

To: Hearing Officer  
From: Charles Ciecko  
3630 SE Hosner Ter.  
Gresham, Or. 97080  
Subject: Testimony Responding to Ex. S.32, "Response to Upland Habitat  
Comments for First Open Record Period" May 5, 2025 LUBA  
Remand, Case T-3 2022-16220  
Date: May 18, 2025

This testimony responds to specific comments made within Ex.S.32, pg.7.  
Specifically, PWB consultant states:

"Locally, PWB staff have observed several elk and deer near its Lusted Facility in an area where major construction occurred from 2021 to 2024. PWB completed construction on the Lusted Hill Corrosion Control project in 2024 after three years of intensive construction that required removal of a significant number of mature Douglas-fir trees. As depicted in Figure 5 below, the Lusted Facility lies at the other end of the area referred to in public comment as Lusted Woods. This site also contains a portion of that wooded corridor. During construction, wildlife was observed much less frequently by PWB staff. Wildlife have returned to this area in the last year. In March and April of 2025, elk were observed on several occasions by PWB staff in a grassy pasture between the Lusted Forest and SE Lusted Road. Staff also observed active game trails used by deer and elk which cross Lusted Rd both on the PWB property and the property adjacent to the south. This indicates elk and deer have not permanently abandoned the Lusted Woods area in response to construction personnel and activity at the filtration facility site in 2024 and early 2025.

A similar response is expected at the filtration facility site. As established in the Habitat Analysis, the quality of the vegetated habitat on the filtration facility site will be greatly improved over pre-construction conditions by native grass and shrub cover which will serve as forage for area ungulates. The oak savanna area, which is the farthest away from roads and structures, contains a large grassland/prairie which will be a private and secure location for both elk and deer to graze in future years.

Based upon both the general and local evidence that wildlife returns to habitat on and near areas disturbed by construction activity once construction is complete, and other evidence in the record, it is my expert opinion that the project construction will not result in long-term displacement of wildlife from the project sites or from surrounding habitat areas."

Response:

Comparing Lusted Hill Corrosion Project to the Filtration Plant, raw and finished pipelines, pipeline interties etc. is like comparing a rural county road to an urban 8 lane freeway. There is simply no comparison!

The Filtration plant and associated elements (approx. \$2.5 billion) have already destroyed well over 100 acres, 433 trees, +/- 1 mi. of mature hedgerow habitat, created significant impacts related to groundwater, stormwater, erosion and contaminated soils to name just a few. It's operation will require thousands of deliveries of chemicals and haul off of sludge every year.

The Lusted Hill Corrosion Facility (approx. \$20 million) occupies +/- 1.5 acres, required the removal of an unspecified number of trees, did not require massive excavation or soil transport that would even remotely resemble what is occurring with the Filtration project, no contaminated soils, no massive impacts to ground water, stormwater or erosion issues. Except for the relatively small project footprint, habitat blocks remained intact throughout the small scale construction project.

There is no evidence submitted to document any assertions made in the PWB consultant's statement such as pre-construction or post-construction visits/inventories/photos etc. at the Lusted Hill site. The PWB consultant statement is nothing more than hearsay.

It's especially noteworthy that returning wildlife certainly did not return to the site of the corrosion facility because the entire facility is surrounded by an 8 ft. cyclone fence topped with 3 strands of barbed wire. One could hardly conclude the facility to be welcoming to most forms of wildlife. See photo below.









LUP Hearings <lup-hearings@multco.us>

---

## Remand testimony RE: T-3-2022-16220

1 message

---

**Charles Ciecko** <cciecko51@gmail.com>  
To: LUP Hearings <lup-hearings@multco.us>  
Cc: Carrie Richter <crichter@batemanseidel.com>

Sun, May 18, 2025 at 9:09 AM



**External Sender** - Be Suspicious of Attachments, Links, and Requests for Payment or Login Information.

The attached testimony is submitted for the LUBA Remand Record regarding case # T-3-2022-16220. Please acknowledge receipt.

Thank you.

Charles Ciecko



**Rebuttal S.32, pg7.pdf**

18191K