

ORDINANCE No. 185875

*Authorize the Bureau of Environmental Services to accept a conservation easement from TriMet as part of the Crystal Springs Railroad Culvert Replacement and Restoration Project (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In November of 2007 the Grey to Green Initiative was launched to address principal elements of the Portland Watershed Management Plan implementation, which includes replacing nine culverts to accommodate fish friendly flows. Narrow culverts act as barriers by creating faster currents that prevent juvenile fish from swimming upstream and force juvenile fish downstream before they are able to survive the harsher downstream conditions. Undersized culverts also impound the stream causing localized flooding upstream. Replacing narrow culverts with wider ones with natural bottoms slows the water and restores the natural flows so that fish move more easily while minimizing flooding.
2. Crystal Springs Creek, a tributary to Johnson Creek, is spring fed which keeps water temperatures cool and stream flow uniform throughout the year. This adds cool water to Johnson Creek in the summer when stream flow can be low and warm. Fish and amphibians thrive in cool water. Crystal Springs Creek is home to coho and Chinook salmon, and steelhead trout. All three species are listed as threatened under the federal Endangered Species Act (ESA), and Crystal Springs Creek is designated as critical habitat.
3. On March 6, 2012, BES, TriMet and Union Pacific Railroad entered into a Memorandum of Understanding (MOU) to replace the timber railroad culvert on Crystal Spring Creek in order to improve fish passage and reduce flooding. The MOU stipulated that TriMet provide a conservation easement to BES for the purpose of re-vegetation, long-term maintenance of the restoration work, and to monitor ongoing fish passage and hydrology elements.
4. The MOU was incorporated into the second amendment to the Intergovernmental Agreement (IGA) between the City of Portland and TriMet for the Portland-Milwaukie Light Rail project and approved by Council on December 19, 2012 (Ordinance 185819).
5. Pursuant to the terms of the IGA, TriMet is prepared to provide BES with a conservation easement in substantial conformance with Exhibit 1, attached hereto, for the purpose of revegetation, long-term maintenance of restoration work, monitoring ongoing fish passage, and hydrology elements. The easement area contains riparian areas, which are the transitional ecosystem between terrestrial and aquatic ecosystems. Within the riparian areas are wetlands that provide unique habitats to amphibians and as rearing, refuge and feeding areas for juvenile salmon. Native vegetation along and within the easement area helps reduce temperatures in the creek, clean and infiltrate rain and stormwater, recharge groundwater and provide food and habitat for water-dependent species. Riparian habitat also functions as a travel corridor along the watercourse for various wildlife species.
6. The easement area currently has an Environmental Protection (P) zone overlay, according to the City of Portland's Title 33, Planning and Zoning Code, Chapter 33.430, which provides the highest level of protection to the City's most important natural resources and functional values.

7. The easement to be accepted pertains to a portion of Tax Lot 500, Multnomah County Tax Assessor's Map 1S1E13, which is more particularly described in Exhibit 1.

NOW, THEREFORE, the Council directs:

a. The Director of the Bureau of Environmental Services, or designee, is authorized to accept a conservation easement in substantial conformance with Exhibit 1, attached hereto, and to execute closing documents and all other documents necessary therefor, once such documents are approved as to form by the City Attorney.

Section 2. The Council declares that an emergency exists because the IGA requires the revegetation and monitoring in the easement area to occur without delay. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

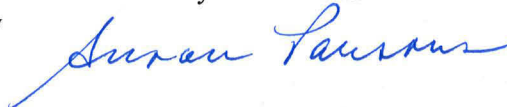
Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

JAN 30 2013

Kaitlin Lovell
January 11, 2013

E10481

LaVonne Griffin-Valade
Auditor of the City of Portland
By



Deputy

Title

*Authorize the Bureau of Environmental Services to accept a conservation easement from TriMet as part of the Crystal Springs Railroad Culvert Replacement and Restoration Project (Ordinance)

INTRODUCED BY
Commissioner/Auditor:
Dan Saltzman

CLERK USE: DATE FILED JAN 25 2013

COMMISSIONER APPROVAL
Mayor—Finance and Administration - Hales
Position 1/Utilities - Fritz
Position 2/Works - Fish
Position 3/Affairs - Saltzman
Position 4/Safety - Novick

LaVonne Griffin-Valade
Auditor of the City of Portland
By: [Signature]
Deputy

BUREAU APPROVAL
Bureau: BES
Bureau Head: Dean Morrison

ACTION TAKEN:

Prepared by: Kaitlin Lovell
Date Prepared: January 11, 2013

Financial Impact & Public Involvement Statement
Completed Amends Budget

Portland Policy Document
If "Yes" requires City Policy paragraph stated in document.
Yes No

Council Meeting Date
January 30, 2013

City Attorney Approval:
required for contract, code, easement, franchise, charter, Comp Plan

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: 0
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Novick	4. Novick ✓	
Hales	Hales ✓	