



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

East Region
61374 Parrell Road
Bend, Oregon 97702
(541) 388-6363
FAX (541) 388-6281

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Deschutes County Community Development Department
P.O. Box 6005
117 NW Lafayette Ave
Bend, OR 97708

Re: Planning Division File 247-17-000702-TA/247-17-000703-PA

The purpose of this letter is to provide Oregon Department of Fish and Wildlife (Department) comments on the proposed Deschutes County Community Development Department (CDD) amendment to the Deschutes County Comprehensive Plan, Chapter 2, Resource Management, to permit churches in the Wildlife Area Combining Zone (WA Zone).

According to Deschutes County Code 18.88, the purpose of the WA Zone is “to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.” Much of the WA Zone is meant to conserve winter ranges for deer, elk and pronghorn. These are areas where wildlife congregate to conserve energy when food resources are scarce and temperatures are often below freezing making them particularly vulnerable to human disturbance.

The Department is mandated by State Statute to manage fish and wildlife resources to prevent serious depletion of indigenous species and to provide optimum recreational and aesthetic benefits for present and future generations of the citizens of Oregon (ORS 496.012). This objective can only be realized in concert with land use provisions that benefit wildlife resources such as the Goal 5 planning process that created the WA Zone. The maintenance of adequate winter range is crucial to the persistence of big game populations which provide local ecological and economic value. The winter range protected under the WA Zone in Deschutes County is coming under increasing pressure from a growing human population. Recent census data established the Bend-Redmond area as the fastest growing metropolitan area on the west coast. That coupled with mule deer population estimates that are 40-50% of Department management objectives highlights the importance of maintaining WA Zone protections.

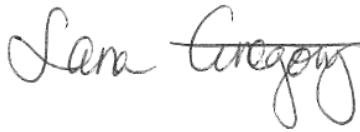
It is outside of the Department’s purview to comment on whether permitting churches in the WA Zone complies with the Religious Land Use and Institutionalized Persons Act (RLUIPA). More broadly, the proposed amendment would allow a use that the Department, the U.S. Forest Service, Bureau of Land Management, and U.S. Fish and Wildlife Service have deemed in an “Interagency Report” to be in conflict with wildlife habitat values because it “generate[s] a high level of public activity, noise, and habitat alterations, which in turn can impact large geographic spaces and alter many acres of valuable wildlife habitat” (see p21 of the 2009 “Updated Wildlife Information and Recommendations for the Deschutes County Comprehensive Plan Update”).

The CDD states that mitigation for impacts associated with this amendment will be achieved by prohibiting outdoor activities during the time of year when animals are using the WA Zone. That prohibition may address animals' exposure in winter to the "high levels of public activity" and "noise" listed above. However, it does not adequately mitigate for the "habitat alterations, which in turn can impact large geographic spaces and alter many acres of valuable wildlife habitat" that will likely occur under this amendment. The habitat in the WA Zone must be conserved throughout the year so that it is available and functioning for wildlife during the winter.

As mentioned above, the Department has previously agreed that churches (as well as golf courses, commercial dog kennels, schools, bed and breakfast inns, dude ranches, playgrounds, recreation facilities, community centers, timeshare units, veterinary clinics, and fishing lodges) should be among the uses not permitted in the WA Zone. Additionally, from a wildlife conservation stand point, winter range is already at risk from currently permitted uses. Therefore, it would be counter to the Department's statutory responsibility to support this amendment. We recommend that the Planning Commission reject this amendment and the CDD develop an alternative to comply with RLUIPA that will preserve the intent of the Goal 5 planning process.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Sara Gregory".

Sara Gregory
Wildlife Habitat Biologist
sara.c.gregory@state.or.us
541-388-6147

cc: Bruce Eddy, East Region Manager, ODFW
Brett Hodgson, Acting Deschutes Watershed Manager, ODFW
Corey Heath, Deschutes District Wildlife Biologist, ODFW