

WHI Mitigation Subcommittee  
Meeting # 2  
January 17, 2012  
1:00-3:00pm, 1900 SW 4<sup>th</sup> Avenue, Room 2500B

Mitigation Subcommittee members: Andy Cotugno, Sam Ruda, Bob Sallinger, Eric Engstrom, and Mike Rosen. Staffing: Facilitator: Sam Imperati, ICM and Mindy Brooks, BPS

The meeting discussion focused on reviewing a set of worksheets that each subcommittee member completed prior to the meeting (attached below). The group focused on identifying areas of agreement and next steps in the process.

Area of agreement:

1. Geography - Columbia River/Sandy River confluence to the downstream Columbia River/Multnomah Channel confluence, including the Willamette River to river mile 3
  - a. This is the geography for which mitigation and enhancement actions are appropriate
2. The 500 acres needs a master planning process. Long-term monitoring and management of the 500 acres would be included.
3. Zoning, the OS base zone, can be used to help determine appropriate and not appropriate actions within the 500 acres - no dog park for example
4. Annexation Agreement, Plan District and IGA are the appropriate tools to implement the Mitigation and Enhancement package. A mix of all will probably be used.
5. NRDA will factor into the discussion, but it is unclear what will be required for NRDA.

Next Steps

1. Everyone will bring forward straw proposals for consideration by the group
2. Meeting on Feb 7 to discuss the straw proposals, affirm areas of common ground and narrow the issues for further exploration and negotiation
3. Meeting dates are moving a bit and will be posted on the website, please check website.
4. Last subcommittee meeting will be in late Feb and handing it off to AC on March 16

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Updated 01-13-12  
Worksheet One

Question	Sub-Questions / Topics	Metro	Port	Audubon	City
1) What is the best approach or accounting methodology for meeting a goal of “net increase to ecosystem functions”?	A. What are the goals, desired outcomes, futures conditions, and objectives for the mitigation/enhancement package?	No net loss of cottonwood forest, wetlands, and shallow water habitat. Long term: net increase because short-term impacts will be a net decrease and some mitigation sites will fail. Habitat creation/protection in addition to restoration activities and maintenance.	To meet state and federal mitigation requirements on site and improve the habitat on the 500 acres over time	No net loss of natural resource acreage, function and value within confluence area of Willamette and Columbia Rivers plus additional actions which result in net increase in ecological function. Mitigation should be focused on recovery of imperiled species and reversing historical losses. Mitigation actions have historically underperformed so enhanced mitigation ratios are necessary.	
	B. What are the criteria to use to determine if the full package achieves a "net increase"? (e.g., spatial ratios, timing and time horizon, attrition, synergistic effects of complementary actions, e.g., combine mitigation and NRDA actions)?	There are good model approaches that can be followed. Possibilities include: The Willamette Partnership, Tualatin Basin Water Supply Project, NRDA's model "discounted service acre years"	Criteria should consider mitigation required, synergistic benefits from that mitigation, land value contribution, opportunities lost and "other". The criteria should also include performance measures to track progress.	Spatial ratios and timing and time horizon would be the priority criteria. We recommend using an "effective ratio" type approach to mitigation: it essentially has multipliers both on the debit (resource impact) and the credit (resource compensation) components of the equation. Debits are weighted by the importance of the resources that will be lost (e.g., H (3:1), M (2:1), L (1:1) and the credits are weighted by the type of mitigation (e.g., restoration (1:1), creation (1.5:1) and preservation and/or enhancement (3:1). The debit side of the ration is multiplied by the credit side of the ratio to derive a larger overall effective ratio. For example: H -Debit x Preservation Credit = 3 x 3 for an effective ratio of 9:1. Additional consideration should be given to the timing of the actions--increased credit for advance mitigation; increased mitigation for time lags. An additional package of actions should be added above and beyond these mitigation activities in order to achieve the "net increase" in ecological function. Consideration needs to be given to the fact that the function of the remaining habitat on the island will be impacted	The primary accounting method should be based on functional habitat units (ratios to be determined) 1. Net increase in the acres of shallow water habitat/off-channel habitat. 2. Replacement of lost bottomland hardwood forest habitat either through creation of new forest habitat or restoring existing 3. Replacement of lost grassland habitat either through creation of new grassland habitat or restoring existing 4. Replacement of acres of lost wetlands 5. Additional restoration of forest habitat to offset impacts of development on the remaining WHI forests 6. Actions beyond 1-5 that increase overall watershed health (see 1) C.) 7. Consolidating mitigation action in a single location should count for more credit than scattered smaller mitigation sites **See permanent protection and timing questions for additional clarification**
	C. What kind of actions can count towards mitigation or enhancement?	Habitat creation, protection (e.g., acquisitions or easements), management. Off-site vegetation management (plantings, invasive controls) mitigation ratios should be higher than on-site. Encourage innovative approaches for achieving ecological uplift; control costs by looking to Port for match in materials, equipment, contractors, etc. Leveraging other conservation/restoration plans, including Sauvie Island Wildlife Mgmt. Plan, Burlington Bottoms Mgmt. Plan, Multnomah Channel restoration, Government Island Mgmt. Plan. Coordinate with upcoming Regional Conservation Strategy being developed by the Intertwine for inclusion in the ODFW Oregon Conservation Strategy.	Mitigation and enhancement actions under state and federal requirements are relatively well known and will be addressed as required. For City requirements actions that support habitat enhancement and restoration should count.	Mitigation should be achieved by replacement (enhanced ratios) on impacted habitats within the confluence area. Impacted area should include direct and indirectly impacted portions of WHI.	<u>Mitigation</u> : on-the-ground replacement of impact habitats by creating or restoring the same habitat type as is impacted. <u>Enhancement</u> : additional habitat restoration or funds provided to NGOs for habitat restoration; habitat roofs (eco-roofs that provide wildlife habitat) on WHI; naturescaping on WHI; purchasing and preserving land for natural resources in the Willamette/Columbia confluence area  Actions that are already required, such as stormwater management, should not be counted towards mitigation or enhancement.
	D. Are there any priority actions on island and/or within the region?	Saving at-risk habitat is more important than improving already protected habitat; Invasives control; improve cottonwood riparian forest; wetlands improvement, creation; shallow water habitat enhancement; connectivity for aerial and terrestrial wildlife (special emphasis on birds and aquatic mammals at the larger scale). Need to work with ODFW, USFWS, Regional Conservation Strategy for technical assistance, requirements and spatial integration.	Priority actions on island are development of a management plan & establishment of clear definitive boundaries for the OS area in order to be able to design and implement mitigation, enhancement, and restoration actions. Shallow water should be the priority on the island.	Juvenile salmonid rearing and refuge habitat, neotropical migratory bird nesting habitat, bottomland hardwood forest, prairie, wetland, and mud/sand flat, floodplain	<u>On-island</u> : shallow water and off-channel habitat creation, wetland replacement, connecting interior wetlands to river during seasonal highwater, preservation of larger forest patches, invasive removal and native plantings, long-term management commitments <u>Off-island</u> : shallow water habitat creation, preserving and improving condition of bottomland hardwood forests and grasslands, preserving and improving the condition of the floodplain

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	E. Which approach should be taken? i. By habitat type - all features and functions accounted for?	Develop an overall mitigation plan that all can sign on to rather than principles and targets that will be implemented at a later date.		We would recommend this approach as the primary mechanism to determine mitigation in order to reach the "no net loss" threshold. An additional package of actions would be necessary to achieve the "net increase" objective.	A functional habitat type by habitat type approach will be easier to measure if a net increase in ecosystem function is achieved
	ii. Full package - may not account for all features and functions, but overall achieves "net increase"	Yes, but make sure the rare and threatened habitats are improved and expanded if possible and avoid unnecessary fragmentation. If this approach is taken it should be a pretty big net increase. Dredge spoils - Will always be a roving inventory. Consider habitat replacement in more permanent settings with a focus on connectivity for sparse vegetation/grassland species.	The full package approach is more flexible, and supports the CWG's other goals (viable port facility, regional economic health, etc.)	We would not necessarily be opposed to this approach. It worked at Airport Futures. It may be necessary given that a habitat by habitat approach may simply not be feasible within the confluence area. However the package would need to be significant enough that it is clear that net improvement is being accomplished. We could envision a scenario that includes protection and restoration of the remaining 500 acres on the island plus several additional significant off island restoration projects within the confluence area. This approach should be taken only if a habitat type and function based approach cannot be accomplished. However deferring to this type of approach would be an admission that the habitat on WHI is basically irreplaceable.	
	F. What kinds of monitoring and adaptive management would be appropriate to track progress and ensure that goal is met over time?	Habitat monitoring (e.g., cottonwood forest structure, function, tree recruitment, non-native species encroachment; wetland conditions); wildlife monitoring - focus on sensitive species such as Neotropical migrants, area-sensitive species; birds (point counts; nest success if feasible), amphibian egg masses in wetlands; possibly fish/shallow water habitat. Bat monitoring would be good but a better baseline is needed and a more rigorous data collection methodology should be followed.. Monitoring needs to be adaptive enough to provide long-term information, yet answer specific questions as they arise.	Annual reporting on acreage planted, dollars spent, formal monitoring as needed for DSL and Federal agencies, adaptive management to modify projects to meet objectives and performance measures.	The mitigation and enhancement actions need to be protected and maintained in perpetuity. That includes specific performance standards, field monitoring protocols, reporting requirements, reliable oversight and verification that performance standards are being met, and mechanisms to enforce compliance if necessary.	Long-term monitoring - annual for the first 5 years, then every 5 years going forward - and an on-going program to address management should be included in an agreement. Acknowledgment that natural functions (flooding) will alter the habitat, but if it remains a functional habitat that is OK. Adaptive management techniques to allow habitats to change naturally and BMPs to maintain functional habitat need to be acknowledged.
2) How should on-site	A. How will recreation impacts be mitigated?	First choice is to avoid fragmenting habitat by keeping major trails away from interior forest, minimizing boat landings. Answer to this really depends on placement and intensity of use.	Generally recreation will be developed to avoid impacts to state and federal resources. No other mitigation should be required for recreational uses required by the plan district.	Recreation impacts should be fully mitigated in the same manner as development impacts. Recreation activities will result in the need for additional mitigation above and beyond development impacts and also further reduce the amount of land available on WHI available to receive mitigation actions. Recreation activities need to be developed and managed in a manner that ensures that they are limited to the designated areas, monitored over time and further mitigated if encroachment into non-designated areas occurs over time. Recreation should be limited to activities that are fully consistent with natural resource restoration	Suggest using a master planning process; this should be referenced in the zoning code. Mitigation for recreation impacts should be accounted for.

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recreation be addressed in the mitigation package?	B. How will recreation impacts affect the viability of on-site mitigation and how that mitigation is counted?	Mitigate for increases in use - current use are part of existing conditions. Increased disturbance will impact area- and disturbance-sensitive species. Dogs are a major influence on habitat quality and availability - strongly recommend no dog policy. Trails will result in some direct habitat loss, reduced structural diversity, and invasive species introductions/encroachment.	Any mitigation on WHI should recognize that recreational access is virtually impossible to prohibit given the accessibility of the beaches by motorized and non-motorized watercraft, the proximity of neighborhood residential areas, and the regional draw of any trails and facilities.	Recreational activities with both require additional mitigation beyond what is required for the terminal development and reduce the overall area remaining on the island that is available for mitigation. The city needs to account not only for the planned recreation, but for how it will prevent incursion into mitigation and restoration areas. All recreation needs to be low impact, nature based and consistent with natural resource objectives. WHI should <u>not</u> be viewed as a site to "balance" recreation and natural resource protection--rather recreation on the island should be focused on activities that directly foster stewardship, appreciation and understanding of natural resource objectives.	Whatever land is used for recreation cannot be counted towards mitigation. Both direct and indirect impacts of recreation on the remaining natural resources should be mitigated for.
3) How should land management on WHI be addressed?		Depends on what the agreed-upon process requires. Need a resource management plan, and need to ensure its proper implementation via an independent board with the appropriate mix of interests, but heavy on environmental expertise (like the Smith & Bybee Lake Advisory Comm.).	Land management on the island is the responsibility of the Landowner(s) including COP, BPA and the Port.	It is critical that the 500+ acres be truly protected. Zoning is not an adequate approach to ensure permanent protection. <b><u>The 500+ acres should either be transferred by fee simple to a third party or should be secured by a permanent easement held by a third party.</u></b> It is important that the terms of the legal instrument used to protect the natural resource area explicitly limit activities and actions/ activities that could reduce the size or functionality of the natural resource area over time. Utility corridors and rights of way remain a significant concern---these should not be counted towards the 500 acres and better understanding is needed as to activities that could occur in those areas over time that could erode the functionality of the 500 acres. DSL buy-in is also important since they own portions of the island.	1. Existing land uses, like dredge material placement, utilities, maintenance roads and public access to the beaches should be addressed within the Plan District as allowed uses, potentially with some development standards. 2. Within the 500 acres, there should be 3rd party oversight of the recreation, restoration and management. A conservation easement would be a good tool. See 6) a. regarding credit for permanent protection
4) What are the priorities for on-site and off-site	A. Island function - mosaic of habitats	Focus on large habitat areas and key (declining or at-risk) habitat types for mitigation; mosaic is a secondary interest	State and federal mitigation requirements will be administered by the appropriate authorities when required by law.	This is one of irreplaceable values that is going to be lost in this project. Offsite consideration should be given to protection and restoration of sites adjacent to existing protected areas--for example adding additional protected lands to the Sauvie Island wildlife area, Burlington Bottoms, acquisition and restoration of larger parcels within the North Reach, etc. It also argues for higher ratios and higher value enhancement projects since this functionality will be lost.	This cannot be replicated elsewhere, but it can be enhanced at other nearby islands - Sauvie and Government Island. On-island, the remaining habitats should be managed to function together as a mosaic. Restoration of any one habitat type should be done acknowledging the relationship to adjacent habitats and the regional context.
	B. Shallow water habitat, floodplain	As an element of the Columbia River fish migration system	The Port prefers to reserve the mitigation opportunity for all shallow water habitat impacts of its 300 acre development on the adjacent 500 acre OS parcel. On site mitigation is also the preferred State & Federal Resource agency strategy.	This can occur in the remaining 500 acres or within the confluence area. However we are concerned about additional loss of forest to create new shallow water habitat. This impact needs to be carefully considered.	On-site preservation, restoration and creation should be the priority. Off-site floodplain preservation and restoration is a priority and the appropriate geography is within the Columbia River floodplain from the eastern side of Government Island to the northern confluence of the the Multnomah Channel and River Mile 0-3 of the Willamette River
	C. Wetlands		The Port prefers to reserve the mitigation opportunity for all wetland impacts of its 300 acre development on the adjacent 500 acre OS parcel. On site mitigation is also the preferred State & Federal Resource agency strategy.	Wetland mitigation should occur on island	Same as shallow water habitat and floodplain

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On-site and off-site mitigation/ enhancement? How far away is OK?	D. Bottomland hardwood forests	As an element of the flyways that follow the Willamette and Columbia corridors	Forrested resources will be addressed by setting aside the 500 acre and restricting the zoning to OS while limiting the uses in that zone to natural resource related and passive recreation. Enhancement opportunities will exist both on and off the island within the 4th HUC .	This can be accomplished through restoration of the remaining forest on the island plus significant creation of additional forest within the confluence area. The off-island focus needs to be on large patches rather than on small urban tree planting projects. The focus should be on adding new forested areas such that there is no net loss of overall canopy.	On-site restoration and off-site creation are the priorities. The geography is the same as for shallow water habitat/floodplain and the Columbia Slough watershed is also an appropriate geography for bottomland hardwood forest creation.
	E. Grasslands and sparsely vegetated areas	There is not much of this habitat type on the island, although what is there is being used by sensitive species. See also 1E. Forest is higher priority than grasslands so don't cut down forest to create grassland. Grassland mitigation should restore less valuable habitat.	Grassland resources will be addressed by setting aside the 500 acre, downzoning to OS and further restricting the OS zone to a limited agreed upon set of uses compatible with natural resources. Enhancement opportunities will exist both on and off the island within the 4th HUC .	This cannot be replaced on island without further loss of forest habitat. Therefore it will need to occur offsite. We would recommend looking at Sauvie Island including the wildlife area and possible target areas for expansion of the wildlife area as well as burlingotn Boottoms and the Saint John's Landfill. We would oppose loading additional grassland mitigation requirements onto Gov't Island given the large and experimental grassland effort that the Port has already committed to over the next 25 years. Again the end result should be no net loss of grassland acreage and the replacement parcels should be of adequate size and structure to accomodate at risk species such as W. Meadowlark. Streaked Horned Lark, etc (different grassland species have different needs)	There are 100+ acres on-island that will be developed, pushing those species to already constrained sites elsewhere. Therefore, off-site preservation, restoration and creation is the priority. Same geography as shallow water habitat/floodplain
5) How should the timing of mitigation and development be addressed?	A. Is it assumed that mitigation would start in advance of development? Is the answer the same for each habitat/function?	Yes, it should start prior to disturbance or there will be a decades-long decline in overall forested habitat. The answer differs - grasslands take less time to create. Neet to monitor/determine habitat function before work begins - is there agreement on existing conditions and functions?	Yes by downzoning the 500 acres from MUF-19 to OS and futher restricting that zone- advance mitigation is occurring. State and federal mitigation will occur on the 500 acre at the time of development	Resources not typically regulated by federal agencies including bottomland forest and grasslands need to either be done in advance of development or significant additional mitigation should be required to compensate for time lags. The enhancement package also should be initiated in advance of development. Finally any acquisition of new protected areas should be accomplished in advance of development. Ideally the entire mitigation and enhancement package would be done holistically since many of the actions may be integrated, especially on island....however this may be difficult since resources regulated by federal agencies may not be considered until a development proposal comes forward. We do need to be concerned especially on island about forest restoration activities that may later be eliminated in order to create shallow water habitat and wetland areas---at bare minimum, we need understanding of which areas of the island will be available for specific restoration activites so that the same areas are not mitigated now for forest and later for wetlands and shallow water habitat	Advanced mitigation for all habitat impacts is preferred. It is anticipated that forest mitigation would start at least 5 years in advance of impacts.
	B. Some functions take many years to fully develop - how should that be accounted for?	See 5A. Account for amount and timing. For example, mitigation ratios for forested habitats should be higher than grasslands and mitigating forest should happen as early as possible..		Bottomland forests are the primary concern here--any time lag needs to be accounted for by additional mitigation requirements. Grasslands also take time to establish and should be done in advance of development or additional mitigation to compensate for time lag should be required.	Forest functions are the slowest to develop - 50-70 years. The functional analysis should account for the lag.

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	C. How should advanced mitigation be credited?	Same, but a certain amount should be required. Can we fast-track initiating through permitting agencies (especially wetlands and shallow water habitat)?	If the Port proceeds with advance mitigation for wetland and shallow water resources, it will likely do so only within the framework of a state and federally approved mitigation bank. The preferred location for such mitigation, as mentioned above, would be on site within the 500 acre OS area.	The ratios described above should be used for advanced mitigation. Given the time frame for development (10-20 years) and the time it takes for grasslands and forest to reach maturity, there is no reason to give additional credit for "advance mitigation." It more likely that we will have a time lag even if mitigation is initiated in advance that that there will be a limited time period where we have "extra habitat." Besides, part of the objective here is "net increase in function"--any additional benefit gained by advance mitigation should be seen in this context. The bottom line here is that the likelihood of having fully functional replacement habitat plus undeveloped original habitat at the same time is very unlikely and even if it does happen will be in place for a very limited time period.	Yes. Either by a reduction in ratios or through a functional analysis
6) How should permanent protection be credited?	A. What is the value of permanently protecting the 500 acre through zoning or other tool?	This is not really not the question; the task at hand is how to mitigate displacement of 300 acres of natural resources due to development. Some of the mitigation may occur within the 500 acres which can count. Consider creating a conservancy/board of trustees for the 500 acres, etc. to ensure short and long-term success.	Significant- valuations are being developed for existing zoning, OS zoning and Industrial. We are also assessing the implication of restricting development on the 500 acres through downzoning and or set asides.	First it is important to determine what portion of the 500+ acres is actually owned by the Port. A significant portion appears to be owned by DSL. It is also important to subtract out the rights of way and utility corridors, BES holdings, etc which really are not protected. Finally it is important to consider the fact that much of what will remain after development really is not developable--for example the narrow portions of the island at the west end would likely not support development activities . <b>It is absolutely critical that the Port's portion of the 500 acres be permanently protected by either fee simple transfer to a third party or by an easement held by a third party.</b> Zoning is not sufficient to ensure that incremental expansion of the development footprint will not occur in the future. As a public agency the Port should recognize that not every part of environmentally sensitive parcel should be developed. The permanent protection of the the Port's portion of the 500 acres should simply be seen as part of the overall package as opposed to counting specifically towards its mitigation and enhancement	Yes, contingent on the strength of a the legal instrument used to protect the remaining 500 acres. Permanent protection could be addressed by reducing the mitigation ratios or by counting permanent protection as an enhancement action that helps achieve a net increase.
	B. To what extent can value as well as mitigation credit be allocated to the 500 acres given it is no longer available for industrial use?	Again, this will need to be incorporated as an aspect of an overarching plan. These questions really relate to habitat loss, not industrial land loss; mitigation by its nature is intended to be permanent. Protection is a necessary aspect of mitigating habitat impacts.	The 500 acres has <u>not</u> been down-zoned by any City land use action. It retains its full potential value for any use consistent with applicable land use law and current zoning of MUF-19. The Port's agreement to annexation with a 500 acre OS zoning is a full "local mitigation credit" for industrial use on the remaining 300 acres. Federal and state mitigation will occur at time of development within the 500 acres.	It should not be credited. The goal set by council and the phase I committee was "net increase in ecosystem function." the focus needs to remain on mitigating for the resource function that is lost and creating additional projects to achieve the net increase above and beyond mitigating. Counting the protection of the Port's portion of the 500 acres towards mitigation or enhancement would undermine the objective of achieving a "net increase."	The reduction in allowed uses based on zoning to OS is one way to quantify value. But this cannot be the only approach taken to achieve a net increase in ecosystem function, because that objective is based on functions, not dollars. One the ground mitigation is expected.
7) What types of mitigation and enhancement would the City mandate vs defer to State and Federal agencies?	See second tab - Worksheet 2	Shallow water and wetland habitats will go more towards State & Federal. Other habitat mitigation should look more towards City requirements. Reach out to DSL and NOAA Fisheries to develop an integrated package that covers mitigation that they will have responsibility for (Nancy Munn)	State and federal mitigation will be administered by the relevant agencies as required by law. City-imposed mitigation, if any, is subject to Goal 5 requirements.	Bottomland forest, grasslands and floodplains (balance cut and fill) should all be addressed by the city.	See Worksheet 2 for details. Overall, the City does not want to duplicate state or federal authority. It is expected that the City and Port will participate in a discussion about how to move advanced mitigation forward for all habitat types impacts.

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<b>8) What are the best implementing tools?</b>	A. What kinds of mitigation and enhancement actions should be implemented through the following City tools?	The right approach is the one that provides the most certainty over time. Permanent conservation easements?		Bottomland forest, grasslands and floodplains (balance cut and fill) should all be addressed by the city.	
	B. Annexation Agreement	Yes	Actual agreement for local Goal 5 requirements, preferred location for state and federal mitigation requirements. It will also cover other agreement issues such as transportation and community.	Permanent protection of 500+ acres	Land management, permanent protection Public services, costs
	C. Plan District	Yes	Zoning uses allowed out right and restricted. Performance standards,buffer language and incentives.	Activities within protected area, requirements to limit impacts on protected area from constution operation of marine industrial development facilities (noise, light, vibration, etc, recreational activies and facilities, general designation of habitat objectives in natural area	Recreation and Natural Resoruces Management Plan for the 500 acres. Performance standardrs within the 300 acres to focus development easterly and perserve forest patch size
	D. IGA	Yes but it should be enforcable	Same as annexation agreement	mitigation and enhancement objectives (both on and off island), management, maintanance monitoring and reporting requirements. Potentially recreational facilities and managment	SWH, floodplain and wetland mitigation at the time of development. Forest and grassland mitigation in advance of development. Enhancement actions.
	E. Other	Something like the Government Island plan for Airport Futures		Fee simple transfer or permanent conservation easement on the Port's share of the 500+ acres	
<b>9) What are the NRD considerations that need to be addressed?</b>	A. What are the habitat fucntions and resources that the trustee address in the NRD process?	Long term monitoring and maintenance; adaptive management approach - for example, if in the future, recreation impacts are shown to be much more severe than we know right now, trustees should use a good-faith adaptive management approach: adapt the mitigation to meet the goals of the project, even if it means the mitigation activities should be altered.	Shallow water habitat	It is important to get a clear understanding and legally binding agreement that ensures that habitat mitigation and enhancement done to compensate for impacts of development on WHI (either on or off island) cannot be counted toward Superfund or NRDA obligations (no double dipping). It is our opinion that mitigation for the impacts of development on WHI will consume all the avaible restoration opportunities on the remaining 500 acres and there will be nothing left to apply to Superfund/ NRDA. It is important to get an understanding of how important WHI is to the Port, the WWC and the Superfund Trustees to accomplish their Superfund related obligations and whether there is an impending conflict. There is already a scarcity of land available to address superfund issues in Portland Harbor. Developing 300 acres on WHI will further reduce the available land base while at the same time increasing the need for lands to mitigate on.	Shallow water habitat and off-channel habitat (reconnected wetlands) are the priority for the trustees
	B. What is the potential timing of NRD restoration activities?	NRDA restoration project planning in progress, with over twenty project sites determined. Some with private mitigation programs, such as Wildlands. Need to track with NOAA-Fisheries Restoration, Megan Callahan-Grant (consultant, John Marsh) Should incorporate NRD habitat restoration objectives within Port planning. Ideally, extending the airport futures model and objectives in that planning would be beneficial.	The timing of NRD activities is in the sole control of the natural resource trustees, and no timetable has been set for any NRD decision or activity related to WHI	Uncertain	

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	C. How can land use planning on the 500 acres be complimentary with other natural resource objectives including NRD?	There is a regional need to "connect the dots" - different projects, scopes, scales. Coordinating with the Regional Conservation Strategy being developed by the Intertwine is one approach. There is the potential for a form of Mitigation bank panel -- including stakeholder involvement	Planning can be complimentary if it provides a framework for the investment in natural resource restoration afforded by the NRD opportunity.	We believe that the two are in conflict. There is already a scarcity of land available to address superfund issues in Portland Harbor. Developing 300 acres on WHI will further reduce the available land base while at the same time increasing the need for lands to mitigate on. We are at a point where we no longer have an adequate land supply to mitigate for all of the existing obligations in the river confluence area---developing on WHI just exacerbates that situation.	The City would like clarity from the Port regarding their intentions of using some/all of the 500 acres to count towards NRD. The City/Port agreement should be clear about what is actually available to be used to mitigate for development impacts on WHI.

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Worksheet Two - Question 7  
Audubon Responses**

7) For each of the following habitat types:	i. Is the habitat/function regulated by state or federal laws?	ii. What habitats/functions should the City mandate mitigation?	iii. Do state/federal agencies require enhancement for the habitat or functions it provides?	iv. Should the city mandate enhancement for habitats or the functions it provides?
<b>A. Island function - mosaic of habitats</b>	NO--not directly	The city needs to recognize that the mosaic as well as the location is important and that replacing it with a bunch of isolated scattered projects will not compensate for the lost values. This argues for both looking to add to existing natural area complexes and also for higher mitigation ratios to the degree that this cannot be accomplished	NO--not directly	YES --both
<b>B. Shallow water habitat, floodplain</b>	Shallow Water Habitat-YES; Floodplain not really for the purposes of natural resource protection--this could change with FEMA lawsuit implementation	Balance cut and fill--city should get out ahead of the FEMA floodplains litigation and mandate that impacts to fish caused by floodplain development are mitigation. Balanced cut and fill should be part of that mix. Also the city should consider its climate change action plan and Metro Title 13 both of which call for protection of floodplains. The goal here again should be no net loss (ie balanced cut and fill)	NO (state possibly under some circumstance but would not apply on WHI due to lack of jurisdiction)	YES--Both
<b>C. Wetlands</b>	YES	Leave to feds	NO (state possibly under some circumstance but would not apply on WHI due to lack of jurisdiction)	YES--both
<b>D. Bottomland hardwood forests</b>	NO	Full mitigation ---city should recognize that its Watershed Management Plan, Climate Change Action Plan, Urban Forestry Plan etc all call for increases in canopy (to achieve an overall goal of 33% coverage citywide. Loss of tree canopy projected on WHI by this development would send the city in the wrong direction at a magnitude that will take decades to reverse.	NO (state possibly under some circumstance but would not apply on WHI due to lack of jurisdiction)	YES-both
<b>E. Grasslands and sparsely vegetated areas</b>	NO	Full mitigation--only 1% of the historic Willamette Valley grasslands remain. It is critical that the City be able to say that there was no net loss of grassland in terms of acreage and functional value.	NO	YES--both

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City Responses**

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<b>A. Island function - mosaic of habitats</b>	no	X	no	yes*
<b>B. Shallow water habitat, floodplain</b>	SWH - yes, but only for listed species Floodplain - not for the development footprint unless the FEMA lawsuit changes that	The City does not want to duplicate state or federal authority. The City does want to participate in a discussion about advance mitigation for these habitat types	no	yes*
<b>C. Wetlands</b>	yes		no	
<b>D. Bottomland hardwood forests</b>	no, except for bald eagle	X	no	yes*
<b>E. Grasslands and sparsely vegetated areas</b>	no, unless a new species is listed under the federal ESA	X	no	

\* Some amount of increased ecosystem function needs to occur based on the City Council resolution. These habitat types - island function, shallow water and bottomland hardwood forests - are the priority habitats to focus on.