



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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November 10, 2015

TO: Oregon Legislature  
FROM: Jim Rue, Director  
Department of Land Conservation and Development

SUBJECT: LEGISLATIVE NOTICE OF PROPOSED RULEMAKING: ESTABLISH DISTURBANCE BASELINE FOR CORE AREAS OF GREATER SAGE-GROUSE HABITAT

During its July 2015 meeting, the Land Conservation and Development Commission (commission) adopted OAR 660-023-0115 to provide land use safeguards for Oregon's greater sage-grouse population. The rulemaking was seen by Governor Brown as a key piece in Oregon's strategy to demonstrate why listing the species under the federal endangered species act should not be necessary. In September 2015 the United States Fish and Wildlife Service (USFWS) determined that listing the greater sage-grouse was not warranted. The presence of the commission's rule substantially assisted the USFWS in reaching their determination not to list the species. This rulemaking will amend OAR 660-023-0115(17). The purpose of the amendment is to identify a disturbance baseline for each of Oregon's core areas. A disturbance baseline establishing the amount of existing human related development was proposed as part of the proposal considered by the commission during their July 2015 meeting. However, testimony received by local government partners convinced the commission to delay including a disturbance baseline in the adopted rule for a short period so that they may better understand how the figures were derived. The revision will provide guidance and certainty for affected counties when considering large-scale development. **The commission will hold a public hearing and take action to adopt the rule at its December 3-4, 2015 meeting in Salem, Oregon.**

The proposed rule revision was not developed with the assistance from an official rules advisory committee (RAC). However, all seven affected counties<sup>1</sup> have been directly involved with identifying proper methodologies and how to calculate the necessary figures. Discussions with county leadership are ongoing and will continue.

A public hearing for the proposed rule revision is scheduled for a commission hearing in Salem, Oregon. The hearing will begin at 8:30 a.m. and be held at the Department of Agriculture Basement Hearing Room located at 635 Capitol St, NE, Salem. The department will be submitting the proposed rule and its recommendation at the meeting and anticipates that the commission will adopt the rule after a public hearing. Additional information about the hearing and the proposed rule are available at the department website at

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<sup>1</sup> The seven affected counties are: Baker, Crook, Deschutes, Harney, Lake, Malheur and Union.

<http://www.oregon.gov/LCD/Pages/SageGrouseRulemaking.aspx>. If you have questions about the proposed rule or would like additional information, contact Jon Jinings at [jon.jinings@state.or.us](mailto:jon.jinings@state.or.us). Written comment can be submitted to Chair of the Land Conservation and Development Commission, care of Casaria Taylor at the department's address above. You can submit comment via email to [casaria.taylor@state.or.us](mailto:casaria.taylor@state.or.us).

Cc:

- Tina Kotek, Speaker of the House of Representatives
- Peter Courtney, President of the Senate
- Senator Chris Edwards, Chair Senate Committee on Environment and Natural Resources
- Senator Alan Olsen, Vice-chair Senate Committee on Environment and Natural Resources
- Representative Brad Witt, Chair House Committee on Agriculture and Natural Resources
- Representative Susan McLain, Vice-chair House Committee on Agriculture and Natural Resources
- Representative Wayne Krieger, Vice-chair House Committee on Agriculture and Natural Resources
- Representative Jessica Vega Pederson, Chair House Committee on Energy and Environment
- Representative Jeff Reardon, Vice-chair House Committee on Energy and Environment
- Representative Mark Johnson, Vice-chair House Committee on Energy and Environment
- Representative Brian Clem, Chair House Committee on Rural Communities, Land Use, and Water
- Representative Bill Post, Vice-chair House Committee on Rural Communities, Land Use, and Water
- Representative Ken Helm, Vice-chair House Committee on Rural Communities, Land Use, and Water
- Richard Whitman, Governor's Natural Resource Policy Director
- Gabriela Goldfarb, Natural Resource Policy Advisor