

**REPORT TO THE COMMUNITY FROM**  
**USDA FOREST SERVICE, MT. HOOD NATIONAL FOREST**  
**AND**  
**PORTLAND WATER BUREAU**  
**REGARDING A NEW BULL RUN WATERSHED MANAGEMENT UNIT**  
**AGREEMENT**  
**PURSUANT TO PUBLIC LAW 95-200, Section 2(d)**

**JULY 2007**

# Table of Contents

<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. BACKGROUND AND HISTORY OF THE BULL RUN WATERSHED MANAGEMENT UNIT .....</b>	<b>1</b>
<b>III. ENVISIONING THE FUTURE .....</b>	<b>4</b>
<b>IV. THE COMMUNITY’S GUIDING PRINCIPLES.....</b>	<b>5</b>
<b>V. PARTIES’ JOINT STATEMENT OF INTENT.....</b>	<b>6</b>
<b>VI. FUNDAMENTALS OF THE NEW AGREEMENT .....</b>	<b>7</b>
<b>A. Joint Operations Model.....</b>	<b>7</b>
<b>B. Collaborative Processes .....</b>	<b>8</b>
<b>C. Supplemental Functional Plans And Streamlined Structures .....</b>	<b>8</b>
<b>VII. RATIONALE FOR AGREEMENT’S ALLOCATION OF ROLES AND RESPONSIBILITIES .....</b>	<b>8</b>
<b>A. Land Ownership and Land Occupancy.....</b>	<b>8</b>
<b>B. Transportation System .....</b>	<b>9</b>
<b>C. Access Management and Security .....</b>	<b>10</b>
<b>D. Emergency Planning and Response .....</b>	<b>11</b>
<b>E. Fire Planning, Prevention, Detection and Suppression.....</b>	<b>11</b>
<b>F. Water Monitoring (Quality and Quantity) .....</b>	<b>12</b>
<b>G. Natural Resources – Terrestrial .....</b>	<b>12</b>
<b>H. Natural Resources – Aquatic .....</b>	<b>13</b>
<b>I. Conservation Education.....</b>	<b>13</b>
<b>J. Administrative Use Trails.....</b>	<b>14</b>
<b>VIII. CONCLUSION .....</b>	<b>14</b>

## **I. INTRODUCTION**

Staff from the City of Portland and the Mount Hood National Forest are proposing a new agreement between the City and the Forest Service to identify preferred administrative arrangements for their joint management of the Bull Run Watershed. This report to the community discusses the history and background of discussions that led to the proposed Agreement. The purpose and hope of both the Agreement and this report is to document a new and more relevant relationship between the City and the Forest Service for the long-term stewardship of the Bull Run Watershed Management Unit that is built on a firm foundation of citizen involvement.

The Bull Run is the largest and oldest of the several water supplies serving the Portland metropolitan area. Its role in the region's past, present and future, along with its unprecedented level of quality, make it a high priority for both the City and the Forest Service to take the steps necessary to ensure its continuing quality, productivity and protection.

As the City and the Forest Service began to look closely at the administrative and policy frameworks that guided their interactions they noted that much of that framework dated from the late 1970s and arose from the direction provided in the 1977 Bull Run Management Act. P.L. 95-200. As little of the administrative framework had been updated over time, its applicability to current issues and needs is limited. Thus, the parties felt it would be wise to consider a new framework, to align practice with existing legislation, and to provide the revised administrative direction needed to structure the parties' roles, responsibilities, management processes and working relationships for the coming decades.

The City and the Forest Service, along with community interests in the greater Portland metropolitan area, have had a long and sometimes contentious history of working together to protect and manage the valuable ecological and water resources of the Bull Run. But with the coming of the 21<sup>st</sup> century, the issues and conflicts in policy and direction that held attention for the last fifty years have all but disappeared. Now, the parties are turning to the future, responding to new fiscal realities, and working together to frame the structures, processes, roles and responsibilities that will allow them to act effectively as joint stewards of this valuable regional and national resource in concert with citizens who increasingly desire to redeem their responsibilities in stewardship of their lands.

## **II. BACKGROUND AND HISTORY OF THE BULL RUN WATERSHED MANAGEMENT UNIT<sup>1</sup>**

The Bull Run watershed is an integral part of the region's heritage and legacy. Because of its outstanding water quality and level of protection, the Bull Run has been listed among a handful of outstanding sources of water in the United States for more than a century. Many people have contributed to protecting this resource and building this legacy, which began with the formation of the Portland Water Committee. The all-volunteer Water Committee was formed in 1885 when the City of Portland's charter was amended to allow it "to construct or purchase, keep, conduct and maintain water works..."

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<sup>1</sup> The source of much of the historical information in this section is "Water, Portland's Precious Heritage" published by the City of Portland in 1983.

The Water Committee took on the task of acquiring existing water system facilities and locating and developing a reliable source for the growing city. By 1886, the Water Committee's effort to identify a suitable source began to focus on the Bull Run. A final decision to proceed with development was made in 1891 when the Oregon State legislature authorized the City to sell bonds to finance construction. Water from Bull Run was first supplied to Portland on January 2, 1895.

As early as 1891 the Water Committee raised the issue of protecting the Bull Run against development that it believed could reduce the quantity of water available and potentially introduce contaminants into the supply. At roughly this same time, Congress adopted legislation allowing for the creation of forest reserves on public lands as a means to begin protecting forested areas from indiscriminate harvest and clearing by settlers and other users. Henry Failing, the Water Committee's chair, encouraged the Oregon Congressional delegation to seek such a designation for the Bull Run, and on June 17, 1892, President Benjamin Harrison established the 142,000-acre Bull Run Forest Reserve. The Bull Run's designation as a Forest Reserve prohibited settlement and some forms of entry, and made it easier for the Water Committee to acquire private in-holdings and riparian water rights in the Bull Run basin.

Even though the Bull Run's designation as a forest reserve did much to limit development, public access for fishing, hunting, and camping, as well as cattle and sheep grazing, were not prohibited. The potential for a catastrophic fire in the Bull Run that would affect water quality was an ongoing concern to the Water Committee and its 1903 successor, the Portland Water Board. Beginning in 1895, Water Committee members lobbied Congress to adopt legislation prohibiting public access to the Bull Run Reserve. They succeeded when President Theodore Roosevelt signed The Bull Run Trespass Act (P. L. 206) into law on April 28, 1904. The law provided "for the protection of Bull Run Forest Reserve and the sources of the water supply of the city of Portland."

Between 1904 and the early 1960s, the City continued to develop water supply facilities in the Bull Run basin, adding modern diversion structures, treatment facilities, storage reservoirs and three transmission conduits to the original system. In the early part of this period, the role of federal land managers (i.e., the Forest Service after its formation in 1905) focused mainly on fire protection efforts. By the mid 1950s, however, public access and timber harvest, the issues that would divide the City and Forest Service for the next five decades were firmly in play. A decision by the Regional Forester in 1959, for example, opened 42,500 acres in the northern and southeastern portions of the Bull Run Reserve to recreation and 8,672 acres of timber were harvested between the late 1950s and 1976.

Although the City and the Forest Service continued to debate the potential impact of timber harvest on water quality and quantity through much of the 1950s, 60s, and early 70s, it was a 1973 citizen lawsuit filed against the Forest Service that called the question. The lawsuit (*Miller v. Mallery*), which did not name the City of Portland, claimed that logging in the Reserve was a violation of the Trespass Act, and in a 1976 ruling on the case, Judge James M. Burns agreed. In 1976 and 1977, Judge Burns issued orders enjoining further recreation, logging and hydropower development as being incompatible with the requirements and prohibitions of the 1904 Trespass Act.

The prohibition on hydropower development, which the City was interested in pursuing, as well as a general desire to update the 1904 legislation to make it more workable, led the City to pursue revised legislation following Judge Burns' decisions. The outcome of this effort was Public Law 95-200 (Bull Run Management Act), adopted on November 23, 1977. This legislation established the Bull Run Watershed Management Unit, relinquishing the portion of the Bull Run Forest Reserve that had been opened to recreation by the Regional Forester in 1959. It also made clear that the management objective of the unit was producing "...pure, clear, raw potable water...for the City of Portland and other local government units and persons in the Portland metropolitan area..." However, the legislation also clarified that hydropower production and energy transmission through the Unit were consistent with the Act. In the late 1970s and early 1980s, the City constructed the Portland Hydroelectric Project facilities in the watershed. The facilities include a 24 MW powerhouse below Dam No. 1, a 12 MW powerhouse below Dam 2 and a 57 KV powerline that are operated under a 50-year permit from the Federal Energy Regulatory Commission (FERC). The portion of the project located on Forest Service land is also authorized by a Forest Service Special Use Permit.

The Bull Run Management Act did not prohibit timber harvest in the watershed, rather it limited any activities that could be demonstrated to reduce water quality. The City, the Forest Service and the community spent the late 1970s and early 1980s working on the difficult task of creating water quality standards that would be used to determine whether timber harvest posed a threat to water quality. While some timber harvest continued during this time, the Christmas Day 1983 windstorm shifted everyone's attention from green tree harvest to the question of whether to salvage downed timber on more than 3200 acres affected by the windstorm. A total of 1,670 acres from the 1983 windstorm were salvage logged.

No logging has been conducted in the Bull Run since 1993. Between the start of commercial logging in 1958 and the end of the windthrow-salvage logging program in 1993, a total of about 14,500 acres in the Bull Run water supply drainage had been harvested, or about 22% of the drainage area.

As the parties worked through these contentious issues through the mid and late 1980s, lawsuits over protection of the northern spotted owl resulted in dramatic decreases in timber harvest levels on federal lands throughout the Pacific Northwest. In 1994, about 75 percent of the Bull Run Watershed Management Unit was designated as a Late Successional Reserve to protect habitat for the spotted owl and other old-growth dependent species. Timber harvest and salvage operations were severely restricted in most of the Bull Run under the Northwest Forest Plan. Still, concerns about timber harvest in the Bull Run Watershed Management Unit persisted and Bull Run interest groups worked with the City of Portland to initiate efforts further to limit timber harvest in the watershed.

In 1996, additional timber harvest limits for part of the Bull Run Watershed Management Unit were accomplished by language included in the Oregon Resources Conservation Act. The new law generally prohibited timber harvest on all Forest Service lands within the 65,500-acre water supply drainage and an additional 3,350 acres that drain to the lower Bull Run River. In 2001, these same prohibitions were extended to the remaining lands in the Bull Run Watershed Management Unit and the Management Unit was slightly expanded to include additional public lands in the Little Sandy hydrographic boundary.

With the resolution of the timber harvesting issue, the City, the Forest Service and the community found themselves at the end of an era. Five decades of conflict driven by divergent missions and priorities were now over, and efforts began to define a future framed by the changed legislative and administrative direction that had finally produced convergence in the missions and the priorities of the City, the Forest Service, and the community. The City and Forest Service now manage the watershed to support:

- Production of pure, clean, raw potable water;
- Compliance with the requirements of the Safe Drinking Water Act
- Protection of forested ecosystems under the provisions of the 1994 Northwest Forest Plan; and
- Protection of terrestrial and aquatic species under the provisions of the Endangered Species Act.

### **III. ENVISIONING THE FUTURE**

Given the last decades changes in the reality of Bull Run management, the City and the Forest Service began to engage the community in discussions about the kind of future that should be jointly created by the parties. In mid-August, 2000, the City and Forest Service hired RESOLVE, Inc., a neutral, private non-profit group, to conduct a convening process to assess the issues, concerns, interests and public values associated with management of the Bull Run watershed.

The concept for this project was developed with input from the interested public groups such as the Bull Run Heritage Foundation and Citizens Interested in Bull Run, Inc. (CIIBRI). These parties agreed that stewardship of the Bull Run watershed is at an important crossroads. With recent changes in administrative and legislative direction, significant challenges as well as opportunities are emerging that all felt could be addressed through a public process. They supported a project, managed by a neutral, outside party, to help the City, the Forest Service, and the community to develop a new framework to insure the long-term effective stewardship of the watershed.

The outside agency, RESOLVE, was specifically asked to develop recommendations for pursuing consensus building processes to define roles and responsibilities for the long-term administration and stewardship of the watershed. Community participants in the convening process overwhelmingly supported collaborative work between the City and Forest Service to define their new roles and responsibilities for the long-term administration of the Bull Run watershed. Those participants also recommended engaging the public at key stages in the process, rather than the other options canvassed, which included the conduct of “unstructured public meetings,” using an advisory committee process, or having no public process at all.

As these initial community engagement activities were underway, another important trend also emerged. With the reduction in timber harvests following the adoption of the Northwest Forest Plan in 1994, Forest Service budgets began to decline, especially in areas where active management was no longer warranted. Once the Forest Service reallocated the Bull

Run Watershed Management Unit into a Late Successional Reserve (LSR) through the Northwest Forest Plan, federal funding to conduct a variety of management activities within Bull Run was sharply curtailed. What is more important is that the new LSR allocation made unnecessary many activities that the Forest Service had conducted for decades, including a number of non-timber related activities. For example much of the Unit's road infrastructure was originally built to access and manage the timber within the watershed. The system is now no longer needed for that purpose. With the reduction in Forest Service funding due to shifts in the agency's management approach in the Bull Run, the City has begun taking on increased responsibility to fund necessary management activities in the watershed. It has become imperative to address more comprehensively how the Bull Run's needs will be met and by whom.

#### **IV. THE COMMUNITY'S GUIDING PRINCIPLES**

Over a period of more than three years, the City and Forest Service engaged the community in several ways to assess their interest in and concerns about the administrative and policy framework that guides administration of the Bull Run Watershed Management Unit. The consistent response of the parties was that their interests were generally in the broader questions of the future of the watershed. The City and the Forest Service were encouraged to proceed to work on updating their working relationships and the administrative and policy framework guiding their work, providing such work was compatible with substantive principles for the protection and management of the Bull Run watershed that reflect the community's values and priorities for this watershed.

When asked to express these values, interests and visions, participants have consistently said the Bull Run Watershed Management Unit should be jointly managed by the City and the Forest Service to:

- Provide a premier protected source of pure, clean and reliable drinking water for all citizens at a reasonable cost, today and for the future;
- Support the needs of threatened and endangered species;
- Serve as a regional resource for cultivating a motivated, educated and informed public constituency with regard to conservation of water and natural resources; and
- Maintain the checks and balances arising from joint federal and local responsibility for managing the watershed.

In addition, members of the community indicated that they wanted to partner with the City and Forest Service on Bull Run stewardship issues and wanted the City and Forest Service to:

- Engage the community early and often in Bull Run Watershed Management Unit stewardship issues, and communicate regularly with the community about the status and progress of collaborative management and administration efforts covered in this Agreement.

The City and the Forest Service applied these principles as they worked together to develop the Agreement.

## **V. PARTIES' JOINT STATEMENT OF INTENT**

To begin the process of identifying and evaluating the issues, needs, and potential approaches for addressing challenges of the future, City and Forest Service staff participated in a three-day working retreat in late 2001. Key issues needing attention were described and discussed and potential approaches were considered. Each agency articulated what it wanted and needed from the other to achieve its mission and the kind of future it envisioned. The major product of this retreat was a Joint Statement of Intent.

The Joint Statement of Intent expresses the commitment of the City and Forest Service to:

- Work together to articulate joint interests;
- Achieve mutually desired outcomes;
- Restructure and improve their administrative relationships;
- Codify principles, roles and responsibilities; and
- Work together when developing action plans.

The parties further agreed that a major goal of restructuring and improving their administrative relationships was to improve each organization's operating efficiency and effectiveness. To that end, they decided to develop a new Agreement that would define the desired roles of each in certain central management issues and structure continued collaboration. The new Agreement would:

- Articulate guiding principles;
- Document the parties' intentions with respect to use and occupancy of lands, the cooperative management framework to be applied to the Bull Run Watershed Management Unit, and clarify roles and responsibilities; and
- Make provisions for collaboration in matters of mutual interest to the City of Portland, the Mt. Hood National Forest and the citizens of the greater Portland metropolitan area.

Working towards these approaches and outcomes required the agencies to understand the past, recognize today's constraints and opportunities, and be open to new approaches to addressing issues as well as to new roles and responsibilities. Not surprisingly, issues of mission, money, and modified responsibilities were at the heart of much of this discussion. What resulted was a proposed Agreement to define the structure and processes necessary to guide the ongoing interactions of the City and the Forest Service. The parties intend that the Agreement be



flexible enough to adapt to changing conditions and yet clear enough to help the parties and the community avoid misunderstandings about who is responsible for what and how the parties can best relate to each other. The Agreement is **not** a substantive management plan; **it is an Agreement to identify and clarify roles, responsibilities, and relationships.**

The history of the relationship among the City, the Forest Service, and the community on Bull Run issues teaches this lesson: “take the long view.” The proposed Agreement incorporates this lesson in a variety of ways. The parties intend that decision-makers, whether those of today or those of the future, make decisions, establish policy, and work together to ensure that the Bull Run’s valuable resources are protected and managed so their benefits are available to meet today’s needs as well as those of future generations. And, when in doubt, take the long view.

## **VI. FUNDAMENTALS OF THE NEW AGREEMENT**

### **A. Joint Operations Model**

Underlying the work that the City and Forest Service have done to create the proposed Agreement is the recognition that the primary purpose of each organization is different and each purpose meets an important community need. The common ground for these organizations is their role as stewards of the Bull Run’s resources to ensure that public benefits are protected and public and community values drive decisions. Agency staff formally acknowledged that to achieve their individual missions and common goals they needed to work well together. But they also acknowledged that not every activity of each party necessarily involves the other. They recognized that many of the current administrative and policy structures force this involvement even when it produces few real benefits for either agency or the public they serve, thus entailing inefficient expenditure of public funds.

To address these issues, the agencies agreed the management model for future interactions needs to be designed around the following approaches and outcomes:

- Organize roles and responsibilities into three broad categories:
  - Water Utility functions and needs;
  - Joint functions and needs; and
  - Forest Service functions and needs.
- Align organizational authority, responsibility, and accountability, including financial responsibility, to the agency whose function and needs the activity is serving;
- Align and document commitments for environmental stewardship of the Bull Run Watershed Management Unit. Such commitments would be designed, to the extent practicable, to maximize the effectiveness of the efforts of both agencies and the community to achieve agreed upon stewardship objectives; and
- Improve organizational efficiency and effectiveness for both agencies by structuring administrative mechanisms to minimize transaction costs for activities that are clearly in the purview of one or the other agency.

The Agreement is an attempt to create a structure that reflects this basic management model.

## **B. Collaborative Processes**

A variety of structures and processes are included in the Agreement to develop and institutionalize mechanisms for improving the quality and effectiveness of ongoing communication, coordination and collaborative processes.

The proposed communication and coordination processes and mechanisms are designed to support relationship building, joint stewardship and collaborative decision-making. These processes are collectively referred to as “collaborative processes.” The focus of these processes is providing appropriate structure and clear expectations for both parties. These structures and procedures are not intended to supplant ongoing-informal communication and coordination but will enhance effectiveness by ensuring that City and Forest Service leadership are actively engaged in setting direction, monitoring progress and identifying and removing barriers to success.

## **C. Supplemental Functional Plans and Streamlined Structures**

This Agreement is designed to be a foundation upon which to build specific multi-year Functional Program Plans and to direct the creation and implementation of new, more streamlined ownership patterns and permitting structures for future Unit management. Implementing agreements and plans are the specific measures needed to translate the parties’ joint intention into reality.

# **VII. RATIONALE FOR AGREEMENT’S ALLOCATION OF ROLES AND RESPONSIBILITIES**

The proposed Agreement outlines how the parties propose to allocate their roles and responsibilities for the long-term management of the Bull Run Watershed Management Unit, subject to review and implementation of necessary specific legal structures. The purpose of the allocation is to streamline administrative processes and reflect the long-term interests and missions of the two agencies. To the greatest degree possible, the parties also intend that the agency designated as responsible for a given function or activity will also hold the authority necessary to make the decisions needed to carry out its responsibilities.

## **A. Land Ownership and Land Occupancy**

The 1892 Presidential Proclamation establishing the Bull Run Forest Reserve covered all public lands in the 142,500-acre Reserve boundary. In the years preceding and following the establishment of the Reserve, the City acquired some 4,000 acres of privately held inholdings, producing the current ownership pattern..

Land ownership in the Bull Run is divided primarily between the City (4% of the Management Unit) and the Forest Service (95% of the Management Unit). Since the Unit’s expansion in 2001, a small number of parcels (about 1% of the Management Unit) are now in BLM ownership. The City’s water supply facilities are concentrated around Bull Run Lake and

the two main reservoirs, but the City also uses several smaller, dispersed facilities scattered through the watershed including microwave communication stations, water quality, stream flow, temperature and weather monitoring stations, and a conduit intertie facility.

The City owns most of the land downstream of Dam 2, the land on which Dam 2 and part of Reservoir 2 sit, and a few thousand acres of uplands. The Forest Service owns the majority of Unit lands, including the land at Bull Run Lake as well and the land for Dam 1 and Reservoir 1 and part of the land for Reservoir 2. The result is that the City owns some of the land on which utility structures sit, while the Forest Service owns other land “under” the utility. At the same time, although the Forest Service owns the bulk of the land that is not occupied by utility facilities, the City also has several thousand acres of uplands that serve no immediate purpose for the City’s utility functions and would be best managed for ecosystem and water quality protection.

In order for the City to operate its water supply system on federal land, the City has an easement from the Forest Service for Bull Run Lake, a special use permit for the Dam 1 and inundated federal land associated with Reservoirs 1 and 2, and several individual permits for the smaller dispersed facilities such as gauging stations and telecommunications sites. Currently, nearly each of the many dispersed facilities is covered by a separate land occupancy permit.

This land ownership pattern and the plethora of individual site permits is the result of historical accident, rather than functional purposefulness. It does not provide a rational basis for either party to optimize its activities to achieve its major mission objectives. The new Agreement proposes to rationalize and simplify these arrangements. A small land exchange between the City and the Forest Service would transfer to the City the land underlying its major utility facilities and provide the Forest Service more uplands for ecosystem purposes. The multiplicity of permits would be replaced with one or two primary permits for dispersed facilities. Both steps can only go forward, however, after additional administrative and environmental review and decision-making.

## **B. Transportation System**

The Bull Run Watershed Management Unit has an extensive transportation infrastructure, much of it predominantly a legacy from past timber harvest activities. The transportation infrastructure includes an extensive network of culverts and bridges and drainage ditches designed to help manage surface water runoff to maintain high quality water. Different aspects of these systems require different levels of maintenance. For example, roadside brushing and ditch maintenance is an annual requirement for most of the road system while the road surface, culverts and bridges typically are on longer term maintenance and replacement cycles that may be as long as 30 to 50 years. Lack of maintenance can lead to failure and environmental damage.

The current road system presents management challenges. Many of the culverts and several wooden bridges in the Unit are approaching the end of their expected design life and will require replacement. Several large culverts on major stream crossings are migration barriers for resident cutthroat trout. Settlement areas and slumps are continuing to develop on major system roads, which present safety hazards and could result in impacts to terrestrial and aquatic resources. Paved roads continue to deteriorate due to the limited use, the assault of vegetation and moss, and because practices such as crack sealing, chip seals, and base repair have been

reduced to minimal levels. When these capital costs are combined with ongoing maintenance and required inspection and problem solving following storm events, the total cost is substantial.

The bulk of the current Bull Run road system is owned by the Forest Service, which also carries the responsibility for maintenance. Unfortunately, Forest Service road maintenance budgets have not kept pace with the needs of the system. Already, through a series of stop-gap agreements, the City has taken on more and more of the maintenance obligation even on federal roads.

The parties need a road system in the Bull Run to provide access to facilities and support fire response. For both environmental and economic reasons, it is best to maintain the smallest road system possible to meet the parties' needs. In addition, choosing cost-effective road maintenance levels and activity standards are the key to managing long term costs.

All these considerations lead the parties to conclude that they should advance on two fronts to deal with Bull Run transportation needs. First, roads that are no longer needed should be eliminated. That will reduce the overall size of the system. Second, the remaining system should be managed in an environmentally and economically sound manner pursuant to a transportation system maintenance plan.

Both these steps require commitments of resources. In general, the parties agree that the Forest Service should be primarily responsible for decommissioning roads. Most of the roads to be removed were built for timber harvest purposes and are no longer necessary for protection and management of the Bull Run. On the other hand, roads remaining after decommissioning will primarily serve the needs of the Water Bureau's utility functions and joint agency fire response. Thus, the City can reasonably be asked to bear the financial burdens of maintaining most of the proposed smaller road system. The transfer of responsibility for road maintenance to the City will require new legal and administrative arrangements, along with environmental review.<sup>2</sup>

### **C. Access Management and Security**

General public use of the Bull Run Watershed Management Unit is restricted by P.L. 95-200 and the Bull Run Watershed Management Unit is closed to public access by federal administrative order. Notwithstanding closure to the public, the parties and their agents have need for frequent access to the Management Unit for a variety of purposes. In addition, the parties have a strong joint interest to maintain the security and safety of the Management Unit and particularly the water supply for the citizens and wholesale customers of the City of Portland.

In the past, both the Forest Service and the City had need for regular and frequent access to the management unit. Because the bulk of the Unit is federal land, the Forest Service has previously taken the lead in managing access to the Unit, which includes the construction of gates, the provision of locks and keys, the authorization for entry, and other logistical details.

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<sup>2</sup> There are three exceptions to this statement: 1) roads used exclusively by the Bonneville Power Administration to access its facilities, 2) roads used exclusively by the Bureau of Land Management (BLM) to access BLM lands, and 3) a few short spur roads that access private in-holdings on the south boundary of the Management Unit. The City should not be responsible for these roads, but arrangements will have to be made with the other parties to insure the roads are maintained.

Circumstances have now changed. Without a timber management program, the Forest Service need to enter the Unit is reduced. Instead, the Unit is now managed only for ecosystem preservation and water utility functions, with Water Bureau activities requiring far more frequent entry to the Unit than do the Forest Service management programs. Further, the Forest Service has substantially fewer staff and monetary resources to dedicate to Bull Run management, including access and security.

The parties new Agreement proposes that the City will assume the responsibility for managing the logistics of Unit access: gates, locks, keys, and so forth. Entrance policies, however, will not change.

#### **D. Emergency Planning and Response**

A variety of emergencies may arise in the Bull Run Watershed Management Unit. Given that the watershed is the primary municipal source of water for the City of Portland, it is imperative that emergencies be responded to rapidly, appropriately, and in a manner where both parties redeem their respective responsibilities. Both agencies maintain Emergency Response Plans to address the range of issues that are of concern to them. A coordinated response to emergencies is desirable and necessary, but each agency has particular strengths that may counsel one or the other as “lead” for purposes of certain types of emergencies.

Arrangements for emergency response should be developed well before an emergency arises. The parties could best do that through the development of an emergency response protocol, identifying specific roles and responsibilities for each type of emergency. The proposed Agreement sets in place the necessary administrative arrangements.

#### **E. Fire Planning, Prevention, Detection and Suppression**

Between 1985 and 2000 only twenty-one fires, burning a total of only 8 acres, have occurred in the Management Unit. Lightning, smoking, or escaped (unauthorized) campfires have started most of these fires. The Bull Run Watershed Management Unit has a very infrequent fire recurrence regime with large stand-replacing fires occurring historically every 200 to 400 years. The impact on water quality of a large stand replacing fire would be immense, and would cause a very significant multi-year water supply emergency for the City of Portland and its wholesale customers.

The Mt. Hood National Forest fire protection program includes fire prevention, fire preparedness, and fire suppression activities.

- Fire prevention activities include a variety of cooperative efforts with local entities, a system of industrial fire precaution levels that dictate appropriate requirements for forest use and occupancy to mitigate high fire hazard situations, lookouts and patrols, aerial detection, and public use restrictions;
- Fire preparedness includes training for the Forest Service and cooperators, fire organization staffing, pre-season agreements and agreements, contracts for fire fighting resources, and additional staffing during times of high fire hazard severity; and

- Fire suppression includes initial attack using pre-planned direction documented on “block cards,” extended attack plans, and mobilization of local, regional, and national resources for large fire management contingencies.

Given the importance of the Bull Run as a water supply, a vigorous fire protection and suppression program is required. The Forest Service and City completed an updated fire plan in the summer of 2006. Because of its expertise and resources, the Forest Service has retained primary responsibility for a comprehensive fire protection program in the Management Unit. The fire plan was developed in consultation with the City and the Oregon Department of Forestry (ODF). Given the special importance of the Bull Run as Portland’s water supply, both parties understand that the City may, as it considers necessary, continue to fund supplemental fire protection measures in coordination with the Forest Service and ODF.

#### **F. Water Monitoring (Quality and Quantity)**

A variety of water quality and quantity monitoring activities occur in the Bull Run Watershed Management Unit. Activities are undertaken to support water system planning and operations and in support of specific projects to ensure that water quality is not adversely affected by the activity. Public Law 95-200 requires the Forest Service to adopt Bull Run water quality standards and declares that all federal management activity must be protective of water quality.

As the era of timber harvest has ended, the need for project specific monitoring has declined substantially. Most of the monitoring in the watershed, therefore, is now directed at watching long term water quality and quantity trends, complying with safe drinking water standards, and managing the utility system to ensure that there is sufficient water to meet City needs. It is sensible that the City be responsible for monitoring activities to support water system planning and operations as well as any project specific monitoring necessary for projects it undertakes. The Forest Service will retain its responsibility for ensuring compliance with the water quality provisions of P.L. 95-200 and for any project specific monitoring associated with projects it undertakes. In any case, the parties are committed to maintaining the level of water quality protection and to managing the Bull Run as a high quality and sustainable source of supply for the Portland metropolitan region.

#### **G. Natural Resources – Terrestrial**

The Bull Run watershed within the Bull Run Watershed Management Unit is a robust fully-functioning ecosystem that naturally produces large amounts of water of the highest quality. The forest is predominantly Douglas-Fir/Western Hemlock below 3,400 feet elevation, and predominantly Pacific Silver Fir above this elevation. The watershed is habitat for a number of federally listed and rare birds, animals and plants and has a wide diversity of common terrestrial forest species. The ecosystem is in good shape and does not require active human intervention to keep it so. The parties agree that the primary responsibility for protecting and managing the natural resources and ecosystems on federal lands should lie with the Forest Service, while the City should have primary responsibility for this function on City-owned lands.

## **H. Natural Resources – Aquatic**

The Bull Run Watershed is the source of a very high quality municipal water supply that has been developed over a 100 years to meet the needs of the Portland metropolitan area. A century of administrative and legislative policy direction has emphasized the protection of this source for municipal purposes.

During the last decade, both the City and the Forest Service have increasingly given attention to the needs of aquatic species, especially threatened salmon and steelhead trout in the lower basin and native cutthroat trout in Bull Run Lake. So, after a century of emphasis on water for people, water for fish and other aquatic species is now a high priority to be addressed in planning for, and managing, the Bull Run Watershed Management Unit.

As the owner of the water utility in the basin, the City has taken on the responsibility to develop a comprehensive approach to fishery issues. It has already negotiated the outline of the general terms and conditions of a 50-year Habitat Conservation Plan (HCP) for the protection and enhancement of aquatic species, including threatened salmon and steelhead and cutthroat trout. The Forest Service was one of the agencies involved in the negotiation, although the National Oceanographic and Atmospheric Administration (NOAA Fish) and the U.S. Fish and Wildlife Service are the lead agencies for purposes of review and approval of the HCP. Plan details are currently being drafted and the agencies hope the draft plan and a draft Environmental Impact Statement will be released for public review in 2007.

The Forest Service and the City are also engaged in collaborative efforts to protect and enhance the cutthroat trout population and habitat in Bull Run Lake through separate agreements included in the Forest Service easement to the City for Bull Run Lake use.

As the manager of the water system, the City has the key responsibility and authority for addressing the environmental impacts of the existence and operation of the water system. Under the proposed Agreement, the Forest Service and the City will coordinate and cooperate on an ongoing basis to maximize the benefits of their respective aquatic ecosystem environmental management programs on their respective lands.

## **I. Conservation Education**

The City and Forest Service share a strong interest in public outreach, conservation education and public involvement. Although neither agency is funded at the level it would like to be for these activities, each is committed actively to engage the community on Bull Run management and natural resource conservation issues.

The parties have a particular interest in natural resource and water conservation education associated with the Sandy River basin in general, and the Bull Run watershed in particular. Actively engaging the public in a variety of ways would yield benefits to the agencies as well as the public, and would build the community connections needed to sustain the greater Sandy River Basin's ecosystems, infrastructure and values for the long term benefit the region.

Chief among the desired outcomes of public outreach, conservation education and public involvement activities is a community that is aware, engaged, and actively in support of the natural resource values and benefits of the Sandy River Basin. Other important outcomes

include fostering a greater understanding and appreciation of the role of the water system and its relationship to the history and quality of life in the Portland metropolitan area, and a greater sense of connection between the natural and man-made environment among area residents and visitors. In addition, taking the long view, it is important for the public to have an understanding of the natural ecosystem processes that take place in the Bull Run Watershed Management Unit as well as the significance of catastrophic natural events such as fire, floods, windstorms and landslides.

#### **J. Administrative Use Trails**

A number of trails have been developed to provide for administrative access to remote sites in the watershed. Examples include trails to gauging stations and water quality monitoring stations. The long-term maintenance of these trails is necessary to support ongoing administration and management of the watershed. Since the main purpose of these trails is to support water system operations, trail maintenance would best be the responsibility of the City. The new Agreement proposes to shift that burden to the City under necessary administrative and legal arrangements, such as permits or easements.

### **VIII. CONCLUSION**

The proposed Agreement expresses the parties' intent on how best to structure their relationship in order to accept and implement their responsibilities for the proper stewardship of the Bull Run Watershed Management Unit. In many cases, the intent articulated in the Agreement can only be implemented through additional, more formal, legal and administrative actions, such as land contracts, easements, permits, and functional plans. In turn, those actions may only be taken if they are finally approved after full environmental and administrative decision-making. The Agreement, therefore, reflects the beginning of a continuing collaborative process that the parties hope and intend will lead to the final, more formal restructuring of their roles and responsibilities for the continuing protection and stewardship of the Bull Run.