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Annual Sage- Grouse Report and Goal 5 Overview

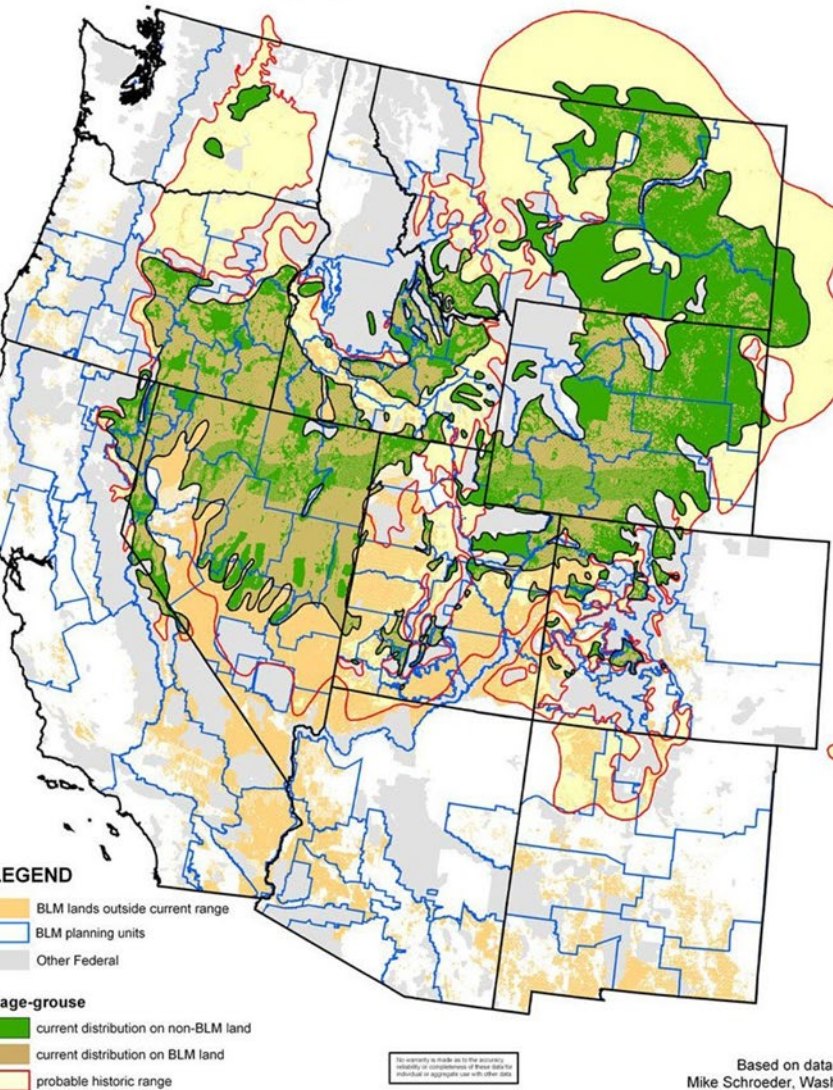
**January 25, 2024
Coos Bay, Oregon
LCDC Hearing
Agenda Item 6**

The Greater Sage-Grouse



Photo Courtesy of Nils Eddie

BLM Planning Units
and
Sage-grouse Occurrence



Sage-Grouse Country

- 11 Western States.
- Millions and Millions of Acres.
- Much Federal Land.
- SE Oregon is a Sage Brush Stronghold.



**Very little new
development approved
in Core Areas in 2023.**

LCDC's Sage-Grouse Rule

Annual Reporting Requirements

Sage-Grouse Rule Background

- 2010 US Fish and Wildlife Service designates Sage Grouse as “Warranted but Precluded” due to threats from:
- Wildfire
 - Invasive Weeds and Juniper encroachment.
 - Habitat Fragmentation
- 2011 ODFW developed a Sage Grouse Conservation Strategy
- Focused on “Core Areas” with 90% of breeding population
 - Avoid Impacts in Core Areas
- 2012-2015 Oregon “Sage Grouse Action Plan” developed through Oregon’s Sage-Grouse Conservation Partnership (SageCon).
- 2015 Anchored by Oregon’s Action Plan and work by the 10 other western States, the USFWS determined that it was not necessary to list the species under the federal Endangered Species Act.

Statewide Planning Goal 5

Natural Resources, Scenic and Historic Areas, and Open Spaces

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations.

OAR Chapter 660, Division 23

PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5

- Primarily a “Process” Rule.
- Replaced Division 16 in 1996.
- Most local inventories adopted in the 1980’s and 1990’s
- In the absence of Periodic Review for Counties (SB 543, 1997) few inventories have been updated.



OAR Chapter 660, Division 23

PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5



660-023-0220

Open Space

- (1) For purposes of this rule, “open space” includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and public or private golf courses.**
- (2) Local governments are not required to amend acknowledged comprehensive plans in order to identify new open space resources. If local governments decide to amend acknowledged plans in order to provide or amend open space inventories, the requirements of OAR 660-023-0030 through 660-023-0050 shall apply, except as set forth in section (3) of this rule.**
- (3) Local governments may adopt a list of significant open space resource sites as an open space acquisition program. Local governments are not required to apply the requirements of OAR 660-023-0030 through 660-023-0050 to such sites unless land use regulations are adopted to protect such sites prior to acquisition.**

Inventory of Significant Sites

Quality, Quantity and Location



(a) Collect information about Goal 5 resource sites;

(b) Determine the adequacy of the information;

(c) Determine the significance of resource sites; and

(d) Adopt a list of significant resource sites.

Economic, Social, Environmental and Energy Consequences (ESEE)

Our own mini NEPA



(a) Identify conflicting uses;

(b) Determine the impact area;

(c) Analyze the ESEE consequences; and

(d) Develop a program to achieve Goal 5.

Program to Achieve Goal 5

A Regulatory Arrangement



- ***Comprehensive plan provisions and land use regulations.***
- ***The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses.***
- ***May include zoning measures that partially or fully allow conflicting uses.***

Safe Harbors

Shelter from the Storm

Guarantee Goal 5 compliance for certain resources:

- **Riparian Corridors**
- **Wetlands**

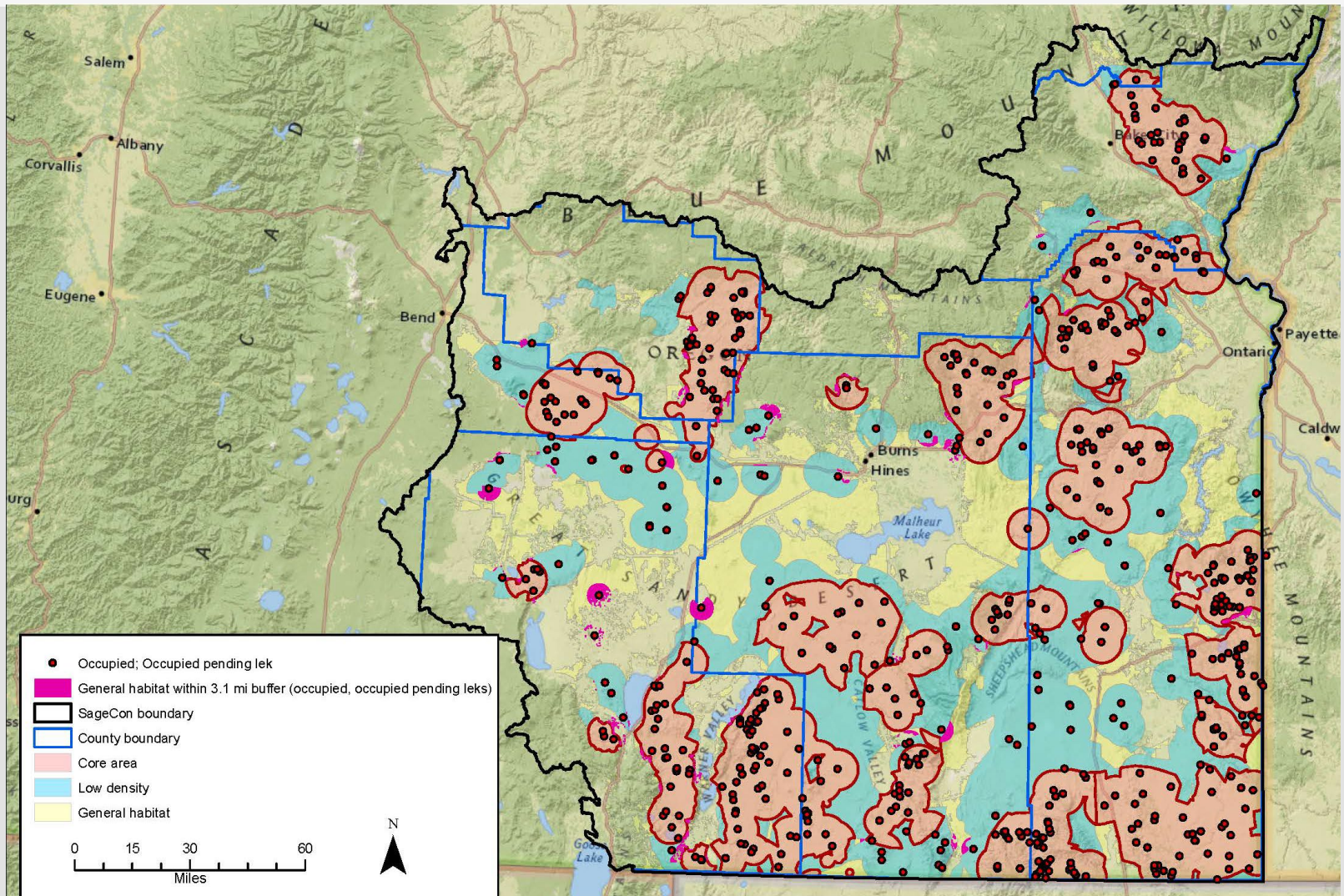


OAR 660-023-0115: Greater Sage-Grouse

.... Beyond voluntary efforts it remains necessary to provide a regulatory framework that offers fairness, predictability and certainty for all involved parties.

Engagement on the part of county government is critical to Oregon's efforts to address possible impacts from future development.

Inventory of Significant Sage-Grouse Habitat



Identification of Conflicting Uses (ESEE decision process)

“Large-scale development” Tall things, land intensive things, things that generate a lot of traffic, and loud things that are listed in one of the following categories identified in OAR 660-033-0120 and require review:

(A) Commercial Uses.

(B) Mineral, Aggregate, Oil and Gas Uses.

(C) Transportation Uses.

(D) Utility/Solid Waste Disposal Facilities.

(E) Parks/Public/Quasi-Public.

		Commercial Uses
R5	R5	Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203(2)(b)(L) or ORS 215.213(1)(u) and 215.283(1)(r).
R5,14	R5,14	Home occupations as provided in ORS 215.448.
A39	A39	Dog training classes or testing trials.
R5	R5	Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under ORS 215.213(1)(z) or 215.283(1)(x).
R5,35	R5,35	An aerial fireworks display business that has been in continuous operation at its current location within an exclusive farm use zone since December 31, 1986, and possess a wholesaler's permit to sell or provide fireworks.
*18(a)	R5	Destination resort which is approved consistent with the requirements of Goal 8.
A	A	A winery as described in ORS 215.452 or 215.453, and 215.237.
R5	R5	A restaurant in conjunction with a winery as described in ORS 215.453 that is open to the public for more than 25 days in a calendar year or the provision of private events in conjunction with a winery as described in ORS 215.453 that occur on more than 25 days in a calendar year.
R or R5	R or R5	Agri-tourism and other commercial events or activities that are related to and supportive of agriculture, as described in ORS 215.213(11) or 215.283(4).
A23	A23	Farm stands.
R5	R5	A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes

Identification of Conflicting Uses (ESEE decision process)

Other activities, which require review by county decision makers pursuant to OAR 660-033-0120 table and are proposed:

(A) In a core area within 4.0 miles of an occupied or occupied-pending lek;

(B) In a low density area within 3.1 miles of an occupied or occupied-pending lek;
or

(C) In general habitat within 3.1 miles of an occupied or occupied-pending lek.

		Natural Resource
A	A	Creation of, restoration of, or enhancement of wetlands.
R5,27	R5,27	The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.
		Residential
A1,30	A1,30	Dwelling customarily provided in conjunction with farm use.
R9,30	R9,30	A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse, which means grandparent, step-grandparent, grandchild, parent, step-parent, child, brother, sister, sibling, step-sibling, niece, nephew, or first cousin of either, if the farm operator does, or will, require the assistance of the relative in the management of the farm use.
A24,30	A24,30	Accessory Farm Dwellings for year-round and seasonal farm workers.
A3,30	A3,30	One single-family dwelling on a lawfully created lot or parcel.
R5,10,30	R5,10,30	One manufactured dwelling, or recreational vehicle, or the temporary residential use of an existing building in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident.
R4,30	R4,30	Single-family residential dwelling, not provided in conjunction with farm use.
R5,30	R5,30	Residential home or facility as defined in ORS 197.660, in existing dwellings.
R5,30	R5,30	Room and board arrangements for a maximum of five unrelated persons in existing residences.
R12,30	R12,30	Replacement dwelling to be used in conjunction with farm use if the

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

Mitigation Hierarchy:

Avoidance

Minimization

Compensatory Mitigation



Development Cap and Metering Requirements

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%

Direct Applicability



ODFW Mapping Update

- Approved by Oregon Fish and Wildlife Commission on December 15, 2023.
- Adjusts amounts and locations of Sage-Grouse Habitat.
- Not available for consideration in local land use proceedings until added to LCDC rule, replacing existing maps.



County Development Approvals - 2023

County	Development Approvals in PACs for 2023	Acres Disturbed (estimates)
Baker	Replacement Dwelling Agricultural Building	0 0
Crook	None	0
Deschutes	None	0
Harney	None	0
Lake	None	0
Malheur	Cell Tower	1
Union	None	0



DLCD

Department of
Land Conservation
& Development

Questions?
Thoughts?
Comments
Observations?