



January 3, 2000

Bill Fujii
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

Subject: Water Management and Conservation Plan

Dear Bill:

Enclosed is a copy of the Water Management and Conservation Plan submitted as part of the requirements of the Permit 51547 held by the Port of Portland. This plan was developed to cover all of the known water rights held by the Port of Portland and serves as a long term water supply plan and preliminary conservation and curtailment plan for the non-potable water systems existing and planned by the Port.

Due to the uncertainties related to Smith and Bybee Lakes environmental enhancement right within Permit 51547/51548, we have not included any detailed plans for this use in the Water Management and Conservation Plan. We will work with the interested parties associated with this use to achieve a final decision on the planned use of this portion of the water right. Once this has been resolved, we will submit under a separate report the enhancement plan.

If you have any questions or comments during the course of your review of the Water Management and Conservation Plan, please do not hesitate to call me at (503) 944-7532.

Sincerely, =

A handwritten signature in black ink, appearing to read 'Gerry Meyer', with a long horizontal line extending to the right.

Gerry Meyer
Development Manager

Cc: Jeff Barry / CH2M HILL
Jeff Nuss / Greenwood Resources
Tom Fuller / Shiels Oblatz Johnsen

From: Jim Morgan
To: "William.H.FUJII@wrd.state.or.us"@MetCen.GWIA
Date: Tue, Feb 15, 2000 10:06 AM
Subject: Re: Port of Portland Water Management and Conservation Plan

On behalf of Metro and the Smith and Bybee Lakes Management Committee, I am requesting an extension on the comment period for the "Water Management and Conservation Plan" submitted by Port of Portland as required for Permits S-51547 and S-51548. I am requesting that the deadline be extended from Feb. 18 to March 17, 2000 for the following reasons:

1. Metro, as manager of the Smith and Bybee Lakes Wildlife Area, originally supported the permit application for the benefit of wetland enhancement in Smith and Bybee Lakes Wildlife Area. Information available at that time (1994) indicated the availability of up to 35.63 cfs was needed for management of the lakes/marsh system. At the time, the existing distribution system suggested the Columbia River is the most likely source. Since that time, more information is available indicating the Columbia River source is inappropriate and prohibitively expensive.
2. The Smith and Bybee Lakes Management Committee, the advisory committee that meets monthly, had not received notification of the submission of the draft water management plan. This is on the agenda for review and recommendations at the next scheduled meeting February 22.
3. I spoke with Bill Bach, Port of Portland, who agreed that an extension on the comment period would be fine.

Please let me know as soon as possible whether an extension is granted. Thank you.

CC: Charlie Ciecko; Elaine Stewart

4:30 Fri.

2/18

Port / Bach

has no problem keeping the c/s for S & B -
would be there if/when we need it.

Fuji from WRD called him re extension
& he said Port had no prob w/ it.

Dam - doesn't care either way, just wants
to be there for discussion since they
put it in.

Sent via Facsimile 503 944-7466 fax 503 944-7532 office page one of two.

February 22, 2000

Gerry Meyer
Port of Portland
121 NW Everett
Portland, Or 97208

RE: Request for notice extension for Water Management

Dear Mr. Meyer:

Metro Regional Government has requested the comment period be extended until March 31, 2000. As you and I have discussed, my earlier notice using the standard comment period was in error. I should have noticed this plan as stipulated in the permit. Since Metro's request would be consistent with a re-notice for the plan and address the concerns by WaterWatch of Oregon, I see no practical reason not to accept comment until March 31.

The re-notice will be published in the Department's weekly notice February 29, 2000 (see the attached). Feel free to give me a call at (503) 378-8455 ext. 254, if you have any questions.

Sincerely,

Bill Fujii,
Natural Resources Specialist III

cc Juno Pandian, Water Master
Holly Michael, ODFW
Jim Morgan, Metro
Karen Russel, WaterWatch

Gerry Meyer Facsimile sent February 23, 2000
503 944-7466 fax 503 944-7532 office page two of two

Water Management and Conservation Plans:

The Oregon Water Resources Commission's policy on Conservation and Efficient Water Use requires major water users and suppliers to prepare water management and conservation plans. Under Division 86 of the Department's administrative rules, the Department is required to give notice and to invite public review and comment on such plans.

Any person may review and comment on a draft plan within 30 days of the date of this public notice. Comments should focus on elements in the draft that do not meet the requirements of Division 86 rules and should include suggestions on how to bring the draft into compliance with the rules.

The Department will consider all public comments in its review of the draft plan and will report the results of the review to the water supplier 90 days from the time the plan was submitted.

Notice is hereby given pursuant to OAR 690-86-910(1) that a draft municipal water management and conservation plan has been received and is available for review at the Water Resources Department, 158 12th St. NE, Salem, Oregon.

Draft plans were submitted by:

Port of Portland
121 NW Everett
Portland, Oregon 97208

The comment period for this plan has been extended from February 18, 2000. There are three reasons for this extension: a special condition of the water use permit, a request from Metro Regional Government and a concern raised by WaterWatch of Oregon. The deadline for comments on the draft plan is March 31, 2000. Any person may review and comment on the draft plans. The Department will consider comments which identify concerns with the plan and propose specific modifications to resolve the concerns. After the comment period, the Department will review the plan and any comments received. Members of the public wishing to review the plan should make prior arrangements by calling Bill Fujii of the Water Resources Department, Salem office at 1-800-624-3199, extension 254 or by contacting the Port of Portland.



Oregon

Theodore R. Kulongoski, Governor

Smith + Bybee Lakes Wildlife Area

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

March 5, 2003

Gerry Meyer, Development Manager
Port of Portland
P.O. Box 3529
Portland, OR 97208

SUBJECT: Review of Water Management and Conservation Plan

Dear Mr. Meyer:

Thank you for your efforts in preparation of a Water Management and Conservation Plan for the Port of Portland. We received your draft plan in December 1999. The preparation of a Water Management and Conservation Plan is required under the conditions of permits S-51548 and G-13093. Since receiving the plan, we have had several discussions with you regarding our review. This letter confirms the results of our review and proposes an approach that will enable to Port to continue its efforts in developing and implementing water conservation measures.

The Port holds several permits from both surface water and groundwater. These permits are for municipal purposes—the intent of these which is to supply a mix of industrial, landscape, fish and wildlife and municipal purposes with non-potable water. The Port receives potable water from the Portland Water Bureau. Under state statutes, the Port is a municipal corporation with the same status and obligations as any other municipal provider.

During the 30-day public review period, we received comments from WaterWatch of Oregon, METRO Regional Government, Oregon Trout, and the Smith Bybee Lakes Management Committee. Summaries of the comments are attached. The concerns expressed in the comments fall into three general categories:

- 1) Impacts resulting from reduction in surface water flows;
- 2) Ground water contamination; and
- 3) Lack of compliance with the water management and conservation planning and other permit conditions.

The conditions of Permit G-13093 address points 1 and 2.

“Use of water under authority of this permit may be regulated if analysis of data available after the permit is issued discloses that the appropriation will measurably reduce the surface water flows necessary to maintain Columbia Slough and/or Smith and Bybee Lakes.

Groundwater production shall be allowed from only the confined alluvial groundwater reservoir between approximately 100 and 300 feet below land surface.

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Summary of Comments
Page 2

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.”

With respect to point 3, the Port has addressed the prospective uses of non-potable water in the plan. However, in order to be consistent with OAR Chapter 690, Division 86 (as required as a condition of G-13093), the plan must address all the water systems operated by the Port including the potable systems. Further, one of the benefits of the use of non-potable water would be consistency with the Metro Water Supply Plan. Appropriate use of non-potable water would relieve part of the industrial demand sector of the entire region. Other municipalities in the Metro area are supplied water from the Water Bureau. They are required to account for this source in any water management plan as well.

Although the trigger for the development of the plan, is a permit for non-potable water, the Department must consider all sources of water the Port utilizes in the context of the plan. The Port has expressed concern that the requirement for an evaluation for the feasibility of adoption of rate structures that support and encourage water conservation would “discourage tenants and industry from using this system”. The evaluation is a required element of the plan. The incremental cost of the water, any debt load and environmental benefits may be elements of this evaluation. The price structure is not prescribed but a detailed evaluation is required under 690-86-140(d)(E). The outcome of this evaluation may well be a price structure that is substantially lower than potable water and encourages and supports water conservation.

Based on our conversations, we understand the Port to be initiating a significant effort to develop and implement a Port-wide water conservation plan this summer. In addition, we understand that the port has continued work to address other issues associated with its water management and conservation plan and to proceed with implementation of the plan. Based on that understanding, we propose the following work plan to achieve compliance with the water management and conservation planning requirements:

- 1) Develop a water conservation element for management of potable water at the Portland International Airport. The plan shall identify strategies for increasing the efficiency of potable water use at the airport and providing water conservation information to airport employees and customers. In developing the plan, the Port shall consider participation in City of Portland conservation programs. (Completion date: September 1, 2003)
- 2) Prepare an updated Water Management and Conservation Plan that addresses all potable and non-potable water diverted or used by the Port and providing justification for any proposed increases in the quantities of water diverted or used beyond current levels. (Completion date: February 1, 2008)
- 3) Prepare and submit to the Water Resources Department, a progress report describing the Port's planning and implementation activities under the existing Water Management and Conservation Plan and the conservation element described in work plan item #1. (Completion date: February 1, 2005)
- 4) Submit to the Department the Water Management and Conservation Plan prepared under work plan item #2. (Completion date: April 1, 2008)

Summary of Comments
Page 3

We appreciate the cooperation of the Port in working through the issues associated its preparation of its Water Management and Conservation Plan and look forward to continuing to work with you as you perform the tasks described in the above work plan. Please let us know by April 21 whether this approach is acceptable. Do not hesitate to contact Bill Fujii of the Department staff if you have questions or need advice or assistance in this effort.

Sincerely,



Thomas J. Paul, Administrator
Field Services Division

cc: WaterWatch of Oregon
Oregon Trout
METRO Regional Government
Smith and Bybee Lakes Wildlife Area

Summary of Public Comments

The following are summaries of the comments:

Comments from WaterWatch of Oregon:

The permit was issued after a settlement was reached between the Port and WaterWatch that required the permit to be conditioned to require, among other things;

- Submission of a Wetland Enhancement Plan for Smyth, Bybee and Ramsey Lakes Within three years of permit issuance (by 1997).
- Submission of a long-term water supply plan within one year, of permit issuance (by 1995).
- Submission of a Non-Potable Water System Plan within one year from the date of Commission adoption of conservation and management planning rules (by September 1995).

WaterWatch recognized in 1994 that the Port's proposed use of water was progressive in many ways and could be a model for similar efforts in Oregon. However, we had three major concerns about this new use. First, this new municipal use was just one of the numerous pending municipal applications in the area totaling approximately 493.8 cfs and there were ongoing efforts to regional water supply planning for municipal uses in the basin. Second, the "wetland enhancement" portion of the application was undefined and raised numerous environmental concerns. Third, the Port's proposed use of water, raised concerns about the effect of the use on already degraded water quality of the Willamette and Columbia Rivers. The permit conditions were intended to address these three fundamental concerns.

WaterWatch urges the Department to reject the plan. In addition, WaterWatch proposes that the water right be cancelled unless the Port can remedy the deficiencies in its plan in a timely manner (not more than a year from when the plan was submitted). They stated that the Port agreed to comply with the permitting conditions years ago. The Port missed all the deadlines in the permit and still produced a plan that failed to meet the Division 86 rules and the permit conditions.

Comments from Oregon Trout:

OAR 690-86-140(4)(c)(A) requires that the Port's plan include, among other elements,

A comparison between the potential sources of additional water, including conservation, reuse and interconnections with other municipal water supply systems, which considers costs, availability, reliability', and the likely environmental impacts.

The Port's plan fails to make the required comparison between the alternative sources for additional water and how they will affect environmental values. In particular, the Port's plan does not offer any analysis of the fish species (especially those listed under the Endangered Species Act) that will be affected by withdrawing water from the Willamette and Columbia Rivers, and does not consider the differential effects on these fish and conservation measures versus increasing diversions.

Comments from METRO Regional Government:

The Port intends to pump water from up to six wells on Port property adjacent to property owned by Metro. There are low levels of contaminants in the sand and gravel aquifer near the Industrial District. The hydrogeology of this area is complex and heavily influenced by seasonal fluctuations in the elevation of the Willamette and Columbia Rivers. Pumping water from up to six wells may influence the rate and direction of groundwater movement and thus the movement of contaminants in the area. The Oregon Water Resources Department should require that the Port submit within 6 months a report by a hydrogeologist, which determines the impact of pumping on the rate and direction of groundwater movement.”

Comments from Smith and Bybee Lakes Wildlife Area:

Permit No. S-51548 for withdrawal of Columbia River water for nonpotable uses includes an allotted rate of 35.63 cfs for environmental enhancement of the Smith and Bybee Lakes Wildlife Area. We recommend retention of this allotment for withdrawal from the Columbia River. Further, the committee would like to explore the possibility of transferring this water right to the North Slough or the Columbia Slough in the Willamette River drainage. Drawing water from the Columbia River may prove cost-prohibitive and the North Slough or Columbia Slough may provide a reasonable alternative.

The Port of Portland's plan calls for drawing water from a number of wells to be located on the north and west sides of the Smith and Bybee Lakes Wildlife Area. We urge the development of a groundwater model that encompasses the Rivergate area, including the St. Johns Landfill. Building on information from extensive modeling efforts made by Metro, additional groundwater modeling will prove valuable in evaluating the potential impact of various groundwater withdrawal scenarios envisioned by the Port. We are concerned about possible effects of the wells on movement of contaminants detected at the St. Johns Landfill, located to the south of Bybee Lake. The wells' effects on groundwater movement should be closely monitored and evaluated, and alternative water sources should be used if detrimental effects are discovered.

The plan provides limited information on the Port of Portland's efforts to conserve water. We support continued work between the Port of Portland and the Portland Water Bureau (and other appropriate agencies) for water conservation. While all parties agree that a water use conservation plan is appropriate, we would like to see a written plan.

3/10/00

To: Elaine Stewart

From: Paul Vandenberg, REM

Peter Teneau of the SBWA Management Committee called me yesterday to discuss his concerns with the Port of Portland's *Water Management and Conservation Plan*.

Among his concerns were the effects on groundwater flow within SBWA of withdrawing large volumes of groundwater in the Terminal 5 area of the Rivergate Industrial District. He's concerned that, if this were to happen, it might cause contaminants from St. Johns Landfill to migrate in that direction, affecting the aquifers under the lakes, or the lakes themselves (via potential upwelling of groundwater, or potential enhancement of the lakes with groundwater).

For your information in this regard, I've attached selected pages from the 1997-1998 annual report (of landfill activities) submitted to DEQ. Included is a summary of the groundwater flow and leachate migration modeling reports completed in 1997, and other relevant information.

If you or Peter would like additional information about the models that you feel would help in responding to the Port's plan, or, if you have any questions about the attached information, please let me know.

From: Karen Russell <karen@waterwatch.org>
To: "Elaine Stewart" <stewarte@metro.dst.or.us>
Date: Wed, Mar 22, 2000 4:34 PM
Subject: Re: Port of Portland water management plan

Several years ago WaterWatch protested the Ports application for a new water use permit to take water from the Columbia and Willamette Rivers for non potable water supply at the port (including it's ship washing activities) and for "wetland enhancement". We settled the case with the Port in exchange for several mandatory conditions that were placed on the permit. One of which was the Port was to prepare and have approved within a time certain a water management and conservation plan and a wetland enhancement plan. The Port missed the deadlines in the permit - our first concern.

A very cursory review of the Ports draft plan also reveals that it has no wetland enhancement plan, and that it's conservation and supply discussion is dismal at best. We were also, at the time we negotiated the permit, very concerned about the effect of the Port's activities on water quality in the Willamette and Columbia Rivers. The plan does little, if anything, to discuss that and to ensure that it's activities are contributing to water quality problems.

That is the extent of our involvement. I guess we view this plan as something that is mandaged by the water use permit and as a way to force the Port to make some actual commitments about what it is doing and how it won't further screw up the environment/wetlands and how it's efforts will actually result in wetland enhancement. WaterWatch is not at all well versed in the specifics of the Port's activities and we were hoping that other groups/governments could use this requirement to leverage the Port on issues that are important to them. . .I have heard that in the past at least the Port has been notorious in it's destruction of wetlands.

Hope that gives you a perspective. Please give me a call if you want to talk further. . .

Karen Russell

>Peter Teneau (Friends of Smith and Bybee Lakes) told me that Water Watch
>has concerns about the Port's water management plan for the Rivergate
>area. I am the new refuge manager at Smith and Bybee Lakes Wildlife Area,
>and my management committee is scheduled to discuss the Port's plan at our
>meeting next Tuesday (3/28/00).

>

>Can you tell me what Water Watch's concerns are? They may be relevant to
>our discussion also. I'd appreciate any background on Water Watch's
>involvement and/or concerns that you could provide. Thanks.

>

>Elaine Stewart

>Metro

>600 NE Grand Ave.

>Portland, OR 97232-2736

>
>503.797.1515 voice
>503.797.1849 fax

RIVERS NEED WATER

Karen A. Russell
WaterWatch of Oregon
213 SW Ash Suite 208
Portland, OR 97204
503-295-4039
fax 503-295-4071
karen@waterwatch.org

**Smith & Bybee Lakes Wildlife Area
Management Committee**

Nancy Hendrickson, Chair

Metro

600 NE Grand Ave.
Portland, OR 97232
(503) 797-1515

March 30, 2000

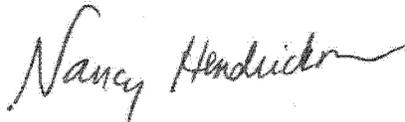
Bill Fujii
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97301-4172

Dear Mr. Fujii:

The Smith and Bybee Lakes Management Committee would like to comment on the Port of Portland Water Management and Conservation Plan (December 1999).

1. Permit No. S-51548 for withdrawal of Columbia River water for nonpotable uses includes an allotted rate of 35.63 cfs for environmental enhancement of the Smith and Bybee Lakes Wildlife Area. We recommend retention of this allotment for withdrawal from the Columbia River. Further, the committee would like to explore the possibility of transferring this water right to the North Slough or the Columbia Slough in the Willamette River drainage. Drawing water from the Columbia River may prove cost-prohibitive and the North Slough or Columbia Slough may provide a reasonable alternative.
2. The Port of Portland's plan calls for drawing water from a number of wells to be located on the north and west sides of the Smith and Bybee Lakes Wildlife Area. We urge the development of a groundwater model that encompasses the Rivergate area, including the St. Johns Landfill. Building on information from extensive modeling efforts made by Metro, additional groundwater modeling will prove valuable in evaluating the potential impact of various groundwater withdrawal scenarios envisioned by the Port. We are concerned about possible effects of the wells on movement of contaminants detected at the St. Johns Landfill, located to the south of Bybee Lake. The wells' effects on groundwater movement should be closely monitored and evaluated, and alternative water sources should be used if detrimental effects are discovered.
3. The plan provides limited information on the Port of Portland's efforts to conserve water. We support continued work between the Port of Portland and the Portland Water Bureau (and other appropriate agencies) for water conservation. While all parties agree that a water use conservation plan is appropriate, we would like to see a written plan.

Sincerely,



Nancy Hendrickson
Chair, Smith and Bybee Management Committee

C: Smith and Bybee Management Committee
Mike Thorne, Port of Portland
Mike Burton, Metro

March 30, 2000

Bill Fujii
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

97301-4172

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Sincerely,

Nancy Hendrickson
Chair, Smith and Bybee Management Committee

C: Smith and Bybee Management Committee
Mike Thorne, Port of Portland
Mike Burton, Metro

March 30, 2000

Bill Fujii
Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

Dear Mr. Fujii:

The Smith and Bybee Lakes Management Committee would like to comment on the Port of Portland Water Management and Conservation Plan (December 1999).

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2. The Port of Portland's plan calls for drawing water from a number of wells to be located on the north and west sides of the Smith and Bybee Lakes Wildlife Area. We are concerned about the possible effects of the wells on leachate movement from the St. Johns Landfill, located to the south of Bybee Lake. The wells' effects on leachate movement should be closely monitored and evaluated, and alternative water sources should be used if detrimental effects are discovered.
3. The plan provides limited information on the Port of Portland's efforts to conserve water. We support continued work between the Port of Portland and the Portland Water Bureau (and other appropriate agencies) for water conservation.

While all parties agree that a water ^{use} conservation plan is appropriate, we would like to see specifics that forth coming in writing.

Nancy Hendrickson
Chair, Smith and Bybee Management Committee

- C: Smith and Bybee Management Committee
- Mike Thorne, Port of Portland
- Mike Burton, Metro

We urge the development of a ground water model that encompasses the Rivergate area, including the St. Johns Landfill. Using information from extensive modeling efforts made by Metro, additional ground water modeling calibrated to the Port's new well data will prove valuable in evaluating the potential impact of various ground water withdrawal scenarios envisioned by the Port on the movement of leachate from the St. Johns landfill.



METRO

March 30, 2000

Bill Fujii
Oregon Water Resources Department
Commerce Building
158 12th Street NE
Salem, OR 97310-0210

Re: Comments about Port of Portland Water Management and Conservation Plan,
December 1999

Dear Mr. Fujii:

According to the above plan the Port may either use its surface water permits or its groundwater permit to obtain non-potable water for the Rivergate Industrial District. According to figure 3-2 the Port intends to pump water from up to six wells on Port property adjacent to property owned by Metro.

There are low levels of contaminants such as the solvents Carbon Tetrachloride, Trichloroethene, Tetrachloroethene, 1,1,1 Trichloroethane, and their dechlorination products in the sand and gravel aquifer near the Industrial District. The hydrogeology of this area is complex and heavily influenced by seasonal fluctuations in the elevation of the Willamette and Columbia Rivers.

I am concerned that pumping water from up to six wells may influence the rate and direction of groundwater movement and thus the movement of contaminants in the area. I recommend that the Oregon Water Resources Department require that the Port submit within 6 months a report by a hydrogeologist, which determines the impact of pumping on the rate and direction of groundwater movement.

Sincerely,

Dennis O'Neil
Supervisor, Landfill and Environmental Management Program

DO:clk

cc: Jim Watkins, Engineering & Analysis/Environmental Services Manager
Elaine Stewart, Smith & Bybee Wildlife Refuge Manager

From: Bill Fujii <William.H.FUJII@wrд.state.or.us>
To: "Jim Morgan" <morganj@metro.dst.or.us>, Karen Russ...
Date: Thu, Mar 30, 2000 1:33 PM
Subject: Port of Portland

Hi -

Just a reminder that the Port's comment period is about to close. Email would be fine for comments at this point.

Thanks

Bill Fujii, Natural Resource Specialist 3
Field Services Division
Oregon Water Resources Department
158 - 12th St. NE
Salem, Oregon 97301-4172

Phone: (503) 378-8455 ext 254

-or-

toll free in Oregon 1 (800) 624-3199 ext 254

FAX: (503) 378-8130

web page address: <http://www.wrd.state.or.us>

From: Dennis O'Neil
To: Elaine Stewart
Date: Thu, Mar 30, 2000 4:12 PM
Subject: Re: SBMC comments on water mgt plan

Hi, Elaine,

I doubt if the North Slough is a reliable source especially during the late dry season. More reliable would be the Columbia Slough main channel near the entrance to North Slough or east of the Landfill. I suggest asking Jim Morgan's advice.

By the way, our current water right, for withdrawal at the landfill bridge, is for only 0.56 cfs, not very useful for your purposes.

I recommend the following changes to the second and third sentence of item 2.

In the second sentence delete "leachate" and insert **the**. After "movement" from" put **of contaminants detected at** . In the third sentence I suggest that "leachate" be replaced with **groundwater or contaminant**

I suggest these changes because we have reason to believe that the contaminants currently in the sand and gravel aquifer are not from the buried waste but from some other source in the area.

I attach a copy of the letter I plan to send per your request. I plan to fax it to WRD at (503) 378-8130 and also mail it.

Dennis

>>> Elaine Stewart 03/30 7:58 AM >>>

Please review the attached letter and provide feedback.

I'll be in the field for most of the morning but will work on the letter again when I get back this afternoon.

I will call Peter Teneau for his feedback, since he spent considerable time researching the groundwater issue. I'll also give Gerry Meyer a call to make sure he doesn't have any heartburn with the wording.

Rec'd 5/22
-ems



May 11, 2000

Elaine Stewart
METRO
600 NW Grand Avenue
Portland, OR 97232

Dear Elaine:

Thank you for submitting your letter to Oregon Water Resources Department regarding the Port of Portland's Water Management and Conservation Plan. The plan is intended to provide information on the Port's general direction and intent in regard to rights we currently hold for waters from the Willamette and Columbia Rivers. As you know, part of our water right permit #S-51548 concerns 35.63 cfs allotted for "environmental enhancement" of the Smith and Bybee Lakes Wildlife Area.

In as much detail as possible, the Oregon Water Resources Department requires a explanation of how the water will be used at Smith and Bybee Lakes for, "environmental enhancement". In addition, the plan needs to include, when, how, where, and why water would be needed in the Smith and Bybee Lakes area. The permit requires submittal of a detailed wetland enhancement plan describing the amount, rate of water, time of year, and delivery system(s) for water augmentation.

As the permit holder, the Port of Portland is interested in retaining this portion of the water right. However, the wetland enhancement plan should come from Metro as the natural area's management authority. The Port is not in a position to define the project or the intent of the water use on Metro's behalf. The Smith and Bybee Lakes Management and Technical Advisory committees may be able to assist you in this effort.

Oregon Water Resources would like some information within the next 30 days if possible. Please submit this information to me at your earliest convenience. Feel free to call me with any questions, and I will do my best to respond in a timely manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerry Meyer", with a long horizontal flourish extending to the right.

Gerry Meyer
Development Manager

Bill Fujii - WRD

msg. left 6/6

1-800-624-3199 x254

Port has water right - condⁿ of plan is
to provide a plan/intention for use.

WaterWatch - said Port didn't get plan done
∴ should lose permits & rights.

Port will need to apply for an extension,
and WRD will need to ask about plans
(Port needs to "prove up" their need & use).

Plan is not a regim^t of water right.

www.wrd.state.or.us
go to water rights

OARs Div. 6 -
what Port needs
to do.

6/12/00

Send to Bill Fujii:

1) Background on flow augmentation and botulism mgmt.

Consider:

Dependency on Port's pipe? If no pipe, what then?

S&B allotmt could be switched to sub-surface if we want.