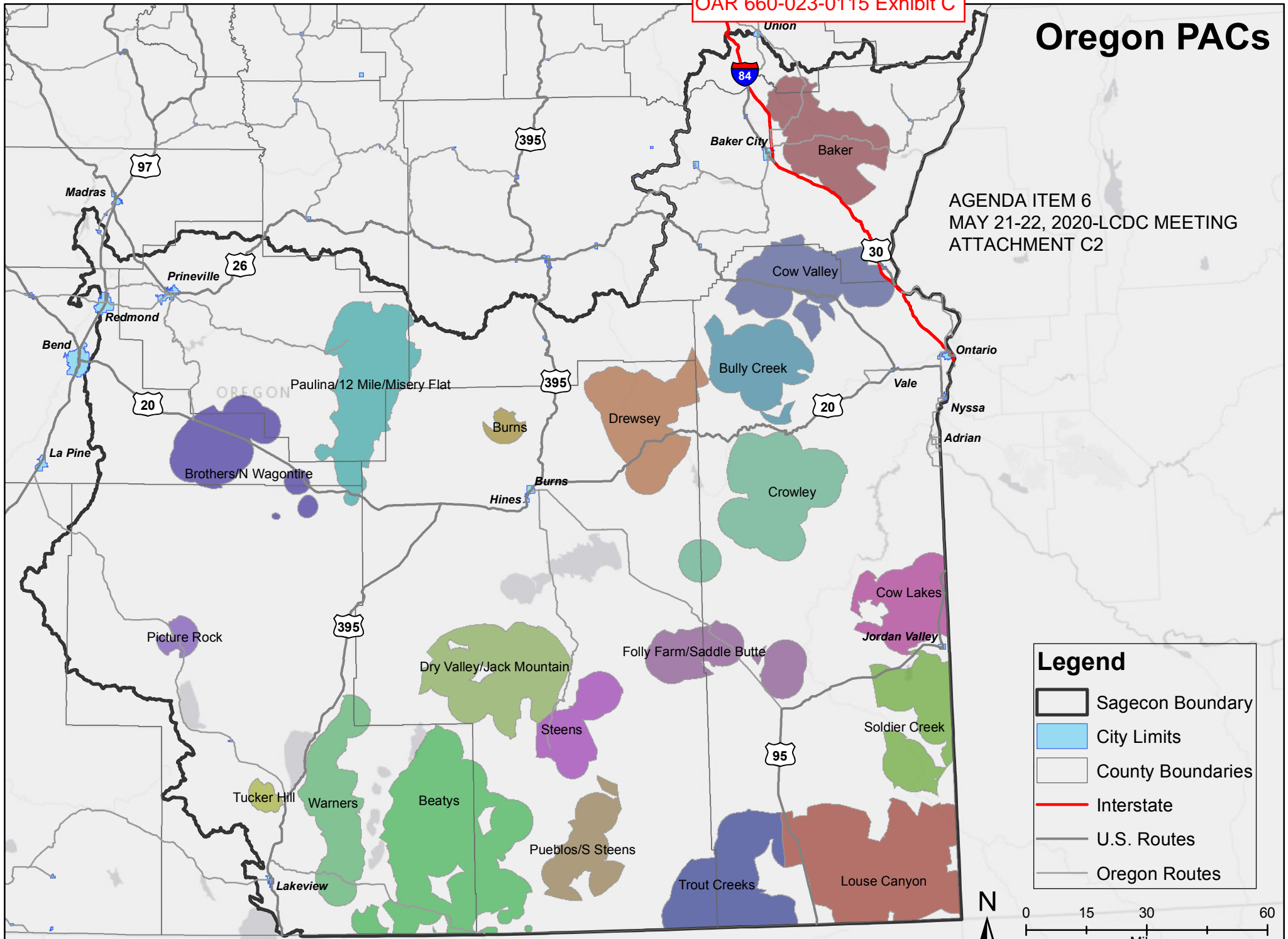
C3. SAGE GROUSE BASELINE

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






Oregon PACs

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Legend

-  Sagecon Boundary
-  City Limits
-  County Boundaries
-  Interstate
-  U.S. Routes
-  Oregon Routes

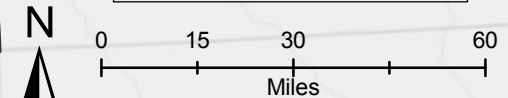


Exhibit D. Baseline – Existing Human Disturbance

Core Area/PAC	County(ies)	PAC Size (acres)	Existing Disturbance (acres)	Existing Disturbance (percentage)
Baker	Baker, Union	336,415	2,938	0.87%
Beatys	Lake, Harney	841,398	1,262	0.15%
Brothers/N Wagontire	Crook, Deschutes, Lake	293,344	1,640	0.56%
Bully Creek	Malheur	279,723	572	0.20%
Burns	Harney	35,756	36	0.10%
Cow Lakes	Malheur	249,705	723	0.29%
Cow Valley	Baker, Malheur	368,442	1,501	0.41%
Crowley	Harney, Malheur	490,890	1,436	0.29%
Drewsey	Harney, Malheur	368,560	1,235	0.34%
Dry Valley/Jack Mountain	Harney	449,423	1,081	0.24%
Folly Farm/Saddle Butte	Harney, Malheur	251,574	606	0.24%
Louse Canyon	Malheur	672,453	988	0.15%
Paulina/12 Mile/Misery Flat	Crook, Deschutes, Harney, Lake	441,745	1,057	0.24%
Picture Rock	Lake	42,588	440	1.03%
Pueblos/S Steens	Harney	208,940	657	0.31%
Soldier Creek	Malheur	295,486	343	0.12%
Steens	Harney	185,773	729	0.39%
Trout Creeks	Harney, Malheur	393,822	1,090	0.28%
Tucker Hill	Lake	31,545	78	0.25%
Warners	Harney, Lake	330,249	2,148	0.65%