

River Plan / North Reach

Summer Stakeholder Meeting 2

City Hall, Rose Room

September 9, 2009

8:00 am

1. Welcome and introductions
2. Review the "areas of possible agreement" (see email from Mayor Adams)
3. Overview and discussion of the 15% Vegetation Standard
(the Working Waterfront Coalition would also like to discuss their proposed alternative to both the mitigation and vegetation requirements)
4. Next Steps or Next Meeting?

Mitigation Bank Overview

Sallie's notes for the August 12, 2009 meeting

INTRODUCTION

One of the features of the River Plan that all of you conceptually agreed upon was the development of a mitigation bank to allow applicants to mitigate off site for their development impacts and concentrate habitat investments in the North Reach. So we are in the process of developing the mitigation bank.

While City of Portland regulations will be the primary driver for the Bank, the Bank will be structured to accommodate mitigation required by state and federal agencies, and if we can make it work, mitigation for past damages determined by the Portland Harbor Natural Resource Trustees.

The City's proposed regulations anticipate that development will continue in the North Reach. According to the Hovee study, the development capacity of vacant waterfront sites equates to \$278M to \$543M of new development over the next 20 years and reinvestment or redevelopment is estimated to be \$152 million. Some of the expected development will occur in areas that have natural resource value.

The proposed river environmental overlay zone regulations require that development proposals avoid impacts to natural resources as much as possible, and mitigate for the unavoidable loss of resources and functional values. On-site mitigation will be the first priority in the North Reach.

The Bank has the potential to streamline the mitigation process by allowing a landowner to satisfy all three levels of permitting requirements with one mitigation plan.

2.2 Mitigation bank Area and Geographic Service Area

The mitigation bank area is the area within which restoration sites for the Bank will be selected. The North Reach is first. Subsequent phases of the Bank will identify mitigation receiving sites in the Central and South reaches.

The geographic service area is the area within which detrimental impacts to natural resource can be mitigated by using the Bank. For city of Portland permits, the mitigation requirements will be tied to the zoning requirements, therefore the geographic service area of the Bank will correspond with the boundary of the river environmental over zones.

We plan to start the bank with just a few mitigation sites and expand over time as needed. Future mitigation receiving sites will likely be chosen from among these 20 sites, however it is possible that sites in the North Reach that are not on the initial list could become available, and additional sites may be added as subsequent river Plans are created for the Central and South Reaches. The City will prioritize acquisition based on the following criteria.

Criteria

1. Ecological Benefits
 - lift, connectivity, in kind habitat for anticipated impacts
2. Ownership
 - Property owner is willing to sell, trade, or donate the property or a conservation easement on the property

3. Cost
 - The project cost will be low compared to the benefits anticipated.
 - Funding sources and/or mechanisms are available to help support a project.
4. Manageable challenges
 - Any clean up remedy will not preclude or inhibit restoration
 - Project appears to be permitable
 - Impacts from surrounding land uses will be minimal
 - Project will not conflict with transportation and utility infrastructure

To add a new site once the bank is established, we would have to follow the official bank procedures including public notice.

BANK ESTABLISHMENT

The proposed Bank will be established upon signature of the Mitigation Banking Instrument (MBI) by all members of the Interagency Review Team (Corps of Engineers and DSL), recording of an approved form of deed restriction or conservation easement, and establishment of any required financial assurances.

Crediting and Debiting Procedures

We have been trying to develop crediting and debiting procedures that 1) work with the City's regulatory process and 2) are user-friendly and transparent; 3) meet the mitigation criteria of regulating agencies such as the Department of State Lands and the US Army Corps of Engineers; 4) use a system that is compatible with the Portland Harbor Natural Resources trustees.

The City is planning to use a combination of HEP (Habitat Evaluation Procedure) and HEA (Habitat Equivalency Analysis) models to establish the credits. The HEP-HEA model allows us to factor in pre development and post development habitat condition and functionality and account for temporal loss of habitat.

HEP was developed in the 1980's by the US Fish and Wildlife Service and has been used extensively. The result of HEP analysis is a score from 0-1 for pre and post development conditions.

HEA factors in the loss of habitat from the time of development to the time when the mitigation is mature enough to make up for the loss function. It was developed by the National Oceanic and Atmospheric Administration (NOAA).

We are not prepared to talk about crediting today and when we do we will bring our consultants and others who can speak the crediting language fluently.

TIMELINE

We hope to have a public review draft out by late September or early October and have approval of the bank by July 2010 to coincide with implementation of the Code.