
**Smith and Bybee Wetlands Natural Area
Management Committee**

Dave Helzer, Chair



METRO

600 NE Grand Ave.
Portland, OR 97232-2736

Smith and Bybee Wetlands Advisory Committee Meeting

5:30 p.m. - 7:00 p.m., Tuesday, July 26th, 2011
Metro Regional Center, 600 N E Grand Ave., Room 370
Portland, Oregon 97232

AGENDA

Welcome and introductions	(Dave Helzer)	5:30 – 5:35 pm
Approve May meeting summary	(Dave Helzer)	5:35 – 5:40 pm
Comprehensive Natural Resources Plan – Document Review and Comments	(Janet Bebb)	5:40 – 6:30 pm
Herbicide Usage	(Dale, Jonathan and Dan)	6:30-6:50 pm
Communications Plan	(Dan Moeller)	6:50 – 7:00 pm



Smith and Bybee Wetlands Advisory Committee July 26, 2011

In Attendance:

Dave Helzer *BES, Chair
Troy Clark *Audubon, Vice Chair
Larry Devroy *Port of Portland
Dale Svart*Friends of Smith & Bybee Lakes
Pam Arden*40 Mile Loop Trust
Sara Henderson*St. Johns Neighborhood Association
Dan Moeller*Metro Sustainability Center
Phyllis Cole.....Metro Parks & Environmental Services
Janet Bebb.....Metro Sustainability Center
Jonathan Soll.....Metro Sustainability Center
Elaine Stewart.....Metro Sustainability Center
Carrie ButlerPort of Portland
Bill Briggs.....Merit Oil Refinery
Heather CostonMetro Communications
Patt Opdyke *North Portland Neighbors
Chris Scarzello.....City of Portland

* Denotes voting SBWMC member

The meeting was called to order at 5:38 p.m., and introductions were made.

Approve May Summary Notes

There was a motion by Sara Henderson to accept the May 24, 2011 meeting summary notes, and the motion was seconded by Dan Moeller. The motion passed without amendment.

Comprehensive Natural Resources Plan – Document Review and Comments

Chris Scarzello from the City of Portland passed around a two-page document titled “Replacement of the Natural Resource Management Plan for Smith and Bybee Lakes.” She pointed out that the NRMP has not been modified, although the zoning regulations it was based on have been changed more than 16 times to become more streamline. New environmental codes make restoration projects easier to accomplish. The City of Portland’s environmental code will be the mechanism which protects the wetlands between the time that the NRMP is retired and the CNRP is adopted. She asked the Committee to give feedback as to what may have been overlooked.

There have been questions about what happens on the edges of Smith Bybee, including storm water issues involving adjacent property owners. These are being addressed.

The NRMP retirement decision goes to Portland City Council in October, 2011, and goes into effect 30 days after adoption. Then Metro can apply the CNRP; the current zoning code would then supersede out of date zoning law in the NRMP.

Adoption of the CNRP is a new process, and is a land use decision. This document type was created this past year as part of the Tree Ordinance, and the Metro application for Smith

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Bybee will be “the first one in the door,” providing a good opportunity to observe the new process in action.

Janet Bebb asked about next steps in timing, which Chris addressed.

The land use review for the CNRP can be appealed so there will be gap between retiring the NRMP and adopting the CNRP. It is not currently known how long that period will last.

During that time the current environmental zoning still stands. Projects could be permitted on a project by project basis, with a permit only. After adoption, the CNRP works like a master plan, and will be good for about 10 years.

Larry brought up that no one at the Port knew what “retiring the plan” meant for the Port. Chris said Brian Campbell is at the City, and she will ask him. Elaine added that Brian would be a great resource.

Dan Moeller shared his hope that a draft IGA would be developed by mid-September.

It is anticipated that the new plan will be adopted by the first of the year in 2012. Along with the CNRP there is a need for an intergovernmental agreement between Metro, the City of Portland and the Port.

Larry asked for clarification on the purpose of the IGA. Janet responded that relationships between these parties are described in the NRMP and then referenced in current IGA. By taking away the NRMP, there will no longer be a place where roles and relationships are described. The new IGAs would accomplish this.

Elaine brought up how being able to accomplish rapid response on each other’s properties (such as the Port and the City of Portland) would be helpful.

Dan clarified that it is not one IGA, but two; one with city and one with the Port.

Janet asked everyone to look at Chris’ handout and note the dates and times where committee members are needed to provide testimony. This includes:

Planning and Sustainability Commission
September 13, 12:30 – 4pm (this date is approximate)
1900 SW 4th Avenue
City Council hearing on NRMP retirement
October 12, (time tbd)
Portland City Hall, 1221 SW 4th Ave

Chris asked Portland’s resource team where the management area is not compliant with Title 13, they told her that the upland area of St. Johns is not in compliance, and that some resource areas need the zoning designation changed.

Janet is applying for a pre-app conference, and Chris asked that anyone with interest in this respond to her. If you’re interested in attending the pre-app conference, let Janet know.

The big picture is that changing documents from NRMP to CNRP is a lot of work, and there are trade-offs. A year ago it was decided that this was worth the effort; and certainly the CNRP will be easier to modify and keep current, and it will be good for 10 years.

Patt Opdyke will attend the North Portland Land Use Meeting on July 28, 2011.

CNRP - Natural Resources Document Review

Janet thanked all those made comments and caught errors in the review document (attached).

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Writing Conventions

1. It was decided that the first time the group is mentioned the full name will be spelled out, then will be called the Committee.
2. Pat brought attention to the potential confusion using first “wetlands,” and then “Smith Lake” and/or “Bybee Lake.” Janet suggested that “wetlands” be the overall designation, and that “lake” be used when referring to each area separately. This has been the practical convention over the past few years. The group agreed.
3. The picture on page 65 of a hand holding a Yellow Rumped Warbler was questioned by several reviewers. Elaine pointed out that this was Phil G.’s hand and that it was taken at Smith Bybee Wetlands while he was banding birds. The group liked the association and felt it was an appropriate picture to keep in with a caption explaining the connection.

Comments

4. Troy felt the Landfill vision should be stronger. Janet explained that early on there was discussion about integrating the landfill with the rest of the wetland, so that it didn’t feel separate. As a result, there’s not a lot of separate text about the landfill. Janet pointed out that the appendix has a large entry on bank stabilization, which is not in the body of the text. Elaine pointed out that the Committee did work on the landfill vision in 2005-06, and she can look for these if it would be helpful. The top is prairie and the edge is riparian habitat. Patt asked if “for historical and ‘industrial’ use, please see index” could be added. This would not dilute the habitat message, but would be helpful for readers. Retooling of flare facility is in the future. Jonathan Soll added that if this plan is to serve as a single source document, people will see that the landfill is a conservation strategy habitat, and for the big picture the index can be accessed. Janet asked Troy if she could return the document to him and find places where this could be inserted, and he agreed.
5. What was the 1996 water level? Reasonably enough, it depends on where the measurement is taken. Bill Briggs said it was at least 29 feet; his company is located at three feet. Elaine suggested that a landmark be picked and measurement taken from there. The introduction page can be rewritten to reflect a more accurate number than currently used.
6. Dale’s noted concern on the use of herbicides at Smith Bybee was held until the specific agenda item on this comes up.
7. Native mammals are not mentioned. Elaine said that James Davis has a fairly current wildlife list that could be added. Patt asked if native plants could be included; Elaine said this information is available and will be included in the appendix.
8. Would a second level on either viewing platform disrupt wildlife was a question posed by reviewers? It is in the proposed recreation section, and Dave felt it would not. Vegetation screening will be used, and the Committee felt comfortable with this. Dale asked about engineering, Janet said a second floor could probably be added on utilizing the very sturdy base already present. Troy asked Chris if a permit would be needed, and she said it would. But probably not for trails, and maybe not even bridges. A streamlined review process with city, state and fed allows all entities to look at project at same time. Chris will ask that Metro be put into this group.
9. Another reviewer asked that a trail around lake be added to the list of recreation projects. Janet brought this up and reminded the group of the exercise where everyone initialed

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projects they supported. Additional trail was a “write-in” on the table and got the fewest votes, and therefore was left off the list in the draft CNRP. Janet asked if there was enough interest to review this. Pam said this was in reference to a trail south of Smith Lake that has been under discussion for years.

Council is still looking at this option, and Pam wants to make sure it is not forgotten. Her concern is that the document indicates little access for those walking as compared to kayaking. Dave Helzer said the north shore of Bybee Lake is the only one without a trail, which is less than ¼ of the area. Pam does not interpret the landfill trail as part of the trail system. Troy said that process was presented to the Metro Council, and they made a choice to approve the landfill trail connection.

If access to the south side is not granted, should these options be kept open? Troy said this is up to Council, not the committee.

Larry asked how long is long enough to wait. Jonathan suggested language that the Committee would continue to explore access opportunities compatible with the larger picture of resource use, in keeping with good decisions about human use of the site. Troy reiterated that Council made a choice, but in the long run, if it is not feasible, it won't happen.

Jonathan doesn't want a trail on south side of Smith Lake, and does not recommend it to be listed specifically in the plan.

Wording on access opportunities will continue in ongoing discussion.

10. Additional access by kayaks is not in keeping with the general concept of limiting human interactions on Bybee Lake. Dan Moeller said there currently already is access for portaging and the suggestion is to make it a safer experience, not of increasing the volume. This could, however, be one result of a safer process. At low water level there is currently nowhere to go. Janet reiterated that addressing the safety concern will also make it easier to do, thus possibly increasing boat traffic.

Troy would rather see no portage opportunities at all than to leave it as it is, since boaters sometimes do not always understand their own capabilities in regards to physical challenge. Patt asked if this is a liability for Metro. Sara said it is not if it is not dedicated as a portage. Janet asked if the portage project should stay in or be eliminated from the capital projects list. Dave said that this is a large issue that would increase usage of Smith and Bybee lakes, and it will generate a major decision that needs more time for discussion. Patt added that if there are safety concerns if it is used, should it be posted and a barrier put up?

Janet noted that she was hearing a reversal from earlier discussions about the portage issue. It was decided to keep the project in the list, but continue the discussion over time. Dale supports less access; he has seen a huge increase of boats on the lakes, and there are safety concerns. Dan Moeller has seen more people on Bybee Lake, but has seen no one coming into Bybee from the Columbia Slough. Dale has however. Dan can't imagine that this is a large number of boaters.

The City of Portland publishes a paddle guide for the Columbia River Slough, and if this portage were to be listed it would broadcast the portage, institutionalize it and advertise it.

Dale sees most traffic in the winter, when wind keeps people off the lakes. Pam drew

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attention to the map that shows boat trails around Bybee Lake. Jonathan suggested that more data be collected. Troy said there is a built-in lack of access based on the water levels. Leaving it the same is having a place holder. Dale said that limited access is already in the document.

Jonathan and Janet will discuss this with Lori Hennings.

Herbicide Usage

Dale began by acknowledging that he was in a room full of policy people who disagree with his point of view, but he's tired of hearing that there is no other way. He is working to get the public involved with how they feel about glyphosate. Six years ago with friends he noticed plants killed by herbicides; to him "green" means no use of toxic chemicals. He was out boating with friends when a boat with a tank came by. Dale's friend asked them what they were spraying, they were evasive, and his friend was concerned. She pressed and eventually they said it was a special new kind of product that contained no surfactants, etc. Since then he has had concern about use of these. He acknowledged that Jonathan comes from the Nature Conservancy, which has done lots of good, but Dale has been frustrated by their use of herbicides. The Monday, June 20, 2011 edition of *The Oregonian* had an opinion piece titled "Re-evaluating Roundup." Dale held up a copy of the newspaper, which he said mentioned a lot of new scientific findings. Dale passed out a paper with his concerns, and referenced an article from *Scientific American* about inert ingredients that discusses the effects of glyphosate on human cells. He says it is a spectracide, meaning it kills all living cells. Rex Burkholder's email says Metro's glyphosate has less toxicity than table salt, and Dale questioned this. Jonathan had not seen Councilor Burkholder's email. The amount of glyphosate needed is small, and there was discussion about what amount is dangerous. Use of glyphosate is part of integrated pest management, and Dale brought up the history of use of toxic chemicals that have built up in our bodies.

In the interest of time, Patt asked that Dale put a question to the Committee, and asked whether this discussion could be continued at a later time, after the Committee has had time to catch up on the research Dale has done? Dan said that a recommendation to Metro is completely acceptable and desirable.

The Question: Should Metro use glyphosate in its treatment of weeds and invasives in the Smith Bybee Natural Area?

This will be put on a future agenda item, and after discussion the Committee will make a recommendation.

The Smith Bybee Wetlands also includes Port-managed area, and area managed by the City of Portland as well, and this should be taken into account.

Should glyphosate listed as a threat? Why the secrecy on use of glyphosate?

He doesn't expect Metro to have an epiphany on this, but is convinced that at some point glyphosate will be made illegal.

Janet asked if the Committee was comfortable with the way it is currently discussed in the document.

Jonathan asked Dale to consider if it is glyphosate specifically, or other or all pesticide classes he wishes to have addressed. He suggested that Dale bring up the glyphosate molecule specifically to bring clarity to the situation.

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Dale would like an environmental scientist to come and speak to the issue. Dan suggested that as the time gets closer we have the opportunity to have speakers on both sides of this issue. Dan stated that Metro's basis for land management is peer reviewed data, and that all decisions are based on this. He wouldn't support a person coming in simply to present their opinion. He asked that Dale inform him when he locates a person.

Troy asked whether the Committee is going to give advice to Metro. The question to Metro needs to be carefully and clearly crafted. Sara wondered whether this were something the Committee even needs to be deeply involved in; is this the best use of the Committee's time? Dan added that he, like Troy, doesn't want this to keep coming up for the next four years, and that time needs to be dedicated to tackle this issue. Dave was glad to hear this, and Troy agreed with Dale on the importance of this, but reiterated that the Committee needs to be clear. Dale didn't come to make a presentation, he just felt compelled to open it up to discussion among everyone. Dave said that within the purview of the Committee a question is needed; how it should be structured, how it will be addressed.

General Updates

Carrie Butler was present at the meeting, and she will be replacing Larry Devroy when he retires. She spoke to the plight of the Painted Turtles; when the Ramsey Rail Yard was built, the fencing was such that it lets turtles get underneath. This is being fixed with gravel, sand and monitoring so they can't get underneath and be trapped. It is not expected to be an expensive project; within the \$12-15,000 range.

Troy's purple martin stations will be built at Ramsey Meadows; the Port is happy with this option and a meeting will be set up soon to get the nest building process going.

Chris asked for snail mail addresses for Committee members who would like updates on the CNRP process; Phyllis will send them to her. Elaine will be working to clear up inconsistencies with the update; she will work with Janet and get back to Patt, who would like to continue to be involved with the update process. Pam's computer is not reading the document; it is very large and may be difficult to open. Comments on appendices are needed at the next meeting. If reading it in pdf is an obstacle Janet can print it and send it out those who would like it. She noted hands raised for this.

The meeting was adjourned at 7:33 p.m.

Next meeting
August 23, 2011
5:30 to 7:30 p.m.
Metro Regional Center
Room 270