AUDUBON SOCIETY OF PORTLAND

Inspiring people to love and protect nature.

June 20, 2003

Mr. Mike Szumski
US Fish and Wildlife Service
2600 SE 98th Ave
Suite 100
Portland, Oregon 97266

Dear Mike,

As per your request, the Audubon Society of Portland is submitting a proposal for potential funding as mitigation for the Port of Portland Columbia Slough Oil Spill dated 5-2-03. Audubon Society of Portland, primarily via the efforts of our Urban Naturalist Mike Houck, has a longstanding interest in the Columbia Slough and has been a leader dating back to the early 1980's in efforts to protect and restore the slough watershed. Among our contributions to this effort are the following:

- Assisted in establishing the Columbia Slough Watershed Council and participated in its leadership since its conception
- Publication of *North Portland Naturally: A Guide to the Natural History of the North Portland Peninsula* in 1980s.
- Collaborated with Columbia Slough Watershed Council in publication of English and Spanish versions of Columbia Slough Urban Watershed Brochure
- Taught Columbia Slough 101 Classes to acquaint public with issues pertaining to Columbia Slough Watershed
- Participation on the Columbia Slough Watershed Council's wetland mitigation task force which worked with the Port of Portland to establish a wetland mitigation strategy for the Slough
- Discovered great blue heron nesting colony at Heron Lakes Golf Course and subsequently worked on relocation of North Marine Drive eventually persuading Portland City Council to improve Marine Drive in its current location rather than relocating it through the heron colony and several acres of adjacent wetlands.
- Collaborated with Heron Lakes Golf Course to place natural history interpretive signage at Force Lake
- Served on the Smith and Bybee Lakes management plan committee for several years
- Participated in the City of Portland Columbia South Shore Management Plan Process

5151 NW Cornell Road, Portland, Oregon 97210 (503) 292-6855 FAX (503) 292-1021

- Assisted the Columbia Slough Watershed Council in planning and conducting the first annual Explorando el Columbia Slough
- Led dozens of canoe, kayak, hiking and biking tours of the Columbia Slough watershed
- Participated on the Port of Portland PDX Wildlife Advisory Task Force for since 1996

Beyond the direct impacts to the Columbia Slough Watershed, the recent Port of Portland diesel spill also demonstrated many of the gaps that exist in local oil spill response plans. Audubon Society of Portland has expressed a long-standing concern that the Metro area does not have adequate resources in place to address direct wildlife impacts during a small-scale spill or to serve as an interim responder before full mobilization occurs in a large-scale spill. Specifically we are concerned about surveying, cataloging, retrieval and treatment of impacted wildlife. Local oil spill response plans call for utilizing IBRRC in the event of a spill, but fail to recognize that mobilization of IBRRC can take up to 24 hours or longer. They also fail to recognize the on the ground reality that in small spills there may be more cost effective local resources that could be brought to bear.

During the Columbia Slough spill our wildlife rehabilitation center provided wildlife retrieval services during the first day of the spill and rehabilitation services for a Canada goose, muskrat and barn swallow. The goose and swallow have since been released back to the wild and the muskrat died within 24 hours of capture. We have already billed the Port for the cost of these services ($664.97). These services were rendered on an ad hoc, emergency basis at the request of the Port of Portland. More comprehensive services would have been possible if the Care Center had pre-existing agreements and/ or funding available to facilitate such a response.

At the request of the Natural Resource Trustees, Audubon Society of Portland would like to submit the following proposal to be included in the restoration package. We are requesting $40,000 to fund three different areas of need:

1. $15,000: To fund up front costs of mobilizing the Wildlife Care Center during future emergency response situations

2. $15,000: To fund the construction of a waterfowl recovery cage. Waterfowl are the species most likely to be retrieved for rehabilitation during a local oil spill. The Care Center currently does not have adequate outdoor caging to house large numbers of waterfowl.

3. $10,000: To apply towards the Audubon Care Center's current deficit in operating funds.

We believe our proposal will contribute directly toward efforts to restore the natural resources lost as a result of the T6 Diesel spill. The funds dedicated towards establishing an emergency response fund and waterfowl recovery cage will help ensure that our Care Center is available to provide direct assistance in the event of emergency response situations. Our Care Center is Oregon's oldest and busiest wildlife rehabilitation facility treating 3,000-4,000 injured wild animals and answering over 15,000 wildlife related phone calls each year. We also have a large number of volunteers that can be mobilized on short notice.

We would not presume or desire to become a primary oil spill response facility and because we are located in the Balch Creek Watershed, we would need to continue to rely upon access to either the Fosse or Clean-Rivers Co-op oil spill trailers for the washing part of the rehabilitation process. However, the funding requested would allow us to more adequately help fill the two biggest gaps that we currently see in our local oil spill response system: cost effective wildlife response during a small spill and short-term response during the first 24 hours after a large or small spill.

Thank you for your consideration. Please feel free to contact me if I can provide any additional information. I can be reached at (503) 292-9501 ext. 122.

Sincerely,

Bob Sallinger

Bob Sallinger
Wildlife Care Center Director
Audubon Society of Portland

From: "Rennis, Denise" <rennid@portptld.com>
Date: 7/9/03 12:41PM
Subject: RE: Issuing of DSL notice for breach repair

DSL has opened up a 21 day review period on a proposed permit modification for the work that the Port would like to do in order to repair the breach along the Columbia Slough. The breach occurred in February and has resulted in an 80-foot wide opening connecting the Columbia Slough with the Smith and Bybee Lakes. Following a number of meetings and discussions with the ACOE, DSL, NOAA Fisheries, Metro and City of Portland on the best approach for addressing the breached bank, the Port chose to repair the bank to the condition it was in prior to the breach.

The Port considered the pros and cons of repairing the breach or leaving the breach unrepaired so that it would either provide a permanently opened access to the lakes or, should project proponents and funding be identified, a control structure could be installed. Repairing the bank to its pre-breach condition will allow Metro to control lake levels with the new water control structure it will be installing by the landfill, and will allow others to carry out more comprehensive impact analyses of the changes to habitat that could occur if the bank is eithier permanently opened to connect the lakes directly to the slough (in the future) or a control structure is installed (again, in the future).

For anyone wishing to comment to the DSL on this permit modification (modifies the 40 mile loop trail permit to allow for bank repair in the breach area), comments should be made to Kirk Jarvie, Division of State Lands, 775 Summer Street NE, Salem, OR 97301-1279 by July 21, 2003. Please note application No. 25119-FP.

Denise Rennis
Natural Resources Manager
Property and Development Services
Port of Portland
121 NW Everett, 6th Floor
Portland, OR 97209

Phone: 503-944-7527
Cell phone: 503-720-9454
Fax: 503-944-7466
Email: rennid@portptld.com

CC: 'JARVIE Kirk' <kirk.jarvie@dsl.state.or.us>

Smith & Bybee Lakes Wildlife Area Management Committee

Frank Opila, Chair

Coordinated by:

Metro

600 NE Grand Ave.
Portland, OR 97232
(503) 797-1515

July 15, 2003

Kirk Jarvie
Division of State Lands
775 Summer St. NE
Salem, OR 97301-1279

Dear Mr. Jarvie,

The Smith and Bybee Lakes Management Committee supports the Port of Portland's application for repairing the breach of the Columbia Slough bank and building the 40-mile Loop Trail (application No. 25119-FP). The breach, which occurred in February 2003, resulted in an 80-ft.-wide opening that indirectly connects the Columbia Slough and Bybee Lake. We support repairing the bank to its pre-breach condition. This repair is needed to prevent it from interfering with Metro's water control structure that will be installed nearby. The management committee also supports building the section of the 40-mile Loop Trail that will be completed once the breach has been repaired.

Please approve the Port of Portland's modified permit application No. 25119-FP. If you have any questions or comments, you may contact us through our staff person at Metro, Elaine Stewart (503-797-1515).

Sincerely,

Frank Opila
Chair

mailed 7/30/03

Smith & Bybee Lakes Wildlife Area Management Committee

Frank Opila, Chair

Coordinated by:

Metro

600 NE Grand Ave.
Portland, OR 97232
(503) 797-1515

July 25, 2003

Bill Wyatt
Executive Director
Port of Portland
P.O. Box 3529
Portland, OR 97208

Dear Mr. Wyatt,

The Smith and Bybee Lakes Management Committee has followed developments surrounding the May 2, 2003, diesel spill at Terminal 6 with great interest. As you know, the diesel discharged into the Columbia Slough within the boundary of the Smith and Bybee Lakes Wildlife Area. Many of the natural resources most affected by the spill were located in the wildlife area.

We are writing to support the restitution approach forwarded by the U.S. Fish and Wildlife Service on behalf of the natural resource trustees. Mitigating the effects of the diesel spill by funding projects that provide timely benefits to natural resources is preferable to the lengthy Natural Resource Damage Assessment (NRDA) process. Although we briefly discussed the trustees' approach, we did not have time to review the specific projects at our most recent meeting.

The management committee urges the Port to take the approach recommended by the trustees rather than the NRDA process.

Sincerely,

Frank Opila
Chair

cc Mike Szumski, U.S. Fish and Wildlife Service
Holly Michael, Oregon Dept. Fish and Wildlife
Chris Kaufman, Oregon Dept. Environmental Quality

From: Elaine Stewart
To: Smith and Bybee Lakes Management Committee
Date: 8/4/03 10:05AM
Subject: T6 proposals

Hi all,

Frank reminded me that I should send the 3 proposed restoration projects to you so you could read them in advance of the next management committee meeting. They are attached. I apologize for not getting them to you before the last meeting. Frank and I will figure out whether and how to put this back on the agenda for the August meeting. (The "whether" refers to whether this will be a moot point by then, and the "how" refers to weaving it into a full agenda - see below.)

As you read the proposals, keep in mind the trustees' interests that guided project selection. They wanted to focus on wildlife that was probably injured by the spill (fish, turtles, waterfowl, amphibians, semi-aquatic mammals). The restoration didn't have to be located in the same spot as the spill, as long as it benefited affected species in that area (or in the case of the Audubon proposal, benefited wildlife that would be harmed by future spills in the slough or elsewhere). So the woody debris project is geared toward salmonids in the slough and wetlands, and the turtle nesting habitat project benefits turtles that are in the same wildlife area. If you have another project in mind, you might want to consider whether it would match the trustees' interests before you spend a lot of time fleshing it out.

The next 2 management committee meetings are going to be site visits. The August 26 meeting will be a landfill visit, with discussions and demonstrations of the facilities, monitoring equipment, etc. to give you an idea of day-to-day management and monitoring of the site. The Sept. 23rd visit will be to the water control structure, which will be under construction but should be completed enough for you to see what it's going to look like and how it will work. (I don't want to wait until October because the weather may not be as good for a site visit then.)

See you in a few weeks. Please call or email if you have questions about the T6 spill response/restoration process.

-Elaine

p.s. Patricia, would you please print this email and attached proposals and send them to Ray Pilz and Dennis Keepes? Thanks.

Elaine Stewart
Smith and Bybee Lakes Wildlife Area Manager
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Tel 503.797.1515
Fax 503.797.1849
stewarte@metro.dst.or.us

CC: Dennis O'Neil; Maurice Neyman; Patricia Sullivan

Improvement of Painted Turtle Nesting Habitat

A restoration project proposed
in lieu of a Natural Resource Damage Assessment
of the Port of Portland's T6 Diesel Spill (May 2, 2003)

Prepared by

Elaine M. Stewart
Smith and Bybee Lakes Wildlife Area Manager
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

In association with

Oregon Department of Fish and Wildlife

Oregon Department of Environmental Quality

and

U.S. Fish and Wildlife Service

Presented to

Port of Portland
7201 N Marine Drive
Portland, OR 97203

July 11, 2003

Background

Smith and Bybee Lakes Wildlife Area is home to one of the two largest remaining populations of western painted turtles (*Chrysemys picta bellii*) in Oregon. The species is listed Sensitive-Critical by the Oregon Department of Fish and Wildlife; this designation indicates that listing as threatened or endangered may be appropriate as additional information becomes available.

Painted turtles are concentrated in several sites at the wildlife area. The largest group of turtles uses the ponds and sloughs along North Marine Drive, on the north side of the wildlife area. This project will improve nesting conditions for Western painted turtles at one of the most important nesting grounds in the Smith and Bybee Lakes Wildlife Area. The project location is adjacent to the largest pond between Bybee Lake and North Marine Drive. The ground in this area is sand fill, which provides poor nesting substrate for turtles. Sandy soils do not hold the chamber shape of painted turtle nests, and the presence of sand fill on this important nesting area probably inhibits nesting success. The sand fill will be removed to a depth of 6-12 inches and replaced with soil that is closer to the Sauvie and Rafton silt loams that are native to the site. Since painted turtle nests are typically 6-8 inches deep, 12 inches of new soil should be adequate. This project will improve 0.47 acre of nesting habitat.

Project Overview

The project site is a flat area of sand fill, immediately adjacent to the largest of the ponds along North Marine Drive. Until recently, vehicles were commonly driven through the area. The combination of poor substrate and disturbance probably reduced nesting success substantially in the area. The North Marine Drive road-widening project has eliminated nearly all vehicle access to the site.

The project area topography is flat. Because equivalent amounts of material are being removed from and replaced on the site, the final topography will remain the same. The entire work area is at approximately 25 – 30 feet elevation, so no fill-removal permits are required. A City of Portland Land Use Review has been completed for this project.

The excavation and new soil placement should occur in summer. Painted turtles in this area nest from early June through mid-August. A silt fence has been placed around the project area to prevent turtles from nesting in the area before excavation can begin and to keep them out of the area during the project. The work should take little more than a day; if conducted early in the summer, the nesting grounds will be available to the turtles for the bulk of their nesting season.

After the new soil is in place, the area will be seeded with a mix of native grasses and forbs. The habitat requirements for turtles call for low, clumping grasses and forbs that turtles can navigate and dig through. Sparse vegetation is ideal. Widely scattered shrubs

(less than 50 total) will also be planted at random to provide cover for hiding and thermoregulation. Seeding will occur in the fall to optimize survival; it is possible that the city will require some seeding at the time of excavation for erosion control. Woody plants will be installed in winter.

Use of locally adapted native plants and seeds will ensure survival. Irrigation is not available at the site, so locally adapted plants are essential. Protective barriers may be placed around woody plants to prevent browsing or other damage from wildlife. The site will be monitored and re-seeded and/or replanted as needed to ensure development of a healthy plant community.

Project Detail

The project will include some mobilization expenses, as well as excavation expense. Flaggers may be needed to ensure safe ingress and egress onto North Marine Drive from the project site; this has been included in the project budget.

Topsoil will be silt loam, for consistency with native soils to the area that are listed in the Soil Survey of Multnomah County, Oregon. Soil composition will also fall within the range observed in soils used by nesting painted turtles at a nearby site.

A range of native plants will be seeded on the site; seeds will be selected from the following list:

Alopecuris sp.
Agrostis exarata
Aster subspicatus
Bromus stichensis
Carex tumulicola
C. stipata
C. vulpinoidea
Deschampsia elongata
Deschampsia cespitosa
Festuca occidentalis
Hordeum brachyantherum
Juncus acuminatus
Koeleria cristata
Prunella vulgaris

Woody plants will number fewer than 50 for the project site, and will be selected from the following list:

Cornus sericea
Crataegus douglasii
Mahonia sp.
Oemleria cerasiformis
Physocarpus capitatus
Ribes sanguineum
Rosa pisocarpa
Salix sp.
Sambucus racemosa
Symphoricarpus albus

Project Costs

Project costs include project oversight and three years of monitoring as required by the Natural Resource Trustees.

Task	Unit cost	Unit	Units needed	Total
Flaggers (2)	$ 29.00	hour	25	$ 725.00
Dump fee*	$ 2.50	cu. yd.	1,000	$ 2,500.00
Mobilization				$ 2,175.00
Excavation preparation				$ 3,457.00
Excavation	$ 9.00	cu. m	587	$ 5,283.00
Topsoil	$ 8.00	sq. m	1923	$ 15,384.00
Seeds	$23 - $53	pound	12	$ 500.00
Plants	$ 1.15	plant	50	$ 57.50
Project oversight	$ 30.00	hour	50	$ 1,500.00
Monitoring (1 pre and 3 post installation surveys)	$ 2,500	year	4	$ 10,000.00
Sub-Total				$ 41,581.50
Contingency (10%)				$ 4158.15
Total				$ 45,739.65

* This cost may be avoided if the Port of Portland is willing to take the sand removed from the site. The Port has stockpiles of sand in the Rivergate area.

Installation of Large Woody Debris into the Lower Columbia Slough and Smith & Bybee Lakes

A restoration project proposed
in lieu of a Natural Resource Damage Assessment
of the Port of Portland's T6 Diesel Spill (May 2, 2003)

Prepared by

Elaine M. Stewart
Smith and Bybee Lakes Wildlife Area Manager
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

In association with

Oregon Department of Fish and Wildlife

Oregon Department of Environmental Quality

and

U.S. Fish and Wildlife Service

Presented to

Port of Portland
7201 N Marine Drive
Portland, OR 97203

July 11, 2003

Background

Large woody debris (LWD) is increasingly recognized as an essential habitat component for a wide range of fish and wildlife species. Juvenile salmonids use LWD for shelter and as an indirect source of food (LWD supports a food web that includes species fed on by salmonids). Wildlife from diverse groups such as salamanders, turtles, waterfowl and otters use LWD. Once cleared out of streams as part of logging operations, LWD is now commonly installed in streams and wetlands as an integral part of habitat restoration.

The Columbia Slough has very little LWD remaining, and is a very structurally simple system. The lower slough, which remains tidally influenced and open to the Willamette River, is used by juvenile Chinook and Coho salmon. The Columbia Slough Watershed Council recently identified habitat improvements in the lower slough as a top priority project in its watershed action plan. Installation of LWD is an obvious habitat enhancement project for the lower slough.

Smith and Bybee lakes are general void of LWD. Drifts of small woody debris remain along portions of the lakes' shorelines, left from the die off of 350 acres of bottomland hardwood forest when a dam was installed. Much of the debris has decomposed, and new debris is not recruited to the wetlands. Historically, winter floods and spring freshets brought woody debris to off-channel wetlands such as Smith-Bybee, but these events have been lost with dam construction and flood control practices. Installation of LWD into the wetlands would benefit a wide array of fish and wildlife.

Project Overview

This project will install clusters of 12- to 20-inch large woody debris into the Columbia Slough and Smith and Bybee lakes. Debris installed in the slough will be anchored to prevent movement with tides. In contrast, debris installed in the wetlands will be left free to be repositioned by natural forces. Initial installations will be in clusters because of the size of these systems – much of the effect of LWD installation would be lost with isolated pieces. For example, Bybee Lake is approximately 600 acres and Smith Lake is approximately 800 acres in size. Single pieces of LWD would not have the same impact if spread around these sites; rather, the LWD will be installed in clusters in parts of the wetland used by wildlife that would benefit the most from the LWD. Similarly, the lower slough extends for several miles; the LWD will have a bigger impact if clustered in areas along the slough.

The LWD will be installed by an experienced contractor who has performed similar projects in stream and wetland environments. An array of species will be used, including Western red cedar, Big leaf maple and other native trees that would have washed in with historic floods. Wherever possible, trees with intact branches and rootwads will be used to maximize the structural habitat benefits of the LWD.

Project Budget

The project budget is detailed below and includes three years of monitoring as required by the Natural Resource Trustees.

Task	Unit cost	Unit	Units needed	Total
Install LWD into Smith and Bybee lakes	$500	tree	40	$20,000
Install LWD into lower Columbia Slough	$500	tree	60	$30,000
Monitoring (1 pre and 3 post installation surveys)	$4,500	year	4	$18,000
Total				$68,000