

County Administration Workshop: May 12, 2016

9:00 a.m. – Board Conference Room

Attending: Commissioners Cheryl Walker, Keith Heck, and Simon G. Hare; Terri Wharton, Recorder

Chair Cheryl Walker called the meeting to order at 9:00 a.m. Due to a scheduling conflict, agenda items were taken out of order.

Commissioner Hare advised he had to leave the meeting early to attend a meeting in Roseburg and asked if he could address two items with Legal Counsel. The Board agreed.

1. DEPARTMENT BUSINESS and QUARTERLY UPDATES

Department Business

A. Public Works

- 1) **Limited Power of Attorney for Land-Use and Development Permits relating to County-Owned Real Property located at or near 2500 Lake Shore Drive. 38-07-18-00-000807-00(TL 807 is the parent tax lot). The property is further described in the Warranty Deed from Stephen A. Clarke and Mary E. Clarke to Josephine County, Recorded February 25, 2016, in the Official Records of Josephine County, as Document #2016-002404; and 38-07-18-00-000900-0; and the right-of-way between the two tax lots (DeJanvier)**

Chuck DeJanvier, County Engineer, advised the Limited Power of Attorney is for the Lake Shore Drive Spillway Bridge to apply for a Riparian Zone application. Commissioner Hare felt when the Board made the decision that all applications for County lands need a Limited Power of Attorney it did not include Public Works and suggested Chuck have Legal Counsel write a memo for clarification. *Staff was directed to place the item on the Consent Calendar on next week's Weekly Business Session Agenda.*

- 2) **Contract for Personal Services between Public Works and Otak for the Emergency Wall Repair of the Monument Drive Bridge (Bridge No. 33C28), and Inspection of Non-NBIS Bridges (DeJanvier)**

Rob Brandes, Public Works Director, explained the retaining wall on the Monument Drive Bridge has failed and needs an emergency repair. *Staff was directed to place the item under Administrative Actions on next week's Weekly Business Session Agenda.*

- 3) **Amendment No. 2 (No. 29693), Local Agency Agreement, Program (LBP) Project. Lakeshore Dr.: Lake Selmac Spillway Bridge Replacement-(Bridge No. 33C25) Josephine County (Brandes/DeJanvier)**

Chuck DeJanvier reported this was an extension to the contract to extend project timelines. *Staff was directed to place the item on the Consent Calendar on next week's Weekly Business Session Agenda.*

- 4) **Order No. 2016-015; In the Matter of Replacement of Small Creek Bridge on Westside Road; Approving Temporary Closure of Roadway during Replacement of Bridge; and Report and Recommendation (DeJanvier)**

Chuck DeJanvier said the Small Creek Bridge located on West Side Road has a lot of rot and needs a new deck, which will cause a road closure up to six weeks. *Staff was directed to place the item under Administrative Actions on next week's Weekly Business Session Agenda.*

5) Order No. 2016-016; In the Matter of Replacement of Large Culvert crossing Azalea Drive near Ewe Creek Road; Approving Temporary Closure of Roadway during Replacement of Culvert; and Report and Recommendation (DeJanvier)

Rob Brandes advised of a large culvert crossing Azalea Drive where the bottom is rotting out so Public Works will have to open up the road to put in a new culvert and the road will be closed for approximately two weeks. *Staff was directed to place the item under Administrative Actions on next week's Weekly Business Session Agenda.*

Department Quarterly Updates

A. Airports

Larry Graves, Airport Manager, distributed **Exhibit 2 – Manager's Quarterly Report** and reviewed it with the Board.

2. FINANCE REPORT and BUSINESS UPDATE

Arthur O'Hare, Finance Director, reminded the Board the next Budget Committee Meeting is May 17, 2016 and includes presentations from Forestry and Economic Development.

Arthur advised on June 1, 2016 he would like to submit 2015-2016 budget adjustments that are less than 10% and do not require advertising or a public hearing.

Arthur mentioned that two weeks ago Roger Brandt, IVCDO, gave a presentation to the Board regarding their Economic Development request of \$3,000 for Cave Junction's Parks Master Plan and the Board asked for more time to think about it.

Commissioner Hare said the City of Cave Junction should contribute hard dollars and match the request to the County. Commissioner Walker suggested giving them \$1,500 with the option of the other \$1,500 if the City of Cave Junction were to match it with hard dollars. The Board agreed. Arthur said he would communicate that to Roger Brandt.

3. BOARD BUSINESS (ORS 192.640(1) “. . . notice shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.”)

A. Matters from Commissioners

Commissioner Hare said he received the draft and final version of the formal protest of the Bureau of Land Management's FEIS, felt this would be a prime opportunity for the County to send a formal protest, and asked Wally Hicks, County Legal Counsel, to draft **Exhibit 1 – Protest of BLM's FEIS/Proposed Western Oregon Resource Management Plan (Draft 1)**. The Board agreed to have Wally sign and send the letter.

Commissioner Hare gave an update on the meeting he and Jenny Hall attended with the Southern Oregon Small Diameter Collaborative (SOSDC) regarding their inability to provide the Fire Plan the County was asking for. He said based on Jenny's recommendation the County should terminate the contract and find someone else to complete the project.

Commissioner Hare made a motion to approve the Notice of Contract Termination with Southern Oregon Small Diameter Collaborative starting today with termination on June 15, 2016, seconded by Commissioner Heck. Upon roll call vote, motion passed 3-0; Commissioner Hare – yes, Commissioner Heck – yes, and Commissioner Walker – yes.

B. Liaison Update

Commissioner Hare advised Arthur O'Hare, Finance Director, was working on a performance review of Public Works to look at efficiencies with the City and the County.

C. Miscellaneous Items

Commissioner Hare gave an update on the Allen Creek Project saying the current proposal looks like a landing strip and is not what the Board had asked for. He said he would draft a letter to the City of Grants Pass regarding the current proposal and that the Board is not interested in looking at a "finished" project.

Meeting adjourned at 10:08 a.m.

EXHIBITS:

Exhibit 1 – Protest of BLM's FEIS/Proposed Western Oregon Resource Management Plan (Draft 1)

Exhibit 2 – Manager's Quarterly Report

EXHIBIT 1
ADMIN
5/12/16

Protest of BLM's FEIS/Proposed Western Oregon Resource Management Plan
(Draft 1)

Director (210), Bureau of Land Management
Attention: Protest Coordinator
P.O. Box 71383
Washington D.C. 20024-1383

Re: Protest of BLM's FEIS/Proposed Western Oregon Resource Management Plan

Dear Director,

Josephine County hereby protests the BLM's FEIS/Proposed Western Oregon Resource Management Plan (PRMP), released to the public on April 12, 2016, and formally announced in a Notice of Availability in the Federal Register on April 15, 2016. Pursuant to the BLM's protest procedures set forth in 43 CFR 1610.5-2, Josephine County states as follows:

A. Protester's Name and Contact Information.

Josephine County
Attn: Board of Commissioners
500 NW 6th St., Dept. 6
Grants Pass, OR 97526
Phone (541)474-5221
Email: bcc@co.josephine.or.us

B. Protester's Interest.

Josephine County consists of approximately 83,599 residents and covers 1,642 square miles of territory.

The County is an intended beneficiary of the O&C Act of 1937, 43 U.S.C. 1181a et seq. That Act governs management of timber resources on the O&C and CBWR lands and the distribution of revenues produced from the sale and harvest of timber on those lands. Section 1181f of the O&C Act provides that 75 percent of all revenues from the sale of timber is to be shared with the O&C counties, which percentage has been reduced to 50 percent in periodic Interior Appropriations Acts.

The revenue paid to the County is a critical component of the general fund budget and is used to pay for essential public services such as law enforcement,

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jails, mental and public health, libraries, and an array of other services critical to community stability and wellbeing.

Josephine County will be adversely affected by the BLM's PRMP in the following respects, among others:

- The annual timber sale quantity projected by the PRMP is approximately half the minimum required by the O&C Act.
- The timber sale program will produce less than half the minimum required by the O&C Act.
- The timber sale program will produce less than half the revenue it should, depriving the County of many millions of dollars every year and forcing layoffs of County employees and reductions in basic public services.

Also, failure by the BLM to manage all O&C and CBWR timberlands for sustained yield production with a minimum timber sale level of 500 mmbf per year will deprive the wood products industry of raw materials for mills and manufacturing that support jobs and economic activity, resulting in increased levels of unemployment, increased demand on services provided by the County, and lower property values, all leading to community instability and economic malaise.

Additionally, BLM has at no point in the process of conceiving, drafting, and proposing the PRMP coordinated with Josephine County.

The BLM has a legal responsibility to coordinate with local governments. To the extent practicable, the BLM must seek to maximize consistency with the plans and policies of other government entities. FLPMA, 43 U.S.C. 1712(c). In addition to the public involvement prescribed by 43 CFR 1610.2, the BLM must coordinate with local governments and assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans. 43 CFR 1610.3-1.

Josephine County, unlike many counties, has not entered into a Cooperating Agency agreement with the BLM. Additionally, while Josephine County is a member of the Association of O&C Counties, we have not delegated that organization to make agreements on our behalf. Having a system of Cooperating Agency agreements does not relieve the BLM of its responsibility to coordinate with Josephine County, particularly since we are not a cooperating entity.

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(Draft 1)

In crafting this PRMP, the BLM has failed to coordinate with Josephine County. The BLM's process is therefore inconsistent with Federal law which renders the PRMP invalid.

On February 18, 2015, the Board of Josephine County Commissioners sent its annual coordination letter to the BLM's Western Oregon Plan Revisions Office. The letter requested advance notification of planning changes, rule changes, and other actions affecting BLM lands in Josephine County. The letter also noted that Board Order 2015-007 updated the County's Natural Resource Coordination Plan pertaining to O & C Land Act Specific Policies. Josephine County's Federal Coordination Policy states, in part, "Josephine County maintains that the O&C Act of 1937 is the governing law regarding this unique federal property. As such, the Endangered Species Act, the Clean Water Act, and the Administrative Procedures Act do not grant discretion to the BLM to authorize harvest levels below the sustainable yield target that is required by the O&C Act of 1937."

Unfortunately, all four of the RMP's proposed alternatives (A, B, C & D) fell well short of the requisite sustainable yield target. Thus, the entire RMP is inconsistent with Josephine County's Natural Resources Coordination Plan. By implication, this resulting PRMP is also inconsistent with the Coordination Plan.

On March 11, 2015 Josephine County sent a letter to Medford District Manager Dayne Barron regarding the RMP. The letter stated in part, "We object to your proposal and hereby assert our right to coordination on this matter." The letter requested a meeting with BLM regarding the RMP prior to April 6, 2015. On April 28, 2015, Deputy State Director Michael Haske sent a letter to Josephine County acknowledging receipt of the county's letter. BLM invited the county to contact agency officials to arrange a meeting.

After sending its letter, the county made repeated, unsuccessful attempts to meet with Dayne Barron, but the county's interest in meeting with the BLM about the RMP was not formally reciprocated. Federal law requires the BLM to coordinate with the county, not the other way around. The BLM knew for months that the county wanted to meet and coordinate regarding the RMP, but the agency took no steps whatsoever in that direction.

Interestingly, the county also sent a coordination letter to the U.S. Forest Service on March 11, 2015, regarding a different topic, and that agency promptly responded. The county and the U.S. Forest Service have since enjoyed several successful coordination meetings and are on their way to establishing a productive, long-term connection.

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In summary, Josephine County objects to the PRMP for a variety of reasons, one of which is the BLM's failure to abide the coordination requirements of federal law. Therefore, the county seeks a renewal of the PRMP process.

C. Issues being Protested.

The issues being protested are:

- a. Failure to manage all O&C and CBWR timberlands for sustained yield timber production.
- b. Failure to develop a plan that will produce annual timber sale quantities of 500 mmbf or more from the O&C and CBWR lands.
- c. Failure to include all timberlands when calculating the annual productive capacity of the O&C and CBWR lands.
- d. Failure to analyze alternatives designed to achieve the objectives and requirements of the O&C Act as stated above, while simultaneously achieving the objectives of the Endangered Species Act, all in violation of NEPA and the O&C Act.

D. Parts of Plan Being Protested.

Without waiving its right to later challenge other parts of the PRMP, Josephine County herein protests:

- a. In Volumes 1 and 2, the Summary, Chapters 1 and 2, and in Chapter 3 the sections within the following page spans: 115-145, 307-369, 463-475, 555-745-, 825-1002, 1023-1041, and;
- b. All sections of the PRMP that include any of the pages referenced in Exhibit A attached hereto and thereby incorporated.

E. Documents Supporting the Protest.

Please see the attached Coordination letters that Josephine County sent to BLM during this process.

F. Statement of Explanation of Why the PRMP Should Not Be Adopted.

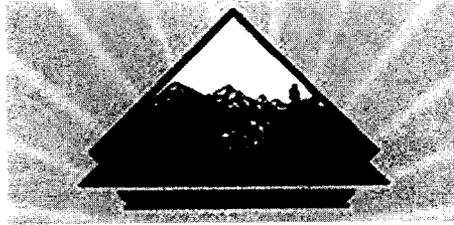
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Please see the Section F of the protest filed by the Association of O&C Counties (AOCC) dated May 10, 2016. Josephine County is a member of AOCC and concurs with everything contained within that letter.

Additionally, BLM has failed to coordinate with Josephine County during the process of crafting and deciding upon the PRMP.

G. Conclusion.

The Director should reject the PRMP in its entirety and refer it back to the State Director for Oregon with instructions to renew the planning process in accordance with federal laws, as set forth above.



Josephine County Airports Department
Manager's Quarterly Report
May 12th, 2016

Significant Issues:

- * Capital grants currently under way and programmed for next year total over \$6.2 Million
- * Capital grants over next five years potentially more than \$10M – Requires Matching Funds
- * GP Aircraft count over 210 justifies greater grant priority/eligibility with FAA and ODA
- * IFR Operations: hard count of over 1000 in past 12 months – indicative of strong traffic growth
- * "Critical Aircraft" most-capable aircraft operating at airport determines grant priority
- * \$425K Regional Solutions Grant funding in 2017 (taxiway) reduced by legislature to \$344K
- * IFA Bridge Loan for \$344K leaves \$76K funding gap – cost still \$425K
- * Airports have no night-operational capability in short- or long-term power failure scenario
- * Second 10K-gallon fuel tank at GP Airport for Jet-A – still need this added to the CIP
- * Five Year Strategic Plan being developed to address all these issues by end of May

Accomplishments:

- * Capital grants currently under way and programmed for next year total over \$6.2 Million
- * Purchased two hangars at IV Airport -- both are already generating net revenue
- * Lease revenues and fuel sales (flight activity) continue to increase YoY, at both airports
- * AWOS-IIIP/T installation under way at GP Airport -- ConnectOregon-V grant
- * ConnectOregon-VI application for emergency power generators both airports: strong case
- * FAA AIP Grant 10 (new hangar area) NMF (NOAA) and USACE concurrence on wetland

Events:

- * FAA NW Regional spring conference (met with other airport sponsors, FAA and ODA)
- * Saturday June 4th – Moon Tree Run at IV Airport benefits Smokejumper Museum
- * Saturday Sept 3rd – Next Grants Pass Airport Day Open House – Aerial Demos and Car Show
- * EAA Pancake Breakfasts at GP Airport Saturday June 18th, Sept 3rd and October 18th