

Kathleen Gardipee: City of Portland, Erik Sten's office  
Jay Mower: Columbia Slough Watershed Council Coordinator  
Ela Whelan: Clackamas County Water/ Environment Services  
Jim Kincaid: Attorney, specializing in ESA, Clean Water Act  
Bob Storer: City of Gresham Stormwater Division  
Jeff Breckel:?? Lower Col. River Fish Recovery Board (SW Reg'1 Wash.)  
Rob Jones: National Marine Fisheries Service (NMFS), Area Coordinator



# MULTNOMAH COUNTY, OREGON

## BOARD OF COMMISSIONERS

### Beverly Stein, Chair

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Portland, Or 97204-1914  
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### Sharron Kelley, Commission Dist. 4

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

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

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

## JULY 20 & 22, 1999

## BOARD MEETINGS

### FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Briefing: Mixed Use Development Review Board
Pg 2	9:45 a.m. Tuesday Briefing: Regional Coordination Opportunities for Endangered Species Act Listings
Pg 3	9:35 a.m. Thursday Ordinance Exempting Motor Vehicle Rental Tax
Pg 3	9:50 a.m. Thursday Vacation of SW Pomona and SW Moapa
Pg 3	10:05 a.m. Thursday E 1-99 Land Use Appeal Hearing
★	<b>The August 26 &amp; September 2, 1999 Board Meetings are Cancelled</b>
★	<b>Check the County Web Site: <a href="http://www.co.multnomah.or.us/">http://www.co.multnomah.or.us/</a></b>

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

Tuesday, July 20, 1999 - 9:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFINGS**

- B-1 Mixed Use Development Review Board Proposal for Composition and Procedures. Presented by Larry Nicholas, Dave Boyer and Bob Oberst. 45 MINUTES REQUESTED.
- B-2 Regional Coordination Opportunities for ESA Listings of Steelhead, Chinook, and Chum Salmon. Presented by Larry Nicholas and Donna Hempstead. 90 MINUTES REQUESTED
- 

Thursday, July 22, 1999 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM**

#### **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-1 Renewal of Intergovernmental Agreement 0010049 with Oregon Health Sciences University to Purchase Mental Health Consultation Services for Children/Adolescents and Involuntary Commitment Services

#### **DEPARTMENT OF HEALTH**

- C-2 Renewal of Intergovernmental Agreement 0010320 with Oregon Health Sciences University Providing After Hours Patient Information and Triage Telephone Service through the Nurse Consult Program

#### **NON-DEPARTMENTAL**

- C-3 Budget Modification CCFC 2000-01 Increasing the CCFC Pass Through and Indirect Budget by \$50,000 to Accept the Total \$150,000 Grant from Legacy Health System, of which \$100,000 was Included in the Adopted Budget, which is to be Used for the CCFC Early Childhood Collaborative Initiative

## **PUBLIC CONTRACT REVIEW BOARD**

- C-4 ORDER Authorizing an Exemption to Specify the At-a-Glance/Franklin Covey Brand Name for the Purchase of Time Management Products
- C-5 ORDER Exempting from the Competitive Bid Process the Selection of Seating Contractor(s) through the Request for Proposal Process

## **REGULAR AGENDA**

### **PUBLIC COMMENT - 9:30 AM**

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

### **NON-DEPARTMENTAL - 9:30 AM**

- R-2 Budget Modification HD 01 Transferring \$53,738 from General Fund Contingency and Adding a .5 FTE Health Services Specialist to the Health Department Budget to Assist the U.S. Census Bureau with the 2000 Census Count in Multnomah County
- R-3 First Reading of a Proposed ORDINANCE Amending MCC 11.300 and 11.305 to Exempt Car Sharing Programs from the Motor Vehicle Rental Tax

### **DEPARTMENT OF ENVIRONMENTAL SERVICES - 9:50 AM**

- R-4 RESOLUTION Vacating a Portion of SW Pomona Street and SW Moapa Avenue Pursuant to ORS 368.326
- R-5 De Novo Hearing on Appeal of Hearings Officer Decision Denying E 1-99 Regarding Request for Retroactive Exception to the Secondary Fire and Safety Zones and Forest Practices Setbacks for an Illegal Structure on Property Located on NW Skyline Boulevard. Presented by Tricia Sears and Deniece Won. TESTIMONY LIMITED TO 20 MINUTES PER SIDE. 1 HOUR REQUESTED.

### **COMMISSIONER COMMENT/LEGISLATIVE ISSUES - 10:50 AM**

- R-6 Opportunity (as Time Allows) for Commissioners to Comment on Non-Agenda Items or to Discuss Legislative Issues.



LISA H. NAITO  
Multnomah County Commissioner, District 3  
1120 SW Fifth Avenue, Suite 1500  
Portland, Oregon 97204-1914  
Phone (503) 248-5217 Fax (503) 248-5262

## MULTNOMAH COUNTY OREGON

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### MEMORANDUM

TO: Chair Beverly Stein  
Commissioner Diane Linn  
Commissioner Serena Cruz  
Commissioner Sharron Kelley  
Board Clerk Deb Bogstad

FROM: Charlotte Comito  
Staff to Commissioner Lisa Naito

DATE: July 7, 1999, 1999

RE: Board absence

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Board of  
County Commissioners  
99 JUL 7 PM 5:26  
MULTNOMAH COUNTY  
OREGON

Commissioner Naito will be on vacation the week of July 19<sup>th</sup> and will be absent for the BCC briefing on July 20<sup>th</sup> and Board meeting on July 22<sup>nd</sup>.

MEETING DATE: July 20, 1999

AGENDA NO: B-1

ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT: Mixed Use Development Review Board**

**BOARD BRIEFING:** DATE REQUESTED: July 20, 1999  
REQUESTED BY: Larry Nicholas  
AMOUNT OF TIME NEEDED: 45 min

**REGULAR MEETING:** DATE REQUESTED:  
AMOUNT OF TIME NEEDED:

**DEPARTMENT:DES** **DIVISION:Administration**

**CONTACT:Larry Nicholas** **TELEPHONE #:83355**  
**BLDG/ROOM #:455/224**

**PERSON(S) MAKING PRESENTATION** Larry Nicholas, Dave Boyer, Bob Oberst

**ACTION REQUESTED:**

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

**SUGGESTED AGENDA TITLE:**

**Mixed Use Development Review Board proposal for composition and procedures**

99 JUL 19 TH 1:38  
COUNTY COMMISSIONER  
DEPARTMENT OF COUNTY  
OREGON

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_  
**(OR)**  
**DEPARTMENT MANAGER:** Larry Nicholas

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. 99-78**

**Establishing a Policy to Promote the Goals of Managed Growth by Making Available Vacant and/or Surplus County Lands for Mixed-use and Affordable Housing Development and Pursuing these Opportunities in the Design of Future County Facility Projects**

**The Multnomah County Board of Commissioners Finds:**

- a. Community and neighborhood plans often call for mixed-use development, affordable housing, town centers, and main street designs. Multnomah County should be a partner in the realization of community plans whenever possible. County facilities and/or vacant or surplus land should add to, not detract from neighborhood livability.
- b. Multnomah County supports the principles adopted by the Metro Council in its Regional Framework Plan and Urban Growth Management Functional Plan which together declare the intention of local governments to plan for and create opportunities to develop affordable housing, employment, open spaces, and other related aspects of growth between now and the year 2017.
- c. The 1998 Multnomah County Strategic Space Plan, adopted by the Board, at page 27 declared the County's support for Metro's 2040 Plan and specifically recognized the County's role in creating partnerships and making property available for development offerings. Mixed-use projects were described as key to enabling better modal splits by locating housing, services, and work closer to each other.
- d. Multnomah County is an active participant as a regional partner with government and neighborhoods in planning for the implementation of these plans through the Metro Housing Technical Assistance Committee, chaired by Commissioner Diane Linn. Its charge is to recommend to the Metro Council fair share affordable housing targets for each jurisdiction in the region.
- e. Available land for new affordable housing development is increasingly scarce and/or costly, making it difficult for prospective projects to succeed financially.
- f. Multnomah County is exploring potential opportunities for mixed-use development throughout the County where affordable housing and/or commercial uses might be constructed in conjunction with a County facility, e.g. a library at street level with residences above, a health clinic with a commercial storefront.
- g. There is and will be a revolving inventory of County-owned property not currently targeted for public use which might be available for development to support

initiatives consistent with Metro's goals of promoting compact urban growth, a supply of affordable housing, and maximum use of public transit.

The Multnomah County Board of Commissioners Resolves:

1. Multnomah County recognizes and accepts its responsibility as a regional partner with other governments, local neighborhoods, and citizens to identify opportunities within its control to contribute to the goals outlined in the Metro Urban Growth strategies, local government development priorities, and promotion of neighborhood livability.
2. The Board, acting through the Chair, directs staff to inventory all County-owned or managed properties to identify vacant, surplus, or underutilized property which could be made available for housing or mixed-use development either by the County, the private sector, or through a collaborative approach.
3. As an element of planning for County programs and facilities, County staff will demonstrate that design options have been considered which promote the potential for affordable housing and mixed-use development to the end of creating contiguous housing and public services.
4. The Director of the Department of Environmental Services will convene an inter-departmental Development Review Board whose task it will be to assess and advise the Board of Commissioners at an early stage of the potential for housing and mixed-use opportunities presented by available County property and proposed County development plans. Membership may be drawn from other jurisdictions.
5. The Review Board will develop criteria to be used in identifying potential sites for mixed-use or affordable housing, incorporating existing County policies, and report their progress to the Board of County Commissioners in sixty days.

Adopted this 13th day of May, 1999.



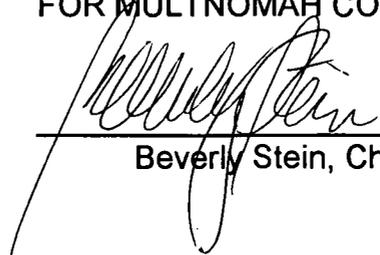
REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By \_\_\_\_\_

John Thomas, Assistant County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Beverly Stein, Chair

**Mixed-Use Development Review Board  
Composition of the Board and  
Procedure for Development of New County Facilities**

**Introduction**

On May 13, 1999, the Board of County Commissioners adopted Resolution No. 99-78 establishing a policy to promote the goals of managed growth by making vacant and surplus County lands available for mixed-use and affordable housing development and pursuing these opportunities in the design of future County facility projects. The resolution created a Mixed Use Development Review Board (DRB) to assist in achieving these goals.

One of the duties of the DRB is to ensure that all new County facility projects are reviewed so that potential sites for mixed-use or affordable housing are identified. When reviewing County projects, existing County policies will be incorporated into the mixed-use development. Below are proposals describing the composition and function of the DRB when new county facilities are proposed.

**Composition of the Board**

The Board will be composed of the following persons:

Director of the Department of Environmental Services, Chair  
Finance Director  
Facilities Manager  
Representative from County Counsel's Office  
Community Representatives Appointed by the Chair

**Function of the DRB**

The following process is to be followed once a Department has identified a facility need:

- 1) Department contacts Facilities Management and a project manager is assigned to the project.
- 2) Project manager and Department contact the DRB Chair to determine if any other county projects are being designed so that co-location possibilities can be explored. If another project is in the design stage, the DRB will advise the project manager and the Departments and project managers for each project will explore co-location possibilities. Project Manager and the Department will also be directed by the DRB to explore co-location possibilities with offices of other government agencies.
- 3) If a site already exists for the county facility, the project manager and the Department will commission a study to determine what possible non-government uses are feasible for co-location on the county facility on the site.
- 4) If a new site is needed, the project manager and the Department will review with the DRB the potential compatible and complementary non-government uses that would be desirable for co-location with the county facility. The search for a site shall, to the extent

possible, take into account these co-location possibilities. County siting policy will be adhered to. Community input will be sought on all possible non-government uses that are contemplated for the site. If a site is available that will physically accommodate a non-governmental use, before the site is acquired, the project manager and the Department will commission a study to determine what possible non-government uses are feasible for co-location on the county facility on the site.

- 5) After the feasibility study has been received, the results of the study will be presented to the DRB which review the study and all other available information taking into account all relevant factors including the following in order to determine whether a viable mixed-use opportunity exists:
  - a) Is the county project compatible with another use on the site?
  - b) Are there other county programs that need or could co-locate with the county project?
  - c) Is the site large enough to accommodate a use in addition to the county project?
  - d) Will the zoning and other land use laws permit another use on the site?
  - e) Are there other public or private uses that are particularly compatible with the county project that should be considered?
- 6) If it is determined that there are no impediments to a mixed-use development on the site, the following issues will be considered in reviewing particular proposed uses in order to arrive at a recommendation to the board:
  - a) Will the county project need to be compromised to accommodate the proposed use?
  - b) Will a mixed use development delay construction of the county project?
  - c) Is there a need for the proposed use in the community where the project is located?
  - d) If the proposed use is commercial, is the proposed use financially feasible?
  - e) Is the proposed use linked to any county policies or programs?
  - f) What are the financial costs, benefits and risks to the county?
  - g) What community benefits will result from the proposed project?
  - h) Does the community support the proposed mixed use?
- 7) The DRB will prepare a report to the Chair with its recommendation whether the county project should be a mixed use development. If the DRB recommends a mixed use project, the DRB shall describe the proposed project that is recommended and state why such a project is in the best interests of the county. If the DRB recommends that the county facility be sited as a single use facility, the DRB shall state why a single use facility is in the best interests of the county.

MEETING DATE: July 20.  
AGENDA NO: B-2  
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT: Regional Coordination Opportunities for ESA Listings of Steelhead, Chinook and Chum Salmon**

**BOARD BRIEFING:** DATE REQUESTED: July 20, 1999  
REQUESTED BY: Larry Nicholas  
AMOUNT OF TIME NEEDED: 1 hour 30 min

**REGULAR MEETING:** DATE REQUESTED:  
AMOUNT OF TIME NEEDED:

**DEPARTMENT: DES** **DIVISION: Administration**

**CONTACT: Larry Nicholas** **TELEPHONE #: 83355**  
**BLDG/ROOM #: 455/224**

**PERSON(S) MAKING PRESENTATION** Larry Nicholas, Donna Hempstead

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

**SUGGESTED AGENDA TITLE:**

**Regional Coordination Opportunities for ESA Listings of Steelhead, Chinook, and Chum Salmon**

CLERK OF COUNTY COMMISSIONERS  
99 JUL 14 TH 1:38  
MULTI-COUNTY  
OREGON

**SIGNATURES REQUIRED:**

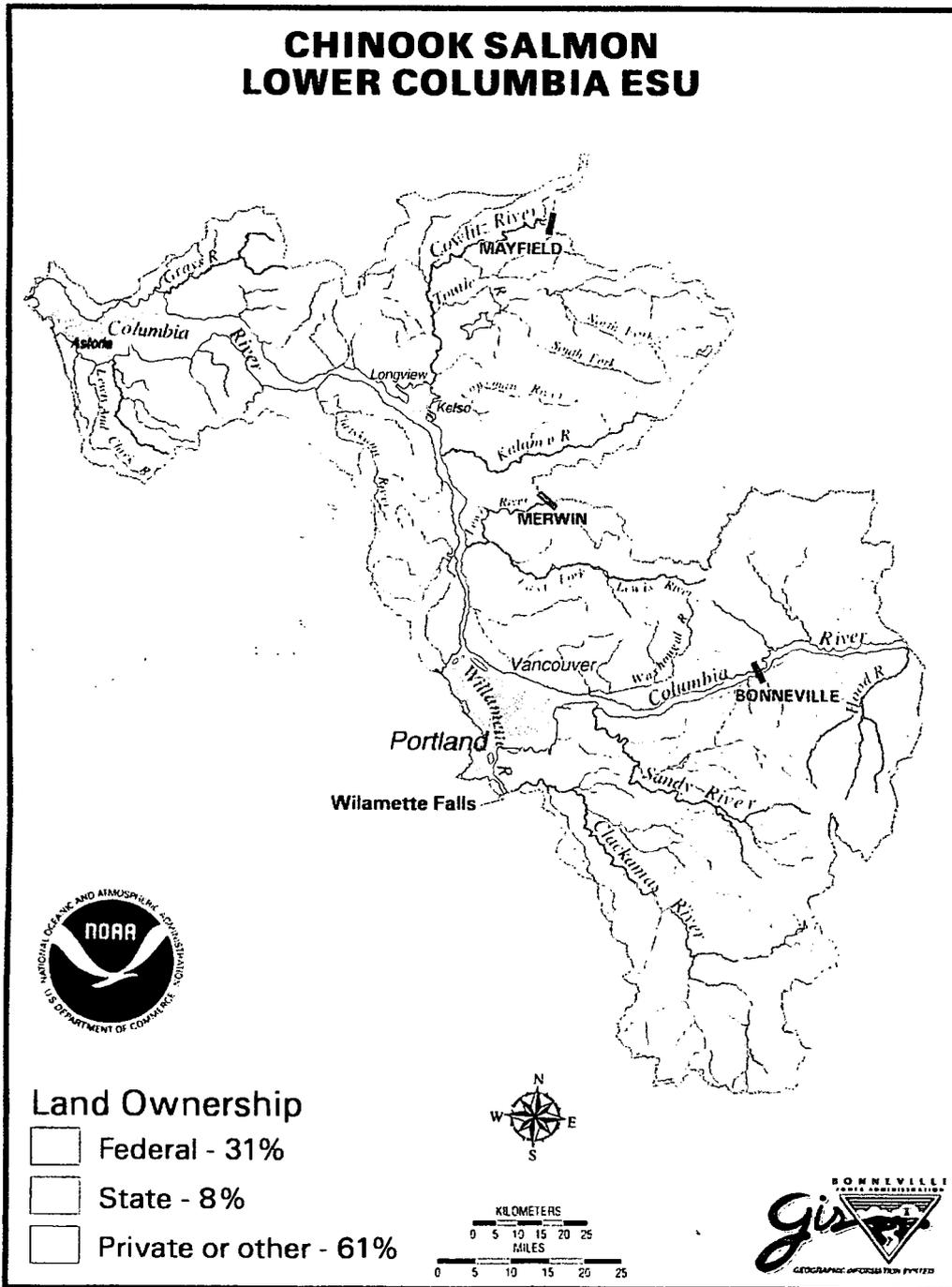
**ELECTED OFFICIAL:** \_\_\_\_\_  
**(OR)**  
**DEPARTMENT MANAGER:** Larry Nicholas

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**

Multnomah County  
 Briefing Packet for  
 Board of Commissioners  
 July 20, 1999

Regional Coordination Opportunities for  
 Endangered Species Act Listings of Steelhead, Chinook, and Chum  
 Salmon



## INTRODUCTION

The Columbia River salmon are a fundamental part of the history of the Pacific Northwest and its culture. Following years of scientific review and determination of certain species within the Lower Columbia River System, steelhead trout, chinook salmon, and chum salmon were found to be at risk and in dire need of recovery. To save these fish, the federal government in March 1998 through the National Marine Fisheries Service (NMFS) listed steelhead trout<sup>1</sup>, initiating a process that affects all land-based activities impacting the extensive system of waterways, wetlands, and water-based resources within the ESU<sup>2</sup>. In March 1999, NMFS added chinook and chum salmon as threatened species for the same ESU. Now that the scientific determination has been made, NMFS is turning its attention to review of current program activities by local government, state government agencies, private industry, any and all key players.

Multnomah County lies almost entirely within the Lower Columbia River ESU<sup>3</sup>, and will be an important player in the salmon recovery effort. There are many reasons for fish decline, directly related to human activity. These are generally categorized as the 4 H's: hydropower (the dams), hatcheries, harvests, and habitat. The first three are the focus of state and federal activities. The last H: Habitat – is something that can be improved by local government policy and action, and falls under the jurisdictional authority of Multnomah County, as well as partner agencies.

Preserving and/or restoring habitat is no easy task. A century of human impacts has created the 4 H's: it is not an automatic process to undo the harm. The complexity of the Endangered Species Act is a whole other matter: the issue at hand is how to undo the harm for the entire ESU.

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<sup>1</sup> Steelhead are often thought of as salmon, but are actually very similar to rainbow trout. The difference is that the rainbow trout remain in fresh water throughout their life cycle, while steelhead are anadromous like salmon. Anadromous means the fish are born in fresh water, migrate to the ocean, and return to spawn in fresh water.

<sup>2</sup> An Evolutionary Significant Unit is a distinctive group of Pacific salmon, steelhead, or sea-run cutthroat trout. An ESU is a stock of salmonids that must: (a) be substantially reproductively isolated from other nonspecific population units, and (b) represent an important component in the evolutionary legacy of the species.

<sup>3</sup> A small portion of unincorporated Multnomah County lies within the Tualatin River Basin, a TMDL basin under strict controls via the Clean Water Act. This Basin drains to the Willamette River above the Oregon City Falls, and is not within the Lower Columbia River ESU. It is within the Willamette River ESU.

**T**oday's briefing is intended to recognize the need for a regional response effort, and to better define what that may mean for the County. As the County awaits federal guidelines and requirements from NMFS to be published in the "4(d) Rule(s)"<sup>4</sup>, completes internal assessments of activities, projects, and policies already in place, and continues its proactive stance regarding fish enhancement and water quality improvements, it is time to determine how the County's response to NMFS can fit in with, and coordinate with, partner agencies.

To date, key elements of the County's pro-active program to address salmon recovery include:

**Response to Potential Listing: Multnomah County section of the Governor's Salmon Initiative Program:** The Oregon Plan - Steelhead Supplement prepared by the Governor's office was presented to NMFS in early 1998. Multnomah County submitted a report summarizing existing management measures protective of water quality and stream flow issues, as requested by Association of Oregon Counties. The report included planned activities for participating in species specific management actions to enhance steelhead productivity.

**Public Involvement:** The Multnomah County citizens are doing their part to mobilize citizen action to enhance recovery efforts. Several Watershed Councils have been formed in the last few years and are operating with great success. These include the Columbia Slough Watershed Council, Johnson Creek Watershed Council, Tualatin Basin Watershed Council, Fairview Creek Committee, and a newly formed Sandy River Basin Council.

**Public Education:** The County is a member in and helps support the 'Regional Coalition for Clean Rivers and Streams', an award-winning coalition within the tri-County area, formed to promote greater public awareness of how individual activities at every level impact our waterways.

**County Implementation Team:** The County created internal organization to coordinate water quality improvements required by the Clean Water Act and Endangered Species Act. By extending the existing 'Stormwater Management Implementation Team' to include 'and Fish Recovery Measures', the County ensures full coordination and 'no-conflict' between the two programs.

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<sup>4</sup> A "4(d) Rule" establishes protective regulations that apply to a species listed as threatened under the Endangered Species Act (ESA). These rules are one of the mechanisms through which a local government (or other governmental entity or private party) may obtain assurance that activities it authorizes or conducts are legally permissible under the ESA and consistent with the conservation of the listed species.

**Screening Level Assessment:** By reviewing current County-level practices and procedures that may be harmful to listed species habitat, this is the first step to determining not only compliance with the Endangered Species Act, but also to determining what is appropriate and acceptable on a regional basis. The City of Portland, and Clark County, Washington have completed their assessments. Multnomah County's report will be completed this Fall.

**Direct Impact Projects:** The County's water quality management programs, transportation projects, and land use planning policies have integrated protective measures into any project potentially impacting fish or water quality. New guidelines for fish passage within critical habitat areas established by NMFS may require substantial capital outlay.

**Regional Efforts:** As stated by many, the Salmon Recovery Program won't work without regional coordination. From the beginning, every effort has been made to integrate the County's salmon recovery with the Governor's Salmon Recovery Plan. As a species-specific listing, efforts need to continue as well within each ESU<sup>2</sup>. The ESA coordinator meets monthly with water quality managers and representatives from Portland, Gresham, the Port of Portland, Milwaukie, Lake Oswego, Clackamas and Washington County at watershed-level management planning committees. Although watershed-wide planning has occurred to date to concentrate on Clean Water Act requirements, every participant is well aware of the relevance of the salmon recovery programs, and is integrating necessary elements into watershed planning.

Logical partner agencies in a regional response are the local government entities with similar stakes in the outcome, who can negotiate with NMFS on similar ground. Other partners may include state agencies such as the Oregon Departments of Agriculture, or Forestry, the Department of Environmental Quality, Division of State Lands, or the Department of Land Conservation and Development. Federal lands management agencies may be included. A regional response at the activity-level could include private interests, environmental groups, industry representatives, homebuilders, neighborhood associations, watershed councils, universities, etc.

**T**oday's briefing is intended to recognize the need for a regional response effort, and to better define what that may mean for the County. The policy issues for discussion and guidance by the Commissioners are set out below.

**Q**uestions for Consideration:

1. What region will Multnomah County coordinate with? (See p. 5)
  2. What level(s) of coordination will the County participate in with partner agencies? (See p. 6)
  3. Will the County engage with an existing Consortium, or lead/create a new Task Force? (See p. 8)
  4. Will the County allow contractual arrangements with public partner agencies? (See p. 10)
  5. Will the County leaders meet with partner agencies on a regular basis to coordinate major decisions? (See p. 10)
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## *What region will Multnomah County coordinate with?*

Critical habitat is proposed by NMFS to include all river reaches and estuarine areas accessible to listed steelhead in Columbia River tributaries between the Cowlitz and Wind Rivers in Washington and the Willamette and Hood Rivers, Oregon. Major river basins containing spawning and rearing habitat for this ESU comprise approximately 5,017 square miles in Oregon and Washington.<sup>5</sup>

The following Counties lie partially or wholly within these basins:

Steelhead	7 OREGON COUNTIES	5 WASHINGTON COUNTIES
	Clackamas Columbia Hood River Marion Multnomah Wasco Washington	Clark Cowlitz Klickitat Lewis Skamania
Chum Salmon	<hr/> Add Clatsop (not Marion; not Wasco)	Add Pacific Add Wahkiakum
	All of above 8	All of above 7
Chinook Salmon		
		

Regional coordination can include any level from County-only, to a Bi-State Commission. It may involve the Lower Columbia River ESU, with or without the Washington State counties and cities. It may involve the Lower Columbia River ESU, with the addition of the Willamette River ESU. It may mean urban areas only, or rural management areas only. There are many options of defining a 'region' for purposes of the salmon recovery effort.

<sup>5</sup> Critical habitat area proposed by NMFS on February 5, 1999. Excluded are areas above specific dams or above longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years).

*What level(s) of coordination efforts will the County engage in with partner agencies?*

Project Level: On-the-ground activities for the good of the entire ESU may be coordinated between agencies. For example, this month Multnomah County contractors will be removing large fir trees during a slide repair project near Division St. Through coordination efforts between the County, NMFS, ODFW, DSL, and others, these trees will be used for an instream fish habitat restoration project in the Mt. Scott area of Clackamas County.

Watershed Level: In the last 1-5 years, largely through encouragement by the Governor's Watershed Enhancement Board (GWEB), 42 watershed councils have been created. Within the County, 5 watershed councils have been formed. Multnomah County participates in each of these, to varying degrees. Each Council has its own 'personality'; some are citizen-based, while others are formalized to a diversity of interests. These are:

Johnson Creek Watershed Council  
Tualatin Basin Watershed Council  
Columbia Slough Watershed Council  
Fairview Creek Watershed Conservation Group  
Sandy River Watershed Council

At the Watershed Level, there are additional coordination efforts by public agencies. For each of these basins: the Johnson Creek, Tualatin Basin, and Columbia Slough, water quality standards must be met (watershed specific Clean Water Act requirements) which require ongoing coordination between state and local agencies directly responsible for land-based activities within those watersheds. Regular meetings occur for each of these watershed-wide management planning efforts. Active participants currently include counties and cities having any jurisdiction in the particular watershed, ODOT, ODA, ODF, Ports, and Drainage Districts.

Regional Level Coordination: Depending on the defined region, and depending on the preferred level (staff or decision-makers, or both) of coordination, regional coordination may take on many faces. It may mean directing staff to work with partner agency staff to determine appropriate activity-level measures. It may

mean coordinating with local agency leadership to agree to 'big picture' items regarding salmon recovery.

Examples of potential 'big picture' items for decision-makers:

- If large blocks or geographic areas need to be set aside where "no activity" will be allowed, how will different agencies agree to such action?
- If bans on specific chemicals of concern was necessary, how will different agencies agree to such action?
- If a policy-makers forum were convened, and a Committee empowered to negotiate recovery efforts with NMFS on a regional basis, is a formal agreement necessary?
- If a land or greenway purchase was necessary, would all agencies along the affected waterway commit their resources?

## *Will the County engage with an existing Consortium, or lead/create a new Task Force?*

### Regional Response Opportunities/ Options Include:

1. Join Willamette Restoration Initiative
2. Lead a Consortium of 5 OR Counties
3. Join the Washington Consortium of Counties
4. Support Metro effort (not formed at this time – future uncertain; may include Model Ordinance for land use planning activities)
5. Partner with cities within Multnomah County
6. Work with Watersheds / Subbasins to develop watershed-based Response strategies
7. Others?

### Current formal regional efforts include:

Willamette River Initiative (WRI): WRI<sup>6</sup> is a broad-based effort to “promote, integrate and coordinate efforts to protect and restore the health of the Willamette watershed”. A major task of the Initiative is to help guide the development of the Willamette Chapter of the Oregon Plan for Salmon and Watersheds. A wide variety of organizations are represented. It was established by Executive Order 98-18 in October 1998. The Initiative, in its own words, has no authority. The initiative plans to provide a basin-wide restoration strategy, knowing that more than 20 watershed councils, ten soil and watershed conservation districts, as well as cities, counties, businesses, schools, state and federal agencies, and individual landowners, have already carried out hundreds of restoration projects.

Lower Columbia Steelhead Management Board: Created in Washington State by House Bill 2836, this Board is a group of 15 volunteers that includes a Commissioner from each of the five affected Washington Counties, as well as representatives of cities, tribes, state lawmakers, hydroelectric utilities, and environmentalists. The Board has no legal power to override local county

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<sup>6</sup> WRI is a funded, formal organization with a Board of Directors chaired by Paul Risser, President, Oregon State University. The Director is Rick Bastasch. The Board includes local government agency officials, industrial leaders, environmental leaders, watershed council members, and business council members. This information from the WRI Fact Sheet.

commissioners. With members from each county, however, it can provide a big-picture strategy to identify and coordinate ways to save the steelhead.<sup>7</sup>

Clark County Endangered Species Act Task Force: In December 1998, the Board of Clark County Commissioners appointed an 18-member Task Force. The members represent conservationists, rural land owners, development interests, fish recovery groups, and the Washington Department of Fish and Wildlife.<sup>7</sup> It has been convened to assist the County in developing a local recovery plan. The local recovery plans are required to be consistent with the Lower Columbia Fish Recovery Board (another regional entity established by the state legislature in 1998).

Oregon Plan for Salmon and Watersheds: The Governor's Plan for Salmon and Watersheds just released its second annual report summarizing progress over the past year. The Oregon Plan has gained the support of the timber industry, farmers, ranchers, conservationists, fishermen, local governments, and urban and rural residents.<sup>8</sup> The group includes many committees, including the 'Oregon Plan Implementation Team'. NMFS expects science-based teams to work in coordination with the Oregon Plan Independent Multidisciplinary Science Team to identify recovery goals. NMFS expects this process to rely heavily on the Oregon Plan and the Willamette Restoration Initiative, although exactly how state efforts will complement federal recovery planning remains uncertain.<sup>8</sup>

The Oregon Plan was funded by the Oregon Legislature and timber interests and was accepted by the NMFS last year to address declining populations of coastal coho and steelhead. It includes a strong voluntary, grassroots component – built on existing regulatory framework – and based on the concept that recovery of species, particularly on private lands, requires the cooperative efforts of individual landowners, industry and government.

Watershed Councils: As mentioned above, watershed-wide programs are actively involved in promoting the health of individual watersheds. These grassroots organizations promoted originally by the Governor's Watershed Enhancement Board, have been working to protect local watersheds and restore resources well before the threatened species listings. Building on the work of these watershed councils is an important part of any regional effort. All of the watershed councils within Multnomah County include public and private interests.

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<sup>7</sup> From *Clark County: Endangered Species Act Information Web site*, July 1999.

<sup>8</sup> From *Oregon Plan Teamwork*, a newsletter of the Oregon Plan for Salmon and Watersheds, July 1999.

*Will the County allow contractual arrangements with public partner agencies?*

If the County commits to a regional response effort, will it allow contractual arrangements with regional partners and NMFS? For example, one potential strategy is to consider developing one Habitat Conservation Plan (HCP) for the 'region'. HCP's are negotiated documents (with NMFS) that result in a contractual arrangement and an Incidental Take Permit (ITP). Section 10 of the ESA allows NMFS to issue an ITP to protect a party in the event that otherwise lawful activities incidentally cause harm to a listed fish. This is often used for long-term actions (such as a Forestry Management operation), and for multi-species planning.

Even with one applicant, this is a very long-term process. Initial considerations of this approach have determined that it may be appropriate at a watershed-wide level at the most. Even at the watershed level, this process could take five or more years to achieve the ITP. If this approach becomes the preferred alternative, local governments should not wait or rely on it for compliance status. The short-term alternative for each entity would still be the programmatic exceptions allowed by the 4(d) Rule.

Difficult decisions may need to be made now regarding willingness to step into contractual arrangements reliant on other agencies, as well as the legalities of such arrangements as co-permittees.

*Will the County leaders meet with partner agencies on a regular basis to coordinate major decisions?*

Creation of a policy-makers forum, or a decision-making committee of political leaders is most likely a necessity for a true 'regional' approach. This can be an exciting element of the Salmon Recovery Program, and a time-consuming one. Existing regional efforts, such as the Washington Consortium of Counties for the Lower Col. R. ESU, and the Willamette Restoration Initiative, require participation by elected officials. These Committees will direct policy for a specific purpose and will be driven by a special common need. Commitment may need to be made now if a regional approach is to be a reality.



City of Portland  
Watershed Restoration  
&  
Fish Recovery  
Program

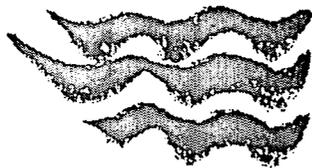


Portland Oregon

June 1999



## Executive Summary



*“ The ESA listing of steelhead provides us an opportunity to do something extraordinary. The Portland City Council wants to be the first urban center that successfully restores a threatened aquatic species. Every step we take to restore the conditions that steelhead need is a step that is good for the City ”*

Commissioner Erik Sten

In March 1998 the National Marine Fisheries Service (NMFS) listed the Lower Columbia Steelhead as a threatened species under the Endangered Species Act (ESA). As the first ESA listing of an aquatic species in a predominantly urban area, the listing was a “wake-up call” for the City of Portland and communities throughout our metropolitan region. If we did not act quickly, we risked losing a fish species that represents an important element of our community’s cultural and historical heritage.

One year later, the City of Portland is proud to report that it has completed its first bold steps toward a comprehensive Watershed Restoration and Fish Recovery Program. Many components of our program complement and build upon Governor Kitzhaber’s Salmon Recovery Plan.

Our strategy is action focused, and will be based on good science. Healthy watersheds equal healthy fish. The driver for all of our ESA-related work is to reconnect our citizens, our policies, and our resources to the restoration of our watersheds. To do that, we need to work with schools, businesses, citizen groups, along with local, statewide and regional partners.

Although well aware of the Act’s legal provisions, the Portland City Council decided not to limit itself to the law’s minimum legal requirements. Instead, we have chosen to promote steelhead recovery through the restoration of healthy local watersheds.

This report represents the first of many chapters in Portland's response to the steelhead listing. The key aspects of the City's efforts include:

**Screening Level Assessment:** Our first step was to look at the City's current standard operating procedures that may be harmful to steelhead populations and habitat.

**Public-Private Partnership for Wild Fish Recovery:** Our City's water supply comes from the Bull Run watershed. In late May 1999, the City signed an agreement with PGE, NMFS, USDA Forest Service, US Fish and Wildlife Service and Oregon Department of Fish and Wildlife to collaborate on a basinwide and multiple-objective approach to recovery of wild salmon and trout in the Sandy Basin, of which the Bull Run watershed is part. The City is working with these partners to improve habitat for steelhead and other fish species in the Little Sandy/Bull Run watershed while preserving the basin's capacity to supply Portland's water needs.

**Major Impact Projects:** The City's preliminary assessment of its operations has already led us to pursue several projects of great financial and environmental significance, including the replacement of culverts in fish-bearing streams and modification of our integrated pest management program. Future efforts will include a review of city development and stormwater runoff regulations. On May 26, 1999, Governor Kitzhaber announced plans to decommission the Little Sandy and Marmot dams on the Sandy River. Removal of these dams, owned by PGE, would restore natural habitat for wild salmon and trout. The City is contributing to this project by refinancing some existing contracts with PGE.

**Regional Efforts:** The City's efforts will not succeed in isolation. From the start, every effort has been made to integrate our program with the Governor's Salmon Recovery Plan. The City of Portland has also engaged local businesses, federal and state agencies and community groups in our watershed restoration effort.

**Public Involvement:** The people of Portland want to do their part to help the recovery of steelhead and salmon. We know that we will only be successful if we can mobilize the goodwill and energy of our citizens in our restoration and recovery work.

**City Organizational Structure:** The city created an inter-bureau team to ensure full coordination of the City's restoration and recovery efforts.

The City of Portland recognizes that the restoration of steelhead is no simple task. We know that our watersheds have been abused for decades. A little more than a century ago we had literally hundreds of creeks and streams in our region. Most of these water bodies were home to steelhead and a variety of salmon species. Today we have only a handful of fish-bearing streams and those need extensive help if we are ever to see the return of a healthy stock of steelhead.

Although the task is daunting, the Portland City Council is committed to the effort and we believe that our citizens are committed to a long-term program of watershed restoration. We do not know if our efforts will guarantee the recovery of the steelhead, but we will do whatever is necessary to restore our local watersheds and provide the steelhead with its best opportunity for recovery.



# Assessment of the City of Portland's Impacts on Steelhead

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*“ From sewers, to parks  
maintenance, to washing city cars,  
the City has commissioned an  
inventory of all activities that may have an  
impact on steelhead.”*

Commissioner Erik Sten

One of the first actions Portland undertook after the steelhead listing was a comprehensive evaluation of how the planning, maintenance and development of Portland affects steelhead and steelhead habitat. That document, the *Assessment of City of Portland Activities for Potential to Affect Steelhead* (Beak 1998):

**Identifies all City activities with the potential to affect steelhead.** The *Assessment* reviews the wide-ranging actions we carry out as a city for their impact on steelhead populations and habitat, including:

- Environmental protection
- Restoration and environmental enhancement programs
- Water supply
- Project Management
- Zoning
- Planning
- Permitting
- Construction
- Maintenance

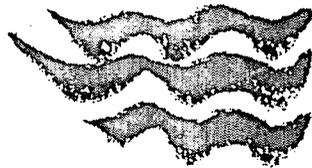
**Characterizes the impact of City activities on steelhead and steelhead habitat.** The *Assessment* identifies the harm and benefits associated with City actions; describes the means by which they affect steelhead (e.g., water quality impacts; habitat degradation) and rates the importance of the impact. It also characterizes these impacts for each of Portland's watersheds.

**Describes the occurrence of steelhead and salmon in Portland streams.** The *Assessment* lists the species of salmon that occur in each of the major Portland streams and whether they use the stream for spawning, rearing, or migration.

The *Assessment* answers the question, "How do we harm steelhead?" Finding the solution to what we do about the harm is much more difficult. The *Assessment* lays some ground-work for follow-up efforts by outlining possible approaches and strategies.



# Major Impact Projects



*“We are beginning to insert ESA compliance into existing City projects. Redirecting large municipal projects is a huge undertaking and will take a significant amount of effort and money...”*

Dr. Mary Abrams, Portland ESA Coordinator

**T**he Assessment of City of Portland Activities for Potential To Affect Steelhead (Beak 1998) has already led the city to pursue a number of significant projects. Here are summaries of the projects that are underway.

**Dam Removals:** PGE has agreed to decommission the Little Sandy and Marmot dams in the Sandy Basin. Removal of the Little Sandy Dam would restore access for wild salmon and trout to 10 miles of high-quality habitat that has been inaccessible for almost a century. Removal of Marmot Dam would restore natural flow to 12 miles of the Sandy River below the dam site and provide for unimpeded upstream and downstream migration. PGE will propose removal of the dams as the preferred alternative to the Federal Energy Regulatory Commission later this year. The City is contributing to this \$22 million project by refinancing existing contracts with PGE. Governor Kitzhaber has committed to finding \$10 million in private, state and/or federal funds.

**Culvert Replacements:** The Beak report highlighted the potential problem of culverts in fish-bearing streams. In response, the City Council has already directed the City transportation department to use a fish-friendly design on a major culvert replacement project. The projected additional costs of the project are in the millions. The council will also fund a more detailed assessment of culverts throughout the City to prioritize the most detrimental culverts for possible replacement or modification.

**Combined Sewer Overflow Project:** The City of Portland is in the middle of a multi-year, \$700 million dollar project to drastically reduce combined sewer

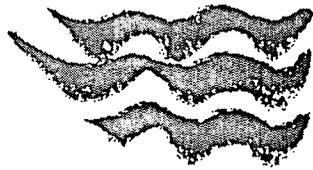
overflows into its waterways. An advisory group is currently looking at the CSO design for the Willamette River segment of the project. Every effort will be made to ensure that this enormous capital improvement project is executed in a manner most beneficial to steelhead and other anadromous fish species.

**Portland Harbor Project:** A recent study by the Oregon Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency found that sediments at certain sites of the Willamette River have been contaminated by industrial and maritime activity in the Portland Harbor. The Portland Harbor Group, a coalition of public and private entities, has been working with DEQ for the past few months as part of a state-led effort. ESA-related issues are certain to be an important factor in the development of the Harbor Group's management plan.

**Integrated Pest Management Program:** Even prior to the steelhead listing, the City's Parks Bureau had developed a program to reduce the environmental impact of pesticide use in City parks. The Parks Bureau is working with NMFS to ensure that the Integrated Pest Management (IPM) Program is consistent with our fish recovery efforts. We will be including the IPM in the upcoming proposed 4(d) rule on take prohibitions and exemptions.



# Private Public Partnership to Achieve Wild Fish Recovery



*“In the past Portland General Electric and the City have operated as independent actors in one of the most ecologically sensitive areas of our region. This new partnership approach will provide better options for fish, people and power generation.”*

Walt Pollock, Senior Vice President—Portland General Electric

Fish don't recognize property lines or political jurisdictions. In response to the listing of local steelhead under the Endangered Species Act, a group of partners—the City of Portland, Portland General Electric, National Marine Fisheries Service, USDA Forest Service, US Fish and Wildlife Service, and Oregon Department of Fish and Wildlife—are working to recover populations of wild salmonids in the Sandy River watershed. In late May 1999, these partners signed a “Sandy River Basin Agreement.” This agreement documents the partners' intent to collaborate on basinwide and multiple-objective strategies for wild fish protection and recovery in the Sandy Basin. Their goal is to satisfy obligations under the Endangered Species Act and to use limited resources to the greatest long-term strategic advantage.

These informal conversations have led to an agreement in concept to using an integrated, basin-wide approach to fish restoration in the Bull Run/Little Sandy watersheds. This partnership will go beyond traditional approaches of project-specific mitigation and will consider habitat improvement opportunities in the context of the entire Sandy River Basin. Limiting factors and habitat potential need to be understood throughout the watershed in order to focus on priority recovery opportunities. Here are the main components of the agreement.

**Coordinated Strategy to Meet Both Endangered Species Act and Clean Water Act:** Both the ESA and CWA call for low water temperatures to protect salmonids and other aquatic species. The strategy envisioned by the partnership will comply

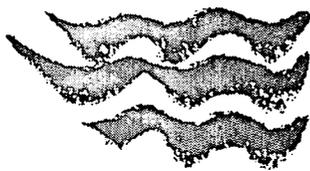
with both statutes, and will provide the regulatory certainty necessary for long-term investments.

**Dam Removal Part of a Larger Package:** The City sees decommissioning the Little Sandy and Marmot dams as a significant step forward in reaching ESA objectives in the Sandy Basin. The City also continues work on developing strategies for the Bull Run portion of the basin as well as working with our partners to make further progress in the Sandy Basin.

**Local Utilities:** The City's water supply is located in the Bull Run watershed. The natural flow of the watershed has been modified with reservoirs and diversions to ensure year-round water supply. Portland General Electric (PGE) also has hydroelectric facilities in the watershed. Both city and PGE operations have significant impact on steelhead in the watershed. Consequently, we are working with PGE to coordinate efforts to modify watershed management activities to eliminate negative impacts on steelhead and its habitat.



## Regional Effort



*“Portland’s efforts will be for naught unless we can join with all of the other partners to create a unified effort.”*

Commissioner Erik Sten

**T**he listing of steelhead as a threatened species has served as a clarion call to local governments throughout the region. We have all realized that none of us can unilaterally save the fish. Neither the fish nor the watersheds respect political boundaries. If we are to help steelhead recover, we must work together. Some partnerships are already in place.

**At The Waters Edge:** Within weeks of the listing, the City of Portland joined with our regional government (Metro) to host a regional workshop. With very little notice, the conference drew over 300 participants representing a broad cross-section of the region. In addition to government officials, participants represented local environmental groups, watershed councils, schools and private citizens. The conference clearly marked the beginning of a new era of regional cooperation. If we expect to see the recovery of the species, we know that we need to work collectively.

**SOLV:** The SOLV watershed restoration project has a regional scope. Funding for the program comes from Metro and many of the local jurisdictions in the region. It is also supported by the Confederated Tribes of the Grand Ronde. The tribes are interested because the area is part of their traditional homeland. All of these partners will help ensure that the public-private partnerships formed by the SOLV program will be coordinated with a region-wide focus.

Once in place, this program will help local businesses find ways to help watershed restoration and fish recovery efforts throughout the region.

**Watershed Councils:** For many years, Portland has had a number of very active watershed councils. These grassroots organizations recognized the need to protect and enhance our local watersheds long before the steelhead listing. The City of

Portland hopes to build on the fine work of these community groups and do whatever it can to encourage business and other community partners in this important effort.

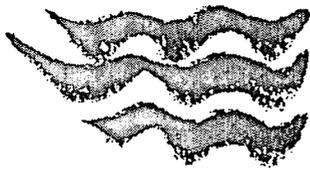
**Willamette Restoration Initiative:** The City, through Commissioner Erik Sten, is a participant in Governor Kitzhaber's Willamette Restoration Initiative. The survival of the steelhead and other listed fish species will depend on the health of the Willamette River. The City hopes that the initiative will ensure a collaborative effort with other communities throughout Oregon to improve the overall health of the river.

**Johnson Creek Summit:** Congressman Earl Blumenauer recently hosted a regional meeting to discuss a variety of issues related to the Johnson Creek watershed. Johnson Creek and its various tributaries represent some of the most potentially recoverable habitat for steelhead in the Lower Columbia ESU. Representative Blumenauer's organizing efforts should help ensure a regional approach to our watershed recovery efforts.



# Public Involvement

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*“Portland drew its economic life from the river. It is now time for our citizens to give back to the river and to do their part to help in salmonid recovery efforts”*

Mayor Vera Katz

**E**fforts to restore the steelhead in our fully developed urban environment will depend on the good will and involvement of all of our citizens. The City acting without its citizens will be able to do little to restore fish habitat or otherwise help in the recovery of the fish. Our community response to the ESA clearly requires the commitment and involvement of citizens throughout the region.

#### **Public Information:**

The first priority of the City is to inform residents regarding the listing and the needs of the steelhead. The public information officers of our various bureaus have been meeting together regularly to create an information packet and the means to disseminate the information to City employees and the general public. This collaboration will produce a speakers bureau that will keep the community well informed throughout our restoration and recovery efforts.

#### **Media Strategy:**

The media will also play an important role in keeping our citizens involved in our efforts. We have hosted an information luncheon for local media. Our efforts to keep the media informed will also help ensure that our citizens remain informed.

#### **Wild On The Willamette:**

The City has also undertaken an aggressive campaign to bring its citizens closer to the Willamette River. The river has long been the focal point of our community. We are now trying to capitalize on that historical connection by involving our citizens in the effort to clean up the Willamette and restore its vitality as a major component of the steelhead's habitat.

**Regional Forums:**

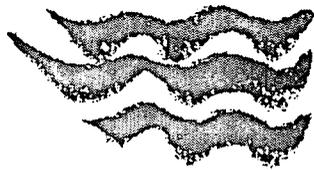
We have already described a number of regional forums that have been hosted by regional government. The largest forums (At the Waters Edge and Johnson Creek Summit) have drawn hundreds of participants. Other smaller gatherings for specific stakeholders (e.g., business groups, developers, environmental groups) are also being held throughout the community.

**Advisory Groups:**

Our next step will be to form one or more advisory groups to help guide our restoration and recovery efforts. Efforts will be taken to ensure the involvement of stakeholders from business representatives to watershed council members.



# City Organizational Structure



*“I’m really proud of this city for not going through all the usual stages of denial and anger before finally getting down to acceptance. This is the real stuff”*

Mike Houck, urban naturalist, Audubon Society of Portland

In order to coordinate the City’s response to the steelhead listing, we created the Endangered Species Act Steering Committee. We will use this group to formulate our unified watershed restoration and fish recovery program. By coordinating our internal efforts, we hope to build stronger, more effective relationships with NMFS and our state and local governmental partners while minimizing the potential for internal conflict or counterproductive city activities.

#### **Steering Committee Representation:**

The steering committee includes at least one representative from each of seven bureaus (Environmental Services, Water, Planning, Parks, Buildings, Transportation and Fire) and representatives from the City Attorney’s Office, Portland Development Commission, Office of Finance & Administration, Energy Office, and Government Relations. The steering committee provides a forum to share information and address internal conflicts.

#### **Substantive Subcommittees:**

The Steering Committee has organized ten technical teams: 1) Budget & Finance; 2) Erosion Control; 3) Planning, Permitting & Enforcement; 4) Riparian Construction & Maintenance; 5) Willamette River HCP; 6) Bull Run HCP; 7) Land Acquisition & Management; 8) Discharges to Waterbodies; 9) ESA Communications & Public Involvement; and 10) Administration.

#### **ESA Program Staff:**

The City has also created a centralized program staff to support the work of the Steering Committee and its subcommittees. (The ESA program manager is Mary Abrams who is available at (503) 823-7032 to answer all ESA-related questions.)

**Internal Coordination:**

Each technical team has developed a preliminary workplan which is monitored by the full steering committee on a regular basis.

**Coordination With NMFS:**

The Steering Committee and ESA program staff will represent the City in its conversations with NMFS. In December, NMFS staff participated in a two-day retreat with steering committee representatives to establish the foundations of a solid working relationship.

**Accountability:**

The Steering Committee is also responsible for regular reports to City Council to help ensure consistent progress on restoration and recovery efforts.