

The following table itemizes all questions sent by PSC commissioners to BPS staff, following the November public hearings on the West Hayden Island Project.

From this list, the following 19 “issue clusters” emerge. Of those clusters, a subset of 11 has been selected as the proposed priority for PSC discussion. These clusters are generally those with more complex questions. Some clusters may be resolvable by PSC review of written responses, without further discussion (especially those questions with clearer answers that have already been discussed by AC).

ID	Issue Cluster	Priority to Discuss	In writing only
A	Location of environmental mitigation	X	
B	Ownership of WHI and mitigation implications	X	
C	Tribal interests, treaties		X
D	Floodplain functions	X	
E	Climate change		X
F	Understanding shallow water, wetlands mitigation approach		X
G	Health report follow-up	X	
H	Fate of the best management practices document		X
I	Stage 2 HIA	X	
J	Housing fund proposal	X	
K	Economic need, benefits	X	
L	Goal 9	X	
M	Vancouver as alternative		X
N	The financial plan	X	
O	Columbia River Crossing (CRC) bridge	X	
P	North Hayden Island Drive design		X
Q	Recreation costs, roles, timing		X
R	IGA enforceability	X	
S	Future funding decisions		X

Question Ranking Key

A = We have a clear answer to this already written, with supporting data.

B = We have a lot of data, but need to write clearer answer.

C = More research needed.

Environmental Questions		A	B	C
	<u>Location of Mitigation</u>			
1	Describe the rationale behind on site mitigation vs. off site. Timing relationship to NRDA? Is it appropriate to reserve mitigation opportunities on WHI for NRDA mitigation for the Portland Harbor, or is the first priority for on-island mitigation of terminal development impacts?		X	
2	Has the exact location and acreages of forested, shallow water, wetland and grassland habitats been agreed to by all parties, including state and federal agencies?		X	
3	Piecemeal nature of mitigation. Too many small bits?	X		
4	Does the "net gain" in ecological function depend on off-island mitigation work?	X		
5	Describe the unique ecosystems value of size and contiguity of WHI habitat.	X		
6	Is the mitigation ratio appropriate for ash replacement and is it even possible to replace mature ash on Government Island?	X		
7	Will the proposed mitigation amount to habitat conversion?	X		
	<u>Ownership of WHI</u>			
8	How many acres does DSL own vs. Port ownership? Why hasn't the state (DSL) been involved in the conversation? Have they signed off on the proposed mitigation? The same is true for PGE and Bonneville rights of way. Have those issues already been resolved, as stated in public testimony?	X		
9	Is there a legal reason the Port cannot mitigate on non-port land? And do or will the Port receive credit for the mitigation? Can the 500 acres be sold to a third party with provisions for the Port to mitigate on the land for the next 100 years?		X	
10	Who will ultimately own and manage the protected open space? Long term Port management and ownership of the 50 acres not acceptable. My overarching concern is the "custody" of the 500 acres that the Port will continue to control.....I am hoping for an unaffiliated group to be the ultimate authority	X		
11	How do we reconcile this with our desire for on-site mitigation over the next 100 years (which the Port is responsible for)?		X	

12	Who will be the third party to the IGA to protect the open space interests?		X	
	<u>Tribal Interests, Treaties</u>			
13	Assertion of the Tribes that treaty rights come into play either with respect to fish issues or with respect to treatment of the island itself.	X		
14	If this annexation and development were passed by City Council - what is the impact on relationships with Tribes – especially those who have Federal Treaty rights on the Columbia and Willamette?		X	
15	How does the city propose to close the gap between tribal testimony and the proposed annexation and development of WHI? Has there been staff outreach post hearings and are there plans for addressing tribal concerns?		X	
16	Can the IGA contain a mechanism that provides tribal feedback (design, mitigation, continued communication through development and management)?		X	
17	Describe the tribes role in process – how did we involve them?	X		
	<u>Floodplain Functions</u>			
18	How can the Port and City achieve net gain in ecological function while ignoring 300 acres of floodplain fill?			X
19	Has Planning and Sustainability and BES sorted out concerns that the city might face significant liability if it allows filling of the floodplain without mitigation? Relationship to FEMA lawsuit?	X		
20	Describe the technical basis for a balance cut and fill requirements?		X	
21	The loss of ecological functions associated with the Columbia River floodplain must be accounted for and some form of mitigation included in the IGA. Are there are methods short of balanced cut and fill that would help mitigate for loss of floodplain function?			X
22	Can we provide some more scientific evidence to counteract fears that the fill will increase flooding up or down stream?		X	
23	What are the potential mitigation costs for balanced cut and fill?		X	
	<u>Climate Change</u>			
24	With Climate Change, is the island likely to flood more frequently in the future? How does this impact terminal development or floodplain management?	X		
25	Impact or connections of this project to the Climate Change Action Plan?	X		
26	What are the climate benefits of rail and water transportation? How does the siting of rail/marine	X		

	terminals in the lower Columbia impact greenhouse gas emissions?			
	Shallow Water and Wetlands			
27	Please explain the differences in approach between wetlands and shallow water.		X	
28	Is BPS proposing to expand environmental zoning restrictions for shallow water and wetlands in the IH zone? Explain this proposal further and if this language is being included or not?	X		
29	Does salmon habitat mitigation fall under the federal government since they are an endangered species? If so, should we add local review as well?	X		
	Other			
30	Does the mitigation plan achieve the "net ecosystem benefit" objective yet?		X	
31	Does the City have a response to ODFW's letter RE city mitigation?		X	
32	Timing of natural resource loss and mitigation? What is the timing of mitigation efforts with respect to development?		X	
33	Do we have any policy levers available to ensure that Columbia Gateway is developed first and that WHI is not developed if the economic reality does not reach the forecast levels at which a second terminal is required?			X
34	Is it possible to meet 100% of the mitigation requirements on WHI and still set 300 acres aside for Port development? If the quantity is less due to potential NRDA requirements, can there be an agreement on timing for when that obligation needs to be met and if it isn't then fall back on the requirement for greater mitigation on WHI.		X	
35	Status of Jones lawsuit RE wetland fill on WHI? Does it impact this?		X	
36	Is the money that is suggested to be allocated to pay for BES's services likely to be forthcoming and are they adequate to the tasks they appear to be assigned to? If not, what might the negative consequences be to other watershed health programs? What are the implications for overall BES budget? Will the money be sequestered in a dedicated account to ensure it's actually used for the work described?		X	
Health Questions		A	B	C
	General Health Report Follow-up			
37	What are the health risks of this facility? Are they as severe as some describe? How does this compare to risks that other Portlanders already experience?	X		
38	Can we properly assess/plan mitigation for health	X		

	impacts without baseline health data for the immediate community? What is the basis of the City/county position that a full impacted population baseline is not needed as part of this decision?			
39	Do we have any way to estimate the effect of the health report mitigation measures in reducing impact? Are there additional measures that City staff would recommend from those considered?			X
	<u>Best Management Practices (BMPs)</u>			
40	Where do we stand with regard to onsite BMP's?	X		
41	Can the City or Port impose additional emissions, noise, or safety requirements on trucks or trains that call on the site, beyond those already required by State or federal law?			X
	<u>Stage Two HIA</u>			
42	What is the specific trigger for the future second stage HIA?	X		
43	How do we implement second-stage HIA and ensure recommendations are followed?			X
	<u>Mayor's Housing Fund Proposal</u>			
44	The Mayor's proposal suggests new park development and a housing fund as measures to offset impacts on human health. Do we have any way to quantify the offsetting benefit?			X
45	How was the \$3.6M derived? I would like to see a formal agreement that delineates monitoring of the local community air quality, health, etc. to use the funds that are being set aside to directly mitigate the issues as they arise.		X	
	<u>Other</u>			
46	How are construction impacts [on the community] assessed/mitigated?			X
47	How strong is the argument/evidence that port facility would cause residential displacement? How likely is it that the project will destabilize home ownership in the nearby community? If so, how can this be mitigated?		X	
48	Understand what a full-blown economic justice point of view would say about impacts on mfg homes community.			X
	Economic and Finance Questions	A	B	C
	<u>Need, Benefits</u>			
49	Are the predictions about local jobs being created true and if so, all I need is a simple chart about what the local, regional and state benefits will be from having a new marine terminal on WHI	X		
50	Why Now?	X		
51	Why so many caveats in EcoNorthwest report? A sign that this is really not worth it? , Could we get another independent economist(s) provide another opinion on	X		

	the cost-benefit of the proposed development?			
52	Describe the overall benefits of traded sector industries (including trans-shipment ports) on regional and state economy. What benefit does a “pass-through” port have, if we assume it is not focused on shipping local goods?		X	
53	Describe for each terminal the following: number of new jobs on site; global and USA value.			X
54	What is the impact to the state general fund over 50 years? Clarify the amount of tax revenue and graph with 2 terminals, and then up to 4.		X	
	Goal 9			
55	Does the City of Portland need to meet industrial land needs (Goal 9) within its own boundaries? What is our Goal 9 flexibility? Is it factually correct that the city must annex WHI to meet state wide planning Goal 9?	X		
56	What would happen if we do not annex WHI? How would this impact City’s Goal 9 tasks? What process steps would occur next, in that scenario?		X	
	Vancouver			
57	Are both Vancouver and Portland marine terminal sites needed for future growth? Or is it just a competition? What is the reality of using the Port of Vancouver instead of WHI? Is that realistic or fantasy?	X		
58	Why can't the Port maximize capacity of existing terminals and Vancouver site before constructing WHI? - Is it possible for a facility similar to the one proposed to be built on the Vancouver side and to come to an agreement between the Port of Vancouver and the Port of Portland to provide economic benefits to Oregon while preserving WHI?	X		
59	Is there any analysis as to what benefits are gained in WA by this proposal vs. OR?		X	
	Finance, Business Plan, Timing			
60	We need a realistic schedule of revenue and deadlines in the IGA.		X	
61	Provide a cash flow analysis – Port expected revenue vs. expenditures for 50 years. [note BAE is preparing a business plan for BPS].			X
62	In the Port’s view, provide a decision tree of issues that give them a clear path to market ready development?		X	
63	What is the business cycle duration for potential decision makers on a site? (Looking for number of months or years)		X	
64	Clear explanation to PSC on the soundness of city estimates of cost of restoration. Are the NPV	X		

	estimates accurate? Has an independent economist weighed in on these calculations?			
65	Can mitigation funding be tied to selected benchmarks of economic success? For example, have extra mitigation triggered if revenue meets certain expectations, or if a second or third terminal is built on the site?			X
	Other			
66	How will future mechanization affect the jobs estimates?			X
67	As part of the IGA is (or can) the port be required to provide outreach/recruitment to the community to generate additional local benefits through port investments that attract and induce other investments in the local economy? What else can we do to maximize local benefit to Portland firms?			X
Transportation Questions		A	B	C
	CRC			
68	Timing relationship to CRC?		X	
69	What happens if the CRC is not built, or if the interim interchange does not meet City's expectations?		X	
	North Hayden Island Drive			
70	The WHI bridge costs relative to costs of NHID?	X		
71	How will trucks get routed to Interstate 5? There should be a map with streets and connections that make sense to people and traffic flow on the island.	X		
72	What other residential streets have similar number of trucks today?		X	
73	How will recreation opportunities be accessed?		X	
74	Is the North Hayden Island Drive design adequate? (cross-section, MUP design, etc.). What level of detail do we need at this stage?		X	
75	Is there a gap between WHI-driven NHID improvements and CRC-driven improvements, including intersection at NHID and Main/Pavillion? (likely to be the primary pedestrian access point between manufactured home community and mall).		X	
76	Adequacy of funding for NHID improvements - who holds the financial risk to ensure the completion of the improvements?	X		
77	What happens if the truck traffic exceeds 205 trips? Then would/should a WHI bridge be considered?		X	
	Other			
78	Has a Transportation Planning Rule analysis of the terminal development been conducted?	X		
79	The revised IGA references joint City/Port support of a project to improve the Columbia River rail bridges, but does not appear to accurately identify the RTP project involved. Indeed, I'm not clear that there is such a		X	

	project currently in the RTP. Since this bridge corridor is important to future plans for both High Speed Rail and potential commuter rail service, I'd like to be sure what we're committing to support is consistent with those future opportunities.			
80	Will the terminal be regularly serviced by the same trucks? Do we have any data for comparable terminals or estimation on this point?			X
Recreation Questions		A	B	C
	<u>Costs, Who Does What, Timing</u>			
81	Can the recreation objectives be met without compromising ecological objectives? How do recreation opportunities on WHI impact habitat preservation?	X		
82	Have enough funds been allocated to open space planning and design on the 500 acres? (noted difference between the 500 acres and the 6 acres).	X		
83	Why was the development of a written strategy for use of the Open Space area changed from one year to 5 years? Is \$200,000 sufficient compensation to the city for BES and Parks and Recreation work on the development of the strategy?	X		
84	Please provide a clear understanding with Parks on what is being proposed, how it is funded, who owns the park and who maintains the park etc.	X		
85	Describe the relationship between a potential boat ramp east of the tracks and proposed passive recreation west.		X	
Other IGA Legal and Enforceability Questions		A	B	C
	<u>Enforceability, Loopholes?</u>			
86	Can the "numerous escape clauses" the Audubon Society (Bob) identified be pointed out?		X	
87	There are various clauses that allow the Port or the City to kill the IGA. What impact do these clauses have on the enforceability? What is the purpose of these caveats?		X	
88	What are the "voluntary measures" referenced in the purpose section of the IGA?		X	
89	Waiver of Default. What does this mean? (page 121)		X	
90	If the Port fails to achieve actions outlined in section 4 and 5 [environmental and community mitigation] in the agreed to schedule, what is the penalty?		X	
91	Can the IGA specify that SB 766 protections for development are waived?		X	
92	What's to say that once annexation is approved there won't be a move to modify or eliminate mitigation requirements based on the [specious] argument that state planning Goal 9 "trumps" Goals 5, 6 and 7 and policy directions from the Portland Plan and		X	

	Comprehensive Plan?			
	Future Funding Decisions			
93	It's a huge leap of faith to assume foundations will fund the work anticipated in the IGA. Even if these potential sources of funding were realistic, what might the impact be on other local and regional funding priorities?		X	
	Other			
94	Has this area been designated for industrial development for decades? If so, then why is everyone so surprised that it is being discussed for development? If not, then why are people saying it is?	X		
	Can we require that a City of Portland Business license be required to do work on WHI (construction or terminal operations)?			

Question Ranking Key

A = We have a clear answer to this already written, with supporting data.

B = We have a lot of data, but need to write clearer answer.

C = More research needed.