

ORDINANCE NO. 189354

Authorize a Collection Agreement with the U.S. Forest Service in the amount of \$283,985 to fund the design and construction of a fish habitat restoration project on the Zigzag River for 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 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.
3. The City authorized an Implementing Agreement with the National Marine Fisheries Service (NMFS) on October 1, 2008 under Ordinance No. 182235, which authorized the HCP Implementing Agreement with NMFS.
4. 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 ESA and CWA if the measures contained in the HCP are implemented.
5. The Zigzag River Large Wood Placement is a measure in the HCP and requires the City to improve stream habitat conditions for salmon on the lower Zigzag River.
6. The U.S. Forest Service owns the land on the lower Zigzag River where the fish habitat restoration project (project) will be constructed. The U.S. Forest Service also has interest in restoring fish habitat on the lower Zigzag River, but lacks the funding to do so.
7. The U.S. Forest Service has considerable expertise in constructing similar restoration projects in this part of the Sandy River Basin and can do so for less money than it would cost the City to construct it itself. The U.S. Forest Service is willing to design and construct the project to the City's specifications as described in the HCP.

8. The Water Bureau will enter into a Collection Agreement with the U.S. Forest Service to provide funding to assist with the construction of this project. Under the Collection Agreement, the U.S. Forest Services will complete all design, permitting, and construction work along with project management. The Water Bureau will provide performance requirements.
9. The Water Bureau's contribution for the one-year term of the Collection Agreement will be a one-time advance payment not to exceed \$283,985. Funding is available in the FY 2018-19 Budget.

NOW, THEREFORE, the Council directs:

- a. That the Water Bureau Administrator is authorized to execute on behalf of the City a Collection Agreement with the U.S. Forest Service in a form substantially in accordance with the attached Exhibit A.
- b. The Mayor and Auditor hereby are authorized to draw and deliver checks chargeable to the Water Fund, when demand is presented and approved by the proper authorities.
- c. That the Water Bureau Administrator is authorized to execute amendments to the Collection Agreement, including amendments increasing the total compensation up to 25% of the agreement amount.

Passed by the Council,

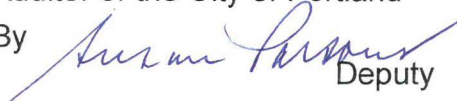
JAN 23 2019

Commissioner Amanda Fritz
Prepared by: Burke Strobel
December 5, 2018

Mary Hull Caballero

Auditor of the City of Portland

By


Deputy

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Agenda No.
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<p>INTRODUCED BY Commissioner/Auditor: Commissioner Amanda Fritz</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler</p> <p>Position 1/Utilities - Fritz <i>[Signature]</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - <i>Hardesty</i> Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p>BUREAU APPROVAL</p> <p>Bureau: Water Bureau Head: Michael Stuhr, P.E. <i>[Signature]</i></p> <p>Prepared by: Burke Strobel Date Prepared: December 4, 2018</p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>ALM</i></p> <p>Council Meeting Date January 16, 2019</p>	<p>CLERK USE: DATE FILED <u>JAN 08 2019</u></p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">JAN 16 2019 PASSED TO SECOND READING JAN 23 2019 9:30 A.M.</p>
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<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 10 minutes (for presentation, testimony and discussion)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>1. Fritz <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>2. Fish</td> <td>2. Fish <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>3. <i>Hardesty</i> Saltzman</td> <td>3. <i>Hardesty</i> Saltzman <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>4. Eudaly <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>Wheeler</td> <td>Wheeler <input type="checkbox"/></td> <td></td> </tr> </table>	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. <i>Hardesty</i> Saltzman	3. <i>Hardesty</i> Saltzman <input checked="" type="checkbox"/>		4. Eudaly	4. Eudaly <input checked="" type="checkbox"/>		Wheeler	Wheeler <input type="checkbox"/>	
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