

SHEPHERD WILDLIFE MANAGEMENT PLAN DECISION MATRIX

The Appellant’s testimony identified several issue areas in the Staff Decision. These are summarized in the matrix below.

	Issue	Information in Record	Board Options	Staff Comment
1.	Is the applicant required to comply with or document past compliance with the 2001 Wildlife Management Plan?	<p>Staff: No, the modified WMP is all that is required to meet DCC 18.88.060 (B)(1). The modified WMP wholly replaces the 2001 WMP.</p> <p>Applicant: The applicants have attempted to follow the existing, ambiguous, WMP. However, the modified WMP would wholly replace the 2001 WMP.</p> <p>Appellant: The applicant did not comply with the prior WMP and the extent of compliance, if any, is undocumented. The new WMP discards several important wildlife habitat protections included in the 2001 WMP.</p>	<p>a. Adopt staff decision findings, with or without modification.</p> <p>b. Find that specific provisions of the 2001 WMP should be included modified WMP.</p>	<p>Staff Recommendation: Adopt the staff’s findings on this issue.</p> <p>Sample motion for BOCC: “Move that the Board adopt the staff’s findings.”</p>
2.	Does the modification meet the 22.36.040(B) requirement that there has been a “change of circumstances”?	<p>Staff: A new WMP was cooperatively developed by ODFW and the applicant’s biologist. The availability of a new WMP for the property, containing current best habitat mitigation practices and significantly improved clarity of required owner actions represents a change of circumstances. The change in ownership, in itself, is not a change of circumstances.</p> <p>Applicant: The change in ownership of the property, coupled with a need to clarify the poorly written and ambiguous 2001 WMP constitute a change of circumstances.</p> <p>Appellant: The poorly written 2001 WMP and new ownership of the property of the property do not constitute a change of circumstances.</p>	<p>a. Adopt staff decision findings, with or without modification.</p> <p>b. Find that there has not been a change in circumstance.</p>	<p>Staff Recommendation: Modify staff’s findings on this issue to identify the availability of a new WMP for the property, containing current best habitat mitigation practices and significantly improved clarity of required owner actions represents a change of circumstances. The change in ownership, in itself, is not a change of circumstances.</p> <p>Sample motion for BOCC: “Move that the Board modify the staff’s findings to identify the availability of a new WMP for the property, containing current best habitat mitigation practices and significantly improved clarity of required owner actions represents a change of circumstances. The change in ownership, in itself, is not a change of circumstances.”</p>
3.	Is an additional condition required to minimize livestock/wildlife forage competition?	<p>Staff: Under the current staff decision, livestock could eat all of the new forage provided by the habitat mitigation, completely offsetting any wildlife advantage of that mitigation. An additional condition is needed.</p> <p>Applicant: The applicant proposed a condition of approval to address the forage competition.</p> <p>Appellant: Forage competition would offset mitigation measures.</p>	<p>a. Adopt staff decision findings, without modification.</p> <p>b. Impose applicant-proposed condition.</p>	<p>Staff Recommendation: Modify staff’s findings to revise the final paragraph of the decision to identify forage competition as a relevant concern and impose the following condition: Cattle grazing on the plateau area above the rim rock, including juniper thinning areas, shall be limited to 4 weeks per year and shall only occur between June 1 and August 31, to minimize forage competition with deer. Livestock shall be excluded from juniper thinning areas except as specifically allowed in this condition of approval.</p> <p>Sample motion for BOCC: “Move that the Board modify staff’s findings to revise the final paragraph of the decision to identify forage competition as a relevant concern and impose the following condition: Cattle grazing on the plateau area above the rim rock shall be limited to 4 weeks per year and shall only occur between June 1 and August 31, to minimize forage competition with deer. Livestock shall be excluded from juniper thinning areas except as specifically allowed in this condition of approval.”</p>

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4.	Location of juniper thinning area.	<p>Staff: Staff decision required the applicant to provide a map identifying Juniper thinning areas within 30 days of final approval. Staff decision also required the applicant to verify the thinning areas with ODFW prior to thinning.</p> <p>Applicant: Provided a map of completed and future thinning areas on an air photo.</p> <p>Appellant: Concerned mapped thinning areas would not be binding.</p>	<p>a. Adopt staff decision findings, without modification.</p> <p>b. Recognize applicant's "Google Earth" map presented at the hearing as the map required under condition 4(a) of the staff decision.</p>	<p>Staff Recommendation: Recognize applicant's "Google Earth" map presented at the hearing as the map required under condition 4(a) of the staff decision.</p> <p>Sample motion for BOCC: "Move that the Board recognize applicant's "Google Earth" map presented at the hearing as the map required under condition 4(a) of the staff decision."</p>
5.	Monitoring	<p>Staff: Staff decision requires the applicant to schedule a monitoring visit in year 1 and 3.</p> <p>Applicant: Supports staff approach.</p> <p>Appellant: Concerned that the conditions of 2001 WMP were not completed and that the modified WMP conditions will likely not be followed. Also concerned that that this decision creates an unfunded mandate to monitor the conditions of this decision for both ODFW and the County.</p>	<p>a. Adopt staff decision findings, without modification.</p> <p>b. Add a condition of approval requiring third-party, applicant funded monitoring.</p>	<p>Staff Recommendation: Adopt the staff's findings and conditions of approval on this issue.</p> <p>Sample motion for BOCC: "Move that the Board adopt the staff's findings and conditions of approval on this issue."</p>
6.	Ensuring success of the habitat mitigation.	<p>Staff: Staff decision requires the applicant to schedule a monitoring visit in year 1 and 3. Reseeding can be required in year 3 if the initial seeding does not take.</p> <p>Applicant: Supports staff approach.</p> <p>Appellant: Concerned that two seedings may be insufficient to ensure establishment of the mitigation vegetation.</p>	<p>a. Adopt staff decision findings, without modification.</p> <p>b. Add a condition of approval requiring the applicant to repeat seeding until the vegetation is established.</p>	<p>Staff Recommendation: Adopt the staff's findings and conditions of approval on this issue.</p> <p>Sample motion for BOCC: "Move that the Board adopt the staff's findings and conditions of approval on this issue."</p>