

DATE: June 12, 2012
TO: West Hayden Island Advisory Committee
FROM: Land Management Options Project Team
SUBJECT: West Hayden Island Land Management Options

I. Introduction

In July 2010, the City Council passed a resolution directing the staff of the Bureau of Planning and Sustainability to develop a legislative proposal to potentially annex West Hayden Island into the City of Portland. Of the 800 acres on West Hayden Island, the Council directed that the primary feature of the legislative proposal should be permanent protection and enhancement of at least 500 acres as open space, to be managed primarily for the benefit of the regional ecosystem. The Council went on to suggest that nature based recreational uses should also be evaluated. The resolution stated that any significant recreational structures or development footprints should be located primarily at the eastern edge of the site, and should minimize impacts on the highest value habitat areas. Within the area managed for open space, low impact recreational facilities may be considered as a means to direct and manage human access in ways that support habitat objectives. The resolution went on to say that options for placing more active recreational facilities east of the railroad bridge should be considered.

The City Council has requested that the legislative proposal include an analysis of options for restoration and long-term care of the proposed natural areas, including models for financing both restoration and long term care. Council requested an analysis that includes but is not limited to ownership of the natural areas, remediation and mitigation opportunities, and the creation of a fund for operation and maintenance of the land.

The Concept Plan developed by the Bureau of Planning and Sustainability, based on extensive discussions with the West Hayden Island advisory committee, identifies key areas both for natural resource enhancement and restoration, and for recreational uses on at least 500 acres of the island (Appendix A).

The purpose of this memo is to provide an analysis of land management options for the “open space” area of West Hayden Island (WHI). Specifically, the memo includes the following:

- Maps and a summary of current ownership patterns on the island;
- Discussion of the broader regulatory context for WHI restoration;

- Description of land management alternatives based on examples from other City owned and managed properties and properties owned by other entities. This includes background on how projects have been financed;
- Pros and cons of key land management alternatives and financing options;
- Summary of potential near term and long term ownership and management scenarios including options for financing.

II. West Hayden Island Ownership

The City Council requested that at least 500 acres be set aside for natural area restoration. Approximately 120 of the 500 acres identified as open space could have uses protected, restricted or limited due to underlying ownership patterns. For example, some uses may be limited in the power line easements while public access may be protected on lands owned by the Department of State Lands.

A map of property ownership on West Hayden Island is provided in Appendix B. A list of property owners and their approximate ownership is also included as Table 1. The majority of the 500+ acres that will be designated as open space is currently owned by the Port of Portland.

Table 1. West Hayden Island Ownership Interests

Owner	Acreage	Comments
Port of Portland	Approximately 400 acres	
Department of State Lands	52 – 98 acres	Fill, accretion and erosion have shaped West Hayden Island and the land area has changed dramatically over time
Portland General Electric	Approximately 6 acres	Power substation
	23 acres	East – west power line easement
	10 acres	North – south power line easement
Bonneville Power Administration	Approximately 13 acres	Right of way for power line
Bureau of Environmental Services		Easement for sewer lines and associated structures

The Department of State Lands (DSL) owns five tax lots totaling approximately 52 – 98 acres. Calculating the exact acreage owned by DSL is challenging since West Hayden Island is in an active river channel and has been altered significantly by human activity. Fill, erosion and accretion have changed the dimensions of West Hayden Island over time. Historically, West Hayden Island was much smaller than the island that exists

today. Portions of the northern and southern edges of West Hayden Island were formed over the past several decades as a result of dredge materials placement and the construction of groins (reinforced berms historically constructed into the channel to direct the water flow) on the southern boundary which later filled in with sand and other alluvial deposits. The DSL has an ownership claim over these sections of the island as they were originally part of the “submerged and submersible” lands which were granted to Oregon from the federal government at the time of statehood. Although not depicted on the ownership map in Appendix B, DSL also owns the existing areas of submerged and submersible lands below the Ordinary High Water line (20.4 ft NAVD88) which encircle the island.

The Department of State Lands’ ownership has significance for long term management and use of the island, as all state-owned waterways are subject to the “*jus publicum*” rights (pursuant to the Public Trust Doctrine) of fishing, navigation, recreation and commerce. For example the public may use the submerged and submersible land up to the Ordinary High Water line for any activity allowed on other public lands, including hiking, fly-fishing, camping, picnics, skipping stones, bird watching, kayaking, canoeing, water skiing, swimming, and photographing wildlife.

Use of some locations may be restricted by state or federal agencies in order to protect the resource. For instance, DSL (with approval of the State Land Board) may restrict uses in specific locations that have been subject to overuse or frequent misuse. If the submersible land has been sold or granted by the state to another person, the public’s rights to use the submersible land are limited to the *jus publicum* rights, water-dependent uses, and uses that are incidental to a water dependent use. The DSL may not transfer these rights. Each user and the landowner must exercise their rights to use the submersible land in recognition of each other’s rights. In some high use areas, DSL has formed partnerships with other entities (e.g., Oregon State Parks) to ensure that uses are consistent with the state’s ownership interest.

Authorization from DSL is required for any constraints on or physical impacts to property it owns. This authorization may take the form of an access permit, a lease, an easement, or in certain instances, a purchase agreement. In general, recreational uses do not require DSL authorization.

Several other entities have ownership interests on West Hayden Island. Portland General Electric (PGE) owns approximately 6 acres (2 tax lots) associated with a substation. PGE also has an easement over approximately 23 acres of Port-owned property for east-west power lines. PGE (in conjunction with Portland Power & Light) also has a north/south power line easement that is estimated to be approximately 10 acres.

Bonneville Power Administration owns a right of way for its power lines on approximately 13 acres. The power line easements may limit the ability to conduct restoration activities in the utility corridors due to continuing weed and vegetation

management. However, these corridors may provide an opportunity for recreational access by placing trails in the currently disturbed corridors.

The City of Portland's Bureau of Environmental Services has an easement for sewer lines on the east boundary of West Hayden Island. The easement is for effluent pipes and associated structures from the Columbia Boulevard Wastewater Treatment Plant. The following public facilities are located in these easements: four shallow effluent pipes, a dechlorination facility consisting of a mixing structure and a chemical building (on the north side of the island), and a siphon structure (on the south side of the island). All of these facilities require regular maintenance. Any additional fill or structure over or near these facilities would require additional structural analysis.

III. Restoration of West Hayden Island in a Broader Regulatory Context

The Council directed that the proposal for West Hayden Island should include the permanent protection and enhancement of at least 500 acres as open space, to be managed primarily for the benefit of the regional ecosystem.

To assure long term protection, the City and Port will agree to an Open Space zoning designation for the 500+ acres not designated for marine terminal development. The Port has expressed interest in retaining ownership of the designated open space until they have met their mitigation and monitoring requirements. Once those obligations have been fulfilled, the Port has expressed a willingness to transfer fee simple ownership or grant a conservation easement to a land trust or other conservation organization for long term management of West Hayden Island's natural areas. The Port will retain responsibility to monitor and maintain all mitigation projects, as specified in agreements with federal, state, and local regulatory agencies responsible for enforcing requirements for mitigation.

A summary of federal, state and local regulatory programs and the limits these programs may place on both development and restoration of West Hayden Island are described in a memo titled WHI Regulatory Requirements Report.

The majority of West Hayden Island is in the 100-year floodplain as mapped for purposes of administering the National Flood Insurance Program. Floodplain development is subject to additional regulations and may be increasingly restricted as endangered species protection is considered as part of floodplain permitting decisions.

The Base Concept Plan (see Appendix A) identifies potential opportunity sites for enhancement/ restoration of shallow water habitat. It also identifies potential locations for enhanced or restored forest, wetland, woodland, shrubland and grassland habitat. Restoration activities on the island will be influenced by compensatory mitigation requirements associated with industrial and recreational development on the island. Restoration on-site could also be conducted to meet other non-project related mitigation

obligations. An assessment of mitigation needs and opportunities to meet mitigation requirements is provided in a companion memo.

There is considerable uncertainty about the types of mitigation activities that will occur on West Hayden Island. Compensatory mitigation will be necessary for impacts associated with development – industrial, recreational and infrastructure – on West Hayden Island. In addition, the Port may choose to enhance/restore habitat on West Hayden Island to satisfy other mitigation requirements.

IV. Recreational Activities on West Hayden Island

The City Council’s Resolution described West Hayden Island as valuable for both its marine industrial potential as well as for the preservation of open space. In addition, the Council Resolution contained specific references to recreational opportunities on West Hayden Island. The Council Resolution stated that:

- Nature based recreation should be evaluated in more detail.
- Any significant facilities should be considered only on the east end of the site, and more active uses should be considered east of the mainline railroad.
- Low impact recreation uses should be considered to control impact to the natural area from humans and pets.
- Management options for the long term care of the open space must be analyzed.

Recreational objectives were further refined through the concept planning process with project consultant Worley Parsons. The base Concept Plan stays true to City Council parameters as well as meeting some local and regional needs for passive recreational activities on the island. Specifically the plan shows:

- A seasonal pedestrian trail to the northern beach that extends to the western tip of the island.
- Access to the eastern end of WHI via optional locations for non-motorized boat launches on the south side of the island. These non-motorized launches would occur only in conjunction with the optional bridge for access or if a small access road is built to the southern meadow area where a small parking area could be constructed with access to the slough for the non motorized boat launch.
- A pedestrian trail that extends along the southern edge of the facility to the west side of the terminal and to a viewpoint near Benson Pond.

The Concept Plan also provides a small parking area and access near the north shore near the existing bridge. The trail configuration and limited non-motorized boat access minimizes the intrusion into the interior of WHI and into the larger patch areas of forest and woodland, thereby potentially reducing impacts to wildlife species. A vegetated buffer is included on the Concept Plan to help reduce noise and activity of the terminal on wildlife south and west of the terminal, as well as to recreational activities in this area. Costs are estimated to be \$1.6 million for trails,

benches, non-motorized boat launch and landscaping, which includes a comfort station (\$600,000) and a parking facility. This cost estimate does not capture annual, ongoing operation and maintenance costs.

In addition to passive recreation opportunities included in the Concept Plan for West Hayden Island, the City will continue to work with East Hayden Island community members to meet the need for more active public recreational facilities on East Hayden Island.

V. Land Management Timetables

Long term ownership and management of West Hayden Island's natural areas may be affected by other activities on the island such as development of the Marine terminal and restoration and enhancement to comply with compensatory mitigation requirements. For example, the Port may retain ownership after enhancement/restoration projects are completed to satisfy conditions imposed by regulatory agencies to ensure that required mitigation occurs and is successful. Once permit or conditions are met for long term monitoring responsibilities, the Port may then choose to transfer ownership

Table 2 summarizes key milestones for the long term management of West Hayden Island. It is assumed that the Port will want to retain ownership and management of the natural areas of the island to help meet their mitigation responsibilities – both compensatory mitigation for on-site development impacts and mitigation to meet other federal and state requirements.

The first milestone occurs with the annexation of the island in 2012-2013 and the application of the City's open space (OS) zone to approximately 500 acres on the island. The OS zone generally limits uses to agricultural uses, and parks and open space uses by right. More intensive parks or community service uses are allowed through a conditional use process. The annexation of the island is also creating a plan district which is expected to have regulations that further limit the uses to passive recreation such as trails and non-motorized docks.

The second milestone is the development of a master plan for the natural areas on the island. The plan will include both natural resource protection and enhancement goals and will identify recreational opportunities, consistent with the Concept Plan. The master plan will identify potential funding sources to implement the plan. The master plan will also outline a timetable for development of recreational amenities.

The third milestone involves the Port's restoration of the island and shallow water habitat mitigation. The Port has indicated they intend to explore the opportunity to meet their potential obligations associated with the Portland Harbor Superfund site's Natural Resource Damage Assessment on West Hayden Island. This mitigation activity is likely to occur after the Environmental Protection Agency approves the cleanup plan for the

Portland Harbor. This is expected to occur in late 2014. Restoration activities are likely to occur over an extended time period.

The fourth milestone involves compensatory mitigation requirements associated with the Port’s marine terminal development. This restoration activity is likely to begin prior to development of the marine terminal. Specific mitigation requirements and timing of these requirements will be outlined in the Port’s Intergovernmental Agreement with the City of Portland.

The final milestone is when the Port fulfills all its mitigation requirements. Although the Port may enter into agreements for management of natural areas and recreational amenities at any time during this process, it is anticipated that the Port is likely to retain ownership and management of the majority of the site until such time as mitigation responsibilities are met. Once mitigation requirements are met, one option may be for the Port to turn the “Open Space” zoned area over to a conservation organization.

Table 2 – Milestones for Land Management Activities (contd. on next page)

Milestone	Action	Timeframe
Possible Annexation	Designate Open space zoning	2012-2013
Master planning for Open Space area – including natural areas and recreational amenities	Plan will define advisory committee role, outline location, development and management of recreational amenities, outline management of natural resources, include timelines and identify funding sources.	2013-2014
Potential Natural Resource Damages (NRD) mitigation begins	Port defines areas and types of mitigation for NRD, and begins initial project implementation. (e.g., design...)	2014-2018
Compensatory mitigation for WHI development begins	Defined in City/Port Intergovernmental Agreement and plan district.	At least 5 years prior to development of marine terminal facilities
Completion of Port Mitigation Responsibilities	Port considers other mgmt/ownership of the 500+ acres for habitat preservation.	Agreement between the Port and City may require that the Port provide a conservation easement for management of natural areas.

Milestone	Action	Timeframe
Development of recreational amenities (trails, parking...)	Activities are likely to be phased-in depending on funding availability and implementation timing of mitigation.	Timing will be determined by the master planning process.

VI. Examples of Land Management Ownership and Management Practices

The City Council requested an analysis of options for restoration and long-term care of the proposed natural areas, including models for financing both. This analysis includes evaluation of ownership of the natural areas, remediation and mitigation opportunities, and the potential creation of an endowment for operations and maintenance of the land.

To help understand land management options, the City conducted interviews with several agencies and non-profit organizations that are involved in managing large acreage for ecological restoration and/or recreation purposes. The City met with the following organizations;

- Portland Parks and Recreation,
- McKenzie River Land Trust (Green Island, confluence of the Willamette and McKenzie Rivers),
- Columbia Land Trust,
- Port of Portland,
- Metro, and
- Oregon State Parks Department.

In general, we posed a standard set of questions. These included:

1. *What different ownership/management agreements do you have for your sites? What are your reasons for choosing among the different types of agreements?*
2. *Do you own properties outright, lease, hold conservation easements or some mix?*
3. *What management goals have you established for your sites? (e.g., are your sites managed mainly to protect natural resources, to provide recreational opportunities, to serve as mitigation sites....or any combination?*

4. *What funding mechanisms do you use for restoration, operations, maintenance and monitoring? Do you “blend” funding sources? as well as different “blends” of funding.*
5. *If there are sites that your organization owns but doesn't manage, what are the roles of the various partners in managing the site?*
6. *Have you had issues balancing natural resource restoration/enhancement goals with recreational use and public access?*
7. *What are the relative advantages and disadvantages of different management, funding and maintenance options on your sites?*

The responses helped us identify possible options for managing West Hayden Island. Responses raised pros and cons of various management scenarios and highlighted key concerns associated with long-term management of the property. In some cases properties are owned outright by the organization, other properties are operated through conservation easements while some properties have a combination of ownership interests. The interviews also pointed out funding issues. Table 3 summarizes information received from entities interviewed.

Table 3. Summary of Existing Organization’s Land Management Operational Strategies (contd. on next page)

Organization	Property	Funds for Acquisition	Funds for Operation and Maintenance	Other
McKenzie River Land Trust	The Land Trust owns Green Island (confluence of Willamette and McKenzie) – Approximately 1055 acres	Bonneville Power Administration, Oregon Watershed Enhancement Board, North American Wetlands Conservation Act, Eugene Water and Electric Board	Bonneville Power Administration; US Fish and Wildlife, Oregon Department of Fish and Wildlife	Lease some property for agricultural use
Metro	Metro owns 11,000 acres – natural areas	Bond measure	Metro funds agreements with local park districts to provide operations and maintenance	
Oregon Parks and Recreation	Government Island – manages on behalf of the Port	Not applicable in this case but Parks receives funding from State lottery	Agreement with Port of Portland	OR Parks contracts with Multnomah County sheriff for river patrol services

Organization	Property	Funds for Acquisition	Funds for Operation and Maintenance	Other
Portland Parks and Recreation	Multiple properties across the City	City and bond measure funded acquisition; General fund or Bureau of Environmental Services for restoration projects	Operations and maintenance request for all new acreage to be included in the base budget. Agreements with other City bureaus for jointly owned land. Partner with Port, Metro and others for stabilization dollars (first two years of property ownership).	Receive limited grant funding for specific restoration projects but never for O&M.
Columbia River Land Trust	12,000 acres, including islands in Columbia River	Property donations, partnerships, mitigation requirements	Stewardship endowment fund; for new properties – use stewardship calculation fee - put into escrow for long term management of site	Owns and actively manages and restores sites
Port of Portland	Government Island; Vanport, Smith and Bybee; Troutdale	Acquired as part of industrial needs; mitigation sites	Port funds to meet development-related mitigation requirements.	

Many of the parties we interviewed suggested that any annexation agreement include requirements to ensure the following management priorities are implemented.

1. Development of a management and implementation plan focusing on habitat and trail management. This process would involve master planning to specify the desired future conditions for natural resources on West Hayden Island as well as including long term management practices for both natural areas and recreational amenities. The master plan would set the course for natural area enhancements and development of recreational amenities. Through the master planning process, priorities, limits and phasing would be established. The annexation agreement could set a deadline and provide funding agreements for development of the master plan and specify the process for master plan review and adoption.
2. Establishment of long-term funding. According to the organizations we interviewed, it is critical to have an endowment or a dedicated fund driven by development (similar to systems development charges) to cover on-going operation and maintenance costs. Having a fund to cover on-going costs also provides a source of local match when seeking grant funds for special projects.
3. Establishment of a management oversight committee. The committee could be similar to the one engaged in overseeing management of Smith and Bybee Lakes and would serve in an advisory capacity.

VII. Estimated Land Management Costs

Based on cost estimates received from Portland Parks & Recreation and work conducted by the City's consultants, ECONorthwest and Worley Parsons, costs to manage West Hayden Island's open space include the following:

- On-going costs associated with natural area management including invasive plant removal and revegetation; forest management including pruning, and tree removal and replacement; monitoring, plant material, integrated pest management support;
- Equipment (mowers, boat...) and on-going equipment maintenance;
- On-going costs associated with recreational activities including trail maintenance, litter removal, amenity maintenance, sign repair, etc.
- Enforcement (both land-based and on-water) to address public safety, removal of illegal camp sites; and
- Other costs (e.g., if managed by the City, overhead costs).

It is hard to predict whether or not one entity or several will be responsible for managing West Hayden Island's natural areas. As outlined in Table 1, several entities own or hold easements to property on West Hayden Island. Netting out these ownerships and easements, it is possible that one entity could manage approximately 380 acres of natural area. As noted, the Port of Portland will retain long term responsibilities for mitigation activities on a large share of the natural area acreage. It is also possible that one entity will be responsible for managing the entire 500 acres of open space. Acreages ranging from 380 acres to 500 acres are used to estimate natural area management costs. These acreages are used for illustrative purposes only and do not necessarily reflect the actual natural area that will be managed by any entity.

Portland Parks and Recreation estimates are used to calculate the average annual cost for operation and maintenance of newly acquired natural areas. Portland Parks estimates the cost at approximately \$1800/acre. This does not include specific restoration activities, trail maintenance, public safety or amenities such as bathroom maintenance. The \$1800/acre covers only vegetation, management and "clean and safe" activities. However, much of the natural area enhancement and restoration work would be required as compensatory mitigation and establishment of vegetation and monitoring would be funded through other mechanisms. On-going maintenance and operation costs associated with recreational activities are not part of compensatory mitigation requirements.

The primary recreational operation and maintenance costs will be associated with maintaining trails to keep them safe and accessible. Portland Parks & Recreation estimates an average annual cost to maintain soft surface trails at \$6250/mile. In the Concept Plan prepared by Worley Parsons, it is estimated that there will be approximately 2.3 miles of soft-surface trails, and 3 miles of beach trail on West Hayden Island. The three miles of trail along the beach will not be a formal, developed trail but costs will be incurred for signage and annual beach cleanup subsequent to inundation.

Annual operation and maintenance costs associated with the 5.3 miles of formal and informal trails are estimated at \$33,125.

This estimate includes costs associated with the following:

- Inspection
- Citizen Response
- Trail Surface Maintenance
- Vegetation and Pest Management (e.g. Trimming Overhanging Branches)
- Litter and Trash Removal
- Graffiti and Vandalism Control
- Dust Reduction
- Address Detours/Disruptions (With Workable Alternative Routes)
- Remedy "Social Trails" (Such as Shortcuts)
- Repair Trail Structures and Fixtures/Erosion Control
- Signage (Especially Safety Signage),
- Patrol, Security, Enforcement, Safety Hazard Reduction
- Special Event Policies and Permitting
- Education
- Accident and Incident Data Tracking

It is estimated that development of West Hayden Island will have a footprint of approximately 300 acres with the remaining 500 acres managed as a natural area with limited recreational use. Using a projected maintenance cost of \$1800/acre, it is estimated that \$684,000 (380 acres) to \$900,000 (500 acres) will be needed annually to operate and maintain West Hayden Island natural areas. Additional O&M costs of \$33,125 annually (6250/mile x 5.3 miles) will be needed for recreational amenities.

VIII. Evaluation of Land Management Approaches

Subsequent to the interviews described above, the City hosted a Technical Worksession, with members of federal, state and local regulatory and land management agencies and met with local land management officials to discuss land management options on West Hayden Island. During these sessions, several key elements for consideration of the future land management were developed and discussed. The City used these key elements to explore in more depth the pros and cons of different management strategies. These key elements are described in the following section.

1. Master Planning - Management Goals

The organizations we interviewed all had well thought-out approaches for managing their properties. Portland Parks and Recreation generally uses a master planning process and

Oregon State Parks develops extensive master plans or comprehensive management plans for its properties. Metro has an extensive process for identifying properties for acquisition and for determining different management goals. They establish specific restoration goals for each natural area that they manage. The Port generally manages its open space in conformance with mitigation requirements. The Land Trusts acquire and manage properties to achieve specific ecological goals.

Portland Parks, Metro and Oregon State Parks are equipped to manage for both natural resource goals and for passive recreation. The Port generally manages properties for their mitigation values although a trail has been provided at the Troutdale industrial site. The Land Trusts generally limit access to their properties and manage almost exclusively for natural resource goals and to meet certain restoration objectives.

All the organizations we met with recommended development of a master plan to more clearly identify objectives for the site including both the siting, design, construction, operation and maintenance of recreational amenities and the management of natural areas. While mitigation requirements may drive restoration and enhancement decisions, it is important that the master plan for the island establish a comprehensive vision for natural resources on the island. . It should also clearly identify how recreational amenities relate to natural resource values.

2. Natural Resource Stewardship

A critical criterion for long term management of West Hayden Island is ensuring that natural resource values are restored and enhanced and that open spaces are permanently protected. This requires a long term commitment and funding source. Conservation organizations, such as the land trusts we interviewed, are well-positioned to provide on-going stewardship for natural resource values. The Land Trusts manage almost exclusively for natural resource values, have knowledge of restoration, maintenance and monitoring needs and have the experience to negotiate and ensure that funds are available for long term maintenance before they accept properties.

Portland Parks and Recreation relies on other Bureaus (e.g., Bureau of Environmental Services) or grant funds for restoration activities. Parks may accept property from other bureaus, but only after restoration is complete. Alternatively, Parks will accept funds from other Bureaus for a stabilization period (generally two years). Metro has had bond funds for acquisition but is trying to find new ways to fund on-going restoration and maintenance of their natural areas. Oregon State Parks has lottery funds to cover costs associated with maintaining natural resource values in accordance with their management plans.

The Port is subject to maintenance and monitoring for its mitigation sites as a condition of having the project/site approved by regulatory agencies.

3. Recreational Amenities

Portland Parks incorporates recreational goals into park planning. Funding for long term operations and maintenance is requested from Council at the time of property acquisition. Metro classifies its properties using a range of uses. Natural areas generally have limited access and allow for passive recreation. Metro provides trail maintenance (or contracts with local parks districts for this activity). There is not a dedicated funding source for operation and maintenance of Metro's natural areas or trail systems.

The Port does not generally provide recreational amenities at their mitigation sites. An exception is the Troutdale industrial site with a paved bike/pedestrian trail.

The Land Trusts do not generally provide recreational amenities on their properties and allow only limited access.

4. Volunteer Opportunities

Portland Parks, Metro, State Parks, and the two land trusts all offer some level of volunteer experience and educational opportunities. It is not clear that the Port has used volunteers on their sites, although they have partnered with local groups for beach cleanups on West Hayden Island. As part of the master planning process, it will be important to identify how and when volunteers can be used most effectively in managing natural resource values and recreational amenities on West Hayden Island.

5. Public Safety and Enforcement

All the organizations interviewed raised concerns about protecting property and public safety on West Hayden Island. There were concerns about potential camps and damage done by the public to natural areas by straying from established trails. The groups also raised questions about patrolling from the water and the land.

None of the organizations interviewed had specific recommendations to address this issue but they suggested the need to factor this into the cost of long term operation and maintenance.

6. Public Involvement

Portland Parks and Oregon State Parks have fairly extensive public involvement in their park master planning processes. Because the Port manages their properties mainly to meet mitigation requirements, there is less opportunity for public involvement. The Land Trusts generally involve their boards and other partners (e.g., funding entities) in determining how to manage their properties.

It is recommended that the master planning process for West Hayden Island's open spaces provide opportunity for public involvement.

7. Funding for Long-term Operations and Maintenance

The entities we talked to all take different approaches to funding long term operations and maintenance. Portland Parks and Recreation requests funds, generally from the

City's general fund, for on-going operation and maintenance at the time they acquire new parks. Metro also attempts to identify long term funding sources in their natural area management plan. The Land Trusts work to establish endowments at the time of acquisition to cover long term operating and maintenance costs.

Natural resource protection goals may be achieved through mitigation requirements that require the Port to be responsible for long term maintenance and monitoring of restoration activities. Federal agencies generally will not fund restoration activities if property is being used to meet mitigation requirements.

Funding options for construction, operation or maintenance of recreational amenities include partnerships between the City and the Port. The Port and Portland Parks are both interested in discussing the potential to form a partnership to develop limited recreational facilities on West Hayden Island.

IX. Recommendations for Long Term Management and Future Ownership of West Hayden Island

West Hayden Island is a unique and complex natural resource that provides challenges for long term protection and enhancement of habitat and provision of passive recreational activities. Challenges include:

1. Uncertainties about timing, how and when the property will be used as compensatory mitigation for on-site development, and potentially for other, off-site activities.
2. Potential conflicts between passive recreation and natural resource protection and enhancement.
3. Unique issues associated with ensuring public safety and protecting natural areas on an island. Public access is allowed on Department of State Lands beach property. Much patrolling will need to be done by water.
4. Funding for long term maintenance and operation of the area. While natural resource mitigation requirements specify that funds must be set aside for long term maintenance and monitoring, funds will also be needed for long term operations and maintenance related to recreational facilities.

Any decision on long term land management options for the open space area of West Hayden Island will need to consider the following uses:

1. Use by the Port for compensatory mitigation associated with the marine terminal development and possibly for other mitigation purposes;
2. Permanent protection and enhancement of natural resource values in addition to mitigation requirements; and
3. Use for passive recreation.

The following general recommendations apply to management of West Hayden Island based on the evaluation of land management activities and funding.

1. Develop and Implement a Master Plan

If the property is annexed into the City, the Port should fund and carry out a Master Planning process in 2013 – 2014. The plan should specify desired future conditions for natural resources on West Hayden Island as well as including long-term management practices for both natural areas and recreational amenities. The plan would set the course for natural area enhancements and development of recreational amenities. The plan should include designation of areas that will be future shallow water creation/enhancement target areas, trail locations, and trailhead facility details.

The master planning process should provide detail on trail location, materials and signage. It should establish a footprint for rest rooms and parking at the trailhead and other potential amenities such as a non-motorized boat launch. Guidelines should be established through the process for choosing materials to be used in construction.

The master planning process should address enforcement and public safety needs. It is important to protect both restored and sensitive natural areas and to ensure that people enjoying passive recreation on the island are safe. The master plan will need to identify actions to address this issue.

It is also assumed that master planning for the 500+ acres of open space will be paid for and conducted by the Port, with participation by the City.

2. Provide Opportunities for Public Input and Establish an Advisory Committee

The Port, in collaboration with the City, should establish an Advisory Committee to oversee the development of the Master Plan. The Committee would remain in an advisory capacity during project implementation. The membership and role of the advisory committee would be re-evaluated at set points in time to reassess the committee's roles and responsibilities. The committee could be suspended or disbanded and/ or terms of their charter could be amended by mutual agreement of the Port and City. Specific details on the role and responsibilities of the advisory committee should be set forth in the Intergovernmental Agreement between the City of Portland and the Port. Ultimate long term oversight and management of West Hayden Island should recognize that different entities may be responsible for managing the property for natural resource values and for operations and maintenance related to recreational activities. Portland Parks and Recreation, Metro and Oregon State Parks all have experience and interest in managing for both recreational and natural resource values.

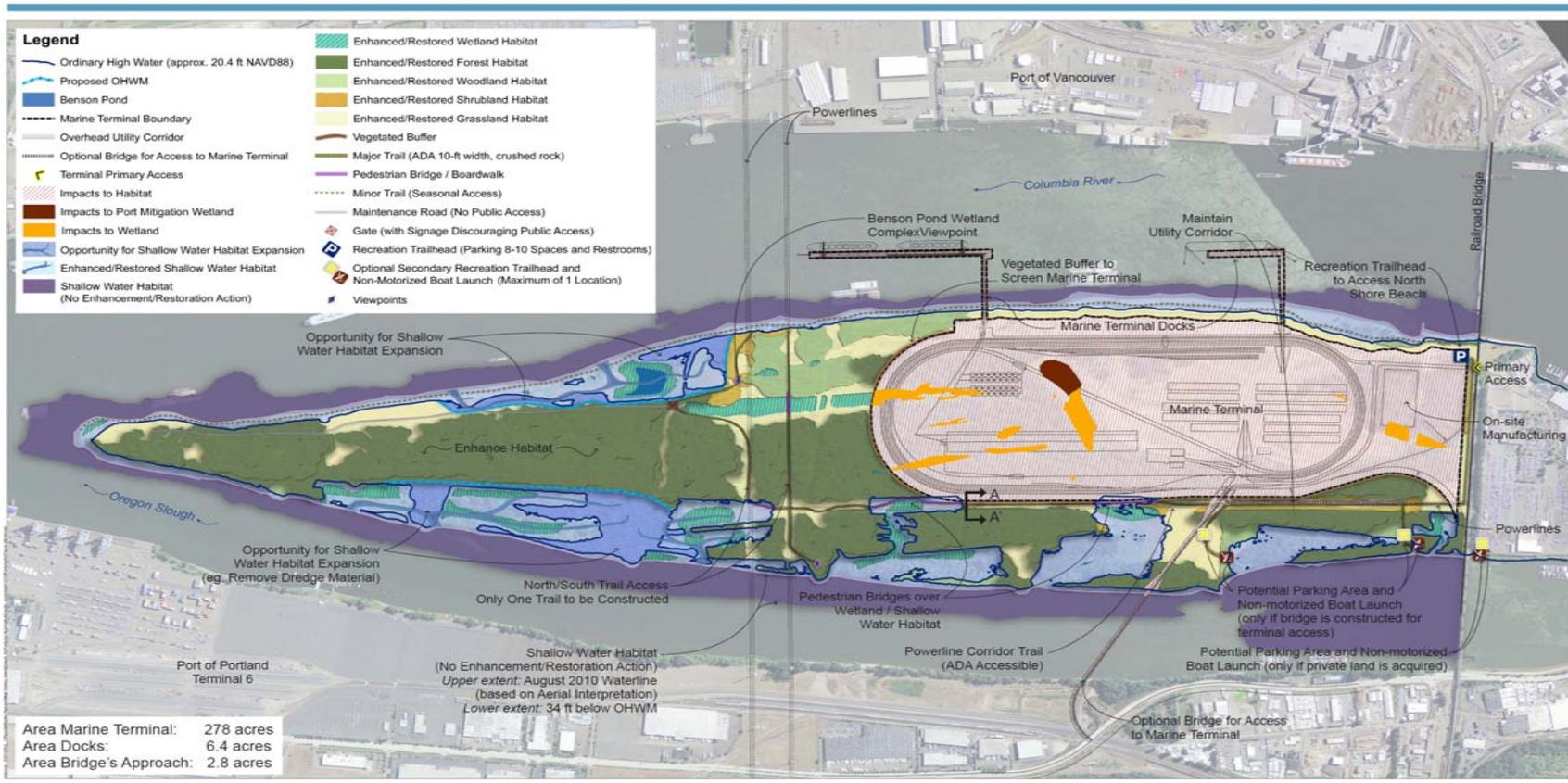
Many parties have an interest in ensuring the long term protection of West Hayden Island and in making sure that there is public access. It is important that there be public involvement in making determinations about the long term management of West Hayden Island. Opportunities for public involvement should be provided during the master planning process and potentially in a long-term oversight role.

Based on the research conducted for this memo and meetings held with regional land managers, it is assumed that the Port will retain ownership and management responsibilities for the natural areas of West Hayden Island until they fulfill their mitigation and monitoring requirements.

The City feels that the most viable option for the future management of natural areas on West Hayden Island is for the Port to retain ownership and management of the natural areas of West Hayden Island for mitigation, restoration and enhancement purposes until mitigation and monitoring requirements are met. The City recommends that the Port enter into an Intergovernmental Agreement with Portland Parks and Recreation or other entity to site, design, construct, operate and maintain recreational facilities. As part of this agreement, the Port would fund design, construction, operation and maintenance of recreational facilities. Under this scenario, the Port would retain ownership until mitigation requirements (including all long-term monitoring requirements) are met and then turn the property over to another entity for management. The Port could transfer fee-simple ownership to another entity, or retain ownership of the property and grant a conservation easement to an entity that could be responsible for maintenance, monitoring, enforcement and on-going restoration needs.

If the Port decides to transfer ownership of the property after their mitigation requirements have been met on West Hayden Island, the City recommends that an endowment be established to cover on-going operations and maintenance costs for both natural areas and recreational facilities.

Appendix A – Final Base Concept Plan



Source: Habitat and wetland locations provided by the City of Portland's Natural Resource Inventory (2011)

Final Base Concept Plan



APPENDIX B – Ownership Pattern on West Hayden Island

