BEFORE THE METRO CONTRACT REVIEW BOARD

FOR THE PURPOSE OF AMENDING CONTRACT NO. 923895 WITH DUCKS UNLIMITED FOR THE WATER CONTROL STRUCTURE AT SMITH AND BYBEE LAKES WILDLIFE AREA	)))))	RESOLUTION NO. 04- 3511 Introduced by Chief Operating Officer Michael J. Jordan, with the concurrence of Council President David Bragdon

WHEREAS, Metro manages Smith and Bybee Lakes Wildlife Area; and

WHEREAS, Metro installed a new water control structure to implement environmental objectives for the wildlife area; and

WHEREAS, Metro wishes to make the final refinements to the new water control structure built in 2003; and

WHEREAS, Metro wishes to complete the project in a continuing partnership with Ducks Unlimited; and

WHEREAS, an amendment to Ducks Unlimited's contract requires Council Approval; and

WHEREAS, this Resolution was submitted to the Chief Operating Officer for consideration and was forwarded to the Metro Council for its approval; now therefore

BE IT RESOLVED that the Metro Contract Review Board authorizes the Chief Operating Officer to amend Contract No. 923895 in the amount of $30,000.

ADOPTED by the Metro Contract Review Board this 2nd day of December, 2004.

David Bragdon, Council President

Approved as to Form:

Daniel B. Cooper, Metro Attorney

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 04-3511, FOR THE PURPOSE OF AMENDING CONTRACT NO. 923895 WITH DUCKS UNLIMITED FOR THE WATER CONTROL STRUCTURE AT SMITH AND BYBEE LAKES WILDLIFE AREA

Date: November 15, 2004

Prepared by: David Biedermann
Elaine Stewart

BACKGROUND

Smith and Bybee Lakes and their associated sloughs and wetlands are remnants of an extensive river bottomland area located near the confluence of the Willamette and Columbia rivers. The Natural Resources Management Plan for Smith and Bybee Lakes, adopted by Councils of Metro and City of Portland in 1991, established nearly 2,000 acres as a wildlife area to be managed primarily for wildlife habitat protection and enhancement while providing passive recreational opportunities.

The current project, in partnership with Ducks Unlimited, implements the recommendations of several studies that advised returning the impounded lakes to a more dynamic wetland system in order to restore native plant communities, to optimize Smith-Bybee's habitat value for fish and wildlife, and to improve water quality. Two advisory committees to Metro, the Smith and Bybee Lakes Management Committee and the Wetlands Technical Advisory Committee, recommended installing a new water control structure to accomplish this.

Ducks Unlimited is a non-profit organization dedicated to wetland restoration and enhancement with extensive experience designing and building such structures. Ducks Unlimited raised funds for the project, performed design and engineering work, and hired and managed the construction work.

The new structure is 95 percent complete and Metro began operating it in December 2003. It allows capture and impoundment of water during winter and spring to provide open water habitat for wintering and migrating waterfowl and to control reed canarygrass, an invasive plant. In addition, a fish ladder has been installed to allow juvenile salmon to utilize the wetlands as rearing habitat during winter and spring. The structure allows drawdown of the wetlands during the summer. By late summer, Bybee Lake receives daily tidal exchange from the Columbia/Willamette system (Smith Lake, separated by a meandering channel from the structure, does not fluctuate with the tides). This hydrology promotes the re-establishment of native wetland plants.

Most of the project has been completed, however, two items remain: reinforcement for the fishway and trash racks for the full structure. The trash racks will deflect fast-moving woody debris that can damage the structure or become lodged in the reverse tidegates, allowing water to flow back out when it should be retained. The fishway reinforcement will prevent water from escaping through joints in the structure and impeding fish passage.

Metro is seeking grant funds to cover the cost of completing the water control structure. Approximately 25 percent of the cost for the final two items has been secured, and another grant for the remaining 75

percent is pending. Resolution No. 04-3511 will enable Metro to amend its contract with Ducks Unlimited to complete the trash racks and fishway reinforcement.

ANALYSIS/INFORMATION

1. Known Opposition

There is no known opposition to this contract amendment.

2. Legal Antecedents

The Metro Council passed Resolution No. 01-3125 ("For the Purpose of Authorizing the Executive Officer to Replace the Dam at Smith and Bybee Lakes with a Water Control Structure"), adopted November 29, 2001. Per Metro Code 2.04.026 (b), prior to adoption of the annual budget, the Chief Operating Officer shall submit a list of proposed contracts over $50,000 to be entered into during the next fiscal year. The Council designated Contract 923895 in the annual budget ordinance as a contract with a significant impact on Metro.

3. Anticipated Effects

Approval of Resolution No. 04-3511 will allow the Regional Parks and Greenspaces Department to amend its contract with Ducks Unlimited to construct the final two components for building the water control structure. Ducks Unlimited will proceed with hiring and managing its contractors to fabricate the trash racks, and to install the trash racks and fishway reinforcement by mid-December 2004.

4. Budget Impacts

The total cost spent on the water control structure to date is $576,131; with this amendment, the total will be $606,131. Ducks Unlimited obtained grants to cover nearly all of the structure's cost. The remaining two tasks are anticipated to cost approximately $30,000. Metro and Ducks Unlimited are seeking grant funds to pay for the final features. If sufficient grant funding is not received, Metro will make up the shortfall from the Smith and Bybee Lakes Fund.

RECOMMENDED ACTION

The Chief Operating Officer, in concurrence with the Council President, recommends adoption of Resolution 04-3511.