



Oregon

Tina Kotek, Governor

Department of Fish and Wildlife

South Willamette Watershed District Office
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April 11, 2025

Petra Schuetz
Planning Director
Benton County Community Development Dept.
4500 SW Research Way
Corvallis, OR 97333

RE: Benton County Application No. LU-24-27

Dear Petra Schuetz,

Thank you for providing the Oregon Department of Fish and Wildlife (department) with the opportunity to review LU-24-27. The applicant seeks a conditional use permit to expand the current footprint of the Coffin Butte Landfill. It is the policy of the state to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations (ORS 496.012). The department reviewed the application and provides the following comments and recommendations for the County's consideration.

The department understands the need to expand the existing landfill and the public good this can provide to the community; however, sensitive wildlife habitat should be considered when making this decision. The department is aware of two historic Great Blue Heron rookeries on the property. There was a rookery documented on tax lot 1107 in 2018 (hereafter the western rookery) during a site visit performed by the department, the Oregon Department of Forestry (ODF), and a consultant hired by the applicant. A new rookery to the east (hereafter the eastern rookery) was documented in the spring of 2021 by ODF on tax lot 1200, although there was probably use in years prior. Approximate locations of both sites were sent to the Planning Department on September 1, 2021. The County identifies Great Blue Heron rookeries as a Goal 5 resource and outlines habitat protections by BCC 87.200 through 87.230². While these particular rookeries may not be currently mapped by the County, they have been identified by both the department and ODF. Therefore, the department believes they should be afforded the same protections and BCC 87 should be considered. Great Blue Heron rookeries are nesting colonies of herons that can consist of a small number of nests up to multiple hundreds of nests. They are susceptible to human disturbance and if a rookery is abandoned it can negatively impact multiple pair of herons. Rookeries provide habitat for a number of critical life history behaviors including courtship displays, pair bonding, breeding, nesting, feeding, and fledgling. Rookeries are most always located near important foraging habitat and suitable places to nest can be limited.

¹ Benton County, Chapter 60

² Benton County, Chapter 87

Great Blue Heron rookeries are categorized as Habitat Category 2 per the department's Fish and Wildlife Habitat Mitigation Policy (OAR 635-415-0000 through 0025)³ because they are both essential habitat for the species and limited on the landscape. The mitigation goal for Habitat Category 2, if impacts are unavoidable, is no net loss of either habitat quantity or quality and to provide a net benefit of habitat quantity or quality (OAR 635-415-0025(2)(a)). If either rookery is determined to be active, we recommend the applicant coordinate with the department to determine an appropriate mitigation plan. Additionally, the department recommends working with the Oregon Department of Forestry to ensure compliance with the Forest Practices Act.

Per OAR 629-665- 0120(1)(a), an active rookery is one that has been used by one or more pairs of Great Blue Herons in the past three years. The department recommends using this as a guide to determine whether these rookeries are active or if they have been abandoned. For active sites, the department recommends that a buffer of 300 feet around the primary nest zone be provided which will serve to maintain alternate nest trees, allow for growth of the colony, protect against windthrow, and prevent harassment. To further limit disturbance, it is recommended that during the critical nesting period from February 15 through July 31, major construction within a quarter mile of the rookery does not take place.

Future management of this site could be improved by monitoring active rookeries throughout the nesting season to determine site-specific nesting chronology, nest productivity, the degree of habituation to disturbance, and nearby foraging habitat.

Thank you for the opportunity to comment on this application. If you have any questions or need additional information, please contact me at (541) 757-5301 or joseph.p.stack@odfw.oregon.gov.

Sincerely,



Joe Stack
Regional Habitat Biologist
South Willamette Watershed
Oregon Department of Fish and Wildlife

³ https://www.dfw.state.or.us/lands/mitigation_policy.asp