

## Agenda Item Summary

### BACKGROUND

The Oregon Department of Fish and Wildlife owns or manages by agreement nearly 200,000 acres of land in more than 20 wildlife areas for wildlife use and public recreation. Congress made it possible to secure lands for public access and protect these habitats with passage of the Pittman-Robertson Act in the late 1930's. The act placed a federal manufacturer's excise tax on hunting arms and ammunition. Funds are allocated to each state based on the number of hunting licenses sold and the size of the state. In Oregon, these funds also pay for habitat enhancement and hunter education. Oregon's wildlife areas serve the needs of wildlife as well as wildlife-oriented recreation and public hunting access. Establishment and maintenance of wildlife areas and other resource properties is an integral part of ODFW's Mission to "protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations."

#### Phillip W. Schneider Wildlife Area

The Phillip W. Schneider Wildlife Area (PWSWA) encompasses more than 24,000 acres in Grant County along the South Fork and mainstem John Day River in Grant County. The wildlife area was established to provide quality winter habitat for the Murderers Creek Unit mule deer herd and year-round habitat for a variety of wildlife including mammals, birds, reptiles and amphibians. Elk, deer, pronghorn and bighorn sheep viewing is often good during many times of the year. Bird watching is excellent all year. Native habitats include sagebrush, shrub land, riparian, ponderosa pine forest, western juniper woodland, and mixed conifer, which support a diversity of fish and wildlife including numerous species identified in the Oregon Conservation Strategy as species in need of conservation.

The riparian areas along the mainstem John Day River, South Fork John Day River and Murderers Creek provide excellent habitat for many bird species and the riverine habitats are essential salmonid habitat. Upland areas provide important habitat for passerines and game species such as grouse, chukar, mountain quail and wild turkeys. The area is equally important to many species of migratory songbirds and raptors during breeding and nesting periods. Other migratory birds such as ducks, geese and mourning doves are seasonally abundant throughout the area. The wildlife area provides wildlife-oriented recreational activities including viewing, photography, bird watching, horseback riding, camping, fishing and hunting.

#### Relevance to Plans and Strategies

The 10-year long range plan for PWSWA (2006) includes evaluating opportunities for acquisition of inholdings and adjacent acres to achieve goals and objectives outlined in the plan. The Oregon Conservation Strategy (OCS) is an "...overarching state strategy for conserving fish and wildlife", designed to "...use the best available science to create a broad vision and

conceptual framework for long-term conservation of Oregon's native fish and wildlife...". The location of this acquisition is within a Conservation Opportunity Area of the Blue Mountain Province, identified in the OCS. As a component of the OCS, a Mule Deer Initiative (MDI) was undertaken in 2011 to bring mule deer numbers up to population management objectives (the number of animals considered compatible with habitat and primary land uses). MDI efforts began in five wildlife management units (including Murderers Creek unit on PWSWA).

### **South Basin Springs Parcel**

In 2009, Don Moss, a local landowner and partner in S Bar S Ranches, contacted ODFW to propose exchanging his property for the ODFW Deer Creek Tract within the PWSWA. The South Basin Springs parcel is a 560-acre private inholding between lands owned by ODFW and Bureau of Land Management (BLM). At that time, ODFW asked Rocky Mountain Elk Foundation (RMEF) to help facilitate the transaction. The RMEF has a current purchase option with S Bar S Ranches. Bill Richardson, Oregon Lands Program Manager with RMEF, has been coordinating the process details with the landowners and ODFW. The South Basin Springs parcel is among the best remaining high quality winter range in this area of PWSWA. The entire parcel lies within designated summer range, winter range and crucial winter range for elk, and year round and winter concentration area for mule deer. Acquisition of this parcel will enhance habitat protection for the Murderers Creek Unit deer herd, Rocky Mountain elk, pronghorn, blue grouse, ruffed grouse, mountain quail, wild turkey, and a variety of non-game species. As an addition to the PWSWA, the parcel will provide much easier public access to adjacent BLM and USFS lands, thereby increasing public recreation opportunities in Grant County.

### **Deer Creek Tract**

In the proposed exchange to acquire the 560 acres, the Deer Creek Tract, an isolated 160-acre parcel on the southeast boundary of the PWSWA, would be transferred to private ownership. The Deer Creek Tract is located approximately 21 miles south of Dayville, near lower Deer Creek in the Murderers Creek Unit. The Oregon Game Commission acquired this parcel in 1972 as part of a larger acquisition from Pine Tree Lumber Company. This parcel is host to mixed conifer habitat type with a harvestable stand of timber and juniper woodlands but with extremely limited access for management activities.

**PUBLIC INVOLVEMENT** One public meeting was held in John Day to provide information on the proposed land exchange and garner public input.

Discussions have occurred between ODFW staff and Grant County Judge during the past two years. Information on the land exchange was presented to Public Lands Advisory Committee to receive approval for proposed real property transaction.

**ISSUE 1**

1. Exchange of an isolated tract of ODFW lands at PWSWA for private lands adjacent to PWSWA in a more strategic location to protect winter range for the Murderers Creek Unit mule deer herd.

**ANALYSIS**

The appraised value of the South Basin Springs private parcel is \$448,000. The appraisals for the Deer Creek Tract include \$88,000 land value and \$35,667 timber value for a total exchange value of \$123,667.

The addition to the PWSWA will provide new opportunities for public access for hunting and other wildlife-related recreation. Increased protection and management of winter range achieves ODFW mission and wildlife area objectives. Wildlife recreation, including viewing has direct, positive economic impacts for the local community.

Valuable timberland at Deer Creek Tract will return to private ownership and may provide opportunities for local jobs.

ODFW will follow Oregon laws and pay "in lieu of taxes" for the properties involved (ORS 496.340). In lieu of tax equals the tax paid by private landowners. Grant County will receive the same amount of tax revenue it currently receives. Also, under ORS 477.230, ODFW will pay twice the fire protection assessment rates that private landowners pay.

The Department seeks approval from the Commission as agency policy requires approval for all land transactions valued over \$100,000 (fair market value). *Policy Number ASD-19, November 17, 2000.*

**OPTIONS**

1. Approve the exchange of an isolated tract of ODFW lands at PWSWA for private lands adjacent to PWSWA in a more strategic location to protect winter range for the Murderers Creek Unit mule deer.
2. Disapprove the opportunity to complete the land exchange between ODFW lands and private lands at PWSWA.

**STAFF  
RECOMMENDATION**

Approve the exchange of described ODFW-owned lands at PWSWA for described private lands adjacent to PWSWA in Grant County and direct staff to proceed to escrow closing upon completion of the due diligence processes required under Oregon Administrative Rules for land exchanges.

**DRAFT MOTION**

I move to approve the exchange of described ODFW-owned Deer Creek Tract at Schneider Wildlife Area for described South Basin Springs private lands adjacent to the wildlife area and direct staff to proceed to escrow closing upon completion of the due diligence processes required under Oregon Administrative Rules for land exchanges.

**EFFECTIVE DATE**

March 8, 2013

