

The Columbia Slough Watershed Council
Portland, Oregon

August 29, 2000

Grant Review Committee
Oregon Watershed Enhancement Board
775 Summer St, NE, Suite 360
Salem, OR 97301-1290

RE: Ducks Unlimited Grant

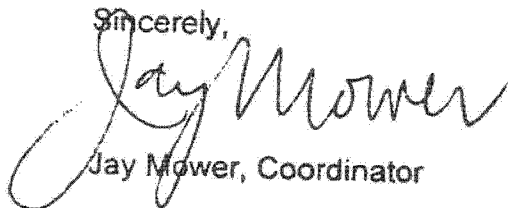
To Whom It May Concern:

The Columbia Slough Watershed Council is pleased to support the Ducks Unlimited grant proposal to replace the water control structure at Smith and Bybee Lakes Wildlife Area. The Council approved this action at its August 28, 2000 monthly meeting.

The new water control structure will have fish passage capability and will allow Smith and Bybee lakes to provide off-channel habitat, a key limiting factor for salmonids in the Willamette River. It will also enable management of reed canarygrass and will facilitate native plant community restoration.

The Watershed Council supports this habitat restoration project and urges you to recommend it for funding.

Sincerely,



Jay Mower, Coordinator



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204-1912

503-823-7740, FAX 503-823-6995

Dean Marriott, Director

Geoff Huntington
Executive Director
Oregon Watershed Enhancement Board
775 Summer Street NE, Suite 360
Salem, OR 97301-1290

Post-it* Fax Note	7671	Date	# of pages ▶
To	ELAINE STEWART	From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Dear Mr Huntington,

I am writing in support of the Smith and Bybee Lakes Restoration grant proposal. My program has been involved in habitat restoration in and around the natural area since 1996. While we have managed to install some successful restoration projects in the area, some of greatest opportunities to restore the full function of this area remain out of reach until the natural hydrology of the Lakes is restored.

The water control structure proposed under this grant would allow a return to seasonal and tidal flooding patterns in the lakes, including late summer drying. The new structure would also allow retention of water through the spring, mimicking historical spring freshets. This regime has been shown to inhibit reed canary grass and to foster a diversity of native trees, shrubs and herbs, some of which are increasingly rare endemics of the Columbia River floodplain.

The water control structure will enable natural regeneration of hundreds of acres of riparian forest in parts of the lake that have been impounded for years. Our program has expended a lot of effort at the Lakes to wrestle comparatively few acres back into native forest. This grant will allow reforestation on a large scale with relatively little intervention and at minimal cost.

This grant represents a great opportunity to restore natural function to a large natural area in otherwise urban north Portland. This is also a rare opportunity to restore critical tidal wetland and floodplain forest on the Columbia. I hope you will support this proposal, and I would be glad to provide any further information or documentation you might require.

Sincerely,

George Kral
Forester

c: Elaine Stewart



CITY OF PORTLAND ENDANGERED SPECIES ACT PROGRAM



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204-1912 503-823-FISH(3474), FAX 503-823-5344 www.fish.ci.portland.or.us

To The Oregon Watershed Enhancement Board Grant Review Committee:

I manage the City of Portland's Endangered Species Act Program, and am responsible for developing the City's Endangered Species Act Recovery Plan. One of my chief roles has been to identify and evaluate the actions that will be required to meet the challenge of recovering salmon in an urban setting.

We realized early that one of the key strategies in restoring salmon to Portland is to restore and improve access to high quality habitat. A regional workshop of scientists and regulators recently identified the loss of off-channel habitat as a key limiting factor for salmonids in the Willamette River, and emphasized the need to restore, or re-establish access to, off-channel areas.

Smith & Bybee Lakes is a rare natural resource. It is the largest urban wetland within city limits in the country, and provides 1,750 acres of high quality off channel habitat. The quality and contiguity of this existing habitat far exceed anything that could be created through restoration efforts. However, the value of this off-channel habitat is greatly diminished because it is largely inaccessible to salmonids in its present configuration because the water control structure obstructs salmon access to the wetland.

Recovering salmon in an urban landscape is a tremendous challenge. It will take many years to undo the degradations of a century, and progress will be made through thousands of small steps that gradually bring our landscape closer to supporting salmon. The reconnection of Smith & Bybee Lakes to the Willamette River is a high impact project for a modest cost, and represents a large step forward amongst the many that are needed. I strongly believe that this is one of our highest priorities in recovering Portland's salmon. I hope you will agree with the substantial benefits of this project, and will recommend it for funding.

Please let me know if I can provide any additional information that will help you in assessing the merits of funding this project.

Sincerely,

Jim Middaugh
Program Manager
Portland Endangered Species Act Program

Post-it® Fax Note	7671	Date	# of pages ▶ 1
To	Elaine Stewart	From	Chris Prescott
Co./Dept.	Metro	Co.	Portland ESA
Phone #	797-1515	Phone #	823-7089
Fax #	1899	Fax #	



Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife

Northwest Region
17330 SE Evelyn Street
Clackamas, OR 97015-9514
(503) 657-2000
FAX (503) 657-2050



January 26, 2001

Geoff Huntington
Executive Director
Oregon Watershed Enhancement Board
775 Summer Street NE, Suite 360
Salem, OR 97301-1290

Dear Mr. Huntington:

We would like to express our support for Ducks Unlimited's project entitled "Smith and Bybee Lakes Restoration". Installation of the proposed water control structure is an important part of restoring the lakes' environmental system.

With their connection to Columbia Slough and the Willamette River restored, the lakes would provide critically important off-channel rearing habitat and refugia for juvenile salmonids. Juvenile Chinook salmon were captured throughout both lakes when they were an open system, and the lakes would likely be used by steelhead also. This project is one of the best opportunities to restore off-channel habitat in the lower Willamette River.

Natural regeneration of hundreds of acres of emergent wetlands and riparian forest will occur after the lakes return to seasonal and tidal flooding patterns. This will provide a suite of wildlife benefits, including wintering habitat for waterfowl, forests for neotropical migratory birds, mudflats for migrating shorebirds, and expanded amphibian and reptile habitat. Although western painted turtles tend to inhabit other parts of the wildlife area, they should benefit from reduced bullfrog populations (a predator on hatchlings) resulting from seasonal drying of the lakes. This project is a rare opportunity to restore a large area with a broad range of wildlife and habitat values.

We support this grant application and urge you to recommend it for funding.

Sincerely,

Holly Michael
Wildlife Diversity Biologist

Jim Muck
District Fish Biologist

Post-it® Fax Note		7671	Date	11-17	# of pages	▶ 3
To	Dan Golner		From	E. Stewart		
Co./Dept.	DU		Co.			
Phone #	360-885-2011		Phone #			
Fax #	360-885-2088		Fax #			

Metro Regional
Parks and Greenspaces



METRO

600 NE Grand Ave., Portland, OR 97232-2736
(503) 797-1850

TO →

To: Ken Brerly
Company: OWEB

Phone: 503-986-0182
Fax: 503-986-0199

Date: 11-17-00
Pages: 3

From: Elaine Stewart

Phone: (503) 797-1515

Fax: (503) 797-1849

Comments: Letter from Metro re DU application.
Two clarifications that may be needed: ① the Smith
& Bybee Lakes Mgt. Cmte. is the principal advisory
body to Metro re managing the lakes, and
② the lawsuit against the port was filed over
alleged illegal fill, NOT the water control
structures. But all of the Rivergate agreement
was stalled as a result, and parts will never
be implemented. A clean copy of the letter
Please call if fax is not received properly. is going out in today's mail.



METRO

November 16, 2000

Geoff Huntington
Executive Director
Oregon Watershed Enhancement Board
775 Summer Street NE, Suite 360
Salem, OR 97301-1290

Dear Mr. Huntington:

This letter is in response to the Region 3 (Willamette Valley) Review Team's comments on Ducks Unlimited's grant application for Smith and Bybee Lakes Restoration. The comments included concerns regarding Metro's support for the project and ability to monitor it, and whether the Port of Portland should be responsible for the project.

The Smith and Bybee Lakes Management Committee convened a Wetland Technical Advisory Committee to review restoration opportunities at the lakes, and the TAC included this project in its recommendations. Both the management committee and TAC include representatives from a variety of natural resource agencies and interested groups. The management committee adopted the TAC's suggestions and recommended this project to Metro, in 1996 and again in 2000. This winter, the Metro Regional Parks and Greenspaces Department is presenting the project to the Metro Council for approval.

Metro and Ducks Unlimited have been in close contact on this project for several years. Ducks Unlimited came forward as an experienced partner to accomplish the work, and DU has secured more than half of the funds needed for the project. Grant funds from OWEB would provide the remaining funds necessary to do the work.

The review team expressed concern regarding Metro's commitment to monitoring the structure after installation. Our wildlife area manager makes regular visits to the area and can routinely monitor the structure, take photographs, and perform other tasks that may be required for project monitoring.

The review team also noted that, at one time, this project would have been the Port of Portland's responsibility. Under a 1989 cooperative agreement between the Port and several agencies, two water control structures were planned and should have been completed by January 1991. Since that time, a lawsuit has stalled full implementation of the cooperative agreement, including construction of any water control structures. The lawsuit has not been settled, and we do not anticipate that the Port will be implementing this part of the cooperative agreement. Further, the structures called for in the cooperative agreement would have restored only Bybee Lake to a tidal marsh system, leaving Smith Lake impounded. The project in Ducks Unlimited's grant application would allow tidal and seasonal flooding of both Smith and Bybee lakes, thus restoring both lakes' hydrology to the extent possible. This is consistent with the Wetland TAC's and management committee's recommendation.

Thank you for considering this response and the grant application for Ducks Unlimited. We hope that you will recommend it for funding. If you have any further questions, please contact Elaine Stewart, Smith and Bybee Lakes Wildlife Area Manager, at 503-797-1515.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Ciecko". The signature is fluid and cursive, with a large initial "C" and "C".

Charles Ciecko

Director

Regional Parks and Greenspaces Department

Metro

1. Get letter outlining our work w/ management comte & taking it to council.

Metro

2. Add 91 in letter to address this (regular visits, periodic photos, etc.)

DU

3. DU provide add'l info.

DU

4. DU provide drawings.

Metro

5. Add 91 in metro letter (very carefully) - Jones ^{vi} Thorne

DU

6. Partners include City of Portland & agencies on mgmt comte. DU noting this.
(mention mgmt comte & TAC membership)

DEADLINE = FRI. 11/17/00

**Oregon Watershed Enhancement Board
Region 3 (Willamette Valley) Review Team
Evaluation for September 2000 Applications**

APPLICATION NO.: 200-119
 PROJECT NAME: SMITH AND BYBEE LAKES RESTORATION
 APPLICANT: Ducks Unlimited, Inc.
 LOCATION: Columbia Slough Watershed, Multnomah County
 OWEB FUNDS: \$180,000.00 TOTAL COST: \$443,433.00

PROJECT DESCRIPTION:

This proposal involves the restoration of Smith and Bybee Lakes that are part of the 1,928-acre Smith and Bybee Lakes Wildlife Area. Historically, this interconnected wetland system functioned as a seasonal marsh in the Columbia River floodplain near the mouth of the Willamette River. The construction of a fixed outlet in the early 1980's transformed this marsh into a permanent lake, resulting in the loss of productive wetland habitat. With this proposal, the historic hydrology and marsh habitats will be restored, providing benefits to salmon, water quality and other wildlife. The existing dam will be removed and replaced with a large water control structure that provides fish passage in both directions. This will provide the ability to manage water levels in the lakes. Reconnecting the lakes to the Columbia Slough and Willamette River via North Slough will result in a seasonal and tidal flooding pattern.

The project is recommended in Metro Regional Parks and Greenspaces' 1994 "Biota of Smith and Bybee Lakes Management Area" plan. Metro will promote public awareness and education through public meetings, additional interpretive opportunities and planned on-site events.

OWEB funding is requested for installation of the water control structure. Other funds and in-kind support will come from North American Wetlands Conservation, USFS, and Ducks Unlimited, Inc.

REGIONAL TEAM REVIEW:

The team is concerned that ^①no letter of support is provided from Metro and that ^②Metro is to do the ^③monitoring but has not provided a signature in the application. ^④Costs requested for the water control structure seem high and there are no designs for the control structure. ^⑤At one point in time, it would have been the Port's responsibility to replace the water control structure. The project will create a lot of quality fish habitat and is located in an urban area with public awareness benefits. Western Painted turtle habitat and the impact of invasive fish species at this site need to be addressed, and ^⑥other state and federal agencies should included as partners.

RECOMMENDATION: DO NOT FUND. Recommend resubmit after addressing the concerns noted above and garnering support from other agencies.

*pointed out
Portland ESA
& watershed council
support letters to
Bierly @ meeting 4/15/00.*

They like project.

Metro Regional
Parks and Greenspaces



METRO

600 NE Grand Ave., Portland, OR 97232-2736
(503) 797-1850

To: Ken Bierly
Company: OWEB

Phone: 503-986-0182
Fax: 503-986-0199

Date: 12-28-00
Pages: 2

From: Elaine Stewart

Phone: (503) 797-1515

Fax: (503) 797-1849

Comments: FYI - federal register notice re Rivergate
consent decree. There is \$285,000 set aside for
work at Smith & Bybee - however, Jones will
have opportunities to contest projects, and he
is against the new water control structure. So
I do not expect any of the \$285k to be
available for that project. It will probably
be used to re-establish bottomland forest & other
plant communities.

Please call if fax is not received properly.

[Federal Register: December 14, 2000 (Volume 65, Number 241)]
[Notices]
[Page 78189]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr14de00-111]

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decrees Pursuant to the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a cross-claim and two consent decrees, which together would resolve all claims in Jones v. Thorne, et al., Civil Action No. CV97-1674-ST (D. Ore.), were lodged with the United States District Court for the District of Oregon on November 30, 2000.

The first proposed consent decree, entitled ``Consent Decree Settling United States' Cross-Claim Against Port of Portland,`` settles claims asserted by the United States against the Port of Portland (``Port'') in a cross-claim in the lawsuit. The cross-claim was also lodged with the Court. The cross-claim and consent decree concern alleged violations of the Clean Water Act, 33 U.S.C. 1311, resulting from the Port's alleged unauthorized discharge of dredged or fill materials into waters of the United States in the Rivergate area of Portland, Oregon, near the confluence of the Columbia and Willamette Rivers, between 1991 and 1996. The consent decree requires the Port to: (a) Mitigate and restore approximately 37 acres of wetlands and associated upland riparian habitat and buffer areas adjacent to the Columbia Slough and Smith and Bybee Lakes in the Rivergate area, in accordance with parameters specified in the consent decree and detailed plans to be approved by the United States Army Corps of Engineers (``Corps''); (b) preserve the mitigation and restoration in perpetuity by recording the consent decree and identifying the restrictions against development on the property in any instrument by which the Port conveys an interest in the property; (c) pay \$285,000 for additional mitigation projects in the Smith and Bybee Lakes Management Area, subject to the approval of the corps; (d) pay \$64,000 to the City of Portland for revegetation of the lower Columbia Slough banks and buffer areas; and (e) pay \$50,000.00 to the United States Treasury.

The second consent decree, entitled ``Consent Decree, Order of Dismissal with Prejudice and Release,`` settles claims asserted by William Michael Jones against the Port and the United States related to the Port's development of Rivergate. This consent decree requires the Port to perform some of the same activities required in the consent decree described in the previous paragraph. Also in this consent decree, the United States, on behalf of the Corps, the Environmental Protection Agency and the Fish and Wildlife Service, releases the Port from any claims it may have under the 1989 Cooperative Agreement regarding the Port's development of Rivergate.

The Department of Justice will receive written comments relating to the cross-claim and proposed consent decrees for a period of thirty (30) days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, Attention: G. Scott Williams, Senior Attorney, Environmental Defense Section, P.O. Box 23986, Washington, D.C. 20026-3986, and should refer to Jones v. Thorne, et al., DJ No. 90-5-1-4-585.

The cross-claim and proposed consent decrees may be examined at the Clerk's Office, United States District Court, 740 United States Courthouse, 1000 S.W. Third Avenue, Portland, OR 97204-2902. 503-326-8008

Letitia J. Grishaw,
Chief, Environmental Defense Section, Environment and Natural Resources Division, United States Department of Justice.

[FR Doc. 00-31767 Filed 12-13-00; 8:45 am]
BILLING CODE 4410-15-M