

NATURAL RESOURCES COMMITTEE MINUTES

October 17, 2001

Metro Council Chamber

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

Also present: Councilor David Bragdon

Chair Hosticka called the meeting to order at 1:40 p.m.

1. CONSIDERATION OF THE MINUTES

The minutes of the October 3, 2001 meeting were abbreviated minutes due to a malfunction of the tape recording system. The Councilors asked for more time to review them and they were, therefore, deferred to the next meeting.

2. UPDATE ON ESA LISTINGS

Ken Helm, Salmon Recovery Coordinator for Metro, submitted three memos for the record and summarized them for the committee. The first one was in the meeting packet and referenced the U.S. District Court Decision on Coastal Coho. The second memo was an Update on ESA Listings and Litigation, and the third was in reference to the State Riparian Policy. He also spoke about the 4-D Rule. He recommended to the committee that they suspend any further work pursuing the erosion control section of the 4-D limit until the end of the year, and then re-assess the legal status at that time. Or, roll that work into a program that follows our Goal 5 work. He felt that if the committee thought that was reasonable, then the next step would be to bring it to the Council in an informal session. He did not recommend that they abandon the effort; he felt they had a great outline of the analysis and data needed to do the application. **Councilor Atherton** asked if it was possible for the Council to decide on their own that they want to restore Coho to Tryon Creek and Johnson Creek. **Mr. Helm** said that the council had already made those sort of decisions. **Chair Hosticka** said that the short answer was yes. **Mr. Helm** agreed. **Councilor Atherton** said the issue was that they were trying to save the watersheds. **Chair Hosticka** asked if we had to wait until litigation was resolved and then start the 6 month clock ticking, or could we monitor the process so that we don't wait a year and then have another six months attached to that. Would it save time if we fold them together? **Mr. Helm** said in answer to the first question that there was work that could be done, which was data gathering. The most daunting part of the application would be to compile an environmental baseline for the area of application for the ordinance. In answer to the second question, part of creating the baseline was being done by the mapping. **Chair Hosticka** said that he didn't want to waste staff time on this since it was so tenuous, however he was equally concerned about losing time that we could never get back. He said he thought NMFS, and other people in the region, were looking at Metro to be leading the region in terms of its relationship to the Endangered Species Act. He would be concerned if we suspended activity that we would lose momentum. **Mr. Helm** said that at this point the jurisdictions were taking two approaches to try to comply with the law. One was for local governments to assess their vulnerability in dealing with the risks to fish, and using the 4-D Rule as a guideline. The second was that local jurisdictions were waiting to see who would go first. He said that some jurisdictions had filed and had been denied because NMFS had not yet set a standard for application. **Councilor McLain** said that there hadn't been any successful tries. With our limited resources and dollars we shouldn't put it at the top of our priority list yet. **Mr. Helm** said that there was a great deal of interest in doing the right thing for fish, some jurisdictions may turn those pieces of work into an application for a 4-D Limit sometime in the future. **Chair Hosticka** said that the Council had asked Mr. Helm to do this kind of work, and he thought that Mr. Helm was asking the committee to acknowledge that it might be better for him to spend his time doing other things in the short term, pending the resolution of those other uncertainties. **Mr. Helm** agreed that that was his question. **Chair Hosticka**

said the answer was yes. **Mr. Helm** asked if he should bring it to the council informal. **Councilor Bragdon** said no.

3. DRAFT STATEWIDE RIPARIAN POLICY

Mr. Helm gave a summary of his third memo, on State Riparian Policy. He also referred to the draft state policy located in the packet, both of which form a part of the record. He said that he had outlined a few proposed comments in the memo that the Executive Office had approved. He asked the committee to approve and add comments before he sent it off to the state. **Chair Hosticka** asked him when it was due. **Mr. Helm** said it was technically due on Monday, but that was a soft deadline and he had requested that we be given an extended deadline to provide comments. **Chair Hosticka** asked if the committee could have a briefing and then they could look at it in detail and revisit it at the next meeting. **Mr. Helm** said that would not make their stated/desired deadline, but he said that if Chair Hosticka wanted to do it that way, he could. Chair Hosticka said he was concerned about the time factor of the current meeting as there were people who wanted to give testimony. So, if it could be deferred, then he would like to have an in-depth discussion at the next meeting. **Mr. Helm** asked the committee members to give him their individual comments so that he could have it ready to go at the next meeting. **Chair Hosticka** said to suspend that and see if there was time to revisit it at the end of the meeting. **Councilor McLain** agreed with Chair Hosticka. She said she had questions for Mr. Helm about the coordination with other parts of the state. **Mr. Helm** said that he had not done coordination with other parts of the state. **Councilor Atherton** said the sentence "use the full range of available tools" jumped out at him. He wanted Mr. Helm to relate it to a watershed basis. **Mr. Helm** said that to his knowledge it had not been identified as a tool that was desired. He said that the statewide policy would not be as focused on what local governments could do on moratoria. They would be more oriented toward agency functions. He felt that Councilor Atherton's question was "how well oriented was the state toward a good riparian policy?" His answer was that he thought they were struggling with it. **Councilor Atherton** felt that Metro was ideally suited to that. **Mr. Helm** agreed and said that was why we should share some of our experience with them.

Chair Hosticka asked to suspend discussion on the Draft Statewide Riparian Policy and move on to the Regional Goal 5 discussion. He said that if there was time at the end of the meeting they would finish this, but otherwise they would individually review the memo and give him feedback. He asked Mr. Turpel if they could hear the public comment before his discussion. **Mr. Turpel**, Growth Management Department, said that was okay.

4. REGIONAL GOAL 5

Mr. Turpel said there was a gold sheet, Goal 5 Technical Advisory Committee, in the back of the room. This document is attached and forms a part of the record. **Chair Hosticka** asked for public testimony.

Riparian Corridor & Wildlife Criteria and Mapping

Public Testimony

Mr. Mike Houck, Audubon Society and the Coalition for a Livable Future, said that he was there to support the committee's adoption of the riparian and upland criteria. He said that the last time he testified he was a little equivocal about the uplands criteria. This was due to the discussions at the Goal 5 TAC and other committees, where concern was expressed. He said that after follow-up discussions with those folks he was convinced that the concern was over accuracy of the maps, and he felt that the criteria was solid for the maps. He said that when you look at the mapping that Metro's staff had done and compared it to local jurisdictions, the concurrency was 70-80%. He said we now need to discuss the 20-30% difference of opinion. He urged that we move forward with that effort. He said that all riparian resources

should be considered both as regionally significant and significant resources. He said that the importance of determining that was that we were maintaining our options to protect watershed health. He closed by saying that the committee should consider the letter that Mr. Helm submitted, and be sure to get it to the state. He felt that the issues that Mr. Helm had raised in the memo were important and significant.

Mr. Jamie Brown, Friends of Forest Park, submitted a letter for the record. He summarized the comments in the letter, which is attached and forms a part of the record.

Chair Hosticka mentioned three letters, one from the Port of Portland, one from Liz Callison that she would email to the Chair, and one from The US Fish and Wildlife Service, for the record. All three letters were attached and form a part of the record.

Mr. Bill Kirchner, US Environmental Protection Agency, said that the EPA was supportive of the upland and riparian mapping approach that the staff had done. He felt the results would be a high quality map. He submitted his comments in written form and the document is attached and forms a part of the record. He discussed whether the agricultural areas should be mapped separately so that they will not be precluded from consideration during the next step. **Chair Hosticka** said that the same issue was raised in the Fish and Wildlife letter, and that the committee would have to consider what they do about that. He said it was helpful to have the EPA keeping touch with the process.

Mr. Kelly Ross, Home Builders Association of Metropolitan Portland, submitted a letter for the record and summarized the main points therein. He commented on the upland criteria. He said that he understood that the starting point for the mapping inventory program was a very broad aerial analysis. His concern was that seemed at odds with the basic thrust of the Goal 5 administrative rules that were premised on documented/actual habitat that shows the actual presence of the wildlife species. So given that, they would suggest that the starting point for the program be somewhat narrow. Perhaps start with the state or federal agency maps on wildlife habitat and from there apply the criteria that Metro had developed. He said that only two of the six criteria used actually contemplated the actual presence of wildlife. **Chair Hosticka** asked if he was commenting on the riparian corridor. **Mr. Ross** said not at this time, but that they had commented on it previously. **Chair Hosticka** said that the upland criteria was still "in play," and that they had not zeroed in on too much at the moment. He said that Mr. Ross' comments were timely, and that the committee would need to take more time to study those issues.

Mr. Brent Curtis, Planning Manager for Washington County, but speaking for Tualatin Basin Goal 5 Steering Committee. At the last meeting he had presented a letter from the coordinating committee where they asked for some extra time and notice. He said that he understood that the schedule had been adjusted to allow for extra time. He was concerned that they received the most current map so that they could compare them to several other things that address the existing inventories. Secondly they wanted to be able to compare the maps to the Clean Water Services Watersheds 2000 inventory. He felt that the Clean Water Services inventory was not complete, and they wished that they would take more time to clean the inventory up. He wanted to compare their maps with Metro's maps. He said they were trying to comply with the committee's schedule to meet the November 7th deadline. He was concerned about how well that package would be put together within that time frame. **Councilor McLain** said she was surprised about his comment on the Watershed 2000 not being complete. She said that they had been given an update at WRPAC, and the impression was that it was complete. **Mr. Curtis** said that it was complete to the extent that they contracted for the services for the inventory. Three firms had gone out to the field and compiled all the data into a GIS map. That work was done for the Clean Water Act and ESA purposes. It was not complete in regard to taking a mass of unrefined work and paring it down to refined information. **Chair Hosticka** wondered if we would have been further along had we been out walking around to produce the maps. **Councilor Atherton** said that if we had done that then we would not have been able to access the cumulative impacts.

Ms. Lise Glancy, Port of Portland, had submitted a letter for the record the day before. That letter is attached and forms part of the record. She said that they supported Metro's programmatic approach to Goal 5, and the riparian and wildlife criteria, and they think it was scientifically grounded.

End of Public Testimony

Mr. Turpel referred to the goldenrod sheet that summarized a Goal 5 Technical Advisory Committee Meeting, and that document is attached and forms a part of the record. He said that the committee basically supported the approach that Metro staff had proposed on how to treat developed floodplains and forest canopy. They did endorse the riparian corridor criteria. **Chair Hosticka** asked him if they endorsed the application of the criteria on the developed floodplains. **Mr. Turpel** said that they did. He said they had consensus on the criteria, and they thought it was time to move forward with making decisions about what were significant resources and regional resources. He also spoke about the MTAC meeting held earlier in the day. They basically approved a motion recommending that the criteria on riparian corridors were depicted properly on the maps, and that the Metro committee should move forward. They felt that when the significance decisions were made, Metro might want to make judgment calls on site ranking. They thought Metro might want to bump up or down some site rankings depending on other more specific considerations. **Chair Hosticka** said that if people wanted to suggest reasons for bumping rankings up or down, he wanted them to submit very explicit reasons because they become additional criteria for determining significance and regional resources. **Councilor McLain** said she felt that Metro had a very good map amendment process. The committee was aware that the maps change and have already divided some of those changes into map errors and map changes. She felt that the established process would take care of changes/errors as they were discovered. She wanted to know if MTAC had made any specific statement as to what they were looking for from Metro regarding changes to maps and the existing models. **Mr. Turpel** said they had not commented on the models. Many proposed changes were actually made. There was some confusion on a few requests for map changes, so there were some outstanding errors that the staff could not correct yet. **Councilor McLain** said that there were processes in place for map errors and map changes. She said that regarding changing a flood plane to a different level or criteria, this cannot be done without specific guidelines. She suggested that there should be a process to this requiring supportive documentation. **Chair Hosticka** said that no criteria had been formally adopted yet, so if someone wanted to submit criteria changes they would have to do so before the next meeting so that the committee could consider the choices.

Councilor Atherton said that there had been a case where a wetland had been filled for development and Metro could not stop that from happening because it was not on our maps. He asked if the process currently under consideration could potentially give Metro the ability to prevent this type of action. **Mr. Turpel** said that there would be some wetlands that were not on the maps. **Councilor Atherton** said that the TAC was trying to rank and consider the inclusion of agricultural lands, he wondered if there was any discussion of backyard protection. **Mr. Turpel** said that they were looking for wildlife protection of 2-acres or larger in size. Metro might want to consider educational programs for nature-scaping for backyards. **Councilor Bragdon** asked if the policy resolution would go to MPAC next week. **Mr. Turpel** said yes. **Councilor Bragdon** said it would be good to get that reinforced. **Mr. Turpel** said he thought they would make that deadline.

Public Involvement

Ms. Gina Whitehill-Baziuk, Public Involvement, said that staff was asked to put together a public involvement and communications strategy in concert with members of the committee. This was to support the vision set forth for the Natural Resource Committee and Fish and Wildlife habitat. She submitted and summarized the Goal 5 Outreach Plan, which is attached and forms a part of the record. She said that the plan would change as the committee moved forward into the ESEE analysis and into the steps for adoption of the program. She said that they had a newsletter that she thought would be mailed on Monday

to approximately 90 thousand citizens. It was also an opportunity to piggyback many other things going on at Metro. They were also revamping the hot line and the web site. Citizens should receive the mailing about 5 days before the next Natural Resource meeting. Members of the media would also be briefed.

Councilor McLain said that the program was flexible so that the councilors could use some of the materials to take to other groups. She asked that the councilors review the materials and make sure that all groups were being notified and serviced. **Chair Hosticka** thanked Ms. Whitehill-Baziuk for putting the program together. He said he was happy to see such a broad effort. **Councilor McLain** said that she felt that this was a good example of how the communications staff had outdone themselves.

Staff Discussion Paper Concerning Significant and Regional Resources

Mr. Turpel submitted a draft document on significant resources and regional resources. It is attached and forms a part of the record. He summarized the document for the committee. He said that the staff did not have any recommendations yet. **Councilor McLain** asked if Mr. Turpel had connected what was learned about the acknowledgements from the state to the regional aspects and Goal 5. **Mr. Turpel** said that needed to be added to the list of changes to the white paper. He continued to summarize the document. **Councilor Atherton** was glad to see the move from 50 acres down to 10 acres as an upland area to protect. He felt that watersheds were not all made the same and needed to be treated on an individual basis. **Chair Hosticka** said that this was an evolving document. He said that to minimize the confusion, each time the document was revised it needed to be indicated on the document cover. There would be additional categories besides width and length. Also, the committee would need to decide whether or not to include a criterion about sites that have unique or special characteristics. He thanked Mr. Turpel for the white paper and discussion.

Testimony

Ms. Liz Callison, Member of West Multnomah Soil & Water Conservation District and alternate of WRPAC, said she would email her testimony for the record as she forgot to bring it. She asked the committee to forward to the Metro Council a request that she be allowed to represent her district. She thanked the committee.

5. COUNCILOR COMMUNICATION

There was none.

There being no further business, the meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Kim Bardes
Council Assistant

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ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
 October 17, 2001

Document Number	Date	Document Description	RES/ORD
101701-01	10/16/01	Memo from Ken Helm, Metro to the Natural Resources Committee, Metro Council, Mike Burton re: Update on ESA Listings and Litigation	
101701-02	10/15/01	Memo from Ken Helm, Metro to the Natural Resources Committee re: State Riparian Policy	
101701-03	10/17/01	Determining Significant Resources and Regional Resources Meeting State Goal 5, Natural Resources, on a Region-wide Basis – A Discussion Paper	
101701-04	10/17/01	Letter from David Patte, Friends of Forest Park, to Carl Hosticka, Chair of the Natural Resources Committee re: Adopting the Criteria for Mapping Uplands Habitat and Riparian Areas	
101701-05	10/17/01	Summary from the United States Environmental Protection Agency Region 10, Oregon Operations Office, re: EPA Support of the Upland/Riparian Mapping	
101701-06	10/17/01	Memo from Kelly Ross, Home Builders Association of Metropolitan Portland, to Carl Hosticka, Chair of the Natural Resources Committee, re: Concerns Regarding the 8/28/01 Draft Upland Criteria Matrix being in compliance with Goal 5	
101701-07	10/17/01	Memo from Neal Coenen, Oregon Plan for Salmon and Watersheds, re: Review of Proposed Statewide Riparian Policy	
101701-08	10/16/01	Letter from Lise Glancy, Port of Portland, re: Metro Regional Goal 5 Riparian Corridor and Wildlife Criteria	
101701-09	10/17/01	Fax Letter from Jennifer Thompson, US Fish and Wildlife Service, re: Metro Goal 5 Inventory	
101701-10	10/18/01	Email Letter from Liz Callison, West Multnomah Soil and Water Conservation District, re: Criteria – Goal 5 Resources, Metro Regional Functional Plan, Title 3	
101701-11	10/12/01	Goldenrod Sheet – Goal 5 Technical Advisory Committee, Recommendations and Observations concerning Riparian Corridor and Wildlife Habitat Criteria and Mapping	
101701-12	10/16/01	Memo from Andrew Cotugno, Metro to the Metro Natural Resources Committee, re: Goal 5 Outreach Plan	