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## IMPACT STATEMENT

189354

**Date:** December 5, 2018

**Council Date:** January 16, 2019

**Legislation Title:** 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)

**Contact Name:** Burke Strobel, Resource Protection - Environmental Compliance

**Contact Phone:** (503) 823-7958

**Presenter Name:** Steve Kucas, Environmental Program Manager

### **Purpose of proposed legislation and background information:**

The Water Bureau is partnering with the U.S. Forest Service to fund the design and construction of a fish habitat restoration project (project) on the Zigzag River in the Sandy River Basin. The City of Portland committed to implement this action as Measure H-27 of the Bull Run Water Supply Habitat Conservation Plan (HCP), which was approved by City Council on October 1, 2008 under Ordinance No. 182235. The Bull Run River is the City's primary drinking water source and is a major tributary in the Sandy River Basin. The Water Bureau through the HCP is taking actions to help restore native fisheries throughout the basin.

In order to fulfill Measure H-27, the Water Bureau desires to enter into a Collection Agreement with U.S. Forest Service to provide funding for the construction of this project. Under the 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.

The purpose of the proposed restoration action is to improve habitat for juvenile salmon and steelhead in the Zigzag River by increasing habitat complexity with large wood placements and reconnecting the river channel with its floodplain. The work will advance the City's long-term interest in rebuilding fish stocks in the Sandy River Basin, which is consistent with its commitments in the HCP.

### **Financial and budgetary impacts:**

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. 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. No positions will be created or eliminated in the current or future years as a result of this legislation.

### **Community impacts and community involvement:**

Project impacts from implementation of HCP measures such as this one include financial impacts to the rate-payers of the Water Bureau and construction impacts on the local community where the project is built. The project will be constructed on U.S. Forest Service land in an area with only a few nearby homes. The large wood placements will be designed to withstand a 100-year flood event. No downstream impacts are anticipated.

Positive impacts include benefits to Sandy River salmon and steelhead populations that have ecological, economic, and aesthetic value and long-term regulatory compliance with the federal Endangered Species Act and Clean Water Act for Portland's municipal water supply.

Since 2002, the Water Bureau and National Marine Fisheries Service (NMFS) have conducted multiple forms of public involvement related to the HCP as described below.

- 1) From 2002 to 2008, the Portland Water Bureau communicated with key stakeholders and the public about its application for an Incidental Take Permit, namely the draft HCP. The Water Bureau staff completed the following:
  - Presented or met with six (6) local government agencies 10 times
  - Engaged 10 national and local non-profit organizations in discussions about the HCP
  - Presented to seven (7) community, civic, and advisory organizations
  - Conducted additional public education and outreach activities consisting of:
    - four (4) 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 (approx. 1,400 participants);
    - three (3) public open houses on the HCP (approx. 45 participants); and sent out information on the HCP to 171,000 households and 15,000 commercial accounts (three (3) separate times as inserts in water bills)

2) As required by the National Environmental Policy Act (NEPA), NMFS conducted a public comment process for the draft HCP and the accompanying Draft Environmental Impact Statement (EIS). This involved:

- Two (2) formal scoping meetings held in June 2006; 15 members of the public attended
- Two (2) 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:

- |  |   |
|--|---|
| * 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             |
| * U.S. Forest Service                  | * Mt. Hood National Forest              |
| * U.S. 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 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, 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.

**100% Renewable Goal:**

This action does not increase or decrease the City's total energy use. This action does not increase or decrease the City's renewable energy use.


**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

12/14/18

Date