Planning and Sustainability Commission (PSC)

West Hayden Island Work Session December 11, 2012

List of PSC Questions And Names of Core and Technical Reviewers



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

From this list, the following 19 "issue clusters" emerge. Of those clusters, a subset of 14 has been selected as the proposed priority for PSC discussion. These clusters are generally those with more complex questions. Some clusters may be resolvable by PSC review of written responses, without further discussion.

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

Envi	Environmental Questions	
	Location of Mitigation	
1	Describe the rationale behind on site mitigation vs. off site. Timing	
1	relationship to NRDA? Is it appropriate to reserve mitigation opportunities	
	on WHI for NRDA mitigation for the Portland Harbor, or is the first priority	
	for on-island mitigation of terminal development impacts?	
2	Has the exact location and acreages of forested, shallow water, wetland	
~	and grassland habitats been agreed to by all parties, including state and	
	federal agencies?	
3	Piecemeal nature of mitigation. Too many small bits?	
4	Does the "net gain" in ecological function depend on off-island mitigation	
1	work?	
5	Describe the unique ecosystems value of size and contiguity of WHI	
	habitat.	
6	Is the mitigation ratio appropriate for ash replacement and is it even	
	possible to replace mature ash on Government Island?	
7	Will the proposed mitigation amount to habitat conversion?	
	Ownership of WHI	
8	How many acres does DSL own vs. Port ownership? Why hasn't the state	
	(DSL) been involved in the conversation? Have they signed off on the	
	proposed mitigation? The same is true for PGE and Bonneville rights of	
	way. Have those issues already been resolved, as stated in public	
	testimony?	
9	Is there a legal reason the Port cannot mitigate on non-port land? And do	
	or will the Port receive credit for the mitigation? Can the 500 acres be sold	
	to a third party with provisions for the Port to mitigate on the land for the	
	next 100 years?	
10	Who will ultimately own and manage the protected open space? Long term	
	Port management and ownership of the 50 acres not acceptable. My	
	overarching concern is the "custody" of the 500 acres that the Port will	
	continue to controlI am hoping for an unaffiliated group to be the	
	ultimate authority	
11	How do we reconcile this with our desire for on-site mitigation over the	
	next 100 years (which the Port is responsible for)?	
12	Who will be the third party to the IGA to protect the open space interests?	
	<u>Tribal Interests, Treaties</u>	
13	Assertion of the Tribes that treaty rights come into play either with respect	
	to fish issues or with respect to treatment of the island itself.	
14	If this annexation and development were passed by City Council - what is	
	the impact on relationships with Tribes – especially those who have	
	Federal Treaty rights on the Columbia and Willamette?	
15	How does the city propose to close the gap between tribal testimony and	
	the proposed annexation and development of WHI? Has there been staff	
	outreach post hearings and are there plans for addressing tribal concerns?	
16	Can the IGA contain a mechanism that provides tribal feedback (design,	



	mitigation, continued communication through development and
	management)?
17	Describe the tribes role in process – how did we involve them?
	Floodplain Functions
18	How can the Port and City achieve net gain in ecological function while
	ignoring 300 acres of floodplain fill?
19	Has Planning and Sustainability and BES sorted out concerns that the
	city might face significant liability if it allows filling of the floodplain
00	without mitigation? Relationship to FEMA lawsuit?
20	Describe the technical basis for a balance cut and fill requirements?
21	The loss of ecological functions associated with the Columbia River
	floodplain must be accounted for and some form of mitigation included in
	the IGA. Are there are methods short of balanced cut and fill that would
00	help mitigate for loss of floodplain function?
22	Can we provide some more scientific evidence to counteract fears that the
22	fill will increase flooding up or down stream?
23	What are the potential mitigation costs for balanced cut and fill? Climate Change
24	With Climate Change, is the island likely to flood more frequently in the
24	future? How does this impact terminal development or floodplain
	management?
25	
25 26	Impact or connections of this project to the Climate Change Action Plan?
20	What are the climate benefits of rail and water transportation? How does the siting of rail/marine terminals in the lower Columbia impact
	greenhouse gas emissions?
	Shallow Water and Wetlands
27	Please explain the differences in approach between wetlands and shallow
~ '	water.
28	Is BPS proposing to expand environmental zoning restrictions for shallow
20	water and wetlands in the IH zone? Explain this proposal further and if
	this language is being included or not?
29	Does salmon habitat mitigation fall under the federal government since
	they are an endangered species? If so, should we add local review as well?
	Other
30	Does the mitigation plan achieve the "net ecosystem benefit" objective yet?
31	Does the City have a response to ODFW's letter RE city mitigation?
32	Timing of natural resource loss and mitigation? What is the timing of
	mitigation efforts with respect to development?
33	Do we have any policy levers available to ensure that Columbia Gateway is
	developed first and that WHI is not developed if the economic reality does
	not reach the forecast levels at which a second terminal is required?
34	Is it possible to meet 100% of the mitigation requirements on WHI and still
	set 300 acres aside for Port development? If, the quantity is less due to
	potential NRDA requirements, can there be an agreement on timing for
	when that obligation needs to be met and if it isn't then fall back on the
	requirement for greater mitigation on WHI.
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25	Status of Jones lawsuit PE wotland fill an WUI2 Doos it impact this?
35 36	Status of Jones lawsuit RE wetland fill on WHI? Does it impact this? Is the money that is suggested to be allocated to pay for BES's services
30	likely to be forthcoming and are they adequate to the tasks they appear to
	be assigned to? If not, what might the negative consequences be to other
	watershed health programs? What are the implications for overall BES
	budget? Will the money be sequestered in a dedicated account to ensure it's actually used for the work described?
Haal	th Questions
Hear	General Health Report Follow-up
37	What are the health risks of this facility? Are they as severe as some
37	describe? How does this compare to risks that other Portlanders already
	experience?
38	
36	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?
39	Do we have any way to estimate the effect of the health report mitigation
33	measures in reducing impact? Are there additional measures that City
	staff would recommend from those considered?
	Best Management Practices (BMPs)
40	Where do we stand with regard to onsite BMP's?
41	Can the City or Port impose additional emissions, noise, or safety
71	requirements on trucks or trains that call on the site, beyond those
	already required by State or federal law?
	Stage Two HIA
42	What is the specific trigger for the future second stage HIA?
43	How do we implement second-stage HIA and ensure recommendations are
	followed?
	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?
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.
	<u>Other</u>
46	How are construction impacts [on the community] assessed/mitigated?
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?
48	Understand what a full-blown economic justice point of view would say
	about impacts on mfg homes community.
Econ	nomic and Finance Questions



	Nood PonoSts
49	Need, Benefits And the productions about lead is he being arouted true and if as all I need
49	Are the predictions about local jobs being created true and if so, all I need
	is a simple chart about what the local, regional and state benefits will be from having a new marine terminal on WHI
50	Why Now?
51	J
31	Why so many caveats in EcoNorthwest report? A sign that this is really not worth it?, Could we get another independent economist(s) provide another
	opinion on the cost-benefit of the proposed development?
52	Describe the overall benefits of traded sector industries (including trans-
32	shipment ports) on regional and state economy. What benefit does a
	"pass-through" port have, if we assume it is not focused on shipping local
	goods?
53	Describe for each terminal the following: number of new jobs on site;
	global and USA value.
54	What is the impact to the state general fund over 50 years? Clarify the
	amount of tax revenue and graph with 2 terminals, and then up to 4.
	graph with the same of the same and the same
	Goal 9
55	Does the City of Portland need to meet industrial land needs (Goal 9)
	within its own boundaries? What is our Goal 9 flexibility? Is it factually
	correct that the city must annex WHI to meet state wide planning Goal 9?
56	What would happen if we do not annex WHI? How would this impact
	City's Goal 9 tasks? What process steps would occur next, in that
	scenario?
	<u>Vancouver</u>
57	Are both Vancouver and Portland marine terminal sites needed for future
	growth? Or is it just a competition? What is the reality of using the Port of
	Vancouver instead of WHI? Is that realistic or fantasy?
58	Why can't the Port maximize capacity of existing terminals and Vancouver
	site before constructing WHI? - Is it possible for a facility similar to the one
	proposed to be built on the Vancouver side and to come to an agreement
	between the Port of Vancouver and the Port of Portland to provide
	economic benefits to Oregon while preserving WHI?
59	Is there any analysis as to what benefits are gained in WA by this proposal
	vs. OR?
	Finance, Business Plan, Timing
60	We need a realistic schedule of revenue and deadlines in the IGA.
61	Provide a cash flow analysis – Port expected revenue vs. expenditures for
	50 years. [note BAE is preparing a business plan for BPS].
62	In the Port's view, provide a decision tree of issues that give them a clear
00	path to market ready development?
63	What is the business cycle duration for potential decision makers on a
0.4	site? (Looking for number of months or years)
64	Clear explanation to PSC on the soundness of city estimates of cost of
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	restoration. Are the NPV estimates accurate? Has an independent economist weighed in on these calculations?



65	Can mitigation funding be tied to selected benchmarks of economic	
	success? For example, have extra mitigation triggered if revenue meets	
	certain expectations, or if a second or third terminal is built on the site?	
	Other	
66	How will future mechanization affect the jobs estimates?	
67	As part of the IGA is (or can) the port be required to provide	
	outreach/recruitment to the community to generate additional local	
	benefits through port investments that attract and induce other	
	investments in the local economy? What else can we do to maximize local	
	benefit to Portland firms?	
Tran	ansportation Questions	
	CRC	
68	Timing relationship to CRC?	
69	What happens if the CRC is not built, or if the interim interchange does	
	not meet City's expectations?	
	North Hayden Island Drive	
70	The WHI bridge costs relative to costs of NHID?	
71	How will trucks get routed to Interstate 5? There should be a map with	
	streets and connections that make sense to people and traffic flow on the	
	island.	
72	What other residential streets have similar number of trucks today?	
73	How will recreation opportunities be accessed?	
74	Is the North Hayden Island Drive design adequate? (cross-section, MUP	
	design, etc.). What level of detail do we need at this stage?	
75	Is there a gap between WHI-driven NHID improvements and CRC-driven	
	improvements, including intersection at NHID and Main/Pavillion? (likely	
	to be the primary pedestrian access point between manufactured home	
	community and mall).	
76	Adequacy of funding for NHID improvements - who holds the financial risk	
	to ensure the completion of the improvements?	
77	What happens if the truck traffic exceeds 205 trips? Then would/should a	
	WHI bridge be considered?	
	<u>Other</u>	
78	Has a Transportation Planning Rule analysis of the terminal development	
	been conducted?	
79	The revised IGA references joint City/Port support of a project to improve	
	the Columbia River rail bridges, but does not appear to accurately identify	
	the RTP project involved. Indeed, I'm not clear that there is such a project	
	currently in the RTP. Since this bridge corridor is important to future	
	plans for both High Speed Rail and potential commuter rail service, I'd like	
	to be sure what we're committing to support is consistent with those	
00	future opportunities.	
80	Will the terminal be regularly serviced by the same trucks? Do we have	
D	any data for comparable terminals or estimation on this point?	
Keci	reation Questions	
	Costs, Who Does What, Timing	



81	Can the recreation objectives be met without compromising ecological objectives? How do recreation opportunities on WHI impact habitat	
	preservation?	
82	Have enough funds been allocated to open space planning and design on the 500 acres? (noted difference between the 500 acres and the 6 acres).	
83	Why was the development of a written strategy for use of the Open Space	
	area changed from one year to 5 years? Is \$200,000 sufficient	
	compensation to the city for BES and Parks and Recreation work on the development of the strategy?	
84	Please provide a clear understanding with Parks on what is being	
	proposed, how it is funded, who owns the park and who maintains the	
	park etc.	
85	Describe the relationship between a potential boat ramp east of the tracks	
	and proposed passive recreation west.	
Othe	er IGA Legal and Enforceability Questions	
	Enforceability, Loopholes?	
86	Can the "numerous escape clauses" the Audubon Society (Bob) identified be pointed out?	
87	There are various clauses that allow the Port or the City to kill the IGA.	
	What impact do these clauses have on the enforceability? What is the	
00	purpose of these caveats?	
88	What are the "voluntary measures" referenced in the purpose section of the IGA?	
89	Waiver of Default. What does this mean? (page 121)	
90	If the Port fails to achieve actions outlined in section 4 and 5	
	[environmental and community mitigation] in the agreed to schedule, what is the penalty?	
91	Can the IGA specify that SB 766 protections for development are waived?	
92	What's to say that once annexation is approved there won't be a move to	
	modify or eliminate mitigation requirements based on the [specious]	
	argument that state planning Goal 9 "trumps" Goals 5, 6 and 7 and policy	
	directions from the Portland Plan and Comprehensive Plan?	
93	Future Funding Decisions It's a burge leap of feith to assume foundations will fund the work	
93	It's a huge leap of faith to assume foundations will fund the work anticipated in the IGA. Even if these potential sources of funding were	
	realistic, what might the impact be on other local and regional funding	
	priorities?	
	Other	
94	Has this area been designated for industrial development for decades? If	
	so, then why is everyone so surprised that it is being discussed for	
	development? If not, then why are people saying it is?	
95	Can we require that a City of Portland Business license be required to do	
	work on WHI (construction or terminal operations)?	

DRAFT

WHI Core Stakeholders and Technical Experts List

Core Stakeholders

Chris Hathaway (LCREP)

Bob Sallinger (Audubon)

Ron Schmidt (HiNoon Chair)

Victor Viets (HiNoon)

Tom Dana (HiNoon)

Pam Ferguson (HiNoon, HILP)

Donna Murphy (HILP, Co-Chair)

Herman Kachold (HILP, Co-Chair)

Lucinda Karlic (HILP)

Walter Valenta

Marty Slapikas (HiNoon)

John Ostar (attorney for HILP)

Mike Connors (attorney for Manufactured home park owner)

Bill Wyatt (Port of Portland)

Sam Ruda (Port of Portland)

Susie Lahsene (Port of Portland)

Sovereign Nations

Rose Longoria (Yakama Nation)

Michael Karnosh (Grande Ronde)

Erin Madden (Nez Perce, Portland Harbor Superfund Trustee Council)

Other Technical Experts

Environment Issues

Susan Barnes (ODFW) - mitigation adequacy

Douglas Morgan (BDS) - floodplain

Katlyn Lovell (BES) - floodplan, salmon impacts

Jennifer Thompson (USFWS) - mitigation adequacy

Lori Hennings (Metro) - mitigation adequacy

Megan Hilgart (NOAA Fisheries) - mitigation adequacy

Brent Haddaway (Cascade Environmental Group) - mitigation adequacy

Community Issues

Betsy Clapp, MCHD - health

Steve White (OPHI) - health

Tia Henderson (Upstream)- health

Judith Mowry (OEHR) - equity

Peter Hainley (CASA) - housing

David Sheern (Portland Housing Bureau) - housing

Emily Roth (Portland Parks) - parks, recreation

Sarah Armitage (DEQ) - air quality

Ryan Orth (CRC) - CRC relationship

Eva Huntsinger (PBOT) – *NHID design, transportation impacts and adequacy* John Gillam (BPS) – *CRC relationship, transportation impacts and adequacy*

West Hayden Island Planning Project/Stakeholder & Technical Experts List December



Alex Dupey (DEA) - NHID design, transportation impacts and adequacy

Economic/Finance Issues

Terry Moore (EcoNorthwest) – harbor land supply, alternative sites Ed McMullan (EcoNorthwest) – cost/benefit
Janet Smith-Heimer (Bay Area Economics) – financial plan
Mike Williams (Business Oregon) – financial plan
Jennifer Cooperman (OMF) – financial plan
Bruce Allen (PDC) – financial plan
Tom Armstrong (BPS) – Goal 9
Keith Leavitt – Port financial planning

<u>Legal</u>

Kathryn Beaumont (City Attorney's Office)



