



Wildlife Memorandum

for Coffin Butte Landfill Expansion Project

For: Jeff Shepherd, P.E. – Civil & Environmental Consultants, Inc.

By: Stephanie James, M.S. – Turnstone Environmental Consultants, Inc.

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INTRODUCTION

This memorandum is to address questions and comments raised by the Valley Neighbors for Environmental Quality and Safety related to wildlife.

COMMUNITY ADDRESSES FLAWS IN THE APPLICANT'S CONSULTANT'S STUDY – WILDLIFE:

The Applicant's proposal relies on moving current landfill accessory uses that are accommodated on the 59-acre LS-zoned (*Landfill Site zoned*) parcel onto parcels zoned FC (*Forest Conservation*). The reason that the LS zone was created in 1983 was to prevent FC parcels from being used for landfill operations. Forest Conservation is for conserving forests, not destroying them, which is what the Applicant proposes to do. The language of the FC zone is that its purpose is to "...conserve forest lands...and protect the...wildlife resources in the zone." With regard to the impact of blasting away the mountainside, filling it with garbage, and displacing current landfill operations equipment onto non-LS-zoned parcels, the proposal would have the following impacts:

BLUE HERONS 1: EXPANDED DISTURBANCE FROM EXPANDED OPERATIONS WOULD PUT THE HERON COLONY AT RISK Blue Herons have been observed continuing to use trees on the Forest Conservation parcel as perches, while nesting immediately across the highway from the proposed new leachate ponds. Herons have been known to recolonize temporarily abandoned nesting trees, and might do so here if the source of disturbance goes away. But if human activity, large-scale removal of forestlands, earth-moving, and location of leachate ponds and haul roads cause continued disruption, including on the Forest Conservation parcel closer to the currently active nests, collapse of the colony and permanent abandonment could result.

Response: The Great Blue Heron protected site ("east rookery") has expanded to the area east of HWY-99W. The expanded operations in the Forest Conservation zone would be located in close proximity to the abandoned stick nests in the hybrid poplar stand but outside of the 300-foot buffer. The individual birds in this rookery are likely inured to the existing infrastructure which includes a gas management facility and HWY-99W, which now bisects the expanded protected site. The new facilities, including the proposed scale house, maintenance building, and leachate loadout area would be located south and west of the east rookery, adequately buffered by 300 feet of forest, and situated on the opposite side of the highway from the active nesting site. Recolonization of the exposed, monoculture hybrid poplar forest stand may not provide a benefit to the population as they appear have greater reproductive success in their new location.



BLUE HERONS 2: EXPOSING BLUE HERONS TO DISEASE An active landfill adjacent to their continuing rookery will increase the number and diverse bird species that can result in the spread of various avian diseases. The bird flu virus can survive up to two years in a landfill, so carcasses of infected birds disposed of in landfills can disseminate avian flu, endangering the surviving population of Blue Herons.

Response: The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture recommends double-bagging and disposing of the carcass of a bird infected with the highly pathogenic avian influenza ("avian flu") in your regular trash. Expanding the landfill would not likely increase the number of infected carcasses that arrive at the landfill or increase the exposure of infected carcasses to the local Great Blue Heron or other local bird populations.

BALD EAGLES 1: DESTRUCTION OF HABITAT The applicant's wildlife consultant has observed bald eagles foraging and soaring on the 59-acre parcel. An active landfill on this parcel will provide scavenging opportunities that can induce them to ingest harmful garbage.

Response: The landfill expansion would not likely increase the exposure of bald eagles to infected harmful garbage, as the number of active cells would not increase.

BALD EAGLES 2: EXPOSING BALD EAGLES TO DISEASE An active landfill damages bald eagles by concentrating great numbers of invasive bird species such as starlings as well as providing infected bird carcasses (culled domestic birds) that can result in the spread of avian disease.

Response: As with potential increased risk to the Great Blue Heron, the landfill expansion would not likely increase the exposure of bald eagles to the avian flu. The amount of incoming infected bird carcasses is not likely to increase due to landfill expansion and the rate of exposure is not likely to increase due to landfill expansion.

OTHER WILDLIFE: DEER, ELK, BOBCAT, COUGAR, RACCOON, STRIPED SKUNK Community members agree with the applicant's consultants; the parcels are important habitat. Per the purpose of the zone, this habitat should be conserved, not destroyed.

Response: The Oregon Department of Fish and Wildlife (ODFW) classified the E.E. Wilson Wildlife Area as Impacted Habitat for resident and migratory deer and elk populations. Impacted Habitat is where deer and elk are considered in conflict with primary land uses and are "subject to anthropogenic development such as areas within urban growth boundaries, city limits, otherwise determined to be less suitable habitat for deer or elk because of conflicts with proximity to humans, disease, damage, or public nuisance resulting from use by local or resident deer or elk". The habitat in the FC zone is non-essential habitat situated between landfill operations and a busy HWY-99W. There is important habitat with higher functions and greater value located farther away from the landfill, away from the facilities, and away from the highway.

53.215 (1) WILDLIFE HABITAT SERIOUSLY INTERFERE: BLUE HERON WILL NOT RECOLONIZE

This location is very advantageous to nesting Blue Herons, with close access both to wetlands to the east and farm fields to the west. Removing the west rookery conifers in the perhaps abandoned west rookery will prevent the Blue Herons that are currently nesting adjacent to the site from ever recolonizing them. Disturbance near the east rookery poplars will also prevent the herons from recolonizing those trees.

Response: Many neighbors have noted observing the east rookery in the exposed hybrid poplar trees prior to the nest abandonment in the middle of the 2022 breeding period. The deciduous nature of this monoculture stand does not provide great cover in the late winter and early spring when the Great Blue Heron is in the nest building, egg laying, and incubating periods. The new rookery location is in a mixed conifer/deciduous stand farther from landfill current operations, on



the E. E. Wilson Wildlife Area, which is likely a location that will provide greater long-term survival. Recolonization of the exposed hybrid poplar stand may lead to future colony collapses and is not necessarily beneficial to the population.

53.215 (1) WILDLIFE HABITAT SERIOUSLY INTERFERE: BLUE HERONS INCOMPATIBLE WITH LANDFILL ACTIVITIES

The Applicant since LU 21-047, has demonstrated that landfill operations are not compatible with Blue Heron habitat by causing rookery abandonment. Moving landfill operations even closer to the Blue Heron's new habitat is likely to drive them away from that as well.

Response: The location of the proposed new facilities is greater than 300 feet from the new and old east rookery nest trees and buffered by mature trees and HWY-99W.

53.215 (1) WILDLIFE HABITAT USES ON ADJACENT PROPERTY: DISEASE

Placing municipal solid waste on the 59-acre parcel will expose BLUE HERONS, BALD EAGLES and RED-TAILED HAWKS to avian disease, both via the ingestion of infected bird carcasses and through mingling with large numbers of diverse bird species that congregate at a landfill

Response: The landfill expansion would not significantly increase the exposure of local bird populations to the avian flu. Even if the surface area of operations increases, there would still be the same amount of infected carcasses arriving at the landfill.

53.215 (2) THE LANDFILL IS "SPOT ZONING" IN A FORESTED AREA OVERWHELMINGLY DEDICATED TO THE PROTECTION OF WILDLIFE. REPLACING THE FOREST WITH A PILE OF GARBAGE WOULD SERIOUSLY INTERFERE WITH THE OVERALL CHARACTER OF THE AREA

The current landfill area is less than 180 acres. Directly across Highway 99 is an 1800-acre wildlife preserve. The character of the area south of Coffin Bute Road – forested gentle slopes that Applicant acknowledges is an important wildlife habitat -- has more in common with the larger wildlife preserve to the east than the relatively small landfill to the north. "Purpose of Conservation Zone The applicant has not met the burden of proof that the proposal will not interfere with the purpose of the Forest Conservation zone for protection of the wildlife resources."

Response: Reference to 53.215 (2) which states the "proposed use does not impose an undue burden on any public improvements, facilities, utilities, or services available to the area" is likely in error. This is non-essential habitat, important but not essential. There is habitat with greater importance, with higher functions, greater values, that is located farther away from the landfill, away from the facilities, and away from the highway.

Sincerely,



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