

Health Questions

General Health Analysis 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?

Answer:

The Health Analysis found that the development scenario would likely impact all seven factors to some degree—some in negative ways and some in positive ways. The most likely negative health impacts are related to **air quality, noise and vibration, and community design and housing**. These factors show potential for negatively impacting health by increasing respiratory illness, cardiovascular disease, cancer, sleep disruption, and localized economic instability. In general, the local population on Hayden Island, particularly those living in manufactured or floating homes, is likely to experience the negative health impacts of the development scenario.

Severity is a function of susceptibility and vulnerability, which is why baseline health data is needed to answer this question. Given the acknowledgment of special vulnerability of the residents living in closest proximity to the proposed development, baseline data is not necessary. But this accepted vulnerability now must be ran through the filter of potential impacts to determine potential severity, with a particular emphasis on non-cancer risk.

38. Can we properly assess/plan mitigation for health 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?

Answer: Through the Health Analysis we analyzed 2010 demographics for the island. We know from the census and other recent local surveys that Hayden Island residents have a higher percentage of seniors, persons on fixed incomes. As a result, we know that this existing community is likely to have a higher percentage of persons with pre-existing medical conditions, and we know it is especially vulnerable to future impacts described in the report.

However, the timing of a future development is estimated to begin no earlier than 2023 (construction) with operations beginning no earlier than 2026. The population will change during that ten year period. A baseline health survey in 2012 may not tell us much about who will be impacted in 2023 or 2026. At the time of the HIA we would also know the type of terminal that is being planned and be able to look more closely at baseline health conditions as they may relate to the development being proposed.

Recommendation: BPS recommends that a baseline health study of the population be conducted as part of the 2nd stage HIA (described in more detail below).

As noted above, as long as there is acceptance of pre-existing medical conditions and special vulnerability on the island, more specific baseline data is not necessary. However, we have enough data about demographic trends in manufactured home communities to project the likely residential demographic composition in 2025.

Stage Two HIA

42 and 43). What is the specific trigger for the future second stage HIA? How do we implement second-stage HIA and ensure recommendations are followed?

Answer: Currently the IGA states: “The HIA will be completed before the Port submits the first federal permit or federal funding application for development on WHI. The term “development” includes rail or marine terminal development on WHI, or related docks and causeways below ordinary high water in the Columbia River. The term “permits” includes federal permit or funding applications submitted by entities acting as agents of the Port, or by any lessee of Port property on WHI. The Port will notify and secure the cooperation of its agents and lessees in complying with this requirement.” With the Mayor’s Amendments on November 21 staff added the establishment of an endowment that the Port would manage in consultation with the Advisory Committee in the amount of \$1 million. The earnings from this fund will be used to implement further mitigation measures that may be recommended in the second stage HIA.

What are the potential state permits that might precede a federal permit yet might provide enough specificity in terms of proposed development to allow for a reliable HIA? There should be a commitment to triggering a Stage Two HIA as early in the process as practical.

The HIA should occur through a NEPA Environmental Impact Statement (EIS) or Environmental Assessment (EA) process that would be triggered by a development permit which includes rail, marine terminals and/or docks and infrastructure.

This statement is inaccurate and/or misleading. NEPA does not require an HIA, and the federal agency responsible for conducting a NEPA analysis will not conduct an HIA - as that term is being used - in its review of “potentially significant health-related impacts.” Further, an EA is only a superficial scoping that clearly does not require an HIA. This reinforces the need to trigger a more detailed HIA as early in the process as is practical, i.e., once there is a known development proposal, which may occur prior to federal permitting. The community has rights pursuant to NEPA that are and should remain distinct from the obligations pursuant to this IGA. I otherwise agree with BPS recommendations on this point.

Mayor’s Housing Fund Proposal

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?

Physical Activity

According to the Health Analysis, physical inactivity is among the top preventable causes of premature death and disability locally and nationally, and increasing opportunities for physical activity can positively impact the following health outcomes: heart disease, high blood pressure, stroke, obesity, type 2 diabetes, mental health, temporary illness/injuries and even life expectancy. The Health Analysis discusses improved opportunities for physical activity by expanding infrastructure for biking and walking along Hayden Island Drive and a trail system on West Hayden Island.

The lingering concern here is that, due to a lack of baseline data and community surveying, we are ASSUMING that residents will in fact utilize new recreational opportunities.

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.

Answer: PHB looked at the size of the park, the age of the units and variety of needs and life circumstances of the residents in their research. They found that some of the most beneficial services provided by a fund should include:

- Full Home Weatherization (Approx. \$7,000/unit)
- Window Replacement (Approx. \$2-3,000/unit)
- Down Payment Grants for Newer Homes On-Site or Relocation (up to \$5,000- Assumes average credit score requiring 10% down payment on \$50,000 home).

[Caveat: I have not seen Attachment C]

This response does not actually answer the question - how was the \$3.6M sum derived - in part because PHB has not conducted a housing audit of the community to obtain more specific data around potential improvements and/or replacements needed. A housing audit is simply another form of baseline data (with respect to the housing stock, as opposed to residents) that informs us of the state of the housing in the community. Particularly because PHB believes that over half the housing in the MHC was built pre-1980, the degree of improvements and/or replacements needed could well exceed the \$3.6M price tag based on the three cost options delineated above.

In lieu of an actual housing audit, a more appropriate agreement would provide each resident in the community an option based upon whether their housing unit meets certain criteria, leaving the final sum as an estimate or range.

The City came up with \$3.6 million as a base sum for the housing fund with the assumption that the amount can be matched 1:1 with State and Federal dollars, and participate contributions, potentially tripling the value of this fund and increasing the potential for retrofits and other improvements to the manufactured homes in the park. This amount, with matching funds, would allow for substantial upgrades to existing homes in the park and also allow for funds to assist with new purchases or relocation. The amount was based on the estimated values noted above, and the number of homes in question.

This response is vague. What are the state and federal sources for matching funds? How likely is it that these matching funds can be obtained? What would a “tripling” of the value of the housing fund mean? This response feels dangerously idealistic.

Currently the IGA indicates that PHB will deliver a more detailed plan for the distribution and use of the funds to City Council within 9 months of receiving the initial disbursement of planning funds to set up the program. Air quality monitoring is not one of the uses that has been identified for the use of these funds. However, depending on the type of terminal(s) this could be reevaluated at the time of the second stage HIA. The IGA indicates that the remainder of the funds will be available within one year of City Council approval of the housing plan.

Another lingering concern is that PHB administrative costs would come out of the \$3.6M fund. And this response still isn't clear whether AQ monitoring will be required - it should.

BPS recommends changing the timeline for the planning and disbursement of the housing funds to align with the completion of the stage 2 HIA. The HIA will define health impacts based on a specific terminal development. BPS, PHB and HIA practitioners can more definitively define the uses for the housing fund based on the findings of the HIA.

Other

46. How are construction impacts [on the community] assessed/mitigated?

Answer: Specific construction impacts were not assessed in the Health Analysis. We need to have more specifics on the types of terminals and the timing for development before we can assess potential mitigation for construction. The proposed IGA includes a requirement for an ongoing WHI advisory committee, which will be charged with developing a **good neighbor agreement** with the Port to be implemented during planning and design, construction, and subsequent terminal operations.

The range of terminal types for WHI are not outside of the known and existing terminals currently operating in the region, meaning we should have existing information about the degree of construction impacts and best practices, and we should be analyzing that now. Additionally, there are components of a Good Neighbor Agreement that should be pulled out and inserted into the IGA now to bind the parties relative to development proposals.

This MUST be considered in relation to the potential health impacts and community vulnerability. I.e., if we acknowledge the potential for severe health impacts to an existing and likely future vulnerable residential population, we can impose certain restrictions, monitoring and mitigation NOW (in the IGA) that will ensure that all development proposals going forward will reflect - and seeks to avoid and/or mitigate - those concerns.

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?

Answer: The Health Analysis notes that it is hard to predict how the prevalence and/or severity of housing related health conditions would change under a development scenario on WHI. If the proximity to port operations and the attendant noise, vibration, light decrease the desirability of the manufactured home community, older homes might be decommissioned more rapidly than is currently the case. The report goes on to say that people who do not want to live near construction or port operations may move away and remaining residents may have new people or vacant housing units as neighbors. The report notes that development induced displacement is connected to a number of individual and community health problems. Concerns about future development may depress housing prices regardless of the characteristics the development (or even if development never occurs).

This is classic Environmental Injustice: a disproportionate siting (permitting a locally unwanted land use in close proximity to a low-income vulnerable community), which will lead to diminished quality of life for those living in close proximity to the siting, which will lead to “coming-to-the-nuisance” (folks with the means will vacate, even poorer, more vulnerable folks will move in, along with a higher vacancy rate), further dismantling social cohesion and capital. It’s not that speculative - there is 60 years of evidence proving this.

48. Understand what a full-blown economic justice point of view would say about impacts on mfg homes community.

Answer: The Health Analysis indicated that the populations that would be most impacted by a future Port development would be those living in the manufactured or floating homes.

I agree with the bulk of this analysis. However, a “full-blown economic justice” analysis must also include the likelihood to which the residents bearing the brunt of the impact will benefit from the economic opportunity. That component is missing here - how likely is it that the residents of the MHC and floating homes will benefit - economically - from the development, whether through direct or indirect jobs.

Transportation Questions

77. What happens if the truck traffic exceeds 205 trips? Then, would/should a WHI bridge be considered?

Answer: Both the plan district zoning code and the IGA contain provisions limiting the total number of heavy truck trips to 205 (i.e. 102.5 round trips) per day. In the case of the zoning code, there is no provision to ask for an adjustment or variance to this number. If the number of heavy truck trips are exceeded, it would trigger the city’s code compliance process. This process involves the Bureau of Development Services, and would begin with their investigation of the complaint. They would correspond with the Port and request that the non-complying situation be brought into compliance. This would require the Port to reduce the number of trips to be within the code. Further violations would result in additional letters requesting compliance, the assigning of fines, and would ultimately force the Port to go through a legislative amendment process to consider amending the truck trip number. That process is detailed below.

If the Port anticipates that the heavy truck traffic will surpass this number with new terminal development, the Port would have to ask the City to propose a legislative amendment to the zoning code, to avoid being out of compliance with the code and subject to violation. This amendment would need to go through a full public review process, with a hearing and recommendation in front of the Planning and Sustainability Commission and a hearing and ultimate decision in front of City Council. Additional traffic studies would be needed to justify any increase in traffic to/from WHI. The heavy truck limit identified in the IGA is cross-referenced to the proposed plan district in the Zoning Code (currently identified as proposed section 33.595.220).

The community has asked for some clarification on the time period associated with calculating the 205 heavy trucks per day maximum. The community has suggested that if this number is exceeded on any one day than the Port is in violation. The Port would like to see this calculated as an average over time. The Community has also raised concerns about the remedies in the event of a truck cap violation and the need for third party monitoring or audit of truck trips.

Recommendations:

- BPS recommends calculating the 205 heavy trucks per day as an average over any one-month period. BPS feels this is a reasonable approach to calculating the truck cap based on information received from the Port monitoring operations of daily truck traffic at terminals 4 and 5.
- The draft IGA should be updated to clarify that truck data must be collected in a way that can be independently verifiable through an external third party audit.

This is an improvement based on community input, but the recommendations are still avoiding the enforcement component - current enforcement mechanisms are unlikely to have the deterrence effect needed to hold the Port accountable.

Other

78. Has a Transportation Planning Rule analysis of the terminal development been conducted?

Answer: A transportation analysis that complies with the State Transportation Planning Rule (TPR) requirements was completed and submitted to ODOT for review and acceptance. On October 23, 2012, ODOT submitted a letter to the City concurring with the traffic analysis methodology and findings and determined that development of West Hayden Island, using North Hayden Island Drive and the Hayden Island interchange with I-5 as the access route, will have “no significant affect” on the State highway system for the purposes of OAR 660-012-0060 of the TPR (Attachment E).

I have reviewed the analysis and the OARs and believe there is further discussion to be had around this point. I will provide more information at a later date.