

## ORDINANCE NO. 183874

Authorize Intergovernmental Agreement with NOAA National Marine Fisheries Service and Oregon State Historic Preservation Office for managing historic properties affected by an Incidental Take Permit issued to City of Portland (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 182235, was passed by Council on October 1, 2008, and authorized an agreement with the National Oceanographic and Atmospheric Administration (NOAA) National Marine Fisheries Service to implement the Bull Run Water Supply Habitat Conservation Plan (HCP).
2. Implementation of the HCP makes the City eligible for the Incidental Take Permit (ITP) needed to operate the City's Bull Run Water Supply System in compliance with the Federal Endangered Species Act, 16 USC 1538. NOAA issued an ITP to the City of Portland, Oregon on April 7, 2009.
3. Issuance of the ITP by NOAA and implementation of the HCP requires compliance with Federal and State cultural resources regulations, pursuant to 36 CFR Section 800.14(b) of the Advisory Council on Historic Preservation's regulations (CFR Part 800), implementing Section 106 of the National Historic Preservation Act (16 USC 470f).
4. The Cultural Resources Management Plan for the Bull Run Water Supply Habitat Conservation Plan dated December 2008 and attached as Exhibit A, provides a proposed process and measures to protect and manage historic properties.
5. NOAA requires the City to implement the provisions listed in the Programmatic Agreement attached as Exhibit B, as a condition in order to satisfy NOAA's Section 106 responsibilities during the term of the ITP.
6. The anticipated cost of the agreement in FY 2009-2010 is \$50,000 and is available in the FY 2009-10 Budget. Additional funds have been requested in FY 2010-11 Budget and shall be requested in future Fiscal Year Budgets.

NOW, THEREFORE, the Council directs:

- a. The Portland Water Bureau Administrator and Auditor are authorized on behalf of the City of Portland to execute an agreement for Managing Historic Properties Affected by an Incidental Take Permit Issued to City of Portland attached as Exhibit B.
- b. The Portland Water Bureau Administrator and Auditor hereby are authorized to pay for said agreement in the FY 2009-10 Budgets. Additional funds have been requested in FY 2010-11 Budget and shall be requested in future Fiscal Year Budgets.

- c. The Portland Water Bureau Administrator is authorized to implement the conditions in the Cultural Resources Management Plan for the City of Portland, Bull Run Water Supply Habitat Conservation Plan, and Clackamas and Multnomah Counties.
- d. Amendments to the agreement may be executed by the Water Bureau Administrator. Any increase exceeding twenty-five percent of the total compensation would need City Council approval.

Passed by the Council, JUN 09 2010

Commissioner Leonard  
Steve Kucas  
May 11, 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By *Emily Matasar* Deputy

NOAA National Marine Fisheries Service and  
Oregon State Historic Preservation Office  
Intergovernmental with

799

847

140

Agenda No.

ORDINANCE NO. 183874

Title

Authorize agreement for Managing Historic Properties Affected by an Incidental Take Permit Issued to City of Portland (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Leonard</b>	<b>CLERK USE: DATE FILED</b> <u>MAY 27 2010</u>
<b>COMMISSIONER APPROVAL</b>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>Susan Parsons</u> Deputy</p> <p><b>ACTION TAKEN:</b> JUN 02 2010 PASSED TO SECOND READING JUN 09 2010 8:30 A.M.</p>
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard <u>Handwritten signature</u>	
<b>BUREAU APPROVAL</b>	
Bureau: Water Bureau Head: David G. Shaff <u>Handwritten signature</u>	
Prepared by: Steve Kucas Date Prepared: May 11, 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 May 26, 2010	
<b>City Attorney Approval</b>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____
<b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input checked="" type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	