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IMPACT STATEMENT

Date: December 14, 2020

Council Date: January 6, 2020

Legislation Title: Authorize the Portland Water Bureau to execute a Collection Agreement with the United States Forest Service in the amount of \$215,000 to fund juvenile fish monitoring activities required by the Bull Run Water Supply Habitat Conservation Plan (Ordinance)

Contact Name: Burke Strobel, Environmental Specialist

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Presenter Name: Edward Campbell, Director of Resource Protection and Planning

Purpose of proposed legislation and background information:

The Bull Run Water Supply Habitat Conservation Plan (HCP) was approved by City Council through Ordinance No. 182235 and was formally approved by the National Marine Fisheries Service (NMFS) in April 2009. The HCP was created to bring the City of Portland's (City) water supply facilities and operations in the Bull Run watershed into compliance with the Endangered Species Act and the Clean Water Act. 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.

The HCP served as the official application for a federal Incidental Take Permit under the Endangered Species Act. The NMFS granted the City an Incidental Take Permit for its water supply operations in spring 2009 based on the restoration and monitoring commitments described in the HCP. The HCP also contains a Temperature Management Plan that describes specific actions for addressing the requirements of the Federal Clean Water Act.

The HCP commits the City to provide funding to support juvenile fish monitoring to document the effectiveness of habitat restoration projects for fish in the Sandy River Basin. The Portland Water Bureau has worked with federal, state, local government agencies as well as the Sandy River Basin Partners to develop the HCP.

The Portland Water Bureau collaborates with various government agencies to perform the work, including partially funding juvenile fish monitoring activities by the United States Forest

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Service (USFS). The Portland Water Bureau will complete a five-year Collection Agreement with the USFS in January 2021 for juvenile fish monitoring.

The Portland Water Bureau is requesting to enter into a new Collection Agreement with the USFS to partially fund the staffing and operation of rotary fish traps. This includes providing necessary supplies in the Upper Sandy River Basin for the purposes of juvenile fish monitoring as required in the HCP.

Financial and budgetary impacts:

Funds of \$215,000 will be distributed to the USFS for a period of five years. Funding of \$40,180 is available in the Fiscal Year (FY) 2020-21 Budget. Funds of \$174,820 will be requested in the FY 2021-22 through FY 2024-25 Budgets.

Community impacts and community involvement:

Project impacts of the HCP include financial impacts to the ratepayers 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.

Since 2002, the Portland Water Bureau and 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 Portland 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 (approx. 1,400 participants);
 - three 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 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 |
| * U.S. Forest Service | * Mt. Hood National Forest |
| * U.S. Fish & Wildlife Service | * Western Rivers Conservancy |
| * American Rivers | * Trout Unlimited |
| * Northwest 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 Portland 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 has no direct impact on 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 |
|-------------|--------------------|------------------------|------------------------|-----------------------|--------------|--------------------------|---------------|
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