

West Hayden Island Advisory Committee Meeting # 5
Friday, April 15, 2011, 9:00 AM – 11:45 PM
Jantzen Beach SuperCenter Park Room
Portland Oregon
<http://www.jantzenbeachsupercenter.com>

Updated Working Agenda

- 9:00 – 9:15** **Welcome, Review of Updated Agenda, Process Context, Public Comment Period, Sign-up and Input Forms, Next Steps** (Sam)
- Announcements** (Rachael)
- 1) Public Tours, 2) U of O Project, 3) Cancel 5/3 Council Event, and
 4) Emailing of Draft Technical Panel Concept and Request to Comment
- Approval of February Meeting Notes** (Sam)
- Advisory Committee Charter Signing** (Sam)
- 9:15 – 9:45** **RFP Scopes/Consultant Selection Process Update** (Phil/Eric)
- RFPs:** 1) Harbor Lands, 2) Concept Planning, and 3) Cost/Benefit Analysis
- EJ Representative Request (OPAL 4/8/11 Letter)** (Eric)
- 9:45 – 9:55** **Natural Resource Inventory Update** (Mindy)
- 9:55 – 10:15** **SB 766 Overview and Update** (Tom Armstrong, City of Portland)
- 10:15 – 10:45*** **Public Comment** *Approximate time slot
- 10:45 – 11:00** **Break**
- 11:00 – 11: 40** **Pre-Concept Plan Development Brainstorming, Continued** (Team)
- 11:40 – 11:45** **Wrap-up/Meeting Evaluations/Future Meeting Dates**
(5/20 and 6/17)(Sam)
- 11:45 – 12:00** **Adjourn and Walk to Vans to Pick Up Lunch and Board Vans**
- 12:00 to 2:00** **Member Tour of WHI by Land** (Mike Rosen/Eric Engstrom)

WEST HAYDEN ISLAND ADVISORY COMMITTEE MEETING #5
FRIDAY, APRIL 15, 2011, 9:00AM - 12:00PM
JANTZEN BEACH SUPERCENTER, PARK ROOM
HAYDEN ISLAND

Meeting Notes

Advisory Committee	Affiliation	Present
Susan Barnes	ODFW	
Andrew Colas	NAMCO	X
Andy Cotugno	Metro	X
Pam Ferguson	HILP	X
Rich Gunderson	Parks & Rec	X
Don Hanson	PSC	X
Chris Hathaway	LCREP	X
Brian Owendoff	PBA	X
Sam Ruda	Port of Portland	X
Bob Sallinger	Audubon Portland	X
Bob Tackett	NW Labor Council/AFL-CIO	X
Victor Viets	HiNOON	X

Staff	Affiliation	Present
Mindy Brooks	BPS	X
Eric Engstrom	BPS	X
Robin Gumpert	ICM (Facilitation Team)	X
Rachel Hoy	BPS	X
Bob Hillier	PBOT	
Sam Imperati	ICM (Facilitation Team)	X
Phil Nameny	BPS	
Mike Rosen	BES	X
Amy Ruiz	Mayor's Office	
Joe Zehnder	BPS	

Public	Affiliation
John Bliss	WHI Resident
Liv Brumfield	WHI Resident
Carolee Collen	WHI Resident
Tom Dana	WHI Resident
Timme Helzer	WHI Resident
Caroll Kachold	WHI Resident
Rose Longoria	Yakima Nation
Brett Milligan	University of Oregon
Donna Murphy	WHI Resident
Barbara Nelson	WHI Resident
Jimme Peters	WHI Resident
Ron Schmidt	hiNOON
Marty Slapikas	WHI Resident

Seth Tane	WHI Resident
Graham Trainor	OR AFL-CIO
Karen Traughber	WHI Resident
Karen Trusty	WHI Resident

Welcome/Introductions

Sam Imperati welcomed the group and thanked the public attendees for coming to the meeting. He provided an overview of the day’s agenda, noting that approval of the February 18 meeting notes would be postponed to allow more time for review.

The Charter had been finalized and it will be passed around for all Advisory Committee members to sign.

A recently added topic, SB 766 Amendments (SB 766-11) will be discussed – copies of the draft amendments were available today.

Sam also noted that the public comment period has been extended to thirty minutes to allow all interested public to be heard. Comment cards are available as an option for providing input to this process. The Advisory Committee will hold another meeting on the island this summer.

A Pre-Concept Plan process document was available as a handout and will be discussed at the end of the meeting.

Advisory Committee members are scheduled for a tour of the island following the meeting, and additional public tours will be offered on May 7 and June 4.

Rachel Hoy, BPS, offered additional opening announcements:

- Information on public tours – May 7 will be a van tour, June 4 will have two walking tour options. Information will be available on the BPS website. She said space is limited and the tours were filling up, and asked anyone interested to talk with her at the break or call her with questions.
- The work session with City Council has been rescheduled from May 3 to May 17 to allow more time to get the consultants on board. The meeting will be held from 9:30-11:30 am in Council Chambers. (Post Meeting Update: Changed to June 14, 2011.)
- The University of Oregon’s Landscape Architecture Department has approached BPS to do a class or studio for graduate students on West Hayden Island as a planning opportunity. The class will view the City Council’s resolution and planning scenarios. Rachel said the Advisory Committee might be interested in what they produce. Once the studio has been completed, the students will present their findings/concepts with the committee. Brett Milligan, a professor with the program who will help design the class, attended today.
- With regard to technical panels discussed at a previous meeting – Rachel will send a draft concept for how that review process will happen and a more detailed discussion will be had at the next committee meeting.

Charter Signing

Sam passed the final Charter around for signing by the Advisory Committee.

Natural Resources Inventory Update – Mindy Brooks, BPS

Mindy Brooks reported on this agenda item and shared a handout summarizing the Environmental Program Update process. The three-step program update process includes the Hayden Island Natural Resources Inventory, then an Economic, Social, Environmental and Energy (ESEE) Analysis and finally application of a program to manage existing natural resources. The inventory spans West and East Hayden Island as well as the south bank of the Columbia River. The technical review draft of the inventory, she reported, is currently out and being reviewed by a Technical Panel of experts. A public review draft will be available in May, and anyone who has property with identified natural resources will receive notice of the public review period. *Mindy* said the results of the inventory process will feed in to the Concept Plan and cost/benefit analysis.

Process Check In/Update – Sam Imperati, ICM

Sam Imperati provided an overview and update of the Advisory Committee process, emphasizing the primary function of the committee as advisors rather than decision-makers. The committee is in place to ensure objectives are met, that the process stays on track, is conducted in a transparent way, and that the results are within the framework of City Council's Resolution 36805. The Committee will also help shape the scope and accuracy of technical reports, shape the plan district language, and consider and integrate public input in to the guidance.

Major process steps include:

- Create site development alternatives
- Develop WHI evaluation criteria
- Evaluate and modify alternatives
- Develop and agree to approach, and perform cost benefit analysis
- Conduct economic, social, environmental, and energy analysis
- Make recommendations that include:
 - What conditions should be included in initial zoning?
 - What issues or conditions can be addressed in eventual development and review process?
 - Do costs outweigh benefits in preferred alternative?

The Committee is currently in the “Pre-Concept Planning” phase.

RFP Scopes/Consultant Selection Process Update - Eric Engstrom, Rachael Hoy, BPS

Eric Engstrom provided an update on the selection process for three RFPs for consultant work related to this process. Three firms responded to the Harbor Lands Inventory and all three were scheduled to be interviewed on April 18th. Three firms also applied and will be interviewed for the Concept Planning Work, likely the first week of May.

The Selection Committee had not yet met on the Cost Benefit Analysis RFP, but was scheduled to discuss this on April 25. Four firms responded to the RFP. Eric said that, since this is a confidential process, he was not able to discuss details, but he did mention that the Selection Committee includes people from this advisory group, plus others to ensure diversity in the contracting process.

Regarding a request for Environmental Justice (EJ) representation on the selection committee – this issue had been raised in a letter from OPAL (Organizing People / Activating Leaders), as well as from HILP (Hayden Island Livability Project).

Pam Ferguson, on behalf of HILP, read the letter aloud.

In response to the request, Eric suggested that the City look in to finding an EJ representative to serve on the selection committee for the cost benefit analysis work because it is not as far along in the selection process as the others, and considering the topic might be most relevant to environmental justice concerns.

He shared that he had done research, and found a few organizations that have EJ expertise – including OPAL, the Office of Neighborhood Involvement, VERDE, and OPHI. If the committee agrees, he said, the city will commit to contact and seek participation of an EJ representative on the cost benefit analysis, selection committee. This might require a slight delay in the process, as the April 25 meeting might need to be rescheduled to accommodate the new representative's schedule.

In addition, the minority evaluation program requires the city to have a certain ratio of minorities on a given selection panel, so more effort in configuring the committee to meet those requirements may be needed. The timeline might slip a couple weeks. However, Eric said, the city feels this is important, especially since the cost benefit analysis will affect the local community.

Brian Owendoff asked whether the selection committee work is pro bono. Eric replied there would be no additional cost to including additional committee members to do the review.

Victor Viets asked for clarification from those that made the request: Were they seeking an expert in EJ? And/or, were they trying to achieve environmental justice via this process? Eric said that both requests asked for expertise in EJ. Pam added that her organization wants to ensure that EJ issues are addressed through this process -- either through the participation of someone with expertise or an affected public member with sensitivity to EJ issues.

Bob Sallinger added that it should be a community member or someone credible that is connected to the community who represents the interests of locals. He said he agreed EJ is a missing piece.

Sam Ruda: How was this issue dealt with on the Columbia River Crossing issue?

Victor Viets agreed that local participation is important, but said he had not seen the latest scope of the cost benefit analysis. Previous scopes did not include an 'impact' cost analysis, so this may not be the place to address EJ issues. Victor suggested reviewing all scopes to find the best place for addressing EJ. He also suggested possibly inviting an observer to critique the scopes and offer feedback on the selection process.

Eric replied that the cost benefit scope was left intentionally open to allow the consultant to suggest/find those areas where a cost analysis should be done. Public health could very well be one avenue. About observers, it would not be possible to include additional observers without doing a formal re-evaluation.

Victor said that concept planning identifies arrangements for various types of facilities but the scope does not include quantification of, e.g., health effects on communities.

Eric replied, yes, but later work will allow for expanded evaluation. The public needs to be aware of where in the process these issues are included.

Rachel added that their goal is to take the BPS report from the first phase and compare it to current concept planning and the eventual preferred alternative. That work will be part of this process.

A motion was made to have the city look for an individual with EJ expertise and/or community experience to serve on the cost/benefit analysis, selection committee. All committee members present agreed to the motion. It was clarified that this will not mean re-processing the concept plan; rather it is for the cost/benefit analysis work.

Victor Viets also asked that staff draft a response memo that explains the role of EJ throughout the process, to respond to the requests and to share with the Advisory Committee.

Sam Imperati acknowledged that in the past, transparency has been an issue in this process and said the current committee holds itself to a shared value of transparency and improvements have been made to that end.

SB 766-11 Proposed Amendments – Tom Armstrong, BPS

Tom Armstrong, policy analyst with BPS, provided an update on the latest proposed amendments to SB 766, including a handout with the proposed changes. He said he expects that some form of this bill will pass, which will initiate state rulemaking to further define the bill. The City of Portland will likely need to implement the rule in about a year. The bill is currently in the Senate Business Transportation and Economic Committee. A hearing was scheduled the next week following today's meeting. All bills, he said, will be out by April 21.

Tom said the bill has three main parts. The first, concerning industrial projects of state significance, was borrowed from Washington and would combine all projects review under one umbrella – a “one stop shop” for industrial land proposals. An oversight group, the Economic Recovery Review Council, would review projects. Tom said there were some clarifications needed, e.g. the definition of ‘significant economic investment to the state’. The intended goal of the bill, he suggested, is to consolidate and reduce redundancies and make the process more efficient. Project decisions made at this level would be appealable to the Court of Appeals “on very narrow grounds.” He pointed out that discretionary land use permits would fall within this proposed process, but issuing building permits would remain at the local level. It would remove LUBA as a juncture in the process and would limit a community's ability to be involved if the state and local governments agreed to take a proposal to the Review Council – although it was noted that a public hearing would be held before a decision was made.

The second section Tom discussed was found on page 9 of the document, concerning “Regionally Significant Industrial Areas.” This section describes how to plan for industrial use

areas. Once designated, the local government cannot prohibit or prevent use for that purpose, nor adopt new regulation or plans that reduce the employment potential of the area or site characteristics of the area – unless necessary to protect public health and safety or to implement federal law. Alternatively, the City would need to mitigate for the economic impact. Tom said he felt this was another ‘gray area’ of the proposed bill.

Finally, he directed readers to Section 8 of the bill, regarding expediting industrial land use permits. The appeal would go to a hearings officer, not to City Council, and then, up to the Court of Appeals “on fairly narrow grounds.” Finally, it was noted that the proposed legislation would expire when the Oregon unemployment rate drops below 6%. Local provisions would remain with no sunset.

Sam Imperati teed up the issue and suggested that because the outcome of this bill is a moving target and outside the scope of this group’s work, the Advisory Committee should weigh in only on its applicability to the West Hayden Island project.

Sam Ruda shared the Port perspective: He expressed support for the bill as it relates to one of the key priorities in the Port’s strategic plan, to develop industrial property. The Port, he said, will not officially endorse any aspects of the bill and believes this Advisory Committee is the process for addressing West Hayden Island. The Port does not think the bill would apply to West Hayden Island especially in the near term, because approval of industrial land zoning requires a longer NEPA review process. Instead, the Advisory Committee process and outcomes will guide the West Hayden Island effort. In addition, if down the road this became an industrial land of significance, it could be a place of priority to the state for economic recovery.

Bob Sallinger on behalf of Audubon Society shared his perspective that SB 766 is a bad bill, and that the proposed process is exclusionary and would dramatically reduce public participation and local oversight. Added up, it would preclude new environmental regulations. The bill has improved some from previous drafts but not much. He said the Portland Business Alliance supported this bill along with the Port and other economic interests. Bob said that the media portrays West Hayden Island as potentially impacted by this bill, which is a different perspective than what the Port suggested. An easy solution to allay his concerns is to include explicit language that West Hayden Island is excluded from the provisions of SB 766.

Don Hanson, PSC, asked how an area would be designated as having state significance. Page 9 of the proposed bill says that this would rest with the Economic Review Council; the League of Oregon Cities has proposed an amendment that resolution of local government is needed to move forward with any designation. Tom Armstrong added that the process would be more defined through Administrative Rules if the bill passes.

Brian Owendoff, PBA said he thought there would be no impact to West Hayden Island given all the environmental review processes required. This bill, he said, is directed at land already planned for industrial use. There was environmental representation in the bill’s development.

Victor Viets: What is the expected size of the areas that would be considered under this process, and how would Willamette River properties be impacted? The bill does not define a size limit but uses site characteristics as criteria. Land supply would not change, but permitting might be affected.

Mike Rosen, City of Portland BES, said he felt that consultation with members of the community, including local environmental justice advocates and other stakeholders that would

traditionally be included, was not part of the process. The City also felt excluded. This Advisory Committee is seeking to bridge improvements to the environment and the economy. Mike said he did not agree with the implication suggested earlier that elevated unemployment is correlated to environmental health.

Bob Sallinger remarked that 1000 Friends of Oregon is not an environmental group. The conservation community was not represented at the table and was excluded from the process.

Brian clarified that he did not mean to imply that environmental regulations cause economic problems, rather that challenges with planning and zoning prevent economic development. Land within the urban growth boundary should be able to be used for multi-uses. This bill, he said, is about using industrial land within the urban growth boundary in an environmentally responsible way.

Sam Imperati acknowledged the challenges with this pending legislation and offered that the issues, as discussed today, intersect logic and emotion. This committee was designed with a focus on balancing environmental, economic, and social interests on West Hayden Island. The committee should continue to do its good work in seeking a solution that can work toward everyone's interest.

Public Comment

Carolee Collen – I live on the River Drive manufactured home community. Re SB 766: Why are the bill authors so opposed to community involvement and transparency of process? We just want to be informed as impacted citizens. We are half a mile from the toxic dumpsite and have other strains on our community. We want to preserve the livability of this island. Why not approve another site than West Hayden Island? We are not opposed to better jobs, and we love Oregon and our island. If another site is approved, there will be just as many jobs available but less adverse impact on our community. If there is no strong economic need for a new terminal in the region, or if feasible alternatives or existing locations are found, then continuing attempts to annex WHI are unjustified. If you feel additional capacity is needed, test that against a 'no build' presumption. We are already impacted by so many other things. Community livability, open space, preservation of human and environmental health, accessibility, and environmental justice should all be considerations. The property cannot support both industrial and wild lands.

Marty Slapikas: I live on the island and have attended some meetings including the hiNoon BOD presentation from the Port. I am tracking the issue and process as best as I can. Regarding improvements to the environment and economy: What would happen if WHI did not exist and the Port found it necessary to increase capability? I suggest they would talk to the Port of Vancouver to get agreement. Why not do this first, rather than on the 26th as is stated in the concept plan. There could be a joint agreement reached around wages, jobs, economic improvement and development by the two jurisdictions; a common bridge authority. The Alaska Native Plains Settlement Act helped get many regional corporations to share oil revenues in the state of Alaska, so it can be done. Jurisdictional opportunities for a coordinated effort should be the primary consideration. If absolutely unavailable, then look at WHI. What about recreational needs? How about regional jobs? Once the real estate is impacted, it is changed forever. To bring back to its original state takes a very concentrated effort and I do not see that happening in the near future.

Tom Dana – I live on the island and was a member of the first community working group on this issue. That was the “final authority” too, but the outcome was not the ‘right’ one. So instead, it was called “Phase I” and now we are in “Phase II.” Re: SB 766 – if the Port really does not want it to apply to West Hayden Island, then exclude it. I do not believe in the bill, it is crazy to sacrifice public input. Meeting the 6% unemployment criteria is 10 years out. Either we want public input or we do not, regardless of the unemployment rate. Without input up front, there will be later lawsuits. With proper public input, we might be able to solve problems at less cost and more quickly.

Karen Trusty – I am a new resident at the Jantzen Beach moorage and a Board member for Columbia Riverkeepers, but I am not representing them today. The public has been cut out of this process. No “regular” people are representing the selection committees, which is indicative of the differing interests of the public vs. businesses. I suggest you undo this imbalance. Oregon is known for its environment. First in mass transit, bicycles, etc. – this is our quality of life. There is beautiful habitat on this island. If annexed, what will we do about the trucks going back and forth? It will ruin a beautiful place. I love this place, for the osprey, blue herons, and astounding beauty. Be brave, make this a nature conservancy.

Donna Murphy – The Port of Portland owns West Hayden Island, but that does not mean you can destroy it. I live on an island where at 4 am I can see deer and other amazing wildlife, and I do not want to see it destroyed. I live a mile from a toxic waste dump. I do not feel good about the DEQ findings that it is not toxic. We homeowners would not be notified if SB 766 passes. I am concerned about public notice because we do not own the property. 1,600 people would be impacted. Do not take us down a road that will not be able to be cleaned up later. Before the concept plan, decide on the need for the terminal. What are the economic forecast studies saying? I have a preference for no build. Who will take care of our health, open space, and basic amenities; our ability to navigate our communities? There are times I cannot go out because I cannot get through the traffic. The island is inundated already and there are many more projects in line. Let us help select the consultants so environmental justice is protected.

Rose Longoria – I am from the Yakima Nation. This local issue is also important regionally. We are very aware of this process and are interested. The Yakama Nation is a sovereign Indian Nation in the southern central part of Washington. Our lands span Oregon, Washington and throughout the Pacific Northwest. We are impacted by Superfund sites – Roosevelt, Hanford and the Portland harbor. In addition, hazardous waste sites exist throughout the Columbia Basin, and this impacts our treaty reserve resources. We are committed to restoration of the entire Columbia River, and West Hayden Island is part of that system. We will continue to pay close attention to this planning process, and are glad it is here. We spend way too much money in litigation.

Ron Schmidt – I am Vice Chair of hiNOON. Director of WOO, and part owner of the Jantzen Beach moorage. SB 766 is against our community desires. I compliment you holding a meeting on the island. We welcome you back any time and suggest you hold the meetings when working people can be here.

Carolee Collin – Yes, we do not own land, but we do own the buildings. Island residents feel they want to leave, many seniors have problems. It is so overwhelming. Nevertheless, we cannot sell our properties. No one would want to live here. The units are too old. We are trying to protect the livability of our home.

Advisory Committee responses:

- *Eric Engstrom:* in response to the Yakima Nation comments – the City has been trying to brief all tribes periodically on this process. Recently several of us went to Grand Ronde. We recognize the treaty rights with respect to West Hayden Island.
- *Andrew Colas* – re: the comment about selection of consultants. I hear the community concerns, and feel that input to the consultants once they are selected will be more important than selecting them. I am a volunteer myself; there is nothing to benefit me to be on this committee so I have no specific motive. Hearing your input helps shape my thoughts. Please stay involved as often as possible, even though you are busy.

Pre-Concept Plan Development – Sam Imperati, ICM

Sam reviewed the format of a handout provided on the Pre-Concept Plan. It included issues to be considered with development of a concept plan. Twelve were listed. This draft was provided by staff to “prime the pump” from previous studies. The last column showed the sources they used to develop the issues.

The second part of the document listed non-concept plan questions. These refer to the longer term, “eventual development review process,” considerations. Additional considerations might be added given that the future state of science is unknown.

Sam then opened the discussion up for further guidance on the process for parts one and two of the draft.

Don Hanson: If we can answer questions 13 through 27, we are in good shape. This is very comprehensive and will help us focus our efforts. It also responds to what we heard today as important issues.

Victor Viets: If we are going to address all the issues, why separate them in to two lists?

Eric Engstrom: The intent was to have the selected concept planning consultant focus on the first list, while the second list has a broader context and will be addressed by a broader group of experts.

Sam thanked everyone for their participation today, distributed meeting evaluations, and adjourned the meeting. .

Adjourn

Notes respectfully submitted by the Institute for Conflict Management, Inc. facilitation team.

Notes from AC tour of WHI

Staff led the Advisory Committee on a van tour from the Jantzen Beach Mall through a portion of West Hayden Island. The tour went along the dirt access road between the railroad tracks to near the area of the north/south utility corridor. Stops included the dredge disposal area, the port’s existing wetland mitigation site at the edge of the dredge area and the edge of the potential development area near the power lines. Staff provided an overview of the features of the island and its existing natural resource functions and potential function as an industrial

marine terminal. Due to the heavy rain that occurred during the tour, there was limited activity or travel outside the vans.

Post-Meeting, Public Communication

From: Jimme Peters [jimme_peters@msn.com]
Sent: Friday, April 15, 2011 9:21 PM
To: Hoy, Rachael
Cc: Adams, Sam
Subject: West Hayden Island Advisory Committee Comments

Hi Rachael-

May I ask you to place my comments below into the record? I was unable to complete the form at the meeting today due to time constraints in getting back to work, thus am sending my feedback to you electronically. Thank you in advance.

A. Please comment on West Hayden Island Concept Planning Issue Identification Table, specifically answer, "What are the issues that should be considered during the development of the concept plan?"

1. The table has covered many of the issues nicely.
2. There has to be other options for the Port's perceived need for development that will not have such a negative impact on a small, unique neighborhood and does not include the destruction of a natural area.
3. The business case for marine development is essential prior to making any decisions. It is an uninformed process without key data on type of terminal needed, revenue, potential tenants, etc.
4. The current data on usage percentage of existing Port terminals will help determine if the need is really justified. It is my understanding that we have quite a bit of unused cycles at the Port terminals, it is basic supply and demand analysis. Over the last couple of years, shipping has been down, thus why build more when we have extra capabilities already built?
5. Port of Vancouver potential partnership for picking up the perceived need of expansion.
6. Infrastructure costs are going to be sky-high and not feasible-additional bridge, roads that are on sand, etc.
7. Additional dredging requirements that may be required.

B. Other Comments

1. Thank you for holding the meeting on Hayden Island. I was able to come to the meeting today, but only for 45 minutes as I had to go back to work. Please consider holding future meetings in the evening, not during working hours as many residents are off island already for the day and cannot get out of their work for long enough to travel back and attend in the morning timeframe.
2. The co-existence of marine terminal and recreation seems impossible due to the access issues, location of railway, infrastructure requirements for trucks, and devastation to animals. The human impact is also too large for an unjustified ROI by the Port. Green spaces and their ecosystems are not replaceable.
3. There is not even a remote inkling of objectivity, everything is "we" from the various staff people when referencing the proposed project. The Port and City cohesion is so

apparent, especially since the City is the approving entity of the Port's desired development. It appears that the decisions have already been made regardless of the public opposition/input and resulting impact on our community.

4. With the CRC project looming, the effect on the island will be overwhelming. The addition of the Port development would literally make both ends of the island inaccessible, noisy, greater pollution, and the residents are going to be very inconvenienced and unhappy. The island cannot support this much activity.
5. A public process that has so many "confidential" comments from Port and City staff about hiring of consultants, criteria, the short list, etc. is unsettling. Why can't this information be shared, what is being kept from the citizens and how is the hiring being biased for the Port and City to benefit? It is integral to the outcome of the process, thus should be transparent to us.

Thank you,

Jimme' Peters, Hayden Island Floating Home Resident, 503.816.0500

**WHI ADVISORY COMMITTEE MEETING (PRE-TOUR) EVALUATION
APRIL 15, 2011**

1. **OVERALL MEETING QUALITY:** Poor Fair Good (3) Very Good (3) Excellent
2. **PACING:** Too Slow Just Right (6) Too Fast
3. **CLARITY PRESENTATIONS:** Poor Fair Good (3) Very Good (5) Excellent
4. **DOCUMENTS:** Poor Fair Good (2) Very Good (6) Excellent
5. **DISCUSSION:** Poor Fair Good (3) Very Good (4) Excellent
6. **MOST USEFUL?**
 - o Public input
 - o Public comments
 - o Consultant selection process update
 - o The IT consultant was great!
 - o SB Review – timely and appropriate
7. **LEAST USEFUL?**
 - o Explanation of SB 766 was weak. Too much incorrect information being stated.
 - o Public comment (nothing new) but still good to give people the opportunity to speak
8. **COMMENTS, SUGGESTIONS, OR QUESTIONS?**
 - o Good location for neighbors. Do it again in summer



April 8, 2011

City of Portland
Bureau of Planning and Sustainability
Attn: Phil Nameny
Phil.Nameny@portlandoregon.gov

VIA ELECTRONIC MAIL ONLY

Re: West Hayden Island BPS Annexation Study – Consultant Hiring

Dear Phil,

I represent the residents of the Hayden Island Manufactured Home Community in litigation and advocacy to protect their community health and livability, which are threatened by contaminated dredge disposal and potential marine industrial use on West Hayden Island (WHI). I am also the co-director of OPAL Environmental Justice Oregon, a grassroots community-based organization working to address issues of environmental and social justice, and I serve as the Vice-Chair of the Governor's Task Force on Environmental Justice.¹

As you are aware, the majority of land use decisions impacting community livability and health occur at the local planning level. In particular, feasibility and design studies – depending on the range of issues addressed, the analytical framework and methodology employed, and the degree to which costs/impacts are internalized – can have critical consequences for communities potentially impacted by these decisions. Moreover, the perspective and approach of any contractor hired to conduct all or parts of such studies can dictate the degree to which the studies accurately represent the distribution of benefits and burdens of local decision-making. Agency capture in this field is pervasive; certain contractors enjoy favored status, with agency staff compounding inequity by building off and relying upon the status quo of insufficient methodology and a pro-build bias.

¹ Environmental justice is the fair treatment and equal protection of all people, regardless of race, ethnicity or income, with respect to decisions that impact the environments in which we live, work, pray and play, as well as the right to meaningful participation in the decision-making process.

OPAL is an intercultural grassroots nonprofit empowering working class communities and people of color to promote environmental and social justice. 1
Our 501(c)(3) tax identification number is 20-2782595

April 8, 2011
City of Portland – BPS
Phil Nameny

In the case of the West Hayden Island annexation study process, it is critical that the City recognize the need for environmental justice considerations to play a significant role in any and all studies and analyses. The Hayden Island Manufactured Home Community is the largest such community in the state, with approximately 50% of the residents living at or below “very low-income” levels, according to U.S. HUD guidelines. The majority of the residents are elderly, living on fixed incomes, many with poor health, disabilities and/or limited mobility.

ORS 182.545 requires that DEQ consider environmental justice impacts in all its programs. In order for this directive to achieve integration of environmental justice within agency operations and culture, it is critical that local jurisdictions do their part to ensure that its decisions are also reflective of environmental justice considerations. To the extent that the City of Portland desires its local planning process to be consistent with state law and to facilitate the planning process, rather than cause tension with state agency obligations, the City must strive to incorporate EJ criteria in all its planning processes, and ensure that any staff or third-party consultants are able to sufficiently address EJ concerns.

I recently learned of the formation of selection committees for various consultants to supplement the City’s annexation study. I was dismayed to learn that the Harbor Lands Analysis selection committee does not contain anyone with EJ expertise. A representative from the minority-owned or small-business community, while providing a diversity of perspective, is not a proxy for an EJ perspective. It is essential that the two forthcoming selection committees for Cost-Benefit Analysis and Concept Planning include at least one member (preferably more) with sufficient EJ expertise to ensure that any consultant hired is competent to incorporate EJ considerations into its work. Failure to consider the full range of human health and environmental costs and livability concerns in these studies will guarantee a flawed annexation study that fails to address livability on the island, inconsistent with state agency obligations.

At an informal panel discussion on the WHI BUD permit and planning process at the Janzten Beach Mall on March 29, 2011, Eric Engstrom affirmed the City’s obligation to act in a manner protective of the community’s livability. Doing so requires collaborative and proactive action on the part of BPS – more than just a community representative on the workgroup – and ensuring a transparent and impartial consultant selection process is a necessary first step.

To reiterate, considering environmental justice in local decision-making is not discretionary; it is consistent with state law and federal policy and, simply, basic morality and justice. Thank you for your consideration of this matter.

Sincerely,

Jonathan Ostar, Co-Director



April 15, 2011

Attn: Phil Nameny and Rachael Hoy
City of Portland
Bureau of Planning and Sustainability
Phil.Nameny@portlandoregon.gov
Rachael.Hoy@portlandoregon.gov

VIA ELECTRONIC MAIL ONLY

Re: Concerns with the West Hayden Island BPS Annexation Study

To Bureau of Planning and Sustainability Staff, City of Portland:

I sit on the West Hayden Island Advisory Committee as a representative of the Hayden Island Livability Project (HILP), the Manufactured Home Community Homeowners Association (HOA), and HINooN, working to protect and enhance community livability for Hayden Island residents.

The community has several concerns with the current annexation process. First, as a threshold issue, there should be consensus that this land be protected and conserved as open space and wildlife habitat unless there is a proven need for development of another industrial marine terminal. So far, there has been no public showing that the Port and other corporate shippers lack the terminal capacity, both now and in the foreseeable future, to efficiently and competitively move freight, nor has there been any study on the amount of existing terminal capacity, with existing infrastructure, that is dormant or idle. If there is no strong economic need for a new terminal in the region, or if there are feasible alternative or existing locations that can support future needs, then continued efforts to annex West Hayden Island for development are unjustified. To the extent there is an economic forecast showing a need for additional capacity, this must be weighed against the no-build presumption.

Second, it is the City's job to ensure the continued and improved livability of the manufactured home community, as was publicly stated by Eric Engstrom at the panel discussion on the island on March 29, 2011. Approximately 50% of our residents are "very low-income" according to U.S. HUD guidelines. A majority of our residents are elderly, living on fixed incomes, many with poor health, disabilities or limited mobility. This Committee's consideration of community livability should include the need for open space, preservation of human and environmental health, access to basic amenities, safety and mobility and, importantly, environmental justice considerations. This process must strive to ensure our community is not disproportionately burdened by environmental health risk and disruption of community cohesion, while creating continued opportunities

for our meaningful participation in all decisions that will affect our lives.

Finally, the selection committee charged with hiring consultants for the Cost-Benefit Analysis and Concept Planning must include a representative with environmental justice expertise to ensure that our community livability is protected. Environmental justice concerns must be a factor in the analyses and the consultants chosen must understand and have a proven track record of incorporating EJ principles into their work. Specifically, the full costs to our community – including both physical and mental well-being – and conversely, the full benefits of a no-build option, must be adequately represented.

Thank you for your consideration of these important concerns.

Sincerely,

Pam Ferguson

Cc: HILP/HOA
West Hayden Island Advisory Committee
Sam Imperati

West Hayden Island Concept Planning Issue Identification Table ~ 4/5/2011 Working Draft

		What are the issues that should be considered during development of the concept plan?			
#	Topics	Economic	Environmental	Social	Information Sources
1	Different terminal types with different footprints and impacts	<ul style="list-style-type: none"> Size constraint for terminal(s) and associated infrastructure development (300 acres) Two terminals provide more jobs (dependent upon types of terminals) Ultimate development is market driven / commercially based Consider the direct, indirect, induced impacts to the economy Long term & short term job creation, equitable balance Statewide & regional economic impact Infrastructure needed to replace ecosystem services (e.g. stormwater) Potential marine terminal operational efficiencies that could reduce the overall footprint How can area east of railroad be used to support terminal(s) development? Can utility lines be buried? 	<ul style="list-style-type: none"> Loss of habitat and function within 300 acres Stormwater infrastructure requirements Some terminals may provide opportunities for restoration/preservation within 300 acre footprint Edge effect to remaining 500 acres Opportunity to minimize impact/preserve shallow water habitat Consider current conditions for siting development types, recreation and restoration Consider resources that remain but may be impacted by surrounding development within 300 acres Lost restoration/mitigation opportunities in the 300 acres Maintaining large continuous blocks of resources Consider construction and development techniques/impacts on natural resources (shoreline, dredging) LEED or better facilities 	<ul style="list-style-type: none"> Terminal types and livability impacts (noise, light, traffic, etc) on nearby residents (see #2 below for more detail) 	<p>Existing:</p> <ul style="list-style-type: none"> ENTRIX Economic Foundation Study, Chapters 2, 4 and 6 HDR report on Marine Terminal Characteristics Port of Portland Footprints and other Lower Columbia terminal footprints Estimates of Port Costs and Development Local and Regional Economic Impacts (Martin's Study for Port of Portland) City Council Resolution <p>Upcoming:</p> <ul style="list-style-type: none"> Rail Study Operational Efficiencies report Updated Cargo Forecast
2	Livability impacts of development on the local communities (mainland and island)	<ul style="list-style-type: none"> Increase in jobs/ Creation of living wage jobs Other economic benefits (for other local businesses) of development for the community Property values Terminal types and job opportunities or spin off (induced) jobs on the island 	<ul style="list-style-type: none"> Creation of buffers for abatement of some impacts Impact on existing developed portions of island and adjacent mainland communities: specifically consider noise, light, vibration, air and water quality, traffic and mitigation options Public access to contiguous beach 	<ul style="list-style-type: none"> Lack of recreational opportunities on Hayden Island With development, passive recreation can be incorporated into the planning Depending on terminal type/use there could be increase in emissions, dust, noise, overall health concerns Light from a terminal could impact adjacent properties and wildlife Vibration concerns during and after terminal construction Construction related impacts to community (transportation, vibration, noise) 	<p>Existing:</p> <ul style="list-style-type: none"> BPS Impacts of Industrial Development <p>Upcoming:</p> <ul style="list-style-type: none"> Public Cost/Benefit Analysis
3	Security features required for the terminals	<ul style="list-style-type: none"> Safety for employees and overall facility operations DSL beach access 	<ul style="list-style-type: none"> Potential for increased buffer area Maintain more intact habitat, large contiguous pieces 	<ul style="list-style-type: none"> Limited access to parts of the island for residents Impacts on recreational opportunities 	<p>Existing:</p> <ul style="list-style-type: none"> ENTRIX Economic Foundation Study, Chapter 4
4	Mitigation requirements and opportunities on and off the island	<ul style="list-style-type: none"> Consider value of WHI bank and redevelopment potential of other industrial areas. Mitigation bank for Willamette River North Reach development 	<ul style="list-style-type: none"> Need for opportunity/priority sites to mitigate for development Augmenting existing natural resources on island with restoration Regional significance of habitat restoration 	<ul style="list-style-type: none"> Educational and recreational opportunities of a mitigation site Access provisions or restrictions for area residents 	<p>Existing:</p> <ul style="list-style-type: none"> Restoration Potential (Parametrix report) – Appendix A in ENTRIX Environmental Foundation Study City Development

		What are the issues that should be considered during development of the concept plan?			
#	Topics	Economic	Environmental	Social	Information Sources
			<ul style="list-style-type: none"> • Will Superfund needs trump on-site mitigation for development impacts? • Regulatory requirements vs. mitigation for all impacts to natural resources (for what occurs within the 300 acres) • Consider ecologic system relationships (Columbia River) • Developed in coordination with federal and state agencies 		<p>Impacts/Mitigation Memo</p> <ul style="list-style-type: none"> • ENTRIX, Environmental Foundation Study Chapter 2 • Enviroissues report on regulatory requirements • SWCA Environmental Consultants memo • Port Memo on Government Island <p>Upcoming:</p> <ul style="list-style-type: none"> • Updated Regulatory requirements report
5	Second bridge and access roads for terminal access.	<ul style="list-style-type: none"> • 2nd bridge may not be economically viable without 2 terminals. • The need for a second bridge is linked to types of terminal (characteristics) • Design/height of bridge (support boating/maritime traffic) • Consider multimodal access for roads and bridge • The location of bridges and roadways affect modeling and ultimate traffic impacts • Bridge and road network to accommodate design and site layout of terminals. • Additional traffic trips generated by future industrial development • Efficient truck routes important • Parameters on types of terminals helpful to link trips to development • Relationship to proposed CRC option and on island roads /secondary bridge 	<ul style="list-style-type: none"> • More efficient movement of traffic to Terminal 6, St Johns bridge - reduction of air quality issues • Consider configuring in a way to maintain contiguous habitat • Consider road bridge adjacent to existing rail bridge to limit environmental effects • Multi-modal facilities encourage alternative choices to driving to get on and off the island • What are impacts of the location of bridge/access roads to existing natural resources (e.g. SWH)? • Increase in trips can cause delays and increased idling 	<ul style="list-style-type: none"> • 2nd bridge creates more noise for Class Harbor and WHI moorage • 2nd bridge creates less terminal traffic on Hayden Island Drive • 2nd bridge provides another egress/ingress to island for residents • Location may have an affect on mode choices • Bridge and road network should be located to accommodate emergency vehicles • Location of bridge and access roads could affect area-wide traffic and air quality (Ex St. Johns) • Impacts of construction and staging areas • Alternative modes could encourage recreation opportunities • HI Drive and future town center not set up for truck traffic • Access plans need to be designed to avoid/minimize impacts to East HI residents • Traffic impacts shold examine up to date CRC information 	<p>Existing:</p> <ul style="list-style-type: none"> • ENTRIX Economic Foundation Study, Chapters 4 and 5 • DEA memo reviewing existing conditions and East HI plan <p>Upcoming:</p> <ul style="list-style-type: none"> • PBOT Analysis of area
6	Location of rail infrastructure (within 300 acres)	<ul style="list-style-type: none"> • Mode choices for the movement of goods • Rail access requirements and interaction with other infrastructure • Linkage between rail infrastructure on island and existing rail lines and yards on mainland • Sufficient to serve a 7,500 to 10,000 foot long unit train 	<ul style="list-style-type: none"> • Infrastructure and effect on natural resource and additional edge creation • How much overlap with existing utility corridors 	<ul style="list-style-type: none"> • Effects of rail noise, especially from starting & stopping trains 	<p>Existing:</p> <ul style="list-style-type: none"> • HDR report on Marine Terminal Characteristics • City Council Resolution <p>Upcoming:</p> <ul style="list-style-type: none"> • Rail Study
7	Development impacts to natural resources within the 500 acre natural area	<ul style="list-style-type: none"> • Value of maintaining mature resources for existing ecosystem services and opportunity costs associated with future 	<ul style="list-style-type: none"> • Maintain large continuous blocks of resources • Consider current conditions for siting development types and restoration 	<ul style="list-style-type: none"> • Preservation of natural areas around edge provide buffer to neighboring development 	<p>Existing:</p> <ul style="list-style-type: none"> • ENTRIX Environmental Foundation Study, Chapters 3 and 4

		What are the issues that should be considered during development of the concept plan?			
#	Topics	Economic	Environmental	Social	Information Sources
		<ul style="list-style-type: none"> restoration/mitigation. Limits to flexibility in terminal type and design 	<ul style="list-style-type: none"> Edge effect - noise, light, vibration Shallow water and in-water habitat 		<ul style="list-style-type: none"> City Mitigation Memo Upcoming: <ul style="list-style-type: none"> Concept planning process Public Cost/Benefit Analysis
8	Recreation impacts to natural resources within the 500 acre natural area	<ul style="list-style-type: none"> Value of maintaining mature resources for existing ecosystem services and opportunity costs associated with future restoration/mitigation. Consideration of recreation demand for the area 	<ul style="list-style-type: none"> Maintain large continuous blocks of resources Consider current conditions for siting recreation and mitigation Disturbance – human and pets Edge effect – noise, light Shallow water and in-water habitat Reuse of existing land on east side of railroad bridge, especially for more active recreation 	<ul style="list-style-type: none"> Preservation of natural areas around edge provide buffer to neighboring development 	Existing: <ul style="list-style-type: none"> ENTRIX Recreation Analysis ENTRIX Environmental Foundation Study, Chapter 2 Upcoming: <ul style="list-style-type: none"> Additional Recreation Analysis by Parks/BPS
9	Restoration and enhancement within the 500 acres	<ul style="list-style-type: none"> Improve ecosystem services Provides the City and public opportunities in the future to manage natural hazard risks Land Management considerations for various types of enhancement 	<ul style="list-style-type: none"> Net improvement to ecosystem functions Consider ecologic system relationships (Columbia River) Enhance/create off-channel habitat 		Existing: <ul style="list-style-type: none"> Restoration Potential (Parametrix report) –Appendix A of ENTRIX Environmental Foundation Study Port of Portland – Restoration mapping for Natural Resource Trustees (not currently on web site) Upcoming: <ul style="list-style-type: none"> Land Management Options by Consultant/BES/BPS
10	Local and regional recreational needs and desires, considering both passive and active uses	<ul style="list-style-type: none"> Terminal development can be catalyst for providing some level of recreation on WHI Land mgmt options, maintenance of any systems Operate on financially sustainable premise when considering passive recreation (long term management) More active recreational facilities (e.g. motorized boat launches should be east of railroad bridge) 	<ul style="list-style-type: none"> Conflicts with mitigation or natural resource protection Nexus between public access and stewardship Maintain contiguous habitat- limit dissecting with trails Potential impacts of pet access Any recreational structures should be located primarily at eastern edge of the site to minimize impacts on high value habitat 	<ul style="list-style-type: none"> Passive and active needs for island and other close in neighborhoods – boat launches, trails Increases opportunities for residents and connections to other parts of the city/region Recreation access for pets 	Existing: <ul style="list-style-type: none"> ENTRIX Recreation Analysis ENTRIX Environmental Foundation Study, Chapter 2 Examples of Recreation and Marine Terminal Uses at Ports Upcoming: <ul style="list-style-type: none"> Additional Recreation Analysis by Parks/BPS Land Management Options by Consultant/BES/BPS
11	Public boat access non-motorized and motorized	<ul style="list-style-type: none"> Boating \$ for recreation 	<ul style="list-style-type: none"> Impacts to shallow water habitat 	<ul style="list-style-type: none"> Expressed need by residents- lack of public motorized and non-motorized 	Existing: <ul style="list-style-type: none"> ENTRIX Recreation Analysis Upcoming: <ul style="list-style-type: none"> BPS/OHWR/Parks Analysis Updated Marine Board Surveys
12	Natural beach access (DSL considerations)	<ul style="list-style-type: none"> Security issues related to terminal and homeland security 	<ul style="list-style-type: none"> Shallow water habitat consideration 	<ul style="list-style-type: none"> Expressed desire by residents 	Upcoming: <ul style="list-style-type: none"> BPS/OHWR/Parks Analysis Land Management Options by Consultant/BES/BPS

#	Non-Concept Plan Questions	Information Sources
13	Potential Future Terminal Development: what, when, and where needed? What are the triggers for different aspects of a future development? How do they factor into the plan district discussion/development?	Upcoming: <ul style="list-style-type: none"> • Concept planning process • Plan District
14	When will off-site "fixes" related to development on WHI be needed (transportation, mitigation, etc.)? How can they factor into the plan district discussion and development?	Upcoming: <ul style="list-style-type: none"> • Concept planning process • Plan District
15	What are FAA airspace considerations when looking at site layouts?	Upcoming: <ul style="list-style-type: none"> • Plan District
16	How does land ownership (between Port, DSL, and BPA) factor into the plan district discussion/development?	Upcoming: <ul style="list-style-type: none"> • Land Management Options by Consultant/BES/BPS • Plan District
17	How will open space lands be maintained, and who will be held responsible for operations and maintenance?	Upcoming: <ul style="list-style-type: none"> • Land Management Options by Consultant/BES/BPS • Plan District
18	How many 'living wage' jobs would be gained from the development? Are there other job sectors in Portland that are growing and also provide 'living wage' jobs?	Existing: <ul style="list-style-type: none"> • ENTRIX Economic Foundation Study, Chapter 2 • Local and Regional Economic Impacts (Martin's Study for Port of Portland)
19	Do we anticipate an increase or decrease in exports/imports over the next 20 years? To what extent?	Existing: <ul style="list-style-type: none"> • BST Associates Cargo Analysis • ENTRIX Economic Foundation Study, Chapter 3 and 6 Upcoming: <ul style="list-style-type: none"> • Updated Cargo Forecast
20	What is the updated forecasted need for terminal growth in the area?	Existing: <ul style="list-style-type: none"> • BST Associates Cargo Analysis • ENTRIX Economic Foundation Study, Chapter 3 and 6 Upcoming: <ul style="list-style-type: none"> • Updated Cargo Forecast
21	What are the tax benefits and drawbacks of industrial development?	Existing: <ul style="list-style-type: none"> • ENTRIX Economic Foundation Study • Local and Regional Economic Impacts (Martin's Study for Port of Portland) Upcoming: <ul style="list-style-type: none"> • Public Cost/Benefit Analysis
22	Can marine terminal needs (and associated footprints) be accommodated elsewhere in the North Reach on existing industrial land?	Existing: <ul style="list-style-type: none"> • ENTRIX Economic Foundation Study, Chapter 6 Upcoming:

		<ul style="list-style-type: none"> • Harbor Lands Inventory
23	Are the public benefits gained from development worth the public costs of providing the infrastructure and losing the natural resource?	Upcoming: <ul style="list-style-type: none"> • Public Cost/Benefit Analysis
24	To what extent, if any should regulations/restrictions be placed on development to minimize impacts?	Upcoming: <ul style="list-style-type: none"> • Concept planning process • Plan District
25	What is the current state of industrial land supply in Portland and Portland Harbor?	Existing: <ul style="list-style-type: none"> • ENTRIX Economic Foundation Study, Chapter 5 • Economic Opportunities Analysis Upcoming: <ul style="list-style-type: none"> • Harbor Lands Inventory • Economic Opportunities Analysis Update
26	Are there opportunities for increased coordination with the Port of Vancouver?	Upcoming: <ul style="list-style-type: none"> • Vancouver Coordination White paper
27	What are the advantages and disadvantages to having terminals/facilities go to other jurisdictions?	Upcoming: <ul style="list-style-type: none"> • Public Cost/Benefit Analysis