

188113

IMPACT STATEMENT

Date: October 6, 2016

Council Date: November 16, 2016

Legislation Title: Authorize a contract and provide payment for the construction of the Sandy River Engineered Log Jam Placement Project at an estimated cost of \$2,300,000 (Ordinance)

Contact Name: Steve Kucas, Environmental Compliance Manager

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Presenter Name: Steve Kucas, Environmental Compliance Manager

Purpose of proposed legislation and background information:

The Water Bureau requires construction of the Sandy River Engineered Log Jam Placement Project (Project), as described in the Bull Run Water Supply Habitat Conservation Plan (HCP). This Project is part of the City's commitments under the Bull Run Water Supply HCP, approved in October 1, 2008 under Ordinance No. 182235. The HCP is a 50-year plan to protect and improve aquatic habitat in and around the Bull Run River while continuing to manage the Bull Run watershed as a water supply for the City of Portland.

The HCP served as the official application for a federal Incidental Take Permit under the Endangered Species Act. The National Marine Fisheries Service (NMFS) granted the City an Incidental Take Permit for its water supply operations in spring 2009 on the basis of the restoration commitments described in the Bull Run HCP. The HCP also contains a Temperature Management Plan that describes specific actions for addressing the requirements of the federal Clean Water Act. Implementation of the projects defined in the HCP allows the City of Portland to operate the Bull Run Water Supply in full compliance with the federal Endangered Species Act and Clean Water Act.

Ordinance No. 187573 authorized the use of a Cooperative Procurement Method to enter into a Professional, Technical, and Expert contract with Wolf Water Resources, Inc. for the design, engineering, and construction management of the Project. The purpose of the Project is to restore habitat for native fish, as described in the HCP.

Financial and budgetary impacts:

Project impacts of the HCP include financial impacts to the rate-payers of the Portland Water Bureau and construction impacts from some measures on communities in the Sandy River Basin, where HCP projects will occur. Positive impacts include habitat improvements in the lower Bull Run River and Sandy River Basin benefitting anadromous fish and other species, and long-term regulatory compliance with the federal Endangered Species Act and Clean Water Act for Portland's drinking water utility. The engineer's estimate for the contract action is approximately \$2,300,000.

Funding for contract work is available in FY 2016-17 budget and will be requested in the FY 2017-18 budget. The total project (W01571) is estimated at about \$3,000,000 with a low confidence level. For the program, approximately \$2,400,000 is available in the current fiscal year and about \$11,600,000 is listed in the five-year capital improvement program. The proposed action will not result in a change in the forecast water rates, or changes in staffing levels to maintain these improvements.

Community impacts and community involvement:

Since 2002, the Water Bureau and NMFS have conducted multiple forms of public involvement related to the Bull Run Water Supply HCP.

- 1) From 2002 to 2008, the Water Bureau communicated with key stakeholders and the public about its application for an Incidental Take Permit, namely the draft Habitat Conservation Plan. The Water Bureau staff completed the following:
 - Presented or met with six local government agencies 10 times.
 - Engaged 10 national and local non-profit organizations in discussions about the HCP.
 - Presented to seven community, civic and advisory organizations.
 - Conducted additional public education and outreach activities consisting of:
 - four educational events about the HCP and the effects of the drinking water system on salmon (118 participants)
 - 71 water supply facility tours during which information on the HCP was presented (approximately 1,400 participants)
 - three public open houses on the HCP (approximately 45 participants)
 - information on the HCP was sent to 171,000 households and 15,000 commercial accounts (three separate times, as inserts in water bills)
- 2) As required by the National Environmental Policy Act (NEPA), the NMFS conducted a public comment process for the draft HCP and the accompanying Draft Environmental Impact Statement. This involved:
 - Two formal scoping meetings held in June 2006; 15 members of the public attended.
 - Two formal public comment meetings held in May 2008; 21 members of the public attended.

- An extended 60-day public comment period; 14 comment letters were received.

Organizations and agencies that participated in the public involvement activities include:

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| * Portland Business Alliance | * Columbia Corridor Association |
| * Water Bureau Wholesale Customers | * Portland Utility Review Board |
| * Portland Large Water Users Coalition | * Bull Run Community Planning Org. |
| * City of Troutdale | * City of Sandy |
| * City of Gresham | * Metro Council |
| * East Multnomah SWCD | * Oregon Congressional Delegation |
| * Clackamas County Commission | * Clackamas County |
| * Multnomah County | * The Nature Conservancy |
| * National Marine Fisheries Service | * Northwest Steelheaders |
| * Oregon Department of Fish & Wildlife | * Oregon Dept. of Environmental Quality |
| * Oregon Trout | * Portland General Electric |
| * Sandy Basin Watershed Council | * Bureau of Land Management |
| * Forest Service | * Mt. Hood National Forest |
| * US Fish & Wildlife Service | * Western Rivers Conservancy |
| * American Rivers | * Trout Unlimited |
| * NW Steelheaders - Sandy Chapter | * Alder Creek Kayak & Canoe |
| * Frank Gearhart | * Citizens Interested in Bull Run, Inc. |
| * Ed Hopper | * The Resort at the Mountain |
| * Oregon Natural Resource Council | * Council Native Fish Society |
| * Multnomah County Commission | * Clackamas County SWCD |
| * State Representatives:
Dingfelder, Metzger, Smith, Minnis | |


The proposed HCP was shaped over a 10-year planning process with the participation of a wide range of non-governmental agencies, public agencies and community interest groups. These groups provided key input that directly influenced the proposed set of measures the Water Bureau included in the proposed HCP which was then evaluated by NMFS through NEPA.

Per the requirements of NEPA, NMFS was required to prepare an Environmental Impact Statement (EIS) to examine the proposed HCP. One of the key steps in the EIS process was NMFS's consultation with the public to obtain suggestions and information on the scope of issues to include in the EIS. When the EIS and draft HCP were completed, there was an announcement and a public review and comment period for that draft. NMFS received 14 comment letters and these comments were addressed when determining the environmental impacts of the final HCP. The public involvement process for the HCP was conducted according to the regulations outlined in the NEPA and was conducted by NMFS.

Additional public involvement was designed and conducted by Water Bureau Public Involvement staff and consisted of community education, watershed tours, community events, presentations to local special interest, neighborhood and community groups and agencies, and media outreach.

Budgetary Impact Worksheet**Does this action change appropriations?**☐ **YES:** Please complete the information below.☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount



Michael Stuhr, P.E., Administrator

10/11/16

Date