



DRAFT AGENDA

Bi-State Bridge Replacement Working Group Video Meeting
June 14, 2021 / 2:00-3:30p (1-1/2 hours)
Video Conference Zoom Credentials Sent via Email

Members: Betty Barnes (Mayor), City of Bingen; John Everitt (President), Port of Hood River; Marla Keethler (Mayor), City of White Salmon; Kate McBride (Mayor), City of Hood River; Bob Benton (Commissioner), Hood River County; Jake Anderson (Commissioner), Klickitat County

Alternates: Kristi Chapman (Commissioner), Port of Hood River; Arthur Babitz (Commissioner), Hood River County; Catherine Kiewit (Mayor Pro Tem), City of Bingen; Jason Hartmann (Councilor), City of White Salmon; David Sauter (Commissioner), Klickitat County; Jessica Metta (Councilor), City of Hood River.

Staff/Consultants: Kevin Greenwood (Project Director), Port of Hood River; Michael McElwee (Executive Director), Port of Hood River; Steve Siegel, Financial and Governance Consultant; Hal Hiemstra, Summit Strategies. Invited: Gordon Kelsey (Public Works), Klickitat County

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|----|---|------|
| 1. | Welcome | 2:00 |
| 2. | Federal Legislative Update – Hal Hiemstra | 2:05 |
| 3. | Governance Update – Steve Siegel | 2:20 |
| 4. | Project Elements Update – Kevin Greenwood | 2:50 |
| 5. | Other Items | 3:20 |
| 6. | Adjourn | 3:30 |

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Hood River – White Salmon

BRIDGE REPLACEMENT PROJECT

MEMO

Prepared by: Kevin Greenwood
Date: June 22, 2021
Re: Governance Update

Steve Siegel has been contracted by the Port of Hood River to work with the Bi State Work Group (BSWG) to research, write, edit and advise on Bi State Bridge Compact/Authority legislation with both Oregon and Washington. Siegel has experience on Bi State Bridge Authorities as a consultant on the I-5 bridge effort almost ten years ago.

After a few months of researching state laws, Siegel is currently drafting legislation that will be shared with both state legislatures. \$50k was appropriated to Wash. legislative staff (Joint Transportation Committee-JTC) to hire legal staff to report on formation legislation.

(2) \$50,000 of the motor vehicle account—state appropriation is or the joint transportation committee to contract for a legal consultant to analyze and recommend options for the formation of a bistate bridge authority for the purpose of constructing, financing, operating and maintaining a new replacement bridge over the Columbia River near Hood River connecting Klickitat county in Washington to Hood River county in Oregon. The consultant may confer with the Hood River Bistate Working Group to understand the work and analysis that has been completed.

The Washington interlocal cooperation act, chapter 39.34 RCW, authorizes public agencies to contract with other public agencies via interlocal agreements that enable cooperation among the agencies to perform governmental activities and deliver public services, including agreements with public entities in other states. Such interstate agreements are deemed interstate compacts.

The legal analysis must identify and recommend alternative and/or additional statutory authority that would be necessary to allow for the formation of a local government bistate bridge authority or governance structure for the Hood River Bridge replacement that at a minimum may:

- (a) Issue bonds for bridge construction;**
- (b) Collect tolls; and**
- (c) Secure and administer state or federal grants and loans. The legal analysis must be presented to the transportation committees of the legislature by September 30, 2021.**

Siegel is planning on having an internal draft ready for members of the BSWG's legal team to review June 25th. Comments from legal teams should be returned to Siegel by July 9. Please alert your legal counsel that this draft is coming. If project staff is needed to provide any additional support or information to your counsel, please let us know.

A revised draft will be reviewed with the BSWG at the July 12th meeting.

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Draft Compact:
Schedule and Issues

Bi-State Working Group

June 14, 2021

Long-Term Governance Strategy from MOU

- BSWG will seek to establish an independent Bi-State Authority for the long-term governance ... of the Replacement Bridge.
- BSWG will prepare and propose bi-state legislation establishing the Bi-State Authority during the 2022 or 2023 legislative sessions; Bi-State Authority operational no later than FY2024.
- Prior to proposing legislation to Oregon and Washington legislatures, BSWG will seek supporting resolutions from the governing bodies represented on BSWG.

“Compact” creates the “Commission”

- The Draft 1 Compact will be available for your review by end of June
- The Compact is proposed legislation to be enacted by both states that would establish the XYZ Bridge Commission (“Commission”)
- The Commission is an independent, bi-state government with the purpose, powers, and duties set in Compact
- Commission owns, builds, funds, operates, maintains new bridge
- This is very much akin to creating a special district, except it covers both states

Principles underlying Compact

- Provide for bi-state decision-making on all aspects of bridge
- Provide sufficient authority to efficiently build, operate, maintain, and finance new bridge
- Provide for transparency and clarity
- Facilitate investment-grade credit rating (level of autonomy of Commission)
- Shield local/state governments from obligations and liability (e.g. repayment of debt) of Commission
- Reconcile applicable which state laws apply to Commission

Implementation Schedule for the Commission

- Pre-2022 Session Draft of Compact by September 2021
- Seek bi-state approval during 2022 Legislative Sessions
- If approved, Board appointments by December 2022
- Commission Start-up during January 2023 – June 2023
- Commission fully operational as of July 2023

Legislative Coordination: Pre-2022 Session

- **Washington:** JTC sponsored legal analysis to recommend statutory authority to form a local government bistate bridge authority or governance structure. Present results to JTC by September 30, 2021.
 - JTC Consultants considering whether a “compact” or some other form is preferred (i.e., changes to interlocal/intergovernmental agreement statutes, special district, etc.)
 - The form of the legislation is not a concern, provided the legislation accomplishes the objectives required for success of project
- **Oregon:** Following adjournment of 2021 session, legislative counsel to draft bill for 2022 pre-session filing based on BSWG proposal. Target mid-September completion

Multi-Party Review of Compact, Coordinated through BSWG

- **Local Staff/Consultant/Attorney Review**
 - POHR General Counsel and Bond Counsel
 - OR and WA lobbyists for Project
 - Seek review by city/county counsels; hopefully at least one from each state
- **Legislative Attorney Review**
 - Pacifica Law Group (Seattle firm) will review for WA JTC
 - Uncertain of process for OR legislative counsel review
- **DOT Review (possibly includes a DOJ review)**
 - ODOT
 - WSDOT
- **BSWG Review**
 - Focus on policy, governance, administrative, and political issues

Schedule for Review of Draft of Compact

Release Draft 1 for Review	25-Jun
BSWG Meeting: Discuss Draft 1 Issues	12-Jul
Draft 1 Reviews Due	16-Jul
Release Draft 2	26-Jul
BSWG Meeting: Discuss Draft 2	9-Aug
Draft 2 Reviews Due	13-Aug
Release Draft 3	25-Aug
Draft 3 Reviews Due	6-Sep
Release BSWG Approval Draft	9-Sep
BSWG Meeting: Approve pre-session draft	13-Sep

Discussion Issues

Board Composition

- **MOU**

- 3 Directors (and Alternates) appointed by each County (nominations from each City and POHR); each governor appoints 1 Director; and each Joint Transportation Committee appoints 1 Director.

- **Issues with MOU**

- Need further coordination with states before recommending state role
- Allows for appointments of sitting City/County board members.

- **Recommendation**

- Prohibit appointments of sitting City/County board members.
- Address state role in appointing board following coordination with states

Board Procedures

- **Quorum:** Six Directors, at least two from each state
- **Board Approvals:** Majority of Directors voting and at least one Director from each state vote in favor
- **Term of Chair:** Two years
- **Removal of Chair:** At least six Directors must approve removal

Organization of Commission

- Board required to hire or contract for and Executive Director and Legal Counsel
- Board has power to hire or contract for all other services or activities, as it determines
- Allows Commission to enter agreements with DOTs, counties, cities, and POHR for any of its general governance functions or bridge functions

Powers of Commission

- Anything necessary of incidental to owning, designing, constructing, financing, operating, maintaining, the replacement bridge
- Can borrow for any purpose of the Commission, without consent from voters or other governments, provided payable solely from receipts of the Commission
- Except as would apply to a city, the activities, revenues, and property of the Commission not subject to state or local taxation
- Cannot levy taxes

Which Laws Apply to Commission?

- All Federal laws
- The Compact (which, when enacted, is state law in OR and WA).
 - If there is a conflict between the Compact and an otherwise applicable state law, the Compact controls
- Other Applicable State Laws
 - For most matters, the applicable state law is that of the state where the principal headquarters office of Commission is initially located, and do not change if the principal headquarters office is later relocated.
 - Actions that are location-specific (e.g.; condemnation, land use, building code, etc.) are governed by the law of the state where the action is located.
- P3 authority for Commission is same as for POHR under OR law

Questions?



Hood River – White Salmon

BRIDGE REPLACEMENT PROJECT

Project Director Report
June 14, 2021

The following summarizes Bridge Replacement Project activities from May 15-June 11, 2021:

PROJECT MANAGEMENT UPDATE

- *Continuing to work with consultants, ODOT, FHWA to finalize technical documents for Sec. 106 consultation.*
- *Monitoring progress with consultants and Washington Joint Transportation Committee on bridge authority legislation*
- *Meetings with FHWA, BUILD and both DOTs on bi-monthly basis to ensure contracting process for project management, engineering and other contracts meet funding requirements of all three governments.*
- *Project Strategic Principals are being further developed to include measurable tasks and dates.*

GOVERNMENT AFFAIRS/LOBBYING UPDATE

- *Project did not receive congressional funding through the FastAct reauthorization. Rep. Bentz had declined to submit any projects, though Rep. Herrera-Beutler did. Staff continues to monitor Senate process. Hal Hiemstra will provide update during his federal legislative update.*
- *Legislative presentations complete in Oregon for 2022 session. Session ends June 27. Awaiting decision from Ways & Means Committee on \$5M Oregon contribution to Phase 2.*
- *Project Team will begin working with Oregon legislative counsel in July on matching legislation.*
- *Work has started between the Washington Joint Transportation Committee legal counsel and Steve Siegel to begin writing bridge compact legislation.*
- *Port Commission will be considering lobbying contract renewals. The Port has spent \$200k+ annually on government affairs advocacy in Salem, Olympia and Washington DC. These expenditures are NOT reimbursable with grant or appropriation proceeds. The Port is always looking for assistance in cost sharing opportunities.*

FEIS/ROD CRITICAL PATH UPDATE

- *Land Use Chapter and Recreational Resource documents reviewed, edited and approved by Port Commission. 4(f) letters should be sent to Port of Hood River, Klickitat County and White Salmon in the next two weeks for concurrence.*
- *Consulting parties will then meet to discuss possible mitigation/avoidance solutions in late May/June.*

- *Biological Opinion from National Marine Fisheries (NMFS) still pending, tentative completion by end of June*
- *Project team presented to Umatilla Tribe joint cultural resources and fish and wildlife committee on June 8th.*
- *Project team has been invited to present to the Yakama Tribal Council in early July. Project Director will likely be attending meeting in Toppenish, Wash.*
- *Critical path memo attached.*

GOVERNANCE/BSWG UPDATE

BSWG Meeting scheduled for June 14th

- *Federal Legislative Update, Hal Hiemstra*
- *Governance Legislation Update, Steve Siegel*
- *Project Update, Kevin Greenwood*
- *Standing meeting time scheduled for 2nd Monday of month*
- *Preparing for new members July 1. Port of Hood River's John Everitt and Hood River County's Bob Benton will be retiring.*

May 19th BSWG Meeting Items of Note

- *Applause for Sen. King's \$5M appropriation for Phase 2 and \$50k for governance. King also noted that he's included a \$140M placeholder for Washington State's portion of bridge construction if and when a transportation plan is passed.*
- *Strategy Principles adopted by Port Commission. Objectives and measurable outcomes now being developed.*
- *Engineering selection process being reviewed by FHWA/DOTs*

FUNDING & FINANCING UPDATE

- *Port staff submitted answers to BUILD managers for contract development.*
- *Washington legislative funding available between July 1 – December 31. Port and County to discuss options for payment and work review. WSDOT to likely supervise.*
- *It is becoming a norm for the DOTs to be reimbursed for their staff time. For example, the Port will pay ODOT \$265k for their time reviewing the NEPA process (\$265k/\$5M=5.3%). The Project will need to take that into account as budgets are developed.*

MEETING SCHEDULE

- *Thorn Run Partners, June 1*
- *Klickitat County Transportation, June 2*
- *Michael Williams, WSDOT, June 3*
- *BUILD Meeting, June 3*
- *Matt Ransom, SWRTC, June 3*
- *Yakama Fisheries, June 4*
- *WSP Weekly Check In, June 7*
- *Umatilla Fisheries and F&W Committee, June 8*

- *Sec. 106 Cultural Resources, June 10*
- *WSP Weekly Check In, June 14*
- *BSWG Meeting, June 14*
- *Project Director on Paid Time Off, June 15-22*
- *NEPA Project Team, June 24*
- *Sec. 106 Cultural Resources, June 25*
- *WSP Weekly Check In, June 28*
- *Thorn Run Partners, June 29*
- *Wash. Leg. Governance Check In, June 30*



MEMO

TO: Kevin Greenwood, Hood River Bridge Replacement Project Director, Port of Hood River
FROM: Brian Carrico, WSP
SUBJECT: Status of Critical Path Activities and Projected Work through June 15th
DATE: June 10, 2021

CRITICAL PATH ACTIVITIES

Progress and challenges to completing critical path activities are described below. Completed actions with no activity are not noted.

1. ENDANGERED SPECIES ACT (ESA) COMPLIANCE

PROGRESS:

- No change in status from last update.

CHALLENGES:

- None.

SCHEDULE RISKS:

- **Moderate risk** associated with NOAA Fisheries for completing consultation on schedule. Not expected to impact overall schedule.

SCHEDULED COMPLETION DATE: 7/16/2021 (JUN MEMO)

- Adjusted schedule for additional time to have NOAA Fisheries issue the biological opinion based on ODOT check-in with NOAA.
- Successor task: Final EIS (final review draft)

2. COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

- Prepared for Umatilla tribe's fish and wildlife committee and cultural resources commission meeting in June.
- Consulting Parties monthly meetings to restart on July 14. Preparing agenda and coordinating meeting.
- Finalizing Archaeological Testing Report and Survey Report for submittal to Oregon SHPO, Washington State DAHP and tribes in mid-June.

CHALLENGES:



- Consultation with tribes remains challenging; however, video conferencing is allowing discussions to occur and with increasing vaccination rates and lifting of restrictions consultation on project impacts and mitigation is occurring.
- Continued close coordination with DAHP is necessary to obtain concurrence on archaeological reports and the MOA.

SCHEDULE RISKS:

- **High risk:** Obtaining concurrence by the Oregon SHPO and Washington State DAHP are high risk items as there is much interest by these agencies and the tribes to accurately document archaeological resources and avoid or minimize impacts from the project.

SCHEDULED COMPLETION DATE: 11/18/2021 (JUN MEMO)

- Schedule updated based on established Consulting Parties meeting.
- Successor task: Final EIS (final review draft)

4. PUBLISH FINAL EIS/RECORD OF DECISION

PROGRESS:

- Continued work on Final EIS and Record of Decision.
- Continued coordination with Port on 4(f) resources and land use impacts including evaluation of National Trails for 4(f);
- Section 4(f) letters submitted to ODOT for distribution to owners with jurisdiction.

CHALLENGES:

- None.

SCHEDULE RISKS:

- Section 106 compliance is the critical path for completing the FEIS/ROD.

SCHEDULED COMPLETION DATE: 12/22/2021 (JUN MEMO)

- Three week delay to account for adjustment associated with the MOA Consulting Parties meeting in July.
- Successor tasks: Close out EIS project.



PROJECTED WORK FOR NEXT 30 DAYS

The following work is projected to occur from June 15 through July 15.

TASK 1. PROJECT MANAGEMENT

- Coordination with Port, Consultant Team and other agencies
- Invoice for June activities
- Update schedule and critical path status
- Contract modification for schedule and geotechnical investigation

TASK 2. PUBLIC INVOLVEMENT

- Prepare monthly update for July issue.

TASK 5. ENVIRONMENTAL

- Continued coordination with FHWA and ODOT to complete FEIS/ROD.
- Incorporate additional technical updates as information from the ESA consultation, Section 106 process, and Section 4(f) process.
- Coordinate with Port on ongoing outreach to tribal fishers.
- Prepare for and attend Yakama Tribal Council Meeting.

TASK 6. ENGINEERING

- Support the Final EIS production by addressing Requests for Information regarding design.
- Coordination in preparation for geotechnical investigation work.



EIS UPDATE

BRIDGE REPLACEMENT PROJECT

In December 2003, a draft environmental impact statement (EIS) was published as part of a bi-state collaborative effort. This draft EIS was the first step in complying with the National Environmental Policy Act (NEPA). Currently, the Port of Hood River (Port) is advancing the project to complete the EIS effort and position the project for future funding and construction.

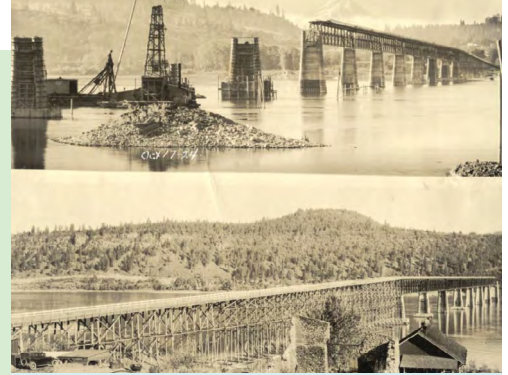
NEPA Activities:

- Continued work on the Final EIS/Record of Decision and responses to public comments received on the Supplemental Draft EIS. Completion of Final EIS/Record of Decision expected by Fall 2021.
- Cultural resources survey and archaeological testing reports provided to Oregon State Historic Preservation Office (SHPO), Washington State Department of Archaeological and Historic Preservation (DAHP) concurrence on effects.
- Continued discussions with the SHPO, DAHP, and other parties and tribes to identify potential mitigation measures for removal of the existing bridge.
- Continue consultation with Native American tribes on cultural resources, access to the Columbia River, fishing activities, treaty rights, and other interests.

Other Activities:

- Ongoing consultation with the U.S. Department of Transportation to establish agreements for use of Phase 2 funds from the BUILD program.
- Governance legislation currently being researched and reviewed for the formation of a new bi-state bridge authority. The Washington Legislature appropriated \$50,000 to analyze and make recommendations on this topic.
- Federal request through the FAST Act reauthorization was unsuccessful. Team continues to monitor federal infrastructure funding opportunities.
- Team members are currently meeting with members of the Oregon legislature Joint Committee on Ways and Means to advocate for Phase 2 matching funds. Session ends later this June.
- Port has completed Land Use and Recreational Resource impact review for the NEPA process.
- Bi-State Working Group reviewed governance legislation and received an update on federal legislative efforts.
- Draft proposal documents for next phase of engineering shared with Federal Highways and state DOTs for concurrence.

JULY 2021 UPDATE



How would bridge replacement benefit the Columbia River Gorge communities?

The Hood River Bridge provides a critical connection for residents and visitors to the Columbia River Gorge National Scenic Area. One of only three bridges spanning the Columbia in this region, the bridge is a critical rural freight network facility for agriculture, forestry, heavy industry and high-tech companies with freight originating throughout the northwest. The existing bridge is nearing the end of its serviceable life and is obsolete for modern vehicles with height, width, and weight restrictions and is also a navigational hazard for marine freight vessels. The bridge has no sidewalks or bicycle lanes for non-motorized travel and would likely not withstand a large earthquake.

If project funding is secured, the new bridge would provide a safe and reliable way for everyone to cross or navigate the Columbia River—by car, truck, bus, bicycle, on foot, or on the water. A new bridge would support a thriving economy and livable communities.

WE ARE HERE ▼

Agency/Stakeholder Outreach	Environmental Compliance											
	Technical Study Updates				Supplemental Draft EIS				Final EIS/ROD			
	Community Meeting								Community Meeting			
	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2
	2018		2019				2020				2021	

To learn more about the project, please visit us at:
www.portofhoodriver.com/bridge

PROJECT CONTACT

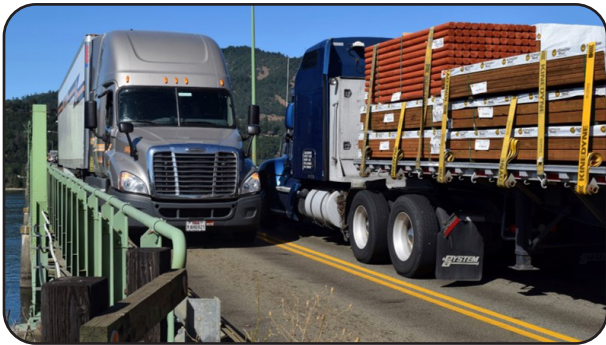
Kevin Greenwood, Project Director
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HOOD RIVER-WHITE SALMON INTERSTATE REPLACEMENT BRIDGE

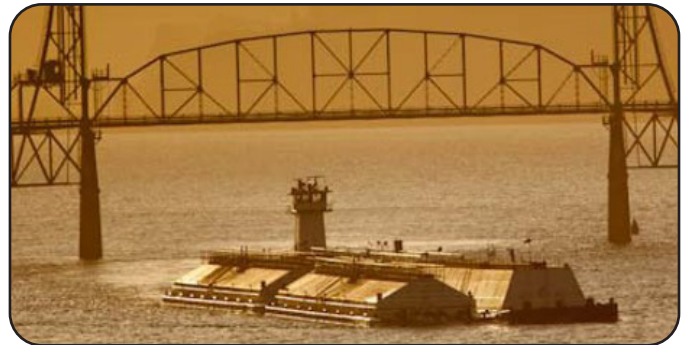
Phase 2: Project Development Funding Request

Project Need

The Hood River-White Salmon Interstate Bridge is a critical link in the Mid-Columbia Gorge region that enables workers, emergency responders, tourists, agricultural products, and other goods and services to travel across the Columbia River between Oregon and Washington. The toll bridge is nearing the end of its serviceable life; it is functionally obsolete, weight-restricted, seismically deficient, and a hazard for maritime freight on the Columbia River. A bi-state effort is underway to develop a new Replacement Bridge. The Replacement Bridge will be tolled; and toll revenues will be the primary source of construction funding. However, unless construction on a new “Replacement Bridge” connecting White Salmon and Hood River is underway by 2026, these toll revenues will have to instead be spent on an expensive rehabilitation (\$50M in the next 15 years) of the existing bridge to provide for its continued safe operation. To this end, the Port of Hood River asks the Oregon Legislature for \$5 million to match Washington, federal and local funds for Phase 2 of the Replacement Bridge Project.



Narrow lanes and lack of shoulder constrain freight, transit, and emergency response vehicles.

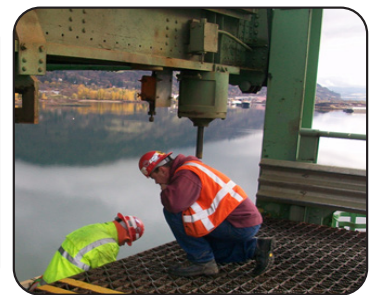


Navigational clearance on the federal waterway is at least 200' less than the minimum recommended width.

Project Status

The 2017 Oregon Legislature approved \$5 million in Phase 1 project funding. Phase 1 includes environmental studies required to satisfy the National Environmental Protection Act (NEPA). Federal Highway Administration (FHWA) approval of a Supplemental Draft Environmental Impact Statement is expected soon, and a Final EIS is anticipated by Fall 2021.

Klickitat County and the Washington cities of Bingen and White Salmon have partnered with the City of Hood River, Hood River County, and the Port of Hood River to create a “Bi-State Working Group” (BSWG) to move the Replacement Bridge Project forward with bi-state cooperation and coordination.



The Hood River-White Salmon Bridge Replacement Project has been the first priority of the Comprehensive Economic Development Strategy for the Mid-Columbia Economic Development District for many years. The project enjoys significant citizen engagement and support on both sides of the river.

Phase 2 – Project Development

Project Development (Phase 2) will start July 2021, and will cost \$16.25 million. Completion of Phase 2 will allow the project to move to construction. Activities to be funded include:

- The engineering work will be advanced to 30% design, providing significantly more reliable cost estimates and construction schedules.
- Level 2 traffic and toll revenue study will be prepared, allowing more reliable estimates of the bonding capacity of the net toll revenues.
- Continued environmental mitigation and permitting.
- Bi-state bridge authority establishment and implementation.
- Development of preliminary financial plans.
- Assessment of project delivery options.



Conceptual design illustration showing the new bike/pedestrian lane, separated from vehicle traffic, with viewpoint area and benches. View north, Washington shore in the distance.

Phase 2 Funding Sources

- Federal Department of Transportation: Federal BUILD grant - \$5 million (secured September 2020)
- Port of Hood River: \$1.25 million (committed September 2020)
- State of Washington: \$5 million (secured in 2021 Washington state transportation budget)
- State of Oregon: \$5 million (requested 2021)



Conceptual design of replacement bridge as viewed from the Washington shore.