

NATURAL RESOURCES COMMITTEE REPORT

**CONSIDERATION OF RESOLUTION NO. 01-3125, FOR THE PURPOSE OF
AUTHORIZING THE EXECUTIVE OFFICER TO REPLACE THE DAM AT SMITH
AND BYBEE LAKE WITH A WATER CONTROL STRUCTURE**

Date: November 29, 2001

Presented by: Councilor Hosticka

Committee Action: At its November 21, 2000 meeting, the Natural Resources Committee voted 3-0 to recommend Council adoption of Resolution 01-3125. Voting in favor: Councilors Atherton, McLain and Hosticka

Background: Charlie Ciecko, Director of the Regional Parks and Greenspaces Department, gave the staff presentation. Smith and Bybee Lakes is operated under a management plan adopted by both the Metro Council and City of Portland in 1991. The plan calls for managing the resource in a manner faithful to its original and natural condition. A Smith and Bybee Lakes Management Committee oversees management of the Lakes.

A dam now exists which restricts the natural movement of water in and out of the lakes. Without the dam the lakes would more naturally operate as a tidal marsh. The Smith and Bybee Lakes Management Committee agrees that the removal of the dam and replacement with a different structure would be consistent with the management plan. This action will have the effect of reducing boating opportunities on the lake, but help restore native vegetation and offer better seasonal habitat for fish and fauna as well.

Jim Morgan, biologist for the Parks department also testified relative to the effects on plant and animal life and possible negative affects of the St. Johns Landfill.

Several individuals and organizations testified in favor of this action. One individual objected to the placement of the control structure relative to the nearby land fill. He also questioned Metro's authority relative to that of the City of Portland in management of the lakes.

- **Budget Impact:** Removal of the dam will require no Metro funds. While Metro will own and manage the new structure, Ducks Unlimited will be providing funds for its design and construction.
- **Existing Law:** Management of the Smith and Bybee Lakes is performed by Metro, subject to a management plan approved by Metro and the City of Portland in 1991.

Committee Issues/Discussion: Councilor McLain emphasized that Metro has managed the lakes since 1991, and does not agree that there is a question as to Metro's authority to manage the lakes under an intergovernmental agreement with the City of Portland. Dan Cooper said he had reviewed the agreements with the City of Portland, found no reason to

question Metro's authority in this area, and believes that Resolution 01-3125 is consistent with the management plan. At the request of the committee he will conduct further analysis.

Councilor Atherton expressed concern about possible deleterious effects of the landfill including leachate and groundwater concerns. Mr. Cieccko and Morgan addressed these concerns and Councilor McLain reminded the committee that the department had worked extensively with the Solid Waste department on these issues as well.