

MALHEUR COUNTY COURT MINUTES
August 16, 2023

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Staff present was Administrative Officer Lorinda DuBois and Planner Eric Evans. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # 2023-2376

SAGE GROUSE CORE HABITAT MAPS

ODFW (Oregon Department of Fish and Wildlife) Klamath & Malheur Watersheds District Manager Philip Milburn, Sage-grouse Conservation Coordinator Skyler Vold, Wildlife Biologist Tucker Freeman, and Upland Game Bird Coordinator Mikal Cline met with the Court. Mr. Vold shared a power-point presentation regarding the Oregon Sage-Grouse Conservation Assessment and Strategy Update and Habitat Revision, 2023 and answered questions. Sage-grouse are relatively long-lived; have relatively low productivity; have a strong fidelity to breeding and nesting areas; and their populations are slow to recover following habitat disturbance. Sage-grouse were deemed 'warranted but precluded' for listing under the ESA (Endangered Species Act) in 2010; conservation commitments by western states, especially Oregon, helped with the 2015 'not warranted for listing' decision by US Fish and Wildlife Service. ODFW is currently updating its plan for conservation and management of sage-grouse; the plan was first developed in 2005 and last updated in 2011.

Core Sage-Grouse Habitat: In 2011, ODFW delineated sage-grouse habitats necessary to conserve 90% of Oregon's sage-grouse population, defined as 'Core Areas'.

Low-Density Habitat: Additional areas which provide breeding, summer, and migratory habitats for sage-grouse were also delineated.

Most of Malheur County is sage-grouse habitat. There are implications for land use in sage-grouse habitat; OAR (Oregon Administrative Rules) 660-023-0115 defines core and low-density habitats in accordance with the 2011 Sage-Grouse CAAS (Conservation Assessment and Strategy). There are also implications for conservation actions.

Over 150 new leks have been discovered in Oregon since 2010 and research projects have contributed over 1 million new sage-grouse GPS (Global Positioning System) locations. It is hoped to align ODFW's process with BLM's (Bureau of Land Management) Sage-Grouse Approved Resource Management Plan Amendment process.

ODFW sent scoping letters to partners of their intent to update the core and low-density habitat maps in March 2022. The 2023 habitat revision utilizes the 2011 CAAS modeling process for mapping core and low-density habitat and incorporates new data collected over the past 12 years. An internal review was also conducted by ODFW; each adjustment to the revised habitat boundaries required a biological justification and followed specific criteria that were developed for this phase of the process. Unincorporated communities, towns, and cities were buffered to 0.8 km and removed from sage-grouse core and low-density habitat. (Aside from this, donut holes were not made during the boundary adjustment phases of the habitat revision.) Other areas considered where sage-grouse do not typically inhabit were pivots and developed agriculture, areas of heavy pine or juniper cover, areas lacking sagebrush cover, and areas of rugged topography (no donut holes were allowed). In general, the core and low-density boundary adjustments removed areas of modeled habitat from the maps. In some cases, District Biologists added core or low-density habitat in areas that were not included during the modeling process but were supported by data. Overall approximately 200,000 acres of sage-grouse habitat was added to Malheur County (mostly on public lands). The cooperating agency review was completed in June 2023. Partner and public review are taking place from July-September 2023; and the formal comment period is July-December 2023.

ODFW is also updating the Conservation Assessment and Strategy plan. Scoping letters were sent to partners in March 2022. The CAAS is being updated with new science, information, and data relevant to sage-grouse conservation in Oregon. A formal comment period will be open from July through the December ODFW Commissioner meeting and the updated CAAS will be presented to the ODFW Commission for review. See instrument # 2023-2397 for the complete power-point presentation.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of August 9, 2023 as written. Commissioner Jacobs seconded and the motion passed unanimously.

FAIR BOARD

The Court received a request from Maddie Hewitt to be appointed to the vacant Fair Board position (voting). Commissioner Jacobs requested the matter be tabled.

MCDC LINE OF CREDIT

The Court discussed the line of credit for Malheur County Development Corporation (MCDC). After discussion, Commissioner Mendiola moved to pay off the balance and interest on the line of credit with Bank of Eastern Oregon. Commissioner Jacobs seconded and the motion passed unanimously. A supplemental budget resolution will be prepared for the interest amount not currently budgeted.

EMPLOYMENT AGREEMENT – PERKINS

Commissioner Jacobs moved to approve Employment of PERS (Public Employees Retirement System) Retiree Employment Agreement with Danny Perkins. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2023-2377

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.