



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515
Portland, Or 97204-1914
Phone: (503) 248-3308 FAX (503) 248-3093
Email: mult.chair@co.multnomah.or.us

Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5220 FAX (503) 248-5440
Email: diane.m.linn@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5219 FAX (503) 248-5440
Email: serena.m.cruz@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5217 FAX (503) 248-5262
Email: lisa.h.naito@co.multnomah.or.us

Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5213 FAX (503) 248-5262
Email: sharron.e.kelley@co.multnomah.or.us

**ANY QUESTIONS? CALL BOARD
CLERK DEB BOGSTAD @ 248-3277**

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES
MAY CALL THE BOARD CLERK AT
248-3277, OR MULTNOMAH COUNTY
TDD PHONE 248-5040, FOR
INFORMATION ON AVAILABLE
SERVICES AND ACCESSIBILITY.**

FEBRUARY 22 & 25, 1999

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	6:00 p.m. Monday Public Hearing on North Rivergate Jail Site
Pg 3	9:30 a.m. Thursday Annual Multnomah County Audit Committee Presentation
Pg 4	10:00 a.m. Thursday Certificate of Achievement for Excellence in Financial Reporting Award
Pg 4	10:10 a.m. Thursday Amendments to AFSCME, Local 88 Agreement
Pg 4	10:12 a.m. Thursday Budget Modification OMSI Science Classes and Camps for Low-Income Youth
Pg 4	10:15 a.m. Thursday Early Childhood Issues Briefing
*	Check the County Web Site: http://www.multnomah.lib.or.us

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Monday, February 22, 1999 - 6:00 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

PUBLIC HEARING

PH-1 Hearing to Solicit Public Comment Regarding Purchase of a County Jail Site at a Location within the "Rivergate" Industrial District Owned by the Port of Portland. Presented by Sheriff Dan Noelle, Lt. Bobbi Luna and Staff. Public Testimony Limited to Three Minutes Per Person. Boardroom Open at 5:30 p.m. to Sign Up to Testify.

Thanks to Multnomah Community Television and Portland Cable Access Television, Monday's hearing will be cable-cast live on Cable Channel 30 and replayed at the following times:

Tuesday, February 23	4:00 p.m.	Channel 30
Sunday, February 28	10:00 a.m.	Channel 30
Monday, March 1	8:00 p.m.	Channel 30
Tuesday, March 2	4:00 p.m.	Channel 30
Thursday, March 4	7:00 p.m.	Channel 30
Sunday, March 7	5:00 p.m.	Channel 30

Thursday, February 25, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Reappointment of Susan Oliver to the DEPARTMENT OF COMMUNITY AND FAMILY SERVICES CITIZEN BUDGET ADVISORY COMMITTEE
- C-2 Reappointment of M'Lou Christ to the DEPARTMENT OF ENVIRONMENTAL SERVICES CITIZEN BUDGET ADVISORY COMMITTEE

- C-3 Reappointments of Dick Wegner, Michael Greenlick and Irwin Mandel to the DISTRICT ATTORNEY CITIZEN BUDGET ADVISORY COMMITTEE
- C-4 Appointment of Sandy Haffey to the DUII COMMUNITY ADVISORY BOARD
- C-5 Appointment of C. Tannert Pinney, Jr. to the MULTNOMAH COUNTY EMS MEDICAL ADVISORY BOARD
- C-6 Reappointment of Charlotte Cook to the DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE CITIZEN BUDGET ADVISORY COMMITTEE
- C-7 Appointment of Justin Larson and Reappointment of Jean Cauthorn to the NON-DEPARTMENTAL CITIZEN BUDGET ADVISORY COMMITTEE
- C-8 Reappointments of Vera Robbins, George Kelley and Marv Woidyla to the SHERIFF'S OFFICE CITIZEN BUDGET ADVISORY COMMITTEE

DEPARTMENT OF HEALTH

- C-9 Renewal of Intergovernmental Agreement 9910545 with Oregon Health Sciences University, Providing Dental Services for Low-Income Persons Living with HIV

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-10 Intergovernmental Agreement 9910380 with Portland Public Schools, Purchasing a Demonstration Project for Youth Asset Building through Community Organizing Services

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

DEPARTMENT OF SUPPORT SERVICES

- R-2 Multnomah County Audit Committee Presentation of Comprehensive Annual Financial Report and Single Audit Report for the Fiscal Year Ending June 30,

1998. Presented by Katy Gallagher, David Boyer and Jean Uzelac. 30 MINUTES REQUESTED.

R-3 Acknowledgement of the National Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Award to Multnomah County for its Comprehensive Annual Financial Report for June 30, 1997. Presented by Chair Beverly Stein.

R-4 Ratification of Amendments to the 1998-01 Collective Bargaining Agreements Between Multnomah County and AFSCME, Local 88, AFL-CIO

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-5 Budget Modification CFS 7 Transferring \$15,000 One Time Only Salary Savings from the Touchstone Personnel Budget to Professional Services to Fund a Contract with OMSI Providing Financial Assistance for Low Income Children to Participate in OMSI Science Classes and Camps through June 30, 1999

NON-DEPARTMENTAL

R-6 Early Childhood Issues Briefing. Presented by Commissioner Lisa Naito and Denise Chuckovich. 15 MINUTES REQUESTED.

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

R-7 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest or to Discuss Legislative Issues.

#1

SPEAKER SIGN UP CARDS

DATE 2/22/99
 NAME Ed Lyle
 ADDRESS Chair, Mult. Co Citizens Involvement
Committee
 PHONE 235-9275
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC Jail Siting
 GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 2-22-99
 NAME Karen Peepins
 ADDRESS 8550 N. Portland
Portland OR 97203
 PHONE 286-5596
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC Jail siting
 GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE BRIDGEON NEIGHBORHOOD
2/22/99
 NAME WALTER VALENTA
 ADDRESS 11919 N JAUTZEN
PORTLAND OR 97217
 PHONE 285-2644
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC _____
 GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 2-22-99
 NAME Lore Lawrie
 ADDRESS 6918 N Syracuse
Portland Ore 97203
 PHONE 286-1304
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC _____
 GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 2-22-99
 NAME Ray Piltz
 ADDRESS 7209 N. Buchanan
Portland Or. 97203
 PHONE 503-286-5444
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC New Jail siting
 GIVE TO BOARD CLERK

#6

SPEAKER SIGN UP CARDS

DATE 2-22-99
 NAME ELEANORE Piltz
 ADDRESS 7209 N. Buchanan
Portland OR
 PHONE (503) 286-544
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC Smith & Rybee LAKE JAIL
 GIVE TO BOARD CLERK

#7

SPEAKER SIGN UP CARDS

DATE 2/22/99
 NAME Cassidy Babbitt
 ADDRESS 16th Portland
 PHONE 735-4400
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC Proposed Smith/Rybee Lake
 GIVE TO BOARD CLERK Jail site

#8

SPEAKER SIGN UP CARDS

DATE 2-22-99
 NAME DONNA BABBITT
 ADDRESS NORTH PLD
 PHONE 735-4960
 SPEAKING ON AGENDA ITEM NUMBER OR
 TOPIC S/B Lake Proposed jail site
 GIVE TO BOARD CLERK

#9

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME Kevin O'Sullivan

ADDRESS 7624 N. Kellogg St
Portland, OR 97203

PHONE 285-5322

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Bybee Lake Jail site
GIVE TO BOARD CLERK

#10 HAS DONATED TIME

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME Kevin O'Sullivan
FOR St. Johns Neighborhood Assn

ADDRESS 8316 N. Lombard - # 441
Portland, OR 97203

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Jail
GIVE TO BOARD CLERK

#11

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME TROY CLARK

ADDRESS 2821 NE KLICKITAT

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____
GIVE TO BOARD CLERK

#12

SPEAKER SIGN UP CARDS

DATE 2/22/99 "Swartout"

NAME BOB SWARTWOUT

ADDRESS 9243 N RIVERGATE BL
PDX OR 97203

PHONE 503 2850992

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC N RIVERGATE JAIL SITE
GIVE TO BOARD CLERK

#13

SPEAKER SIGN UP CARDSDATE 2/22/99NAME Darcy JacksonADDRESS 9540 W. Edison

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC Jail sitting

GIVE TO BOARD CLERK

#14

SPEAKER SIGN UP CARDSDATE 2/22/99NAME Carole W. ArwoodADDRESS 7454 N. MohawkPortlandPHONE 735-1648SPEAKING ON AGENDA ITEM NUMBER OR TOPIC New Jail

GIVE TO BOARD CLERK

#15

SPEAKER SIGN UP CARDSDATE FEB. 22, 1999NAME Chuck HarrisonADDRESS 14211 SE Crystal Ct.Portland ORPHONE 760-5710SPEAKING ON AGENDA ITEM NUMBER OR TOPIC JAIL SITING

GIVE TO BOARD CLERK

#16

SPEAKER SIGN UP CARDSDATE 2/22/99NAME Lake PerriguenyADDRESS PARIGUENYAtty for Lewis Tracius

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC Bybee Jail

GIVE TO BOARD CLERK

#17

SPEAKER SIGN UP CARDSDATE 2.22.99NAME Grace SierraADDRESS 7441 N Jordan

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Bybee Jail site

GIVE TO BOARD CLERK

#18

SPEAKER SIGN UP CARDSDATE Feb. 22, 1999NAME Jim SiulinADDRESS Smith-BybeeMANAGEMENT COMM.PHONE 823-5122SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC 98-147

GIVE TO BOARD CLERK

#19

SPEAKER SIGN UP CARDSDATE 2/22/99NAME JENNIS KEESADDRESS 9622 N PIER PARK PLPH OR 97203PHONE 383-1570SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC SAK

GIVE TO BOARD CLERK

#20

SPEAKER SIGN UP CARDSDATE 2/23/99NAME PETER TENEAUADDRESS 2715 N TERRY

PHONE _____

PHONE 978-0119SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Piners to Jul

GIVE TO BOARD CLERK

#21

SPEAKER SIGN UP CARDS

DATE 22 Feb 99

NAME Rey Cabral

MAILING ADDRESS 1011 NE Prescott
PDX 97211

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC Site of Jail

GIVE TO BOARD CLERK

#22

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME Neil Schulman

ADDRESS 4815 SE 92
PORTLAND 97202

PHONE 730-9490

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC JAIL SITING

GIVE TO BOARD CLERK

#23

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME AUSTIN LIBROW

ADDRESS 9846 N. STANFORD ST.

PHONE 286-3570

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC JAIL SITE

GIVE TO BOARD CLERK

#24

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME LAF KEATON

ADDRESS 3540 N. MISSISSIPPI AVE
PDX 97227-1155

PHONE OFF 771-6881 / HM 284-6525

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC _____

GIVE TO BOARD CLERK

#25

SPEAKER SIGN UP CARDS

DATE

2/22/99

NAME

Tom Swift

ADDRESS

9742 N. James St.

Port. OR 97203

PHONE

(503) 286-7005

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Jail Siteing

GIVE TO BOARD CLERK

#26

SPEAKER SIGN UP CARDS

DATE

2/22/99

NAME

Leah Passell

ADDRESS

7729 N Crawford St.

Port, OR 97203

PHONE

289-7666

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

GIVE TO BOARD CLERK

#1

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME Ed Lyle

ADDRESS Chair, Mult. Co Citizens Involvement
Committee

PHONE 235-9275

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Jail Siting

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE BRIDGETON NEIGHBORHOOD
2/22/99

NAME WALTER VALENZA

ADDRESS 11919 N JAUTZEN

PORTLAND OR 97217

PHONE 285-2644

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME

KAREN BEPINS

ADDRESS

8550 N. Bristol

Portland, OR 97203

PHONE

286-5594

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Jail sight

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME Lore Lawrie

ADDRESS 6918 N Syracuse
Portland Ore 97203

PHONE 286-1304

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME

Ray Piltz

ADDRESS

7209 N. Buchanan
Portland Or. 97203

PHONE

503-286-5444

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC New Jail siting.

GIVE TO BOARD CLERK

#6

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME ELEANORE Piltz

ADDRESS 7209. N. BUCHANAN
PORTLAND OR

PHONE (503) 286-544

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Smith & Bybee LAKE JAIL
GIVE TO BOARD CLERK

#7

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME Cassady Babbitt

ADDRESS North Portland

PHONE 735-4960

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Proposed Smith/Bybee Lake

GIVE TO BOARD CLERK

*jail
site*

#8

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME

DONNA BARRITT

ADDRESS

NORTH PLD

PHONE

735-4960

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC 5/B Lake Proposed jail site

GIVE TO BOARD CLERK 0

#9

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME Kevin O'Sullivan

ADDRESS 7624 N. Kellogg St

Portland, OR 97203

PHONE 285-5322

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Bybee Lake Jail Site

GIVE TO BOARD CLERK

#10 HAS DONATED TIME

SPEAKER SIGN UP CARDS

KEVIN DATE 2-22-99
O'Sullivan

NAME FOR St. Johns Neighborhood Assn.

ADDRESS 8316 N. Lombard - # 441
Portland, OR 97203

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Jail

GIVE TO BOARD CLERK

#11

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME TROY CLARK

ADDRESS 2821 NE KICKITAT

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

#12

SPEAKER SIGN UP CARDS

DATE 2/22/99 "Swart out"

NAME BOB SWARTWOUT

ADDRESS 9243 N RIVERGATE BL
PDX OR 97203

PHONE  503 2850992

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC N RIVERGATE JAIL SITE

GIVE TO BOARD CLERK

#13

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME Darcy Jackson

ADDRESS 9540 W. Edison

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Sail Club

GIVE TO BOARD CLERK

#14

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME

Carole W. Arzow

ADDRESS

7454 N. Mohawk

Fordland

PHONE

735-1648

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC New Year

GIVE TO BOARD CLERK

#15

SPEAKER SIGN UP CARDS

DATE FEB. 22, 1999

NAME CHUCK HARRISON

ADDRESS 14211 SE CRYSTAL CT.

PORTLAND OR

PHONE 760-5710

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC JAIL SITING

GIVE TO BOARD CLERK

#14

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME

Lake Perrigueny

ADDRESS

PARIGUENY
Atty for Lewis Tharcus

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Bybee jail

GIVE TO BOARD CLERK

#17

SPEAKER SIGN UP CARDS

DATE 2.22.99

NAME

Grace Sherry

ADDRESS

7441 N Jordan

PHONE

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Bybee Jail site

GIVE TO BOARD CLERK

#18

SPEAKER SIGN UP CARDS

DATE Feb. 22, 1999

NAME

Jim Siulin

ADDRESS

Smith-Bybee

MANAGEMENT COMM.

PHONE

823-5122

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC 98-147

GIVE TO BOARD CLERK

#19

SPEAKER SIGN UP CARDS

DATE 7/22/99

NAME JENNIS KEEPER

ADDRESS 9677 N PIER PARK PL

PH OR 97203

PHONE 383-1570

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ALL

GIVE TO BOARD CLERK

#20

SPEAKER SIGN UP CARDS

DATE 5/23/99

NAME PETER TENEAU

ADDRESS 2715 N TERRY

PHONE 978-0119

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Process to Jul

GIVE TO BOARD CLERK

#21

SPEAKER SIGN UP CARDS

DATE 22 Feb 99

NAME Rey Cabral

MAILING
ADDRESS

1011 NE Prescott

PDX 97211

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Site of Jail

GIVE TO BOARD CLERK

#22

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME Neil Schulman

ADDRESS 4815 SE 9th

Portland 97202

PHONE 230-9490

SPEAKING ON AGENDA ITEM NUMBER OR TOPIC JAIL SITTING

GIVE TO BOARD CLERK

#23

SPEAKER SIGN UP CARDS

DATE 2-22-99

NAME AUSTIN L. BROWN

ADDRESS 9846 N. SYDNEY ST.

PHONE

286-3570

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC JAIL SITE

GIVE TO BOARD CLERK

#24

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME LAF KEATON

ADDRESS 3540 N. MISSISSIPPI AVE

PDX 97227-1155

PHONE OFF 771-6881 / HM 284-6525

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

#25

SPEAKER SIGN UP CARDS

DATE

2/22/99

NAME

Tom Swift

ADDRESS

9742 N. James St.

Port. OR 97203

PHONE

(503) 286-7005

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Jail Siteing

GIVE TO BOARD CLERK

#24

SPEAKER SIGN UP CARDS

DATE 2/22/99

NAME Leah Passell

ADDRESS 7729 N Crawford St.

Port, OR 97203

PHONE 789-7666

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC _____

GIVE TO BOARD CLERK

MEETING DATE: FEB 22 1999
AGENDA NO: PH-1
ESTIMATED START TIME: 6:00pm

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Meeting on the Rivergate Jail Siting

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Monday, February 22, 1999
AMOUNT OF TIME NEEDED: 6:00 P.M. - 8:00 P.M.

DEPARTMENT: Non-Departmental DIVISION: MCSO/Executive Division

CONTACT: Dan Oldham TELEPHONE #: 251-2519
BLDG/ROOM #: Hansen Bldg. Room 103

PERSON(S) MAKING PRESENTATION: Sheriff Dan Noelle, Lt. Bobbi Luna and Staff

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Public Meeting Soliciting Public Comment Regarding Purchase of a County Jail Site at a Location Within the 'Rivergate' Industrial District Owned by the Port of Portland

SIGNATURES REQUIRED:

ELECTED OFFICIAL: 
(OR)
DEPARTMENT
MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

BOARD OF
COUNTY COMMISSIONERS
99 FEB -4 AM 8:46
MULTNOMAH COUNTY
OREGON

Any Questions: Call the Board Clerk @ 248-3277



Multnomah Community Television

SINGLE PROGRAM CABLECAST REQUEST

For MCTV Staff Produced or Acquired Programs Only

Date: 25/Jan/99

MUN MCTV

Title (please print) MCC Jail Site Public Hearing Program Number 50072

Description (for publication in TV Host) _____

Length: 2:30 Hrs Min Sec
 Earliest date program can be played: 22/ Feb 99 Don't play after (if dated material): 25/ Mar 99

Staff person submitting program Snyder Cc: Deb Bogstadt, Denise Tanguay

Program produced by MCTV OR 248-3227
 Locally OR Outside metro area by (if not MCTV) 248 3013 fax 491-7636
EXT. 327

Comments ASAP for Board Clerk (Deb B.) publicity

LIVE Day 2/22/99 Date 2/22/99 Time 6 AM/PM Channel _____

Studio Remote from _____ Satellite Name _____ Channel _____

TAPED Number of plays & Channel(s) desired 6 plays

Circle preferred cablecast days/times Sun Mon Tue Wed Thu Fri Sat ANY Morn Afternoon Eve Late Night ANY

Cablecast Schedule (MCR use only!)

1 1
 Producer Notified

Notified by _____

Day	Date	Time	Ch
Mon	2/22	6pm	30
Sun	2/28	10am	30
Mon	3/1	8pm	30
Tues	3/2	4pm	30
Thurs	3/4	7pm	30
Sun	3/7	5pm	30
Tues	2/23	4pm	30

live



New Multnomah County
Corrections Facility

New Jail Newsletter

Vol. 3, No. 7 February 1999

A newsletter in the public interest keeping citizens informed on the planning and design of the new corrections facility in Multnomah County.

NOTICE : Public Hearing on North Rivergate Jail Site

The Multnomah County Board of Commissioners is holding a public hearing to accept public testimony on whether to select the parcel in North Rivergate on the southern end of the Leadbetter Peninsula as the new site for the new Multnomah County jail. A 15-member citizens Siting Advisory Committee selected Rivergate as the first alternative location for the voter-approved jail. The new jail will help meet future needs for jail space and help prevent early release of inmates due to overcrowding.

The public hearing is set for:

Monday, February 22, 1999

6:00 p.m.

**Board of County Commissioners Meeting Room
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland**

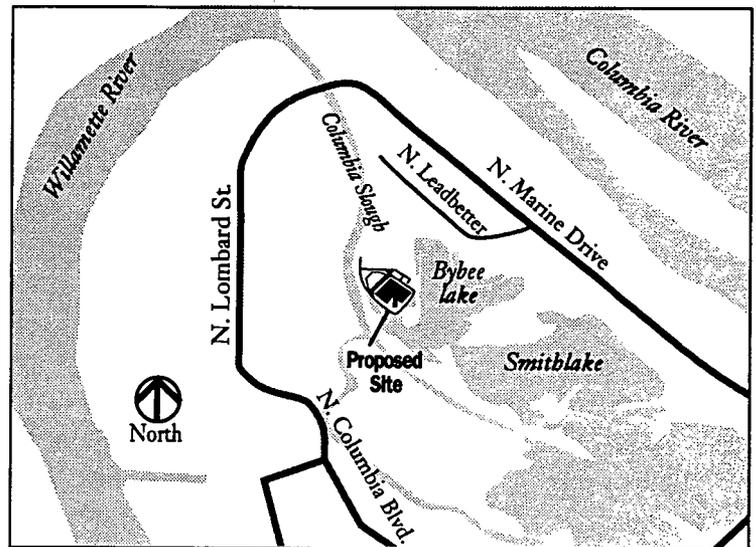
Testimony at the hearing will be limited to three (3) minutes per person.

Persons wishing to submit written testimony may give one copy to the Board Clerk at the hearing or have it delivered to:

Deborah Bogstad, Board Clerk
1120 SW Fifth Avenue, Suite 1510
Portland, OR 97204

or fax the Board Clerk at (503) 248-3013
or e-mail her at: deborah.l.bogstad@co.multnomah.or.us.

The public hearing will be cable-cast live on Cable Channel 30.



Proposed North Rivergate Site

Individuals with disabilities may call the Board Clerk at (503) 248-3277, or Multnomah County TDD at (503) 248-5040, for information on available services and accessibility.

For more information on the new jail, or if you wish to receive future copies of the New Jail Newsletter (if not already a subscriber), please contact Lt. Bobbi Luna of the Multnomah County Sheriff's Department. Lt. Luna can be reached by phone at: (503) 248-3282.

You can write her at:

Lt. Bobbi Luna
Multnomah County Sheriff's Department
1120 SW Third Avenue, Room 322
Portland, OR 97204

Or, you can send her a fax at (503) 736-6829 or an e-mail at: bobbi.l.luna@co.multnomah.or.us

ATTENTION - Board of County Commissioners Public Hearing on North Rivergate Jail Site

When: Monday, February 22, 1999
6:00 p.m.
Where: Multnomah County Courthouse
1021 SW Fourth Avenue, Boardroom 602, Portland
Tri-Met: on the downtown Portland transit mall

Testimony will be limited to three (3) minutes per individual.

Multnomah County Sheriff's Department
12240 NE Glisan St.
Portland, OR 97230

BOARD OF
COUNTY COMMISSIONERS

99 FEB 12 AM 10:04

MULTNOMAH COUNTY
OREGON

PLEASE — DO NOT BUILD
THE NEW "COUNTY JAIN" ON THE
RIVERGATE SITE NOW BEING CON-
SIDERED!

THE NEGATIVES ARE "TOO"
NUMEROUS TO MENTION AND THERE
ARE MANY MORE SUITABLE LOCATIONS!

THIS AREA SHOULD BE PART OF
THE "GREENSPACE"!

THANKS FOR YOUR CONSIDERA-
TION.

KAY KENT
7538 N. SYRACUSE STREET
PORTLAND, OREGON 97203

February 11, 1999

TO: Sheriff Dan Noelle

CC: Lt. Bobbi Luna
County Board of Commissioners
John Legry, CIC
Ed Lyle, CIC
Emily Roth, Metro
St. Johns Neighborhood Association

BOARD OF
COUNTY COMMISSIONERS
99 FEB 12 AM 10:03
MULTNOMAH COUNTY
OREGON

RE: Response to Sheriff Noelle's letter dated February 1 concerning the secret meetings

Dear Sheriff Noelle:

Thank you for your response to my letter about Lt. Luna's secret meetings. I appreciate and accept your apology.

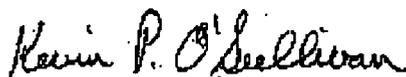
I disagree, however, with your presumption that I intended to bring up "the entire siting issue" at that meeting of January 26. That was the furthest thought from my mind at that meeting. I clearly understood the meeting's purpose was to discuss the environmental buffer, and I was prepared to and intended to discuss only that.

Also, let me make clear that I am not necessarily opposed to a jail in Rivergate. Rather, I am opposed to a jail at Bybee Lake, particularly because of the environmental impacts. There are many other reasons why I think this is a poor choice for a jail site, but the environment is right up there at the top of my list.

Finally, I appreciated your statement that I was "certainly welcome to attend" future meetings. So, why was there no meeting last night (February 10) as scheduled at Metro? The guard's list showed the meeting was supposed to happen, and even Pam Arden showed up. I almost can't help but wonder if the meeting was moved to a different location to keep it secret (private, in your words). Also, your letter didn't answer why nobody from the local community is included in these meetings. Many members of the local community are knowledgeable about the Bybee Lake environment. I was prepared to contribute relevant scientific information at these meetings about the buffer. Please try to keep in mind that an open process that involves all stakeholders is the best use of public money.

Please let me know if the meeting was cancelled or rescheduled. Also, please let me know the schedule for all meetings. Thank you.

Sincerely,



Kevin O'Sullivan
7624 N. Kellogg St
Portland, OR 97203
285-5322



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

February 11, 1999

TO: Sheriff Dan Noelle
Lt. Bobbi Luna
Commissioner Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley

Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner-elect Serena Cruz
John Legry, CIC
Ed Lyle, CIC

SUBJECT: Public Hearing in St. Johns

By a unanimous decision, the St. Johns Neighborhood Association does hereby request the County to hold a public hearing in St. Johns to allow the community a chance to be heard. This public hearing should be held prior to any County decision about the proposed Bybee Lake jail site.

The Association believes that the February 22 public hearing scheduled for downtown is impracticable. There are many people for whom a 25-mile roundtrip drive on a work/school night is impossible. There are many other people who don't drive or cannot drive at night. It would be much easier for eight County people to travel to St. Johns than for eighty or eight hundred people to travel downtown.

We urge you to honor this request ASAP and to use bulk mailing to notify the peninsula community of this public hearing in St. Johns. Thank you.

Respectfully yours,

Linda Hval, Chair
St. Johns Neighborhood Association

RECEIVED BY
COUNTY COMMISSIONERS
99 FEB 12 AM 8:35
MULTI-COUNTY
OREGON

Dear Deborah Borgstad

I see nothing wrong with the jail being at the Rivergate site. That would of been my first choice.

We just have a bunch of ~~squawks~~ in St Johns squawks

Carol E Ashworth
9807 N. Smith
Portland OR 97203
phone 286-5191

BOARD OF
COUNTY COMMISSIONERS

99 FEB 10 AM 8:47

MULTNOMAH COUNTY
OREGON

Deborah Bogstad, Board Clerk
1120 SW Fifth Ave. Suite 1510
Portland, OR 97204

My husband (Herle McNeel) and I (EVELYN
McNEEL) have no objections to the
construction of a jail at the Rivergate
site.

We have lived in St Johns - 9 yrs - this
time - + 20 yrs previous -

We will not be attending the mtg.

Sincerely

McNeels
7828 N Smith
97203

BOARD OF
COUNTY COMMISSIONERS

99 FEB -9 AM 8:57

MULTNOMAH COUNTY
OREGON

Mrs. Evelyn McNeel
7828 N. Smith St.
Portland, OR 97203-2311

To the County Commissioners:

99 FEB -9 AM 8:57

I am writing in regards to the citing of the county jail cited at the edge of Bybee And Smith Lakes. I am asking that the decision to put this jail at this location be reconsidered for a variety of reasons.

I am a teacher at George Middle School. My students and I have been involved with the Bybee and Smith Lakes Area. It has been wonderful to work in a low income neighborhood that has this wildlife area. Bybee and Smith Lakes has been a place where students have become involved with city government, wildlife research and citizenship. Much of our work was made possible through Metro enhancement grants, given to the Bybee Lake area as a means of building up a resource in North Portland. St. John's was the location of the St. John's landfill, which most assuredly would not have been placed in a high income neighborhood. The landfill served the city in Portland, at the cost of neighborhood degradation for St. John's. The enhancement grants intended to act as a "Pay back" to St. John's, a mitigation, of sorts, to create something beautiful and usable for the same community that had to put up with the land fill. Now, it seems, that a jail will be cited adjacent to the lakes. The jail will make it so I no longer feel safe bringing my students to Bybee and Smith Lakes. Looming around the peace and quiet of the lakes will be a prison, whose effect will not only harbor a psychological effect on people visiting the lakes, but a biological effect to the wildlife as well. The enhancement grants were meant as pay back to the ST. John's community for the effects of the landfill. Now a prison is being stamped over this enhancement. It is a little bit like giving a child a winter coat, because they must live in freezing temperatures, and then voting to put holes in the coat. The prison creates the holes, undoing the good of the enhancement grants. In truth, it is a sham and a slap in the face to this low income neighborhood. Simply, St. John's does not deserve this weight around its collar. The city gives St. John's target improvement funds from one hand, and then saddles it with the county jail. This is wrong.

Other complaints I have regarding the jails citing are as follows:

1. The rivergate site is right next to the Smith and Bybee Lake 40 mile loop trail. No one will use this trail if it goes by the jail for security reasons.
2. Bybee Lakes is a site important to a variety of species. My students and I have seen wintering Bald Eagles, a federally listed threatened species, at the lakes. We have seen them flying and landing in areas near the site of the proposed prison.
3. Wintering flocks of waterfowl, egrets and migrating neo tropical birds seasonally use the lakes. The lights from the prison will be unnatural to this urban natural site. The lights have been directed to be pointed downward, however, please remember that birds fly.... In New York city, neotropical migrants have been confused by the array of lights from the cities landscape, and it has been documented that the reduction of night lights help migrants to complete their flight with less casualties. The bright lights of a prison during the migration season could very possibly prevent birds from using Bybee Lakes as stop over migration site. Do you propose to turn out the prison lights during spring and fall migration?
3. My students have often frequently seen Western Painted Turtles, a species of concern in the ponds by the lakes. We fear that run off from the prison could effect the lakes water quality

4. This area is prone to flooding. My students helped to design a site that was going to be a visitor center for the lakes. The whole plan was scrapped because prior to construction the site flooded. Remember too that Ramsey Lake which was to be a reconstructed wetland for the sewage treatment of downspout water had unanticipated problems due to flooding....I wouldn't want the lakes to be polluted due to flooding of the construction site for the prison.

5. I would find it difficult to feel safe bringing my students to the lakes, encouraging them to use it on their own or bring their families to this site.

Please reconsider locating the prison here. I have worked long and hard to help build up community involvement in Smith and Bybee Lake. Please don't shoot holes through the coat you have given us.

Ginny Rosenberg
Urban Eco Systems school coordinator
George Middle School
10,000 N Burr
Portland , Oregon, 97203
621-3538

BOGSTAD Deborah L

From: T. Ho-Gland
Sent: Thursday, February 04, 1999 3:30 PM
To: deborah.l.bogstad@co.multnomah.or.us
Subject: Written Testimony-Rivergate Site

RE: New Jail Site - Rivergate

I live in North Portland (St. John's) and would like to comment on the new jail site.

I attended the meeting at Roosevelt High School in December and remember hearing comments like "not in my backyard" and "the danger to the wildlife of Bybee Lake". I am as concerned about the wildlife as the next person and if Portland as a whole keeps saying "not in our backyard" then the current housing of our jail systems will be overcrowded again. Then what? back to mixing of prisoners? What is the point of going through the court system, if prisoners are not even going to have to pay for their wrong deeds.

In my opinion, the new jail site is great. The location is on the industrial side of North Portland and not near our schools and neighborhoods. Frankly, I would like to see the persons who break the law, actually pay for their crimes. If we don't have a facility to house the criminals in our society, than the criminals are in the neighborhoods and on the streets.

Having been on the grand jury for our corrections facilities, I have seen the facilities and the people that manage them. The facilities were clean and well run and quiet. Safety and security was always very evident. Not at all what I had imagined, as prior to that grand jury I had a very similar opinion: "not in my backyard". However, having seen these facilities I can not stress enough how misguided the general population is about jails. Perhaps to many movies.

In closing, I vote yes to this site.

N. Portland resident.
(Name withheld)

BOARD OF
COUNTY COMMISSIONERS
99 FEB -4 PM 4: 00
MULTNOMAH COUNTY
OREGON

CAMPBELL Edward A

From: CHAIR Mult
Sent: Thursday, February 04, 1999 9:11 AM
To: STEIN Beverly E; CAMPBELL Edward A; FARVER Bill M; SCHOLLES Rhys R
Subject: FW: Jail Site

From: Richard Ellmyer
Sent: Wednesday, February 03, 1999 12:50 PM
To: mult.chair@co.multnomah.or.us
Subject: Jail Site

Hi Beverly:
The Friends of Smith & Bybee Lakes are moving in the right direction for setting conditions relating to the siting of the jail in Rivergate. A 150 foot setback and lots of evergreen trees is a very good place to start. In general I am in favor of the Rivergate site. Please support any efforts to protect the environment surrounding the site. In addition, an architect with a good eye should be hired to prevent the structure and grounds from being an eyesore. Just because this is a jail doesn't mean it has to be ugly.

Richard Ellmyer
9124 N. McKenna Ave.
Portland, OR 97203
289-7174

BOARD OF
COUNTY COMMISSIONERS
99 FEB 12 AM 10:05
MULTNOMAH COUNTY
OREGON

Susan Rawley
8520 N. John Avenue
Portland, OR 97203

February 4, 1999

Deborah Bogstad, Board Clerk
1120 SW Fifth Avenue, Suite 1510
Portland, OR 97204
Fax: 248-3013

Re: Public Hearing on North Rivergate Jail Ssite , Monday February 22, 1999

Dear Ms. Bogstad:

I would like to voice my vote against the building of a jail on the St. John's Peninsula. There are several prominent reasons:

The Smithlake and Bybee Lake area has been a focus of environmental protection groups for the past several years, with a goal to retain the area as a sanctuary for birds and wildlife. As the history of North Portland is one of industry, the recent trend is towards mending some of the impact that industry has had on the river bottoms, sloughs, and wetlands.

We, in St. John's, have been told repeatedly that the lakes area would be saved from any development and returned to its natural state, that the sloughs would be cleaned and industrial run-off be curbed. Hiking trails and bird viewing stations were to be the only human print on this area. These promises of industrial clean-up and preservation of areas in their natural state is one of the reasons I felt comfortable buying a home here.

Because this is a peninsula, open space is scarce and access limited, there are only two roads that lead to this site and both roads come from the same direction. There is no road to the West, North, and East!

This is where the Columbia River and Willamette River meet. We've already taken up the banks of these rivers with industry and commerce, this peninsula land has its share, and more, of industry and its fallout. Build the jail in an already concreted area, where there are many arterics to reach the jail, not just two roads that lead to a very small piece of land, all that is left of the peninsula's wet lands.

Yours Sincerely,


Susan Rawley

BOARD OF
COUNTY COMMISSIONERS
99 FEB -4 PM 1:48
MULTI-DISTRICT COUNTY
OREGON

Febrero 2, 1999

Deb Bogstad
County Commissioner's Board Clerck
1120 SW 5th Ave.
Room 1515
Portland Ore. 97204

Estimada Señorita Bogstad,

Estoy escribiendo a usted para expresar mi preocupación o cerca de los planes de edificar una Facilidad de Correcciones en el area de N. Smith and Bybee Lakes. Estas noticias nos han preocupado bastante porque la comunidad Latina ha crecido bastante en el Norte de Portland. Muchos miembros de esta comunidad han comprado casas con grandes sacrificios para poder ofrecer estabilidad y un futuro mejor para sus hijos, y siempre hay muchos pequeños que caminan a las escuelas elementarias y la Scundaria Roosevelt Otro grupo que sería gran causa de preocupación es el de los ancianos propietarios de casas en las que han vivido por la mayor parte de su vida por que esta area ha sido ambiente tranquilo y favorable .

Este proyecto de Correcciones afectaria muy adversamente a nuestra comunidad y por esto estamos alarmados. Queremos que escuchen nuestra voz y busquen un terreno apropiado para eregir esa carcel, un lugar en donde no afecte adversamente a las familias de comunidades .

Sinceramente

Patricia S. Valtierra

Please enter this into Public record

Patricia Valtierra
9225 N. Charleston ave.
Portland, Or. 97203

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB -9 AM 8:56

Febrero 2, 1999

Deb Bogstad
County Commissioner's Board Clerck
1120 SW 5th Ave.
Room 1515
Portland Ore. 97204

Estimada Señorita Bogstad,

Estoy escribiendo a usted para expresar mi preocupación a cerca de los planes de edificar una Facilidad de Correcciones en el area de N. Smith and Bybee Lakes. Estas noticias nos han preocupado bastante porque la comunidad Latina ha crecido bastante en el Norte de Portland. Muchos miembros de esta comunidad han comprado casas con grandes sacrificios para poder ofrecer estabilidad y un futuro mejor para sus hijos, y siempre hay muchos pequeños que caminan a las escuelas elementarias y la Scundaria Roosevelt Otro grupo que sería gran causa de preocupación es el de los ancianos propietarios de casas en las que han vivido por la mayor parte de su vida por que esta area ha sido ambiente tranquilo y favorable .

Este proyecto de Correcciones afectaria muy adversamente a nuestra comunidad y por esto estamos alarmados. Queremos que escuchen nuestra voz y busquen un terreno apropiado para eregir esa carcel;un lugar en donde no afecte adversamente a las familias de comunidades .

Sinceramente

Rogelio Sanchez

Please enter this into Public record

*Rogelio Sanchez
9225 N. Charleston Ave.
Portland, Or. 97203*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB - 9 AM 8:56

BOGSTAD Deborah L

BCC 2/22/99

PH-1

From: TBush95233@aol.com
Sent: Saturday, January 30, 1999 1:41 PM
To: deborah.l.bogstad@co.multnomah.or.us
Cc: northportland@juno.com
Subject: Jail Siting Public Hearing

Dear Commissioners:

Since I will be traveling on business out of town on Feb. 22th, I am submitting this as part of my written testimony. I have lived in St. Johns for over twenty-nine years and feel that it is wrong to site a jail in the Rivergate district. I believe that siting a jail conflicts with the Port of Portland's mission, that the land is intended for industrial use only. The land in Rivergate belongs to the industries of the Pacific Rim and not for County use. The Leadbetter Peninsula must be maintained as greenspace to protect the Smith and Bybee Lakes Wildlife Area.

Sincerely,

Tom Bushard
7102 North Seneca
Portland, OR 97203

BOARD OF
COUNTY COMMISSIONERS

99 FEB 12 AM 10:02

MULTNOMAH COUNTY
OREGON

January 28, 1999

TO: Sheriff Dan Noelle
Lt. Bobbi Luna
County Board of Commissioners
John Legry, CIC
Ed Lyle, CIC

CC: Friends of Smith and Bybee Lake
Emily Roth, Metro
St. Johns Neighborhood Association

I wish to register a formal complaint against Lt. Bobbi Luna concerning the public humiliation and degradation inflicted on me during a meeting held at Metro on January 26. I also wish to register a formal complaints about the Bybee Lake Jail workgroup and the meetings that are being conducted secretly by the County.

First, let me fill you in on a little background. During the days leading up to the January 26 meeting, I heard rumors that a Bybee Lake workgroup had been formed and that meetings were being held. So, I approached Emily Roth (Metro), who confirmed that such meetings were being held, but that she was not at liberty to disclose the meetings whereabouts and that I should contact Lt. Bobbi Luna. So, on January 26, I finally reached Lt. Luna. She informed me that the meeting was not public and would not volunteer any more information other than to say that the meeting was only to discuss "environmental issues." However, later that day, I received a call from another citizen who learned where the meeting was from John Legry of the county's Citizen Involvement Committee. John Legry had just talked with Lt. Bobbi Luna, who told him the meeting would be open to the public. The meeting was scheduled at Metro Headquarters at 7 PM, immediately following a 5:30 meeting that I'd already planned to attend in the same building with the Smith & Bybee Lakes Management Committee.

At the Metro Committee meeting, there was a lengthy discussion about the Bybee Lake Jail. I contributed some ideas about the buffer that everyone agreed should be included as part of the buffer design. Right after that meeting, I was personally thanked by a committee member for my input. Although I am personally opposed to the Bybee Lake jail site for a number of reasons including the flawed process by which it was selected, I chose not to raise these concerns. My participation in buffer design discussions should not be construed as my acceptance of the Bybee Lake jail site.

When Lt. Luna's workgroup convened at 7 PM, everybody in the room introduced themselves. At my turn, I kidded that I had heard the meeting was closed to the public so "I decided to come". I believe Lt. Luna failed to see the humor in that. Ten minutes into the discussion of the jail site, I spoke up to elaborate on a specific point raised by another attendee. Before I could finish my sentence, Lt. Luna cut me off and told me I could not speak at all. Stunned by this, I paused and not wishing to be disruptive to the "process", I replied, "I will remain silent - but I object." I found this mistreatment to be degrading, humiliating and completely reprehensible. No citizen engaged in civic discourse should be subject to such mistreatment by a public official. Despite such degradation, I still managed to contribute to the dialogue, but only in a small, humiliated way, as I was reduced to submitting

handwritten notes to a more privileged attendee, who could only raise my points as if they were his own.

As I sat taking notes during the meeting, I couldn't help but observe that the room was half-filled by technical consultants for the Sheriff's office. Only six handpicked citizens were there to advise the Sheriff's people how to design a buffer for the Bybee Lake jail site. I was the only person from among the 40,000 citizens who live closest to this jail site, yet I was shut out of the discussion. In view of the small number of attendees and the lack of any local community representation, I should have been allowed to participate in the discussion.

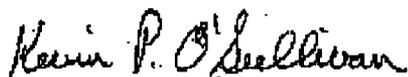
I would like to briefly elaborate on how this workgroup is symptomatic of a badly deteriorated public process that betrays the public trust.

- First, this meeting was the second of four planned meetings, and has been kept secret from the public. Frank Opila and Emily Roth (attendees) have told people who inquired about the meetings that they were not at liberty to disclose the whereabouts of the meetings.
- Second, according to a County Resolution approved on August 28, 1997, the County Board authorized "**Sheriff Noelle to commission a Citizens Working Group comprised of representatives of local neighborhood, business and environmental organizations to advise the Sheriff and the County on design, construction, building footprint and operation of the new jail.**" Lt. Luna's workgroup violates the letter, spirit and intent of this resolution. The workgroup's assignment to design the buffer will inherently require discussion and giving advice about the overall design and operation of the jail.
- According to a memo from Sheriff Noelle to Ed Lyle, CIC Chair, dated October 29, 1998, "**the St. John's Neighborhood Association will have representation on any citizens working group.**" He goes further to state that "**representation will be weighed in favor of businesses and citizen's proximity to the new jail.**" (It should also be noted that he also promised to hold "at least one public hearing within the community area.").
- In a memo to John Legry (CIC), dated October 13, 1998, Lt. Bobbi Luna stated her intention to form a workgroup "**comprised wholly of concerned community members.**" She also indicated that none of her technical advisor or consultants would sit on this workgroup.

To conclude, I believe Lt. Luna owes me an apology, as her behavior was unbecoming of a public official, particularly one who represents the honorable office of the Sheriff and the County. I also believe that this workgroup should be made more representative and inclusive of the local community.

There are two more meetings planned for this workgroup, but the dates and locations are unknown. I urge the Sheriff and the County Commissioners to open up the process before it goes completely down the drain. Thank you for your attention to this matter.

Sincerely,



Kevin O'Sullivan
7624 N. Kellogg St
Portland, OR 97203
285-5322

January 26, 1999

Beverly Stein

I am very concerned about the proposed jail site at Smith & Bybee Lakes! This is a very sensitive wetland area. When and where have the opportunities for public involvement in this decision making process taken place? What provisions have been considered for increased public transportation for family members and workers at this public institution? This would increase traffic in an area already traumatized by development that has redefined the wetlands and natural area. How does this site fit into the plan the "Port Commission" has for the economic development? They would not consider small businesses (family owned stores) because of their plan, yet a jail site does? I'm confused... North Portland is no longer a dumping ground! Our focus needs to be on improving the living conditions and cleaning up messes we have inherited: the slough, toxic contamination, traffic flow, noise pollution from the PRI and being considered second class citizens not worthy of light rail as promised. LISTEN TO THE CITIZENS!

Myrna Dunnigan
Myrna Dunnigan (289-6819)

DUNNIGAN
P.O. BOX 17080
PORTLAND, OR 97217

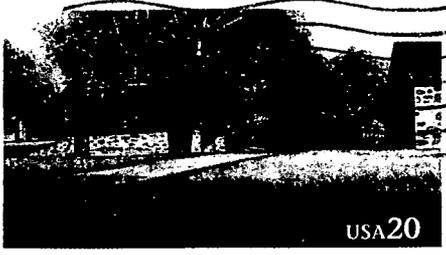
BOARD OF
COUNTY COMMISSIONERS

99 FEB 12 AM 10:02

MULTNOMAH COUNTY
OREGON

USA 20

Commissioner Beverly Stein
1120 SW 5th Suite 1515
Portland, OR 97204

Eddie Campbell



*St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203*

January 15, 1999

TO:

Mike Thorne, Executive Director
Alfred Gleason, Commissioner
Robert Walsh, Commissioner
Keith Thomson, Commissioner
Cheryl Perrin, Commissioner

Robert Cook, Jr., Commissioner
Michael Powell, Commissioner
Ann Nelson, Commissioner
Richard Wise, Commissioner
Junki Yoshida, Commissioner

CC:

David Lohman, Policy & Planning
Peggy Krause, Real Estate Marketing Mgr.

Bruce Andrews, Public Affairs
Chris White, Community Affairs

SUBJECT: Rivergate Jail Site

The Rivergate Industrial District is within the boundaries of the St. Johns Neighborhood Association and is a major part of our community. We therefore have a strong interest in what goes on in Rivergate. On January 11, the St. Johns Neighborhood Association voted to convey to the Port of Portland that Rivergate property should not be sold for a new county jail. We believe there are better uses for that land.

The St. Johns Neighborhood Association understands the Port's mission is to promote industrial and commercial stability, and to create and retain quality jobs. In fulfillment of that mission, the Port must fully develop the promise and potential of Rivergate. Rivergate is a vital maritime trade center comprised of industries that drive the region's economy. A jail is an inappropriate activity and does not belong there.

The Port must not feel pressured to sell 22 acres to the County. Many other 22-acre sites are available throughout the County, but the County has not bothered to look at them. Perhaps the Port can persuade the County to compile and evaluate a list of all available 22-acre sites. We encourage the Port to stand its ground and refuse to sell Rivergate property to the County. We firmly believe that other, more suitable, sites exist for the jail. Thank you.

Respectfully yours,

Linda S. Hval

Linda Hval, Chair
St. Johns Neighborhood Association

BOARD OF
COUNTY COMMISSIONERS
99 FEB 12 AM 10:05
MULTNOMAH COUNTY
OREGON

BOARD OF
COUNTY COMMISSIONERS

99 FEB 12 AM 10:05

MULTNOMAH COUNTY
OREGON

January 14, 1999
7826 N. Chautauqua Blvd.
Portland, Oregon 97217
Linda Minard

Chair Bev Srein
Bybee Lake
1120 S.W. 5th Avenue
Portland, Oregon 97230

Dear Bev Stein,

I am writing in opposition to the proposed county jail at Bybee Lake. I was against the Radio Tower sit also. I am opposed to any site for the jail that is located on the North Portland Peninsula. North Portland always gets everything else that the city, or other levels of government don't want in another section of the city.

I am opposed to the Bybee Lake site for several reasons as follows:

- a. Bybee Lake shore is completely unimproved-no utilities or road access.
- b. Additional fill would be needed to elevate roads, utilities, building, etc. above flood stage.
- c. The environment is sensitive shore of our nation's largest urban freshwater wetland.
- d. Consider the animals that live in the area-black tailed deer, otter, beaver, coyote, red fox, Chinook salmon, Western painted turtle, not to mention the bird wild life.
- e. A study from the county determined that the area contained a high density of ancient archeological sites.
- f. Also the possibility of disturbing Native American burial grounds.
- g. The site is a sandy peninsula bordered by water on three sides.
- h. The soil is nothing but dredge fill, the worst possible foundation for a residential facility.
- i. The county's study concluded that letters a & b, were flaws that would add an additional \$6 million to the cost of building this facility.

I deeply feel that building a jail at Bybee Lake would be a waste of the money. Why do we need more jails. Make the punishment for crimes more severe and crime might drop. If the death penalty were enforced maybe the crime rate would drop. Make an example of the criminals that are now in jails.

Thank you for your time. One thing to remember, is that the people's vote counts in elections and you are an elected official.

Concerned Citizen


Linda Minard

C\C: Chair Bev Stein
Commissioner Lisa Natio
Commissioner Diane Linn
Commissioner Sharron Kelley
Commissioner Serena Cruz
Sheriff Dan Noelle

12-11-1998

VIA CERTIFIED US MAIL TO: Multnomah County Commissioners:
Chair STEIN, Commissioners HANSEN, KELLY, LINN, NAITO, Commissioner
elect CRUZ.

My Dear Commissioners,

At the September 24, 1998 regular meeting of the county commission, Resolution 98-147 was moved, seconded, discussed, voted upon and unanimously adopted. This action was taken over the express objections of Lewis Marcus and Dennis Keepes. Mr. Marcus objections claimed that the rules of notice were being violated (ORS 192, County Charter, County Rules of Procedure for Conducting Board Meetings.) Mr. Keepes objections claimed that the rules of interpretation were being violated. Further research supports these objections as true, correct and supported by the record and the rule of law. Resolution 98-147 is null and void.

OBJECTIONS PERTAINING TO NOTICE:

Actual notice for the September 24, 1998 meeting was not reasonable calculated (ORS 192). Actual notice was not given at a minimum of 72 hours (County Charter and County Rules of Procedure for conducting board meetings.)

OBJECTIONS PERTAINING TO RULES OF INTERPRETATION:

When the meaning of the Charter, bylaws, adopted rules and documents are clear on their face, the Multnomah County Board of Commissioners may not interpret them otherwise even by unanimous vote. Multnomah County Board's actions violating such documents are null and void.

When the Multnomah County Board adopted Resolution 98-147, the Board failed to take the clear meaning of the Rivergate site as described in the text of the previous Resolution 97-173. In the record for Resolution 98-147 Chair STEIN interprets the following description of the Rivergate site from Resolution 97-173 text:

*" A parcel of approximately 35 acres situated within Blocks 9 and 14,
Rivergate Industrial District, at a location to be determined,
easterly of N. Lombard Street and northerly of N. Ramsey Blvd. Extended "*

Chair STEIN's interpreted this to mean: "...any place on Rivergate." an industrial district consisting of 2,800 acres. Commissioners HANSEN, KELLY, LINN and NAITO supported Chair STEIN's interpretation, all voting in favor of Resolution 98-147. This interpretation was made in spite of the fact that the text describing the Rivergate site is clear and unambiguous.

The actions of the Multnomah County Board did not follow prescribed rules of interpretation. This action is in violation of the Multnomah County Charter, Multnomah County Rules of Procedure for Conducting Board Meetings, and Roberts Rules of Order newly Revised. Actions are null and void.

Please take immediate action to remedy the above to avoid litigation.

Yours Truly,



Lewis Marcus
7318 North Syracuse Street
Portland OR, 97203
(503) 285-2850

BOARD OF
COUNTY COMMISSIONERS
99 FEB 12 AM 10:04
MULTNOMAH COUNTY
OREGON

NORTH PORTLAND CITIZENS COMMITTEE

**P
C
C**

BOARD OF
COUNTY COMMISSIONERS

98 DEC -9 AM 1:02

December 9, 1998

MULTNOMAH COUNTY
OREGONTo: Multnomah Co. Commissioners &
Commissioners-ElectFrom: Jeff McMahon, former member, Siting Advisory
Committee

Dear Commissioners:

I served as the St. Johns Neighborhood Association representative on the SAC. I attended every meeting and, to the best of my ability, worked to help select a good jail site. It is, as you well know, not an easy thing to do.

Before you make your decision about siting this new facility, I would like to express a few comments and concerns.

1. The site currently being reviewed (the one on Smith and Bybee Lakes) was never reviewed by the SAC. There was a different site in Rivergate, that was reviewed. I have recently heard the view expressed that the SAC's review of that one site could be extrapolated to mean that the SAC reviewed and considered all of Rivergate on equal terms. To me, this is ludicrous. I never looked at the current site or any other in Rivergate. This is a leap of logic that might be applied to half of the other sites in outer Northeast that we looked into individually.
2. The former site in Rivergate is much preferable to the current one. This is for two reasons. First, the County must lay in all of the infrastructure services to this site (water, power, sewer, etc) at substantial cost. This violates one of the initial screening criteria used to pick sites for consideration by the SAC. Second, The current site sits adjacent to the "crown jewel" of North Portland, Smith and Bybee Lakes. The former site was not on the lake or slough.
3. The reduction of needed acreage to 22 acres (from 35) must mean that many sites were not subjected to review by the SAC. This is a very important point. While I am sure that the idea of reopening the search for site has limited appeal, the process of site selection has been tarnished. I would like to look at all possible sites around the County. As you know most of sites were in North and Northeast Portland; it would have pleased me to look at more sites in other parts the County.

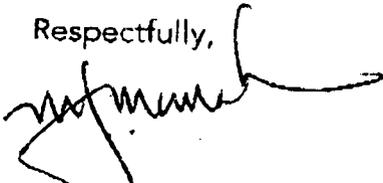
BCC ✓

The site selection process started out strongly and the SAC did a great deal of work and listened to hundreds of people. We selected a site. The site that was agreed to by the SAC, the Sheriff and County Commissioners. Then things changed and the site was removed for several reasons. (It is my belief that the site will be developed, even with the environmental concerns, in the next few yours.) This makes me personally very disappointed in the outcome of the process.

In fairness, I have always felt that Sheriff Noelle has done (and continues to do) a commendable job with public outreach and in listening to all stakeholders.

Finally, I wish for you to remember all of the social services the the St. Johns area bears. A large CSD office, a large proposed low income health center, a parole office, the sewage treatment plant for much of the city and let's not forget the St. Johns landfill. That is a lot. And now, probably what will become the largest County jail. It does seem an unfair distribution to me.

Respectfully,



Jeff McMahon

Home: 232-0429

Work: 241-3393,

Voicemail: 203-3232

cc: Sheriff Dan Noelle
Concerned Citizens of North Portland

NOTE FROM DEPT. THE BOARD AGENDA for 9/24/98 WAS PUBLISHED & DISTRIBUTED 9/17/98

BCC ✓
CC ✓

LEANDER COUNTY COMMISSIONERS
98 DEC - 8 AM 12:46
MULTNOMAH COUNTY OREGON

DEB BOGSTAD

12/7/98
TO: Multnomah County (MC) Bd of Commissioners
FR: Keepes
9622 N Pier Park Pl
Portland, OR 97203
RE: Newly Proposed Bybee Lake Jail site.

Dear MC Board of Commissioners,

At the 9/24/98 MC regular meeting a Resolution (Res) to pursue the newly proposed Bybee Lake Jail site, Res 98-147, was moved, seconded, discussed, voted upon, and adopted. This action was taken over the express objections of Mr Marcus and Mr Keepes. Mr Marcus objected re rules of notice. Mr Keepes objected re rules of interpretation. Further research supports these objections, and concludes the MC Bd action is null and void.

The Marcus objection.

Whether MC gave prescribed notice?

MC must give 3 days notice of MC regular meetings. MC Bd actions violating prescribed notice are null and void. [FN].

Here, MC gave less than 3 days notice for the Resolution to propose and pursue the new Bybee Lake Jail site.

MC did not give prescribed notice. MC Bd actions violating MC Charter prescribed notice are null and void. MC Bd action is null and void.

The Keepes objection.

Whether MC followed prescribed rules of interpretation?

When the meaning of the Charter, bylaws, adopted rules and documents are clear on their face, MC Bd may not interpret them otherwise even by unanimous vote; MC Bd must amend. MC Bd actions violating such documents are null and void. [FN].

When MC adopted Res 98-147, MC Bd failed to take the clear meaning of Res 97-173, and failed to reconsider or amend Res 97-173. In the record for Res 98-147, MC interpreted the SAC Rivergate site to be "anyplace in Rivergate," about 2800 acres, notwithstanding that Res 97-173 paragraph 8 clearly and unambiguously describes the SAC Rivergate site as only about 300 acres.

MC did not follow prescribed rules of interpretation. MC Bd actions violating MC Charter prescribed rules of interpretation are null and void. MC Bd action is null and void.

Please remedy the above ASAP to avoid litigation.
RSVP.

Very respectfully yours,
Dennis Keepes
Dennis Keepes

[FN] MC Charter 3.50(1), & (2);
MC Rules of procedure for conducting board meetings Section 5, & Section 13A;
Roberts Rules of Order Newly Revised, Scott Foresman, 9th ed, 1990 ed.
p 581-582, Principles of Interpretation, & p 337-338, Improper Motions.

12/7/96

Please file w/ MC Board Clerk
Deb Bogstad.

Please cc MC Board of Commissioners

Chair Stein

Commissioner Linn

Commissioner Hansen

" Waito

" Kelley

Commissioner - Elect Cruz

Thanks
D Kapur

TIM DABERREINER

FAX: 274-7955

NORTH PORTLAND CITIZENS COMMITTEE

P
C
C

December 4, 1998

THOUGHT THIS MIGHT
BE HELPFUL. NAN LECHNER

Dear Nan Lechner,

As your neighborhood association, we have researched the decision to site a jail at Bybee Lake in Rivergate. We have found several flaws in that process. A branch of Multnomah County government, the Citizens Involvement Committee, has also found flaws. We have extensive documentation that the siting of a corrections facility at Bybee Lake is legally flawed and therefore voidable. These procedural flaws go well beyond a few technicalities. Multnomah County is knowingly and willfully violating the law in their efforts to build a jail at Bybee Lake.

Please find the following documents Included in this package:

- A position paper explaining some but not all of the problems with the Rivergate Jail.
- A letter from a branch of the Multnomah County government informing the county commission of it's improper actions.
- A Multnomah County manual that governs the siting of facilities.

Please attend the next Rivergate jail siting meeting at NORDSTROM's 5703 North Marine Drive, Tuesday morning, December 8, 1998 at 7:30 AM. You may want to ask why this 22 acre site has not been compared to any other 22 acre site in the entire county.

Our organization's position on this issue is that the Rivergate port areas would be better utilized for purposes that improve our marine economy. This Bybee Lake site was selected arbitrarily with no public involvement. No other 22 acre site in the county was even considered. If other 22 acre sites would have been considered, this site would have been easily ruled out because it is so technically flawed.

Notwithstanding the flaws of this site, we support this site as a *candidate* site in a competitive process carried out according to law. A competitive process would compare this site to all available 22 + acre industrial or agricultural sites in the county. This process would follow the rule of law according to the facilities siting manual that I have enclosed. This process will ensure that this corrections facility will be located at the most suitable site in the county.

All in all, we believe that our good corporate citizens at Rivergate and the taxpayers of the county will be better served by a site selected according to the rules of law. As your neighborhood association, we are here to help you, and time is of the essence. Please contact me with your opinion.

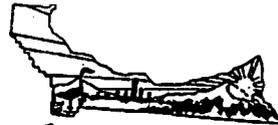
Yours Truly

Lewis Marcus, President, North Portland Citizens Committee, (503) 285-2855

CLERK OF COUNTY COMMISSIONERS
99 FEB 12 AM 10:04
MULTNOMAH COUNTY
OREGON

BRANCH OF COUNTY GOVERNMENT QUESTIONS LEGALITY OF NEW JAIL SITE

A chartered branch of Multnomah County Government, the Multnomah County Citizens Involvement Committee, finds flaws in the process to site a jail at Bybee Lake in Rivergate.



Citizen Involvement Committee
2115 SE MORRISON PORTLAND, OREGON 97214 (503) 248-3450 FAX (503) 306-5674

TO: Chair Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito

October 21, 1998

INFO: Sheriff Dan Noelle

FM: Ed Lyle, Chair for
Executive Committee

RE: Bybee Lake Jail Siting Citizen Process

Due to complaints that the proposed Bybee Lake Jail Siting does not have adequate citizen process, the CIC reviewed the written record (Minutes of 9/24/98 Multnomah County Jail resolution). We find that there is insufficient evidence to demonstrate that citizens actually reviewed and recommended the Bybee Lake site. However, the record does indicate an informal extension of the SAC's recommendation in the Rivergate to the proposed site.

In the interest of a clear and unambiguous record, we recommend that:

1. The SAC be reconvened to decide whether to formalize its extension to specifically include the Bybee site. This should require only one meeting;
2. At least one citizen member from St. Johns Neighborhood Association be added to any advisory committee discussing or planning the Bybee site; and,
3. Any such advisory committee is weighted in favor of citizen representation to avoid any appearance of domination by technical advisors; and,
4. The Sheriff holds at least one public hearing (if not two) within the affected neighborhood area to solicit public comment prior to final site decision.

We make these recommendations fully aware of the time element involved for the Sheriff, but also with regard for the fair hearing of citizens of the county. While there may be little public outcry given the isolation of the site from residences, it is important for the county to respect its own commitment to open public process and not try to force a decision due to impatience or frustration which may lead to costly legal dispute.

Thank you for your consideration of these concerns.

CC: CIC; St. Johns, Kenton Nas; SAC; Dan Oldham; Lt. Bobbi Luna

Position Paper on the Proposed Rivergate Jail

We would like to support the efforts of the Sheriff and the County to build a new jail. We are, however, seriously concerned about the new Rivergate site. Our concerns boil down to the lack of public process and suitability. There has been no meaningful public process to select this Rivergate site. Furthermore, the Rivergate site fails many of the selection criteria for a jail. The selection of this site is flawed and legally voidable.

Positions

- I. **Start the public process over again.** Up until now, the Sheriff has worked in a commendable manner to involve the public in the selection of a jail site. However, we are deeply concerned because the new Rivergate site was chosen without any meaningful public involvement. The public hearing(s) for this site will be held a few days before the Sheriff goes before the County Commission, and only one month before a final decision will be made. The public hearing amounts to mere window dressing for a decision already made. This is a direct snub to the hundreds of decent citizens who toiled long and hard on the specific list of eight candidate sites which did not include this Rivergate site. The public needs to be involved in a meaningful and effective way in every stage of the decision-making process.
- II. **Reconvene the SAC (Siting Advisory Committee).** This is an important part of the public process.
- III. **Expand the list of suitable locations.** This Rivergate site was never on the list of sites examined by the SAC (Siting Advisory Committee). It does not meet many of the SAC's selection criteria. The jail size has been scaled down from 35 acres to 22 acres. This opens up many new possibilities for suitable locations. Therefore, a new list should be drawn up and examined by a citizens advisory committee. Other sites may be less costly, less objectionable, and more technically and politically feasible.
- IV. **The Rivergate site is not suitable for a jail.** For a variety of reasons, expressed below, the new Rivergate site is a poor choice for the jail. It never should have been chosen without fully involving the public. This site violates many of the selection criteria adopted by the County. The site is significantly different from the SAC's recommended site in Rivergate.

Concerns

The above Positions are based upon the following concerns:

- 1) There has been no public process for choosing this new Rivergate site. Open, public workshops are needed.
 - The public must be involved in all phases of decision-making in the site selection.
 - The SAC must reconvene to consider this site and others.
 - The SAC's deliberations must be conducted in a series of open, public meetings.
 - Without meaningful and effective public involvement, the County's selection of the Rivergate site will shun the efforts of hundreds of citizens, who worked hard to create selection criteria and to choose sites that meet those criteria.

- 2) The Sheriff's process of selecting the new Rivergate site violates Multnomah County's *Citizen Involvement Principles* (see attachment).
 - For example, Principle 5 states that "Citizens should be involved early in planning, projects and policy development."
 - Principle 7 requires the County to "make the best use of citizens' time and efforts." Because the site was selected without any public input and without reference to the selection criteria, the County is neglecting the considerable time and efforts of citizens involved in the process during 1996 and 1997.

- 3) The process of selecting this site violates many of the principles and strategies of Multnomah County's *Facilities Siting Public Involvement Manual* (see attachment).

The following are just some of the principles and strategies that are being violated:

 - Principle 3 requires "being flexible to adjusting plans, where feasible, to meet public needs and desires."
 - Principle 2 requires public participation in "all critical decisions" with "ample opportunity for public input. Comment: the new Rivergate site seems like a done deal that was slipped in through the back door.
 - Principle 6 requires the County to engage and solicit "the advice of nearby community members at every level and every stage."
 - Strategy 6 requires opportunities for public involvement in key decisions. This includes citizen committees and public workshops.

- 4) Inadequate Notification. The public notification for this new site has been too little and too late.

- 5) No Siting Advisory Committee was involved in the selection of this site. Two years ago, the SAC worked on a list of candidate sites. **This Rivergate site was not on that list.**

6) New candidate sites are needed.

- Why stop at just one new site? The County must develop a new list of potential sites.
- In 1996, the County did an initial screening of over 30 potential sites based on 10 screening factors (see attachment). One of the screening factors required a minimum of 35 acres.
- Ten sites were dropped because they were smaller than 35 acres. For example, the Sandy North Site –East was rejected solely because there was "not enough land, only 20-25 acres."
- *The threshold size is now 22 acres.* Many new sites can and should be considered. Many of these new sites will likely include rural areas.

7) The Rivergate site violates the County's Initial Screening Criteria (see attachment).

- There are no Services Available (utilities, water, sewer, infrastructure) at this site. Yet, many other potential sites were rejected because no services were available.
- The soil is not of foundation grade.
- Geo-technical and other design engineering factors (including infrastructure) will raise Capital Costs above acceptable levels.
- The facility will not fit into the surrounding land uses (parks, recreation, wildlife).

8) The site violates most of the SAC's Selection Criteria (see attachment). A full-fledged public process developed these selection criteria. They formed the basis for choosing among the eight specific candidate sites. Here are examples of violated Selection Criteria:

- i. *The site is much too close to current and planned parks.* The Rivergate site is directly adjacent to Smith-Bybee Lake and the planned 40-Mile Loop Trail. It can't get any closer than this. This clearly violates the County's selection criteria.
- ii. Buffering at this site will be entirely inadequate and impossible.
- iii. The site is an area susceptible to natural disasters (e.g. floods or earthquakes). Dikes are unlikely to be strong enough to meet the requirement to withstand earthquakes and floods at the same time.
- iv. The site has no access to public transportation.
- v. The site has considerable community opposition.
- vi. There will be negative impacts on the watershed (the slough and the lakes).
- vii. The relative costs of all potential sites were not taken into account, because this site was not on the list of candidate sites.
- viii. The soil is not of foundation quality. It consists of dredged fill.
- ix. The site is not in accordance with economic development plans.
- x. There are high opportunity costs for foregone development. This is valuable industrial land and the tax base will be significantly eroded.

9) Environmentally sensitive natural area.

- The Smith-Bybee Lake natural area is environmentally sensitive to all noise, traffic, lights, erosion, runoff, etc associated with the construction and operation of the jail facility. There will be significantly large and adverse impacts.
- The area is inhabited by the western painted turtle, a listed species.

- 10) Port of Portland's mission will be unfulfilled. A Rivergate jail will violate the Port of Portland's *economic development plan for industrial use only*. This violates one of the selection criteria.
- 11) Infrastructure costs are too high. There is no infrastructure (sewer, utilities, water).
 - This clearly violates the Initial Screening Criterion that requires infrastructure services be available.
 - The County should not pay for constructing sewer lines, water, utilities and infrastructure.
- 12) The site is an illegal landfill and unsuited for development.
 - The wetland should be restored, not developed.
 - The County's use of this site will only serve to justify the Port's illegal fill of this wetland.
 - A lawsuit is currently pending on this illegal landfill. One acceptable settlement is to make this a greenspace.
 - The unsuitability of landfill material for construction was cited by County Property Manager, Bob Oberst, as a major reason for rejecting the Vance Pit and Vance Park Properties as a jail site (11-8-96 memorandum to the SAC).
 - The dredge-fill has been found to be contaminated, and might need to be contained, capped or removed because the lake is listed as "water quality limited" by DEQ.
- 13) High-Risk Earthquake zone. The Smith-Bybee Lake area is classified as a Zone A earthquake hazard area, the highest possible hazard classification. The site is extremely susceptible to liquefaction.
 - This high hazard is further increased by the soil composition of the underlying landfill.
 - This imperils the safety of the workers, visitors, and inmates.
 - Compliance with seismic building standards will be difficult and costly.
 - Engineering costs will be unacceptably high.
 - No residential facility should be built on this hazardous site.
- 14) The site is in a 100-year flood plain. A significant portion of this site, and access to the site, was under water during the 1996 flood.
- 15) The Access Road is in a 100-year flood plain.
 - Emergency evacuation will be impossible during a flood.
 - The use of fill material to raise the road above the 100-year flood level may violate wetland protection codes.
- 16) Public safety. Visitors to the jail will frequent Kelly Point Park and the Smith & Bybee Lakes parking lots. Crimes against property and/or people may also increase at local Rivergate industrial facilities.

- 16) Public safety. Visitors to the jail will frequent Kelly Point Park and the Smith & Bybee Lakes parking lots. Crimes against property and/or people may also increase at local Rivergate industrial facilities.
- 17) The recreational public at Smith-Bybee Lake will be adversely impacted. The negative impacts on the recreational use and enjoyment of this open space will not be in accordance with the Metro 2040 Plan.
- 18) Educational programs will be adversely impacted.
- Many educational tours and studies of Smith and Bybee Lakes are conducted each year.
 - Sponsors of these programs include Portland Public Schools; other public schools; Metro; and the Audubon Society.
 - Participants in these programs include children as well as adults.
- 19) Traffic impacts. Jail traffic will increase congestion and interfere with the area's industrial activity. Site access will be frequently obstructed by 100-car unit trains.
- 20) Public Transportation is entirely inadequate. The bus stop is on N. Marine Drive. People will have a long walk on the Leadbetter Peninsula access road to reach the jail site. There are no plans for public transportation improvements.

Attachments

- Initial Site Screening Factors
- Siting Advisory Committee Selection Criteria
- Multnomah County's Citizen Involvement Principles
- Principles and Strategies from the Multnomah County Facilities Siting Public Involvement Manual

Initial Site Screening Factors:

**New Multnomah County
Corrections Facility**

Threshold:

1. Size

35 acres minimum, 60 acres maximum, with configuration suitable to accommodate present and anticipated future requirements.

2. In Multnomah County

3. Zoning

Industrial (not allowed in residential or commercial areas).

4. Transportation

Access to major arterial streets and freeways.

5. Services Available

Utilities, water & sewer, infrastructure.

6. Early Availability of Site

Short time frame for purchase and construction.

Additional Considerations:

• Topography

Preferred site should have a level area, foundation grade soils, no other construction constraints.

• No or Few Relocations

Of existing businesses or residents

• Acceptable Capital and Operating Costs

A levy approved by Multnomah County voters in May 1996 provides funding for the facility

• Community Impact

A prime consideration of the Siting Advisory Committee will be to design facility for best fit into surrounding land uses.

SAC Selection Criteria

The following 16 criteria were agreed upon by the Siting Advisory Committee at their November 14, 1996 meeting. These criteria are based upon the public testimony at SAC meetings and the results of the public workshops and a survey.

- The site should be as far as possible from current and planned residential zoned property.
- The site should be as far as possible from current and planned schools/daycare facilities.
- The site should be in accordance with:
 - Economic development plans
 - Metro 2040 plan
 - Applicable state planning goals (LCDC)
 - Community plans
- The site should not be in an area susceptible to natural disasters (e.g., in a 100 year flood plain, near seismic fault. Dikes – if applicable – must be strong enough to withstand projected earthquakes and flood level at the same time).
- The site should be one with the least amount of community opposition.
- The sites should not over-saturate an area with corrections and social services facilities.
- The site should be as far as possible from current and planned parks.
- The site should allow for reasonable transport of inmates.
- The jail site should cause minimal financial hardship to neighboring property owners.
- The site should be one with the lowest opportunity cost of foregone development, including impact on tax base. (Avoid prime industrial land offering services the jail doesn't need.)
- The site should offer the possibility of adequate buffering.
- The site should have soil of foundation quality.
- The site should have no negative impact on the watershed.
- The site should have access to public transportation.
- The site should be as far as possible from current and planned commercial development.
- Consider the relative costs of each site when making the siting decision.

Multnomah County's Citizen Involvement Principles

Resolution 95-245 "declares citizen involvement to be top priority for the county", and suggests nine principles to guide relations with citizens.

- 1. Citizen involvement is essential to the health of our county.**
- 2. Active relationships with neighborhoods, community groups and other citizen participation organizations promote on-going dialogue with citizens.**
- 3. Understandable County communications and processes respect and encourage citizen participation.**
- 4. Outreach efforts reflect the County's rich diversity.**
- 5. Citizens should be involved early in planning, projects and policy development.**
- 6. The County and its departments and divisions should respond in a timely manner to citizen input and should respect all perspectives and insights.**
- 7. Coordinated County outreach and involvement activities make the best use of citizens' time and efforts.**
- 8. Evaluation and report on the effectiveness of County outreach efforts achieves the quality of County/citizen cooperation critical to good government.**
- 9. On-going education in community organizing, networking and cooperation for citizens in neighborhood and community groups, and County officials and staff is promoted.**

Adopted by Multnomah County Board of Commissioners on November 30, 1995.

Facilities Siting Public Involvement Manual

Multnomah County, Oregon

March 1997

Part 1: Principles for Facilities Siting Public Involvement Plans

(Emphases have been added)

1. **Sharing information early** with a broad spectrum of citizens well beyond those who are active in community organizations.
2. Inviting **public participation in all critical decisions** for a project, and providing ample opportunity for public input to be given directly to top project decision-makers;
3. **Being flexible to adjusting plans**, where feasible, to meet public needs and desire;
4. **Keeping publics to be directly impacted by the siting decision fully informed throughout the process**;
5. **Involving and incorporating community values into the project**;
6. **Engaging and soliciting the advice of nearby community members at every level and every stage**, from planning and construction through the operation of the proposed facility.

Part 2: Public Involvement Strategies for Siting Decisions Plans

(For brevity, the text is abridged and/or paraphrased, but the substance remains unchanged)

1. **Initial Description of Project**
Prepare a public information fact sheet, including ... a clear map of potential areas for the new facility; total land; time-line for decisions; a description of the decision-making process; and a description of opportunities for the public to give input.
2. **Minimum Criteria**
Identify essential site characteristics necessary for the facility to serve its purpose. These will be used to guide the search for potential locations for the facility. Each must be fundamental to the project: if a site does not meet any one of them, the facility cannot perform its function effectively.
3. **Identify Key Project Decisions**
Identify decisions that will be important to the public. Among these will be: facility location (including criteria for site search and evaluation of potential sites), design issues, construction mitigation, operations concerns, and monetary impacts to the County.

Provide opportunities for nearby communities to be an advocate and steward of the proposed project. Their participation should be contingent on receiving a high quality design or related mitigation or amenities projects giving the community tangible benefits based on the community's needs.

Copied to Pellys
Bill

HARRIETT HEISEY
60733 BRECKENRIDGE
BEND, OR. 97702

December 3, 1998

Sheriff Dan Noelle
Multnomah County Sheriff
12240 N. E. Glisan Street
Portland, OR. 97230

Dear Sheriff Noelle:

Although I no longer live in Portland, I have continued to follow the jail siting issue with interest. The Port of Portland has now offered a site in the Rivergate area for the jail and this site should be approved without delay. Anyone involved with the siting process will recall that the Rivergate area was the first choice of the Siting Advisory Committee but that choice met with strenuous opposition by the Port of Portland and Radio Towers was chosen instead.

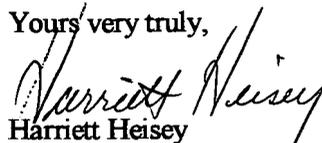
I worked in the Rivergate area for 10 years, and I know what the area is like. Rivergate is primarily fill land. It is industrial, away from homes and retail businesses and will provide an opportunity to build the jail with minimal disruption to the environment or adverse effect to citizens' personal real estate. It would be prudent for the Board of County Commissioners to accept the Port's offer and move forward immediately to secure the site, permits, etc. and proceed with construction.

The vote by the Multnomah County Board of Commissioners to eliminate the Radio Towers site did not come as a surprise. Some months ago, I learned that a group on Hayden Island had lined up support from most of the developers in the Radio Towers area, including Jantzen Beach, Delta Park and the new development at the old Sandy Barr site, to oppose the Radio Towers location for the new jail. Their timing was well-thought-out as 1998 was an election year.

Your office set up a siting process in 1996 that allowed ample opportunities for citizen participation. Where was this group then? To those of us who worked long and hard within the siting process for more than eight months, it was disheartening to watch how easy it was for those with unlimited resources to turn their wishes into reality quickly. No need for practical ingenuity, community organizing or attendance at endless meetings. No working in conjunction with the Sheriff's siting process when it is much more efficient and expedient to operate in a different arena. The appropriate action for the new Board would have been to uphold the site decision arrived at by the Siting Advisory Committee in January 1997, and unanimously approved by the Board of County Commissioners in August of 1997.

I believe every member of the Board of County Commissioners needs to examine the original siting process, their recent action, and set right what they so cavalierly discarded in September--*the Siting Advisory Committee's recommendations.*

Yours very truly,


Harriett Heisey

cc: Multnomah County Board of Commissioners
Dan Oldham, Executive Assistant to Sheriff Noelle

99 FEB 12 AM 10:04
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

November 30, 1998

TO: Sheriff Dan Noelle
Lt. Bobbi Luna
Commissioner Beverly Stein
Commissioner Gary Hansen

Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner-elect Serena Cruz

CC: Portland City Council
Port of Portland Board of Commissioners
Metro Council

On November 30, the St. Johns Neighborhood Association Board voted unanimously to fully support the "Position Paper on the Proposed Rivergate Jail, Submitted to Multnomah County by Concerned Citizens of North Portland on November 20, 1998." (Please refer to your own copies of that position paper, as no copy is attached to this letter). We fully expect our general membership will ratify this position at our next meeting.

In essence, the Association believes the general public was inadequately involved in the County's selection of this new jail site at Smith and Bybee Lakes. Also, the site is unsuitable for a jail, as it violates many of the selection criteria established by the County.

Therefore, the St. Johns Neighborhood Association requests the County to involve the public in all stages of decision-making; to convene a Siting Advisory Committee; and to create a new list of suitable locations for the jail.

The St. Johns Neighborhood Association would be happy to assist the Sheriff and the County in whatever way possible to locate a suitable jail site. Thank you.

Respectfully yours,

Linda S. Hval

Linda Hval, Chair
St. Johns Neighborhood Association

RECEIVED BY
COUNTY COMMISSIONERS
99 FEB 12 AM 10:04
MULTNOMAH COUNTY
OREGON

BEV
(I HAVE A COPY)
--EC

November 22, 1998

Kevin O'Sullivan
7624 N. Kellogg St.
Portland, OR 97203
Phone: 285-5322, email: mandala@transport.com

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB 12 AM 10:04

Commissioner Gary Hansen
Multnomah County Board of Commissioners

Dear Commissioner Hansen:

If the County Commission gets more involved in the Jail Siting Process, then I believe a successful resolution to the County Jail problem can be achieved to the satisfaction of all concerned parties. I say this for many reasons.

First, the public is rapidly losing confidence in Sheriff Noelle's ability to get the job done. He deserves great credit for involving the public during 1996-97, but since then, he's lost much valuable time. Now that the Radio Towers site has been canceled, the Sheriff is pursuing another possible folly at the Smith and Bybee Lakes site. There are many hurdles and flaws at this site that must be addressed by the County in the planning process. For example, environmental impacts, access to the site, earthquake safety, and the lack of services and infrastructure, to cite just a few. The political unpopularity of the site poses additional risks. Altogether, this will cost extra time and money with no guarantee that all hurdles can be surmounted. If the site ultimately cannot work, then we're back to square one, with no site and no time left.

The County should immediately find more candidate sites, in order to minimize the adverse consequences of failure at any one site. Finding more sites shouldn't take long because the Screening and Selection Criteria have already been established through a large public involvement process. The only major change in the criteria consists of a reduction in the minimum acreage, from 35 acres to 17-20 acres. Bob Oberst (County Property Manager) should be able to quickly find new sites that fit the criteria. He's very likely to find a feasible site where the jail can more easily be built.

I realize the Sheriff is under immense pressure to build the jail, and I believe he needs all the help he can get. The County can play a very constructive role. A diversified, "portfolio" approach that consists of multiple sites will minimize the risks and increase the likelihood that the jail will be built on schedule. In addition to looking at other feasible sites, the County should try to buy or seize the original Rivergate site from the new property owner (an Australian company, I believe). If the company possesses title to the property, then the Port has no say in the matter, and the jail project could commence at that site.

Sincerely,

CC: Pam Arden
Commissioner-elect Serena Cruz
Beverly Stein, Chair

Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner Sharron Kelley

RECEIVED

NOV 11 1998

BEVERLY STEIN
MULTNOMAH COUNTY CHAIR

Friends of Smith & Bybee Lakes
P.O. Box 83862
Portland, OR 97283-0862



November 11, 1998

Commissioner Bev Stein, Chair
Commissioner Diane Linn, District 1
Commissioner Gary Hansen, District 2
Commissioner Lisa Naito, District 3
Commissioner Sharron Kelley, District 4
Commissioner-elect Serena Cruz, District 2
Sheriff Dan Noelle
Lt. Bobbi Luna

copies: Emily Roth, Metro Wildlife Area Manager
Charles Ciecko, Metro Regional Parks and Greenspaces
Smith & Bybee Lakes Management Committee

BOARD OF
COUNTY COMMISSIONERS
99 FEB 12 AM 10:03
MULTNOMAH COUNTY
OREGON

Dear County Commissioners and Officials,

The Friends of Smith & Bybee Lakes conditionally support the siting of a jail adjacent to Bybee Lake in the Rivergate Industrial District. We believe that Multnomah County should be willing to contribute environmental and community amenities for siting a jail, especially such a potentially large one, adjacent to the Smith and Bybee Lakes Wildlife Area. We request the following as conditions:

- **Vegetative and Wildlife Buffers** – Buffers are necessary to protect this regionally significant natural area, provide wildlife habitat and corridors, contain stormwater and provide visual screening. We request vegetative buffers that extend at least 150 feet from the top of the bank to the development. The buffers should be comprised of **native** vegetation, consisting of several layers including shrubs and ground cover. Evergreens should be included so that the facility is not visible from the lakes or the trail system during all seasons of the year. The buffers should be designed to provide wildlife habitat, including turtle habitat. Sufficient soil should be brought in to support root systems for large trees. (The sand fill on the peninsula is about 30 feet deep.)
- **Wildlife** – Western Painted turtles have been seen in this area of Bybee Lake. The Western Painted turtle is listed “sensitive” by the Oregon Department of Fish and Wildlife. Their use of upland habitat in this area is not fully known. Turtle and other wildlife use in the area needs to be examined and protected or mitigated.

November 11, 1998

- **Canoe/kayak Access** – As a community amenity for siting a jail adjacent to the Wildlife Area, we request that Multnomah County fund a boat launch somewhere within the Wildlife Area – not necessarily on the Leadbetter peninsula. The location and design of the launch will be determined by a public process that is currently being developed by Metro and the Smith and Bybee Lakes Management Committee.
- **Lighting** – Lighting at the facility should not cast any direct light into the Wildlife Area so that nocturnal wildlife is not disturbed. Lighting should be controlled by lighting type and direction, distance from the lakes and vegetative screening. The headlights of evening visitors using the access road to the facility should also be screened.
- **Water Quality** – Smith and Bybee Lakes are listed as 303(d) “water quality limited” by the Oregon Department of Environmental Quality. There is a need to maintain and enhance the water quality of the lakes. We request that no stormwater be discharged into the lakes. This includes stormwater during construction. Stormwater from the building, parking lots and all impervious surfaces needs to be properly treated. Emergency containment capability should be built in.
- **40-Mile Loop Trail** – There are plans to build a portion of the 40-Mile Loop Trail along the Columbia Slough in this area. Design for the site should allow for the trail, including vegetative buffers.

The Friends of Smith & Bybee Lakes want to work with the County to ensure a solution that is environmentally sound and acceptable to the community. We would like to participate in any working or advisory group to help address these and any other issues that may arise.

Thank you for your consideration.

Sincerely,



Frank Opila
President, Friends of Smith & Bybee Lakes
503-283-1145

JAIL-SITE

2-11-99

To Whom it Concerns;

page 1

I wish to express my views of locating the new jail in the Rivergate Industrial Site.

I protest the site immensely. My reasons are.

The negative environmental impact on wildlife. The noise, pollution and traffic will increase, and be detrimental to the area.

The traffic will increase to the point of already congested, over the limit of reasonable, streets and highways. There are only 2 ways into or out of that flood prone area. Very dangerous.

Illegal fill, was incorporated into the site and it is unstable + unfit for building.

Undesireable people relocating to the neighborhoods near the site are inevitable. We need no more of those in addition

to the ones already located ⁽²⁾
here. Crime follows this scenario.

People, long-time residents of North-Portland / St. Johns are tired of this area being viewed and used as a dumping ground for undesirable industry such as Sewage disposal, The stock yards and hide companies, that once made the slough run red with blood. The auto-wrecking yards, The Union and Pacific Carbide Plants, The Parole Office, The steel mills, Welfare Offices, The Race Track (P.T.R.), Horse racing, The Dump (landfill), The Airport, The Creosote / Pitting, (McCormick & Baxter), The APARTMENTS being built for low-income criminals. The CAR-importing business.

TAKE it, (the jail site) to a higher income area such as the Goose Hollow, Vista, West Hills West Side area to see the response.

Mary L. Attred 6835 N ARMOUR
97203

I am sorry I can not come to see at the
meeting I am taking test the week & next
week but I am so my eye was come next week
I have a cataract on my Right eye I had
it tested even your now + now my left
eye is better from accident I was in
week & had let you no I cant come until
I get better I cant no when I working I am
some times I get let you no I cant come work
no way soon

To our name Brown

883 1/2 W. Sycamore Street #05
Rainier Oregon 97203

BOARD OF
COUNTY COMMISSIONERS
99 FEB 17 AM 9:53
MULTNOMAH COUNTY
OREGON

Feb 12, 1999

Sir,

Do not build a jail at our Bybee Lake site, it is against our environmental safety. also it is in the wrong location, period.

It will bring a lot of unwanted traffic to our area.

It will spoil Bybee lake from pollution and our wildlife is endangered there if it is built.

Jerry Ferris
6801 N. Villard St.
Bartland

BOARD OF
COUNTY COMMISSIONERS

99 FEB 17 AM 9:53

MULTNOMAH COUNTY
OREGON

BOARD OF
COUNTY COMMISSIONERS

99 FEB 17 AM 9:53

2-13-99

MULTNOMAH COUNTY
OREGON

We're writing to voice our
opinion on the St. Johns "Jail"
proposal site.

We do not want it built in
our neighborhood at all. Why
not Lake Oswego or Cedar Hills?
We treat the city's sewage now.
We house low income in their
own little communities. We had
the smelly landfill. We have a
row of auto wrecking yards.

Give someone else the jail -
share the wealth, so to say!

Gov. Kitzhaber wants them close
to their family's for visiting -

Put the thing in his area. NOT
OURS THIS TIME!!

Thank you.

Walt + Carolyn Barger



Mr. Walt W. Barger
10214 N. Allegheny Ave.
Portland, OR 97203

Lore G. Lawrie
6918 N. Syracuse
Portland, Ore. 97203-5060

Portland 2-11-99

Deborah Bogstad Board Clerk
1120 SW 5th Ave. Suite 1510
Portland, Oregon, 97204

Dear Mrs. Bogstad!

Re: Meeting 2-22-99 6 pm

As a longtime resident of St. Johns I like to mention several points why I am against the jail at Smith & Bybee Lake:

1. Environmental reasons, endangered species, not enough bufferspace, area too small, floodrange, seismic fault, earthquake zone and too close to recreation areas.
2. No utilities, sewers, water presently, therefore higher costs.
3. No accessroads, therefore extra costs there too.
4. No transportation to the place; too much traffic on Lombard, St. Johns bridge, Columbia Blvd. and Marine Drive already now.
5. Over the last few years St. Johns has been overburdened with new public places: Parole Office, Children's Services, Adult Services, Foodstamp Office, Sewage Plant, proposed County Clinic. Enough is enough.

There is plenty land available in other parts of the county it does not have to be St. Johns again.

Kindly consider my points in your decision.

Sincerely

Lore G. Lawrie

BOARD OF
COUNTY COMMISSIONERS
99 FEB 17 AM 9:53
MULTNOMAH COUNTY
OREGON

Febrero 2, 1999

BOARD OF
COUNTY COMMISSIONERS

99 FEB 17 PM 3:23

MULTNOMAH COUNTY
OREGON

Deb Bogstad
County Commissioner's Board Clerck
1120 SW 5th Ave.
Room 1515
Portland Ore. 97204

Estimada Señorita Bogstad,

Estoy escribiendo a usted para expresar mi preocupación a cerca de los planes de edificar una Facilidad de Correcciones en el area de N. Smith and Bybee Lakes. Estas noticias nos han preocupado bastante porque la comunidad Latina ha crecido bastante en el Norte de Portland. Muchos miembros de esta comunidad han comprado casas con grandes sacrificios para poder ofrecer estabilidad y un futuro mejor para sus hijos. No es justo que nuestros taxes sigan aumentando cada vez mas para sostener proyectos como este que en realidad no son necesarios. La ciudad no tiene los fondos para mantener mas cárceles, QUE NO SON NECESARIAS.

Este proyecto de Correcciones afectaria muy adversamente a nuestra comunidad y familias, por esto estamos alarmados. Queremos que escuchen nuestra voz Sinceramente.

Rogelio Sanchez

Please enter this into Public record
(Favor de entrar esta carta en el Record Público)

*Rogelio Sanchez
9225 N. Charleston Ave.
Portland, Or. 97203.*

Febrero 2, 1999

BOARD OF
COUNTY COMMISSIONERS

99 FEB 17 PM 3:23

MULTNOMAH COUNTY
OREGON

Deb Bogstad
County Commissioner's Board Clerck
1120 SW 5th Ave.
Room 1515
Portland Ore. 97204

Estimada Señorita Bogstad,

Estoy escribiendo a usted para expresar mi preocupación a cerca de los planes de edificar una Facilidad de Correcciones en el area de N. Smith and Bybee Lakes. Estas noticias nos han preocupado bastante porque la comunidad Latina ha crecido bastante en el Norte de Portland. Muchos miembros de esta comunidad han comprado casas con grandes sacrificios para poder ofrecer estabilidad y un futuro mejor para sus hijos. No es justo que nuestros taxes sigan aumentando cada vez mas para sostener proyectos como este que en realidad no son necesarios. La ciudad no tiene los fondos para mantener mas cárceles, QUE NO SON NECESARIAS.

Este proyecto de Correcciones afectaria muy adversamente a nuestra comunidad y familias, por esto estamos alarmados. Queremos que escuchen nuestra voz Sinceramente.

Patricia S. Valtierra

Please enter this into Public record
(Favor de entrar esta carta en el Record Público)

Patricia Valtierra S.
9227 N. Charleston Ave
Portland, Or. 97203



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600

February 11, 1999

Mr. Frank Opila
President
Friends of Smith & Bybee Lakes
PO Box 83862
Portland, OR 97238-0862

Dear Frank:

Thank you for working with Lieutenant Luna and me during January 1999 to better understand the need for a 150 foot vegetative and wild life buffer along Bybee Lake at the proposed North Rivergate jail site. The information and ideas you and others provided in our meetings have helped us a great deal. The result adds to the county's cost in property acquisition and will have to be carefully weighed by the Board of County Commissioners.

Our consultants have taken the information and ideas from our meetings and developed three very interesting buffering schemes for the proposed site. We are anxious to meet with you again to review the schemes and get your reactions and input.

I expect the Board to take final action on this site near the middle of March, following the public hearing on February 22. If the Board decides to site the jail in North Rivergate, we will begin immediately to reform a citizens' working group to advise us on the design, construction and operation of the facility. The Friends of Smith and Bybee Lakes will certainly be represented on this working group and the working group's first agenda item will be facility buffering.

Thank you again for helping us understand your needs and interests as they relate to Smith and Bybee Lakes. I am certain that working together we can develop a project that enhances the environmental assets of the area while still meeting the need for more jail space in Multnomah County.

Sincerely,

DAN NOELLE,
Sheriff

Cc: Chair Beverly Stein
Commissioner Serena Cruz
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito

BOARD OF
COUNTY COMMISSIONERS
99 FEB 18 AM 11:55
MULTNOMAH COUNTY
OREGON



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600

February 11, 1999

Emily Roth
Smith & Bybee Lake Management Group
Metro
600 NE Grand
Portland OR 97232

Dear Emily:

Thank you for working with Lieutenant Luna and me during January 1999 to better understand the need for a 150 foot vegetative and wild life buffer along Bybee Lake at the proposed North Rivergate jail site. The information and ideas you and others provided in our meetings have helped us a great deal. The result adds to the county's cost in property acquisition and will have to be carefully weighed by the Board of County Commissioners.

Our consultants have taken the information and ideas from our meetings and developed three very interesting buffering schemes for the proposed site. We are anxious to meet with you again to review the schemes and get your reactions and input.

I expect the Board to take final action on this site near the middle of March, following the public hearing on February 22. If the Board decides to site the jail in North Rivergate, we will begin immediately to reform a citizens' working group to advise us on the design, construction and operation of the facility. The Friends of Smith and Bybee Lakes will certainly be represented on this working group and the working group's first agenda item will be facility buffering.

Thank you again for helping us understand your needs and interests as they relate to the Smith and Bybee Lakes Management Group. I am certain that working together we can develop a project that enhances the environmental assets of the area while still meeting the need for more jail space in Multnomah County.

Sincerely,

DAN NOELLE,
Sheriff

Cc: Chair Beverly Stein
Commissioner Serena Cruz
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito

BOARD OF
COUNTY COMMISSIONERS
99 FEB 18 AM 11:55
MULTNOMAH COUNTY
OREGON



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600

February 11, 1999

Mr. Jay Mower
Columbia Slough Watershed Council
7040 NE 47th
Portland OR 97218

Dear Jay:

Thank you for working with Lieutenant Luna and me during January 1999 to better understand the need for a 150 foot vegetative and wild life buffer along Bybee Lake at the proposed North Rivergate jail site. The information and ideas you and others provided in our meetings have helped us a great deal. The result adds to the county's cost in property acquisition and will have to be carefully weighed by the Board of County Commissioners.

Our consultants have taken the information and ideas from our meetings and developed three very interesting buffering schemes for the proposed site. We are anxious to meet with you again to review the schemes and get your reactions and input.

I expect the Board to take final action on this site near the middle of March, following the public hearing on February 22. If the Board decides to site the jail in North Rivergate, we will begin immediately to reform a citizens' working group to advise us on the design, construction and operation of the facility. The Friends of Smith and Bybee Lakes will certainly be represented on this working group and the working group's first agenda item will be facility buffering.

Thank you again for helping us understand your needs and interests as they relate to the Columbia Slough Watershed Council. I am certain that working together we can develop a project that enhances the environmental assets of the area while still meeting the need for more jail space in Multnomah County.

Sincerely,

DAN NOELLE,
Sheriff

Cc: Chair Beverly Stein
Commissioner Serena Cruz
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito

BOARD OF
COUNTY COMMISSIONERS
99 FEB 18 AM 11:55
MULTNOMAH COUNTY
OREGON

BOARD OF
COUNTY COMMISSIONERS

99 FEB 19 AM 9:34

MULTNOMAH COUNTY
OREGON

17 FEBRUARY 1999

MULTNOMAH COUNTY COMMISSIONERS
1021 SW 4TH AVE., ROOM 602
PORTLAND, OR 97204

SUBJECT: PROPOSED JAIL SITE ON
LEADBETTER PENINSULA

DEAR COUNTY COMMISSIONERS,

AFTER READING SOME OF THE AVAILABLE INFORMATION IN THE "EXECUTIVE SUMMARY" ETC., I BELIEVE THAT THERE ARE SO MANY POTENTIALLY SERIOUS PROBLEMS WITH THE SUBJECT SITE THAT SOME OTHER SITE OUGHT TO BE SELECTED. BESIDES THE ENVIRONMENTAL CONCERNS AND LARGE NUMBER OF PEOPLE OPPOSED TO THE SITE, THE FOUNDATION PROBLEM IN AN EARTHQUAKE, ALONE, SEEMS AS IF IT COULD ELIMINATE THE SITE.

IF BEARING PILES ARE NEEDED TO PREVENT SETTLEMENT ("MINIMIZE" MEANS TO REDUCE THE SETTLEMENT TO ZERO), IT IS DOUBTED THAT ENOUGH BORINGS OR TEST PILES COULD BE ECONOMICALLY PUT DOWN TO ASSURE THAT A FATAL FLAW WOULD NOT BE DISCOVERED AFTER CONSTRUCTION HAD BEGUN.

SINCERELY,

Heber C. Heine

HEBER C. HEINE
5801 N. WARREN ST.
PORTLAND, OR 97203

BOGSTAD Deborah L

From: bonnie whitney
Sent: Monday, February 22, 1999 11:56 AM
To: Deborah Bogstad
Subject: Public hearing on North Rivergate jail siting

Dear Ms. Bogstad: Here is my testimony for tonight's hearing. Thank you for your time.

I've lived on the Peninsula for over 45 years. In 1996 I wrote an article for The Oregonian newspaper. In the opinion piece, I opposed the unnecessary cutting of trees in Pier Park--which is just a hop, skip, and a jump from the proposed jail site. I jokingly wrote: "I've often compared St. Johns and the Peninsula to the Kurt Russell movie "Escape from New York", where Manhattan Island was a prison housing all the miscreants and ugliness of the state." I went on to quote the St. Johns Review dated April 8, 1921: "Comparing the geographical location of Portland with that of New York, we can readily see that the Peninsula is to Portland what Manhattan is to New York." Is my jest becoming reality? Or is the land grab in Portland just too vicious, and there REALLY is no where else to go?

Like West Delta Park, Smith and Bybee lakes are wet lands too. I'm not so sure there will be an environmental impact as much as an IMAGE impact with the jail sited on the Peninsula. The St. Johns Landfill was capped-off just a couple of years ago; that battle wore-out my grandparents, parents, and me. This generational opposition is not just contemporary belligerence: The Peninsula is tired of fighting. But that doesn't mean we cannot compromise--just don't silence us before ALL avenues are exhausted. Thank you for listening.

Sincerely,

Bonnie Whitney

(503-248-3013)

To: Deborah Bogstad
Board Clerk

From: Leigh & Linda Hanson

Re: N. Rivergate Jail Site

Please consider my vote and my wife's
vote be cast for not being in favor of
siting the new jail @ Rivergate. The main
reason we feel this way is because we
value the wetlands areas of N. Portland and
this construction will affect them. Please
build this jail somewhere else. Thank
you.

89 FEB 22 9 12 11
MULTI-NOMAH COUNTY
OREGON

BOARD OF
COUNTY COMMISSIONERS

2/22/99

Febrero 2, 1999

Deb Bogstad
County Commisioner's Board Clerck
1120 SW 5th Ave.
Room 1515
Portland Ore. 97204

Estimada Señorita Bogstad,

Estoy escribiendo a usted para expresar mi preocupación a cerca de los planes de edificar una Facilidad de Correcciones en el area de N. Smith and Bybee Lakes. Estas noticias nos han preocupado bastante porque la comunidad Latina ha crecido bastante en el Norte de Portland. Muchos miembros de esta comunidad han comprado casas con grandes sacrificios para poder ofrecer estabilidad y un futuro mejor para sus hijos. No es justo que nuestros taxes sigan aumentando cada vez mas para sostener proyectos como este que en realidad no son necesarios. La ciudad no tiene los fondos para mantener mas cárceles, **QUE NO SON NECESARIAS.**

Este proyecto de Correcciones afectaria muy adversamente a nuestra comunidad y familias, por esto estamos alarmados. Queremos que escuchen nuestra voz Sinceramente.

Martha Kovach

Martha Kovach
4841 N. Willamette Blvd
Portland Ore. 97203

(Favor de entrar esta carta en el Record Público)

BOARD OF
COUNTY COMMISSIONERS
99 FEB 22 PM 1:10
MULTNOMAH COUNTY
OREGON

Sheeriff
Lt. Luna
Dan O
Tim Dabereiner

Smith & Bybee Lakes Natural Area
Management Committee
Nancy Handrickson, Chair

SHERIFF EXECUTIVE OFFICE

coordinated by:

Metro

600 NE Grand Ave.
Portland, OR 97232
(503) 797-1870

February 5, 1999

Multnomah County Commissioners
1120 SW Fifth Ave., Suite 1500
Portland, OR 97204

RE: North Rivergate Site Location for the New County Jail Facility

To the Multnomah County Commissioners.

Thank you for the opportunity to submit these comments regarding the North Rivergate site location for the new county jail facility. This testimony is provided on behalf of the Smith and Bybee Lakes Management Committee (except for the Port of Portland). We would like to express our appreciation to Sheriff Dan Noelle and Lt. Bobbi Luna for attending a couple of our meeting to talk about the proposed location and to answer questions. They have also met with representatives from the committee to discuss the design of the proposed buffer area. The committee's general and specific comments are detailed below.

Background

Smith and Bybee Lakes Wildlife Area is recognized throughout our region as a significant natural area, protected primarily for wildlife values. The wildlife area is the largest, protected, urban wetland in the United States. It is home to or visited by over a hundred bird species, river otter, beaver, western painted turtles, Columbia slough sedge and numerous other native species. The wildlife area is the remaining remnant of the wetland, slough, riparian complex that used to exist at the confluence of the Columbia and Willamette Rivers.

The Multnomah County Framework Plan, Policy 15 Willamette River Greenway, identifies Smith and Bybee Lakes Wildlife Area as an Area of Significant Environmental Concern. The factors of significant environmental concern include shoreline vegetation, rare ecosystems, unique wildlife habitat, views and vistas, recreational needs and water quality. The City of Portland also recognized the complexity and uniqueness of the area in their "Inventory and Analysis of Wetlands, Water Bodies and Wildlife Habitat Areas for the Columbia Corridor" (City Ordinance #161896, April 20 1989). In the report, the wildlife habitat inventory score for the lakes was the highest of all areas evaluated. The narrative for the report states, "Smith and Bybee Lakes is the most complex and unique natural area within Portland's Urban Growth Boundary. (T)he Smith and Bybee Lakes area is the largest, most significant wetland area in the City of Portland, and the largest natural resource inventory area in the Columbia Corridor. It has tremendous habitat value and diversity, and should be protected."

Recognizing the unique habitats and importance of Smith and Bybee Lakes to the region, The City of Portland, Metro and the Port of Portland developed and adopted the *Natural Resources Management Plan for Smith and Bybee Lakes* in 1990. The plan set forth the goal, objectives and policies for the wildlife area. The goal of the Management Plan "is to protect and manage the Smith and Bybee Lakes area as an environmental and recreational resource for the Portland region. (I)ts primary use will be as an environmental preserve." Included in the plan was the formation of the Smith and Bybee Lakes Management Committee (SBLMC)¹. The management committee is responsible for overseeing the

¹ Committee Representatives include Metro Executive Office, Oregon Department of Fish and Wildlife, Audubon Society of Portland, Friends of Smith and Bybee Lakes, Port of Portland, City of Portland Bureau of Environmental Services, City of Portland Parks and Recreation and Private Landowners.

99 FEB 22 PM 1:07
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

implementation of the plan and provides ongoing policy guidance. One of the ongoing responsibilities is to review and comment on any development activities adjacent to the wildlife area boundaries.

Concerns and Recommendations

At the SBLMC meeting held October 27, 1998, Sheriff Dan Noelle and Lt. Bobbi Luna presented a concept for the proposed jail that may be built in the Rivergate Industrial Area, adjacent to Bybee Lake on the Leadbetter Peninsula. The wildlife area surrounds this area on three sides. The SBLMC met on November 24, 1998, to discuss the potential siting and construction of the new jail facility. The committee voted 6 to 1 (the Port of Portland opposed and the representative for the private landowners was not in attendance) to submit the following concerns and recommendations about the jail siting. The concerns and recommendations are made under the assumption that Multnomah County allows for a thorough and complete public process for siting the new jail facility.

1. **Wildlife and Habitat Protection** – the lakes provide unique habitat for many species. The largest known western painted turtle population in the lower Columbia River ecosystem uses them. The turtles are listed as "critically sensitive" by the Oregon Department of Fish and Wildlife. They bask on the logs within Bybee Lake, next to the Leadbetter Peninsula. The turtles may use the sand area for nesting. The peninsula also provides a valuable upland wildlife corridor along the Columbia Slough, connecting the Willamette River to the wildlife area.

To protect the lakes' ecosystems and preserve the wildlife corridor:

- The facility should be placed a minimum of 150 feet back from the top of the bank to provide a buffer from the development. For wildlife habitat, a 1992 Washington State Department of Wildlife report entitled "Buffer Needs of Wetland Wildlife" states that, "To retain wetland-dependent wildlife in important wildlife areas, buffers need to retain plant structure for a minimum of 200 to 300 feet beyond the wetland. This is especially the case where open water is a component of the wetland or where the wetland has heavy use by migratory birds or provided feeding for heron. The size needed would depend upon disturbance from adjacent land use and resources involved."
- The buffer should be planted with native vegetation, including conifers (evergreen) and have ground, shrub and canopy layers. Some areas should be left unplanted to provide turtle habitat.
- Construction should be limited to daylight hours to prevent additional interference with wildlife movement. Dusk and dawn are active wildlife periods.
- Construction of the perimeter road and fence should be limited to enclose the facility to be built in the first phase. The road and fence can be moved in the future if the facility is expanded. This will limit disturbance and leave more area for wildlife use. The vegetative buffer should be planted to the edge of the fence.
- Ensure that there is no direct light from the jail, perimeter road and the road to the facility into the wildlife area that would disturb wildlife. Lighting should be controlled by lighting type, direction, distance from the lakes and vegetative screening.

2. **Recreation and Public Access** - a variety of passive recreation users enjoy bird watching, paddling canoes or kayaks, walking and wildlife watching at the wildlife area. The area is also used by schools and other educational programs throughout the region as an outdoor classroom to learn about wetlands, wildlife and water quality. Numerous North Portland schools participate in restoration and monitoring projects there.

To maintain or enhance the high quality of passive recreation opportunities:

- The jail facility needs to be visually screened from the lakes.
- Avoid eliminating opportunities for future public access. The SBLMC is developing a facility plan for the wildlife area including a possible option to site a small boat launch facility at Bybee Lake. The planning process will examine each potential site for habitat sensitivity and numerous other factors.
- As a community amenity for siting a jail adjacent to the wildlife area, Multnomah County should fund the construction of a boat launch and parking area. For having the jail sited next to a regionally significant natural area, used by residents from the entire Metro region, the county should compensate users by providing this amenity.

3. Water Quality – the Oregon Department of Environmental Quality lists Smith and Bybee Lakes as water quality limited. The SBLMC is concerned that surrounding development would cause further degradation of the water quality in the lakes; it is looking for opportunities to improve water quality. As more area adjacent to the lakes is paved, the quality and quantity of stormwater entering the lakes and slough needs to be controlled and monitored.

To prevent further degradation:

- No stormwater should be directly discharged into Bybee Lake.
- Treat all stormwater on site with controlled release into the slough or retain the water on site to use for summer watering.
- Treat all stormwater runoff during construction.
- Use best management practices to treat stormwater, above and beyond the City of Portland's requirements, because of the area's sensitivity.

4. Creative Alternatives – consider alternatives that would allow the jail to be sited on the Leadbetter Peninsula and be compatible with the wildlife area.

The following are just a few design changes and suggestions:

- Redesign the building to meet the uniqueness of the site. Instead of trying to "fit" the building designed for the radio tower site at Leadbetter Peninsula, look at design changes that would allow the concerns and recommendations in this letter to be met.
- Limit the scope of the project, keeping it a smaller facility.
- Lay out a traffic pattern that has the least impact of lights on the wildlife area.
- Have an eco-roof to treat and retain stormwater. Capture the rainwater in cistern to store and use for irrigation in the summer.
- Reduce the amount of parking, build a two-story garage or place the parking under the building to allow for a larger buffer area.
- Provide a lighting design that does not encroach into the wildlife area.

If this site were selected, the SBLMC would like to work with the Sheriff's Office and Multnomah County to ensure that site preparation and building design protects the wildlife area and is acceptable to the community. A member of the committee would be available to participate in any working group to address the concerns and recommendations in this letter. The full committee would appreciate a chance to review the site preparation and building design before any activity begins.

Thank you for your consideration.

Sincerely,



Nancy Hendrickson, Chair
Smith and Bybee Lakes Management Committee

C: Charles Ciecko, Director, Metro Regional Parks and Greenspaces
Mike Burton, Metro Executive Officer
Sheriff Dan Noelle and Lt. Bobbi Luna, Multnomah County Sheriff's Department

Friends of Smith & Bybee Lakes
P.O. Box 83862
Portland, OR 97283-0862



February 17, 1999

Commissioner Bev Stein, Chair
Commissioner Diane Linn, District 1
Commissioner Serena Cruz, District 2
Commissioner Lisa Naito, District 3
Commissioner Sharron Kelley, District 4
Sheriff Dan Noelle
Lt. Bobbi Luna

Dear County Commissioners and Officials,

The purpose of this letter is to clarify the Friends' point of view on the meetings with the Sheriff's office regarding the environmental buffers for the proposed new jail.

The Friends of Smith & Bybee Lakes eagerly embraced these meetings at their outset. However, the Friends have been confronted with acrimonious written and verbal statements from a few citizens from the St. John's community. We feel caught in the middle and are not interested in playing on this level of politics. Therefore, we have chosen to discontinue our participation in this set of meetings with the Sheriff's office. The Friends' position on the jail has not changed and will be resubmitted at the public hearing on February 22. If this Rivergate site is selected, we are very interested in participating in the working group.

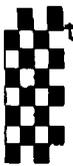
We would like to thank Sheriff Noelle and Lt. Luna for their efforts and their willingness to discuss our environmental concerns.

Thank you for your consideration.

Sincerely,

Frank Opila
President, Friends of Smith & Bybee Lakes
503-283-1145

BOARD OF
COUNTY COMMISSIONERS
99 FEB 22 PM 1:11
MULTNOMAH COUNTY
OREGON



February 18, 1999

Lt. Bobbi Luna
Multnomah County Sheriff's Dept
1120 SW Third Ave, Room 322
Portland, OR 97204

Dear Lt. Luna:

I had planned on attending the public hearing next Monday, but unfortunately will not be able to be there. I am faxing this letter to you, in hopes that it will be presented to the Commissioners, along with the other testimony.

It seems to me that every time the City of Portland, or Multnomah County wants to find a location for "unsavory" situations, such as drug & alcohol re-hab houses, half-way houses, low-end housing, parole offices, garbage dumps, and now for a new county jail, St. Johns, and North Portland are always the first location on the short list. While the rest of Portland is seeing plenty of prosperity and urban renewal, the St. Johns area is still trying to rise to a standard of life that the rest of the city is enjoying. One of the reasons that I feel we cannot come up to a higher standard, is because the City/County insists on using us as the dumping ground for all of Portland/Multnomah County's problems. This has to stop. We are being saturated with this sort of thing. A jail on top of everything else you've forced on us is just going too far.

More working professionals are buying homes in St. Johns because it remains one of the few affordable places in the metro area. I bought a home here five years ago. I have to admit, I had some reservations about buying a home in the North end. But to my surprise and relief, I found out that St. Johns gets a bad rap that is undeserved. Many of the residents are people who have raised their families and are now retired. It is a wonderful little community, and a good location. But we cannot attract the better stores for us to shop in, nor can we brighten up our little area, because we cannot clean and scour out the problems that our City and County managers just keep giving to us! We deserve a safe, clean and revitalized area, just like any other tax payer.

Putting a jail at North Rivergate is a terrible idea. Not only will it bring in the families of the inmates, who quite frankly, are usually not much better than those that are incarcerated, but it will further help to depress our area. What about an escaped con running around in our community? Now there's a really pleasant thought. If you continue this trend of using our area as a dumping ground, you will eventually force out people like myself, because we simply do not feel safe and comfortable in our homes.

The other reason that I feel this location is outrageous, is because of the magnificent beauty of the environment where the Columbia and Willamette River meet. Why would you want to trash it up with a jail? I just don't understand this. Make that area a wildlife sanctuary. Don't put a jail on it! It is simply not right to continue to push all of these things on one small community. Find another site, please.

Sincerely,

Janet Martsch
9415 N Alma Ave
Portland, OR 97203

CLERK OF
COUNTY COMMISSIONERS
99 FEB 22 PM 1:07
MULTNOMAH COUNTY
OREGON

BOARD OF
COUNTY COMMISSIONERS

99 FEB 22 PM 1:15

MULTNOMAH COUNTY
OREGON

Feb. 17, 1999

County Commissioners,

*I do not want a 2,000 bed
prison built at our Smith &
Bybee Lakes.*

*Respectfully,
Pauline Heine*

Pauline I. Heine
5801 N. Warren
Portland, Oregon 97203

BOARD OF
COUNTY COMMISSIONERS

99 FEB 22 PM 4:55

MULTNOMAH COUNTY
OREGON

February 18, 1998

Lt. Bobbi Luna
Multnomah County Sheriff's Dept.
Portland, OR 97204

Dear Lt. Luna:

I had planned on attending the public hearing next Monday, but unfortunately will not be able to be there. I am faxing this letter to you, in hopes that it will be presented to the Commissioners, along with the other testimony.

It seems to me that every time the City of Portland, or Multnomah County wants to find a location for "unsavory" situations, such as drug & alcohol re-hab houses, half-way houses, low-end housing, parole offices, garbage dumps, and now for a new jail, St. Johns and North Portland are always at the top of the short list. While the rest of Portland is seeing plenty of prosperity and urban renewal, the St. Johns area is still trying to rise to a standard of life that the rest of the city is enjoying. One of the reasons that I feel we cannot come up to a higher standard, is because the City/County insists on using us as the dumping ground for all of Portland/Multnomah County's problems. When will this ever stop? We have been saturated with this sort of thing.

I bought a home in St. Johns about five years ago. I have to admit, I had some concerns about living in the North end. But to my surprise and relief, I found out that St. Johns gets a bad rap that is undeserved. Many of the people in this area have raised their families and are now retired. As their property becomes available, more working professionals are buying homes in St. Johns, because it remains one of the few affordable places in the metro area. It is a nice little community, and a good location. But we cannot attract the better stores for us to shop in, nor can we brighten up our little area, because we cannot clean and scour out the problems that our City and County managers just keep giving to us. We deserve a safe, clean and revitalized area with good public transportation, just like any other tax payer.

Putting a jail at North Rivergate is a terrible idea. It will help to further depress our area. One can only imagine the type of individuals this would attract. You certainly won't continue to attract educated, fiscally responsible people. What happens if an inmate should escape and is loose in our community? That is really a frightening thought. If you put a jail here, you will discourage the very people that you need in this area to rejuvenate it.

The other reason that I feel this location is outrageous, is because of the environment where the Columbia and Willamette River's meet. This area should be a designated wetland. It should be used as a wildlife sanctuary, or a park and recreation area. Don't make it a home to convicts. It is simply not right to continue to push all of the negative things onto one small community. Please find another site.

Sincerely,



Janet Martsch
Portland, OR 97203

BOARD OF
COUNTY COMMISSIONERS

99 FEB 22 PM 4: 55

Tom Swift
9742 N. James St.
Portland, OR 97203-2249
(503) 286-7005MULTNOMAH COUNTY
OREGON

February 22, 1999

Dear Multnomah County Board of Commissioners:

I am a 50-year St. Johns resident and a criminal justice major at PCC. I would like to speak in favor of siting the new jail on fill next to Bybee Lake.

St. Johns was the site of the city incinerator, the city dump, and the sewage treatment plant is located there. More recently, St. Johns was selected for the Multnomah County Parole and Probation Office on N. Lombard. The sewage treatment plant has been massively expanded to handle much of Portland's sewage. It gets pretty ripe on N. Columbia Blvd. in the summer! The area has several major industrial polluters and is a potential EPA Superfund cleanup site. The Port of Portland routes jets over the area from runway 2 - 8. I was enduring them while writing this statement.

So, there is a long tradition of siting facilities in St. Johns that other communities simply would not stand for. The new jail should blend right in. If these whiners from St. Johns do not like stench, noise, filth, criminals, and other unpleasantness, they are simply living in the *wrong* place. They should move!

Now these folks do not have any *right* to complain because that portion of St. Johns has been renamed "Rivergate" by the Port of Portland. To deal with the current objections to the Rivergate siting, I suggest we rename the area around the jail site "Jailgate" so that it will no longer be in Rivergate.

With regard to the jail disturbing the wildlife on Smith and Bybee lakes, I fail to see how the waterfowl could relax anyway with the constant jet blast overhead as has been reported in the *Oregonian*.

And finally, as a criminal justice student, I know that the crime rate has been dropping since the voters approved this funding in 1996. If we do not get this jail built soon, there is a possibility the tax dollars could be frittered away on crime prevention or rehabilitation efforts. This would hurt future employment opportunities in the criminal justice industry.

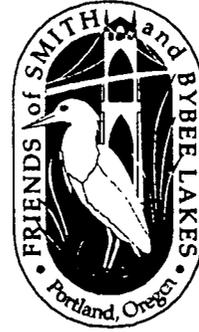
Thank you for your consideration of these issues.

Sincerely,



Tom Swift

Friends of Smith & Bybee Lakes
P.O. Box 83862
Portland, OR 97283-0862



February 22, 1999

Commissioner Bev Stein, Chair
Commissioner Diane Linn, District 1
Commissioner Serena Cruz, District 2
Commissioner Lisa Naito, District 3
Commissioner Sharron Kelley, District 4
Sheriff Dan Noelle
Lt. Bobbi Luna

Dear County Commissioners and Officials,

The Friends of Smith & Bybee Lakes would like to thank the Commissioners, Sheriff Noelle and Lt. Luna for your willingness to work with us on our environmental concerns. The position of the Friends has not changed. The Friends of Smith & Bybee Lakes conditionally support the siting of a jail adjacent to Bybee Lake in the Rivergate Industrial District. We believe that Multnomah County should be willing to contribute environmental and community amenities for siting a jail, especially such a potentially large one, adjacent to the Smith and Bybee Lakes Wildlife Area. We request the following as conditions:

- **Vegetative and Wildlife Buffers** – Buffers are necessary to protect this regionally significant natural area, provide wildlife habitat and corridors, contain stormwater and provide visual screening. We request vegetative buffers that extend at least 150 feet from the top of the bank to the outer edge of development. The buffers should be comprised of **native** vegetation, consisting of several layers including shrubs and ground cover. Evergreens should be included so that the facility is not visible from the lakes or the trail system during all seasons of the year. The buffers should be designed to provide wildlife habitat. Sufficient soil should be brought in to support root systems for large trees. (The sand fill on the peninsula is 15 to 25 feet deep.)
- **Wildlife** – Western Painted turtles have been seen in this area of Bybee Lake. The Western Painted turtle is listed “sensitive - critical” by the Oregon Department of Fish and Wildlife. The turtles may use sand areas, particularly on south facing slopes, for nesting. Turtle and other wildlife use in the area needs to be examined and protected or mitigated.
- **Canoe/kayak Access** – As a community amenity for siting a jail adjacent to the Wildlife Area, we request that Multnomah County fund a boat launch somewhere within the Wildlife Area – not necessarily on the Leadbetter peninsula. The location and design of the launch will be determined by a public process that is currently being developed by Metro and the Smith and Bybee Lakes Management Committee.
- **Lighting** – Lighting at the facility should not cast any direct light into the Wildlife Area so that nocturnal wildlife is not disturbed. Lighting should be controlled by lighting type and direction, distance from the lakes and vegetative screening. The headlights of evening visitors using the access road to the facility should also be screened.

- **Water Quality** – Smith and Bybee Lakes are listed as 303(d) “water quality limited” by the Oregon Department of Environmental Quality. There is a need to maintain and enhance the water quality of the lakes. We request that no stormwater be discharged into the lakes. This includes stormwater during construction. Stormwater from the building, parking lots and all impervious surfaces needs to be properly treated. Emergency containment capability should be built in.
- **40-Mile Loop Trail** – There are plans to build a portion of the 40-Mile Loop Trail along the Columbia Slough in this area. Design for the site should allow for the trail, including vegetative buffers.

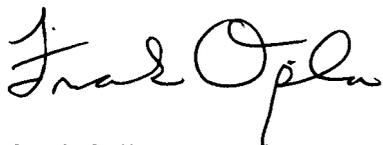
The Friends of Smith & Bybee Lakes consider the 150-foot vegetative and wildlife buffer to be a high priority condition. To achieve this, we urge Multnomah County to consider the following alternatives:

1. Purchase additional land from the Port of Portland.
2. Limit the scope of the potential expansion for this site. In May 1996 the voters of Multnomah County approved the \$80 million bond measure, reportedly allowing for 450 new jail beds (with 225 at the proposed new jail). Providing for expansion to 2000 beds may not be necessary.
3. Modify the design of the site to allow for a larger buffer. One alternative is to reduce the amount of parking or provide for underground parking.

The Friends of Smith & Bybee Lakes acknowledge that there are community concerns about the public process for selecting this site. If this site is chosen, the Friends are willing to work with the County to ensure a solution that is environmentally sound and acceptable to the community. We would like to participate in any working or advisory group to help address our concerns and any other issues that may arise.

Thank you for your consideration.

Sincerely,



Frank Opila
President, Friends of Smith & Bybee Lakes
503-283-1145

From: Dick Anderson
To: Mime.m:"diane.m.linn@co.multnomah.or.us", Mime.m:...
Date: Mon, Feb 22, 1999 4:59 PM
Subject: SAC Member Written Testimony for New Jail Public Hearing - 2/22/99 @ 6 PM

Dear Commissioners:

Thank you for providing me the opportunity to serve you and the citizens of Multnomah County as a member of the Multnomah County Sheriffs Office Siting Advisory Committee ("SAC").

Knowing that tonight's hearing will be packed, I offer the following written comments for your consideration in evaluating the Rivergate site for the New Jail:

1. The selection process was an open process. The Sheriff's office conducted outreach to neighborhood and business associations throughout the county in 1996. The SAC, a committee of 15 citizens, was established by the Board of County Commissioners. The SAC toured the Sheriff's existing facilities, visited the 8 sites proposed by the Sheriff's office, considered several additional sites, held open public hearings at the Sheriff's office, and in Kenton, St. Johns and Gresham, established criteria, ranked the sites against the criteria, and selected the top three sites for the New Jail, with the proviso that if our first choice (Radio Towers) did not work out, the County would go to our second choice (Rivergate), and then to our third choice (Northwest Industrial District). The Board of County Commissioners ratified our recommendations in early 1997.

This process is very similar to the process designed by the Multnomah Citizens Involvement Committee and adopted by the County. No one who bothered to participate in the process could accurately say that it was not an open process.

2. At the last SAC meeting held on 1-23-97 Janette Righter with ANI America testified that her company had purchased the original Rivergate site and intended to build on it. I seem to recall that we discussed whether we believed that it would be appropriate to continue to consider this exact parcel, buy her building, tear it down, and build a jail at that site, or if it might be more appropriate, if the New Jail ended up at Rivergate, to choose an adjoining parcel. Given that Rivergate is an active industrial park, a specific parcel of land may not remain vacant for the extended length of time it takes to pursue an open public process. I recall that the consensus was that the Rivergate site should be considered to be a parcel adjacent to the original Rivergate site. Furthermore, if the immediately adjacent 2nd Rivergate site was not available, then the Rivergate site would shift to the next adjacent site, and so forth. It is my understanding that the present Rivergate site is across the Columbia Slough, about 100 yards from the old Rivergate site ... thus meeting the definition of adjacent. Several members of the SAC met with Sheriff Noelle in December 1998; the consensus of the group was that the present Rivergate site is appropriate.

3. Data provided to the SAC by David Evans and Associates showed that the original Rivergate site was the furthest site away from current and planned residential land and current and planned schools and day care facilities. Distance from these items was the top two criteria established by the SAC. Given the configuration of the roads in Rivergate, it seems to me that the present Rivergate site would be accessed via Marine Drive to I-5, rather than Marine Drive to Lombard to St. Johns. Thus, this site is effectively further away from homes, schools, and day care facilities in St. Johns than was the original Rivergate site.

4. The County would have needed to build access roads, and bring in utilities, to several of the other sites which met the Sheriff's initial threshold. We discarded those sites because they did not rank well against our criteria. The amount of site development work needed at the Rivergate site is not unusual for a site in an industrial district.

In conclusion, I ask you to begin negotiations with the Port to purchase the Rivergate site. If you have any questions, need further information, or would like to discuss this, please respond via e-mail at dick_anderson@pgn.com or call me at 503-464-7550.

Thank you for your consideration and your time.
Dick Anderson

CC: Mime.m:"daniel.a.oldham@co.multnomah.or.us", Mime...

**Comments on Multnomah County Jail Proposed for North Rivergate Site
(N. Leadbetter Point)**

February 22, 1999

Submitted by: Carole M. Newvine
4822 N. Vanderbilt
Portland, OR 97203
Tel: 285-4685



If the County decides that this site is indeed, the best place to locate the proposed jail (assuming a thorough public process and review has been followed), I would support the County's efforts only if certain conditions were met:

- That the conditions and concerns voiced by the Friends of Smith and Bybee Lakes and the Smith & Bybee Lakes Wildlife Area Management Committee (described in their letters of 12/8/98 and 12/7/98, respectively, to the County Commissioners and Officials) be adopted. If these conditions cannot be met then the County should look elsewhere for a site. Of particular critical nature is the need for a minimum buffer of 150 feet from the top of the slope to the start of development (not 150 feet from the top of the slope to the building). The proposed site borders a very unique area of designated open space (Smith and Bybee Lakes Management Area) that needs special consideration when development is being considered in neighboring properties.
- That the size of the facility on the proposed site be limited to 450 beds or less. I think the impacts to the environment at full build out cannot be mitigated. Current crime statistics indicate that a 2000-bed facility may not be needed in the future.
- That the County continues to work with concerned citizens and environmental groups to bring about the best solutions to problems dealing with this site.

The County has been presented with a unique opportunity to not only carry out the voters' wish for increased jail space but also be a leader in protecting the last remnant of an ancient wetland system that is inside our city.

Deborah Bogstad
Board Clerk
Commissioners



LYLE J EHLERS
2525 N KILPATRICK ST
PORTLAND, OR 97217-6363

and to whom this may concern
I have lived in north portland
since 1948, I am ashamed to believe
that any one with so much authority
would make such an important decision
as to build a prison on our wet lands
with out giving me a chance to
raise my opinion.

I also believe that because some
one thought we so willingly accepted
a parole office on North Lombard St
it be OK to give us the second
one. there must be an end to all this inconsideration
with out a traffic light it would
be all but impossible to cross
Lombard St. we must think about the
impact that an additional 800
vehicles per day would bring if a
prison was built on the proposed
Bybee lake site.

P.S. I think it is time to stop dumping on
North portland.

Thank you
Lyle J Ehlers

Feb. 23, 1999

Deborah Bagstad
Board Clerk
Portland, Or.

To Whom This may concern,
I have lived in North Portland since 1949. I object very much to a prison site consideration on the Wetlands near Smith and Bybee lakes. This site is in a hundred year flood plain, near a seismic fault, Dykes and would not be strong enough to withstand projected earthquakes.

Our painted turtles, animals and Birds deserve a place to live in peace.

The twenty-two acres is far too less than the thirty-five acres that was originally proposed for a prison site.

This also would impose an unacceptable traffic situation for North Lombard.

Thank you

Sincerely
Hazel J. Ehlers
2525 N. Kilpatrick St.
Portland, Or. 97217.

My Testimony for Public Hearing
to be Held on February 22, 1999.

The proposed Ledbetter Site for the new
County Jail should be rejected due to
the following concerns:

- * There are very questionable issues concerning the present proposed site not being identified by the original Siting Committee, and the further rejection of the Siting Committee's recommendations
- * The location of an additional criminal/corrections/rehabilitation facility in the St. Johns/North Portland area. This area has been sited for numerous present and proposed facilities — a disproportionately amount for one neighborhood in the City of Portland, much less Multnomah County
- * Serious concerns for the infrastructure and transportation requirements supporting such a facility, and the added impact on a community already very stressed and overburdened.

Larry McLeod

SPEAKER #1

RESOLUTION ON BYBEE LAKE JAIL SITING

WHEREAS, the Citizen Involvement Committee (CIC)'s memorandum of October 15, 1998 expressed the committee's concerns related to the Bybee Lake Jail Siting Process; and,

WHEREAS, upon further review of reports, numerous documents, correspondence, legal filings, resolutions, and interviews with principals from the Sheriff's Office, neighborhood associations, and other concerned citizens, the CIC has found no evidence to indicate that the Bybee Lake site was ever considered part of the original Rivergate Site; and,

WHEREAS, without making an opinion on the merits of a particular site, it is within the purview of the CIC to consider the process which has led to our committee meeting of February 18, 1999; and,

WHEREAS, until the Board of County Commissioners (BCC)'s vote to reject the Siting Advisory Committee (SAC)'s-selected "Radio Towers" site, the CIC commended the Sheriff, his staff, and the hard-working members of the Siting Advisory Committee, whose work from May 1996 to February 1998 is nearly a text book example of good citizen involvement process; and,

WHEREAS, to praise and accept and then discard it is destructive of the public trust, and may lead to increased cynicism and reluctance of civic-minded individuals, who comprise citizen advisory committees, to volunteer time and personal credibility to the county; and,

WHEREAS, the CIC fully recognizes that some citizens may have come late to the process; and, that this is a regular occurrence in government-citizen relationships and comes as no surprise to experienced professionals; and,

WHEREAS, the CIC recognizes the Sheriff Department's hard work and made its earlier recommendations fully aware of the time element involved for the Sheriff, the committee is also concerned with the fair hearing of citizens; and,

WHEREAS, it is important for the county to respect its commitment to open public process and not try to force a decision due to impatience or frustration which may lead to costly legal dispute(s); and,

WHEREAS, in the present uneasy environment of government-citizen relationships, decision-makers need to consider going the "extra mile" in the interests of fairness and the courtesy owed to any constituency, and should seek to facilitate rather than confront;

NOW, THEREFORE, BE IT RESOLVED THAT:

In the interest of a clear and unambiguous record, we repeat our earlier recommendations that:

1. The SAC be reconvened to formalize its intention to specifically include the Bybee site. This should require only one meeting;
2. At least one citizen member from St. Johns Neighborhood Association be added to any advisory committee discussing or planning the Bybee site; and,
3. Any such advisory committee be weighted in favor of citizen representation to avoid any appearance of manipulation; and,
4. The Sheriff and/or BCC hold at least one public hearing (if not two) within the affected neighborhood to solicit public comment prior to final site decision; and,

BE IT FURTHER RESOLVED THAT:

- A. The recommended public hearing be held at a time, date and place of convenience to the neighbors who are nearest to the site; and,
- B. The hearing be facilitated by Portland Neighborhood Mediation, or such other mediating agency which is independent of either party to the discussion in the interest of fairness; and,
- C. The Board of County Commissioners apply the steps for siting of contentious facilities of the county's Facility Siting Public Involvement Process to the Bybee Lake siting process.

Moved as Resolution of the CIC: February 18, 1999.

2/22/99
SPEAKER #5
RAY PILTZ

DeBorah Bogstad Board Clerk
1120 S.W. Fifth Ave
Suite 1510
Portland, Oregon 97204

To: Multnomah County Commissioners

From: Raymond Piltz

Subject: Smith & Bybee Lakes Jail Site

My objections to the siting of the new jail are as follows:

The information on the "New Jail Newsletter" gives the impression a 15 member citizens siting committee selected Rivergate as the first alternate location. As early as 9-30-97 Sheriff Dan Noelle sent a letter to Dennis Keepes, the chair of the St. John's Neighborhood Assn. stating each member of the Siting Advisory Committee who visited this location understood the property issue included a 35 acre parcel within the larger 300 acres. According to Jeff McMahon a siting member that never missed a meeting, this new site was never looked at or considered by any of the 15 member committee. The December "New Jail Newsletter" gives a "Summary of The Site Assessment" and after over 40 years of experience in the warehouse and trucking business to tell me there would be fewer trips than a typical 22 acre like sized industrial use is not even close to reality. 800 to 1000 trips a day is the County's estimate.

The cost for road and utility connections could be cut by 2/3 rds going back to the Radio Tower Site. According to one Port of Portland Commissioner Bob Walsh, who owns his own construction business, the Radio Tower Site is not that much to overcome, in comparing to the Smith & Bybee Site.

The Flaw of Flooding affecting the new jail at the Smith & Bybee Site is told to the voters that at it's worst the jail would still be dry! No method mentioned dealing with over 2000 people left with no access because of the only road is under water. This road was flooded as recently as 1996.

My own concerns with the public process led me to the Citizens Involvement Committee meeting of 1-26-99 and found the County's own process was not followed. The new jail site after 2 years of work by the 15 member Siting Advisory Committee was thrown out, and the Board of County Commissioners instructed Sheriff Noelle to find a new site. You, the elected County Commissioners should not wonder at the lack of public involvement in the process of public works. Talking with the people in North Portland has been very discouraging, as the majority haven't felt politicians listen, and by the time the issue comes to the people its set in concrete, and any effort to change or modify is a waste of time. Information flawed, telling citizens one thing when it means something else.

The new jail site should be one with the least amount of community opposition and not over saturate an area with corrections and social service facilities. My hope is that you County Commissioners would reconsider and go back to the original Siting Committee's recommendation.

Sincerely,
R. R. Piltz 7209 N. Buchanan Portland, Oregon 97203
Any question, please call 503 286-5444

SPEAKER # 6
2/22/99

DeBorah Bogstad, Board Clerk
1120 S.W. Fifth Ave.
Suite 1510
Portland, Oregon 97204

From: Eleanore Piltz

To: County Commissioners

Subject: Smith & Bybee Lakes Jail Site

I have been a resident of North Portland (St. John's) for 57 years. I first learned about the Smith & Bybee Lakes Jail Site and Sheriff Dan Noelle's December 8, 1998 public hearing at the Expo Center on December 6, 1998. There were no bulk mailing to 97203 to notify people of this meeting. In fact I had not received any mailings of any information on the Smith & Bybee Lakes Jail Site until January, 1999. It has been a very poor attempt to give this area their due process.

Since, then I have learned a great deal about what is required of the County when building a facility siting. I attended a meeting of the Multnomah County Citizen Involvement Committee, learned that there is a Public Involvement Manual that is a guide for County department directors and program managers for citizen outreach for County projects involving a facilities siting. At that meeting there were complaints that the proposed Smith & Bybee Lakes Jail Siting does not have adequate citizen process. In a October 21, 1998 letter to all the County Commissioners and Sheriff Dan Noelle from Ed Lyle, Chair for Executive Committee of the Citizen Involvement Committee recommended that at least one citizen member from St. John's Neighborhood Assn be added to any advisory committee discussing or planning the Bybee site. This still has not been done. Also the Metro Management Committee of Smith & Bybee Lakes has a spot open for a member of the St. John's Neighborhood Assn. This position has never been filled. Whose responsibility is it to reach out to the people? It is like they go out of their way to make it impossible for the people to learn or hear about what is really happening. Information flawed, telling us one thing when really it is something else. Secret planning meetings and when a citizen goes to one of these meetings they are told they cannot speak. Does this sound like public involvement to you? Citizens are very frustrated.

Recently, I took time to go out to the Smith & Bybee Lake Site. Went to the end of this peninsula where they propose to build the prison. It is a beautiful area. I hope you have had a chance to see this site, if you haven't it would definitely make a difference in your decision. The wetlands surround the peninsula and just across the end of the peninsula is the old Landfill (St. John's Dump) very visible. Which Metro is planning to make into a park. The 150 foot buffer they speak about is not adequate to protect our wildlife and 100 different bird species. This 150 foot buffer amount was estimated in poor judgement, was not researched properly. It needs to be addressed. I hope you do so. If the prison were built it would be too close to planned and existing parks, the 40 Mile Loop Trail and the Columbia Slough. Environmental impacts State and Federal listed species including a colony of western painted turtles threatened or endangered is pending. We need this space for our eagles, hawks, heron and migratory birds. Please do not vote to have a 2000 bed prison built on illegal fill, that is really the bottom of Bybee Lake.

Another issue is this site is too environmentally sensitive to develop and should be set aside as a greenspace buffer for the wildlife area. Common sense tells me that this site is too expensive, needs infrastructure, and has too many problems. Problems I am afraid are going to be costly to the people who really care, the taxpayers. These wetlands are very special to us, and I would like them to be there forever, for all generations to come.

Twenty-Two acre sites were never before considered, because the Initial Screening Criteria required a minimum site size of Thirty-Five acres. This ruled out many smaller available sites. Two years ago ten potential sites were eliminated, solely because they were smaller than 35 acres.

Bob Oberst our County Property Manager could readily compile a list of all available 22 acre sites within Multnomah County that meet all the Screening Criteria. I am sure that Mr Oberst could find a site where the jail could be built easier and quicker than the Smith & Bybee Lakes Site. Not to forget less expensive.

It could be a solution to this problem.

I am not against your prison, I just do not want it built on our wetlands. Would you please consider a recommendation to Metro to buy and keep it as a buffer/greenspace for the preservation of our precious wetlands. Would you like to be known as the commissioners that saved rather than destroy our wetlands? Please renew our faith in politicians doing the right thing, for the people instead of some other agenda.

Thank you for listening to me.

Eleanore Piltz
7209 N. Buchanan
Portland, Oregon 97203

(503) 286-5444

SPEAKER #8

Saturday, February 20, 1999

To: All County Commissioners

From: Donna Babbitt, Concerned Citizens of North Portland

Testimony, February 22, 1999

The Concerned Citizens of North Portland has been a grass roots effort, starting up in October, 1998 that was born out of the proposed S/BL jail siting on the Ledbetter Peninsula. The Smith/Bybee Lake Ledbetter Peninsula was never an original site. The on-going concerns of North Portland has been, and continues to be the lack of involving our neighborhood people in the decision making process of siting a 2,000 bed jail facility in our Wetland Refuge known as the Smith & Bybee Lakes, the largest wetland lakes in the US confined within a city limit. A sanctuary for over 200 species of birds / home to the sensitive-critically listed Paint back turtle, as well as the critically listed pond turtle; beaver otter as well as our well known Great Blue Heron, only to name a few. We have presented to the commissioners our position prior to this hearing in an outcry to pull up all 22 acre sites within the county that would not violate the counties threshold criteria or the previous SAC criteria (14 Of the 16 Points are in violation) at which time both are in violation at the Smith/Bybee Lake site. We have have hosted many city, county and state buildings dumped into our St. John's/rivergate area as it is. The Foodstamp building, the sewage treatment plant for all of Portland, the Parole Office, the Adult and Family Services Building We absolutely refuse to allow anymore contentious facilities to over-run our area. Enough is enough!

Further, because of the blatant violations of the CIC Handbook, (which I might add was validated by the you Ms. Stein and the sitting Commissioners in 1995 to assure public involvement) the Citizen Involvement Committee Has put forth a lengthy resolution dated 2-18-99 recommending that you follow your own adopted standards for siting a "Contentious Facility."

We further believe that the Port of Portland would be in clear violation of their mission statement by selling this land to the County. After talking to Mike Thorne the President of the Port Commissioners; he mentioned that he has been called about possibly sitting the State Correctional facility in Rivergate. This is a very slippery slope that will be established if the jail were to be sited at the S/BL Refuge. Where does it end.

We again ask that you vote against this Proposed jail site that was never any part of the original sites considered by the SAC.

In Closing, Quoted from a letter by Ginny Rosenberg; a highly respected scientist who works with our community children around the lakes teaching the children about the wetland habitat. (See attached Ginny Rosenberg letter.)

Oregonians know the value of it's wetlands and all Oregonians need to continue enjoying the Smith and Bybee lakes area without a looming 2000 bed jail that has a myriad of Fatal flaws.

Thank You, Donna Babbitt

SPEAKER # 8
DONNA BABBITT

I am writing in regards to the citing of the county jail cited at the edge of Bybee And Smith Lakes. I am aksing that the decision to put this jail at this location, be reconsidered for a variety of reasons.

I am a teacher at George Middle School. My students and I have been involved with the Bybee and Smith Lakes Area. It has been wonderful to work in a low income neighborhood that has this wildlife area. Bybee and Smith Lakes has been a place where students have become involved with city government, wildlife research and citizenship. Much of our work was made possible through Metro enhancement grants , given to the Bybee Lake area as a means of building up a resource in North Portland. St. John's was the location of the St. John's landfill, which most assuredly would not have been placed in a high income neighborhood. The landfill served the city in Portland, at the cost of neighborhood degradation for St. John's. The enhancement grants intended to act as a "Pay back" to St. John's, a mitigation, of sorts, to create something beautiful and usable for the same community that had to put up with the land fill. Now, it seems , that a jail will be cited adjacent to the lakes. The jail will make it so I no longer feel safe bringing my students to Bybee and Smith Lakes. Looming around the peace and quiet of the lakes will be a prison, whose effect will not only harbor a psychological effect on people visiting the lakes, but a biological effect to the wildlife as well. The enhancement grants were meant as pay back to the ST. John's community for the effects of the landfill. Now a prison is being stamped over this enhancement. It is a little bit like giving a child a winter coat, because they must live in freezing temperatures, and then voting to put holes in the coat. The prison creates the holes, undoing the good of the enhancement grants. In truth, it is a sham and a slap in the face to this low income neighborhood. Simply, St. John's does not deserve this weight around its collar. The city gives St. John's target improvement funds from one hand, and then saddles it with the county jail. This is wrong.

Other complaints I have regarding the jails citing are as follows:

1. The rivergate site is right next to the Smith and Bybee Lake 40 mile loop trail. No one will use this trail if it goes by the jail for security reasons.
2. Bybee Lakes is a site important to a variety of species. My students and I have seen wintering Bald Eagles , a federally listed threatened species, at the lakes. We have seen them flying and landing in areas near the site of the proposed prison.
3. Wintering flocks of waterfowl, egrets and migrating neo tropical birds seasonally use the lakes. The lights from the prison will be unnatural to this urban natural site. The lights have been directed to be pointed downward, however, please remember that birds fly.... In New York city, neotropical migrants have been confused by the array of lights from the cities landscape, and it has been documented that the reduction of night lights help migrants to complete their flight with less casualties. The bright lights of a prison during the migration season could very possibly prevent birds from using Bybee Lakes as stop over migration site. Do you propose to turn out the prison lights during spring and fall migration?
3. My students have often frequently seen Western Painted Turtles, a species of concern in the ponds by the lakes. We fear that run off from the prison could effect the lakes water quality

4. This area is prone to flooding. My students helped to design a site that was going to be a visitor center for the lakes. The whole plan was scrapped because prior to construction the site flooded. Remember too that Ramsey Lake which was to be a reconstructed wetland for the sewage treatment of downspout water had unanticipated problems due to flooding....I wouldn't want the lakes to be polluted due to flooding of the construction site for the prison.

5. I would find it difficult to feel safe bringing my students to the lakes, encouraging them to use it on their own or bring their families to this site.

Please reconsider locating the prison here. I have worked long and hard to help build up community involvement in Smith and Bybee Lake. Please don't shoot holes through the coat you have given us.

Ginny Rosenberg
Urban Eco Systems school coordinator
George Middle School
10,000 N Burr
Portland , Oregon, 97203

SPEAKER #9
KEVIN O'SULLIVAN

Table 1: Selected Wildlife in the Smith and Bybee Lake Wildlife Area

Species	Oregon Status	Federal Status	Minimum Buffer ¹
Neotropical migratory birds			328 ft
Birds			246 - 656 ft
Small mammals			220 - 305 ft
Mink			328 - 656 ft
Red fox			328 ft
Beaver foraging			328 ft
Deer			200 ft
Great Blue Heron			328 ft, foraging area ² ; 820 - 984 ft, nesting
Painted Turtle	Critical Sensitive		1,300 - 1,600 ft ³
Northern flicker			407 ft
Little willow flycatcher	Vulnerable	Species of Concern	
Bald Eagle	Threatened	Threatened	400 - 2600 ft ⁴
Wood duck			656 - 1,148 ft
Bufflehead duck	Undetermined		
American peregrine falcon	Endangered	Endangered	
Yellow warbler	Undetermined ⁵		
Belted Kingfisher			100 - 200 ft, roosts
Brown-headed cowbird			787 ft
Osprey			660 - 1,100 ft
Spotted towhee			656 ft

¹ Primarily from the December 1997 Washington State Department of Fish and Wildlife report entitled "Washington's Priority Habitats - Riparian".

² Feeding areas, especially wetlands, should be protected within a **minimum radius of 2.5 miles** of existing colonies of great blue herons. *So long as protective measures are in place*, and the great blue herons are thriving, they do not meet Oregon's criteria for designation as sensitive species although they need to be carefully monitored.

³ Avoid upland disturbances and barriers such as roads, ditches, and chain-link fences in or around areas occupied by these turtles.

⁴ This buffer applies to nests, perches, roosts, and foraging areas.

⁵ ODFW species of interest because their populations have been depleted in the Willamette Valley.

The Protection of Smith and Bybee Lakes Wildlife and Habitat

Testimony Submitted on February 22, 1999 to Multnomah County

By

Kevin O'Sullivan, 7624 North Kellogg Street, Portland, OR 97203

The Bybee Lake Jail Site Buffer

The proposed 150-foot buffer is much too small; is not based on defensible scientific criteria; and will consequentially violate laws designed to protect wildlife and their habitat. According to the best available science, the buffer should be at least ten times bigger. The Friends of Smith and Bybee Lakes and Metro's Smith & Bybee Lakes Wildlife Area Management Committee (SBLMC) recommended a 150-foot buffer based on a 1992 report by the Washington State Department of Fish and Wildlife (WDFW), which stated that a buffer should be a minimum of 200 to 300 feet. According to a more recent report, that distance is now considered to be very inadequate.

In December 1997, the WDFW issued a new report entitled "Management Recommendations for Washington's Priority Habitats - Riparian" (see attachment). Based on the best available science, this new report showed that the size of the buffer could vary greatly, depending upon which species is being protected. For example:

- Assemblages of neotropical migratory birds require a minimum buffer of 328 feet.
- The painted turtle (listed by Oregon as critical sensitive) requires at least 1,600 feet for a buffer.
- The bald eagle (listed as threatened by the U.S. and by Oregon) requires up to 2,600 feet around its nests, perches, roosts and *foraging* areas.
- For great blue herons, all feeding areas within 2.5 miles of existing colonies require protection.

The Smith and Bybee Lakes Wildlife Area is a highly sensitive habitat for a diversity of wildlife. The proposed jail site is surrounded by Bybee Lake on three sides and is only ~1,000 feet wide. It is an integral part of the surrounding wildlife habitat. It is therefore impossible to provide an adequate buffer without causing harm and disruption to the wildlife. The Leadbetter Peninsula functions as a buffer and as a wildlife corridor, and thereby serves a vital and critical role for the wildlife. The proposed jail site would only fragment this habitat.

Tables 1 and 2 summarize the state status, federal status, and the minimum buffer (if known) for several species found in the Smith and Bybee Lakes Wildlife Area and in Multnomah County. Fish are not included in these tables, but will need to be added when the Bybee Lake dam is removed in approximately one year. When that happens, Smith and Bybee Lakes will become a habitat for several federally listed fish species, which will further compound the problems of building a jail on this site.¹ Also excluded from the tables are the hundreds of diverse species that make up, sustain, and are sustained by this unique and sensitive wildlife habitat.

¹ Chinook smelt, which have a pending federal listing as threatened, have been documented in the lakes. This is not surprising, considering the spring runoff that annually floods the lakes.

In conclusion, the entire Leadbetter Peninsula constitutes a critical habitat and buffer for the Bybee Lake wildlife. **As such, it must remain undeveloped.**¹ If the county wants to build a jail in that part of Rivergate, then the entire Leadbetter Peninsula must be purchased and set aside as a buffer. The jail could be situated adjacent to this peninsula, but not on it. An appropriate spot would be where the Leadbetter Road (and existing infrastructure) currently dead-ends. This is a solution that would be supported by government agencies (local, state, and federal), environmental groups and the local community. These agencies could jointly raise the necessary funds to help the county purchase and preserve this land. For example, the St. Johns Landfill Enhancement Fund's original purpose included the building of parks. Metro also has other funds, including the Smith and Bybee Lakes Trust Fund, for the acquisition of land.

The county's alternative is to become deeply mired by the numerous laws, regulations, and rules that are designed to protect wildlife habitats. Defensible scientific criteria form the basis of these laws, and on that basis the 150-foot buffer will not measure up. To get a sense of the immensity of this legal quagmire, please refer to the sources below. This is just the tip of the iceberg. At a minimum, the county will need to conduct a biological assessment, which in all likelihood will result in the need for a full-fledged environmental impact statement, and that's just the beginning.

- ODFW Wildlife Diversity Program
- ODFW Habitat Mitigation Policy
- ODFW Wildlife Conservation and Management Plan
- Statewide Planning Goals 1, 2, 5, 6, 7, and 15
- Land Use Conservation and Development Commission
- Oregon Administrative Rules
- Willamette Greenway Plan
- Oregon Revised Statutes 496, 468B and 215
- Endangered Species Act
- Endangered Species Recovery Act
- American Eagle Protection Act
- Migratory Bird Treaty Act
- National Environmental Policy Act
- US Fish and Wildlife Rules and Regulations
- Habitat Conservation Planning, USFW

¹ Vehicular and foot traffic should also be banned from the Leadbetter Peninsula wildlife preserve to minimize disruption to sensitive species.

Finally, I urge the county to post a performance bond that will guarantee the planting of vegetation on the buffer, whatever its size.¹ A performance bond will cost very little, and will provide assurance to the public that the planting will be done. If the county really intends to plant vegetation, then it should have no qualms about being bonded.

A look at just one species - the painted turtle

The western painted turtle deserves some elaboration. Many of these turtles bask on logs directly adjacent to the Leadbetter Peninsula. Listed as Critical Sensitive in Oregon, these turtles have a well-developed sense of sight and hearing, and are very cautious and shy. They are especially sensitive to movement at distances of over 330 feet. The average nest is 200 feet from the edge of a marsh, but can range as far as over 1,325 feet. Nests are typically excavated in compact, dry soils characterized by sparse vegetation on slopes that vary from 0 to 60 degrees. Sunny embankments and other open sites used for nesting should be protected from vehicles and trampling by people. Many turtles are killed crossing roads, so it is especially important to avoid building roads between their nests and the water. Turtle sensitivity and nesting behavior, when taken together, imply a minimum buffer of 530 to 1,655 feet. Even that isn't large enough when additional turtle behavior is factored in. Turtles may move overland considerable distances (up to 3 miles) to disperse. Thus, it is important to avoid upland activities and barriers such as buildings, roads, ditches, and chain-link fences within at least 1,650 feet of areas occupied by these turtles.

WDFW recommends a minimum buffer of *1,300 to 1,600 feet* for the western pond turtle (also listed as Critical Sensitive in Oregon, but not known to inhabit Smith and Bybee Lakes, although it inhabits nearby Burlington Bottoms). Although the painted turtle and the pond turtle are "ecologically distinct", their habits and habitats differ only slightly (they can exist in the same habitat). Therefore, "until more is known" about the painted turtle, a "conservative start" for a no-disturbance buffer for this species would consist of 1,600 feet, as recommended for the western pond turtle. (personal communication with Dan Holland, 1999).

Keying off the pond turtle studies, "it is likely that protection and management efforts for the [painted turtle] species confined to watercourses or 'buffer' zones surrounding them may be inadequate to protect existing dispersal pathways and may also affect both short-term population dynamics and long-term gene flow. As such, protection of surrounding terrestrial habitats (for nesting and dispersal purposes) is of paramount importance to any protection and management effort." (Holland, 1994, emphasis added) Therefore, at a minimum, no development of the Leadbetter Peninsula should occur until the five-year, painted turtle study has finished and a habitat protection plan has been developed and implemented. This means no development should occur on the Leadbetter Peninsula until at least 2005.

¹ This vegetation should be planted according to a plan developed in partnership with the public.

Table 1: Selected Wildlife in the Smith and Bybee Lake Wildlife Area

Species	Oregon Status	Federal Status	Minimum Buffer ¹
Neotropical migratory birds			328 ft
Birds			246 – 656 ft
Small mammals			220 - 305 ft
Mink			328 - 656 ft
Red fox			328 ft
Beaver foraging			328 ft
Deer			200 ft
Great Blue Heron			328 ft, foraging area ² ; 820 - 984 ft, nesting
Painted Turtle	Critical Sensitive		1,300 – 1,600 ft ³
Northern flicker			407 ft
Little willow flycatcher	Vulnerable	Species of Concern	
Bald Eagle	Threatened	Threatened	400 - 2600 ft ⁴
Wood duck			656 – 1,148 ft
Bufflehead duck	Undetermined		
American peregrine falcon	Endangered	Endangered	
Yellow warbler	Undetermined ⁵		
Belted Kingfisher			100 - 200 ft, roosts
Brown-headed cowbird			787 ft
Osprey			660 – 1,100 ft
Spotted towhee			656 ft

¹ Primarily from the December 1997 Washington State Department of Fish and Wildlife report entitled "Washington's Priority Habitats – Riparian".

² Feeding areas, especially wetlands, should be protected within a **minimum radius of 2.5 miles** of existing colonies of great blue herons. *So long as protective measures are in place*, and the great blue herons are thriving, they do not meet Oregon's criteria for designation as sensitive species although they need to be carefully monitored.

³ Avoid upland disturbances and barriers such as roads, ditches, and chain-link fences in or around areas occupied by these turtles.

⁴ This buffer applies to nests, perches, roosts, and foraging areas.

⁵ ODFW species of interest because their populations have been depleted in the Willamette Valley.

Table 2: Other Sensitive Wildlife Inhabiting the Low Elevations of Multnomah County
 These species are potential users of the Smith and Bybee Lake Wildlife Area

Species	Oregon Status	Federal Status	Minimum Buffer ¹
Northwestern pond turtle	Critical Sensitive	Species of Concern	1,300 – 1,600 ft ²
Common nighthawk ³	Critical Sensitive		
Harlequin duck	Undetermined	Species of Concern	165 ft. ⁴
Yellow-breasted chat ⁵	Critical Sensitive		
Lewis' woodpecker	Critical Sensitive		
Oregon vesper sparrow	Critical Sensitive		
Purple Martin	Critical Sensitive		
Western bluebird	Vulnerable		
Western meadowlark ⁶	Critical Sensitive		
Tricolored blackbird	Sensitive peripheral	Species of Concern	
Barrow's goldeneye duck	Undetermined		
Yellow-billed cuckoo	Critical Sensitive		
Olive-sided flycatcher	Vulnerable	Species of Concern	
Pileated woodpecker	Vulnerable		492 – 600 ft
Acorn woodpecker			
Sandhill crane	Vulnerable		2,624 ft
Aleutian Canada Goose	Endangered	Threatened	
Clouded salamander	Undetermined		
Oregon spotted frog ⁷	Critical Sensitive	Candidate	
Northern red-legged frog	Vulnerable	Species of Concern	
Pallid bat	Vulnerable		
Pacific western big-eared bat	Critical Sensitive	Species of Concern	
Yuma bat		Species of Concern	
Western gray squirrel	Undetermined		

¹ From the December 1997 Washington State Department of Fish and Wildlife report entitled "Washington's Priority Habitats – Riparian".

² Avoid constructing barriers such as roads, ditches, and chain-link fences in or around areas occupied by these turtles.

³ ODFW recognizes that this formerly common species in the Willamette Valley has become uncommon or rare in the Valley.

⁴ Roads should also be farther than 165 ft and not visible from the water.

⁵ ODFW recognizes that this formerly common species in the Willamette Valley has become uncommon or rare in the Valley.

⁶ ODFW recognizes that this formerly common species in the Willamette Valley has become uncommon or rare in the Valley.

⁷ Avoid diverting stormwater runoff into spotted frog habitat. Avoid applying pesticides or herbicides in or adjacent to wetlands used by spotted frogs.

Listings Defined

A species shall qualify to be included on Oregon's sensitive species list if its numbers are declining or its habitat is threatened. Thus, a species is listed as sensitive if it's likely to become threatened or endangered. Oregon's sensitive species classification was created to prevent species from qualifying for listing as threatened or endangered. The sensitive species list constitutes an early warning system. Sensitive species may become threatened or endangered if changes occur.

Critical Sensitive

Species for which an Oregon listing as threatened or endangered is pending; or those species for which a listing as threatened or endangered may be appropriate if immediate conservation actions are not taken.

Vulnerable Sensitive

Species for which protective measures are needed in order to avoid listing as threatened or endangered.

Peripheral Sensitive

Maintaining the status quo for the habitats and populations of these species is a minimum requirement.

Undetermined Status

Species whose status is unclear. *They may be susceptible* to population decline that could qualify for endangered, threatened, critical or vulnerable status, but *scientific study will be required*.

Species of Concern

Species which the USFWS is reviewing for consideration for listing under the federal Endangered Species Act.

The Smith and Bybee Lakes Wildlife Area (SBLWA)

Smith and Bybee Lakes Wildlife Area is recognized as a significant natural area, protected primarily for wildlife.

- Multnomah County identifies the SBLWA as an Area of Significant Environmental Concern because of the unique wildlife habitat, rare ecosystems, shoreline vegetation, and other factors of significant environmental concern (MC Framework Plan, Policy 15: Willamette River Greenway).
- The City of Portland adopted an ordinance in 1989 that stated, in part, that Smith and Bybee Lakes Wildlife Area "has tremendous habitat value and diversity, and should be protected." (City Ordinance 161896)
- Metro, the City of Portland, and the Port of Portland set forth the goal, objectives and policies for the wildlife area where "its primary use will be as an environmental preserve." (Smith and Bybee Lakes Management Plan, 1990)
- Smith and Bybee Lakes Wildlife Area is a habitat for many wildlife species that are listed as threatened and/or critical sensitive by the U.S. and Oregon.

The buffer in general

The purpose of a buffer is:

- To provide adequate protection of the wildlife habitat;
- To protect the hundreds of different species that use the habitat;
- To protect the lakes' ecosystem;
- To preserve the wildlife corridor.

Sources

Oregon Dept of Fish and Wildlife (ODFW)

"Management Recommendations for Washington's Priority Habitats – Riparian",
Appendices B, C and D, Washington Dept of Fish and Wildlife (WDFW), December
1997.

US Dept of Fish and Wildlife

The Nature Conservancy (TNC)

Oregon Natural Heritage Program (ONHP)

Canada Center for Inland Water, Environment Canada (Canadian government agency)

Dan Holland, "The Western Pond Turtle – Habitat and History", Final Report, ODFW, 1994.

"The Biota of Smith and Bybee Lakes Management Area", Metro, 1994.

Metro Testimony to Multnomah County concerning the Bybee Lake Jail Site, Dec. 10, 1998.

Columbia Slough Watershed Council testimony to Multnomah County, Dec. 10, 1998.

"Management Recommendations for Washington's Priority Species, Volume III: Amphibians
and Reptiles", WDFW, November 1997.

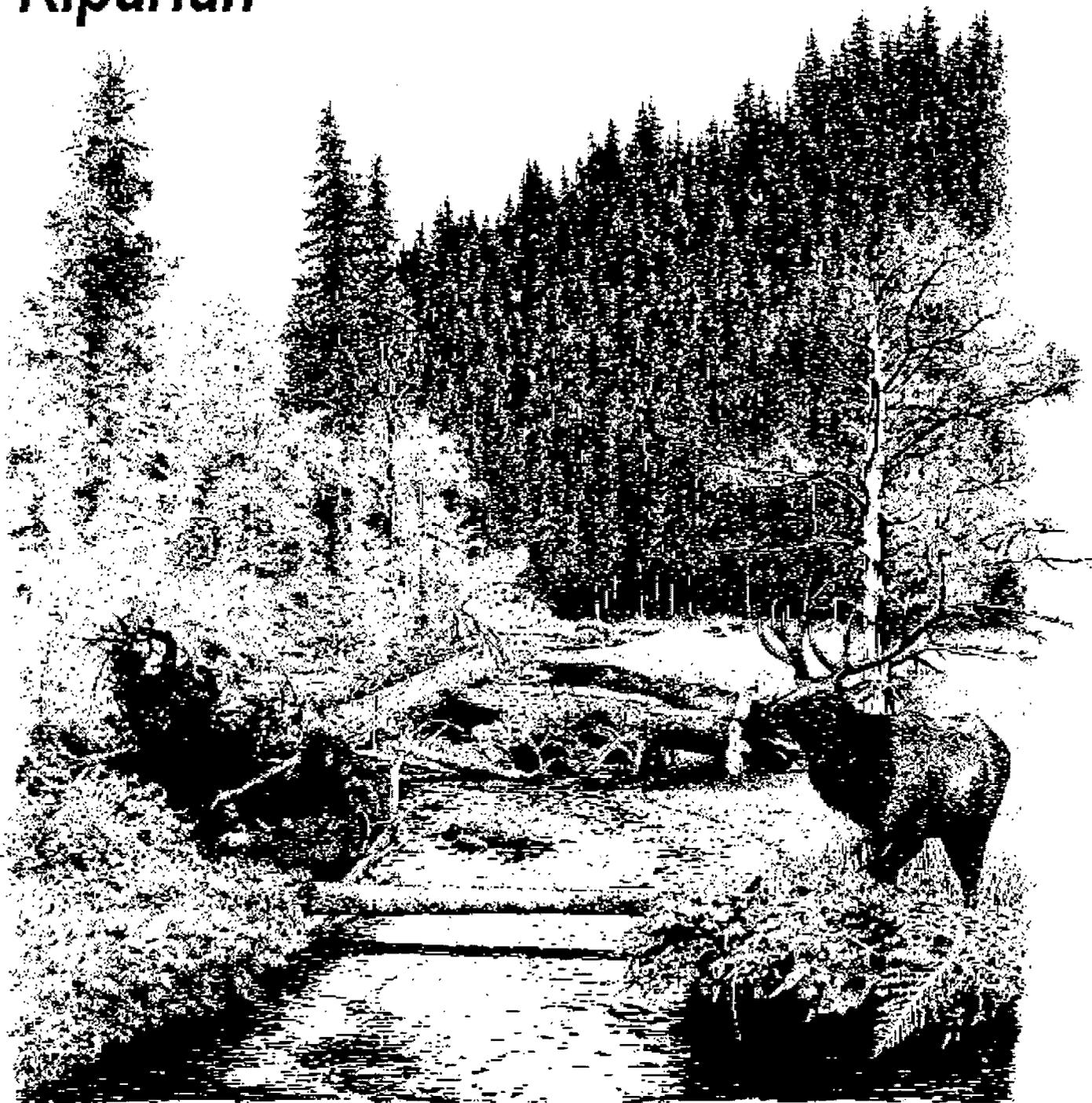
Attachments

"Management Recommendations for Washington's Priority Habitats – Riparian",
Appendices B, C and D, Washington Dept of Fish and Wildlife (WDFW), December
1997.

Habitat Conservation Planning Handbook, Table of Contents, US Fish & Wildlife Service, 1996.

Management Recommendations for Washington's Priority Habitats

Riparian



K. Lea Knutson
and Virginia L. Naef

December 1997



Washington
Department of
**FISH and
WILDLIFE**

Appendix C. Riparian habitat buffer widths needed to retain various riparian habitat functions as reported in the literature, organized by riparian habitat function.

Riparian habitat function	Perpendicular distance from stream in meters (feet)	Source
WATER TEMPERATURE CONTROL		
60-80% shading	11-38 (35-125)	Brazier et al. 1973
	11-37 (35-120)	Johnson and Ryba 1992
	12 (39)	Corbett and Lynch 1985
	15-30 (49-100)	Hewlett and Fortson 1982
	18 (59)	Moring 1975
50-100% shading	18-38 (60-125)	U.S. Forest Service et al. 1993
	30 (100)	Lynch et al. 1985
	30 (100)	Beschta et al. 1987
	30 (100)	Johnson and Ryba 1992
	30-43 (100-141)	Jones et al. 1988
80% shading	46 (151)	Steinblums et al. 1984
LARGE WOODY DEBRIS		
	30 (100)	Murphy and Koski 1989
	31 (103)	Bottom et al. 1983
	45 (148)	Harmon et al. 1986
	46 (150)	McDade et al. 1990
	46 (150)	Robison and Beschta 1990
	50 (165)	Van Sickle and Gregory 1990
	55 (180)	Thomas et al. 1993
FILTER SEDIMENTS		
75% sediment removal	30-38 (100-125)	Karr and Schlosser 1977
90% of sediment removal at 2% grade	30 (100)	Johnson and Ryba 1992
Sediment removal	30 (100)	Erman et al. 1977, Moring et al 1982, Lynch et al 1985
	61 (200)	Terrell and Perfetti 1989
50% deposition	88 (289)	Gilliam and Skaggs 1988
Effective control of non-channelized sediment flow	60-91 (200-300)	Belt et al. 1992
FILTER POLLUTANTS		
Nutrient reduction	4 (13)	Doyle et al. 1977
Minimum	10 (33)	Petersen et al. 1992
	15 (49)	Castelle et al. 1992
	16 (52)	Jacobs and Gilliam 1985

Appendix C. Continued.

Riparian habitat function	Perpendicular distance from stream in meters (feet)	Source
Nutrient removal using the multi-species riparian buffer strip system described by the authors	20 (66)	Schultz et al. 1995
Remove fecal coliforms	30-43 (100-141)	Jones et al. 1988
	30 (100)	Grismer 1981
	30 (100)	Lynch et al. 1985
Nitrates removed to meet drinking water standards	30 (100)	Johnson and Ryba 1992
Nutrient pollution in forested riparian areas	30 (100)	Terrell and Perfetti 1989
Nutrient removal	36 (118)	Young et al. 1980
Pesticides and animal waste	61 (200)	Terrell and Perfetti 1989
Nutrient pollution in herbaceous or cropland riparian areas	183 (600)	Terrell and Perfetti 1989
EROSION CONTROL		
Bank erosion control	30 (100)	Raleigh et al. 1986
High mass wasting area	38 (125)	Cederholm 1994
MICROCLIMATE INFLUENCE		
In forested ecosystem	61-122 (200-399)	Chen et al. 1990
	160 (525)	Harris 1984, Franklin and Forman 1987
WILDLIFE HABITAT		
General wildlife habitat	23 (75)	Mudd 1975
	9-201 (30-660)	Johnson and Ryba 1992
	61 (200)	Zeigler 1992
Species sensitive to disturbance	25 (82)	Croonquist and Brooks 1993
Aquatic insects	30 (100)	Erman et al. 1977
Benthic invertebrates - food supply	30 (100)	Erman et al. 1977
Macroinvertebrate density	30 (100)	Newbold et al. 1980
Macroinvertebrate diversity	30 (100)	Gregory et al. 1987
Riparian invertebrates	30 (100)	Erman et al. 1977, Roby et al. 1977, Newbold et al. 1980
Brook trout	30 (100)	Raleigh 1982
Chinook salmon	30 (100)	Raleigh et al. 1986
Cutthroat trout	30 (100)	Hickman and Raleigh 1982
Rainbow trout	30 (100)	Raleigh et al. 1984
Reptiles and amphibians	30-95 (100-312)	Rudolph and Dickson 1990

Appendix C. Continued.

Riparian habitat function	Perpendicular distance from stream in meters (feet)	Source
Reptiles and amphibians	30 (100)	Rudolph and Dickson 1990
Birds	75-200 (246-656)	Jones et al. 1988
Full complement of birds	127 (417)	Sedgewick and Knopf 1986
	125 (410)	Croonquist and Brooks 1993
Nest predation reduced	100 (328)	Temple 1986
Forest interior birds only occur in corridors wider than 50 m	50 (164)	Tassone 1981
Minimum riparian width to sustain forest dwelling birds	60 (200)	Darveau et al. 1995
Minimum distance needed to support area-sensitive neotropical migrant birds	100 (328)	Keller et al. 1993
Distance needed to maintain functional assemblages of common neotropical migratory birds	100 (328)	Hodges and Kremetz 1996
Great blue heron feeding	100 (328)	Short and Cooper 1985
Great blue heron nesting	250 (820)	Short and Cooper 1985
	250-300 (820-984)	Parker 1980, Short and Cooper 1985, Vos et al. 1985
Wood duck nesting	80 (262)	Gilmer et al. 1978
	183 (600)	Grice and Rogers 1965, Sousa and Farmer 1983
	200 (656)	Lowney and Hill 1989
Harlequin nesting	50 (164)	Cassirer and Groves 1990
Bald eagle buffer from human disturbance	121 (396)	Grubb 1980
Bald eagle disturbance during feeding	200 (656)	Skagen 1980
Bald eagle feeding areas	75-100 (246-328)	Stalmaster 1980
Bald eagle nesting	100 (328)	Small 1982
Bald eagle perching	50 (164)	Stalmaster 1980
Osprey nesting - no cut zone	61 (200)	Zarn 1974, Westall 1986
Pheasant and quail, eastern Washington	23 (75)	Mudd 1975
Mourning dove	15 (50)	Mudd 1975
Belted kingfisher roosts	30-61 (100-200)	Prose 1985
Downy woodpecker	15 (50)	Cross 1985
Hairy woodpecker	40 (133)	Stauffer and Best 1980
Pileated woodpecker and some neotropical migrants	15-23 (50-75)	Triquet et al. 1990
Pileated woodpecker nesting	150-183 (492-600)	Conner et al. 1975, Schroeder 1983

Appendix C. Continued.

Riparian habitat function	Perpendicular distance from stream in meters (feet)	Source
Pileated woodpecker nesting	100 (328)	Small 1982
Black-capped chickadee	15 (50)	Cross 1985
White-breasted nuthatch	17 (57)	Stauffer and Best 1980
Red-eyed vireo	40 (133)	Stauffer and Best 1980
Warbling vireo nesting	90 (295)	Gilmer et al. 1978
Spotted towhee breeding populations	200 (656)	Stauffer and Best 1980
Brown-headed cowbird penetration from edge	240 (787)	Gates and Giffin 1991
Large mammals	100 (328)	Jones et al. 1988
Small mammals	67-93 (220-305)	Jones et al. 1988
	12-70 (39-230)	Cross 1985
	67 (220)	Cross 1985
Dusky shrew food and cover	183 (600)	Clothier 1955
Beaver	30-100 (100-328)	Allen 1983
Beaver foraging	100 (328)	Allen 1983
Fisher travel corridor	183 (600)	Freel 1991
Marten food and cover	61 (200)	Spencer 1981
Marten travel corridor	92 (300)	Freel 1991
Mink	100 (328)	Melquist et al. 1981, Allen 1986
	200 (656)	Melquist et al. 1981
Red fox, fisher, marten	100 (328)	Small 1982
Deer, Eastern Washington	23 (75)	Mudd 1975
Deer and elk cover	61 (200)	Mudd 1975

INSTREAM HABITAT

Minimal maintenance of most functions	15-30 (50-100)	Johnson and Ryba 1992
---------------------------------------	----------------	-----------------------

Mean buffers:*

Temperature Control	27 m (90 ft)	Erosion Control	34 m (112 ft)
Large Woody Debris	45 m	Windthrow Protection	15 m (50 ft)
(147 ft)		Microclimate Influence	126 m (412 ft)
Filter Sediments	42 m (138 ft)	Wildlife Habitat	88 m (287 ft)
Filter Pollutants	24 m (78 ft)	Instream Habitat	15-30 m (50-100 ft)

* If a range of values was reported in the literature, the median of that range was used to calculate the means.

Appendix D. Riparian-related management recommendations for individual priority species, taken from Rodrick and Milner (1991), Larsen et al. (1995), and Larsen (1997). Refer to these publications for additional management recommendations outside the riparian zone.

Species	Recommendations
INVERTEBRATES	
Silver-bordered bog fritillary (<i>Boloria selene atrocotalis</i>)	<ul style="list-style-type: none"> • Avoid activities that result in wetland drainage or water table alteration. • Carefully monitor insecticide and herbicide applications near occupied habitat, and use alternative treatments whenever possible. Specific buffer distances and treatment options need to be determined on a site-by-site basis.
AMPHIBIANS AND REPTILES	
Dunn's salamander (<i>Plethodon dunni</i>) Van Dyke's salamander (<i>Plethodon vandykei</i>)	<ul style="list-style-type: none"> • Maintain riparian habitat along all streams where the salamanders are present. • Maintain 60-80% shade along stream banks and wet talus seepage areas. • Leave understory plants and noncommercial trees in seepage areas during logging operations. • Retain woody debris of all size and decay classes. • Avoid land use practices that contribute to stream sedimentation. • Avoid logging within 30 m (100 ft) of Type 4 and Type 5 waters. • Protect an additional 38 m (125 ft) in unstable portions of riparian areas to avoid mass wasting.
Oregon spotted frog (<i>Rana pretiosa</i>) Columbia spotted frog (<i>Rana luteiventris</i>)	<ul style="list-style-type: none"> • Avoid the removal of riparian vegetation in areas inhabited by spotted frogs. • Activities that alter riparian areas and wetlands, such as intentional flooding, dredging, draining, or filling, should be avoided where spotted frogs occur. • Avoid activities that could cause water temperature to fall below 7 C (45°F) or rise above 28 C (82°F) during the breeding season. • Avoid diverting stormwater runoff from urban developments into spotted frog habitat. • Avoid applying pesticides or herbicides in or adjacent to wetlands used by spotted frogs.
Western pond turtle (<i>Clemmys marmorata</i>)	<ul style="list-style-type: none"> • Avoid disturbance within 400-500 m (1,300-1,600 ft) around all bodies of water inhabited by western pond turtles. • Avoid constructing barriers such as roads, ditches, and chain-link fences in or around wetlands occupied by western pond turtles. • Avoid draining, dredging, or filling wetlands. • Avoid changes that might cause vegetation in and around occupied wetlands to become too dense for turtles to negotiate. • Emergent logs and stumps should not be removed from waters where western pond turtles occur.
BIRDS	
Common loon (<i>Gavia immer</i>)	<ul style="list-style-type: none"> • Erect no structures within 150 m (492 ft) of nest sites.

Great blue heron (<i>Ardea herodias</i>)	<ul style="list-style-type: none"> • Establishment of buffer distances will be influenced by factors pertaining to a specific heron colony. Whenever possible, a minimum habitat protection buffer of 250 to 300 m (820 - 980 ft) from the peripheries of a colony should be established. • Stands of large trees at least 17 m (50 ft) high and at least 4 ha (10 ac) in extent should be left in the vicinity of heron breeding colonies and feeding areas as alternative habitat. • Feeding areas, especially wetlands, should be protected within a minimum radius of 4 km (2.5 mi) of existing colonies. Each potential foraging area should have a surrounding disturbance free zone of at least 100 m (328 ft).
Sandhill crane (<i>Grus canadensis</i>)	<ul style="list-style-type: none"> • Avoid vehicle and foot traffic within 400 m (0.25 mi) of nesting areas during the breeding period (March -August). • Avoid logging within 800 m (0.5 mi) of nests during the breeding period. • Do not alter water levels in wetlands used by cranes. • Exclude cattle from crane breeding sites.
Harlequin duck (<i>Histrionicus histrionicus</i>)	<ul style="list-style-type: none"> • Maintain woody debris and riparian vegetation in and adjacent to streams. A 30 m (100 ft) buffer along nesting streams is necessary to recruit suitable large woody debris for loafing, and a larger buffer may be necessary on second growth stands. • Trails or roads should be farther than 50 m (165 ft) and not visible from the stream, and fishing activity should be limited on streams used by nesting harlequins. • Avoid logging in the riparian corridor.
Cavity-nesting ducks (<i>Aix sponsa</i> , <i>Bucephala albeola</i> , <i>Bucephala clangula</i> <i>Bucephala islandica</i> , <i>Lophodytes cucullatus</i>)	<ul style="list-style-type: none"> • Maintain or create snags near suitable nesting habitat (e.g., low gradient rivers and sloughs). • Avoid logging flooded timber, and leave woody vegetation along shores of nesting and brood-rearing areas.
Bald eagle (<i>Haliaeetus leucocephalus</i>)	<ul style="list-style-type: none"> • Maintain appropriate disturbance-free buffers around nests, perches, roosts, and foraging areas [approximately 120-800 m, (400-2600 ft), depending on site-specific factors]. • Consult WDFW to develop a Bald Eagle Site Management Plan.
Osprey (<i>Pandion haliaetus</i>)	<ul style="list-style-type: none"> • Minimize human activities within 201 m (660 ft) of active nests. • Retain all trees within a 61 m (200 ft) radius of a nest or within 61 m (200 ft) of a shoreline where a nest is located. • Between 61 m (200 ft) and 335 m (1,100 ft) of a shoreline where nesting occurs, maintain a "restricted cutting zone" in which at least two dominant live trees and two suitable snags per acre are retained. • Roads should be closed during breeding season if they are located near a pair that is sensitive to disturbance. In remote areas, campsites and hiking trails should not be located within 1 km (0.7 mi) and 91 m (300 ft) of occupied nests, respectively.
Blue grouse (<i>Dendragapus obscurus</i>)	<ul style="list-style-type: none"> • Protect streams, springs, and meadows from livestock grazing and logging operations in order to provide brooding and feeding areas.
Band-tailed pigeon (<i>Columba fasciata</i>)	<ul style="list-style-type: none"> • Protect mineral springs and surrounding trees and shrubs.

Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	<ul style="list-style-type: none"> • Do not remove riparian vegetation, avoid bank stabilization and channelization projects, and exclude livestock from areas used by the yellow-billed cuckoo. • Do not use insecticides near riparian areas occupied by the yellow-billed cuckoo.
--------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

MAMMALS

Marten (<i>Martes americana</i>)	<ul style="list-style-type: none"> • Leave forested buffer strips at least 100 m (330 ft) wide along waterways, including headwater streams. • Avoid road building, skidding, and other logging activities within 60 m (200 ft) of riparian areas. • Livestock should not be allowed to denude stream banks and should be excluded from riparian areas where marten occur.
Columbian white-tailed deer (<i>Odocoileus virginianus leucurus</i>)	<ul style="list-style-type: none"> • Maintain tidal spruce forests and protect riparian areas.
Rocky Mountain mule deer (<i>Odocoileus hemionus hemionus</i>)	<ul style="list-style-type: none"> • Maintain quality, disturbance-free fawning areas near water.
Elk (<i>Cervus elaphus</i>)	<ul style="list-style-type: none"> • Protect calving habitat from disturbance between May 1 and June 30. Habitat should be provided within 300 m (1,000 ft) of water on gentle slopes that contain at least 40 percent of the area in cover. • Optimal vegetative buffer from disturbance in a westside forested area is 66 m (200 ft) with canopy closure greater than 70% and trees over 12 m (40 ft) in height. • In eastern Washington, water sources for elk should be protected from grazing.
Moose (<i>Alces alces</i>)	<ul style="list-style-type: none"> • Provide buffers wide enough to conceal an adult moose around one-half or more of the perimeter of aquatic feeding sites.

Appendix B. Riparian habitat functions or specific wildlife uses, organized by riparian habitat width (perpendicular distance from stream). Appendix C contains this information organized by riparian function.

Perpendicular distance from stream in meters (feet)	Riparian habitat function/parameter observed	Source
4 (13)	Nutrient reduction	Doyle et al. 1977
6 (20)	Noise reduced by an equivalent of tripling of distance from noise to receiver	Johnson and Ryba 1992
10 (33)	Minimum needed for nutrient reduction	Petersen et al. 1992
11-31 (35-100)	Distance needed for shade retention, an important habitat component for Cascade torrent, Columbia torrent, Dunn's, and Van Dyke's salamanders	Brown and Krygier 1970, Brazier and Brown 1973, Steinblums et al. 1984
11-38 (35-125)	Buffer that provides 60-80% shade on stream surface; crucial to water temperature control	Brazier and Brown 1973, Steinblums et al. 1984, Johnson and Ryba 1992
12 (39)	Control of water temperature	Corbett and Lynch 1985
12-70 (39-230)	Riparian buffer capable of supporting small mammal communities comparable to undisturbed sites	Cross 1985
15 (50)	Minimum mean width supporting breeding populations of downy woodpeckers	Cross 1985
15 (50)	Minimum mean width supporting breeding populations of black-capped chickadees	Cross 1985
15 (50)	Sufficient width for mourning doves	Mudd 1975
15 (50)	80% of coarse woody debris input in a multiple canopy forest	Van Sickle and Gregory 1990
15-23 (50-75)	Some edge/mature forest adapted birds retained in clearcut landscape; neotropical migrant birds and pileated woodpeckers lost	Triquet et al. 1990
15 (50)	Median distance of coarse woody debris travel	Harmon et al. 1986
15 (50)	Minimum needed for nutrient reduction	Castelle et al. 1992
15-30 (50-98)	Control of water temperature	Hewlett and Fortson 1982
15-30 (50-98)	Provides minimal maintenance of most functions	Johnson and Ryba 1992
16 (52)	Nutrient reduction	Jacobs and Gilliam 1985
16-137 (52-137)	Edge effect on forest structure: the distance from an edge into a forest where its structure (e.g., stocking density, tree mortality) is affected by the adjacent open environment	Chen et al. 1992
17 (57)	Minimum mean width supporting a breeding population of white-breasted nuthatches	Stauffer and Best 1980

Appendix B. Continued.

Perpendicular distance from stream in meters (feet)	Riparian habitat function/parameter observed	Source
18 (59)	Maintains stream temperature in a logged watershed (but does not fully mitigate changes in sediment, dissolved oxygen, or increased streamflow)	Moring 1975
18-38 (60-125)	Provides 50-100% shading	U.S. For. Serv. et al. 1993
20 (66)	10% mortality of instream mosquito larvae after application of permethrin	Payne et al. 1988
20 (66)	Nutrient removal using the multi-species riparian buffer strip system described by the authors	Schultz et al. 1995
23 (75)	Needed for maximum populations of pheasant, quail, and deer	Mudd 1975
20-50 (66-164)	Width of riparian vegetation	Strong and Bock 1990
25 (82)	Species sensitive to disturbance did not occur unless an undisturbed corridor this wide was present	Croonquist and Brooks 1993
25-50 (82-164)	Width of riparian vegetation	Medin and Clary 1991
30 (100)	Minimum width of riparian buffer to avoid affecting food supply of benthic invertebrates	Erman et al. 1977
30 (100)	Protects aquatic insect communities from sedimentation	Erman et al. 1977
30 (100)	Reduces fecal coliforms	Grismer 1981
30 (100)	Minimum width of riparian buffer that maintained invertebrate populations equal to those in control areas with no logging	Erman et al. 1977, Roby et al. 1977, Newbold et al. 1980
30+ (100+)	Large woody debris use by loafing harlequin ducks	Murphy and Koski 1989
≥ 30 (≥ 100)	Full complement of herpetofauna	Rudolph and Dickson 1990
30 (100)	Recommended buffer to control erosion of undercut banks for cutthroat, rainbow, and brown trout; and chinook salmon	Raleigh et al. 1986
30 (100)	Buffers incoming nutrient pollution when buffer contains trees (600 ft required when buffer is herbaceous or cropland)	Terrell and Perfetti 1989
30 (100)	80% of large woody debris input (coniferous riparian)	Van Sickle and Gregory 1990
30 (100)	Buffer provides same stream temperature as old growth	Beschta et al. 1987
30 (100)	90% sediment removal at 2% grade	Johnson and Ryba 1992

Appendix B. Continued.

Perpendicular distance from stream in meters (feet)	Riparian habitat function/parameter observed	Source
30 (100)	75-80% of suspended sediment removed from stormwater in logged areas; less effective where surface flows are channelized than where runoff is in sheets	Johnson and Ryba 1992
30 (100)	Removed nitrates, exceeding drinking water standards	Johnson and Ryba 1992
30 (100)	Stream temperatures maintained within 1° of baseline	Johnson and Ryba 1992
30-60 (100-200)	Belted kingfisher roosts	Prose 1985
30-95 (100-312)	Amphibians and reptiles more numerous with buffer width in mature vegetation	Rudolph and Dickson 1990
30 (100)	Shannon index of macroinvertebrate diversity same as control with buffer of this size	Gregory et al. 1987
30-100 (100-328)	30m=90% foraging distance for beaver; 100m=maximum foraging distance (but 200m has been reported)	Allen 1983, Hall 1970
30 (100)	99% of large organic debris recruitment	Murphy and Koski 1989
30 (100)	Macroinvertebrate density begins to increase with buffer this size	Newbold et al. 1980
30 (100)	Nutrient reduction	Lynch et al. 1985
30-43 (100-141)	Nutrient reduction	Jones et al. 1988
30 (100)	Sediment removal	Erman et al. 1977, Moring 1982, Lynch et al. 1985
30 (100)	Water temperature control	Lynch et al. 1985
30-43 (100-141)	Water temperature control	Jones et al. 1988
30-38 (100-125)	75% of sediments removed	Karr and Schlosser 1977
30 (100)	Maintains fish habitat for cutthroat, brook and rainbow trout, and chinook salmon	Hickman and Raleigh 1982, Raleigh 1982, Raleigh et al. 1984, Raleigh et al. 1986
31-55 (100-180)	Distance needed for woody debris recruitment, an important habitat component for Cascade torrent, Columbia torrent, Dunn's, and Van Dyke's salamanders	Bottom et al. 1983, Harmon et al. 1986, Murphy and Koski 1989, McDade et al. 1990, Van Sickle and Gregory 1990
31-88 (100-289)	Distance needed for sediment control, important to maintaining habitat quality for Cascade torrent, Columbia torrent, Dunn's, and Van Dyke's salamanders	Erman et al. 1977, Lynch et al. 1985, Terrell and Perfetti 1989, Johnson and Ryba 1992
31 (102)	Contribution of woody debris to stream structure within this distance	Bottom et al. 1983
36 (118)	Nutrient reduction	Young et al. 1980

Appendix B. Continued.

Perpendicular distance from stream in meters (feet)	Riparian habitat function/parameter observed	Source
40 (133)	Minimum mean width supporting breeding populations of hairy woodpeckers	Stauffer and Best 1980
40 (133)	Minimum mean width supporting breeding populations of red-eyed vireos	Stauffer and Best 1980
45 (148)	Maximum distance of tree-fall (source of coarse woody debris)	Harmon et al. 1986
46 (151)	Maintains large woody debris	McDade et al. 1990, Robison and Beschta 1990
46 (151)	Provides travel corridors for marten when buffers are on both sides of streams in mature uncut basins	Freel 1991
46 (151)	Buffer width provides 80% shading of streams at minimum flow	Steinblums et al. 1984
50 (164)	Most bald eagles perch within this distance of water during daylight hours	Stalmaster 1980
50 (164)	Stream buffer needed to maintain harlequin nests	Cassirer and Groves 1990
50 (164)	Lesser scaup prefer nesting habitat within this distance in emergent vegetation	Allen 1986
50 (164)	Forest interior birds only occurred in corridors greater than 50m	Tassone 1981
50 (164)	100% of coarse woody debris input	Van Sickle and Gregory 1990
55 (180)	Maintains large woody debris	U.S. For. Serv. et al. 1993, Thomas et al. 1993
75-200 (246-656)	Recommended buffer for birds	Jones et al. 1988
75-100 (246-328)	Recommended leave strip for bald eagles along shoreline of major feeding areas	Stalmaster 1980
50-100 (164-328)	Riparian vegetation width in shrub-steppe	Medin and Clary 1991
60 (200)	Marten food/cover -- recommend no harvest	Spencer 1981
60 (200)	Adequate buffer to remove sediment as a result of logging -- buffer measured from edge of floodplain	Broderson 1973
60 (200)	Minimum riparian width needed to sustain forest-dwelling birds	Darveau et al. 1995
60-91 (200-300)	Effective buffer strip width to control non-channelized sediment flow	Belt et al. 1992
60-120 (200-399)	Microclimate edge effects into forest patches: light penetration, increased tree mortality, soil desiccation, temperature effects	Chen et al. 1990
61 (200)	Recommended no-cut zone around osprey nest	Zarn 1974, Westall 1986
61 (200)	Buffering distance for sediment from cropland, animal waste across ungrazed buffers, pesticides	Terrell and Perfetti 1989

Appendix B. Continued.

Perpendicular distance from stream in meters (feet)	Riparian habitat function/parameter observed	Source
61 (200)	Deer and elk -- distance hiding cover needed at 90% vegetative cover	Mudd 1975
63-88 (207-289)	Riparian width in Blue Mountains	Bull and Skovlin 1982
67 (220)	No small mammal species lost	Cross 1985
67-93 (220-305)	Recommended buffer for small mammals	Jones et al. 1988
75-100 (246-328)	Recommended leave strip along shorelines of major bald eagle feeding areas	Stalmaster 1980
80 (262)	Average distance of wood duck nests from water	Gilmer et al. 1978
90 (295)	Average distance of warbling vireo nests from water	Gilmer et al. 1978
91 (300)	Needed on each side of stream to provide a 600 ft travel corridor in mature uncut basins for fisher or a travel corridor between clearcuts for marten	Freel 1991
91 (300)	Recommended hiking trail buffer near osprey nests	Zarn 1994
91 (300)	Buffer required by yellow-billed cuckoo	Gaines and Laymon 1984
100 (328)	Recommended buffer for large mammals	Jones et al. 1988
100 (328)	Majority of beaver foraging	Allen 1983
100 (328)	Minimum distance needed to support area-sensitive neotropical migrants in forest/agricultural areas	Keller et al. 1993
100 (328)	Distance needed to maintain functional assemblages of common neotropical migratory birds	Hodges and Kremetz 1996
100 (328)	Mink dens/cover/forage	Melquist et al. 1981, Allen 1986
100 (328)	Recommended disturbance free zone around great blue heron feeding areas	Short and Cooper 1985
100 (328)	Area of optimum mink cover and forage habitat	Allen 1986
100 (328)	Vegetation within this distance used by red fox and marten as travel corridors and habitat	Small 1982
100 (328)	Pileated woodpecker nests within this distance	Small 1982
100 (328)	Bald eagles nest within this distance	Small 1982
100 (328)	45% reduction in birds in agricultural areas if no fencerows within this distance of stream	Croonquist and Brooks 1993
100 (328)	Red fox and fisher use	Small 1982
100 (328)	Eagles nest within this distance of water	Small 1982
100 (328)	Buffer width that reduces nest predation	Temple 1986
100 (328)	Minimum buffer to provide adequate large woody debris in streams	K. Koski, pers. comm.

Appendix B. Continued.

Perpendicular distance from stream in meters (feet)	Riparian habitat function/parameter observed	Source
124 (407)	Northern flicker avoided isolated forest patches farther than this distance from water	Gutzwiler and Anderson 1987
100x300 (328x984)	Minimum riparian dimensions for yellow-billed cuckoo	Gaines 1974
119 (396)	Average distance of successful bald eagle nests from human disturbance	Grubb 1980
125 (410)	Size of naturally vegetated buffer needed to retain full complement of birds	Croonquist and Brooks 1993
127 (417)	Avian richness declines after this point in cottonwood floodplains	Sedgewick and Knopf 1986
133 (443)	Average distance from snowmobile traffic that elicited a locomotor avoidance response in mule deer	Freddy et al. 1986
150 (492)	Most pileated woodpeckers nest within this distance	Conner et al. 1975, Schroeder 1983
160 (525)	Distance microclimatic changes occur within a forest, due to disturbance created edges	Harris 1984, Franklin and Forman 1987
180 (590)	Slopes greater than 15% used as Rocky Mt. mule deer fawning habitat	Thomas et al. 1976
183 (600)	Distance needed on both sides of stream to provide travel corridor for fisher in clearcut landscapes	Freel 1991
183 (600)	Food and cover for dusky shrews	Clothier 1955
183 (600)	Wood duck nesting distance	Grice and Rogers 1965
183 (600)	Wood duck nesting where woody/herbaceous cover is between 50-75%	Sousa and Farmer 1983
183 (600)	Distance needed to filter confined animal waste	Terrell and Perfetti 1989
191 (636)	Average distance from foot traffic that elicited a locomotor avoidance response in mule deer	Freddy et al. 1986
200 (656)	Limit of mink use	Melquist et al. 1981
200 (656)	Minimum mean width to support breeding populations of American redstarts	Stauffer and Best 1980
200 (656)	Minimum mean width to support breeding populations of spotted towhees	Stauffer and Best 1980
200 (656)	Red-winged blackbird foraging distance from nests in wetlands	Short 1985
200 (656)	Distance from human activity at which feeding eagles are disturbed	Skagen 1980
200 (656)	Wood ducks nest within this distance	Lowney and Hill 1989
240 (787)	Distance brown-headed cowbirds penetrate from stream opening	Gates and Giffin 1991

Appendix B. Continued.

Perpendicular distance from stream in meters (feet)	Riparian habitat function/parameter observed	Source
250 (820)	Great blue herons nest within this distance; disturbance-free zone around nests is recommended	Short and Cooper 1985
250-300 (820-984)	Minimum buffer zone around peripheries of great blue heron colonies	Bowman and Siderius 1984, Kelsall 1989, Vos et al. 1985
250-300 (820-984)	Recommended buffer for eagle perch areas with little screening	Stalmaster 1987
305 (1,000)	Elk calving grounds are usually within this distance of water	Thomas 1979
350 (1,148)	Maximum distance from water where wood ducks will nest	Gilmer et al. 1978
400 (1,312)	Avoid road and foot travel within this distance of sandhill crane nests	Schlorff et al. 1983
800 (2,624)	During breeding season (March-August), avoid logging within this distance of sandhill crane nests	Schlorff et al. 1983

HABITAT CONSERVATION PLANNING
AND
INCIDENTAL TAKE PERMIT PROCESSING
HANDBOOK

November 4, 1996

U.S. Department of the Interior
Fish and Wildlife Service

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Preface	i
Chapter 1 - The ESA and Incidental Take Permits	1-1
A. Purpose of the Habitat Conservation Planning Process	1-1
B. Purpose of the Handbook	1-1
C. Background and Legal Authority	1-1
D. Coordination Between FWS and NMFS	1-3
E. Overview of the Incidental Take Permit Process	1-4
1. When is a Permit Needed?	1-4
2. What Kinds of Activities Can Be Authorized?	1-5
3. Phases of the Process	1-5
4. Compliance With NEPA and Section 7 of the ESA	1-6
5. Guiding Principles	1-7
F. Overview of Permit Processing Requirements	1-7
1. Expedious Processing of Permit Applications	1-8
2. The Low-effect HCP Category	1-8
3. Processing Low-Effect Permit Applications	1-9
4. Summary of Permit Processing Requirements	1-9
5. Target Permit Processing Times	1-10
6. Benefits of Regional Conservation Planning	1-14
G. Helpful Hints	1-15
Chapter 2 - Overview of FWS and NMFS Roles and Responsibilities	2-1
A. Delegation of Permit Authority	2-1
B. Roles and Responsibilities	2-1
1. Applicant	2-1
2. Field Office	2-2
3. Regional Office	2-3
4. Washington Office	2-7
5. Solicitor's Office/General Counsel Office	2-7
Chapter 3 - Pre-application Coordination and HCP Development	3-1
A. Getting Started	3-1
1. Who Can Apply for a Section 10 Permit?	3-1
2. Determining the Appropriate Applicant	3-2
3. Steering Committees	3-3
4. The Services' Role on Steering Committees & HCP Efforts	3-4
5. Preparing the HCP Species List	3-7
6. Involving Other Federal and State Agencies	3-8
7. Treaty Rights and Trust Responsibilities	3-
B. Developing the HCP	3-
1. Mandatory Elements of an HCP	3-

TABLE OF CONTENTS (CONT.)

<u>Section</u>	<u>Page</u>
2. Identifying Project Impacts	3-
a. Delineation of HCP Boundaries	3-
b. Collection and Synthesis of Biological Data	3-
c. Determination of Proposed Activities	3-
d. Determining Anticipated Take Levels	3-
e. Coordinating the HCP With Section 7 of the ESA	3-
f. Addressing Indirect Project Effects	3-
g. Consideration of Plants in the HCP and Permit	3-
h. Addressing Effects on Critical Habitat	3-
3. Mitigation Programs & Standards	3-
a. Regulatory Standards & Relationship to Recovery	3-
b. Must an HCP Benefit the Species?	3-
c. Mitigation For Habitat Loss	3-
d. Funding Recovery Measures as Mitigation	3-
e. Mitigation for Small-Scale, Low-Effect Projects	3-
f. Consistency in Mitigation Standards	3-
g. Adaptive Management	3-
4. Monitoring Measures	3-
5. Unforeseen/Extraordinary Circumstances	3-
a. The "No Surprises" Policy	3-
b. HCP Amendments	3-
6. Funding	3-
7. Analyzing Alternatives	3-
8. Additional Measures-Implementing Agreements	3-
C. Alternative HCPs	3-
1. Addressing Species Through Habitat-Based HCPs	3-
2. Programmatic HCPs	3-
D. Addressing Migratory Birds and Eagles (FWS Only)	3-
E. Coordinating HCPs With National Wildlife Refuges (FWS Only)	3-
F. "Safe Harbor" Policy	3-
Chapter 4 - Treatment of Unlisted Species	4-1
A. Addressing Unlisted Species in the HCP	4-1
1. Deciding How to Address Unlisted Species	4-2
2. Addressing Unlisted Species in the HCP and Permit	4-2
3. Standards for "Covering" Species Under a Permit	4-4
B. Challenges in Treating Unlisted Species	4-4
Chapter 5 - Environmental Analysis and Documentation	5-1
A. General Information	5-1

TABLE OF CONTENTS (CONT.)

<u>Section</u>	<u>Page</u>
1. Scope of the NEPA analysis	5-1
2. Categorical Exclusions	5-2
3. Environmental Assessments	5-3
a. Use of EAs When Mitigation Reduces Significant Impacts	5-3
b. Programmatic EAs	5-4
4. Environmental Impact Statements	5-4
B. Techniques for Streamlining Section 10 and NEPA Planning	5-5
1. Combining NEPA/HCP Documents	5-5
2. Joint-Federal State Process	5-5
3. Incorporation by Reference	5-6
C. Internal Service Guidance and Assistance	5-6
 Chapter 6 - Application Requirements and Processing Procedures	 6-1
A. Guidance to the Applicant	6-1
1. What to Provide the Applicant	6-1
2. Application Form and Instructions	6-2
3. Name of Applicant	6-2
4. Application Fee	6-2
5. Providing the General Permit Requirements	6-3
B. Processing the Application	6-3
1. Processing Times	6-3
2. Timing of Document Preparation and Submission	6-4
a. Description of Required HCP Documents	6-4
b. Submitting the Complete Application Package	6-5
c. Certification of Application by the Field Office	6-6
d. Timing of Other Application Documents	6-6
e. Labeling the Documents as Draft/Final	6-7
f. Dating Section 10 Documents	6-8
g. Finalizing the Implementing Agreement	6-8
3. Who Submits the Application Package?	6-9
4. Judging the Application for Completeness	6-9
5. Problems Identified During HCP Development	6-9
6. FWS Law Enforcement LEMIS System	6-10
C. Internal FWS/NMFS Review	6-10
1. Early Coordination Between Field and Regional Office	6-10
2. Distribution of the Application Package	6-12

TABLE OF CONTENTS (CONT.)

<u>Section</u>	<u>Page</u>
3. Internal Section 7 Consultation	6-13
a. Role of the Section 7 Consultation	6-13
b. Who Conducts the Section 7 Consultation?	6-14
c. Conferences on Proposed Species	6-15
d. Biological Opinion Formats/Requirements	6-16
4. Legal Review of the Application Package	6-19
5. Preparing the Signature Package	6-19
6. New Policies or Legal Questions	6-20
D. <u>Federal Register</u> Notices of Receipt	6-20
1. Timing of the Notice	6-20
2. Content of the Notice	6-21
3. Submission of the Notice	6-21
4. Providing HCP Documents to the Public/FOIA Considerations	6-22
5. Objection to the Permit	6-24
6. Notice of Permit Issuance, Denial, or Abandonment	6-24
E. Permit Issuance Conditions & Reporting Requirements	6-25
1. Permit Conditions	6-25
2. Permit Duration	6-25
3. Distribution of Copies of the Permit	6-26
4. Reporting Requirements	6-26
F. Permit Denial, Review, and Appeal Procedures	6-
1. Permit Denial	6-27
2. Review Procedures	6-27
3. Requests for Reconsideration	6-27
4. Appeal	6-28
5. Copies of Denials	6-28
G. Permit Amendments	6-29
H. Permit Renewal	6-29
I. Permit Transfers	6-30
J. Permit Violations, Suspensions, and Revocations	6-31
1. Notifying Law Enforcement	6-31
2. Permit Suspension/Revocation	6-32
 Chapter 7 - Issuance Criteria for Incidental Take Permits	 7-1
A. General Permit Issuance Criteria	7-1
B. Endangered/Threatened Species Permit Issuance Criteria	7-2
1. Taking Will Be Incidental	7-2
a. Authorizing Take Associated With Mitigation Activities	7-2
b. Authorizing Take for Scientific Purposes	7-3
2. Applicant Will Minimize and Mitigate Impacts	7-3
3. Will Ensure Adequate Funding/Unforeseen Circumstances	7-4

TABLE OF CONTENTS (CONT.)

<u>Section</u>	<u>Page</u>
4. Will Not Reduce Likelihood of Survival & Recovery	7-4
5. Other Measures Required Will Be Provided	7-5
6. Assurances That the HCP Will Be Implemented	7-5
Chapter 8 - Definitions	8-1

LIST OF APPENDICES

- Appendix 1: Section 10 Regulations: 50 FR 39681, September 30, 1985 (FWS); 55 FR 20603, May 18, 1990 (NMFS).
- Appendix 2: Reference List of Publications on HCPs and Conservation Biology
- Appendix 3: Example of an HCP Memorandum of Understanding
- Appendix 4: "Template" Implementing Agreement
- Appendix 5: FWS Guidance on Addressing Migratory Birds and Eagles (FWS Only)
- Appendix 6: FWS Guidance on Integrating HCPs With National Wildlife Refuges (FWS Only)
- Appendix 7: Safe Harbor Policy
- Appendix 8: Example of an Integrated HCP/EA
- Appendix 9: FWS Fish and Wildlife Permit Application Form 3-200 With Privacy Act Notice, Instructions, and Notice of Permit Application Fee; and NMFS Incidental Take Application Instructions
- Appendix 10: General Permit Conditions: 50 CFR Part 13 (FWS); 50 CFR Parts 217, 220, and 222 (NMFS)
- Appendix 11: Endangered and Threatened Species Permit Conditions: 50 CFR Part 17 excerpts (FWS); 50 CFR 222.22 (NMFS)
- Appendix 12: List of FWS/NMFS Washington, D.C. and Regional Offices
- Appendix 13: Examples of a Set of Findings
- Appendix 14: FWS Director's Order No. 11 and Examples of an Environmental Action Memorandum
- Appendix 15: Federal Fish and Wildlife Permit (Form 3-201)
- Appendix 16: Examples of Federal Register Notice of Receipt of Permit Application and Notice of Availability of NEPA Document
- Appendix 17: Examples of Issued Incidental Take Permits
- Appendix 18: "Template" Federal Register Notices of Permit Issuance

PREFACE

The habitat conservation planning (HCP) program under section 10(a)(1)(B) of the Endangered Species Act (ESA) has grown rapidly in recent years. In the first 10 years of the program (1983-1992), 14 incidental take permits were issued. As of the end of August, 1996, 179 incidental take permits had been issued and approximately 200 HCPs were being developed. In just a few years the HCP process has been transformed from a relatively little used option under the ESA to one of its most important and innovative conservation programs.

Another pattern has begun to emerge, as evidenced by the growing number of HCPs being developed and by the size of the conservation planning areas involved. As of late 1995, most HCPs approved were for planning areas less than 1,000 acres in size. However, of the HCPs being developed as of early 1996, approximately 25 exceed 10,000 acres in size, 25 exceed 100,000 acres, and 18 exceed 500,000 acres. This suggests that HCPs are evolving from a process adopted primarily to address single developments to a broad-based, landscape level planning tool utilized to achieve long-term biological and regulatory goals. It also suggests that the underlying spirit of the HCP process has begun to take hold.

These large-scale, regional HCPs can significantly reduce the burden of the ESA on small landowners by providing efficient mechanisms for compliance, distributing the economic and logistic impacts of endangered species conservation among the community, and bringing a broad range of landowner activities under the HCPs' legal protection. In addition, the Services have helped reduce the burden on small landowners and have made it easier for them to be involved in the HCP process through streamlining measures in the HCP process.

The HCP process was patterned after the San Bruno Mountain HCP--an innovative land-use planning effort in California's San Francisco Bay area that began in the mid-1970s with a classic conflict between development activities and endangered species protection and culminated in the issuance of the first incidental take permit in 1983. What made the San Bruno Mountain case unusual was that it attempted to resolve these conflicts through negotiation and compromise rather than continued litigation. This fundamental approach was endorsed and codified by Congress when it incorporated the HCP process into the ESA in 1982.

One of the great strengths of the HCP process is its flexibility. Conservation plans vary enormously in size and scope and in the activities they address--from half-acre lots to millions of acres, from forestry and agricultural activities to beach development, and from a single species to dozens of species. Another key is creativity. The ESA and its implementing regulations establish basic biological standards for HCPs but otherwise allow the creative potential of HCP participants to flourish. As a result, the HCP program has begun to produce some remarkably innovative natural resource use and conservation programs.

The challenge of balancing biology with economics is a complex one, but is fundamental to the HCP process. Policy and procedure have at times frustrated HCP users and hampered the program's ability to meet its full potential. The HCP process was historically viewed as procedurally difficult; permit approvals took too long in some cases and long-term regulatory certainty under HCPs was widely desired by applicants but rarely available.

However, the U.S. Fish and Wildlife Service and National Marine Fisheries Service have made significant improvements in the HCP program in recent years. We have increased section 10 staff and improved guidance about section 10 objectives and standards, clarified and streamlined permit processing requirements, and substantially raised the certainty provided to HCP permittees. This handbook incorporates all these improvements and reflects updated policies and procedures in the HCP program.

The handbook is organized as follows. Chapter 1 provides a summary and overview of the HCP process. Chapter 2 summarizes the roles of the applicant and the Fish and Wildlife Service and National Marine Fisheries Services' Field, Regional, and Washington Offices. Chapter 3 explains the process of developing an HCP. Chapter 4 explains how unlisted species may be addressed in an HCP. Chapter 5 deals with section 10 NEPA requirements. Chapter 6 explains how to process and review an incidental take permit application. Chapter 7 explains the section 10 permit issuance criteria. Finally, Chapter 8 contains a glossary of important terms used throughout the handbook.

The handbook also contains numerous appendices, which include pertinent Federal regulations and policies; a reference list of publications about HCPs; "template" HCP documents that can be used as guides; and examples of HCP documents such as a permit application form and Federal Register notices. The handbook is organized to make information readily available. All important issues have labeled sections or subsections. The reader can find specific subjects of interest by scanning the Table of Contents and turning to the appropriate page.

Acting Director
U.S. Fish and Wildlife Service

Assistant Administrator for Fisheries
National Marine Fisheries Service

SPEAKER #10
KEVIN O'SULLIVAN



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

February 22, 1999

FROM: St. Johns Neighborhood Association
TO: Multnomah County Commissioners
CC: Sheriff Dan Noelle
SUBJECT: Public Hearing for the Bybee Lake Jail Site

Please enter into the record the following attached exhibits, which summarize the St. Johns Neighborhood Association's (SJNA) positions regarding the proposed Bybee Lake jail site.

Exhibit:

- A. The Association's February 11 request that the county include representatives from the Association and the local community in any and all workgroups and advisory committees. The local community continues to be shut out of the process. The County has given no reply to this request.
- B. The Association's February 11 request for a public hearing to be held in St. Johns to allow the community to be heard. There are many people who cannot travel 25 miles roundtrip to testify at today's hearing. The county has given no reply to this request.
- C. Two letters, dated December 14 and November 30, 1998, whereby the Association:
 1. Declares full support for the position paper of the Concerned Citizens of North Portland,
 2. Declares the public was inadequately involved in the selection of the Bybee Lake site,
 3. Declares the site is unsuitable for a jail, as it violates too many of the county's selection criteria,
 4. Requests the county to compile a list of all available 22-acre sites,
 5. Requests the county to convene a Siting Advisory Committee to evaluate these sites, and
 6. Requests the county to involve the public in all stages of decision-making.
- D. A copy of the Association's concerns submitted to the County Commission on December 10, 1998.

- E. A letter to the County from Jeff McMahon, member of the former Siting Advisory Committee (SAC), stating that the Bybee Lake site was never considered or reviewed by that committee.
- F. A map that shows that a very specific site in Rivergate was evaluated by the Siting Advisory Committee. This site is completely different from the Bybee Lake site.
- G. A letter from the Mayor's Business Roundtable that the county should not use Rivergate land for a jail site.
- H. The sixteen Selection Criteria developed by the SAC and used to rank the eight original jail sites. Twelve of those criteria are violated by the Bybee Lake site.
- I. The Screening Factors used to come up with the list of eight candidate sites. Each site was required to have infrastructure and to be at least 35 acres. The Bybee Lake site has neither. If an exception can be made for Bybee Lake, then other sites ought to be considered, too.
- J. Position Paper on the Proposed Rivergate Jail, Submitted to Multnomah County by Concerned Citizens of North Portland on November 20, 1998.

In addition, the SJNA has taken the following position:

On January 11, the SJNA took the position that the Rivergate property should not be sold for a new county jail because it would violate the Port of Portland's mission to promote industrial and commercial stability, and to create and retain quality jobs. Rivergate is a vital maritime trade center comprised of industries that drive the region's economy.

Thank you and we hope the county will find this material is a useful guide in its deliberations.



Kevin O'Sullivan

Selected by the St. Johns Neighborhood Association to present this material to the County for the February 22, 1999 Public Hearing.

Exhibit A



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

February 11, 1999

TO: Sheriff Dan Noelle
Lt. Bobbi Luna
Commissioner Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner-elect Serena Cruz
John Legry, CIC
Ed Lyle, CIC

SUBJECT: Local Community Representation on Workgroups

By a unanimous decision, the St. Johns Neighborhood Association does hereby request the County to include representatives from the Association and the local community on any and all workgroups and advisory committees dealing with all aspects of siting a jail in North Portland.

The County has made many assurances that "representatives of the local neighborhood" would be included on "any citizens working group," and also that "the St. Johns Neighborhood Association would have representation." (various memos from Sheriff Noelle and Lt. Luna dated August 28, October 13, and October 29, 1998).

Unfortunately (and at public expense), a small group of carefully selected, non-representative citizens has already met several times with Lt. Luna and several of her consultants to provide advice about an environmental buffer. This violates the letter and spirit of public involvement. If the purpose of these "private" meetings is to help the County "develop a clear understanding of the environment," then local representation is essential.

Please respond ASAP to this request. Thank you.

Respectfully yours,

Linda S. Hval

Linda Hval, Chair
St. Johns Neighborhood Association

Exhibit B



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

February 11, 1999

TO: Sheriff Dan Noelle
Lt. Bobbi Luna
Commissioner Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner-elect Serena Cruz
John Legry, CIC
Ed Lyle, CIC

SUBJECT: Public Hearing in St. Johns

By a unanimous decision, the St. Johns Neighborhood Association does hereby request the County to hold a public hearing in St. Johns to allow the community a chance to be heard. This public hearing should be held prior to any County decision about the proposed Bybee Lake jail site.

The Association believes that the February 22 public hearing scheduled for downtown is impracticable. There are many people for whom a 25-mile roundtrip drive on a work/school night is impossible. There are many other people who don't drive or cannot drive at night. It would be much easier for eight County people to travel to St. Johns than for eighty or eight hundred people to travel downtown.

We urge you to honor this request ASAP and to use bulk mailing to notify the peninsula community of this public hearing in St. Johns. Thank you.

Respectfully yours,

A handwritten signature in cursive script that reads "Linda S. Hval".

Linda Hval, Chair
St. Johns Neighborhood Association



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

December 14, 1998

TO: Sheriff Dan Noelle
Lt. Bobbi Luna
Commissioner Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner-elect Serena Cruz

On December 14, the St. Johns Neighborhood Association ratified the position taken Board to fully support the "*Position Paper on the Proposed Rivergate Jail, Submitted to Multnomah County by Concerned Citizens of North Portland on November 20, 1998.*"

The Association believes the general public was inadequately involved in the County's selection of this new jail site at Smith and Bybee Lakes. Also, the site is unsuitable for a jail, as it violates many of the selection criteria established by the County.

Therefore, the St. Johns Neighborhood Association requests the County to involve the public in all stages of decision-making; to convene a Siting Advisory Committee; and to create a new list of suitable locations for the jail.

The St. Johns Neighborhood Association would be happy to assist the Sheriff and the County in whatever way possible to locate a suitable jail site. Thank you.

Respectfully yours,

Linda S. Hval

Linda Hval, Chair
St. Johns Neighborhood Association



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

November 30, 1998

TO: Sheriff Dan Noelle
Lt. Bobbi Luna
Commissioner Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner-elect Serena Cruz

CC: Portland City Council
Port of Portland Board of Commissioners
Metro Council

On November 30, the St. Johns Neighborhood Association Board voted unanimously to fully support the "*Position Paper on the Proposed Rivergate Jail, Submitted to Multnomah County by Concerned Citizens of North Portland on November 20, 1998.*" (Please refer to your own copies of that position paper, as no copy is attached to this letter). We fully expect our general membership will ratify this position at our next meeting.

In essence, the Association believes the general public was inadequately involved in the County's selection of this new jail site at Smith and Bybee Lakes. Also, the site is unsuitable for a jail, as it violates many of the selection criteria established by the County.

Therefore, the St. Johns Neighborhood Association requests the County to involve the public in all stages of decision-making; to convene a Siting Advisory Committee; and to create a new list of suitable locations for the jail.

The St. Johns Neighborhood Association would be happy to assist the Sheriff and the County in whatever way possible to locate a suitable jail site. Thank you.

Respectfully yours,

A handwritten signature in cursive script that reads "Linda S. Hval". The signature is written in black ink and is positioned above the typed name and title.

Linda Hval, Chair
St. Johns Neighborhood Association

Exhibit D

December 10, 1998

FROM: Kevin O'Sullivan, St. Johns Neighborhood Association
7624 N. Kellogg Street, Portland, OR 97203

TO: Multnomah County Commissioners

CC: Sheriff Dan Noelle

SUBJECT: Testimony on the Smith & Bybee Lakes Jail Site

Executive Summary

First off, in all fairness, the Sheriff did a commendable job of involving the public in all phases of the site selection process during the two years leading up to last September (1998). This was an excellent example of how to involve the community in the siting of public facilities. The County also deserves praise for developing and adopting the Facilities Siting Public Involvement Manual.

In September, however, the jail siting process took an unexpected turn for the worse, when the County effectively chose a new jail site without any public involvement. This violated the very principles of public involvement that the County has worked so hard to develop and uphold. So, I'd like to offer constructive criticism to help not only salvage the process, but also to help the County and the Sheriff to successfully build the jail on time, within budget, and at a location that satisfies all concerned parties. I therefore offer the following proposed solutions.

Proposed Solutions

- 1. Immediately compile a list of all available 22-acre sites, and show how each site fits the well-established Screening and Selection Criteria.** (See Attached Criteria)

Expected time: 2-3 weeks.

Comments:

- (a) Bob Oberst (County Property Manager) can readily compile a list of all available 22-acre sites within Multnomah County that meet all the Screening Criteria.
- (b) Mr. Oberst will very likely find a feasible site where the jail can be built more quickly and easily than at Smith & Bybee Lakes.
- (c) 22-acre sites were never before considered during the past two years because the Initial Screening Criteria required a minimum site size of 35 acres. This automatically ruled out many smaller, available sites. For example, two years ago, ten potential sites were eliminated solely because they were smaller than 35 acres, even though they met all other Initial Screening Criteria.
- (d) There are likely to be sites within Rivergate that are privately held, and which could be acquired without involving the Port.

- 2. Create and convene a Siting Advisory Committee to review this new list of candidate sites.** The members should be chosen on the basis of where the candidate sites are located. Expected time: 4-6 weeks.
- 3. Use bulk mail to inform the public about the candidate sites, and to publicize all public meetings, including the SAC meetings.** The list of addressees must also include schools, PTA's, environmental groups, business groups, and government agencies.
- 4. Hold several public hearings for the SAC members and the public to assess each site's strengths and weaknesses.** Expected time: 3 weeks.
- 5. Inform the public of the SAC's final recommendations. Form a Citizens Working Group for the selected site. This Group should be comprised of the selected site's neighbors.**

Total Expected Time to accomplish all this: 3-4 months.

Concluding Remarks

The Smith & Bybee Lakes site is entirely new, and is significantly smaller and substantially more complex than the original Rivergate site and perhaps even the Radio Towers site. The County's selection of this site was a decision made without due process of citizen participation. It is absolutely essential to examine more than one new site, and to involve the public at all stages of the process. You might roll your eyes at this prospect, but this won't necessarily require a lot of time because the County and the public have already established the necessary Screening and Selection Criteria. Furthermore, this approach would minimize the high risk of betting everything on Smith & Bybee Lakes. That site is riddled with problems and issues that will require an even greater amount of time and resources to resolve, with no success guaranteed,

In the Sheriff's technical presentation today, you will hear many reassurances that there are no fatal flaws. It will appear that everything has been studied, but it hasn't. I encourage you to hear the unspoken, to see the unexamined, to read between the lines, and see the big picture. Flaws and uncertainties abound, and they add up to many substantial risks. I urge you to please exercise your good sense and better judgment as you consider the wisdom (or folly) of building on this site. I implore you to hedge your bets by considering more than just one 22-acre site. A diversified, "portfolio" approach would consist of multiple sites, and would minimize risk and increase the likelihood that the jail money will be wisely spent.

Today, you can do the County, the Sheriff, and the public a lot of service by adopting these proposals as the most sensible and correct course of action. Beyond that, I suggest you peruse the attachments submitted with this testimony. Thank you.

Attachments:

Critique of the Process and the Site, pp. 3-6

Statement by SAC member, Jeff McMahan, refuting County's claim of SAC approval, pp. 7-8

Initial Site Screening Criteria, p. 9

SAC Selection Criteria Violations, p.10

CRITIQUE

I. THE PUBLIC PROCESS IS SERIOUSLY FLAWED

A. There is No Valid Justification for Choosing this New Site

- 1) The SAC (Siting Advisory Committee) never studied the Smith & Bybee Lakes site. The site was never on the list of candidate sites studied by the SAC.
- 2) By choosing this new site, the County has *de facto* started over, but because no other site is being considered, there is every indication that this site is a done deal.
- 3) The County has "justified" its choice of this new site by declaring that the original 35-acre Rivergate site (chosen by the SAC, but no longer available) *extends to the entire Rivergate District*.
- 4) This leap of reasoning is entirely without basis. To quote author Flann O'Brien, "the conclusion of your syllogism is fallacious, based on licensed premises."
- 5) The County now claims that "any place in Rivergate is basically approved through the [SAC] process." Conversations with some SAC members supposedly "affirmed that that was the intent of that group." (Quotes from Chair Beverly Stein at the September 24, 1998 Board meeting).
- 6) By this same flawed rationale, however, one can argue that any industrial site in Northeast Portland "is basically approved through the process" by virtue of the SAC having studied specific sites in that area.
- 7) Such blanket statements about the SAC are wrong. According to SAC members I've spoken with, the SAC never indicated that the original Rivergate site extended to any other place in Rivergate. I can provide written testimony from SAC members who refute the County's argument. (See attached statement from Jeff McMahon).
- 8) The County's selection of the Smith & Bybee Lake site circumvents and subverts the SAC and the public process. This adds insult to injury to the public and especially to the SAC members who worked long and hard, in good faith, only to be arbitrarily ignored and misrepresented.
- 9) The only remedy to this problem is to look at other 22-acre sites.

B. The Lack of Public Process

- 1) Public notification about this new site was far too little and too late.
- 2) The public was not involved in the critical decision of choosing this new site.
- 3) The Sheriff relies on a two-year-old mailing list that has shrunk significantly.
- 4) At a minimum, bulk mail should have been used in September to inform the public that an entirely new site was going to be considered.
- 5) The majority of the public does not know about this new jail site. That's a lot of ignorance attributable to the County. For example, most educators are unaware of this threat to Smith & Bybee Lakes, even though they conduct outdoor education programs at these lakes.
- 6) Those people who are aware have had to scramble frantically to learn more about the site and the process within a short amount of time (less than two months).

- 7) The Sheriff cites his attendance at several meetings to get the word out. But only a total of 200 people attended all those meetings, and many people probably attended more than one, lowering the effective head count.
- 8) The technical report has only been available since December 3, leaving only one week for aware citizens to study and respond to it.
- 9) Contrary to a statement issued by the County Sheriff and the Commissioners, the "public involvement" since September 24 cannot be described as "an exhaustive program of community outreach."
- 10) What discussions, understandings or agreements have happened between the County the Port regarding County jails? Has the airport runway expansion and its impact on the Columbia River Corrections Facility been discussed? Who owns that land?

C. The Jail Bond

- 1) The rush to build the jail seems driven primarily by the need to spend the Jail Bond money within the 5 years, starting from 1996.
- 2) However, according to Dave Boyer of the County Finance Division, that 5-year deadline can be extended when unforeseen events and extenuating circumstances are encountered. Examples would include having two sites rejected; litigation; or delays in the permitting process.
- 3) With no real time pressure, the County should take time to adequately deliberate the siting decision.
- 4) If the jail is not built within a reasonable time, after allowing for unforeseen events, then the only "penalty" would be an audit by the IRS.
- 5) The use of the Jail Bond to finance the construction of infrastructure could potentially cause problems. For instance, is it legal for the County to make improvements on land that doesn't belong to the County? Also bear in mind that the funds are specifically targeted for a jail, not for infrastructure that will benefit other industries. A cost recovery mechanism will not be failsafe, as no industry will want to build on a flood plain. Great care must be taken to be sure that not only are costs recovered, but also that any recovered costs are used to refinance the jail debt or spent on the jail site.

D. Proposal for Selecting a Site

- 1) It is absolutely essential that the County compile a list of all available 22-acre sites within Multnomah County that meet all the Initial Screening Criteria.
- 2) The chances are very good that a feasible site will be found where the jail can be built more quickly, easily, and inexpensively, and with little likelihood of legal challenges.
- 3) The Bybee Lake site is unique in that no other site of this size was ever before considered.
- 4) The Initial Screening Criteria called for a minimum site size of 35 acres. This automatically ruled out many smaller, available sites. For example, ten potential sites were eliminated solely because they were smaller than 35 acres, even though they met all other Initial Screening Criteria.
- 5) The Initial Screening Criteria also required that utility services and infrastructure be available.

- 6) The County can save over \$6 million by abiding by the Initial Screening Criteria requirement that utility services and infrastructure be available.
- 7) There may be feasible sites in Rivergate that are owned privately, not by the Port. They need to be identified.

II. THE SITE HAS TOO MANY SERIOUS FLAWS

The Smith & Bybee Lake site is encumbered by a host of difficult and costly problems, and despite all the reassurances given by the Sheriff's consultants, these numerous flaws and uncertainties add up to substantial overall risk. Should this site plan fail, the County will have no other site to fall back upon. The County needs to step back and assess this site from the broad perspective of getting maximum use out of the bond funds while minimizing the risk of the project. The County must proceed cautiously and wisely in order to succeed in getting this jail built on time and within budget.

- 1) The Sheriff and his consultants have raised more questions about this site than they've answered. These questions translate into many unknowns, uncertainties, additional costs, further delays, and an overlay of needless complexity and risk.
- 2) The Sheriff has failed to volunteer information that could potentially be of interest to the public. For example, why wasn't the public told that the Troutdale Jail and Columbia River Jail will likely be closed, and all the inmates moved to the new and expanded jail?
- 3) Recovery of \$6 million of infrastructure costs is highly uncertain. All the surrounding land lies in the flood plain and was underwater in 1996. No industry will build where flooding is likely, especially with much better land available in Rivergate and elsewhere. Without industries, there will be no cost recovery.
- 4) The technical report lacks specific figures on costs. Proceeding further without cost studies and the comparable costs of other sites is unwise.
- 5) The site violates the Initial Screening Criteria (see attachment)
 - The site is less than the required minimum of 35 acres.
 - There are no utility services or infrastructure.
- 6) Other sites are likely to have fewer flaws and difficulties.
- 7) The site violates twelve of the sixteen Selection Criteria (see attachment). These violations are fatal, as far as the public is concerned.
- 8) The County must justify to the public these violations of the Selection Criteria.
- 9) At full buildout, 800 vehicles per day translates into approximately one vehicle per minute during the busiest 10 hours of the day.
- 10) The proposed access road will run too close to the Columbia Slough and the planned 40-Mile Loop Trail. Heavy traffic on this road will adversely affect recreational use of that trail. Other impacts will consist of noise, pollution, runoff, roadkill, illegal dumping, and lights. This is unacceptable.
- 11) The site is too close to planned and existing parks and wildlife areas, consisting of Smith & Bybee Lakes, the 40-Mile Loop Trail, the Columbia Slough, and the St. Johns Landfill (which might ultimately be made into a park). That totals 4 distinct parks.
- 12) A colony of western painted turtles resides in the immediate vicinity of the site. These turtles are listed by ODFW as "critical sensitive", which means that listing as threatened or endangered is pending.

- 13) The site will drain stormwater into the Columbia Slough, a TMDL-listed body of water. This requires an environmental review that will likely involve the federal government, due to the federal listings of salmon. Expect a legal quagmire.
- 14) The site is too close to Bybee Lake, which is listed as water quality "limited."
- 15) The site will adversely impact the Smith & Bybee Lakes wildlife area. Noise, traffic, lights, and erosion must be minimized, if not eliminated.
- 16) A minimum setback buffer of 150 feet from the top of the bank is absolutely essential. If the County can't do this, then build the jail elsewhere.
- 17) The height restriction at this site is 60 feet, yet the jail will be only 45 feet high. The County should determine whether or not the 150-foot buffer requirement could be met by building the jail up. The parking lot could also be built up, rather than out.
- 18) The 150-foot buffer could also be met by not expanding the jail. This might require keeping the Troutdale Jail open and locating the Residential Drug and Alcohol Treatment Center elsewhere.
- 19) The site has no public transportation. Workers and visitors will need to walk almost two miles from North Marine Drive to the Jail site. This is unacceptable.
- 20) Not enough soil tests have been performed. Further exploration could likely reveal widespread PCB contamination, which will cost more money and time to clean up.
- 21) Archeological artifacts pose a significant hurdle, and may result in legal difficulties that cost time and money.
- 22) This site will likely to encounter many more legal challenges. So far, one has already been raised (Mike Jones). Two more are known to be in the works (private citizens). Other legal challenges will focus on environmental impacts, wildlife impacts (for state and federal listed species), native American artifacts, soil cleanup, railroad crossing, just to name a few.
- 23) Emergency access to the site will be too frequently restricted. The Port of Portland's transportation plan calls for an increase of at least 12 more unit trains per day within the next few years. This will significantly restrict access to the site. The Sheriff's technical report mentions only 3 unit trains per day, which is naïve and unrealistic.
- 24) Seasonal floods will periodically restrict emergency access to and from the site.
- 25) A Master Plan will likely be needed for the full buildup of 2,000 beds. This will cause significant delays. This has been glossed over by the technical review.
- 26) An unmentioned Conditional Use Permit issue will be buffering for the 40-Mile Loop Trail.

Initial Site Screening Factors:

New Multnomah County Corrections Facility

Threshold:

1. Size

35 acres minimum, 60 acres maximum, with configuration suitable to accommodate present and anticipated future requirements.

2. In Multnomah County

3. Zoning

Industrial (not allowed in residential or commercial areas).

4. Transportation

Access to major arterial streets and freeways.

5. Services Available

Utilities, water & sewer, infrastructure.

6. Early Availability of Site

Short time frame for purchase and construction.

Additional Considerations:

• Topography

Preferred site should have a level area, foundation grade soils, no other construction constraints.

• No or Few Relocations

Of existing businesses or residents

• Acceptable Capital and Operating Costs

A levy approved by Multnomah County voters in May 1996 provides funding for the facility

• Community Impact

A prime consideration of the Siting Advisory Committee will be to design facility for best fit into surrounding land uses.

Violations of SAC Selection Criteria

The following 16 criteria were agreed upon by the Siting Advisory Committee at their November 14, 1996 meeting. These criteria are based upon public testimony given at SAC meetings, the results of public workshops and a survey.

The SAC never examined the Smith & Bybee Lakes site.

- -- indicates Criteria that are violated by the Smith & Bybee Lakes Jail Site
 - The site should be as far as possible from current and planned residential zoned property.
 - The site should allow for reasonable transport of inmates.
 - The site should be as far as possible from current and planned schools/daycare facilities.
 - **The jail site should cause minimal financial hardship to neighboring property owners.**
 - **The site should be in accordance with:**
 - Economic development plans
 - Metro 2040 plan
 - Applicable state planning goals (LCDC)
 - Community plans
 - **The site should be one with the lowest opportunity cost of foregone development, including impact on tax base. (Avoid prime industrial land offering services the jail doesn't need.)**
 - **The site should offer the possibility of adequate buffering.**
 - **The site should not be in an area susceptible to natural disasters (e.g., in a 100-year flood plain, near seismic fault. Dikes – if applicable – must be strong enough to withstand projected earthquakes and flood level at the same time).**
 - **The site should have soil of foundation quality.**
 - **The site should have no negative impact on the watershed.**
 - **The site should have access to public transportation.**
 - The site should be as far as possible from current and planned commercial development.
 - **The site should be one with the least amount of community opposition.**
 - **The sites should not over-saturate an area with corrections and social services facilities.**
 - **Consider the relative costs of each site when making the siting decision.**
 - **The site should be as far as possible from current and planned parks.**

Exhibit E

December 9, 1998

To: Multnomah Co. Commissioners &
Commissioners-Elect

From: Jeff McMahon, former member, Siting Advisory
Committee

Dear Commissioners:

I served as the St. Johns Neighborhood Association representative on the SAC. I attended every meeting and, to the best of my ability, worked to help select a good jail site. It is, as you well know, not an easy thing to do.

Before you make your decision about siting this new facility, I would like to express a few comments and concerns.

1. The site currently being reviewed (the one on Smith and Bybee Lakes) was never reviewed by the SAC. There was a different site in Rivergate, that was reviewed. I have recently heard the view expressed that the SAC's review of that one site could be extrapolated to mean that the SAC reviewed and considered all of Rivergate on equal terms. To me, this is ludicrous. I never looked at the current site or any other in Rivergate. This is a leap of logic that might be applied to half of the other sites in outer Northeast that we looked into individually.

2. The former site in Rivergate is much preferable to the current one. This is for two reasons. First, the County must lay in all of the infrastructure services to this site (water, power, sewer, etc) at substantial cost. This violates one of the initial screening criteria used to pick sites for consideration by the SAC. Second, The current site sits adjacent to the "crown jewel" of North Portland, Smith and Bybee Lakes. The former site was not on the lake or slough.

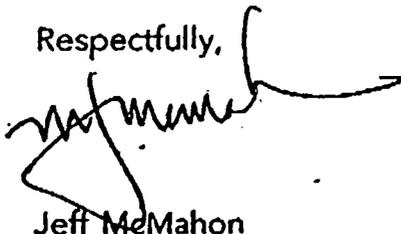
3. The reduction of needed acreage to 22 acres (from 35) must mean that many sites were not subjected to review by the SAC. This is a very important point. While I am sure that the idea of reopening the search for site has limited appeal, the process of site selection has been tarnished. I would like to look at all possible sites around the County. As you know most of sites were in North and Northeast Portland; it would have pleased me to look at more sites in other parts the County.

The site selection process started out strongly and the SAC did a great deal of work and listened to hundreds of people. We selected a site. The site that was agreed to by the SAC, the Sheriff and County Commissioners. Then things changed and the site was removed for several reasons. (It is my belief that the site will be developed, even with the environmental concerns, in the next few yours.) This makes me personally very disappointed in the outcome of the process.

In fairness, I have always felt that Sheriff Noelle has done (and continues to do) a commendable job with public outreach and in listening to all stakeholders.

Finally, I wish for you to remember all of the social services the the St. Johns area bears. A large CSD office, a large proposed low income health center, a parole office, the sewage treatment plant for much of the city and let's not forget the St. Johns landfill. That is a lot. And now, probably what will become the largest County jail. It does seem an unfair distribution to me.

Respectfully,



Jeff McMahon

Home: 232-0429

Work: 241-3393,

Voicemail: 203-3232

cc: Sheriff Dan Noelle
Concerned Citizens of North Portland

INTRODUCTION

This draft report describes the characteristics and context of the Rivergate site for a proposed Multnomah County Corrections Facility. These considerations include the the neighborhood, land use, and environmental context; transportation issues; life safety; and costs. In addition, the report presents a preliminary design for a potential facility on this site, and explains how the design addresses the context and site considerations.

The intent of this draft report is to present siting information to the Siting Advisory Committee to allow comparison between all eight sites. Further planning studies will need to be conducted on each site to obtain land use and building permit approvals.

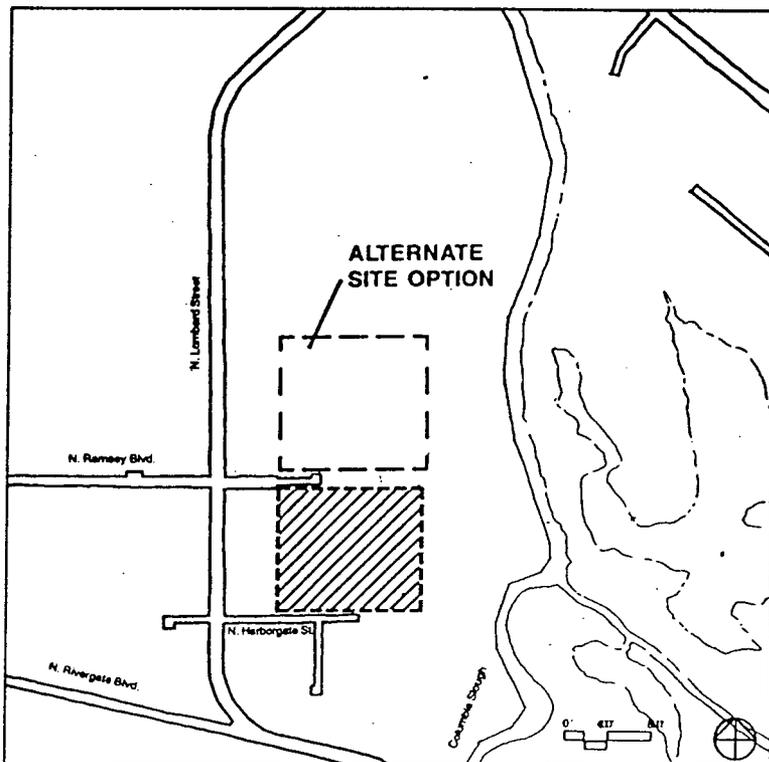
GENERAL DESCRIPTION OF FACILITY PROGRAM

The Initial Facility

- 300 Bed Alcohol and Drug Treatment and Mental Health Assessment Center; One level structure, with a mezzanine, approximately 35' tall
- 210 Bed Jail; One level structure with a mezzanine, approximately 35' tall
- 125 Parking Stalls

The Expanded Facility

- 2000 Bed Facility
- 500 Parking Stalls
- Plus additional infrastructure: Laundry, kitchen, general office, warehouse, workcrew warehouse, gas station, vehicle storage, and various storage buildings.



Site plan.

SITE DESCRIPTION

The site is located in Portland between North Ramsey Blvd. and North Harborside Street, adjacent to the Columbia Slough. The site is generally flat and slopes gently away from North Lombard Street towards the Columbia Slough. The site is 35 acres and is currently for sale to industrial users by the Port of Portland.

Exhibit G



City of Portland
MAYOR'S BUSINESS
ROUNDTABLE
Vera Katz
Mayor

January 20, 1997

RECEIVED
JAN 21 1997

Russell Development Company Inc.

Siting Advisory Committee
c/o Dan Oldham
Multnomah County Sheriff's Department
12240 NE Glisan Street
Portland, Oregon 97230

Dear Members of the Committee:

The Mayor's Business Roundtable meets monthly with the Mayor of Portland to discuss issues affecting businesses in the City and to foster major community improvement initiatives. The Roundtable's current membership and current initiatives are attached to give you some sense of the range of the group's interests and activities. As you will note, one of our members is from the Port of Portland.

As a recent Roundtable meeting, several members, including the Port's representative, discussed the proposed siting of a new Multnomah County jail in Rivergate.

While our group did not have the benefit of hearing all sides of the issue, our experiences in trying to build successful enterprises in Portland have given us an appreciation for the extent to which marine-related industries drive this region's economy. We recognize that the pool of suitable jail and prison sites is limited. But large parcels of land for siting major marine-related industries are even more scarce and are key to this region's vitality as a maritime trade center.

Accordingly, the Business Roundtable has asked me to convey to the Siting Advisory Committee its view that the County should not use 40 acres of prime, rail-served Rivergate land within the Enterprise Zone and within the Foreign Trade Zone for a jail site.

Sincerely,

John Russell
Business Roundtable Chairman

SAC Selection Criteria

The following 16 criteria were agreed upon by the Siting Advisory Committee at their November 14, 1996 meeting. These criteria are based upon public testimony at SAC meetings and the results of the public workshops and a survey. **The SAC never examined the Bybee Lake site. Criteria in bold letters are violated:**

1. The site should be as far as possible from current and planned residential zoned property.
2. The site should be as far as possible from current and planned schools/daycare facilities.
3. **The site should be in accordance with:**
 - **Economic development plans**
 - **Metro 2040 plan**
 - **Applicable state planning goals (LCDC)**
 - **Community plans**

Comment: Rivergate land designated for siting major marine-related industries as drivers of the region's economy.
4. **(tie) The site should not be in an area susceptible to natural disasters (e.g., in a 100 year flood plain, near seismic fault. Dikes – if applicable – must be strong enough to withstand projected earthquakes and flood level at the same time).**

Comment: This is a Zone A (highest risk) earthquake zone. The access to the site lies within the 100-year flood plain. The site is a landfill that is essentially a dike.
4. **(tie) The sites should not over-saturate an area with corrections and social services facilities.**

Comment: St. Johns and North Portland are already saturated by corrections and social services facilities.
4. **(tie) The site should be one with the least amount of community opposition.**

Comment: This site has not been compared to any other site. Community opposition grows as more people find out about the sudden change in site that happened just 5 months ago.

5. **(tie) The site should be as far as possible from current and planned parks.**
Comment: Three parks will be affected. The site couldn't be closer to them. The site sits right on Bybee Lake and is surrounded by that water on three sides. Bybee Lake is a Metro Greenspace park. The site also abuts the Columbia Slough and the planned 40-mile Loop Trail. The St. Johns Landfill lies very closeby, and there are plans to make that into a public park.
5. **(tie) The site should allow for reasonable transport of inmates.**
5. **(tie) The jail site should cause minimal financial hardship to neighboring property owners.**
Comment: The jail might not allow neighboring industries to expand and develop on this land. No assessment of financial impacts has been done.
6. **The site should be one with the lowest opportunity cost of foregone development, including impact on tax base. (Avoid prime industrial land offering services the jail doesn't need.)**
Comment: This site lies within a major marine-related industrial area that is an Enterprise Zone and a Foreign Trade Zone. Foregone taxes will also be large.
7. **The site should offer the possibility of adequate buffering.**
Comment: The Leadbetter Peninsula is too small to allow adequate buffering for the Lake, the Slough, the 40-Mile Loop Trail, park users, and the wildlife (threatened or otherwise).
8. **(tie) The site should have soil of foundation quality.**
Comment: The soil is highly susceptible to liquefaction during a seismic event. Furthermore, as a landfill, it is of poor foundation quality. The soil is contaminated. There are archeological artifacts. These are just a few of the many problems with the soil.
8. **(tie) The site should have no negative impact on the watershed.**
Comment: Construction and operation of the jail will cause significant amounts of runoff into two water-quality limited bodies of water (the Lake and the Slough). Endangered and threatened species (painted turtle and salmon) will be adversely impacted.
8. **(tie) The site should have access to public transportation.**
Comment: There is no public transportation to this site for workers and visitors. The nearest bus stop is nearly two miles away.
8. **(tie) The site should be as far as possible from current and planned commercial development.**
9. **Consider the relative costs of each site when making the siting decision.**
Comment: No such cost evaluation has been done. The cost will be needlessly high because of the lack of infrastructure. The overall cost will further increase due to the additional costs of seismic building construction, environmental permits, and various litigation.

Initial Site Screening Factors:

Exhibit I

New Multnomah County Corrections Facility

Threshold:

1. Size

35 acres minimum, 60 acres maximum, with configuration suitable to accommodate present and anticipated future requirements.

2. In Multnomah County

3. Zoning

Industrial (not allowed in residential or commercial areas).

4. Transportation

Access to major arterial streets and freeways.

5. Services Available

Utilities, water & sewer, infrastructure.

6. Early Availability of Site

Short time frame for purchase and construction.

Additional Considerations:

• Topography

Preferred site should have a level area, foundation grade soils, no other construction constraints.

• No or Few Relocations

Of existing businesses or residents

• Acceptable Capital and Operating Costs

A levy approved by Multnomah County voters in May 1996 provides funding for the facility

• Community Impact

A prime consideration of the Siting Advisory Committee will be to design facility for best fit into surrounding land uses.

**Position Paper on the Proposed Rivergate Jail
Submitted to Multnomah County**

by

**Concerned Citizens of North Portland
November 20, 1998**

We would like to support the efforts of the Sheriff and the County to build a new jail. Very few people objected to the old Rivergate site, primarily because it went through an appropriate public process and met many of the selection criteria. We are, however, seriously concerned about the new Rivergate site, which is significantly different in many ways from the old Rivergate site. Our concerns boil down to the lack of public process and suitability. There has been no meaningful public process to select this new Rivergate site. Furthermore, the new Rivergate site fails many of the selection criteria for a jail. This paper summarizes the positions and concerns of North Portland citizens.

Positions

- I. **Start the public process over again.** Up until now, the Sheriff has worked in a commendable manner to involve the public in the selection of a jail site. However, we are deeply concerned because the new Rivergate site was chosen without any meaningful public involvement. The public hearing(s) for this site will be held a few days before the Sheriff goes before the County Commission, and only one month before a final decision will be made. The public hearing amounts to mere window dressing for a decision already made. This is a direct snub to the hundreds of decent citizens who toiled long and hard on the specific list of eight candidate sites which did not include this Rivergate site. The public needs to be involved in a meaningful and effective way in every stage of the decision-making process.
- II. **Reconvene the SAC (Siting Advisory Committee).** This is an important part of the public process.
- III. **Expand the list of suitable locations.** This Rivergate site was never on the list of sites examined by the SAC (Siting Advisory Committee). It does not meet many of the SAC's selection criteria. The jail size has been scaled down from 35 acres to 17-20 acres. This opens up many new possibilities for suitable locations. Therefore, a new list should be drawn up and examined by a citizens advisory committee. Other sites may be less costly, less objectionable, and more technically and politically feasible.
- IV. **The Rivergate site is not suitable for a jail.** For a variety of reasons, expressed below, the new Rivergate site is a poor choice for the jail. It never should have been chosen without fully involving the public. This site violates many of the selection criteria adopted by the County. The site is significantly different from the SAC's recommended site in Rivergate.

Concerns

The above Positions are based upon the following concerns:

- 1) There has been no public process for choosing this new Rivergate site. Open, public workshops are needed.
 - The public must be involved in all phases of decision-making in the site selection.
 - The SAC must reconvene to consider this site and others.
 - The SAC's deliberations must be conducted in a series of open, public meetings.
 - Without meaningful and effective public involvement, the County's selection of the Rivergate site will shun the efforts of hundreds of citizens, who worked hard to create selection criteria and to choose sites that meet those criteria.
 - If it would help, we are prepared to share a mailing list of nearly 1,000 interested citizens with the Sheriff for his outreach to the community. However, we recommend *bulk mailings* as the preferred means of outreach.
- 2) The Sheriff's process of selecting the new Rivergate site violates Multnomah County's *Citizen Involvement Principles* (see attachment).
 - For example, Principle 5 states that "Citizens should be involved early in planning, projects and policy development."
 - Principle 7 requires the County to "make the best use of citizens' time and efforts." Because the site was selected without any public input and without reference to the selection criteria, the County is neglecting the considerable time and efforts of citizens involved in the process during 1996 and 1997.
- 3) The process of selecting this site violates many of the principles and strategies of Multnomah County's *Facilities Siting Public Involvement Manual* (see attachment). The following are just some of the principles and strategies that are being violated:
 - Principle 3 requires "being flexible to adjusting plans, where feasible, to meet public needs and desires." Comment: it remains to be seen whether the public's desire for a better siting process will be fulfilled by the County.
 - Principle 2 requires public participation in "all critical decisions" with "ample opportunity" for public input. Comment: the new Rivergate site seems like a done deal that was slipped in through the back door.
 - Principle 6 requires the County to engage and solicit "the advice of nearby community members at every level and every stage."
 - Strategy 6 requires opportunities for public involvement in key decisions. This includes citizen committees and public workshops.
- 4) Inadequate Notification. The public notification for this new site has been too little and too late.
- 5) No Siting Advisory Committee was involved in the selection of this site. Two years ago, the SAC worked on a list of candidate sites. This Rivergate site was *not on that list*.

6) New candidate sites are needed.

- Why stop at just one new site? The County must develop a new list of potential sites.
- In 1996, the County did an initial screening of over 30 potential sites based on 10 screening factors (see attachment). One of the screening factors required a minimum of 35 acres.
- Ten sites were dropped because they were smaller than 35 acres. For example, the Sandy North Site –East was rejected solely because there was “not enough land, only 20-25 acres.”
- *The threshold size is now 17- 20 acres.* Many new sites can and should be considered. Many of these new sites will likely include rural areas.

7) The Rivergate site violates the County's Initial Screening Criteria (see attachment).

- There are no Services Available (utilities, water, sewer, infrastructure) at this site. Yet, many other potential sites were rejected because no services were available.
- The soil is not of foundation grade.
- Geo-technical and other design engineering factors (including infrastructure) will raise Capital Costs above acceptable levels.
- The facility will not fit into the surrounding land uses (parks, recreation, wildlife).

8) The site violates most of the SAC's Selection Criteria (see attachment). A full-fledged public process developed these selection criteria. They formed the basis for choosing among the eight specific candidate sites. Here are examples of violated Selection Criteria:

- The site is much too close to current and planned parks.* The Rivergate site is directly adjacent to Smith-Bybee Lake and the planned 40-Mile Loop Trail. It can't get any closer than this. This clearly violates the County's selection criteria.
- Buffering at this site will be entirely inadequate and impossible.
- The site is an area susceptible to natural disasters (e.g. floods or earthquakes). Dikes are unlikely to be strong enough to meet the requirement to withstand earthquakes and floods at the same time.
- The site has no access to public transportation.
- The site has considerable community opposition.
- There will be negative impacts on the watershed (the slough and the lakes).
- The relative costs of all potential sites were not taken into account, because this site was not on the list of candidate sites.
- The soil is not of foundation quality. It consists of dredged fill.
- The site is not in accordance with economic development plans.
- There are high opportunity costs for foregone development. This is valuable industrial land and the tax base will be significantly eroded.

9) Environmentally sensitive natural area.

- The Smith-Bybee Lake natural area is environmentally sensitive to all noise, traffic, lights, erosion, runoff, etc associated with the construction and operation of the jail facility. There will be significantly large and adverse impacts.
- The area is inhabited by the western painted turtle, a listed species.

- 10) Port of Portland's mission will be unfulfilled. A Rivergate jail will violate the Port of Portland's *economic development plan for industrial use only*. This violates one of the selection criteria.
- 11) Infrastructure costs are too high. There is no infrastructure (sewer, utilities, water).
 - This clearly violates the Initial Screening Criterion that requires infrastructure services be available.
 - The County should not pay for constructing sewer lines, water, utilities and infrastructure, which will be used primarily by non-paying industries.
 - The Port and industries should pay these costs.
- 12) The site is an illegal landfill and unsuited for development.
 - The wetland should be restored, not developed.
 - The County's use of this site will only serve to justify the Port's illegal fill of this wetland.
 - A lawsuit is currently pending on this illegal landfill. The only acceptable settlement is to make this a greenspace.
 - The land is unsuitable for construction because the dredge-fill material creates an unstable foundation.
 - The unsuitability of landfill material for construction was cited by County Property Manager, Bob Oberst, as a major reason for rejecting the Vance Pit and Vance Park Properties as a jail site (11-8-96 memorandum to the SAC).
 - The dredge-fill might be contaminated, and might need to be contained, capped or removed because the lake is listed as "water quality limited" by DEQ.
- 13) High-Risk Earthquake zone. The Smith-Bybee Lake area is classified as a Zone A earthquake hazard area, the highest possible hazard classification. The site is extremely susceptible to liquefaction.
 - This high hazard is further increased by the soil composition of the underlying landfill.
 - This imperils the safety of the workers, visitors, and inmates.
 - Compliance with seismic building standards will be difficult and costly.
 - Engineering costs will be unacceptably high.
 - No public facility should be built on such a hazardous site.
- 14) The site is in a 100-year flood plain. A significant portion of this site, and access to the site, was under water during the 1996 flood.
- 15) The Access Road is in a 100-year flood plain.
 - Emergency evacuation will be impossible during a flood.
 - The use of fill material to raise the road above the 100-year flood level may violate wetland protection codes.
- 16) Public safety. Visitors to the jail will frequent Kelly Point Park and the Smith & Bybee Lakes parking lots. Crimes against property and/or people may also increase at local Rivergate industrial facilities.

- 17) The recreational public at Smith-Bybee Lake will be adversely impacted. The negative impacts on the recreational use and enjoyment of this open space will not be in accordance with the Metro 2040 Plan.
- 18) Educational programs will be adversely impacted.
 - Many educational tours and studies of Smith and Bybee Lakes are conducted each year.
 - Sponsors of these programs include Portland Public Schools; other public schools; Metro; and the Audubon Society.
 - Participants in these programs include children as well as adults.
- 19) Traffic impacts. Jail traffic will increase congestion and interfere with the area's industrial activity. Site access will be frequently obstructed by 100-car unit trains.
- 20) Public Transportation is entirely inadequate. The bus stop is on N. Marine Drive. People will have a long walk on the Leadbetter Peninsula access road to reach the jail site.
- 21) Tarnished image of St. Johns and North Portland.
 - Citizens are struggling to build up this community. A tarnished image negates this community effort.
 - Smith and Bybee Lakes are the crown jewels of North Portland.
 - This jail will be highly visible to growing numbers of recreational users of Smith-Bybee Lake (and the planned 40-Mile Loop Trail) and to Rivergate workers.
 - The St. Johns Neighborhood is already saturated by other existing and planned social services and corrections facilities. The Jail will only compound this problem. This clearly violates one of the SAC Selection Criteria.

Thank you for your consideration.

Concerned Citizens of North Portland

Contacts:

Sherry Dahlen, 286-3873

Kevin O'Sullivan, 285-5322

Evelyn Smith, 283-1998

Attachments

- Initial Site Screening Factors
- Siting Advisory Committee Selection Criteria
- Multnomah County's Citizen Involvement Principles
- Principles and Strategies from the Multnomah County Facilities Siting Public Involvement Manual

Initial Site Screening Factors:

**New Multnomah County
Corrections Facility**

Threshold:

- 1. Size**
35 acres minimum, 60 acres maximum, with configuration suitable to accommodate present and anticipated future requirements.
- 2. In Multnomah County**
- 3. Zoning**
Industrial (not allowed in residential or commercial areas).
- 4. Transportation**
Access to major arterial streets and freeways.
- 5. Services Available**
Utilities, water & sewer, infrastructure.
- 6. Early Availability of Site**
Short time frame for purchase and construction.

Additional Considerations:

- **Topography**
Preferred site should have a level area, foundation grade soils, no other construction constraints.
- **No or Few Relocations**
Of existing businesses or residents
- **Acceptable Capital and Operating Costs**
A levy approved by Multnomah County voters in May 1996 provides funding for the facility
- **Community Impact**
A prime consideration of the Siting Advisory Committee will be to design facility for best fit into surrounding land uses.

SAC Selection Criteria

The following 16 criteria were agreed upon by the Siting Advisory Committee at their November 14, 1996 meeting. These criteria are based upon the public testimony at SAC meetings and the results of the public workshops and a survey.

- The site should be as far as possible from current and planned residential zoned property.
- The site should be as far as possible from current and planned schools/daycare facilities.
- The site should be in accordance with:
 - Economic development plans
 - Metro 2040 plan
 - Applicable state planning goals (LCDC)
 - Community plans
- The site should not be in an area susceptible to natural disasters (e.g., in a 100 year flood plain, near seismic fault. Dikes – if applicable – must be strong enough to withstand projected earthquakes and flood level at the same time).
- The site should be one with the least amount of community opposition.
- The sites should not over-saturate an area with corrections and social services facilities.
- The site should be as far as possible from current and planned parks.
- The site should allow for reasonable transport of inmates.
- The jail site should cause minimal financial hardship to neighboring property owners.
- The site should be one with the lowest opportunity cost of foregone development, including impact on tax base. (Avoid prime industrial land offering services the jail doesn't need.)
- The site should offer the possibility of adequate buffering.
- The site should have soil of foundation quality.
- The site should have no negative impact on the watershed.
- The site should have access to public transportation.
- The site should be as far as possible from current and planned commercial development.
- Consider the relative costs of each site when making the siting decision.

Multnomah County's Citizen Involvement Principles

Resolution 95-245 "declares citizen involvement to be top priority for the county", and suggests nine principles to guide relations with citizens.

- 1. Citizen involvement is essential to the health of our county.**
- 2. Active relationships with neighborhoods, community groups and other citizen participation organizations promote on-going dialogue with citizens.**
- 3. Understandable County communications and processes respect and encourage citizen participation.**
- 4. Outreach efforts reflect the County's rich diversity.**
- 5. Citizens should be involved early in planning, projects and policy development.**
- 6. The County and its departments and divisions should respond in a timely manner to citizen input and should respect all perspectives and insights.**
- 7. Coordinated County outreach and involvement activities make the best use of citizens' time and efforts.**
- 8. Evaluation and report on the effectiveness of County outreach efforts achieves the quality of County/citizen cooperation critical to good government.**
- 9. On-going education in community organizing, networking and cooperation for citizens in neighborhood and community groups, and County officials and staff is promoted.**

Adopted by Multnomah County Board of Commissioners on November 30, 1995.

Facilities Siting Public Involvement Manual

Multnomah County, Oregon
March 1997

Part 1: Principles for Facilities Siting Public Involvement Plans

(Emphases have been added)

1. Sharing information early with a broad spectrum of citizens well beyond those who are active in community organizations.
2. Inviting public participation in all critical decisions for a project, and providing ample opportunity for public input to be given directly to top project decision-makers;
3. Being flexible to adjusting plans, where feasible, to meet public needs and desire;
4. Keeping publics to be directly impacted by the siting decision fully informed throughout the process;
5. Involving and incorporating community values into the project;
6. Engaging and soliciting the advice of nearby community members at every level and every stage, from planning and construction through the operation of the proposed facility.

Part 2: Public Involvement Strategies for Siting Decisions Plans

(For brevity, the text is abridged and/or paraphrased, but the substance remains unchanged)

1. **Initial Description of Project**
Prepare a public information fact sheet, including ... a clear map of potential areas for the new facility; total land; time-line for decisions; a description of the decision-making process; and a description of opportunities for the public to give input.
2. **Minimum Criteria**
Identify essential site characteristics necessary for the facility to serve its purpose. These will be used to guide the search for potential locations for the facility. Each must be fundamental to the project: if a site does not meet any one of them, the facility cannot perform its function effectively.
3. **Identify Key Project Decisions**
Identify decisions that will be important to the public. Among these will be: facility location (including criteria for site search and evaluation of potential sites), design issues, construction mitigation, operations concerns, and monetary impacts to the County.

Facilities Siting Public Involvement Manual – Part 2 : Strategies (Continued)

4. Identify Stakeholders

5. Inform Stakeholders

Public education and information will be conveyed through direct contact with area leaders, adjacent property owners, and tenants. In addition, informational mailing will be sent to all deliverable addresses ... around prospective sites. This information will include:

- Facility description, size, cost, schedule, design requirements and services;
- Description of the minimum criteria;
- Map showing potential locations;
- Description of potential community impacts of facility operation, including identification of traffic and parking impacts;
- Timeline for the project, including critical decision points;
- A description of the decision-making process, including identification of the decision-maker;
- A description of how to get involved in making decisions for the projects.

6. Offer Opportunities for Public Involvement in All Key Decisions

Notify media of scheduled presentations on the project. These opportunities may include, but not be limited to, the following:

- Presentations to neighborhood associations, business associations and civic organizations;
- Surveys included in bulk mailings in the area;
- Public open houses/ public workshops with top project decision-makers, where all key community leaders and all businesses and all residents in the area are invited through the mail as well as through notices in *The Oregonian*, neighborhood newspapers, and, if possible, civic organization newsletters.
- The formation of citizens committees from members of key community associations and/or interested citizens including residents or businesses from areas near potential project locations, who meet regularly with project decision-makers.

7. Communicate Results of Public's Input

Communicate the results of key decisions and the resolution of all citizen suggestions.

8. Maintain Community Support

Provide opportunities for nearby communities to be an advocate and steward of the proposed project. Their participation should be contingent on receiving a high quality design or related mitigation or amenities projects giving the community tangible benefits based on the community's needs.

BOARD OF
COUNTY COMMISSIONERS

99 FEB 22 PM 3:04

MULTNOMAH COUNTY
OREGON

Chuck Harrison
14211 SE Crystal Ct.
Portland, Oregon 97236

SPEAKER
#15

February 22, 1999

Multnomah County Commissioners
c/o Deborah Bogstad, Board Clerk
1120 SW Fifth Avenue, Suite 1510
Portland, Oregon 97204

Dear Chairwoman Stein and Fellow Commissioners:

I am writing in regard to the siting of the new Multnomah County jail. As a member of the original Siting Advisory Committee and the Citizen Working Group, I have been closely involved with this siting process for almost two one-half years. I have attended all of the community meetings and workshops. I have visited all of the sites that have been considered for the jail. I have listened to the many arguments that have been put forth by the citizens of Portland, and I have listened to the consultants hired by the County. Additionally I have testified before your board on two occasions.

I fully support the siting of the new jail on the Leadbetter Peninsula in the North Rivergate area. If all of the requirements, restrictions, public concerns, costs and public good are taken into account, this is currently the best choice for the County to make.

When the Siting Advisory Committee made its original recommendation to this Board, I voted in favor of siting the jail on the Radio Towers site. I felt that it would have been the best use for a marginal site that is industrially zoned. The Rivergate site that was originally looked at was a good piece of industrially zoned land that should have been saved for private development. However, I agreed that if the Radio Towers site did not work out then the Rivergate property was the next best option. At that time we knew that there was a potential buyer for the specific piece of Rivergate property that we were looking at. Most, if not all, of the Siting Advisory Committee understood and agreed that if the piece were sold then we would find another site within Rivergate that met the criteria. Perhaps the Siting Committee fell short by not asking enough questions or looking hard enough to find the Leadbetter Peninsula within Rivergate. Since the committee's decision the Port of Portland has stepped forward and offered the Leadbetter Peninsula as a potential jail site. For this I commend them.

Now some have said that the consideration of the Leadbetter Peninsula site violates the selection process because it was not specifically discussed earlier. They believe that the entire selection process should be thrown out and we should start over. I strongly disagree. I look upon the Leadbetter Peninsula as another portion, or area, of the Rivergate property. And as such, when the original Rivergate site became unavailable, the consideration of the Peninsula was fair game. This was not a violation of the selection process as some have suggested.

In reality, had the Peninsula been the site considered as the first choice in Rivergate, I probably would have voted for it over the Radio Towers site. The Peninsula could be considered marginal industrial land because of its current lack of utilities, being limited on three sides and its somewhat isolated location. On the positive side, this land is

not within a wetland, it is above the 100-year flood plain, its development costs are lower than the Radio Towers site, and it could be developed quicker than the Radio Towers site. As a taxpayer, I like it.

This entire selection process has lasted much too long already. The time has come to make a decision and get on with the construction of a jail facility that this county desperately needs. Delay no longer. There are no easy answers on this subject, and no matter what decision is made someone will be upset. I strongly urge you to approve the Leadbetter Peninsula as the site for the new jail. It is the best available site.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Harrison", with a long horizontal line extending to the right.

Chuck Harrison

cc: Lt. Bobbi Luna (Multnomah County Sheriff's Dept.)

3122199
SPEAKER # 18
Jim Siulin

coordinated by:

**Smith & Bybee Lakes Natural Area
Management Committee**

Nancy Hendrickson, Chair

Metro

600 NE Grand Ave.
Portland, OR 97232
(503) 797-1870

February 5, 1999

Multnomah County Commissioners
1120 SW Fifth Ave., Suite 1500
Portland, OR 97204

RE: North Rivergate Site Location for the New County Jail Facility

To the Multnomah County Commissioners,

Thank you for the opportunity to submit these comments regarding the North Rivergate site location for the new county jail facility. This testimony is provided on behalf of the Smith and Bybee Lakes Management Committee (except for the Port of Portland). We would like to express our appreciation to Sheriff Dan Noelle and Lt. Bobbi Luna for attending a couple of our meetings to talk about the proposed location and to answer questions. They have also met with representatives from the committee to discuss the design of the proposed buffer area. The committee's general and specific comments are detailed below.

Background

Smith and Bybee Lakes Wildlife Area is recognized throughout our region as a significant natural area, protected primarily for wildlife values. The wildlife area is the largest, protected, urban wetland in the United States. It is home to or visited by over a hundred bird species, river otter, beaver, western painted turtles, Columbia slough sedge and numerous other native species. The wildlife area is the remaining remnant of the wetland, slough, riparian complex that used to exist at the confluence of the Columbia and Willamette Rivers.

The Multnomah County Framework Plan, Policy 15 Willamette River Greenway, identifies Smith and Bybee Lakes Wildlife Area as an Area of Significant Environmental Concern. The factors of significant environmental concern include shoreline vegetation, rare ecosystems, unique wildlife habitat, views and vistas, recreational needs and water quality. The City of Portland also recognized the complexity and uniqueness of the area in their "Inventory and Analysis of Wetlands, Water Bodies and Wildlife Habitat Areas for the Columbia Corridor" (City Ordinance #161896, April 20 1989). In the report, the wildlife habitat inventory score for the lakes was the highest of all areas evaluated. The narrative for the report states, "Smith and Bybee Lakes is the most complex and unique natural area within Portland's Urban Growth Boundary. (T)he Smith and Bybee Lakes area is the largest, most significant wetland area in the City of Portland, and the largest natural resource inventory area in the Columbia Corridor. It has tremendous habitat value and diversity, and should be protected."

Recognizing the unique habitats and importance of Smith and Bybee Lakes to the region, The City of Portland, Metro and the Port of Portland developed and adopted the *Natural Resources Management Plan for Smith and Bybee Lakes* in 1990. The plan set forth the goal, objectives and policies for the wildlife area. The goal of the Management Plan "is to protect and manage the Smith and Bybee Lakes area as an environmental and recreational resource for the Portland region. (I)ts primary use will be as an environmental preserve." Included in the plan was the formation of the Smith and Bybee Lakes Management Committee (SBLMC)¹. The management committee is responsible for overseeing the

¹ Committee Representatives include Metro Executive Office, Oregon Department of Fish and Wildlife, Audubon Society of Portland, Friends of Smith and Bybee Lakes, Port of Portland, City of Portland Bureau of Environmental Services, City of Portland Parks and Recreation and Private Landowners.

implementation of the plan and provides ongoing policy guidance. One of the ongoing responsibilities is to review and comment on any development activities adjacent to the wildlife area boundaries.

Concerns and Recommendations

At the SBLMC meeting held October 27, 1998, Sheriff Dan Noelle and Lt. Bobbi Luna presented a concept for the proposed jail that may be built in the Rivergate Industrial Area, adjacent to Bybee Lake on the Leadbetter Peninsula. The wildlife area surrounds this area on three sides. The SBLMC met on November 24, 1998, to discuss the potential siting and construction of the new jail facility. The committee voted 6 to 1 (the Port of Portland opposed and the representative for the private landowners was not in attendance) to submit the following concerns and recommendations about the jail siting. The concerns and recommendations are made under the assumption that Multnomah County allows for a thorough and complete public process for siting the new jail facility.

1. Wildlife and Habitat Protection – the lakes provide unique habitat for many species. The largest known western painted turtle population in the lower Columbia River ecosystem uses them. The turtles are listed as "critically sensitive" by the Oregon Department of Fish and Wildlife. They bask on the logs within Bybee Lake, next to the Leadbetter Peninsula. The turtles may use the sand area for nesting. The peninsula also provides a valuable upland wildlife corridor along the Columbia Slough, connecting the Willamette River to the wildlife area.

To protect the lakes' ecosystems and preserve the wildlife corridor:

- The facility should be placed a minimum of 150 feet back from the top of the bank to provide a buffer from the development. For wildlife habitat, a 1992 Washington State Department of Wildlife report entitled "Buffer Needs of Wetland Wildlife" states that, "To retain wetland-dependent wildlife in important wildlife areas, buffers need to retain plant structure for a minimum of 200 to 300 feet beyond the wetland. This is especially the case where open water is a component of the wetland or where the wetland has heavy use by migratory birds or provided feeding for heron. The size needed would depend upon disturbance from adjacent land use and resources involved."
- The buffer should be planted with native vegetation, including conifers (evergreen) and have ground, shrub and canopy layers. Some areas should be left unplanted to provide turtle habitat.
- Construction should be limited to daylight hours to prevent additional interference with wildlife movement. Dusk and dawn are active wildlife periods.
- Construction of the perimeter road and fence should be limited to enclose the facility to be built in the first phase. The road and fence can be moved in the future if the facility is expanded. This will limit disturbance and leave more area for wildlife use. The vegetative buffer should be planted to the edge of the fence.
- Ensure that there is no direct light from the jail, perimeter road and the road to the facility into the wildlife area that would disturb wildlife. Lighting should be controlled by lighting type, direction, distance from the lakes and vegetative screening.

2. Recreation and Public Access - a variety of passive recreation users enjoy bird watching, paddling canoes or kayaks, walking and wildlife watching at the wildlife area. The area is also used by schools and other educational programs throughout the region as an outdoor classroom to learn about wetlands, wildlife and water quality. Numerous North Portland schools participate in restoration and monitoring projects there.

To maintain or enhance the high quality of passive recreation opportunities:

- The jail facility needs to be visually screened from the lakes.
- Avoid eliminating opportunities for future public access. The SBLMC is developing a facility plan for the wildlife area including a possible option to site a small boat launch facility at Bybee Lake. The planning process will examine each potential site for habitat sensitivity and numerous other factors.
- As a community amenity for siting a jail adjacent to the wildlife area, Multnomah County should fund the construction of a boat launch and parking area. For having the jail sited next to a regionally significant natural area, used by residents from the entire Metro region, the county should compensate users by providing this amenity.

3. Water Quality –the Oregon Department of Environmental Quality lists Smith and Bybee Lakes as water quality limited. The SBLMC is concerned that surrounding development would cause further degradation of the water quality in the lakes; it is looking for opportunities to improve water quality. As more area adjacent to the lakes is paved, the quality and quantity of stormwater entering the lakes and slough needs to be controlled and monitored.

To prevent further degradation:

- No stormwater should be directly discharged into Bybee Lake.
- Treat all stormwater on site with controlled release into the slough or retain the water on site to use for summer watering.
- Treat all stormwater runoff during construction.
- Use best management practices to treat stormwater, above and beyond the City of Portland's requirements, because of the area's sensitivity.

4. Creative Alternatives – consider alternatives that would allow the jail to be sited on the Leadbetter Peninsula and be compatible with the wildlife area.

The following are just a few design changes and suggestions:

- Redesign the building to meet the uniqueness of the site. Instead of trying to "fit" the building designed for the radio tower site at Leadbetter Peninsula, look at design changes that would allow the concerns and recommendations in this letter to be met.
- Limit the scope of the project, keeping it a smaller facility.
- Lay out a traffic pattern that has the least impact of lights on the wildlife area.
- Have an eco-roof to treat and retain stormwater. Capture the rainwater in cistern to store and use for irrigation in the summer.
- Reduce the amount of parking, build a two-story garage or place the parking under the building to allow for a larger buffer area.
- Provide a lighting design that does not encroach into the wildlife area.

If this site were selected, the SBLMC would like to work with the Sheriff's Office and Multnomah County to ensure that site preparation and building design protects the wildlife area and is acceptable to the community. A member of the committee would be available to participate in any working group to address the concerns and recommendations in this letter. The full committee would appreciate a chance to review the site preparation and building design before any activity begins.

Thank you for your consideration.

Sincerely,



Nancy Hendrickson, Chair
Smith and Bybee Lakes Management Committee

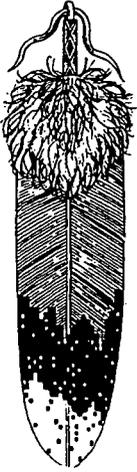
- C: Charles Ciecko, Director, Metro Regional Parks and Greenspaces
Mike Burton, Metro Executive Officer
Sheriff Dan Noelle and Lt. Bobbi Luna, Multnomah County Sheriff's Department



AMERICAN
INDIAN
ASSOCIATION OF
PORTLAND

Sande Sam
Executive Director

503 / 284-0863 • Fax 503 / 284-0873
4029 NE Tillamook • Portland, Oregon 97212



AMERICAN
INDIAN
ASSOCIATION OF
PORTLAND

4029 N.E TILLAMOOK
PORTLAND, OREGON 97212

503/ 284-0863
FAX 503/ 284-0873

Beverly Stein, Chair
Multnomah County
Portland Building
1120 S.W. Fifth, Room 1515
Portland, OR 97204

Dear Commissioner Stein,

I am writing to verify that Mr. Laf Keaton is not authorized to represent the American Indian Association of Portland. I understand that Mr. Keaton spoke as a representative of the American Indian Association of Portland at a recent Multnomah County public hearing for the Bybee Lake jail site, regarding native land issues.

Mr. Keaton has been involved with our organization as a volunteer, over the past five or six years, but is not a staff member or board member, and can not speak on our behalf without approval from myself or the board of directors.

Unfortunately our organization is unaware of the exact contents of Mr. Keaton's statements and would like the Multnomah County Commissioners to disregard any portion of Mr. Keaton's statement in reference to his representing the American Indian Association of Portland.

A copy of this letter will be sent to Mr. Keaton, along with clarification to him regarding his representation of the American Indian Association of Portland. I appreciate your attention to this matter. If you have any questions, please contact me at 284-0863.

Respectfully,

Sande Sam
Executive Director

cc: Laf Keaton
Lewis Marcus, President, North Portland Citizens Committee

BOARD OF
COUNTY COMMISSIONERS

99 MAR - 4 PM 4:10

MULTNOMAH COUNTY
OREGON

BCC ✓
MCSO ✓

SPEAKER #
24

February 26, 1999

SPEAKER # 25
2/22/99

Tom Swift
9742 N. James St.
Portland, OR 97203-2249
(503) 286-7005

February 22, 1999

Dear Multnomah County Board of Commissioners:

I am a 50-year St. Johns resident and a criminal justice major at PCC. I would like to speak in favor of siting the new jail on fill next to Bybee Lake.

St. Johns was the site of the city incinerator, the city dump, and the sewage treatment plant is located there. More recently, St. Johns was selected for the Multnomah County Parole and Probation Office on N. Lombard. The sewage treatment plant has been massively expanded to handle much of Portland's sewage. It gets pretty ripe on N. Columbia Blvd. in the summer! The area has several major industrial polluters and is a potential EPA Superfund cleanup site. The Port of Portland routes jets over the area from runway 2 - 8. I was enduring them while writing this statement.

So, there is a long tradition of siting facilities in St. Johns that other communities simply would not stand for. The new jail should blend right in. If these whiners from St. Johns do not like stench, noise, filth, criminals, and other unpleasantness, they are simply living in the *wrong* place. They should move!

Now these folks do not have any *right* to complain because that portion of St. Johns has been renamed "Rivergate" by the Port of Portland. To deal with the current objections to the Rivergate siting, I suggest we rename the area around the jail site "Jailgate" so that it will no longer *be* in Rivergate.

With regard to the jail disturbing the wildlife on Smith and Bybee lakes, I fail to see how the waterfowl could relax anyway with the constant jet blast overhead as has been reported in the *Oregonian*.

And finally, as a criminal justice student, I know that the crime rate has been dropping since the voters approved this funding in 1996. If we do not get this jail built soon, there is a possibility the tax dollars could be frittered away on crime prevention or rehabilitation efforts. This would hurt future employment opportunities in the criminal justice industry.

Thank you for your consideration of these issues.

Sincerely,



Tom Swift

Multnomah County Sheriff's Office

DAN NOLAN



1120 SW 4TH STREET, PORTLAND, OREGON 97204

FAX REQUEST/RECEIPT AND TRANSMITTAL SHEET

Date 2/25/99 _____ Hours

TO: Deb Bogstad

FAX NUMBER ADDRESSED TO: 248-3013

FROM: B. Luna

SENDING FAX NUMBER: 736-6829

ATTENTION AND/OR SPECIAL INSTRUCTIONS: Deb,
Will you please copy
this to the Board?
Thanks, B. Luna

NUMBER OF PAGES INCLUDING TRANSMITTAL SHEET: 4

CONFIDENTIALITY STATEMENT

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the addressee listed on this coversheet. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this telecopy is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone at the number listed below. Thank you.

CONTACT NUMBER: 248-3282

2-23-99

Lt Babbie Luna -
Dan Naelle

Reading the article in the Oregonian this morning - I too, have believed that the Bybee Lake area, is a wrong area for a jail - Transportation is bad in that area - yes roads & parking can be made available. Bus transportation, would be a special bus just to the jail, The overall area is industrial, with trucks & truckers, cars with workers & employees, ; with the future plans to improve the lake area for recreation, fishing, hunting, interpretation areas for wildlife & historical areas - Why would you want a jail in the middle of

all this - N. Portland does
need a break, improve
the area, but not with
a jail - This we don't
need - N. Portland needs
another nice big park
with a skate board area,
Tennis Courts, roller
skating area, or inline skating,
etc -
an area, one young +
older people can go to
not far from the city -
another part to the 48 mile
Jog, Bike, Hiking area -
Not everyone can go to the
Beach or Mountains - We
could have this within
our city - Improve the
quality of N. Portland -

Shelie Shattery
9832 N. Van Houten
Portland, OR - 97203
- 503-289-0829 -

2) another thought, this jail should be in the middle of the area of N. & N.E. Portland, where the inmates are coming from - maybe this area should be cleared up, maybe every one would think twice about getting in trouble & want to stay out of jail - if they were still in their neighborhood -

Rec'd 2/25/99
BAA

FEB. 23, 1999

BOARD OF
COUNTY COMMISSIONERS

TO:
MULTNOMAH COUNTY COMMISSIONERS
CONCERNING:
NORTH PORTLAND JAIL

99 FEB 26 PM 3:57

MULTNOMAH COUNTY
OREGON

I WOULD LIKE THIS LETTER INCLUDED IN THE TESTIMONY AGAINST A NEW JAIL IN NORTH PORTLAND. I DON'T BELIEVE THE JAIL SELECTION PROCESS HAS HAD AN ADEQUATE NUMBER OF NORTH PORTLAND RESIDENTS NOTIFIED, AND THE COUNTY COMMISSIONERS HAVE REPEATEDLY IGNORED OTHER MORE ACCEPTABLE SITES.

BECAUSE THE COUNTY COMMISSIONERS HAVE TRIED TO HAVE HEARINGS AWAY FROM THE PEOPLE WHO WILL BE AFFECTED, AND HAVEN'T MADE ANY EFFORT TO TAP INTO NEIGHBORHOOD SENTIMENT, THERE MUST BE SOME BAD IMPACTS OF A JAIL IN NORTH PORTLAND NEAR BYBEE LAKES, AND THE COMMISSIONERS WANT TO COVER UP WHAT THEY ARE DECIDING.

ANY JAIL IN THE BYBEE LAKE AREA OF NORTH PORTLAND IS BAD, AND SEVERAL BETTER SITES EAST OF NORTH PORTLAND ARE AVAILABLE, BUT ARE BEING IGNORED.

THE PRIME INDUSTRIAL LAND IN NORTH PORTLAND IS ALREADY EARMARKED FOR INDUSTRIAL DEVELOPMENT - A JAIL HARDLY QUALIFIES AS "INDUSTRIAL DEVELOPMENT"

THE BALANCE BETWEEN NEARBY BYBEE LAKE WETLAND AND COMMERCIAL AND INDUSTRIAL DEVELOPMENT IS HARDLY ENHANCED BY A 24 HOUR JAIL WITH LIGHTS, GUARDS, AUTOMOBILE TRAFFIC, AND FRIENDS OF PRISONERS CONSTANTLY "PEOPLIZING" AN AREA THAT SHOULD BE HOME TO ANIMALS.

THE SELECTION OF TRANSPORTATION ALTERNATIVES HAS BEEN SELECTED TO PENALIZE NORTH PORTLAND, AND EXPOSE RESIDENTS TO TRAFFIC ACCIDENTS, ESCAPES, INCREASED POLICE VEHICULAR TRAFFIC, AND MAKE IT EASIER FOR PRISONERS TO HIDE IN A NEIGHBORHOOD.

IT IS UNFORTUNATE THAT THE JAIL SITE SELECTION PROCESS DOES NOT LOCATE A JAIL WHERE IT IS BOTH WANTED AND APPROPRIATE.

I SUGGEST ADDING A JAIL TO THE LIST OF UNACCEPTABLE THINGS NORTH PORTLAND RESIDENTS ALREADY HAVE TO ENDURE IS NOTHING MORE THAN SLIPPING SOMETHING ELSE BY A NEIGHBORHOOD OF RETIRED PEOPLE, AND HOPING NO ONE WOULD KNOW.

THERE ARE MANY BETTER ALTERNATIVES FOR THE JAIL....
I URGE THE COUNTY COMMISSIONERS TO SITE A JAIL AWAY FROM HOMES, PRIME INDUSTRIAL LAND, AND SENSATIVE WETLANDS, OF NORTH PORTLAND.

Ken & Patti Heine

KEN & PATTI HEINE
7304 N. HAVEN AVE.
PORTLAND, ORE 97203

1999 MAR -3 AM 11:00

MULTNOMAH COUNTY
OREGON

BCCV
MCSOV

William R. Maris
Chief Financial Officer
and Treasurer

Multnomah County Board of Commissioners
Chair Beverly Stein
1120 SW Fifth Avenue, Suite 1500
Portland, Oregon 97204

March 1, 1999

Re: North Rivergate Site – New Multnomah County Jail

Dear Commissioners:

This is in support of the selection of the North Rivergate Site for the new County Jail, up to and including the eventual possibility of a two story, 2,000 bed facility comprising 22 acres. I support the site as a corporate officer working near Interstate-5 and Marine Drive, as a year round residential and recreational user of Hayden Island, and as a person deeply concerned with the waterways which encompass "Rivergate" as a whole.

The following are the primary reasons I support the Rivergate Site:

- Need, combined with current economic feasibility.
- The site benefits from the natural terrain and location, both of which enhance its effective isolation.
- The long term environmental benefit which will likely ensue from a near-by, directly involved, law enforcement presence.

With respect to the last item: I believe it is important that environmentally concerned citizens openly acknowledge the Sheriff's current role in ensuring the prudent, safe, and therefore largely protected use of the local waterway system. Personal experience tells me that the Sheriff's presence on both the Columbia and Willamette Rivers is a major factor in minimizing vandalism to nesting sites, dens, and wildlife habitat. As the County's population grows it will inevitably seek greater use of the sensitive Rivergate waterway system. What better way to truly protect and conserve the system in the long run than to have a formidable, and knowledgeably protective "presence" close by?

It is a matter of balance. In this case, even the long range environmental balance seems to favor the Sheriff's Rivergate site proposal.

Sincerely,



Dear Deborah Bergstad

I see nothing wrong with the jail being at the Rivergate site. That would of been my first choice.

We just have a bunch of ~~squabbers~~ in St. Johns squabbers

Carol E Ashworth
-9807 N. Smith
Portland OR 97203
phone 286-5191

BOARD OF
COUNTY COMMISSIONERS

99 FEB 10 AM 8:47

MULTNOMAH COUNTY
OREGON

Deborah Bogstad, Board Clerk
1120 SW Fifth Ave. Suite 1510
Portland, OR 97204

My husband (Herle McNeel) and I (EVELYN
McNEEL) have no objections to the
construction of a jail at the Rivergate
site.

We have lived in St Johns - 9 yrs - this
time - + 20 yrs previous -

We will not be attending the mtg.

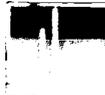
Sincerely

McNeels
7828 N Smith
97203

BOARD OF
COUNTY COMMISSIONERS

99 FEB -9 AM 8:57

MULTNOMAH COUNTY
OREGON



Mrs. Evelyn McNeel
7828 N. Smith St.
Portland, OR 97203-2311

DUNNIGAN
P.O. BOX 17080
PORTLAND, OR 97217



BOARD OF
COUNTY COMMISSIONERS

99 FEB 12 AM 10:02

MULTNOMAH COUNTY
OREGON

Commissioner Beverly Stein
1120 SW 5th Suite 1515
Portland, OR 97204

January 26, 1999

Beverly Stein

I am very concerned about the proposed jail site at Smith & Bybee Lakes! This is a very sensitive wetland area. When and where have the opportunities for public involvement in this decision making process taken place? What provisions have been considered for increased public transportation for family members and workers at this public institution? This would increase traffic in an area already traumatized by development that has redefined the wetlands and natural area. How does this site fit into the plan the "Port Commission" has for the economic development? They would not consider small businesses (family owned stores) because of their plan, yet a jail site does? I'm confused... North Portland is no longer a dumping ground! Our focus needs to be on improving the living conditions and cleaning up messes we have inherited: the slough, toxic contamination, traffic flow, noise pollution from the PRI and being considered second class citizens not worthy of light rail as promised. LISTEN TO THE CITIZENS!

Myrna Dunnigan
Myrna Dunnigan (289-6819)

JAIL-SITE

2-11-99

page 1

To Whom it Concerns;

I wish to express my views of locating the new jail in the Rivergate Industrial Site.

I protest the site immensely. My reasons are.

The negative environmental impact on wildlife. The noise, pollution and traffic will increase, and be detrimental to the area.

The traffic will increase to the point of already congested, over the limit of reasonable, streets and highways. There are only 2 ways into or out of that flood prone area. Very dangerous.

Illegal fill, was incorporated into the site and it is unstable + unfit for building.

Undesireable people relocating to the neighborhood near the site are inevitable. We need no more of those in addition

to the ones already located here. Crime follows this scenario.

People, long-time residents of North-Portland / St. Johns are tired of this area being viewed and used as a dumping ground for undesirable industry such as Sewage disposal, The stock yards and hide companies, that once made the slough run red with blood. The auto-wrecking yards, The Union and Pacific Carbide Plants, The Parole Office, The steel mills, Welfare Offices, The Race Track (P.I.R.), Horse racing, The Dump (landfill), The Airport, The Creosote / Pitting, (McCormick & Baxter.) The apartments being built for low-income criminals. The CAR-importing business.

TAKE it, (the jail site) to a higher income area such as the Goose Hollow, Vista, West Hills West Side area to see the response.

Mary L. Lattred 6835 N. ARMOUR 97203

I am sorry I can not come to see at the
meeting I am feeling that the week & next
week will be so my eye has come out & week
I have a Cataract on my Right eye I hope
it tested even your now & now my leg
much better from accident I was in
week I had let you no I cant come unless
I get better I cant no better in working I am
some better I get let you no I cant come work
no way soon

To our dear Mrs Brown
883 1/2 N. Sprague Street #05
Reelham Oregon 97203

BOARD OF
COUNTY COMMISSIONERS
99 FEB 17 AM 9:53
MULTI-COUNTY
OREGON

Feb 12, 1999

Sir,

Do not build a jail at our Dybee Lake site, it is against our environmental safety. also it is in the wrong location, period.

It will bring a lot of unwanted traffic to our area.

It will spoil Dybee lake from pollution and our wildlife is endangered there if it is built.

Jerry Ferris
6801 N. Villard St.
Cottage

BOARD OF
COUNTY COMMISSIONERS

99 FEB 17 AM 9:53

MULTI-NOMIANT COUNTY
OREGON

BOARD OF
COUNTY COMMISSIONERS

99 FEB 17 AM 9:53

2-13-99

MULTNOMAH COUNTY
OREGON

We're writing to voice our
opinion on the St. Johns "Jail"
proposal site.

We do not want it built in
our neighborhood at all. Why
not Lake Oswego or Cedar Hills?
We treat the city's sewage now.
We house low income in their
own little communities. We had
the smelly landfill. We have a
row of auto wrecking yards.
Give someone else the jail -
share the wealth, so to say!
Gov. Kitzhaber wants them close
to their family's for visiting -
Put the thing in his area. NOT
OURS THIS TIME!!

Thank you.

Walt & Carolyn Barger



Mr. Walt W. Barger
10214 N. Allegheny Ave.
Portland, OR 97203

BOARD OF
COUNTY COMMISSIONERS

99 FEB 22 PM 1:15

MULTNOMAH COUNTY
OREGON

Feb. 18, 1999

County Commissioners,

*I do not want a 2,000 bed
prison built at our Smith &
Bybee Lakes.*

*Respectfully,
Pauline Heine*

Pauline I. Heine
5801 N. Warren
Portland, Oregon 97203

Deborah Bogstad
Board Clerk
Commissioners



LYLE J EHLERS
2525 N KILPATRICK ST
PORTLAND, OR 97217-6363

and to whom this may concern

I have lived in north portland since 1948, I am ashamed to believe that any one with so much authority would make such an important decision as to build a prison on our wet lands with out giving me a chance to voice my opinion.

I also believe that becouse some one thought we so willingly accepted a parole office on North Lombard St it be OK to give us the second one. there must be an end to all this inconsideration

with out a traffic light it would be all but impossible to cross Lombard St. We must think about the impact that an additional 800 vehicles per day would bring if a prison was built on the proposed Bybee lake site.

P.S. I think it is time to stop dumping on North Portland.

Thank you
Lyle J Ehlers

Feb. 22, 1999

Deborah Bagstad
Board Clerk
Portland, Or.

To Whom This may concern,
I have lived in North Portland since 1949. I object very much to a prison site consideration on the Wetlands near Smith and Bybee lakes. This site is in a hundred year flood plain, near a seismic fault, Dikes and would not be strong enough to withstand projected earthquakes.

Our painted turtles, animals and Birds deserve a place to live in peace.

The twenty-two acres is far too less than the thirty-five acres that was originally proposed for a prison site.

This also would impose an unacceptable traffic situation for North Lombard.

Thank you

Sincerely
Hoyl D. Ehlers
2525 N. Kilpatrick St.
Portland, Or. 97217

New Multnomah County
Corrections Facility

New Jail Newsletter

Vol. 3, No. 7 February 1999

A newsletter in the public interest keeping citizens informed on the planning and design of the new corrections facility in Multnomah County.

NOTICE : Public Hearing on North Rivergate Jail Site

The Multnomah County Board of Commissioners is holding a public hearing to accept public testimony on whether to select the parcel in North Rivergate on the southern end of the Leadbetter Peninsula as the new site for the new Multnomah County jail. A 15-member citizens Siting Advisory Committee selected Rivergate as the first alternative location for the voter-approved jail. The new jail will help meet future needs for jail space and help prevent early release of inmates due to overcrowding.

The public hearing is set for:

Monday, February 22, 1999

6:00 p.m.

**Board of County Commissioners Meeting Room
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland**

Testimony at the hearing will be limited to three (3) minutes per person.

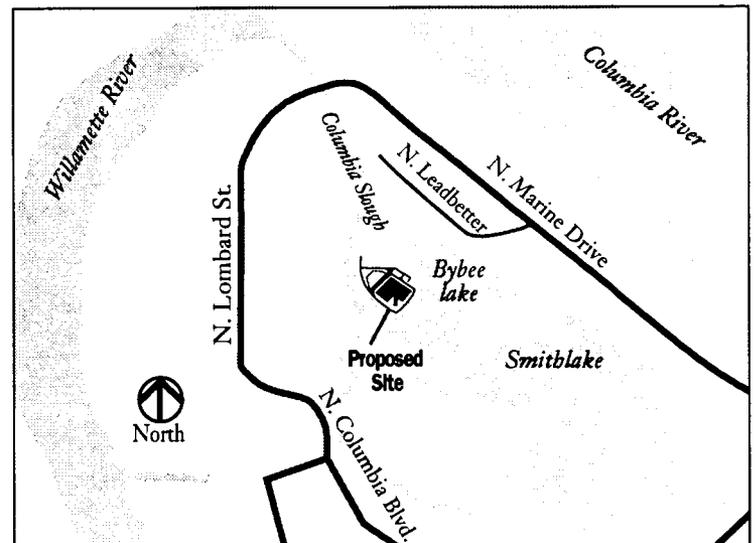
Persons wishing to submit written testimony may give one copy to the Board Clerk at the hearing or have it delivered to:

Deborah Bogstad, Board Clerk
1120 SW Fifth Avenue, Suite 1510
Portland, OR 97204

or fax the Board Clerk at (503) 248-3013

or e-mail her at: deborah.l.bogstad@co.multnomah.or.us.

The public hearing will be cable-cast live on Cable Channel 30.



Proposed North Rivergate Site

Individuals with disabilities may call the Board Clerk at (503) 248-3277, or Multnomah County TDD at (503) 248-5040, for information on available services and accessibility.

For more information on the new jail, or if you wish to receive future copies of the New Jail Newsletter (if not already a subscriber), please contact Lt. Bobbi Luna of the Multnomah County Sheriff's Department. Lt. Luna can be reached by phone at: (503) 248-3282.

You can write her at:

Lt. Bobbi Luna
Multnomah County Sheriff's Department
1120 SW Third Avenue, Room 322
Portland, OR 97204

Or, you can send her a fax at (503) 736-6829 or an e-mail at: bobbi.l.luna@co.multnomah.or.us

ATTENTION - Board of County Commissioners Public Hearing on North Rivergate Jail Site

When: Monday, February 22, 1999
6:00 p.m.
Where: Multnomah County Courthouse
1021 SW Fourth Avenue, Boardroom 602, Portland
Tri-Met: on the downtown Portland transit mall

Testimony will be limited to three (3) minutes per individual.

Multnomah County Sheriff's Department
12240 NE Glisan St.
Portland, OR 97230