September 13, 2010

Oregon Department of Fish and Wildlife Commission
3406 Cherry Ave. NE
Salem, OR  97303

RE: Request to Postpone Approval of the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon until 2011

To the ODFW Commission:

The Association of Oregon Counties appreciates the opportunity to comment on the ODFW Greater Sage-Grouse Conservation Assessment and Strategy. We understand that this is a draft update of the Strategy. However, new language in the plan, including the core area maps, will have significant impacts on renewable energy and economic development in eastern Oregon. Additionally, the updates include conservation guidelines that may require counties to amend their Comprehensive Land Use Plans. This could be a significant undertaking with a fiscal impact to counties.

During the month of August, at the request of AOC and Harney County, ODFW contacted some eastern Oregon counties to gather feedback. While we appreciate this outreach, counties would like the Department to further recognize ORS 496.166 which states the need for citizen involvement through partnerships between ODFW and landowners to manage wildlife on private lands. Stakeholder groups or task forces could be formed to facilitate discussion.

Counties continue to have many concerns about the Strategy, in particular the lack of public process. We describe this concern and others below:

1. Lack of transparency and public involvement during the revision of the Strategy. Because the implications of the Strategy are extremely complex and will impact multiple stakeholders representing a wide variety of interests, we support postponing the adoption of the Strategy until after a thorough public process where stakeholders have enough time to assess impacts and express them to the Department. Furthermore, Governor Kulongoski’s Natural Resource Office has convened the “Renewable Energy and Eastern Oregon Landscape Conservation Partnership” (an Oregon Solutions Project) to address this complex issue. One of the outcomes of this group will be a workshop held in mid-November, 2010 to allow all stakeholders opportunity to discuss and provide feedback on the Strategy and its integration with renewable energy projects in Oregon. Counties see this as a great opportunity for the Commission to gather feedback. We encourage the
Commission to review the comments before making a decision on approving the Strategy and postponing the approval date until early 2011.

2. ORS 496.012 Wildlife Policy (7) obligates the Commission to “make decisions that affect wildlife resources of the state for the benefit of the wildlife resource and to make decisions that allow for the best social, economic, and recreational utilization of wildlife resources by all user groups”. Again, we strongly support slowing down the public comment timeframe so that all stakeholders have time to assess the potential economic and social impacts the Strategy may have, particularly in regions where sage-grouse habitat has been identified. We ask the Commission to consider the local and statewide social, economic, and recreational consequences of excluding areas of eastern Oregon from development.

3. Oregon has a renewable portfolio standard (RPS) that requires utilities in Oregon to provide 25 percent of their retail sales of electricity from newer, clean, renewable sources of energy by 2025. The Strategy designates much of Eastern Oregon as core sage-grouse habitat which essentially rules out renewable energy development. With a considerable amount of renewable energy available in Eastern Oregon, we need to understand how the state will meet the RPS with these recommendations in place. This discussion should also include an ODFW proposal for mitigation requirements; which has not been developed.

4. Counties understand that the Strategy includes the best known peer-reviewed research on the greater sage-grouse. However this does not mean we know all there is to know about the sage-grouse. We realize and support the need to protect the species and prevent listing under state and federal Endangered Species Act’s. Along these lines, caution should be used while updating the Strategy so that it does not become so onerous that the effect of implementation could be similar to a listing.

Counties support a local approach that could be used in conjunction with the Strategy to evaluate impacts to local populations. Extensive biological assessments are conducted by third parties as a part of the planning process prior to renewable energy projects being put on the ground. The data that is collected on the local sage-grouse population is the most accurate available. The Strategy could recognize these studies as a means for evaluating ecological impacts, developing mitigation, and determining how the project is developed instead of making assumptions based on the core area maps.

Furthermore, other states in the Western Association of Fish and Wildlife Agencies have seen an increase in sage-grouse numbers as a result of successful state strategies; the State of Utah is an example. We ask that ODFW discuss other strategies with stakeholders (in a task force setting) to assess other recommendations that may work in Oregon.
Counties appreciate the Commission’s consideration of our concerns. We do understand the mission of the Department and want to assist and continue partnerships in any way possible. AOC and counties also continue to work with the Energy Facility Siting Council to maintain consistency on the approval process for all projects. If the plan is approved, the recommendation for including the Strategy in the land use review process will be incorporated into the AOC Wind Task Force Report. Additionally, if funding can be secured, AOC would recommend that counties update their land use plans (which requires a thorough public process) to incorporate the guidelines in the Strategy.

Section 5 of the Strategy states that implementation of the conservation guidelines will be conducted at the local level. In order for this to be successful, the Department needs local input and to keep in mind ORS 496.164 which states that ODFW “may advise, consult and cooperate with other political subdivisions and private landowners with respect to fish and wildlife management.” This relationship should be reciprocal so that ODFW is a participant while local governments are making land use decisions.

Much has changed in Oregon over the last five years. Enough to require a thorough public process to update the Sage-Grouse Conservation Strategy and consider the impacts it may have on a growing number of stakeholders. The Association of Oregon Counties maintains our request for a more open, public process for reviewing the plan. We believe that a decision by the Commission in December does not provide adequate time for stakeholders and a new administration to appropriately evaluate and provide feedback on the Departments recommendations.

Thank you again for your consideration,

Steven E. Grasty, Harney County Judge
President, Association of Oregon Counties

Cc: Ron Elicker, Director, ODFW
    Mike McArthur, Director, AOC