

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL/EXECUTIVE OFFICER INFORMAL MEETING
DATE: July 23, 2002
DAY: Tuesday
TIME: 2:00 PM
PLACE: Council Annex

CALL TO ORDER AND ROLL CALL

- I. UPCOMING LEGISLATION**
- II. ESEE AND GOAL 5 UPDATE**
- III. EXECUTIVE OFFICER COMMUNICATION**
- IV. COUNCILOR COMMUNICATIONS**

ADJOURN



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Metro Council / Executive Officer Informal

July 23, 2002

Agenda Item II. ESEE and Fish and Wildlife Habitat (Goal 5) Update

1. Program Overview

- three steps: inventory, ESEE and program

2. Inventory and Three Resolutions

- Riparian Corridors (Resolution 02-3176)
 - revisions to draft maps a/c Council direction from resolution 01-3141c
- Wildlife Habitat (Resolution 02-3177)
 - consideration of draft criteria
 - consideration of which mapped resources are regionally significant
 - advisory committee recommendations
- Public Comments and Staff Responses
 - map corrections
 - inventory policy issues
 - ESEE issues to be addressed
 - Program issues to be addressed
- July 31, 2002 Natural Resource Committee meeting
- Combined Map and consideration of Local Plan Analysis (Resolution 02-3218)

3. ESEE

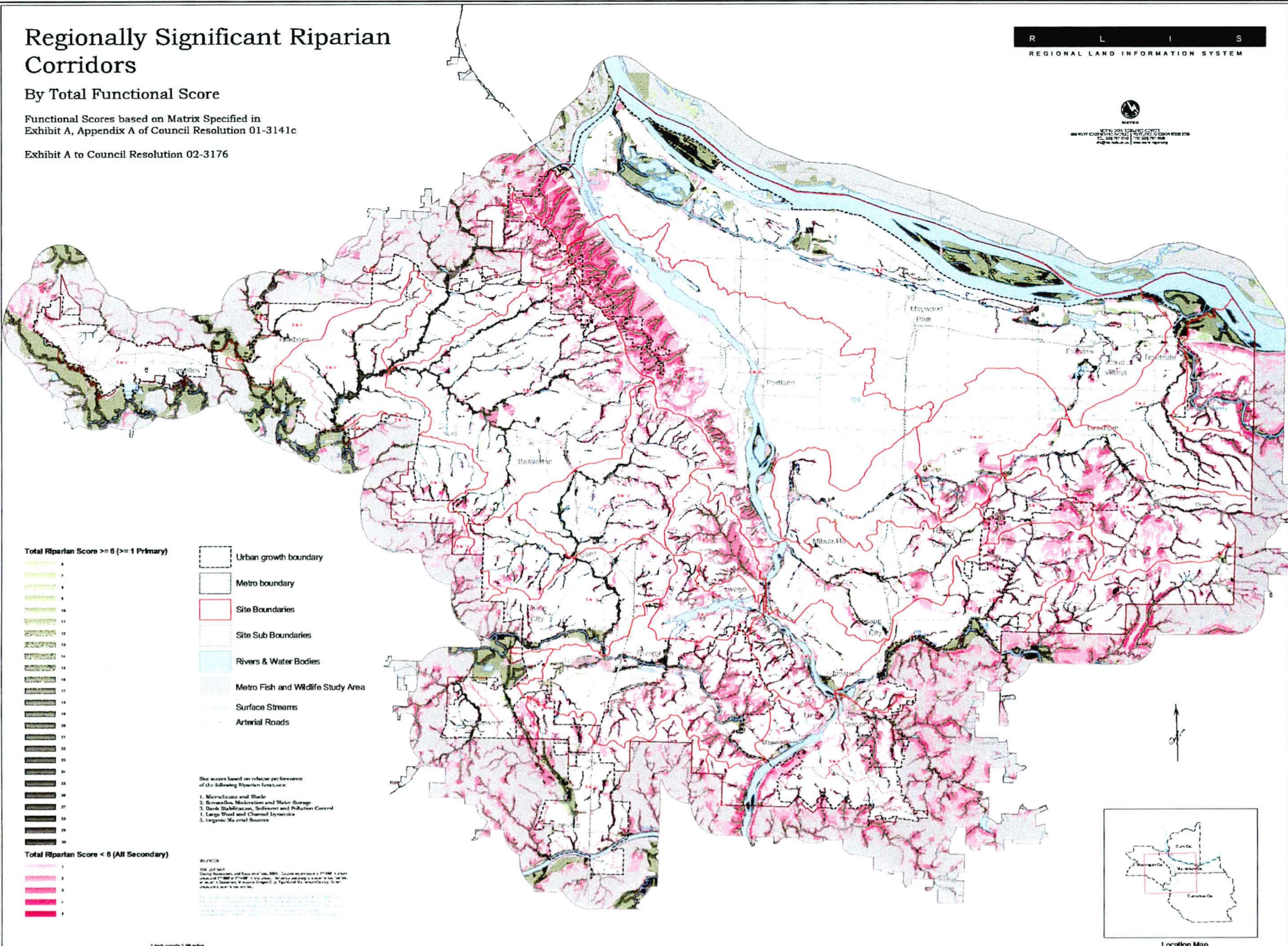
- ETAC
 - reviewing proposed staff approach and consultant proposal
 - will have ETAC recommendations about Metro approach soon
- Peer Review Panel
 - outside funds raised to support peer review panel
 - potential members to be reviewed by Executive Officer, Presiding Officer and Natural Resource Committee chair
 - potential members also to be reviewed by funders
- Approach will also need to address how economic, social, environmental and energy consequences will be compared.
- Ongoing coordination with Tualatin Basin Coordinating Committee

Regionally Significant Riparian Corridors

By Total Functional Score

Functional Scores based on Matrix Specified in Exhibit A, Appendix A of Council Resolution 01-3141c

Exhibit A to Council Resolution 02-3176











Total Riparian Score >= 6 (>= 1 Primary)



Total Riparian Score < 6 (All Secondary)

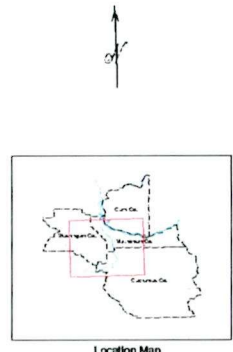
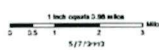


-  Urban growth boundary
-  Metro boundary
-  Site Boundaries
-  Site Sub Boundaries
-  Rivers & Water Bodies
-  Metro Fish and Wildlife Study Area
-  Surface Streams
-  Arterial Roads

Site scores based on relative presence of the following stream features:

1. Microscale and Shade
2. Streambank, Meanders and Water Storage
3. Bank Stabilization, Sediment and Pollution Control
4. Large Wood and Channel Variance
5. Large Macro Sources

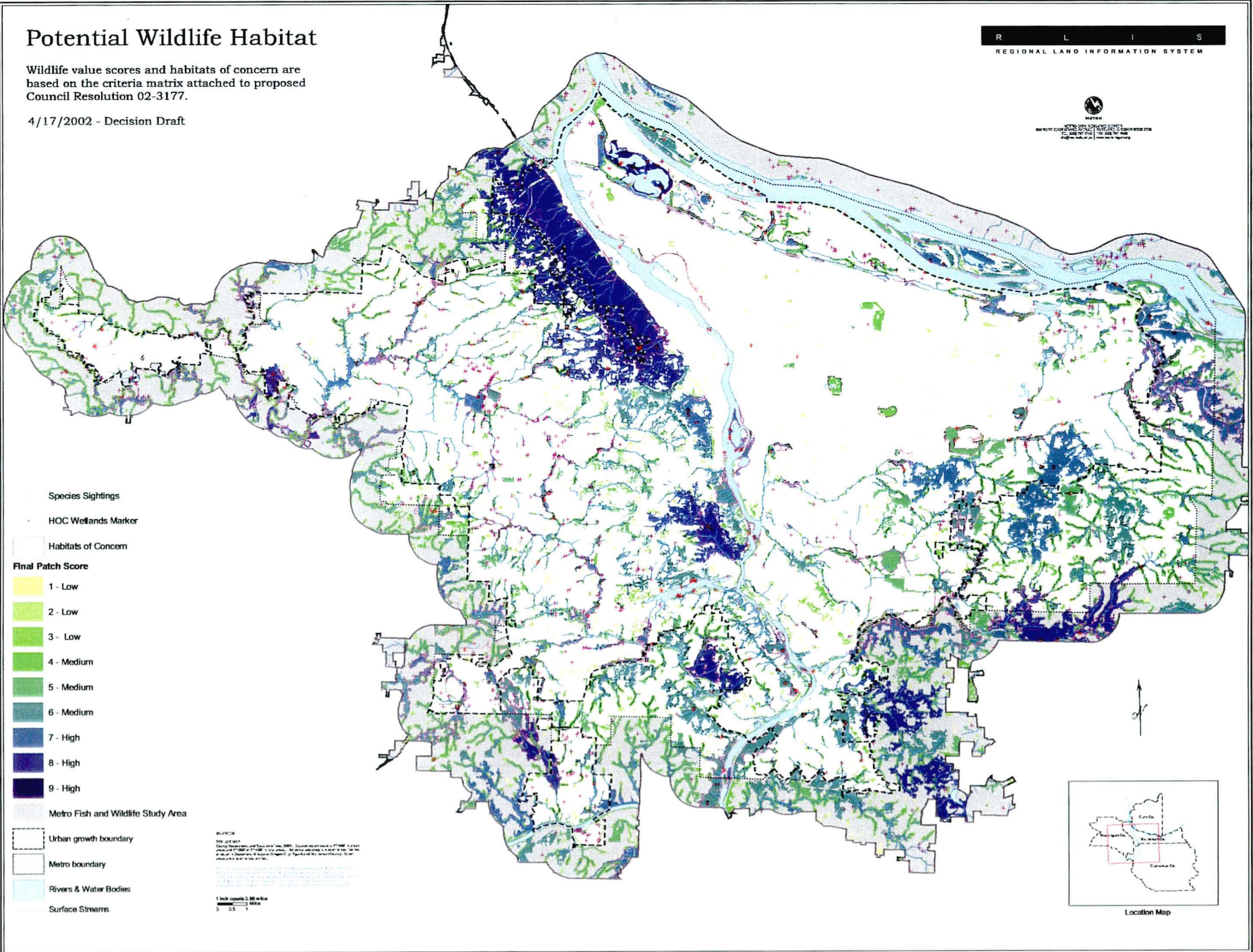
SOURCES
 The 2011 San Diego Regional and Eastern San Diego County Watershed Assessment (RWMA) Report and RWMA 2011-2015 Action Strategy and 2011-2015 Action Plan. Prepared by the San Diego Regional Watershed Assessment Team in 2011.



Potential Wildlife Habitat

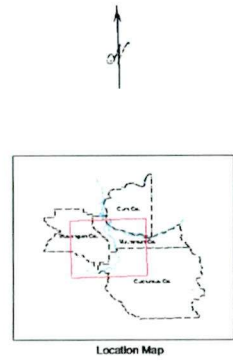
Wildlife value scores and habitats of concern are based on the criteria matrix attached to proposed Council Resolution 02-3177.

4/17/2002 - Decision Draft



- Species Sightings
- HOC Wetlands Marker
- Habitats of Concern
- Final Patch Score**
- 1 - Low
- 2 - Low
- 3 - Low
- 4 - Medium
- 5 - Medium
- 6 - Medium
- 7 - High
- 8 - High
- 9 - High
- Metro Fish and Wildlife Study Area
- - - Urban growth boundary
- Metro boundary
- Rivers & Water Bodies
- Surface Streams

DATE: 4/17/02
 TITLE: Potential Wildlife Habitat
 PROJECT: Metro Fish and Wildlife Study Area
 PREPARED BY: [unreadable]
 APPROVED BY: [unreadable]
 1 inch equals 0.68 miles
 0 0.5 1 Miles



Goal 5 TAC Recommendations
Concerning the
Wildlife Habitat Inventory
June 7, 2002

At their June 7 meeting, the Goal 5 Technical Advisory Committee made the following recommendations:

1. **Wildlife Habitat Criteria:** *Recommend that Metro adopt the June 4, 2002 version of the Wildlife Habitat Criteria Matrix with the following modifications:*
 - For each criterion, include references back to the Goal 5 Technical Report that directs the reader to the underlying science as documented in Metro's *Technical Report for Goal 5* dated January, 2002.
 - For the "Connectivity and Proximity to Water Resources" criterion, the average distance of a patch from water sources such as streams, lakes and wetlands **within 320 feet of the patch** should be changed to **within 300 feet of the patch** (it is already mapped using the latter).
 - For the "Habitats of Concern and Habitats for Unique and Sensitive Species" criterion, we should include information on the wetlands inventory layer addressing how we incorporated local wetlands inventory information and what wetlands are included. Also in this criterion, under the last paragraph of the third column, change the word "runways" to "pathways".
2. **Significant Wildlife Habitat:** *Recommend that all inventoried wildlife habitat receiving a score of 1 through 9 including all Habitats of Concern should be identified as significant wildlife habitat resources.*
3. **Regionally Significant Wildlife Habitat:** *Recommend that all inventoried wildlife habitat receiving a score of 2 through 9 including all Habitats of Concern should be identified as regionally significant wildlife habitat.*

WRPAC Recommendations
Concerning the
Riparian Corridor and Wildlife Habitat Inventories
June 10 and July 15, 2002

At their June 10 meeting, the Water Resources Policy Advisory Committee made the following recommendations:

Riparian Corridor Inventory

Recommend that Metro accept the revised inventory of regionally significant riparian corridors and adopt Resolution No. 02-3176.

Wildlife Habitat Inventory

Recommend that Metro accept 1) the June 4, 2002 version of the Wildlife Habitat Criteria Matrix and 2) the April 17, 2002 decision draft map as a legitimate representation of significant wildlife habitat.

Further, at their July 15, 2002 meeting, the Water Resource Policy Advisory Committee recommended that:

Wildlife Habitat Inventory Regional Significance

Recommend that Metro designate all wildlife habitat areas (rating 1-9) as regionally significant.

(The minority voting members indicated that they had concern with including the lowest ranking sites, particularly those sites receiving a rating of 1)

MTAC Report to the Metro Policy Advisory Committee
concerning
Regional Wildlife Habitat

7/17/2002

Recommendation

At the July 17, 2002 MTAC meeting, the Metro Technical Advisory Committee approved a motion to recommend:

1) adoption of the draft wildlife habitat criteria dated June 4, 2002; with the following clarifications:

- For each criterion, include references back to the Goal 5 Technical Report that directs the reader to the underlying science as documented in Metro's *Technical Report for Goal 5* dated January, 2002.
- For the "Connectivity and Proximity to Water Resources" criterion, the average distance of a patch from water sources such as streams, lakes and wetlands *within 320 feet of the patch* should be changed to *within 300 feet of the patch* (it is already mapped using the latter).
- For the "Habitats of Concern and Habitats for Unique and Sensitive Species" criterion, we should include information on the wetlands inventory layer addressing how we incorporated local wetlands inventory information and what wetlands are included. Also in this criterion, under the last paragraph of the third column, change the word "runways" to "pathways".
- In cases where Habitats of Concern have been designated solely on the basis of documented species use of a given area, biological survey data should be required as a minimum, for documentation. This approach would ensure sufficient scientific evaluation is provided to document that species use is more than incidental to a given area. Biological survey data includes nesting surveys, breeding bird surveys and other established biological survey methods.

2) adoption of the draft map inventorying wildlife habitat dated 4/17/2002 for those areas scoring 2 through 9 points and including Habitats of Concern as regionally significant;

Observations

In addition to the above, the following observations were noted by one or more MTAC members.

- While the decision on the draft inventory is an important step forward, there are many difficult decisions ahead. It should be understood that agreement with the inventory is not necessarily agreement with future tasks and conclusions - the analysis of the economic, social, environmental and energy consequences (the ESEE analysis) or any future program proposals.
- The ESEE analysis may conclude that some of the areas identified as regionally significant resources may have little or no need for further regulation.
- The need for continuing to evaluate requests for map corrections where physical features are depicted in error on the draft maps.



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Summary of Public Comments and Metro Staff Responses

Metro Fish and Wildlife Habitat Protection Plan
Draft Riparian Corridors and Wildlife Habitat Inventories
Testimony and comments received June 26, 2002

Background

Following is a compilation of public comments and draft responses prepared by Metro staff concerning Metro's Fish and Wildlife Habitat inventory. More specifically, these comments relate to proposed inventories of riparian corridors and wildlife habitats within the region and study areas for urban growth boundary expansion. (Metro draft resolutions 02-3176 and 02-3177) Comments are organized in three categories: 1) comments in opposition or concerns with current proposal; 2) comments in support; and 3) suggestions and recommendations. The name of each individual making the comment is listed. . Where several individuals made the same comment or a similar comment, the name(s) are added to the comment. Each comment is followed by a Metro staff response. The Metro Council will consider the staff responses, and may agree, reject or modify any staff response prior to its decisions about the inventories.

Comments in Opposition or Concerns with Current Proposal

1. These resolutions should not be adopted. (Langlotz; Webster; Pontifex; Hendricks; Bryant; Dordevic; Dietz; Norvell)

Metro Staff Response: Disagree. There may be some confusion about the consequences of adoption of these resolutions and the inventories they address. Adoption of all or any of the areas mapped as regionally significant would not regulate or restrict property. Rather the adoption of these inventories would be the first of three steps. This first step would establish which areas should be analyzed for the second step - the compilation of the economic, social, environmental and energy consequences (the "ESEE analysis") and decisions about whether to allow, limit or prohibit uses which would conflict with fish and wildlife habitat. Only after the ESEE analysis, if the use is determined to need limiting or prohibiting conflicting, program choices would be identified and discussed concerning what would be most appropriate method of protecting the resource. Regulation would certainly be one choice, but so would incentives, education, acquisition or some combination of program options. There will be several opportunities in the future for interested persons to: 1) make known concerns about economic, social, environmental or energy consequences, 2) propose what kind of decision should be made about whether to allow, limit or prohibit conflicting uses and 3) the best approach for protecting those resources for which a decision has been made to limit or prohibit conflicting uses.

2. There has not been adequate notification of property owners. Not all affected property owners were notified of this meeting. (Langlotz; Coffield)

Metro Staff Response: Disagree. State Goal 5 calls for notification of property owners early in the process. Approximately 45,000 property owners were sent post cards in February 2000, stating in part that their property may be affected and inviting recipients to a series of open houses or to place their name on Metro's list for information about future events, decisions, etc.

Further, in October, 2001 a newsletter was sent to about 45,000 property owners and there was an additional 40,000 plus of these flyers sent to other interested parties (neighborhood organizations, citizen participation organizations, etc.). This flyer was intended to let them know about the Coffee Talks and Metro Conference where fish and wildlife habitat issues, among other issues, could be discussed and again inviting recipients to add their name to Metro's interested parties list to receive information in the future.

Then, in June 2002, about 19,000 additional property owners were notified of the June 26th meeting. These notifications were sent to property owners whose property or a portion of their property had been added for consideration as regionally significant fish and wildlife habitat.

When Metro has draft proposals for the economic, social, environment and energy consequences and draft programs (such as options for regulations, incentives, education, acquisition, etc.), a notification will be sent to all affected property owners so that they can obtain all information and participate in discussions about the best approach(es) to take.

3. While Metro says this is only an inventory, it is leading up to intolerable regulations. (Langlotz)

Metro staff response: Disagree. Metro has not completed its assessment of the economic, social, environmental or energy consequences, nor made the program choices among regulation, incentives, acquisition, education or other approaches.

4. Property owners care about their land and don't want to damage their property. They will protect the land, government shouldn't interfere. (Webster, M. Johnston)

Metro staff response: Disagree in part. While many property owners are aware of the negative impacts of certain kinds of land uses and work diligently to avoid them, the past record within this region and elsewhere is the steady and substantial loss of fish and wildlife habitat. For example, within the Metro region, over 25 percent of all streams have been lost - only 900 miles of streams from an estimated 1,200 miles remain. An even greater percent of wetlands within the region have been lost. While there is recognition that this is an urban area, and therefore is one of the primary places designated for people, it need not be devoid of fish and wildlife habitat. Metro's fish and

wildlife habitat protection program will provide a method of having a public discussion of how best to address fish and wildlife habitat within the urban area.

5. In this process, trees and animals are being given more rights than people.

(Webster)

Metro staff response: Disagree. Metro is exploring fish and wildlife habitat in order to provide for people's need to have connections with the natural landscape. Consideration of economic and social consequences, along with environmental has yet to be completed, as well as the program choices (regulation, acquisition, education, incentives) yet to be developed for public discussion and consideration.

6. Make littering a crime, not property owners. (Webster)

Metro staff response: Disagree. No program choices have been determined at this time.

7. More time is needed to review this work. (Coffield; Glancy, Port of Portland; Drake, Tualatin Basin Coordinating Committee; McCoy, Columbia Corridor Association)

Metro staff response: Agree. The Metro Natural Resource Committee has extended its schedule.

8. This work is not founded on sound science. Virgin forest standards are inappropriately being applied in the urban area. Partially treed areas are being treated the same as Forest Park, this doesn't make sense. (Langlotz, Webster; O'Connell)

Metro staff response: Disagree. The scientific foundation of this work has been verified by the State's Independent Multi-Disciplinary Science Team. Metro has field-tested its wildlife habitat model to assess its validity. Metro conducted qualitative Wildlife Habitat Assessments designed to rate the quality of food, water, and cover resources in woody structure habitats, as well as native versus nonnative vegetation. Field data suggests that the model is performing well in terms of predicting wildlife habitat quality.

In addition, areas are ranked by their functionality and all treed areas are not valued the same. However, when there is a large dense tree canopy in proximity to even larger forested areas, even if there are parts of streets and homes below the canopy, these areas can and do contribute to the overall functioning of riparian corridors and wildlife habitats.

9. The Habitat of Concern ranking is a "one size fits all" approach that does not differentiate among areas of varying habitat quality, rather, it elevates all HOC to Category "A" or regionally significant resources. (Glancy, Port of Portland)

Metro staff response: Disagree in part. Habitats of concern are very important data as they identify at-risk habitats. Metro relies on state and federal agencies, scientific literature, and professional wildlife organizations to identify the criteria for at-risk

habitats (please refer to the Habitats of Concern Criteria Chart). In special circumstances, Habitats of Concern can be designated solely on the basis of species siting information (see response to Comment #43 and 44).

Regarding the ranking of all Habitats of Concern, Metro agrees that more consideration of exactly how such areas should be rated is warranted (please see response to Comment #44).

10. Linking of individual sighting of a sensitive species to Habitat of Concern appears to be an arbitrary process with minimal or negligible scientific evaluation. A more comprehensive approach or, at a minimum, validation of this approach is warranted. (Glancy, Port of Portland)

Metro staff response: Disagree in part. See responses to comments 43 and 44.

11. On the ground analysis should be taken into consideration. Some areas shown on Metro's maps, when viewed from the ground, include streets, fences, houses and well-groomed landscaped yards and are at least 500 feet from Fanno Creek. Developed floodplains should not be included. These areas should not be included in the inventory. (Coffield; Lundquist, City of Durham; McIver; Dietz; Cox; O'Connell; Drake, Tualatin Basin Coordinating Committee)

Metro staff response: Disagree in part. See response to comment 8. In addition, there are instances where the City of Beaverton has cited the Beaverton at the Round as being incorrectly included in Metro's mapping. Metro's maps reflect the current information from the City of Beaverton, which include the Round area. It is staff's understanding that this area has had wetland mitigation actions approved and taken, but the specific information has not yet been conveyed to Metro. Metro will make changes to physical features based on documentation and Metro Council has directed that such corrections or updates occur throughout the fish and wildlife protection plan process.

12. The destruction of the environment is being driven by Metro through its pursuit of this program. Property owners are altering their land or selling now in order to avoid further regulation. (M. Johnston)

Metro staff response: Disagree. Alteration of natural habitat and reduction of the amount of quality fish and wildlife habitat within the region has occurred well before Metro began consideration of this program.

13. Metro has developed a natural area into a parking lot near the Forestry Center next to my property, but now says that I can't develop a vacant lot next to Metro's parking lot. This is hypocritical. (Pontifex)

Metro staff response: Disagree in part. There are no regulations proposed at this point by Metro. Consideration of what actions should be taken in the future should be based on the scientific data, ESEE consequences regardless of ownership.

14. It is unclear how the next decisions - the ESEE and program decisions will be made and how the initial decisions at the inventory stage will impact final decisions. (Glancy, Port of Portland)

Metro staff response: Agree in part. Metro is working in a step-by-step approach, as was recommended by a variety of individuals and organizations over two years ago. Accordingly, there will be opportunities for review and comment along the way and at the final decision point. Until the final decisions are made by the Metro Council, uncertainties will remain.

15. With regard to streamflow moderation as shown for riparian corridor in Forest Park and elsewhere, these areas are not riparian in nature. The criterion of up to 300 feet from a stream is not valid, it is unfounded in the science and is arbitrary. (Schott)

Metro staff response: Disagree. Metro's compilation of known scientific research has documented the functions that are provided at varying distances. These are summarized in the riparian corridor matrix and were affirmed by the State's Independent Multi-Disciplinary Science Team. In addition, testimony received by various State and Federal resource agencies including the Oregon Department of Fish and Wildlife, US Fish and Wildlife Service, Oregon Department of Environmental Quality, National Oceanic and Atmospheric Administration - Fisheries, and the US Environmental Protection Agency have all testified in support of this methodology and these distances.

Formal critiques of Metro's science paper, submitted by the City of Hillsboro, were reviewed and responded to by Metro staff.

16. Who is responsible for establishing habitat resource areas? The City of Portland? Metro? (Walton)

Metro staff response: Metro has responsibility for the region-wide aspects, the City of Portland for local aspects - including implementation, especially if regulatory measures are required.

17. Metro is overlooking what is happening in Crystal Springs Creek. Westmoreland Golf Course banks and collapsing concrete bank walls are causing siltation which is killing fish in the creek. It is these kinds of problems that should be addressed. (Brummell)

Metro staff response: Agree in part. Alteration of streams and adjacent areas has had and continues to have a large adverse impact on remaining fish and wildlife habitat. While Metro's Fish and Wildlife Habitat Vision Statement identifies restoration as an activity of importance similar to conservation and preservation of remaining resources, there has not been as much emphasis on restoration by Metro to date. However, if significant portions of remaining resources are lost, restoration will become an even

larger and more costly task. Accordingly, Metro has reluctantly focused scarce resources on addressing remaining resources first, with restoration yet to be dealt with. In addition, as the useful life of past stream alteration projects ends, restoration opportunities that can be a win for both urban development and the environment may become possible.

Comments in Support

18. Metro should proceed to the ESEE analysis and adopt maps (Lehan, City of Wilsonville; Liverman, NOAA Fisheries; Houck and Carley, Audubon; Wolf, Trout Unlimited; McMaster, US Fish and Wildlife Service, Michael, Oregon Department of Fish and Wildlife; Kimball; Schifsky)

Metro staff response: Agree

19. There are numerous streams in the Metro area that exceed state standards for temperature, bacteria, algal growth and toxics. Many streams also have sedimentation concerns. Metro's maps will provide useful tools to local governments when developing management plans to address Total Maximum Daily Loads. (Yon, DEQ)

Metro staff response: Agree

20. Metro's process began five years ago. The region can't afford to wait any longer for a comprehensive inventory of significant fish and wildlife habitat. By the time that all of Metro's work is done, many resources will be lost (Labbe; Norman; Houck and Carley, Audubon Society; Krohn; Kimball; Tevlin; Schifsky)

Metro staff response: Agree

21. Clear and credible criteria have been developed by Metro for identifying riparian corridors and upland habitats. (Yon, DEQ; McMaster, US Fish and Wildlife Service; Michael, Oregon Department of Fish and Wildlife)

Metro staff response: Agree

22. The riparian corridor maps and inventory should be adopted. (Yon, DEQ; McCoy, Columbia Corridor Association)

Metro staff response: Agree

23. Metro has done excellent, extensive work thus far (Lehan, City of Wilsonville; Liverman; NOAA- Fisheries; Houck and Carley, Audubon Society; Labbe, McMaster, US Fish and Wildlife Service)

Metro staff response: Metro has followed a step-by-step scientific process to ensure that its inventory is legally defensible and ecologically sound.

24. A region-wide approach that addresses all of the watersheds within the urban area is critical. (Lehan, City of Wilsonville)

Metro staff response: Agree

25. 100% ground-truthing is impossible, delay indefinitely in search of the perfect map should be avoided if future adjustments and map amendments are made a part of the process. (Lehan, City of Wilsonville)

Metro staff response: Agree

26. In an initial review of Metro's criteria, the approach appears to be consistent with the Goal 5 rule. Choices and decisions within the inventory process have been well documented. Final acknowledgement by the State considering all objections has yet to be made. (Fernekees, Department of Land Conservation and Development)

Metro Staff Response: Agree. Metro has attempted to coordinate its fish and wildlife planning with local, state, and federal governments. Metro is adhering to the legal requirements of the Goal 5 rule.

27. Restoration of degraded sites should be addressed, too. (Yon, DEQ)

Metro staff response: Agree

28. Adoption of this inventory will also have indirect benefits beyond listed fish - it will help identify areas that native terrestrial species use, too. (Liverman, NOAA-Fisheries)

Metro staff response: Agree

29. Action on this item will constitute one of the primary measures that the metropolitan area can take to address fish and wildlife within the larger context. (Liverman, NOAA-Fisheries)

Metro staff response: Agree

30. Because of the media coverage and public debate that has already occurred, it is tough to claim no knowledge of this proposal (Labbe)

31. Field data have confirmed the validity of Metro's wildlife habitat models. We appreciate Metro's initiative in implementing this project, and commitment to using sound science in regional planning efforts. (McMaster, US Fish and Wildlife Service)

Metro staff response: Agree. Metro has undertaken a research program designed to test its riparian corridor and wildlife habitat inventory methods. This research includes the use of Wildlife Habitat Assessments, Rapid Stream Assessment Technique, and Benthic Index of Biological Integrity. See also response to Comment # 8.

Suggestions/Recommendations

32. Adopt all wildlife habitat sites with a score of 2 or greater as regionally significant. (Houck and Carley, Audubon Society, McMaster, US Fish and Wildlife Service; Michael, Oregon Department of Fish and Wildlife; Kimball; Tevlin; Schifsky)

Metro Staff Response: Agree

33. There should be a method of making map corrections (Lehan, City of Wilsonville; Schott)

Metro Staff Response: Agree. Metro Council has already directed staff to provide for a map correction process throughout the whole fish and wildlife habitat protection plan adoption process and to provide for map corrections after adoption.

34. There should be no property value reduction without compensation (Langlotz)

Metro Staff Response: Disagree in part. Public actions can increase property values and decrease them. When proper public need is identified, consistent with State and Federal law, private property values can be affected and Metro should be mindful of adverse impacts if they are significant reductions. As noted elsewhere, Metro has not completed the second step (consideration of the economic, social, environmental and energy consequences) or the program choices (regulation, incentives, education, acquisition, etc.). More consideration of adverse impacts and program choices is planned before actions that may increase or decrease private property are considered.

35. More meetings are needed to discuss and debate these issues. (Langlotz)

Metro Staff Response: Agree. Additional meetings were announced at the June 26 meeting by Chair McLain for July 3, July 17 and July 31.

36. The SW Palantine area near Tryon Creek and the Lewis and Clark campus should have its rating upgraded. There is substantial wildlife movement. Another look should be taken at this area and its rating. (D. Johnston)

Metro Staff Response: Agree. Metro staff will further examine this area and provide recommendations to the Metro Council.

37. Use volunteers, not public staff to implement a program. (Webster)

Metro Staff Response: Agree in part. To the extent that volunteers are available to implement programs, much less costs are incurred and fewer public resources must be expended. However, there are widely supported public needs and goods that are much more effectively provided with public staff. This issue should be further explored in the program step (the third and final step).

38. There is a 4 acre parcel at Decatur and Baltimore, the Baltimore Wood Project in St. Johns, that should be considered as a wildlife habitat area on Metro's map. (Barnas)

Metro Staff Response: Agree. Staff will investigate this and provide a recommendation to the Natural Resource Committee.

39. Continue to designate Areas of Special Concern S in the Raleigh Hills- Garden Home Community Plan in Metro's streamside corridor and wildlife habitat mapping and inventory (Norman)

Metro Staff Response: Agree. While this is a City of Portland issue, conformance with local existing Goal 5 decisions, at a minimum is supported

40. Support strict adherence to the requirements of the Specific Design Elements of Subarea 12 outlined by Washington County Land Use and Development. (Norman)

Metro Staff Response: Agree. While this is a Washington County issue, conformance with local existing Goal 5 decisions, at a minimum is supported.

41. Defer action on the wildlife criteria and significance determination until the Habitats of Concern issues are reevaluated. (Glancy, Port of Portland)

Metro Staff Response: Disagree. See comment 44.

42. Provide documentation of the methodology for Habitats of Concern designation to affected property owners throughout the region, including how the species is using the area, what portions of the areas are being used, and what the characteristics of the area are that are supplying the species needs. (Glancy, Port of Portland)

Metro Staff Response: Agree. Habitat of Concern information has now been provided.

43. Improve the Habitat of Concern data by: 1) validating whether the proposed Habitat of Concern areas meet the habitat requirements to support sensitive species in the long-term; 2) considering a more comprehensive Habitat of Concern inventory that identifies the life-history habitat requirements of sensitive species region-wide; and 3) retaining reliable sensitive species observations on the wildlife inventory map for background documentation and to guide resource management decisions (Glancy, Port of Portland)

Metro Staff Response: Disagree in part. Habitats of Concern are designated primarily because they comprise at-risk habitats or provide key connectivity or migratory corridors (see response to Comment #9). Very few Habitats of Concern are designated solely on the basis of documented use by sensitive species. Metro has compiled a wealth of information about Species of Concern—information and data about the occurrence of sensitive species across the region. However, this information on Species of Concern is not used to influence the rankings or identification of wildlife habitats in the inventory process. It is used qualitatively to demonstrate the presence of sensitive species within watersheds and within the region as a whole.

In cases where Habitats of Concern have been designated solely on the basis of documented species use of a given area, Metro staff proposes to require biological survey data as a minimum requirement for documentation. This approach would ensure sufficient scientific evaluation is provided to document that species use is more than incidental to a given area. Biological survey data includes nesting surveys, breeding bird surveys and other established biological survey methods.

44. Eliminate the uniform ranking of Habitats of Concern and replace it with ranking based on the quality of the habitat. Only those areas that make a significant contribution to habitat requirements for sensitive species should be ranked as a Category “A” resource. (Glancy, Port of Portland)

Metro Staff Response: Agree in part. Metro must first determine what wildlife habitats are regionally significant to complete the inventory step. There are two aspects to this work - an inventory aspect where the quality of the resource must be considered in order to make a decision about which resources are regionally significant - and an ESEE analysis where the economic, social, environmental and energy consequences must be compared. To the extent that ranking of wildlife habitat, including habitats of concern, is a question that is part of the inventory phase, this issue must be addressed now. The categories of “A”, “B”, etc, are ESEE analysis considerations.. More consideration of how Habitats of Concern are ranked and what Habitats of Concern should receive the highest ranking should be made. Currently, small, isolated wetlands are ranked as medium value Habitats of Concern. Metro will review other types of Habitats of Concerns to see if more medium rankings are warranted within the inventory phase.

45. Take great care with the application of the science. There must be much thought about taking the scientific research and applying it on the ground. (Ohlmann)

Metro Staff Response: Agree. Staff has made efforts to carefully apply the science and have looked to the Goal 5 Technical Advisory Committee to review how the biological science elements are applied. Should additional information become available, additional efforts would be made to ensure consistent application of the known science.

46. Take great care with the ESEE analysis. The economic and all other impacts must be carefully weighed against the environmental impacts. When this work is done, the detailed, site specific information about the state of the specific resource must be considered. (Ohlmann)

Metro Staff Response: Agree.

47. Use incentives rather than regulation. Don't take an approach that requires extraordinary costs to expand a use or develop a site. (Ohlmann)

Metro Staff Response: Agree in part. While providing incentives to meet the public good can be effective, incentives are not free. They usually involve finding resources of some sort, usually monetary, to be successful. This often means that new revenue sources must be found or existing revenues from other programs must be diverted to incentives. Then too, there can be instances where almost every property owner along a stream takes voluntary actions to protect it while one property owner chooses not to participate. In these situations, the action of one or very few parties can negate the efforts of many. Regulations can address situations like this.

48. Find a way to ensure that individual property owner concerns are heard and fairly dealt with. (Ohlmann)

Metro Staff Response: Agree. When the next steps are in draft form, additional notification will be sent and opportunities created for hearing concerns and addressing each concern fairly, understanding that there are a variety of perspectives and sometimes conflicting concerns.

49. Tell the property owner the specifics, exactly what will be allowed and what will not be allowed. Wildlife and people can exist together, but don't design a system so difficult and costly that in effect it prevents development even though technically development is allowed. (Wedge)

Metro Staff Response: Agree. This is work yet to be done in the second and third steps of the work effort.

50. Option 3 is the best choice when combining riparian corridor and wildlife habitat maps. (Labbe; Carley, Audubon Society; McMaster, US Fish and Wildlife Service, Michael, Oregon Department of Fish and Wildlife, Kimball; Tevlin; Schifsky)

Metro Staff Response: Staff has made no recommendation on the best ranking method for combining the riparian corridor and wildlife habitat inventories..

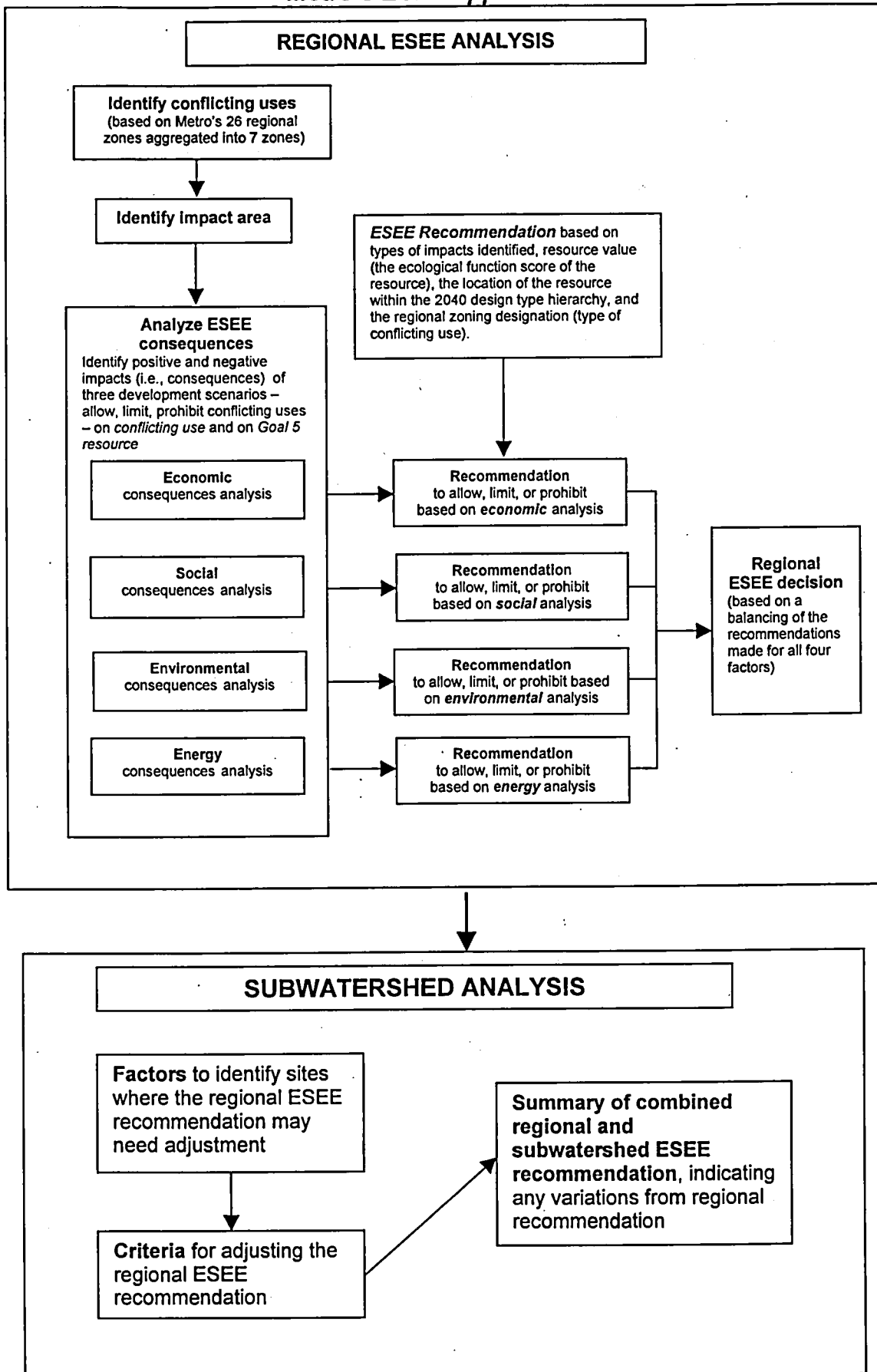
51. Implement a program with the strongest possible support and "teeth" to continue livability in Portland for humans and wildlife. (Schifsky)

Metro Staff Response: There are many tasks, facts and considerations yet to be made. This will be taken into consideration at each step of the process.

52. Public meetings should be held in the evenings to accommodate the working public. (Larson)

Metro Staff Response: Agree. A meeting has been set for July 31 at 6pm at Metro.

Metro's ESEE approach





METRO

Regional Fish and Wildlife Habitat Protection Plan Timeline (Inventory and ESEE Analysis)

May 1, 2002***

Task	April, 2002	May	June	July	August	September	October	November	December	January, 2003	February	March
Riparian corridor inventory		COMMITTEE REVIEW: NRC, G5TAC, WRPAC, MPAC, MTAC Metro Council consideration 6/27										
Wildlife habitat inventory			COMMITTEE REVIEW: NRC, G5TAC, MPAC, MTAC Metro Council consideration 7/11									
Combined map for ESEE analysis			COMMITTEE REVIEW: NRC, G5TAC, WRPAC, MPAC, MTAC Metro Council consideration by August 15									
ESEE DOCUMENT												
I. Introduction	Insert usable Greenbook text	Revise, edit		<p style="text-align: center;">COMMITTEE REVIEW Conflicting Uses, Impact Areas, Allow/limit/prohibit definitions, Regionwide Social, Environmental and Energy Consequences NRC, G5TAC, MTAC, WRPAC, ETAC & MPAC</p>								
II. Description of ESEE process	Insert usable Greenbook text	Revise, edit										
III. Current regulations that protect the resources	Insert usable Greenbook text	Revise, edit										
IV. Policies influencing the ESEE analysis	Insert usable Greenbook text	Revise, edit										
V. Identification of resource sites			Write – dependent on Council decision									
VI. Identify conflicting uses by 2040 design type and regional zoning	Write	Write & map										
VII. Identify the impact area	Discuss	Write & map										
VIII. General regionwide consequences analysis												
a. Comments received on 1999 draft		Revise, edit (Jenni M. work)										
b. Definition of allow, limit, prohibit	Write	Write										
c. General regionwide consequences												
i. Social	Insert usable Greenbook text	Write	Write & map				Revise, edit					
ii. Environmental	Insert usable Greenbook text	Write	Write & map				Revise, edit					
iii. Energy	Insert usable Greenbook text	Write	Write & map				Revise, edit					

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Task	April, 2002	May	June	July	August	September	October	November	December	January, 2003	February	March
iv. Economic			ETAC & Peer Review: review methodology	Consultant begins	Consultant works	Consultant works	COMMITTEE REVIEW Regionwide Economic Consequences NRC, ETAC, MTAC, G5TAC, WRPAC, NRC, MPAC		Revise, edit			
d. General regionwide ESEE decision						Combine 4 factors			Revise, edit			
IX. ESEE consequences analysis by resource site												
a. Review subwatershed methodology				Discuss with consultant	Finalize							
b. General description of watershed			Write	Write	Revise, edit							
c. Site-specific ESEE analysis (subwatershed)												
i. Description of the resources (from inventory)			Write	Write	Revise, edit							
ii. Current programs that protect the resource			Write	Write	Revise, edit							
iii. Design types and zones located within the resource site				GIS analysis	Summarize							
iv. Regional ESEE decisions for subwatershed								GIS analysis	Summarize			
v. Additional site-specific factors			Determine factors to identify sites	Request info from local partners	Review information			GIS analysis where appropriate	Finalize list of sites for review			
vi. Supplemental site-specific ESEE Analyses				Develop draft criteria	Consultant reviews and develops criteria	Consultant develops criteria	Finalize criteria	Conduct analysis	Conduct analysis			
d. Summary of ESEE decision, including variations from the regional ESEE									Summarize			
e. Coordinate with Tualatin Basin												

COMMITTEE REVIEW
Economic, Social, Environmental and Energy Consequences by Resource Site
NRC, ETAC, MTAC, G5TAC, WRPAC, NRC, MPAC
COMMUNITY TRADE-OFF DISCUSSION

***Public outreach (outside of Metro's standing committees and the Council) would be best in early spring 2003 (February - May) so that the regional and subwatershed analyses, including basin wide or local analyses prepared by the Tualatin Basin are rolled out together. Using this approach we could also gather public comments on the proposed definitions for prohibit, strictly limit, etc. Opportunities for additional public involvement as data is available are being explored.



June, 2002
We are Here



Metro's Fish and Wildlife Habitat Protection Plan

and
State Goal 5 Requirements

Step 1. Inventory

- A. Collect information** about Goal 5 resource sites; (This includes identifying of the location, quantity, quality of resources) Consultation with State and Federal agencies.
- B. Determine the adequacy of information;**
- C. Determine "significant resource" sites;**
- D. Adopt a list of significant resource sites.** (Final action on this item may be deferred until steps 2 and 3 are also completed.)

Other Tasks

- Preparation of scientific literature review and draft application methods*; (used in "A" & "C")
- Early public and land owner involvement;
- Determine "regional resources"***;
- Peer review of scientific literature and application methods*; (part of "A" & "C")
- Existing local plan review and analysis**;
- Consider State safe harbor as alternative*.
- Advisory Committee review
- Federal agency ESA coordination*

Step 2. ESEE Analysis (Economic, Social, Environmental and Energy impacts)

- A. Identify conflicting uses;**
- B. Determine the impact area;**
- C. Analyze the ESEE consequences;**
- D. Determine whether to allow, limit, or prohibit identified conflicting uses;**

Other Tasks

- Peer review of ESEE analysis*
- Continued public outreach
- Advisory Committee review
- Restoration opportunity identification
- Federal agency ESA coordination*
- Coordination with Tualatin Basin governments and others that may take a basin approach

Step 3. Program to Achieve Goal 5

- A. Develop program,** including possible incentives, acquisition, public education and regulatory elements
- B. Adopt Metro Plan**
- C. Local Government Implementation**

Other Tasks

- Continued public outreach
- Advisory Committee review
- Federal ESA consultation and request for limit on take*.

* not required

** Metro only requirement

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