

Governance Legislation Review #1

Bi-State Working Group Meeting
July 12, 2021

Status of Draft 1 Review

- Final comments on governance legislation Draft 1 due Friday, July 16th
- To date, initial BSWG comments received from:
 - POHR General Counsel
 - POHR Bond Counsel
 - City Attorney for White Salmon
- Draft 2 will be prepared and distributed by Monday, July 26th

Status of Legislative Reviews

- Review by Attorney for WA Joint Transportation Committee (JTC)
 - Received comments on Draft 1 from Stacey Lewis, Pacific Law Group, representing the JTC
 - JTC review has been enormously helpful
 - The key issue raised by the JTC attorney will be resolved in Draft 2
 - September report to the JTC is anticipated to be highly supportive
- Review by OR Legislative Counsel
 - OR legislative counsel not yet assigned

Issue 1: Revise Draft 1 as General Legislation

- Draft 1 was written as *Special Legislation*, meaning it applied specifically to the Hood River Replacement Bridge
- This application of *Special Legislation* is not permitted under WA state constitution
- Draft 2 will be revised as *General Legislation*, meaning any area seeking to replace a local government-owned interstate bridge may create a bi-state commission under the legislation
- *General Legislation* can yield the same bi-state commission as in Draft 1, but needs an additional step

Impacts of Change to General Legislation

- References to the Hood River replacement bridge and the specific local governments involved will be removed in Draft 2, and more generic descriptors will be used in their place
- Enactment of legislation does not “form” the bi-state commission; the bi-state commission is “formed” when the local area governments enter an IGA/ILA meeting the requirements of the legislation.
- Once formed, the bi-state commission has the powers and duties granted in the legislation.
- General parameters for Board appointments will be in the legislation, but details related to the Board appointments included in Draft 1 will be removed from legislation and addressed in IGA/ILA

Issue 2: Federal Tax Exempt Status of Bonds Issued by Bi-State Commission

- State legislation can grant bonds issued by the bi-state commission a state tax exemption, but not a federal tax exemption
- For bonds of the bi-state commission to qualify for a federal tax exemption, the state legislation must establish the proper legal status for the bi-state commission
- On-going discussions with attorneys to determine best approach

Impacts of Federal Tax Status Issue

- Technical fix to federal tax status could require establishing a geographic district for the bi-state commission (not done in Draft 1)
- If so, the district boundary could be the combined area of the local governments that form the bi-state commission
- Under this definition, the district of the bi-state commission would be the combined area of Hood River County and Klickitat County
- Any issues with this? Any better ideas?

Issue 3: Dissolution of Bi-State Commission

- Draft 1 did not address the possible dissolution of the Bi-State Commission if, for example, the bridge replacement project does not proceed, or if the replacement bridge is transferred to another entity in the future
- Draft 2 will incorporate a process for dissolving the bi-state commission that is akin to that for defunct special districts

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/Questions?



Hood River – White Salmon

BRIDGE REPLACEMENT PROJECT

Project Director Report

July 12, 2021 / Bi State Working Group (BSWG)

The following summarizes Bridge Replacement Project activities from June 16-July 9, 2021:

PROJECT MANAGEMENT UPDATE

- *Senator King and Klickitat County have agreed that the \$5-million appropriated through the Washington State legislature will be passed from Wash. DOT (WSDOT) to Ore. DOT (ODOT). This will add efficiencies to the project and minimize administrative time at the local level. Procurement for pre-construction services will follow Oregon contracting rules with Federal Highway (FHWA) and BSWG/POHR oversight.*
- *Bridge Replacement Project Director job description was updated and the Port of Hood River Commission approved extension of contract for three years through June 2004.*
- *August Project Update flier suitable for distribution is included in the packet.*
- *Project Director will be developing quantifiable goals and objectives based upon the Strategic Action Plan Principles reviewed by the BSWG. Ongoing project.*
- *Will be developing a newly-elected officials briefing on the project likely using WSP Oregon Principal, Jason Tell, as a presenter. This presentation could include summaries of Owners' Rep and Engineering bid processes.*

GOVERNMENT AFFAIRS/LOBBYING UPDATE

- *Miles Pengilly, Thorn Run Partners, will give an update on the successful Oregon legislative session. SB 5006-1 was signed into law appropriating \$5-million toward the replacement effort. The funds will come to the Port via the federal American Rescue Plan Act (ARPA). The project team had been suggesting that the funding come through state lottery funds. Regardless, the project has been thanking Sen. Thomsen and Rep. Williams for their championing of the project.*
- *Brad Boswell has facilitated a number of meetings between the Washington Joint Transportation Committee staff and Steve Siegel to develop bridge authority legislation.*
- *Letters of advocacy for federal infrastructure funding have been collected and will be sent to the region's federal delegation. Three letters have been crafted from the region's state legislators, the OneGorge advocacy group and the Bi-State Working Group. The BSWG letter is included in the meeting packet. Hal Hiemstra, Summit Strategies, drafted the letter and specifically chose to keep the ask vague as specifics on award sizes have yet to be determined. Pengilly and Boswell have assisted in getting approval and signatures from the state delegation.*

FEIS/ROD CRITICAL PATH UPDATE

- *Critical Path Status report on NEPA included in meeting packet.*
- *Third Consulting Parties (CP) meeting scheduled for later this July. These meetings are needed to negotiate agreement on mitigation for impacts to historic, cultural and recreational resources.*
- *Project team presented to the Yakama Nation Tribal Counsel on July 6th. Presentation focused on impacts to fishing access, fish and to cultural resource sites. Originally scheduled for 30-minutes, the team engaged members for almost 90-minutes. Though there was support for the project, there is an expectation that the temporary loss of the White Salmon Treaty Fishing Access Site (TFAS) will need to be financially mitigated. Tribal consultation will continue through NEPA, permitting, construction and beyond.*
- *Land Use Chapter and Recreational Resource (4f) acknowledgement is complete. Thank you to the Port, City of White Salmon and Klickitat County for the quick turnaround on concurrence letters.*
- *Port will need to commit to a new recreational boundary for the marina park due to 6(f) regulations. The original marina parking lot and marina were built with federal recreational funds and impacts from the new bridge will require a new boundary defining the marina park. This will likely be a mitigation item which will need to be committed to, but is not required before the FEIS/ROD.*

GOVERNANCE/BSWG UPDATE

- *BSWG Meeting scheduled for July 12th*
 - *Oregon Legislative Update (\$5M from ARPA) – Miles Pengilly*
 - *Governance Legislation Update – Steve Siegel*
 - *Project Administration Update – Kevin Greenwood*
- *June 14th BSWG Meeting Action Items*
 - *Federal Advocacy Letter in development*
 - *Strategic Principles distributed and posted on webpage*
 - *Summary of House Member earmark requests distributed via Hal Hiemstra*
 - *Director invited by SWRTC Exec. Dir, Matt Ransom, to present to RTC board in October. Klickitat County Commissioner, Dave Sauter, is the new county rep. to the RTC.*
- *Steve Siegel will be presenting an update on the first round of legal comments on the bridge authority legislation. Comments from local government legal counsels were received through July 9th. Siegel will be compiling the comments for presentation over the weekend.*
- *Miles Pengilly will give update on the Oregon legislative approach to the bill language.*

FUNDING & FINANCING UPDATE

- *BUILD coordination continues. Travis Wheeler is the grant coordination located in Washington, DC. He will be reviewing the updated documents and has been getting back to the project director about every two weeks.*

- *Met with FHWA-Ore. Div., ODOT Reg. 1 and WSDOT SW Reg. to discuss contracting and financial implementation. Klickitat County and WSDOT have been working with Sen. King to direct legislative funding directly to ODOT. This would increase efficiencies and allow the Port of Hood River to maintain contracts following Oregon procurement rules. Project Director was asked to prepare list of assumptions, show a high-level finance plan and what tasks will be completed, list of anticipated questions and offer a plan moving forward for ongoing contracting and financing approach. This analysis is due July 23rd to the agencies.*
- *All three agencies agreed that the state appropriations could be used as the 20% BUILD match if certain criteria are met.*
- *1Q ODOT reimbursement received; 2Q request being compiled.*

MEETING SCHEDULE

- Yakama Tribal Council, July 6
- BUILD Coordination, July 8
- WSP Engineering Discussion, July 9
- Authority Legislation Mtg, July 9
- BSWG, July 12
- WSP Weekly Check In, July 19
- Construction Management Assoc. Meeting, July 14
- Consulting Parties Meeting #3, July 14
- OPPA Legislative Comm, July 15
- WSP Weekly Check In, July 19
- OPPA Meeting, July 22
- NEPA Coordination, July 22
- Sec. 106 Cultural Resources, July 23
- WSP Weekly Check In, July 26



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.
- Finalization of Section 4(f) property determinations and gaining concurrence from officials with jurisdiction.
- Oregon State Historic Preservation Office (SHPO), Washington State Department of Archaeological and Historic Preservation (DAHP) review of archaeological reports is ongoing.
- Conduct a consulting parties meeting 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:

- First draft of Washington governance report for bi-state bridge authority being reviewed by local governments.
- The Project received a boost on June 25th when the Port received \$5-million from the Oregon legislature through the American Rescue Plan Act. A total of \$15-million has now been appropriated for Post-NEPA engineering and governance work.
- Special thanks to our legislators representing Hood River and Klickitat Counties in advocating for the project.
- Continued advocacy at federal level for infrastructure funding.
- A New webpage has been established at <https://portofhoodriver.com/bridge/bridge-replacement-bi-state-working-group-bswg/> for tracking Bi-State Working Group activities.

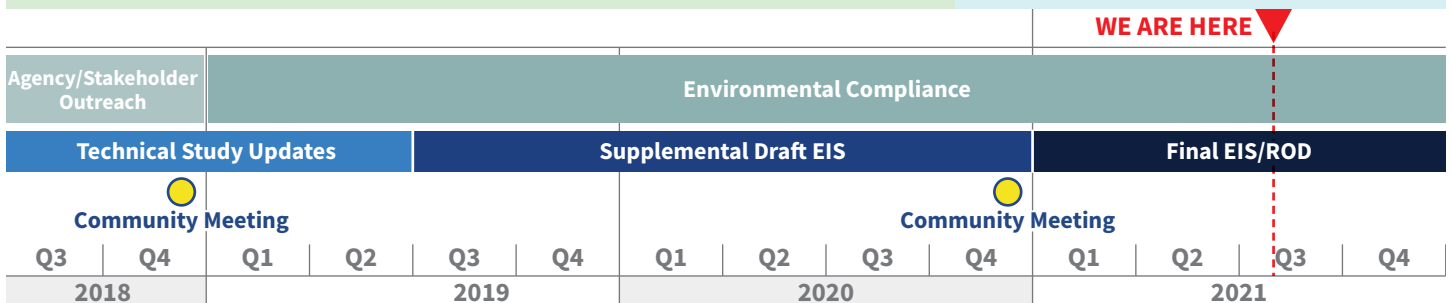
AUGUST 2021 UPDATE



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.



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

PROJECT CONTACT

Kevin Greenwood, Project Director
 ☎ 541-436-0797
 @ kgreenwood@portofhoodriver.com



Hood River – White Salmon BRIDGE REPLACEMENT PROJECT

July 12, 2021

The Honorable Ron Wyden
United States Senate

The Honorable Patty Murray
United States Senate

The Honorable Jeff Merkley
United States Senate

The Honorable Maria Cantwell
United States Senate

The Honorable Cliff Bentz
U.S. House of Representatives

The Honorable Jaime Herrera Beutler
U.S. House of Representatives

RE: PRIORITIZATION OF THE HOOD RIVER-WHITE SALMON BRIDGE FOR FEDERAL INFRASTRUCTURE FUNDING

Dear Senators Wyden, Merkley, Murray and Cantwell, and Representatives Bentz and Herrera Beutler,

As Congress works to finalize a new surface transportation reauthorization bill and also pass substantial new infrastructure funding, we urge the Oregon and Washington Congressional delegations to prioritize funding for replacement of the nearly 100-year-old Hood River-White Salmon Interstate Bridge.

Significant federal funding would be added to preliminary recent investments made by the Oregon and Washington state legislatures (\$10 million and \$5 million respectively), as well as a 2020 federal BUILD grant award for \$5 million.

Preliminary environmental and engineering studies have been completed through cooperative federal, state, and local partnerships in Oregon and Washington. The Final EIS for this project and a Record of Decision (ROD) is expected before the end of 2021. This project is the #1 priority in the Comprehensive Economic Development Strategy for the Mid Columbia Economic Development District (MCEDD).

The 4,418' long Hood River-White Salmon Interstate Bridge is the second-oldest Columbia River crossing, originally constructed in 1924. In 1938, the bridge was significantly rebuilt and a movable lift span installed to accommodate rising water levels that resulted from the construction of the Bonneville Dam. The fracture critical steel-truss bridge is functionally obsolete with narrow 9'4" travel lanes, no shoulder, and a sufficiency rating of less than 48. The bridge is weight restricted, does not provide bicycle or pedestrian access, and commercial river pilots consider this bridge to be the most difficult point to navigate within the entire Columbia River system due to narrow widths between in-water bridge supports.

The economy and quality of life for the bi-state community of the mid-Columbia is heavily dependent on this crossing. Serving both Oregon and Washington businesses and residents, this bridge provides a critical route to work and services on both sides of the river. Alternate routes would require an additional 45-60 minutes of drive time, as the nearest alternate bridges are more than 20 miles away in each direction.

Local, state, and federal efforts to replace the bridge have been underway for nearly two decades. It is now time to finally complete this effort. Costs to maintain the existing obsolete

structure are accelerating and time is of the essence. The solution is complete replacement with a new bridge that can safely accommodate the movement of marine and mobile freight and commuters, as well as bicycles and pedestrians in an area that is heavily dependent on tourism and recreational activities.

A significant federal funding investment today can help to advance construction of a project that is estimated to cost between \$300 million and \$340 million. A final funding package to construct a new bridge is expected to include a variety of federal, state, local and toll revenues.

The undersigned participants of the Bi-State Working Group (BSWG) urge you to name this bridge as a Priority Project within any infrastructure proposal passed by Congress and to specifically direct federal resources to it should Congress include Congressionally Directed Spending within such legislation.

Thank you for your consideration.

Bob Benton, Commissioner
Hood River (Ore.) County

Jake Anderson, Commissioner
Klickitat (Wash.) County

Kate McBride, Mayor
City of Hood River (Ore.)

Marla Keethler, Mayor
City of White Salmon (Wash.)

Kristi Chapman, Commissioner
Port of Hood River (Ore.)

Betty Barnes, Mayor
City of Bingen (Wash.)

DRAFT



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: July 7, 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 and attended Umatilla tribe's fish and wildlife committee and cultural resources commission meeting in June. Prepared summary.
- Preparing agenda and coordinating Consulting Parties monthly meeting.
- Finalized and submitted Archaeological Testing Report and Survey Report to Oregon SHPO, Washington State DAHP.

CHALLENGES:



- Consultation with tribes has been occurring but reaching resolution on impacts and mitigation remains challenging.
- 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.
- Finalized impact and mitigation discussion with Port on 4(f) resources and land use impacts including evaluation of National Trails for 4(f);
- Conducted 6(f) discussion with ODOT;
- 4(f) letters distributed to owners with jurisdiction by ODOT.

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 July activities
- Update schedule and critical path status
- Contract modification for schedule and geotechnical investigation

TASK 2. PUBLIC INVOLVEMENT

- Prepare monthly update for August issue.

TASK 5. ENVIRONMENTAL

- Continued coordination with FHWA and ODOT to complete FEIS/ROD.
- Coordinate with Port on ongoing outreach to tribal fishers.
- Prepare for and attend Yakama Tribal Council Meeting.
- Continued coordination with ODOT, state historic preservation offices and tribes on review and finalization of archaeology reports.
- Consulting parties meeting(s)

TASK 6. ENGINEERING

- Support the Final EIS production by addressing Requests for Information regarding design..