

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL WORK SESSION MEETING
DATE: July 15, 2003
DAY: Tuesday
TIME: 2:00 PM
PLACE: Metro Council Chamber

CALL TO ORDER AND ROLL CALL

- | | | | |
|---------|----|--|-------------------|
| 2:00 PM | 1. | SALEM LEGISLATIVE REPORT | Cooper |
| 2:15 PM | 2. | DISCUSSION OF AGENDA FOR COUNCIL
REGULAR MEETING, JULY 17, 2003 | |
| 2:30 PM | 3. | TROLLEY TRAIL MASTER PLAN | Huie |
| 2:45 PM | 4. | AMENDING IGA FOR THE REGIONAL
EMERGENCY MANAGEMENT AREA | Uba/Cooper |
| 3:00 PM | 5. | ORGANIC/FOOD WASTE COMPOSTING IN
OTHER JURISDICTIONS | Barrett/Erickson |
| 3:30 PM | 6. | GOAL 5 PROGRAM OPTIONS | Cotugno/Deffebach |
| 4:00 PM | 7. | CITIZEN COMMUNICATION | |
| 4:10 PM | 8. | COUNCILOR COMMUNICATION | |

ADJOURN

Agenda Item Number 3.0

TROLLEY TRAIL MASTER PLAN

Metro Council Work Session
Tuesday, July 15, 2003
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: July 15, 2003 Time: 2:00pm Length: 15 minutes
Presentation Title: Trolley Trail Master Plan Update
Department: Regional Parks and Greenspaces Department
Presenters: Jane Hart

ISSUE & BACKGROUND

The Department wishes to familiarize the Metro Council with the proposed recommendations of the Trolley Trail master plan (see attached Executive Summary), which was released in early July for public review and comment. The 6 mile trolley trail (purchased by Metro and NCPRD in 2001) will be located within an historic streetcar corridor between Milwaukie and Gladstone. This trail will complete an essential link in a 20 mile loop that is part of Metro's regional trail system. The master plan work was conducted during the last year on behalf of, and in partnership with, NCPRD the managing agency. Extensive public involvement occurred throughout the planning process, including monthly meetings of an 18 person Trolley Trail Working Group. The master plan will be considered for approval by the City of Milwaukie, NCPRD Advisory Board and the Clackamas County Commission prior to Metro Council's final approval, scheduled for later this fall.

OPTIONS AVAILABLE

During the master planning process options for the trail alignment and trail design were considered and discussed with the 18 person Trolley Trail Working Group and at public meetings. Below is a summary of the major recommendations, including alternative options and the pros and cons. The master plan recommendations for these options are noted in the 'Implications and Suggestions' heading later in this worksheet.

Trail Alignment Options:

1. Build the entire trail within the acquired right-of-way

Pro:

- Eliminates the need to purchase any additional land or acquire other easements.
- Reduces potential conflicts between automobiles, pedestrians and bicyclists by minimizing shared use of the street right-of-way.
- Federal funding is easier to obtain for off-street portions of regional trails

Con:

- Some sections of the acquired right-of-way present design challenges, including physical constraints due to landscape and presence of utility poles. These challenges can be addressed, but at a higher construction cost.
- Some adjacent property owners have encroached within the right-of-way.

2. Use a combination of the acquired right-of-way, existing public trails, existing street right-of-way, and acquire additional private/public land/easements to build the trail.

Pro:

- Fewer design challenges.
- Likely to reduce conflicts with existing land owners who have encroached.

Con:

- Approval required from Clackamas County to use street right-of-way for the trail. Clackamas County does not favor this because of increased conflicts between automobiles and pedestrians and bicyclists.
- May need to purchase private/public land or easements if don't use existing trail right-of-way.

Trail lighting Options:

1. Install lighting as recommended in trail safety audit conducted by Clackamas County Sheriff (\$180,400 to install and \$15,250 annual maintenance).

Pro:

- Installing all lighting upfront would satisfy recommendations in safety audit and make it easier for enforcement officers to patrol the area.

Con:

- Lighting is not typically installed in regional trails in the area.
- NCPRD doesn't have the resources to spend on lighting installation and maintenance and doubt will get approval from Board of Commissioners.

2. Build trail and monitor areas where lighting is recommended. If determined to be necessary add at that time.

Pro:

- If install on as needed basis, will be much more affordable
- A lot of ambient light already exists at intersections of road with the trail.

Con:

- More difficult for patrol officer and public to monitor trail.

Equestrian Use Options:

1. Allow for local equestrian use along 2 mile portion where riders currently use trail.

Pro:

- Screened from view of adjacent properties by vegetation, few road crossings.
- 4' wide shoulders in this area will accommodate equestrian use.

Con:

- Horse droppings are a nuisance to other trail users and require increased maintenance for keeping trail clean.
- Potential conflict between other trail users if horse is spooked.

2. Allow along entire length of trail, including crossing major intersections.

Pro

- More trail is available for equestrian use.

Con:

- Non-equestrian sections of the trail are parallel to McLoughlin Blvd., in the street right-of-way, require road crossings in high traffic areas and have 2' wide shoulders. These conditions cause risk to rider, horse, other trail users and automobile drivers.

- Trail does not meet Oregon Equestrian Assoc. criteria for regional trail, i.e., does not connect with other regional equestrian trails).

Trail Width and Surface Options:

1. 12' wide asphalt trail and 2' wide gravel shoulders

Pro:

- 12' wide trail is the accepted standard for regional trails in the region.
- 12' wide trail safer environment for all trail users.
- 12' width received wide public support during planning process.
- Gravel shoulders have low construction cost (\$1.75/sq. ft.) and little maintenance cost.

Con:

- Two working group members (representing Friends of the Trolley Trail) think 12' trail and 2' shoulders will look too wide. They have requested 8' wide trail with 4' wide grass paver shoulders along approximately 2/3 of the trail corridor.
- Other members of the working group and public suggest 12' isn't wide enough.

2. 8' wide paved trail with 4' wide grass paver shoulders

Pro

- Satisfy 2 members of the working group by having a more narrow trail with more of a neighborhood feel to the trail.

Con

- 8' wide trail will result in higher number of user conflicts.
- Grass pavers cost almost 6 to 8 times more (\$10 sq. ft.) than gravel to install and are labor intensive to maintain (require seeding, irrigating, mowing, vacuuming).
- Grass pavers not conducive to equestrian use.
- Trail is a regional trail, and will connect with other parts of the regional trail system. Needs to serve commuter users as well as local community.

IMPLICATIONS AND SUGGESTIONS

After a thorough analysis of the options discussed above, and based on the project consultant's advice and input from the Trolley Trail Working Group and the public, the following actions are recommended in the master plan:

Trail Alignment Option #1

Build trail in the acquired right-of-way to preserve the historic integrity of the corridor and eliminate the need for additional acquisition.

Trail Lighting Option #2

Build trail and monitor for lighting needs. Install lighting as deemed necessary.

Equestrian Use Option #1

Provide 4' wide shoulder along one side of the trail in the two -mile section of the trail to accommodate equestrian use.

Trail Width / Surface Option #1

Design and build a 12' wide asphalt trail with 2' wide shoulders to minimize conflicts between users, maximize safety for all trail users.

QUESTION(S) PRESENTED FOR CONSIDERATION

1. Following the public comment period and after receiving other local approvals (estimate late September/early October) is the final draft of the Trolley Trail Master Plan ready to be brought for consideration and approval by the Metro Council?
2. If not, is there further work that is required or changes that should be made to this document prior to returning to the Council for final consideration and approval?

**LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION X Yes No
DRAFT IS ATTACHED Yes X No**

Legislation will be prepared following the public comment period and after local approvals have been received for the Trolley Trail master plan.

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____

Chief Operating Officer Approval _____

Executive Summary

The proposed Trolley Trail will run along a historic corridor once used by a streetcar line that operated between Portland and Oregon City. When rail service ended in 1968, the idea of turning the corridor into a recreational trail was initiated by a group of local citizens. Through continued efforts by local and regional trail advocates and public agencies, conversion of the rail line to a multi-use recreational trail is moving from a dream to a reality.

In 2001, North Clackamas Parks and Recreation District (NCPRD) and Metro acquired a 6-mile stretch of the historic rail corridor between downtown Milwaukie and Gladstone. The trail connects with existing bike lanes in Milwaukie and Gladstone and will complete an essential link in Metro's Regional Trail System. When completed, the Trolley Trail and connecting trails will create a continuous 20-mile loop connecting Portland, Milwaukie, Gladstone, Oregon City and Gresham.

The Trolley Trail master planning process benefited from the involvement of many citizen, community and agency partners. Over 15 groups and agencies lent their support and services including the Cities of Milwaukie, Gladstone and Oregon City, Clackamas County (Planning; Transportation; and Sheriff's Office), and Oak Lodge Sanitary and Water Districts. Community partners included the citizen based Friends of the Trolley Trail, and various neighborhood associations, and civic clubs.

An independent Trolley Trail Working Group, project stakeholders and the public were involved early and continuously throughout the master planning process and helped shape the Trolley Trail goals, trail alignment and final recommendations for trail design, development and operation.

The master plan analyzes and recommends a trail alignment, environmentally sensitive trail design features, trail amenities and safety and security measures for the 6-mile trail corridor. The purpose of the master plan is to guide the future development and safe use and operation of the Trolley Trail as a non-motorized recreational and commuter trail. The master plan will also be a useful tool when applying for grants to implement the phased construction of the Trolley Trail.

Trail Alignment and Design Features

- The trail alignment will follow the acquired right-of-way of the historic trolley line.
- A 12-foot-wide trail with an asphalt surface and soft shoulders will accommodate a wide variety of non-motorized uses including pedestrian, recreational and commuting bicyclists, horses, wheelchairs, in-line skaters and others.
- Environmentally sensitive design will respect wetlands, improve drainage, use native plants and enhance degraded natural resources.

- Development of two new trailheads, use of two existing trailheads and 25 pedestrian access points from neighborhood roads will provide good access for local and region-wide trail users.
- The trail will provide connections to community facilities including parks, schools, retirement communities and public transit.
- Intersection improvements will ensure safe trail crossings at existing roads.
- Directional and regulatory signage will help orient trail users and inform them about trail etiquette.
- Interpretive signage will feature the rich cultural and natural history of the Trolley Trail.
- Public art projects will involve the public and area artists.
- Safety and security features include lighting and good definition between the trail and adjacent neighbors (i.e. vegetative buffers).
- Trail amenities will include benches, restrooms and garbage cans.
- Community involvement in crime prevention will be encouraged through a Trail Watch program.
- Volunteer events and community trail projects will involve citizens in long-term trail maintenance activities.

Project Implementation

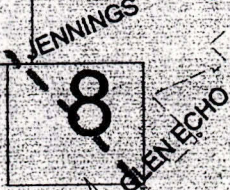
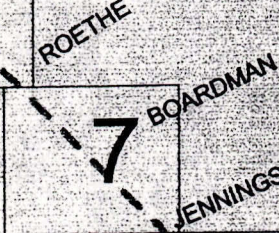
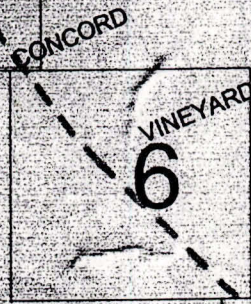
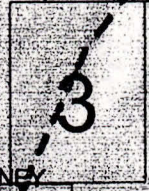
Trolley Trail construction is proposed in four phases. NCPRD has applied for federal funding to conduct the preliminary engineering work for the entire trail and construction of the first phase. The funding decision will be made in the summer of 2003. If the grant is awarded, the funds would not be available until 2006 at the earliest.

Successful implementation of the first phase will set the stage for future funding. It is hoped that the majority of the funding for implementation will come from a federal transportation program but there are several state funding sources which should be pursued, as well as the potential for local or regional funding options.

NCPRD will work in close coordination with project partners who are planning capital improvement projects in or near the Trolley Trail right-of-way to make the most of any opportunity to reduce or share project implementation costs.

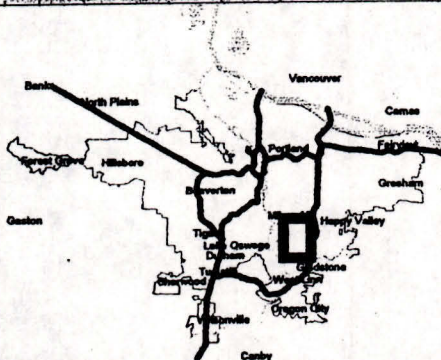
JEFFERSON STREET
BOAT RAMP

Milwaukie



Gladstone

Willamette River



Location in the Portland Metropolitan Region

Legend

Trolley Trail Alignment
--- Preferred

--- Existing Trails

0 0.1 0.2 0.3 0.4 Miles



1-8



Trolley Trail Master Plan

Map Index: Segments 1 - 8



Agenda Item Number 4.0

AMENDING IGA FOR THE REGIONAL EMERGENCY MANAGEMENT AREA

Metro Council Work Session
Tuesday, July 15, 2003
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 07/15/03 **Time:** **Length:**

Presentation Title: Consideration of Resolution No. 03-3352 for the purpose of amending the intergovernmental agreement for the Regional Emergency Management Group.

Department: Planning

Presenters: Gerry Uba and Dan Cooper

ISSUE & BACKGROUND

The Regional Emergency Management Group's Anti-Terrorism Preparedness Proposal including request for federal funds cannot be successfully implemented under the current organizational and legal structure. A better structure has been developed and clarified in the amended Regional Emergency Management Group Intergovernmental Agreement by a group of attorneys from Metro and local jurisdictions.

OPTIONS AVAILABLE

The attorneys group made two recommendations. The first assumes funding for Regional Emergency Management Group only from one source, federal government. The Regional Emergency Management Group's current Intergovernmental Agreement is amended to coordinate efforts to obtain funding for regional emergency management, and to allow the Regional Emergency Management Group to contract with one jurisdiction to carry out the Anti-Terrorism Preparedness Proposal. The Regional Emergency Management Group would still have some oversight through a policy advisory role identified in the contract. The second recommendation assumes funding from multiple sources. This option would create an intergovernmental agreement entity under ORS 190.080 with member jurisdictions. The new intergovernmental agreement entity would then contract with one jurisdiction to implement the Anti-Terrorism Preparedness Proposal.

IMPLICATIONS AND SUGGESTIONS

Metro's current role in the Regional Emergency Management Group would not change, unless the Regional Emergency Management Group decides to approach Metro to consider contracting with it to implement the Anti-Terrorism Preparedness Proposal.

QUESTION(S) PRESENTED FOR CONSIDERATION

Would you like any further information on this intergovernmental agreement before it comes before the Metro Council for formal consideration?

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION Yes No
DRAFT IS ATTACHED Yes No

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____
Chief Operating Officer Approval _____

Agenda Item Number 5.0

ORGANIC/FOOD WASTE COMPOSTING IN OTHER JURISDICTIONS

Metro Council Work Session
Tuesday, July 15, 2003
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: July 15, 2003 Time: Length: 15 minutes

Presentation Title: Review of Other Food Waste Collection Programs

Department: Solid Waste & Recycling

Presenters: Lee Barrett & Jennifer Erickson

ISSUE & BACKGROUND

Metro and the City of Portland are working together to develop permanent food waste collection and composting capacity for the region. At the May 27, 2003 Council Work Session Lee Barrett updated the Council on the Metro/City of Portland \$1 million cooperative grant program to secure regional organic waste composting capacity. At that meeting, Councilors expressed interest in hearing about other commercial food waste programs that have been implemented throughout the US and abroad. This presentation is in response to that request and will provide some examples of other programs, their status and the successes and challenges they have faced.

Solid Waste & Recycling staff expects to return to Council in late July or early August to present the grant evaluation committee's recommendation for funding awards.

OPTIONS AVAILABLE

This is an informational presentation only.

IMPLICATIONS AND SUGGESTIONS

It is anticipated that the food waste collection system for the region will be modeled to a fair degree after San Francisco's very successful program. There will need to be modifications to suit our region's unique solid waste collection system and the number and type of stakeholders involved.

QUESTION(S) PRESENTED FOR CONSIDERATION

This presentation is designed to provide information and elicit discussion about what we can learn from others' experiences.

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION Yes No

DRAFT IS ATTACHED Yes No

SCHEDULE FOR WORK SESSION

Department Director/Head Approval

Chief Operating Officer Approval



Agenda Item Number 6.0

GOAL 5 PROGRAM OPTIONS

Metro Council Work Session
Tuesday, July 15, 2003
Metro Council Chamber

METRO COUNCIL

Work Session Worksheet

Presentation Date: 7/15/03

Time:

Length: 45 min

Presentation Title: Continuing discussion of program options for Metro's Fish and Wildlife Protection Program under Goal 5.

Department: Planning

Presenters: Deffebach, Cotugno

ISSUE & BACKGROUND

The Goal 5 Work Program calls for identifying and evaluating several program options before Council selects a direction for developing a fish and wildlife habitat protection ordinance. At the June 17 Council Informal, Council members discussed the "bookends" framework for identifying program options and the classification of the habitat inventory for the purposes of applying varying levels and types of regulatory and non-regulatory approaches.

The schedule for the Goal 5 Work Program calls for seeking public comment on the ESEE Consequences and the Program Options in the fall. Council will be asked to approve the ESEE Consequences and the Program Options for release for public review at the August 12 Council Informal. Council will be asked to adopt the program options for evaluation in October 2004, after public comment has been received.

Today's discussion is intended to identify issues and/or questions for consideration in developing the range of program options. Staff will return later in July and August for additional discussion/review prior to August 12.

OPTIONS AVAILABLE

Staff is proposing a "book-ends" approach with varying levels of regulatory and non-regulatory approaches. Some options emphasize natural resource protection over conflicting uses, while other options tolerate more conflicting uses in 2040 hierarchy areas.

Council has a variety of options available in how the program options are defined. The discussion is intended to clarify the approach staff is proposing and modify it as needed to take into account additional issues.

IMPLICATIONS AND SUGGESTIONS

The definition of the program options will affect the nature of the public discussion in the fall.

QUESTION(S) PRESENTED FOR CONSIDERATION

Staff request Council members to identify issues for clarification, consideration or inclusion in the definition of the program options.

LEGISLATION WOULD BE REQUIRED FOR COUNCIL ACTION __ Yes __ No
DRAFT IS ATTACHED __ Yes __ No

SCHEDULE FOR WORK SESSION

Department Director/Head Approval _____

Chief Operating Officer Approval _____

A G E N D A

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736
 TEL 503 797 1542 | FAX 503 797 1793



METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING – revised July 14, 2003
 DATE: July 17, 2003
 DAY: Thursday
 TIME: 2:00 PM
 PLACE: Fairview Council Chamber
 1300 NE Village Street, Fairview

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS

2. CITIZEN COMMUNICATIONS

3. CONSENT AGENDA

3.1 Consideration of Minutes for the July 10, 2003 Metro Council Regular Meeting.

4. RESOLUTIONS

4.1 **Resolution No. 03-3321**, For the Purpose of Approving the Sunrise Corridor Unit 1 Work Program to Address Conditions Identified in Resolution No. 03-3098A. Newman

4.2 **Resolution No. 03-3340**, For the Purpose of Amending Resolution No. 01-3098A and Allocating a Transit Reserve Account to Specific Transit Projects. Monroe

4.3 **Resolution No. 03-3348**, For the Purpose of Establishing Intent to Amend the Regional Transportation Plan (RTP) to include I-205 Auxiliary Lanes from I-5 to the Stafford Road Interchange. Newman

5. COUNCILOR COMMUNICATION

ADJOURN

Cable Schedule for Week of July 17, 2003 (PCA)

	Sunday (7/20)	Monday (7/21)	Tuesday (7/22)	Wednesday (7/23)	Thursday (7/17)	Friday (7/18)	Saturday (7/19)
CHANNEL 11 (Community Access Network) (most of Portland area)					2:00 PM (previous meeting)		
CHANNEL 30 (TVTV) (Washington County, Lake Oswego)	12:00 PM (previous meeting)			11:00 PM (previous meeting)		6:30 AM 7:00 PM 11:00 PM (previous meeting)	3:30 PM (previous meeting)
CHANNEL 30 (CityNet 30) (most of City of Portland)		2:00 PM					
CHANNEL 30 Willamette Falls Television (West Linn, Rivergrove, Lake Oswego)	5:30 AM 2:30 PM	12:30 AM 3:30 PM 10:31 PM		12:30 AM 3:00 PM 10:30 PM		12:30 AM 3:30 PM 10:31 PM	5:30 AM 2:30 PM
CHANNEL 23/18 Willamette Falls Television (23- Oregon City, West Linn, Gladstone; 18- Clear Creek)							
CHANNEL 23 Milwaukie Public Television (Milwaukie)			10:00 AM 9:00 PM				

PLEASE NOTE THAT ALL SHOWING TIMES ARE TENTATIVE BASED ON THE INDIVIDUAL CABLE COMPANIES' SCHEDULES. PLEASE CALL THEM OR CHECK THEIR WEB SITES TO CONFIRM SHOWING TIMES.

Portland Cable Access	www.pcatv.org	(503) 288-1515
Tualatin Valley Television	www.yourtv.org	(503) 629-8534
Willamette Falls Television	www.wftvaccess.com	(503) 650-0275
Milwaukie Public Television		(503) 652-4408

Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. Public Hearings are held on all ordinances second read and on resolutions upon request of the public. Documents for the record must be submitted to the Clerk of the Council to be considered included in the decision record. Documents can be submitted by email, fax or mail or in person to the Clerk of the Council. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

**For Council action
in August '03**

BEFORE THE METRO COUNCIL

07/15/03c-02

FOR THE PURPOSE OF AMENDING THE)	RESOLUTION NO. 03-3352
INTERGOVERNMENTAL AGREEMENT FOR)	
THE REGIONAL EMERGENCY)	
MANAGEMENT FOR THE PORTLAND)	
METROPOLITAN AREA AND AUTHORIZING)	Introduced by Michael J. Jordan, Chief Operating
THE CHIEF OPERATING OFFICER TO)	Officer with concurrence of David Bragdon,
EXECUTE THE AMENDED AGREEMENT)	Council President

WHEREAS, on October 14, 1993, the Metro Council approved Resolution No. 93-1856 (attached as Exhibit D), adopting the intergovernmental agreement for the formation of the Regional Emergency Management Group ("REMG") and authorizing the regional emergency management work program. The resolution also called for the creation of the Regional Emergency Management Policy Advisory Committee ("REMPAC") and the Regional Emergency Management Technical Committee ("REMTEC"); and

WHEREAS, the Regional Emergency Management Group has taken initiatives to develop an Anti-Terrorism Preparedness proposal in order to seek federal funding to support a regional effort to obtain resources for consequence management training for first responders, anti-terrorism plan development, and staffing for regional emergency management coordination; and

WHEREAS, on May 30, 2003, the Regional Emergency Management Group (REMPAC and REMTEC) has approved revisions to its organizational structure (see Exhibits A and B) as recommended by an Attorneys Group representing REMG jurisdictions; and

WHEREAS, adopting a new organizational structure requires amendments to the original intergovernmental agreement; and

WHEREAS, Metro desires to approve the amendments and participate in the revised REMG; now, therefore,

BE IT RESOLVED,

1. That the Intergovernmental Agreement for Regional Emergency Management is amended as shown in Exhibit C, attached.



2. That the Chief Operating Office is authorized by the Metro Council to execute the amended Intergovernmental Agreement for Regional Emergency Management.

ADOPTED by the Metro Council this ____ day of _____ 2003.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

Exhibit A to Resolution No. 03-3352

MEMORANDUM

DATE: March 4, 2003
TO: Regional Emergency Managers Group
FROM: Anti-Terrorism Preparedness Program Attorneys Group
RE: *Organizational Options*

BACKGROUND

At the Regional Emergency Management Group's request, attorneys from participating jurisdictions began meeting in November, 2002 to discuss a legal structure to support REMG's Anti-Terrorism Preparedness Proposal ("ATPP"). The attorneys group has met several times and has developed as set of options for organizational and legal structures that will allow REMG to carry out the purposes of the ATPP. This memorandum contains a summary of the ATPP, a matrix of options, and the attorneys group's recommendations. The attorneys group requests that REMG members review the proposed options and select an option or combination of options. The attorneys group will then craft the documents necessary to support REMG's preferred option.

SUMMARY OF ANTI-TERRORISM PREPAREDNESS PROPOSAL

Identification of the anti-terrorism program needs in this funding proposal was derived from a comprehensive review of the region's emergency management capabilities and shortfalls. The proposal includes funding for consequence management equipment such as telephone/internet-based warning, radio communication, heavy rescue, and mass decontamination. It also includes funding for consequence management training for first responders, anti-terrorism plan development, and staffing for regional emergency management coordination.

Total Amount Requested:

\$16,048,970 Initial
\$ 6,343,895 Ongoing funding for first five years
\$22,392,865 Total

Regional Anti-Terrorism Preparedness Program Background:

The Portland/Vancouver metropolitan area was one of the first areas in the nation to develop a coordinated, comprehensive regional emergency management and preparedness forum. Based on experiences during a 1993 earthquake event, leaders from local and regional governments, fire districts, and the American Red Cross assembled in the Spring of 1993 to develop a more coordinated emergency management program. Their intent was to create a program that would reduce the inherent delays and inefficiencies that occur when multiple jurisdictions are involved in crisis response. Those meetings led to formation of the Regional Emergency Management Group ("REMG").

Since 1993, hundreds of meetings have been held under the auspices of the REMG, and participants have made significant progress in removing obstacles and better integrating their various emergency response programs. A summary of the REMG's background and a discussion of its work on anti-terrorism preparedness and planning for other technological and natural hazards follow this section of the proposal.

This proposal is designed, most importantly, to improve the region's preparedness for a terrorism event. Notably, however, it also seeks to build on the REMG's past successes, strengthen the regional planning and coordination process championed by the REMG, and improve the region's preparedness for all of the hazards it faces.

If this funding request is approved, all plans, policies, and procedures developed and adopted as part of the regional anti-terrorism program will be shared with other metropolitan regions throughout the nation.

Regional Anti-Terrorism Preparedness Program Elements:

This funding proposal is organized into a number of individual program elements. The elements, which are summarized below, are interrelated and interconnected. Because of their connectivity, implementation of most every element of the proposal is dependent on at least one other element.

- Acquire a regional emergency communications system to warn and advise the public of imminent hazards and protective actions.
- Enhance regional communications systems for response coordination.
- Establish, equip, and train a five-county metropolitan heavy rescue team.
- Purchase decontamination equipment for hospitals and first responders and provide training.
- Create a preparedness network of community resources and partnerships.
- Develop, implement, and exercise a regional anti-terrorism response plan.
- Provide a regional emergency coordination center supply cache.
- Staff the Regional Emergency Management Group (REMG) to facilitate and coordinate regional preparedness programs.

Each of the program elements includes a summary of the problem it addresses, a list of the project deliverables and their benefits to the region, a list of potential partners, an estimated timeline for implementation, estimated costs, and the lead contact.

REMG Members

Regional

Metro
Port of Portland

Counties

Clackamas
Clark (Washington)
Columbia
Multnomah
Washington

Fire Districts

Tualatin Valley Fire & Rescue
Molalla RFPD
Multnomah RFPD

Non-profit

American Red Cross

Cities

Beaverton
Camas (Washington)
Fairview
Gladstone
Gresham
Hillsboro
Lake Oswego
Molalla
Oregon City
Portland
Troutdale
Tualatin
Vancouver (Washington)
Wood Village

ORGANIZATIONAL AND LEGAL STRUCTURES

The attached matrix contains six organizational structure options which could all support the ATPP. The different options are focused on how REMG will guide the program elements of the ATPP and which entity will hold and be responsible for allocating the federal funding once it is granted. To understand how the options compare to each other, the Attorneys Group identified six broad and important considerations that would apply to any organizational structure that REMG selects. The considerations are: 1) administrative costs, 2) supervision, 3) liability, 4) property ownership, 5) bi-state issues, and 6) membership. These considerations are defined and briefly discussed in the matrix.

ATTORNEYS GROUP RECOMMENDATION

The Attorneys Group is making two different recommendations depending upon the source of funding for the ATPP.

The first recommendation assumes that all the funding for the tasks identified in the ATPP will come from federal sources. In this case, the group believes that the third option "Single Jurisdiction Does ATPP" is the best organizational structure. This option would have REMG signing an IGA with one jurisdiction to carry out the ATPP. The jurisdiction would hold the

funds and REMG would still have some oversight through a policy advisory role that is identified in an inter-governmental agreement. The single jurisdiction option will be the easiest to administrate and will likely benefit from the jurisdiction's existing emergency management programs.

The second recommendation assumes that REMG members may decided to provide funds in addition to or in lieu of the federal funds requested in the ATTP. If funding comes from multiple sources, the Attorneys Group believes the second option, "Contract with Single Jurisdiction" is the best structure. This option would have REMG members create an "intergovernmental entity" under ORS 190.080 with member jurisdictions. That intergovernmental entity would then contract with one jurisdiction to implement the ATTP. The same single jurisdiction advantages and efficiencies described above would exist for this option. The additional step of creating the intergovernmental entity will address membership and property issues through the formation agreement.

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OMA/KDH/kvw (03/04/03)

Exhibit B to Resolution No. 03-3352
OPTIONS FOR ORGANIZATIONAL STRUCTURE

<u>Organizational Structure:</u>	Administrative ¹ Costs	Supervision ²	Liability ³	Property Ownership ⁴	Bi-state Issues ⁵	Membership ⁶
REMG Does Everything <ul style="list-style-type: none"> • § 190 entity formed • REMG holds funds • REMG hires staff to do ATPP 	Highest cost option	Clean line of authority	190 entity can insulate jurisdictions	190 owns	Same for all choices	IGA sets terms for all choices
Contract with Single Jurisdiction <ul style="list-style-type: none"> • § 190 entity formed • REMG holds funds • REMG contracts with one jurisdiction to do ATPP 		Clean line of authority by contract	Some liability shift to contractor	190 owns		
Single Jurisdiction Does ATPP <ul style="list-style-type: none"> • REMG signs IGA with one jurisdiction • Jurisdiction holds funds • REMG is policy advisor 	Lowest cost option	Clean line of authority by contract	Contractor liable	Contractor owns or contract allocates		
Contract for Services <ul style="list-style-type: none"> • § 190 entity formed • REMG holds funds • REMG hires contractor to do ATPP 		Clean line of authority by contract	Some liability shift to contractor	190 owns		
Contract with Multiple Jurisdictions <ul style="list-style-type: none"> • § 190 entity formed • REMG holds funds • REMG contracts with two or more jurisdictions to do ATPP 			Some liability shift to contractors	190 owns		
Lead Jurisdiction <ul style="list-style-type: none"> • REMG signs IGA with lead jurisdiction • Lead jurisdiction holds funds • Lead jurisdiction signs IGA or contracts with other jurisdictions to do ATPP • REMG is policy advisor 	Mid range cost option		Everyone bears some liability	Contractor owns or contract allocates		

¹ Administrative Costs – These are all the costs associated with receiving, holding, and managing the federal funds once they are granted. The tasks connected with these costs include clerical work, accounting, grant compliance, audits, workers compensation and other fiscal responsibilities. Also included are costs related to purchasing and complying with public contracting rules.

² Supervision – This consideration identifies the entity that will ultimately be responsible for getting the ATPP done. The staff positions requested will need oversight in some way. The body overseeing execution of the ATPP will be responsible for the staff and how the funds are spent.

³ Liability – Similar to the consideration on supervision, liability attaches to the entity that executes on the ATPP. This includes liability for injuries and damage to persons or property related to the tasks outlined in the ATPP, as well as liability for misuse of grant funds. Liability can be controlled in part through contracting which as shown on the matrix.

⁴ Property Ownership – Equipment such as radios, vehicles, office furniture, computers are property that the entity will need to carry out the ATPP. Who owns the property, and how it is sold or replaced over time is an important difference between the various options.

⁵ Bi-state Issues – Similar to membership, considerations of how the ATPP is carried out in Washington and Oregon are the same for every option. The Attorneys Group interpret the applicable statutory provisions of both states to allow local governments to enter into cooperative agreements to implement programs like the ATPP across state lines.

⁶ Membership – Considerations of membership are virtually the same for every option presented. They include: who can be a member; can members be added; how and when can members withdraw; and can members select an alternate or substitute.

Exhibit C to Resolution No. 03-3352

**INTERGOVERNMENTAL AGREEMENT
FOR REGIONAL EMERGENCY MANAGEMENT**

I. PURPOSE

The purpose of this Intergovernmental Agreement is to develop an organization to recommend policy and procedures on regional emergency management issues related to planning, mitigation, response, and recovery; to develop an ongoing, interjurisdictional training and exercise program; to establish mutual aid agreements to ensure effective management of resources during an emergency; to coordinate efforts in the region to obtain funding for emergency management matters; to contract with one or more jurisdictions (contractors) to carry out programs made possible by such funding and to develop a regional emergency management plan. This organization shall be known as the Regional Emergency Management Group ("REMG").

II. STATUTORY AUTHORITY

This agreement is entered into pursuant to ORS 190.003 to 190.030, and RCW 39.34. This agreement supersedes the similar Intergovernmental Agreement adopted by the parties in 1993.

III. PARTIES

Jurisdictions within Washington, Multnomah, Clackamas, and Columbia Counties in Oregon, and Clark County in Washington, including counties, cities, regional governments, and special districts within both states, may enter into this Agreement. Additional jurisdictions may enter into this Agreement with the approval of the REMG Policy Advisory Committee.

IV. TERMS OF AGREEMENT

A jurisdiction shall become a party to this Agreement by entering into this Agreement, and adopting the ~~initial existing annual workplan in Part Two of Attachment A~~ by resolution or ordinance. The term of this agreement shall be ongoing from July 1 to June 30. The parties may renew this Agreement by adopting the Annual Workplan for the succeeding year, with these any necessary amendments to Attachment A which reflect the funding and duties required to accomplish the Annual Workplan.

V. TERMINATION

Any party to this Agreement may withdraw upon giving thirty (30) days written notice to the Policy Advisory Committee. Any withdrawing party, however, shall remain responsible for its portion of any financial obligations incurred while it was a member.

VI. NON-EXCLUSIVE

~~Any of the parties may enter into subsequent separate mutual assistance or mutual aid agreements with any other jurisdiction if to the extent not inconsistent with the terms of this Agreement. No such separate agreement shall terminate any responsibility under this Agreement, unless this Agreement is terminated as provided in Section V above. All obligations under this Agreement shall supercede any obligations under Agreements entered into subsequent to the date that this Agreement is effective for that party.~~

VII. LIABILITY

To the extent permitted by law, Each party shall be responsible for the acts and omissions of its officers, employees, and agents arising from the performance of or failure to perform any duty pursuant to this Agreement.

VIII. ORGANIZATIONAL STRUCTURE

A. Policy Advisory Committee

1. The REMG Policy Advisory Committee shall be comprised of an elected official from each party.
2. The Policy Advisory Committee shall meet in February each year:
 - a. to review programs and developments of the past year;
 - b. to recommend to their respective governing bodies programs and annual work plans for the upcoming year; and
 - c. to recommend to their respective governing bodies regional policy on emergency management issues.
 - d. the Committee may meet at other times at the call of the chair to conduct such other business as is deemed necessary.
3. The Policy Advisory Committee shall adopt bylaws to address officers, a quorum, agendas, and other matters of business. At a minimum the bylaws shall establish requirements and process for the execution and management of contracts on behalf of REMG.



B. Technical Committee

1. The REMG Technical Committee shall include one person appointed by each party, and a representative from the Chapters of the American Red Cross in participating jurisdictions. These representatives shall constitute the voting membership of the Technical Committee. Upon invitation of the Technical Committee, the Technical Committee may also include non-voting participants from signatory jurisdictions or other agencies or organizations with emergency management responsibilities or special technical expertise.
2. The Technical Committee shall develop and propose an Annual Workplan for review by the Policy Advisory Committee. At the direction of the Policy Advisory Committee, or on its own initiative, the Technical Committee shall also identify policy issues, research alternative strategies, available funding and present options for action to the Policy Advisory Committee.
3. The Annual Workplan, regular progress reports, the Annual Report, and other action items developed by the Technical Committee shall be forwarded to the Policy Advisory Committee on the recommendation of a simple majority of the voting members present.
4. The Technical Committee may establish subcommittees, or each member may work within that member's own jurisdiction as necessary to achieve policy goals, address action items, and prepare the proposed Annual Workplan.
5. The Technical Committee shall select a Chair, Vice Chair, and Secretary. The Technical Committee shall meet at least quarterly.

C. Administrative Support

The activities of the REMG shall be supported administratively by the staffs of the participating jurisdictions. Such support shall include keeping notes, conducting research, printing, producing an agenda, mailing, and coordinating the flow of information between the Policy and Technical Committees.

IX. FUNDING

Funding to execute the Annual Work Plan may be accepted from any source subject to REMG Policy Advisory Committee approval. Funding options necessary for action items in the proposed Annual Workplan shall be identified by the Technical Committee for Policy Advisory Committee review. Funding sources and cost allocations shall be identified and cost share

agreements shall be developed as needed and included in each Annual Workplan. All required expenditures identified in the proposed Annual Workplan will be ratified by resolution or ordinance as specified in Section IV above.

X. OWNERSHIP OF ASSETS

In the event that any real or personal property is deemed necessary, an amendment to this Agreement shall be negotiated and approved by all the then current members prior to acquisition.

XI. AMENDMENTS

Any amendment to the provisions of this Agreement shall be in writing and signed by the parties.

This Agreement dated this _____ day of _____, 2003, by action of the _____.

Name: _____

Title: _____

Date: _____



BEFORE THE METRO COUNCIL

Certified A True Copy of the Original Thereof
[Signature]
Clerk of the Council

FOR THE PURPOSE OF APPROVING THE REGIONAL)	RESOLUTION NO. 93-1856
EMERGENCY MANAGEMENT WORKPLAN AND)	
ADOPTING THE INTERGOVERNMENTAL)	Introduced by Rena Cusma
AGREEMENT FOR FORMATION OF THE)	Executive Officer
REGIONAL EMERGENCY MANAGEMENT GROUP)	
THAT WILL MAKE POLICY AND STRATEGIC)	
DECISIONS ON EMERGENCY MANAGEMENT IN)	
THE REGION)	

WHEREAS, Metro recognizes the need for regional coordination, cooperation and planning for emergencies; and

WHEREAS, No formally recognized organization currently exists to facilitate regional emergency mitigation, preparedness, response and recovery functions; and

WHEREAS, The proposed Regional Emergency Workplan and corresponding Intergovernmental Agreement formally establishes the Regional Emergency Management Group make up of a policy advisory committee (REMPAC) and a technical committee (REMTAC); and

WHEREAS, Metro recognizes the need to develop a regional emergency management system encompassing those elements appropriate to a regional emergency management system as defined in the Workplan; and

WHEREAS, A Regional Emergency Management Annual Workplan addressing regional disaster response issues will be developed by the REMTAC with review by REMPAC that focuses on the cooperation, coordination and decisionmaking structures needed for regional response to a regionwide disaster; and

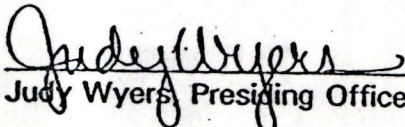
WHEREAS, Pursuant to ORS Chapter 190, Metro may enter into an agreement with other public jurisdictions to form the Regional Emergency Management Group; and

WHEREAS, The Regional Emergency Management Workplan and corresponding Intergovernmental Agreement were developed with full participation by Metro staff; now, therefore,

BE IT RESOLVED,

1. That Metro approves the Regional Emergency Management Workplan dated July 1993, which is attached hereto (Exhibit "A") and incorporated.
2. That Metro approves the Intergovernmental Agreement for Regional Emergency Management which is attached hereto (Exhibit "B") and incorporated.
3. That other jurisdictions within Washington, Multnomah, Clackamas and Columbia Counties are encouraged to formally commit to regional emergency management coordination and cooperation by approving the Regional Emergency Management Workplan dated July 1993, and the Intergovernmental Agreement for Regional Emergency Management.

ADOPTED by the Metro Council this 14th day of October 1993.



Judy Wyers, Presiding Officer

GU/erb
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INTERGOVERNMENTAL AGREEMENT
FOR
REGIONAL EMERGENCY MANAGEMENT

I. Purpose

The purpose of this Intergovernmental Agreement is to develop an organization to recommend policy and procedures on regional emergency management issues related to planning, mitigation, response and recover; to develop an ongoing, interjurisdictional training and exercise program; to establish mutual aid agreements to ensure effective management of resources during emergency; and to develop a regional emergency management plan. This organization shall be known as the Regional Emergency Management Group (REMG).

II. Statutory Authority

This Agreement is entered into pursuant to ORS 190.003 to 190.030.

III. Parties

Jurisdictions within Washington, Multnomah, Clackamas and Columbia Counties in Oregon, including counties, cities, regional governments and special districts within those counties, may enter into this Agreement.

IV. Terms of Agreement

A jurisdiction shall become a party to this Agreement by entering into this Agreement, and adopting the initial workplan in Part Two of Attachment A by resolution or ordinance. The term of this Agreement shall be ongoing from July 1 to June 30. The parties may renew this Agreement by adopting the Annual Workplan for the succeeding year, with those amendments to Attachment A which reflect the funding and duties required to accomplish the Annual Workplan.

V. Termination

Any party to this Agreement may withdraw upon giving thirty (30) days written notice to the Policy Advisory Committee.

VI. Non-Exclusive

Any of the parties may enter into separate mutual assistance or mutual aid agreements with any other jurisdiction if not inconsistent with the terms of this Agreement. No such separate agreement shall terminate any responsibility under this Agreement, unless this Agreement is terminated as provided in Section V above.

VII. Liability

Each party shall be responsible for the acts and omissions of its officers, employees and agents arising from the performance of or failure to perform any duty pursuant to this Agreement.

VIII. Organizational Structure

A. Policy Advisory Committee

1. The REMG Policy Advisory Committee shall be comprised of an elected official from each party.
2. The Policy Advisory Committee shall meet in February each year:
 - a. to review programs and developments of the past year;
 - b. to recommend to their respective governing bodies programs and work plans for the upcoming year; and
 - c. to recommend to their respective governing bodies regional policy on emergency management issues.
3. The Policy Advisory Committee shall adopt bylaws to address officers, a quorum, agendas and other matters of business.

B. Technical Committee

1. The REMG Technical Committee shall include one person appointed by each party, and a representative from the Oregon Trail Chapter of the American Red Cross. These representatives shall constitute the voting membership of the Technical Committee. Upon the invitation of the Technical Committee, the Technical Committee may also include non-voting participants from signatory jurisdictions or other agencies or organizations with emergency management responsibilities or special technical expertise.
2. The Technical Committee shall develop and propose an Annual Workplan for the review by the Policy Advisory Committee. At the direction of the Policy Advisory Committee, or on its own initiative, the Technical Committee shall also identify policy issues, research alternatives strategies and present options for action to the Policy Advisory Committee.
3. The Annual Workplan, regular progress reports, the Annual Report and other action items developed by the Technical Committee shall be forwarded to the Policy Advisory Committee on the recommendation of a simple majority of the voting members present.
4. The Technical Committee may establish subcommittees, or each member may work within that member's own jurisdiction as necessary to achieve

policy goals, address action items and prepare the proposed Annual Workplan.

5. The Technical Committee shall select a Chair, Vice Chair and Secretary. The Technical Committee shall meet at least quarterly.

C. Administrative Support

The activities of the REMG shall be supported administratively by the staffs of the participating jurisdictions. Such support shall include keeping notes, conducting research, printing, producing an agenda, mailing and coordinating the flow of information between the Policy and Technical Committees.

IX. Funding

Funding options necessary for action items in the proposed Annual Workplan shall be identified by the Technical Committee for Policy Advisory Committee review. Funding sources and cost allocations shall be identified and cost share agreements shall be developed as needed and included in each Annual Workplan. All required expenditures identified in the proposed Annual Workplan will be ratified by resolution or ordinance as specified in Section IV above.

X. Ownership of Assets

In the event that any real or personal property is deemed necessary, an amendment to this Agreement shall be negotiated and approved by all the then current members prior to acquisition.

XI. Amendments

Any amendment to the provisions of this Agreement shall be in writing and signed by the parties.

This Agreement dated this 23rd day of November 1993, by action of the _____ Resolution No. 93-1856.

LOCAL GOVERNMENT/AGENCY

Name

Executive Officer

Title

November 23, 1993

Date

Page 5 of 5
Exhibit D to O3-3352

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STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 03-3352 FOR THE PURPOSE OF AMENDING THE INTERGOVERNMENTAL AGREEMENT FOR THE REGIONAL EMERGENCY MANAGEMENT GROUP FOR THE PORTLAND METROPOLITAN AREA

Date: July 7, 2003

Prepared by: Gerry Uba

BACKGROUND

On October 14, 1993, the Metro Council approved Resolution 93-1856, adopting the intergovernmental agreement for the formation of the Regional Emergency Management Group (REMG) and authorizing the regional emergency management work program (see Exhibit D of Resolution No. 03-3352). The 1993 resolution also called for the creation of the Regional Emergency Management Policy Advisory Committee (REMPAC) and the Regional Emergency Management Technical Committee (REMTEC).

In 2002 and early 2003, the REMG developed an Anti-Terrorism Preparedness Proposal including request for federal funds. The Anti-Terrorism Preparedness Proposal cannot be successfully implemented under the current organizational structure. A group of attorneys from Metro and local jurisdictions studied various organizational options to determine the best organizational and legal structure that will help the REMG carry out the purposes of its Anti-Terrorism Preparedness Proposal.

On May 30, 2003, the REMG approved the organizational and legal structure recommended by the Attorneys Group (see Exhibit A and B of Resolution No. 03-3352). The organizational and legal structure approved by the REMG allow coordination efforts to obtain funding for regional emergency management, and also allow the REMG to contract with one jurisdiction (or more jurisdictions) to carry out the Anti-Terrorism Preparedness Proposal. The organizational and legal structure has been clarified in the amended REMG intergovernmental agreement (see Exhibit C of Resolution No. 03-3352).

Analysis and Conclusion

The proposed amendment of the REMG IGA provides an organizational structure that will make it possible for the REMG to receive federal funds and implement its Anti-Terrorism Preparedness Proposal.

ANALYSIS/INFORMATION

Known Opposition

Staff is not aware of any opposition to the proposed legislation

Legal Antecedents

The Charter authorizes Metro to "exercise authority related to the Metropolitan aspects of natural disaster planning and response coordination function."

Anticipated Effects

Resolution No. 03-3352 would amend the REMG intergovernmental agreement to help ensure successful implementation of the REMG's Anti-Terrorism Preparedness Proposal.

Budget Impacts

None

RECOMMENDED ACTION

Staff recommends the adoption of Resolution No. 03-3352 to amend the REMG intergovernmental agreement to provide an organizational and legal structure that would allow the REMG to implement the Anti-Terrorism Preparedness Proposal for the Portland metropolitan area.

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Fish And Wildlife Habitat Protection Planning

Update

Metro Council Work Session

7/15/03

071503c-03

Process Reminder

- July/August: Completing ESEE analysis and defining Program Options
- Sept/October: Public review prior to Council approval of Program Options for evaluation
- Nov/January: Evaluation of Program Options with technical review in Feb
- Mar/April: Public review of results prior to Council approval of program direction in May

Upcoming Council Work Sessions

- 7/15 – Program options, regulatory side
- 7/22 – Program options, non-regulatory
- 7/29 – ESEE analysis
- 8/5 – Revisions on ESEE and Program
Options
- 8/12 – Release for public review purposes

Direction Requested Today On:

- Conceptual framework for program options
- Impact Area approach for ESEE and for policy consideration
- Appropriate high and low range for regulatory component of Program Options

Plus, respond to questions from last work session

Conceptual Framework for Program Options

Protection levels are adapted to the functional values of the resource lands

- Regulatory levels reflect resource values
- Focuses debate on varying resource quality of different parts of the inventory

Economic priorities add another variable to options

- Defined by 2040 hierarchy
- Subject to economic ranking in ESEE

All options include regulatory and non-regulatory components

Inventory Classification Descriptions

<p>Class 1 Riparian Corridor 18-30 pts</p>	<p>Highest value areas providing 3 – 5 primary functions (may also provide secondary functions). Includes rivers, streams, stream-associated wetlands, undeveloped floodplains, forest canopy within 100 feet of a stream and forest canopy within 200 feet of streams on adjacent steep slopes. Also includes Habitats of Concern.</p>
<p>Class 2 Riparian Corridor 6-17 pts</p>	<p>Areas closest to river and streams providing 1-2 primary and several secondary functions. Include rivers, streams, 50 foot area along developed stream segments, and forest canopy or low structure vegetation within 200 feet of streams and portions of undeveloped floodplains extending beyond 300 feet of streams.</p>
<p>Class 3 Riparian Corridor 1-5 pts</p>	<p>Areas that did not receive any wildlife score and provide secondary functions. Includes developed flood plains and small forest canopies that are disassociated from streams.</p>
<p>Class A Wildlife 7-9 pts</p>	<p>Includes large forest patches, wetland areas and large contiguous patches. Also includes Habitats of Concern.</p>
<p>Class B Wildlife 4-6 pts</p>	<p>Includes medium sized forest patches with large low structure connector patches.</p>
<p>Class C Wildlife 2-3 pts</p>	<p>Includes smaller forest patches with smaller low structure connector patches.</p>

Impact Areas Required by Goal 5

Impact areas are outside the resource inventory where allowed land uses or activities could harm the resource.

- Proposed Impact Area definition:
 - 150' from a stream, wetland or lake (when not already included in Inventory as a resource)
 - 25' from the edge of wildlife habitat patches to protect tree root zone and low-structure vegetation
- Proposed analysis approach:
 - Impact area protection level will vary by option
 - Propose Council approve impact areas when selecting program direction

Impact Area Statistics (acres)

	Resource	Impact Areas	Grand Total	% Impact Areas
UGB Total (2002)	53684	13322	67006	24.82%
Expansion Total	8243	1112	9355	13.49%
Remaining Metro Jurisdiction Only	19799	1900	21699	9.60%
Metro Total	81725	16334	98059	19.99%

Vocabulary Review for Program Options

- Prohibit – consequences of conflicting use so detrimental that conflicting use should be prohibited
- Allow – Conflicting use is so important relative to resource that conflicting use should be allowed
- Strictly Limit - public need or equivalent test
- Moderately Limit – viable/competing economic uses in exchange for mitigation
- Lightly Limit – Allow development with low impact development practices
- Note – Title 3 relies on avoid, minimize, mitigate

Example: Range of Regulatory Elements in Program Options

1. Prohibit conflicting uses in highest value resources; strictly and moderately limit conflicting uses in other resources; lightly limit impact areas
2. Strictly limit highest value resources, moderately and lightly limit conflicting uses in other resources; lightly limit impact areas
3. Strictly limit a subset of high value resources (HOC, some Class 1 Riparian Corridors, connector patches, headwaters), moderately limit other high value resources and moderately and lightly limit remaining resources; lightly limit impact areas
4. Moderately limit in centers and industrial areas, strictly, moderately or lightly limit in other areas depending on resource type; lightly limit impact areas
5. Allow conflicting uses in centers and industrial areas, lightly limit in main streets and station areas, moderately and strictly limit in other areas by resource type; allow in impact areas
6. Allow conflicting uses for all economic priorities within UGB, strictly, moderately and lightly limit outside UGB, allow in impact areas
7. Baseline for comparison reflects adopted regulations

Illustrative Draft of Regulatory Option 7/15/03

Goal: To achieve over time an integrated and functional regional network of riparian corridors and wildlife habitats.

Strategy: Use regulatory approach in combination with incentives, education, and acquisition to provide a high level of protection and restoration to regionally significant resources.

Approach to Conflicting Uses: Lightly limit to strictly limit, with bulk of resources subject to a strictly limit approach

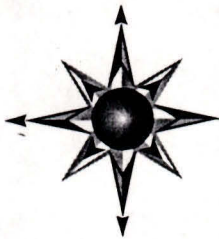
Risk to the Resource: Low

	Class 1 Riparian	Class 2 Riparian	Class 3 Riparian	Class A Wildlife	Class B Wildlife	Class C Wildlife	Impact Areas
<p>Regulatory Treatments</p> <p>Tools:</p> <ul style="list-style-type: none"> • Stream corridor programs • Forest canopy/tree ordinances • Low Impact Development • Land division stds. 	<p><i>Vacant land:</i></p> <ul style="list-style-type: none"> • <u>Strictly limit</u> new development—a public need or benefit must be shown for new development • Avoid creation of unbuildable lots (minimal amount of disturbance allowed and mitigation for adverse impacts) • No further land divisions unless conditioned to require a conservation easement, platting as common open space, or offer of sale or donation of property to public or private agencies for preservation purposes • Where development occurs – 	<p><i>Vacant land:</i></p> <ul style="list-style-type: none"> • <u>Strictly limit</u> new development for Class 2 riparian areas that pass through Class A wildlife patches by applying Class 1 riparian area standards • <u>Moderately limit</u> new development for other Class 2 riparian areas,—“avoid, minimize, and mitigate” test applies (e.g., no practicable alternatives, low-impact development, BMPs) • Mitigation requirements apply • Avoid creation of 	<p><i>Vacant land:</i></p> <ul style="list-style-type: none"> • <u>Lightly limit</u> new development--tree removal standards to minimize tree loss of forest canopy • Maintain 50% of original tree canopy of patch • mitigation requirements apply • land divisions as per base zone 	<p><i>Vacant land:</i></p> <ul style="list-style-type: none"> • <u>Strictly limit</u> new development • Maintain 90% of original tree canopy on the lot • Land divisions treated as in Class 1 riparian • Maximum disturbance area allowed • Address public safety issues (fire hazards) • Mitigation requirements apply 	<p><i>Vacant land:</i></p> <ul style="list-style-type: none"> • <u>Moderately limit</u> new development • Maintain 80% of original tree canopy of habitat patch • Maintain 80% of low structure vegetation closest to water feature if connector habitat • Land divisions, exceptions treated as in Class 1 riparian • Maximum disturbance area allowed • Mitigation requirements apply 	<p><i>Vacant land:</i></p> <ul style="list-style-type: none"> • <u>Moderately limit</u> new development--tree removal standards to minimize tree loss of forest canopy • Mainain 70% of original tree canopy of patch • Maintain 70% of low structure vegetation closest water feature if connector habitat • mitigation for loss of canopy • land divisions as per base zone • Mitigation requirements apply 	<p><i>Vacant land:</i></p> <ul style="list-style-type: none"> • <u>Lightly limit</u> new development—low impact development and BMPs

07/15/03-04

	Class 1 Riparian	Class 2 Riparian	Class 3 Riparian	Class A Wildlife	Class B Wildlife	Class C Wildlife	Impact Areas
	<p>development standards will apply (e.g., place development as far from water feature as possible, low-impact development, BMPs)</p> <ul style="list-style-type: none"> Mitigation requirements apply <p><i>Developed land:</i></p> <ul style="list-style-type: none"> Established uses continue Redevelopment standards employing low impact development, BMPs Mitigation required to offset adverse impacts of redevelopment Land divisions conditioned as for vacant lands above 	<p>unbuildable lots (minimal amount of disturbance allowed and mitigation for adverse impacts)</p> <ul style="list-style-type: none"> land divisions, exceptions treatments as in Class 1 Riparian <p><i>Developed land:</i></p> <ul style="list-style-type: none"> established uses continue follow strictly limit and moderately limit requirements above depending on location of Class 2 riparian unit 	<p><i>Developed land:</i></p> <ul style="list-style-type: none"> established uses continue Redevelopment subject to lightly limit standards in Class 3 riparian such as tree canopy retention, low impact development Developed floodplains subject to low impact development standards 	<p><i>Developed land:</i></p> <ul style="list-style-type: none"> established uses continue] Redevelopment subject to same standards as apply to vacant lands in Class A wildlife 	<p><i>Developed land:</i></p> <ul style="list-style-type: none"> established uses continue] Redevelopment subject to same standards as apply to vacant lands in Class B wildlife 	<p><i>Developed land:</i></p> <ul style="list-style-type: none"> established uses continue Redevelopment subject to moderately limit standards for vacant land in Class C wildlife 	<p><i>Developed land:</i></p> <ul style="list-style-type: none"> established uses continue Lightly limit--redevelopment standards employing low impact development and BMPs

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COALITION FOR A LIVABLE FUTURE

310 SW FOURTH AVENUE, SUITE 612 • PORTLAND, OR 97204
PHONE: 503.294.2889 • FAX: 503.225.0333 • WWW.CLFFUTURE.ORG

July 15, 2003

Dear Metro Council,

We are submitting these comments on behalf of the Audubon Society of Portland and the Coalition for a Livable Future to articulate our position with respect to the development of pre-program options for the Regional Fish and Wildlife Program.

The process of developing the program options is not complete but staff are working at an impressive pace and clearly doing their best to keep advisory committees and interested parties abreast of the draft program options. We wish to articulate our concerns to you directly to inform your discussions with staff as the program options are fleshed out.

As you may know the Audubon Society of Portland and the Coalition for a Livable Future worked arduously in the process of establishing a regional consensus in the Goal 5 Vision statement. It remains a major concern to us that some program options being considered would depart from the vision statement so radically. We have and continue to feel that the Goal 5 Vision statement, as a summary of numerous regional natural resource policy directives, should form the basis for all program options. It is abundantly clear from the Local Plan Analysis that an option for having no regional regulatory program inside or outside the UGB could not possibly reflect and fulfill the goals, objectives, of principles of the Goal 5 vision statement.

However, if Metro is going to step outside the Goal 5 Vision statement and use it as another criteria for evaluating the consequences of various program options, it must be in both, not just one, direction. This would necessitate including an option that employs Metro's authority to establish regional regulatory mandates to the fullest extent of the law.

We feel that including options for no regional program or regulating everything goes far beyond providing the public a policy context (i.e. demonstrating Metro is examining a range of options), to giving the public a false sense of what is a realistic outcome. However, this would at least give a fair scope of program options and conform with direction of the Goal 5 rule to evaluate the consequences of "allowing, limiting, or prohibiting" identified conflicting uses for significant resource sites.

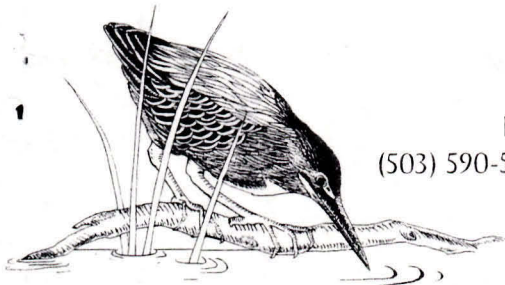
Sincerely,

Ron Carley
CLF Board President

Jim Labbe
Urban Conservationist,
Audubon Society of Portland

C O A L I T I O N M E M B E R S

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TUALATIN Riverkeepers

16507 SW Roy Rogers Rd. Sherwood, OR 97140
(503) 590-5813 • fax: (503) 590-6702 • www.tualatinriverkeepers.org
email: info@tualatinriverkeepers.org



July 15, 2003

Metro Council President Bragdon and Council Members:

The Tualatin Riverkeepers is concerned about the draft options that are currently suggested for Metro's Regional Fish and Wildlife Habitat Protection Program. Our concern is that the suggested highest degree of protection option does not go far enough and the least restrictive option suggests only applying protections outside the UGB (including the expansion UGB expansion areas).

We believe these options fall far short of the vision that was stated for the Regional Fish and Wildlife Habitat Protection Program and that each of the options considered need to achieve some measure of the stated vision. Any option of "do nothing" within the UGB is unacceptable.

One of the community expectations of the Metro Regional and Wildlife Habitat Protection Program is to address both Clean Water Act and Endangered Species Act regulations. I have attached highlighted copies of a recent policy memo directed to DEQ from NMFS regarding the need to better address urban hydrology and stream habitat and also a copy of NMFS 4 (d) rule regarding exception to "take" criteria related to municipal, residential, commercial, and industrial development and redevelopment. This criteria needs to be address in each of the options.

Metro is poised to develop a national model of landuse planning that incorporates the Endangered Species Act and Clean Water Act regulations, please do not waiver. The Tualatin Riverkeepers would like assurances that each Regional Fish and Wildlife Habitat Protection Program option be framed to advance protection of natural resources within the UGB.

Thank you for your consideration.

Sue Marshall
Executive Director
Tualatin Riverkeepers



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
525 NE Oregon Street
PORTLAND, OREGON 97232-2737

Refer to:
OHB2002-0316-GC

December 10, 2002

Rob Burkhart
Oregon Department of Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204

Re: Comments on the Oregon Department of Environmental Quality MS4/TMDL Work Group Final Report.

Dear Mr. Burkhart:

Thank you for including National Marine Fisheries Service (NOAA Fisheries) in the Oregon Department of Environmental Quality (DEQ) Working Group to discuss implementation of Total Maximum Daily Loads (TMDLs) through Municipal Separate Storm Sewer System (MS4) permits in Oregon. The discussion and input of the group will assist DEQ in its work to develop and implement appropriate MS4 permits for these and other sources. NOAA Fisheries agrees with DEQ that stormwater is a significant factor in the degradation of water quality in Oregon, and we believe that the water quality programs mandated by the Clean Water Act, including the TMDL/MS4 permitting process, can be compatible with clean water that can support salmon and steelhead recovery in Oregon.

NOAA Fisheries believes that the MS4 permits need to include numeric effluent limits to address wasteload allocations. Numeric limits provide clear requirements that can be measured, monitored through time, and enforced when necessary. Numeric limits can be adjusted through time as our understanding of science and the stochasticity associated with stormwater improves, and interim benchmarks can be utilized to demonstrate that municipalities are on a trajectory toward compliance with a quantitative limit. While necessary, monitoring of best management practice (BMP) effectiveness and adaptive management actions *alone* do not provide adequate assurances that Clean Water Act goals will be met.

Although the Working Group focused on the water quality issues associated with stormwater, there is also a need to address the changes to hydrology and stream habitat caused by the alteration of stormwater pathways in urban watersheds. The dencutting of stream channels and destabilization of stream banks are a direct result of increased peak flows common in watersheds with more than 10% impervious surface. Appropriate BMP selection and encouragement of on-site infiltration of stormwater would minimize changes to stream hydrology. Consequently, NOAA Fisheries supports permit language that requires source flow controls. Permits should recognize stormwater control strategies that provide other environmental benefits, such as peak



flow reduction and protection of habitat. Incentives should be given for the use of green street designs and incorporating other low impact development concepts.

If you have any questions about this letter, please call Dr. Nancy Munn of my staff in the Oregon Habitat Branch at 503.231.6269.

Sincerely,



Michael Tehan
Chief, Oregon Habitat Branch
Habitat Conservation Division

cc: Madonna Narvaez, EPA
Sue Marshall, Tualatin Riverkeepers
Charles Logue, Clean Water Services
Carrie Pack, City of Gresham
Aubrey Russell, Oregon Trout
Brent Foster, Willamette Riverkeepers
Jim Hill, City of Medford

PART 223--THREATENED MARINE AND ANADROMOUS SPECIES

NOTE: Excerpt from NMFS 4 (d) rule describing criteria for exceptions to take related to municipal, residential, commercial, and industrial (MRCI) development and redevelopment.

(12) The prohibitions of paragraph (a) of this section relating to threatened species of salmonids listed in § 223.102 (a)(5) through (a)(10), and (a)(12) through (a)(19) do not apply to municipal, residential, commercial, and industrial (MRCI) development (including redevelopment) activities provided that:

(i) Such development occurs pursuant to city, county, or regional government ordinances or plans that NMFS has determined are adequately protective of listed species; or within the jurisdiction of the Metro regional government in Oregon and pursuant to ordinances that Metro has found comply with its Urban Growth Management Functional Plan (Functional Plan) following a determination by NMFS that the Functional Plan is adequately protective. NMFS approval or determinations about any MRCI development ordinances or plans, including the Functional Plan, shall be a written approval by NMFS Northwest or Southwest Regional Administrator, whichever is appropriate. NMFS will apply the following 12 evaluation considerations when reviewing MRCI development ordinances or plans to assess whether they adequately conserve listed salmonids by maintaining and restoring properly functioning habitat conditions:

(A) MRCI development ordinance or plan ensures that development will avoid inappropriate areas such as unstable slopes, wetlands, areas of high habitat value, and similarly constrained sites.

(B) MRCI development ordinance or plan adequately avoids stormwater discharge impacts to water quality and quantity or to the hydrograph of the watershed, including peak and base flows of perennial streams.

(C) MRCI development ordinance or plan provides adequately protective riparian area management requirements to attain or maintain PFC around all rivers, estuaries, streams, lakes, deepwater habitats, and intermittent streams. Compensatory mitigation is provided, where necessary, to offset unavoidable damage to PFC due to MRCI development impacts to riparian management areas.

(D) MRCI development ordinance or plan avoids stream crossings by roads, utilities, and other linear development wherever possible, and, where crossings must be provided, minimize impacts through choice of mode, sizing, and placement.

(E) MRCI development ordinance or plan adequately protects historical stream meander patterns and channel migration zones and avoids hardening of stream banks and shorelines.

(F) MRCI development ordinance or plan adequately protects wetlands and wetland functions, including isolated wetlands.

(G) MRCI development ordinance or plan adequately preserves the hydrologic capacity of permanent and intermittent streams to pass peak flows.

(H) MRCI development ordinance or plan includes adequate provisions for landscaping with native vegetation to reduce need for watering and application of herbicides, pesticides, and fertilizer.

(I) MRCI development ordinance or plan includes adequate provisions to prevent erosion and sediment run-off during construction.

(J) MRCI development ordinance or plan ensures that water supply demands can be met without impacting flows needed for threatened salmonids either directly or through groundwater withdrawals and that any new water diversions are positioned and screened in a way that prevents injury or death of salmonids.

(K) MRCI development ordinance or plan provides necessary enforcement, funding, reporting, and implementation mechanisms and formal plan evaluations at intervals that do not exceed 5 years.

(L) MRCI development ordinance and plan complies with all other state and Federal environmental and natural resource laws and permits.

(ii) The city, county or regional government provides NMFS with annual reports regarding implementation and effectiveness of the ordinances, including: any water quality monitoring information the jurisdiction has available; aerial photography (or some other graphic display) of each MRCI development or MRCI expansion area at sufficient detail to demonstrate the width and vegetation condition of riparian set-backs; information to demonstrate the success of stormwater management and other conservation measures; and a summary of any flood damage, maintenance problems, or other issues.

(iii) NMFS finds the MRCI development activity to be consistent with the conservation of listed

salmonids' habitat when it contributes to the attainment and maintenance of PFC. NMFS defines PFC as the sustained presence of a watershed's habitat-forming processes that are necessary for the long-term survival of salmonids through the full range of environmental variation. Actions that affect salmonid habitat must not impair properly functioning habitat, appreciably reduce the functioning of already impaired habitat, or retard the long-term progress of impaired habitat toward PFC. Periodically, NMFS will evaluate an approved program for its effectiveness in maintaining and achieving habitat function that provides for conservation of the listed salmonids. Whenever warranted, NMFS will identify to the jurisdiction ways in which the program needs to be altered or strengthened. Changes may be identified if the program is not protecting desired habitat functions, or where even with the habitat characteristics and functions originally targeted, habitat is not supporting population productivity levels needed to conserve the ESU. If any jurisdiction within the limit does not make changes to respond adequately to the new information in the shortest amount of time feasible, but not longer than 1 year, NMFS will publish notification in the Federal Register announcing its intention to withdraw the limit so that take prohibitions would then apply to the program as to all other activity not within a limit. Such an announcement will provide for a comment period of no less than 30 days, after which NMFS will make a final determination whether to subject the activities to the ESA section 9(a)(1) prohibitions.

(iv) Prior to approving any city, county, or regional government ordinances or plans as within this limit, or approving any substantive change in an ordinance or plan within this limit, NMFS will publish notification in the Federal Register announcing the availability of the ordinance or plan or the draft changes for public review and comment. Such an announcement will provide for a comment period of no less than 30 days.

(13) The prohibitions of paragraph (a) of this section relating to threatened species of salmonids listed in § 223.102 (a)(12), (a)(13), (a)(16), (a)(17), and (a) (19) do not apply to non-Federal forest management activities conducted in the State of Washington provided that:

(i) The action is in compliance with forest practice regulations adopted and implemented by the Washington Forest Practices Board that NMFS has found are at least as protective of habitat functions as are the regulatory elements of the Forests and Fish Report dated April 29, 1999, and submitted to the Forest Practices Board by a consortium of landowners, tribes, and state and Federal agencies.

(ii) All non-regulatory elements of the Forests and Fish Report are being implemented.

(iii) Actions involving use of herbicides, pesticides, or fungicides are not included within this limit.

(iv) Actions taken under alternative plans are included in this limit provided that the Washington Department of Natural Resources (WDNR) finds that the alternate plans protect physical and biological processes at least as well as the state forest practices rules and provided that NMFS, or any resource agency or tribe NMFS designates, has the opportunity to review the plan at every stage of the development and implementation. A plan may be excluded from this limit if, after such review, WDNR determines that the plan is not likely to adequately protect listed salmon.

(v) Prior to determining that regulations adopted by the Forest Practice Board are at least as protective as the elements of the Forests and Fish Report, NMFS will publish notification in the Federal Register announcing the availability of the Report and regulations for public review and comment.

(vi) NMFS finds the activities to be consistent with the conservation of listed salmonids' habitat by contributing to the attainment and maintenance of PFC. NMFS defines PFC as the sustained presence of a watershed's natural habitat-forming processes that are necessary for the long-term survival of salmonids through the full range of environmental variation. Actions that affect salmonid habitat must not impair properly functioning habitat, appreciably reduce the functioning of already impaired habitat, or retard the long-term progress of impaired habitat toward PFC. Programs must meet this biological standard in order for NMFS to find they qualify for a habitat-related limit. NMFS uses the best available science to make these determinations. NMFS may review and revise previous findings as new scientific information becomes available. NMFS will evaluate the effectiveness of the program in maintaining and achieving habitat function that provides for conservation of the listed salmonids. If the program is not adequate, NMFS will identify to the jurisdiction ways in which the program needs to be altered or strengthened. Changes may be identified if the program is not protecting desired habitat functions or where even with the habitat characteristics and functions originally targeted, habitat is not supporting population productivity levels needed to conserve the ESU. If Washington does not make changes to respond adequately to the new information, NMFS will publish notification in the Federal Register announcing its intention to withdraw the limit on activities associated with the program. Such an announcement will provide for a comment period of no less than 30 days, after which NMFS will make a

final determination whether to subject the activities to the ESA section 9(a)(1) take prohibitions.

(vii) NMFS approval of regulations shall be a written approval by NMFS Northwest Regional Administrator.

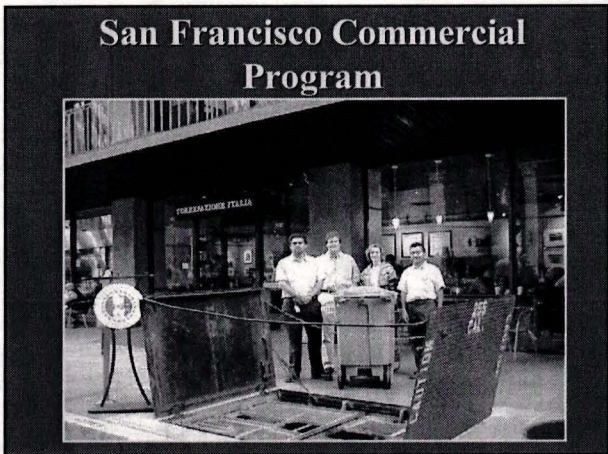
(c) Affirmative defense. In connection with any action alleging a violation of the prohibitions of paragraph (a) of this section with respect to the threatened species of salmonids listed in § 223.102 (a)(5) through (a)(10), and (a)(12) through (a)(19), any person claiming the benefit of any limit listed in paragraph (b) of this section or § 223.209(a) shall have a defense where the person can demonstrate that the limit is applicable and was in force, and that the person fully complied with the limit at the time of the alleged violation. This defense is an affirmative defense that must be raised, pleaded, and proven by the proponent. If proven, this defense will be an absolute defense to liability under § 9(a)(1)(G) of the ESA with respect to the alleged violation.

(d) Severability. The provisions of this section and the various applications thereof are distinct and severable from one another. If any provision or the application thereof to any person or circumstances is stayed or determined to be invalid, such stay or invalidity shall not affect other provisions, or the application of such provisions to other persons or circumstances, which can be given effect without the stayed or invalid provision or application.

A Review of Organic Recycling Programs

**Council Work Session
July 15, 2003**

- ### San Francisco, CA
- Commercial and newly implemented residential collection programs
 - 1,600 businesses
 - One hauling company
 - AgBag composting system
 - 60,000 tons (2002)
 - 25% discount to businesses



Composting Collection

All Food
Meat, bones, dairy, eggs, seafood, oils, fats, and greases

Food-soiled Paper
Paper plates, cups, napkins, paper towels, pizza boxes, and waxed cardboard

Plants
Household plants, garden plants, and weeds

Not
Auto tires, auto parts, household appliances, electronics, and hazardous materials

Todo Comida
Carne, huesos, lácteos, huevos, mariscos, aceites y grasas

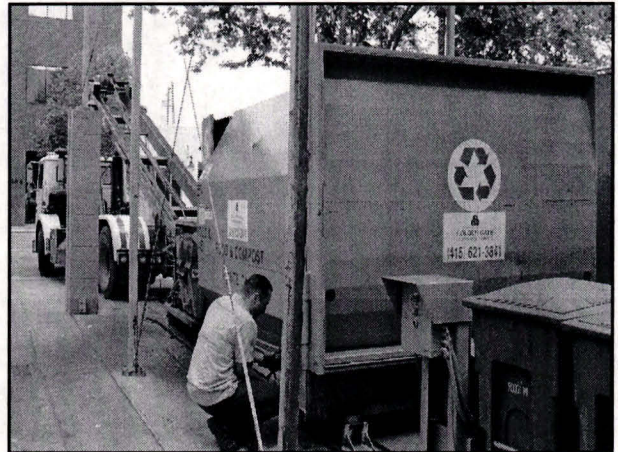
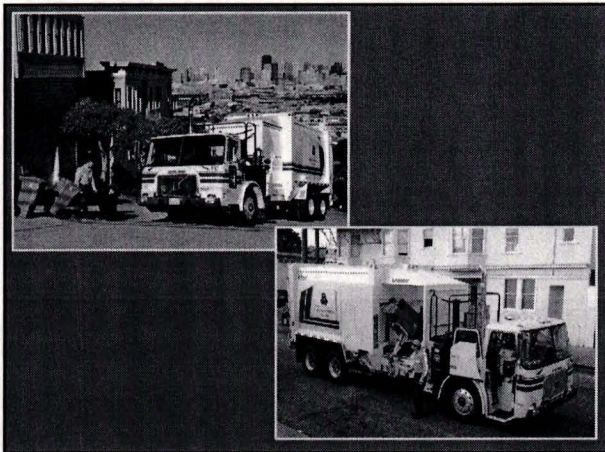
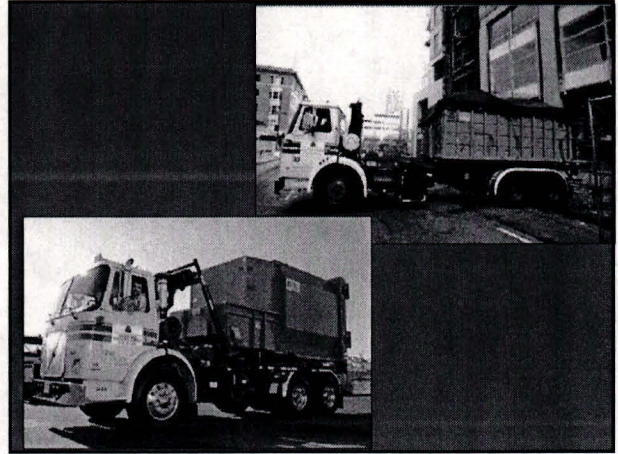
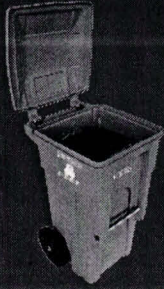
Papel Manchado por Comida
Platos de papel, vasos, servilletas, toallas de papel, cajas de pizza y cartón encerado

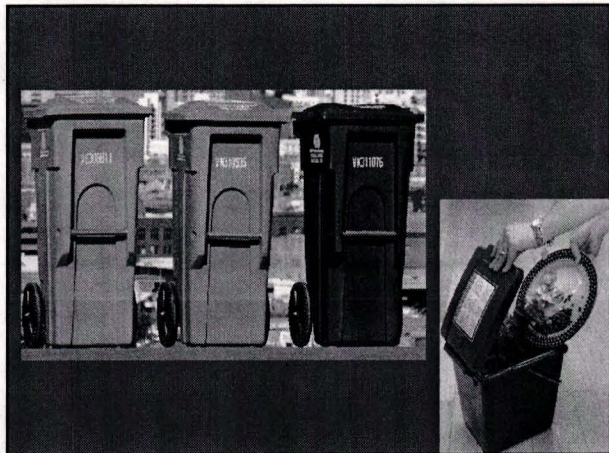
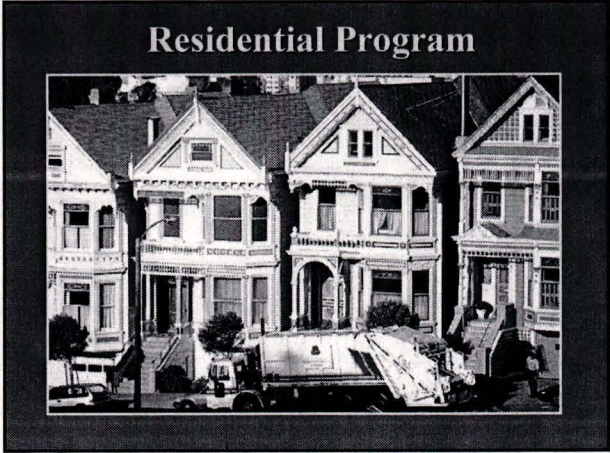
Plantas
Plantas de interior, plantas de jardín y malezas

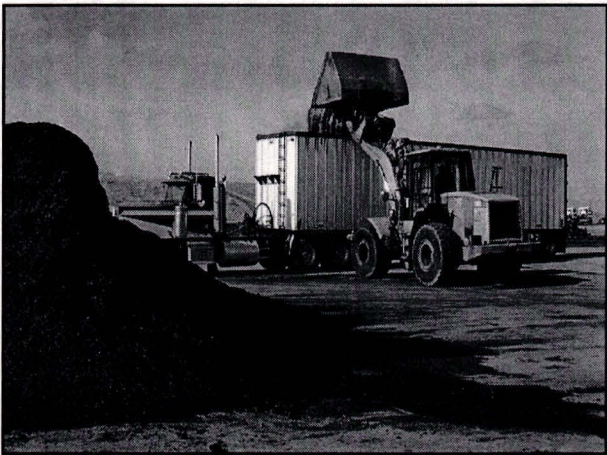
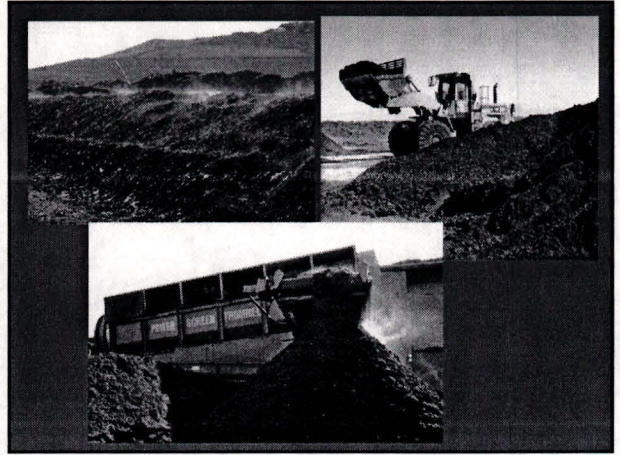
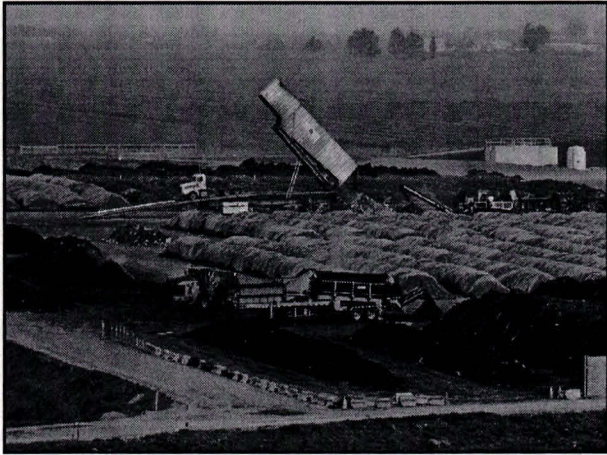
No
Neumáticos de auto, piezas de auto, electrodomésticos, electrónicos y materiales peligrosos

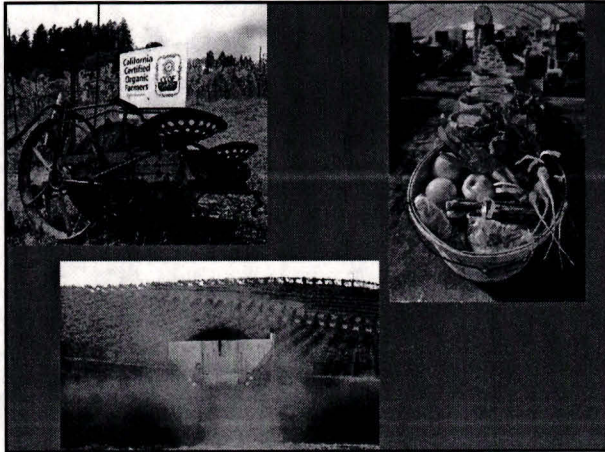
Questions? 330-1315

Organic Waste Collection Containers











Berkeley, CA




- Commercial voluntary
- 75 participants
- Municipal collection
- Open windrow composting
- 2,600 tons (2002)
- 20% reduced rate



Honolulu, HI

- Commercial mandatory (1997)
- Choose collection from recycler, hauler, or self haul
- Animal feed processing
- 40,000 tons (2002)
- Collection costs vary



Amherst, MA

(and surrounding communities)

- Commercial voluntary
- 70 participants
- Private collection (franchised or contracted)
- On-farm composting
- 4,000 tons (2002)
- Tip fee \$25 - \$35 / ton at farm



Duluth, MN

- **Commercial voluntary**
- **35 participants**
- **Open market collection (5 haulers)**
- **Composted by regional SW authority**
- **312 tons (2002)**
- **"zero" tip fee**
- **\$4-\$20/yard collection costs**



San Diego, CA

- **Pilot program**
- **70 participants**
- **Case-by-case collection**
- **Windrow composting**
- **1,000 tons (2002)**
- **Tip fee \$22 per ton**

Other Programs

- **City of Alameda, CA residential in place – commercial July 2003**
- **San Leandro, CA residential (new)**
- **San Jose, CA commercial 7,000 tons per month (includes yard debris & paper)**
- **Fremont, CA developing residential and voluntary commercial (January 2004)**
- **Orange County, NC (1994) 800 tons 23 businesses**