



# Oregon

Kate Brown, Governor

## Department of Fish and Wildlife

Wildlife Division

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June 25, 2019



Malheur County Planning Department  
Attn: Eric Evans, Planning Director  
251 B. Street West, Vale, Oregon 97918

RE: Eco-Site II, LLC – Harry Stoddart / #OR-0003

Dear Director Evans,

The Oregon Department of Fish & Wildlife (ODFW) appreciates the opportunity to comment on the Malheur County Conditional Use Permit Application for the proposed Eco-Site communication tower located on the Stoddart property. Please include this letter in the record for this file. When applying provisions outlined in the Department of Land Conservation and Development (DLCD) OAR 660-023-0115, the proposed tower footprint is sited in low density sage-grouse habitat and meets criteria to be designated as a large scale development. As such, the tower is considered a conflicting use and subject to the mitigation hierarchy required to approve a conflicting use within significant sage-grouse habitat as described in OAR 660-023-0115 and OAR 635-140-0025.

Eco-Site and ODFW have been working collaboratively to ensure that the siting, construction, and operation of the communication tower achieves the avoidance, minimization, and compensatory mitigation standards of the mitigation hierarchy. To date, Eco-Site has provided information that satisfies the avoidance criteria for development within sage-grouse habitat and has agreed to effectively prohibit corvid and raptor use of the tower to eliminate the majority of indirect project impact to sage-grouse associated with the placement a communication tower in sage-grouse habitat. As a result of Eco Site's commitment to avoid and reduce project impacts to sage-grouse, ODFW is amenable to advancing the permitting process by way of recommending the following permit conditions to ensure compliance with OAR 660-023-0115 and OAR 635-140-0025.

- A mitigation plan shall be developed by the applicant in consultation with and approved by ODFW prior to project construction.
- The applicant shall provide permittee responsible mitigation or payment into ODFW's In Lieu Fee program prior to project construction for residual project impacts as calculated by ODFW's Habitat Quantification Tool and as agreed to in the mitigation plan.

- Minimization measures outlined in the mitigation plan shall be utilized and maintained for the life of the project, which includes construction, operation, decommissioning, and reclamation of the tower site.
- In the event that a minimization measure becomes uncompliant with the standards and procedures outlined in the mitigation plan, the applicant shall provide additional mitigation for the estimated increase in project impact to sage-grouse as specified in the mitigation plan.

The ODFW would like to thank you for taking these proposed conditions into consideration for permitting the Eco-Site communication tower in Malheur County. ODFW will continue to coordinate closely with the county and Eco-Site through the permitting and project development process.

Cordially

A handwritten signature in black ink that reads "Nigel Seidel". The signature is written in a cursive, flowing style.

Nigel Seidel  
Sage-grouse Mitigation Coordinator  
Oregon Department of Fish & Wildlife  
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