



MILTON-FREEWATER LEVEE PROJECT TEAM MINUTES

March 30, 2010

The Milton-Freewater Levee Project Team met Tuesday, March 30, 2010 at 1:00 p.m. in the Albee Room of the Milton-Freewater Library.

The following project team members were present: Senator David Nelson, Project Manager Dick Townsend(Oregon Solutions), Larry Givens(Umatilla County Commissioner), Lewis Key(Mayor, City of Milton-Freewater), Linda Hall(City Manager, City of Milton-Freewater), Cheryl York(M-F Chamber of Commerce), Bill Duke(ODFW), Scott Fairley(Governor's Office), Herb Bessey(U.S. Army Corps of Engineers), Tom Fellows(Umatilla County Public Works), Mike Garton(M-F Community Member), Jed Volkman(Umatilla Confederated Tribes), Diane Driscoll(National Marine Fisheries), Tamra Mabbott(Umatilla County Planning Director), Sarah Branum(BPA), Brad Humbert(MF Water Control), Vern Rodighiero(MF Water Control), Manford Anliker(MF Water Control), Vicki Lee(MF Water Control), and John Zerba(Hudson Bay Irrigation District).

Others in attendance were: Kathleen Cathey(Senator Wyden's Field Rep.), Ron Brown(M-F Citizen), Ed Chesnut(Councilor, City of Milton-Freewater), Jonathan Thompson(Umatilla Confederated Tribes), Steven Patten(WWBWC), Joy Haril(U.S. Army Corps of Engineers), Melanie Hall(Valley Herald Newspaper), Samantha Tipler(East Oregonian Newspaper), Grant Young(DLCD), Wade Foster(Congressman Walden's Field Rep.), and Leanne Steadman(City of Milton-Freewater).

Senator David Nelson called the meeting to order at 1:00 p.m. He welcomed everyone to the Milton-Freewater Levee Project Team meeting. Those present introduced themselves. He asked if anyone had any changes to the January 26, 2010 meeting minutes. There were no comments therefore the minutes were approved as submitted.

There was an announcement that Jed Volkman was missing a binder from the work group meeting earlier that day. The meeting was held at the Walla Walla Basin Watershed Council office. If someone accidentally picked it up please return it to Jed.

Senator Nelson felt there was good progress with Oregon Solutions and the sub-committee groups. He reviewed what he felt were the short and long range goals for the project. He explained there were draft copies of the Declaration of Cooperation for each team member. He encouraged each member to read theirs and forward any changes to the Project Manager Dick Townsend.

Linda Hall reported there was a five member board for the Milton-Freewater Water Control District. Chair Manford Anliker, Vice Chair Sam Hopkins-Hubbard, Brad Humbert, Vern Rodighiero and Roger Cosner. She commended these individuals for stepping up and serving on the board even without insurance in the event of a flood. She felt the board was very hard working and understood their role. The board has appointed Vicki Lee as the Secretary/Treasurer, Anderson Perry Engineering will remain their engineer of record and Sam Tucker will remain as their lawyer. They held a clean-up day March 23, 2010. Approximately twenty (20) volunteers showed up and they burned and cleared blackberry bushes and brush along the levee. Their next scheduled meeting was April 13, 2010 at 7:00 p.m. in the Court Room at City Hall. The agenda is mailed to the Valley Herald, Walla Walla Union Bulletin, and East Oregonian, and is posted to the city's website.

Herb Bessey explained the Corp of Engineers performs a periodic inspection once (1) every five (5) years. This includes a maintenance inspection and an evaluation of the original designs which is then compared to the inspection report. The Corp of Engineers has contracted with Anderson Perry to perform the inspection. The levee inspection was scheduled for March 31, 2010, and people would meet at City Hall at 9:00 a.m. There will be a representative from the Walla Walla Basin Watershed Council, Engineers from Anderson Perry, Herb Bessey and a couple of Water Control Board (WCB) members that will walk the entire levee. Herb said there would be no cross sections, no hydraulics, no cutting through brush and they would only inspect what they could see. Any additional damage to the levee would be immediately brought to the Water Control Boards attention by Herb. He asked that there be no contact with Anderson Perry and for any questions to please contact him at 509-527-7144.

Mike Garton asked if the inspection would address the vegetation issue. Herb Bessey said it would be in the report.

Dick Townsend reported that he met with the WCB held a meeting on Monday, March 29, 2010. Their records are being held at City Hall. Easements for the properties have not been found and asked if the Corp of Engineers or Umatilla County could help in tracking them down. Herb said he would check his records. Tamra Mabbott said they could come up with a map that included deed and tax lot numbers. Easement should also be included. She said she would have to get authorization from her boss to do this for no charge. Larry Given said he would authorize the request.

Dick Townsend discussed and reviewed the Declaration of Cooperation for each team member. He asked that members review their page and make changes if necessary. He said he would like to move forward with getting these finalized and signed off on.

Dick asked Herb to review the Corp of Engineers Rehabilitation Program. Herb explained the program worked basically like an insurance policy. If there were to be a flood the Corp of Engineers would step in and help. If the levee was/is deemed de-certified then the levee is not eligible for the program.

Linda Hall announced that FEMA sent their letter of Final Determination on March 3, 2010. Therefore, the six (6) month clock was ticking. The deadline to adopt and show there is a

floodplain ordinance in place is before September 3, 2010. She said the city is sponsoring a training session that would be held on May 13, 2010 for insurance providers, realtors and banking institutions. There will also be an open house for citizens to find out and purchase flood insurance on July 15, 16 and 17th, 2010. The city has been notified by FEMA that they are enrolled in the preferred insurance rate program. If citizens do not enroll before the September 3rd deadline then they will be required to purchase the insurance at a much greater rate. The insurance requirement is tied to those citizens who hold a mortgage. She also said it would be a good idea to have flood insurance if you were planning on selling the home as the insurance deed can transfer to the new homeowner. If citizens choose not to purchase insurance and they hold a mortgage their lending institution would place flood insurance onto their mortgage by “force account”. This insurance would be at a much higher rate.

Dick Townsend reviewed what he felt was the levee repair timeline. He explained, besides all the needed repairs to the levee, another important aspect of getting the levee accredited by FEMA was to develop a plan to maintain the structures.

For the grade control structure repair it was thought that the same contractor could be used to also repair the toe downstream of the drop structure. The Water Control Board would be responsible for paying that portion of the repair but could save some money by using the same contractor that would be engaged by the Corps for the grade control structure.

There was a discussion regarding the permit process and how soon those permits should be requested. It was emphasized that state representatives should be involved early on. Bill Duke recommended getting the permits going sooner than what the time line showed.

Herb Bessey felt it was a huge step for other public agencies to get through the accreditation process. He has seen other agencies spend up to \$750,000 for the process.

Manford Anliker asked how that process could take so much money when the original design was the Corp of Engineers’.

Brad Humbert said he understood that if a registered engineer approves the project and the Corp of Engineers accepts the levee back in the rehabilitation program, then FEMA would take the city out of the floodplain.

Herb Bessey felt there was some misconception with that process.

Scott Fairley announced there was a \$5,000 grant available for safety purposes through the Department of Water Resources. A letter of request would need to be sent and if approved, then funding should be received within two (2) weeks. There will be more funds available next October which is part of the next funding cycle.

Larry Givens reported the lobbyists were working with the Federal Representatives and originally had asked for \$1.2 million dollars. The Senate reduced that amount to \$875,000. Larry asked for an update on funding from Kathleen Cathey, Field Representative for Senator Wyden. Kathleen thought those allocations were for October 2011. Wade Foster, Field

Representative for Representative Walden, said the House pulled all earmarked appropriations for this year.

Linda Hall asked for an update regarding the extension for the preferred risk policy insurance program. The request had been submitted thru Representative Walden's office. Wade Foster and Kathleen Cathey both said they had not heard and would check on the status.

Manford Anliker explained the WCB would like to have a plan with the amount of a bond measure by July 2010 so the board can begin educating the public. He went over some public education ideas such as small groups to go around and talk to citizens, concentrated information and some other strategies.

Diane Driscoll explained that the WCB could apply to USACE for a vegetation variance. NOAA will be proposing changes on how to apply for a vegetation variance. She said the proposal federal language for vegetation variances would make it virtually impossible to get one. A public comment period runs thru April 25, 2010. She cautioned the District that removal of substantial vegetation on the levee could be in violation of the Federal and State laws. She said she would not pursue such actions, but did strongly recommend the District work with them in developing a long term vegetation management plan. She recommended not removing any more vegetation than absolutely necessary. FEMA is now required to consult with the National Marine Fisheries and U.S. Fish & Wildlife before they take the City out of the floodplain.

Jed Volkman asked what steps the District had to take before removing the recommended vegetation as a result of the latest inspection.

Diane Driscoll recommended consulting with the National Marine Fisheries and U.S. Fish & Wildlife.

Ed Chesnut asked if the requirement to consult with those two agencies be part of the declaration of cooperation.

The project team consensus was yes it should be included. Dick Townsend will add that to the declaration of cooperation.

Ron Brown cautioned the group to keep all Federal and State agencies in the loop every step of the way to ensure cooperation at the end.

The Oregon Solutions Project is nearing the six (6) month contractual agreement. Dick Townsend will be moving on to another project but Senator Nelson has agreed to stay on as the Oregon Solutions Project Team convener. Linda Hall will work on how it will be structured to keep the group going and keep all the agencies engaged and informed.

The next meeting has been scheduled for Tuesday, May 18, 2010 at 1:00 p.m. in the Albee Room of the Milton-Freewater Library.

There being no other business, Senator Nelson adjourned the meeting at 3:18 p.m.