



MILTON-FREEWATER LEVEE PROJECT TEAM MINUTES

January 26, 2010

The Milton-Freewater Levee Project Team met Tuesday, January 26, 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), Linda Hall(City of Milton-Freewater), George Gillette(M-F Citizen), Cheryl York(M-F Chamber of Commerce), Christine Shirley(DLCD), Bill Duke(ODFW), Brian Wolcott(WWBWC), Scott Fairley(Governor's Office), Herb Bessey(U.S. Army Corps of Engineers), Mike Garton(M-F Community Member), Jed Volkman(Umatilla Confederated Tribes), Jonathan Thompson(Umatilla Confederated Tribes), Diane Driscoll(National Marine Fisheries), Stan Heller(Army Corps of Engineers), Tamra Mabbott(Umatilla County Planning Director), John Zerba(Hudson Bay Irrigation District), John Stephenson(US Fish and Wildlife Service), Mark Riebau(FEMA) and David Ratté(FEMA).

Others in attendance were: Doug Olson(Umatilla County Counsel), Kathleen Cathey(Senator Wyden's Field Rep.), Tom Fellows(Umatilla County Public Works), Sam Hopkins-Hubbard(City of Milton-Freewater Councilor), Orrin Lyon(City of Milton-Freewater Councilor), Ed Chesnut(City of Milton-Freewater Councilor), Steven Patten(M-F Citizen), Melanie Hall(Valley Herald Newspaper), Samantha Bates(East Oregonian Newspaper), Norma Bessey(Waitsburg Times) Bob Wondra(M-F Citizen) 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 fourth meeting of the Milton-Freewater Levee Project Team. Those present introduced themselves. He asked if anyone had any changes to the December 8, 2009 meeting minutes. There were no comments therefore the minutes were approved as submitted.

Senator Nelson felt there was good progress with Oregon Solutions and all the sub-committee groups. The final objective was to move this project along and find successful solutions.

Umatilla County Commissioner Larry Givens gave an update on the M-F Water Control District (MFWCD) status. He reported the board members resigned as of December 31, 2009 due to

their insurance coverage expiring. Umatilla County Counsel Doug Olson was at the meeting to explain what happens since there was no board. He said the MFWCD board members presented their resignations to the County Commissioners. The Commission can make appointments to fill those vacant seats. He understood there were still two employees of the MFWCD; Bryan Rittenhouse who performs maintenance on the levee and Roger Weiler who was the Treasurer of the district. Mr. Olson announced there were two individuals that have approached him to step up and serve on the board. He said there would need to be a minimum of three members for a quorum. The board is made up of five members.

George Gillette said all the records for the district would be put together in good order and would be presented to the County Commissioners. He said the Treasurer still has the authority to write checks and pay the district's bill. The maintenance worker has been working on the blackberry bushes so areas can be seen for another inspection.

There was discussion about when the Corp of Engineers' contract inspector was going to be done. The inspection is set for sometime in February. Commissioner Givens volunteered to be available to accompany them during the inspection.

Jed Volkman asked if there was any way to exempt those members of the WCD from actions involving liability.

Doug Olson announced that Umatilla County's insurance would not cover those members.

Ed Chesnut felt Milton-Freewater was not the only city with this circumstance and wonder if there was some kind of Federal backing that could be provided to help cover those members. Linda Hall asked if it was possible to have an insurance rider on an interim basis that would cover everything except a flood. Dick Townsend said he has spoken to the Special Districts Department and said there may be some coverage but it would exclude flood events.

Brian Wolcott asked if there were still some funds available to start burning off the blackberry bushes so there could be a good inspection done. George Gillette felt there were still some funds available but was concerned with burning and having no insurance coverage.

Brian Wolcott, Chairman for the Work Group gave an update on the group's progress. He reported the Corp would be scheduling a periodic inspection of the levee in late February, providing the river flows are not too high. This will give us the data we need to determine the extent of repairs needed and determine the amount of work needed to be accomplished. He further reported funding was looking very promising for a grant application the Watershed Council had submitted to the DEQ. It would include LIDAR flights of the levee and some surrounding areas. Several partnerships have been formed to work together for dual purposes – fish passage improvements and levee repairs – with the Confederated Tribes, BPA and other stakeholders. These collaborations will fund the design and probable repairs of the Couse Creek deficiencies. The Corp, BPA and Hudson Bay Irrigation District will work together to sponsor and fund the A Weir improvement projects below the fish ladder. Progress has been made also with the vegetation issue. John Stephenson of Fish & Wildlife had researched a set of standards

that met both public safety and fish passage requirements on California levees that the Corp has participated with. This would be helpful in arriving at a mutual compromise for this issue.

Herb Bessey announced the Corp of Engineers would not compromise on public safety.

Dick Townsend reviewed what he understood from Brian Wolcott's update. The repairs needed for the Couse Creek deficiency and the downstream drop structure deficiency were going to get some help from the Umatilla Tribes and Bonneville Power Administration due to their partnership. Mr. Townsend thanked the group for this partnership and felt this help with those repairs would significantly reduce the needed amount of funds put before the voters on a ballot.

Jed Volkman said all the funds the Tribes would be contributing would be specifically for fish passage and habitat improvements. Two of the four identified deficiencies happened to be where better fish passage is needed. He felt the stilling basin area would not qualify as an area they could help with.

A discussion was held regarding the stilling basin, what would happen if it was compromised and what its original intent was when it was built. There were comments about it protecting the Rail Road Bridge and Roadway Bridge. Also, it helps in the reduction of the energy of the water.

Scott Fairley gave an update on potential funding opportunities. He talked about Recovery Zone Bonds which the Federal Government subsidizes 45% of the bond interest and they must be sold by December 2010. He was unsure of the bond interest rate. A discussion was held regarding the bonds and deadlines for a ballot measure. One member suggested asking if the deadline for purchasing the bonds could be extended. Linda Hall felt it was very important to know exactly what it was going to cost for the repairs of the levee minus any support given from other entities willing to help. With the levee inspection scheduled for February she felt it would be too rushed to try for the May election.

Scott Fairley talked about the Oregon Water Resource Department having a "Dam Safety Program" which offered technical expertise and had a \$5,000 Emergency Action Planning Grant.

There were some other agencies listed among the group that Scott Fairley and Brian Wolcott offered to check with to see if there were additional funding opportunities available.

Mark Riebau, Floodplain Management & Insurance Branch Chief of FEMA announced that FEMA and the Corps of Engineers did not have different guidelines and specifications for the levee. He said they were identical and the language was extracted from the Corp of Engineers manual word for word. He felt FEMA should have been at the table from the beginning to explain the floodplain map. FEMA hired an independent contractor that came to Milton-Freewater to take a look around and they came up with the map. There was an assumption that the levee would fail and applied the floodplain designation as if the levee were not even there. He said it was considered a "sheet flow" and was classified as an AO-1 zone. He explained this as the lowest designation and carried the lowest flood insurance rate. Mr. Riebau said verbally, and would commit to it in writing, that once the levee got repaired and all necessary engineering

accreditation data was submitted with a letter of request for a map revision, FEMA would take the floodplain designation completely off the map for Milton-Freewater.

Linda Hall thanked both representatives from FEMA for coming to the meeting. She asked if FEMA would automatically take the floodplain designation off or would the appellant have to request it.

Mark Riebau said a letter of map revision must be received by FEMA first. After that, FEMA had 120 days to revise the map.

Linda Hall asked if FEMA would be willing to provide the technical assistance with the packet information.

Mark Riebau said FEMA would be willing to help with the process. He then circulated a flood insurance rate schedule. The schedule did not include what the preferred rates would be. A discussion was held regarding the rates and how to read the schedule. Mr. Riebau announced the "Letter of Final Determination" was scheduled to be released February 5, 2010. The flood plain maps would be effective 6 months after the date of the letter. He said assuming the City of Milton-Freewater adopts an ordinance accepting the maps, then the insurance rates would apply. The maximum flood insurance policy amount is \$250,000 with a maximum contents amount of \$250,000 for a total policy amount of \$500,000.

Senator Nelson felt it was very important for citizens to know and understand what the flood insurance meant to them.

Linda Hall said even though the insurance rates seemed like good rates it was still more than what citizens were used to paying. The city will be reaching out to the local insurance agents to see if they are interested in selling flood insurance policies and help organize the require training if needed.

Bob Wondra (M-F Citizen) asked if the maps being released were the same as the ones presented at the Community Building when FEMA held their initial meeting. He has heard that some citizens were contemplating on opting out of the WCD. He said the people who talked to him were saying why should they help pay for a bond measure if it didn't benefit them.

There was a discussion held regarding the WCD boundaries and what the process was to opt out of the district.

Linda Hall said she was disappointed and had not heard what Mr. Wondra said about citizens thinking about opting out of the district. In the 1960's flood, the city itself did not flood. It was primarily to the north of the city. She felt the infrastructure of the levee benefits the community as a whole.

John Zerba said he noticed the flood plain designation did not include the north or east side of the levee.

Mark Riebau said FEMA hired an independent contractor to do the study.

A discussion ensued regarding a bond measure and what the amount would be. The last bond measure amount was 33 cents per \$1,000 of assessed value.

Dick Townsend asked who would be the primary contact at FEMA.

David Ratté would be the contact along with the Region Support Center. Mr. Ratté said he was working with the contractor to answer Kathy Udenberg's questions from the engineering firm USKH.

Tamra Mabbott felt there was no opportunity given to hire a third engineering company to help resolve the dispute regarding the poor mapping. She asked if FEMA was absolutely confident the map being release was correct.

Mr. Ratté said when there were two levees involved, one on both sides; they are supposed to be considered during a flood event. He said when he looked at the map he did notice the terrain on the right side (to the east) was flat.

Herb Bessey said the Corp of Engineers was not authorized to go through the authority and stamp the document that would be sent to FEMA. He also said there were no differences in their standards versus FEMA.

Sam Hopkins-Hubbard asked who decertified the levee to begin with. A discussion ensued on the events leading up to the decertification including the ballot measure attempts.

Mr. Ratté added to the above discussion by saying not only does the levee require to be accredited but there must be an adopted maintenance plan as well.

John Zerba asked if the levee could be separated into different sections and certified separately.

Herb Bessey replied that it could be done that way but asked about the drop structure and what would happen if it were to go out.

Bob Wondra asked if there was something in writing that the WCD was in charge of inspecting the levee when it was turned over to them by the Corp of Engineers. He also asked if by taking out Marie Dorian Dam if that had an effect on where one of the deficiencies were located.

Tamra Mabbott said that California had a roundtable and asked if the county could model that same plan to allow for additional time to produce better maps.

Larry Givens asked the FEMA representatives for additional time to give the community time to try and get all the information needed such as the results from the scheduled inspection from the Corp of Engineers in February, standard requirements and what the cost of a ballot measure would be.

Mark Riebau said they would certainly take the request back to the office and ask their director.

Kathleen Cathey encouraged requests be made to Senator Ron Wyden.

Linda Hall requested Ms. Cathey to try and get an extension of the preferred insurance rate push out for a longer period of time for the citizens.

Dick Townsend presented some sections of the Declaration of Cooperation for the project team members. He explained the purpose of the Declaration as being an “implementation plan” which outlines the commitment of all parties to successfully carry out various actions. He reported the document may be amended from time to time to represent changing situations often found during project development.

Larry Givens announced that Umatilla County would continue to advocate for this project and he would be traveling to Washington D.C. where he would continue to advocate there as well.

The next meeting has been scheduled for Tuesday, March 30, 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 3:45 p.m.

Previous team meeting dates;
September 14, 2009
October 20, 2009
December 8, 2009