

Tualatin Project Title Transfer

Frequently Asked Questions February 2009

What is Tualatin Project Title Transfer?

Title Transfer refers to transferring some or all of the existing Scoggins Dam/Hagg Lake facilities (collectively the Tualatin Project) currently owned by the Bureau of Reclamation from federal to local ownership.

Why are local Water Supply Partners exploring Title Transfer?

The suggestion of Title Transfer was made by Reclamation's former Commissioner to provide more flexibility and efficiency in managing the Tualatin Project. It would provide local control of a facility that is already locally managed and operated via contracts with Reclamation. It would also reduce the time and cost of planning for future improvements of the facility.

What agencies are currently involved in the Title Transfer Study?

Existing contract holders in the Tualatin Project have passed resolutions in support of studying Title Transfer, including the Tualatin Valley Irrigation District (TVID), Washington County, the cities of Beaverton, Hillsboro, and Forest Grove; Clean Water Services and Lake Oswego Corp. Other partners in the Water Supply Project that passed resolutions include Tualatin Valley Water District (TVWD) and the City of Tigard.

What facilities could be included in a Title Transfer?

Reclamation currently owns Scoggins Dam and associated lands and structures including Hagg Lake. The dam, irrigation pipelines, easements, pumping plants and associated facilities are operated through a contract with Tualatin Valley Irrigation District (TVID). Scoggins Valley Park is operated and maintained by Washington County Parks. Either all or a portion of these facilities could be transferred to local ownership.

Is there a local entity already defined that could take ownership of the Tualatin Project?

Water supply partners have approved a Governance Memorandum of Understanding (MOU) describing how a local public agency could be formed to accept title and how it would function. The next step is to develop Intergovernmental Agreements (IGAs) among the local partners.

How much would it cost to purchase all the facilities?

Reclamation estimates the net present value which represents the cost of purchasing all the facilities is \$6 – 11 million (to be negotiated). This estimate is based on Reclamation's policy to leave the federal government "no worse off" with a transfer. Local partners have already paid a portion of construction of the existing facility.

If the partners move forward with Title Transfer, would the process for raising Scoggins dam with Reclamation ownership continue?

Yes, the priority is to move forward with the current Draft PR/EIS and to explore Title Transfer at the same time. Both these processes can proceed together, as they are independent of each other. Water supply partners have a goal to deliver new water to the basin by 2016.

How would the existing environmental protections associated with federal ownership be protected with Title Transfer?

- Land management: Must comply with Reclamation's current Resource Management Plan (RMP) for an additional 8 years and develop a new 10-year master plan
- Dam Safety: State of Oregon would oversee Safety of Dams
- Fish and wildlife habitat: The Tualatin River Watershed Council (TRWC) would continue to contract for fish mitigation on the existing project and Washington County Parks would continue to contract for mitigation for elk habitat for the existing project
- Endangered species: same as federal requirements
- Flood control: coordinate directly with Oregon Army Corps of Engineers as it is today
- Cultural resources and historic properties: coordinate directly with Oregon State Historic Preservation Office (SHPO)
- Tribal and Native American Resources: agreement with Reclamation and SHPO could require protection of cultural objects

What experience do local partners have in owning and operating a dam?

Currently, many of the local partners (Hillsboro, Beaverton, Forest Grove, Clean Water Services) are part of the Joint Water Commission (JWC) which owns and operates Barney Reservoir, a source of 20,000 acre feet of water for municipalities and to increase flows for fish habitat in the Tualatin River.

What are the next steps for a Title Transfer?

- Local partners have signed a Memorandum of Agreement (MOA) with Reclamation to define the process, tasks and roles/responsibilities of each party
- Comprehensive facility review to assess condition of dam and other facilities
- Initiate Environmental Assessment of title transfer
- Finalize the transfer agreement with terms and conditions between Reclamation and local entities – includes form of governance and liability
- Authorization from Congress to enact the transfer

Could federal funding help pay for the Title Transfer?

Partners in the Water Supply Project have received \$394,000 in federal funding for Title Transfer which would pay for Reclamation's portion of the comprehensive facilities review and Environmental Assessment (a balance of \$104,000 to be requested). Local partners will pay 50 percent of the total costs.

How long would it take to complete the process of a Title Transfer?

It is estimated to take two years for this process, depending on coordination with Reclamation and congressional authorization.

What are some key issues that will be resolved prior to Title Transfer?

- Liability – who is responsible for what?
- Current conditions/deficiencies of existing facility – a comprehensive facility review including seismic analysis, safety and security
- Cost of repairs for deficiencies – who pays and how much?
- Governance model for local ownership