



Oregon

John A. Kitzhaber, MD, Governor

Department of Fish and Wildlife

Northwest Region
17330 SE Evelyn Street
Clackamas, OR 97015
Phone: 971-673-6000
Fax: 971-673-6070

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City of Portland
Planning and Sustainability Commission
1900 SW 4th Ave. – Suite 7100
Portland, OR 97201

Re: Proposed Draft Comprehensive Plan - ODFW Testimony

Dear City of Portland Planning and Sustainability Commission,

The Oregon Department of Fish and Wildlife (ODFW) understands that the City of Portland (City) is in the process of updating its Comprehensive City Plan (Plan) and that comments on the current proposed draft Plan (dated July 2014) are being accepted until March 13, 2015. ODFW has reviewed the proposed draft Plan and respectfully submits the following comments and recommendations related to protection and conservation of fish and wildlife and their habitats.

Chapter 3: Urban Form

Figure 3-1. Urban Design Framework

Comment: West Hayden Island (WHI) is designated as “Enhanced & Potential Habitat Corridor” in this figure while Portland Harbor Superfund sites are depicted as grey areas. It is unclear what is intended by both of these designations and how these “Urban Design Frameworks” relate to Figure 3-6 and Figure 3-7. Also it is not clear why the portion of WHI that is intended as Open Space is not depicted as such in Figure 3-1.

Figure 3-6. Urban Habitat Corridors

Comment: WHI in its entirety is depicted as “Enhanced Habitat Corridor” in this figure as are some Portland Harbor Superfund lands. This appears to be inconsistent with proposed future uses as described in Policy 6.40 and Policy 6.41, and in the definition of “West Hayden Island Urban Services Area”. ODFW is unsure why there is no “Parks & Open Space” designation on WHI, i.e., the 500+ acre area intended after annexation. Also, it does not seem realistic to designate the approximate 300-acre area of WHI as “Enhanced Habitat Corridor” if heavy industrial uses are intended or for East Hayden Island since it is already heavily commercially and residentially developed. Finally, this figure appears to be inconsistent with Figure 3-7 which shows the currently undeveloped area of WHI as “Industrial”.

Figure 3-7. Employment Areas

Comment: The majority of WHI is designated as “Industrial” (dark grey) in this figure with a lesser amount as “Commercial” (orange). The bulk of Portland Harbor Superfund lands are “Industrial”. How do these designations relate to Figures 3-1 and 3-6? These designations appear inconsistent with Policy 3.67 and Policy 3.68, and with the definition of “West Hayden



Island Urban Services Area” that states a portion of WHI is intended for Open Space uses. ODFW would expect that the 500+ acre area of WHI intended for Open Space to be excluded from the Industrial designation in this figure to ensure exclusion from future industrial development.

Chapter 4: Design and Development

Goals and Policies

General Comment: The goals and policies with corresponding development principles in this chapter are weak overall in the area of protection and enhancement of environmental health and natural resources. ODFW recommends replacing “encourage” and “support” with “require” or comparable stronger language. Doing so would demonstrate commitment to protecting and enhancing environmental health and natural resources, and provide important assurances that practices implemented on the ground would achieve the stated goals. Also, ODFW recommends that this chapter specifically address and call for practices that address the Key Conservation Issues identified in the Oregon Conservation Strategy (ODFW 2006, update in process) and the Regional Conservation Strategy and Biodiversity Guide (The Intertwine Alliance 2012). These collaboratively developed strategies are invaluable resources that are intended to guide and inform policies and on-the-ground actions related to project design and development. Issues and practices to address include water quantity and timing, barriers to fish and wildlife movement, invasive species (plant and animal), and potential conflicts with or hazards to wildlife. These issues are relevant regardless of project type and ODFW recommends emphasizing them during project planning and design phases.

Goal 4.C: Human and environmental health

Comment: In addition to water quality, ODFW recommends consideration of water quantity and timing of water availability in this goal.

Scenic resources, Policy 4.31 Vegetation management

Comment: ODFW recommends specifying that the need for pruning and cutting of trees and shrubs will be avoided and minimized by selecting and planting native species that grow to a specific height and form consistent with site goals, one of which is viewshed.

Designing with nature

Comment: ODFW recommends the addition of a third policy in this section to address design and site development practices that have the potential to inadvertently create wildlife hazard or wildlife-human conflict situations. This is needed because Policy 4.58 and Policy 4.59 address habitat issues only. While habitat is very important to consider, design and development practices can and should consider effects on wildlife, individuals and local populations, resident and migratory. For example, building lighting (interior and exterior), window style, surfaces and encasements; fence locations and type, and placement of habitat features (natural or man-made) in relationship to other structural features can create hazardous situations for wildlife and lead to wildlife-human conflicts. The majority of hazards, conflicts, and “nuisance” types of situations can be prevented or minimized with proper siting and design, thus ODFW’s suggestion to adding a policy to call attention to this need and opportunity.

Chapter 6: Economic Development

Policies, Industrial and Employment Districts

Policy 6.40 Portland Harbor Superfund Site

Comment: These lands are at or near the confluence of the Columbia and Willamette rivers. ODFW recommends including additional options in policy language to allow superfund site lands to be considered for other uses, specifically fish and wildlife habitat, flood storage, and parks. These uses may be appropriate and feasible, and could help achieve alternate Plan goals if human health and safety issues are addressed, and other land use goals balanced.

Policy 6.41 West Hayden Island

Comment: Consistent with the Regional Conservation Strategy, Oregon Conservation Strategy, and comments submitted by ODFW during previous WHI technical advisory committee processes, ODFW recommends the protection and maintenance of properly functioning floodplains and the restoration of degraded and/or disconnected floodplain habitats, especially at and near river confluences. If protection and restoration of the entirety (~800 acres) of WHI is not chosen, ODFW recommends the following changes (in highlighted text) to the proposed draft Plan language to provide assurances that all unavoidable impacts to fish and wildlife and their habitats will be fully mitigated. ODFW recommends mitigation occur in a manner consistent with ODFW's Fish and Wildlife Habitat Mitigation Policy, or another agreed upon mitigation policy peer-reviewed and formally adopted by the City.

“Economic Development Policy 6.41. West Hayden Island. Provide for the future annexation of West Hayden Island for a combination of open space and possible deep water marine industrial uses with supplemental requirements in a plan district or other implementation agreement that ensures full mitigation of impacts and provision of public benefits. The annexation ordinance, future zoning, plan districts, and intergovernmental agreements will be used to:

- Allow no more than 300 acres for industrial development including future deep water marine terminal and infrastructure development, with a pre-agreed upon mitigation approach and plan that would achieve the mitigation goals.
- Permanently protect and enhance at least 500 acres as open space, to be managed primarily for the benefit of the local and regional natural resources / ecosystem.”

As a reminder it has been ODFW's determination that Habitat Category 2 and Habitat Category 3 habitats are present on WHI. Part of the ODFW mitigation goal for Category 2 and 3 Habitats is reliable “in-kind and in-proximity actions that achieve no-net loss in pre-development habitat quantity or quality”. Additionally, part of the mitigation goal for Category 2 habitats is a “net benefit” to the species affected. Please refer to comment letters previously submitted by ODFW during the WHI planning processes for more information on ODFW's assessment of existing conditions and ODFW's mitigation recommendations if development action is to occur on WHI (Oct. 21, 2011 letter to various, Sept. 27, 2012 letter to various, Nov. 9, 2012 letter to M. Rosen, Nov. 27, 2012 letter to various, Jan. 15, 2013 letter to M. Brooks, and May 14, 2013 letter to PPSC).

Chapter 7: Environment and Watershed Health

Policies

Planning for natural resource protection

Comment: ODFW recommends including a reference to the Oregon Conservation Strategy and/or The Intertwine Alliance's Regional Conservation Strategy and Biodiversity Guide to provide the framework for the policies and guidance for implementation.

Protecting natural resources in development situations

Comment: ODFW recommends including a reference to the City's mitigation policy to provide clarity and assurances that natural resources impacted by development and other actions with the potential to affect natural resources will be mitigated for in a manner that is consistent and that has been peer-reviewed and formally adopted. ODFW suggests the third step of the mitigation process is "compensation" for unavoidable impacts (i.e., mitigation = avoid, minimize, compensate).

Protecting natural resources in development situations, Policy 7.11

Comment: ODFW suggests it is difficult to assure mitigation effectiveness even when there is an agreed upon and formally adopted mitigation policy. ODFW recommends the City develop a migration policy with the input of internal and external technical experts. Much of this work has already been accomplished during recent WHI planning processes. The current language in this policy touches upon only a few of the issues that a comprehensive policy should address - e.g., definitions of on-site and off-site relative to the habitat and species being affected, in-kind vs. out-of-kind mitigation, possible use of mitigation ratios, replacement of natural resources losses over time, etc.

Improving environmental quality and preventing degradation

Comment: ODFW recommends including a reference to Oregon Conservation Strategy and/or The Intertwine Alliance's Regional Conservation Strategy and Biodiversity Guide to provide the framework for the policies and guidance for implementation.

Improving environmental quality and preventing degradation, Policy 7.21 Invasive species

Comment: ODFW recommends the following edit to the policy language: "*... to prevent the spread of invasive plants, animals, and insects, and support efforts to reduce the impacts of invasive species.*"

Improving environmental quality and preventing degradation, Policy 7.29 Brownfield remediation

Comment: ODFW recommends that habitat connectivity, low-impact development and best practices, stormwater, and hazards to wildlife also be specifically referred to in this policy. Brownfield remediation offers ample and unique opportunities for incorporating these principles.

Aggregate resources, Policy 7.36 Mining site reclamation

Comment: ODFW recommends that mining site reclamation also takes into consideration fish and wildlife and their habitats, in particular rare and declining habitats and species.

Watershed specific policies

Columbia River Watershed, Policy 7.38 Sensitive habitats

Comment: ODFW recommends including bottomland hardwood forest and shallow water to the list of sensitive habitats. It has been estimated that more than 70 percent of bottomland hardwood forest has been lost in the Willamette Valley (The Intertwine Alliance 2012). Some of the best remaining examples of bottomland hardwood forest occur within City of Portland city limits; one of these areas is WHI. Protection of remnant bottomland hardwood forests is a high priority for conservation. Shallow water is considered one of the most limited aquatic habitats in the watershed; WHI offers some of the best remaining shallow water habitat and its importance is elevated due to its location at the confluence of the Columbia and Willamette rivers. It is critical to resident and migratory fish species, their prey, and a host of other species. As with bottomland hardwood forest, it is essential to protect remaining shallow water habitats. It is far more effective (financially and ecologically) to protect remnant sensitive habitats than to attempt to re-create or replace elsewhere.

Columbia River Watershed, Policy 7.40 Floodplain protection and restoration

Comment: ODFW recommends including language to this policy that clarifies that floodplain protection and restoration is critical for conservation of fish and wildlife and their habitats, and a critical strategy for achieving ecological function, biodiversity, habitat connectivity, and water quality and quantity goals. The value of floodplain protection and restoration extends far beyond flood protection alone.

Columbia River Watershed

Comment: It is not clear why there are no specific sites highlighted in this watershed section as has been done in the other watershed sections. ODFW recommends that areas identified in the Regional Conservation Strategy and the Conservation Opportunity Areas highlighted in the Oregon Conservation Strategy / Willamette Synthesis update map be considered. ODFW recommends developing policies specific to lands recognized as anchor habitats or important for watershed health in general.

Willamette River Watershed

Comment: ODFW recommends adding a policy specific to wildlife habitat to address wildlife needs, which are not limited to “sensitive” habitats.

Willamette River Watershed, Policy 7.49 Forest Park

Comment: It is not clear to ODFW why only Forest Park has been specifically called out as an anchor habitat and recreational resource in this watershed. There are other areas (e.g., Oaks Bottom) within the watershed that could be specifically mentioned as playing this same important role. ODFW recommends adding these areas to recognize their importance and identify specific goals/policies for each.

Columbia Slough Watershed, Policy 7.52 Riparian corridors

Comment: As currently written this policy appears fish and water quality-centric, leaving little or no room for managing portions of riparian corridors in un-vegetated or early successional conditions for other ecosystem values (i.e., wildlife, primary production). Un-vegetated areas and early successional habitat are important for numerous flora and fauna, including pollinators,

and are a natural part of a diverse ecosystem, even within riparian corridors. Un-vegetated areas and early successional habitat are a normal product of occasional disturbance regimes (e.g., wildfire and high water/scouring events). The Columbia Slough is a key stronghold for the western painted turtle and a critical habitat requirement is sparsely vegetated areas for nesting. Ideally and historically native turtle nesting habitat would be present within the riparian area, specifically within 300 feet of the Ordinary High Water mark.

Johnson Creek Watershed, Policy 7.59, In-stream and riparian habitat

Comment: ODFW recommends acknowledging wildlife in this policy. Barriers to fish and wildlife movement are identified a Key Conservation Issue in both the Oregon Conservation Strategy and the Regional Conservation Strategy.

Several comments and recommendations above are specific to West Hayden Island (WHI). This area is of particular interest to ODFW for multiple reasons. First, ODFW was an active, invited participant in previous technical advisory committees. These committees were tasked with commenting on assessments of existing functions and values of WHI, informing alternative conceptual plans for possible future uses of WHI, commenting on and informing various mitigation packages, and evaluating the proposed mitigation framework if development action were to occur on WHI. ODFW provided numerous comments and recommendations throughout these processes. WHI is the largest relatively intact habitat area in the Portland metro area and has significant habitat functions and values to numerous fish and wildlife species, locally and regionally, year-round and seasonally. WHI is designated as a Conservation Opportunity Area in the Oregon Conservation Strategy's Willamette Synthesis map update, and is comprised of several priority habitats (i.e., wetland, riparian, shallow water, bottomland hardwood forest, and grassland). Please refer to the ODFW comment letters previously submitted for more information on the significance of these habitat types and role of WHI in the local and region ecosystem.

While it is not within ODFW's purview to support or oppose development actions on WHI or elsewhere, we work within our statutory and administrative authority to guide and inform decisions and actions proposed by individuals and entities when they have the potential to affect (both positive and negative) fish and wildlife and their habitats. To accomplish this we assess the measure and scope of impact from a proposed action, provide input on local and regional priorities, and provide information on best practices for conserving fish and wildlife resources and for mitigating for losses. ODFW provides regulatory and non-regulatory guidance on issues that affect our agency mission - to protect and conserve fish and wildlife and their habitats for use and enjoyment by present and future generations.

If you have any questions about the above comments or recommendations please contact me at susan.p.barnes@state.or.us or 971-673-6010. Again, ODFW is very interested in the City of Portland's process to update its Comprehensive Plan and appreciates the opportunity to comment on topics related to the protection and conservation of Oregon's fish and wildlife and their habitats.

Sincerely,

Susan P Barnes

Susan P. Barnes
Regional Conservation Biologist
West Region

Cc: ODFW – NWWD Staff, Joy Vaughn
City of Portland PSC & BES – Eric Engstrom, Mike Rosen, Dave Helzer