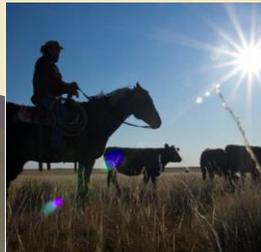


the OREGON SAGE-GROUSE ACTION PLAN



An Effort of the SageCon Partnership



Cover design by Robert Swingle, Oregon Department of Fish and Wildlife.
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September 17, 2015

KATE BROWN
Governor

RE: Oregon Greater Sage-Grouse Action Plan and Executive Order

Dear SageCon Partners,

Recognizing nearly five years of collaboration, it is with great pride that I sign this Executive Order advancing the *Oregon Greater Sage-Grouse Action Plan*. Together, we have charted a clear path forward for our state built on science, partnership, and responsible wildlife conservation policies. I deeply appreciate the commitment and dedication the SageCon Partnership has advanced across agency, organizational and land ownership boundaries. I also appreciate the leadership of state agencies, federal and local partners, and the Oregon legislature in advancing meaningful funding, programs, as well as regulatory and voluntary commitments to ensure the Plan moves forward successfully.

With over 10 million acres of sage-grouse habitat within the stunning high-desert and working rangelands of eight counties that comprise two-thirds of our state, a lot is at stake not just for wildlife but for all Oregonians. At a critical time in federal decision-making under the Endangered Species Act, our Plan and my Executive Order advance increased coordination, commitment, and investment in a strong state-based approach to the threats and opportunities facing sage-grouse as well as rural community health.

Oregon's leadership around sage-grouse and sagebrush ecosystem conservation hinges upon the vitality and sustainability of our rural communities and economies. We lead the nation in the development of Rangeland Fire Protection Associations, our rural communities' "first responders" to wildfire. Thanks to local landowners, Soil & Water Conservation Districts, our agencies and other partners, we are also national leaders in the advancement of Candidate Conservation Agreements with Assurances, representing well over a million acres of new conservation actions and continued commitments to stewardship. Tied to this is our leadership in management-relevant research and partnerships around working lands conservation. Finally, Oregon's national leadership is represented through our historic land-use planning system and recent strengthening of components critical to sustaining rural communities, economies, and wildlife habitat.

There has never before been anything like this sage-grouse conservation effort across the West. In Oregon, over the past five years we have stayed at the table, recognizing the power of collaboration and partnership. Founded on the importance of strong rural communities and a strengthened commitment to our conservation heritage, I believe the State Action Plan and my Executive Order secure an Oregon-based approach to successful and robust sage-grouse conservation.

Thank you, SageCon Partners, for all you have done for Oregon.

Sincerely,

Governor Kate Brown

KB/RW/ns





EXECUTIVE ORDER NO. 15-18

**ADOPTING THE OREGON SAGE-GROUSE ACTION PLAN AND
DIRECTING STATE AGENCIES TO IMPLEMENT THE PLAN IN FULL**

Whereas the U.S. Fish and Wildlife Service (USFWS) determined in 2010 that listing the greater sage-grouse (sage-grouse) under the federal Endangered Species Act (ESA) was “warranted but precluded”;

Whereas the USFWS will make a new listing determination for sage-grouse in 11 western states later this year;

Whereas it is plainly in Oregon’s best interests to ensure that the significant investments that Oregon ranchers, communities, tribes, non-governmental organizations, and others have made in sage-grouse conservation are supported, such that economic prosperity and a healthy environment occur hand-in-hand in Eastern Oregon;

Whereas the principal threats to sage-grouse habitat in Oregon are wildfire, invasive weeds, and the spread of juniper;

Whereas the Harney County Soil and Water Conservation District (Harney SWCD) and other SWCDs, local governments and landowners have developed candidate conservation agreements with assurances (CCAA), which provide for ranching operations on non-federal lands to continue in ways that provide for both long-term economic stability and sage-grouse conservation;

Whereas the Oregon Cattlemen’s Association has developed a candidate conservation agreement (CCA) for grazing allotments on Bureau of Land Management (BLM) lands that supports the CCAAs developed for non-federal lands, and the federal Natural Resources Conservation Service (NRCS) has committed substantial funding for the conservation measures contained in CCAAs including strategic removal of juniper;

Whereas the CCAAs and the CCAs ensure that grazing operations in Oregon will be managed in a way that is consistent with sage-grouse conservation;

Whereas the Oregon Watershed Enhancement Board has committed to investing at least ten million dollars in priority Sage-Grouse conservation measures over the next ten years, including juniper management;

Whereas Oregon has a long-standing system of Rangeland Fire Protection Associations (RFPAs) that are often first responders to rangeland fires, and the



EXECUTIVE ORDER NO. 15-18
PAGE TWO

number, enrollment and geographic extent of RFPAs continues to grow and now covers most sage-grouse habitat;

Whereas the Oregon Legislature has appropriated new funding to improve the capacity and effectiveness of RFPAs, along with other investments that address wildfire in sage-grouse habitat;

Whereas the Oregon Legislature also has appropriated significant new funding to help manage invasive weeds and reduce juniper encroachment in sage-grouse habitat;

Whereas ranching is the major economic base for the area of Oregon occupied by sage-grouse, and mining and renewable energy development present important long-term opportunities for economic development and job creation in this area of Oregon;

Whereas significant outdoor recreation including hunting, wildlife viewing, and hiking occurs in and depends on high-quality habitat in the areas of Oregon occupied by sage-grouse, and these activities provide additional economic, social, and other public benefits to Oregonians;

Whereas a federal ESA listing of the sage-grouse in the absence of a state plan likely would interfere with opportunities for future economic development in Eastern Oregon and could threaten the ranching industry in ways that would have significant adverse economic and social effects on Oregon citizens, businesses, and communities;

Whereas the Oregon Department of Fish and Wildlife has established population and habitat goals for the sage-grouse in Oregon that include:

- A population goal to maintain or enhance sage-grouse abundance and distribution at the 2003 spring breeding population level, approximately 30,000 birds, over the next 50 years; and
- A habitat goal to retain at least 70% of sage-grouse range as sagebrush habitat in advanced structural stages—sagebrush class 3, 4, or 5, with an emphasis on classes 4 and;

Whereas the Oregon Department of Fish and Wildlife adopted an updated conservation strategy for sage-grouse in 2011;



EXECUTIVE ORDER NO. 15-18
PAGE THREE

Whereas the Oregon Fish and Wildlife Commission has adopted supplemental rules to guide sage-grouse conservation and compensatory mitigation for impacts to sage-grouse habitat;

Whereas the Oregon Land Conservation and Development Commission (LCDC), working closely with county governments and others, has adopted new rules designed to steer future development away from important sage-grouse habitat—supplementing Oregon’s already strong land-use system that generally directs most development to urban areas;

Whereas the Oregon Sage-Grouse Action Plan has been developed collaboratively through the work of the SageCon Partnership over the last three years, involving landowners, non-governmental organizations, local governments, and state and federal agencies;

Whereas the State of Oregon has worked closely with the federal Bureau of Land Management (BLM) to align the Oregon Sage-Grouse Action Plan with many elements of the new Resource Management Plans for the five BLM districts within Oregon;

Whereas the Oregon Sage-Grouse Action Plan, the BLM Resource Management Plans, and the CCAAs and CCAs entered into by private landowners effectively align conservation strategies for sage-grouse and management of sagebrush habitats across private and public lands across all sage-grouse habitat in Oregon; and

Whereas, effective implementation of conservation strategies and actions associated with the Oregon Sage-Grouse Action Plan will require engagement, functional alignment, and coordination across state, federal, tribal and private land ownership boundaries among all stakeholders to realize the social, economic and ecological benefits of a comprehensive approach to sage-grouse conservation and rangeland health.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED THAT:

1. The Oregon Sage-Grouse Action Plan is adopted as the plan for the conservation of sage-grouse in Oregon.
2. All state agencies shall carry out the actions described in the Oregon Sage-Grouse Action Plan to the full extent of their authorities and funding.



EXECUTIVE ORDER NO. 15-18
PAGE FOUR

3. Specifically, and without limitation to the foregoing paragraph 2, the following actions shall be taken:

A. The Oregon Department of Forestry (ODF) shall provide technical and financial support to RFPAs to improve their capacity and effectiveness in controlling and limiting the adverse effects of rangeland fire on sage-grouse habitat on both federal and non-federal lands. Working collaboratively with RFPAs and the BLM, ODF shall develop a Memorandum of Agreement to assist in the coordination of rangeland firefighting and to protect the safety of those participating in such efforts.

B. The Oregon Department of Land Conservation and Development (DLCD) shall maintain a central registry of development on all lands within sage-grouse habitat in coordination with the BLM and county governments that both establishes the baseline level of development within each Priority Area for Conservation (PAC) and that tracks the location and geographic extent of new development in each PAC over time.

C. DLCD shall have the responsibility to coordinate the actions of Oregon agencies in implementing the Sage-Grouse Action Plan, under the supervision of my Natural Resources Office (GNRO).

D. All state agencies that carry out, fund, or permit actions within sage-grouse habitat—including but not limited to the Oregon Water Resources Department, the Oregon Department of Transportation, the Department of State Lands, the Department of Geology and Mineral Industries, the Oregon Department of Energy (ODOE) and the Energy Facility Siting Council, the Oregon Watershed Enhancement Board (OWEB), the Oregon Department of Agriculture, the Oregon Parks and Recreation Department, and the Department of Environmental Quality—shall adopt or update their state agency coordination plans and agreements with DLCD pursuant to ORS 197.180 and OAR Chapter 660, Division 30 to ensure that such actions comply with the LCDC Sage-Grouse Conservation Rules (OAR 660-023-0115) adopted to implement LCDC Goal 5 (Significant Natural Resources). State agency actions affecting land use also shall be consistent with the ODFW Sage-Grouse Mitigation Rules adopted at OAR 635-0140-0000 thru 635-140-0025. To the extent that an agency's regulatory program needs to be updated to be consistent with the LCDC and ODFW rules, the agency shall complete that updating by no later than July 1, 2016.



EXECUTIVE ORDER NO. 15-18
PAGE FIVE

E. ODFW, working with the BLM and other federal, state, and local entities, shall have the responsibility to coordinate mitigation for impacts to sage-grouse and sage-grouse habitat in a manner consistent with the Sage-Grouse Action Plan and the agency's mitigation rules at OAR 635-140-0000 thru 635-140-0025. ODFW shall also work with ODOE, OWEB, Business Oregon, and other relevant state, federal, local, private and non-governmental entities to evaluate approaches and mechanisms for funding advance mitigation, with the intent of ensuring sage-grouse mitigation credits are available in the State's in-lieu fee program and facilitate responsible economic development in the range of the sage-grouse.

F. DLCD, in cooperation with ODFW local governments and the counties shall prepare a report on at least a biennial basis beginning on July 1, 2016, providing information regarding the status and trends of work to reduce threats to sage-grouse and sage-grouse habitat, including but not limited to work to reverse the spread of juniper and invasive plant species, work to improve pre- and post-fire resilience, the amount of direct development in each PAC over the preceding two years, the amount and types of compensatory mitigation, the results of surveys of sage-grouse population and habitat condition and trends, areas and/or elements where the Sage-Grouse Action Plan is and is not functioning as intended, and recommendations for improving the efficacy of the Sage-Grouse Action Plan. DLCD also shall include in the report an evaluation of the economic effects of implementation of the Sage-Grouse Action Plan on communities within sage-grouse habitat.

G. OWEB shall work with the NRCS, ODFW, and my Natural Resources Office to assure that its funding commitments are directed to supporting actions that reflect the priorities identified in the Sage-Grouse Action Plan, and that monitoring of the effectiveness of these investments is sufficient to evaluate overall Plan effectiveness and adapt the Plan as appropriate.

H. DLCD and ODFW, working with my Natural Resources Office, in cooperation with other participants, shall develop by July 1, 2016 one or more memoranda of agreement between federal agencies, state agencies, local governments, and other partners that establish:

i. How the BLM, DLCD and the counties will coordinate their administration of the central registry of large-scale development within sage-grouse habitat;



EXECUTIVE ORDER NO. 15-18
PAGE SIX

ii. How ODFW will coordinate administration of the landscape-level mitigation program for sage-grouse with the BLM, USFWS, counties, and other partners;

iii. How ODFW will ensure early, efficient and constructive participation of its staff in local permit reviews of projects subject to Oregon Administrative Rules, Chapter 660, Division 30, or other applicable local ordinances where a county has adopted its own land use regulations implementing that rule; and

iv. How state and federal agencies will align their conservation investment priorities and programs for sage-grouse in cooperation with local governments, tribes, landowners, conservation organizations, and other stakeholders.

I. Every two years, beginning in May of 2016, DLCD, ODFW and OWEB shall prepare a proposed budget for the coming biennium that identifies and prioritizes resources required to continue the successful implementation of the Oregon Sage-Grouse Action Plan.

J. In the event of any inter-agency disputes regarding the administration of the Sage-Grouse Action Plan or this executive order, the agencies involved shall first attempt to resolve the dispute at the line staff level. If line staff are unable to resolve the dispute, the matter shall be elevated to the directors of the agencies. If the agency directors are unable to resolve the dispute, the matter shall be elevated to my Natural Resources Policy Advisor for resolution.

K. In the event that the USFWS determines that a listing of sage-grouse as threatened under the ESA is warranted, ODFW, DLCD, and my Natural Resources Office shall work with the USFWS to develop and implement a federal protective regulation under section 4(d) of the ESA (16 U.S.C. § 1533(d)) such that the “take” prohibition of the ESA will not apply to the sage-grouse-related impacts in Oregon from specified activities addressed by the Oregon Sage-Grouse Action Plan so long as Oregon is fully implementing Action Plan provisions specific to those activities.



EXECUTIVE ORDER NO. 15-18
PAGE SEVEN

This Executive Order shall remain in effect until it is otherwise modified, amended or terminated.

Done at Salem, Oregon, this 16th day of September, 2015.

A handwritten signature in black ink that reads "Kate Brown".

Kate Brown
GOVERNOR

ATTEST:

A handwritten signature in blue ink that reads "Jeanne P. Atkins".

Jeanne P. Atkins
SECRETARY OF STATE



Executive Summary

Oregon's eastern landscape is one of rich ecological and cultural heritage. Working lands—including ranching and farming operations—are the primary economic driver of the region, and the nexus for communities that come together when faced with opportunities and challenges around natural resource management. These lands are composed of large, contiguous acres of habitat, spanning private and public land ownership boundaries within an extensive sagebrush ecosystem, known to some as the “Oregon outback” or the “sagebrush sea,” and known to others as home.

There are more than 18 million acres of sagebrush habitat in Oregon, interwoven with playas, deep-cut river canyons, and forests. Conservation of this area, its open spaces, and its wildlife has long been part of Oregon's history, and while institutions, communities, and economies have changed over time, it remains so today.

With the U.S. Fish and Wildlife Service (USFWS) considering whether to list the greater sage-grouse under the federal Endangered Species Act (ESA), the State of Oregon has worked with a diverse set of partners over the past five years to advance a comprehensive approach to sage-grouse conservation. This document, *The Oregon Sage-Grouse Action Plan* (hereafter “Action Plan”), is intended to articulate and achieve Oregon's vision for the conservation of the sage-grouse and its habitat in Oregon. The Action Plan is based on an ecological approach promoting intact and functioning sagebrush landscapes that are important to a vast number of species in addition to the sage-grouse.

The Action Plan is a product of the Sage-Grouse Conservation (SageCon) Partnership, an Oregon-based collaborative effort jointly convened by the State of Oregon through the Governor's Natural Resources Office, the U.S. Bureau of Land Management (BLM), and the Natural Resources Conservation Service (NRCS). In developing the Plan, the SageCon Partnership engaged local counties, landowners, energy and other development interests, conservation and other nongovernmental organizations, the USFWS, and additional partners who, together, are essential to its success.

The sage-grouse is very sensitive to the effects of human development, so steering those activities away from the most important and sensitive areas in order to avoid habitat fragmentation and other impacts is critical. However, the greatest current threats to most sage-grouse populations in Oregon are large-scale ecological trends driven by such forces as wildfire, invasive plant species, and juniper encroachment.

Healthy rangelands are also important to livestock operations, hunting, and other drivers of the economic and cultural vitality of Oregon's sagebrush country. The habitat-based threats to the sage-grouse are the same threats that are facing the economic, recreational, and community values tied to healthy rangelands. By advancing sagebrush ecosystem health, sage-grouse

population recovery, and strategic, conservation-based approaches to rangeland uses and development, this Plan also seeks to promote the security, sustainability, and vitality of Oregon's rural communities and economic interests.

The Action Plan provides a coordinated framework for action and accountability among private, nongovernmental, local, State, and federal partners in advancing immediate and long-term efforts. To achieve sage-grouse population and habitat objectives, the Plan builds upon and enhances past and ongoing efforts, including the Oregon Department of Fish and Wildlife's (ODFW's) *Greater Sage-Grouse Conservation Assessment and Strategy for Oregon* (2011).

The Action Plan is built on the premise that conservation strategies must be adaptable to local conditions and needs, and must be supported by long-term investments and regulatory commitments. With the backing of an executive order from Oregon Governor Kate Brown and the continued collaboration and sustained support of many stakeholders, the Action Plan provides commitment to and optimism for a signature species of Oregon's spectacular high desert and the American West.

The strength of this Plan lies in several key features, some of which are listed below.

- It puts forward a collaborative and integrative approach to planning and implementation—aligning State, federal, and local government programs and voluntary efforts undertaken by private landowners to focus efforts on the greatest threats and priorities.
- It focuses on maintaining and restoring high-quality, high-functioning sagebrush ecosystems and enhancing partnerships through the following:
 - Ongoing and major new State investments to address habitat threats from wildfire, invasive plant species, and juniper encroachment;
 - Additional regulatory protections for significant sage-grouse habitat under the State's already strong land-use laws; and
 - A science-based assessment of threats and a framework to steer conservation investments and actions to where they can be most effective, to monitor effectiveness against metrics for success, and to ensure adaptive management.
- It will implement a mitigation hierarchy and framework to ensure that any permitted habitat losses in sage-grouse habitat are offset so as to achieve a net conservation benefit, while also providing a science-based approach designed to increase flexibility and predictability for economic development.

The Plan's various sections and appendices describe these features in more detail. Section I: A Strategy for Action – Summary and First Steps is a summary of the Plan. Section II: Implementation and Coordination – Partnerships that Work presents the Plan's approach to implementation and coordination, including an overview of new and ongoing conservation measures. Section III: An Ecological Approach – Healthy Landscapes and Wildlife Through

Strategic Efforts describes the Plan’s ecological approach and foundation, including a summary of sage-grouse population and habitat trends; the State’s Core Area approach and its related objectives; and the tools that are available to advance strategic implementation. And Section IV: Assessing and Addressing Threats to Sage-Grouse, the most detailed part of the Plan, presents an assessment of threats to the sage-grouse in Oregon, followed by subsections describing the Plan’s approach to addressing those threats, based on both existing and new measures and strategic approaches. The appendices attached to the Plan include further detailed information related to Sections II, III, and IV.

Through the State’s Action Plan and its associated actions—new State rules; the Governor’s Executive Order; substantial existing and new State-based funding commitments; and continued expansion of strong partnerships, including those related to Candidate Conservation Agreements with Assurances (CCAAs) and Rangeland Fire Protection Associations—Oregon is advancing a robust and carefully designed program to address and ameliorate threats to the vitality of sage-grouse and their habitat. Oregon’s approach has been crafted to stem and reverse the decline of the species.

True to Oregon’s heritage and spirit of cooperation in overcoming challenges, it will take many people working together to reach our goals of long-term conservation of healthy sage-grouse habitat and populations coupled with promotion of healthy rural economies and communities. Many individuals and groups are already working hard to do so, and through this Plan, Oregon intends to grow our existing relationships so that our conservation and working-lands heritage and ethics are passed on for generations to come.



Sage-grouse displaying on a lek. Photo: Jeremy Roberts, Conservation Media.