

IMPACT STATEMENT

Legislation title: * Authorize application to Metro for a grant in the amount of \$ 750,000 for Tryon Creek at Boones Ferry Road Culvert Replacement Project No. E08682 (Ordinance)

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Purpose of proposed legislation and background information:

The Boones Ferry culvert was identified by community partners and the City of Portland, Environmental Services as one of two major fish passage barriers on the main stem of Tryon Creek. The 2005 Fanno and Tryon Creek Watershed Plan identified the culvert as undersized and a passage impediment. The culvert was further modeled and analyzed in the 2008 Fanno/Tryon Water Quality and TMDL Capital Improvement Project Predesign (Predesign). Both efforts included advisory committees composed of community partners including agency representatives and non-profit organizations. Thus, the replacement of the culvert has been anticipated by the community since planning began in 2001.

On March 8, 2006, the City Council adopted the 2005 Portland Watershed Management Plan, and the Fanno and Tryon Creek Watershed Plan which describes actions necessary for improvement of watershed health in Portland. An important strategy within that Plan is aquatic enhancement for both improved hydrologic function and in-water habitat enhancement for salmonids

When the Predesign was completed in 2008, it generated great interest from the pedestrian community who have been trying to solve the issue of a regional trail crossing for SW Boones Ferry Road at this location. The need for a trail crossing was also identified in the development of the Metro Regional Trails designation.

On May 2, 2012, Council adopted Resolution #36920, reaffirming the City's commitment to watershed health.

On September 11, 2013, Council passed Ordinance #186245 to authorize contract with BergerABAM, Inc. and provide for payment for the design and implementation of the Design Services for Tryon Creek at Boones Ferry Culvert Replacement Project No. E08682 for \$607,505.

In December of 2013, the BES convened a Culvert Replacement Advisory Committee with local agencies, citizens and community groups to work together to identify issues and provide feedback on design alternatives – which were to include either an open bottom arch culvert or a bridge.

In March of 2014, the Committee met to review the engineering alternative analysis. The alternative analysis recommendation favored a culvert design, since a bridge option was estimated to increase the project cost by \$800,000 in additional funding over the City's budget and the culvert would meet BES objectives. The Committee requested that the City acquire additional funding for the bridge option for maximal openness ratio for the passage of both wildlife and pedestrians. Suboptimal openness resulting from the open bottom arch culvert alternative creates barriers to some wildlife, reduces riparian zone footprint and may facilitate undesirable human uses of the underpass area. While an improved culvert meets all the BES objectives, a bridge design meets additional PBOT, regional and community objectives. BES is in a good position to take the lead to ensure that all objectives are met.

The City of Portland and its partners propose to replace the culvert with a bridge and restore the stream bed to create fish and wildlife passage. The project will also include an under road passage for the regional pedestrian trail. Oregon Parks and Recreation District is committed to build a footbridge and trail to connect parkland with the under road passage and to build those to current trail standards.

BES seeks grant funding from Metro to provide up to \$750,000 in capital funding that will cover additional project costs associated with the bridge alternative that increase the overall project budget by \$800,000.

An ordinance to apply for the Metro grant is required, per City Attorney. This requirement is listed in the Metro grant guidance “A brief statement indicating that the organization has vetted the project with their government body and has received approval to submit the letter”.

The Culvert Replacement Advisory Committee is urging BES to apply for additional outside funds allow for constructing the improvement in a way that recognizes the regional significance of the project and achieve multiple regional benefits for stormwater, fish and wildlife passage and recreation. The project goals and request are a good fit for the Metro Capital Grant funds.

Financial and budgetary impacts:

This legislation will result in authorizing a grant application to Metro for \$750,000, and as such, City Council concurs that it is appropriate for BES to seek grant funding in order to build the bridge alternative selected by the Culvert Replacement Advisory Committee. The bridge alternative will increase the project budget by an estimated \$800,000. Once it is determined whether or not grant funds will be dedicated to this project, then design will progress from Pre-design to design. The project budget was estimated during Pre-design and as such, is low level of confidence.

Though this ordinance does not authorize committing match funds, it does set an intention to commit match funds in a future ordinance to City Council. If awarded a Metro grant is awarded, BES will seek approval from Council to authorize accepting an Intergovernmental Grant Agreement from Metro and appropriating grant funds, as well as committing match funds. Changes to budget, revenues and expenses will be proposed at that time.

Community impacts and community involvement:

This projects contributes to a healthy Portland by providing a trail undercrossing though its design and construction. The project occurs in SW Portland, specifically the Arnold Creek Neighborhood. The project will also have benefits and impacts (construction impacts) to Marshall Park, Collins View, Markham and West Portland Park Neighborhoods.

Agencies and community groups have been engaged since 2001 in the identification of watershed improvement projects and the subsequent implementation. Community groups on the Boones Ferry Culvert replacement Advisory Committee have *real* input into the decision making process for this project. They have asked BES to make a good faith attempt to secure additional funds to build a bridge rather than an open-bottom culvert. The Advisory Committee was nearly unanimous in its request that BES make an attempt to raise additional funds for the bridge option. One property owner downstream has concerns that the project will result in higher flows on his property. These concerns are being addressed through hydraulic modeling and engineering to the satisfaction of the property owner.

The following partners are engaged in the project:

- U.S. Fish and Wildlife Service has been partnering since 2010 to study fish passage in the Tryon Creek system. The partnership is codified by an intergovernmental agreement through 2019.

- Oregon Parks and Recreation District, Tryon Creek State Natural Area is the property owner for a portion of the project and is re-routing over 2,000 linear feet of trail, constructing a footbridge to bring pedestrians to the south side of Tryon Creek, restoring an informal trail, removing invasive plants and replacing with natives. Financial contribution is \$44,680
- Metro has designated the area as part of the Hillsdale to Lake Oswego Regional Trail and has provided leadership on trail planning and land acquisition.
- Portland Parks and Recreation District (Parks) manages property purchased by the City and Metro along Tryon Creek upstream of the State Natural Area. Metro, Parks, OPRD and community groups have been working to establish and complete segments of the Hillsdale to Lake Oswego Regional Trail and have prioritized Metro bond funds for acquisition for this area.
- The Portland Bureau of Transportation (PBOT) has been working with the community on options to for a trail crossing at SW Boones Ferry Road for many years and favors the under-the-road crossing. PBOT is a project partner on roadway and bridge design and on sidewalk elements to connect the undercrossing to Tryon Creek State Natural Area North Creek Trailhead.
- The Oregon Department of Fish and Wildlife (ODFW) is on the Advisory Committee and has been a long-time partner on the City's fish enhancement projects in Tryon Creek.
- SW Trails PDX is a community group which promotes walking in southwest Portland and has been a champion of the project since it was first identified in the Tryon Watershed Management Plan. The opportunity to resolve the regional trail linkage issue has been a high priority for the group. It is anticipated that the group will provide volunteer support for the trail realignment elements of the project.
- Friends of Tryon Creek State Park (Friends) have a long history with creating, enhancing and protecting the State Park, which had been subsequently designated as a "State Natural Area." The Friends provide ongoing education about and enhancements for the natural area. The Friends have representation on the Committee and will provide volunteer support for terrestrial restoration elements such as invasive plant removal adjacent to the project site.
- The Tryon Creek Watershed Council (TCWC) is a project champion and a member of the Advisory Committee. TCWC's role is to continue to rally support for this culvert project as well as the culvert replacement downstream at Highway 43 and to provide riparian enhancements at neighboring properties through its' Tryon Creek Mentors Program. TCWC Mentors restore high priority streamside private properties and manage a native plant nursery at the state natural area to stock their efforts.
- Arnold Creek Neighborhood Association is an active part of the project with a representative on the Committee. Arnold Creek NA's mission statement begins: *"To preserve the natural wildlife and natural waterways of the area; To preserve and protect the natural attributes which are unique to this area..."*
- Two adjacent private property owners and additional nearby property owners have been involved in restoring their properties and/or participating in the Advisory Committee. Design opportunities and constraints include private property considerations.

Budgetary Impact Worksheet

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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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