

# Crook County Oregon

## Natural Resources Policy

Crook County Board of County Commissioners

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# **Introduction**

## **Purpose & Need**

It is the purpose of the Crook County Natural Resources Policy (hereinafter "CCNRP") to set forth the positions of Crook County in regard to the use of and access to natural resources located on public and federal land. In compliance with the Federal Land Policy and Management Act, the National Environmental Policy Act, and the National Forest Management Act, it is the Crook County Court's (hereinafter "Court") priority to engage in coordination with federal and, in certain circumstances, with state agencies, to provide for the health, safety, and welfare of its citizens through the appropriate management of all federal natural resources within Crook County. As allowed by federal law, the Court will exercise its legal right to full participation in the planning and other decision making processes utilized by the federal agencies or those state agencies having to comply with federal law for a particular project for developing and implementing land use plans and actions within the County. The Court's interests extend to land use plans or action formulation, development and implementation, including monitoring and evaluation. Crook County directs that all decisions be based on current, relevant science and data with the appropriate review pursuant to the Federal Data Quality Act, which take into account multiple land uses within all plans or actions.

The use of public and federal land (collectively denoted as federal land) is critical to the health, safety, welfare, and economic stability of Crook County citizens. The Court recognizes the inherent natural beauty and the quality of life afforded to the citizens and visitors to Crook County. The Court knows and values the importance of private property rights, water rights, open access systems, and RS 2477 right-of-ways, the multiple uses for all federal lands within Crook County, and the quality and quantity of the natural resources.

The Court accepts that it has a duty and obligation to enter into coordination for official resource planning activities and decisions that federal agencies, and in certain circumstances state agencies, must fulfill their federal statutory mandate to coordinate with the Crook County Court.

The Court commits to the following principles to guide decision making governing natural resources within the County expressed through this CCNRP:

- 1) Expansion, revitalization and continuation of multiple uses on all federal lands in Crook County.
- 2) Multiple-use shall be inclusive rather than exclusive, thereby avoiding pitting one use against the other.
- 3) The multiple-use principle as defined in FLPMA and NFMA should strongly guide agency decisions.
- 4) Maintain flexibility in all plans to allow for extraction of natural resources from federal lands and to continue to use existing resources in accordance with all laws.

- 5) Protect and preserve the following rights of all County citizens, including:
- Private property interests, such as water rights, livestock grazing, and access to lands, which have ties to federal lands;
  - Traditional economic structures in the County that form the base for economic stability and protection of the tax base;
  - Historic custom, culture and values of the local people; and
  - Enjoyment of the natural resources of the County.

In accordance with federal laws regarding federal land use planning and protection of private property interests, the Court seeks to expand, continue, and to revitalize the various multiple uses of federally managed lands. To achieve these ends, the Court has adopted the CCNRP, which includes position statements regarding the various multiple uses on federally managed lands in Crook County. The CCNRP serves to ensure that the County's elected officials have meaningful involvement as a local government in the development of land use programs, land use regulations, and land use decisions for federal lands and resources in recognition of the significant impact these actions can have on private lands and the health, safety, and welfare of its citizens.

### **Revision**

As authorized by Oregon state statutes, the CCNRP may be revised and updated from time to time as new information becomes available or as conditions warrant.

It is the position of Crook County:

- to maximize the general health, safety, and welfare of the citizens of Crook County through effective and persistent good management of the County's extensive and valuable natural resources.
- to establish a citizens committee to assist in the review and implementation of the coordination process and the CCNRP recognizing that all substantive positions and decisions remain with the County Court..

### **Severability**

Should a court declare any part of these positions void, unenforceable, or invalid, the remaining provisions shall remain in full force and effect.

# Crook County Overview

## **History and Culture<sup>1</sup>**

Crook County was established in 1882. It was created from the southern part of Wasco County and named after US Army Major General George Crook, a hero of the Snake Indian Wars. Originally 8,600 square miles in size, Crook County was reduced to 2,986 square miles with the formation of Jefferson County in 1914 and Deschutes County in 1916.

Other communities established in the County include Paulina, Post, Powell Butte, and Lone Pine. Paulina, 56 miles east of Prineville, was named for a Paiute Indian chief and is home to some of the best cattle country in Oregon. Post, a general store and post office, is known as the "center of the state." The official geologic marker noting this spot is located near the store.

Powell Butte was established in 1909 when a post office was built. The butte was named for John and Emily Powell, settlers who came from Linn County to raise livestock in the 1880s.

Cattle, sheep, and horse ranching were the region's first industries. In the mid-1890s, logging and wood products became important. Small mills dotted the forest, producing lumber mostly for local needs. Water has been and will continue to be a critical resource for life and industry in the high-desert. Homesteaders diverted water from the region's streams in the mid-1800s to produce hay for livestock.

Ochoco Irrigation District and Central Oregon Irrigation District organized landowners in the early 1900s to complete projects resulting in reservoirs for water use with canals and ditches to distribute the water over thousands of acres. Ochoco Irrigation District built Ochoco Reservoir in 1918. Prineville Reservoir was authorized as a Bureau of Reclamation project in 1958 and construction was completed in 1961. Today these projects store water for the region's agricultural fields, provide flood control, boating and fishing recreation, mitigation credits for aquifer usage, and in the future, perhaps hydro power.

Forest products, agriculture, livestock raising, recreation/tourism services, and a growing high-technology industry constitute most of Crook County's current economy. Thousands of hunters, fishers, boaters, sightseers, and rockhounds are annual visitors to its streams, reservoirs, and the Ochoco Mountains. Rockhounds can dig for agates, limb casts, jasper, and thunder-eggs on more than 1,000 acres of mining claims provided by the Prineville Chamber of Commerce<sup>2</sup>. State, city, county government and schools still account for the largest number of family wage jobs<sup>3</sup>. Crook County's natural resources have been enjoyed by many generations. These natural resources help provide jobs, create a good place to raise children, offers unique habitats for a myriad of flora, as well as an abundance of fish and wildlife species.

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<sup>1</sup> [http://extension.oregonstat.edu/crook/sites/default/files/rlj\\_for\\_web.pdf](http://extension.oregonstat.edu/crook/sites/default/files/rlj_for_web.pdf)

<sup>2</sup> <http://bluebook.state.or.us/local/counties/counties07.htm>

<sup>3</sup> [http://extension.oregonstate.edu/crook/sites/default/files/rlj\\_for\\_web.pdf](http://extension.oregonstate.edu/crook/sites/default/files/rlj_for_web.pdf)

## **Location<sup>4</sup>**

Geographically, Crook County is located in the center of Oregon. It is bordered by Jefferson and Wheeler counties to the North, Grant and Harney counties to the East, and Deschutes County to the South and West. It sits on the northern edge of the Great Basin, a large geographic area covering parts of Oregon, Idaho, Utah, Nevada, Colorado, Arizona, and New Mexico. It sits on the southwestern edge of the Blue Mountains and the northeastern edge of the volcanic influence of Mt. Mazama (Crater Lake) and Newberry Volcano. This unique geographic position supports diverse forests, deserts, sagebrush plant communities, and broad valley bottoms.

## **Demographics<sup>5</sup>**

Crook County is home to approximately 21,000 people, distributed at 7 persons per square mile and primarily white (95 percent). There is nearly an even split between males and females. The 65+ demographic comprises 25 percent and is growing, while the number of persons under 18 is shrinking from 22 percent to 19 percent between 2010 and 2014. A significant number of veterans (2700) live in the County. About 54 percent of the population is in the labor force and another 18 percent live in poverty, which is higher than the norm for Oregon. Most residents are high school graduates with only about 15 percent holding an advanced degree. Almost 20 percent of those under 65 have no health insurance.

## **Climate<sup>6</sup>**

Prineville's elevation is 2,868 feet and it averages 10.5 inches of precipitation per year. Annual variation in precipitation ranges from less than eight inches per year in the southwest corner of the county to more than 30 inches in the higher elevations of the Ochoco Mountains.

Average temperatures range from 31° F January to 64.5° F July and August. Temperature extremes range from minus 35° F to 119° F. Nights are generally cool with moderate daytime temperatures. Typically, the growing season will last 90 to 110 days but a review of historical temperature data shows that killing frosts (29° F) can occur at any time during the summer months.

Crook County is semi-arid with 60 to 80 percent of the annual precipitation occurring during the winter and early spring months (October- April). Most precipitation comes as snow with spring precipitation occurring as rain. Sporadic summer/fall thunderstorms and associated lightning can cause considerable damage to property and natural resources. Wildfire is a serious consideration for this region of Oregon.

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<sup>4</sup> [http://extension.oregonstat.edu/crook/sites/default/files/rlj\\_for\\_web.pdf](http://extension.oregonstat.edu/crook/sites/default/files/rlj_for_web.pdf)

<sup>5</sup> <http://www.census.gov/quickfacts/table/PST045215/41013>

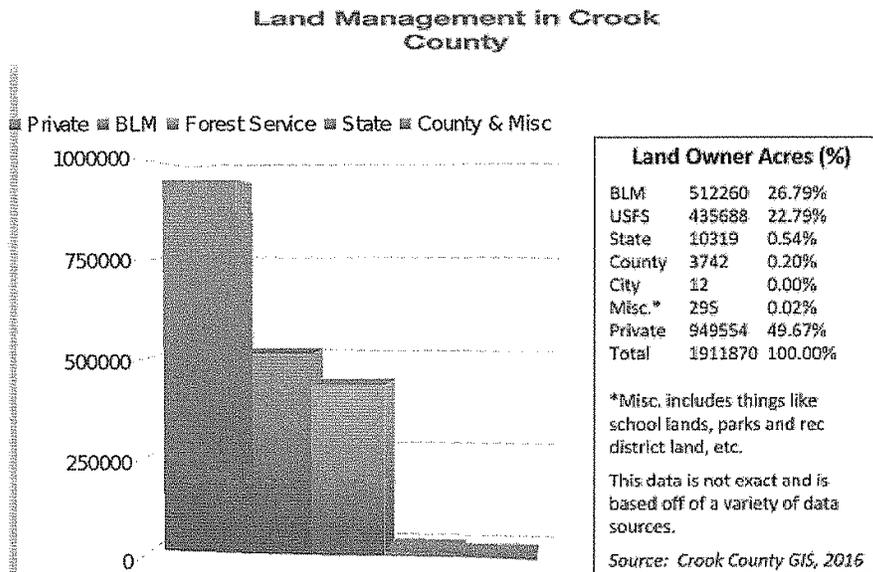
<sup>6</sup> [http://extension.oregonstat.edu/crook/sites/default/files/rlj\\_for\\_web.pdf](http://extension.oregonstat.edu/crook/sites/default/files/rlj_for_web.pdf)

## Land Use & Management

Crook County is 1,907,200 acres in size, ranking 12th largest among Oregon's 36 counties<sup>7</sup>. Most of the County (96 percent) is part of the Deschutes River Basin. The Crooked River, the major river system, merges into the Deschutes River at Lake Billy Chinook. Major tributaries to the Crooked River include McKay Creek, Ochoco Creek, North Fork Crooked River, Beaver Creek, Camp Creek, and Bear Creek.

Of the County's approximately two million acres, 50 percent is public with the remaining 50 percent private land. Federal lands are currently managed by the US Forest Service or the Bureau of Land Management. Other parcels of federal land are under the jurisdiction of the Bureau of Reclamation, Oregon Department of Forestry, Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Transportation and Crook County.

Rangelands (non-irrigated, non-forested lands) make up most of the County's private lands (950,000 acres). Irrigated cropland (78,000 acres) and private woodlands (77,000 acres) are the other primary uses of private land in the county. Irrigated pasture (39,000 acres), miscellaneous uses (28,000 acres) and non-irrigated cropland (5,000 acres) round out the balance of land uses.



<sup>7</sup> <http://bluebook.state.or.ug/local/counties/counties07.htm>

## **Agriculture & Timber**

Historically, cattle ranching has been one of the primary industries of the County, with large herds grazing the countryside since the 1880s. Farming was also developed in certain valley regions friendly to agriculture<sup>8</sup>.

Logging in the Ochoco Mountains and the timber mills that accompanied them, also greatly contributed to the economic and population growth of the County. The first recorded mention of a sawmill was made by George Barnes, speaking about the Swartz Sawmill on Mill Creek, circa 1867<sup>9</sup>. At one time, as many as five sawmills were operating in the County and they have historically contributed to the cultural and economic well-being of County residents.

## **Mining<sup>10</sup>**

Mining has long been a tradition in Crook County. Scattered throughout the County, the mines lie primarily in the Howard Mineral District, which is 26 miles east of Prineville in the timbered hills bordering Ochoco Creek. The Howard Mineral District is divided into the following three areas: The Ochoco Creek area, the Johnson Creek area, and the Marks Creek area.

All of the mines in the Howard Mineral District are cinnabar mines with the exception of the Mayflower Gold Mine. At present all of the underground workings are caved in and inaccessible.

During the past few years, some mining and prospecting has been done on the surface, particularly in the Johnson Creek area.

Mining includes: limb casts, thunder eggs, vista-ite, bentonite, plume agate and moss agate, which are all semi-precious and have value in mining claims.

The area is underlain by Tertiary Andesite. Mineralization has taken place along rather broad fracture zones in which the Andesite is intensely altered and cut by carbonate-quartz-sulfide veins. These veins are commonly less than an inch thick, but locally enlarge into ore shoots, especially at the junctions or intersections.

Available records show that the Howard Mineral District produced \$79,885 (approx. \$1,134,424 today) in gold up to 1923 from intermittent operations. Of this, \$17,560 is based on estimates prior to 1902, while \$62,325 is based on records since 1902. The greatest yearly output was \$26,623 in 1918, of which \$24,092 was in gold.

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<sup>8</sup> Hubert Howe Bancroft, *The Works of Hubert Howe Bancroft: Volume XXX: History of Oregon: Oregon: Volume II, 1848-1888*. San Francisco, CA: The History Company, 1888; pg. 710

<sup>9</sup> Shaver, F. A., Arthur P. Rose, R. F. Steele, and A. E. Adams, compilers. *An Illustrated History of Central Oregon: Embracing Wasco, Sherman, Gilliam, Wheeler, Crook, Lake, & Klamath Counties*. Spokane, WA: Western Historical Publishing Co., 1905

<sup>10</sup> Crook County Chamber of Commerce, 2016

## **Recreation & Tourism**

Recreation and tourism contribute significantly to the economy and culture of Crook County. Activities range from hunting and OHV use, to photography, hiking, fishing, camping, rockhounding, cross-country skiing, dog mushing, snowshoeing, snowmobiling, and wildlife viewing, among many others. The wild horses of the Big Summit Horse Management Area (HMA) in the Ochoco National Forest make an extraordinary contribution to the uniqueness of the County. Two reservoirs and their associated campgrounds, Ochoco and Prineville, are major draws for both local and out of area visitors. The estimated economic benefits from Prineville Reservoir alone (fuel, supplies, recreational related purchases, etc.) totaled \$24,426,000 in a 2009 study<sup>11</sup>. In short, recreational opportunities in the County are plentiful and varied. They are a vital part of natural resources in the County.

## **Wilderness and Areas of Critical Environmental Concern**

Crook County has various areas of critical environmental concern, and two wilderness areas are within Crook County; Mill Creek is the largest and most heavily used, and Oregon Badlands straddles the border between Crook and Deschutes Counties.

Mill Creek Wilderness<sup>12</sup> is a wilderness area located in the Ochoco National Forest of Central Oregon. It was established in 1984 and comprises 17,400 acres (7,040 ha).

The Oregon Badlands Wilderness<sup>13</sup> is a 29,301 acre (11,858 ha) wilderness area located east of Bend in Deschutes and Crook Counties. The wilderness is managed by the Bureau of Land Management as part of the National Landscape Conservation System and was created by the Omnibus Public Land Management Act of 2009, which was signed into law by President Barack Obama on March 30, 2009.

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<sup>11</sup> Prineville Reservoir, Recreational Impacts, City of Prineville, 2009

<sup>12</sup> [https://en.wikipedia.org/wiki/Mill\\_Creek\\_Wilderness](https://en.wikipedia.org/wiki/Mill_Creek_Wilderness)

<sup>13</sup> [https://en.wikipedia.org/wiki/Oregon\\_Badlands\\_Wilderness](https://en.wikipedia.org/wiki/Oregon_Badlands_Wilderness)

# Principles for Local Government Coordination Within Crook County

Federal lands dominate the landscape in Crook County, with approximately 50 percent of the land in the County managed by a public agency. Therefore, decisions made by the agencies managing our public and federal lands and resources directly affect Crook County's residents, custom and culture, economy, and valued way of life.

## **Recognition of County Status, Responsibilities, and Authority**

**Oregon Constitution: Article 1, Section 1** states “Natural rights inherent in people.” We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.”

The County of Crook, created by the Organic Laws of the State of Oregon has state-granted authority to make provisions for public health, safety, welfare, and morals of its residents through the enactment and enforcement of ordinances and regulations.

Crook County represents a local government as defined by ORS 174.116 (l)(a)<sup>14</sup>.

Furthermore, both Oregon State law and FLPMA, NEPA, NFMA and other federal statutes empower Crook County to fulfill its responsibility to protect the health, safety, and welfare of its citizens:

*"... [T]he governing body or the electors of a county may by ordinance exercise authority within the county over matters of county concern, to the fullest extent allowed by Constitutions and laws of the United States and of this state... The power granted by this section is in addition to other grants of power to counties, shall not be construed to limit or qualify any such grant and shall be liberally construed, to the end that counties have all powers over matters of county concern that it is possible for them to have under the Constitutions and laws of the United States and of this state."  
ORS 203.035*

Thus, based upon the requirements of the federal statutes, including but not limited to the National Environmental Policy Act, the Federal Lands Policy and Management Act and the National Forest Management Act, the Crook County Court asserts its ability to coordinate, require consistency reviews, and in appropriate cases to apply as a cooperating agency in all federal decision making and land use planning processes initiated by any federal agency or state

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<sup>14</sup> "...as used in the statutes of this state "local government" means all cities, counties and local service districts located in this state, and all administrative subdivisions of those cities, counties and local service districts". ORS 174.116 (l)(a)

agency acting in compliance with federal law.

## **Statutory and Regulatory Authority**

Management of the federal and state lands is dictated by a system of federal and state statutes, regulations, and policies. Crook County expects that all applicable statutes, regulations, and policies will be followed by federal and state land management agencies, and that federal and state agencies shall fulfill their affirmative responsibility to recognize all pertinent laws and policies regarding management and coordination.

## **County Involvement in Federal Land Management**

Certain federal statutes, regulations, positions and policies discussed below offer special opportunities to state, tribal, and local government agencies to participate in federal agency planning as well as decision-making when such actions take place within the purview of the state, tribal, or local government's responsibilities to the people they represent. Importantly, many such opportunities are only offered to State and local governments; they are not available to private individuals, special interest groups, or non-governmental organizations (NGO).

As a local government within the State of Oregon, Crook County is therefore entitled to avail itself of these special opportunities for government-to-government involvement in federal decision-making. In accordance with federal statute and regulations, federal agencies shall recognize that certain opportunities, such as coordination as defined by FLPMA and NFMA, is exclusive to elected government units.

## **Coordination**

Coordination is a federally mandated process that requires all federal agencies such as the BLM and Forest Service to work with local governments to achieve the best resource decisions possible considering the local resource, custom and culture and the local tax base and economic stability. Coordination, by its plain meaning, requires federal agencies do more than just inform local governments of their future management plans and decisions and it requires that they do more than merely solicit comments from local government entities. Rather coordination includes a gambit of activities such as consistency review with local policies, programs and plans to the maximum extent allowed by federal law, formal and informal government-to-government interactions and meetings, cooperating agency status, and other actions. To accomplish the goal of “coordination,” the Crook County Court shall:

- Within 30 days of adoption of the CCNRP, Crook County shall notify and provide a copy of the CCNRP to all federal agencies which may have jurisdiction with Crook County;
- Within 30 days of the date of adoption of the CCNRP, Crook County will inform the federal agencies of the date, time, and location of their regularly scheduled meetings with an open invitation that federal agency personnel should attend such meetings if there are items to discuss;

- Within 30 days of the date of adoption of the CCNRP, Crook County will appoint a citizens committee of no more than nine persons, each representing a different segment of or interest in the County, to assist the County in (1) gathering additional information regarding the County’s economic stability and tax base related to the various industries using natural resources within the County; (2) review all Notices of Intent as published in the Federal Register or sent to the County to recommend to the Court which Notices may be of importance to the County or to which “coordination” should be considered; (3) for those items determined by the Court for which coordination should apply, assist in making recommendations on positions or other actions as necessary;
- In a timely manner, the County Court will review NEPA documents to determine which they will request coordination, cooperating agency status, formal or informal meetings or hearings, or consistency review.
- Within 30 days of the adoption of the CCNRP, Crook County will send a written offer to each federal agency that a member of the Court or a representative thereof will attend any federal agency meetings as requested to report on items within the County’s jurisdiction that may impact the federal agencies;
- Within 30 days of the adoption of the CCNRP, Crook County will establish a process for informal discussions with the federal agencies.

## **Statutory Authority - Coordination with BLM**

*"In the development and revision of land use plans, the Secretary shall [...] to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities [...]with the land use planning and management programs [...]of local governments... Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with federal law and the purposes of this Act." 43 U.S.C § 1712(c)(9), emphasis added (FLPMA)*

*"Consistent means that the Bureau of Land Management plans will adhere to the terms, conditions, and decisions of officially approved and adopted resource related plans, or in their absence, with policies and programs, subject to the qualifications in§ 1615.2 of this title." 43 C.F.R. § 1601.0-5(c)*

*The BLM is obligated to coordinate its planning processes with local government land use plans, provide the state and local governments with meaningful involvement in the development of resource management plans, and, if possible, develop resource management plans in collaboration with cooperating agencies. 43 C.F.R. §§ 1610.3-1(a)(3), (4), (5) (2009).*

*In providing guidance to BLM personnel, the BLM State Director shall "[e]nsure that it is as consistent as possible with existing officially adopted and approved resource related plans, policies or programs of other Federal agencies, State agencies, Indian tribes and local governments that may be affected. . . ." 43 C.F.R. § 1610.3-1(d)(1) (2009).*

*The BLM is obligated to take all practical measures to resolve conflicts between federal and local government land use plans. Additionally, the BLM must identify areas where the proposed plan is inconsistent with local land use policies, plans or programs and provide reasons why inconsistencies exist and cannot be remedied. 43 C.F.R. §§ 1610.3-1(d)(2),(3) (2009).*

*When developing or revising a resource management plan, or amending a resource management plan through an environmental impact statement, the BLM "will consider any requests of other . . . state and local governments . . . for cooperating agency status." 43 C.F.R. § 1610.3-1(b) (2009).*

*The BLM "shall provide other Federal agencies, State and local governments, and Indian tribes opportunity for review, advice, and suggestion on issues and topics which may affect or influence other agency or other government programs. 43 C.F.R. § 1610.3-1(c) (2009).*

*"A notice of intent to prepare, amend, or revise a resource management plan shall be submitted, consistent with State procedures for coordination of Federal activities, for circulation among State agencies. This notice shall also be submitted to Federal agencies, the heads of county*

*boards, other local government units and Tribal Chairmen or Alaska Native Leaders that have requested such notices or that the responsible line manager has reason to believe would be concerned with the plan or amendment. These notices shall be issued simultaneously with the public notices required under § 1610.2(b) of this title.” 43 C.F.R. § 1610.3-1(e) (2009).*

*“Federal agencies, State and local governments and Indian tribes shall have the time period prescribed under § 1610.2 of this title for review and comment on resource management plan proposals. Should they notify the Field Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan and their officially approved and adopted resources related plans, the resource management plan documentation shall show how those inconsistencies were addressed and, if possible, resolved.” 43 C.F.R. § 1610.3-1(f) (2009).*

*In the absence of officially approved or adopted local land use plans, the BLM plan must, to the maximum extent practical, be consistent with officially approved and adopted state and local resource related policies and programs, as long as such local policies and programs are consistent with federal law and regulations. 43 C.F.R. § 1610.3-2(b) (2009).*

## **Statutory and Regulatory Authority-Coordination with the US Forest Service**

*"[T]he Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies."* 16 U.S.C. § 1604(a)

*(b) Coordination with other public planning efforts.*

*1) The responsible official shall coordinate land management planning with the equivalent and related planning efforts of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments.*

*2) For plan development or revision, the responsible official shall review the planning and land use policies of federally recognized Indian Tribes (43 U.S.C. 1712(b)), Alaska Native Corporations, other Federal agencies, and State and local governments, where relevant to the plan area. The results of this review shall be displayed in the environmental impact statement (EIS) for the plan (40 CFR 1502.16(c), 1506.2). The review shall include consideration of:*

- i. The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies;*
- ii. The compatibility and interrelated impacts of these plans and policies;*
- iii. Opportunities for the plan to address the impacts identified or contribute to joint objectives; and*
- iv. Opportunities to resolve or reduce conflicts, within the context of developing the plan's desired conditions or objectives... 36 C.F.R. § 219.4*

*"The responsible official shall coordinate with appropriate Federal, State, county, and other local governmental entities and tribal governments when designating National Forest System roads, National Forest System trails, and areas on National Forest System Lands pursuant to this subpart." 36 C.F.R. § 212.53 The Forest Service is obligated to consider and provide for "the stabilization of communities" in its decision making processes. 36 C.F.R. § 221.3(a)(3) (2009) See also S. Rept. No. 105.22; 30 Cong. Rec. 984 (1897); The Use Book at 17.*

*"Community stability" is defined as a combination of local custom, culture and economic preservation. As described by the Forest Service:*

## **History and Objects of Forest Reserves**

*Forest reserves are for the purpose of preserving a perpetual supply of timber for home industries, preventing destruction of the forest cover which regulates the flow of streams, and protecting local residents from unfair competition in the use of the range . . . .*

*We know that the welfare of every community is dependent upon a cheap and plentiful supply of timber; that a forest cover is the most effective means of maintaining a regular streamflow for irrigation and other useful purposes, and the permanence of the livestock industry depends upon the conservative use of the range. The Use Book.*

*In carrying out monitoring under a land management plan, the responsible official may jointly monitor the planning area with State or local government agencies or members of the public. 36 C.F.R. § 219.6(b)(3) (2009).*

*“The responsible official must use a collaborative and participatory approach to land management planning . . . by engaging the skills and interests of . . . State or local governments, or other interested or affected communities, groups, or persons.” 36 C.F.R. § 219.9 (2009).*

*“The responsible official must provide opportunities for the coordination of Forest Service planning efforts . . . with those of other resource management agencies. The responsible official also must meet with and provide early opportunities for other government agencies to be involved, to collaborate, and to participate in planning for NFS lands. The responsible official should seek assistance, where appropriate, from other State and local governments . . . to help address management issues or opportunities.” 36 C.F.R. § 219.9(a)(2) (2009).*

## **NEPA Consistency Review**

*All federal agencies shall prepare an environmental impact statement (“EIS”) or an environmental assessment (“EA”), (i.e. a NEPA document) for "every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C) (2009).*

*Federal agencies shall “consult [] early with appropriate state and local agencies and Indian tribes and with interested private persons and organizations when its own involvement is reasonably foreseeable.” 40 C.F.R. § 1501.2(d)(2) (2009).*

*Local governments shall be invited to participate in the scoping process. 40 C.F.R. § 1501.7(a)(1) (2009).*

*To better integrate EIS into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. 40 C.F.R. § 1506.2(d); 40 C.F.R. § 1506.2 (2009).*

*Environmental impact statements must discuss any "inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the [EIS] should describe the extent to which the agency would reconcile its proposed action with the plan or law.” 40 C.F.R. § 1506.2(d) (2009).*

*Appropriate mitigation measures must be included in the EIS. 40 C.F.R. § 1502.14(f) (2009). Mitigation includes (a) avoiding the impact altogether by not taking a certain action or parts of an action, (b) minimizing impacts by limiting the degree or magnitude of an action and its implementation, (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment, (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action, and (e) compensating for the impact by replacing or providing substitute resources or environments. 40 C.F.R. §1508.20 (2009).*

## **Further Opportunities for County Involvement with Federal Agency Decision-making**

In addition to the coordination mandate in FLPMA and NFMA, a number of other federal and state statutes and corresponding regulations require state and federal agencies to offer other opportunities for coordination with local governments in making land and resource management decisions. Relevant statutes featuring such opportunities include the Clean Water Act, the Clean Air Act, the Endangered Species Act, the Wild and Scenic Rivers Act, and the National

Preservation Act. Many of these opportunities for additional County involvement will be covered in the resource-specific sections below.

It is the position of Crook County to:

- engage in all such opportunities and to work in coordination with federal and state agencies as required by federal law on all projects and decisions that could affect County interests. Further, it is the express expectation of the County that federal and state agencies will give the County early notification of forthcoming decision-making and extend an early invitation to the County to participate to the maximum extent in federal decision making processes.

## **Private Property Rights and Property Interests**

Many private individuals hold either private property rights or property interests on federal lands within Crook County. These may include but are not limited to water rights, mining claims, rights of way, as well as grazing preferences and grazing permits. Such property rights and interests constitute valuable holdings, increase the County tax base, and are vital for the stability of small businesses essential to the economic make-up and culture of free enterprise of Crook County. Crook County is dedicated to preserving these rights and interests.

## **Coordinated Management and Conservation**

Crook County believes that a coordinated, interdisciplinary approach to the management of federal lands will best promote the conservation of our natural resources while developing sustainable methods for their use. Crook County also holds that locally based, on-the-ground management, monitoring, and information gathering is preferable to out-sourcing data collection and/or analysis to remote providers. Therefore, Crook County expects that federal and state agencies will work with the County, the local Soil and Water Conservation Districts, Rural Fire Protection Agencies, Oregon State University Department of Range Science, Oregon State University Extension Service, USDA range scientists at the Eastern Oregon Agriculture Research Center, Crooked River Weed Management Area, as well as allotment owners, permittees and lessees on federal lands on an ongoing basis to monitor, manage, share information, problem solve, apply adaptive management strategies, and promote the health of federal lands to ensure that natural resource use is both ongoing and sustainable.

## **Position Statements Access & Travel Management**

Reliable, ongoing access to federal lands is important for the sustainability of Crook County citizens' customs and culture, promotes positive outdoor experiences for visitors, and provides access in the case of needed medical attention or fire.

The intent of Crook County's travel management positions is to provide year round access for multiple land uses while respecting private property rights, as well as utilizing the resources on federal lands. Ongoing use and enjoyment of the natural resources of Crook County requires a transportation system that is efficient, available, and balances the various resource values.

Proposed road closures affecting access to or on federal lands in Crook County shall be discussed on a case-by-case basis and shall be individually justified. Where there is no clear and overriding reason to close a particular road, it shall remain open.

Further, proposed road closures require an appropriate County and public review process; noticing, appeal periods, and a genuine good faith effort to incorporate the suggestions and concerns put forth by the public. Proposed road closures shall also be discussed in coordination with Crook County, and shall be consistent with the CCNRP to the maximum extent practicable and allowable by law.

Road inventories shall be carried out in coordination with Crook County and with the input of Crook County citizens. Unless prohibited by law, roads accessing grazing allotments, water developments, mining claims, foraging sites, and other authorized land uses shall remain open.

Crook County supports the partnering of public and private entities for the ongoing access of roads on federal lands. Crook County encourages voluntary activity from users as well as partnering with private and public groups in maintaining trails and roads such as rock removal, filling holes, branch trimming, and clearing downed trees. Trails and roads maintained by private groups are meant to benefit all users and types, and maintenance does not confer special privilege.

Crook County supports the improvement of signage and maps for navigation on federal lands to enhance the enjoyment and safety of visitors. Maps must reflect the valid federal land use plan.

## Access & Travel Management Positions

It is the position of Crook County that:

- Roads<sup>15</sup> providing access for the use and enjoyment of federal lands shall remain open year round and be maintained as needed.
- There will be no net loss to access to and across the federal lands.
- Crook County will actively work with federal agencies to discuss all road closures and shall seek an alternate route to that site.
- Roads created and/or established for timber harvesting and other forest projects should remain open as unimproved multi-use trails for recreational use.
- To keep all roads open and passable. Disruptions to the travel surface of roads (e.g. tank traps, boulders, berms, or other road surface impediments) are a hazard to road travel in the case of firefighting, fire evacuation or rescue vehicles, and are an endangerment to the health and well-being of road users.
- All RS 2477 rights-of-way historically and currently used for any natural resource to market must remain open for public access. These include, but are not limited to, forest- to-market, mine-to-market, livestock trail ways, wagon and stage coach roads, access trails to reservoirs, streams, springs and rivers, historic sites of towns, post offices and schools, and other places of historic land uses. The County, working through its citizen committee, will research and provide the appropriate documentation of RS 2477 rights-of-way and historical site roads to the federal agencies as required by federal law. Where appropriate, informational signage shall be installed to explain the significance of the site.
- Recreational access shall not discriminate in favor of one mode of recreation to the exclusion of others.

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<sup>15</sup> See Glossary for definition of "Road"

## **Agriculture**

Production agriculture, which includes crops and livestock, is an important part of the Crook County economy. Many of the farms and ranches of the County represent three or more generations of the same family operating and caring for the land. Agriculture has been an integral part of the economy, custom, and culture of Crook County, as well as a way of life to the farming and ranching families even before the town of Prineville was established in 1868. Crops and livestock contributed in fiscal year 2012 \$47,741,000.00 to the County<sup>16</sup> economy.

The State of Oregon has a Right To Farm law<sup>17</sup>, which describes actions and responses to farming and other natural resources including forest.

### **Crop Production**

There are 822,688 acres of farmland in Crook County<sup>18</sup>. Crop production contributes 49 percent of agricultural sales in Crook County<sup>19</sup>. The comparatively short growing season of the County dictates the rather narrow variety of cash crops that can be grown here. Examples of crops include, but are not limited to, grass and alfalfa hay, grain, potatoes, garlic and carrot seed. Crops are grown along the Crooked River, Ochoco Creek, Mill Creek, McKay Creek, the Ochoco Valley and in the higher elevations around Powell Butte. The sources of the majority of the water for irrigation come from McKay Creek and its tributaries, Ochoco Creek and its tributaries, Crooked River and its tributaries, and the Deschutes River and its tributaries. These water sources are vital to our agricultural community and the citizens of Crook County.

Wildlife and federal lands managers, including but not limited to the BLM, USFS, US Fish and Wildlife, and ODF&W are expected to work with private property owners to keep private property damage of land and livestock to a minimum.

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<sup>16</sup> Crook County OSU Extension Service, 2012

<sup>17</sup> [www.oregonlaws.org/ors/30.930](http://www.oregonlaws.org/ors/30.930)

<sup>18</sup> Crook County OSU Extension Service, 2012

<sup>19</sup> Crook County OSU Extension Service, 2012

## **Crop Production Agriculture Position**

It is the position of Crook County:

- To take Right To Farm laws, to the extent applicable, into account when coordinating on federal and state land use decisions.
- to support production agriculture and the conscientious use of natural resources necessary for sustaining agricultural enterprise.
- that any private property damage caused by an uncontrolled prescribed burn, other fire suppression efforts, or damage caused by any other government agency action in Crook County, shall be considered justification for compensation by the responsible agency to the private property owner at current market value.

## **Livestock Production and Grazing**

Livestock production has customarily been, and continues to be, a significant contributor to the economic stability of Crook County. Livestock production contributes 51 percent of all agricultural sales in Crook County<sup>20</sup> The total reported value of livestock sales produced in Crook County was \$24,426,000.00 in 2012 (OSU Extension Service).

In Crook County, many livestock producers rely on grazing allotments administered by the BLM and the US Forest Service. The preservation of these permits and the continuation of historic stocking rates are crucial to sustainable livestock production in Crook County.

Grazing permittees and lessees possess certain and specific rights granted through the Taylor Grazing Act, Forest Service regulations and the Federal Lands Policy and Management Act which should be enforced and recognized by the federal agencies. These processes and recognitions exist separately and apart from the general public's ability as an "interested public or an "affected interest." The benefits of managed livestock grazing for fire control, weed control, soil health, plant health, and wildlife habitat enhancement shall be recognized and incorporated into planning documents, NEPA documents, and other environmental studies and analyses<sup>21</sup>. Agencies shall take an interdisciplinary approach to range management, including soliciting input from permittees and lease holders, OSU Extension Service, the Eastern Oregon Agriculture Research Center, and Crook County in determining best approaches to maintaining sustainable use of rangeland resources.

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<sup>20</sup> Crook County OSU Extension Service, 2012

<sup>21</sup> Taylor Grazing Act of 1950 (P.L. 73-482) 43 US Code 315

Granger-Thye Act of 1950 (P.L. 81-478) 43 USC chapter 35, subchapter V: Rights of way

Multiple Use sustained Yield Act of 1960 (P.L. 86-517) (MUSYA)

Arizona Desert Wilderness Act of 1990; HR 2570; (P.L. 101-628); House report 101-405 Appendix A

## Livestock and Grazing Position

It is the position of Crook County that:

- federal and state grazing allotments and leases shall be managed through working partnerships with allotment holders and lessees, which should include joint monitoring and data collection, joint problem solving, developing adaptive management strategies, and joint development of grazing plans and NEPA alternatives for permit renewal.
- agencies are to treat permittees and lessees with a commensurate level of participation, involving early notification of proposed actions, cooperative decision making, information gathering, and joint planning on allotments.
- grazing on federal and state allotments and leases shall continue at historical stocking rates. In the event that range health standards on a permit or lease are not being met, stocking rates will be reduced only in the event that; 1) failure to meet range health standards is established on the basis of current, on the ground site specific monitoring data; 2) failure to meet range health standards is shown to be caused by current, as opposed to historic, livestock management practices or other potential impacts such as wildlife or wild horses; and 3) all adaptive management approaches have been exhausted.
- to maximize flexibility, agencies shall not reduce the total AUMs associated with a grazing permit (known as "grazing preference" or "permitted use").
- allotments that have had a history of reduced AUMs shall be reevaluated as to present condition compared to condition prior to reduction.
- consideration be given that under grazing could be a contributing factor to declines in range health.
- AUMs will be returned to active use to the maximum extent consistent with maintaining rangeland health standards.
- in the event some of the AUMs associated with a permit are temporarily suspended, the agency will justify the suspension, and specify the conditions necessary for reactivation of the suspended AUMs. As range health standards improve, suspended AUMs shall be returned to active use by the next grazing season.
- in the event that grazing is temporarily suspended due to fire or drought, grazing shall recommence on the basis of case-by-case monitoring and site specific rangeland health determinations, as opposed to fixed and/or predetermined timelines.
- federal agencies shall work with permit holders and other land managers on riparian management, to ensure that site specific analysis and monitoring are current, and

potential issues regarding stream bank erosion, channel depth, etc., are addressed early through adaptive management approaches. Reduction or elimination of grazing on riparian areas shall occur only:

- If current grazing livestock methods, as opposed to historic livestock grazing or wildlife, are demonstrably the cause of riparian degradation; and
- If adaptive management approaches are exhausted.
- where range health standards are being met, or if failure to meet rangeland health standards is not due to current livestock management, stocking rates shall not be diminished and season of use will not be curtailed.
- grazing on designated Wilderness areas and Wilderness Study Areas shall be ongoing and unimpeded, in accordance with the Congressional Grazing Guidelines (H.R.101-405, Appendix A-BLM; H.R. 96-617-Forest Service).
- federal and state agencies shall not encourage or facilitate the relinquishment or "buy out" of grazing permits for non-grazing purposes.
- grazing allotments on historic and/or designated grazing lands shall remain in use for substantive livestock grazing.
- permits voluntarily relinquished by permittees shall be made available to other livestock operators.
- unallocated allotments shall be made available to permittees on an as-needed basis.
- grazing permit renewals or authorization of federal permits for the development or improvement of water rights on federal lands shall not be contingent upon the transfer of privately held water rights, in whole or in part, to the US Government.
- in light of amendments to NEPA included in the National Defense Authorization Act for FY 2015, §3023 (3).
  - categorical exclusions shall be used in the renewal of grazing permits where current management is continued and range land health standards are being met (or failure to meet rangeland health standards is not due to existing livestock grazing) and there are no extraordinary circumstances.
  - livestock trailing and crossing on federal lands shall be categorically excluded from environmental assessments and impact statements under NEPA<sup>22</sup>
  - roads historically used for trailing or vehicle transport of livestock across federal lands shall remain open.

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<sup>22</sup> See also: "whenever any grazing district is established pursuant to this sub chapter, the Secretary shall grant to owners of land adjacent to such district, upon application of any such owner, such rights-of-way over the lands included in such district for stock driving purposes as may be necessary for the convenient access by any such owner to marketing facilities or to lands not within such district owned by such person or upon which such person has stock-grazing rights." 43 USC §315 (TGA)

## **Data Quality**

Crook County has many residents who have extensive expertise and knowledge of the Ochoco Forest and the rangelands of Crook County. An attempt shall be made to gather some of the historical information on land management practices during the past 50 years from these people. Many land practices have been tried, and the historical information may allow us to avoid repeating past failures. This information, as it is gathered, will be made available to the local, state, and federal agencies, for inclusion in the decision making process.

To the greatest extent possible, sound and credible data should drive all federal agency decisions. Unfortunately, sufficient data, data at an appropriate scale, or timely data to use in analysis are not always available. For all references to “data” in this plan, Crook County refers to information that meets, at a minimum, the Federal Data Quality Act (FDQA).

The FDQA directs the Office of Management and Budget (OMB) to issue government-wide guidelines that “provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information) disseminated by Federal agencies” (*Sec. 552(a) Pub. Law. 106-554; HR 5658; 114 Stat. 2763 (2000)*).

The OMB guidelines apply to all federal agencies and require that information disseminated by the Federal government will meet basic informational quality standards (*66 Fed. Reg. 49718, Sept. 28, 2001; see also 67 Fed. Reg. 8452, Feb. 22, 2002*).

This “standard of quality” essentially requires that data used and published by all Federal agencies meet four elements. These elements include (*66 Fed. Reg. at 49718*):

- (a) quality
- (b) utility (i.e., referring to the usefulness of the data for its intended purpose)
- (c) objectivity (i.e., the data must be accurate, reliable, and unbiased)
- (d) integrity

In addition to following the OMB guidelines, all federal agencies were also to issue data quality guidelines by October 1, 2002, (*67 Fed. Reg. 8452*).

### **Data Quality Position**

It is the position of Crook County that:

- all data - environmental, economic, and social - used to develop federal and state land

and natural resource management decisions shall be current and impartial.

- Require the inclusion of quantitative data that meets credible data criteria, even if the data were not produced by a federal agency.
- Support the use of credible scientific data. Credible scientific data is defined as rigorously reviewed, scientifically valid chemical, physical and/or biological monitoring data, timely collected under an accepted sampling and analysis plan; including quality control and assurance procedures and available historical data.
- Require the use of data that meets at least the minimum standards of U.S. Fish and Wildlife Service (FWS) Manual Chapter 274 FW2 – Establishing Service Data Standards (Service n.d.).
- Data gathered and used by the BLM shall meet the standards established by the Department of the Interior Information quality Guidelines and Policies.
- Information used and gathered by the Forest Service shall meet the general requirements for information quality established by the USDA and be site specific.

## **Economy**

The historic roots of Crook County timber harvest, ranching, farming, and mining are the lifeblood of Crook County's economy. The County's customs and culture are based on a land stewardship ethic stemming from the people's dependence on the land to provide a livelihood for those who directly work on the land and for those whose businesses serve the natural resource industries.

Crook County has a natural resource-based economy, which the County is trying to diversify so that it can more effectively adjust to a globalized marketplace. County population is growing and diversifying, like many areas with significant natural capital and lifestyle opportunities. People are moving to and visiting Crook County to enjoy the environmental amenities<sup>23</sup>.

Crook County believes that humans are entitled to an equal opportunity to use federal and private lands for both recreation and economic growth.

To that end, it is Crook County's intent to protect those values through coordination with those who implement policy on the federal lands.

### **Economic Positions**

It is the position of Crook County that:

- it support efforts to maintain or improve the overall economic base of the County through the judicious use and enjoyment of federal and state lands in the County.
- federal land management decisions support economic diversity in order to benefit the long-term stability of the county, the economic welfare of county residents, and the environment.
- it cannot support federal and state agency land management decisions when potential economic impacts are not carefully considered. In such cases, Crook County may be forced to appeal or seek other relief.
- it expects federal and state land management agencies to carefully weigh economic impacts when considering land management decisions, and to minimize impacts to the customs, culture, and the economic stability of the County. While economics should not always be the decisive factor in decision making, it should be part of the balance of interests considered.
- when a negative impact of a proposed action is unavoidable, provisions shall be made for mitigation or compensation for those impacts.

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<sup>23</sup> OSU Special Report 1051, May 2004

- federal and state land management agencies must work in coordination with Crook County to accurately provide socioeconomic impact analysis and provide socioeconomic impact mitigation recommendations to both the agencies overseeing the development as well as county government officials.
- agencies overseeing the development should make every reasonable attempt to implement the socioeconomic impact mitigation recommendations while working with local government officials.
- socioeconomic monitoring and analysis be performed by experts familiar with the area's unique history, culture, economy and resources.
- such monitoring and analysis be selected by the Court, and paid for by the entity creating the impact, and that this requirement be duly outlined in the Crook County Code and understood by all involved, early in the process.
- federal land management agencies shall give Crook County notification of any possible upcoming actions that could affect the economic base of the County at the earliest opportunity.
- when a negative impact of a proposed action is unavoidable, provisions shall be made for mitigation or compensation for those impacts.
- analysis of proposed federal actions may include consideration of the following socioeconomic factors:
  1. An evaluation of the social and economic conditions in the area of site influence. The social and economic conditions shall be inventoried and evaluated as they currently exist, projected as they would exist in the future without the proposed action, and as they will exist with the action.
  2. A study of the area economy including a description of methodology used.

The study may include, but is not limited to, the following factors:

- Employment projections by major sector
- Economic bases and economic trends of the local economy
- Family and per capita income
- Purchasing power of earnings within the area of site influence
- Short and long term fluctuations in resource consumption and resource availability
- Employment dislocation and skill obsolescence
- Diversity of economy

- Estimates of basic versus non-basic employment
- Unemployment rates
- Population, optionally including demographics and projections
- Housing, including quantitative evaluations of the number of units in the area and discussion of vacancy rates, costs, and rental rates of the units
- Transportation
- Governmental facilities
- Sewer and water distribution and treatment facilities
- Solid waste collection and disposal services
- Health and medical care facilities and services
- Human Service facilities
- Recreational facilities
- Schools
- Mental Health services
- Problems due to the transition from temporary, construction employees to operating workforces
- Fiscal analysis over the projection period for all local governments, including revenue structure, expenditure levels, mill levies, services
- provided through public financing, and the problems in providing public services
- Estimate of sales and use taxes and ad valorem taxes generated by the proposed activity
- Impact controls and mitigating measures proposed by the applicant to alleviate adverse social and economic impacts associated with construction and operation of a proposed industrial facility
- Any MOU, or offers for replacement industry, designed to mitigate loss of economy due to proposed changes.

## **Energy**

It is the intent of the CCNRP to direct the development of alternative energy sources. These policies are believed to be realistic and achievable in current circumstances, but adaptable to meet changing circumstances and local public attitudes to environmental issues. The CCNRP will thus provide positions which are transparent to the community and federal land managers. Crook County expects that all proposed development of alternative energy sources on federal lands be coordinated with the County and County positions.

### **Energy Source Development Positions**

It is the position of Crook County that:

- proposed energy developments require an appropriate County and public review process: noticing, appeal periods, and a good faith effort to incorporate the suggestions and concerns put forth by the public.
- proposed energy developments shall also be discussed in coordination with the county, and shall be consistent with the CCNRP to the maximum extent practicable and allowable by law.

## **Environmental**

Crook County abounds in natural resources and beautiful landscapes. Sensible management and responsible development of all natural resources will preserve and enhance the quality of life that County residents and visitors enjoy.

It is Crook County's position that responsible environmental review can be a productive management tool in understanding and promoting sound natural resource management planning and management decisions.

Crook County requires that the culture of the citizens impacted by federal land use and resource decisions must be included in the environmental review. Social and economic impact must be considered as part of responsible natural resource management and shall be considered in decision-making processes.

### **Environmental Position**

It is the position of Crook County:

- to require any government agency involved in environmental issues to incorporate socio-economic impact statements along with environmental impact statements when environmental management decisions affecting Crook County are to be made.
- that any government agency involved in environmental issues shall coordinate with Crook County to mitigate these issues for the health, safety and welfare of the citizens.

## **Forest Resources**

The beneficial use of forest natural resources has always been a large part of the County's economy, custom, and culture. The County's forest resources must be governed in the best interest of local citizens while promoting the health of the forests. Approximately sixty percent (60%) of the acres of forestland in Crook County are held in public trust under the authority of the United States Forest Service (USFS), Bureau of Land Management (BLM) and State of Oregon. Federal and State planning decisions have the potential to transfer a disproportionate amount of fiscal and social costs and responsibilities to the County. In order for the County to provide and maintain roads, schools and other services, the forest industry, and the forest products industry commerce within the County must be encouraged and strengthened.

Science and common sense support the premise of active forest management on the public forested lands in Crook County. Forest management practices on federal land within Crook County shall include a stable timber-harvesting program, which is essential to maintain healthy forest ecosystems and to provide employment and economic security to individuals and businesses in Crook County.

The Crook County portions of the national forest systems, as well as any forestland managed by the BLM within the County, shall be managed and administered for outdoor recreation, livestock grazing, timber harvesting, watershed protection, public access, fire risk management, for timber health, and wildlife in the best interests of Crook County citizens and the American people generally. These resources shall be managed for sustained multiple use in perpetuity so that future generations will have the opportunity to benefit from, use, and enjoy them.

A forest management policy of no action or arms-length management is unacceptable, irresponsible, and potentially disastrous.

It is critical that an active management approach to forests within Crook County be applied immediately and continuously for the health, safety, and welfare of Crook County residents. Over-mature, overstocked and stagnant conifer forests cover much of the federal land in the County. These stressed trees are subject to insects, disease, and fire and have a negative impact on carbon sequestration. Varying tree stands may have a different rotation age, stocking density, species diversity, access availability, or environmental and economic viability. However, all federal lands provide products that may be suitable for harvest, and should therefore be considered for logging and thinning projects.

Crook County's road position as it pertains to the Forest Service, is consistent with the Multiple Use Sustained Yield Act, which states:

*The Congress hereby finds and declares that the construction and maintenance of adequate system of roads and trails within and near the national forests and other lands administered by the Forest Service is essential if increasing demands for timber, recreation, and other uses of such lands are to be met; that the existence of such a system would have the effect, among other things, of increasing the value of timber and other resources tributary to such roads; and that such a system is essential to enable the Secretary of Agriculture (hereinafter called the Secretary) to provide for intensive use, protection, development, and management of these lands under principles of multiple use and sustained yield of products and services. 16 USC §532*

Crook County supports the timber industry, and this industry's ability to provide economic support to the citizens of Crook County.

Crook County supports and encourages active and economic viable timber industries. Therefore, until the timber industries can supply the needed revenue to support Crook County services, the Crook County Court supports federal payments in lieu of taxes (PILT) to Crook County, comparable to property tax payments from private forest property owners in Crook County.

## **Forest Management Positions**

It is the position of Crook County:

- that forest management on national forests, BLM, and state lands within the County
- County shall foster a permanent roads system and trails open to the public.
- that forest management shall follow the mandates of the 1897 Organic Act and adhere to the Multiple-Use/Sustained Yield Act of 1960, as well as the later acts: National Forest Management Act; National Environmental Policy Act, and the Endangered Species Act.
- that roads on National Forests and on forests managed by the BLM shall remain open to provide for the economic benefit, enjoyment, and safety of the public. Where state and federal agencies propose to close roads on forestlands, specific justification for the proposal shall be given on a case-by-case basis, and the proposal shall be discussed in coordination with the Court.
- that forest management supports a coordinated, hands-on, proactive approach that

uses timber harvesting as a tool to accomplish overall forest health, ensuring a healthy and vibrant forest for current and future generations.

- that timber harvesting shall be used to promote forest health, reduce disease and insect infestation, and prevent waste of forest products while supporting the economic stability of Crook County.
- to ensure early detection and management of forest fires, and to maximize fire control potential through full coordination and communication with and between state and federal agencies as well as local fire-fighting associations.
- to use managed livestock grazing and fuels management programs to promote forest health.
- all tree mortality caused by forest fire, disease, pests, or other natural events, shall be promptly harvested, once a snag component has been met, before additional loss of economic value occurs.
- to promote the prompt reseeded and rehabilitation of harvested areas and areas affected by wildfire.
- that the customary permitted extraction of forest products by private citizens for fuel, building materials, and Christmas trees shall be ongoing. Access to these sites shall be through an open roads and cross-country travel system.
- that wood burning is a "necessity of life" for the health, safety and welfare of its citizens.

## **Invasive Species, Noxious Weeds and Pests**

Crook County recognizes it is the nature of land and climate to vary, and for species of plants, animals, fish, birds, and insect populations to fluctuate in response to local climate, nutrition, shelter and predation issues. This is a natural fluctuation of ecosystems; however, when a native or introduced species spreads aggressively in its environmental niche and causes disruptions to the local ecosystem or economy, actions shall be taken to control it.

Invasive species, noxious weeds, and pests are defined by their negative effects on the ecosystem, economy and health of Crook County. The same plants, animals and insects in limited populations or appropriate areas may cause no harm. It is only when conditions change and negative impacts occur that control measures need to be taken. Identifying potential issues before they become problems and monitoring the situation is key to cost efficient and effective responses.

By competing for limited resources such as water, soil, space and nutrients, invasive species can negatively impact existing native plant and animal communities, carry and transmit disease, alter the watershed, or increase fuel load and wildfire risk. Noxious weeds may cause birth defects, abortions or death in livestock, and clog waterways or alter fish habitat. Pests are destructive insects, parasites, or other animals that may carry disease, attack, or damage forest, agricultural crops, livestock, humans and wildlife.

Control is to be considered for species which:

- are poisonous or predatory to livestock, humans, or wildlife
- that transmit disease
- whose effects increase risk of wild fire
- whose effects increase the desertification of the watershed;
- that are detrimental to waterways, fish, and aquatic life;

Pest control on federal lands in Crook County shall be addressed in order to reduce the risk of transmission of disease and agricultural or forestry losses. Examples include, but are not limited to, the treatment for mosquitoes as a vector for the West Nile Virus, the treatment of grasshoppers responsible for the defoliation of forages, and the utilization and or reduction of mistletoe or insect infected timber stands to address extensive wildfire fuel loads as well as forest health.

Early detection, rapid response, and follow-up monitoring of all invasive species is essential to effectively control their infestations. Discovery of any invasive species, disease, or large areas of plant or animal death, shall be reported to the Court to ensure its investigation and control, by coordinating with Crook County Weed Department, the Oregon State University Extension Service and the various state and federal agencies.

Non-native Genetically Engineered (GE) trees are being introduced in Oregon for fiber purposes. It is currently unknown what the impacts of GE and GMO plants will be. Choosing native, non-engineered species for ecological, remediation and reforestation projects on federal lands will reduce the risk of future negative impacts to the ecology.

It is considered that crops under active management are being controlled by the farmer and are not treated as invasive species. If plants jump the agricultural boundaries and create a negative impact, actions will be taken to control them.

### **Western Juniper defined as a native invasive species**

The Western Juniper is common throughout central and eastern Oregon. It has a historical record of existence in non-productive rocky ground, and in fire-protected areas. Its range has greatly expanded in the last 130 years since European settlement, mainly due to the suppression of fires and recent insufficient grazing of the range. The juniper tree is very invasive by nature and uses a vast amount of water, reducing native grasses and plants where it grows. Removing the junipers around springs and other water sources has proven to increase the water table and water flow, allowing the return of native grasses and sage. There is a general consensus that western juniper needs to be removed from non-rocky land to improve grazing, water supply, and to restore available habitat for sensitive species such as upland game birds and other fowl.

Federal land managers at the federal, state, and county level shall work in close coordination with private landowners and the Court to ensure effective weed control in Crook County.

Wherever possible, management agencies will work with Crook County citizens to implement control, treatment and remediation efforts.

## **Invasive Species, Noxious Weeds and Pests Position**

It is the position of Crook County:

- that state and federal agencies coordinate invasive species, noxious weed and pest control efforts directly with the Court.
- that prompt treatment of noxious weed populations is required on federal lands to prevent their spreading. The various state and federal agencies shall coordinate with Crook County Court, the Crook County Weed Department, and the Crook County Weed Master. Coordination for aquatic species also includes Oregon Department of Fish and Wildlife, in conjunction with the Oregon Marine Board.
- to limit the introduction of potentially harmful invasive species into the county that may adversely affect the area economically or environmentally. Crook County may reject efforts by any agency to introduce potentially invasive non-native or GE trees, (or any other non-native or GE species), into our federal lands.
- to encourage the planting of native forage and the use of animals to improve the lands and control invasive species, weeds and pests. Reseeding after fires should be preferentially done with native forages and grasses.
- in coordination with other government agencies, to encourage control of the western juniper by allowing thinning, logging, firewood cutting, and removal on a wide spread or a case-by-case basis on both federal and private lands.
- to be active in education of the public on the proper use of various treatment methods for minimizing invasive species, noxious weeds and pests.

## **Mining**

Mining is one of the historical uses of federal land within Crook County, with mining predating the establishment of the Forest Service and the Bureau of Land Management. Maintenance of such use is statutorily compatible with multiple use principles.

Federal management agencies shall comply with laws, beginning with the Congressional Act of July 26, 1866 and the General Mining Law of 1872, which granted all American citizens the right to go into the public domain to prospect for, and develop, locatable minerals resources. Every mining law or act enacted since then has contained a "savings clause" that guarantees that the originally granted rights have never been rescinded.

Federal management agencies shall facilitate the orderly exploration, development and production of minerals resources within all federal lands in Crook County open to these activities, consistent with valid existing rights and in accordance with the Mining and Mineral Policy Act of 1970 and the Organic Act. Federal management agencies must take into account the adverse economic effects to Crook County's economy when proposing restricting mining activities in planning documents.

### **Mining Positions**

It is the position of Crook County that:

- all exploration, development and mining on lands in the county with locatable mineral potential, shall be managed with scrupulous adherence to all laws which pertain to mining and production by the state and federal agencies.
- federal lands historically open for mineral extraction in Crook County shall remain open. Proposed road closures accessing such lands shall be coordinated with Crook County.
- federal agencies must address the need for maintaining travel access during the planning process for all activities in mineralized areas.
- the analysis of Plans of Operation by federal management agencies for locatable minerals projects shall be given the upmost attention.
- federal land management agency's approval of locatable minerals Plan of Operation by must occur within one year from the submittal of a complete plan. Crook County and the mine operator shall be notified if this timeframe cannot be met, the reasons for the delay, and what it will take to get the plan finalized.
- the positive economic importance of exploration, development and production of locatable mineral resources shall be incorporated into all federal agency land and resource management plans.

- where withdrawal of lands from mineral entry is proposed under the Federal Land Policy and Management Act, the BLM or Forest Service should analyze
  - (1) the negative impacts to the community;
  - (2) the economic value of mineral resources foregone, and;
  - (3) the economic value of resources taking precedence over mineral extraction.
- federal land management agencies must not restrict or in any way interfere with privately vested legitimate water rights. All mining water use is subject to the statutes and administrative rules of the Oregon Water Resources Department and it is the duty of the Water Master to assure legal and appropriate use of the waters.
- prior to initiating the administrative withdrawal of federal lands from mineral entry, the agency shall carefully take into account and document for the record:
  - (1) the impacts to rural communities affected by the withdrawal;
  - (2) the economic value of the mineral resources foregone;
  - (3) the economic value of the resources being protected, and;
  - (4) an evaluation of the risk that the renewable resources within the minerals surface use regulations.
- Crook County seeks to coordinate on all recommendations by federal management agencies for withdrawals of federal land from mineral exploration and development.

## **Natural Resources Mitigation**

Crook County recognizes sometimes significant negative effects of a proposed action cannot be avoided, and that mitigation is often preferred to no action. Further, small and seemingly insignificant effects may accumulate over time into a larger, negative consequence of projects. These generally unforeseen and unintended consequences can give rise to disruptions in the ways the land and natural resources are used and enjoyed for long periods of time. To the extent possible, potential disruptions shall be identified during the planning phase, and appropriate mitigations analyzed. If negative consequences are identified during or after project completion, there should be a system by which mitigations can be determined, created and funded.

### **Natural Resources Mitigation Position**

It is the position of Crook County that:

- All mitigation considered pursuant to NEPA (“mitigation plan”) shall provide detailed and realistic alternatives. The mitigation plan shall:
  - Identify each impact that the mitigation measure is intended to address.
  - Identify the party or agency responsible for the implementation and monitoring of the proposed mitigation measure.
  - Specify the following for each mitigation alternative:
    - How impacts may be avoided through non-action, or alternatives to the proposed actions.
    - How impacts may be minimized by limiting the degree or magnitude of the proposed actions.
    - How impacts may be rectified through repair, rehabilitation, or restoration of the affected environment.
    - How impacts may be reduced or eliminated over time through preservation and maintenance action during the life of the action.
    - How the agency could compensate for the impact by providing substitute resources of equal economic or social value.
    - Specify, for each mitigation measure, its:
      - Legal authority
      - Technical feasibility
      - Fiscal and economic feasibility
      - Social, cultural and political feasibility
      - Initiation and completion dates
      - Funding sources

## **Recreation & Tourism**

Crook County's landscape is a recreational haven for residents and visitors alike. Amenities such as a bounty of wildlife, beautiful Ponderosa Pines, grass prairies and wild flowers offer year-round outdoor recreational possibilities, which is an essential part of the lives of the residents. Recreation, both motorized and non-motorized, is a critical economic drawing point for Crook County. It attracts visitors who come to view wildlife, fish, hunt, cross country ski, snowmobile, hike, camp, and generally enjoy the opportunities that an open access motorized forest and range system provides.

Historically, recreation has been an essential part in the social framework of the County. Families who live in Crook County have the right to enjoy its resources that surround our home communities. One of the longest standing traditions for residents and visitors alike is having open motorized and non-motorized access to our recreational resources including open forests.

The management of federal lands for multiple use will positively impact recreational values, and the use of, and access to, federal lands. This, in turn, encourages economic development that sustains businesses and provides jobs.

Crook County supports the promotion of tourism through signage that explains historical significance of areas, sites and roads.

### **Recreation and Tourism Positions**

It is the position of Crook County:

- that it supports a year round multiple use management approach on federal lands as a means of continuing and enhancing recreation opportunities within the County.
- that it shall not support unsubstantiated land use fees and/or fee increases, or the creation of new and/or unnecessary fees for the use of federal lands within the County. Any entity considering fee increases with the potential to impact recreation in the County must coordinate with Crook County on the decision.
- that it supports the accessibility, improvement, maintenance and development of motorized and non-motorized trails to facilitate recreation and access to natural resources for residents and visitors. This position reflects the no net loss of our open roads system.
- that recreational access shall not discriminate in favor of one mode of recreation to the exclusion of others.
- that any proposed action that includes, or considers including, any reduction of

access of any kind to federal lands, assesses and mitigates the cumulative impact to recreation opportunities.

- that recreational activities recognized and supported by state and federal agencies shall include family oriented activities and facilities that are accessible to the general public and not limited to special interest groups.
- to continue the open road systems for off-road (cross country) access for snowmobiling, game retrieval, visitations of cultural sites, other recreational or tourism interests and other lawful motorized OHV uses. Roads/trail/path systems created from any source will not be closed or blocked using barriers or other man made blockades including, but not limited to boulders, gates, downed trees or snow banks.

## **Special Designations**

Federal agencies, Congress, and the President of the United States are variously authorized to create special designations on the federal lands that have the potential to restrict customary use, limit economic opportunity, and erode the multiple use character of lands within Crook County. Special designations often remove the ability of the County to tax natural resource-based businesses, reducing the tax base for local government needs. Wilderness Areas are a fire risk. Fires that enter into a Wilderness Area cannot be adequately or effectively controlled, and can ignite additional fires along the Wilderness Boundaries. Study areas which are fenced interrupt the travel patterns of people and animals. Such designations include, but are not limited to: Areas of Critical Environmental Concern (ACECs), Wild and Scenic Rivers, National Monuments, Wilderness and Wilderness Study Areas (WSAs), and National Conservation Areas (NCAs).

The proposal of any ACEC on land managed by the BLM shall be fully coordinated with Crook County in accordance with FLPMA. Proposals for ACEC designations shall strictly adhere to the relevance and importance criteria, and the BLM must demonstrate the need for an ACEC designation to protect the area in question and prevent irreparable damage to resources or natural systems. A proposed ACEC designation must be consistent with the CCNRP, provided that such consistency is not in conflict with federal law. 43 U.S.C § 1712(c)(9). Further, it shall be recognized that ACECs are administrative designations, and as such, are only valid for the term of a resource planning document. An ACEC designation may be revisited through subsequent land use planning, revision, or amendment.

Crook County opposes any other special designations including those in the Congressional Designated National Landscape Conservation System as of September 2002. These include, but are not limited to: National Conservation Areas, National Research Areas, National Recreation Areas, Outstanding Forest Areas, Outstanding Natural Areas, Cooperative Management and Protection Areas, Headwaters Forest Reserves, National Historic Trails and National Scenic Trails. 11 Sec. 515 of Public L. No. 106-554.

Federal agencies responsible for making wilderness recommendations to Congress shall coordinate with Crook County in making wilderness determinations and developing wilderness inventories.

Management of lands with wilderness characteristics shall be coordinated with Crook County Court, to ensure maximal consistency with the CCNRP.<sup>24</sup> (*See glossary: Wilderness*).

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<sup>24</sup> Wilderness Act of 1964 (P.L. 88-577) (16 USC 1131-1136)

## Special Designation Positions

It is the position of Crook County:

- that no special designation be introduced in Crook County unless it is firmly endorsed by the local community, and the proposal has been fully coordinated with the County.
- that no additional lands are suitable for wilderness designation within the County.
- Crook County therefore opposes any further wilderness designations.
- that land determined to have "wilderness characteristics" will not necessarily be managed to preserve wilderness characteristics, as other resources may prove more valuable.
- that the process Wilderness Study Areas by Congress, be expedited to achieve a decision within 2-years from when the designation is first proposed. Crook County supports a prompt return of Wilderness Study Areas not designated by Congress as "wilderness" into "multiple-use status."
- Any existing or established Wild and Scenic River occurring within Crook County shall be managed by the designating federal agency in coordination with Crook County.
- Crook County opposes the use of the Antiquities Act for designation of national monuments.
- to support the multiple-use character of federal lands for the economic welfare and enjoyment of Crook County citizens and visitors. Crook County therefore opposes the restriction or elimination of customary uses on proposed or existing national monuments.
- grazing on designated wilderness areas shall not be encumbered with unreasonable requirements, in accordance with the Congressional Grazing Guidelines [*H.R. 101-405, Appendix A (BLM) and H.R 96-617 (Forest Service)*].

## **Threatened & Endangered Species**

The federal designation of a species as threatened or endangered, or the designation of critical habitat for threatened and endangered species, can have a profound negative impact on the health, safety, and welfare of Crook County residents. In view of this, Crook County will pay particular attention to any species designated in any category or classification for protection or consideration of protection under the Endangered Species Act (ESA) and will act to require the Fish and Wildlife Service (FWS) to comply with full procedural provisions of federal statutes.

The listing of any species shall be based on the best scientific and commercial data available which shall include all information necessary to determine the information's compliance with the Federal Data Quality Act.

Consideration of any species for federal listing shall take into careful account all state, regional, and local conservation efforts.

In accordance with statute, federal agencies shall coordinate with Crook County in the use of water resources as they pertain to the conservation of endangered species:

*"It is further declared to be the policy of Congress that Federal agencies shall cooperate with State and local agencies to resolve water resource issues in concert with conservation of endangered species." 16 U.S.C. §1531 (c)(2)*

### **Threatened and Endangered Species and Species of Concern Positions**

It is the position of Crook County:

- that all recovery planning efforts for sensitive, threatened, or endangered species shall be made in coordination with Crook County, and shall take into account the custom and culture of Crook County while minimizing and mitigating any economic impacts to the County's economy. All recovery planning shall be consistent with the CCNRP wherever practicable.
- that in the event that a species is listed under the ESA, Crook County requires the recovery plan to include:
  - assurances that the listed species are native to Crook County or have migrated to Crook County from their native lands without human assistance, and have not migrated to fill a niche that is manmade such as, but not limited to, reservoirs, irrigation canals and other created wetlands.
  - a site specific management plan for any proposed conservation plan of an ESA listed species shall be limited to area consistent with the historical range and/or the natural migration range of the subject species

- efforts to make sure that critical habitat designation not be in substantial conflict with customary use of natural resources or negatively impact the economy;
  - establishment of on-the-ground baseline data and population goals for the species;
  - clear identification of target populations that will qualify the species for delisting, and prompt delisting when such targets are reached.
- that it endorses the establishment of a federally funded and managed compensation program for property owners who suffer losses as a result of an ESA listed species.
  - Support creating a unified (cross-agency) definition for “species of concern” or special status species.
  - Support delisting of any species with insufficient, unsupported, or questionable data not meeting the minimum criteria for its listing or protection level.
  - Management plans should not be created for single species and should be consistent with multiple use mandates.
  - The County should be involved in the species of concern and sensitive species review process, including in the determination of what should be included as a species of concern or sensitive species.
  - The County should be involved in the establishment of recovery objectives for species of concern, and the development of management actions to move species off the list of concern. Once recovery objectives have been reached, support moving species off of the list of concern.
  - Support the participation of the County as a cooperating agency and/or in coordination in federal rulemaking, including any NEPA analysis related to the designation of critical habitat and development of recovery plans.
  - Require the full analysis of the economic impacts on all proposed critical habitat designations or species management plans, and the inclusion of the County in this analysis.
  - Oppose the federal management of non-ESA listed species (i.e., species of concern, species of special concern, or any other non-ESA designation) as though they are protected by the rules of the ESA.
  - Support cooperation between private landowners and federal agencies to reduce the risk of listing under ESA.

- Support participation as cooperating agencies in all decisions and proposed actions which affect the County regarding sensitive, threatened, or endangered species; the reintroduction or introduction of listed species; habitat conservation plans; conservation agreements or plans; and candidate conservation agreements.
- Support the development of recovery plans within 18 months of listing that includes clear objectives to reach for delisting to occur; for species already listed support the development of a recovery plan within 18 months of this document.
- Require the petition of the immediate delisting of a species when population or recovery plan objectives have been met.
- Support the development of local solutions (i.e., habitat management plans, conservation plans or conservation plans with assurances) to keep a species from being listed under ESA or as species of concern/species of special concern.
- Require the avoidance of single-species management in all planning efforts.
- Support control of predators and zoonotic and vector borne diseases negatively impacting special status, candidate, or listed species.
- Support involvement of the County in discussions and decisions regarding any proposed introduction of experimental populations.
- Oppose management actions increasing the population of any listed species in the County without an approved recovery plan. Without a recovery plan, management cannot focus on increasing the species population or habitat, and cannot move closer to a potential delisting.
- At a minimum, provide copies of legal descriptions showing the exact boundaries of all designated critical habitat, including wetlands, to local governments in Crook County.
- Oppose the designation of potential habitat as critical habitat unless quantifiable data showing when and how features necessary for species recovery will be achieved on the property.
- Require completion of exclusion analysis for all lands within Crook County.

## Watersheds

Healthy watersheds<sup>25</sup> contain forests that are in good health, have minimal weed infestations, functioning riparian areas, range lands with a variety of vegetation, and valleys that support farming and urban developments. Additionally, watersheds provide recreation opportunities for residents and visitors, serve cultural needs, and provide habitat for native plants, wildlife, and fisheries. The health of Crook County's watersheds directly affects the current and future availability and quality of the water resources and water-dependent natural resources in Crook County, and the ability of watersheds to adapt to climate variability (i.e., periods of drought, periods of high rainfall, rain-on-snow events).

Crook County's watersheds are diverse and dynamic. They consist of forestlands, shrublands and grasslands, mountains, canyons and valleys, uplands, floodplains, wetlands, channels, streams, springs, lakes, reservoirs, and groundwater. They continue to evolve under the influence of climate, plants, animals, geology, floods, landslides, faults, uplift, volcanoes, erosion and sedimentation, and human land use. A successful management strategy for Crook County's watersheds must consider how the various watershed components and uses interrelate and influence each other from ridgeline to stream and across adjacent watersheds. Crook County lies within the Deschutes River basin and is contained primarily within the Crooked River watershed and its tributaries; however, part of Crook County is also included in the Deschutes watershed.

Crook County has two large reservoirs that were created for flood control and water storage for agriculture. Other reservoirs exist on tributaries and are used primarily for irrigation purposes.

Construction and management of roads, bridges, culverts, cutslopes, fillslopes, and artificial surfaces to minimize water concentration, erosion, and delivery of water and sediment to streams is critical.

Land managers shall properly manage water under, around and above mapped landslides to prevent/minimize new movement, especially where landslides could disrupt public transportation or threaten public safety. The County supports reclamation activities on mined-land that improve soil productivity and water quality and the function of streams channels, floodplains and wetlands.

By Oregon law, all surface and ground water belong to the public. The Oregon Water Resources Department (OWRD) is responsible for management of these waters and protect existing water rights and this resource. Oregon water laws and statutes are governed by Title 45 of the 2013 Revised Statutes Volume I and II.

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<sup>25</sup> USGS Hydrological Unit Code for watersheds: A watershed is the area of land where all of the water that is under it or drains off of it goes into the same place. Watersheds come in all shapes and sizes. They cross county, state, and national boundaries.

## Watershed Positions

It is the position of Crook County:

- to encourage wise management and use of the County's surface and groundwater resources to sustain economic development and to maintain and improve stream, floodplain, wetland, and groundwater functions.
- to encourage, and allow, consumptive water right owners to improve water quality and water-use efficiency to provide additional water for economic development and agriculture.
- to maintain the primary use of all reservoirs within the County for the purpose for which they were originally intended.
- to encourage good management of watersheds, including stream channels, floodplains, wetlands and uplands to retain and slowly release water for desired plant, animal and human uses, and to reduce the risk of flash floods.
- to coordinate with the US Forest Service, Bureau of Land Management, Environmental Protection Agency, Department of Environmental Quality, and other relevant public agencies, to ensure that management of watersheds, including municipal watersheds, meets the multiple needs of residents and promotes healthy forests. In conjunction with invasive species position, as part of maintaining a healthy forest and to enhance water flow from the watersheds, Crook County encourages clear cutting juniper trees where reasonable, and harvesting pine, fir, and other forest trees on a sustainable basis.
- that Oregon water laws and statutes that are governed by Title 45 of the 2013 Revised
- Statutes Volume I and II be adhered to by all parties.
- that water districts and senior water right holder's allocations shall not be reduced below historic levels.
- that senior water right holders should be protected.

## Wildfire

Wildfire is defined as an unplanned, unwanted fire that spreads rapidly and is difficult to extinguish. This includes unauthorized human-caused fires, escaped fires used as a management tool, escaped prescribed burns, and naturally occurring fires due to nature. Wildfires have had catastrophic effects in Crook County, including the Maury's and Ochoco National Forests. Previous wildfire events have severely damaged the County watershed, timber, grazing lands, wildlife habitat, and recreational activities that rely on healthy forests and rangelands. In addition, the loss of resources has directly affected the revenue stream and fiscal stability of the County's residents.

Proactive planning for a response to a wildland fire event is critical to the protection of Crook County, its citizen's health, safety, welfare, and private property, as well as forest and rangeland health.

A high degree of coordination between federal, state, and local agencies is necessary for maximal prevention and suppression of wildfire. Federal agencies shall incorporate local fire association plans into their fire suppression and control plans.

Federal agencies shall coordinate with local fire agencies at the local agency's request. The Forest Service and State agencies shall adhere to all requirements set forth in the Cooperative Forestry Assistance Act, including:

- 1) The effective cooperative relationships between the Secretary (of Agriculture) and the states regarding fire prevention and control on rural lands and in rural communities should be retained and improved;
- 2) Efforts in fire prevention and control in rural areas should be coordinated among Federal, State and local agencies;
- 3) In addition to providing assistance to State and local rural fire prevention and control programs, the Secretary should provide prompt and adequate assistance whenever a rural fire emergency overwhelms, or threatens to overwhelm the firefighting capability of the affected State and rural area.  
*16 USC §2106(a) (parentheses added)*

Crook County supports the Department of Interior's Secretarial Order 3336-Rangeland Fire Prevention, Management, and Restoration. Crook County expects the BLM to comply with SO 3336 and all subsequent reports and guidance.

Coordination between the BLM, Crook County local fire associations and local stakeholders shall be informed by the BLM document *Earning Bridges: Strategies for Effective Community Relations Before, During and After Fire*.

## Wildfire Positions

It is the position of Crook County:

- that in the event that grazing on federal lands is temporarily suspended due to fire, grazing shall recommence on the basis of case-by-case monitoring and site-specific rangeland health determinations, versus fixed timelines.
- to work through coordination to implement managed livestock grazing, biomass fuel removal, slash pile burning, and limited prescribed burning as fire control tools.
- to support and encourage temporary fire restrictions based on fire hazard designations to minimize the potential for human caused wildfires. Restrictions will be removed as soon as it is safe for work and recreation on federal lands.
- that forests and rangeland damaged by wildfires shall be rehabilitated as soon as possible for habitat and wildlife; this reduces the potential for erosion and introduction of invasive and noxious grasses.

## **Wildlife**

Crook County has long held a reputation amongst wildlife enthusiasts as a premier destination for many of the various activities associated with the native wildlife species available. From the elk herds to pronghorn antelope and mule deer herds, birds of all types and a host of other species, Crook County presents opportunities for human beings to witness the grandeur of the infinite variety of wildlife found in Central Oregon.

Working with appropriate agencies to promote and secure proper BKM management practices for the various species available in Crook County is a priority. In doing so, Crook County will help to preserve the culture and the traditions of the past, present, and for many more generations to follow.

State (and where applicable, Federal) agencies shall develop comprehensive BKM management plans in coordination with Crook County for all predatory species. Such plans shall include a determination of appropriate predator numbers in light of desired game populations. Predator control, including reintroduction, is to be determined by the County.

State (and where applicable, Federal) agencies shall employ all recognized methods of predator control on state and federal lands within the County.

State (and where applicable, Federal) agencies shall rely on the USDA APHIS Wildlife Services to provide expertise and conduct predator control on federal lands, determine livestock losses, and to determine methodology for animal damage management.

Federal and State agencies shall consider the impacts of wildlife to rangelands when making range-land health assessments and when conducting monitoring on grazing allotments and shall consider the impact of grazing on wildlife forage.

### **Wildlife Positions**

It is the position of Crook County:

- to coordinate with the Oregon Department of Fish and Wildlife (ODFW) to utilize BKM management plans for all managed wildlife, in cooperation with local stakeholders. Such management plans shall maintain adequate hunting and fishing opportunities and encourage the maintenance and improvement of wildlife habitat. Further, Crook County will seek to encourage the development of public/private partnerships to improve hunting, fishing, and viewing opportunities, and to encourage the development of peer-reviewed studies documenting the relationship between humans, predators, and other wildlife species.
- to ensure mitigation of damage caused by wildlife on private ground. To advance this position, Crook County encourages the stewardship of habitat on federal lands.

- to support emergency hunts to control wildlife populations, and winter feeding programs as a means of mitigating damage to private property.
- to support just compensation to private property owners where private property is destroyed, damaged, or depleted as a result of wildlife impacts.
- to support the coordinated management and conservation of game species in the County within a framework that protects property rights and the State's management authority over wildlife resources.
- that land not be removed from existing authorized use for the purpose of establishing wildlife corridors.

## **Wild Horses**

The Ochoco Wild Horse is of great value economically, aesthetically, and recreationally in Crook County. Very few counties or National Forests can claim Wild Horse herds. The natural resources and wildlife in the Ochoco National Forest have sustained human populations materially and spiritually for centuries. The list of resident wildlife species includes a very unique herd of Wild Horses. Visitors come from all over the world to see and photograph them. Horseback riders, campers, and families select the Ochocos as a destination, hoping to get a peek at a band of Wild Horses. The Ochoco Wild Horse has been on the National Geographic website and in Trail Rider Magazine, as well as appearing at children's leaning fairs. Adopted Ochoco Wild Horses have excelled as kids' horses, pack horses, and therapy horses. Crook County recognizes that Wild Horses are indeed a resource, unique and treasured by the community.

The Wild Horses are protected under The Wild Free-Roaming Horses and Burros Acts of 1971. In doing so, this declared Wild Horses as "living symbols of the historic and pioneer spirit of the West"<sup>26</sup> and protected them as an integral part of the natural system of the federal lands. In accordance with the Act, there is a designated Big Summit Wild Horse Territory which consists of approximately 27,300 acres in the general area of Round and Lookout Mountains.

History, as well as specific DNA testing, shows that the horses of the Big Summit Wild Horse Territory are descended from the tenacious, resilient, original horses of very early America. The Wild Horses' cultural, historical and economic value to Crook County is evident by the many visitors who seek to catch a glimpse of these icons of the American landscape.

### **Wild Horse Positions**

It is the position of Crook County:

- that the Wild Horse herd will be maintained as a valuable County resource. At a minimum, the degree of protection and consideration set forth in the Wild Free-Roaming Horses and Burros Act must be maintained.
- in any Wild Horse Territory plan, or any other considerations, actions or decisions regarding the wild horses. This will be achieved by, but not be limited to, the following:
  - Review formal Territory boundaries to address areas where horses were known to reside in 1971, and to correct, as appropriate, past administrative errors when the Act was implemented.
  - Maintain total herd numbers to genetically viable levels in consideration of actual

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<sup>26</sup> The Wild Free- Roaming Horses and Burros Act of 1971. Public Law 92-195 pg 649-651. "Wild Horses on the Ochoco National Forest- USDA Forest Service.

headcount, rather than basing Appropriate Management Level's (AML) on perceived "resource damage", increased public interface, or any other subjective factors. Optimal herd numbers can be achieved through fertility control, maintaining natural band structure, or strategic captures.

- Development of an innovative and responsive adoption program, to include value-added training.
- Consider Wild Horses thoroughly and scientifically in every proposed action that could impact, or be impacted by, the Wild Horses. Consideration must extend to public events and commercial ventures, which are planned within or may impact the Wild Horse Territory.
- As so specified in the Wild Horse Act, create and maintain appropriate habitat.
- Crook County expects the establishment of local protocols which emphasize humane and consistent responses for both short and long term incidents and trends. Emergencies are to be addressed promptly and resolved humanely. Examples would include, but are not limited to: what to do with abandoned foal/injured horses, harsh winter supplemental feeding and a plan in case of fire.
- Improve monitoring of permitted livestock use within Wild Horse Territory.
- Improved monitoring and tracking of the horses.
- Judicious use of funding so as to promote horse habitat including forage, retrofit unsafe cattle guards, or other factors affecting the well-being of the herd.
- Public education as a means of improving herd acceptance and sustainability.
  - The Ochoco horses are protected under the Wild Free-Roaming Horses and Burro Act of 1971. Therefore, any and all crimes against these horses should be investigated and prosecuted according to Sec. 8 of said law. State animal treatment laws may also apply. Crimes against the Wild Horses include, but are not limited to, theft, injury or death. All incidents are to be reported to the Forest Service law enforcement, which in turn will notify the partner organizations, as well as the Crook County Sheriff's Department, for a concerted joint effort in investigation and prosecution.
- to utilize the existing Wild Horse partnerships and the best known methods appropriate to achieve the highest degree of vigor and sustainability of the Wild Horse herd.
- all management of the Wild Horses will be in coordination with Crook County.

## Glossary

**Andesite**, is an extrusive igneous, volcanic rock, of intermediate composition, with aphanitic to porphyritic texture. In a general sense, it is the intermediate type between basalt and dacite, and ranges from 57 to 63% silicon dioxide (SiO<sub>2</sub>). The average composition of the continental crust is andesitic. The name andesite is derived from the Andes Mountain range.

**Biodiversity**, a contraction of "biological diversity," generally refers to the variety and variability of life on Earth. One of the most widely used definitions defines it in terms of the variability within species, between species, and between ecosystems. It is a measure of the variety of organisms present in different ecosystems. This can refer to genetic variation, ecosystem variation, or species variation (number of species) within an area, biome, or planet. The number and variety of plants, animals and other organisms that exist is known as biodiversity. It is an essential component of nature and it ensures the survival of human species by providing food, fuel, shelter, medicines and other resources to mankind. The richness of biodiversity depends on the climatic conditions and area of the region.

**BKM, Best Known Method, or "Best Practice."** A best practice is a method or technique that has consistently shown results superior to those achieved with other means, and that is used as a benchmark. In addition, a "best" practice can evolve to become better as improvements are discovered.

**Crook County Court, County Court, Court.** Crook County's elected governing body, consisting of three persons; Judge (head Commissioner), and two part-time Commissioners.

**CCNRP.** Crook County Natural Resources Plan

**Causality** (also referred to as 'causation', or cause and effect') is the agency or efficacy that connects one process (the cause) with another (the effect), where the first is understood to be partly responsible for the second. In general, a process has many causes, which are said to be causal factors for it, and all lie in its past. An effect can in turn be a cause of many other effects, which all lie in its future.

**Ecosystem**, the complex of a community of organisms and its environment functioning as an ecological unit.

**Road** as used in this document shall be defined as Rights of Way.

**Root cause** is an initiating cause of either a condition or a causal chain that leads to an outcome or effect of interest. Commonly, root cause is used to describe the depth in the causal chain where an intervention could reasonably be implemented to improve performance or prevent an undesirable outcome.

**Tertiary** is the former term for the geologic period from 66 million to 2.58 million years ago, a time span that lies between the superseded Secondary period and the Quaternary. The Tertiary is no longer recognized as a formal unit by the International Commission on Stratigraphy, but the word is still widely used. The traditional span of the Tertiary has been divided between the Paleogene and Neogene Periods and extends to the first stage of the Pleistocene Epoch, the Gelasian age.

**Wilderness**<sup>27</sup>(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and

(4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Wilderness Act; Public Law 88-577 (16 U.S. C. 1131-1136) 88th Congress, Second Session September 3, 1964: AN ACT To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

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<sup>27</sup> Wilderness Act of 1964 (P.L. 88-577) (16 USC 1131-1136)