


City Council
Agenda Item
Staff Supplemental Report

TO: Commissioner Dan Saltzman

THROUGH: Bureau of Environmental Services

FROM: Stephanie Reid 

DATE: June 13, 2001

RE: Johnson Creek Restoration Plan

Requested Placement Date: June 27, 2001

RECOMMENDATION

Accept and endorse the Johnson Creek Restoration Plan.

I. BACKGROUND

The Johnson Creek watershed is about 54 square miles, lying within six political subdivisions: the cities of Portland, Milwaukie, Gresham, and Happy Valley; and the counties of Multnomah and Clackamas.

As urbanization has increased in the watershed, runoff volumes and flooding have also increased. From 1940 through 1995, the Army Corps of Engineers has tried unsuccessfully to gain public support for proposed flood control projects. In the 1970's, Metro tried to create public support for flood protection and was overwhelmingly defeated. However, there is public support now for a comprehensive plan which includes the element of flood reduction as demonstrated by the Johnson Creek Resources Management Plan (adopted by Council, Resolution 35414, 6/95).

The Johnson Creek Restoration Plan is a call to action for implementing projects that accomplish multiple objectives, including reduced nuisance flooding, improved water quality, and increased fish and wildlife habitat. The Plan proposes a series of potential projects that meet both environmental and human needs by restoring, where possible, the natural functions of the watershed.

II. FINANCIAL IMPACT

Acceptance of this Plan does not obligate the City of Portland to fund implementation. BES has budgeted \$7 million in the FY2002-2006 5-year CIP for projects identified in the Johnson Creek Restoration Plan. This budget includes partial funding for construction of a 60-acre floodplain restoration project (Alsop-Brownwood at SE 158th Ave. and Foster Rd.) and land acquisition and further site design work in high priority areas as identified in the Plan.

III. LEGAL ISSUES

The Plan itself does not pose or directly address legal issues, however legal requirements have driven the need for such a plan, these requirements include:

- DEQ 303(d) Listing
- National Pollution Discharge Elimination System (NPDES) Permit
- Endangered Species Act

The 1972 Federal Clean Water Act (CWA), section 303(d), requires each state to identify water bodies that are not meeting the water quality standards. The Oregon Department of Environmental Quality (DEQ) has identified these as “water quality limited” streams and rivers, and placed them on the 1998 303(d) list. Johnson Creek is included in the 1998 303(d) list for the following parameters: bacteria, summer temperature, and toxics (DDT and dieldrin). The listing includes the entire stream, from the mouth to the headwaters. Following the 303(d) listing, DEQ has begun developing Total Maximum Daily Loads (TMDLs) for Johnson Creek.

Pursuant to **Oregon Administrative Rules (OAR) 468-020**, the Oregon Water Resources Commission established the beneficial uses of state waters. The DEQ has identified Johnson Creek as water of the state, and the affected beneficial uses are determined by DEQ to include: salmonid fish rearing and spawning, resident fish, aquatic and wildlife, water contact recreation and aesthetic quality.

The City of Portland submits an annual compliance report to the DEQ to fulfill requirements for our **National Pollution Discharge Elimination System (NPDES)** requirements. The report describes the activities implemented to reduce stormwater discharges, program status, and any initiated or proposed program changes. Several sites in the NPDES permit are located on Johnson Creek.

The recent listing under **the Endangered Species Act** of the Lower Willamette River Steelhead makes a thorough examination of potential impacts of future projects even more critical. Fortunately, the opportunity exists to address many of these problems by designing projects that complement the natural system and incorporate natural elements.

IV. CONTROVERSIAL ISSUES

As stated earlier, from 1940 through 1995, the Army Corps of Engineers had tried unsuccessfully to gain public support for proposed flood control projects. In the 1970's, Metro tried to create public support for flood protection and was overwhelmingly defeated.

Because of the voluntary approach recommended in this Plan, there are minimal controversial issues. The plan does however, identify a priority project area for floodplain restoration in the same location as an urban renewal project (Lents). Portland Development Commission and City Bureaus are working with the neighborhood to balance jobs, transportation, housing, and floodplain restoration needs.

V. LINK TO CURRENT CITY POLICIES

The objectives of this Plan are consistent with City policies. Examples of relevant policies include:

- Clean River Plan
- River Renaissance
- Endangered Species Recovery
- Sustainable City Principles

Parks and Recreation, Portland Development Commission (PDC), and Planning (particularly the Endangered Species Act office) interacted with BES on this Plan.

VI. CITIZEN PARTICIPATION

The Johnson Creek Restoration Plan is a follow-up document to the Johnson Creek Resources Management Plan published in 1995. The Resources Management Plan was developed through an extensive public process over the course of several years.

The Draft Johnson Creek Restoration Plan was unveiled at the Johnson Creek Summit in November 2000. Almost 200 attendees, comprised of citizens, elected officials, and agency staff, participated in a Town Hall format discussion about the Plan. Every Summit attendee received a summary of the Plan, was asked for feedback about the Plan and was given an opportunity to review the Plan in full. The Draft Restoration Plan was distributed to over 150 people for review, including technical advisors, citizens, agency staff, jurisdictional partners and other interested parties. Copies of the Draft Restoration Plan were placed at five branch libraries for public review. The Johnson Creek Watershed Council held a number of special events and informational meetings on the Draft Restoration Plan, including Saturday Coffee on the Creek events and presentations to local business groups. There has been resounding support for the Plan from jurisdiction councils and the public.

VII. Public Involvement:**A. If public involvement activities will be part of this project or contract, who will provide those services?**

BES public involvement personnel, one staff person from the Office of Neighborhood Involvement, and the Johnson Creek Watershed Council provided services during the development of this Plan.

B. Have you consulted with ONI about providing those services and if they are not the provider, please explain?

ONI was a key provider of services during the summit preparations and other City Bureau coordination efforts.

C. What is the budget for those services and how are the funds allocated (budget allocation for the Bureau, ONI and/or consultant staff)?

ONI's budget for the Johnson Creek Restoration Plan and related Plan implementation efforts was \$20,000 allocated through BES' capital budget for developing the Plan.

VIII. OTHER GOVERNMENT PARTICIPATION

The Johnson Creek watershed includes six political subdivisions: the cities of Portland, Milwaukie, Gresham, and Happy Valley; and the counties of Multnomah and Clackamas.

A Johnson Creek Interjurisdictional Committee includes agency representative from all six jurisdictions. The committee works on watershed health, fish and wildlife habitat, land-use, and flood management issues. This committee participated in developing the Plan.

A Johnson Creek Watershed Policymakers Committee, comprised of an elected official from each jurisdiction and a representative from Metro, the Watershed Council, and U.S. Congressman Earl Blumenauer's office, met quarterly to examine policies and communicate about multi-jurisdictional efforts. The Policymakers Committee has endorsed the Restoration Plan as a guiding document for future Johnson Creek projects. The Johnson Creek Watershed Council is leading efforts to implement the Plan. Congressman Blumenauer's office is working on funding sources and forming partnerships with federal agencies to implement the Plan.

City of Portland, Oregon

BUDGET/FINANCIAL COUNCIL ACTION IMPACT STATEMENT

INITIATOR'S SUMMARY OF COUNCIL ACTION (Deliver original to the Bureau of Financial Planning. Retain Copy.)

| | | | |
|--|------------------------------|---|--|
| 1. Name of Initiator Stephanie Reid | 2. Bldg/Room No. 106/1100 | 3. Tele No. 503-823-7095 | 4. Bureau/Office/Dept. Environmental Services |
| 5. To Be Filed: a. Date b. Calendar (Circle One) | | 6. Date Submitted to OF&A Budget Analyst: N/A | |
| 6/27/01 Council date | | Regular Consent 4/5ths | |
| | | 7. Fund Name N/A | |

Category 2 Routine and Budgeted Items

- | | |
|--|--------------------------------|
| <input type="checkbox"/> Contracts | <input type="checkbox"/> Other |
| <input type="checkbox"/> Annual supply contracts | |
| <input type="checkbox"/> Grants | |
| <input type="checkbox"/> Claims payment under \$15,000 | |
| <input type="checkbox"/> Call for bids on purchasing contracts | |
| <input type="checkbox"/> Creation of a Local Improvement District | |
| <input type="checkbox"/> Reports to council regarding completion of projects | |

Category 3 Non-Routine or Unbudgeted Items

SUMMARY OF ACTION: In concise terms, describe what is to take place through the enactment of this Council action. Where applicable, narrative should include answers to the following questions:

- What action(s) is/are proposed? **Acceptance and endorsement by the Council for the Johnson Creek Restoration Plan.**
- Who will be affected by the action proposed? Other City bureaus? Citizens? The business community? **Many stakeholders could potentially be affected by the Plan. Among them are other City Bureaus, citizens, and other jurisdictions including the cities of Milwaukie, Gresham, and Happy Valley and Multnomah and Clackamas counties. The plan identifies opportunities and recommended actions using a voluntary approach.**
- What will the action cost? In this fiscal year? Subsequent year(s)? How much revenue will it generate? In this fiscal year? In subsequent fiscal years? If there are indirect costs or future commitments implied as a necessary accompaniment or result of this action, include an estimate of these costs even if the action does not formally authorize any expenditure. **Restoring critical functions to Johnson Creek by implementing the eight priority projects the plan recommends would cost approximately 100 million dollars and would provide approximately 400 acres of restored floodplain and 12 miles of improved fish habitat. Clearly this ambitious goal will only be met through acquisition of resources outside of the City of Portland and other agencies' capital budgets. Watershed stakeholders including jurisdictions, Metro and the Johnson Creek Watershed Council are collaborating to identify and obtain funding sources to implement specific projects.**
- Is the cost included in the current year's budget? If so, which Fund or AU? If not, identify funding sources and amounts (i.e., interagency, contingency/unforeseen, grants, administrative transfer, etc.). **BES has budgeted \$3.5 million in FY2001-2002 for projects identified in the Johnson Creek Restoration Plan.**
- Have alternatives to this action been explored? **Many approaches were considered for implementing a watershed-wide plan. This Plan's approach was developed under the advisement of technical experts and reviewed by community members, stream-side landowners and agency staff who concluded the successful implementation of such a plan needs to be based on voluntary participation. Since the 1930's, over 25 different approaches have been identified to address the problems in Johnson Creek. This Plan lays out a flexible, holistic approach encapsulating the rapidly expanding body of knowledge related to stream corridors and their restoration.**

APPROPRIATION UNIT HEAD (Typed name and signature)

Dean C. Marriott, Director, Bureau of Environmental Services



RESOLUTION No.

Accept and endorse the Johnson Creek Restoration Plan. (Resolution)

WHEREAS, Johnson Creek is a valuable and unique resource for the City as one of the last free flowing streams in the metropolitan area; and

WHEREAS, the National Marine Fisheries Service placed Johnson Creek steelhead and chinook salmon on the federal Endangered Species List; and

WHEREAS, Johnson Creek's degraded condition is a product of more that 100 years of human alteration to the landscape and waterways which has changed the creek from a natural stream corridor to a degraded system with frequent flooding and loss of fish and wildlife habitat; and

WHEREAS, the City of Portland has begun improvements to the creek through stormwater regulations, frequently flooded property acquisitions through a willing seller program, streamside revegetation in partnership with private landowners and stewardship and education programs; and

WHEREAS, the goals of the Johnson Creek Restoration Plan support the Clean River Plan and the River Renaissance Vision to improve water quality, improve fish and wildlife habitat, and reduce flood damages; and

WHEREAS, the Johnson Creek Restoration Plan proposes a series of potential projects that meet both environmental and human needs by restoring, where possible, the natural functions of the watershed; and

WHEREAS, the City of Portland led the development of the Plan in coordination with other jurisdictions within the watershed, specifically Multnomah and Clackamas Counties, the cities of Happy Valley, Gresham and Milwaukie and the Johnson Creek Watershed Council and Metro; and

RESOLUTION No. 36005

Accept and endorse the Johnson Creek Restoration Plan. (Resolution)

WHEREAS, Johnson Creek is a valuable and unique resource for the City as one of the last free flowing streams in the metropolitan area; and

WHEREAS, the National Marine Fisheries Service placed Johnson Creek steelhead and chinook salmon on the federal Endangered Species List; and

WHEREAS, Johnson Creek's degraded condition is a product of more than 100 years of human alteration to the landscape and waterways which has changed the creek from a natural stream corridor to a degraded system with frequent flooding and loss of fish and wildlife habitat; and

WHEREAS, the City of Portland has begun improvements to the creek through stormwater regulations, frequently flooded property acquisitions through a willing seller program, streamside revegetation in partnership with private landowners and stewardship and education programs; and

WHEREAS, the goals of the Johnson Creek Restoration Plan support the Clean River Plan and the River Renaissance Vision to improve water quality, improve fish and wildlife habitat, and reduce flood damages; and

WHEREAS, the Johnson Creek Restoration Plan proposes a series of potential projects that meet both environmental and human needs by restoring, where possible, the natural functions of the watershed; and

WHEREAS, the City of Portland led the development of the Plan in coordination with other jurisdictions within the watershed, specifically Multnomah and Clackamas Counties, the cities of Happy Valley, Gresham and Milwaukie and the Johnson Creek Watershed Council and Metro; and

NOW, THEREFORE, LET IT BE RESOLVED that the Council of the City of Portland accepts the Johnson Creek Restoration Plan and by doing so establishes a policy to manage the floodplain in such a way as to minimize damage from nuisance flooding and protect and improve the natural resource values of Johnson Creek; and be it

FURTHER RESOLVED that the Johnson Creek Restoration Plan is a guidance document that proposes a series of potential projects. Implementing the Plan will be subjected to prioritization and available funding from the watershed jurisdictions including the City of Portland. Other potential funding sources including state and federal programs, will be identified and sought through cooperative efforts with the Johnson Creek Watershed Council and participating jurisdictions and private landowners.

ADOPTED by the Council, JUN 27 2001
Commissioner Dan Saltzman

Lee Klingler
June 13, 2000
145 22 110/6220

Gary Blackmer
Auditor of the City of Portland

By

Susan Parsons

Deputy

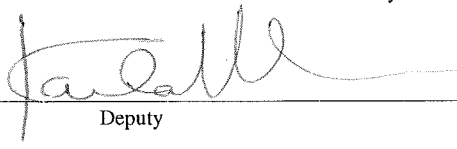

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Agenda No.

RESOLUTION NO. 36005

Title

Accept and endorse the Johnson Creek Restoration Plan (Resolution)

| | |
|--|---|
| INTRODUCED BY | DATE FILED: JUN 22 2001 |
| | Gary Blackmer Auditor of the City of Portland |
| NOTED BY COMMISSIONER | By: <u></u> Deputy |
| Affairs <u>Dan Saltzman</u> <i>EAC</i> | |
| Finance and Administration | |
| Safety | |
| Utilities | |
| Works | |
| BUREAU APPROVAL | |
| Bureau: Environmental Services | ACTION TAKEN: |
| Prepared by Date | |
| Stephanie Reid 6/13/01 | |
| Budget Impact Review: | |
| <input checked="" type="checkbox"/> Completed <input checked="" type="checkbox"/> Not Required | |
| Bureau Head: <u></u> Dean Marriott | |

| AGENDA | FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | | |
|------------------------|--------------------|---------------------------------|------|------|
| | | | YEAS | NAYS |
| Consent <u>Regular</u> | Francesconi | Francesconi | ✓ | |
| NOTED BY | Hales | Hales | ✓ | |
| City Attorney | Saltzman | Saltzman | ✓ | |
| City Auditor | Sten | Sten | ✓ | |
| City Engineer | Katz | Katz | ✓ | |
| | | | | |