



Staff Report

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Version: 1

Date: 2/13/2023
Item #: 6.a.

TO: Mayor and City Council
THROUGH: Keith Stahley, City Manager
FROM: Brian Martin, PE, Acting Public Works Director

SUBJECT:

Notice of proposed amendments to Administrative Rule 109-600-001, Minto Island Conservation Area Restrictions for Events

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Natural Environment Stewardship; Welcoming and Livable Community.

SUMMARY:

The proposed amendments to Administrative Rule 109-600-001 change the number and size of large events allowed within the Minto Island Conservation Area (MICA) during the 2022 and 2023 bird nesting seasons. Specifically, the change allows two large events per nesting season (previously limit was one large event), with a participation limit of 3,000 individuals per event (previously 1,000 participants). Nesting season is defined as March 1 through August 31. This notice is given pursuant to *Salem Revised Code* (SRC) 20J.040(a)(3).

ISSUE:

Notice of proposed administrative rulemaking to amend Administrative Rule 109-600-001, Minto Island Conservation Area Restrictions for Events.

RECOMMENDATION:

Information only.

FACTS AND FINDINGS:

1. Administrative Rule 109-600-001, Minto Island Conservation Area (MICA) Restrictions for

Events, was adopted by the Director of Public Works pursuant to SRC Chapter 20J in March 2018.

2. SRC 94.980 authorizes the Public Works Director to adopt rules governing the issuance of permits. Permits are required for events in parks exceeding 150 people. The Administrative Rule 109-600-001 establishes specific restrictions for permitted events within or through MICA.
3. Bonneville Power Administration (BPA) holds a Deed of Conservation Easement over MICA, which requires that the property be managed for wildlife habitat and allows for limited trail access for passive recreation only. BPA has the right to enforce the terms of the Conservation Easement, including issuance of permits related to use of the conservation area.
4. The Peter Courtney Minto Island Bicycle and Pedestrian Bridge and its associated trail had only recently been constructed when the MICA Restrictions for Events were originally developed. At that time, little was known about how many people would ultimately be utilizing this trail during nesting season. From 2018 through 2022, pedestrian and bicycle activity across the Peter Courtney Minto Island Bicycle and Pedestrian Bridge were measured using automated pedestrian counters located at the Riverfront Park side of the bridge. These pedestrian counters have shown that as many as 2,000 pedestrians and cyclists utilize the bridge and trail on weekdays through the summer months. The daily average count increases to closer to 3,000 pedestrians and cyclists on weekend days during the summer, with peak days having higher numbers.
5. The Peter Courtney Minto Island Bicycle and Pedestrian Bridge and the Union Street Railroad Bridge provide connections between three popular city parks and more than 20 miles of off-street trails between south Salem, downtown, and west Salem. This expansive network of trails, of which the MICA paved path is a critical link, has become a popular location for run and walk events, and there has been increasing demand for allowing larger events.
6. In May of 2022, the City of Salem entered into a new Land Use Agreement with BPA to allow the City to test changes to restrictions on large events in MICA for two nesting seasons (2022 and 2023). The Land Use Agreement was subsequently revised in November 2022 to further clarify terms of the agreement (Attachment 1). The Land Use Agreement authorizes the City to allow two large events per nesting season, with a maximum of 3,000 participants per event for the 2022 and 2023 bird nesting seasons. These terms are incorporated into the proposed revisions to the current Administrative Rule (Attachment 2).
7. The Land Use Agreement changed the terms of permissible uses for the 2022 nesting season. This amendment is to align related administrative rules with the Land Use Agreement for the 2023 season.
8. The Notice of Administrative Rulemaking (Attachment 3) will be posted January 18 through

February 7, 2023. Interested parties will have 15 days to provide comment to staff. Subject to review by Council and the comments received during the public review period, the rules will become effective on or about February 8, 2023.

BACKGROUND:

The objectives of the Minto Island Conservation Area administrative rule include, but are not limited to:

1. Reduce potential negative impacts to wildlife from recreational events and associated activities.
2. Protect birds and native turtles during their nesting seasons to the maximum extent feasible.
3. Provide a balance between events, general park use, and wildlife values as protected by the Conservation Easement.
4. Provide for the general public's safety and enjoyment of MICA while also allowing for events to occur.
5. Provide clear guidance for event planners and permit holders.

The proposed amendments to the MICA Restrictions for Events account for lessons learned since the Administrative Rule was first promulgated in 2018.

Robert D. Chandler, PhD, PE
Assistance Public Works Director

Attachments:

1. BPA Land Use Agreement
2. Amendments to Admin Rule - MICA Events
3. Notice of Proposed Rule - MICA Events