

EXAMPLE CODE PROBLEMS

“33.475.120.E.3.b On-site vegetation planting standards For nonvegetated areas that will be revegetated to meet the minimum vegetated area standard, the soil must be amended as follows:

- (1) The revegetation area must have 12 inches of growing medium;
- (2) The medium **must be a blend of loamy soil, sand, and compost that is 30 to 40 percent plant material compost (by volume)**”



BES Lab: Bioengineering Failure – Compost Soil and plants floated away (1995-1996)

“33.475.120.E.2 On-site vegetation planting standards. An on-site vegetation planting area must meet the following standards. Adjustments or modifications to the standards **are prohibited**:

1. All prohibited and nuisance plants listed on the Portland Plant List must be removed from the planting area.
2. All structures and debris must be removed from the planting area except for large wood and bioengineered structures that are used to reduce localized erosion and improve bank stabilization and are located on the river bank. **Examples of bioengineered structures include** bundles of plant materials, or **soil cells wrapped in geotextile fabrics.**”



Failed Bioengineering on Willamette – Erosion exposed GEOTEXTILE Fabric 2009

Note: These are a few examples from a code that is too prescriptive and may actually degrade the river health per the specific examples cited. Frequent use of the word ‘prohibited’ also prevents creativity and integration of new methods and technology.

Submitted by
Andrew Sansky
2/17/2010



183694

February 17, 2010

Sam Adams, Mayor
City Commissioners
City Hall
1120 SW Fourth Avenue
Portland, OR 97204

Mayor Adams and Commissioners,

I am presenting this written testimony on behalf of the Urban Greenspaces Institute. First and most importantly, we are pleased that the most significant issues in question in December---whether to delay the process further and relinquish the city's jurisdiction below Ordinary High Water----have been resolved in the negative. We urge you to adopt the River Plan and get on with it's implementation

It's long past time to address the serious environmental issues in the Portland Harbor. I assisted the Portland Planning Bureau in conducting a Goal 15, Willamette River Greenway inventory in 1984---more than a quarter a century ago. We walked every inch of the Willamette River Greenway, taking overlapping photos of the river and evaluating every property for its fish and wildlife habitat values. Twenty-six years later we're still debating whether to move forward with a plan that will actually protect and restore these areas, and give certainty regarding what industrial and other development activities will be allowed in the city's working harbor. The Plan does an excellent job of integrating environmental and industrial interests in the working harbor.

Finally, I understand there has been a request to strip Waud's Bluff at the University of Portland of its Environmental Protection Zone so that development can occur without environmental oversight. Waud Bluff is not only one of the most significant upland habitats in the Portland Harbor but the ponderosa pine and Oregon white oak forest is unique within the city of Portland. If any development at all is allowed on this incredibly steep slope, and we would argue that development on the bluff is ill advised from both a hazard and environmental perspective, it should be only with the strictest environmental standards. That means maintaining the existing Environmental Protection zoning.

Respectfully,

Mike Houck

Staff

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TESTIMONY REGARDING THE NORTH REACH PLAN
BY EDWARD JONES
LAND USE CHAIR
LINNTON NEIGHBORHOOD ASSOCIATION
February 17, 2010

I have here a petition signed by more than a hundred and thirty people from the Linnton neighborhood. We gathered these signatures to ensure the council understands that at least the Linnton neighborhood is following the NRP closely. It does matter to us. We have had a long and often disappointing experience with the planning process, but remain committed to engagement with the city and the other stakeholders. The petition makes two points: don't encumber our riverfront with unnecessary additional restrictions on its growth, and do take aggressive steps to fulfill the developing consensus about the future of the Linnton waterfront.

Both of these concerns are much larger than Linnton. We believe the city has set out on the wrong path by locking itself into restrictions on the use of riverfront property at a time when our uncertain future makes flexibility and thoughtfulness the best approach. We also believe there are opportunities inherent in the pending negotiations over the sale of the Linnton mill site which could serve as a model for the larger scale restoration of the North Reach.

I hope you have reviewed the Portland Harbor Businesses Environmental Initiatives summary which was provided by the Working Waterfront Coalition and compared it to the testimony from individual members of the WWC. The contrasts are enlightening, and it is tempting to use my limited time here to explore them. Let me say, in summary fashion, that these documents reveal a profound lack of insight into or even concern about the health of the river. I promise you more about that in writing.

In general terms, our concern is that the North Reach Plan sets its goals too low and asks too little of the North Reach businesses whose years of effort have created the superfund site we all have to live with. In the context of the risks already faced by members of the Working Waterfront Coalition, such as superfund liabilities and a fluid international business climate, the notion that the city's efforts at regulation and mitigation will be a significant factor in decisions about

investments and jobs makes no sense.

Over the next twenty years the largest source of new jobs on the riverfront will be associated with superfund activities, and, unlike the present, those jobs won't only be for bureaucrats, lawyers and scientists. The superfund is, in part, a jobs program and an opportunity for the city to achieve many of its river related land use goals by exploiting the efforts and budgets of others. When the mayor asked why the city needs to be involved in activities of all the various federal agencies, the answer is that those guys don't live here, and they won't always be able to see through the thicket of their regulations to what is best for the city. They need our help.

I want to speak to two specific proposals in the mayor's amendments, the first is labeled WP11 and focuses on the "engagement" of the city with the North Reach neighborhoods. The task is divided among multiple city agencies, is ranked as "medium," and is set to start within two years.

The ranking, the time line, and the lack of accountability implicit in the assignment to multiple agencies are all inconsistent with the city's announced goal of public involvement in the North Reach process. Neighborhood engagement should be a centerpiece of the NRP, not something that starts in two years. The city needs to move this item up, assign it to a specific bureau, and make sure that neighborhoods in the North Reach have the skill and resources to fully participate in the future of the North Reach. One positive step would be to make sure that the North Reach Advisory Committee project (listed at WP12) includes neighborhood participation. The neighborhoods are an important counterweight to other stakeholders in the process but will not be able to act effectively without substantial city support.

The second project is labeled A19 and calls for a study exploring alternative designs for community access to the river in Linnton along the 107th Ave right of way. The language is an improvement over the NRP earlier draft which called for a circulation study (with no mention of access) and an improvement over the mayor's first proposed amendment, which called for access that "does not interfere with rail lines and industrial operations". The new wording is that the connection

should be "compatible with rail and industrial operations." The neighborhood strongly supports such a study, and believes it must occur simultaneously with the current negotiations over the future of the mill site. To delay will be to lose a valuable opportunity for habitat and access improvement in the North Reach. The ranking of this project as a medium and the assignment to Portland Parks and PDOT are unsatisfactory. This project should be assigned to BPS, which can capitalize on its experience with Linnton. Given the current negotiations over the mill site, and the danger that those negotiations, if they occur without active participation by the city and the neighborhoods, will foreclose achievement of the NRP and neighborhood goals, the ranking should be High.

Thank you for your time.



LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION

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Local 8

February 17, 2010

Statement of Bruce Holte, the Secretary-Treasurer of the International Longshore and Warehouse Union, Local 8 in Portland, Oregon.

1. Don't Endanger The Working Harbor

- Portland's Working Harbor is an industrial sanctuary that creates some of the best jobs in the entire region.
- The 50 industrial marine businesses in Portland support approximately 20,000 local jobs bringing almost \$1 billion in personal income to the region's economy.
- The average income of these jobs is \$45,000 – higher than Portland's average household income of \$41,000.
- One out of every nine jobs in the Portland area is located in or supported by the work done in the Portland Harbor Industrial District.
- These businesses and the jobs they create are in the very competitive global economy. They are very sensitive to increased costs.

2. Don't Add Extra Time and Costs to Permitting

- Businesses in the working harbor already have to meet stringent rules when developing in the Willamette. Don't add more process and uncertainty.
- Businesses have already offered to pay a fee instead of going through this unnecessary process. That would be better for job growth and would ultimately mean more money for environmental restoration.

3. Make the Plan Balanced.

- The plan is supposed to create a path for both environmental and economic investments.
- The way it is now, it will discourage investment by creating uncertainty and complexity. That means no jobs and no money for environmental investments.
- The plan doesn't propose an economic development strategy – it simply lists the assistance programs already available. It would be better if the plan committed the city to increase investment in the working harbor, especially on freight mobility.

4. Keep Working With Us

- We appreciate all the work the City has put into this plan.
- We think it can be made better.
- Tonight we ask you to keep working on the important details and bring back a plan that is complete.

Thank You

Opeiu11

Good evening City Council and Mayor Adams. Thank you for providing the opportunity to provide comments on the City's proposed River Plan.

My name is Marla Harrison and I am the Environmental Manager for the Port of Portland's Marine and Industrial Development division.

There are two points I will be making tonight:

- (1) The Port does a lot to improve the quality of the Willamette River—some are driven by regulations but much is driven by our voluntary stewardship policy.
- (2) The Port does a lot of in-water permitting so that we can fulfill our public mission. We are concerned that the new City River Review process will make our job more complex, costly and time consuming without a lot of environmental gain. To change the River Plan from one of extraction to one of achievement, we think it would be more efficient and better for the environment to pay a straight percentage fee in areas of developed terminals, as outlined in the Working Waterfront's letter to the Mayor.

Within the City of Portland, Port facilities are some of the most sustainable and environmentally harmonious on the river. Let's use Terminal 5, which is located between River Miles 1 and 2 as an example. Terminal 5 is home to Portland Bulk Terminals which ship millions of tons of potash from Canada to grow food to feed the world. At the other end of the terminal sits Columbia Grain who ships more wheat than any another other exporter, thereby providing an export outlet to the region and again, food to others. All this is done by the most carbon-efficient modes available—water and rail. Terminal 5 even uses a traction slug engine which moves rail cars with electricity, not fuel. Stormwater run-off at these sites is minimized by reducing the amount of hard surfaces. What run-off there is, is monitored and/or treated. The river bank and upland areas at this location is so natural that it is ranked "high" on the City's inventory. A forested wetland adjacent to the river is also an attribute of this site. Ospreys nest at the terminal every year and eagles are routinely seen in the area. People use the facility too as a favorite fishing hole. All of these things demonstrate the Port's and its tenants' stewardship and the willingness to go above and beyond compliance on a voluntary basis.

As compliance burdens increase, the voluntary measures necessarily diminish. However, we have maintained our Objectives and Targets program in our Environmental Management system and plan to continue to do so. This program enables the Port to set goals and annually perform projects to meet those goals. The projects cannot be compliance driven. This year the list of projects range from developing an invasive species display to installing diesel oxidation catalysts on container handling equipment at Terminal 6. Next year we are looking at a fish entrainment study for dredging projects to implementing a waste composting program for marine facilities. Again the key to the program is establishing a baseline and measuring progress against that baseline. This is the hallmark of any worthy environmental improvement program. The River Plan should strive for this as well.

A necessary part of doing business on the waterfront is obtaining "in-water" permits. My definition of an "in-water" permit is any state or federal permit required due to project impacts below the ordinary high water line. These permits fall under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act—both administered by the US Army Corps of Engineers. The State also issues permits under Oregon's Removal/Fill Rules. The Port works approximately five or more of these permits at any given time. Due to this workload, the Port has utilized the Water Resources Development Act, Section 214 authorization to fund a position at the Corps (along with two other Ports) in order to facilitate the processing of our applications.

These permits are not projects that regulators get excited about. We have to work hard at getting these permits. We are talking about fender pile maintenance, dredging, berth deepening, scour protection and hole filling, dock repairs, emergency bank failure repair, bank restorations, stormwater improvements, pipe trestle construction, and outfall construction.

The project process is an intense and complex one. But briefly, I will provide the highlights: We develop a project description. At that point, we look at alternatives and determine the best alternative. Once we have the best one, we envision how it will be built and we analyze it for impacts to habitat and to threatened, endangered, and species of concern. If there are impacts, we either change the project or we find conservation measures. If we can't find conservation measures, we develop mitigation measures. It all boils down to Avoid, Minimize, Mitigate—in that order. That process takes about four months. If sediments are going to be disturbed, we also have to sample the sediments and invoke a process that can take 2 months to 2 years. All this information goes into a Biological Assessment and a Joint Permit Application that is submitted to the DSL and the Corps. Other agencies that review the documents are NMFS, USFWS, DEQ, SHPO, Tribes, DOE, ODFW, and EPA.

These agencies are ensuring that our application conforms to the Clean Water Act; the Rivers and Harbors Act; the Historic Preservation Act; the Comprehensive Environmental Response, Compensation, and Liability Act; National Environmental Policy Act; the Endangered Species Act; the Magnussen-Stevens Act; Oregon's Recovery Plans for Salmonids, and Oregon's Removal/Fill Rules. The coordination between these agencies to obtain workable permits is time-consuming and often difficult. We plan for permitting to takes us anywhere from 60 days for a simple Nationwide permit to in excess of 2 years for a berth deepening permit—mostly due to coordination between agencies or difficulty in resolving a technical problem. In many recent in-water permits, the permit was issued by Federal agencies at the last moment prior to the start of construction. In these common occurrences, this would not leave time for additional City Review. We are concerned that adding the City's additional requirements will necessarily complicate the process thereby adding time without demonstrated value, whereas the proposed fee would guarantee progress toward the City's goals without complicating the development process.

Returning to Terminal 5, we are in the process of obtaining a berth deepening permit to take advantage of the newly deepening Columbia River Federal Navigation Channel. And deeper draft vessels can carry more cargo with less air quality impacts. Our tenants at this facility are very busy and have seasonal fluctuations in their business. We have a one month window to perform dredging to meet their needs. The issues have been varied and many in this permit and we have been dealing with them one by one over the past two years. We are concerned that the permit will be issued in time to meet our needs and those of our customers. We have escalated the issue to higher levels within agencies. We are close and hope to having a permit that will result in deeper berths, better carrying capacity for our tenants and the region, cleaner air, and most of all a protective project for our species of concern.

Having worked in the permitting world for many years, I hope that the River Plan will not make an already challenging process, more difficult and less protective of the environment. This is my fear. Instead, we should focus on results, not more process.



CREEC

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TESTIMONY OF BEVERLY BOOKIN BEFORE THE PORTLAND CITY COUNCIL RELATED TO THE PROPOSED RIVER PLAN (2/17/10)

Representing the Commercial Real Estate Economic Coalition (CREEC), I am here this evening on behalf of the Working Waterfront Coalition (WCC). Although I have followed the development of the River Plan for many years, I leave the specifics to my WWC colleagues. Rather, I would like to look at this issue from the regional perspective as CREEC's representative in the Regional Periodic Review and Reserves Processes and as the Columbia Corridor Association's representative on the MTAC.

At recent MPAC meetings, Mayor Adams and Commissioner Fritz are on record as promoting a tight UGB and a limited 50-year supply of urban reserves to improve the Central City's chances of attracting new jobs. Although CREEC does not support this approach – any job growth in the region reinforces Portland's importance as a civic, cultural and educational center – I can understand the Council's concern about promoting job growth, particularly in these difficult economic times.

There is no important element to this economic strategy than the Portland Harbor, which provides 20,000 high-paying traded-sector jobs and substantial spin-off employment, estimated at one of every nine jobs in the city. Moreover, the harbor provides Portland with an ocean port and front-door access to the East Asia. None of the Portland region's mid-sized competitors – Boise, Denver, Austin, Minneapolis/St. Paul, or Raleigh/Durham – have ocean ports, which places Portland at a major competitive advantage. And without a vibrant ocean port, Portland could not compete nearly as well as it does with its Pacific coast competitors – Seattle, San Francisco/Oakland and San Diego. That is why it is so important for the City to protect and promote the harbor, to accommodate the retention/expansion of existing companies and attraction of new companies.

So, in your deliberations, we urge the City Council to:

- *Not endanger the economic vitality of the Portland Harbor.*
- *Don't add extra time and costs to permitting that could discourage the expansion of existing and attraction of new companies.*
- *Balance the economic and environmental benefits of the plan.*
- *Keep working with the WWC to assure this balance is achieved.*

Thank you.

Willamette RIVERKEEPER®

Testimony to the Portland City Council – February 17, 2010

Re: North Reach Plan

Travis Williams, Willamette Riverkeeper

Thanks to Mayor Adams and Commissioners for this opportunity to share my views regarding the North Reach Plan. My name is Travis Williams, and I'm Riverkeeper and Executive Director of Willamette Riverkeeper. We are an organization that works to protect and restore clean water and healthy habitat throughout the Willamette Basin.

In our view, the Portland City Council should approve this plan. Willamette Riverkeeper supports the aspects of this plan that improve habitat in the Portland Harbor Stretch of the Willamette River. The plan has been years in the making, and has received significant evaluation and input from a wide range of interests.

This plan complements other important efforts in the Portland Harbor area that are cleaning up riverside lands, working to remove contaminated sediments, and to restore habitat. All of these efforts are necessary to help reverse decades of pollution and habitat degradation that have occurred on this stretch of the Willamette River.

I'd like to make the following additional points:

- 1) The mitigation requirement for entities that wish to develop their lands, but degrade habitat is fair, transparent, and open. In the end, more riverside habitat will be restored as a result of this requirement.
- 2) Businesses get some very solid contributions to aid their economic vitality in this plan, specifically with millions of dollars of investment in new infrastructure.
- 3) The funding structure for the acquisition and restoration of habitat is much-needed, and again, a relatively small price to pay for redevelopment of riverside land.
- 4) Restoring habitat along this stretch of the Willamette River is essential to the health of Spring Chinook, and can aid these fish as they pass through this portion of the Willamette.
- 5) The tens of millions of dollars being invested upstream on habitat restoration, in tandem with changes at the hydropower dams on the Willamette's tributaries, could well be greatly diminished if we don't improve habitat along the final few

miles of the Willamette River. Every anadromous fish that passes downstream of dams on the McKenzie or Santiam must also get through Portland Harbor on their way to the Pacific. Having areas of relatively natural habitat along this stretch can be important to their survival. The North Reach Plan helps ensure that companies will do their part.

- 6) In our view, we need to change our mentality about what is right along this stretch of river. We have heard often that requiring companies to do a bit more for clean water and healthy habitat “costs jobs” or “hurts our economy” in essence, “hurting business.” What does it say about our society when we sacrifice entire stretches of river for the sake of what some define as “business.” We *need* to change the way we do “business” because at this point, it is business as usual that has degraded this portion of river to the point where it is too often a contaminated mess with little in the way of healthy habitat for fish and other wildlife.
- 7) Holding ourselves to a higher standard should be our goal. What would be refreshing is to hear the companies and entities, like the Port of Portland, to come out with a clear plan that states that they will restore riparian vegetation across the length of Portland Harbor. They have said they want to take bold steps for habitat restoration, but then seek to derail proposals like the River Plan. Well, minus an approach that they agree upon, or clear intent to go above and beyond what was the historical norm, we need to require some form of action to improve what we see today.
- 8) Some will say that we need to stop, start over, and seek common ground. The problem is that the argument against proposals like the North Reach River Plan is always the same. You need only look back to the days of Tom McCall seeking to improve treatment of wastewater at industrial facilities up and down the Willamette. Those who opposed his effort made the exact same arguments that we hear today - that it is unfair, hurts business and costs jobs. Of course, the next morning the sun still rose, companies managed to keep on producing what they had always produced, people kept on working, and the river managed to become quite a bit cleaner as a result. We should remember this reality as the North Reach Plan is considered tonight.

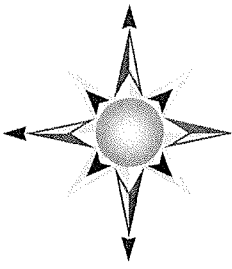
Thanks again for the opportunity to provide Willamette Riverkeeper’s view on this important issue.



Travis Williams



183694



COALITION FOR A LIVABLE FUTURE

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North Reach River Plan Public Testimony February 17, 2010 Before Portland City Council

I am Mara Gross, Policy Director at Coalition for a Livable Future. CLF represents more than 90 community groups, including Portland Audubon, whose work on the North Reach River Plan has been instrumental to the proposal you have before you today. CLF co-director, Ron Carley, also participated on River Plan Committees and I am sitting in for him today to represent to broad interests of the Coalition.

The River Plan supports improvements to the most degraded stretch of the entire Willamette. It serves a part of the river for communities that have historically had minimal access. When they get that access, they ought to be able to see a community asset. Right now, they see a river that's trashed.

You have before you a balanced plan that addresses social, economic, and environmental objectives. In fact, community groups have made significant concessions to achieve this balance.

We all have a responsibility for the river, to steward our natural resources, and that includes industry. Industry needs to pay its fair share, so the river doesn't continue to degrade and so citizens don't have to cover their costs. This plan is a good example of addressing the true costs of development rather than externalizing them.

It is important that the city maintain its regulatory authority in the North Reach. Much more than state and federal agencies, you speak for us. You speak for our community, you speak for our river. Leaving regulation to the state and the feds would disenfranchise communities that live on or near the river, communities like Linton. The community deserves a voice over our river – please don't give it away.

This plan has been nearly a decade in development. It included a wide array of stakeholders, and was reviewed extensively by the planning commission. Kudos to the city for the hard work it took to get here. You, and we, have worked in good faith, creating a plan that should not be undermined at the 11th hour.

A healthy river is important to a healthy city and a healthy region. This plan helps us get there. In sum, CLF believes that no further changes should be made to the draft River Plan. Please adopt the Plan.



TUALATIN RIVERKEEPERS.

183694

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Portland City Council
Regarding Support of North Reach River Plan

Feb. 17, 2010

Dear Mayor Adams and Council Members:

I am here today on behalf of the Tualatin Riverkeepers in strong support of the North Reach River Plan. First off, I want to thank everyone involved for their hard work in the development of this important plan.

Tualatin Riverkeepers' interest in and support of the plan, frankly, stems out of self interest in protecting our community's investment in restoration of the Tualatin River and its tributaries over the past forty years. We are a part of the Willamette River watershed and dependent on the health of the Willamette and its riparian habitat to support the passage of salmonid species as they migrate to and from their inland spawning habitat in the tributaries of the upper Willamette.

The task of cleaning up and restoring from a century of impacts is daunting, but I can testify that it can be done. Not so long ago, the Tualatin River was once considered the most polluted water body in the state. Our community has demonstrated with what can be achieved to restore the river and the significant benefits the community derives from this effort - in tourism, recreation, fish and wildlife habitat and clean water that supports a growing population and is the basis of the economy in Washington County. It has not been easy, it would not have happened without litigation and enforcement of environmental regulations and there is more yet that needs to be done.

Some specific concerns relating to the Plan include:

- Habitat in the North Reach is continuing to degrade. The Plan puts in place protections and a restoration program that provides important refuge for migrating salmonids.
- Local regulatory oversight is an essential part of assuring implementation of the plan. The city has made a significant investment of public dollars in clean water and it is essential to maintain a local voice and a proactive approach as the plan is implemented.
- The Willamette River Plan parallels and integrates with both the superfund cleanup and upland cleanup efforts. It is important to view these collective efforts as supporting each other.

It has not gone unnoticed that the City of Portland has made a significant investment to improve water quality, remove fish barriers and reduce the ongoing impacts of urban storm water runoff. There have been remarkable improvements on Johnson Creek. I recently toured and learned of plans underway for Crystal Springs Creek. We applaud your commitment to this unique habitat within the city.

In keeping with your demonstrated commitment to improve fish and wildlife species and water quality in Portland, we urge your support of the North Reach River Plan. Please help assure that salmonid species have save passage back to the inland waters of the Tualatin River and we will continue to do our utmost to assure they find a healthy place to spawn and rear. Thank you for your consideration.

Sincerely,

Sue Marshall, Tualatin Riverkeepers

River Plan / North Reach
Comments

183694

2-17-10

I have written my testimony this time because I am still emotionally compromised due to the recent death of a friend and colleague.

Mayor and Commissioners,

Thank you, Mayor, for adding the amendments to the River Plan/North Reach. I have witnessed, first hand, how hard it is for the polluters along the North Reach of the Willamette River to embrace the concept of their having any responsibility in redressing or even mitigating the serious environmental degradation that their bizarrely poor business practices have created. I have witnessed, both by first hand observation and by studying documentaries, that these polluters do not voluntarily clean up their horrific messes. Rather, they "voluntarily" move toward environmental considerations only when doing so will save them money. Such as when there is a monetary incentive for "early action" cleanup activities and/or a threat of loss of money (through fines, for example) if they delay cleanup.

The polluters are so entrenched in an historical albeit dysfunctional "business as usual" model that they are not cognizant of the fact that there has been a profound paradigm shift in our global culture and in our global society.

Possibly because we are now under dire threat of catastrophic negative environmental changes to such an extent that even the most self-deceived must acknowledge our worsening condition, we are now awakening to the fact that we must make immediate and drastic changes to our life styles if we mean to survive. Still, polluters have not picked up on that new realization and the subsequent shift in consciousness.

For example: the oil companies located in Linnton have contaminated our groundwater. Due to global warming climate change there will be an increasing need for potable groundwater. Consider that there was no attempt by this heavy industry to prevent the contamination in the first place just as there is no attempt to clean up the groundwater now.

Likewise, due to heavy industry, there is considerable contamination of our airshed here in Portland. Linnton just suffered the lung and brain cancer death of yet another member of our community two weeks ago. Much of the toxicants generated by heavy industry located along the Willamette River are drawn, by airflow, into the Pearl and into the NW area of Portland where we have the second worst air quality in the nation, and the very worst air quality in the nation in some areas. Not only that, the riverbank and the river water is further contaminated by atmospheric deposition of the toxicants. Those air pollutants contribute to the Willamette River's ranking as the second worst contaminated river in the nation.

There is currently no attempt by the tank farms, for instance, to clean pollutants from their emissions, nor has there been since they were forced to make some modest efforts to reduce emissions in response to a lawsuit.

Members of the same polluter combine insinuated themselves into the development of the River Plan/ North Reach and have fought hard to both downgrade the natural habitat inventory designations and to rid themselves of the financial burden of making a tiny contribution to the last-ditch efforts of environmentalists hoping to save the few remnants of the fish and wildlife that pollution has not already sickened and killed. And to some large extent, the polluter's efforts on the River Plan/ North Reach have paid off because the first iteration of the River Plan called for more money and more land to be used for environmental mitigation. The polluters have reduced their responsibility considerably.

It is worth noting that the oil companies made record-breaking profits of over \$100 billion dollars in 2008; and it is worth noting that they are still subsidized by the American taxpayer for tens of billions of dollars again this year.

There is movement underway to put a stop to this terrible misallocation of funds.

So that brings us back full circle to the paradigm shift: the old "business-as-usual" money-based *insanity* is being recognized for what it is. It is insane to sacrifice the planet and its creatures and people to enable the obsessive-compulsive pursuit of money for these polluting industries. For one thing, there is no limit to the addictive greed for money. As with all addicts, the more they get, the less they deem themselves to have, and the more they crave. It's a viciously evil illness.

Globally, more and more people are awakening to the consequences of the greed epidemic and we just don't want to see the destruction of the planet; hence, the shift in values.

There are many more unsavory facts and issues, such as the social justice issues, involved in the River Plan that are being addressed on other levels. It appears that if the amendments are added to the River Plan, and if we are able to empower the city to support the new offices that are dedicated to healthy rivers, some of the deeper problems may resolve themselves without regional and national intervention. That is my hope, at least; and it is with that view in mind that I have delayed my (solicited) testimony on a national level until we see which way the social justice shift is going to tend toward here in Portland.

Therefore, although this testimony on the River Plan is extraordinarily foreshortened considering the complexities and considering what's at stake, I will end this part by requesting that there be sufficient emphasis placed on the fact that the amended Plan is *strictly a beginning point*. Again, I think we are wrong to have backed down on the money and the land allotted for environmental purposes. Conceding to greed only serves to encourage wrongheaded craving for power and control and it weakens the City's position just when we need to beef up our environmental stance in order to become more

closely aligned with the growing regional, national, and global trend. We are all of us currently in transition and, although we are already too close to the event horizon of the black hole of environmental collapse, it is still possible to be proactive in alleviating some of the miseries that many are already enduring.

Therefore, I repeat; keep the door open so we can move forward toward a sustainable future (sorry, the “sustainable future” phrase has become overused – let’s just hope a sustainable future becomes the norm so quickly as to render its reference moot).

In conclusion, here’s some American history that pertains to our present situation:

Some filthy-rich men decided that they deserved to own a lake so that they could play with their yachts. So they created a lake by going up to the head of a valley and damming a river above the poor people down below. Being money-grubbers, they built the dam on the cheap although they’d been warned repeatedly that their shoddy design would fail.

Needless to say, over time the waters grew deeper and deeper and the increased pressure on the dam led to its inevitable failure and sudden catastrophic collapse.

Due to the heroic sacrifice of some of the people down below the dam many people were saved who would otherwise have died. One brave soul was the switchboard operator at the telephone office. She stayed at the switchboard calling and warning people farther down the valley until the office was swept away and she died in the flood.

After the worst of the flood, people went out to rescue those who were still alive. They came to a woman and, try as they might, they could not pull her into the boat. One of the rescuers dived into the water and loosened the death grip of the drowned person clinging to the woman.

Years ago I warned Potter about the death grip of these drowning industrialists, had he listened, we could have been well away from their death throes by now and in a position to dive in and help others.

Hopefully we can at least save ourselves at this late date.

The earthquake and the tank farms on the Willamette River

We are now in the window for a 9 to 9.3-magnitude earthquake that will run from Canada down through Washington State, through Oregon, and into northern California.

There have been local presentations on the pending earthquake during the last few years and there are more presentations scheduled for the near future.

The earthquake for our area will be literally exponentially more severe than the recent earthquake in Haiti. The earth shook for *seconds* there and it will shake for *minutes* here.

As we just experienced with the Haiti earthquake, the need for fuel will be paramount. That presents a serious problem for us because our fuel supply will be one of the first things to go.

As has been stated by the oil companies in prior testimony before the City Council, some of the tanks at the tank farms are about a hundred years old. Due to the fact that they leak, we can deduce that the maintenance on the tanks has been lacking. However, that is a moot question when it comes to the earthquake because the tanks are located along the fault line, so "leak" hardly describes what will occur, gush maybe, or spew or even explode.

Location, location, location:

The tanks are located on a flood plain, in a slide zone, on an earthquake faultline (actually in a triple threat earthquake zone), adjacent to a triple threat fire zone.

The tanks are already too close to residences, businesses, and most notably, too close to a preschool.

In an earthquake of the magnitude that this one will be, there will surely be ruptures to the tanks and pipelines. There will surely be fires.

Therefore, consider that both the river and the forest will be on fire. Further, consider that there are other hazardous materials along the river such as liquid hydrogen. There are usually tanks of ethanol along the railroad at the tank farms. Think "Bombs".

There are many factors to be considered in order to make an educated estimation of the potential for damage that the tank farms pose. Will there be high water? Will the tide be coming in? Will there be a tsunami along our coast? If so, how will it affect our rivers? In short, will there be a fiery backwash of petrochemicals into the heart of our city or will the fire just slowly but surely advance into downtown?

Besides the potential for damage, there is still the question of maintaining a reliable fuel supply for response to the earthquake.

Since the current location of the tank farms renders them useless as a fuel hub, how will we provide fuel for rescue operations? These serious questions must be addressed in the River Plan.

One thing that ought to be obvious immediately is that the tank farms need to be separated out from one another and moved to safer locations. This time the locations need to stay off a large body of water, away from a flood plain, away from a fire zone, away from an earthquake faultline, away from schools, businesses and residences. And located in a place that is going to remain accessible during a catastrophic event. That would give us a better chance of having some fuel survive the earthquake or other disaster so that we can enable ourselves to mount some viable emergency response operations.

Co-operation

Currently, the global community is in a state of transition so one would hope that it is conceivable that the oil companies themselves will suddenly come to an understanding that they need to drastically change their collective persona.

However, since there are no current indications that they've suddenly become anxious to join the human race instead of preying on it, it falls to us to require them to make some necessary changes.

In our personal case, here in Portland, we need to engage the oil companies in dialogue immediately and this time we need to make positive that they understand that they are coming to terms with us, and that we are not mere supplicants.

- I just deleted a short description of some of the actual atrocities committed by oil companies worldwide. I realize that it will be better for all concerned if I simply recommend that the city educates itself as to exactly the nature of the foe – because the oil industry most assuredly have avidly pursued the role of being foes.

The short description is this: they intentionally kill people in order to continue to destroy the environment. Some of their members are being tried in The Hague for crimes against humanity this year. The Hague case is not the only case being brought to trial.

It is important that you grasp the "big picture" in order to be effective in your dealing with the oil industry. And here's the thing about dealing with the oil industry, they generally pick their victims among the weak and defenseless so it is up to us, who are not so weak and defenseless, to create change.

Now is our opportunity.

Jan Secunda

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Brotherhood of Locomotive Engineers and Trainmen

A Division of the Rail Conference-International Brotherhood of Teamsters

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183694

Mike Neale
L/R Division 416

Testimony of Michael L. Neale
Legislative Representative, BLET Division 416
February 17, 2010
Portland City Council Hearing on the River Plan, North Reach

Good evening Mayor Adams and Commissioners. My name is Michael Neale and I am the Legislative Representative for the Brotherhood of Locomotive Engineers and Trainmen, Division 416. I represent over 90 engineers and conductors working on the Portland & Western Railroad. The Astoria District of our railroad runs through the Linnton community serving local industries and providing a connection to the rest of our system southward through the Willamette Valley.

I am here this evening to share further on my concerns as stated in my written testimony from the December 16, 2009 hearing. I understand that since December you and the staff have worked with local industry to come up with amendments to the River Plan which will help address the concerns of business. I support the City's efforts and encourage you to continue to work with business to come up with a balanced plan.

My first concern is in regards to the Greenway Trail with its proposed additional crossings of the railroad at grade and close proximity to both the railroad and our freight customers. If built, this trail would bring a variety of new people in interface with the railroad. Joggers, rollerbladers, skateboarders and bicyclists could all be on the trail and many of them will be using ipods or other personal musical devices. These folks will be focused on their exercise and entertainment, not on the train coming down the tracks. I have witnessed far too many cases of people wearing ipods or headphones walking right out in front of my train even though I am blowing the whistle and ringing the bell. Others try and hurry to beat the train to the crossing and can trip and fall right in front of the train. Please remember that trains don't have a steering wheel so the engineer can't swerve to avoid somebody. The Linnton area contains heavy industry and many of our customers ship hazardous materials. If our engineers are forced to put their train into emergency braking to try and avoid hitting somebody at a trail crossing, it increases the likelihood of causing a derailment, which in turn greatly increases the risk of a hazardous materials spill in this community.

The presence of a trail through an industrial area not only raises safety concerns from rail transportation, but also with our brother Teamsters making pickup and deliveries or loading and unloading trucks at local businesses. Teamster drivers are skilled at turning and backing into tight spaces, but additional people on sidewalks and crossing roads to access trails in an industrial area increases the risk of someone getting hit. Inviting the general public into an area that has heavy trucks and trains in close proximity to a trail seems to me to be a recipe for disaster. It is not a matter of if, but when, somebody will get hurt.

In addition, having a trail run through the "backyards" of business is a security concern and exposes both industry and the railroad to vandalism while also providing another access point for terrorists. We are under the jurisdiction of the TSA in the Linnton area and our workers must have TWIC identification to work in such close proximity to port facilities. The Linnton area is included as part of a High Urban Threat Area so providing the public with additional access to sensitive areas via a trail seems to me to be a security concern. I encourage you to continue working with the Portland & Western Railroad to solve concerns about safety and security along the Greenway Trail.

The second concern I have is the ultimate financial impact the River Plan and specifically the River Review, could have on businesses that are ultimately P&W's freight customers in the North Reach. While the City has worked hard to try and coordinate the permitting process, these new regulations will still add time and financial burden causing our customers to cancel plans for expansion or to relocate. This, in turn, could cost Division 416 members their jobs. The railroad staffing and scheduling is a seniority based system, so a job loss in the Linnton area could have a domino effect bumping people out of their positions all the way to Eugene. Division 416 supports the city's efforts to restore habitat and quality in the North Reach, but we don't want that done by placing an unnecessary burden on our customers. Portland & Western has been working hard to replace old and out-of-date rail lines to help improve our operations, to make them even safer and reduce impact on the environment. We share your concern for the environment and are doing our share. But we need your support in return.

I encourage the city to continue to work with all stakeholders to come up with a plan that maintains healthy businesses in the North Reach. Successful freight customers will in turn keep the railroad strong and provides family wage jobs both now and in the future.

I want to thank you for providing me with this opportunity to share my views and concerns.

Mayor Adams and Commissioners,

Emergency preparedness has a place in the North Reach Plan and was left out. At an ECHO meeting(Emergency Coalition of Hazardous Occurrences) I recently heard Yumei Wang, state geologist, Emergency Response Team Leader talk about how unprepared we are for the major Cascadia subduction zone earthquake which is overdue to occur. That position was restated by James Roddey Ore. Dept. Of Geology in a Willamette Week article of Jan.17,'10.

90 % of our fuel sources for our region are located in the Linnton/ Willbridge area. These fuels that will be needed immediately to function, respond and rebuild our city will be inaccessible in the advent of a major earthquake. The projection is that all of our bridges are most likely to collapse, the exception might be the 5-1 railroad bridge which will get stuck in place and not be able to raise. St Helens Rd. will be covered by slides from the hillsides. The pipe line will be compromised due to earth shifts. The Columbia will be unnavigable due to fill in by silt.

Plans should be made to locate these oil resources elsewhere in an area with not as high catastrophic, environmental, and human risks. The Linnton area has the added risk factors of being a triple earthquake risk zone and a triple fire risk zone .The Willbridge area is located on fill and therefore unstable. The infrastructure of the tanks put them at risk of failure. Igniting could occur from sparks on floating topped tanks. Liquefaction and lateral spreading below the tanks could cause them to collapse, quick draining can cause implosion Many cities/states are moving tank farms off their waterways because they don't meet with the Clean Water Act (and their's are not located on lateral fault lines as the Linnton/Willbridge tanks are).

In the event that the tanks do survive an earthquake, access to fuels should be considered in the NRP. An example: the floating bridge that the Army has stored in North Portland could be used. An east side access point to the river would be the St. Johns boat landing but the only nearby westside access at the Coast Guard facility will not be of use because it will be blocked by of the collapse of the St. Johns Bridge.

A port should be located for the Ranger(decommissioned naval aircraft carrier) that could be an emergency command center complete with hospital facilities.

To keep from crippling the recovery of our city and to protect the Willamette river from potential devastating pollution, the NRP should include relocating fuel sources to other areas of less risk and investigate how to access critical fuels that will be isolated in the event of a major earthquake. Emergency preparedness should be an important part of planning for our future.

Thank you for you time and consideration on this matter.



Darise Weller

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University of Portland
Request to Amend Proposed Location of Environmental Overlay Zones on the Campus

Current Status: The University of Portland campus does not presently contain any Environmental Protection (EP) zoning. A narrow area of the bluff contains Environmental Conservation (EC) Overlay zoning. (See Exhibit 1). The University of Portland acquired the 35-acre Triangle Park Property in late 2008 for its river campus expansion. At the time of this acquisition, the river campus also did not contain any EP or EC zoning. From 2006 to 2008, the City of Portland and the University worked together to establish a new base zone for the river campus that would allow the University as a permitted use. The City rezoned the property from Heavy Industrial to General Employment. At the time of this rezoning, neither an EC nor an EP zone was added to either the bluff campus or the river campus. Based in part on this 2008 rezoning, the University closed the sale and purchased the 35-acre river campus with the belief that its uses would be permitted on the property.

EPA and DEQ: The river campus is a contaminated site, fouled by past industrial practices. As part of the purchase of the river campus, the University has agreed with EPA and DEQ to complete a comprehensive remediation of the river campus site. The remediation will allow the river property to be put back to beneficial use with University uses, ecological restoration and a new Greenway.

Purpose of the EC and EP Overlay: The environmental values to be protected by the proposed overlay zones on the University of Portland campus are identified in the Willamette River Natural Resource Inventory Report. The University is identified as Inventory Site WR10. The EP and EC zoning is intended to assist with slope stability and create a wildlife habitat connectivity corridor through the preservation of existing woodlands.

The Problem: With the proposed River Plan, all of the property lying between the University's campus on the bluff and its planned river campus expansion on the Triangle Property is proposed to be rezoned with both an EP and EC Overlay. While the EP and EC zones are being added as part of the River Plan, the zones are not located on the river or near the Greenway. Rather, the zones are being added to the bluff, at least 500 feet from the river.

This proposed zoning creates an approximately 200 to 300-foot corridor of EP and EC zoning running through the University campus. (See attached Exhibit 2). This rezoning was not contemplated in 2008 when the University worked with the City to rezone the river campus to General Employment. In preparation for the acquisition of the Triangle Property, the University engaged in a design process to ensure that the campus expansion would meet the needs of the University for decades into the future. One of the main objectives of this design process was to examine ways in which the campus on the bluff could be physically and visually integrated with the campus expansion below the bluff. The preferred solution to this design inquiry was to place a campus building at the intersection of Portsmouth, McCosh and Van Houten streets. Such a building would anchor the expansion and create a physical and visual Gateway to the remainder of the campus on the water. The current location of the EP and EC zone boundaries renders this design solution near impossible to achieve and is inconsistent with the City-approved zoning in 2008 which allowed University uses. (See attached Exhibit 3).

The Solution: The University of Portland does not object to the presence of EC and EP zoning on its bluff property, even though this property is removed from the river. We do object to the specific location of EP and EC zoning along the McCosh frontage. We understand that the Bureau of Planning and Sustainability (BPS) would support an amendment that moves the proposed boundary between the EC and EP zoned property on the bluff. Specifically, the EP zone along the McCosh frontage between Portsmouth and the western street lot line of Van Houten would be replaced with an EC zone. This results in an adjustment of the EP/EC zone boundary by approximately 240 feet.

While the University appreciates the hard work BPS has completed to agree to this amendment, the University believes that an alternative amendment is justified. As an alternative solution, the University would like the Council to remove both the EP and the EC zone from the McCosh frontage between Portsmouth and the northwestern street lot line of Van Houten Street. This amendment would allow the University to develop a gateway building on the bluff, creating design, visual and physical continuity between the river and bluff campuses.

The University would like the City to recognize that the overall environmental benefits to the river resulting from this amendment will be significant.

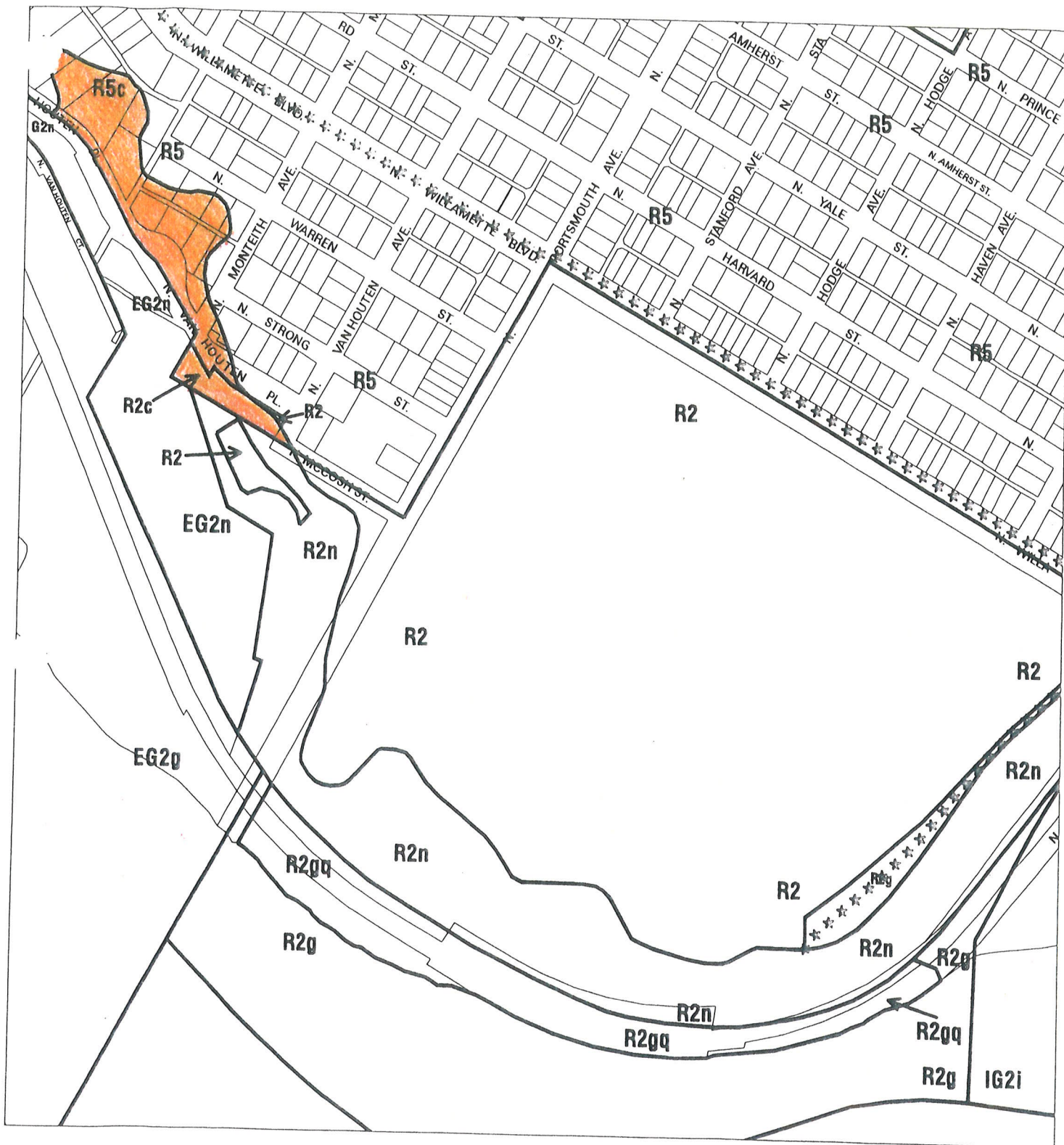
1. The University is a willing partner in the remediation and restoration of an ecologically sound Greenway along the river. Unlike many other users of the river, the University is actively remediating a contaminated industrial site and developing re-use plans that will include a Greenway, ecological restoration and beneficial re-use with University functions.
2. The EC and EP zones are not along the river. If a gateway building is allowed it would be located well over 800 feet, or 4 downtown city blocks from the approximate water line. This request therefore is not directly related to the river environment. Rather, this EC/EP amendment will allow the University to build its gateway building over 800 feet from the river, linking the bluff and river campuses as long contemplated through the EG rezoning process and in the final acquisition of the river campus.
3. The University is a long proven steward of its campus environment. The University has discussed its campus design objectives with several University of Portland Geology and Environmental Sciences faculty members and will, through their combined expertise, propose a bluff planting plan and slope stability analysis at the time of building design that will protect the resource and functional values of the bluff as documented by the Natural Resources Inventory and ensure that any unavoidable impacts on the natural resources would be mitigated.
4. The University already has its science students conducting research and investigations into the health of the riverfront property. The University's Geology and Environmental Sciences faculty members are actively involved in lending their significant expertise to the site remediation and Greenway efforts and will be further involved with monitoring of the remedial efforts over time.
5. The University is a conditional use. It is currently operating under a conditional use master plan. The University cannot build the gateway building or any river campus

facilities until it either amends its existing conditional use master plan or seeks some other like approval from the City. At that time, the City will be able to ensure that the gateway building is placed and constructed in a manner that protects slope stability and mitigates for any unavoidable resource impacts.

6. The University is unlike any other user in this north reach. The University has been on the bluff for over 100 years. Its next 100 years will be marked by what it can accomplish on its river campus. The river campus acquisition was a “once in a University’s life” opportunity to further enhance the vitality of the institution while moving away from, and not toward, the single-family neighborhood to the north. There is overwhelming neighborhood support for the University’s development of the river campus. Removal of the EP and EC Overlays in this discrete and critical area of the campus will allow the University to meet its original objectives for the campus expansion.

Conclusion: The University of Portland requests that the City remove the EC and EP zone along the McCosh frontage to a depth of 165 feet in order to accommodate a gateway building, central to the University’s river campus expansion based on the conditions and justifications set forth above.

EXHIBIT 1

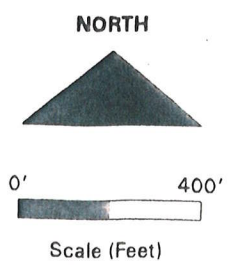


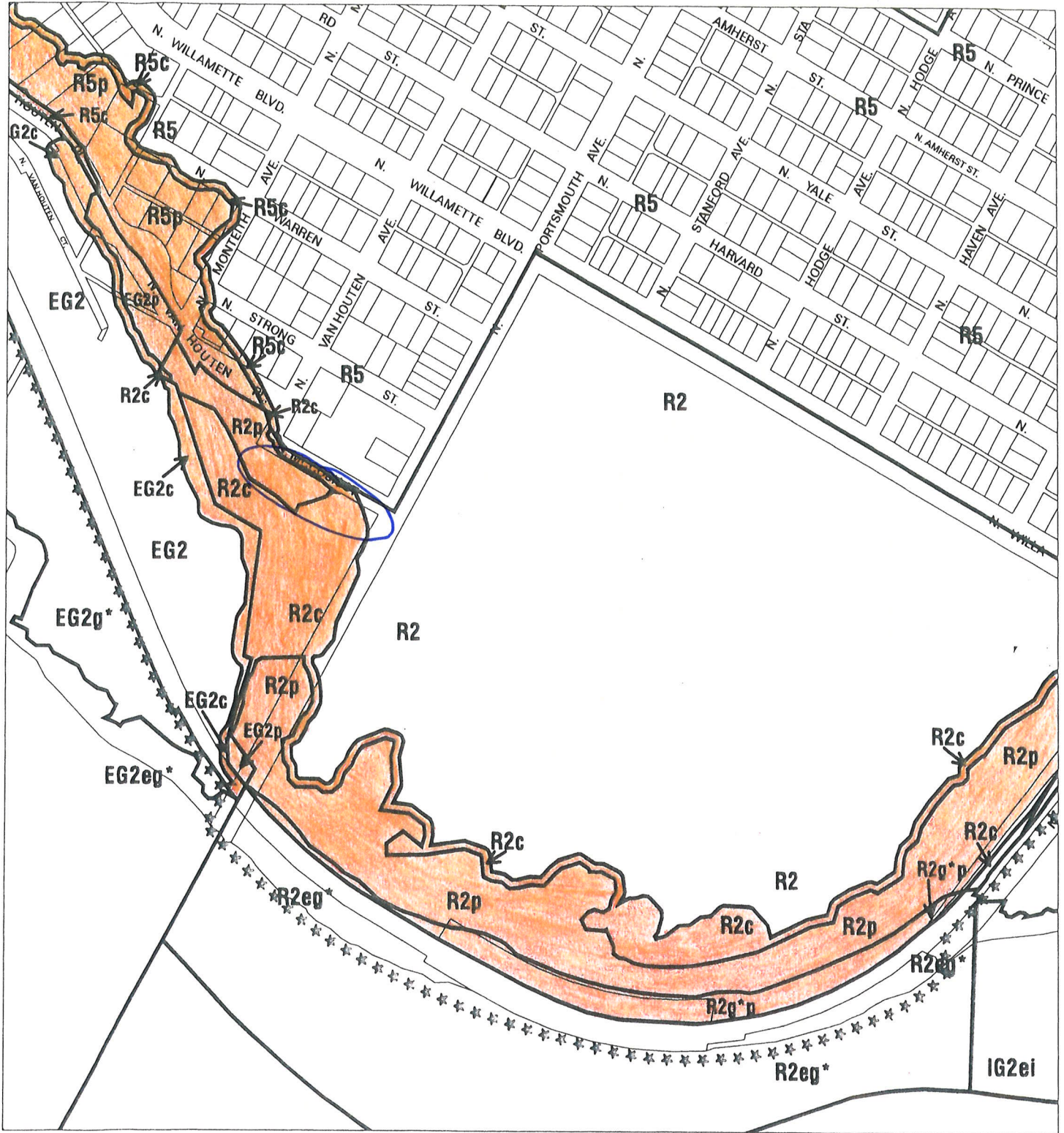
Existing Zoning

Bureau of Planning - City of Portland, Oregon

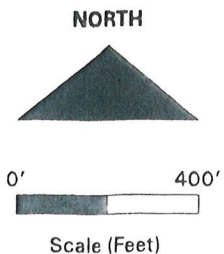
- i = River Industrial Zone
- g = River General Zone
- r = River Recreational Zone
- n = River Natural Zone
- q = River Water Quality Zone

- c = Environmental Conservation Overlay
- p = Environmental Protection Overlay
- ☆☆☆ Public Recreation Trail





River Plan/North Reach Proposed Zoning
 Bureau of Planning - City of Portland, Oregon



- i = River Industrial Zone
- g* = River General Zone
- r* = River Recreational Zone
- e = River Environmental Zone

- c = Environmental Conservation Overlay
- p = Environmental Protection Overlay
- ☆☆☆ Public Trail
- Ordinary High Water Mark (O.H.W.M.)
 = area between arrows



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University
of Portland

EXHIBIT 3 183694

Talking Points
City of Portland River Plan
Jeff Smith
President, ILWU Local 8

Good evening. My name is Jeff Smith, and I am president of ILWU local 8 here in Portland. I represent more than 500 men and women who make their living in the working harbor of the Willamette and Columbia rivers.

My members are the people who load and unload the ships in our harbor, operating massive cranes and moving the 20, 40 and 45-foot containers that carry so much of global trade. We drive the trucks, toploaders and forklifts that move containers around on the docks.

But that's not all. We also load or unload autos at terminals 4 and 6, bulk dry chemicals (potash and soda ash) at terminals 4 and 5, wheat at three grain elevators, steel slabs at terminal 6, lumber & steel rails at terminal 2 -- whatever comes to the public marine terminals and to many of the private docks in the Portland area.

Tonight, I'm asking you to do one thing: support the working harbor by taking the time to get the River Plan right.

Here's some numbers you might hear a couple of times this evening:

- The 50 industrial marine businesses in Portland support approximately 20,000 local jobs bringing almost \$1 billion in personal income to the region's economy.
- The average income of these jobs is \$45,000 – higher than Portland's average household income of \$41,000.
- One out of every nine jobs in the Portland area is located in or supported by the work done in the Portland Harbor Industrial District.

So please don't add unnecessary complexity and time to the process of maintaining and improving the infrastructure that makes these jobs possible. I know you have been working on this plan for a long time, but it doesn't make a lot of sense to me to adopt the plan when so many of the vital details are unresolved.

I'm happy to be on this panel tonight with two of our important partners, Schnitzer Steel's Don Hamaker and the Port's Bill Wyatt. You may not realize it, but you're looking at Portland's true creative class.

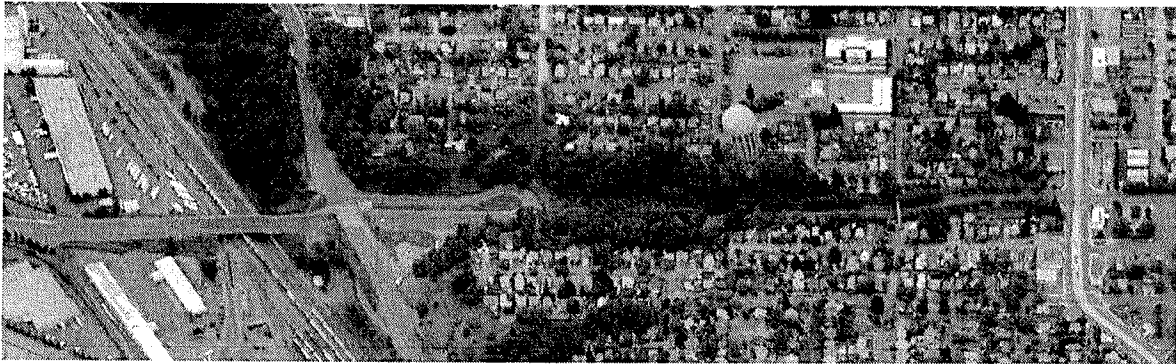
And what we create are successful businesses, which in turn create jobs and wealth – the wealth the city will need to invest in the environmental projects we'd all like to see on the Willamette.

We are bound together here, commerce and the environment. So please, take the time to get this plan right from the start. Take the time to iron out the details; keep working with those of us who work on the river everyday.

Thank you.

GOING GREEN

PROPOSAL FOR REVITALIZATION
OF THE SWAN ISLAND GOING STREET CORRIDOR



DRAFT - February 17, 2010

Submitted by:
Lenny Anderson
Swan Island TMA
4567 N Channel Ave



PDX 97217

Going Green

History & Context

Over a decade ago, Going Street, as the only legal access to Swan Island, consisted of degraded, substandard, overgrown and in places only four foot wide sidewalk with high-risk crossings west and east of the Greeley underpass. In half a dozen years the Swan Island Transportation Management (with Bureau of Environmental Services/Community Benefit Opportunity and TriMet/Job Access funding), spearheaded improvements to the sidewalk including widening portions of the Greeley to Interstate sidewalk to eight feet, repairing surface breaks, and constructing a concrete island at the northwest crossing of Greeley to the Going on ramp.

The Going Street sidewalk is primarily steeper than ADA requirements, uneven, and narrow (with the exception of a segment under construction for the Going Street Bridge seismic retrofit.)

The sidewalk borders a region of land rich with diverse tree canopy (including oak, fir and madrone) and a (potentially) attractive meadow landscape. With the exception of occasional blackberry removal completed by inmate work crews (Swan Island Business Association), FEMA fuel reduction grant invasive plant removal, and the new Water Bureau Pittmon Addition Hydro Park, the land along the sidewalk sees minimal maintenance beyond Bureau of Maintenance twice yearly mowing. Debris, including fallen limbs, noxious vegetation and litter, has collected along the path, discouraging use and posing fire hazard and safety issues. Walking or biking in this environment today is not desirable, but it could be with some modest attention. This revitalization has the potential for broadly positive results affecting job creation, transportation, safety, habitat restoration and storm water management.

Job Creation & Transportation

This corridor serves as both a job access and recreation access route. It will intersect three existing and future north/south bike routes; Interstate Avenue, Greeley Avenue and Concord Bike Boulevard. It creates neighborhood access to the river and provides access to jobs on Swan Island. The number of jobs on the island is growing. UPS recently doubled the size of their facility and Daimler Trucks is expected to bring an additional 700-900 people from their Montgomery Park facility in the near future. There are currently 5,000-10,000 people employed on Swan Island. Creating viable alternatives to single occupancy vehicles frees up more of the roadway for freight and business use. If just 10% of the mode split is attributed to bicycles and pedestrians that would mean 500-1000 trips per day on this facility—a significant number worthy of note.

Safety

With the slope, there are safety concerns as cyclists gain speed on the downhill and swerve left and right on the uphill. A wider path would mitigate this concern. Another solution is to leave the existing 8' sidewalk as is while constructing an additional 8' sidewalk farther into the "meadow".

The two paths could either be separated by mode, or by direction. Either method would significantly increase the safety of this corridor. Other safety improvements include physical barrier installation and increased lighting for safer night time use. Many people work the night shift and commute to the island all hours of day and night. Continuing the crash barrier from the bridge over the railroad to the Concord Street pedestrian bridge would provide actual as well as perceived safety improvements. People are much more likely to use a bicycle and pedestrian facility if they feel it is adequately separated from adjacent heavy truck traffic.

Habitat Restoration

The Willamette bluff system is considered one of the best opportunities for oak habitat restoration in the entire city. Portland Parks has 6 months of funding remaining under the FEMA fuel reduction initiative. Extending the removal of invasive vegetation up the north side of Going Street would further reduce risk of fire and support the oak and madrone habitat restoration effort already underway along the bluff. The restoration line should be drawn broadly to maximize the reach of the Portland Parks work. It is important to note that the habitat restoration also plays into safety. It is important to recognize the additional perceived safety improvements of enhancing Going Street as an attractive conduit/entryway to natural space. An obviously cared for area in turn promotes better care by more users.

Stormwater Management

Bureau of Environmental Services staff is currently investigating if untreated Going Street stormwater (6 lanes wide, half mile long) is being directed into the river. Whether it is released directly to the river or not, Going Street produces a significant volume of water that could be diverted from the storm water system and filtered into the local groundwater through bio-swales. In addition to their technical functions, bio-swales also add to the aesthetic value of the place and create a buffer to the truck traffic.

Conclusion

The proposed Going Green project is in a unique position. With all of the projects that have been going on in the area and the potential to leverage new projects it has the opportunity to greatly impact the residential neighborhood with a desirable route to access the Willamette River Greenway for recreation, as well as provide safer, cleaner, and attractive transportation route for job access. Habitat restoration and storm water management round out the equation to provide a compelling case for this project to go forward.

Background Information Attachments:

Swan Island Trail – River to Lagoon
Swan Island – Major Employment Facilities
Swan Island Trails Action Plan – Going Street Connection

Going Green Potential Funding Sources

The following list identifies potential matching and major funding sources available for bicycle and pedestrian projects and programs as well as their associated need and criteria. Not listed are many additional trail and shared-use path funding programs that target rural, recreational or soft-surface trails projects. It would likely be difficult to develop an application that meets the grant selection criteria to apply for these programs. Programs with criteria that generally agree with the goals of the Going Green project are listed below.

Surface Transportation Program (STP)

The Surface Transportation Program (STP) provides states with flexible funds which may be used for a wide variety of projects on any Federal-aid Highway including the National Highway System, bridges on any public road, and transit facilities. Eligible bicycle improvements include on-street facilities, off-road trails, sidewalks, crosswalks, bicycle and pedestrian signals, parking, and other ancillary facilities. Additionally, bicycle-related non-construction projects, such as maps, coordinator positions, and encouragement programs, are eligible for STP funds. Economic stimulus funding has been distributed through this program. If an additional stimulus package is passed, additional STP funds may become available.

http://www.oregon.gov/ODOT/recovery/economic_stimulus.shtml

Highway Safety Improvement Program

This program funds projects designed to achieve significant reductions in traffic fatalities and serious injuries on all public roads, bikeways and walkways. This program includes the Railway-Highway Crossings Program and the High Risk Rural Roads Program. This program replaces the Hazard Elimination Program from TEA-21.

<http://www.fhwa.dot.gov/safetealu/factsheets/hsip.htm>

Railway-Highway Crossing Program (RHC)

This program is funded by a set-aside of STP funds and is designated for improvements to highway-rail grade crossings to eliminate safety hazards. Eligible projects include installation of new crossing protection devices, passive crossing protection devices, upgrades of existing signal devices, railroad crossing closures, and pedestrian crossing improvements. Funding for this program comes out of Highway Safety Improvement Program funds.

<http://safety.fhwa.dot.gov/xings/>

Community Development Block Grants

The Community Development Block Grants program provides money for streetscape revitalization, which may be largely comprised of pedestrian improvements.

<http://www.hud.gov/offices/cpd/communitydevelopment/programs/>

Transportation, Community and System Preservation Program

The Transportation, Community and System Preservation Program provides federal funding for transit oriented development, traffic calming and other projects that improve the efficiency of the transportation system, reduce the impact on the environment, and provide efficient access to jobs, services and trade centers. The program is intended to provide communities with the resources to explore the integration of their transportation system with community preservation and environmental activities. The Transportation, Community and System Preservation Program funds require a 20 percent match.

<http://www.fhwa.dot.gov/tcsp/>

Transportation Investments Generating Economic Recovery (TIGER) Grant

By providing improved job access, Going Green may fit the grant selection criteria for TIGER, Part of the American Recovery Act. TIGER is currently closed, but additional funding or application periods may be announced in the future.

<http://www.dot.gov/recovery/ost/>

Regional Flexible Funding

Metro distributes federal transportation funding, sourced from STP and CMAQ, through the Joint Policy Advisory Committee on Transportation. A large portion of funding is routed to bicycle and pedestrian improvement projects.

<http://www.oregonmetro.gov/index.cfm/go/by.web/id=19681>

Bicycle and Pedestrian Program Grants

The Pedestrian and Bicycle Grant Program is a competitive grant program that provides approximately \$5 million every two years to Oregon cities, counties and ODOT regional and district offices for design and construction of pedestrian and bicycle facilities. Proposed facilities must be within public rights-of-way. Grants are awarded by the Oregon Bicycle and Pedestrian Advisory Committee.

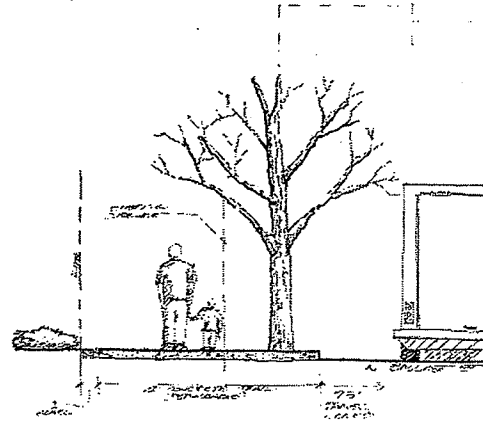
<http://www.oregon.gov/ODOT/HWY/BIKEPED/grants1.shtml>

McCARTHY PARK
PARKING LOT

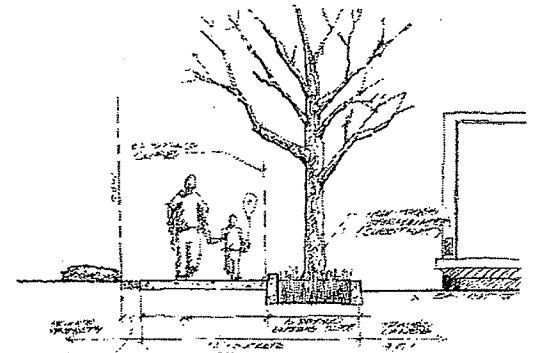
DAIMLER PARKING LOT

Channel Ave.

SWAN ISLAND TRAIL - RIVER TO LAGOON: CHANNEL AVE / BALLAST ST. PROPOSAL

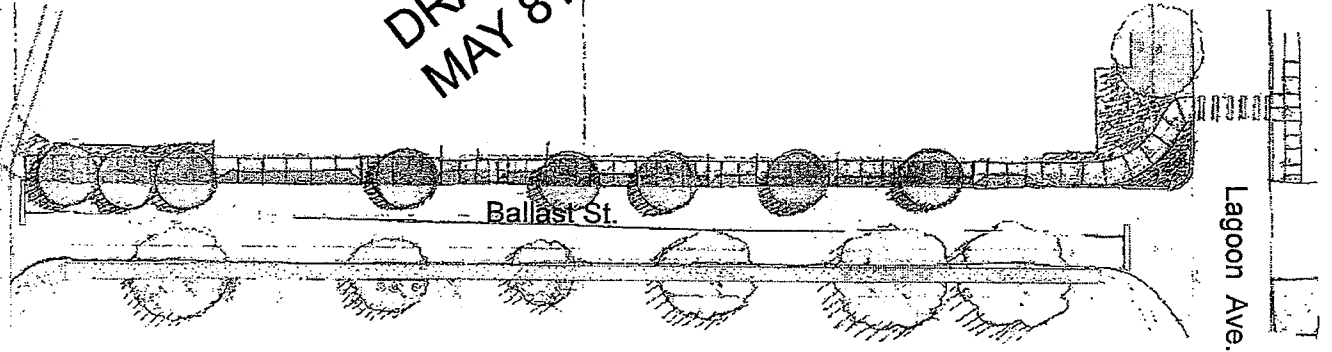


Proposed Ballast Trail Section



Proposed Ballast Trail Section @
Stormwater Facility

DRAFT -
MAY 8TH, 2009

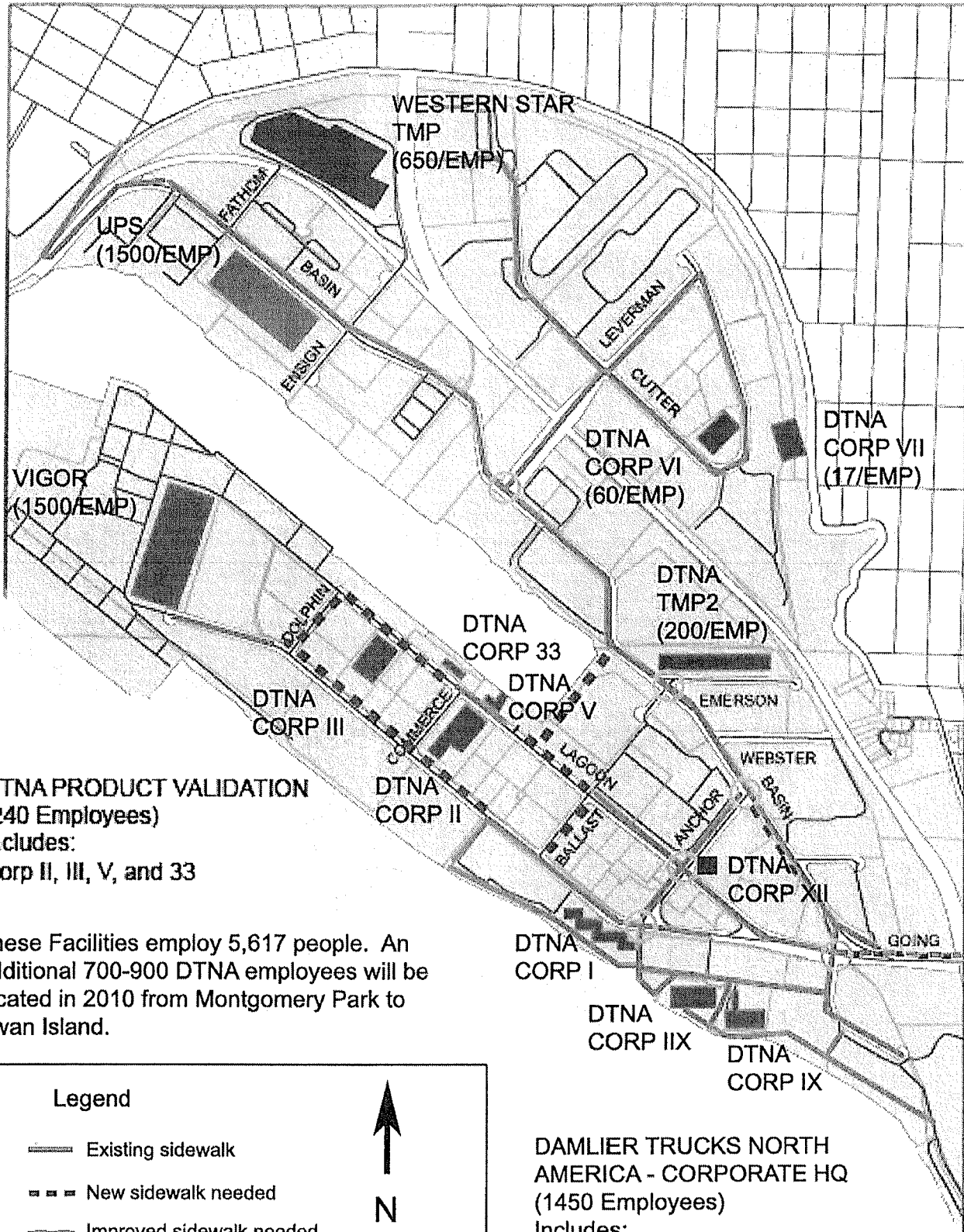


Lagoon Ave.



183694

SWAN ISLAND - MAJOR EMPLOYMENT FACILITIES

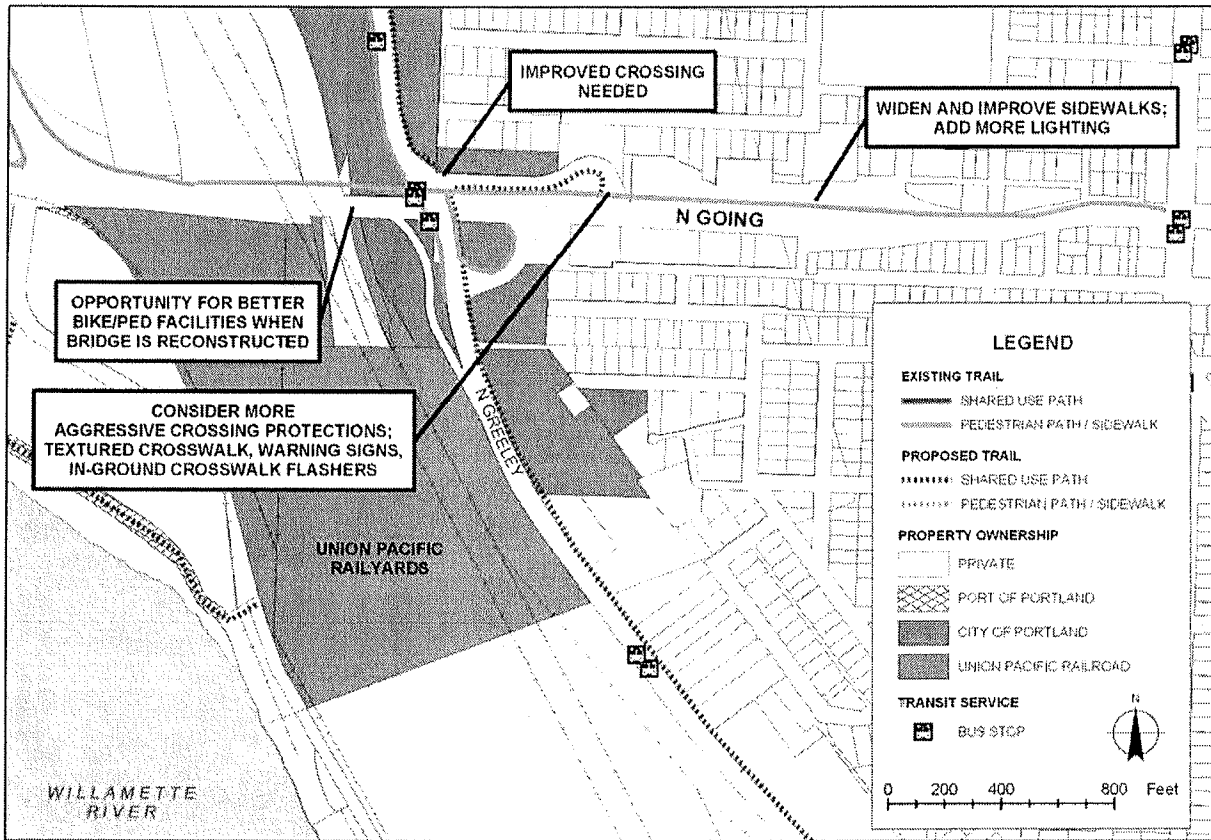


DTNA PRODUCT VALIDATION
(240 Employees)
Includes:
Corp II, III, V, and 33

These Facilities employ 5,617 people. An additional 700-900 DTNA employees will be located in 2010 from Montgomery Park to Swan Island.

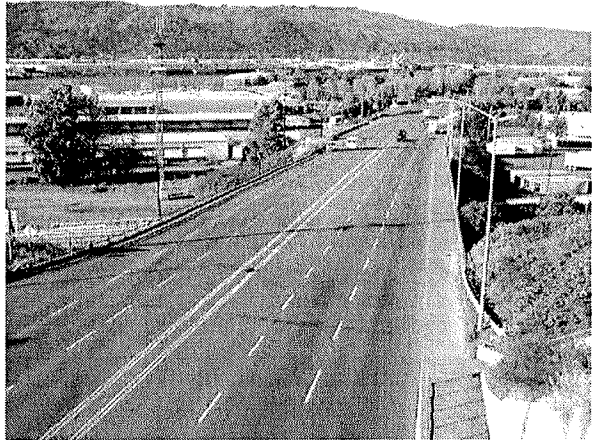
DAMLIER TRUCKS NORTH AMERICA - CORPORATE HQ
(1450 Employees)
Includes:
Corp I, IIV, IX, and XII

Project 8: Going Street Connection

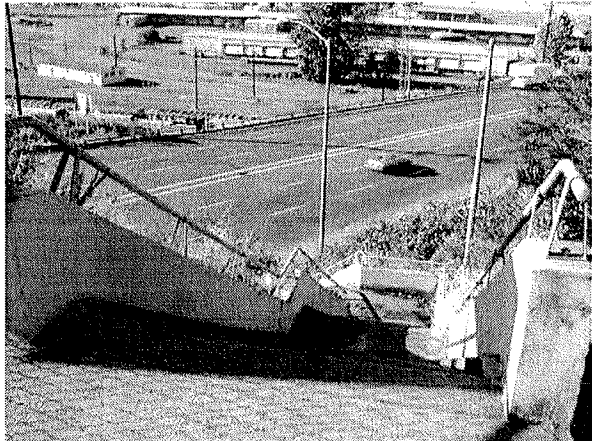


SWAN ISLAND TRAILS ACTION PLAN

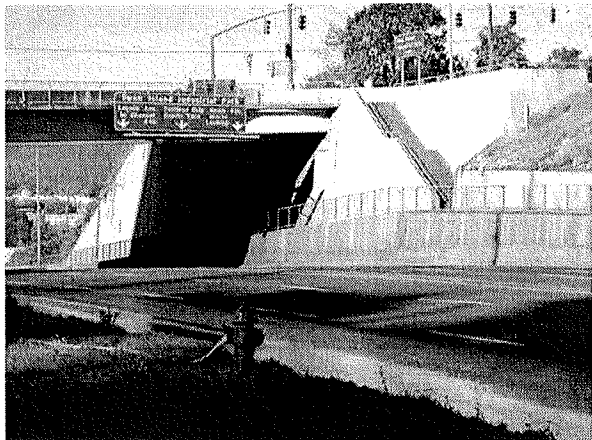
Project 8: Going Street Connection	
<p>Description</p> <p>Wider, continuous sidewalks, better lighting, and more pedestrian amenities will improve bicycle and pedestrian access to Swan Island from Interstate MAX and other North Portland neighborhoods. Sidewalks should be treated as shared use paths (6 ft should be the absolute minimum; 8 ft – 12 ft is desirable) due to the dual-use nature of the pathway.</p> <p>Consider a pathway from the westbound on-ramp from N. Greeley to N. Going to directly link to the sidewalks on N. Going.</p>	
Type/Width	Length
Concrete / 6 – 12 ft	.70 miles
Habitat	
Heavy to medium development.	
Ownership	
City of Portland	
Key Land Uses / Destinations	
Primarily serves Swan Island employment centers but also serves those wanting to access Adidas Village, North Portland neighborhoods via N. Greeley, and the Willamette Greenway.	
Issues	
<ul style="list-style-type: none"> • Constrained by steep slope in some areas, particularly on the south side of N. Going; • Safety: High volume, high speed traffic; many trucks • Access (there are no ADA accessible routes from N. Greeley to N. Going; existing sidewalk does not meet ADA); • Traffic speeds and turning movements from the off-ramps of N. Greeley • Junction with N. Basin is a difficult crossing. 	
Cost	
N/A	



N. Going and Swan Island from the N. Greeley overpass



Stairways offer the only direct access from N. Greeley



Existing pedestrian access from N. Going to Swan Island

npGREENWAYfriends of the north portland greenway trail

17 February 2010

Mayor Sam Adams
Commissioner Amanda Fritz
Commissioner Dan Saltzman
Commissioner Randy Leonard
Commissioner Nick Fish
c/o Council Clerk
1221 SW 4th Avenue, Room 140
Portland, Oregon 97204

Re: proposed River Plan North Reach

Dear Mayor and City Commissioners,

npGREENWAY is a group of citizens together with local interest groups, agencies and businesses advocating a multiuse trail along the Willamette River from the Steel Bridge to Kelley Point Park (copies of support letters were attached to our earlier letter dated 20 January 2010). The North Portland segment represents a major gap in the regional network. When completed it will connect three major employment centers; the Central Business District, Swan Island and Rivergate. This will provide a vital transportation corridor for commuters of Portland neighborhoods and their employment.

We have four comments regarding the Recommended Draft 2009 and the subsequent suggested amendments by Mayor Sam Adams. They are:

1. We thank you for your continued support of the Willamette River Greenway Trail. As stated in the now adopted Portland Bicycle Master Plan for 2030, the Willamette River Greenway Trail is designated a major city bikeway and transportation link. We ask that you follow up with the necessary amendments to other plans i.e. Transportation, Pedestrian, Parks and Recreation etc. as quickly as is feasible to ensure that the multipurpose trail can be planned and constructed in the most expeditious manner.
2. We thank you for your suggested language addition that clarifies that trails can be included in mitigation sites. With reference to the suggested amendments package to Volume 1 A it is noted that on pages 32-33 that as part of the river environmental overlay zone that 'the mitigation bank must account for the trail'. However, in reviewing the suggested code language for mitigation that that

particular language is not included. We ask that the code amendments include adding that provision (perhaps to Section 33.865.100.B.2.d Mitigation).

3. We applaud the proposal to create a North Reach Advisory Committee in order to evaluate the effectiveness of the plan. We would request that the committee include a position for advocates of multipurpose trails. We also ask that a member of npGreenway be appointed to serve on the committee.
4. Finally, npGreenway has been very active in the development of the Greenway Trail. Last October, npGreenway sponsored a North Portland Willamette River Greenway Trail Community Design Workshop. Attached is two page summary of that workshop for your review. With continued demands on staff time and shortage of funds we can share and provide the results of the workshop and assist various staff and city officials in the design and implementation of the trail.

We again ask for your support of the highest possible priority for its funding and construction.

We thank you for your consideration of these requests. npGreenway supports and urges your immediate adoption and implementation.

Sincerely,

On behalf of npGREENWAY

Francie Royce, Co-Chair

Scott Mizze, Co-Chair

Pam Arden, Treasurer

Curt Schneider, Secretary

Joe Adamski

Lenny Anderson

Paul Maresh

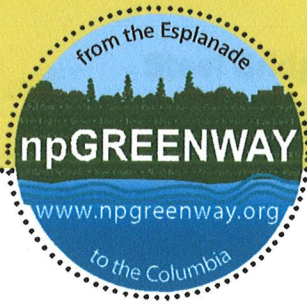
Shelley Oylear

Mark Pickett

Jason Starman

Attachment: North Portland Willamette Greenway Trail Community Design Workshop summary

Cc: Sallie Edmunds, Shannon Buono PBPS



North Portland Willamette Greenway Trail Community Design Workshop

Why the North Portland Willamette Greenway Trail?

Designing and building the Willamette Greenway Trail is an important step toward resolving a number of issues in North Portland:

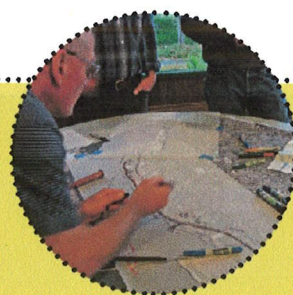
- *In light of growing concerns of climate change and energy uncertainty, we want to develop an infrastructure that promotes walking and bicycling as a means of transportation.*
- *To relieve congestion on our roads, we want to provide off-street transportation options*
- *With regard to the growing incidence of obesity in the United States, particularly among children, we need more opportunities for active recreation.*
- *As our culture becomes more urban, it is important that everyone, especially children, have access to wild places and the river to better understand their relationship to nature.*
- *Our use of industrial land is changing. We believe that better connections to Swan Island from the neighborhoods will enhance its economic viability.*

On a Saturday morning in October, over 45 people gathered in the Daimler Conference Center on Swan Island to envision the future of the North Portland Willamette Greenway Trail. Participants varied in type from bike enthusiasts, government agency representatives, neighborhood activists, and property owner representatives - all types mixed at seven tables to work on the issues and opportunities associated with segments of the proposed Willamette Greenway Trail. With a designer or two at every table, they began drawing their hopes for the trail.

Final presentations allowed everyone to hear how each group responded to design challenges of their particular segment of trail. Some common themes emerged. One idea was separating a commuting or transportation route from a recreational use route, particularly in key locations. Several schemes indicated that the faster-moving commuting trail should be a direct route from North Portland to downtown, and the slower-moving recreational trail could meander and get closer to the water.

Another recurring concept was integrating trail development with other capital improvement projects. Building a trail alone is a more expensive proposition than piggy-backing onto other capital improvement projects. In a similar vein, many participants suggested that any trail improvement should also be improvement for other users: why not make public spaces and rights-of-way better for everyone?

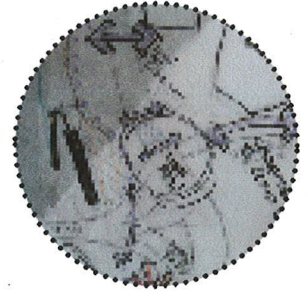
As one participant floated around tables during the workshop, he asked, "What is the time frame for your plan? Is it 20 years? Is it 100 years?" Perhaps because of this prompt, or the pragmatic nature of the group, many schemes included phased development of the trail. While all participants were encouraged to dream big, they also considered the real obstacles in building the trail and considered practical alternatives to build it over time. Some key ideas are described on the next page.



1.

Steel Bridge to River Street

An Eastside Esplanade extension to the Steel and Broadway Bridges would provide better connectivity for pedestrians, bicyclists, bus users, and riders of the future streetcar line. The new trail could also connect to existing on-street bike facilities in the Rose Quarter, and further connect to residential neighborhoods northeast of the Rose Quarter. This group also noted the opportunity to connect to the proposed Sullivan's Gulch Trail. In short, extending the Esplanade trail north provides huge opportunities for improved trail connections – to the Rose Quarter, Lloyd District, and Eastside neighborhoods near and far – as well as spurring redevelopment in the inner eastside.



2.

River Street to Waud Bluff

The group determined that one of the priorities for Swan Island is a second access to Swan Island – both for emergency access and bicycle access. One concept that emerged from the group was the idea of two routes - one design for recreational use to access the river and one direct commuter route. A final reminder: more bicycle commuters means fewer cars, and that means more room for freight!



3.

Waud Bluff through McCormick and Baxter

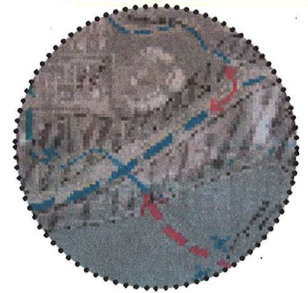
The major issue in this group was how to navigate around Waud Bluff. Participants discussed a floating trail – one that could possibly provide off-channel fish shelter - or a cantilevered trail – perhaps a structure over the railroad line, like a tunnel. The group also proposed a ferry to access Forest Park, which would also provide a more direct route to downtown.



4.

Willamette Cove through Cathedral Park

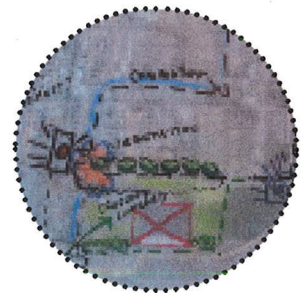
Two groups worked on this section of trail. One group described bicycle and pedestrian separation – one trail near the railroad for bikes; a pedestrian trail closer to the river. They described a suspension bridge over the railroad as the trail continues further north. Around Willamette Cove, one group proposed a floating bridge as means to provide river access and a more direct route to trail users while limiting access to the most polluted soil in the cove section.



5.

Baltimore Woods to Kelley Point

Two tables worked on the stretch from Baltimore Woods to Kelley Point Park and shared similar themes, although each table had their own particular ideas. Both tables discussed a commuting route through the industrial area and a recreational route along the Columbia Slough. Both tables came up with an alternative trail alignment along the West side of Lombard that is essentially a straight line to Kelley Point Park, without meandering through Pier Park and the landfill. One table noted that the very wide rights-of-way (some of which are not fully developed) allows for 20-foot wide trails, which is best for accommodating the variety of users on the trail.



February 17, 2010

City Council
City Hall
1221 SW 4th Avenue, Room 110
Portland OR 97204

AUDITOR 02/17/10 AM11:42

Dear Mayor and Commissioners:

I am a Cathedral Park neighbor and member of the Friends of Baltimore Woods, a group dedicated to preserving and restoring the Baltimore Woods Connectivity Corridor, which is a 30-acre continuous green space over a mile long connecting Cathedral and Pier Parks, with several stands of remnant native oak.

We recognize that riverbank restoration is the most important problem that needs to be addressed in the North Reach Plan due to the crisis of endangered river species. Yet we also feel that upland connectivity is an important goal for the next 30 years of the Plan, especially since there is also a sharp decline in bird, reptile, amphibian and land species in the North Reach.

Some important points:

- ◆ Baltimore Woods should be preserved to fill the gap in green connectivity between natural areas in the North Reach.
- ◆ We agree with the proposed Special Habitat Area and conservation overlay designation for Baltimore Woods for connectivity and native Oregon oak,
- ◆ Native oak have the highest wildlife habitat value among trees and should be preserved. Only 2% of the native Oregon oak that once covered the Willamette Valley are left and this corridor is a part of that heritage.
- ◆ We agree with the proposed alignment of the Willamette Greenway Trail in the Baltimore Woods corridor.
- ◆ Baltimore Woods serves as an important buffer between industry and residences as well as a future Willamette Greenway Trail amenity.
- ◆ We need to have tightened regulations to restore the riverbank habitat rather than allow further degradation.
- ◆ The plan should be adopted without further delay.
- ◆ The citizens of North Portland and the city want to retain a voice in what happens in their river. Don't give up regulatory authority over the river.
- ◆ Industry needs to pay its fair share. The proposed alternative fee is less than their actual impacts and would lead to continued habitat losses in the North Reach.

Thank you,
Ruth Lane
Cathedral Park neighborhood and Friends of Baltimore Woods member



ROSS ISLAND SAND & GRAVEL CO.

183694

February 11, 2010

**VIA U.S. FIRST-CLASS MAIL AND
E-MAIL (KMOORE-LOVE@CI.PORTLAND.OR.US)**

Mayor Sam Adams and Portland City Council
c/o Council Clerk
1221 SW 4th Avenue, Room 140
Portland, Oregon 97204

AUDITOR 02/16/10 PM 4:27

Re: Comments on River Plan North Reach

Dear Mayor Adams and Commissioners:

This letter is submitted in response to the River Plan North Reach Recommended Draft, which the Council will consider at a public meeting on Wednesday, February 17, 2010. Ross Island Sand and Gravel Company ("RIS&G") and its sister company K.F. Jacobsen & Co., Inc. ("K.F. Jacobsen") own and operate industrial facilities within the North Reach of the Willamette River near the Fremont bridge. RIS&G also owns and operates industrial facilities within the Central and South Reaches of the Willamette River, so RIS&G has great interest in all three phases of the River Plan.

Although RIS&G supports the vision of the River Plan generally, RIS&G believes that the City can improve the environmental function of the Willamette River while maintaining a prosperous working waterfront that provides opportunities for job creation and growth. Thus, while RIS&G supports the vision of the River Plan, RIS&G remains concerned that certain aspects of the Recommended Draft will negatively impact businesses along the North Reach.

First, RIS&G is concerned about the cost of complying with the vegetated area requirements. Although the Recommended Draft provides for a payment in lieu option, the 15 percent standard is much more extensive than under existing greenway review, particularly because the new vegetated area standard is triggered by any development anywhere on the site. RIS&G supports the ongoing efforts to provide multiple options for complying with the standard.

Second, the Recommended Draft will make it even more difficult to remediate contaminated sites along the Willamette River. Although the Oregon Department of Environmental Quality currently seeks the City's feedback in its administration of the state's cleanup program, under the Recommended Draft, the City's role would be formalized, adding yet another layer to an already cumbersome process. Such a change will cause significant delays in DEQ's ability to process applications and result in unnecessary cost to businesses like RIS&G.

Portland's working waterfront is a tremendous asset to the region, but the capacity of businesses located along the waterfront to grow and prosper depends on those businesses' ability to seize opportunities and compete on the global market. As such, we should not unnecessarily handicap businesses as they seek to reinvest in the City's working waterfront.

Thank you for your consideration of this important matter.

Sincerely,

ROSS ISLAND SAND & GRAVEL CO.



A. Charles Steinwandel
President & Chief Operating Officer

cc: Dr. Robert B. Pamplin, R.B. Pamplin Corporation
Sarah Stauffer Curtiss, Stoel Rives

**KINDER MORGAN**
LIQUIDS TERMINALS LLC

Pacific Northern Region - Northwest
5880 N.W. St. Helens Rd., Portland, OR 97210
503-220-1240 PHONE
503-220-1249 FAX

Sam Adams, Mayor
Commissioner of Finance and Administration
City Hall – Room 340
1221 SW 4th Avenue
Portland, OR 97204

December 16, 2009

Dear Mayor Adams,

Kinder Morgan Liquids Terminals LLC (KM) owns & operates two petroleum terminals along the North Reach of the Willamette River in Portland. These facilities are part of the energy cluster in Willbridge & Linnton that handles more than 95% of the total volume of liquid fuels used in Oregon. As you know, Oregon has no petroleum refineries (other than a small asphalt plant) and must therefore “import” virtually all of the liquid fuels consumed in the state.

KM also owns & operates two pipelines in Oregon: a 114-mile line used to transport gasoline & diesel-fuel from Portland to Eugene (with an additional terminal in Eugene); the other an 8.5-mile line used to deliver jet fuel from the Willbridge area through North Portland to Portland International Airport (PDX). The company also conducts several dry-bulk handling operations in Portland and the surrounding area.

The two petroleum terminals have been in operation for many years. Since acquiring the facilities in 2001, KM has invested more than \$30 million for connectivity, asset-integrity and renewable-fuels' handling improvements (with no city, state or federal subsidies or credits). The Oregon Line (Portland to Eugene) is one of the few multi-product pipelines in the U.S. used to transport finished biodiesel (B2). This allows fuel suppliers to comply with state-wide biodiesel requirements in a relatively efficient & cost-effective manner. KM will undertake more investments & improvements to this **critical infrastructure** if & when it's economically justifiable to do so.

KM supports natural resource restoration along the Willamette River. The company is willing to pay more in up-front development costs to help make this happen. What KM is not willing to do is to pay unreasonable & unjustifiably-high additional development costs for this purpose. We also need a permitting-environment & approval process that's not more cumbersome & complex than that which exists today. We likewise believe that the city needs to eliminate, not increase, conflicting land-uses in heavy industrial areas along the working waterfront.

Mayor Adams
Page 2 of 2

December 16, 2009

The River Plan for the North Reach, as proposed today, does **not** meet balanced criteria with respect to additional fees, a more-streamlined permitting process, or avoidance of land-use conflicts...all basic tenets of the River Plan as originally envisioned.

Unfortunately, as proposed today, River Plan's cost is far too burdensome; the River Review process is duplicative (especially for in-water development) & too uncertain; and operational-constraints & conflicting-uses are likely to be exacerbated (e.g., a proposed greenway trail immediately adjacent to our Linnton terminal; a proposed restoration site next to our dock and other docks in the main North Reach tanker basin). As proposed today, River Plan will **discourage** investment in industrial & energy infrastructure along the North Reach, and, ironically, will **undermine** the city's efforts to improve natural resource habitat in the area.

We've participated throughout the River Plan process to help achieve balance, and will continue to do so. However, despite the professed openness by city officials & staff to consider a more balanced approach to River Plan, it appears that natural resource enhancement is the only real driving-force behind River Plan...this for the industrial North Reach. We agree that Portland can be both green and prosperous. But you and other city commissioners must insist that a more pragmatic approach be taken to River Plan if it's to work. Otherwise, it will backfire on the city in terms of investment, job growth and sustainability.

We respectfully urge re-consideration and modification of key elements of River Plan before the city adopts any code amendments. In this regard, the Working Waterfront Coalition has offered many useful ideas, fact-based proposals & sensible compromises throughout the River Plan development process. Please re-consider these to arrive at a plan & policy that's realistic & workable.

Sincerely,

KINDER MORGAN LIQUIDS TERMINALS LLC



R. H. Mathers
Director Business Development – Northwest Terminals

Cc: Amanda Fritz
Nick Fish
Randy Leonard
Dan Saltzman



February 17, 2010

Mayor Sam Adam
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Nick Fish
Commissioner Dan Saltzman
City of Portland
1221 SW 4th Ave
Portland, OR 97204

Dear Mayor Adams and Portland City Council,

I am testifying tonight on behalf of Portland Audubon Society in strong support of the River Plan. The River Plan is the product of an extended public process dating back to 2001 when the city first adopted goals for River Renaissance. Over the course of the past nine years nearly a dozen different committees have shaped the River Plan and thousands of hours of citizen input has been incorporated. The plan spent nearly six months under review before the Planning Commission and the Mayor spent an additional six months reviewing industry concerns. The River Plan replaces an existing Greenway Code that is more than two decades out of date and which is universally recognized to be insufficient to achieve the City's environmental, economic and social objectives. It is time to move forward and adopt the River Plan.

The Willamette River drains 11,500 square miles and all the work that is being done upstream and on the tributaries is undermined by the degraded state of the North Reach. The North Reach Plan describes a path forward--one which accounts for the economic, social and environmental needs of our community.^{1 2} The Conservation Community has made significant concessions in this plan that

¹ It is often lost in the discussion over the environmental elements of the plan that the river plan also provides robust contributions to the economic health of the working harbor including protective (industrial sanctuary) zoning, a brownfield redevelopment strategy, greater onsite development flexibility, a new streamlining process to ensure coordination between local, state and federal agencies, and the promise of more than \$500 million investment in industrial infrastructure.

² It is worth noting that River Industry has fared far better than the environment under the existing Greenway Code. According to the Draft BPS Responses to Mayor Adam's Questions, January 21, 2010, "Generally marine tonnage, capital investment, and land absorption have significantly grown in the long term." Data in

Audubon Society of Portland
5151 NW Cornell Road
Portland, OR 97210
(503) 292-9501

River Plan was included after extensive discussion and was meant to ensure that the integrity and connectivity of the E-zone would be maintained while still allowing industry a fast track for development of certain types of projects. The amended proposal leaves certainty on the industry side but eliminates certainty on the environmental side. The development standards portion of the River Plan was one of the areas where Audubon felt the environmental community made significant concessions. We would not have been able to support that standards approach at all if we had known that the compensation would result simply in a fee in lieu rather than immediate plantings within or adjacent to the impacted environmental zone.

Finally, we would like to highlight two areas where we applaud the City's resolve to date:

First, the Working Waterfront Coalition has urged the City to abandon its regulatory authority, especially below Ordinary High Water. Such a proposal strikes at the heart of the River Plan--it would render its funding mechanisms and its baseline environmental protections virtually meaningless. It would deny the citizens of Portland a voice over what happens in our river. The suggestion that we should simply leave our the river to the judgment of the state and federal agencies makes no sense. If state and federal regulatory authority was sufficient, why then does our river continue to degrade today?⁴ It would truly be ironic of the after nearly a decade of planning to restore the North Reach, the city's most notable decision was to abandon its role and the people's voice over what happens in our river. We urge you to remain steadfast in retaining the City's regulatory authority as described in the Draft River Plan.

Second, the River Plan establishes new funding mechanisms which would require industry to pay to mitigate for their direct habitat impacts and contribute limited additional funds to restoration. The alternatives that have been proposed by the Working Waterfront Coalition would continue to set industry's financial contributions far below their actual environmental impacts---it would perpetuate the same trends that have allowed the river to continue to degrade under existing code. The choice before you is stark. If industry is not willing to pay its fair share, either the taxpayers must step up and pay for them or the river will continue to degrade. We urge you to remain steadfast in adopting the funding mechanisms described in the Draft River Plan

We believe that the City has proposed a wise and reasonable path forward--one which at long last sets the river on a gradual course towards ecological health; one that promises that we will leave a river for our children and grandchildren that is healthier than we found it. We encourage the City to establish a stakeholder committee to monitor the implementation of the plan, benchmarks for

⁴ National Marine Fisheries Service which participated extensively in the development of the River Plan also supports retention of city regulatory authority below Ordinary High Water. In letter dated April 1, 2009 to the Portland Planning Commission, NMFS wrote the following: The implementation of the North Reach Plan is important to the restoration of salmon populations because it supports the concept that habitat in the lower Willamette River is worth restoring. *"Further, the City's jurisdiction below ordinary high water protects fish and wildlife resources that are not protected through other Federal or state programs. This may prevent new species from being added to the Endangered Species Act list. NMFS understands that there has been discussion regarding whether the City should retain jurisdiction below Ordinary High Water because NMFS already regulates activities below Ordinary High Water. NMFS encourages the City to retain this jurisdiction for multiple reasons: 1) NMFS only has a regulatory role in Federal actions; 2) NMFS only consults on projects that may affect ESA-listed species. If the species is not ESA-listed, then the NMFS has a very limited role in commenting on the action. The City has a larger role in protecting ecosystems for all native species."*

Audubon Society of Portland
5151 NW Cornell Road
Portland, OR 97210
(503) 292-9501

there are elements on which we flat out disagree but we have chosen to accept the plan in its entirety as approved by the Planning Commission recognizing that compromise is necessary and that maintaining the overall integrity of the plan and the process will ultimately achieve the best result on the ground.³ But please make no mistake, we have compromised and we are at the line where further compromise would result in a plan that facilitates continued degradation rather than recovery.

To that end, we are concerned about some last minute amendments that were added to the plan and which we learned about just last Thursday. We hope that you will reconsider three of these amendments, and preserve the overall integrity of the plan and the process:

1. **Siltronix Agreement:** We do not believe that the City would receive adequate compensation for removing environmental zones from the Siltronix Property as proposed in the Draft Siltronix Agreement. Specifically we believe that the City should insist upon a 300 foot wide easement extending from the River westward. The draft agreement would require that the easement be 200 feet wide at the river but narrows to 100 feet or less in several locations as it moves into the uplands. This corridor is of critical importance as it will provide one of the few relatively intact vegetated connections between the river and the western uplands. There is extensive literature that supports the need for corridors of at least 300 feet in width to accommodate larger wildlife such as the deer that frequent the area. In addition, while we support the 50 foot setback for development along the river's edge, we would urge the City to require that this setback be planted with trees and shrubs to maximize its natural resource function. If Siltronix is unwilling to meet these conditions, we believe that the community would be better served by leaving the environmental zones prescribed in the River Plan intact and having Siltronix go through environmental review at the time of development.
2. **University of Portland:** (amendments to page 212) We oppose the decision to change the bluff at the University of Portland from a P-Zone to a C-Zone. The decision to put a P-Zone on the bluff was extensively reviewed and affirmed by staff, committees and the Planning Bureau. We believe the importance of the bluff as a connective corridor as well as the hazards associated with building directly on a steep slope support the original ESEE analysis that resulted in a P-Zone. We would urge the City to require University of Portland to find more environmentally responsible ways to link their upper and lower campuses. If in fact the University of Portland is going to allowed to develop on the bluff, the city should retain review authority via a C-Zone to ensure that environmental impacts are at least minimized and mitigated.
3. **Mitigation for Standards in E-zones** (page 63): We oppose the decision to allow industry to pay a fee in lieu rather than planting within or adjacent to the e-zone when they meet "standards" for projects such as conveyor belts. The planting requirement in the Draft

the report indicates that net income for North Reach Businesses more than tripled between 2000 and 2008 (from \$54,568,214 to \$162,683,366).

³ It should be noted that the conservation community made significant compromises and concessions throughout the development of this plan. Most notably, the two fee mechanisms have been drastically reduced from initiation proposals, significant portions of the river bank that are regulated under existing code (>5 miles) have been exempted from review, and property owners have been given far greater flexibility to develop on the river bank and to mitigate offsite than occurs under existing code.

Audubon Society of Portland
5151 NW Cornell Road
Portland, OR 97210
(503) 292-9501

success and to set a time certain for a comprehensive review of the plans on the ground efficacy. We urge the City to move forward and to respect the extended public process that has brought us to this point.

Please restore our river. Please adopt the River Plan.



Bob Sallinger
Conservation Director
Audubon Society of Portland

Talking Points
City of Portland River Plan
Jeff Smith
President, ILWU Local 8

Good evening. My name is Jeff Smith, and I am president of ILWU local 8 here in Portland. I represent more than 500 men and women who make their living in the working harbor of the Willamette and Columbia rivers.

My members are the people who load and unload the ships in our harbor, operating massive cranes and moving the 20, 40 and 45-foot containers that carry so much of global trade. We drive the trucks, toploaders and forklifts that move containers around on the docks.

But that's not all. We also load or unload autos at terminals 4 and 6, bulk dry chemicals (potash and soda ash) at terminals 4 and 5, wheat at three grain elevators, steel slabs at terminal 6, lumber & steel rails at terminal 2 -- whatever comes to the public marine terminals and to many of the private docks in the Portland area.

Tonight, I'm asking you to do one thing: support the working harbor by taking the time to get the River Plan right.

Here's some numbers you might here a couple of times this evening:

- The 50 industrial marine businesses in Portland support approximately 20,000 local jobs bringing almost \$1 billion in personal income to the region's economy.
- The average income of these jobs is \$45,000 – higher than Portland's average household income of \$41,000.
- One out of every nine jobs in the Portland area is located in or supported by the work done in the Portland Harbor Industrial District.

So please don't add unnecessary complexity and time to the process of maintaining and improving the infrastructure that makes these jobs possible. I know you have been working on this plan for a long time, but it doesn't make a lot of sense to me to adopt the plan when so many of the vital details are unresolved.

I'm happy to be on this panel tonight with two of our important partners, Schnitzer Steel's Don Hamaker and the Port's Bill Wyatt. You may not realize it, but you're looking at Portland's true creative class.

And what we create are successful businesses, which in turn create jobs and wealth – the wealth the city will need to invest in the environmental projects we'd all like to see on the Willamette.

We are bound together here, commerce and the environment. So please, take the time to get this plan right from the start. Take the time to iron out the details; keep working with those of us who work on the river everyday.

Thank you.

Remarks

Bill Wyatt, Executive Director Port of Portland

City Council hearing: North Reach; River Plan

February 17, 2010

Good Evening, My name is Bill Wyatt, Executive Director of the Port of Portland. I am here tonight to highlight the importance of this economic resource known as the working harbor and to share a little bit of my perspective on why we want to continue to do everything we can to support it.

1. **I think we all want a plan that encourages new business investments- it is through business investment that habitat improvements will occur**
2. **Wealth and job creation matters: The harbor creates:**
 - **Jobs- more than 30,000 jobs in the harbor area with 20,000 directly attributable to the water dependent business**
 - **Revenue-\$1.5 B in income,\$1.1 B in business revenue,\$155 M in taxes**
 - **Relevance**
 - **city reports that this district, which includes a portion of the Columbia Corridor- generates more wealth for the city than the Central Business District**
 - **The 50 industrial properties with marine access in Portland support about 20,000 local, family-wage jobs bringing more than \$1 billion in personal income to the region's economy annually ¹**
 - **The average income of these jobs is \$45,000 – higher than Portland's average household income of \$41,000**
 - **One out of every nine jobs in the Portland/Vancouver area is located in or supported by the work done in Portland's Harbor Industrial District²**
 - **It provides a variety of jobs for a diversity of skill and/or education levels**
 - **68% of Portland residences do not hold a professional degree (B.A. or higher).**
3. **The harbor is integral to the Portland and the state economy**
 - **Value of exports**
 - **The Portland region's economic base is largely trade dependent. Portland's traded industries combined to account for 43% of all gross exports (by value).**
 - **These industries generated \$14.3 billion in net exports – \$3.6 billion more than Portland's total net exports and imports across all industries**
 - **For every million dollars of export sales lost, the state loses ten jobs**

¹ Port Dispatch, July 2006

² "Heavy Metal," *Portland Monthly*, January 2008

- **It is not just about producing those goods here, but moving those goods as well.**
The working harbor is about both- manufacturing and moving products. Oregon's economy is dependent upon our ability to move goods within our borders to domestic and international markets. Let's face it, pretty much everything we buy, sell or eat moves on our roads, rails, rivers and runways. Preserving access to global markets through the maintenance and development of harbor infrastructure is essential for Oregon and Portland's economic livelihood.
- **It is only going to get tougher- Superfund, brownfield, income tax dependent state with very few incentives and little land- our competition is better equipped**
- **Our geography and global market continue make us attractive for international business**
 - **But we are competing with many other cities for the same business or the existing businesses' investment**

4. What do we recommend?

- **We support the plan's basic premise that new fees from business expansion or new business location will help fund watershed improvements.** In order for both jobs and environmental quality to benefit, these new fees must be reasonable, a process navigable, otherwise, there will be neither adequate funds for restoration nor jobs to strengthen the city's economic base. The Port owns more than 5 miles of frontage in the harbor and nearly 700 acres of industrial property- we also own more than 732 acres of mitigation sites that we created and manage. Having a healthy working harbor also means having the resources to do restoration and other critical investments – a foundation of our environmental policy
- **Continue to work with the businesses in the harbor- they are your greatest asset- Impressed by the business interest in this- that should tell you something.**
- **So the details do matter, for us and for the other businesses and labor representatives you see sitting around the room tonight.- Investment in the harbor are business decisions not political ones. Continue to work out the details so we can support this plan as partners.**

ASH GROVE CEMENT COMPANY



RIVERGATE LIME DIVISION - WESTERN REGION

13939 N. RIVERGATE BLVD.

PORTLAND, OREGON 97203

PHONE (503) 286-1677

FAX (503) 289-2272

Good evening Mr. Mayor, Commissioners. Thank you for the opportunity to speak to you this evening.

My name is Glenn Dollar. I'm an Environmental, Health and Safety Manager for the Ash Grove Cement Company operations here in Portland.

Ash Grove is the largest American owned cement company in the United States. The Company began operations in 1882 and is still owned by the same family.

We have two water dependant facilities in the Portland Harbor. One is located in Lower Albina; and the other is in the Rivergate Industrial Park. The Albina facility sat vacant for a number of years until it was purchased by Ash Grove in 2005 and with substantial financial investment restructured for importing cement. The Terminal now has a capacity of 25 ships per year each loaded with approximately 40,000 tons of cement from foreign ports.

The Rivergate plant receives raw materials by barge from an island in the Straights of Georgia which is part of the Province of British Columbia. Over the last 5 years we have averaged 40 barges per year with each barge transporting approximately 12,000 tons of limestone.

One interesting fact about our business that you may not be aware of is since 1998 the Rivergate Plant has been using landfill gas from the St. Johns landfill as a source of fuel for drying raw materials. Through a unique public-private partnership with Metro we have been able to save energy and reduce the emission of greenhouse gases.

We, like the majority of companies within the Portland Harbor, pride ourselves on being good companies to work for providing family wage jobs and benefits.

Even with the current economy, Ash Grove continues to explore business opportunities for our facilities located in the North Reach. The River Plan will play a key role in these discussions. Ash Grove Cement Company supports the views of the Working Waterfront Coalition. The River Plan in its current form contains details which are critical to the success of the plan which we would like to see worked out before the plan is adopted. We believe a fee in lieu of going through River Review will be less of a deterrent for future investment in our facilities and at the same time support environmental projects within the working harbor.

Again, Mr. Mayor, Commissioners, Thank you for the opportunity to comment this evening.

Thank you for the opportunity to testify this evening. My name is Greg Theisen; I'm a planner for the Port of Portland and have been working on the River Plan with BPS staff for over five years, serving on every task group Sally could put together – thanks for THAT opportunity.

You have heard testimony tonight on the (degraded, suffering?) State of the River and Waterfront. I'd like to share with you the state of the Port's share of the River.

The Port owns 6.12 miles of bankline along the Willamette in the North Reach planning area. This does not include Columbia Slough banks stretching back to and beyond the rail bridge into Smith and Bybee Lakes. Since the adoption of the Willamette Greenway Plan in 1988 the Port has planted 15,560 lineal feet of bank (including portions of the Columbia Slough close to its confluence with the Willamette). That is nearly 3 miles of bank frontage and includes over 40 acres of vegetation. Examples of this include more than 15 acres of vegetation planted along slips and in front of the Toyota facility at Terminal 4. It includes areas of the slough where, according to the Bureau of Environmental Service, juvenile salmon are increasingly counted. Much of these habitat improvements are the result of Port policy, but they are also very much the result of the Willamette Greenway Plan.

That is the Port's contribution to bank conditions within the North Reach planning area. The Port has also built or supported construction of the Willamette Greenway trail on our property under the Broadway Bridge, on the Swan Island waterfront and along the slough. Next up is the Waud Bluff trail on Port property along Mock's Crest.

We have also taken steps to control, manage, and prevent stormwater runoff from all of our facilities in the North Reach, as Marla touched on earlier. We have also investigated, evaluated and under taken remedial action to deal with potential contaminants on all of our property. We are committed to doing more in these areas.

The Port's contributions toward improving water quality and habitat have helped result in, according to the Bureau of Environmental Services MS4 Annual Report, **WATER QUALITY IN THE NORTH REACH THAT HAS TRENDED UPWARD OVER THE LAST 12 YEARS**. In addition the City's Portland Plan background report on Watershed Health states that:

“Overall water quality in the Willamette River has improved considerably since citizens successfully lobbied for water quality regulations in the 1930s. Trend data for the last five to 15 years show slight improvements in water quality in Johnson, Fanno, and Tryon creeks, and significant improvement in the Columbia Slough and Willamette River.”

These are exciting trends. We hope that with eventual adoption of a workable River Plan the improvements continue and are even more meaningful for the species and functional values identified in the plan.

KM Testimony, City Council Hearing, North Reach River Plan – February 17, 2010

I'm Rob Mathers. I represent Kinder Morgan (KM), a member of the Working Waterfront Coalition.

KM owns & operates two petroleum terminals along the North Reach of the Willamette. The company also owns & operates two key pipelines in Portland & NW Oregon, as well as several river-dependent, bulk-handling facilities in Portland.

The petroleum facilities are key links in the supply-chain for fuels. While "stationary", these facilities are not static...they require constant renewal to meet ever-changing market, environmental & societal demands for cleaner-burning fuels. The Oregon Line from Portland to Eugene is one of the first in the nation to transport B2 biodiesel on a regular basis. The pipelines & terminals, paid-for without public subsidy or credit, are part of the city's and the region's **critical infrastructure**.

During the initial stages of River Plan, we were hopeful that a **balance** of goals could be achieved. We were hopeful that more certainty would be achieved in the permitting process, that more effective use of permit-fees would be made for mitigation purposes, and that land-use conflicts would be averted in the working harbor.

As currently proposed, River Plan North Reach achieves **none** of these goals. Rather, the currently-proposed plan further complicates the permitting process, creates disincentives for additional investment, and invites more conflict along the industrial waterfront. (A restoration-site within the Willbridge tanker basin & a greenway trail crossing industrial RR tracks next to our Linnton terminal are examples of such conflicting use).

We all want a healthy working river. As demonstrated throughout the planning process, industry is willing to do and pay its fair share. But before any part of the Plan is adopted, we need **complete** answers to our questions & concerns about the River Review process, about the methodology for assessing natural resource values & real impacts of development, and about the mechanism for 'paying in-lieu' for projects in developed areas. We've come a long way, but the job is not finished. Please ensure that it gets done before adopting any element of the Plan. Thank you.



February 17, 2010

Mayor Sam Adams and
Portland City Council
City of Portland
1221 S.W. Fourth Avenue
Portland, OR 97204

Subject: Greenway Trail Locations Impacting Harmer Steel Property in Linnton

Dear Mayor Adams and Councilors:

Harmer Steel is a supplier of railroad rail and track materials. Our headquarters and main yard have been located in Linnton since the 1940s. We have been growing over the years and even during the current economic downturn have hired several additional people. We plan to continue to grow and we expect to need additional adjacent property to accommodate this growth. Unfortunately, the proposed locations of the Greenway Trail severely impact our site. As shown on the attached map, the trail designations in Linnton practically surround our property.

1. The N.W. 107th Street branch of the Trail cuts across private property that we use as a storage yard and rail cutting area. Such a trail would eliminate an important work and storage area and make it difficult or impossible to expand our operations southward.
2. The N.W. Front Avenue branch of the Trail bisects our Linnton yard. In doing so, this branch of the trail creates operational, safety, and security impacts for us. Rail cars, loading equipment, and personnel regularly cross Front Avenue to load, move, and sort rail and rail-related products. Encouraging pedestrian and bicycle traffic in this location is unsafe.
3. The Top-of-Bank branch of the Trail would be completely on our property and directly abut our yard. This trail presents significant liability and safety concerns for us. Even without a trail, we have already had trespassers building illegal and dangerous fires on the beach which threaten the trees and shrubs growing on the riverbank. This area has been identified as a potential restoration site by the City and the Natural Resource Trustees and the presence of a trail in this area would be in conflict with this use. Our property is one of the few in the Portland Harbor with beach and natural vegetation, and as such could be very important as a restoration site. This, in and of itself, would be reason enough to eliminate the Top-of-Bank branch.

Overall, we do not believe that it is appropriate for our business, or any business, to be so severely impacted by the Greenway Trail. We have no plans to relocate and are in fact planning to expand our operations here. Putting pedestrians and bicyclists in direct conflict with our heavy industrial operation is not appropriate, and in the end will create significant safety, security, operational, and liability impacts. I hope you will consider amending the River Plan to address these issues.

Proposed Amendment Our first choice would be to leave the trail completely up on St. Helens Road and eliminate all three trail branches surrounding our property. If this is not possible, we would propose that at least the Top-of-Bank branch and the private property extension of the 107th trail branch be eliminated. We believe it is particularly important that the trail does not go beyond Front Avenue towards the river. Perhaps sometime in the future there will be an opportunity for the community to get a trail with access to the river on the Linnton Plywood site, but until this property is sold and its specific uses are identified, it is premature and unfair to designate specific trail locations.

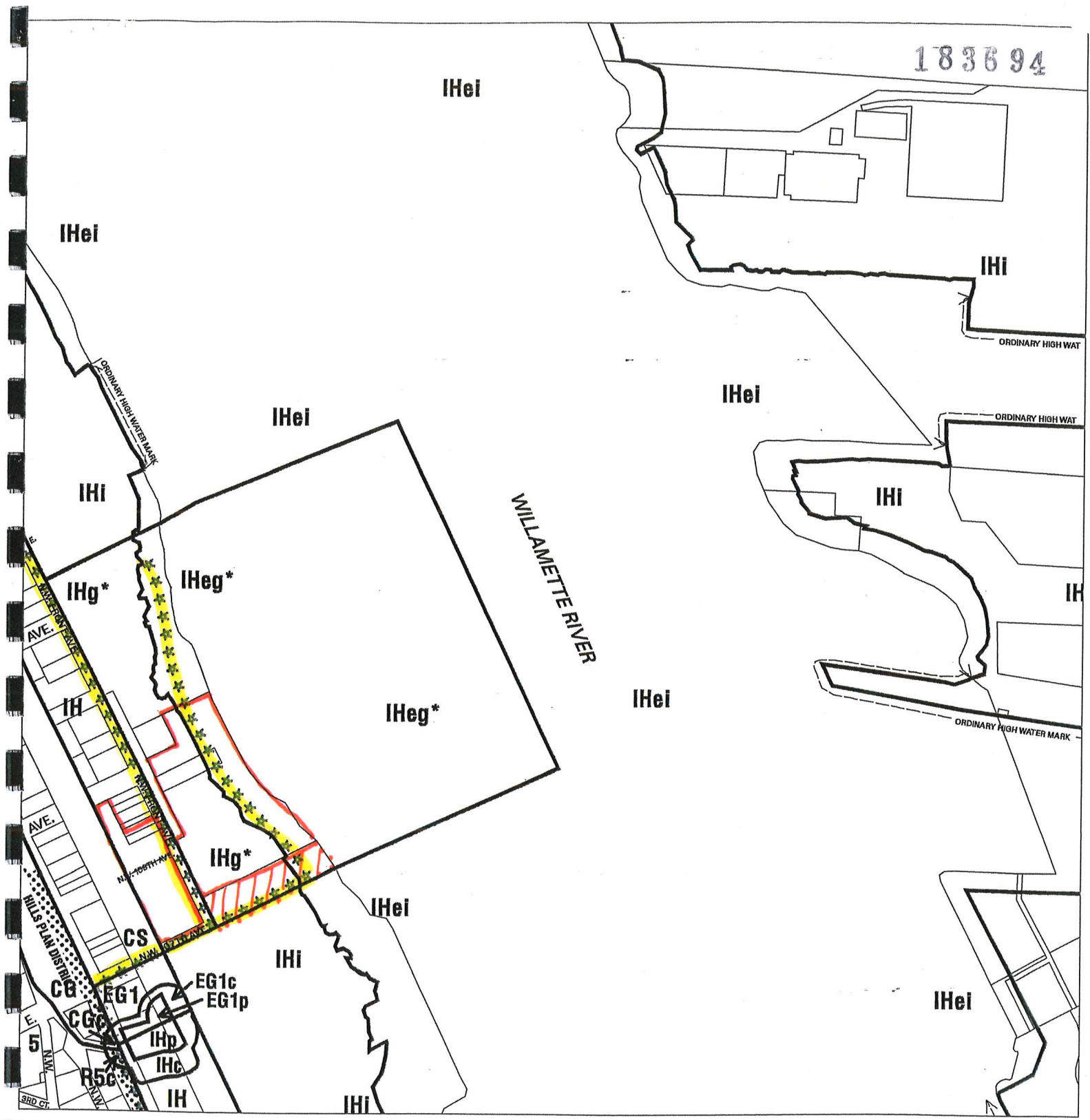
Thank you for taking our concerns into consideration.

Sincerely,



George Webb, President
Harmer Steel Products Company

GW:ar

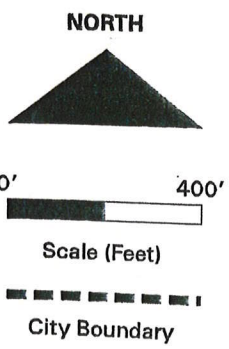


River Plan/North Reach Proposed Zoning

Bureau of Planning - City of Portland, Oregon

- i = River Industrial Zone
- g* = River General Zone
- r* = River Recreational Zone
- e = River Environmental Zone

- c = Environmental Conservation Overlay
- p = Environmental Protection Overlay
- *** = Public Trail
- ← → = Ordinary High Water Mark (O.H.W.M.) = area between arrows



November, 2009

Map 1/4 Section 1919

npGREENWAYfriends of the north portland greenway trail

17 February 2010

Mayor Sam Adams
Commissioner Amanda Fritz
Commissioner Dan Saltzman
Commissioner Randy Leonard
Commissioner Nick Fish
c/o Council Clerk
1221 SW 4th Avenue, Room 140
Portland, Oregon 97204

Re: proposed River Plan North Reach

Dear Mayor and City Commissioners,

npGREENWAY is a group of citizens together with local interest groups, agencies and businesses advocating a multiuse trail along the Willamette River from the Steel Bridge to Kelley Point Park (copies of support letters were attached to our earlier letter dated 20 January 2010). The North Portland segment represents a major gap in the regional network. When completed it will connect three major employment centers; the Central Business District, Swan Island and Rivergate. This will provide a vital transportation corridor for commuters of Portland neighborhoods and their employment.

We have four comments regarding the Recommended Draft 2009 and the subsequent suggested amendments by Mayor Sam Adams. They are:

1. We thank you for your continued support of the Willamette River Greenway Trail. As stated in the now adopted Portland Bicycle Master Plan for 2030, the Willamette River Greenway Trail is designated a major city bikeway and transportation link. We ask that you follow up with the necessary amendments to other plans i.e. Transportation, Pedestrian, Parks and Recreation etc. as quickly as is feasible to ensure that the multipurpose trail can be planned and constructed in the most expeditious manner.
2. We thank you for your suggested language addition that clarifies that trails can be included in mitigation sites. With reference to the suggested amendments package to Volume 1 A it is noted that on pages 32-33 ~~that as part of the river environmental overlay zone~~ that 'the mitigation bank must account for the trail'. However, in reviewing the suggested code language for mitigation that that

particular language is not included. We ask that the code amendments include adding that provision (perhaps to Section 33.865.100.B.2.d Mitigation).

3. We applaud the proposal to create a North Reach Advisory Committee in order to evaluate the effectiveness of the plan. We would request that the committee include a position for advocates of multipurpose trails. We also ask that a member of npGreenway be appointed to serve on the committee.
4. Finally, npGreenway has been very active in the development of the Greenway Trail. Last October, npGreenway sponsored a North Portland Willamette River Greenway Trail Community Design Workshop. Attached is two page summary of that workshop for your review. With continued demands on staff time and shortage of funds we can share and provide the results of the workshop and assist various staff and city officials in the design and implementation of the trail.

We again ask for your support of the highest possible priority for its funding and construction.

We thank you for your consideration of these requests. npGreenway supports and urges your immediate adoption and implementation.

Sincerely,

CURT SCHNEIDER

On behalf of npGREENWAY

Francie Royce, Co-Chair

Scott Mizee, Co-Chair

Pam Arden, Treasurer

Curt Schneider, Secretary

Joe Adamski

Lenny Anderson

Paul Maresh

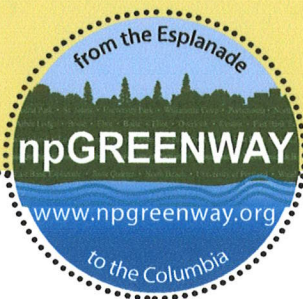
Shelley Oylear

Mark Pickett

Jason Starman

Attachment: North Portland Willamette Greenway Trail Community Design Workshop summary

Cc: Sallie Edmunds, Shannon Buono PBPS



North Portland Willamette Greenway Trail Community Design Workshop

Why the North Portland Willamette Greenway Trail?

Designing and building the Willamette Greenway Trail is an important step toward resolving a number of issues in North Portland:

- *In light of growing concerns of climate change and energy uncertainty, we want to develop an infrastructure that promotes walking and bicycling as a means of transportation.*
- *To relieve congestion on our roads, we want to provide off-street transportation options*
- *With regard to the growing incidence of obesity in the United States, particularly among children, we need more opportunities for active recreation.*
- *As our culture becomes more urban, it is important that everyone, especially children, have access to wild places and the river to better understand their relationship to nature.*
- *Our use of industrial land is changing. We believe that better connections to Swan Island from the neighborhoods will enhance its economic viability.*

On a Saturday morning in October, over 45 people gathered in the Daimler Conference Center on Swan Island to envision the future of the North Portland Willamette Greenway Trail. Participants varied in type from bike enthusiasts, government agency representatives, neighborhood activists, and property owner representatives - all types mixed at seven tables to work on the issues and opportunities associated with segments of the proposed Willamette Greenway Trail. With a designer or two at every table, they began drawing their hopes for the trail.

Final presentations allowed everyone to hear how each group responded to design challenges of their particular segment of trail. Some common themes emerged. One idea was separating a commuting or transportation route from a recreational use route, particularly in key locations. Several schemes indicated that the faster-moving commuting trail should be a direct route from North Portland to downtown, and the slower-moving recreational trail could meander and get closer to the water.

Another recurring concept was integrating trail development with other capital improvement projects. Building a trail alone is a more expensive proposition than piggy-backing onto other capital improvement projects. In a similar vein, many participants suggested that any trail improvement should also be improvement for other users: why not make public spaces and rights-of-way better for everyone?

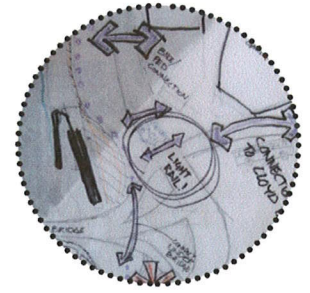
As one participant floated around tables during the workshop, he asked, "What is the time frame for your plan? Is it 20 years? Is it 100 years?" Perhaps because of this prompt, or the pragmatic nature of the group, many schemes included phased development of the trail. While all participants were encouraged to dream big, they also considered the real obstacles in building the trail and considered practical alternatives to build it over time. Some key ideas are described on the next page.



1.

Steel Bridge to River Street

An Eastside Esplanade extension to the Steel and Broadway Bridges would provide better connectivity for pedestrians, bicyclists, bus users, and riders of the future streetcar line. The new trail could also connect to existing on-street bike facilities in the Rose Quarter, and further connect to residential neighborhoods northeast of the Rose Quarter. This group also noted the opportunity to connect to the proposed Sullivan's Gulch Trail. In short, extending the Esplanade trail north provides huge opportunities for improved trail connections – to the Rose Quarter, Lloyd District, and Eastside neighborhoods near and far – as well as spurring redevelopment in the inner eastside.



2.

River Street to Waud Bluff

The group determined that one of the priorities for Swan Island is a second access to Swan Island – both for emergency access and bicycle access. One concept that emerged from the group was the idea of two routes - one design for recreational use to access the river and one direct commuter route. A final reminder: more bicycle commuters means fewer cars, and that means more room for freight!



3.

Waud Bluff through McCormick and Baxter

The major issue in this group was how to navigate around Waud Bluff. Participants discussed a floating trail – one that could possibly provide off-channel fish shelter - or a cantilevered trail – perhaps a structure over the railroad line, like a tunnel. The group also proposed a ferry to access Forest Park, which would also provide a more direct route to downtown.



4.

Willamette Cove through Cathedral Park

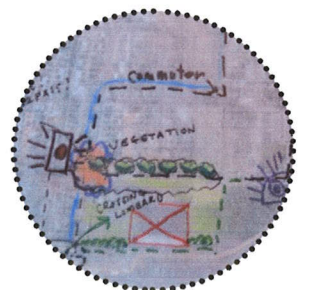
Two groups worked on this section of trail. One group described bicycle and pedestrian separation – one trail near the railroad for bikes; a pedestrian trail closer to the river. They described a suspension bridge over the railroad as the trail continues further north. Around Willamette Cove, one group proposed a floating bridge as means to provide river access and a more direct route to trail users while limiting access to the most polluted soil in the cove section.



5.

Baltimore Woods to Kelley Point

Two tables worked on the stretch from Baltimore Woods to Kelley Point Park and shared similar themes, although each table had their own particular ideas. Both tables discussed a commuting route through the industrial area and a recreational route along the Columbia Slough. Both tables came up with an alternative trail alignment along the West side of Lombard that is essentially a straight line to Kelley Point Park, without meandering through Pier Park and the landfill. One table noted that the very wide rights-of-way (some of which are not fully developed) allows for 20-foot wide trails, which is best for accommodating the variety of users on the trail.



City Council
February 17, 2010
Willamette River Plan

In the initial City Hall hearing on the North Reach River Plan it was obvious that there has a coordinated effort by the river industries to gut the City's regulatory authority and avoid the cost of environmental cleanup and development mitigation. This could have been expected - it was complete with arguments to the effect that the costs are unaffordable, industry will leave and jobs will be lost.

We've heard it all before and as a consequence concessions are made on behalf of business - and a good comprehensive and workable plan becomes a faded shadow of what it was.

The strength of the River Plan is its serious long awaited focus on the environment (restoration, preservation and mitigation) and public access - the opportunity for citizens to enjoy the amenities of a huge natural asset.

In our society , too often in a pitched battle commerce trumps environmental and human values.

I like to think that Portland of all cities can redress that imbalance and that it can maintain cause for its claimed livability.

What happens to the North Reach River Plan depends upon the will and courage of the City Council to uphold the integrity of the River Plan as written. The single greatest natural feature of this City, the river, defines Portland. Save it, restore it and earn the gratification of future generations to enjoy it in full beauty and health. And let the salmon have it back.

Sincerely,
Peter Teneau
2715 N. Terry St.
Portland, Oregon 97217

Gunderson LLC Presentation to Portland City Council

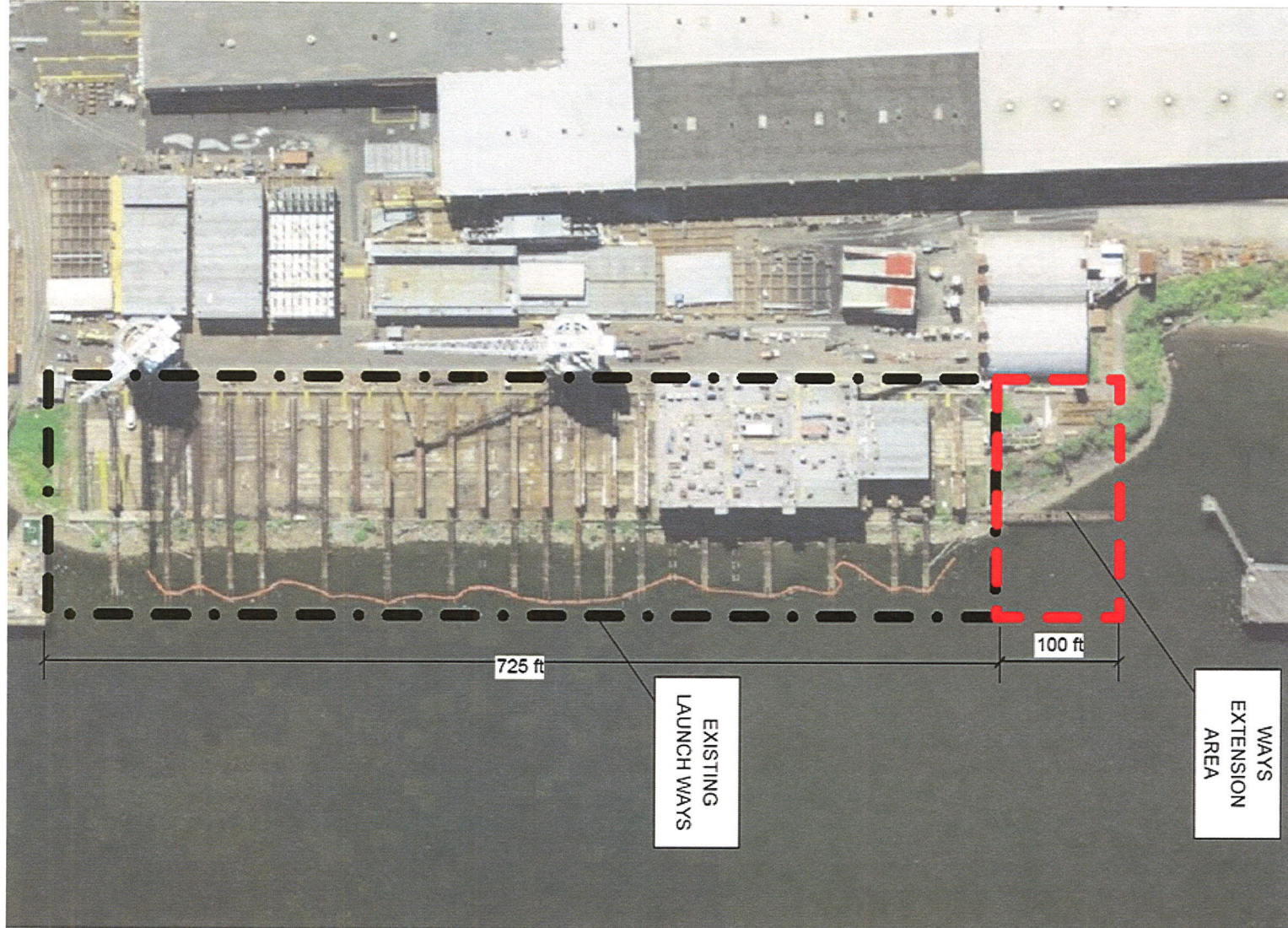
February 17, 2010

- Gunderson supports the goals of the River Plan
 - To improve the river environment in a sustainable way
 - To support a streamlined permitting process that will support a healthy environment and healthy business.
 - We have spent money and are committed to spending more money on improving the river, but we want to spend money on improving the river, not on more paperwork.
- The working group with Mayor has made progress on several principles needed to meet the goals
 - These are not necessarily developed or reflected yet in the plan
 - The details of the plan are still under development and are not ready to be approved.
- We are asking:
 - That you not take action on any of the plan until the details are resolved. These details are not trivial and include such issues as how natural resource values will be calculated and the cost of mitigation.
- Affect on Gunderson
 - Project
 - Accuracy of Natural Resource Inventory
- Project: Expansion of our marine barge launch ways
 - Approximately \$3.5 Million in total cost
 - Additional costs of approximately \$185,000
 - 6% of project costs
 - Added duration, which will affect time to market
- Changes May make project uneconomical
- Conclusion from Consultant's Study on Gunderson Project: It is estimated that relative to the Gunderson Case study, the impact of the City's proposed River Review process would include an increase in project permitting duration, and an increase in environmental and biological assessments costs above what is estimated under the existing regulatory framework of approximately \$150,000. If off-site mitigation is necessary as on-site mitigation is not feasible due to current and future anticipated site operations, a HEP/HEA based off-site mitigation and vegetation in-lieu fee of approximately \$35,000 would be applicable to the Gunderson Case Study. This would result in a total project increase cost of approximately \$185,000 for this new construction project.

183694

Gunderson LLC Presentation to Portland City Council (Continued)
February 17, 2010

Gunderson Potential Ways Extension Project



183694

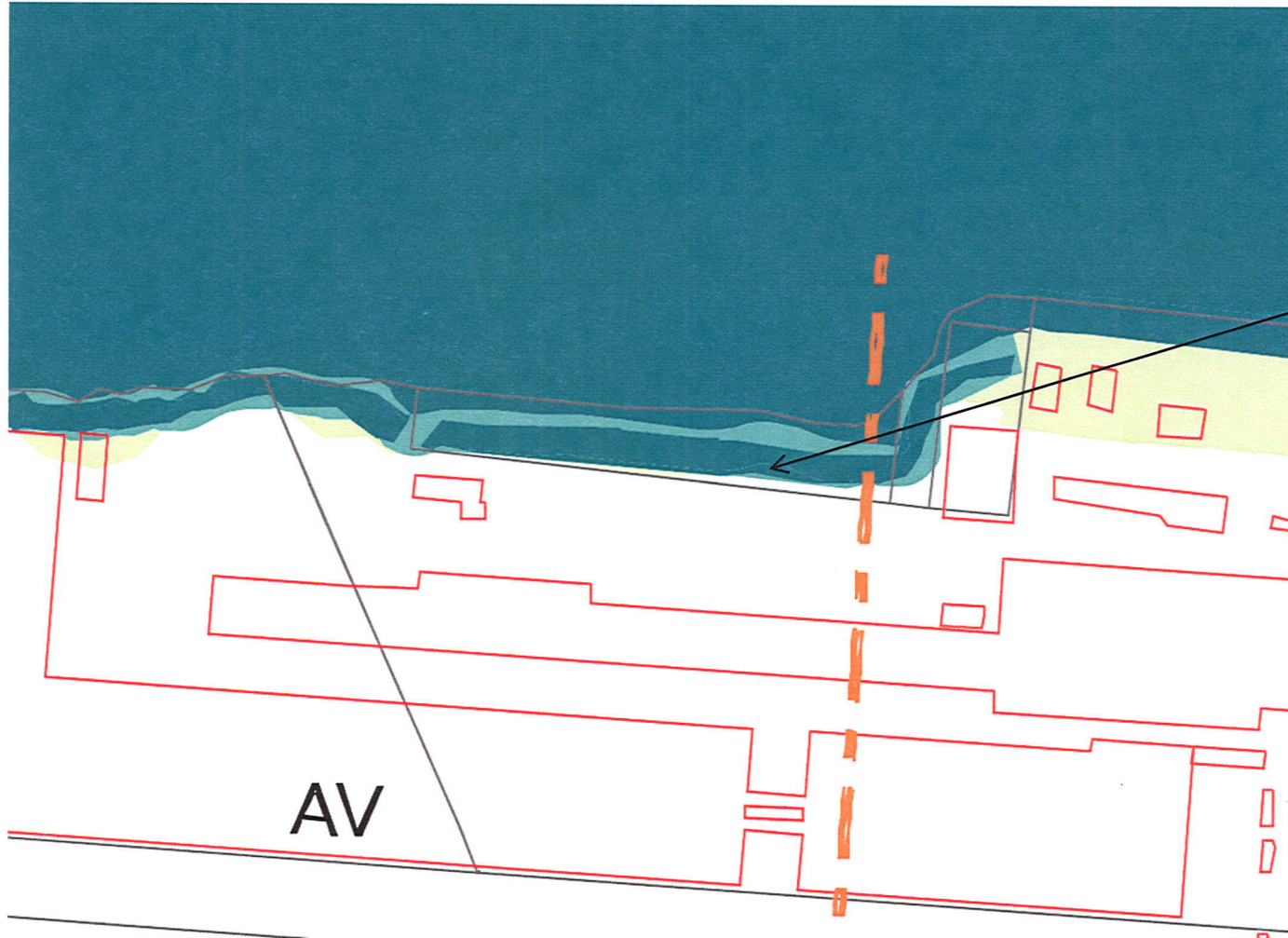
Gunderson LLC Presentation to Portland City Council (Continued)

February 17, 2010

- The Natural Resource Inventory has significant inaccuracies and there needs to be an established way of revising it.
- A recent Greenway Permit issued by the City reads:
 - The site's designated resources are identified in the Lower Willamette River Wildlife Inventory as Rank V sites (lowest rank)
 - Shoreline/Site are noted as being highly altered, with riprapped banks,
 - From the Lower Willamette River Wildlife Habitat Inventory "Existing vegetation on sites in these categories currently have relatively little value, in terms of their ability to attract a wide variety of wildlife species. "
- New NRI classifies the Gunderson riverbank as "Medium", which is not justifiable.
- There is no real process for revising the NRI.

Gunderson LLC Presentation to Portland City Council (Continued)
 February 17, 2010

Map from Natural Resource Inventory
 showing Gunderson riverbank as being ranked
 "Medium" habitat value

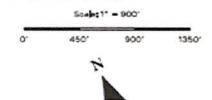


Site WR11a - Map 4:
 Northwest Industrial
 Area

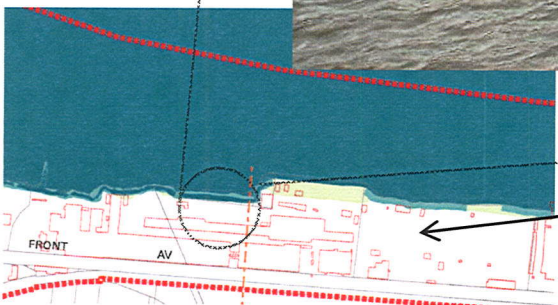
**Riparian Resources
 Relative Rankings**

- High relative rank
- Medium relative rank
- Low relative rank
- Stream/Drainage
- Culvert or Piped
- Site Boundary
- City Boundary
- Urban Services Boundary

INFORMATION SOURCES:
 The Natural Resources Inventory Update (NRIU) is a citywide project to revise and update existing natural resource inventories (of trees, streams, wildlife habitat, etc.) in Portland. The update is part of Portland's River Renaissance Initiative to ensure that the Willamette River and its tributary watersheds are clean and healthy.
 ** SRA ranking supersedes lower relative values.
 For more information, please visit our website:
<http://www.portlandoregon.com/planning/index.cfm?id=40437>
NOTE: Portland's resource inventory is still being evaluated for accuracy and consistency and should be considered preliminary. The inventory has not yet been adopted by the City of Portland.
 All data compiled from source materials at different scales. For more detail, please refer to the source materials or City of Portland, Bureau of Planning.



Gunderson
Actual condition
of riverbank
categorize as
"Medium" Habitat



Map from Natural Resource Inventory
showing Gunderson riverbank as being ranked
"Medium" habitat value

Gunderson LLC Presentation to Portland City Council (Continued)

February 17, 2010

- We hope that the final River Plan and code will be livable IF a number of statements are actually acted upon. Many have not yet been acted upon and we do not see them reflected in the wording of the Plan or the Code. Thus the need for further development until we actually see if we have agreement or not.
- Let's keep working on this thing to actual complete it, rather than approve it when it is not fully baked

Testimony of Ron Gouguet
February 17, 2010

183694

For 2 years, an Associate at Windward Environmental, a Seattle consulting firm. Prior to coming to Windward, I had 26 years experience as a natural resource representative:

- 10 years State of Louisiana
- 16 years NOAA, ORR Coastal Resource Coordinator

I'm going to talk about the City's proposed tools for the mitigation in-lieu fee and the mitigation bank under the River Review process.

In a nutshell, the City proposes to couple HSI and HEP with Habitat Equivalency Analysis in a modeling framework to serve as a natural resource services accounting system. This will be used by the City to assess mitigation fees or require credits to be purchased by a bank when there is development.

I strongly urge the City Council to take the time to understand the financial impacts of this methodology before adopting the River Plan. The fact is the City's application is novel and new, subjective, and setting up the models will be complex and time consuming. While it may be a good approach, it takes time to get it right. Until then, it creates uncertainty for everyone. Let me explain.

- HEA, a version of Resource Equivalency Analysis (REA), is commonly used to facilitate NRDA settlement negotiations. I have successfully used the tool to settle several large waste site cases elsewhere in the Nation (TX, LA, DE). To the best of my knowledge, it has not yet been used in Oregon, although it may come up in the Portland Harbor NRDA. REA was used on the 1999 New Carissa spill NRDA to account for bird losses and determine the appropriate compensatory restoration.
- HEA is an appropriate summation tool to establish the net present value of ecological services (credit and debit) and has been applied to determine mitigation requirements (credits/debits) for permitted development projects (e.g., Elizabeth River, VA and Matagorda Bay, TX).
- Using HSI and HEP as the "front end" of the HEA modeling framework as the City proposes to do is novel and untested. Application of HEP relies on an individual practitioner's scoring of the habitat parcel in question against the HSI 'ideal' for each species, so while the HEP scores can be useful on a relative scale, HEP are subjective.
- Alternative methods for assigning habitat values have been developed in Oregon. City representatives participated in development Willamette Partnership's state of the art mitigation crediting and debiting system. I strongly recommended that the City incorporate and apply the Willamette Partnership credit and debit approach,

along with Partnership's proposed process for evaluation and updating ecosystem service accounting.

- The City's proposed approach for developing inputs, using HSI and HEP, for the summation in the HEA model will be difficult to implement and prone to personal opinion, subjective judgments, etc. and will significantly increase permit application complexity and development time.
- The ecological "baseline condition" of the properties within the North Reach is highly altered with limited ecological function or service. Any approach to evaluating habitat quality must be based on baseline conditions and the communities that actually exist rather than the theoretical conditions or prescriptive HSI inputs. There is an underlying assumption at present that the potentially affected parcels or areas in this part of the LWR currently provide ecological functions similar to the HSI 'ideal'. Some factor to correct for this disparity should be considered.
- Other services - In the current environmental review process non-habitat services (e.g., change in water quality due to alteration in impermeable surface area or rates of erosion) are assessed relative to the proposed project; however, potential benefits or impacts associated with non-habitat services are not included in the City's ecosystem services accounting approach. These non-habitat services should be included in the City's proposed credit/debit approach.

Conclusions

- There are many other issues that are left open, are not resolved, or are not discussed in the City's proposal. As a result of this uncertainty and yet to be developed process, it is not possible to accurately estimate the financial impact on the regulated community. It's 'a pig in a poke' for city to adopt unfinished.
- A team needs to be convened and charged with assembling the outstanding 'details' into a coherent framework. In my experience, the best results can be obtained by including representatives of the regulated community and the Public in the development in to assure their buy-in, trust, and acceptance.
- Once the framework is defined, accurate evaluation of the impacts and potential 'value added' of this program could be completed.

Moore-Love, Karla

From: David Jolma [djboater.45@comcast.net]
Sent: Wednesday, February 17, 2010 5:20 PM
To: Adams, Sam
Cc: Commissioner Fritz; Leonard, Randy; Dan Saltzman; CommissionerFish@ci.portland.or.us;
Moore-Love, Karla
Subject: River Plan North Reach-Testimony

Mayor Adams and City Commissioners:

RE: River Plan/North Reach

I'm writing today to urge you to adopt the draft River Plan for the North Reach of the Willamette River.

Too often business and industry tries to claim that the city has to choose between the environment or jobs. However, having worked on the waterfront for more than 20 years, I don't believe we have to make that choice. I've seen many instances where environmental restoration and habitat can (and should) co-exist -- without interfering with the work that needs to be done. These projects can even make the waterfront a more pleasant place for people like me (a fisherman and outdoor enthusiast) to work.

The river needs help -- now more than ever -- and the modest increases in regulation this Plan proposes will be a big help. Please do NOT let the waterfront employers push the city into giving up its regulatory authority over what happens along the river's edge.

David Jolma
1115 NE 135th Ave
Portland, Oregon

183694

Moore-Love, Karla

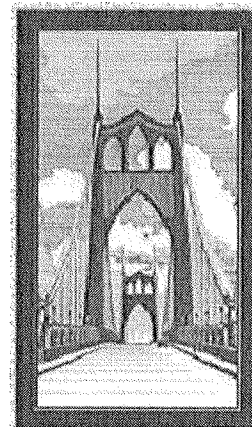
From: Barbara Quinn [barbaraquinn@clarion-design.com]
Sent: Wednesday, February 17, 2010 5:12 PM
To: Moore-Love, Karla
Subject: Testimony for North Reach Plan
Attachments: letterNR2.17.10.pdf; letterNR2.17.10(2).pdf

Dear Ms. Moore-Love,

Attached is a letter in response to the hearing for the North Reach Plan. I will also be there in person to deliver it, but wanted to get a copy to you as well.

Thanks,
Barbara Quinn, chair
Friends of Cathedral Park Neighborhood Association

FRIENDS of CATHEDRAL PARK NEIGHBORHOOD ASSOCIATION



February 17, 2010
 City Council
 City Hall
 1221 SW 4th Avenue,
 Portland, OR 97204

Dear mayor and commissioners,

I would like to reiterate the support of Friends of Cathedral Park Neighborhood Association for the North Reach Plan and urge you to pass it. We agree with the zoning overlay changes that will support preservation of our remnant natural areas and connectivity such as Baltimore Woods in St. Johns. We also support the proposed alignment of the east side Willamette Greenway Trail.

Baltimore Woods corridor should be saved for all Portland and Oregon residents as a regional trail amenity, urban native oak habitat and historical area since it is the route Lewis and Clark came up the Willamette in 1806 and it also supported a number of native American fishing villages. Future generations will be grateful for your foresight.

I would also like to say a few words about balance or the lack of it that has led us to the current environmental crisis on the Willamette River. The Oregon Aquatic Habitat guide lists restoration goals as: "change the trend of aquatic habitat function from one of a diminishing ability to support salmonids and other organisms to one that supports a complex, self-sustaining system" (Oregon Aquatic Habitat 3). We should not lower our standards to less than this. I think the forward thinking people of Portland deserve better.

The people of Portland understand the river as community property. It is a wider community value to have a restored, healthy river that supports life. But in order to protect it, we also have to protect the riverbanks. If we were to truly seek balance, as our industrial partners like to say, we would follow the advice of biologists and make all land within 200ft. of the river edge on either side a riparian setback in other words community owned property. Then we could do the needed restoration work. Other cities in the US are doing this. For instance:

Baltimore County, Maryland

Protection of Water Quality, Streams, Wetlands, and Floodplains.

Minimum setbacks of 25 to 100 feet on either side of watercourses.

Article IX of Environmental Protection & Resource Management, Baltimore County.

Adopted.

Contact Donald Outen, Director of Public Policy, Planning, Research & Development, Baltimore County, Maryland. (410) 887-4488.

Kennett Township, Pennsylvania

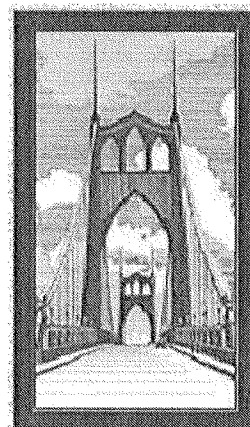
Riparian Buffer Regulations.

Minimum riparian setbacks of 75 feet on either side of watercourses.

Adopted.

Contact Robert E. Ihlein, Planner, Chester County Planning Commission, (610) 344-6285 or Kennett Town Hall (610) 388-1300.

FRIENDS of CATHEDRAL PARK NEIGHBORHOOD ASSOCIATION



Loudon County, Virginia

Scenic Creek Valley Buffer Ordinance.

Minimum riparian setbacks of 150 to 250 feet on either side of watercourses.
Adopted.

Contact Irish Granfield, Loudon County Department of Planning,
(703) 777-0164.

**Montgomery County Planning Commission,
Norrstown, Pennsylvania**

Guidebook for Riparian Corridor Preservation.

Model Ordinance Riparian Corridor Conservation District.

Minimum riparian setbacks of 25 feet to 75 feet on either side of watercourses.

Contact R. Eric Jarrell, Environmental Planner, Montgomery County Planning Commission,
(610) 273-3745.

New Castle County, Delaware

Riparian Buffer Area Overlay Zoning District.

Minimum riparian setbacks of 25 to 100 feet on either side of watercourses.

Draft.

Contact John Gaaddi, County planning consultant, (610) 429-0456 or Deborah Mills, Planner
with University of Delaware Water Resources Agency, (302) 831-4925.

Auburn Township, Ohio

Minimum 120 foot riparian setback from all designated watercourses draining an area equal to or
greater than 20 square miles.

Minimum of 75 foot riparian setback from all designated watercourses draining an area equal to or
greater than one-half (0.5) square mile and up to 20 square miles.

Minimum of 25 foot riparian setback from all designated watercourses draining an area less than one-
half (0.5) square mile and having a defined bed and bank as determined in these regulations.

Adopted, Auburn Township Zoning Resolution, December 2004

Contact Frank Kitko, Zoning Inspector, (440) 543-7028.

If we were to adopt such an ordinance, industries could then negotiate their use of the riparian areas.
If the proposed use resulted in negative impacts such as an outfall, chemical contamination etc., our
city representatives could simply deny the proposal until it was to standard. That would be the begin-
ning of balance.

As one of the many Portlanders who want a restored, healthy Willamette River, I urge you not to give
us second or third best or worse. I urge you to consider riparian setbacks on the Willamette River as a
part of the North Reach Plan.

Thank you sincerely,

Barbara Quinn

Barbara Quinn, chair
Friends of Cathedral Park Neighborhood Association
7034 N. Charleston
Portland OR 97203

Moore-Love, Karla

From: Jennifer G. Parks [jenniferparks@hevanet.com]
Sent: Wednesday, February 17, 2010 4:07 PM
To: Adams, Sam; Commissioner Fritz; Leonard, Randy; Commissioner Saltzman; Commissioner Fish; Moore-Love, Karla
Subject: Willamette River North Reach Plan

Honorable Mayor Sam Adams:

As a native Oregonian and concerned citizen, I am writing to show my support of the Willamette River North Reach Plan. I believe doing things to help our river versus things that hurt it has been on the back burner much longer than it should have. The strides to make and keep Portland green rely heavily on this plan and plans that support restoring habitat for fish, wildlife and for people. I would very much like the City Council to adopt the North Reach River plan and quit trying to appease individual property owners. I believe that industry should be held accountable and pay their fair share to mitigate their impacts to the river and help restore it. I feel very strongly that the city should **NOT** give up its regulatory authority. I have the right along with other Portland citizens to have a say over what industry does in our river! I hope the well being of our river and wildlife along the Willamette will be the primary concern here and not the last minute demands being made by either industry or individual property owners; otherwise the public process and months that have been put into this plan will be undermined. This is our chance to reverse the degradation of our precious river, which will have major positive impacts for years to come. I believe Portland needs to stand up and take the lead on this NOW.

Thank you for your time and consideration. I believe adopting the North Willmatte River Plan is the beginning of keeping Portland green for all who depend on it now and into the future.

Sincerely,

Jennifer Parks,

Portland Citizen

7706 SW Barnes Rd., #C, Portland, OR 97225

183694

Moore-Love, Karla

From: Stephen Hatfield [stephen@forestparkconservancy.org]
Sent: Wednesday, February 17, 2010 3:22 PM
To: Adams, Sam; Commissioner Fritz; Leonard, Randy; Commissioner Saltzman; Commissioner Fish
Cc: Moore-Love, Karla; Michelle Bussard
Subject: Forest Park Conservancy - comment on River Plan

The Forest Park Conservancy fully supports adoption of the River Plan. As you are well aware, Forest Park and the Willamette River are two of the City's - and region's - most important natural assets. Historically, the connectivity between the two was once very strong, and we believe that elements of this plan could help pave the way for future restoration efforts that, among other favorable outcomes, could benefit wild populations of salmon and steelhead.

We need permanently protected restoration sites *as well as* connectivity between those sites. We believe that environmental zoning on industrial lands is essential, to provide baseline protection for riparian and upland resources, and to minimize the further loss of natural resource function along this stretch of the Willamette River.

We are also encouraged by the potential for expansion of the regional trail system along the river, including the npGreenway, which would facilitate recreational access for residents of North Portland - both to the river and to Forest Park.

Finally, we feel strongly that the city should not abandon its regulatory authority below ordinary high water. The residents of Portland have every right to dictate what industry can and cannot do in our river.

We acknowledge that a tremendous amount of time and energy has already been invested in this plan, and believe that the time has come to adopt the River Plan and begin moving forward with efforts to restore the river for fish, wildlife, and the people of Portland.

Thank you,

Stephen Hatfield
Stewardship Director
The Forest Park Conservancy
1505 NW 23rd Ave
Portland, OR 97210
503.223.5449 x.104

www.forestparkconservancy.org
www.twitter.com/pdxforestpark

March 20th: Forest Park Day of Stewardship: <http://bit.ly/8fASLw>

183694

Moore-Love, Karla

From: Gabriel Sheridan [sheridangabriel@hotmail.com]
Sent: Wednesday, February 17, 2010 10:33 AM
To: Moore-Love, Karla; sheridangabriel@hotmail.com
Subject: Baltimore Woods Connectivity

Council Clerk,

Please count me in as one of those who support the preservation of the Baltimore Woods in the Cathedral Park area of St. Johns, here in Portland. I am a neighbor living at 9315 North Edison Street, in Portland. This 30 acre stretch of woods should be saved for all Portland and Oregon residents. It provides a much needed connection with Oregon White Oaks for wildlife and hiking between Cathedral Park and Pier Park. Future generations will be grateful forever for your foresight in saving this wooded area. Please vote to save and purchase this area for all the residents of our city. Gabriel Sheridan, 9315 North Edison Street, Portland, Oregon 97203

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

183694

Moore-Love, Karla

From: Ed Stover [stovered@gmail.com]
Sent: Wednesday, February 17, 2010 9:57 AM
To: Moore-Love, Karla
Subject: North Reach River Plan

Feb. 17, 2010

Dear Portland City Council:

I would like to voice my support for the trail alignment proposed in the North Reach River Plan. We just moved to Portland this past fall from Yakima to be closer to our children and grandchildren. We are retired so our interest in the Portland trails system is for recreation and exercise. I am a hiker and one of the things I do two or three times a week is walk from our North Portland home into the downtown area. This is great exercise. It takes an hour or two depending on where I am going. I usually walk one way and take the bus the other way, depending on whether I want to go uphill or downhill. Right now, I use the neighborhood streets. Hiking along Greeley is NOT much fun, and a bit risky because of traffic so I usually end up going along Interstate.

A waterfront trail would be wonderful, particularly one that connects North Portland with the bridge/trail system downtown. Certainly people who commute to work by bike or foot would use it, as would retired people such as ourselves.

This is a great idea. We wholeheartedly support it.

Sincerely,
Ed and Lynn Stover
6615 N. Wilbur Ave.
Portland, OR 97217
stovered@gmail.com
503-274-4701

2/17/2010

183694

Moore-Love, Karla

From: Curt & Cathy [dreamcj@comcast.net]
Sent: Wednesday, February 17, 2010 9:54 AM
To: Moore-Love, Karla
Cc: Oylear, Shelley; scott.mizee@npgreenway.org; jgadamski@gmail.com; mark@revolverbikes.com; froyce@comcast.net; pam_arden@hotmail.com; js_starman@yahoo.com; pmaresh@spiretech.com; sitma@teleport.com; Koch, Laura; Weir, Steve; Rodgers, Kelly; Barlow, Lynn; Kelley, Mary; Briggs, Michelle; Adam; Cohen, Joshua; Dennett, Chris; Sharpe, Sumner; Buono, Shannon; Edmunds, Sallie
Subject: Public testimony for the River Plan Hearing tonight
Attachments: npGreenway Charrette 17 Oct 2009.pdf; npGREENWAY RiverPlan letter CC 17 Feb 2010.doc

Attached please find comments from npGreenway for tonight's public hearing.

I will attend and bring hard copies for you and the Council.

Thank you for your assistance,

Curt Schneider, Secretary
npGreenway

183694

Moore-Love, Karla

From: L Robinson [lrobinsPDX@comcast.net]
Sent: Wednesday, February 17, 2010 5:33 PM
To: Mayor Sam Adams
Cc: Commissioner Fritz; Commissioner Dan Saltzman; Leonard, Randy; Commissioner Nick Fish; Moore-Love, Karla
Subject: Testimony for City Council Hearing on North Reach River Plan

February 17, 2010

Mayor Sam Adams
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman

RE: Testimony on Agenda Item #246 - River Plan / North Reach

It's time to adopt the River Plan for the North Reach of the Willamette River for several years.

Staff and citizens have been working on it for years. It has been under review at the Planning Commission, alone, for more than six months. Business and industry have been involved through the entire process. Now, at the 11th hour, it's my understanding that they have formed a consortium to oppose and/or water-down the environmental protections and the funding sources identified in the Plan. I've seen this happen too many times. I've served on numerous Citizen Advisory Committees where multiple interests working together have worked out regulations and plans that seem to be reasonable compromises that meet the most important concerns of multiple interests -- only to have business interests circumvent the process and persuade the City Council, the Metro Council, the Port Commission and other bodies (elected and appointed) to modify or gut the process at the last minute.

Please stand up to them this time -- and adopt this Plan. The North Reach of the Willamette River (the last 11 miles before it flows into the Columbia River) is the most degraded stretch of river in Oregon. It needs your help. This Plan will provide additional protections the river desperately needs -- and it provides for much-needed mitigation when damage cannot be avoided, and a mechanism to fund restoration. I urge you to adopt the Plan without further delay or modification.

-- Linda

Linda Robinson
1115 NE 135th Ave
Portland, OR 97230

2/17/2010

503-261-9566

183694

Moore-Love, Karla

From: David Thompson [rosedalerocket@me.com]
Sent: Wednesday, February 17, 2010 12:32 PM
To: Moore-Love, Karla
Cc: Wilfred Thompson; Julia Thompson
Subject: Baltimore Woods and Greenway

I'm very sorry I am out of town and cannot be present at today's 6pm meeting, but I want to strongly register my support for preserving the Baltimore Woods habitat and making this area permanently accessible to pedestrians and non-motorized vehicles by establishing a greenway trail. I am 66 years old but my first grandchild will be born in July. Let's work to make Portland liveable even as the population continues to swell.

Thanks,
David Thompson
6233 SW 39th Ave
Portland, OR 97221

183694

Moore-Love, Karla

From: Bob Sallinger [bsallinger@audubonportland.org]
Sent: Wednesday, February 17, 2010 4:48 PM
To: Adams, Sam; Commissioner Fritz; Leonard, Randy; Commissioner Saltzman; Commissioner Fish; Moore-Love, Karla
Cc: Beier, Ann; Ketcham, Paul; Lovell, Kaitlin; Libby, Lisa; tommiller@ci.portland.or.us; Kovatch, Ty; Grumm, Matt; Finn, Brendan; Hicks, Emily; any.ruiz@ci.portland.or.us; Howard, Patti; Scarlett, Paul; Santner, Zari; Marriott, Dean; Zehnder, Joe; Anderson, Susan; Edmunds, Sallie
Subject: Audubon Testamony on the North Reach River Plan
Attachments: 2-17-10 River Plan Hearing--Audubon Comments--Final.doc

February 17, 2010

Dear Mayor Adams and Portland City Commissioners,

Please accept the attached testimony from the Audubon Society of Portland on the North Reach River Plan.

Thank you for your consideration of our comments.

Bob Sallinger
Conservation Director
Audubon Society of Portland
5151 NW Cornell Road
Portland, OR 97210

(503) 292-9501 ext. 110



February 17, 2010

Mayor Sam Adam
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Nick Fish
Commissioner Dan Saltzman
City of Portland
1221 SW 4th Ave
Portland, OR 97204

Dear Mayor Adams and Portland City Council,

I am testifying tonight on behalf of Portland Audubon Society in strong support of the River Plan. The River Plan is the product of an extended public process dating back to 2001 when the city first adopted goals for River Renaissance. Over the course of the past nine years nearly a dozen different committees have shaped the River Plan and thousands of hours of citizen input has been incorporated. The plan spent nearly six months under review before the Planning Commission and the Mayor spent an additional six months reviewing industry concerns. The River Plan replaces an existing Greenway Code that is more than two decades out of date and which is universally recognized to be insufficient to achieve the City's environmental, economic and social objectives. It is time to move forward and adopt the River Plan.

The Willamette River drains 11,500 square miles and all the work that is being done upstream and on the tributaries is undermined by the degraded state of the North Reach. The North Reach Plan describes a path forward--one which accounts for the economic, social and environmental needs of our community.^{1 2} The Conservation Community has made significant concessions in this plan that

¹ It is often lost in the discussion over the environmental elements of the plan that the river plan also provides robust contributions to the economic health of the working harbor including protective (industrial sanctuary) zoning, a brownfield redevelopment strategy, greater onsite development flexibility, a new streamlining process to ensure coordination between local, state and federal agencies, and the promise of more than \$500 million investment in industrial infrastructure.

² It is worth noting that River Industry has fared far better than the environment under the existing Greenway Code. According to the Draft BPS Responses to Mayor Adam's Questions, January 21, 2010, "Generally marine tonnage, capital investment, and land absorption have significantly grown in the long term." Data in

Audubon Society of Portland
5151 NW Cornell Road
Portland, OR 97210
(503) 292-9501

River Plan was included after extensive discussion and was meant to ensure that the integrity and connectivity of the E-zone would be maintained while still allowing industry a fast track for development of certain types of projects. The amended proposal leaves certainty on the industry side but eliminates certainty on the environmental side. The development standards portion of the River Plan was one of the areas where Audubon felt the environmental community made significant concessions. We would not have been able to support that standards approach at all if we had known that the compensation would result simply in a fee in lieu rather than immediate plantings within or adjacent to the impacted environmental zone.

Finally, we would like to highlight two areas where we applaud the City's resolve to date:

First, the Working Waterfront Coalition has urged the City to abandon its regulatory authority, especially below Ordinary High Water. Such a proposal strikes at the heart of the River Plan--it would render its funding mechanisms and its baseline environmental protections virtually meaningless. It would deny the citizens of Portland a voice over what happens in our river. The suggestion that we should simply leave our the river to the judgment of the state and federal agencies makes no sense. If state and federal regulatory authority was sufficient, why then does our river continue to degrade today?⁴ It would truly be ironic of the after nearly a decade of planning to restore the North Reach, the city's most notable decision was to abandon its role and the people's voice over what happens in our river. We urge you to remain steadfast in retaining the City's regulatory authority as described in the Draft River Plan.

Second, the River Plan establishes new funding mechanisms which would require industry to pay to mitigate for their direct habitat impacts and contribute limited additional funds to restoration. The alternatives that have been proposed by the Working Waterfront Coalition would continue to set industry's financial contributions far below their actual environmental impacts---it would perpetuate the same trends that have allowed the river to continue to degrade under existing code. The choice before you is stark. If industry is not willing to pay its fair share, either the taxpayers must step up and pay for them or the river will continue to degrade. We urge you to remain steadfast in adopting the funding mechanisms described in the Draft River Plan

We believe that the City has proposed a wise and reasonable path forward--one which at long last sets the river on a gradual course towards ecological health; one that promises that we will leave a river for our children and grandchildren that is healthier than we found it. We encourage the City to establish a stakeholder committee to monitor the implementation of the plan, benchmarks for

⁴ National Marine Fisheries Service which participated extensively in the development of the River Plan also supports retention of city regulatory authority below Ordinary High Water. In letter dated April 1, 2009 to the Portland Planning Commission, NMFS wrote the following: The implementation of the North Reach Plan is important to the restoration of salmon populations because it supports the concept that habitat in the lower Willamette River is worth restoring. *"Further, the City's jurisdiction below ordinary high water protects fish and wildlife resources that are not protected through other Federal or state programs. This may prevent new species from being added to the Endangered Species Act list. NMFS understands that there has been discussion regarding whether the City should retain jurisdiction below Ordinary High Water because NMFS already regulates activities below Ordinary High Water. NMFS encourages the City to retain this jurisdiction for multiple reasons: 1) NMFS only has a regulatory role in Federal actions; 2) NMFS only consults on projects that may affect ESA-listed species. If the species is not ESA-listed, then the NMFS has a very limited role in commenting on the action. The City has a larger role in protecting ecosystems for all native species."*

Audubon Society of Portland
5151 NW Cornell Road
Portland, OR 97210
(503) 292-9501

there are elements on which we flat out disagree but we have chosen to accept the plan in its entirety as approved by the Planning Commission recognizing that compromise is necessary and that maintaining the overall integrity of the plan and the process will ultimately achieve the best result on the ground.³ But please make no mistake, we have compromised and we are at the line where further compromise would result in a plan that facilitates continued degradation rather than recovery.

To that end, we are concerned about some last minute amendments that were added to the plan and which we learned about just last Thursday. We hope that you will reconsider three of these amendments, and preserve the overall integrity of the plan and the process:

1. **Siltronix Agreement:** We do not believe that the City would receive adequate compensation for removing environmental zones from the Siltronix Property as proposed in the Draft Siltronix Agreement. Specifically we believe that the City should insist upon a 300 foot wide easement extending from the River westward. The draft agreement would require that the easement be 200 feet wide at the river but narrows to 100 feet or less in several locations as it moves into the uplands. This corridor is of critical importance as it will provide one of the few relatively intact vegetated connections between the river and the western uplands. There is extensive literature that supports the need for corridors of at least 300 feet in width to accommodate larger wildlife such as the deer that frequent the area. In addition, while we support the 50 foot setback for development along the river's edge, we would urge the City to require that this setback be planted with trees and shrubs to maximize its natural resource function. If Siltronix is unwilling to meet these conditions, we believe that the community would be better served by leaving the environmental zones prescribed in the River Plan intact and having Siltronix go through environmental review at the time of development.
2. **University of Portland:** (amendments to page 212) We oppose the decision to change the bluff at the University of Portland from a P-Zone to a C-Zone. The decision to put a P-Zone on the bluff was extensively reviewed and affirmed by staff, committees and the Planning Bureau. We believe the importance of the bluff as a connective corridor as well as the hazards associated with building directly on a steep slope support the original ESEE analysis that resulted in a P-Zone. We would urge the City to require University of Portland to find more environmentally responsible ways to link their upper and lower campuses. If in fact the University of Portland is going to allowed to develop on the bluff, the city should retain review authority via a C-Zone to ensure that environmental impacts are at least minimized and mitigated.
3. **Mitigation for Standards in E-zones** (page 63): We oppose the decision to allow industry to pay a fee in lieu rather than planting within or adjacent to the e-zone when they meet "standards" for projects such as conveyor belts. The planting requirement in the Draft

the report indicates that net income for North Reach Businesses more than tripled between 2000 and 2008 (from \$54,568,214 to \$162,683,366).

³ It should be noted that the conservation community made significant compromises and concessions throughout the development of this plan. Most notably, the two fee mechanisms have been drastically reduced from initiation proposals, significant portions of the river bank that are regulated under existing code (>5 miles) have been exempted from review, and property owners have been given far greater flexibility to develop on the river bank and to mitigate offsite than occurs under existing code.

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success and to set a time certain for a comprehensive review of the plans on the ground efficacy. We urge the City to move forward and to respect the extended public process that has brought us to this point.

Please restore our river. Please adopt the River Plan.



Bob Sallinger
Conservation Director
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