

# Tualatin Basin Water Supply Project Policy Steering Committee

## Draft Meeting Summary

December 4, 2008

Clean Water Services Administration Building—Hillsboro, OR

### Attendance

#### Policy Steering Committee members:

**Tom Brian** (Clean Water Services Board Chair), **Jim Doane** (Tualatin Valley Water District Board Chair), **Rod Fuiten** (former City of Forest Grove Councilor), **John Godsey** (City of Hillsboro Utilities Commissioner), **Herb Hirst** (City of North Plains Councilor), **Dick Schmidt** (TVWD board), and **Forrest Soth** (former City of Beaverton Councilor).

#### Water Supply Project Partner officials and staff:

**Todd Heidgerken** (TVWD), **Derek Robbins** (City of Forest Grove), and **David Winship** (City of Beaverton).

#### Clean Water Services staff:

**Jeanna (Cernazanu) Hall** (Public Involvement Coordinator), **Bill Gaffi** (General Manager), **Mark Jockers** (Government and Public Affairs Manager), and **Tom VanderPlaat** (Water Supply Project Manager).

#### Other agency staff/consultants:

**Dan Boultinghouse** (WH Pacific), **Stephen Caraaia** (Kleinfelder), **Jim Hough** (City of Banks), **Uli Kappus** (Parsons), **Jeanne LeJeune** (HDR), **Bob Long** (Golder Associates), **Bob Mannebach** (Parsons) and **Wally Otto** (TVID), **Arlen Rippe** (Kleinfelder).

#### General Public:

**Doris Knox** (Gaston), **Marv Herraro**, **Kent Hutchinson** (Forest Grove), **Dan Irwin** (Gaston), **Darwin and Barbara Jansen**, **John and Lucille Kintz** (Gaston), **Mike Pauliney** (Gaston), **Marc San Soucie** (Beaverton), **Martha Sleeper** (Gaston), and **Bob Watkins** (Gaston).

#### Media:

Mateusz **Perkowski** (Capital Press)

### 1. Call to Order and Introductions

The meeting was called to order at 6:35 pm by Policy Steering Committee (PSC) Chairman Tom Brian. PSC members and others in attendance offered self-introductions. Chairman

Brian encouraged anyone who might like to share comments later in the meeting to fill out a speaker card so they are not overlooked.

## **2. Minutes of Previous Meeting**

Forrest Soth moved to approve as distributed the minutes from the last meeting, held April 10, 2008. No corrections were noted. Motion passed.

## **3. Water Supply Project Report**

Tom VanderPlaat, Clean Water Services Water Supply Project Manager, shared information about the Bureau of Reclamation's seismic study, the dam raise appraisal, and property acquisition process (*copy available upon request*).

Mr. VanderPlaat explained that Reclamation's seismic study was prompted by new information indicating potential for a Pacific Northwest earthquake of 9.0 (Richter scale) magnitude lasting as long as two minutes, more severe than previously considered likely. Reclamation moved quickly to begin the study this summer and has been very active in sharing data with the Water Supply Project partners. Reclamation is using the data in a model to predict how the existing Scoggins Dam would react to various seismic events as well as how a raised dam might respond. The Water Supply Project partners have also engaged a team of engineers to examine seismic issues.

Mr. VanderPlaat outlined the dam raise appraisal being conducted on behalf of the partners by the Kleinfelder engineering consulting firm. The appraisal will evaluate what is needed to improve the existing dam so it would remain intact should a more severe seismic event occur, whether it could still be used as the base for a raised dam even with improvements, and how a different dam might be located immediately downstream if the existing dam cannot be raised according to updated standards.

The existing dam is earth-fill construction, and the original concept for raising the dam was to add earth fill on the downstream face, using soil from the site. However, the earth-fill technique is unlikely to meet updated standards based on the new seismic information. This is particularly true for a raised dam, as movement during a seismic event would be amplified with height (similar to a shaken tree, the top will sway more than the middle, which will move more than the base). If raising the existing dam is not feasible, the years-ago idea of a "Stimson Dam" could be revived. An entirely new dam could be built just downstream from the existing one, close to the Stimson mill. This approach would have additional impacts on the Hagg Lake community, including the mill and associated land, the road, the park entrance, and the Knox property.

There are several alternatives to earth-fill construction which could be used to improve the existing dam or to build a new one, and each one has different benefits and different issues such as cost, availability, environmental concerns, etc. With the dam raise designs in the

Draft PR/EIS rendered inaccurate by the new seismic information, the consultants are evaluating these construction alternatives as they work to bring a new design to at least 15% completion by June, 2009 so the updated impact analysis and revised cost estimates can be included in the PR/EIS and the environmental review process can move forward. The consultants will continue to coordinate with Reclamation and incorporate seismic information from Reclamation's study.

Mr. VanderPlaat next reported on property acquisition. The project involves 14 landowners and 17 parcels of land on about 160 acres plus a 300-foot buffer around the perimeter. The project impact varies with each property and will be addressed with landowners on a case-by-case basis. Most landowners will lose only land to the higher water level, and some of that loss may be seasonal. Outbuildings will be affected on several properties. Two or three homes will be affected, although that may be mitigated by moving a road or repositioning a septic system.

Staff met with landowners November 5 to discuss surveying boundaries, reviewing environmental effects, and appraising property. About a half-dozen have signed up to begin this information-gathering process. Actual negotiations cannot take place without approval from the project partners, but having all the documentation already on hand will expedite the acquisition process for landowners and partners alike. As reported at the last meeting, one parcel was actually purchased last winter at the request of the landowners, as their home and property would be so severely impacted under either dam-raise scenario that eventual relocation would be required anyway. The project partners are following federal relocation guidelines and Reclamation staff are involved in working with landowners because it is still a federal project and would remain so if the title is not transferred to local ownership. Title transfer has been discussed at previous meetings and is currently being studied.

The City of Hillsboro is currently acquiring easements for the seven-mile raw water pipeline that would be constructed as part of the project. As discussed in detail at previous meetings, the pipeline would be used during high winter flows to pump water from the Tualatin River into Hagg Lake to ensure the reservoir would fill for summer needs. During the summer months, the pipeline would carry water from the reservoir to the Joint Water Commission's drinking water treatment facility.

Mr. VanderPlaat responded to several questions:

- 1) Is the 300-foot buffer for erosion prevention? (Soth) Yes, but it is also to prevent encroachment (people building "private" boat docks, for instance). In some areas it may also be needed for fire protection access or some other management issue. The buffer area might be in the form of an easement or it might be purchased outright. In some places the buffer line may be flexible as there will be seasonal water fluctuations. This is why acquisitions will be approached case-by-case.
- 2) If a second dam might be built downstream that would increase storage capacity without raising the water level why are we worrying about buying property around the lake? (Fuiten) A new dam would be built only if the existing one could not be raised under the updated

seismic standards. The area between the existing dam and where a new one would be placed is relatively small and would not hold the same amount of water that would be stored if the existing dam were raised, so the water level will still rise. No property acquisition decisions will be made until we know whether the existing dam can be raised or if new construction is needed, and we know more about expected water levels.

3) If the project title is transferred to local ownership, do the federal relocation regulations still apply? (Fuiten) Good question—not sure how different state rules would be from federal. Chairman Brian added that there would still be some federal funding so that might require the federal rules be followed regardless of whether the title is transferred.

4) Would the raw water pipeline/pumpback system still be needed if a new dam were built instead of raising the existing one? (Fuiten) Yes, we would still need to be assured that the reservoir would fill every year. The pipeline will be of benefit even without the dam-raise portion of the project.

Mr. VanderPlaat concluded with a review of Water Supply Project activities and priorities for the next few years, including environmental permitting and local partner governance agreement for a potential title transfer, safety evaluation and report on the existing dam, dam design revisions, draft environmental permitting for the project (there are about 20 local, state, and federal agencies with applicable regulations), and management of these concurrent, independent, but interrelated processes.

#### **4. Title Transfer Status**

Mr. VanderPlaat also discussed the status of the title transfer study. Reclamation recently returned its review of the Memorandum of Agreement (MOA) regarding the partners' interest in a title transfer, and that should be signed soon. Since the last meeting, the idea of a partial title transfer has emerged as a more serious option. Because the Tualatin Valley Irrigation District (TVID) is already well-established in operating the irrigation water distribution system as a Reclamation contractor, there is less interest in transferring that aspect of the project. The current discussion focuses on transferring title to the dam and one pump station. A full transfer of title is still an option, depending on TVID's preferences. There is continuing work on draft intergovernmental agreements (IGAs) that would establish a local ownership entity to which title could be transferred. The environmental review process that is required for the title transfer study will likely begin in January and will include a public involvement process. Reclamation's seismic study and safety evaluation will also have some bearing on the title transfer discussion. The current federal policy is to provide 85% of the funding for dam safety improvements, with the remaining 15% covered by local funding.

Mr. VanderPlaat responded to several additional questions:

1) If a downstream dam were built, how would it compare in height to a raised dam? (Knox) This is hard to say as the engineering reports are not complete. There is probably not more

than a hundred acres or so in the area between the existing dam and where a new one would go, and there is virtually no change in grade. A new dam would still need to be higher than the existing one, but perhaps not as high as the existing dam raised by 40 feet would be.

2) Is there a possibility the seismic evaluation will say the dam is fine as is? (Fuiten) We anticipate that at minimum, some improvements to the dam will be required to meet the new standards.

3) If seismic improvement costs are shared, how much is our 15% local share? (Fuiten) That's impossible to say at this time as the study is not complete. There would be some cost even without this new study as the dam was built to 1974 standards and would need to be updated anyway.

4) If a new dam is built downstream, what happens to the existing dam? (Brian) Bill Gaffi, Clean Water Services General Manager, explained that the existing dam would stay in place during construction, then enough of it would be removed to allow water movement and to address safety issues. There might be some work required on the existing dam to ensure safety during construction of the new dam, but there would be no investment in it beyond that. It would be neither cost-effective nor necessary to remove the entire structure.

## **5. Public Involvement Update**

Jeanna Hall, Public Involvement Coordinator for Clean Water Services, has completed production of a 12-minute video, "Water For the Future." The video, along with six shorter vignettes, was prepared for use on the website and for distribution via local cable television and community groups. Partner agencies will have copies to share, too. The video outlines projections regarding future water needs, and explains the rationale behind the proposed dam raise. Five of the six vignettes explore water needs and the dam raise idea from agricultural, environmental, economic, historical, and municipal perspectives. The sixth provides information about title transfer. The Committee viewed the video and the historical vignette.

Ms. Hall said the Draft PR/EIS should be completed in the next 6-8 months, and at the same time partners will be looking at identifying the preferred alternative (no action, 25-foot dam raise with Willamette pipeline, or 40-foot raise, as described in detail during previous meetings). She shared evaluation criteria (*copy available upon request*) developed earlier in the Water Supply Project process and asked Committee members to review it and make sure it continues to be valid for evaluating the alternatives. Ms. Hall also reviewed the Master Planning Process (MPP) (*copy available upon request*) for public involvement in selecting the preferred alternative. She said staff would initially recommend a preferred alternative to the Water Managers Group, comprised of partner representatives, and from there go to other stakeholder groups. She will keep the PSC apprised along the way and come back to the group with final information in summer or fall of 2009.

Mr. VanderPlaat added that the coming months will bring much more information and by fall there will be tough decisions to make--title transfer or not, dam raise or not? Staff wants to

help PSC members prepare for those decisions and will try to be methodical about stepping through the MPP.

Chairman Brian asked anyone with questions or comments about the evaluation criteria or the MPP to contact Ms. Hall so she can bring them back to the PSC for revision.

## **6. Government Affairs Update**

Mark Jockers, Clean Water Services Government and Public Affairs Manager, reviewed federal funding for the Water Supply Project. For the past five years the partners have had a firm representing their interests in Washington, D. C. The most significant federal legislation so far was in 2004. It allowed Reclamation to work on the Project and authorized up to \$2.9 million—about 45% of the anticipated total—primarily for study costs. Mr. Jockers pointed out that authorization is not the same as appropriation. So far, with the help of the Congressional delegation, the partners have received about \$1.03 million of the authorized funds. This year the partners requested funds for three things: \$1.87 million in continued funding for the Water Supply Project, \$106,000 for Reclamation's portion of the facilities assessment, and to draft Tualatin Project title transfer legislation so the language will be in place if the partners decide to pursue it.

No funding has been approved yet for fiscal year 2009. The continuing resolution passed by Congress in September provided funding to continue government functions but did not include any appropriations requests. Senators Ron Wyden and Gordon Smith placed a \$400,000 appropriations request for the Water Supply Project in the Senate. Both the Senate and the House have a \$106,000 appropriations request for the title transfer legislation. An omnibus bill addressing appropriations will be passed after the inauguration in January, so the partners will know more about funding by February. The funding outlook appears positive, as there is strong support from the Congressional delegation and good working relationships with Congressional Appropriations Committee staff members.

Staff from the Executive Office of Management and Budget (OMB), along with representatives from the Department of the Interior, visited the Tualatin Basin in August to learn more about the area, the existing facility, and the proposed project. The OMB is very interested in the title transfer concept because it would eliminate federal responsibility for long-term costs of liability and management, and they recognize the capability of the local partners.

Next year the partners will go back to Congress in hopes of receiving the balance of the original \$2.9 million authorization. They will also focus on drafting title transfer legislation so it is in place and ready to be addressed by Congress if the decision is made to pursue it. This group and others will have to make that decision late next year.

Chairman Brian commented that he and others have been asked many times how the Water Supply Project might be affected when Senator Smith leaves office. Chairman Brian acknowledged Senator Smith's interest and support and said his absence will certainly be

felt. However, Senator Wyden and Representative David Wu and their staff people have also been very helpful, and they will still be there. The established relationships with OMB staff and Congressional committee staff will still be in place, as those positions generally do not change when a new administration takes over. Senator-elect Jeff Merkley is already familiar with the project from his years in the Oregon legislature. His staff has already been contacted and plans are shaping up to meet with him. Senator Smith's departure will not mean the end of the project.

There were several questions:

- 1) Will Reclamation's approach to title transfers change under a new administration? (Fuiten) Chairman Brian and Mr. Jockers said probably not, as it is an agency policy developed during the Clinton administration's effort to increase efficiency in government. Also, the support and assistance for the project has been bi-partisan, so a title transfer is not likely to be seen as a "political football."
- 2) Is it possible for project costs to be covered as part of a federal economic stimulus package? (D. Irwin) Chairman Brian said this project would probably not qualify for inclusion in the economic stimulus package as it is currently being discussed, as there is a required number of jobs and they must be available within six months. However, there may be money available through fisheries or other agencies.
- 3) If the title is transferred, who is responsible if there is a problem such as a breach of the dam? (L. Kintz) Currently Reclamation is the owner and the responsible party. If the title is transferred to a local entity, that agency would be responsible. This is an excellent question, and part of the reason the partners are conducting engineering and seismic assessments is to determine if they want to take on that responsibility.

Mr. Jockers concluded by saying that he will be contacting project partners and other advocates to refresh their letters of support to the Congressional delegation. Governor Kulongoski recently sent a letter of commitment to the entire Oregon delegation supporting the project.

## **7. PSC Membership Structure**

Ms. Hall referred to a handout mailed earlier (*copy available upon request*), reviewing the membership and voting structure of the PSC and its roles and responsibilities. One membership change since last year is that Tualatin is no longer actively involved. Tigard and Forest Grove are in transition, expected to decide in the next few months whether to continue as partners or pursue other arrangements. Tualatin Valley Irrigation District is a voting member on the issue of title transfer. Ms. Hall praised the continuity of the group and its accomplishments since it was formed in 2003. From reviewing the findings of the Water Supply Feasibility Study and identifying a proposed alternative, then adding a second alternative and beginning the Draft PR/EIS process, to deciding to investigate a title transfer, much good work has been done and there is still more to do!

Looking at the multiple timelines related to the Water Supply Project, Mr. Fuiten asked how a preferred alternative could be recommended for public review next summer if the dam safety evaluation isn't completed until the end of that year. Ms. Hall said the schedules are tentative and can be adjusted as information becomes available. It is possible the seismic/safety study would not have to be 100% complete to provide enough information to move forward with a preferred alternative. Chairman Brian commented that the seismic issues have just come up in the past couple of years, and seem to have left everyone feeling a little bit taken by surprise.

## **8. Public Comment**

Chairman Brian asked for any comments from members of the public.

Darwin Jansen shared a September, 1958 newspaper article describing the potential for a dam on the Nehalem River, where 47 square miles of drainage would create a lake of 3,460 acres holding 250,000 acre feet of water. Mr. Jansen said he is not suggesting a Nehalem project in place of the current one, but even though the expanded capacity at Hagg Lake will meet the need for years we still should be thinking into the future beyond it. He offered extra copies of the article for anyone interested.

Chairman Brian recalled the Nehalem River as one of the many early possibilities in the Water Supply Feasibility Study. Mr. VanderPlaat confirmed that the Nehalem, Wilson River, McKay Creek, Dairy Creek, and other streams were evaluated early in the study. He thanked Mr. Jansen for revisiting the idea and said the Nehalem dam and reservoir is still feasible from an engineering standpoint, but it was not pursued as part of the current Water Supply Project because environmental restrictions apply to the Nehalem as a fish-limited stream and there are no water rights available, making a storage permit unlikely. Also, construction of such a project would displace the town of Timber along with several miles of Highway 26.

## **8. Adjournment**

Chairman Brian expressed appreciation to everyone for their attendance and wished all a safe and happy holiday season as he adjourned the meeting at 8:21 pm.

*(Meeting notes prepared by Sue Baumgartner)*