

# Columbia River Levee Repair and Accreditation Project

Oregon Solutions Meeting Notes  
(Online at <http://orsolutions.org/osproject/MCDD>)

April 8, 2014 – MCDD District Office

## Welcome & Introduction

The project meeting was convened by Portland Mayor Charlie Hales and Multnomah County Chair Marissa Madrigal. Mayor Hales opened the meeting by stating that the purpose of the meeting was to update the attendees on the results of the various committee and subcommittee meetings that have occurred since the January 27 Project Team meeting.

Oregon Solutions Project Team members in attendance:

Participant	Organization
Maryhelen Kincaid	East Columbia Neighborhood Association
Karen Kane	Bridgeton Neighborhood Association
Corky Collier	Columbia Corridor Association
Vic Stibolt	Jubitiz Corporation
Tim Warren	Multnomah County Drainage District Board
Reed Wagner	Multnomah County Drainage District
Mark Wigginton	Peninsula Drainage District #1 Board
Dick Shafer	Peninsula Drainage District #2 Board
Phil Ralston	Port of Portland
Jackie Dingfelder	Office of Portland Mayor Charlie Hales
Kimberly Tallant	Portland Bureau of Development Services
Mike Abbate	Portland Bureau of Parks and Recreation
Casey Filice	Office of Multnomah County Chair Marissa Madrigal
Scott Robinson	Metro Regional Government
Christine Svetkovich	Oregon Department of Environmental Quality
Christine Shirley	State of Oregon – NFIP Coordinator
Bobby Lee	Oregon Governor’s Office
Kevin Brice	U.S. Army Corps of Engineers – Portland District
Jim Hagerman	Portland Bureau of Environmental Services

Several interested parties from governmental, commercial, environmental and neighborhood organizations attended the meeting. Those attendees included:

Attendee	Organization
John Donovan	Metropolitan Group
Robert Wiley	Sauvie Island Drainage Improvement District
Andee Shork	Office of State Representative Tina Kotek
Joe McCray	Sauvie Island Drainage Improvement District
David Munro	Tetra Tech
Andy Cotugnu	Metro
Byron Woltersdorf	Multnomah County Drainage District
Kelly Sherbo	Multnomah County Drainage District
Nancy Hendrickson	Bureau of Environmental Services
Tanja M.	TMT Development
Bill Peterson	City of Wood Village
Jed Tomkins	Multnomah County
Craig Gibbons	Tax Supervising & Conservation Commission
Sharon Matlock	PacifiCorp
Sunny Simpkins	Multnomah County Drainage District
Hong Huynh	Miller Nash Attorneys
Jennifer Belknap Williamson	City of Gresham
Jeff Condit	Miller Nash Attorneys
Jeff Boechler	Oregon Department of Fish & Wildlife
Nils Tillstrom	City of Portland
Tim Couch	Sauvie Island Drainage Improvement District
Casey Short	Multnomah County Drainage District
Anne Debbaut	Oregon Dept. of Land Conservation & Development
Cristin Bansen	TMT Development
Brian Stipak	Bridgeton Neighborhood Association
Sallie Edmunds	Portland Planning & Sustainability
Marc Siegel	Office of U.S. Senator Jeff Merkley
Leslie Sawyer	Bridgeton Neighborhood Association
Dick Springer	West Mult. Soil & Water Conservation District
Julia Babcock	Oregon Solutions
Brian Vincent	Multnomah County
Andrew Brown	Multnomah County Drainage District
Mandy O'Hara	Multnomah County Drainage District
Angela Carkner	Multnomah County Drainage District
Kayla Mullis	Multnomah County Drainage District
Ron Delp	Oregon Solutions
Eric (Rick) Mogren	PSU - Center for Public Service
Steve Greenwood	Oregon Solutions
Jason McBain	U.S. Army Corps of Engineers
Deane Funk	PGE
Jane Van Dyke	Columbia Slough Watershed Council
Douglas Morgan	Portland Bureau of Developmental Services
Skip Klarquist	Sauvie Island Drainage Improvement District
Mike Meyer	Cornforth Consultants
Karen Stewart	CenturyLink

## Revisiting the FEMA Accreditation Process and Timelines

Mayor Hales introduced Oregon Solutions Project Manager Steve Greenwood to provide an overview and clarification of the FEMA accreditation process. Steve provided some highlights of recent briefings with Oregon Solutions team members, explaining the differences between certification and accreditation (online at <http://orsolutions.org/osproject/MCDD>).

For the entire flood control system to be accredited by FEMA as protective of a 1% annual chance flood event, certification of the integrity of the levee systems by a professional engineer is a critical part of the documentation required by FEMA.

While FEMA is not expected to request a remapping of the District for accreditation within the next budget year, there are other events that could trigger a FEMA request for documentation ahead of current expectations, including:

- If the District is not demonstrating sufficient progress toward addressing system repairs.
- At an individual landowner's request for remapping.
- In response to a major flood event.

Steve then provided an overview of best and worse case scenarios for timelines in the certification to accreditation process. Once FEMA initiates the process, the community has 90 days to submit all required documentation for accreditation of the levee, and up to five years before suffering significant consequences. While this sounds like plenty of time, Steve reminded the group that the *certification* process could take from six to sixteen years to complete.

- Initial engineering review—1 year.
- Securing funds and permits for repairs—1-10 years.
- Completion of construction—2-5 years.
- Final engineer certification—1 year.

Kevin Brice, representing the U.S. Army Corps of Engineers, reminded the Project Team that the Corps has a separate interest in maintaining the integrity of the system to Corps standards for inclusion in the Corps' Rehabilitation and Inspection Program. He offered to work with the Oregon Solutions team so that Corps requirements could be incorporated into the planning.

MCDD Project Manager Kayla Mullis also described the timeline represented visually on a handout prepared for the meeting at the request of Chair Madrigal during the January 27 meeting.

## **Engineering Evaluation – Challenges and Solutions**

MCDD Executive Director Reed Wagner explained that the Districts will exhaust their budgets for this fiscal year for completing the engineering evaluation for PEN 1 and PEN 2. An additional \$1.5 million is required to complete the evaluation in the next fiscal year, which begins July 1, and for which the Districts currently have no funding source.

A subgroup of the Oregon Solutions Team has met three times over the past two weeks on this matter, and has developed the following collaborative approach: The State of Oregon Infrastructure Finance Authority (IFA) has offered a low-interest loan to cover the expense of completing the engineering evaluation. Payback of the loan and/or engineering expenses would be shared by several public entities over a seven-year term. Those entities include: City of Portland, Metro, Port of Portland, Peninsula 1 Drainage District, and Peninsula 2 Drainage District. Mayor Hales, Bobby Lee, Phil Ralston from the Port of Portland, and Scott Robinson of Metro all spoke in support of this collaborative approach, though it will need to be approved by their respective decision-making bodies.

Convener Charlie Hales thanked the sub-group for their work on this and asked that the group work to get the necessary approvals and develop the Intergovernmental Agreement by the next meeting, May 20.

## **Governance Committee Report**

The Governance Committee met on February 14 (see meeting notes on the OS website) to discuss issues around jurisdictional authority. As a follow up action, a second meeting was held on March 11 in lieu of the cancelled Project Team meeting. Reed Wagner reported the information presented by Sacramento consulting attorney Scott Shapiro, whose firm represents several districts in the California Central Valley in matters regarding FEMA levee accreditation. These districts are several years ahead of MCDD in this process and provide numerous lessons. Reed provided five examples from Mr. Shapiro's presentation that demonstrate ways that other jurisdictions across the country met this challenge.

- In the Sacramento area, local jurisdictions created a new Board under a Joint Powers Authority, similar to an Inter-Governmental Agreement in Oregon, to exercise powers held in common.
- Also in the Sacramento area, jurisdictions transferred local authority to an existing agency with Board representation by all member jurisdictions.
- In southwest Illinois, the state legislature resurrected a dormant district and assigned sufficient jurisdictional authority.
- In Dallas, Texas, local districts gave authority to the City of Dallas, which rolled accreditation into its community river walk development project.
- In southeast Louisiana, the state legislature created a new district to overlay and combine existing districts.

Chair Madrigal suggested that the Project Team look beyond the near term priorities being discussed in the Oregon Solutions process and consider governance issues and structures that are capable of addressing future scenarios.

In another follow up issue, MCDD Natural Resources Program Manager Sunny Simpkins reported the results from a meeting with the attorneys of the various jurisdictions that are impacted by accreditation issues. A draft memorandum that outlines the legal issues related to governance for accreditation was circulated to the jurisdictions' attorneys to solicit feedback and comments. Another legal subcommittee meeting is being scheduled to continue this work.

### **Legislative Committee**

Reed Wagner reported that a meeting on March 14 hosted by Rep. Earl Blumenauer's office was successful in bringing awareness of the accreditation issues to the legislative affairs representatives for federal, state and regional elected officials. The purpose of this meeting was to provide an overview for attendees to begin long term planning initiatives involving future budgeting priorities and potential jurisdictional authority issues.

### **Engineering Consultant's Report**

Cornforth Consultants Engineer Mike Meyer presented a Certification Update slide show (online at <http://orsolutions.org/osproject/MCDD>). The field investigation phase is proceeding in collecting data from 62 total borings scheduled for PEN 1 and 74 total borings scheduled for PEN 2 (see detailed aerial maps online). Data from these borings, collected at the water side, the landward side and the crest of the levees, allow for a cross sectional analysis of the levee. The levees are built mostly from dredged earth and sand, and not from other common alternatives like gravelly clay, or peat. Mike shared that so far there have been no red flag areas to date that indicate obvious problems. In answer to a question about the seismic integrity of the levees, Mike replied that there are no seismic requirements as part of FEMA's certification criteria and thus no testing of seismic integrity.

### **Next Steps and Follow-up Actions**

Mayor Hales requested a progress report on the IFA loan process for the next meeting. Steve Greenwood announced the dates for the next scheduled meetings as May 20, July 1, and September 26. Steve announced that the May 20 meeting will include a 90 minute panel discussion on the potential impacts of losing accreditation and suggested that the September 26 meeting include a field visit to any areas found to have deficiencies. Before adjourning the meeting, Steve shared that today was Chair Madrigal's last meeting as co-Convener of the Oregon Solutions team, and on behalf of the Governor presented her with a bouquet of flowers in appreciation of her role as a co-convener.