

coordinated by.

---

**Smith & Bybee Lakes Wildlife Area  
Management Committee**

*Nancy Hendrickson, Chair  
Troy Clark, Vice Chair*

**Metro**

600 NE Grand Ave.  
Portland, OR 97232  
(503) 797-1870

---

**Smith & Bybee Lakes Management Committee Meeting**

5:30 p.m. - 7:00 p.m., Tuesday, June 23, 1998

Metro Regional Center, Room 270

600 N E Grand Ave.

Portland, Oregon 97232

**AGENDA**

<i>Introductions &amp; Updates - (15 min.)</i>	5:30 - 5:45 pm
<i>Presentation - Port of Portland - Review of Rivergate Projects (45 min.)</i>	5:45 - 6:30 pm
<i>Discussion - Review &amp; Finalize N. Marine letter Issues for Open House on June 24</i>	6:30 - 6:50 pm
<i>Discussion - Set Agenda for Next Meeting</i>	6:50 - 7:00 pm
<i>Adjourn</i>	7:00 pm

Enclosures:

Minutes from May 26, 1998 meeting

Copy of June 3, 1998 letter from Emily Roth to Oregon Health Division

Copy of draft of letter from Management Committee to Jeanne Caswell on North  
Marine Drive project

Copy of June 4, 1998 letter from Emily Roth to Portland Bureau of Planning on Port of  
Portland's proposed new outfall and storm sewer in Wildlife Area

*Susan  
Susie  
Paul*



**METRO**

**Smith & Bybee Lakes Management Committee Summary Meeting Notes**

Metro Regional Center  
Room 270  
Tuesday, June 23, 1998  
5:30 PM

**In Attendance:**

- |                    |                                |
|--------------------|--------------------------------|
| Gerald H. Wright * | Fuel Processors/ Merit Oil     |
| Jeffrey A. Kee *-1 | Friends of Smith & Bybee Lakes |
| Troy Clark *       | Audubon                        |
| Paul Vandenberg    | Metro - REM                    |
| Holly Michael *    | ODFW                           |
| Emily Roth         | Metro - RP&G                   |
| Pat Sullivan       | Metro - RP&G                   |
| Chee Choy *-2      | City of Portland, BES          |
| Susan Oman *       | Port of Portland               |
| Chris White        | Port of Portland               |
| Paul Shirey        | Port of Portland               |
| Polly Knox         | Friends of Smith & Bybee Lakes |
| Susie Lahsene      | Port of Portland               |
| John Childs        | Port of Portland               |
| Jim Morgan *       | Metro - RP&G                   |

- \* voting member.
- \*-1 representing Friends of Smith & Bybee Lakes, substituting for Frank Opila
- \*-2 representing City of Portland, BES, substituting for Nancy Hendrickson

Troy Clark, Committee Vice Chair, opened the meeting at 5:30 p m.

The Summary Meeting Notes of the May 26, 1998 Management Committee meeting were approved as submitted.

**Updates**

*move to p. 3*

⇒ <sup>summary</sup> Emily Roth announced a generous contribution of \$5,000 has been received by Metro from the Port of Portland for updating the Regional Framework Plan Map.

⇒ Emily then reported on the response from Ken Kaufman of the Oregon Health Division (OHD) to her letter of June 3, 1998. The Division was requested to review the accuracy of the 1995 "Screening-Level Risk Assessment for the Smith-Bybee Natural Resources Management Area" and determine if an official health advisory for the lakes is warranted. The request was made because the Management Committee is considering whether to

produce a flyer or brochure which would discuss the risks of and cooking advice for fish caught from the lakes. Another possibility was to include the lakes in the fish advisory brochure being developed by the City of Portland and the OHD. Based on the Health Division's review of the SLRA and on "existing data for the lakes" the OHD's recommendation was that reference to Smith & Bybee Lakes not be included in its fish brochure.

⇒ According to Kaufman there was insufficient data (obtained only from six fish). Chee Choy, representing BES, disagreed with the recommendation. His agency hopes to have an intern look at additional data. Paul Vandenberg interjected that the '95 SLRA had 1200 samples (referring to number of tests done by the lab on fish tissues of a variety of species for a variety of contaminants.) As recently as 2 weeks ago, water from the slough was washing over the dam. Because of such episodes, the origins of fish from the slough and from the lakes become indistinguishable. Emily distributed a copy of the recently produced OHD fish advisory.

⇒ An inspection of the lakes was made recently by Troy Clark, Holly Michael and Emily to assess beaver damage. Eleven lodges were spotted; Emily has the areas mapped. The consensus was to wait for the water control issue to be resolved first before dealing with the beaver issue. ~~Not a beaver~~

⇒ Emily added that the trails are walkable and the owlets have fledged and flown. Also James Davis will be leading a bird walk the evening of the next S & B Management Committee meeting.

*Emily stated*  
⇒ Metro is acting as a "friendly negotiator" in the settlement between the Port of Portland and Mikey Jones. Part of the settlement may include \$400,000 from the Port of Portland to Metro for removal of the water structure. *Susan reminded the committee that there is a tentative settlement. There are final details to be worked out.*  
Presentation - Port of Portland - Review of Rivergate Projects

- Susie Lahsene discussed the Port's interest in transportation issues and the importance of enhancing freight mobility. She stressed the area's link with the Pacific Rim and the goal of developing and maintaining a competitive edge. The Port Transportation Improvement Plan was described which is an updated annual list of all projects submitted to Metro for funding or inclusion in Metro's Regional Transportation Plan. *See attachment 3. ADD in.*
- Paul Shirey then explained the Port's project selection process and gave an overview of capital projects. Two projects discussed were:

1) West Hayden Island project: ~~the building of the bridge to West Hayden Island has been moved to the first phase of the project. The timing for the progress of development is market-driven, according to Paul.~~ *See attachment 1*

Troy described his frustration at the Marine Drive expansion project being looked at as a system rather than individual project and his anger at the timing of the process that moved the bridge construction from the 2nd phase to the 1st phase. Environmental compromises were made by the TAC and the CAC in recommending the road over rail alignment and were made based on the understanding that the bridge would come about much later, if at all.

*See attachment 2.*

2) South Rivergate Overcross project: ~~Having limited options, the project will go along the far-eastern edge of the "wetland complex."~~

Emily pointed out that ~~although~~ <sup>and</sup> this project is within the Smith & Bybee Wildlife Area, ~~it~~ has not been identified as part of the Management Plan. A Type 3 Environmental Impact Review will have to be filed by the Port. A member of the Smith & Bybee Lakes Management Committee needs to be a participant in the review process.

As an aside, Emily suggested the placement of a temporary Rivergate sign.

- Susan Oman reviewed the managing of mitigation projects. Projects are identified, scoped, and reviewed with the Division of State-Lands; all have maintenance budgets; very few capital projects remain to be done. An internal education process is going on within the Port regarding "being in compliance".

Holly asked if the Port anticipates making progress in 1998 to become in compliance. Troy questioned who decides when projects are considered "successful" - DSL and Corps of Engineers. Jim Morgan placed part of the problem for not being in compliance with the lack of documentation and subsequent difficulty following up on the mitigation process.

- Susan Oman also reported on the storm drainage outfall project and acknowledged it should have been brought to the attention of the Management Committee prior to this time.

Suggestions for the July meeting:

- (1) Invite Ken Kaufman of ODH, Wayne Lei of PGE and/or Phil Lamb from The Wetlands Conservancy to meet with the Committee.

Suggestion for August or September meeting:

- (2) Invite Tim VanWormer to discuss bio-engineering project.
- (3) Groundwater sampling - REM

*The scope of the program needs and actions being taken so existing and new sites can*

*Susan addressed Metro's concerns outlined in the letter to the city on this project. Future needs in Rivergate were identified: food vendor; daycare; fueling station.*

*There is a proposal for development of a warehouse on N. Ramsey Blvd. adjacent to the railyard. Stated for construction this fall.*

**Attachment 1**

Paul discussed the schedule for the West Hayden Island marine terminal development project. The timing for development is also driven by the market and the ability to find a company to run the proposed terminal. The Port recently decided to include construction of an access bridge to the west end of the island as part of the first phase of development. The bridge had earlier been included in the second phase. The permitting process for the project includes City zoning and annexation of the west end of the island as well as an Environmental Impact Statement and endangered species consultation. The entire permitting process is expected to take 2- 1/2 years.

**Attachment 2**

The South Rivergate overcrossing project is designed to grade separate N. Lombard Street from two rail lines serving industrial tenants in Rivergate. The alignment of the bridge is constrained by the old landfill and existing utilities in the project area. The bridge is expected to have some impacts to a remnant portion of the Columbia Slough wetlands at the eastern edge of the site. A final alignment decision will be made in consultation with neighbors and businesses in the area.

**Attachment 3**

Susie Labsene presented the Port's Transportation Planning program. The Transportation Planning Program has three elements; transportation systems analysis, transportation improvement priority setting, and transportation finance.

In discussing transportation system analysis, Susie described the Port mission: to provide cost competitive access to national and international businesses. She indicated the Port's transportation improvements were the result of meeting the business and public needs for access to market and were reflected in Metro's Regional Transportation Plan (RTP). Selecting projects for implementation occurs through the Port's Transportation Improvement Program (PTIP), a public process that includes a public hearing for adoption by the Port Commission each fall. Copies of the PTIP are available through her office. Port transportation priorities then submitted to Metro for consideration for funding in the STIP and MTIP process.

Rail served industry in Rivergate is an important aspect of providing cost competitive access. Rail transport reduces dependency on truck transport and is more efficient for bulk container movement. The Port is hoping to expand rail-served import development in Rivergate to offset the fact that Portland is primarily an export market.

May 29, 1998

Jeanne Caswell  
City of Portland  
Office of Transportation  
1120 SW 5th Ave., Room 802  
Portland, OR 97204-1914

**DRAFT**

Dear Ms. Caswell,

The Smith and Bybee Lakes Management Committee discussed the project summary and staff recommendations for the North Marine Dr. widening and rail relocation project at our May meeting. Overall, the committee is pleased with the recommendation of the road over rail option with a bridge structure. The selection of this alignment minimizes the direct impacts to the Smith and Bybee Lakes Wildlife Area. The recommended phasing approach was not discussed at the TAC or CAC. If this approach is taken, the committee would like to see all the recommendations for lake buffers, noise abatement, stormwater treatment, access to Smith and Bybee lakes and recreation components implemented in the first phase.

As discussed at the combined CAC/TAC meeting in May, the design details for stormwater treatment, noise abatement, the 40-Mile Loop Trail, access and improvements to the Smith and Bybee lakes parking lot and spill containment still need to be addressed. The committee would also like to see turtle monitoring recommended in the report as the widening of the road and increase traffic may potentially impact the habitat.

There are a few detailed design issues in the report that are of immediate concern because of their potential impacts on the lakes or maintenance issues. We understand that they will be addressed with the design committee but felt it is important to address them at this time too.

1. Stormwater management: The drawing (figure 3) shows an open drainage swale. The maintenance of this swale could be a potential problem. It will probably fill with trash and exotic vegetation. When developing the design, consider piping the stormwater to a pond for treatment. One area will be easier for the city to maintain than a series of ditches.
2. Also on Figure 3 it is unclear if the planter strip, 40-Mile Loop Trail and drainage swale are in the road right-of-way or in the EC zone for Smith and Bybee Lakes. If they are in the EC zone this is an infringement in the resource area. The area marked resource and vegetative buffer is the resource area, not the buffer area to the lakes.
3. There is very little discussion on spill containment. This was discussed at length both at the TAC and CAC. It needs to be better addressed in the design. It should be separate from the stormwater treatment facility.
4. The issue about if any of the project will be built in the EC zone is not mentioned in the report. The area is referred to as open space (pg. 6), which may require a less rigorous land-use review. Perhaps this is addressed in the full report. It may make a difference on the amount of mitigation or compensation the Port will be required to do if the development is allowed in the EC area.

We would like to have a committee representative on the design review group. Please let us know the schedule and dates of the meetings. (The management co. meets the fourth Tuesday of the month.)

If you have any questions about our concerns, please contact Emily Roth at 797-1515.

Sincerely,

Troy Clark  
Vice-Chair  
Smith and Bybee Lakes Management Committee

**METRO**

June 3, 1998

Ken Kaufman  
Oregon Health Division, Ste 608  
800 NE Oregon St., #21  
Portland, OR 97232-2162

Dear Mr. Kaufman:

I am writing on behalf of the Smith and Bybee Lakes Management Committee to request that your division review the "Screening-Level Risk Assessment for the Smith-Bybee Natural Resources Management Area" completed by Parametrix, Inc in May 1995 for Metro. The committee would like the Health Division to review the accuracy of the report and, if possible, determine if an official health advisory for the lakes is warranted. The reason for the request is that the committee is discussing whether to produce a flyer concerning risks and cooking advice for fish caught from the lakes, or if possible to have the lakes be included with the fish advisory brochure being developed by the City of Portland and the Health Division for the Columbia Slough.

The management committee views the lakes as an integral part of the Columbia Slough watershed. For the past three years there has been a direct interchange of water between the lakes and the slough, allowing for easy fish passage between the two water bodies. It is conceivable that many of the fish residing in the lakes once lived and fed in the slough. People fishing at the lakes often inquire if the fish are "safe to eat." In order to respond to this question, the committee is trying to determine the best course of action to take. Your division's review and determination will be of great assistance to us in making a decision.

If you have any questions about the committee's request or need a copy of the report, please contact me at 797-1515. I will be out of the office from June 8-19. If you need to speak to someone during that time, please contact Paul Vandenberg at 797-1695. Mr. Vandenberg was the contract supervisor and reviewer for the Parametrix report.

Sincerely,

Emily Roth  
Metro Parks and Greenspaces  
Wildlife Area Manager for Smith and Bybee Lakes

c: Paul Vandenberg, Metro  
Susan Barthel, City of Portland-BES  
✓ Smith and Bybee Lakes Management Co.



**METRO**

June 4, 1998

Eric Engstrom  
Bureau of Planning  
1120 SW 5th Ave., Room 1002  
Portland, OR 97204

RE: Case File Number: LUR 98-00426 EN  
(Port of Portland - Storm Drainage Outfall)

Dear Mr. Engstrom:

I have reviewed the notice of the Port of Portland's proposal to install a new outfall and storm sewer within the Smith and Bybee Lakes Wildlife Area. As mentioned in the notice, the project is listed in the natural resource management plan for the area. Though I have not had time to review the file for the project, my concerns are with the native planting design, maintenance and monitoring that are not detailed in the notice, and the amount of riprap to be placed along the banks of the Columbia Slough.

There are numerous bio-engineering techniques that are now commonly used to stabilize banks instead of rip-rap. Were any of these techniques explored by the Port of Portland for this area? Rip-rap has little or no habitat value for wildlife. Since this area is an important connection to Smith and Bybee Lakes from Kelly Point Park and the Willamette River it is extremely important to maximize the habitat values in this area by keeping the wildlife corridor open. The proposed location and amount of rip-rap will create a barrier through the wildlife corridor.

My concerns about the native plantings are:

- red alder (*Alnus rubra*) is not usually found in the slough area. Oregon ash, black cottonwood, and various willow species are the predominate canopy community.
- Proper site preparation be done to ensure the success of the plantings. This includes bringing in soil and soil amendments to be added to the dredge spoils placed in this area.
- Protection of all plantings from animal damage.
- Included with the planting plan, a detailed maintenance and monitoring plan and schedule, including dates and the person responsible for doing the work.
- Specific measures of success for the plantings. The Natural Resource Management Plan for Smith and Bybee Lakes (NRMP SB) requires a screening of development areas from the lakes. The measures of success should not only include plant survival but density of planting and affective screening from the slough to the development area.

Policy 28 in the NRMP SB also requires that any project within the management area insure protection of archaeological resources. The Port should be required to follow the procedure listed in the plan.

Finally, the permit needs to address Policy 22 of the NRMP SB for new storm water outfalls into the Columbia Slough for both A and B - water quality treatment and plantings.

If you have any questions about my concerns and comments, please call me at 797-1515. (I will be out of the office from June 8-19.)

Sincerely,

A handwritten signature in cursive script that reads "Emily Roth". The ink is dark and the signature is fluid and legible.

Emily Roth  
Wildlife Area Manager  
Smith and Bybee Lakes

c: Smith and Bybee Lakes Management Co.