

DISCUSSION PAPER
METRO LOCAL OPTION LEVY RENEWAL
West Multnomah Soil & Water Conservation District

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CONTEXT

On June 30, 2016 the Metro Council voted to put the Parks and Natural Areas Local Option Levy -- which protects clean water, restores fish and wildlife habitat, and connects people with nature -- on the November ballot for renewal. The Parks and Natural Areas Local Option Levy raises about \$12 million per year through a property tax of 9.6 cents per \$1,000 of assessed value on homes within Metro's boundaries in Clackamas, Multnomah and Washington counties -- approximately \$20 for a home with \$200,000 in assessed value. About half the levy funding goes toward maintaining and restoring habitat across 17,000 acres of parks, trails and natural areas that has been acquired over the course of two decades under two voter-approved Parks and Natural Area bond measures. The other half of the levy are used to connect people with nature by improving Metro parks, opening new sites for public access, expanding volunteer and education programming, and awarding grants to community nature projects. Passage would extend the end date of the levy funding from June 2018 to June 2023.

The Protect Our Natural Area Campaign for seeking passage of the Parks and Natural Areas Local Option Levy renewal has asked the West Multnomah Soil & Water Conservation District (WMSWCD) to voice support for the levy renewal and allow the use of the District's logo on campaign promotional materials.

PURPOSE

The purpose of this discussion paper is to provide the Board information about the Parks and Natural Areas Local Option Levy including a range of positions that the Board could take on the levy's renewal. Each position is objectively evaluated against the existing Board adopted vision, principle and goal statements for the purpose of identifying the extent to which the position is in alignment with the purpose and mission of the WMSWCD.

BACKGROUND

Evolution of Metro Natural Areas Program

Metro's role in parks and natural areas was established when it acquired several Multnomah County Parks in 1994, after the county decided it was no longer feasible for it to manage the parks. That was followed by voter approval of two Metro bond measures, in 1995 and 2006, the latter of which earmarked \$168 million for Metro's acquisition of natural areas and parks. The 2013 local option levy provided funding for operating these natural areas as well as for promoting related conservation and education programs through the Nature in Neighborhoods Grants Program.

While earlier efforts centered on parks, much of the land Metro now owns has not been historically used as park land. Much of the forest land along McCarthy Creek, for instance, is zoned for commercial forest use and rural residential use. As the land use changed, so has the terminology referring to the land and related programs. From 1995 to 2006 dominant terms were "parks," "open spaces," and "greenspaces," implying a certain degree of human use. Currently, the term "natural areas" has become

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increasingly prevalent, implying a more ecosystem-centered approach to at least some of the lands. Many landowners expected ecosystem values to take precedence on land managed with levy funds because of the language used in previous levy promotional materials. However, others expected and supported a stronger public access component to the program. It has thus become unclear whether the levy dollars are to be dedicated primarily for “parks” or for “natural areas.”

If the levy is not renewed, funding for the management of natural areas would halt including suspension of Metro’s Nature in Neighborhoods Grant Program. Nature in Neighborhoods grant funds have contributed to WMSWCD projects including Sturgeon Lake, urban conservation and the Unified Monitoring Protocol. Furthermore, Metro has been an important partner to WMSWCD in developing pest management tools, maps, and restoration. Also, some District constituents support trail development based on evidence suggesting that the trails would not impact local wildlife species.

Controversy over the Metro Local Option Levy

In spite of strong initial support among conservationists and naturalists for Metro’s 2013 local option levy to fund the improvement and maintenance of natural areas, Metro’s management of these lands in recent years has sparked controversy among landowners in the north Tualatin Mountains as plans for Metro-owned lands propose varying degrees of human access and recreational use. The controversy stems from the view that some forms of access and recreational use, such as an extensive trail network and allowing horses and bikes on trails, is seen as harmful to other goals of the levy such as restoring wildlife habitat and improving water quality.

Several landowners in Multnomah County have worked together to create a website – Save Forest Park Corridor – as a means to lobby for less extensive trails. They have expressed concerns that excessive trail building and allowing mountain bikes on trails will negate the value of the area as habitat for native elk and red-legged frogs. The Oregon Department of Fish and Wildlife (ODFW) also submitted a letter (copy attached) to Metro expressing the Department’s concerns about trails at Metro’s Burlington site. The ODFW letter writes that trail development can increase stress to wildlife, disrupt wildlife breeding and foraging behaviors, and disrupt microhabitat conditions. Red-legged frogs are of particular concern because they are a state-listed sensitive species and the Burlington site borders the Palensky Wildlife Mitigation Area, which is managed by ODFW for the protection of red-legged frog habitat. The letter also emphasizes that amphibians are especially sensitive to microhabitat changes and can become trapped in bike tire ruts. ODFW suggests minimizing the construction of new trails and other infrastructure, closing trails during amphibian breeding season, and monitoring wildlife habitat use to inform management practices. Not following these recommendations effectively would contradict Metro Parks and Nature’s stated purpose to protect water quality and fish and wildlife.

A nearly opposite point of view also exists. Some folks, such as John Charles of the Cascade Policy Institute, believe that Metro’s policy of not allowing dogs and bikes on levy- managed land is antithetical to Metro’s goal of increasing access to natural lands. Charles further critiques Metro’s fiscal management based on a 2015 audit of the Nature in Neighborhoods Grant Program.

In spite of vocal opposition to Metro’s land management practices, there is significant support for those practices among other residents. Community members who are interested in mountain bike access to trails have been very involved in the planning process: at one public meeting, 200 mountain bikers attended to show their support for allowing bikes on trails in the North Tualatin Mountains. One West

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Multnomah landowner who supports Metro’s public access goals is concerned that Metro’s new plan for McCarthy Creek doesn’t have enough trail miles. With only 1-2 miles of trails, he argues, hikers and mountain bikers will just go somewhere else, or be tempted to build their own unauthorized trails.

According to Metro Asset Management Program Director Brian Kennedy, Metro is aware that many landowners are not happy with some of Metro’s land management plans and the agency is working to make them as acceptable to as many stakeholders as possible. Part of the challenge, he notes, is that Metro must take into account the opinions of taxpayers across the Metro region in addition to landowners neighboring the property in question. Using levy funds for land management is a relatively new process, and he says Metro is continuing to make improvements. For instance, approximately six months ago Metro began consulting an advisory group of scientists to help guide conservation practices. While Kennedy emphasizes that Metro has formed partnerships with conservation groups throughout its history of natural areas management, he also notes that continued communication with land managers could lead to additional partnerships and different forms of consultation and coordination in the future. The overall goal is to balance the dual goals of conservation and access to nature.

ANALYSIS

In light of the controversy related to the levy, any position on the levy renewal by the WMSWCD Board may impact landowner opinions of the District as well as District relations with Metro. In order to gain a good understanding of the different concerns, advantages, and disadvantages of the Metro Parks and Natural Areas levy, several local landowners were interviewed and online documents and articles were reviewed relating to the goals or opinions of Metro, landowners, and other stakeholders in the management of Metro lands. Based on this research, it is apparent that there is a need to clarify these goals and resolve inconsistencies in the Parks and Natural Areas Program in order to effectively protect natural resources and improve landowner satisfaction with the Program.

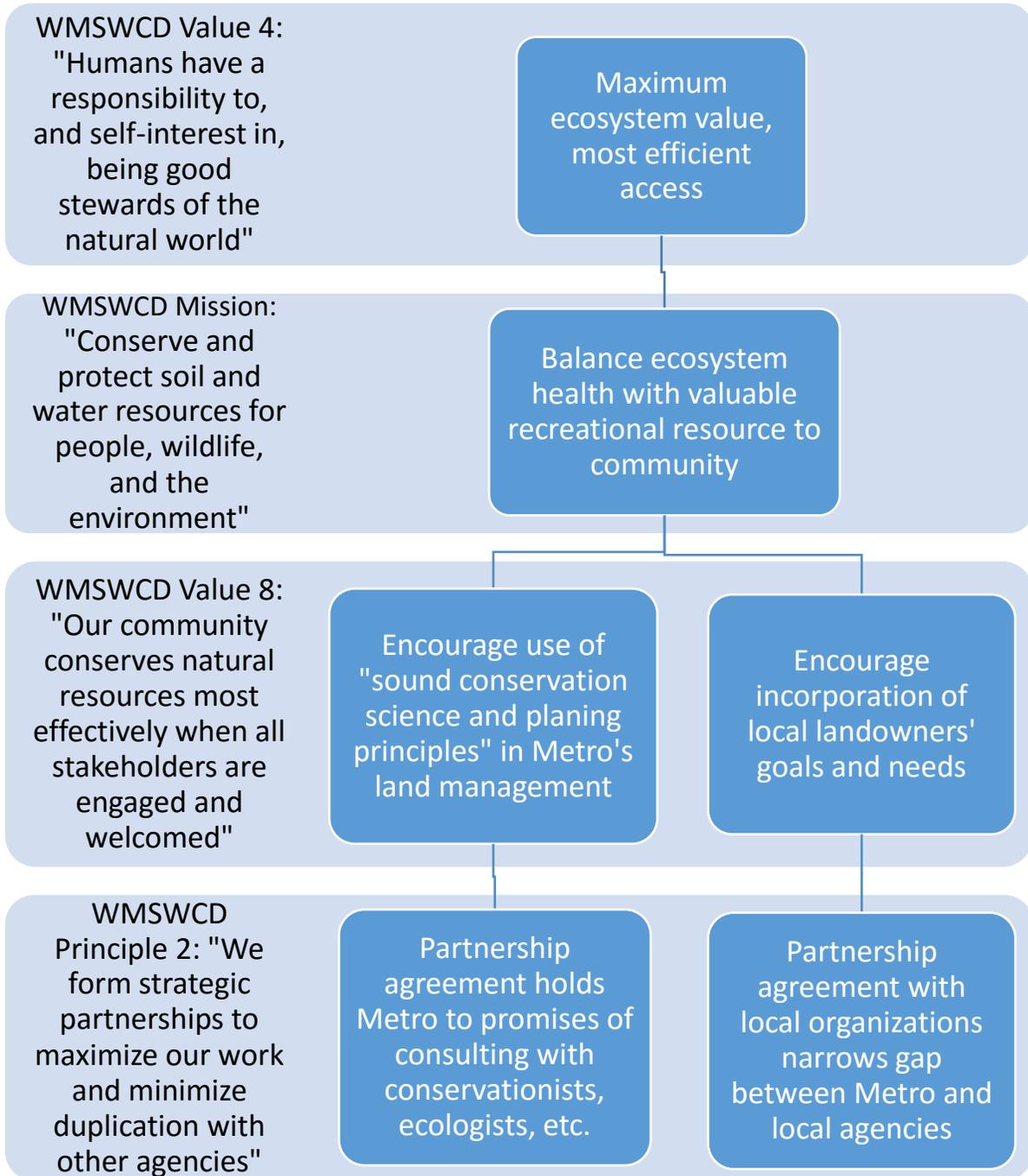
A Theory of Change - a planning and evaluation tool in which long-term goals are linked to preconditions and actions – is used for further analysis. In this case, WMSWCD’s mission statement, guiding values, and principles are linked to the controversy, and the connected actions, relating the Metro Levy. Figure 1 diagrams the results. Generally speaking, Metro’s local option levy is beneficial to conservation in the Portland-Metro area and to WMSWCD. It also has the potential to cause more harm than good at particular sites, such as the McCarthy Creek and Burlington sites, if managed improperly. While the controversy among landowners within WMSWCD makes unreserved support for the levy unwise, qualified support for the levy such as requesting clarification on details of its implementation and current use – but stopping short of taking a formal position on the renewal campaign itself -- might be the position most representative of the District’s goals and values.

In order to analyze this further, a range of position options on the Metro Parks and Natural Areas Local Option Levy were evaluated with respect to the following WMSWCD goals, values and principles in the Long-Range Business Plan:

- Our mission statement, “Conserve and protect soil and water resources for people, wildlife, and the environment,”
- Guiding Value 8, “Our community conserves natural resources most effectively when all stakeholders are engaged and welcomed,” and
- Guiding Principle 2, “We form strategic partnerships to maximize our work and minimize duplication with other agencies.”

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Figure 1. Theory of change goals and conditions for evaluating the Metro Levy Parks and Natural Areas Local Option Levy



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Position Options

- A. *Support levy renewal campaign and allow use of WMSWCD logo in levy promotion.*
- i. Pros (+): Supports levy itself, which is generally beneficial to our Mission Statement. Supports Metro, which is an important partner to the District (Guiding Principle 2).
 - ii. Cons (--): Support easily taken out of context and reservations lost. Could lead to backlash from landowners (does not support Guiding Value 8).
 - iii. Action details: If reservations such as those expressed in the ODFW letter to Metro are expressed, it partially supports Mission Statement. If not, support could be complicit with irresponsible land management using levy funds and could therefore be detrimental to Mission Statement.
- B. *Support levy renewal campaign but do not allow use of WMSWCD logo.*
- i. Pros (+): Support less likely to be taken out of context, so less likely to incur landowner backlash (Value 8). Promotion of the levy campaign itself supports Metro (Guiding Principle 2). Encourages responsible, accountable use of the levy, and supports landowners' requests for more responsible use (Mission Statement, Guiding Value 8).
 - ii. Cons (--): Some landowners or Metro employees may not be satisfied with compromise.
 - iii. Action details: Send to Metro, also publish on our website and newsletter. *Option B1*— Refer to ODFW letter (attached) expressing concerns about impact on habitat, back those concerns while expressing support for the levy itself. Does not strongly support Value 8. *Option B2*—In addition to B1, express support for landowners seeking a clearer process when determining land use practices (more strongly supports Guiding Value 8).

NOTE – Since Options A and Option B provide for a formal position on the political campaign to renew the levy, the Board's adoption of either Options A or B would negate the use of District staff and resources in carrying out the option per Oregon Revised Statute (ORS) 260.432 on allowable and restricted activities of public employees in political campaigning and lobbying. The Board would have to carry out either option on its own without the use of District staff or resources.

- C. *Support levy, but not the campaign for its renewal, on condition of Metro signing a memorandum of understanding or similar document so as to establish the WMSWCD as an advising organization in Metro's implementation of the levy.*
- i. Pros (+): More strongly supports landowners who aren't satisfied with Metro's process (Value 8). Strongly encourages more responsible, accountable use of levy (partially beneficial to Mission Statement).
 - ii. Cons (--): Doesn't support Metro as strongly, could lead to tension between Metro and the District which would work against Principle 2. Process could be lengthy, and could be interpreted as not supporting the levy while discussions continue (potentially detrimental to Mission Statement).
 - iii. Action details: write letter to Metro requesting stronger commitment to responsible, accountable land management practices, consultation with local residents and conservation agencies. Timing and degree to which we communicate this process with landowners would affect how this option supports/contradicts guiding values, principles, and mission statement.

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- D. Remain neutral on the levy, express same concerns as mentioned in Options B1 and B2.*
- i.* Pros (+): Strongly supports landowners who aren't satisfied with the potential impact on habitat from Metro's land management practices (Value 8). Strongly encourages more responsible, accountable conservation (beneficial to Mission Statement, assuming levy passes).
 - ii.* Cons (--): Doesn't support Metro, so most detrimental option to Principle 2. Neutrality is effectively the same as opposition, so does not support the levy itself and could be detrimental to Mission Statement. This option could alienate the faction of landowners who aren't satisfied with some aspects of Metro's process, but are not concerned with the effect on habitat. It is therefore not fully supportive of Value 8.
 - iii.* Action details: Open letter to Metro. Degree to which we publicize the position would affect how detrimental neutrality would be to Mission Statement, Principle 2.
- E. Support levy, not the campaign for its renewal, but remain neutral on the issue of how Metro manages land or otherwise implements the levy*
- i.* Pros (+): Supports levy, which overall supports our Mission Statement. Does not directly get us involved in the contentious issue of how Metro manages its land, which has both supporters and opponents in our district (Value 8). Supports Metro (Principle 2).
 - ii.* Cons (--): Could be seen as implicit support for Metro's land management decisions, which could anger the pro-habitat/anti-trail faction of District residents.
 - iii.* Action details: Focus on the benefits of the levy to conservation goals more broadly, especially the Nature in Neighborhoods grants and aspects of land management that are not contentious such as invasive species control. Avoid mentioning length of trails and mountain bike access. Write letter of support that can be used for the levy PAC and/or distribution through newsletters like The Intertwine Alliance.

RESULTS

Table 1 summarizes the results of the analysis. Option B seems to be the position most in alignment with WMSWCD mission, values and principles. Options E is a close second. In contrast, Options A, C and D have some misalignment.

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Table 1. Summary of Options and Implications for WMSWCD Goals

A: Costs and benefits to most relevant Mission Statement, Guiding Values and Guiding Principles

OPTION	Mission Statement	Guiding Value 8	Guiding Principle 2
A. Support with logo	+(--)	--	+
B. Support without logo	+	+(--)	+
C. Conditional support	+(--)	+(--)	--
D. Neutral with expression of concerns	--(+)	--	--
E. Support levy generally, no logo, neutral on Metro land management	+(--)	+(--)	+

B. Summary of benefits and costs potentially resulting from each option

OPTION	PROS	CONS
A. Support with logo	<ul style="list-style-type: none"> • Supports levy campaign • Supports Metro 	<ul style="list-style-type: none"> • Can be taken out of context • Doesn't support dissatisfied landowners
B. Support without logo	<ul style="list-style-type: none"> • Less likely to be taken out of context • Supports levy campaign and Metro 	<ul style="list-style-type: none"> • Dissatisfied landowners may see this as an unfortunate compromise
C. Conditional support	<ul style="list-style-type: none"> • More strongly supports dissatisfied landowners • Encourages critical eye to ensure responsible conservation 	<ul style="list-style-type: none"> • Doesn't support Metro as strongly, could lead to tension • Could be misinterpreted as being against the levy renewal
D. Neutral with expression of concerns	<ul style="list-style-type: none"> • Same as C 	<ul style="list-style-type: none"> • Doesn't support Metro as strongly, could lead to tension • Could be misinterpreted as being against the levy renewal
E. Support levy generally, no logo, neutral on Metro land management	<ul style="list-style-type: none"> • Same as B • Doesn't take sides on issue that has both proponents and opponents in our district 	<ul style="list-style-type: none"> • Could anger District landowners who oppose Metro's proposals for human access to nature and recreational use

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SOURCES

[Abbott 2016](https://oregonencyclopedia.org/articles/metro/#.V8TMWpgrJaR) Abbott 2016. "Metro Regional Government." From

<https://oregonencyclopedia.org/articles/metro/#.V8TMWpgrJaR>

[Brettman 2015](#) Brettman 2016. "Voters to be asked to renew Metro parks levy in November"

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[North Tualatin Mountains Access Master Plan 2016](#) Metro Parks and Nature 2016. "North Tualatin Mountains Access Master Plan"

[Save Forest Park Corridor Website: "Help Save Forest Park's Wildlife Corridors."](#) From

<https://saveforestparkcorridor.wordpress.com/>

The Intertwine Alliance – "Metro's Parks & Natural Areas Levy may be headed to Nov. ballot" (email, July 15, 2016; 1:18 pm).

The Intertwine Alliance – "Your Input Needed: Metro's Parks & Natural Areas Levy may be headed to Nov. ballot" (email, April 20, 2016; 12:43 pm).

[WMSWCD Mission, Values, Guiding Principles](#)

[Yao Long 2014](#) Yao Long 2014. "Mountain bikers pack Metro meeting to give input on natural areas north of Forest Park"

INTERVIEW PARTICIPANTS

George Sowder, WMSWCD Director Zone 3

Shawn Looney, WMSWCD Board of Directors Vice-Chair

Brian Kennedy, Metro Asset Management Program Director

Brad Graff, Multnomah County Resident and Participant in Metro Natural Areas Advisory Group

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ATTACHMENT



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

West Region

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Clackamas, OR 97015

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February 26, 2016

Olena Turula
Metro
600 NE Grand Avenue
Portland, OR 97323

Re: ODFW Comments on Tualatin Mountains Natural Area Metro's Recommended Alternative

Dear Ms. Turula,

Thank you for the opportunity to provide input on the future management of the Tualatin Mountains Natural Area (TMNA), specifically Metro's proposed Recommended Alternative affecting the Burlington Creek Forest, Ennis Creek Forest, McCarthy Creek Forest, and North Abbey Creek Forest properties. The Oregon Department of Fish and Wildlife (ODFW) recognizes Metro secured the properties as a result of voter-approved bond measures and is tasked with protection and conservation of natural resource values while providing some level of recreation and other public use benefits. In accordance to our mission and authorities, ODFW has reviewed Metro's current proposal for the TMNA and offers the following comments and recommendations:

Comments:

Habitat loss, degradation, and fragmentation is the primary threat to Oregon's fish and wildlife. Invasive species, degradation of water quality, barriers to movement, and anthropogenic caused disturbances and hazards are additional challenges. Trails fragment habitat, are vectors for invasive species, and can increase sedimentation, negatively affect water quality. While there are benefits to providing access to nature, human presence and recreational trail development can have adverse effects on wildlife by increasing stress/reducing fitness, disrupting breeding and foraging behaviors, and increasing risk of direct mortality and illegal collection. Amphibians are particularly sensitive to changes in micro-habitat conditions and vulnerable to direct mortality and illegal collection. It has been documented that amphibians can get trapped in ruts created by off-road bike tire tracks, causing them to get run over or making them more vulnerable to predation and illegal collection.

All four TMNA properties lie within Oregon Conservation Strategy (OCS) Conservation Opportunity Areas and provide fish and wildlife resource values of interest to ODFW. The Burlington Creek Forest (BCF) tract is of particular interest to ODFW because of its proximity to the 417-acre Palensky (a.k.a. Burlington Bottoms) Wildlife Mitigation Area managed by ODFW. Palensky provides important habitat for a variety of wildlife species include migratory songbirds,



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waterfowl, pond-breeding amphibians, and native turtles. Red-legged frog are a target wildlife species and are monitored annually as part of the mitigation plan for the Palensky Wildlife Mitigation Area. Even though separated by Highway 30 and Burlington Northern railroad lines, seasonal movements of native amphibians including red-legged frog have been well documented between Palensky and the BCF tract. Movements are considered significant and predictable based on observations of live and dead animals recorded since acquisition of the Palensky site in 1991. It appears that the BCF tract provides important foraging and over-wintering habitat for amphibians breeding at Palensky, in particular red-legged frogs. For example, during a 20-minute period on one night in 2014, 46 red-legged frogs and 3 northwestern salamanders were observed crossing Highway 30 during a heavy rain event. This count was made standing opposite Burlington Creek (Beilke pers. comm. 2015). At the same location in 2015, 140 red-legged frogs were observed moving from BCF to Palensky during a single survey period. Red-legged frogs are on Oregon's Sensitive Species List (ODFW 2008), are classified as "Nongame Wildlife Protected" (OAR 635-044), and are Strategy Species in the OCS (ODFW 2006, 2016 *under review*)

ODFW is concerned that proposed trail development in BCF may negatively affect red-legged frogs and other native amphibians that regularly move between Palensky and BCF. ODFW is also concerned trail development on the generally steep slopes of the BCF tract may result in increased soil erosion and sedimentation into Burlington Creek and the numerous seeps, springs and unnamed tributaries present on the property. While ODFW expects wildlife in general to benefit over the long-term from Metro's planned forest management prescriptions aimed at increasing tree growth and developing mature / late-successional conifer forest characteristics (e.g., multi-layer tree canopy, snags and down wood), we are unsure if these actions will off-set negative effects likely to result from trail development (e.g., habitat fragmentation) and resulting increased human presence (e.g., disturbance).

Recommendations:

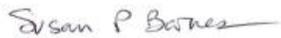
1. Avoid / Minimize construction of new trails and other infrastructure, especially in areas of high quality habitat. Utilize existing roads, trails and other right-of-ways (e.g., power-line corridors) whenever possible to reduce additional habitat fragmentation. Minimize the extent (length and width) of new trail and road.
2. Site new trails and other infrastructure away from streams, including headwater streams (perennial or intermittent). Recommended buffer widths are to be developed on a site specific basis and depend upon site characteristics (e.g., soil, topography), but generally ODFW recommends trails be sited at least 100 m from the 100-year OHW mark of streams, including intermittent and non-fish bearing streams.
3. Avoid / Minimize stream crossings by trails and roads. When crossing streams, use bridges or other designs that do not constrain the stream channel or impede fish and wildlife movement. Consider climate change in crossing designs.

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4. Improve existing trails and stream crossings as necessary to improve/protect stream flow and riparian area function, water quality, and fish and wildlife movement. Decommission trails and roads whenever possible.
5. Select trail designs that minimize soil erosion and trail rutting, discourage access / use by amphibians and reptiles, and/or allow wildlife movement underneath trails at designated locations.
6. Implement **seasonal trail closures** to protect priority wildlife species, e.g., during the peak of amphibian activity (breeding season).
7. Survey / Monitor wildlife presence and habitat use patterns to inform trail siting, habitat management practices, and management of public access (e.g., possible seasonal trail closures).
8. Avoid and minimize direct mortality of fish and wildlife species present at the time of project construction, in particular species or age classes thereof that are not able readily move out of harm's way (e.g., amphibian larvae, aestivating turtles, nestling birds). Conduct vegetation management with wildlife in mind (e.g., nesting birds). Use exclusion techniques to keep wildlife out of active work zones. Conduct preconstruction wildlife surveys to locate wildlife. Note: an ODFW Fish Salvage Permit and/or an ODFW Wildlife CHTR Permit may be needed to facilitate avoidance / minimization of direct mortality to fish and wildlife that may be present.

We appreciate the opportunity to review Metro's proposed plans for the Tualatin Mountain Natural Area. If you have any questions or need additional information regarding ODFW's comments or recommendations above please contact me at susan.p.barnes@state.or.us or (971) 673-6010.

Sincerely,



Susan P. Barnes
Regional Conservation Biologist
West Region

Cc: ODFW (Don VandeBergh, Tom Murtagh, Mark Nebeker, Sue Beilke)