

To:
Micheal M. Reeder
T (541) 484-0188
800 Willamette Street,
Suite 800, Eugene, OR
97401

From:
Brian Meiering
Wetlands and Wildlife
LLC

Re:
Addressing concerns
related to ESA listed
species

Dear Mr. Reeder,

Thank you for contacting Wetlands and Wildlife LLC regarding a proposed country music festival within Marion County, OR. The Marion County Planning Division has reviewed a Conditional Use Application (17-043/Gross) and provided findings based on facts provided in the application. I have commented on this application in a previous memo dated 10/27/2017, and you have asked me to address the written comments submitted which are concerned with impacts to fish and wildlife (particularly those which are federally listed under the Endangered Species Act). I have repeated the summary below to verify my understanding of the proposed music festival.

General Overview

The project area (Figure 1) is located at 13054 Jorgenson Road S and in the 3700 block of Wintel Road S, Jefferson (T9S; R3W; Section 19; tax lot 400; Section 21; tax lot 700; Section 28; tax lots 100, 300, 400, 500, 600 and 700; Section 28D; tax lot 800, 1000 and 1100). The proposed venue is located on farmed land which has been producing grass for several decades. Abutting land uses include Ankeny Wildlife Refuge to the north/northwest, a block of land measuring approximately 2,800 acres. Other land uses adjoin the venue but are outside the scope of this memorandum.

The proposed concert venue would accommodate 30,000 concert viewers/day and their vehicles; approximately 10,000 overnight campers will be accommodated based on the application estimates. Most of the proposed venue activities would occur directly abutting the Ankeny Wildlife Refuge, with parking and the main stage being proposed up to the property line of the refuge. Camping is proposed setback from the refuge to the south and west.

The main stage is proposed to be abutting a forested portion of the refuge, with the stage and lighting directed south and east (opposite the refuge). A timeline has been set for the venue, establishing enforced quiet hours between 24:00 and 07:00.

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Federally Listed Species

The Sidney Power Ditch is listed as Essential Salmon Habitat (ESH) by the State of Oregon. This ditch is also technically contiguous with federally listed critical habitat for Chinook salmon and Steelhead. This ditch bisects one of the parcels proposed for festival use, and this ditch originates several miles southeast of the proposed festival parcels. Based on modeled flow volume in August (Streamstats, 2018), the ditch will have very little if any flow or pooling water during the festival.

Other rare species have been found in proximity to the festival grounds, although their habitat needs are not met within the proposed festival area. Regularly farmed land severely diminishes the available habitat for most relevant rare species due to management techniques used to produce high yield crops.

The primary concern to any aquatic listed species would be a significant single spill or cumulative small spills which could migrate into a waterway. Specific festival staff will be provided with, and trained to use, absorbent socks to mitigate this threat. Festival staff will allocate an appropriate quantity of absorbent socks capable of capturing different target pollutants.

Exclusion of people from the "Sidney Ditch" and the abutting Ankeny Wildlife Refuge will be enforced. Fisheries staff with ODFW and USFWS will be consulted 2 months or more before the event to allow them time to manage refuge water levels or other refuge operations. A list of ODFW/USFWS contacts will be coordinated through Wetlands and Wildlife LLC. This strategy will ensure high value habitat protection and no effect on water quality.

All temporary crossings of ditches, wet or dry, will span the ditch between the top of bank. Spanning crossings will allow complete avoidance of waterways and eliminate any need for removal and fill. Additionally, a 40-foot fire lane will separate the nearest camp vehicle on the south side of the ditch.

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Conclusion*

Based on the schedule of the venue, the layout of facilities and use of recommendations within this memo, it is my professional opinion that the proposed activities will not cause direct or indirect take of a federally listed species. Additionally, no element of the proposal indicates that adverse modification will occur to federally listed critical habitat.

*This conclusion is based on the ability of the organizers to enforce prohibitions on illegal entry into the refuge and continue to coordinate with the USFWS to help address any concerns.

Disclaimer

This memorandum documents the investigation, best professional judgment and conclusions of the investigator. It is correct and complete to the best of my knowledge.

Please feel free to contact me if there are any questions related to the site plans.

Sincerely,



Brian Meiering PWS
Environmental Specialist

Attachments: Figure 1



