

ORDINANCE No. 186806

Amend Intergovernmental Agreement with U.S. Fish and Wildlife Service in the amount of \$62,577 to collect and analyze data from the Tryon Creek basin and other watersheds (Ordinance; amend Contract No. 30001882)

The City of Portland ordains:

Section 1. The Council finds:

1. In March 2000, the Portland City Council adopted the Clean River Plan, which included monitoring and watershed assessment to determine project effectiveness and partnering with other jurisdictions.
2. The Portland City Council adopted the Framework for Integrated Management of Watershed Health on March 8, 2006 as part of the 2005 Portland Watershed Management Plan, Resolution No. 36384. The Framework defines healthy urban watersheds and watershed health goals, including biological communities that are frequently the first and most sensitive indicators of drainageway impairment and improvement. Salmon are highlighted because of their special legal, economic and cultural status in the Pacific Northwest.
3. In July 1998, the Portland City Council adopted Resolution No. 35715 to guide the City's response to the Endangered Species Act (ESA). The City's urban activities, primarily sewer and stormwater management, landuse, and transportation, were identified as key causes for the decline of salmon and steelhead. The resolution called on the City to:
 - i. Create an integrated, comprehensive city-wide approach;
 - ii. Work to support the recovery of native salmonids;
 - iii. Work proactively with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service;
 - iv. Work with local, regional and state partners;
 - v. Engage the community in the ESA response.
4. The Bureau of Environmental Services is the bureau most significantly impacted by the ESA listings, requiring more than 20 federal ESA permits since 2003 for projects related to outfalls, sewer crossings, drainageway improvements, floodplain restoration and culvert replacements among others. In addition, many private landowners are also subject to the ESA. Recovery of ESA listed salmon and steelhead within the City would reduce project and permitting costs, help the city comply with the Clean Water Act (CWA) permits and requirements, and support economic and ecological gains throughout the City.
5. The National Marine Fisheries Service has adopted three salmon and steelhead recovery plans that affect the City of Portland: The Columbia River Estuary ESA Recovery Plan Module (2011), the Upper Willamette River Conservation and Recovery Plan (2011), and the Lower Columbia River Recovery Plan (2013). Each of the plans recommends

measures to improve water quality, specifically improving stormwater management, as among the most potent and high priority recovery actions. BES represented the City in the stakeholder processes.

6. Since 2000, the City has dramatically improved its understanding of salmon and steelhead interactions, behavior, location, habitat needs and obstacles to recovery, which has resulted in better project prioritization, improved project designs, streamlined permitting which minimizes costs for compliance with the ESA. This information has allowed the City to secure outside funding for construction, ensuring that limited ratepayer dollars are leveraged effectively, and is used to refine requirements and demonstrate compliance with the City's CWA permits. However, the City has not conducted a genetic analysis of the salmon and steelhead sampled. Genetic analyses will improve the City's competitiveness in securing outside funding for projects, affect project prioritization and design especially for stormwater and drainageway improvement projects, influence conditions and requirements in the NPDES permit negotiations, and increase the attention to the Lower Willamette River as a keystone ecosystem for three different recovery domains.
7. The United States Fish and Wildlife Service (USFWS) works with partners to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people. The USFWS also operates the Abernathy Fish Technology Center in Longview, Washington, that has the capability of analyzing genetic information from coho, cutthroat, and steelhead samples.
8. On December 15, 2010, the Bureau of Environmental Services (BES) and USFWS agreed through an IGA, Ordinance No. 184323, to partner for five years to monitor salmon and lamprey presence in the Tryon Creek Basin to study stream enhancement effectiveness and determine needs for future projects. The established cost was \$53,000.
9. On May 30, 2012, Council passed Ordinance No. 185365 and the parties executed a First Amendment to extend the timeline, budget and scope of the project to include additional monitoring at Tryon Creek between the Highway 43 culvert and the Willamette River confluence. The First Amendment added \$53,709 and increased the total not-to-exceed contract amount to \$106,709.
10. In 2013, BES initiated design work on the Boones Ferry Culvert Replacement. To satisfy expected project permit obligations, ensure appropriate design of the project, and understand the overall contribution of the project design to watershed health to inform future projects, BES requires extended post-project monitoring.
11. BES and USFWS agree through this Second Amendment to add genetics testing for all salmon and steelhead samples collected by BES and USFWS, to extend the timeline and scope of the monitoring at Tryon Creek, and to increase the budget to reflect these changes. Additional funds of \$62,577 over five years are available in the Watershed Services operating budget in FY15 and will be requested in future years. The total contract amount, including the Second Amendment, is not to exceed \$169,286.

NOW, THEREFORE, the Council directs:

- a. The Director of the Bureau of Environmental Services is authorized to execute a contract amendment, in substantially similar form as Exhibit A, with the U.S. Fish and Wildlife Agency for the purpose described in Section 1, in the amount of \$62,577.
- b. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Passed by the Council,
Commissioner Nick Fish

SEP 17 2014

Kaitlin Lovell/Jennifer Devlin/Marc Peters
June 20, 2014
ESWS000006/ESWS0000009/
ESWS000011

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

947-974

v140

Agenda No.
ORDINANCE NO. 186806
Title

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<p>INTRODUCED BY Commissioner/Auditor: FISH</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>Min R</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p> <p>BUREAU APPROVAL</p> <p>Bureau: Environmental Services Bureau Head: Dean Marriott <i>DM</i></p> <p>Prepared by: Kaitlin Lovell Date Prepared: August 8, 2014</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> <i>EM</i></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>HPS</i></p> <p>Council Meeting Date September 10, 2014</p>	<p>CLERK USE: DATE FILED SEP 05 2014</p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN: SEP 10 2014 PASSED TO SECOND READING SEP 17 2014 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input checked="" type="checkbox"/> <i>Pulled</i></p> <p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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