

West Hayden Island Project Phase II

FACILITATOR'S FINAL REPORT: ADVISORY COMMITTEE STRAW POLL RECOMMENDATIONS

ADDENDUM
NOVEMBER 27, 2012





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FOR MORE INFORMATION:

Please see the project website at: www.portlandoregon.gov/bps/whi

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I. Introduction and Executive Summary

C) Topics Not Considered at Last Two AC Meetings [\(Updated on 11/27/12\)](#)

Community & Health 11 (Buffer). Keep a green buffer east of the marine terminal footprint – OS-zoned. <i>No quorum.</i>
Community & Health 12. (Local Hiring). Implement a local hiring agreement.
Community & Health 13 (AQ Monitors). Ongoing emissions monitoring/reporting program.
The AC will consider the list of detailed community and health mitigation issues that the Port tentatively voted “no” on in their individual letters. See pages 76–84 for more details. These topics were moved to this table because the AC did not have time to consider them.
Natural Resources 1 (Zoning Setback). Terminal development is set back 100 feet from the Columbia River.
Natural Resources 2 (Docks in Shallow Water). Docks generally not allowed in shallow water, except limited allowances for access ramps.
Natural Resources 3 (Buffer Zone). Buffer zone on west of IH zoning.
Natural Resources 4 (Trail Location). No trails allowed west of the BPA power lines – that area is for natural resource conservation.
Natural Resources 5 (Low Impact Recreation). The zoning code limits the recreation to low impact activities, including trails, viewing areas, small trailhead area.
Natural Resources 14A (Grassland). Grant to third party for conservation work to benefit Western Meadowlark (\$1.5M).
Natural Resources 14B (Grassland). Don’t support grassland mitigation.
Natural Resources 15 (Floodplain). Require balanced cut and fill.
Natural Resources 16 (Balanced Cut and Fill).
Natural Resources 17 (Climate Change).
Natural Resources 18 (Tribal Treaty Rights).
Natural Resources 19 (DSL Issue: Amount of Land Port Owns).

[Community Health and Mitigation Measures Not Considered by the AC \(Updated on 11/27/12\)](#)

AQ1	Install shore-side power at Terminals to allow some ships to completely turn off their engines while in berth
AQ6	Include in agreements with railroads: preparation of a health risk assessment of new yard to a) determine projected cancer risk from rail activity, and b) suggest specific mitigation steps
AQ2	Provide truck services such as fueling, repair, bathrooms, food and beverages at the Port to reduce reasons for trucks to enter neighborhood
AQ3	Work with partners to integrate funding and establish a grant program to accelerate fleet and engine turnover, repowering and retrofits.
AQ5	Require clean diesel fleets for publicly funded projects. (Port: Outside our purview.)
AQ5	Conduct regular area air quality monitoring along North Hayden Island Drive.

<u>AQ4</u>	<u>Maintain existing tree cover and plant low-maintenance trees.</u>
<u>E2</u>	<u>If Applicable, Use the Federal Highway Administration’s Highway Safety Manual when designing transportation improvements related to the Development Scenario</u>
<u>NV1 0</u>	<u>Mandate longshoreman’s association training on railcar breaking techniques to reduce train car noise impacts.</u>
<u>NV1 1</u>	<u>Conduct a noise study, coordinated by the City’s Noise Control Office that focuses on both indoor residential and outdoor noise levels to help develop appropriate mitigation strategies.</u>
<u>NV1 2</u>	<u>Implement long term, year-round noise monitoring at the terminal perimeter</u>
<u>NV1 3</u>	<u>Install sound insulation in new construction and upgrade existing residences to minimize noise exposure.</u>
<u>NV1 4</u>	<u>Create sound walls to noise exposure</u>
<u>NV1 5</u>	<u>Minimize use of trucks within the Port – explore other options for movement within the property</u>
<u>NV7</u>	<u>Restrict freight vehicles on local services streets and streets in close proximity to residential areas</u>
<u>NV8</u>	<u>Install traffic calming devices to reduce traffic speeds. Slower speeds create less traffic noise than higher traffic speeds.</u>
<u>TS3</u>	<u>Identify and reserve a suitable construction staging area in North Rivergate that could be used for the proposed barge access during the first phase of construction</u>
<u>L6</u>	<u>Turn light off when not in use, or use a timer or sensor to turn off lights.</u>
<u>L7</u>	<u>Use minimum wattage and warm white tones allowed meeting federal/state standards.</u>
<u>L8</u>	<u>Adopt the Dark Sky Model Lighting Ordinance, created by International Dark Sky Association, and the Illuminating Engineering Society of North America, at the City of Portland, and implement compliant port lighting. Lighting ordinances establish regulations on fixture types to help mitigate light pollution and light trespass to neighboring properties. Relevant ordinances have been passed in Oregon municipalities including Wilsonville, Eugene, and Bend.</u>
<u>TS1</u>	<u>Consider constructing the rail and Hayden Island Drive road improvements as some of the first elements of the project, so that this mode could be used for the delivery of materials and equipment</u>
<u>TS4</u>	<u>Review of local street routing choices and West Hayden Island Bridge. Consider keeping trucks off town center streets through the Jantzen Beach Super Center Development (Tomahawk Island Drive).</u>
<u>Social Connections</u>	
<u>CD/ SC1</u>	<u>Create a community center on the Island, though land acquisition or donation</u>
<u>CD/ SC2</u>	<u>Create an island shuttle service with discount fares for residents</u>

<u>CD/ SC3</u>	<u>Designate floating homes as an historic district/heritage site (which may help preserve the structures)</u>
<u>Housing related health conditions</u>	
<u>CD/ SC1</u>	<u>Provide realty and relocation assistance services for residents</u>
<u>CD/ SC2</u>	<u>Create land trust/limited equity housing cooperative at manufactured home community</u>
<u>CD/ SC3</u>	<u>Create a fund for upgrade and replacement of mobile homes</u>
<u>Economic Instability</u>	
<u>CD/ SC1</u>	<u>Create a housing trust fund</u>
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<u>CD/ SC3</u>	<u>Consider a Port buyout of residential properties near the development site, particularly for land that hosts manufactured homes</u>

The items added in track change format, above, were removed from pages 76 – 84 of the November 25, 2012 Report because the AC did not have time to consider them.

VI. AC Recommendations

D) Topics Not Considered at Last Two AC Meetings (Updated on 11/27/12)

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VIII. Appendix

	Document	Location
A)	Advisory Committee Collaboration Principles	http://www.portlandoregon.gov/bps/article/326421
B)	Advisory Committee Meeting Notes	http://www.portlandoregon.gov/bps/53717
C)	Topic-by-Topic Issue “Straw Votes”	Page 57
	1. Transportation Issues	Page 57
	2. Broad Community & Health Mitigation Issues	Page 64
	a. Detailed Community & Health Topics where Port’s Pre-Meeting “Straw Vote” Was “1” or “2”	Page 68
	b. Detailed Community & Health Topics Where Port’s Pre-Meeting “Straw Vote” Was “3” With Issues Removed Where Port Deferred to PBOT	Page 76
	c. Detailed Community &	Page 83

	Health Topics Where Port's Pre-Meeting "Straw Vote" Was "3" But Port Deferred to PBOT 3. Natural Resources Issues 4. Mayor's November 21, 2012 Proposal Vote	Page 85 Page 97
D)	Advisory Committee Letters and Minority Reports	See Following Appendix

Appendix D – AC Letters and Minority Reports

These are the letters received by the facilitator through 5:00 PM on November 27, 2012. Any additional letters will be provided as soon as possible.

Member	Addendum Page Number
1) Susan Barnes, Oregon Department of Fish and Wildlife	11
2) Andrew Colas, Colas Construction	14
3) Andy Cotugno, Metro	14
4) Tom Dana, Hayden Island Resident (Replaced Pam Ferguson)	17
5) Don Hanson, OTAC Consultants and PSC	19
6) Chris Hathaway, Lower Columbia Estuary Partnership	19
7) Brian Owendoff, Capacity Commercial Group	21
8) Emily Roth, Recreation	23
9) Sam Ruda, Port of Portland	23
10) Bob Tackett, NW Oregon Labor Council	23
11) Victor Viets, Hayden Island Resident	23

1) Susan Barnes, Oregon Department of Fish and Wildlife

This letter is a summary of and an addendum to the Oregon Department of Fish and Wildlife's (ODFW) brief comments provided to the Portland Planning and Sustainability Commission on November 15, 2012 regarding the West Hayden Island (WHI) conceptual development and mitigation planning effort.

ODFW offers and provides technical expertise and input on a variety of proposed projects from restoration projects designed to benefit fish and wildlife to large development actions such as energy generation / transmission projects. ODFW's role is not to support or to oppose development actions, rather it is to provide input and technical guidance with the goal of avoiding and minimizing negative impacts to fish and wildlife and their habitats. We also advise

on how to compensate for unavoidable impacts. Our comments are based in the statutory authority given to us as defined in Oregon Administrative Rule (OAR), which includes ODFW's Fish and Wildlife Habitat Mitigation Policy (OAR Div. 415).

ODFW has provided comments on the WHI conceptual development and mitigation planning effort as a member of the Technical Advisory Pool and in previous planning efforts including the Technical Advisory Pool. To date, ODFW comments have been provided primarily on formal letter head and have focused on existing fish and wildlife resource values on WHI, ODFW's conservation priorities, potential impacts from a conceptual development action on WHI, and review of the mitigation frameworks and proposed packages developed by the City, the Port, and the Audubon Society of Portland.

The following is a summary of ODFW's key findings, ODFW's recommendations, and a list of issues that ODFW believes have not been adequately addressed or that are in need of resolution.

1. WHI is a unique and rare natural resource because of its size, location, and existing mosaic of overall high quality habitats. Given these attributes as well as the landscape context, WHI is valuable to numerous fish and wildlife, including special status species.
2. Shallow Water Habitat & Fish- Over 19 populations of ESA-listed fish likely utilize the shallow water habitat present around WHI since these species all pass through the Columbia River mainstem on their way upstream to the Upper Columbia River basin. Shallow water habitat is likely the most critical and limited habitat type for fish in the entire Columbia River mainstem/estuary area. It is very likely we have less than 10% of the historic shallow water habitat remaining as a result of development. It is challenging at best to mitigate for loss of such an important habitat that is created by natural erosion and beach formation. Constructed habitat simply does not function as well as what nature creates on its own. Every bit of remaining functioning habitat is considered critical to protection and future recovery of fish in the area.
3. WHI is identified as a Conservation Opportunity Area in the Oregon Conservation Strategy, Oregon's statewide blueprint for conserving Oregon's priority habitats and species. Due to its size, spatial location and presence of several priority habitats types (i.e., wetlands, riparian, bottomland forests, grassland, existing habitat types, WHI currently provides valuable habitat for a variety of Strategy species.
4. ODFW recommends that development related impact assessments and mitigation planning be based on ODFW's Fish and Wildlife Habitats Mitigation Policy.
5. ODFW has determined the City's mitigation framework / approach, specifically the City's use of ratios and time and distance modifiers, to be ecologically sound and reasonable.
6. ODFW does not believe it is appropriate to credit for protection of existing habitat.

According to ODFW's Mitigation Policy, true mitigation credit is realized when habitat quality and/or quantity is increased. Therefore, as consistent with our Mitigation Policy, it continues to be our recommendation that protection of the remaining forest on WHI, or any other habitat type within the approximate 500-acre area, should not be counted as compensatory mitigation. As such, the City's mitigation proposal would be short of the "no net loss" goal for floodplain forest.

7. ODFW believes the Port's mitigation approach is flawed, primarily because it is based on a model centered on juvenile Chinook salmon that does not account appropriately for much of the habitat types on WHI that provide multiple benefits to multiple species.
8. Portland Audubon's proposal is too vague for ODFW to adequately assess, but it appears more robust than the City's and the Port's mitigation proposals and appears to have a better chance at achieving not only no-net-loss, but also net benefit.
9. ODFW staff have not had adequate time to review the Mayor's current mitigation proposal, released on 11/21/12. More time is needed to thoroughly review the Mayor's latest proposal with supporting documentation.
10. ODFW recommends that mitigation for floodplain forest losses on WHI be replaced on WHI to the extent possible. If this is not feasible due to lack of acreage and/or capacity for ecological uplift, then alternative sites that meet the goal of "on-site" mitigation for the target habitats and functions lost are reasonable. Preference should be given to mitigation sites closest to the impact area. It may be determined that greater ecological uplift / benefit is likely to be achieved at a location(s) farther away (off-site) and can be negotiated within the framework of ODFW's Mitigation Policy, though ODFW may recommend against authorization of the impact action.
11. ODFW questions the feasibility of replacing mature floodplain forest. ODFW is uncertain that forest mitigation at 2-3 different locations would truly mitigate for forest losses on WHI if development were to occur.
12. Impacts to floodplains have not been adequately addressed. While Metro and the City may have exempted the requirement for balanced cut and fill on WHI, the loss of floodplain function still needs to be considered in the impact analysis and mitigation proposal in terms of lost ecological functions. No net loss, let alone net benefit, cannot be achieved without fully addressing the loss of floodplains.
13. Land ownership boundaries on WHI remain unclear.
14. It is unclear if the conceptual industrial development footprint (including associated infra-structures) would total no more than 300 acres as called for by City Council Resolution# 36805.

15. ODFW is uncertain if the current list of BMPs are adequate to maximize avoidance and minimization of negative impacts to fish and wildlife and their habitats. ODFW has not had adequate time to review the current list of BMPs, but is aware of BMPs related to protection of sensitive species and their habitats (e.g., amphibians, turtles, protected bird species and their active nests, bats) that have not yet been incorporated. ODFW recommends that these BMPs be added.
16. Mitigation of grassland habitat has not been adequately addressed, i.e., actual losses and how / where losses would be mitigated.
17. Potential impacts of recreational facilities and associated activities on fish and wildlife and their habitats have not been adequately addressed. Recreational activities can negatively affect species and their habitats. ODFW recommends that potential impacts be assessed and BMPs included to avoid and minimize negative impacts from recreation on fish and wildlife. ODFW recommended that unavoidable impacts resulting from recreation be part of the mitigation package.
18. It is not clear if climate change has been adequately considered. ODFW recommend that potential / predicted river fluctuations and risk of flooding be considered in the WHI conceptual development planning process. In general, ODFW recommends avoiding siting of new infrastructure in floodplains and near waterways, and protecting remaining wetlands as a way to retain a measure of ecosystem resiliency and protect and minimize damage to existing infrastructure.

In summary, ODFW is very interested in seeing existing fish and wildlife resource values on WHI protected and conserved to the maximum extent possible for the benefit of Oregon's native fish and wildlife and to aid in native fish conservation and recovery goals. If you have any questions about the above comments please contact me.

2) Andrew Colas, Colas Construction (None)

3) Andy Cotugno, Metro

A) November 26, 2012 Email

I reviewed my letter to the Portland Planning and Sustainability Commission dated November 15, 2012 and it remains valid as my comment letter (attached). In particular, it supports the environmental mitigation framework developed by the City of Portland staff. It calls for a more explicit recognition of the use of West Hayden Island mitigation opportunities for Portland Harbor "Superfund" obligations while calling for a linkage to the off-site grant to fully restore West Hayden Island if the "Superfund" obligation falls short. Finally, it calls for adoption of the Mayor's proposal as submitted to the Advisory Committee on Nov. 9 and clarified on Nov. 21 which is key to incorporating adequate mitigation for community impacts.

Regarding the list of remaining issues that you circulated last night:

- Items NV13, CD/SC 1 and 2 on page 6 and CD/SC 1 and 3 on page 7 could be implemented through the Mayor's proposal.
- Item E2 appears to be a misunderstanding. Use of the Federal Highway Administration Safety Manual is consistent with the recommended improvements to North Hayden Island Drive with further project development to be carried out to define the details in the future.

B) November 15, 2012 Letter

The Mayor of Portland and the Bureau of Planning and Sustainability should be commended for a thorough evaluation of West Hayden Island and development of a proposal for annexation and zoning and a City of Portland/Port of Portland Intergovernmental Agreement. The recommendations to the Planning and Sustainability Commission have accomplished the difficult task of harnessing the economic opportunity of the proposed marine terminal development while addressing and mitigating the impact to natural resources and the nearby community.

The proposal implements and is consistent with a number of established Metro policy positions, as follows:

- Metro expanded the urban growth boundary to include West Hayden Island and designated much of it as Regionally Significant Industrial Land. This property has been accounted for as part of the region's 20-year land supply for job growth, especially to meet the need for large acreage parcels. The West Hayden Island proposal demonstrates that it is feasible to develop the designated portion of West Hayden Island as viable marine terminals and terminal related industrial purposes, including a necessary rail loop.
- Metro adopted Title 13: The Nature in Neighborhoods Program including designation of West Hayden Island as a Habitat Conservation Area and calling for the City of Portland to develop a District Plan that balances the habitat value and economic importance of West Hayden Island. In response, the Portland staff have developed and applied an excellent methodology for defining needed mitigation to ensure a net increase in ecosystem function. Through the application of this methodology, it is clear that the impacts can be fully mitigated. We look forward to submission by the City of Portland of the District Plan in compliance with Title 13.
- Metro provided for access to West Hayden Island in the Regional Transportation Plan via a new bridge connecting to Marine Drive. We acknowledge that the proposal calls for shifting the planned access for the marine terminals to Hayden Island Drive connecting to the I-5 interchange being reconstructed by the Columbia River Crossing (CRC) project on Hayden Island. This approach is consistent with and leverages the

CRC project approved by the Metro Council. However, we also note and support the provision allowing for future reconsideration of a new bridge if necessary.

- Metro has an adopted framework for planning and growth management built on a foundation of six desired outcomes relating to economic prosperity; vibrant communities; safe and reliable transportation; clean air, water and healthy ecosystems; climate change; and equity. The proposal does a good job at striking the balance of pursuit of economic prosperity with community, equity and environmental objectives.

Within the regional context, the proposal before the Planning and Sustainability Commission does a good job at striking the right balance. In particular, it is important to acknowledge or refine the following key points:

1. The proposed comprehensive plan, zoning, transportation system plan and intergovernmental agreement provide the necessary foundation for development of marine terminals, marine related industrial and associated infrastructure.
2. The transportation system plan adequately serves the needed access function while mitigating the impact on the adjacent community and reserving the future consideration of a new bridge to Marine Drive if needed.
3. The habitat mitigation plan is based upon a sound methodology to determine what it takes to produce a net increase in ecosystem function. The framework accounts for such factors as reforestation vs. enhancement of existing forests, proximity to West Hayden Island and the temporal value of mitigation by crediting specific mitigation sites with an appropriate multiplier. The framework should serve as the essential guide for developing, adopting and implementing the actual mitigation plan.

The mitigation proposal is designed around much of the restoration and enhancement of the remaining habitat on West Hayden Island through implementation of mitigation obligations for the Portland Harbor “Superfund” clean-up. Further, implementation of mitigation for development of West Hayden Island is planned for on Government Island and through a grant for restoration off-site. Given these recommendations, it is important to refine them with two additional provisions:

- a. In the event Portland Harbor mitigation on West Hayden Island does not result in full restoration of the remaining habitat lands on West Hayden Island, the use of the grant should first ensure West Hayden Island is fully restored before looking elsewhere.
- b. The amount of the mitigation grant is based upon the methodology developed by the city based upon the functions produced by different aspects of mitigation. The mitigation implemented off-site, while tied to the grant

amount established, should demonstrate that the actual mitigation produces the intended net increase in ecosystem function.

A portion of the habitat mitigation for development of West Hayden Island is called for through restoration of Government Island on properties owned by the aviation interests of the Port of Portland and Metro. As such, this mitigation is subject to approvals beyond the control of the City of Portland and Port of Portland. In the event all or part of this mitigation is not approved, there needs to be a provision to implement a suitable substitute. In addition, this comment memo does not waive the requirement to seek Metro approval for implementation of aspects of the mitigation plan called for on Metro owned properties.

4. At the last meeting of the Advisory Committee, Mayor Sam Adams outlined a proposal for inclusion of environmental and community mitigation into the West Hayden Island plan. It is important that the Mayor's proposal get incorporated into the West Hayden Island plan. The Mayor's proposal confirms the validity of the staff recommended habitat mitigation framework and establishes a respectable level of mitigation for the adjacent neighborhoods.

5. The Port of Portland has maintained a keen eye on the bottom line with the concern that costs to provide the infrastructure and mitigation to make the site shovel-ready for prospective marine terminal tenants should be within the limits of \$5-7 per square foot. It is important for all parties to recognize that this is an economic opportunity of state, regional and citywide scale. While the land value will support a substantial portion of the development cost, the state, the region and the city will need to work together to seek funding as needed to fully implement the project. This is not a commitment of specific regional resources but is a recognition that the City and Port will pursue Metro funding sources and the City, Port and Metro should work together to pursue state resources.

4) Tom Dana, Hayden Island Resident (Replaced Pam Ferguson)

A) Minority report letter to be appended to the AC report

I will keep this letter short with the caveat that I may add to it later on as this process continues since we have not seen the final AC report yet.

At the last Advisory Committee meeting (Nov 21st, the day before Thanksgiving) the Mayor presented the second version of his proposal. This was voted down by the AC. There has been no time for the Mayor's proposal to be merged and integrated with the rest of the work of the AC. So, to a certain extent, they are two disparate items. The squeezing of the schedule has produced nothing but uncertainty and confusion. There were 120 items for the AC to vote on and there was not time to vote on all of them and the voting was so chaotic and rushed that it held little thoughtful consideration.

There are two things that could help this process become more meaningful. First the AC report and the 120 items need to be merged with the Mayor's proposal and the total number of combined items needs to be boiled down to maybe twenty salient issues. Then there is something that could be considered calmly and with reasonable thought. The second is to delay the PSC deliberation and recommendation to City Council until the first item can be done.

In addition, the local community has not had time to adequately review either the AC report or the Mayor's proposal and the time for PSC testimony is ahead of the release both of these.

That said, at this time I cannot support either the report of the AC nor the Mayor's proposal until the above problems can be cleared up.

There are also a few issues that need further consideration.

The loss of flood plane has been rejected out of hand for no valid reason and this needs to be revisited. I think this could be a serious problem for the local community because to lose flood plane is essentially to squeeze the river down which will raise the water level in a flood and this doesn't bode well for us on Hayden Island. And there is no mitigation for the ecological loss of the floodplain. So the notion of 100% ecological mitigation is simply not so.

The fact that the ECONorthwest report questions the economic benefits for development and suggests alternate sites has been quietly swept under the rug when this should be presented in bold and thoroughly vetted.

The health report essentially spells out a sinister result for the local community. A doubling or tripling of the air toxics and reduced property value does not present a pretty picture for the Manufactured Home Community. And this has not been adequately dealt with. There seems to be the assumption that it is OK to damage the health of the local community and degrade their property values. This is just not OK with us. The equity of the Portland Plan is just not considered at all and the Manufactured Home Community meets the definition of an Environmental Justice community.

The entire North Reach of the Willamette is paved over and for Hayden Island the north side of the Columbia is paved over with the Port of Vancouver and the south side is paved over with Terminal 6. We need to save something for nature. The Yakama Nation and the Nez Perce oppose this development. The chairs of the North Portland neighborhood associations which represent 45,000 people are unanimous in their opposition. When is enough enough? This project should not be moved forward.

November 27, 2012 Email (See the 11/16/12 Email Exchange Between Victor Viets and Sam Imperati for context)

I too am not going to vote by email on the remaining un-voted issues. It is just too much to vote without some kind of balanced group discussion.

5) Don Hanson, OTAC Consultants and PSC (None)

6) Chris Hathaway, Lower Columbia Estuary Partnership

A) November 27, 2012 Email (See the 11/16/12 Email Exchange Between Victor Viets and Sam Imperati for context)

I support Victor's suggestion and appreciate your response. I agree that it makes more sense to classify those issues as "issues unaddressed by the Committee."

I also think you did a nice job with the third paragraph of Page 5. I think it succinctly describes the unfortunate ending of our AC process.

B) November 27, 2012 Letter

The Lower Columbia Estuary Partnership is a National Estuary Program, with a diverse Board of Directors including representatives from the City of Portland, the Port of Portland, EPA, NOAA, and others. Our study area extends from Bonneville Dam to the Pacific Ocean in Oregon and Washington. Our organizational mission is to protect and restore the lower Columbia River, through science based, collaborative actions.

West Hayden Island is a significant natural area. It includes a rich mosaic of habitat types including woodland and forest habitat, shallow water and wetlands, grassy and sparsely vegetated areas, beaches, and shrublands, all within the 100-year floodplain. These habitats support more than 200 species of wildlife, 13 federally-listed ESA fish species, and at-risk species such as western meadowlark, pileated woodpecker, bald eagle, red-legged frog and myotis. The island is near the confluence of the Willamette and Columbia Rivers and a part of the Pacific Flyway. The island is a critically important and unique ecological refuge for migrating salmon and birds within a highly developed landscape.

The Estuary Partnership has participated on three West Hayden Island planning processes – the late 1990's process led by the Port of Portland, the 2008 City of Portland Community Work Group process, and the recently concluded 2010 Advisory Committee (AC) process.

The Estuary Partnership embraced the AC charge of the Mayor and City Council in Resolution 36805 to develop the basic concept plan for 300 acres of marine terminal development and 500 acres of open space protection while achieving a net increase in ecosystem function. Along the way, we have been an active participant in all of the AC meetings.

This letter addresses our comments on the AC process and the contents of the “Facilitator’s Final Report: Advisory Committee Straw Poll Recommendations” (Facilitator’s AC Report). It does not address the contents of the “V. West Hayden Island Amendments to Zoning Maps and Code” and “VI. Intergovernmental Agreement (IGA) between the Port and the City” documents released to the Advisory Committee at our last meeting on Wednesday, November 21, the day before Thanksgiving, that we have not had adequate time to review.

We articulated our process concerns, clearly and repeatedly over the last six-seven months at AC meetings and in comments and testimony before the Portland Planning and Sustainability Commission – the process is moving too fast. During this period, meetings were added, dropped, re-scheduled, and given new agendas with an alarming and frustrating frequency. Instead of acknowledging the complexity of the issues and the commitment of the AC to get the project right, the City of Portland continued to push the process forward at an unsustainable rate. As a result, the most important part of the Facilitator’s AC Report comes on Page 5, which explains the key reasons the AC’s inability to develop final recommendations. They include:

- An influx of new information at the end of the process
- Insufficient time to thoroughly process complex information
- No opportunity to view the potential elements in context – as a package
- The number of issues not reviewed
- The lack of accompanying details associated with final language

It additionally points out that the AC did not vote on a final draft of the Facilitator’s AC Report because of a lack of quorum, and that the AC did not review the final Facilitator’s AC Report, because the report came out after the last AC meeting.

We do not believe the end of the year timeline driving this project has led to a useful Facilitator’s AC Report, benefited strong, informed decision making, or respects the public’s process and input.

From our perspective, the report is so jumbled and devoid of recommendations, it’s difficult to know where or what to comment on, especially given the extremely short turnaround time for comments. As such, our comments our brief.

The Facilitator’s AC Report does not provide an environmental mitigation package recommendation, and the “straw poll” voting associated with the environmental mitigation actions are impossible to comprehend as any sort of mitigation package. In fact, the voting was done on specific elements in ways that nearly guaranteed conflicting votes.

At first glance it appears the Mayor’s November 21 mitigation proposal (Pages 46-48) may achieve a net increase in ecosystem function as established by the City’s mitigation methodology, for forests, shallow water, grasslands, and wetlands. Certainly, it is the most credible proposal brought forward to date. However, AC voted down the Mayor’s proposal because it still lacks critical details – including provisions and certainties that will ensure that

the agreement is actually implemented as designed; certainties about the timing of the mitigation; assurances that the levels of funding are actually enough to implement the required mitigation; and language to ensure that West Hayden Island mitigation and NRDS mitigation are not comingled.

We support the City retaining jurisdiction over wetlands as it does elsewhere.

The AC, and the Facilitator's Final AC Report, both fail to address the issue of balanced cut and fill. This issue was ignored throughout the AC process as City staff simply followed the 1998 Metro decision to exclude the site from balanced cut and fill requirements. Filling 300 acres of floodplain may be the project's most significant environmental impact, but the AC never discussed whether this exclusion should be followed and none of the environmental mitigation packages have dealt with this issue. Similarly, whereas the City is crediting conservation acreage within their mitigation schemes, ODFW does not.

We believe these two issues need to be provided as qualifiers in any mitigation conversation to clarify to the public the perception that any mitigation proposals put forward to date will achieve a net increase in ecosystem function.

Unfortunately, after two years of work, the West Hayden Island Advisory Committee's work was hijacked by schedule decisions beyond our control. As a result, instead of finishing its work and ending up with a quality product, we have ended up with a Facilitator's Final AC Report that is almost incomprehensible as anything but a summary of the process.

7) Brian Owendoff, Capacity Commercial Group November 27, 2012 Letter

Thank you for the opportunity to serve on the West Hayden Island Advisory Committee. I would like to compliment you on your leadership on this important topic, and your commitment to move forward with what has been a long, thorough and complex process of drafting an annexation and Intergovernmental Agreement for West Hayden Island. As a member of the Advisory Committee, I would also like to thank the city of Portland staff for their effort to deliver detailed information, address questions, staff subcommittees on technical issues, and maintain the rigorous pace required by this process.

Having served on other advisory committees, I can tell you that I have never had so much detailed and voluminous information to help advise council on a decision, as I have had with this committee. I am confident that with the compendium of analysis and information, Portland City Council can end up with a result that balances the Community Working Group principles of an economically viable port facility, a net benefit to the economy, environmental protection and community benefit.

I would like to provide you with my comments regarding the final proposal, for your Consideration.

First, I urge you to move forward with annexing West Hayden Island into the city of Portland for 300 acres of marine terminal development and 500 acres of open space. West Hayden Island was brought in to the Urban Growth Boundary in 1983 and was designated in 2004 as a Regionally Significant Industrial Area. This land has long been counted on for industrial use; it would not have been included in the Urban Growth Boundary if this was not the case. The fact that policy leaders and the community have agreed on a balanced proposal of industrial land, environmental protection and recreational benefits is a win-win-win that we should be proud of.

Second, I urge you to keep the costs for development mitigation within the market-supported value of industrial land. As a real estate professional with over 30 years of experience, I have analyzed the market and concluded that the current value of industrial land is \$5- 7 PSF. Therefore, any costs associated with site preparation, annexation, mitigation and other exactions need to be within this price range. Without it, the market cannot support a marine terminal development, and forgoing a marine terminal development on this deep-water site would be deleterious to our regional and local economy for years to come.

Third, while there are a lot of details to this proposal, as outlined in the draft Intergovernmental Agreement, I urge you to keep the larger vision of economic recovery and long-term economic sustainability for Portland and the Portland-metro region at the top of your mind. As you know, Portland-metro continues to lag the national metro average for wages and incomes. This means less revenue for public services we all use – police, fire, teachers and roads, and lower affordability for Portland’s citizens. You also know that Portland-metro has a strength in exports, which connects local, regional and statewide businesses with global customers. The Port of Portland serves this export economy by shipping and transporting goods globally and domestically. The more we export, the more new dollars we bring into the local economy; the more our traded-sector businesses grow, the more spin-off and niche industries are created by small businesses to support that scale of production.

Continually investing in infrastructure and capacity to maintain a viable port is critical to our state and our region’s ability to be competitive in the export industry. The Port of Vancouver and the Port of Portland are working in a coordinated effort to maintain this region’s viability as an international gateway; West Hayden Island is a critical piece of contributing volume to the infrastructure to maintain capacity.

Fourth, I urge you to adopt a framework for annexation and concept plan that has reasonable level of flexibility. This is a long-term development opportunity; technologies and practices change rapidly. While it is important to deliver certainty of land availability to prospective terminal developers and export clients now, the actual development proposal on West Hayden Island will be determined by the market conditions and innovations of the future. Please allow enough room in your decision for the future market to operate and the Port to remain viable for long term economic sustainability.

Thank you for your commitment to investing in Portland's long-term economic future. I appreciate your efforts to balance economic, environmental and community interests in complex land use decisions such as the annexation for West Hayden Island. Please continue that leadership by moving forward with this annexation and concept plan in a way that achieves that balance.

8) Emily Roth, Recreation (None)

9) Sam Ruda, Port of Portland (None)

10) Bob Tackett, NW Oregon Labor Council, November 11, 2012 Letter (Facilitator Note: Preceded the 11/25/12 final report.)

I am writing today on behalf of the NW Oregon Labor Council, AFL-CIO regarding your request that the West Hayden Island Advisory Committee provide you, in writing, our thoughts on annexing West Hayden Island into the City of Portland.

The West Hayden Island development offers the opportunity for the City of Portland and the broader region to provide living wage jobs and the revenue associated with them. This Labor Council is very interested in doing all that we can to provide for job growth to meet the needs of our residents, particularly in the area of family supporting, living wage jobs. A mix of jobs types provides options based on interests, skills and abilities. For this reason we need to grow the region's developable industrial land base. Family wage jobs provide options for more people to work - and those jobs need places to grow. As of September 2012, according to the Oregon Employment Department, there were 95,226 people unemployed and looking for work in Portland. That number does not include the number of people who have given up looking.

Given estimates that the development of West Hayden Island would generate between 1,300 and 3,600 direct and indirect jobs in our region the Northwest Oregon Labor Council is in favor of annexing the Island. We believe that annexing the Island will be a positive contribution to the economic health of the region.

11) Victor Viets, Hayden Island Resident

A) Unresolved WHI Annexation Issues And My Advisory Committee Reports

Following are some of the key issues that the Advisory Committee has not resolved in our deliberations about annexation of West Hayden Island. This memorandum, combined with my memorandum of November 25, 2012; Subject: Comments on Nov. 19, 2012 Facilitator's Report, constitute my current report on the performance of the WHI Advisory Committee. My comments are incomplete because the process is incomplete. I will add additional comments in response to future changes.

1. We have not established a local need for this project:

No local businesses have come forward to say they need this terminal to import or export local products. International shipping experts have told us that the only future needs may be to ship bulk products from Canada or mid-western states to Asian or other Far East markets or to handle cars from Japan. None of these products would necessarily involve value-added services that would employ local workers, other than longshoremen and other Port-related union members.

2. We will be sacrificing our irreplaceable natural resources for the promise of some union jobs in 15 to 20 years.

The AC has not resolved this issue. These impacts on our natural resources cannot be repaired within our lifetime and perhaps not within our children's lifetimes.

3. Mitigation measures for natural resource damages from terminal developments have not been resolved.

The Port, City staff, ODFW, Audubon Society, and the Mayor all differ in their proposed plans and costs, and, none of them account for floodplain impacts. Federal agencies have not yet been formally consulted, and they will probably have their own mitigation proposals. Parties to the Willamette River Superfund Site NRDA mitigation, including the Port, have their own ideas about using WHI for mitigation of their Superfund site impacts. It will take years to determine WHI's environmental future.

4. WHI development as proposed would be a poor land use decision.

Inserting heavy industrial land uses between a natural area and a unique island community (that is planning to increase transit-oriented residential development while retaining its affordable housing and water-oriented lifestyle) is an incompatible land use decision. The terminals would be incompatible with both adjacent land uses, causing adverse impacts and conflicts that would continue for many years.

5. Transportation issues have not been resolved.

The City and Port want to change a local street, North Hayden Island Drive, into a freight route that would force all terminal traffic past the Manufactured Home Community and through all shopping traffic going to and from the Jantzen Beach Super Center. In addition, WHI trucks and autos going to and from MLK or Marine Drive would be forced through the Super Center traffic, over the proposed new CRC 2-lane local access bridge, and around the entire EXPO Center to reach those streets. No traffic studies have been conducted using the extra Holiday shopping traffic at the Super Center.

The City has just completed a low cost design concept for North Hayden Island Drive (NHID) but it has no signalized intersections, inadequate and dangerous bike/ped facilities, and

does not connect traffic lanes or bike/ped pathways to the Phase I CRC interchange. City staff has said the design concept should not be given serious consideration yet. And, the CRC project itself is still in limbo. Costs of the NHID terminal access are \$10-24 million and may increase significantly to connect NHID and Bike/ped pathways to the CRC's low budget Phase 1 facilities.

6. The Hayden Island Community wants a new WHI access bridge to Marine Drive.

This WHI access bridge to Marine Drive would provide direct truck freight connections to other Portland Port facilities and would avoid all terminal traffic impacts of trucks, commute traffic, noise, and diesel emissions on our local street (NHID). Engineering studies done by City consultants, as requested by the AC, reduced the WHI bridge cost from \$100 million to \$50 million (plus environmental mitigation). The net cost, after subtracting the costs of improving NHID (currently \$10-24 million) has not been determined. The City's consultant, ECONorthwest, said the new bridge would reduce truck operating costs to reach I-5 by \$493,000 per year. ECONorthwest included a new bridge cost of \$37 - \$75 million in their favorable benefit/cost estimate for the terminal, so we know the bridge is economically feasible. Unfortunately, the Port and City staff refuse to give it serious consideration, even though the bridge has been on the TSP and RTP projects' lists for many years.

7. Health impacts to Hayden Island residents and business employees have not been adequately considered.

The just published County Health Analysis indicated that the terminal could cause adverse health impacts on residents, especially in the Manufactured Home Community, but the study did not have any existing baseline data on local air quality, noise, or neighborhood vulnerability to increased pollution. Also, the study was under-funded and rushed to completion in a very short time. The study also failed to include other pollution sources that will impact the Hayden Island Community, and especially the Manufactured and Floating Home Communities. Those other impact sources include:

- Noise, traffic, and air pollution impacts from WHI construction that could go on for 5-10 years;
- Impacts of emissions from industrial facilities (stationary sources) that might be built on or adjacent to the WHI terminals;
- Impacts from CRC construction activities on and near Hayden Island that may go on for 10+ years in multiple phases;
- Impacts from new large marine terminals developed and planned by the Port of Vancouver, located just across the River from Hayden Island;
- Impacts on Hayden Island business employees, many of whom work outside within a short distance of the terminal boundary.

The County report included many recommendations for reducing emissions and partially mitigating negative health impacts on Island residents. The Port was allowed to veto 36 of the recommendations prior to the Last Advisory Committee meeting and the Advisory Committee

was unable to adequately consider the remaining 61 recommendations during that final meeting due to lack of time.

8. Questions of inequities and disparities caused by this proposal have not been asked, let alone discussed and resolved.

Clearly, the majority of negative impacts on human health, traffic and quality of life will affect only the small East Hayden Island community rather than the broader Portland metropolitan area, while the benefits of promised union jobs and income spending go the broader area. On a global scale, shippers and receivers reap the benefits of international trade while Portland extracts the smaller middle-man fee but sacrifices its irreplaceable local environmental resources.

B) Comments on Nov. 19, 2012 Facilitator's Report (Facilitator Note: Per, Mr. Viets' end note, the page numbers referenced below do not line up with the pages numbers in the November 25, 2012 final report.)

General Comment: This Report should continue to be entitled the Facilitator's Report. It is not the AC report.

General Comment: Due to the last minute information submitted at the last few AC meetings, the incomplete voting on mitigation measures, the inappropriate advance voting provided to the Port by the Project Facilitator, the complete lack of discussion of community/health mitigation measures, and the numerous other deficiencies listed below, this Report does not adequately reflect the incomplete deliberation of the AC on the key issues.

Specific Comments:

Pg. 10, last full paragraph is not correct:

- Project Objectives were only partially met.
- The project did not stay on track – it took a year longer than directed by Resolution 36805.
- Work on community health, transportation, the IGA, and final decision-making was not done in a transparent way.

Pg. 15:

- Public involvement was not the responsibility of the AC. It is misleading to say the AC was significantly involved in these events other than our own Committee meetings and open houses.

Pg. 16:

- Concept Plan: Include a map of the Plan.

Pg. 16-17:

- The Harbor Lands Analysis did not identify any need for new terminals to handle import or export needs for the Portland Metro Area (other than a few foreign cars for local dealers). The policy issues of sacrificing scarce local natural resources for no-value-added terminals serving only international businesses were never identified for discussion.

Pg. 17-18:

Costs and Benefits Analysis by ECONorthwest:

- Numbers were never updated to match later studies of natural resources, recreation, transportation, and health.
- Doesn't point out that the ECONorthwest's costs included a WHI-Marine Drive Bridge at a cost of \$37M to \$75M and still concluded that the Project is economically feasible.
- Doesn't point out that community health impacts and mitigation costs were not included because there was no HIA and ECONorthwest was never asked to complete their report after the County Health Analysis was published.
- Net Present Value (NPV) computations by ECONorthwest are not comparable to NPV cost estimates by BPS, BES, the Mayor's office and other agencies because the economic assumptions and computational methods differ among all the parties.

Pg. 21:

- Health Analysis: The equity issues need to be more clearly stated along with the conflicts with the goals of the Portland Plan. Note that the AC did not discuss solutions to these issues due to lack of time.

Pg. 26:

- ESEE: put a date on the ESEE draft that AC got to review. Note that many updates to the ESEE are needed to incorporate latest changes – will not be reviewed by AC due to lack of time.

Pg. 26-27:

- Recreation Analysis: Does not include latest recommendations from the Mayor's office. Need map of proposed park location.

Pg. 29:

- The PBOT Alternative Design Concept should be deleted. It was not evaluated by the AC. City staff says it is premature to focus on this design.
- Where is the Staff Report on the WHI-Marine Drive Bridge referenced?

Pg. 39:

- Add updated communication from the Sovereign Nations as presented at the PSC hearing where they expressed their opposition to the annexation.

Pg. 40-45:

- The three separate annexation cost estimates are inaccurate and confusing. Adding the Mayor's November 21, 2012 new cost proposal will add another estimate. All use different, and in some cases highly inaccurate, methods to compute present worth. The AC did not discuss any options containing the Mayor's proposals.

Pg. 53:

- Trailhead/Trail: Correction: HINooN is not opposed to any trails on WHI. Change Viets vote to a "2".

Pg. 58-62:

- Community/Health Mitigation Measures: In advance of the final AC meeting the Facilitator allowed the Port to select these 36 mitigation measures for the Port's "NO" votes on all 39. With no time available in the final meeting for the full AC to discuss or vote on these measures, the Facilitator decided to accept the Port's "NO" votes which resulted in giving the Port's single AC member a veto on all 36 measures. The Port's votes should be deleted from the AC's official record and from this Report.

Pg. 63-70:

- Community/Health Mitigation Measures: No time was available in the final AC meeting to discuss or vote on these 61 Health and Community mitigation measures. The Tables were set up to allocate potential payment for each measure to funding accounts recommended by the Mayor but never agree to by the AC.

Pg. 71-82:

- Natural Resources Issues:
 - Tables not complete – lack information from pro and con voters.
 - Note Facilitator allowed Port to vote on many issues before the meeting.

These comments are incomplete because the Facilitator's final report has not been released yet for review.

C) November 27, 2012 Email

Sorry Sam

I'm refusing to continue this unprofessional, last minute "voting" without an opportunity to discuss these issues with other Advisory Committee members. Electronic voting is inappropriate for your own voting process that relies on discussion to build consensus. Even my small Home Owners Association does not allow electronic participants to create a quorum or to vote. I don't understand what you are trying to accomplish. Our committee work was finished as of last week.

As I said in my minority opinion letter, you helped create this mess by allowing the Port to vote on these issues before the final AC meeting. By not taking the time to allow the full committee to participate, you have in effect, allowed the Port to veto these important Community/Health mitigation measures.

I believe the only appropriate solution is to delete all voting of these measures from the meeting record and list them as unresolved due to lack of time.

D) Facilitator's November 27, 2012 Response

Victor,

Thank you for your constructive comments.

Bottom Line: I agree the issues where the Port's "straw poll" votes were a "3" should be moved to the list of issues the AC did not get to if the AC members do not have time to complete the request for input noted in my Sunday email, below.

Context: Page 58 of the 11/19/12 draft states:

"Community / Health Mitigation: Port's 3 Votes

(Note: In anticipation of the time constraints associated with the 11/21/12 meeting, the facilitator requested that the Port provide its "straw votes" on the remaining issues. They are contained below and are presented to "triage" the issues for ease of AC discussion – nothing more.)

The goal was to discuss all of them at the 11/23/12 meeting, but we did not. We did get to 51 of the 83 County Health suggestions using the "triage" method. Page 7 of the 11/21/12 report states, "The AC considered 51 detailed community & health mitigation measures that were passed by consensus as a package vote. See pages 68 - 76 for details."

That left the 32 issues you mention in your email. The Port did not and does not have veto power. The stated purpose of the “triage” exercise was information organization “... for ease of AC discussion – nothing more.” During Wednesday’s meeting, we discussed the input method for the remaining issues implemented by my Sunday night email. If that method does not work, and it appears that it is not, it will be changed. There was never an intent to be anything short of transparent about what the AC did, and in this case especially, did not do. I believe the report, especially page 5, is quite clear about that, but reasonable minds can differ.

Bottom, Bottom Line: If the AC members do not have time to “triage” the remaining issues, and it appears that they will not, the “3” list will be moved to the list of issues you did not get to. It appears twice in the report, beginning on page 8 and page 52. I will be at BPS this afternoon from 4:00 on to get AC member letters copied and presented during the PSC’s 6:00 meeting. An Addendum Memo will display conspicuously all changes to the final report and append AC member letters.

I’m happy to consider alternative suggestions and I am sorry this process has been so challenging.