

**MINUTES OF THE METRO COUNCIL
NATURAL RESOURCES COMMITTEE**

Wednesday, April 17, 2002
Council Chamber

Members Present: Susan McLain (Chair), Carl Hosticka (Vice Chair), Bill Atherton, David Bragdon, Rod Park

Members Absent: None

Chair McLain called the meeting to order at 1:06 p.m.

1. CONSIDERATION OF THE MINUTES OF THE APRIL 3, 2002 NATURAL RESOURCES COMMITTEE MEETING

Motion:	Councilor Hosticka move to adopt the minutes of the April 3, 2002 Natural Resources Committee meeting.
Vote:	Councilors Atherton, Hosticka, Park and McLain voted to adopt the minutes as presented. The vote was 4 aye/ 0 no/ 0 abstain and the motion passed. Councilor Bragdon was absent from the vote.

2. FISH AND WILDLIFE: ESEE TIMELINE

Mark Turpel, reviewed the proposal for completion of the inventory schedule, the first of three steps for completion of the Fish and Wildlife Habitat Protection Plan. He asked for direction from the committee regarding the ESEE technical review so a draft ESEE timeline could be completed and returned to committee for further discussion regarding the ESEE approach and the proposed technical committee. He reported that MTAC had asked to see all of the pieces before the inventory was completed. He said June 5 could be an opportunity for them to look at the Wildlife Habitat and Riparian Corridor maps as revised by staff, and they could see how the two are combined, then make their recommendations on June 19. Mr. Turpel said the scoring systems would not be available until that time, and proposed they would wrap up by the middle of August. (For more detail, see copy of the memo to Chair McLain from Mark Turpel re: Natural Resources Committee meeting agenda items 1 (sic) and 4 included with the permanent record of this meeting.)

Andy Cotugno, Director, Planning, said these were committee schedule calendars and which committees the work needed to go through, allowing for a couple of cycles through each of the committees. He said they had estimated staff work to get the riparian part done needed to go through May 15th, then it would start down the adoption timeframe. He estimated that wildlife staff work done would go through a June 5th time period. He said there was more to do there because there was no work already done on the wildlife part, like there was on the riparian part. He said staff work to determine a proposal to combine the two would go through June 19th, and then the sequence would follow the committee process.

Councilor Hosticka noted an exchange of communication between the Department of Land Conservation and Development (DLCD) and the City of Hillsboro. He asked Mr. Turpel to comment on the letter in which DLCD questioned the sufficiency of the Hillsboro analysis based on not having a clearly differentiated riparian corridor and not identifying specific species that would utilize the wildlife habitat. Mr. Turpel said he had met with DLCD after they wrote the letter and emphasized with them that Metro's mapping had separated out the wildlife habitat from the riparian corridors. He said it was a non

issue at this point. He said in regard to the species utilization issue, that they had talked at length and showed them the methodology. They were favorable to the approach. He noted that DLCD and the City of Hillsboro were going to meet next week, and he was concerned, if decisions were to be made at that meeting, that it should include parties that could be affected by those decisions.

Councilor Hosticka asked how Metro's timelines meshed with the Tualatin Basin Coordinating Committee's timelines. Mr. Turpel responded that the Tualatin Basin Coordinating Committee considered it prudent to have specific dates so they could meet their expectations for completing their technical work. He said the basic issue were the dates, whether there would be an economic committee or peer review panel and the implications of those committees on the timeline. In response to a question from Councilor Hosticka, Brent Curtis, Washington County, said their plan was to work on the IGA together and look at dates to be sure IGA dates worked for both groups. They hoped to get the work done in a timely way, but not rush through it.

Mr. Cotugno commented that the DLCD letter said the fundamental inventory needed to be based on identification of species in the field. He said that inventory had not yet been done by Metro or Hillsboro at this time, and noted that due to migration it would change over the course of the year. He added there were concerns about that requirement from both sides. He said there was a lot of information about sitings that had not gone through an inventory process to identify species.

Mr. Helm was not convinced DLCD fully understood the implications of the opinion they gave to Hillsboro. He said the record Hillsboro gave them to review did not contain information that related with usage information which caused their staff to say they did not see the connection. He added that in general, the riparian corridor component of the Goal 5 administrative rule expressly stated you did not have to do site inventories with people on the ground, but that you could use data collected from other sources. He said it was a safe interpretation that neither of the components of the rule we are operating under require people to go out and collect data. Chair McLain asked the committee for comment on the draft schedule finishing up the inventory. She wanted staff to come next meeting with estimate for the ESEE portion so they could start work on that step. The committee agreed with that plan and Councilor Hosticka hoped it would not take any more time than scheduled.

Michael Morrissey, Senior Council Analyst, wondered if there was other things that could cause a slow down of the timeline, i.e., scoring of inventory maps and regional significance. Mr. Turpel referred to the assumptions on the reverse of the timeline included in the memo to Chair McLain, and noted a number of things that had been done to speed things up. Mr. Morrissey said clearly staff and the committee wanted to keep the timelines, but they should be aware of potential barriers. Councilor Park asked about EFU areas that were not in the alternatives analysis. Mr. Cotugno responded that this would cover it all because they had decided to do the base mapping for any possible territory that might be under study for expansion purposes. He said the EFU areas outside the jurisdictional boundary was strictly an inventory of that territory for ESEE analysis.

3. TUALATIN BASIN IGA UPDATE

Mr. Helm reviewed the draft IGA (see copy with the permanent record of this meeting). He said this IGA formulates an agreement between the newly formed Tualatin Basin Natural Resources Coordinating Committee and Metro. He reviewed key components with the committee. He said his goal was to provide information to clarify vague areas that may pop up in the future. Councilor Hosticka asked for clarity of the last sentence in Section 5, regarding whether or not each sub-basin would have to meet the standard in and of itself or whether the whole basin would meet it. Mr. Helm said the intent was to help

parties understand that Metro would have a two tiered process for the ESEE analysis. Mr. Turpel added that it was his understanding that some could be brought up more than others, but each of them would be working to improve. Chair McLain said the goal was to improve the quality of all sub-regional and regional sites. She thought Councilor Hosticka hit the nail on the head when he said that was part of what they had voted for and what the conversation was. She had not heard anything counter to that in the language. Mr. Turpel did not think the language was as explicit as that, and said he would make it so. In response to a question from Councilor Atherton, Mr. Helm explained that compliance and substantial compliance were two standards used to review submittals for compliance with any of the titles of the Functional Plan, and it was appropriate to identify both here unless Council wanted to change those standards. He understood the discomfort with substantial compliance as the State had wrestled with it for some time. Mr. Helm said they could clarify the last sentence of Section 5.

Chair McLain said she did not see anything in the document regarding how this body of work related to the regional body of work and/or any other basin that might come on line. She thought that was to be included. Mr. Helm said it was partially answered in the last sentence of Section 3 where it said the Tualatin Basin Natural Resources Committee would coordinate with Metro and consider Metro's regional ESEE analysis. He said there had been discussion regarding coordination with any adjacent jurisdictions that may have a piece of the basin but decided not to participate. Chair McLain's understanding was that they did not have to participate, but the coordination was something that both the county and Metro felt was a good idea. Brent Curtis, Washington County Planning Manager, said there were going to be some governments within the geography of the Tualatin Basin that were not initial partners with the Coordinating Committee, and that his group had talked with them on an informal basis about how they wanted to participate. He said while they did not want to be members at that time, they agreed to review and respond to the materials and were added to mailing lists. He said the Coordinating Committee intended to offer them Memos of Understanding (MOUs) to more formally give them that opportunity with a signed document showing they had met their coordination responsibilities. He thanked the committee and Council staff for continuing to seriously explore this concept and said he would have signed copies of the IGA soon to officially give to the committee. Mr. Helm responded to Councilor Park's question regarding subsection 15, that the second part of the subsection was a standard opt out provision and the affect of either party terminating the agreement would be that Metro and the basin governments would be at the point where they stood at the end of last year when this concept was discussed and approved.

4. ESEE TECHNICAL REVIEW

Mr. Turpel reviewed the proposed structure of the Economic Technical Advisory Committee (ETAC), based on the Natural Resources Committee's interest in forming a sub-committee whose focus and mission would be dealing specifically with the economic portion of the ESEE review, and the tradeoffs as well as the program. He reviewed the list of suggested possible members for the committee. He asked for further committee direction regarding whether he should start pursuing the sub-committee. Chair McLain commented that they were not planning on a large committee, but wanted representatives from both pages of suggested folks (see memo included with permanent record of this meeting). Mr. Turpel presented draft information from the memo regarding a peer review panel which would be an independent, outside review of the ETAC work products (also included in the memo), including costs hiring of the panel.

There was committee discussion regarding different approaches to the peer review and how to network the money for the panel. Chair McLain felt if the panel was too involved in the work, it would no longer be an independent panel, but part of the process. Councilor Hosticka continued to believe that reviewing

the methodology now would be more helpful than waiting until the end. Chair McLain commented that if the peers dealt with the methodology, their imprint would be on what the product should be, when what the committee wanted from them was whether they thought the work had been done appropriately and well. She added that, on the other hand, if they were not involved in the methodology, there could be fatal flaws that would not be noticed until the work was done. Councilor Hosticka said very often people get to end and say it wasn't done right so the work has to be redone, or they get to the end and don't like the results, so they question the methodology. He felt having an agreement on the methodology was important, so the methodology drove the results. He suggested, if it was a timing or expense issue, that the group be heavily involved on the methodology, and then have a sub-set of the committee, or a documentary review at the end, which would determine if the methodology had been followed.

Chair McLain reiterated that staff said ETAC would definitely review the methodology, and that it was most important to have the regional partners work out how to implement the material. Mr. Cotugno said timing and budget were both considerations and agreed that it was premised on expectations that ETAC should be formed under any circumstance, based on finding volunteers. Councilor Hosticka's intention, if the committee was comfortable with the draft, was to get funding as soon as possible and get moving, otherwise, they should acknowledge they were willing to let the timing slip a bit. Mr. Cotugno commented if the committee wanted to go after the funding for the peer review and include the methodology step, the budget needed to be changed to reflect that. Councilor Atherton supported the notion of dealing with methodology up front. Councilor Bragdon also thought having the methodology reviewed up front was important, and that the formulation for the peer group was key to the partnership. Councilor Hosticka thought they should start to find the funding now and not wait until all the details were ironed out. Chair McLain agreed. She thought the ETAC group could help find the money. She reiterated that the committee wanted as much review of the methodology in as many places as possible. Mr. Cotugno said he would proceed to organize the ETAC and get it up and running, and staff would revise the peer review to include the methodology and results steps, noting that organization of that was subject to getting the budget.

5. DISCUSSION OF ESEE CRITERIA – CONTINUED FROM THE COUNCIL/ EXECUTIVE OFFICER INFORMAL MEETING

None.

ADJOURN

There being no further business to come before the Natural Resources Committee, Chair McLain adjourned the meeting at 2:42 p.m.

Prepared by

Cheryl Grant
Council Assistant

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF APRIL 17, 2002

Agenda Item No	Topic	Doc Date	Document Description	Doc Number
4.	ESEE Technical Review	4/17/2002	Memo to Chair McLain from Mark Turpel re: Natural Resource Committee meeting agenda items 1 (sic) and 4.	041702nr-01

TESTIMONY CARDS

None.