

**A G E N D A**

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**METRO**

**Agenda**

MEETING: METRO COUNCIL/EXECUTIVE OFFICER INFORMAL MEETING  
DATE: March 23, 1999  
DAY: Tuesday  
TIME: 2:00 PM  
PLACE: Council Annex

**CALL TO ORDER AND ROLL CALL**

- I. GOAL 5/FISH RESTORATION ISSUES**
- II. LEGISLATIVE UPDATE**
- III. LUBA APPEAL**
- IV. EXECUTIVE OFFICER COMMUNICATIONS**
- V. COUNCILOR COMMUNICATIONS**

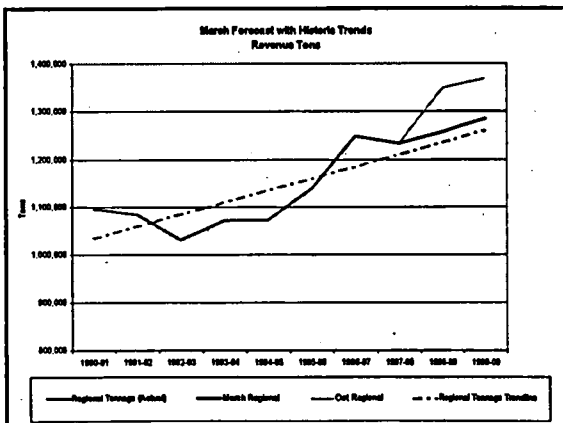
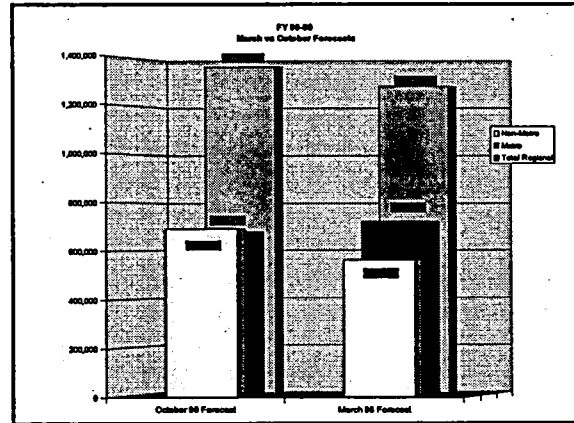
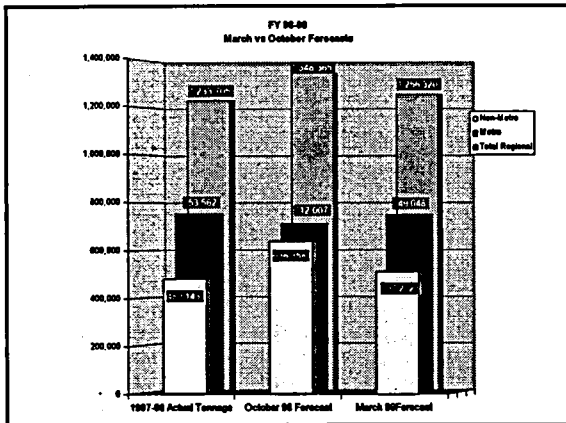
**ADJOURN**

## March 1999 Revised Tonnage Forecast

March 23, 1999

### Assumptions for Revised Forecast

- Regional tonnage growth during 98-99 and 99-00 will continue at the current rate.
- Review of economic data is consistent with lower growth rate.
- Facility tonnage and recovery rates are based on operator input and actual data.



### Changes in Transfer Station Forecast Fiscal Year 1998-99

- Increase of approximately 31,700 revenue tons.
- Slower start for direct haul reloads. (+15,000 tons)
- Less diversion from Metro transfer stations to other facilities. (+16,700 tons)
- All of the difference is in Metro South tonnage

**Changes in MRF/Reload Forecast  
Fiscal Year 1998-99**

- Decrease in tonnage of 45,500 tons.
- Slower start for direct haul reloads. (-15,000 tons)
- Less diversion from Metro transfer stations to other facilities. (-16,700 tons)
- Less dry waste. (-13,800 tons)

**Changes in Landfill Forecast  
Fiscal Year 1998-99**

- Decrease in tonnage of 78,200 tons.
- Reduction in landfill tonnage. (-48,000 tons)
- Change in ratio of delivery tons to revenue tons (-30,200 tons)

**Comments on Changes**

- Forecast is in line with reports of slow down in building permits.
- A wet winter has slowed construction activity.
- Growth in tonnage in during 95-96 and 96-97 (6.2% and 9.7%) was extraordinary and biased previous estimates.
- Similar trends have been observed in Clark County.

## **Endangered Species Act Briefing: New Listings**

**Mike Burton, Executive Officer**

**David Moskowitz, Salmon Recovery Coordinator**

**March 23, 1999**

Thank you for the opportunity to discuss this important issue. I have provided the Council with copies of my remarks and a Metro Fact Sheet provided to the public on March 16, 1999, the day NMFS announced its recent ESA listings. I think it shows that Metro is taking important steps to address watershed problems, but there is much more to be done.

### **What is the ESA?**

The ESA is supposed to be the mechanism that enables communities to protect and restore ecosystems – that is its stated purpose in law. We in the northwest are still waiting to see if the ESA can work for salmon and salmon rivers.

Even though parts of the Metro region were listed for steelhead over one year ago, these new ESA listings renew and expand the ESA message that salmon, watersheds and water quality in the entire Metro Region are not in great shape.

It is also significant that NMFS chose to announce the recent listings of steelhead and salmon here in your chambers. NMFS believes that Metro has an important role to play in the protection and restoration of regional salmon, and they have shown a willingness to work with Metro to achieve the ESA's ecosystem protection and recovery goals.

### **What did NMFS announce, and what is new?**

NMFS listed three salmon populations and one steelhead population as Threatened under the ESA. That is threatened with a capital "T." It means that NMFS believes that these salmon and steelhead are in danger of becoming extinct in the foreseeable future throughout a portion or all of their range. In a sense, it means that we have some fish to work with, as opposed to an endangered listing where the numbers of native fish remaining are critically low.

NMFS listed these fish:

1. Lower Columbia River chinook salmon
2. Columbia River chum salmon
3. Upper Willamette River spring-run chinook
4. Upper Willamette River steelhead

NMFS has not finalized designation of critical habitat for these species, although that should occur sometime this year, and no later than March, 2000.

The moniker of "Threatened" does mean that NMFS, in consultation with Metro, has some flexibility in describing the kinds of activity that may be lawfully permitted to occur, even it results in some level of harm to individual members of a "Threatened" species, so long as the overall result of these activities will not jeopardize the overall species survival nor inhibit recovery.

### **What is Metro Doing?**

The Metro Facts Sheet describe in good detail the range of actions Metro has taken and will be taking in the near term. We will continue to build on this list.

### **What is next?**

The listings themselves are only the first steps in the ESA recovery process. Many ESA activities will occur in the next year, including some of the following:

- ◆ Final designation of critical habitat for steelhead, chinook and chum salmon. Proposed critical habitat for these species has been identified. Final designations will be due no later than March, 2000, although final critical habitat for chinook and chum salmon could occur earlier. Critical habitat has significance for activities that have a federal connection such as the need for a federal permit, federal funding, or other federal authorization.
- ◆ So-called Section 7 consultations between NMFS and action agencies are triggered by the listings themselves, and one function of the critical habitat designation is to simply let landowners know they are in "salmon country."
- ◆ NMFS is expected to announce the proposed listing of Lower Columbia River/Southwest Washington sea-run cutthroat trout as a threatened species at any time. This proposed listing was due in December, 1998.
- ◆ NMFS may issue a proposed listing for Lower Columbia River coho salmon in 1999. They are currently a "candidate" species under review by NMFS and the state fish and wildlife agencies. ODFW recently listed these coho as "threatened" under the state ESA. Metro must review the state ESA to determine what, if any obligations it has for this state action.
- ◆ NMFS has been working on a draft Section 4(d) rule for over one year. Their latest estimate for issuing this draft rule is sometime in late spring of 1999. Metro has worked closely with NMFS to ensure that several of our programs receive coverage in the 4(d) rule's exceptions to the prohibition against "take" (i.e., the harm, harassment or killing of a listed species).
- ◆ NMFS is reviewing how it develops recovery plans, and how it convenes recovery plan teams, and how it describes recovery planning areas. NMFS has a legal responsibility to develop recovery plans within 3 years. Keep in mind that NMFS has yet to adopt a single final recovery plan in the

Northwest. This fact will give the Metro Region an excellent opportunity to develop its own plan, and advance it to NMFS for adoption.

**What is the bottom line?**

Metro is in an excellent position to address the recovery of salmon and watersheds in our planning area. Now is the time to identify our priorities actions, engage our local government partners as well as our stakeholders in this effort, and perhaps review our own budget priorities as they relate to solving these regional problems.



**METRO**

**Mike Burton  
Metro Executive Officer  
NMFS ESA Salmon Listing Press Conference  
March 16, 1999**

Welcome to Metro. It is appropriate that NMFS is making this announcement here today because a regional recovery plan for Steelhead and Salmon is our only viable option.

Rivers and salmon do not recognize jurisdictional boundaries.

We pride ourselves on our land use and transportation and air quality accomplishments here in Oregon. However, we in the metropolitan area have had a devastating impact on the environment around us.

Salmon trying to migrate through the Portland metropolitan area face a myriad of obstacles, from the cesspool-like conditions of the Portland Harbor to culverts and other stream blockages to sedimentation from soil erosion to toxics and altered stream flows from storm water run-off.

Even so, there is much left that is worth saving and restoring and we have tools no other metropolitan area has to succeed. For the first time, the endangered species act is being brought into the living rooms of residents of the Portland metropolitan area.

You are going to hear a lot of talk about regional coordination – and that's important. You are going to hear a lot about the need for scientific approaches and programmatic approaches. You are going to hear a lot about the need for education and outreach and stakeholder involvement. And Metro is committed to those goals.

But I want to be absolutely clear about something. If you get nothing else out of today—listen to this. This is a shot across the bow of the development community...

And if they don't get in the boat with us the next shot will be at the water line.

There are points of pollution and they must be cleaned up.

More difficult however, may be changing our patterns of development.

The Portland Metro area from Tualatin to Clackamas to the mouth of the Willamette is the middle part of the pipe.

There are problems all the way to the farthest reaches of the spawning grounds to ocean's edge and beyond that must be addressed.

But the salmon can't get to either of those places if the center part of the pipeline has overheated and polluted water resulting from urban callousness.

We already know a lot about what is and is not good for fish. But we will not succeed at recovering salmon in the metropolitan area unless we change our development patterns and change our transportation patterns.

We can get started today on at least three actions that will help improve habitat for salmon and improve the livability of our community.

1. We must stop building stupid buildings in stupid places. Developers must stop building to the stream's edge. We need a "no build zone" along the banks of rivers and streams in the region.
2. New development must not increase storm water run-off in nearby streams. The best-designed communities have eliminated run-off that pollutes streams and flushes out juvenile fish. All new developments should be designed to those standards.
3. Fish killing culverts must be replaced. We can open up thousands of acres of good spawning habitat by removing the blockages created by poorly designed culverts. We know where they are. Culvert replacement must become a standard part of road maintenance projects.

Instead of attacking and challenging Metro's Stream and Floodplain Protection Plan in the courts, the developers in this area should understand that it is in their best interests to help set development standards that will ensure the protection of critical habitat and allow appropriate development. My door is open, and I look forward to the opportunity to work with NMFS and the community to bring certainty to the region.



# **METRO FAST FACTS**

## **Regional Watershed and Salmon Recovery and the Endangered Species Act**

### **Regional approach provides best opportunity for success**

Rivers, streams and fish do not stop at jurisdictional boundaries. A regional approach to fish protection, conservation and recovery is the best option.

- o Metro is uniquely positioned to tie together land use and fish recovery. It is the forum where 24 cities and 3 counties develop and implement growth management and transportation planning, and natural resource conservation and protection plans.
- o Policy makers and technical staff from all over the region gather under the Metro roof and work to solve regional problems.
- o Metro's voter-approved charter requires development of a long range vision for regional planning and policy making to preserve and enhance quality of life and the environment.

For example, because of Metro's 2040 Growth Concept, the region currently is avoiding a 120,000-acre urban growth boundary expansion onto key farm and forest land along with the corresponding impact of development on rivers and streams.

### **Healthy streams and robust salmon populations are important**

The Endangered Species Act listings are only one signal that our region's watersheds are not healthy nor providing the full range of benefits for our communities. Threatened fish listings signal that livable communities are at risk from many problems, including:

- o poor water quality,
- o exposure to toxic pollutants affecting human health,
- o poorly planned and built development that results in excessive stormwater runoff. This runoff scours spawning beds and pushes young salmon downstream too early in their life cycle,
- o flooding,
- o uncontrolled sedimentation from erosion that changes stream channels and ecological conditions all the way downstream.

## Highlights of what Metro has done and . . . continues to do

### Salmon habitat protection

- o Hired a regional salmon recovery coordinator by reprioritizing existing funds.
- o Acquired 27 miles of stream front or river greenway and 4,140 acres of important natural areas throughout the region via its voter-approved Open Spaces, Parks and Streams Bond Measure.
- o Adopted the Stream and Floodplain Protection Plan, Title 3, in 1998, which offers the first regional standards for limiting development in floodplains and streamside habitat, and reducing erosion. These standards are a critical first step towards improving water quality.

Local jurisdictions must implement Title 3 by December 1999. It is currently under appeal by homebuilders and development organizations.

- o Conducting a fish and wildlife habitat inventory identifying the areas necessary for maintaining biodiversity and naturally functioning watersheds. Many of these habitat areas will require protection, enhancement or restoration through both regulatory and incentive-based strategies before development occurs on land brought into the urban growth boundary.
- o Working to ensure that regional transportation projects do not block fish passage.

More than 150 culverts requiring repair to be "fish friendly" have been identified. Federal and state transportation programs must allocate funds to replace or repair these fish access problems. Metro is identifying a "dirty dozen" culverts that should be replaced this year.

Metro's transportation department is considering allocating federal funds to assist with replacing or upgrading culverts currently blocking or impeding fish passage in the Johnson Creek watershed.

The transportation department is also seeking funding for its "green streets" program to screen proposed transportation projects for potential impacts on fish and to develop fish friendly design solutions.

### What Metro is doing

- o Accepts household hazardous waste from throughout the region. This program has been in place since 1986 to reduce risks to water quality from improper disposal of items like pool chlorine, paint and motor oil.
- o Organizes free community household hazardous waste disposal events. Three events this spring -- April 10, May 1, May 15. For more information, call the Metro Recycling Hotline, 234-3000. Metro also operates two permanent facilities where this waste can be disposed all year.
- o Cleans up illegal dumps in the region, many of them in streamside areas. Works closely with the department of environmental quality, DEQ, to coordinate hazardous waste cleanups.
- o Promotes integrated pest management to reduce pesticide use in the region. Provides free public education about natural gardening.
- o Promotes composting and "grasscycling" to increase water conservation and reduce lawn fertilizer use.

### Citizen activism and education

- o Provides financial assistance and in-kind contributions of staff expertise and logistical support to local watershed councils and other groups (such as Johnson Creek Watershed Council, SOLV) to increase their capacity to educate and motivate citizens to restore and protect streams in their own backyards.
- o Awards habitat restoration and environmental education project grants. These projects engage thousands of people. Metro has awarded more than \$1 million to 187 projects. The grants have leveraged an additional \$4 million of local funds and in-kind materials.
- o Provides environmental education programs. More than 6,000 people participated in Metro Regional Parks and Greenspaces environmental education programs in 1998.
- o Organizes the annual Salmon Festival at Metro's Oxbow Park on the Sandy River. More than 10,000 people attend every year during the fall chinook spawning run. Event is October 9 and 10, 1999.

-more-

**Next steps . . .**

(from Metro Executive Officer Mike Burton's press statement)

1. "Stop building stupid buildings in stupid places. Developers must stop building to the streams' edge. We need a no build zone along the banks of the region's rivers and streams."
2. "Stop stormwater run off from new development. The best designed communities have eliminated run off that pollutes streams and flushes out juvenile fish. All new development should be designed to those standards."
3. "Replace fish-killing culverts."

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Contact: Pam Wilson  
797-1507

-- March 16, 1999

**Call the Metro Recycling Hotline at 234-3000 for information on free natural gardening classes and free household hazardous waste disposal events.**

**Metro Council and Executive Officer Informal Meeting**  
**Tuesday March 9, 1999**  
**Highlights of Goal 5 Work Plan**

1. Section 5 of Title 3 requires that Metro conducts a Goal 5 fish and wildlife habitat assessment and identify habitat that Metro will protect, enhance or restore. When this mapping is done and adopted by the Metro Council, than Section 5 becomes effective.

The goal 5 resources that Metro is investigating are: riparian habitat, wetlands and upland habitat;

An 18-month work plan was developed and comments received from WRPAC, MTAC and MPAC;

A Goal 5 Technical Advisory Committee and a Peer Review Committee were established and the TAC has been meeting monthly to advise staff as it carries out the work plan;

Key Products expected from the work plan include:

A definition of regional resources for fish and wildlife habitat;

Inventory and mapping of these region resources;

An identification of gaps in the local protection of these resources and identification of the resources Metro will evaluate and identify protection measures;

Technical scientific paper to substantiate the findings;

Assessment methodologies;

Identification of regulatory, non-regulatory and incentive approaches to protect, enhance and restore these resources that can be adopted by the Metro Council.

2. Grant Received from DLCD to "fast track" the riparian component of the Goal 5 work:

\$ 55,000, work to be completed by June 30, 1999

Goal: identify a range of options to protect, restore and enhance riparian habitat in the region to benefit fish and wildlife;

Collect and map existing information and data on riparian habitat condition

Carry out a public design "charrette" process to discuss issues and impacts to the habitat and identify ways to address the impacts;

Work with a diverse range of stakeholders and public in charrette process

Product: produce a report for the Metro Council with maps and design concepts on how to protect, enhance and restore riparian habitat

3. Metro contract will be issued later this month to hire consultants to work with staff and carry out the following identified in the 18-month work plan:

Develop a habitat assessment methodology and ESEE methodology;

Research literature for two chapters in the technical paper; and

Conduct habitat data inventories.