

Rebuttal to S.32 - Inventories do not reflect lived experiences

Cottrell CPO

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May 19, 2025

#T3-2022-16220

Pages 7 - 9 of S.32 responds to allegations by opponents that there were not enough inventories performed of natural resources.

To rebut this allegation, the authors of S.32 lay out the *“multiple vegetation, habitat, and animal surveys within and around the project sites.”* (pg 8). Here is a bulleted list of each survey detailed in this section, organized by type. The authors did not supply precise dates of surveys in some cases, which is reflected in the notes:

Pre-Construction

Remote generated reports only:

- 2019 - Consultant obtained report of rare, threatened, and endangered plants and animals “in the vicinity of Multnomah County”. The details provided that it was a “data system search”.
- 2020 - US Fish and Wildlife Service and EPA performed remote “review” of threatened, endangered, or candidate species. There are not much details provided of this review other than it is required for a WIFIA loan. An internet search reveals it involves “checking a species list from the USFWS”.

On-site vegetation surveys:

- 2020 - Summertime vegetation and tree review of project site by PWB focusing on which plants to cut or not cut. Unclear how many days, or length of survey.
- 10/19/21 - Consultant performed one day on site survey of habitat conditions of forested/non-forested areas in the raw water project area focusing on vegetation types and conditions.
- August 2023 - Site visit to DPB hedgerow as a response to public testimony in initial Multnomah County land use hearing highlighting plans to cut 348 trees there. Also visited Raw Water Pipeline. Vegetation survey only. Unclear how many days, or length of survey.

Avian surveys:

- 2020 -.Consultant conducted “field visits” to check for Nelson’s checkermallow. Unclear how many, how long.

Avian, Wildlife, & Vegetation:

- 2021 - 3 days of surveys for Streaked horned lark, 5-6 hours each. While at the site, consultant made “observations of other species” and “observations of types of plant species” (N.56, pg 9).

Post Construction

Avian surveys:

- End of Winter, spring and summer 2024 - Avian surveys conducted post construction commencement, 20+ days. Tree cutting began in February of 2024, at the same time that these Avian surveys commenced.

This list was distilled from the descriptions found on pages 7-9 of S.32

Analysis

1. The depth and meticulousness of the pre-construction natural resource surveys raise concerns.

As can be seen in this bulleted list, 2 of the 7 pre-construction “surveys” were actually remote database searches.

For the remaining 5 on-site pre-construction surveys, the actual amount of time spent on site conducting inquiries into natural resource conditions is minimal. It is hard to tell how many days were spent, but from what is written, perhaps only 7–9 total days in 6 years?

It is strange that the “extensive” surveys of wildlife (birds) are completed after construction began: 20+ days.

The question at hand for the remand period is if PWB's project will adversely affect natural resources. The lack of pre-construction survey data makes this even harder to assess, calling into question PWB's conclusion that there will be no adverse impacts post-mitigation.

2. The surveys omit key types and patterns of natural resources

Of the 5 pre-construction on-site surveys, 3 of the surveys were quick general vegetation surveys. The other 1 focused solely on a particular birds, and 1 was a combined rare bird, vegetation, and "other species" survey.

Missing entirely from the on-the-ground surveys is any serious consideration of other types of natural resources, such as mammals, reptiles or amphibians, or any of the birds not targeted by the singular bird specific studies.

The people who have spent the most time "on-the-ground" observing the natural resources in the project area are the area's community members. At least 46 neighbors in the 2023 original Multnomah County hearing period submitted statements detailing the natural resources they have observed in the area. See Appendix A. If you added it all together, their combined experience totals hundreds of years observing the natural resources in the area.

These community members lay out many observations of birds, mammals, reptiles and amphibians, among many other natural resources:

Jodi Riehl H.25.c: *"About once a year in the mornings deer are often seen crossing the road I live on as they travel to their next feeding area...The year-round stream that runs through our property contains frogs that sing every evening in late spring through summer adding a wonderful sound of county to our lives."*

Penny and Michael Haight H.24.k: *"We enjoy the diverse bird life (Red Tailed Hawk, Coopers Hawk, Kestrel, Kill Deer, Quail, Vultures, Migrating and local Canadian Geese, many varieties of hummingbirds, sparrows, house finches and Western Tanager, and warblers) and wildlife (deer, coyote, rabbits, fox, weasel and elk)"*

Doug and Pat Meyer H.26.b: *"Mornings start with a herd of deer eating apples fallen from our trees...Bear, elk and coyote prints spatter the fresh garden soil."*

Lauren Courter H.23.j: *"We love to hear our resident owls and other birds of prey at all hours of the day and night, including Great Horned owl, barn owl, red tailed hawk, bald eagle....In the fall we regularly hear the calling and movements of elk. For as long as we've lived at our home, elk bed down in our front pasture in the middle of the night. For the last few years, we were able to count upwards of 20 head of elk from our wildlife cameras. In addition to the elk, we have deer that feed on our fallen apples. They also bed down in our fields with their young. Black bears visit our blueberry farm at the end of the season and climb our apple trees throughout the fall to get their fill for the winter."*

Jim and Theresa Bunting H.23.d: *"Some of the things we look forward to throughout the spring and summer are sitting on our deck watching the deer and elk roam and graze the pastures across from our home throughout the day, listening to the frogs at night, hearing the owls hooting back and forth to each other."*

Laura Beving H.23.a: *"I consistently see bear scat, elk tracks, lots of deer, birds of all kinds, a few illusive sightings of a bobcat and even a neighborhood mountain lion."*

Katrina Dawson H.24.b: *"We wake up to the sound of a chorus of birds singing outside our windows, or fall asleep to the two owls that call back and forth through the trees...We can hear the frogs croaking...We can watch the rabbits bound across our field, or even the deer that wander onto our place looking for food."*

Jeff and Mona Ayles H.22.d: *"We hear birds and frogs during all hours of the day."*

Kathleen Box H.23.b: *"Multitudes of birds live and travel through and above our neighborhood, including larger birds such as Red Tail Hawks, Coopers Hawks, Osprey, Great Blue Herons and the occasional Pileated Woodpecker."*

Debbie Layton H.26: *"There is almost daily sightings of hawks and an eagle or two."*

Amy Galasso H.24.i: *"We have encountered bears, cougars, bobcats, elk and coyotes."*

Braeden Culver H.24.a: *"We can lay underneath the night sky and fall asleep to the sounds of frogs in our creek and the crickets in the grass with the owls hooting overhead."*

Clearly, the cursory, inadequate nature of PWB's pre-construction natural resources surveys leave out observations of important categories of natural resources, such as many species of birds, mammals and amphibians. What was here before they started construction? Which frogs have the neighbors heard croaking and would they be affected directly or indirectly by the project? What patterns did the birds or mammals follow that might be disrupted? Because PWB was on site under 10 days before construction began, we might never know.

APPENDIX A

Statements submitted during the 2023 Multnomah County hearing period by community members detailing the natural resources in the area.

Name	Address	Exhibit Number		
Julie Allot	33341 SE Carpenter Lane, Gresham	H.22.b		
Mary Appelt	624 SE Acacia Lane, Gresham	H.22.c		
Jeff and Mona Ayles	37184 SE Lusted Road, Gresham	H.22.d		
Rick and Carol Bartha	Dodge Park Blvd	H.22.e		
Laura Beving	5238 SE Oxbow Parkway, Gresham	H.23.a		
Kathleen Box	30403 SE Jackson Rd	H.23.b		
Dan Brink	no address	H.23.c		
Jim and Theresa Bunting	37039 SE Lusted Rd	H.23.d		
Terry Ciecko	3630 SE Hosner Terrace, Gresham	H.23.e		
Oriah Colombres	35719 SE Lusted Rd	H.23.f		
Cris Couter	36610 SE Dodge Park Blvd, Boring	H.23.i		
Lauren Courter	36610 SE Dodge Park Blvd, Boring	H.23.j		
Suzanne Courter	36610 SE Dodge Park Blvd, Boring	H.23.k		
Andrea Culver	35534 SE Bluff Road, Boring	H.24		
Braedon Culver	35534 SE Bluff Road, Boring	H.24.a		
Katrina Dawson	36605 SE Dodge Park Blvd, Boring	H.24.b		
Mike Dawson	36605 SE Dodge Park Blvd, Boring	H.24.c		
Samuel Diack	35547 SE Lusted Road, Boring	H.24.d		
Gloria Discoll	36000 SE Bluff Road, Boring	H.24.e		
Janet Edmonson	33318 SE Carpenter Lane, Gresham			
Patricia Fiedler	35840 SE Bluff Road, Boring	H.24.g		
Darren and Michelle Ford	36801 SE Dodge Park Blvd, Boring	H.24.h		
Amy Galasso	35715 SE Lusted Rd, Boring	H.24.i		
Robert Glasso, MD	35715 SE Lusted Road, Boring	H.24.j		
Penny and Michael Haight	31718 SE Lusted RD, Gresham	H.24.k		
Jennifer Hart	38200 SE Lusted Road, Boring	H.24.l		
Sharon Jones	9840 SE 362nd, Boring	H.25.e		
Mike and Carol Kost	35321 SE Carpenter Lane, Gresham	H.25.f		
Kramer	no address	H.25.g		

Debbie Layton	35534 SE Bluff Road	H.26		
Jamie Martin	3633 SE Oxbow Parkway, Gresham	H.26.a		
Holly Martin	39100 SE Lusted Road, Boring	H.34		
Doug and Pat Meyer	34835 SE Carpenter Lane, Gresham	H.26.b		
Kaitlin Mulkey	33144 SE Carpenter Lane, Gresham	H.26.c		
Jesse Nelson	38616 SE Lusted Rd, Boring	H.26.d		
Leslie Newberry	34546 SE Carpenter Lane, Gresham	H.26.e		
Kathleen Obrist	31619 SE Lusted Rd, Gresham	H.25.a		
Jodi Riehl	8031 SE Pleasant Home Rd, Gresham	H.25.c		
Diane Rolen	8207 SE Cottrell, RD, Boring	H.27		
David Shapiro	36014 SE Lusted Rd, Boring	H.28		
John Sieling	5238 SE Oxbow Parkway, Gresham	H.28.b		
Susan and John Swinford	7428 SE Cottrell Rd, Gresham	H.28.c		
Dean and Patricia Walter	Dodge Park	H.41		
Kristy McKenzie	34828 SE Carpenter Lane, Gresham	H.29		
Natalie Vuroz	37185 SE Dodge Park Blvd, Boring	E.11		
Laura Belson	35719 SE Lusted Rd, Boring	H.22.f		



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1 message

Cottrell CPO <cottrellcpo@gmail.com>

Mon, May 19, 2025 at 6:29 AM

To: LUP Hearings <LUP-hearings@multco.us>



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Please accept attached rebuttal testimony for case #T3-2022-16220.

Thank you.



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