

EXHIBIT Q – JOANNE VINCENT

Nov 5/2020

Mr. Daniel Kearns, Hearings Officer  
Multnomah County Land Use Planning  
1600 SE 190th Avenue  
Oregon 97233  
Regarding T2-2019-12701

Hello Mr Kearns,

I would like the opportunity to respond to Applicant's Exhibit 1.3 - EBI Natural Resource review. Mr. Stayer and EBI appeared to have provided an in-depth amount of information and research, I applaud them for delving into this. I would have appreciated this information early on in my own research for the environmental impacts that are prevalent here, had the applicant shared this information that would have been helpful and appreciated. However, there are some discrepancies I would like to point out.

EBI reviewed its original environmental review from May 16, 2017 and used this as the basis for their conclusion dated Sept 16, 2020, that the threatened species listed on the IPaC tool for this site, that the tower would have "no effect" (see email below from USFW Chelsea Waddell) . They limited their research to the threatened /endangered species on the list and did not consider the Migratory birds of this area also on the IPaC list. On page 17/83 in the EBI report from May 16, 2017, "BLM did recommend that EBI follow the most current migratory bird guidance for tower construction". On the next page, last paragraph, John Huston from BLM stated "The proposed tower will be a 150-foot monopole with **no lighting**. As such, it meets most of the USFWS's tower siting and design recommendations and is therefore not anticipated to adversely affect migratory birds"

At the time of this review 2017, lighting was apparently not a conditional factor. It now is. I would argue that since we now know that lighting is required for this tower due to the location in close proximity to the Troutdale Airport, and the findings that substantiate there are migratory birds, that this is a " VALUABLE bird area" (quoted from David Leal of ODFW below). Please see the attached USFS Brett Carre's 2013 Checklist of Birds at Sandy River Delta, May-June for an environmental review regarding migratory birds. Therefore, EBI's lack of consideration of migratory bird becomes null and void, because you must consider the impact of a LIGHTED tower on the migratory birds over and near the Stinger site.

The applicant's basis for suitability is based on a non-lighted tower. That is not what the applicant has proposed in the current application. Our evidence here and in the attachments refutes that the applicant assertion that they have provided safe and responsible design/siting, and have they followed the recommendations outlined in their research nor the guidance recommended from BLM, USFWS, and the USFS. They have not done this. We request that

this conditional application be denied or at a minimum the USFS guidance for lighting using the least disruptive lighting techniques be added as a condition of approval for this permit.

From page 1, EBI does not mention lighting

#### Project Scope

As part of this most recent NR Update, EBI re-evaluated the findings of its original assessment (which had considered impacts to each of the above-referenced species) and whether there had been any changes to the proposed facility design, location, or development plans.

As of the date of this NR Update, no changes have been made to the proposed facility design or location. The proposed facility will consist of a 156-foot monopine tower with associated support equipment located within a 33-foot by 35-foot fenced compound on a 50-foot by 50-foot lease area. Access will be gained via a 12-foot wide gravel access road within a 20-foot wide access/utility easement emanating north from East Woodard Road to the tower facility. The proposed lease area, including access and utility easement are herein referred to as the "Project Site." Please see the attached drawings for complete details. EBI also assessed whether new information concerning the proposed access/utility easement and portions of the ease area – specifically that a total of nine trees will be removed as part of the development – would alter the findings of the previous assessments.

**NO MENTION OF LIGHTING WHICH IS NOW REQUIRED BY FAA, WHICH CHANGE IS NOT ADDRESSED IN THE ORIGINAL EBI Verizon ENVIRONMENTAL REVIEW! Jv THIS NEGATES THE UPDATE AS THIS IS A SIGNIFICANT CHANGE AND HAS FAR REACHING IMPACT ON MIGRATORY BIRDS AND DARK SKY LIGHTING.**

#### Emails from USFWS, USFS

Mon, Nov 2, 4:11 PM

(17 hours ago)

**Waddell, Chelsea D**

to John, David, me

Hello Jo Anne,

Thank you for your call this morning and for reaching out about your migratory bird conservation questions. The US Fish and Wildlife Service has many programs, and my specialty is in species Federally listed under the Endangered Species Act (ESA). We have a separate Migratory Bird program that fields questions about species covered under the Migratory Bird

Treat Act (MBTA) and the Bald and Golden Eagle Act, and so they would be the best people to reach out to with your questions. David Leal is the point of contact for migratory birds in my office and would be the best person to answer your questions. You might also be able to get the information you're looking for by contacting the [Regional Migratory Bird Program](#) (Region 1) at 503-872-2715 or by emailing their permits mailbox at [permitsR1MB@fws.gov](mailto:permitsR1MB@fws.gov).

I hope this is helpful!

All the best,

Chelsea

Chelsea Waddell

Fish & Wildlife Biologist

Oregon Fish and Wildlife Office

US Fish and Wildlife Service

2600 SE 98th Ave, Ste 100

Portland, OR 97266

503-319-9487

From David Leal USFWS also with information from

9:00 AM (43  
minutes ago)

**Leal, David**

to me, Chelsea

Lighting can present more of an issue to birds from towers. While this is not a particularly tall tower, our guidance has the following information regarding lighting:

Unless otherwise required by the FAA, only white or red flashing lights should be used at night, and these should follow FAA obstruction and marking standards with regards to the minimum number of lights, minimum intensity (< 2,000 candela), and minimum number of flashes per minute (i.e., longest duration between flashes and "dark phase"). Avoid using non-flashing warning lights at night (FAA 2015, Patterson 2012).

Owners of existing towers lit with lighting systems that include non-flashing lights should submit plans to the FAA explaining how and when they will transition to the new standards.

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**From:** jomomma617 <[jomomma617@gmail.com](mailto:jomomma617@gmail.com)>

**Sent:** Monday, November 2, 2020 5:13 PM

**To:** Waddell, Chelsea D <[chelsea\\_waddell@fws.gov](mailto:chelsea_waddell@fws.gov)>; Huston, John A <[jhuston@blm.gov](mailto:jhuston@blm.gov)>; Leal, David <[david\\_leal@fws.gov](mailto:david_leal@fws.gov)>

10:38 AM (47  
minutes ago)

Waddell, Chelsea D

to David, me

Good morning Jo Anne,

I didn't discuss lighting with EBI Consulting. I provided technical assistance to them on evaluating the proposed action area for Northern spotted owl occupancy. The action area is in close proximity to residential properties, farm land and suburban development and lacks suitable habitat to support spotted owls. Therefore, there was no further need to discuss spotted owl consultation requirements.

For information about the effects of lighting on migratory birds, please contact David Leal, as he is the migratory bird point of contact in our office. Additionally, please refer to this [US Fish & Wildlife Service Communication Tower Guidance](#). I hope you find this information helpful!

Please let me know if you have any more questions about Northern spotted owls or consultation in compliance with the Endangered Species Act.

All the best,

Chelsea

Chelsea Waddell

Fish & Wildlife Biologist

Oregon Fish and Wildlife Office

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[Pronouns](#): she/her/hers

Fri, Oct 30, 8:05 AM

(4 days ago)

**Leal, David, ODFW Migratory  
Birds Contact**

to me

No the Bird.org site looks to be a family site named for a family name "Bird." The list you have from eBird is a list of species seen by that person on that day. I would recommend you reach out to the Forest Service if you want a more comprehensive list of species at the Sandy River Delta site. Some of those species pictured can occur there as breeders (rufous hummingbird, bald eagle and great blue heron) while others may pass through in migration (olive-sided flycatcher, shorebirds). There are many bird species that use that area for breeding and pass through in migration. It is a valuable bird area and that's probably how you should comment to the FAA, that if they are requiring lighting that it follow our recommended guidelines. If it is on Forest Service land or the FAA is requiring lighting it likely should be consulted on for the three listed species depending on what habitat they intend to place it in.

From Brett Carre see below the checklist of birds at Sandy River Delta

From Brett Carre' US Forest Service

[2013 Checklist of birds at Sandy River Delta, May-June.xlsx](#)

11:21 AM (2  
minutes ago)

**Steve McCoy**  
<steve@gorgefriends.org>

to me, Kate

Hi Jo Anne,

Thank you for reaching out. We were not aware of this proposal. Unfortunately, we cannot participate at this time. We are currently spread very thin with legal work in the National Scenic Area and this is simply coming too late for us to be able to respond in time.

Sorry we can't help out on this one. Good luck.

Best,

Steve

**Steven D. McCoy**

Staff Attorney

**Friends of the Columbia Gorge**

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[gorgefriends.org](http://gorgefriends.org)

**Pronouns** He/Him

**Office** Portland

Respectfully submitted, thank you for your consideration

JoAnne Vincent  
330 NE Seidl Rd  
Troutdale, Or 97060