### BEFORE THE METRO COUNCIL

### APPROVING THE NATURAL AREAS ACQUISITION REFINEMENT PLAN FOR THE LOWER TUALATIN RIVER HEADWATERS TARGET AREA

### **RESOLUTION NO. 07-3848**

Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, on March 9, 2006, the Metro Council adopted Resolution No. 06-3672B "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection," recommending submission for voter approval a general obligation bond to preserve and protect natural areas, clean water, and fish and wildlife (the "2006 Natural Areas Bond Measure" or "Measure"); and

WHEREAS, at the election held on November 7, 2006, the voters approved Ballot Measure 26-80, the 2006 Natural Areas Bond Measure; and

WHEREAS, the Lower Tualatin River Headwaters Target Area was identified in the Measure as one of 27 regional target areas for land acquisition; and

WHEREAS, as provided in the 2006 Natural Areas Bond Measure, Metro has undertaken a public refinement process to establish specific acquisition strategies, goals, objectives, and a confidential tax-lot specific acquisition target area map for each of the 27 target areas; and

WHEREAS, Metro's refinement process included the compilation of available information about each target area; biological field visits and expert analysis of maps; interviews with key stakeholders including natural resource experts, property owners, representatives from state and local government agencies, and advocates from water quality, fish, and wildlife preservation interest groups; and eight public open houses at sites throughout the region and a "virtual" open house available via the internet, at which draft refinement plans were made available for public review and participants could share their target area priorities either in-person or electronically; and

WHEREAS, on March 1, 2007, the Council approved Resolution No. 07-3766A, "Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," authorizing the Metro Chief Operating Officer to acquire properties identified on a Council-approved target area "confidential refinement map;" and

WHEREAS, the Council has reviewed the draft refinement plans and considered information it has received from citizens, scientists, advocates, and state and local governments; now, therefore

BE IT RESOLVED that the Metro Council adopts the Lower Tualatin River Headwaters Refinement Plan attached hereto as Exhibit A, including the confidential tax-lot specific map reviewed by the Council in Executive Session on September 4, 2007, and signed by Council President David Bragdon, and hereby authorizes the Chief Operating Officer to acquire properties in the Lower Tualatin River Headwaters Target Area consistent with the Council-approved Acquisition Parameters and Due Diligence Guidelines of the Natural Areas Implementation Work Plan.

ADOPTED by the Metro Council this 13 th day of September 2007.

T David Bragdon, Council President Geselelich Verabschieder Officially Approved Regionaler METRO COUNCIL Metro Council

Approved as to Form:

Daniel B. Cooper, Metro Attorney

## 2006 NATURAL AREAS ACQUISITION PROGRAM LOWER TUALATIN HEADWATERS TARGET AREA REFINEMENT PLAN

## Background

The 2006 Natural Areas bond measure stated:

Watersheds in the southwest Chehalem Mountains retain significant wildlife habitat value and include Chicken, Cedar and Baker creeks. Protection of riparian lands within these headwaters will safeguard water quality in the lower Tualatin River basin.

A biological assessment noted that within all three stream corridors there are areas that offer opportunities to protect relatively high value habitat, in particular, the relatively large areas of undeveloped habitat adjacent to Baker Creek, the areas along Chicken Creek associated with steelhead spawning and rearing, some of the headwaters of Chicken Creek, and the confluence areas along Cedar Creek that provide a mix of forested upland, wetland, and riparian habitats.

## **Target Area Description**

The headwaters of the lower Tualatin River are located in Washington County and include important tributaries that retain significant value for wildlife and contribute to water quality in the Tualatin River basin.

Chicken Creek at its confluence with the main stem of the Tualatin River flows into the Tualatin River National Wildlife Refuge. This confluence area provides wetland, riparian and upland habitats for a variety of migratory birds, threatened and endangered species, fish and other resident wildlife. When flooded in fall and winter, it provides resting and wintering habitat for ducks, Canada geese, tundra swan and a variety of other waterfowl.

Baker Creek has forested uplands of Douglas fir, bigleaf maple, red alder and Western red cedar along with relatively large areas of undeveloped habitat adjacent to the creek that are used extensively by wildlife, including sensitive species like the Northern red-legged frog. The confluence of Baker Creek with the Tualatin River main stem is being restored by Metro in partnership with the Tualatin Riverkeepers and is now known as Gotter Prairie, a 164-acre natural area with an uncommon wet prairie habitat that is home to rare Pacific Northwest species of flora and fauna.

Cedar Creek traverses densely urbanized areas in its lower reaches within the city of Sherwood. Notwithstanding the surrounding urban development, Cedar Creek has valuable intact natural corridors along the creek and high quality headwater reaches, with significant opportunities to protect and enhance fish habitat.

## **Refinement Process**

During the refinement process, Metro staff compiled available information about the Lower Tualatin Headwaters target area, analyzed maps and conducted biological field visits. Individuals were interviewed representing various governmental agencies, property owners, interested friends groups and natural resource experts. The key concerns expressed during the interviews are summarized in Attachment 1.

A public open house to discuss the proposed Refinement Plan was held on June 14, 2007 at the Tualatin Hills Nature Park Interpretive Center, one of eight such open houses held throughout the region. Notices of the open houses were mailed to area residents and other interested citizens. Metro also conducted a "virtual" open house by making target area informational materials, including maps, available "online" via the internet and allowing participants to share their target area priorities electronically. A total of 527 people attended the regional open houses, and the online open house had 6,363 visits from 3,419 unique

visitors. More than 700 target surveys were submitted either in person or online. A total of 16 people completed the Lower Tualatin Headwaters survey. A copy of the survey questionnaire is included as Attachment 2. The map associated with the questionnaire for this target area is included as Attachment 3, and complete survey results are included as Attachment 4.

## Findings

- The Lower Tualatin Headwaters target area, which is formed by the Chicken, Cedar and Baker creek watersheds in the southwest Chehalem Mountains, is a regionally significant natural area due to its wildlife habitat values and contribution to water quality in the Tualatin River Basin.
- Chicken and Cedar creeks are important water sources for the Tualatin River National Wildlife Refuge. Baker Creek is an important water source for the Gotter Prairie natural area.
- The biological assessment for this target area noted that within all three stream corridors there are areas that appear to offer opportunities to protect relatively high value habitat.
- Adjacent to Baker Creek there are relatively large areas of undeveloped habitat with extensive wildlife use, including sensitive species. The presence of red-legged frog was noted in the vicinity of Baker Creek and Gotter Prairie. This species (and others) would benefit from the protection of adjacent forested areas.
- Chicken Creek has been identified as steelhead spawning and rearing habitat. Steelhead are listed under the federal Endangered Species Act.
- The stands of large mature trees along the headwater streams of Chicken Creek and the springs and forested wetlands at the headwaters of the west fork of Chicken Creek have high habitat value.
- Along Cedar Creek are areas that provide a mix of forested upland, wetland and riparian areas at the confluence of streams.
- The Lower Tualatin Headwaters are outside the Urban Growth Boundary, primarily within unincorporated Washington County. The Rural/Natural Resource Plan provides the planning framework for this area.
- The Chicken, Cedar and Baker creeks are identified as "Significant Natural Resources" on the Rural/Natural Resource Plan (Water Areas/Wetlands/Fish & Wildlife Habitat).
- Washington County does not regulate forest or agricultural practices in the unincorporated area. Washington County does provide outreach, education and other incentives in coordination with agricultural resource agencies to support "best management practices" adjacent to the major streams. Clean Water Services water quality buffer standards do not apply outside of the UGB.
- Clean Water Services, in partnership with local jurisdictions and the watershed community, manages the surface water system of the urban portion of the Tualatin Basin. The target area is outside Clean Water Services jurisdiction. However, Clean Water Services evaluated and ranked the Chicken and Cedar creek corridors as part of the Healthy Streams Plan. The Healthy Streams Plan includes a wealth of scientific information related to watershed and stream management and identifies and prioritizes projects and activities that could be implemented to improve water quality. The Healthy Streams Plan found that the streams that ranked highest within the target area are mostly located in the upper reaches of Chicken Creek tributaries. Some small segments within the upper reaches of Cedar Creek also scored high.
- Cedar Creek flows through the City of Sherwood before joining the Tualatin River. The City of Sherwood has been securing dedication of the stream corridors and floodplains along the creek on an incremental basis to establish a greenway.

- Raindrops to Refuge, a community watershed stewardship group, has been working to assess, restore and preserve the ecological health of Sherwood's three watersheds, which include Cedar and Chicken creeks.
- Key themes from interviews with stakeholders relate to data availability, water quality and habitat, relationship to the Tualatin River National Wildlife Refuge, and trails and linkages.
- Sixteen people completed the Lower Tualatin Headwaters survey. Additional commentary was provided orally at the open house, most of which was consistent with the written responses. In rank order, the public priorities were:
  - 1. *Map area* D Protect areas along Cedar Creek that provide a mix of forested upland, wetland and riparian values at the confluence of streams and intact habitat areas.
  - 2. *Map area* A Protect lands along Baker Creek, particularly forested uplands and other intact habitat areas important to wildlife or used by sensitive species such as red-legged frogs and pond turtles.
  - 3. *Map area C* Protect stands of large mature trees along the headwater streams of Chicken Creek and the springs and forested wetlands at the headwaters of the west fork of Chicken Creek.
  - 4. *Map area B* Protect the natural areas associated with Chicken Creek's steelhead spawning areas.

## Goal

Protect lands within the Baker, Chicken, and Cedar creek watersheds in the southwest Chehalem Mountains that retain significant wildlife habitat and contribute to water quality in the Tualatin River Basin.

## Objectives

A target area map showing the tiered objectives described below is included as Attachment 5.

## Tier I Objectives

- Protect lands along Baker Creek, particularly forested uplands and other intact habitat areas important to wildlife or used by sensitive species such as red-legged frogs and pond turtles.
- Protect habitat areas along the headwaters and main stem of Chicken Creek.

## Tier II Objectives

- Protect wetlands, stream and creek corridors and floodplains for wildlife and water quality in the Cedar Creek watershed.
- Work with various government agencies to secure linkages to public areas including:
  - City of Sherwood to coordinate linkages along Cedar Creek, potentially connecting to Rock Creek and the Tonquin site, and a potential linkage between Sherwood and the Tualatin Refuge.
  - The Tualatin River National Wildlife Refuge to coordinate linkages to their holdings.

IN CONSIDERATION OF RESOLUTION NO. 07-3848, APPROVING THE NATURAL AREAS ACQUISITION REFINEMENT PLAN FOR THE LOWER TUALATIN RIVER HEADWATERS TARGET AREA

Date: September 13, 2007

Prepared by: Jim Desmond Kathleen Brennan-Hunter

## **BACKGROUND**—**REFINEMENT PROCESS**

The Natural Areas Bond Measure (Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection," adopted by the Metro Council March 9, 2006) provided that Metro would undertake a "Refinement Process" to "gather additional information about each individual target area and begin zeroing in on particular parcels that would be valuable to acquire" (Exhibit A to Resolution No. 06-3672B). In addition, the Natural Areas Implementation Work Plan (Resolution No. 07-3766A, "Authorizing the Chief Operating Officer to Purchase Property with Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," adopted by the Metro Council on March 1, 2007) authorized the Metro Chief Operating Officer to acquire properties without further Council approval if they have been identified on a Council-approved target area (confidential refinement map." To implement those directives, the Refinement Plans for each target area contain overall target area objectives and confidential tax-lot specific target area maps identifying priority properties for acquisition, enabling Metro staff to begin the acquisition of property and property rights as detailed in the Natural Areas Implementation Work Plan.

Additional background information, target area information, a description of the specifics of the refinement process regarding this target area, and the refinement plan's findings, goals, and objectives are described in further detail in Exhibit A to this resolution, the Lower Tualatin Headwaters Target Area Refinement Plan.

#### ANALYSIS/INFORMATION

#### 1. Known Opposition

None.

#### 2. Legal Antecedents

Resolution No. 06-3672B, "For the Purpose of Submitting to the Voters of the Metro Area a General Obligation Bond Indebtedness in the Amount of \$227.4 Million to Fund Natural Area Acquisition and Water Quality Protection," adopted on March 9, 2006.

The voters' approval of Metro's 2006 Natural Areas Bond Measure at the general election held on November 7, 2006.

Resolution No. 07-3766A "Authorizing the Chief Operating Officer to Purchase Property With Accepted Acquisition Guidelines as Outlined in the Natural Areas Implementation Work Plan," adopted by the Metro Council on March 1, 2007, established the Acquisition Parameters and Due Diligence Guidelines for the purchase of properties as part of the 2006 Natural Areas Bond Program.

## 3. Anticipated Effects

Acquisition of natural area properties in the Lower Tualatin Headwaters target area to achieve the goals and purposes of the 2006 Natural Areas Bond Measure.

#### 4. **Budget Impacts**

The FY 2007-08 budget includes budgetary authority to purchase \$35 million in natural area lands, with an additional \$15.4 million in contingency, if necessary. It is estimated, based on historical spending patterns, that this authority will be sufficient to cover the anticipated acquisition activity for this fiscal year. Additional unappropriated fund balance (\$64 million) exists for land acquisition in future years, along with the authority to issue up to an additional \$102 million in General Obligation bonds in support of this program.

## **RECOMMENDED ACTION**

Staff recommends adoption of Resolution No. 07-3848.

## Summary of Comments from Stakeholder Interviews for Lower Tualatin River Headwaters Target Area

## Stakeholder(s) Interviewed

Ron Garst, Tualatin Riverkeepers/Raindrops to Refuge Sue Marshall and Brian Wegener, Tualatin Riverkeepers Norman Penner, Friends of the Tualatin River National Wildlife Refuge Kendra Smith, Clean Water Services Julia Hajduck, City of Sherwood Andrea Vannelli and Aisha Willits, Washington County Bob Vanderzanden, Washington County Farm Bureau

#### **Key Themes Discussed**

Data availability about the three watersheds (Cedar, Chicken and Baker Creeks)

- Much more is known about Cedar and Chicken creeks.
  - Cedar and Chicken creeks have been studied by CWS as part of the Healthy Streams Report. These streams were described as some of the better quality headwater streams in the Tualatin Basin.
  - Raindrops to Refuge (R2R), a watershed stewardship organization, was formed in 2001 with representatives from the City of Sherwood, U.S. Fish and Wildlife Service, Friends of the Tualatin River National Wildlife Refuge, Audubon Society of Portland, Sherwood area schools and others. R2R prepared an action plan for Chicken, Cedar and Rock creeks in December 2003.
- Limited information is available about Baker Creek. CWS has limited data points, mostly based on visual study.

## Water Quality and Habitat

- Focus on protection of upland forested sites to get the most benefit for wildlife.
- Within CWS Healthy Streams study area Cedar and Chicken creeks were identified as relatively high quality systems.

## Relationship to the Tualatin River National Wildlife Refuge

- Chicken Creek is the main water source serving the largest unit in the Refuge which is open to the public.
- Chicken Creek protection could provide water quality benefit to the Refuge -- incoming flows were noted as increasingly "flashy" and sediment-loaded.
- Some of the cities have plans to interconnect existing parks and trails and the Refuge provides a good destination.

- The Refuge was planned at 3,000 acres, but only about 1,300 purchased to date due to limited funds. There are low wetland areas between the Refuge and Sherwood northwest of Highway 99 with willing sellers, but they haven't been able to subdivide portions to sell.
- Bird watching is an important tourist attraction in the Refuge.

## Trails and linkages

- Ideas for trails included a greenway trail along Cedar Creek, potentially connecting to Rock Creek and the Tonquin site, and potential link between Sherwood and the Tualatin Refuge.
- The City of Sherwood is expected to continue to grow and as riparian areas are brought into the City, they would likely be included as part of the City's system of parks and greenspaces.
- The City of Sherwood Transportation System Plan identifies a trail system along Cedar Creek and this will be reflected in the Brookman Road Concept Plan as well.

## Miscellaneous Comments

- Coordination is needed with CREP/ECREP program for voluntary protection of riparian areas in active farmland.
- Best views are from Roy Rogers Road across the Refuge toward Mt. Hood.
- Three Rivers Conservancy is involved in easements on Cedar and Chicken creeks in conjunction with CWS.

## QUESTIONNAIRE

## TARGET AREA: LOWER TUALATIN HEADWATERS

In November 2006 voters directed the Metro Council to extend a regionwide program and acquire between 3,500 and 4,500 acres of additional natural areas to protect water quality and fish and wildlife habitat and to provide future generations opportunities for greater access to nature. Now it's time for the Metro Council to refine priorities in the 27 regional natural areas and trail corridors targeted for acquisition. Initial estimates are that a minimum of 300 acres of land would be protected within this target area.

The Metro Council wants your ideas and input. We've been talking with scientists, land-use experts, groups and individuals who have special knowledge about the natural resource values and community visions for these areas. With this information Metro has begun to identify the potential strategies and opportunities that will achieve the best results. Now we need to know: Do we have it right? What have we missed? What is most important to you?

## 2006 NATURAL AREAS BOND DESCRIPTION FOR THIS TARGET AREA

Watersheds in the southwest Chehalem Mountains retain significant wildlife habitat value and include Chicken, Cedar and Baker creeks. Protection of riparian lands within these headwaters will safeguard water quality in the lower Tualatin River basin.

## **QUESTIONS**

- 1. The following priorities were identified in the Lower Tualatin Headwaters target area based on scientific information about benefits to water quality, habitat diversity, wildlife connectivity and/or restoration potential and from information provided by key stakeholders in the area. Rank in order of importance to you from 1 to 4, with 1 being the most important and 4 being the least important.
  - Protecting lands along Baker Creek, particularly forested uplands and other intact habitat areas important to wildlife or used by sensitive species such as red-legged frogs and pond turtles. (Map area A)
  - \_\_\_\_\_ Protecting the natural areas associated with Chicken Creek's steelhead spawning areas. (Map area B)
  - Protecting stands of large mature trees along the headwater streams of Chicken Creek and the springs and forested wetlands at the headwaters of the west fork of Chicken Creek. (Map area C)
  - Protecting areas along Cedar Creek that provide a mix of forested upland, wetland and riparian values at the confluence of streams and intact habitat areas. (**Map area D**)

# 2. In general, what should be emphasized in the Lower Tualatin Headwaters target area? Rank in order of importance to you from 1 to 5, with 1 being the most important and 5 being the least important.

- \_\_\_\_\_ Preserving and/or restoring wildlife habitat in the upland forests.
- \_\_\_\_\_ Protecting fish and aquatic habitat.
- \_\_\_\_\_ Protecting wetlands, stream and creek corridors and floodplains for wildlife and water quality.
- \_\_\_\_\_ Protecting the headwaters of creeks in the Lower Tualatin watershed for water quality benefits.
- \_\_\_\_\_ Creating and protecting connections for people and wildlife.

- **3.** Are there other priorities that the Metro Council should consider in the Lower Tualatin Headwaters target area? Please be specific.
- 4. In what ways can Metro's Natural Areas Program be compatible with agricultural uses in the Lower Tualatin Headwaters target area?
- 5. Do you have suggestions about partnerships Metro should pursue or other innovative ways to leverage regional funding and enhance this natural area?
- 6. Are you interested in participating in Metro's Natural Areas program by selling or donating your property or selling or donating a conservation easement on your property?

 $\Box$  Yes  $\Box$  No If yes, please be sure to provide your contact information below.

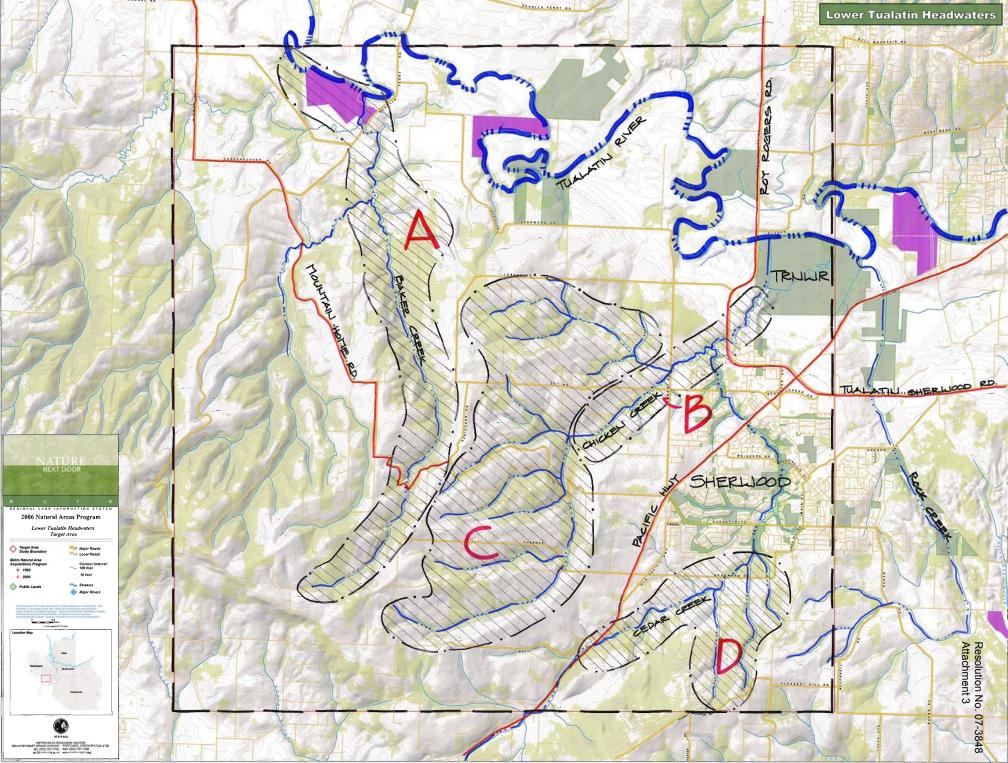
7. Do you have any other comments about this target area?

□ Please add my name to the Lower Tualatin Headwaters target area mailing list for future information, public meetings and events.

Name
Address
City/State/Zip
Phone
E-mail

You may complete this questionnaire online at www.metro-region.org/naturalareas

or mail it to Metro at 600 NE Grand Avenue, Portland, OR 97232 (503) 797-1741



## Lower Tualatin Headwaters Survey Results

1. The following priorities were identified in the Lower Tualatin Headwaters target area based on scientific information about benefits to water quality, habitat diversity, wildlife connectivity and/or restoration potential and from information provided by key stakeholders in the area. Rank in order of importance to you.

	most important			least important	Rating Average	Response Count	
Protecting lands along Baker Creek, particularly forested uplands and other intact habitat areas important to wildlife or used by sensitive species such as red-legged frogs and pond turtles. (Map area A)	46.2% (6)	0.0% (0)	15.4% (2)	38.5% (5)	2.46	13	
Protecting the natural areas associated with Chicken Creek's steelhead spawning areas. (Map area B)	23.1% (3)	15.4% (2)	38.5% (5)	23.1% (3)	2.62	13	
Protecting stands of large mature trees along the headwater streams of Chicken Creek and the springs and forested wetlands at the headwaters of the west fork of Chicken Creek. (Map area C)	14.3% (2)	42.9% (6)	21.4% (3)	21.4% (3)	2.50	14	
Protecting areas along Cedar Creek that provide a mix of forested upland, wetland and riparian values at the confluence of streams and intact habitat areas. (Map area D)	21.4% (3)	42.9% (6)	21.4% (3)	14.3% (2)	2.29	14	
	answered question						
	skipped question						

## 2. In general, what should be emphasized in the Lower Tualatin Headwaters target area? Rank in order of importance to you.

	most important				least important	Rating Average	Response Count
Preserving and/or restoring wildlife habitat in the upland forests.	6.7% (1)	40.0% (6)	13.3% (2)	26.7% (4)	13.3% (2)	3.00	15
Protecting fish and aquatic habitat.	13.3% (2)	6.7% (1)	40.0% (6)	33.3% (5)	6.7% (1)	3.13	15
Protecting wetlands, stream and creek corridors and floodplains for wildlife and water quality.	53.3% (8)	13.3% (2)	26.7% (4)	6.7% (1)	0.0% (0)	1.87	15
Protecting the headwaters of creeks in the Lower Tualatin watershed for water quality benefits.	26.7% (4)	26.7% (4)	13.3% (2)	33.3% (5)	0.0% (0)	2.53	15
Creating and protecting connections for people and wildlife.	0.0% (0)	13.3% (2)	6.7% (1)	0.0% (0)	80.0% (12)	4.47	15
					answered	question	15
skipped question							1

## 3. Are there other priorities that the Metro Council should consider in the Lower Tualatin Headwaters target area? Please be specific.

Re priorities for acquisitions of natural areas (under bond measure 26-80), top priorities should be given to Lower Tualatin Headwaters and Wapato Lake. Either or both of these would add unusual conservation opportunities, and either or both would enhance the ecological value of the Tualatin National Wildlife Reserve.

Purchase perfect habitats for state listed species as a top priority. All are declining statewide.

Water quality is of large concern.

Heaton Creek that empties into Baker Creek is endangered by trashed vehicles. In the canyon to the west of Mountain Home Rd are almost a dozen trashed vehicles, some lining the creekbed. This is on private property. I have asked Wash. County Land Use and Transp to investigate, but their code enforcement officer can't enter private property. I'm concerned that the persons living in that canyon are degrading Heaton Creek.

## 4. In what ways can Metro's Natural Areas Program be compatible with agricultural uses in the Lower Tualatin Headwaters target area?

Make good links between protected drainages and ditches in hayfields (there are many with shady barks) and the publicly owned streams. In some cases a bigger culvert or small bridge, if affordable, could be friendlier to wildlife.

Emphasis on the value of ongoing protection of these important natural resources for future generations.

Yes by making it tax advantageous for the farms to use low till fertilizers and pesticides, also use nature easements.

