

WILDLIFE OPEN HOUSE Q&A SUMMARY - APRIL 15, 2021

Questions answered during the open house event (please note that some questions were edited for clarity):

1. How did the TAC pick these three inventories?

With Dr. Wentz facilitating, the TAC reviewed the 12 inventories that currently are associated with wildlife in Deschutes County; at the end of the meeting they ended up with a selection with the inventories that are in most need of being updated, that have changed the most, and that commonly come into conflict with land use/development. These are inventories where the best supporting data was available, since best science practices has changed significantly since they were originally set up.

2. The expanded deer winter range looks justified. The report should also note that urban areas such as Bend and Redmond are also historic deer winter habitat and are presently used by deer as the observations show, and observed by many residents. This comes into play with analyses pertaining to urban growth expansion.

We do understand that mule deer have a very wide range, including the City of Bend. They use quite a range of habitat. The idea here, however, is to choose habitat areas that are particularly important to that species and to the long-term maintenance and management. Mule deer are a great example of this, because you have a lot of anecdotal evidence of mule deer sightings. But just because you see the animals there does not mean that it's the key habitat. The idea is to protect and manage these areas that are important to the long-term maintenance of the mule deer population in the County.

ODFW is very concerned about mule deer; in Central OR the population is declining at a rate of about 10 percent a year. We are trying to look at the areas where we think we have a chance to improve the populations; for better or worse, our urban areas are not those areas. ODFW refers to those areas as "sinks," where they're not able to sustain themselves as they were evolved to do.

3. Would there be plans or a need to collar more mule deer to study their winter range more on the east side? I saw a lot more mapped on the west side. When expanding the mule deer range, such as in the southeast, how you determine the boundaries of where that area is? Is it individual deer, or the number who pass through, or some other metric?

Collar data: for the green polygons that are labeled "collared deer," that is just a subset of the animals that were collared. It was meant to fill in a gap for animals that had been collared to cover other parts of the county within the context of the study Dr. Wentz cited. So the collared animals have a much wider coverage than just the green shapes in the snapshot in the StoryMap. There

are no plans for an additional collar study for some time; that was a huge undertaking, and collar studies are currently being conducted/planned in other areas throughout Eastern Oregon.

Defining the boundaries of the inventory: in some cases those boundaries follow the biological winter range, and also natural geographic breaks, such as the Deschutes River. This isn't to say that deer don't occur out of those areas, but these have been determined to be the most important.

4. Do you have any observations comparing natural resource management in Washington versus Oregon?

It's difficult to compare the two states; land use law is quite different, as is population density. They have a different set of issues so it's difficult to compare.

5. Regarding the proposed eagle inventory, there weren't any nests identified south of the Bend urban area—why is that? Also, is the ¼ mile radius sufficient?

The reason we don't see many golden eagle nests immediately south of Bend is because there 1) aren't many nest/eyrie locations in that area and 2) finding eagle nests in trees is quite difficult so there may be nests in that area of which we are unaware. Golden eagles are usually seen more in open country and will nest on cliff faces and rocky outcroppings, but they can and do nest in trees.

With respect to buffers, bald eagles have a 660-foot nest buffer, which is based on the 2007 National Bald Eagle Management Guidelines. No such national guideline exists for golden eagles, but protection measures are much more conservative since their populations are generally declining. USFWS applies a 2-mile buffer to golden eagles which essentially serves as a screening distance, or an awareness distance. For these larger buffers, USFWS's recommendations will be very project dependent, depending on what rises to the level of disturbance.

6. It is important to recognize migratory corridors, and that there are more species that need to be inventoried and evaluated. How is the County addressing other inventories beyond these three?

When the TAC originally met to discuss inventories, they also discussed selecting alternatives. The grant funding was awarded to select three inventories, so this project must work within those bounds—it is not that these others do not deserve to be addressed. The alternatives selected were the mule deer migration corridor, which has new data and a large change, and threatened and endangered (T&E) species, the Oregon spotted frog. In the latter case, it was determined that because it's federally listed under the Endangered Species Act, it already benefits from a layer of protection; in addition, it is a smaller geographic portion of the County.

The Community Development Department is treating this as a pilot project; there isn't normally a mechanism for counties to regularly update these inventories. This grant is allowing us to chip away at the start of this process. We hope to be able to address other species potentially in the future.

7. Our community needs to think beyond just the species, but also recognize that demands and challenges these species experience is ever-changing, and new species are traveling through the area. Monitoring is so important to ensure that these species remain viable and plentiful and productive. Any thoughts on monitoring?

Speaking for ODFW, the primary species of focus in this district currently is mule deer; monitoring is a priority for all wildlife management units in the area because of the population decline. For mule deer, ODFW conducts twice yearly surveys: December herd composition (does, bucks, fawns); and spring/late winter they fly the area to observe survival through winter and gather data for population estimates, and that's how ODFW can determine the decline in population. Every three years, each part of the mule deer winter range in Central Oregon is getting flown intensively via helicopter surveys; wintering deer are counted and the numbers are run through a scientific model. Elk are the same: annual aerial monitoring of all known herds every February/March. It's a core part of ODFW's operations statewide. For eagles, federal partners and many nonprofits monitor populations regularly. Oregon has an excellent dataset for golden eagles, thanks in no small part to the Oregon Eagle Foundation.

8. As the use of drones increases by recreationists, are there any plans to protect eagles and mule deer from the impacts of drones on these populations?

Drones, electric mountain bikes—there are lots of 'new' technologies that impact these species. ODFW has rules against using drones for hunting purposes, and there are also state laws (ORS 498.128) against the harassment of wildlife. ODFW tries to adapt regulations to new technology impacts, but it's a constant issue.

For bald and golden eagles, the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and the Airborne Hunting Act outline what activities are prohibited and impose punishments for a person found in violation of those acts; USFWS has legal jurisdiction to address them. These penalties are not inconsequential and USFWS has educational materials discussing how to avoid disturbing eagles and nests, and what to do if you see someone in violation. In addition, the Airborne Hunting Act has a provision about disturbing or harassing wildlife with any airborne device. There are legal penalties for flying drones for flying around nests or following in-flight eagles. These are real issues beyond just drones—it's recreation in general: biking, hiking, dogs, etc.

9. For elk and mule deer, what is the relationship between historic range and populations to what is found today? Are elk expanding? If yes, is that desirable?

Elk populations in Central Oregon have grown slightly the last 10-20 years. Some people may be aware of the herd near Cloverdale, between Redmond and Sisters. That herd historically was south of Bend, but they were displaced by residential development and eventually landed where they are now. Desirability of elk, however, is in the eye of the beholder; they live in large groups,

and can be destructive to crops, but also some people want to view them. This is part of the reason why ODFW is advocating for the expansion of the inventory into the historic biological winter range.

The current inventory is still valuable elk habitat; most of this is in southern Deschutes County and it continues to be the area with the most density. New polygons represent where ODFW is seeing additional elk in the winter surveys, and clip them to the statewide ODFW elk winter range. Similarly, for mule deer, the existing inventory remains important.

10. Are these inventories final? If not, can people provide additional information or data to inform the inventories?

There is a process prescribed by state law (<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3073>) on how an inventory update occurs, including how the inventories are determined and finalized. These largely come from ODFW and federal agencies but there are opportunities for the public to weigh in and those agencies can evaluate that information as they see fit. This information can be relayed to Tanya Saltzman (Tanya.saltzman@deschutes.org), who will forward them to the relevant agency partner with the appropriate level of privacy. The County will look to the agencies to vet that information and provide appropriate recommendations.

11. Can you give some examples of changes to the Comprehensive Plan that could evolve from the updated inventories?

The last time the county updated its inventories was 2014/2015, when sage grouse inventories produced by ODFW that affected Central and Eastern Oregon. These inventories were adopted into the Comprehensive Plan, as well as specific rules adopted by Oregon Land Conservation and Development Commission (LCDC) that were required to evaluate large-scale development in sage grouse habitat. This was a statewide effort to preempt a listing of sage grouse on the Federal Endangered Species Act.

12. What does this mean today if I am a landowner and I own property in one of these new inventory areas? How will this affect the development code? How will this affect our Wildlife Area Combining Zone and Sensitive Bird and Mammal Combining Zones?

At this moment, nothing specific is being proposed. In the next phase of the process, there will be a robust public process to propose and evaluate potential actions to the development code, combining zones, and the Comprehensive Plan. Under the current phase of this project, County staff goals are to provide the education about the biological inventories, and obtain public—and Planning Commission—input to hear opinions and perspectives on a possible update, which will then be relayed to the Board of County Commissioners. Specific changes to the Comprehensive Plan or development code would come as part of the next part of the process, aiming to achieve a balance between conservation goals and development expectations.

13. What are the deliverables of the grant? What are the expectations for the next phase?

In terms of the grant and its deliverables, we will have a second open house on April 29, gather all public input, compile that input into a report for the Board of County Commissioners, and present potential options to move forward (For instance, would an inventory update be a process of its own, or integrated into the larger Comprehensive Plan update?). We hope to have a direction later this summer. The grant itself ends on May 31 and the initial public engagement summary report will be complete by that date.

14. How much money was the grant? And are there any benchmarks for how much a complete inventory would cost?

The DLCD grant covered two different projects: this (\$15,000), and another project concerning wildfire (\$10,000), with a match from the County. The total for the two was \$25,000, which was eventually reduced by \$5,000 due to COVID-related state budget issues.

Regarding a larger inventory update undertaking, with this project, one of the reasons these species were selected was because the data were available. But what does that mean for us as a County, or for state agencies, or for the community, for other inventories to invest in collecting other data and evaluating them as well? This isn't necessarily something we can address now but is extremely important to consider as we move forward, perhaps beyond the pilot project.

Additional questions submitted that were not addressed during the live event:

- **Why not call the bald and golden eagle inventories eagle inventory?**

These two datasets are actually subsets of a larger inventory called Habitat Areas for Sensitive Birds. These areas are identified for several species in addition to bald and golden eagles, including osprey, prairie falcon, great grey owl, and great blue heron.

- **I believe it is very important to incorporate these updated inventories. If we fail to adequately protect wildlife and the natural environment Deschutes County's appeal and quality of life will likely suffer. Are there any estimates of the costs of not using these updated inventories?**

Currently there is not such an estimate, which would require an economic model that is beyond the scope of this project. However, part of the state requirements for adopting a new inventory will involve an ESEE (Economic, Social, Environmental, and Energy) analysis, which examines such consequences that could result from a decision to allow, limit, or prohibit a conflicting use.

For more information about ESEE analyses, please see <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175713>

- **Do any of your alternatives reflect climate change?**

While there is little doubt that climate change affects wildlife habitat, this project is taking into account the current available data (rather than projections, which potentially could account for future variations attributable to climate change), based on observations, collaring, etc. Any updates to the development code or Comprehensive Plan would reflect that data. It is also important to note that the very act of updating and expanding habitat protections of existing wildlife habitat makes for a more resilient landscape in the face of many potential changes, including climate change, wildfires, continued increases in development and recreation.

- **How would the County propose to improve the actual protections for these wildlife in the WA overlay zones? Recently, here on Sisemore Road in the middle of the Tumalo Winter Deer Range there were 50 elk within 3 miles of us, along with the daily migration of deer across my property. Yet, a neighbor, who has been in California for the past three months was allowing 'guests' come to his property who allowed their multiple dogs run loose on both BLM property and my property. While smiling as best as possible, I tried to talk with these dog owners about the dogs potentially interfering with the deer and elk. As a result of my efforts to protect the wildlife, the vacationing neighbor is now threatening me with a lawsuit.**

The issues in question are already illegal under Oregon state statutes, (ORS 498.102, ORS 498.006, ORS 609.095), even without a change in the actual protections. The proper law enforcement should be contacted in these situations. Oregon State Police Fish & Wildlife Troopers handle fish & wildlife related violations, and have officers locally.

Related comment:

Since there are multiple agencies here tonight, I might mention the need for coordinated law enforcement for the protections for wildlife that have been discussed.

Speaking for USFWS, we work hard to coordinate with as many agencies as possible; that includes BLM, USFS, and USFWS law enforcement as well as OSP. Most federal law enforcement agents operate with few individuals on a large scale, and I suspect OSP is in a similar boat. Additionally, I rely heavily on ODFW, Oregon State Parks, various federal agencies, and the public to keep me apprised of any situation that might warrant involving our law enforcement.