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Clean Water Services

To the South Bull Mountain Stormwater Management Planning Team,

Tualatin Riverkeepers (TRK) submits this letter on behalf of its members and the community that supports our mission to protect, restore, and provide access to the Tualatin River. Overall, TRK supports the South Bull Mountain Regional Stormwater Concept Plan draft and is highly encouraged by Clean Water Services' (CWS) effort to engage a regional approach to stormwater management, much like the successful approach taken in North Bethany. TRK also supports the concept of a Regional Stormwater Management Charge.

Although we have several points of concern, we share this feedback with CWS to contribute to clear and adaptive final Plan that remediates the existing consequences of past development on South Bull Mountain and avoids or mitigates negative outcomes from current and future development in the area. Together, CWS and TRK can ensure a Tualatin River with stable banks and high-quality water.

1. Adaptive Management

TRK urges CWS to officially adopt an Adaptive Management approach to managing stormwater on a regional scale. Though parts of the current Plan draft appear to follow an Adaptive Management approach, particularly as the Plan refers to impending impacts of climate change, it is not named at such. TRK seeks to know how Adaptive Management planning components will be incorporated.

Adaptive Management promotes flexible decision-making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood.[1] An Adaptive Management approach recognizes the importance of natural variability in contributing

[1] Williams, B. K., R. C. Szaro, and C. D. Shapiro. 2009. *Adaptive Management: The U.S. Department of the Interior Technical Guide.* Adaptive Management Working Group, U.S. [DOI Tech Guide]

to ecological resilience and productivity and actively engages stakeholders in all phases of a project.[2]

According to the United States Department of Interior Adaptive Management Technical Guide, an Adaptive Management approach should include:

a. Exploring alternative ways to meet management objectives;
b. Predicting outcomes of alternatives based on the current state of knowledge. We encourage CWS to clearly state objectives for flow and water quality;
c. Implementing one or more of these alternatives;
d. Monitoring to learn about impacts of management actions; and,
e. Using the results to determine that objectives have been met, update knowledge, and adjust management actions.[3]

Formally declaring CWS' intention to follow an Adaptive Management approach would improve transparency in CWS' future planning decision-making processes for the public and other stakeholders. It would also declare CWS' commitment to growing and adapting its plan based on scientific knowledge and community learning. An Adaptive Management approach will help CWS answer the question of how it plans to address the various issues that may arise during the Plan's implementation and inform the public when its involvement is needed.

2. Improve clarity and remove ambiguity

For this Plan to be successful, CWS must state and monitor clear objectives. For example, several of the tables included in this draft show problems in flow and energy. How are these measurements going to be mitigated? What are the desired flow energy values? How will we, the public, know if CWS' objectives are met? Improving the clarity of the Plan and removing ambiguities will allow engaged stakeholders to hold CWS and municipalities in the project area accountable as necessary.

Another example of unclear and ambiguous language can be found in Note 5 on page 23 of the Plan, which states that "CWS *may choose* to construct water quality retrofit facilities in these upstream drainages *voluntarily*." [emphasis added]. What does "may choose" mean? What would the selection process entail? Would public input be solicitated? Furthermore, why is this process voluntary and what is considered "upstream drainage"? Clarifying such items will allow the public

[2] DOI Tech Guide, v.
[3] DOI Tech Guide, 1.

to keep track of process and progress, while ensuring CWS and the applicable municipalities are held accountable to the Plan's objectives.

Another point of ambiguity in the Plan is the intersection between stormwater management and roads. How and who will decide whether creeks will be crossed with culverts or viaducts? TRK advocates for viaducts that allow the creeks to seek their natural flow paths and riparian development, rather than rigid channels into permanent culverts.

3. King City Community Park

Figure 1 depicts the project area boundary bisecting King City Community Park thereby excluding an increasingly large headcut that CWS has identified immediately upriver of T12. This headcut must be repaired and the damage mitigated to ensure the continued success of the park and its important river access point. Though the headcut is a result of past, permitted, development practices, the harm caused by these practices is not contained to the past---it is exacerbated every time rain falls on King City and runs down the impervious surfaces of developments. The hesitancy of *any* governing body to take responsibility for degraded environmental natural resources because the past cause of present harm was legal at the time undermines the public's trust in that body and its ability to successfully manage natural resources.

4. Address the work private landowners have done and will continue to do to mitigate impacts of past municipal development

a. 137th Street Ditch

This ditch continues to bear the brunt of runoff from housing developments down SW Peachtree Dr. Private landowners between SW Beef Bend Rd, SW 137th Ave, and the Tualatin River have had to mitigate the severe ramifications of this runoff, while adjacent municipalities shrug off responsibility because they followed all the rules and laws at the time the developments were built. Because the developments were planned and built legally, the municipalities relegate such runoff issues as problems of the past. However, nature does not respect this temporal partition and damage from these "legacy issues" continues to dog private landowners. TRK advocates for selecting an alternative path for water to travel toward the river to the north, which will consequently reduce the cost of building a viaduct.

b. Failing Drain Tiles

As property that was historically farmed is conveyed to new owners, particularly developers, legacy issues will need to be addressed, or the negative impacts of these issues will worsen. Drain tiling is one such issue. How does CWS plan to assess and mitigate the existing and future slumps due to failing or unmaintained drain tiles? See this embedded image as an example of the ramifications of one such slump on the river's bank.

5. Interaction with the impending Traffic Plan

CWS should insist the traffic plan be modified to accommodate the recommendations of the stormwater management plan. For the same reasons that CWS and TRK now advocate for a regional stormwater management approach, the cumulative effects of stormwater drainage must be considered in a plan to maintain and build roads and other traffic-related infrastructure.

Overall, Tualatin Riverkeepers applauds CWS' efforts to tackle stormwater management from a regional perspective. By improving the clarity of this Plan and removing ambiguities, while adopting a formal Adaptive Management approach to addressing and mitigating past, present, and future harms caused by stormwater drainage, CWS will have a final Plan that is adaptable to climate change and resilient to a shifting legal landscape.

Sincerely,
Kelsey Shaw Nakama, Policy & Advocacy Director,
and Glenn Fee, Executive Director
Tualatin Riverkeepers