

ORDINANCE NO.

183539

Approve Agreement to Initiate process for a land exchange with the Mt. Hood National Forest to exchange selected lands within the Bull Run Watershed Management Unit.
(Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The location of City-owned parcels of land in the Bull Run Watershed Management Unit (BRWMU) is largely a legacy of the land ownership pattern that existed when the City developed the Bull Run water supply system in the 1890s.
2. Most of the City-owned properties were originally private homestead land claims when the Bull Run Reserve was established by Presidential proclamation in 1892, and many of these parcels are located in areas that have no direct role in operation and maintenance of the water supply system.
3. Much of the land underlying City water supply and transmission facilities is federal land managed by the Forest Service.
4. Joint management of the Bull Run Watershed Management Unit would be simplified and improved if the respective land holdings were re-organized and consolidated so that the City owned the land associated with drinking water facilities and the Forest Service owned the land upland of those facilities.
5. The same prohibitions on tree cutting that apply to federal lands in the BRWMU will be adopted for City-owned land through changes to the City Code. These proposed code changes are being introduced through an ordinance presented to Council concurrent with the land exchange Agreement to Initiate.
6. The Bull Run Watershed Management Unit Agreement between the Water Bureau and the Mt. Hood National Forest, signed on December 17, 2007, stated that both parties would pursue a land exchange in order to obtain a more logical and efficient land ownership pattern for the watershed.
7. The proposed land exchange would involve 2,528 acres of City-owned land and 2,830 acres of Forest Service land.
8. The Water Bureau and the Mt. Hood National Forest have completed preliminary scoping work on the land exchange; the Forest Service's Washington D.C. office evaluated the feasibility analysis and determined that it is in the broader public interest to move forward on the exchange.

9. The land exchange Agreement to Initiate, copies of which are labeled Exhibit A and attached to the original ordinance, is a non-binding agreement and the final decision to exchange lands is contingent on the outcome of an environmental analysis process that complies with the National Environmental Policy Act (NEPA). The NEPA analysis will require public input and disclosure, including opportunities for administrative appeal.
10. The estimated cost paid to the Forest Service to carry out the administrative steps for the land exchange will range from \$290,000 to \$494,000. Authorization to transfer funds to the Forest Service will be obtained through a separate forthcoming intergovernmental agreement between the parties.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge is authorized to execute on behalf of the City an Agreement to Initiate a process to achieve a land exchange between the City of Portland Water Bureau and the Mt. Hood National Forest.

Passed by the Council, FEB 10 2010

Commissioner Leonard
Prepared by Richard Robbins
January 5, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Susan Parsons
Deputy

156 220

✓140

Agenda No. **183539**
ORDINANCE NO. 183539
 Title

Approve Agreement to Initiate (ATI) process for a land exchange with the Mt. Hood National Forest to exchange selected lands within the Bull Run Watershed Management Unit. (Ordinance)

INTRODUCED BY Commissioner/Auditor: Commissioner Leonard	CLERK USE: DATE FILED <u>JAN 29 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Water Bureau Head: David G. Shaff Prepared by: Richard Robbins Date Prepared: January 5, 2010 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date February 3, 2010	ACTION TAKEN: FEB 03 2010 PASSED TO SECOND READING FEB 10 2010 9:30 A.M.
City Attorney Approval	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> <u>1 of 2</u> Start time: 10.15 Note: this is the first of two ordinances for this time certain time slot Total amount of time needed: 15 min (for presentation, testimony and discussion) CONSENT <input type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	✓
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	