

NATURAL RESOURCES COMMITTEE MINUTES

September 13, 2001

Metro Council Chamber

Members present: Councilor Carl Hosticka, Chair, Councilor Bill Atherton, and Councilor Susan McLain

Also present: Councilor Rod Park

Chair Hosticka called the meeting to order at 12:35 p.m.

1. CONSIDERATION OF THE MINUTES

The minutes of the September 5, 2001 meeting were moved by Councilor McLain, and approved by Chair Hosticka and Councilor Atherton without revision.

2. Goal 5 Upland Wildlife Criteria

Chair Hosticka said that the special meeting was held to cover the Goal 5 Upland Wildlife Criteria since that part of the agenda was missed the previous week, due to time constraints and to lengthy testimony. He said that the material to be covered was the staff's work to identify and refine criteria in order to map upland wildlife habitat according to State Goal 5 requirements.

Mr. Mark Turpel discussed the revised draft science paper, the Scientific Literature Review for Goal 5, which staff had compiled. The revised draft of this document is attached and forms part of the record. He discussed statistics found on page 78 in some detail. He talked about the important function that upland habitats play for wildlife, and he directed the committee to look at a table on page 82 to support his discussion. He said that Title 3 states that Metro shall establish criteria to define and identify regionally significant fish and wildlife habitat areas, which was why staff put together the scientific paper. The Vision Statement recommended by MPAC called for protecting and enhancing fish and wildlife. Also, the committee had passed a resolution directing Metro to set criteria and map the area region-wide, and to present that information to the committee in September. He said that to do the work the staff had been following the procedures of State Goal 5. He said the focus for the meeting was upland areas. He said the steps included; inventory, and ESEE analysis of the consequences – economic, social, environmental, and energy related consequences. That step would be followed by the program phase. He said that inventory had not been completed. The draft document for the scientific basis had been completed, as mentioned. He explained that Mr. Paul Ketcham, who was slated to speak at the meeting, was instead at the IMST (Independent Multi-disciplinary Science Team) meeting in Corvallis where they were reviewing the science paper. He warned that there might be further revisions on the paper because of the independent review. He said that staff tried to start by defining what a patch was. It was defined as one or more contiguous natural area resource land-covered types that when grouped together had an area equal to or greater than 2 acres.

Chair Hosticka asked if there were any sort of topographic width and length criteria on the two acres definition. **Mr. Justin Houk** said that basically it could be as long as it was but no smaller than 30 meters wide because those are the basic building blocks of the data that was used. **Mr. Turpel** said that was approximately 100 feet and would be the minimum width. He talked about different land-cover types that they got from satellite images taken in 1998. With that they then formulated 6 criteria based on the science paper. He briefly discussed the criteria functions listed in Attachment A of Andy Cotugno's memo dated 8/28/01, also attached for the record. He talked about large patches vs. small patches and the data that proved that larger patches (those more rounded in shape) had more wildlife, as opposed to the long thin sections. He said the next criterion that was looked at was connectivity to other patches. Those patches that had connection to other patches were ranked higher. The next consideration was sensitive

species richness living within the patch. The Oregon Natural Heritage Program specified 56 species that were listed at risk, and wherever those appeared in the region their habitat got higher ranking. The next criterion was connectivity and proximity to water resources. The next criterion was to maximize the interior habitat and minimize the edge effect. The sixth criterion took into consideration the habitats of concern, and special habitats for sensitive species. He mentioned that the Goal 5 Technical Advisory committee had gone through all the information and had made some comments. Those comments were noted on page three of the memo. He said that the Advisory committee was a little concerned with the scoring system. Since Metro was using a geographic area larger than the urban growth boundary, or the Metro jurisdictional boundary, that it may result in undervaluing fragmented patches inside the UGB.

Chair Hosticka asked if that was just in terms of a relative ranking, and not in terms of any absolute scores. **Mr. Turpel** said yes. **Mr. Houk** replied that Metro would still run the model for all the data and the database, but they would only use the rankings that were observed inside the Metro area for the relative ranking on the map. The results would be somewhat skewed by the large patches on the outside, but those are more valuable in the model. **Chair Hosticka** asked if they would score a lot higher. **Mr. Houk** replied that they would. **Chair Hosticka** wanted to be certain that they would not diminish the score of anything in the UGB. **Mr. Houk** said they would not. **Mr. Turpel** continued with other comments made by the Goal 5 Advisory committee (page 3, Andy Cotugno's memo). He said that he hoped the committee would approve continued work to refine the upland, wetland criteria. He said they hope to have an integrated uplands and riparian region-wide picture. He asked Mr. Houk to discuss the actual mapping.

Chair Hosticka asked to discuss the timetable first and then to discuss the maps. **Mr. Houk** went over the maps in detail (instead), covering the criteria as it applied to the maps, and as it made up the final region-wide map. As Mr. Houk started to discuss species richness, **Chair Hosticka** asked if when he was talking about species, he meant those on the sensitive list, as recommended by TAC. **Mr. Houk** said that was right. During the discussion on the criteria of Interior Habitat, Mr. Houk said that a patch with more interior habitat had higher value for wildlife habitat. The staff had used an interior buffer of 250 ft. to measure an interior habitat patch. There were six maps on display, and Mr. Houk said they took all 5 of the sub-criteria based maps and added them up, and ranked them to create the sixth map.

Chair Hosticka asked about the urban growth boundary issue. He asked if the map showed patches both inside and outside the boundary. **Mr. Houk** said yes. **Chair Hosticka** wanted to know if when looking at size, interior habitat, ext., those things that depend upon the shape, the staff was counting both inside and outside. **Mr. Houk** said yes. **Chair Hosticka** said that that meant that if there was a large amount of it outside, it would give that part of it that was inside, a little bit higher score than if it was not connected to something else. **Mr. Houk** said yes.

Councilor Atherton was concerned about the important riparian areas that had rich species diversity but got low scores because their interior habitat was small. He said that for many of the species involved in riparian habitat, they did not need a large interior habitat. **Mr. Houk** replied that the intent was to look through upland habitat thinking that the riparian criteria would measure and evaluate the very important riparian areas. He said the staff was accounting for the fact that the riparian area was important and relevant to the upland habitat. **Mr. Turpel** said that part of the problem was that they were only showing uplands and not riparian. He felt that one of the things that needed to be done was to show both of those things integrated. Then the committee would have the full picture. **Mr. Houk** said that they picked 250 ft. based on some of the research done for the science paper, as a significant measurement for upland areas. He said that he did not know how that related to the riparian species and areas. **Councilor Atherton** asked if it had been on-the-ground tested. **Mr. Houk** said that there had never been a formal on-the-ground test. He said that there was field work currently being conducted, where information collected out in the field would be evaluated against the models. **Mr. Turpel** said that they were doing field survey work to ground truth this. **Councilor Atherton** said that the reason he asked the question had to do with

the quality of some of the habitat. He gave an example of when he looked at the Wilsonville tract. In one area there was no ivy and there was an incredible diversity of species. Then when he walked across the creek, up into an ivied area, which was less than 200 feet away, and there was no animal noise. He said that just the presence of the ivy was very dramatic. He said that a good process of detection should protect the possibility of undiscovered pieces of rich habitat. He cited another case where undiscovered wetland that was being filled for development was creating controversy, and was of great significance. **Mr. Turpel** said that the issue under discussion applied more to riparian than upland. He said that there was a question that the councilors would need to consider, on the riparian side of things, regarding where Metro had cut off any area that drains in less than 50 acres. In looking at some inventories done by local jurisdictions, there were many more streams than what was shown because of the 50-acre plus limitation on the drainage area. He said that there was evidence of streams in the area that were not on the maps because they were less than the required size. **Mr. Houk** clarified a point about stream size, he said there was no systematic criteria that said that the only streams to be used drained 50 acres or more. Where the staff knew about streams that drained less, they had added them in. Therefore, it was a matter of using the best available information.

Councilor McLain said that she would couch what he just said with what she knew to be policy. She said that when you go back to Title 3 you would look at what had been done to determine regional significance. The Council had made some choices about 50 acres or less, with both the water quality issues and the flood mitigation issues. That was done for wetlands, and for certain types of streams. She said that information was provided by their partners on the field testing, and that the process was pragmatic. There had also been distinctions made between the Title 3 work, and the work for Goal 5. She said they felt it was possible that the Goal 5 elements and criteria would be different than the work for flood mitigation and for water quality. She anticipated that when the committee got to the amendment process there would be some streams added because of field testing, and because some internal habitats would demonstrate that they had regional significance. **Mr. Houk** said that in the current round of criteria, there was no criteria for drainage area for streams. He said that in Title 3 it was part of the process of building the stream network. Since then, as part of the Goal 5 process, the staff had asked their partners to make them aware of significant streams that needed to be removed or added, regardless of the drainage area. He added that they were not limiting streams in Goal 5 to those that drain 50 acres or more.

Councilor Atherton said that some of the upland habitat was critical to the survival of the streams. He wanted to know how the science paper addressed that. **Mr. Turpel** said that there were several chapters that addressed the things that they are talking about, but that even with a good treatment of the riparian areas, the streams were affected by outside contaminants that could create major problems in the groundwater. That was why the Council considered questions of storm water, watershed-wide planning, and so on. **Councilor Atherton** said that a poster child for that was Tryon Creek where the area along the stream was protected and yet the fish habitat was destroyed.

Chair Hosticka asked if what was showing up on the maps displayed at the meeting would also show up on a riparian map. **Mr. Houk** said that was correct. **Chair Hosticka** thought that at some point then, the overlap of upland and riparian would be evident, and therefore would show which of those upland areas would not be covered if it was done strictly under riparian. He said he would be interested in seeing that. He was curious to know if the committee would be significantly adding to the amount of area being considered by doing uplands, or if there was such a large overlap that it would be essentially the same process.

Councilor McLain said that in the riparian area they had a zone of influence. She asked if they felt that we have the same type of inventory protected, and a zone of influence for the uplands. **Mr. Turpel** said they had talked about the Goal 5 rule that provides for defining what is out there and then that is inventory. It also talked about defining impact areas. Those impact areas could be in the riparian and the uplands and the focus would be how to restore or improve some of the functions of those areas.

Councilor McLain asked if they were mapping, and were aware of, that type of information. **Mr. Turpel** said he felt that they had the ability to identify those types of areas. **Councilor McLain** said it was under the restoration potential. She said it was called the zone of influence in the science paper, but he had called it an impact area, so she thought it might be restoration potential. She said there should be a connection or footnote about that.

Chair Hosticka asked if there were any more questions on the maps. He said he wanted to discuss the timeline. He asked Mr. Turpel what his judgement was on that. He wanted to know at what point would the committee be looking at a regional uplands map. **Mr. Turpel** said he felt they had the ability to map the region-wide uplands fairly quickly, but his concern was when the 5 maps were combined would it give the clear picture they were hoping for. He thought it might happen next month but wanted to talk about it further before then. **Councilor McLain** said she thought Mr. Turpel was saying that he thought he could get it done fairly quickly. He said yes. She thought that the second part of the answer was that they were not sure what they would have. **Mr. Turpel** said they just want to be sure they have a clear picture where they relate to the riparian. He wanted to be sure that they could make putting the maps together work.

Chair Hosticka said it raised the question for him about how to think through the whole process, because in the end the goal was to have a fish and wildlife habitat protection program. Does that mean a fish habitat protection program and a wildlife habitat protection program as two separate things? **Mr. Houk** said that one of the problems in mapping both uplands and riparian was that it was an artificial distinction. That makes it hard to find a model that would do both jobs equally well. Therefore, the riparian model would not necessarily do a great job of giving value to upland wildlife areas and vice versa. It might be that they were independent of each other.

Chair Hosticka said that as far as he could see they were requesting approval to continue to refine the criteria, and that they would return soon with the revised criteria, and then apply that information region-wide. Mr. Turpel agreed (nodded his head). Chair Hosticka said that they were on a timetable to make some decisions a year from now. That would involve more than the fish and wildlife habitat protection, but also the entire urban growth boundary and regional plan elements, and that was an integral piece.

Councilor McLain said that Chair Hosticka had asked her to work on some public involvement pieces and she wanted to report back on that. She said she met twice with Gina (Whitehill-Baziuk) to try to determine what it means in the long term, and the short term, and what the available resources were. She wanted to get Gina on an agenda soon, and she wanted to connect her with Chair Hosticka. Also, she mentioned that she tried connecting with Washington County to work with folks from the extension group that have called us and asked if they could help us. They were also interested in coordinating with Metro on the Goal 5 issues as they go out to the public. She said they had an excellent meeting with the extension folks, who had some great ideas that were passed along to John Donovan. She mentioned the Vision West effort in Washington County and how it should be connected with Metro on this. She talked about work by different groups all over the region and how that could be connected to Metro's work so that there could be partnering. She gave an example of Washington County who wants to cosponsor open house events to set up displays. **Chair Hosticka** said that he appreciated her efforts, and that it was important to not only meet the legal requirements but to also engage people as much as possible because it impacts a lot of people. He said he appreciated her work on that.

Councilor Atherton said that the main thrust of the whole effort was to get at the issue of cumulative impacts. He was worried that they might violate a standard. He said that they had seen how the water quality act didn't drop the ball on that. He asked if there was a measurement process to put in place so that 5 years down the line we could say "this didn't work so can we revise the process?"

Mr. Turpel said that there was work being done on the Federal Clean Water Act in establishing the TMDLs for various different bodies of water that have not been established before, or they were factors that have not been looked at, that work was ongoing with DEQ. He felt that might be a way of setting the threshold below which you should not go, for individual rivers and streams. **Mr. Houk** said that the way they collected this information through the satellite imagery was automated and repeatable. So, Metro could get another satellite picture in 5 years and use that information in comparison to detect the changes. **Councilor Atherton** asked about the Clean Water Act and DEQ being another overlay that goes into the system. **Mr. Turpel** responded that the presentation next week would include the 303 D-listed streams, which were an identified state problem and needed to be addressed. **Councilor Atherton** said that comes back to the fact that we still don't have a real handle on the issue. He said that the moratorium statute the state provides for protection against irrevocable harm to natural resources, in essence means that you aren't going to do anything more until you figure out how to do it right. To his mind, it clearly applied to the issues discussed. It also fit Metro's stated goals and program to plan watershed by watershed. He pointed out that Metro was prevented under current law from imposing a moratorium.

Chair Hosticka said he thought Councilor Atherton's thoughts would be more salient at the next meeting when they saw the map.

3. Councilor Communication

There was none.

There being no further business, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Kim Bardes
Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF September 13, 2001

Document Number	Date	Document Description	RES/ORD
091301-01	9/13/01	September 5, 2001 Minutes for Natural Resources	
091301-02	August 2001	Metro's Scientific Literature Review for Goal 5, Revised Draft	