



Oregon

John A. Kitzhaber, MD, Governor

Department of Land Conservation and Development

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November 2, 2012

Crook County Court
Re: Crook County Big Game Winter Range
RE300 N.E. 3rd Street
Room 10
Prineville, Oregon 97754

To whom it may concern:

The Oregon Department of Fish & Wildlife (ODFW) and Department of Land Conservation and Development (DLCD) would like to thank the Crook County Court for the opportunity to review and comment on the proposed modification of the County's Goal 5 big game habitat protection program. The Crook County Planning staff and members of the planning commission devoted many hours to this process, and should be commended for their effort. This was a long and sometimes frustrating process and their work is appreciated.

The final proposal approved by the planning commission on October 24, 2012 takes a number of steps that will benefit big game and their habitat. These include:

- Updated Big Game Winter Range maps with boundaries that incorporate the latest ODFW recommendations. These boundary updates reflect the changes in distribution of deer, elk, and antelope that have occurred since the existing Crook County Comprehensive Plan Winter Range boundaries were adopted in the early 1990's. Also reflected are the detrimental effects that have reduced the habitat effectiveness and quality to Winter Range in the western portion of the County.
- Recognizing and expanding protection for Antelope Winter Range.
- Recognizing and extending protection for Winter Range in the F1 zone.
- A County strategy and vision which places greater protection measures and emphasis on Winter Range that lies outside the Impacted Area boundary.
- Provisions to address the Juniper Acres, Riverside Ranch, and Paulina Ranches residential developments.

Despite the progress outlined above, there are a number of serious problems with the current proposal. As proposed the code does not adequately meet the needs of big game species or the Goal 5 planning process outlined in OAR Chapter 660, Division 23). ODFW and DLCD recommend the County Court adopt the following changes:



Department of Fish and Wildlife

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- It is not entirely clear whether the large minimum parcel size requirements historically used by the county to protect winter range remain currently in effect or would be removed as part of this process. We believe clarity on this point would be helpful.
- The current proposal recognizes that there could be many nonresidential conflicting uses but does not identify those uses, or types of uses as required by OAR 660-023-0040(2).
- The ESEE portion of the current proposal does not consider the consequences that could result from decisions to allow, limit or prohibit a conflicting use as required by OAR 660-023-0040(3).
- The current proposal does not determine whether to allow, limit or prohibit conflicting uses as required by OAR 660-023-0040(5).
- The proposed program (comprehensive plan policies and implementing code provisions) to achieve Goal 5 as required by OAR 660-023-0040(5) make no mention of nonresidential conflicting uses.
- The methodology suggested by the current proposal to determine dwelling density is not well defined. We recommend adding language that codifies current Crook County practices which include 1) considering only private land, and 2) including potential future dwellings on neighboring properties as well as currently existing dwellings.
- The current proposal applies only to non-farm dwellings. We recommend that the density limitation apply to all dwellings, including farm-related dwellings.
- The current proposal adopts a 1 dwelling per 20 acre maximum dwelling density in areas of winter range rezoned as non-resource lands. We recommend a 1 dwelling per 40 acre minimum dwelling density or greater, particularly in the non-impacted area, to create larger block of intact habitat and give landowners access to the Landowner Preference (LOP) damage tag program to address the growth of problem herds. By creating parcels less than 40 acres in size the County will remove ODFW's ability to use hunting seasons and firearms to address animal damage, which will result in increased complaints to County leaders and increased damage to County residents.
- The current proposal allows 1 dwelling per 160 acres in EFU 1, and 1 dwelling per 80 acres in EFU 2. Winter range in EFU 1 and EFU 2 are equally important and should both be subject to the 1 dwelling per 160 acre standard.
- The County has continued winter range protections for the EFU 3 Zone. Habitat in this area is already heavily fragmented and impacted by human development. The game herds that do exist in this area are difficult to manage with hunting seasons. We recommend the Court remove winter range protections for habitat

in EFU3, and acknowledge that it has been significantly impacted by human development.

If the Court adopts the recommendations above, the County will have a strong wildlife protection program that will conserve habitat and meet the needs of development. ODFW and DLCD will be available throughout this planning process to answer any questions about big game habitat or Goal 5 protections. Feel free to contact our office at any time.

Sincerely,



Steven Niemela
Ochoco District Wildlife Biologist



Jon Jinings
DLCD Community Services Specialist