

ORDINANCE NO. 184009

Authorize two agreements with Oregon Department of Fish and Wildlife in accordance with the Bull Run Water Supply Habitat Conservation Plan (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. Ordinance No. 182235, passed by Council on October 1, 2008, authorized the agreement with the National Oceanographic and Atmospheric Administration (NOAA) National Marine Fisheries Service to implement the Bull Run Water Supply Habitat Conservation Plan (HCP).
2. The National Marine Fisheries Service formally approved the HCP and issued to the City the required Endangered Species Act (ESA) Incidental Take Permit on April 7, 2009 only upon execution by which the City commits to operate its drinking water system consistent with the HCP.
3. The HCP requires the City to obtain a waiver from fish passage requirements (ORS 509.585) from the Oregon Department of Fish Wildlife Commission for the City of Portland's Municipal Water Supply system located in the Bull Run watershed along Bull Run River.
4. The HCP states that the City will implement Conservation Measure P-4 - Cedar Creek 1 Fish Passage that requires the City to provide up to a maximum of \$3.7 million to fund three components of fish passage improvements on Cedar Creek in the Sandy River basin.
5. \$3,700,000 in funds for the Bull Run Water Supply HCP Cedar Creek Fish Passage Intergovernmental Agreement are in PWB's 5-year Capital Improvement Program. Funding for the agreement is available in the FY 2010-11 Budget, and will be requested in the FY 2011-12 and FY 2012-13 Budgets.

NOW, THEREFORE, the Council directs:

- a. That the Water Bureau Administrator and Auditor are authorized to execute on behalf of the City two Agreements with Oregon Department of Fish and Wildlife: 1) the Bull Run Water Supply Habitat Conservation Plan Fish Passage Waiver Agreement (W-03-0001) attached as Exhibit 1 and; 2) Intergovernmental Agreement for the Sandy Hatchery Improvement Project attached as Exhibit 2.
- b. Amendments to the Intergovernmental Agreement for the Sandy Hatchery Improvement Project may be executed by the Water Bureau Administrator. Any increase exceeding twenty-five percent of the total compensation would need City Council approval.

- c. The Mayor and Auditor are hereby authorized to draw and deliver checks chargeable to the Water Fund when demand is presented and approved by the proper authorities.

Passed by the Council, JUL 21 2010

Commissioner Leonard
Steve Kucas
June 29, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Susan Parsons
Deputy

1025 - 1063

Agenda No.
ORDINANCE NO. 184009
Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Leonard	CLERK USE: DATE FILED <u>JUL 09 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Water Bureau Head: David G. Shaff Prepared by: Steve Kucas Date Prepared: June 30, 2010 Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Council Meeting Date July 14, 2010 City Attorney Approval	ACTION TAKEN: JUL 14 2010 PASSED TO SECOND READING JUL 21 2010 9:30 A.M.

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input checked="" type="checkbox"/> <i>Per Dominique 7/13/10</i> REGULAR <input checked="" type="checkbox"/> Total amount of time needed: <u>15 minutes</u> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	