

ORDINANCE NO. 185957

Authorize a Collection Agreement with U.S. Forest Service to contribute to the removal of the Sandy River Delta Dam as part of the Bull Run Water Supply Habitat Conservation Plan (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In May 2005 the Council directed the Water Bureau to develop the Bull Run Water Supply Habitat Conservation Plan (HCP) in accordance with Section 10 of the federal (Endangered Species Act) ESA to obtain long-term regulatory compliance with both the Endangered Species Act ESA and the water quality requirements of the federal Clean Water Act (CWA) (Resolution No. 36319).
2. The Water Bureau worked with a partnership of federal, state, and local government agencies and non-governmental organizations called the Sandy River Basin Partners to develop a comprehensive and cost-effective set of mitigation actions to address the impacts of Portland's drinking water system on the Bull Run River and larger Sandy River Basin. These actions, now collected and described in the HCP, complement and build on the actions of other government agencies, community groups and individual land owners to maximize salmon habitat restoration in the basin over the next 50 years.
3. The Water Bureau submitted its HCP plan for public review and comment in accordance with ESA and the federal National Environmental Policy Act while providing additional opportunities beyond federal requirements. The Bureau created a final version of the plan that includes modifications based on public input.
4. The City authorized an Implementing Agreement with the National Marine Fisheries Service (NMFS) on October 1, 2008 (Ordinance No. 182235) which authorized the Commissioner-in-Charge of the Water Bureau to execute on behalf of the City the Bull Run Water Supply Habitat Conservation Plan Implementing Agreement with NMFS.
5. This action resulted in the City obtaining an Incidental Take Permit which allows for continued use of the Bull Run River for public drinking water supply that complies with the federal ESA and CWA if the measures contained in the HCP are implemented.
6. Reestablishment of the Sandy River Mouth is a measure (H8) contained in the HCP and requires the City to contribute to the removal of the Sandy River Delta Dam in the Sandy River delta area to provide improved riparian habitat and passage for salmon. The project design will be approved in advance by NMFS.
7. The U.S. Forest Service owns the land at the mouth of the dam where the restoration project will take place. The U.S. Forest Service has partnered with the Army Corps of Engineers (USACE) to execute the removal of the Sandy River Delta Dam. The Bureau developed a

collection agreement with the U.S. Forest Service to provide funds to the USACE for a portion of the dam removal. Under the Agreement, the City will be responsible to fund removal of a portion of the dam; all construction work and management and the remaining dam removal cost will be the responsibility of the USACE.

8. The City has budgeted \$283,250 for this project as Measure H-8 of the Bull Run Water Supply Habitat Conservation Plan. The proposed action has authorized funding in FY 2012-13 Budget and funding for next year has been included in the requested FY 2013-14 Budget.

NOW, THEREFORE, the Council directs:

- a. The Portland Water Bureau Administrator is authorized on behalf of the City of Portland to execute a Collection Agreement with the U.S. Forest Service in a form in accordance with the Agreement attached as Exhibit A.
- b. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.
- c. Amendments to the Collection Agreement may be executed by the Water Bureau Administrator. Any increase exceeding twenty-five percent of the total compensation requires City Council approval.

Passed by the Council,

APR 03 2013

Mayor Charlie Hales
Steve Kucas
February 25, 2013

LaVonne Griffin-Valade
Auditor of the City of Portland

By  Deputy

209 = 294 = 1140

Agenda No.
ORDINANCE NO. 185957
Title

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INTRODUCED BY Commissioner/Auditor: Mayor Charlie Hales	CLERK USE: DATE FILED <u>MAR 22 2013</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales <i>[Signature]</i> Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland <i>[Signature]</i> By: _____ Deputy
BUREAU APPROVAL Bureau: Water Bureau Bureau Head: David G. Shaff <i>[Signature]</i> Prepared by: Steve Kucas Date Prepared: February 25, 2013 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 March 27, 2013	ACTION TAKEN: MAR 27 2013 PASSED TO SECOND READING APR 03 2013 9:30 A.M.
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" 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	2. Fish	✓
3. Saltzman	3. Saltzman	✓
4. Novick	4. Novick	✓
Hales	Hales	✓