

DAVID MOSKOWITZ

#332427 | September 1, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear Mayor Wheeler and City Council Members, Thank you for listening to the public testimony regarding the floodplain resiliency rules. I have testified before you and now provide written comments to supplement my remarks. Please re-consider adoption of the rules at this time. David Moskowitz, The Conservation Angler

Testimony is presented without formatting.



Regarding Floodplain Resiliency Plan Rules (730 + 731) for the City of Portland

Mayor Wheeler, City Commissioners:

My name is David Moskowitz. I am the executive Director of The Conservation Angler, a nonprofit wild fish advocacy organization. These written remarks combine portions of my oral testimony given on August 30, 2023 and prepared comments I was not able to share given the limited time.

Some background about my experience. While working for conservation organizations from 1993 to 1995, I drafted petitions to list several species of salmon as Threatened Under the Federal Endangered Species Act (ESA). From 1996 through 1998, I worked for National Marine Fisheries Service (NOAA Fisheries) writing federal regulations listing multiple species of wild salmon and steelhead under the ESA, and I began drafting protective regulations soon to become applicable to the City of Portland. Thereafter, I served as Metro's salmon recovery coordinator and in that role, I worked with 4 counties and 24 cities, including the City of Portland, in an attempt to develop regional responses to protect ESA-listed wild fish and their habitats.

That was twenty-three years ago. It is hard to measure our progress in the aggregate throughout Salmon Country, but I do believe that Portland has made some notable gains – Crystal Springs fish passage, Bull Run and Sandy River salmon recovery – but so much of the life cycles of these wild fish takes place well outside the City Limits that it is hard to measure Portland's success on fish abundance alone. Let's consider these fish.

Wild spring chinook, wild winter steelhead, wild cutthroat, fluvial rainbow trout, and lamprey are just the most well-known native fish that exist in the Willamette river and its tributaries within the City Limits, but we can see fall chinook and coho swim through town as well.



Steelhead – Photo by John McMillan



Regarding Floodplain Resiliency Plan Rules (730 + 731) for the City of Portland The adult salmon and steelhead typically pass through town fairly quickly – they are great swimmers (which you figure out when you hook one while fishing – or put a radio tag in one of the winter steelhead and learn that it will travel 18 miles in less than 24 hours). Adult fish can traverse the Willamette River through Portland pretty quickly under normal river conditions. Flood flows with turbidity or warm water will slow them down considerably. The bottom line is that the adult fish can survive their trip through downtown Portland much better than someone from Beaverton or Happy Valley.

It is a different story for the juvenile wild salmon and steelhead – these are the middle schoolers and teenagers – traveling in groups – nervous about all the perceived dangers they have experienced since their early days. None of them have their drivers licenses yet – they can't drive and truth be told, they can barely swim – relying on the river's relentless yet powerless resistance to gravity to help them move downstream from the place of their birth. The juvenile salmon that pour over Willamette Falls or tumble out of the Clackamas or Crystal Creek and start down the Willamette are a year, maybe two years old depending on which species they are.



Steelhead Parr – Photo by John McMillan

When the juveniles feel that urge to leave freshwater, they still spend quite a bit of time working their way down stream. Some are actually facing upstream as the spring flows carry them ever downhill.



Regarding Floodplain Resiliency Plan Rules (730 + 731) for the City of Portland

These fish need eddies, shallows, vegetative cover, places that produce food they can eat, and places to hide from nonnative predators. They may not need these features everywhere along both banks (though a lover of baby fish has to hope), but they do need a mix of these features spatially distributed a reasonable distance apart - from the Sellwood Bridge downstream to the Multnomah Channel, and on both sides of the Willamette River.

The seawall-lined riprapped Willamette riverbanks are not great places for a beautiful little wild, salmon or steelhead, and as it turns out, they are not great places for flood resilience, water quality or for people.

The Willamette River in Portland is a bottleneck for ESA listed spring chinook and winter steelhead. It is not the only bottleneck these fish face, but it is the only bottleneck that the Portland City Council is responsible for addressing.

For 26 years, good friends of mine have been working to change these conditions in the Willamette and its local tributaries, for the city of Portland, and for all of its citizens. Their work has been instrumental in helping our 'toddler-preschooler-middle school and early teen' wild salmon and steelhead carve out a meager existence as they try to navigate this hardened concrete jungle with nary a functional riparian area in sight.

Establishing a series of spatially distributed diverse near-shore and floodplain habitats along the Willamette will be good for the fish. They'll also be good for the water quality; flood resilience and they'll be good for people.

The rules under consideration by the City Council are insufficient to protect and restore these community-owned resources, they do not meet reasonable and prudent alternatives (RPAs) in NOAA's biological opinion and they should not be adopted as drafted. The proposed amendments do not meet the challenge before the city and the landowners along the River.

As the Portland City Council considers these floodplain measures – which will be less effective at achieving the overall natural resource goals because the measures are “balanced” by the cost of compliance, contain untested and unproven measures for floodplain “mitigation” and outright “exempt large river-reach areas” in the near term – please keep in mind a few inescapable facts:

First. Climate change will make mincemeat of the 100- and 500-Year flood plain maps. You can fight Mother Nature or you can adopt a more jujitsu-like approach to absorb what is coming.

Second, throughout the Willamette Basin, city councils just like Portland and county commissions like Washington and Clackamas County are approving incremental floodplain development on a weekly basis. These actions, all taken to “balance” natural resource protection and restoration with the cost of compliance, will send more sediment and more water downstream with more speed. These are the “cumulative effects” that are unaccounted for by each jurisdiction making similar decisions to those the City Council is now considering.



Regarding Floodplain Resiliency Plan Rules (730 + 731) for the City of Portland

The City Council needs a floodplain management scheme that is wholistic – yet one that can still recognize the site-specific uniqueness. However, exempting large areas from having to comply with this regulatory framework during different periods places the landowners on an unequal footing. Portland has had more than two decades to address these issues – we question why any landowner should receive vested development rights when the need for habitat and flood resilience has been well known. Every single landowner should be on the same regulatory schedule.

Our understanding of what fish need and how rivers work has changed over time, as have principles of development. We question whether current regulatory schemes should balance the cost of development and compliance with those regulations. Where was the “balance” as the City of Portland grew from “Stump Town” to where it is now? As we learned that certain practices were bad for the city, we enacted changes to make things better for everyone. Why does that model not work today? The “limits to growth” in every era have sparked innovation and even more growth – so why do the “limits to growth” require balancing now?

We heard during the hearing from landowners and developers that their specific property did not have any features to contribute to floodplain health and resilience. These individual landowners have sought opinions from NOAA that their unique piece of dirt, if developed, would not appreciably lead to the extinction of any of the ESA-listed wild salmon and steelhead.

Well congratulations Portland Landowners – apparently your development will not cause the extinction of these lovely baby wild steelhead!

While seeking assurance from NOAA may provide an umbrella to shelter under from a shower of lawsuits, is that really the only goal here? Something is missing.

While owning riverfront property conveys many riches, it is also rich in responsibility. Like the river and its riparian zone, which is really truly a single, living entity under the laws of nature, so are the landowners themselves a single holistic entity in the eyes of the law of the land.

I expound on these concepts because the current Floodplain Plan ignores both sets of these inherent laws. Allowing certain riverfront zones to evade the planning and restoration requirements will result in a piecemeal and uncoordinated result in the future.

Portland needs to apply the standards to every parcel of land that touches water – at ordinary high water and at 500-year flood levels. No exemption, no vesting, no exceptions.

We do not suggest that Portland should aspire to a riparian zone like Tryon Creek along the mainstem Willamette, but there must be features on every property that will encourage river processes to create the little micro habitats that are spatially distributed so that these baby wild salmon and steelhead have a chance to safely navigate downstream when gravity, sunlight and a million years of evolution calls them.

They don't actually ask for much from us and in fact, it is something that we have to give back.

Cherice Bock

#332426 | August 31, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

See attached.

Testimony is presented without formatting.



350PDX
3625 N. Mississippi Avenue
Portland, OR 97227
350pdx.org

To: City of Portland

Submitted via email: MayorWheeler@portlandoregon.gov,
CommissionerRyanOffice@portlandoregon.gov, gonzalezoffice@portlandoregon.gov,
comm.rubio@portlandoregon.gov, MappsOffice@portlandoregon.gov

RE: Comments on the Floodplain Resilience Plan

August 30, 2023

Dear Portland City Council,

Thank you for the opportunity to comment on the Floodplain Resilience Plan. We appreciate the time and effort put into this plan and the consideration of public comments and concerns. 350PDX is a local grassroots organization focused on environmental and climate concerns. Consisting of thousands of Portlanders, 350PDX acts to ensure a healthy and livable planet for current and future generations, including transitioning away from fossil fuels and moving toward thriving, equitable, and resilient communities. It is important to us to have a strong Floodplain Resilience Plan to ensure community safety; floods will be increasingly common and severe if we do not make significant progress on reversing climate change.

While it is important to do everything we can to stop and reverse the greenhouse gas emissions leading to climate change, at this point we unfortunately must also prepare for a warmer planet in the coming decades and do what we can to mitigate the harm that comes from extreme weather events. As the planet warms, major storms become more frequent and more severe because: a) warmer air holds more moisture, b) extreme and less predictable changes in temperature are more common, causing faster snow melt, and c) intense, single-day precipitation events are more common in the last two decades than they were in the twentieth century. This leads to larger and more frequent river floods.¹

As the United Nations Intergovernmental Panel on Climate Change (IPCC) puts it, “In the near term, **every region in the world is projected to face further increases in climate hazards,**” including “flood-borne...diseases” and “**flooding in coastal and other low-lying cities and regions.**”² Portland has experienced climate extremes in recent years including heat

¹ See links to reports on these “[Climate Change Indicators](#)” from the Environmental Protection Agency.

² IPCC AR6 Synthesis Report, “[Summary for Policymakers](#),” 2023, p. 15.

domes, ice storms, and unusual spring snow. Eastern Oregon was in the path of the tail end of a hurricane just last week. Sudden temperature shifts could cause future ice and snow storms to result in major flooding, or warmer storms could cause major precipitation events on par with or exceeding the 1996 floods. The IPCC says planning with past 100-year storms as a guideline is inadequate; we need to plan for more severe events.

Creating and implementing a strong Floodplain Resilience Plan that takes climate change into account can help our city and region be more prepared, mitigate the impacts of major storms, and help the community be more resilient. For example, **“Ecosystem-based adaptation approaches such as urban greening, restoration of wetlands and upstream forest ecosystems have been effective in reducing flood risks and urban heat.”**³ The increased riparian zones discussed in the Floodplain Resilience Plan are welcome, but cut and fill processes cause habitat disruption and have a tendency to increase the harm of flood events rather than mitigate them (due to instability, as well as inadvertently raising the flood level). Widening out the floodplain and allowing places for water to slow down and absorb into the soil can help reduce flood-related damage — such solutions also have the added benefit of decreasing drought and helping mitigate extreme heat.

Given the already-occurring incidence of climate emergencies in and around Portland, **it is essential that the City’s Floodplain Resilience Plan begin to be implemented right away, that it applies to everyone, that it prepares for events more extreme than the 1996 floods, and that the Plan includes ecosystem-based approaches** such as those required under the Endangered Species Act to protect salmon and other species. Imposing a 2-year delay, allowing loopholes for development of the South Waterfront, and not including industrial areas will create unnecessary risk and potential economic harm. Protecting river and forest ecosystems helps the human and ecological community thrive and helps us all be more resilient together.

Cherice Bock
Policy Manager
350PDX

³ IPCC AR6 Synthesis Report, [“Summary for Policymakers,”](#) 2023, p. 8.

Zora Hess

#332972 | August 30, 2023

Testimony to **Portland City Council** on the , **Recommended Draft**

See video

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Peter Finley Fry

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Michael Pouncil

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Cherice Bock

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Diane Meisenhelter

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Emily Polanshek

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Katy McFadden

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Howard Shapiro

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Alice Shapiro

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Laurie King

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Scott Shurtleff

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Andrea Sanchez

#332961 | August 30, 2023

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Harriet Cooke

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David Moskowitz

#332959 | August 30, 2023

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Sarah Baker

#332958 | August 30, 2023

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Micah Meskel

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Cassie Cohen

#332956 | August 30, 2023

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Michael Harrison

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Paul Fishman

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Chris Frei

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Christe White

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Mary Stites

#332951 | August 30, 2023

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Brian Posewitz

#332950 | August 30, 2023

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Catherine Thomasson, MD

#332949 | August 30, 2023

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Jenny O'Connor

#332948 | August 30, 2023

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Bonnie McKinlay

#332947 | August 30, 2023

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Lynn Handlin

#332946 | August 30, 2023

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Sarah Taylor

#332945 | August 30, 2023

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Dan Rohlf

#332944 | August 30, 2023

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Chelsea Stewart-Fusek

#332943 | August 30, 2023

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Paula Dougherty

#332942 | August 30, 2023

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Jan Zuckerman

#332941 | August 30, 2023

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Bob Sallinger

#332940 | August 30, 2023

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Travis Williams

#332939 | August 30, 2023

Testimony to **Portland City Council** on the , **Recommended Draft**

See video

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Peter Kokopeli

#332425 | August 30, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Property and life losses to both fluvial and pluvial flooding events have accelerated in recent years. Climate change is a driver of the increase in losses as well as encroaching development on flood plains and the failure of local governments to recognize and address the problem realistically. I applaud the Council's effort to prioritize climate resilience and to set a statewide and national example of what climate leadership should look like. I support the implementation of the Floodplain Resilience Plan in its strongest form and shortest timeline. I urge the Council to reject: a). any delay, two-year or otherwise, in putting this plan in effect; b). exemptions for Industrial zoned properties and in South Waterfront; and c). loopholes for existing buildings and “vested” projects. All public projects should include the highest level of floodplain protections to ensure they provide a balance of public benefits, including the preservation and restoration of natural resources.

Testimony is presented without formatting.

David De La Torre

#332424 | August 30, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear Mayor Wheeler and members of the city council, My name is David De La Torre, I am the Healthy Climate Program Director at Oregon Physicians for Social Responsibility. We are an organization guided by the values and expertise of healthcare and public health, OPSR works to protect human life from the gravest threats to health and survival. We are an organization of over 2,400 health professionals and public health advocates statewide working collaboratively with community partners to educate and advocate for societal and policy change that protects human health. We urge Portland City Council to adopt a strong Floodplain Resilience Plan that protects the health and wellbeing of people, salmon, and environment. We are in a climate crisis and a Cascadia Subduction Zone Earthquake catastrophe is imminent. Therefore, protecting floodplains is essential to protecting communities from future harm. As the climate crisis continues to exacerbate the frequency and intensity of disasters such as floods and earthquakes, we should work to reduce future harms by making predictions with careful planning and up to date information on the matter. We ask that you do not allow corporate interest to risk Portlanders with exemptions and delays. These include loopholes for existing structures that are substantially modified and exemptions for Industrial lands and South Waterfront for new regulations, and a 2 year delay. You have an opportunity to adopt a robust Floodplain Resilience Plan that addresses the urgency and gravity of the climate crisis. We also believe that floodplain maps should be updated to incorporate the most current climate and flood impact models. Additionally, flooding events are sure to become more common and more extreme in the coming years. We thus urge this plan to be implemented as soon as possible, and not be delayed for 2 years. You broke faith with the community on Zenith - allowing them to continue transporting oil and volatile biofuels through Portland. We want you to stop putting powerful business interests ahead of the health and safety of the community and the environment; please implement a strong floodplain resilience plan. Sincerely, David De La Torre
Healthy Climate Program Director, Oregon PSR

Testimony is presented without formatting.



Dear Mayor Wheeler and members of the city council,

My name is David De La Torre, I am the Healthy Climate Program Director at Oregon Physicians for Social Responsibility. We are an organization guided by the values and expertise of healthcare and public health, OPSR works to protect human life from the gravest threats to health and survival. We are an organization of over 2,400 health professionals and public health advocates statewide working collaboratively with community partners to educate and advocate for societal and policy change that protects human health.

We urge Portland City Council to adopt a strong Floodplain Resilience Plan that protects the health and wellbeing of people, salmon, and environment. We are in a climate crisis and a Cascadia Subduction Zone Earthquake catastrophe is imminent. Therefore, protecting floodplains is essential to protecting communities from future harm. As the climate crisis continues to exacerbate the frequency and intensity of disasters such as floods and earthquakes, we should work to reduce future harms by making predictions with careful planning and up to date information on the matter.

We ask that you do not allow corporate interest to risk Portlanders with exemptions and delays. These include loopholes for existing structures that are substantially modified and exemptions for Industrial lands and South Waterfront for new regulations, and a 2 year delay. You have an opportunity to adopt a robust Floodplain Resilience Plan that addresses the urgency and gravity of the climate crisis. We also believe that floodplain maps should be updated to incorporate the most current climate and flood impact models. Additionally, flooding events are sure to become more common and more extreme in the coming years. We thus urge this plan to be implemented as soon as possible, and not be delayed for 2 years.

You broke faith with the community on Zenith - allowing them to continue transporting oil and volatile biofuels through Portland. We want you to stop putting powerful business interests ahead of the health and safety of the community and the environment; please implement a strong floodplain resilience plan.

Sincerely,

David De La Torre

Healthy Climate Program Director, Oregon PSR

Joseph Stenger

#332423 | August 30, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

As a Portland resident, I urge the City Council to adopt a Plan that will provide the most protection of crucial floodplains. In this era of worsening environmental disasters, we will not be exempted from terrible flooding. We need the most stringent regulations regarding maintenance of these lands. When you have a choice between facilitating development of these areas versus stronger protection regulation, I ask you to choose greater protection as this will benefit us all. We need the strongest possible Floodplain Resilience Plan that protects our community and our endangered species such as salmon and killer whales. In view of the likelihood of destructive floods, floodplains must not be compromised in a way that will exacerbate such damage. When building development is allowed in these areas, you must require the most mitigation to prevent dangers to the people and other species. As you know, the National Flood Insurance Program is deeply in debt, over \$20B. Sadly, it is often private citizens who pick up the tab for cavalier decisions made by corporations. That must not happen here! Specifically, I urge you to move quickly to adopt interim floodplain protections for those areas that are not included in this plan, such as the Willamette's North Reach, Johnson Creek, and the Columbia Corridor. Also, I request that you remove concessions to developers such as: exemptions for the South Waterfront, Centennial Mills and industrial areas, a two-year delay in plan implementation, long grace periods for current projects, and lack of inclusion for current structures when they are substantially modified. We know flooding events will come. We need to fully protect our floodplains. We trust you will make the best decisions for citizens and our community, rather than concede to vested financial interests. Thank you for your service to Portland! Joseph Stenger MD

Testimony is presented without formatting.

Tara Wilkinson

#332422 | August 30, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear Mayor Wheeler and Commissioners, On behalf of The Intertwine Alliance, I'm writing today to urge Portland City Council to adopt a strong Floodplain Resilience Plan that protects people, property and our environment. The Intertwine Alliance is the Portland region's nature coalition, advocating for parks, trails, greenspaces and equitable access to nature. Our 80+ partners are public agencies, nonprofit organizations and private businesses. The Intertwine Alliance mobilizes the Portland-Vancouver region in support of healthy and resilient communities. In the future we envision, the benefits of clean air and clean water, access to nature, recreational opportunities, and a clean economy flow equitably to all residents regardless of race or income. Protecting floodplains is essential to protecting our communities. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. In Portland, we are not exempt from this. Case in point, we are currently recognizing the 75th anniversary of the tragic Vanport Floods. Protecting floodplains is an essential part of Portland's climate strategy. Flood events will become more common and more extreme in the coming decades, and here in Portland, we should also expect more flooding as part of the climate crisis. Taxpayers—residents, businesses, and industries—foot the bill for irresponsible floodplain development. Currently the taxpayer-subsidized National Flood Insurance Program is over \$22 billion in debt. The City must move forward quickly to apply floodplain protections to areas of the City that are not covered by this plan, including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. The City should adopt interim floodplain protections as described by the National Marine Fisheries Service until permanent protections can be put in place. The Intertwine Alliance works with our colleagues in affordable housing and transportation for maximum benefit to our communities. We recognize houselessness in Portland as a human crisis, and support prioritizing solutions and investments that address root causes. However, this does not have to come at the expense of the environment (causing even more inequities, difficulty and pain for our most vulnerable communities) and the safety of our communities. We urge the City not to cave to developers putting their own profits ahead of the health of our community and environment. We urge you to remove recent changes to the draft Floodplain Plan that appease powerful development forces: --The South Waterfront should not be exempted from new floodplain protections. --Industrial lands should not be exempted from new floodplain protections. --The two-year delay in implementing the plan should be removed. --The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should

apply. --The City should remove loopholes for existing structures in floodplains. When existing structures are substantially modified, they should have to comply with new protections. --The City should apply the highest floodplain standards to Centennial Mills. Finally, we urge the City of Portland to do its part to protect endangered species affected by floodplains protection and to comply with the Endangered Species Act. The National Marine Fisheries Service has found that current floodplains protection in Oregon jeopardizes the continued existence of federally listed salmon and Southern Resident killer whales (that depend on salmon for food). ?A strong floodplains protection plan will not end all development in floodplains. But it will protect the highest hazard flood areas, ensure that development is adequately mitigated, and ensure that the City complies with the Endangered Species Act. In an age of climate change, and in the face of inequities that persist in our communities, this is necessary and common sense. Thank you for your time. Tara Wilkinson, Co-Director? Theresa Huang, Co-Director? The Intertwine Alliance

Testimony is presented without formatting.



Aug. 30, 2023

Dear Mayor Wheeler and Commissioners,

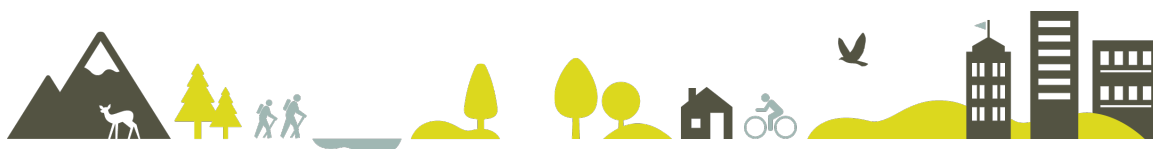
On behalf of The Intertwine Alliance, I'm writing today to urge Portland City Council to adopt a strong Floodplain Resilience Plan that protects people, property and our environment.

The Intertwine Alliance is the Portland region's nature coalition, advocating for parks, trails, greenspaces and equitable access to nature. Our 80+ partners are public agencies, nonprofit organizations and private businesses. The Intertwine Alliance mobilizes the Portland-Vancouver region in support of healthy and resilient communities. In the future we envision, the benefits of clean air and clean water, access to nature, recreational opportunities, and a clean economy flow equitably to all residents regardless of race or income.

Protecting floodplains is essential to protecting our communities. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. In Portland, we are not exempt from this. Case in point, we are currently recognizing the 75th anniversary of the tragic Vanport Floods. Protecting floodplains is an essential part of Portland's climate strategy. Flood events will become more common and more extreme in the coming decades, and here in Portland, we should also expect more flooding as part of the climate crisis.

Taxpayers—residents, businesses, and industries—foot the bill for irresponsible floodplain development. Currently the taxpayer-subsidized National Flood Insurance Program is over \$22 billion in debt. The City must move forward quickly to apply floodplain protections to areas of the City that are not covered by this plan, including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. The City should adopt interim floodplain protections as described by the National Marine Fisheries Service until permanent protections can be put in place.

The Intertwine Alliance works with our colleagues in affordable housing and transportation for maximum benefit to our communities. We recognize houselessness in Portland as a human crisis, and support prioritizing solutions and investments that address root causes. However, this does not have to come at the expense of the environment (causing even more inequities, difficulty and pain for our most vulnerable communities) and the safety of our communities. We urge the City not to cave to developers putting their own profits ahead of the health of our



community and environment. We urge you to remove recent changes to the draft Floodplain Plan that appease powerful development forces:

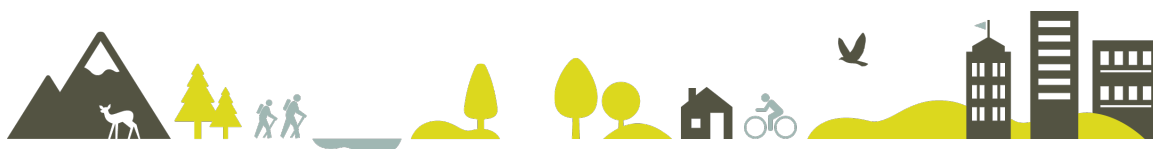
- The South Waterfront should not be exempted from new floodplain protections.
- Industrial lands should not be exempted from new floodplain protections.
- The two-year delay in implementing the plan should be removed.
- The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply.
- The City should remove loopholes for existing structures in floodplains. When existing structures are substantially modified, they should have to comply with new protections.
- The City should apply the highest floodplain standards to Centennial Mills.

Finally, we urge the City of Portland to do its part to protect endangered species affected by floodplains protection and to comply with the Endangered Species Act. The National Marine Fisheries Service has found that current floodplains protection in Oregon jeopardizes the continued existence of federally listed salmon and Southern Resident killer whales (that depend on salmon for food).

A strong floodplains protection plan will not end all development in floodplains. But it will protect the highest hazard flood areas, ensure that development is adequately mitigated, and ensure that the City complies with the Endangered Species Act. In an age of climate change, and in the face of inequities that persist in our communities, this is necessary and common sense.

Thank you for your time.

Tara Wilkinson, Co-Director
Theresa Huang, Co-Director
The Intertwine Alliance



Nancy Hiser

#332420 | August 29, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

To Mayor Wheeler and Commissioners: I live in Linnton and am aware that the Floodplain Resilience Plan in the North Reach is not considering the interests people, property, or the environment. Vanport Floods were not that long ago and climate emergencies heighten the risks in floodplains--the North Reach contains the CEI Hub--site of the worst potential US disaster. Floods here with infrastructure on liquefiable soil would be a nightmare. Taxpayers must not be called upon to pay for irresponsible floodplain development that benefits industry and developers with no concern for our welfare and which compromises our safety. Portland must step up to protect federally listed salmon and comply with the Endangered Species Act. Current protection jeopardizes salmon and, as a result, the Southern Resident killer whales. It is hard to imagine a more blatant capitulation to powerful development interests than what the City is currently proposing. In recent months, the City has simply handed developers a boatload of concessions that will pad their wallets, harm our communities and further imperil our salmon. It is time...long past time...for the City to live up to its obligations to protect our environment and create climate resilient landscapes. Nancy Hiser
Linnton NA

Testimony is presented without formatting.

teresa mcgrath

#332419 | August 29, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

"On Wednesday August 30, Portland City Council will hold its first hearing for the Portland Floodplain Resilience Plan. Healthy and intact floodplains (areas that are most likely to flood) are essential for the health and safety of our community to protect water quality, provide fish and wildlife habitat, and provide resilience in the face of climate change City Council members to urge them not to cave to developers and instead remove loopholes that weaken the plan. As more and more communities across the world suffer catastrophic floods, the importance of floodplain protection looms larger and larger" ----- we cycle to kelley point park and smith bybee and value our wetlands, in addition to the spring water corridor wotuh to selwood and milwaukie climate change won't go away we stand with portland audubon

Testimony is presented without formatting.

Ann Turner

#332418 | August 29, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear Portland City Council, My name is Ann Turner. I am a longtime Portland resident, a retired primary care physician and a climate and environmental activist. Portlanders are already living with climate disasters, including heat waves and heat domes and wildfires. The Cascadia Subduction Zone Earthquake catastrophe is only a matter of time. It is inevitable that increasingly heavy rain from our over-heated planet will result in flooding. Therefore, Portland must have a robust Floodplain Resilience Plan, one that protects both communities along the river as well as the habitat and biodiversity of the river, including salmon and salmon habitat. You have failed the community by aligning with corporate interests, on Zenith, allowing them to continue running trains with oil and equally volatile biofuels through Portland to store in seismically unsafe tanks or to export, providing no benefit, only risk for Portlanders. In a similar manner, the current plan bends the interests of developers and industrial/corporate interests, failing to protect Portlanders and river habitat in the current Floodplain Resilience Plan. Developers and other corporate interests are only concerned about their bottom line and are not committed to protecting our community or wildlife habitat. We are already seeing the devastating effects of floods in other cities across the country. We need to remember the tragedy of the Vanport flood 75 years ago. Protecting floodplains must be part of the City's climate strategy. Specifically, there should be no exemption of the South Waterfront or industrial lands. The plan must take effect immediately not two years from now. In short, the Plan must do away with all of the loopholes such that the regulations apply to projects planned for the future and when existing facilities are modified. We, the taxpayers, are the ones left to foot the bill for irresponsible floodplain development. I cannot urge the City Council more strongly to strengthen the floodplain resilience plan to protect our community, wildlife habitat, including endangered species, and provide the resilience needed for Portland to face inevitable climate emergencies. Thank you for the opportunity to comment.

Testimony is presented without formatting.

Catherine Bax

#332417 | August 29, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

August 29, 2023 Dear Mayor Wheeler and Commissioners, My name is Catherine Bax and I am taking the time to write to you today because I think it is so important that you understand that citizens who are counting on you as elected leaders are looking to you to adopt a strong Floodplain Resilience Plan, a plan that is good for the planet, the community and the wildlife. I am not a developer, nor do I have an interest in an energy storage facility in the flood plain. But I care deeply about the wildlife and the people who live and depend on healthy rivers. I think that should be your top priority also. We can all assume healthy rivers and the people and animals that live near them is NOT a priority for the developers and energy companies. Alarming, it has become evident that the present Portland City Council, all of whom I voted for, has decided to put the interests of the powerful and well connected local and international business community ahead of the community who live in Portland. (The decision to let Zenith Energy continue to operate their facility, a case in point.) The Floodplain Resilience Plan that the City of Portland has been developing over the past several years and that is being presented to the Portland City Council includes many concessions to powerful developers: exempting South Waterfront and other areas from new regulations, delaying implementation of the new regulations for 2 years, delaying large portions of Portland (industrial zoned lands, the North Reach of the Willamette, Columbia Corridor and Johnson Creek) for future processes. For too long, Portland has been allowing irresponsible development of our urban floodplains. Floodplains are high hazard flood areas that are periodically subject to inundation. Irresponsible floodplain development harms salmon and other fish and wildlife species, destroys habitat, and puts people and property at risk. In an age of climate change where we are seeing more and more extreme weather events, it is all the more important that we have strong floodplain policies in place. I sincerely hope that as we all face a worldwide climate crisis you will do what you can to turn out a strong Floodplain Resilience Plan that protects the highest hazard flood areas, adequately mitigates necessary development and ensures compliance with the Endangered Species Act.

Catherine Bax

Testimony is presented without formatting.

Barbara Bernstein

#332416 | August 29, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

To: Portland city Council August 28, 2023 From: Barbara Bernstein, environmental journalist Re: Floodplain Resilience Plan Mayor Wheeler and Commissioners, I am providing written testimony based on more than 20 years of experience as an environmental journalist covering watershed and floodplain issues along the Willamette and Columbia Rivers. In that time I have learned in detail how our river systems have been degraded and abused. For over a century we have transformed one of the most verdant river confluences in the world into an industrial wasteland, reducing what were once immense salmon runs into a paltry shadow of their past, poisoning the river and the life that it once supported. In my mind the gravest insult to our river systems are the massive tanks farms that comprise the CEI hub along the North Reach of the Willamette, built carelessly on liquefaction soils, which will rupture during the inevitable Cascadia Subduction Zone earthquake that could shake our region at any time. I am also thinking about the 1996 and 1997 floods that nearly flooded downtown and inundated much of the floodplain which has subsequently been developed into high density mixed use housing and medical facilities. Flooding like we saw three decades ago will only grow more severe in the face of climate chaos and it is vital that Portland develops a Floodplain Resilience Plan that addresses this impending crisis. I am dismayed that what was only recently a comprehensive plan has been watered down to satisfy the desires and profits of wealthy developers. We need long-range, proactive planning now! The impacts of poor floodplain management will not only impact properties and human lives but will certainly jeopardize the iconic species of salmon that utilize our rivers. Floodplain protection is a cornerstone of Portland's Climate Action Plan and Climate Preparation Strategies. I urge city Council to apply floodplain protections to areas of the City that are not covered by the proposed Floodplain Resilience Plan including the North Reach of the Willamette, Columbia Corridor and Johnson Creek and not repeat the tragic mistake of continuing to build high density residential, commercial and industrial development in our much abused flood plains. The city must not continue to exempt South Waterfront and industrial lands from floodplain protections and should remove the proposed two year delay in implementing the plan, which will simply allow more development during that interval, that will then be grandfathered into any final plan. Knowing as we do now that climate change has led to increased frequency, duration, and intensity of heat events and storm events it would be irresponsible of city Council and the city's bureaucracy to water down floodplain protections as are contained in the current draft of the city's Floodplain Resilience Plan. Thanks, Barbara Bernstein

Testimony is presented without formatting.

Alice Shapiro

#332415 | August 28, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

I urge you to adopt a strong Floodplain Resilience Plan that protects people, property and our environment. Our current floodplains protection jeopardizes the continued existence of federally listed salmon and Southern Resident killer whales that depend on salmon for food. Portland must step up to do its part to protect these endangered species and to comply with the Endangered Species Act. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. Do not forget or ignore the lessons that we should have learned from the Vanport floods of 75 years ago. Do not ignore the many communities that are experiencing severe flooding and other conditions that could be mitigated in Portland with a strong climate strategy that includes protecting our floodplains. I am a senior on a very limited income and yet I am held financially responsible, via my tax dollars, for irresponsible floodplain management. Portland's taxpayer subsidized National Flood Insurance Program is currently over \$22 billion in All areas of Portland must be included in floodplain protections such as North Reach of the Willamette, Columbia Corridor and Johnson Creek. Developers must not be allowed to put their own profits ahead of the health of our community and our environment. Remove any changes to the draft Floodplain Plan that appease powerful development interests and do not protect species, people and habitat. Do not exempt South Waterfront or industrial lands from floodplain protections. Remove the proposed 2 year delay in implementing the floodplain protections. Currently proposed projects must NOT be allowed loopholes and must comply with stringent floodplain protection standards. All building development and existing businesses must to be subject to the same strict standards. In this age of climate chaos and species extinction all development must be closely monitored to comply with the Endangered Species Act and be very mindful of climate effects. The City must live up to its obligations to protect our environment and create climate resilient landscapes. I moved from the Oregon coast over 15 years ago, excited to witness the birth of my granddaughter and become an important part of her life and then that of her sister born 2 years later. I now see that my obligation has not ended for them even as they have become teenagers and no longer require (or want) my daily "babysitting" care. My obligation now is to do what I can to protect their future opportunity to live in a safe and environmentally sound city and world. I speak not just for myself or them, but for every living creature here in Portland and extending to the global community or which we are a vital part. If Portland can't be a model for environmental protection, who can? Let's work to be a great example of a city that thrives and protects living habitat.

Testimony is presented without formatting.

Jenny O'Connor

#332414 | August 28, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

I would like to verbally testify in person at the City Council meeting, Wed. Aug 30, 2023.

Testimony is presented without formatting.

Cathy Spofford

#332413 | August 28, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear Mayor Wheeler and City Commissioners, I am writing to urge Portland City Council to adopt a Floodplain Resilience Plan to protect both our communities and our fish and wildlife. The current floodplain protection jeopardizes the continued existence of federally listed salmon and Southern Resident killer whales that depend on the salmon for food. Salmon need healthy rivers for adult spawning and juvenile rearing. In Oregon ash trees are one of the few large trees that grow well in flood plains and along streams like Johnson Creek and the Columbia Slough where they provide shade to keep water temperatures cool and a welcoming place for salmon and other wildlife. The City must not cave into developers who put their profits ahead of the health of our environment. We need to protect the highest hazard flood areas, ensure development is adequately mitigated and that the City complies with the Endangered Species Act. Protecting floodplains is also essential to protecting our communities. Floods will become more common and more extreme in the coming decades. We are likely to get a thousand-year flood at some point and we won't be ready. The extreme weather conditions of this summer- floods, fires, and drought- have taught us that we are not prepared for what climate change will bring . The City should apply floodplain protection to the Columbia Corridor and Johnson Creek, South Waterfront and industrial lands should not be exempted from new flood plain protection, and the two-year delay in implementing the plan should be removed. Strengthening floodplain protection is good for our community and salmon. Thank you for your attention to my concerns. Sincerely, Cathy Spofford 6130 SW Nevada Ct Portland OR 97219

Testimony is presented without formatting.

Mike Houck

#332412 | August 28, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

To: Portland city Council August 27, 2023 From: Mike Houck, Urban Naturalist Re: Floodplain Resilience Plan Mayor Wheeler and Commissioners, I am providing this written testimony based on my more than 40 years of experience with natural resource issues in Portland and throughout the Portland-Vancouver metropolitan region. I'm assuming that all of you were either here at the time or have been informed of the impacts of the flood of 1996. The entire Tualatin River basin was underwater and Portland's downtown area narrowly escaped flooding only by virtue of a cadre of volunteers, under the direction of then Mayor Vera Katz, by erecting temporary plywood river wall extensions. As you are all aware there is no question that Portland and the region will experience increased frequency, duration, and intensity of storm events as a function of climate change. If ever there was a time for long-range, proactive planning it's now! And the impacts of poor floodplain management will not only impact properties and human lives but natural systems as well. For example, lack of floodplain protection will certainly jeopardize the iconic species of salmon that utilize our rivers. Floodplain protection is a cornerstone of Portland's Climate Action Plan and Climate Preparation Strategies. I am writing to urge city Council's quick action to apply floodplain protections to areas of the City that are not covered by the proposed Floodplain Resilience Plan including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. City Council should adopt interim floodplain protections as described by National Marine Fisheries Service until permanent protections can be put in place. Floodplain maps should be updated to incorporate the most current climate and flood impact models. I served on the South Waterfront Greenway advisory committee for three years as the South waterfront plan was being developed. I also served on Metro's Technical Advisory Committee and Water Resources Advisory Committee. Metro made a major error in exempting West Hayden Island and South Waterfront from balanced cut and fill. During my eleven years on the Planning And Sustainability Commission we rejected the notion that mitigation should not be required of the Port of Portland for developing 300 acres of floodplain on West Hayden Island. While we could not require balanced cut and fill due to Metro's exemption we could and did require mitigation for loss of ecological function were they granted a permit for development. We also determined that at least \$30 million would be necessary to mitigate for floodplain impacts. For all of the same reasons the commission did the right thing so to should city Council refused to exempt South Waterfront from enhanced floodplain protection. By the way, South waterfront was completely inundated during the flood of 1996. Under no circumstances should city Council countenance exemption from floodplain regulations for South waterfront.

Similarly no industrial lands should be exempted from floodplain protections. The proposed two-year delay in implementing the plan should be removed. Only the willfully ignorant would delay implementation of floodplain protections in light of recent severe weather events which will only be exacerbated by climate change in the near future. Furthermore, for similar reasons, you should not allow for what amounts to grandfathering for up to seven years for projects permitted before new regulations go into effect. If currently permitted projects do not move forward in a timely manner, new regulations should apply. You should also insist on the removal of loopholes for existing structures in floodplains when they substantially modified. They should have to comply with new protections. In the face of indisputable evidence that climate change has led to increased frequency, duration, and intensity of heat events and storm events it would be irresponsible of city Council and the city's bureaucracy to water down floodplain protections as are contained in the current draft of the city's Floodplain Resilience Plan. Respectfully, Mike Houck, Urban Naturalist and Founder, Urban Greenspaces Institute 11 year member, Portland Planning and Sustainability Commission 2433 NW Quimby Street, #4, Portland, OR 97210 503-319-7155, mikehouck@urbangreenspaces.org

Testimony is presented without formatting.

To: Portland city Council
From: Mike Houck, Urban Naturalist
Re: Floodplain Resilience Plan

August 27, 2023

Mayor Wheeler and Commissioners,

I am providing this written testimony based on my more than 40 years of experience with natural resource issues in Portland and throughout the Portland-Vancouver metropolitan region. I'm assuming that all of you were either here at the time or have been informed of the impacts of the flood of 1996. The entire Tualatin River basin was underwater and Portland's downtown area narrowly escaped flooding only by virtue of a cadre of volunteers, under the direction of then Mayor Vera Katz, by erecting temporary plywood river wall extensions.

As you are all aware there is no question that Portland and the region will experience increased frequency, duration, and intensity of storm events as a function of climate change. If ever there was a time for long-range, proactive planning it's now! And the impacts of poor floodplain management will not only impact properties and human lives but natural systems as well. For example, lack of floodplain protection will certainly jeopardize the iconic species of salmon that utilize our rivers. Floodplain protection is a cornerstone of Portland's Climate Action Plan and Climate Preparation Strategies.

I am writing to urge city Council's quick action to apply floodplain protections to areas of the City that are not covered by the proposed *Floodplain Resilience Plan* including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. City Council should adopt interim floodplain protections as described by National Marine Fisheries Service until permanent protections can be put in place. Floodplain maps should be updated to incorporate the most current climate and flood impact models.

I served on the South Waterfront Greenway advisory committee for three years as the South waterfront plan was being developed. I also served on Metro's Technical Advisory Committee and Water Resources Advisory Committee. Metro made a major error in exempting West Hayden Island and South Waterfront from balanced cut and fill. During my eleven years on the Planning And Sustainability Commission we rejected the notion that mitigation should not be required of the Port of Portland for developing 300 acres of floodplain on West Hayden Island. While we could not require balanced cut and fill due to Metro's exemption we could and did require mitigation for loss of ecological function were they granted a permit for development. We also determined that at least \$30 million would be necessary to mitigate for floodplain impacts. For all of the same reasons the commission did the right thing so to should city Council refused to exempt South Waterfront from enhanced floodplain protection. By the way, South waterfront was completely inundated during the flood of 1996.

Under no circumstances should city Council countenance exemption from floodplain regulations for South waterfront. Similarly no industrial lands should be exempted from floodplain protections. The proposed two-year delay in implementing the plan should be removed. Only the willfully ignorant would delay implementation of floodplain protections in light of recent severe weather events which will only be exacerbated by climate change in the near future. Furthermore, for similar reasons, you should not allow for what amounts to grandfathering for up to seven years for projects permitted before new regulations go into effect. If currently permitted projects do not move forward in a timely manner, new regulations should apply. You should also insist on the removal of loopholes for existing structures in floodplains when they substantially modified. They should have to comply with new protections.

In the face of indisputable evidence that climate change has led to increased frequency, duration, and intensity of heat events and storm events it would be irresponsible of city Council and the city's bureaucracy to water down floodplain protections as are contained in the current draft of the city's Floodplain Resilience Plan.

Respectfully,



Mike Houck, Urban Naturalist and
Founder, Urban Greenspaces Institute
11 year member, Portland Planning and Sustainability Commission
2433 NW Quimby Street, #4, Portland, OR 97210
503-319-7155, mikehouck@urbangreenspaces.org

Matt Wyss

#332410 | August 25, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear Portland City Council, I am writing to urge you to adopt a strong Floodplain Resilience Plan that protects people, property, and our environment. The National Marine Fisheries Service has found that current floodplain protections in Oregon jeopardize the continued existence of federally listed salmon and Southern Resident killer whales (that depend on salmon for food). Portland must step up to do its part to protect these endangered species and to comply with the Endangered Species Act. Protecting floodplains is essential to protecting our communities. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. In Portland we are currently recognizing the 75th anniversary of the tragic Vanport Floods. Protecting floodplains is an essential part of Portland's climate strategy. Flood events will become more common and more extreme in the coming decades. It is the taxpayers that foot the bill for irresponsible floodplain development. Currently the taxpayer subsidized National Flood Insurance Program is over \$22 billion in debt. I urge you to take the following actions to strengthen the Floodplain Resilience Plan: Move forward quickly to apply floodplain protections to areas of the City that are not covered by this plan, including the North Reach of the Willamette, Columbia Corridor, and Johnson Creek. Adopt interim floodplain protections as described by the National Marine Fisheries Service until permanent protections can be put in place. Update floodplain maps to incorporate the most current climate and flood impact models. I also urge you to reject the following changes to the draft Floodplain Plan that were made to appease powerful development interests: Exempting South Waterfront from new floodplain protections. Exempting industrial lands from new floodplain protections. Delaying the implementation of the plan by two years. Extending vesting for projects permitted before new regulations go into effect for up to seven years. Creating loopholes for existing structures in floodplains. Applying lower floodplain standards to Centennial Mills. I believe that these changes would weaken the Floodplain Resilience Plan and make our community less safe. Thank you for your time and consideration. Sincerely, Matthew Wyss 825 NE 31st Ave Portland Oregon 97232

Testimony is presented without formatting.

Roberta Richards

#332409 | August 25, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Thank you, City Council members, for working to adopt a Floodplain Resilience Plan. The horrific floods and other climate disasters of this summer remind us of the urgency of working to protect our increasingly vulnerable environment and the marginalized communities who are harmed most by disasters. I am writing to ask that the floodplain plan prioritize the protection of people and the environment, including critically-endangered salmon, rather than the profits of powerful developers and business interests. As a proud Portlander, I've been shocked to watch how developers and their lobbyists are persuading elected officials to allow the interests of the powerful to undermine the stability of our environment. As our climate warms and "unprecedented" events come year after year, I urge the city to plan for the long-term stability which sustains us all. Specifically, I agree 100% with these recommendations from Willamette Riverkeepers: 1) Portland City Council should adopt a strong Floodplain Resilience Plan that protects people, property and our environment. 2) The National Marine Fisheries Service has found that current floodplains protection in Oregon jeopardize the continued existence of federally listed salmon and Southern Resident killer whales (that depend on salmon for food). Portland must step up to do its part to protect these endangered species and to comply with the Endangered Species Act. 3) Protecting floodplains is essential to protecting our communities. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. In Portland we are currently recognizing the 75th anniversary of the tragic Vanport Floods. 4) Protecting floodplains is an essential part of Portland's climate strategy. Flood events will become more common and more extreme in the coming decades. 5) It is the taxpayers that foot the bill for irresponsible floodplain development. Currently the taxpayer subsidized National Flood Insurance Program is over \$22 billion in debt. 6) The City must move forward quickly to apply floodplain protections to areas of the City that are not covered by this plan including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. The City should adopt interim floodplain protections as described by National Marine Fisheries Service until permanent protections can be put in place 7) Floodplain Maps should be updated to incorporate the most current climate and flood impact models 8) The City must not cave to greedy developers who put their own profits ahead of the health of our community and our environment. Recent changes to the draft Floodplain Plan to appease powerful development interests must be removed: * South Waterfront should not be exempted from new floodplain protections * Industrial lands should not be exempted from new floodplain protections * The two year delay in implementing the plan should be removed. * The City should not extend vesting for projects permitted before new regulations go into

effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply. * The City should remove loopholes for existing structures in floodplains-when existing structures are substantially modified, they should have to comply with new protections. * The City should apply the highest floodplain standards to Centennial Mills Thank you for your continued work to make our wonderful city safe and sustainable. Roberta Richards, Ph.D. Southeast Portland richards.roberta@gmail.com

Testimony is presented without formatting.

Jane Stackhouse

#332408 | August 25, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Please maintain adequate flood plains and preserve wetlands. A healthy water system requires flow. Although we have been in fraught for the past years we can expect to experience increasing intensity in precipitation and need to have room for that flow that does not create ‘natural disasters’ for our residents.

Testimony is presented without formatting.

Christe White

#332407 | August 24, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

See attached letter to Commissioner Rubio.

Testimony is presented without formatting.

January 25, 2023

Via Email

Commissioner Carmen Rubio
1221 SW Fourth Avenue, Room 220
Portland, Oregon 97204
Carmen.Rubio@portlandoregon.gov

RE: Floodplain Resilience Plan (the "Plan") and Impact on Completion of the South Waterfront ("SOWA")

Dear Commissioner Rubio,

This office represents the Zidell family in its continuing efforts to move forward with development in the South Waterfront (SOWA) subdistrict of the Central City Plan District. This letter outlines the serious issues emerging with the City's Draft Floodplain Resilience Plan as it applies to the SOWA and requests a meeting over the short term to discuss these important issues.

In short, under current code the SOWA is exempt from balanced cut and fill. Maintaining this current balanced cut and fill exemption does not run afoul of the 2016 NOAA BiOp and protects the City's compelling planning objectives for this area of the Central City.

When the City adopted the 2020 Vision for redevelopment of the South Waterfront, the City found:

"The South Waterfront District is a vibrant urban neighborhood. The area derives its character, identity and attractiveness from its exemplary riverfront and high-quality open space system; its compact, mixed-use developments; and significant employment opportunities. The district is a desirable location for jobs and residences because of its unique riverfront location and strong connections to other Central City neighborhoods. It features an efficient, well-planned and integrated transportation network that serves an eclectic and well-designed mix of buildings and open space. Densities are exceeded only by the nearby downtown, yet the district's architecture and design carefully incorporate human-scale elements and tremendous river views.

The Willamette River and greenway are the focus of the district and support a variety of users and activities and a diverse range of experiences throughout South Waterfront. The greenway is a showcase, blending nature into an urban setting. Its exemplary riverbank establishes a standard for stabilization and enhances habitat for fish and

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wildlife. Thanks to improvements to the South Waterfront riverfront, in combination with Oaks Bottom and a restored Ross Island, this portion of the Willamette River now supports conditions that enable native fish and wildlife to thrive.” (South Waterfront Plan, January 20, 2003, page B-3).

Part of this Vision requires the completion of South Bond Avenue as a major spine connecting the South Waterfront north to the Central City:

“The extension of S. Bond Avenue continues over 20 years of planning and infrastructure provision to support redevelopment in the South Waterfront District. The City has been working with property owners, development teams, and other stakeholders to gradually transform this once largely industrial area into a thriving mixed-use community with a range of employment, housing, and retail options along with public amenities such as parks and trails. Realizing the vision for the district requires building a system of streets for people to access places by foot, mobility device, bike, transit, car, truck, and emergency vehicle.” (South Waterfront Street Plan Update).

The South Waterfront is also a critical component of the City’s residential and employment land capacity. The City’s Buildable Lands Inventory (“BLI”) for residential and employment land, as well as the Central City Development Capacity Study (“Capacity Study”), show the importance of the Zidell property to meet the City’s housing and employment needs over the planning period. The Capacity Study concludes:

“The bulk of redevelopment potential identified in this study is within the mixed commercial districts of River, Lloyd, **South Waterfront**, and Downtown...no other district in the study area has as much potential for transformation as **South Waterfront**.” (Emphasis added).

Recognizing the critical role, the South Waterfront would play in meeting the City’s employment and residential needs, the City, in partnership with Metro, intentionally excluded the South Waterfront from the Title 3 Map for floodplain protection in 2003. The result of this exclusion was to remove the South Waterfront from the Flood Management Area and exclude the area from the requirements of balanced cut and fill¹. This Title 3 exemption, adopted by the City of Portland, was intentional to ensure that the South Waterfront could meet its full design potential and deliver on the housing units, jobs and institutional expansion objectives while leveraging the extensive public and private investment in multi-modal infrastructure including the Tilikum Crossing, streetcar, aerial tram and light rail. With this public and private investment, the South Waterfront is now the richest transit hub in the City surrounded by some of the highest planned density in the City. And the South Waterfront is not complete. Expansive

¹ Balanced cut and fill means that if fill material is placed within the floodplain, that an equal amount of material must be removed so that flood storage capacity is not decreased.

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areas of the OHSU campus are yet to be developed and the entirety of Zidell Yards is subject to a pending subdivision application to create at least 15 parcels for mixed use development.

The current exemption from balanced cut and fill does not mean that the South Waterfront is not responsive to resource protection. Quite to the contrary, the South Waterfront has the largest current setback from the river at 100 feet from Top of Bank. This means that every development parcel is located over 100 feet from the top of the riverbank; representing the most protected corridor width in the City. The Greenway and riverbank along the Zidell property has also been fully remediated and restored at native grades with a successful and well-maintained riparian corridor.

The Floodplain Resilience Plan Discussion Draft (“Discussion Draft”) proposes to reverse the balanced cut and fill exemption for the South Waterfront in Title 24. The current exemption would be replaced with a requirement to compensate every cubic yard of fill in the new floodplain elevation with at least a 1:1 cubic yard compensatory cut on the same site or nearby site in the same watershed. Under the proposed definitions, the new flood management area would include significant portions of the South Waterfront within Zidell Yards and the Schnitzer Campus.

Such a change in the code will certainly decimate the ability to develop the South Waterfront as envisioned, with no compelling planning or scientific justification.

The Science

A 2020 Conditional Letter of Map Revision based on Fill (“CLOMR-F”) for fill within the existing floodplain has been approved by the federal government on the Zidell property. Approval of this CLOMR-F includes federal (FEMA) concurrence that the project has demonstrated compliance with the Endangered Species Act (“ESA”). Thus, any argument that fill placed landward of the 100-foot river setback from Top of Bank would necessarily harm salmon in the river has no factual basis and certainly is not demonstrated by any evidence in the record of the Discussion Draft. Instead, the statement is merely repeated that these changes are necessary to comply with the ESA or the 2016 NOAA BiOp. Maintaining the current SOWA cut and fill exemption does not violate the ESA or the 2016 NOAA BiOp.

The 2016 NOAA BiOp states that “FEMA clarified its position in a memorandum issued in October 2015. The new memorandum states that ‘FEMA will no longer act as a facilitator for a requester in dealing with the Services under the ESA for any CLOMR or CLOMR-F.’ (FEMA, “Endangered Species Act and Review/Processing of CLOMR-Fs and CLOMRs,” Oct. 19, 2015, p. 2.) Per the 2015 memorandum, FEMA now requires that the requester document to FEMA that ESA ‘take’ will not occur to threatened or endangered species as a result of the project, and FEMA will not process the CLOMR request until FEMA has received such documentation.”

Accordingly, it is the applicant’s burden to demonstrate to the federal agencies that a ‘take’ of an endangered species will not occur from a fill in the floodplain that is located more than 100

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feet back from the Top of Bank. Based on the prior Zidell applications filed with, and approved by FEMA in the South Waterfront floodplain, we remain confident that we can continue to make this positive finding. Thus, the City's assumption in the Discussion Draft that these new regulations are needed to protect endangered species and to avoid violating federal law are incorrect.

The areas remaining below the floodplain elevation are inland of locations that have already been filled either under permits issued by the City or by the City's own projects. Both the fill placed immediately adjacent to the river on the Zidell Property as well as construction of the Tilikum Crossing and Bond Avenue along the Schnitzer campus are between the river (floodway) and the remaining areas shown on the map as floodplain. In other words, while the Tilikum Crossing was not constructed as an engineered dike, the areas out of the floodplain in its vicinity create a berm that sits above the floodplain and alters the watercourse around the SOWA area. Therefore, fill behind the berm should be considered a 'no-rise' condition.

Further, as with Zidell's first CLOMR, when we apply for future CLOMRs from the federal agency, we are required to demonstrate that the fill will not increase the base flood elevation of the river. Thus, the existing process with the federal agency already considers the very factors the City is attempting to readdress and further restrict in the Discussion Draft. The City cannot claim that without the Resilience Plan, floodplain capacity will go unchecked. It is checked with every CLOMR application that is submitted to FEMA.

Because the impact of removing the cut and fill exemption is so significant, the City must at least demand that the science prove such a change is necessary. The record to date does not even attempt to provide this compelling evidence.

The Planning

The SOWA is Central City land; land that is planned to accommodate a significant amount of the City's housing density over the next decade. The density will not be realized if the cut and fill exemption is altered.

An example illustrates the problem. S. Bond Avenue has been constructed well above the current grade of the Zidell property. To reach the elevated street grade, approximately 15 feet of fill will be required. Under the Discussion Draft, assuming the lowest 1:1 ratio for compensatory cut, raising the Zidell property to both meet the Bond grade and raise all the remaining property above the base flood elevation would require more than 25,000 cubic yards of fill. There is no area in the South Waterfront that can accommodate that level of equal cut. Under the City's Discussion Draft, the Zidell property could not be developed without balancing the fill; fill that is already required to meet the City's elevation of the partially constructed S. Bond Avenue. The City knows this is a likely result, so the Discussion Draft offers a mitigation bank in lieu of on-site compensatory mitigation. The idea is that you pay into a bank and the bank is used to create off-site cut projects that offset your required fill. The problem with this

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solution is at least two-fold: (1) the pricing of the mitigation bank may render the project infeasible; and (2) there is no certainty that there will be sufficient mitigation sites to offset the required fill. Again, this mitigation bank is not legally required by the federal agencies and there is no evidence in this Discussion Draft record that such a bank is required to avoid any identified harm to an endangered species.

And if the bank is the only path forward, the City cannot adopt this package without working out every detail of that bank to ensure that it does not impede or prohibit intended development. The City must first:

1. Evaluate the areas of the river that can be used for compensatory cut;
2. Calculate the cubic yards of cut that can be “banked” in these areas for development projects;
3. Discount the amount of cut based on other restrictive factors such as whether the cut area is located in a Superfund site and may therefore be prohibitively expensive to operate as a feasible bank;
4. Calculate the amount of fill that could be requested over the planning period for areas that are planned and zoned for development along the river and within the floodplain;
5. Calculate the number of housing units or commercial/industrial density that are planned for those areas; and
6. Calculate the difference between the amount of available cut projects and the amount of planned fill.

Further, if the cut banks are in private ownership, the City cannot reasonably assume these lands will be available for a cut bank.

At least this level of analysis must be completed before adopting this program to determine if one policy objective is undermining other important planning objectives like building housing in the Central City adjacent to significant investments that the City has already made in public infrastructure.

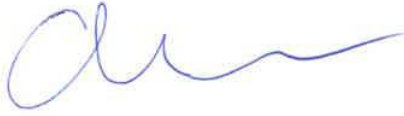
The stakes are very high. As a property owner in the South Waterfront whose property and prior investments in remediation and transportation infrastructure are at risk, we request that the City re-evaluate this process and require at least a sound scientific analysis of how fill located greater than 100 feet back from the Top of Bank will impact endangered species, how the remaining fill necessary to complete the SOWA will increase the base flood elevation and how a mitigation bank will operate to feasibly offset any fill proposed to complete SOWA. If we cannot answer these questions, we should not be changing the current code.

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We appreciate the opportunity to provide these comments and appreciate a meeting with you to talk through these important issues.

Thank you for your consideration,



Christe C White

cc: Jillian Schoene, Chief of Staff: (jillian.schoene@portlandoregon.gov)

Emily Herbert

#332406 | August 24, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear Councilors, First, thank you for your service. I totally understand there are many pressures and it would be simpler to carry on with business as usual, like that taken with Zenith Oil. Who wants to have to stand up to Industrial Powers after all? However we are in a new normal with Climate Chaos. This is a time to strengthen, not weaken our environmental protections. We have BOTH an affordable housing crisis and a climate crisis! Expanding UGB has never been shown to help affordable housing. The problem is infrastructure. Similarly, allowing continued development on flood plains when flooding is increasing with climate warming makes no sense. Flooding of the South Waterfront, like it did in 1996, will recur. Similarly, eliminating requirements to make roofs more reflective and windows safer for birds is just placating development as usual. Trickle down has never been shown to lead to the common good. It is time to stop and take action to meet our new normal. Just as the nearly empty car and RV "safe" parking lot, where drugs are not allowed, shows that the houseless problem is not just about housing, delaying dealing with what we face is the ticking time bomb of the Critical Energy Infrastructure Hub built on liquefaction soils in the predictable earthquake zone. Kicking the can down the road has brought us to this point of crisis and chaos. Very specific changes are proposed: South Waterfront should not be exempted from new floodplain protections Industrial lands should not be exempted from new floodplain protections The two year delay in implementing the plan should be removed. The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply. The City should remove loopholes for existing structures in floodplains-when existing structures are substantially modified, they should have to comply with new protections. The City should apply the highest floodplain standards to Centennial Mills Without each of us making a concerted effort to do the "right" thing now, we have no hope of a livable future. Thank you for doing your best in this perilous time, Emily Herbert First Unitarian Church Community for Earth 2120 NE Halsey #29 97232

Testimony is presented without formatting.

Scott Dunn

#332405 | August 22, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Hello All, I am writing you as a citizen of the greater Portland metropolitan area. One who lives three minutes from a Willamette River boat ramp and is an avid kayaker here. I urge you to side with the scientists who are working to protect fragile ecosystems and their members. Please be forward thinking in your determinations, considering the real and current impacts of rapid climate change. Build for a long term future based on the vision of ecologists, biologists, climatologists and other scientists over the monied interests of corporations. Do you want those developments to last, or be another cleanup project left abandoned by the profit driven motivations of mogul machinations? Kind regards, Scott Dunn - Milwaukie, OR

Testimony is presented without formatting.

Diana Richardson

#332404 | August 22, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

From: Diana Richardson, 1905 SW Sunset Blvd, Portland, 97239 To City Council: We are repeatedly reminded of the importance of floodplain protection as cities across the United States face flood disasters. In Portland, we are currently recognizing the 75th anniversary of the tragic Vanport Floods. The risks of flooding will only increase as the effects of climate change become more and more severe. You must not cave to developer greed. Do not let the South Waterfront floodplain become another disaster area. South Waterfront should not be exempted from new floodplain protections Industrial lands should not be exempted from new floodplain protections The two year delay in implementing the plan should be removed. The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply. The City should remove loopholes for existing structures in floodplains-when existing structures are substantially modified, they should have to comply with new protections. The City should apply the highest floodplain standards to Centennial Mills This Plan does not end all development in Floodplains. It will protect the highest hazard flood areas, ensure that when development does occur that it is adequately mitigated, and ensure that the City complies with the Endangered Species Act. In an age of climate change this is basic common sense. It is hard to imagine a more blatant capitulation to powerful development interests than what the City is currently proposing. In recent months, the City has simply turned turtle and handed developers a boatload of concessions that will pad their wallets, harm our communities and further imperil our salmon. It is time...long past time...for the City to live up to its obligations to protect our environment and create climate resilient landscapes. Diana Richardson

Testimony is presented without formatting.

Cathy Camper

#332403 | August 22, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

I write you urging you to support Willamette Riverkeepers suggestions for strengthening our city's floodplain. This is important in the climate change environment we face, but also in the face of other disasters, such as earthquakes, floods and other phenomena affecting the Willamette River. It's crucial too, that we support other living things' rights to a livable environment and save their habitats. Please support these recommendations. Thank you for your time and consideration. Cathy Camper, Portland Oregon Portland City Council should adopt a strong Floodplain Resilience Plan that protects people, property and our environment. The National Marine Fisheries Service has found that current floodplains protection in Oregon jeopardize the continued existence of federally listed salmon and Southern Resident killer whales (that depend on salmon for food). Portland must step up to do its part to protect these endangered species and to comply with the Endangered Species Act. Protecting floodplains is essential to protecting our communities. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. In Portland we are currently recognizing the 75th anniversary of the tragic Vanport Floods. Protecting floodplains is an essential part of Portland's climate strategy. Flood events will become more common and more extreme in the coming decades. It is the taxpayers that foot the bill for irresponsible floodplain development. Currently the taxpayer subsidized National Flood Insurance Program is over \$22 billion in debt. The City must move forward quickly to apply floodplain protections to areas of the City that are not covered by this plan including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. The City should adopt interim floodplain protections as described by National Marine Fisheries Service until permanent protections can be put in place Floodplain Maps should be updated to incorporate the most current climate and flood impact models The City must not cave to greedy developers who put their own profits ahead of the health of our community and our environment. Recent changes to the draft Floodplain Plan to appease powerful development interests must be removed: South Waterfront should not be exempted from new floodplain protections Industrial lands should not be exempted from new floodplain protections The two year delay in implementing the plan should be removed. The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply. The City should remove loopholes for existing structures in floodplains-when existing structures are substantially modified, they should have to comply with new protections. The City should apply the highest floodplain standards to Centennial Mills This Plan does not end all development in

Floodplains. It will protect the highest hazard flood areas, ensure that when development does occur that it is adequately mitigated, and ensure that the City complies with the Endangered Species Act. In an age of climate change this is basic common sense.

Testimony is presented without formatting.

Thomas Fawell

#332402 | August 22, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

Dear City Council: 1. Portland City Council should adopt a strong Floodplain Resilience Plan that protects people, property and our environment. 2. The National Marine Fisheries Service has found that current floodplains protection in Oregon jeopardize the continued existence of federally listed salmon and Southern Resident killer whales (that depend on salmon for food). Portland must step up to do its part to protect these endangered species and to comply with the Endangered Species Act. 3. Protecting floodplains is essential to protecting our communities. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. In Portland we are currently recognizing the 75th anniversary of the tragic Vanport Floods. 4. Protecting floodplains is an essential part of Portland's climate strategy. Flood events will become more common and more extreme in the coming decades. 5. It is the taxpayers that foot the bill for irresponsible floodplain development. Currently the taxpayer subsidized National Flood Insurance Program is over \$22 billion in debt. 6. The City must move forward quickly to apply floodplain protections to areas of the City that are not covered by this plan including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. The City should adopt interim floodplain protections as described by National Marine Fisheries Service until permanent protections can be put in place 7. Floodplain Maps should be updated to incorporate the most current climate and flood impact models 8. The City must not cave to greedy developers who put their own profits ahead of the health of our community and our environment. Recent changes to the draft Floodplain Plan to appease powerful development interests must be removed: · South Waterfront should not be exempted from new floodplain protections · Industrial lands should not be exempted from new floodplain protections · The two year delay in implementing the plan should be removed. · The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply. · The City should remove loopholes for existing structures in floodplains-when existing structures are substantially modified, they should have to comply with new protections. · The City should apply the highest floodplain standards to Centennial Mills This Plan does not end all development in Floodplains. It will protect the highest hazard flood areas, ensure that when development does occur that it is adequately mitigated, and ensure that the City complies with the Endangered Species Act. In an age of climate change this is basic common sense. Sincerely, Thomas Fawell Portland, OR

Testimony is presented without formatting.

Joel Hurd

#332401 | August 22, 2023

Testimony to **Portland City Council** on the **Floodplain Resilience Plan, Recommended Draft**

My comments are based on research by Willamette River Keepers, an organization I respect and support. Portland City Council should adopt a strong Floodplain Resilience Plan that protects people, property and our environment. The National Marine Fisheries Service has found that current floodplains protection in Oregon jeopardize the continued existence of federally listed salmon and Southern Resident killer whales (that depend on salmon for food). Portland must step up to do its part to protect these endangered species and to comply with the Endangered Species Act. Protecting floodplains is essential to protecting our communities. Cities across the United States are experiencing flood emergencies due to irresponsible floodplain development. In Portland we are currently recognizing the 75th anniversary of the tragic Vanport Floods. Protecting floodplains is an essential part of Portland's climate strategy. Flood events will become more common and more extreme in the coming decades. It is the taxpayers that foot the bill for irresponsible floodplain development. Currently the taxpayer subsidized National Flood Insurance Program is over \$22 billion in debt. The City must move forward quickly to apply floodplain protections to areas of the City that are not covered by this plan including the North Reach of the Willamette, Columbia Corridor and Johnson Creek. The City should adopt interim floodplain protections as described by National Marine Fisheries Service until permanent protections can be put in place Floodplain Maps should be updated to incorporate the most current climate and flood impact models The City must not cave to greedy developers who put their own profits ahead of the health of our community and our environment. Recent changes to the draft Floodplain Plan to appease powerful development interests must be removed: South Waterfront should not be exempted from new floodplain protections Industrial lands should not be exempted from new floodplain protections The two year delay in implementing the plan should be removed. The City should not extend vesting for projects permitted before new regulations go into effect for up to seven years. If current projects do not move forward in a timely manner, new regulations should apply. The City should remove loopholes for existing structures in floodplains-when existing structures are substantially modified, they should have to comply with new protections. The City should always apply the highest floodplain standards.

Testimony is presented without formatting.