

NATURAL RESOURCES COMMITTEE MINUTES

December 5, 2001
Metro Council Chamber

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

Also present: Councilor David Bragdon

Chair Hosticka called the meeting to order at 1:12 p.m.

1. CONSIDERATION OF THE MINUTES

The minutes of the November 7, 2001 meeting were moved by Councilor McLain. Councilor Atherton asked that his statement on the first page be amended to read: "Councilor Atherton asked about using the state moratorium provisions to address issues of cumulative impact." The Committee voted unanimously approving the minutes as modified.

The minutes of the November 19, 2001 meeting were moved by Councilor McLain and unanimously approved by the Committee without revision.

The minutes of the November 21, 2001 meeting were moved by Councilor McLain and unanimously approved by the Committee without revision.

2. Resolution No. 01-3135, For the Purpose of Authorizing the Executive Officer to Sell Metro Real property I the Fanno Creek Regional Target Area

This legislation has been removed from the agenda for further research.

4. Resolution No. 01-3133, For the Purpose of Authorizing the Executive Officer to Execute a Sole Source Contract with Ducks Unlimited for Fish Monitoring Services at Metro's Multnomah Channel Properties

Charlie Ciecko, Parks Director, introduced Jim Morgan, Natural Resources Manager. **Mr. Morgan** said that Ducks Unlimited has been very instrumental in assisting Metro to obtain \$262,000 in federal grants to enhance and restore the Multnomah Channel properties. They also constructed the two water control structures. The National Marine Fisheries Service and US Fish and Wildlife Service require three years of fish monitoring for collection of data. Due to their interest, support and assistance, the purpose of this legislation is to request a sole source contract be executed as Ducks Unlimited is named as the key implementer in a second grant of \$43,170 from the US Environmental Protection Agency.

Motion: Councilor Atherton moved Resolution No. 01-3133.

Vote: The Committee unanimously approved this resolution with Councilor Atherton to carry it to Council.

3. Resolution No. 01-3141, For the Purpose of Establishing Criteria to Define and Identify Regionally Significant Fish Habitat and Approving a Draft Map of Regionally Significant Fish Habitat Areas

Chair Hosticka asked Ken Helm, Legal Counsel, to review this legislation. **Mr. Helm** briefly summarized the document and explained the following data needed to be added to complete the document. 1) WRPAC's (Water Resources Policy Advisory Committee) written recommendation on significant resources and regional resources; and 2) the Goal 5 TAC (Goal 5 Technical Advisory Committee) written recommendation on significant resources and regional resources. These documents are available and will be inserted. At the last committee meeting, all six of the bulleted items on page 3 were submitted to the members.

In the "Be It Resolved" section, the range of decisions identified by number include:

1) a determination that the information received on location, quantity and quality of riparian corridors in the region is adequate for a significance determination; 2) that the Committee has a map of identified resource sites and significant riparian corridors within those resource sites; 3) the link has been identified between Metro's Functional Plan use of "regionally significant fish habitat" and the Goal 5 definition for "regional resources for riparian corridors;" 4) the list of criteria that the Functional Plan requested the Council to adopt to identify these regionally significant fish areas; 5) identify through application of those criteria to the map of significant riparian corridors, those areas which are regional resources and would be the subject of subsequent steps in the Goal 5 process including the ESEE analysis and the program; 6) and 7) things that might occur in the future to the draft map, which is amendable at the staff level until the time for map corrections is closed, before the final decision is made; 8) identifies a parallel work product on wildlife habitat that is not ready for committee decision; 9) identifies direction to staff to provide information to the Committee about potential impact areas, which is the very next step in the goal 5 process. It would identify areas that might have an impact on the resources selected by the Committee; 10) a notice to interested parties that this resolution is not making a final decision on what these resources are, and that it is not making a final decision on an ESEE determination or a program.

Chair Hosticka opened a public hearing.

Barbara Kesel, 1211 NE Tillamook, Apt 5, Portland, OR 9712, spoke in support of access to nature and fish wildlife and habitat protection. She supported mapping all riparian habitats.

Nancy Hall, 4557 NE 40, Portland, OR 97211, supported efforts to plan and restore, and keep habitat available.

Brent Curtis, 155 N. First, Hillsboro, OR 97219, Planning Manager, Washington County, provided the committee a letter from the Tualatin Basin Natural Resource Coordinating Committee, which is attached to and included in the permanent record of this meeting. The large maps he referenced are also in the information he provided the committee. His letter stated the Tualatin Basin Natural Resource Coordinating Committee's conclusion "that the central policy issue when considering 'significant resources' and 'regional resources' is the delineation of those resources which will be subject to further regional consideration and those resources which will be, from this point forward, considered and protected through local government planning

programs.” He referenced and reviewed previous correspondence dated November 23, 2001 and November 15, 2001 which are included with his letter.

Councilor Atherton said our primary purpose now is identifying and mapping, and not working out the governmental process. **Mr. Curtis** responded that both of their approaches are centered around providing advice and recommendations regarding what a “significant” resource was and what a “regional” resource was. The basin approach has greater next-step benefits.

Chair Hosticka noted the following letters for the record.

Tualatin Riverkeepers support going further and mapping all surface waters of the state.

The Port of Portland supports using primary and secondary resources as significant, but mapping as regional resources what is known as Option 3.

The City of Hillsboro letter and booklet submitted primarily supports Mr. Curtis and Washington County testimony.

Matt Stime, 3962 SE Oak, Portland, OR 97202, is a Tigard City Forester representing the City of Tigard. He spoke in support of Metro and its work.

Nadine Morris, 106 SE 71st, Portland, OR, commended Metro for its plan.

Chair Hosticka closed the public hearing.

Chair Hosticka suggested the blanks in the “Whereas” section of Resolution No.01-3141be filled in and asked **Mr. Cotugno**, Planning Director, and **Mr. Turpel**, Planning Manager, to review the document.

1) WRPAC ‘s written recommendations, attached to and incorporated in the permanent record of this meeting, were, among others, that all “waters of the state” be included. Not all waters of the state are represented on the current maps before the Committee. **Councilor McLain** commented that WRPAC had asked the staff to review the definition of “waters of the state” and compare it to the maps, with the staff recommending to Committee whether or not the definition was legitimate. **Mr. Cotugno** said he would bring back a specific recommendation.

2) Goal 5 TAC recommendations, attached to and incorporated in the permanent record of this meeting, were that what is currently identified on the maps as developed floodplains, be called water storage, and identified as a secondary function; and that developed floodplains not be counted as primary or secondary functions for channel dynamics function. Also, that any forest patches within 780 feet of a stream be recognized and included as secondary criteria. This recommendation would not alter Resolution No. 01-3087 which was passed by Committee in July, 2001.

3) MTAC’s (Metro Technical Advisory Committee) recommendations, attached to and incorporated in the permanent record of this meeting, contained the basin approach, although they have not selected an option. They will be meeting next week and making a final recommendation which will be entered into the record.

There has not been a submission from MPAC (Metro Policy Advisory Committee) in the way of a formal recommendation.

Chair Hosticka addressed the “Be It Resolved” on page 4:

1. The changes in the criteria between Resolution No. 01-3087 and this draft Resolution No. 01-3141 are:

- a) the reduction from six criteria to five;
- b) developed floodplains will be treated as secondary score;
- c) channel dynamics includes developed floodplains in the secondary area; in effect, the Committee is considering developed floodplains getting one point rather than two.

Chair Hosticka recommended a motion be made to adopt the WRPAC recommendation which would be different from the inventory document and on page 9, remove the words “develop floodplains under large wooded channel dynamics.” His recommendation means that the developed floodplains would get one point under streamflow moderation and water storage, but would not be scored under Large wood and channel dynamics.

Motion: Councilor McLain moved Chair Hosticka’s recommendation.

Vote: The motion passed unanimously.

Mr. Cotugno stated that the third area is a recommendation from Mr. Burton that in the organic material sources there also be a primary area that recognizes grasslands within the first 50 feet that would be added as part of the primary definition.

Motion: Councilor McLain moved that grasslands be added to organic material sources as a second component to that criteria.

Vote: The motion passed unanimously.

Chair Hosticka said that Microclimate and shade not be changed from the original legislation passed in July, 2001. **Councilor McLain** said it would be addressed in the ESEE analysis section.

Motion: **Chair Hosticka** moved that Exhibit A, page 9, “Microclimate and shade” be consistent with the Resolution passed by Council in July, 2001.

Vote: The Committee voted unanimously supporting Chair Hosticka’s motion.

Motion: **Chair Hosticka** moved adoption of Exhibit A as the inventory document and declared it contained adequate information to determine location, quantity and quality of the riparian corridor resources in the Metro region.

Vote: The Committee unanimously adopted the motion.

2. **Chair Hosticka** continued the “Be It Resolved.” The Goal 5 TAC, WRPAC and the Executive Officer made specific recommendations for an Exhibit B. **Mr. Cotugno** said that the three above-mentioned entities all recommended that the full inventory, primary and secondary resources, be defined as the significant resources. These are described on the map labeled Exhibit B, “Proposed Resource Site & Riparian Function Mapping,” which is attached to and incorporated in the permanent record of this meeting. This map would be revised before final adoption, based upon changes in the criteria. The Tualatin Basin recommendations outline a different manner in determining what is significant. Their map is not available for inclusion in the record. The other maps the Committee reviewed, which are attached to and incorporated in the permanent record of this meeting, are:

Regional Resources Option 1, “Proposed Riparian Corridor and Significant Resources;” *Rating of one point or greater, all primary and secondary functions;*

Regional Resources Option 2, “Proposed Riparian Regional Resources;” *Rating of three points or greater, some secondary and all primary functions;*

Regional Resources Option 3, “Proposed Riparian Regional Resources;” *Rating of six points or greater, all primary functions;*

Regional Resources Option 4, “Proposed Riparian Regional Resources” *Rating of 12 points or greater, two or more primary functions.*

Councilor McLain addressed “significant resources.” She urged that the Committee adhere to the science paper and findings. She accepted the WRPAC and Goal 5 TAC recommendations regarding significant resources. **Councilor Atherton** agreed with the material presented, except that errors can be easily created using a street system, i.e., Sunnyside Road.

Mr. Cotugno referred to a white paper in which significant resources were defined and which offered other criteria which has been available for comment. It is attached to and incorporated into the permanent record of this meeting. **Chair Hosticka** said to date, interest in the other offered criteria had not generated comment.

Mr. Helm said that staff has attempted to map all of the streams they are aware of, and the term “waters of the state” is a very expansive term used in the State’s fill and removal law, which could possibly result in a significant number of miles of additional streams added to the maps. He recommended that if the Committee wanted to consider waters of the state, that the staff be directed to figure out where that might be, and try to evaluate the information before a regional resource decision is made.

Councilor McLain said, based upon staff’s comments, it would not be appropriate to suggest an amendment stating “all of the waters of the state.” She stated WRPAC would probably agree.

Motion: **Councilor McLain** moved that significant Goal 5 resource sites containing riparian corridors be mapped as those that have primary and secondary functions as the modified criteria apply.

Vote: The motion was adopted by the Committee as a recommendation.

3. **Chair Hosticka** addressed a parallelism in language: The Metro Council has used the term “regionally significant” in the Growth Management Functional Plan to mean the same as

“regional resource” as defined under the State Goal 5 Administrative Rule. **Mr. Helm** said that he recommended its use in this resolution to apply to Title 3 of the Functional Plan because of its relationship to the Goal 5 Rule. The interpretation is that regionally significant fish habitat will be equated with Goal 5 regional resources for riparian corridors. Its purpose is to clarify that Metro is following the Goal 5 Administrative Rule, its processes and definitions.

Chair Hosticka suggested and the Committee had no objection, that in the “Be It Resolved,” the Committee accept number 3 in the draft.

4. **Chair Hosticka** referenced a document entitled “Criteria defining regionally significant riparian corridors” which is attached to and incorporated in the permanent record of this meeting, has been suggested by staff for determining regional significance. Also to be considered is the criteria submitted by Mr. Curtis.

Chair Hosticka briefly reviewed staff’s suggested criteria for defining “regionally significant” as being science based, utilize a watershed approach, that it have multi-species benefits, that it promotes connectivity, protects hydrology, provides potential for restoration, meets requirements of State Goal 5, meets goals in the Vision Statement adopted by MPAC, and that it is likely to address the ESA requirements. **Councilor McLain** questioned restoration potential, as it deals with impact areas, and additional incentives. She asked staff what it does to the criteria with regard to weight – that it has an appropriate weight or that we understand that the weight balances what Goal 5 says about riparian and impact areas. **Mr. Helm** replied that the last point of the “recitals” addresses the range of tools to be applied in a program. **Chair Hosticka** said these are not determinative criteria, but are in place to provide guidance. **Mr. Helm** recommended that the Committee adopt a list of criteria.

Chair Hosticka recommended the document entitled Exhibit B “Criteria defining regionally significant riparian corridors” be submitted with the request that staff analyze other criteria suggested for consistency with, or, as supplemental material.

Chair Hosticka moved on to “regional significance.” He asked Mr. Cotugno and Mr. Turpel to explain the maps and the recommendations received to date. **Mr. Curtis** presented the “basin approach.” He said the “basin approach” understands the discussion of science, and the treatment of significant resources, however, another fundamental element is sharing the responsibility of the whole of the Goal 5 process. Deference is shown to Metro to define inventory, significance, and regional, and a large amount of deference is shown to the basin as a whole to provide the ESEE and the program pieces. The basin approach makes it possible to work very closely with the Metro Council and staff. **Councilor Hosticka** expressed his concerns about this approach. **Councilor McLain** commented that she wants it to work, to use resources appropriately and to work together. **Mr. Curtis** said the terms need to be clear, and with a commitment, work could progress quickly. It would be a working exercise – working together. The “basin approach” would cover both ESEE and the program, not done simultaneously.

Chair Hosticka summarized the choices of the Committee to be recommended to the Council.

A) The Council could adopt, without any further comment as recommended by WRPAC, Goal 5 TAC, and a number of other people, Option 1 (all resources designated as significant would also be designated as regional); B) To utilize choice A and consider a basin approach simultaneously; C) To adopt, as suggested by the Port of Portland and implied by Mr. Cotugno and the Executive

Officer as regional, what is listed as Option 3, anything that receives a score as a primary function, and use Resolve No. 9 to direct staff to designate the secondary areas as “areas of influence,” and move them forward to the ESEE and Program Analysis. **Mr. Helm** suggested not forwarding Exhibit D with this resolution. The mapping decision could be made later by the Council. **Councilor McLain** suggested MPAC review the three choices identified and respond to them.

Motion: **Councilor McLain** moved this resolution as discussed and amended with the Committee recommendation on what is significant, and the three summarized choices for what is regionally significant.

Chair Hosticka reviewed the information being voted on. They are: inclusion of the WRPAC recommendation, the Goal 5 TAC recommendation, the MTAC recommendation as it exists today, and to adopt the inventory document as amended, to use all primary and secondary resources as defining what is significant.

Vote: The vote was unanimous.

Points 6 through 10 will be forwarded to Council as outlined.

5. Councilor Communication

There being no further business, the meeting was adjourned at 3:50 p.m.

Respectfully submitted,

Patricia Mannhalter
Council Assistant

:pm

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
 December 5, 2001

Document Number	Date	Document Description	RES/ORD
120501.01	November 23, 2001	Email from John Frewing to Presiding Officer David Bragdon re: support of Metro's functional guidelines	
120501.02	December 4, 2001	Letter from Ms. Gilah Tenenbaum to Metro Council re: support for proposed Tualatin River acquisitions	
120501.03	December 4, 2001	Letter from Lise Glancy, Port of Portland to Chair Hosticka and Natural Resources Committee re: support for significance determinations based on ecological and natural resource values; functional criteria appropriated used for significance determinations using primary and secondary functions; and riparian corridors be considered as significant	
120501.04	December 5, 2001	Letter from Sue Marshall, Tualatin Riverkeepers to Metro Council and Natural Resources Committee re: comments on mapping, significance and regional resource determinations and Tualatin Basin Proposals	
120501.06	December 5, 2001	Letter from Mayor Tom Hughes, City of Hillsboro to Chair Hosticka and Natural Resources Committee re: Metro Determination of Significant and Regional Riparian Corridor Resources	
120501.07	November 19, 2001	Significant Resources, Regional Resources and Riparian Corridors Recommendations of the Water Resource Policy Advisory Committee	
120501.08	November 16, 2001	Goal 5 Technical Advisory Committee Recommendations Concerning Riparian Corridors, Significant Resources and Regional Resources	
120501.09	November 28, 2001	Metro Technical Advisory Committee Recommendations Concerning Riparian Corridors and Regional Resources	
120501.10		Exhibit C to Resolution 01-3141,	

		Criteria defining regionally significant riparian corridors	
120501.11	October 17, 2001	A Discussion Paper: Determining Significant Resources and Regional Resources presented to the Natural Resource Committee by the Planning Department	
120501.12	November, 2001	Draft Metro's Riparian Corridor Inventory	