



## ONWARD OREGON

Date: February 13, 2020

From: Audubon Society of Portland, Verde, Yakama Nation Fisheries, Willamette Riverkeeper, Columbia Riverkeeper, Urban Greenspaces Institute, Portland Harbor Community Coalition, Coalition of Communities of Color, Friends of Smith and Bybee Lakes, Center for Biological Diversity, Oregon Wild, Oregon Physicians for Social Responsibility, Friends of Trees, Onward Oregon, WaterWatch of Oregon, Defenders of Wildlife and Oregon League of Conservation Voters

To: Attn: Laura Hicks, US Army Corps of Engineers, CENWP-PM [PMLS-Feasibility@usace.army.mil](mailto:PMLS-Feasibility@usace.army.mil)

Re: Portland Metro Levee System Draft Integrated Feasibility Report and Environmental Assessment

Dear Ms. Hicks,

Please accept the following comments on behalf of Audubon Society of Portland, Verde, Yakama Nation Fisheries, Willamette Riverkeeper, Columbia Riverkeeper, Urban Greenspaces Institute, Portland Harbor Community Coalition, Coalition of Communities of Color, Friends of Smith and Bybee Lakes, Center for Biological Diversity, Oregon Wild, Oregon Physicians for Social Responsibility, Friends of Trees, Onward Oregon, WaterWatch of Oregon, Defenders of Wildlife and Oregon League of Conservation Voters regarding the US Army Corps of Engineers (“Corps”) Portland Metro Levee System Draft Integrated Feasibility Report and Environmental Assessment (“FS”).

**We recommend adoption of the NO ACTION ALTERNATIVE.** All three action alternatives considered by Corps fail to achieve Levee Ready Columbia’s mandate to integrate environmental restoration, environmental justice and landscape resiliency into the proposed strategies to upgrade the Columbia River Levee System. The Tentatively Selected Alternative (“TSP”), Alternative 5, is predicated on incomplete and inaccurate financial information which could result in massive cost overruns and it fails to adequately incorporate concerns expressed by neighborhoods such as Bridgeton that will be heavily impacted by this project. Finally, the Corps failed to conduct adequate outreach in developing these alternatives and failed to provide communities with adequate time to review and conduct due diligence on this \$165 million project. This has resulted in a situation where there is an extremely high probability that there will be significant unanticipated challenges, conflicts, errors and impacts. While we recognize and support modernizing flood protections for our communities along the Columbia River, it is imperative that this be accomplished in a way that meets the legislative mandate of Levee Ready Columbia to fully integrate natural resource restoration, environmental justice and landscape resiliency into the plan.

## **BACKGROUND**

Levee Ready Columbia Partnership was formed in 2013 to bring to together public, private, nonprofit and community-based organizations committed to addressing flood risk along the Columbia River levee system which extends more than 27 miles from Portland to Troutdale and protects more than 24,000 acres of historic Columbia River floodplain. The Levee Ready Columbia process was designed to modernize and repair serious deficiencies in the existing levee system in order for the system to be eligible for recertification by the Corps and reaccreditation by FEMA. FEMA reaccreditation is particularly important because accreditation is necessary to maintain eligibility for the National Flood Insurance Program (NFIP). Audubon Society of Portland and other community groups have been engaged with Levee Ready Columbia since its inception in 2013.

The existing levee system has significant weaknesses and repairing and modernizing the system is of critical importance to our community. This letter is in no way meant to suggest that repair and modernization should not occur. However, this process also represents an important opportunity to modernize how we manage flood risk in a way that integrates environmental protection, environmental justice and climate resiliency. Historically, levee systems have been constructed in ways that ignored and often conflicted with and degraded these values. Too often in recent years, levee systems across the country have failed as a result of their failure to adequately account the importance of floodplains in maintaining a resilient landscape. While modernization does need to move forward, it is also imperative that it be done in a manner that achieves these broader community values.

As the scope and scale of the Levee Ready Columbia project has become better understood over the past seven years, the complexity of the Levee Ready Columbia process has also grown. We would note two very important ways in which this process has evolved since its inception:

- A. **The decision to consolidate the four existing drainage districts that manage the current levee system into a single new Urban Flood Safety and Water Quality District:** The Columbia River levee system is currently managed by four separate drainage districts. Levee Ready Columbia

recognized that the scale and cost of levee improvements, as well as the complexity of ongoing operations and maintenance, necessitated a more robust unified permanent management and funding structure. To that end, in the 2019 Oregon legislative session, Levee Ready Columbia successfully advocated for the creation of a new Urban Flood Safety and Water Quality District through passage of [SB 431](#). Notable among the express purposes of the new district enumerated in Section 3 (Purposes of the District) of SB 431 are the following, reflecting the broad mandate given to this new public entity by the Oregon Legislature:

- Section 3(e) Contribute to improved water quality, fish and wildlife habitat, floodplain restoration and landscape resilience;
- Section 3(f) Promote equity and social justice in all aspects of the district’s operations;
- Section 3(g) Prepare for and adapt to the impact of climate change in relation to the managed floodplain; and
- Section 3(h) Provide the public with information regarding the cultural history of the territory in the managed floodplain.

As a direct result of this legislation, Levee Ready Columbia and the four existing drainage districts will likely begin to hand this project off to the new Urban Flood Safety and Water Quality District and its board sometime during the 2020 calendar year. Henceforth, both Levee Ready Columbia and the new Urban Flood Safety and Water Quality District will be referred to as simply “Levee Ready Columbia.”

- B. The Decision to enroll the Levee Ready Columbia in the US Army Corps of Engineers New Start Long-term Disaster Recovery Investment Program in 2018:** As originally conceived, Levee Ready Columbia would have developed a plan to achieve compliance with Corps and FEMA mandates as well as integrating broader community needs and aspirations such as environmental restoration and environmental justice objectives. The decision to enroll this process in the Corps New Start Long-term Disaster Recovery Investment Program came several years into the Levee Ready Columbia process, driven largely by the appeal of the federal government covering up to 65% of the project costs if Levee Ready ultimately adopts the Corps preferred alternative. Notably the purpose of the Corps program is not the same as the purpose of Levee Ready Columbia or the new Urban Flood Safety and Water Quality District. Nor does its purpose specifically include meeting the requirements necessary to achieve reaccreditation with FEMA. Its focus is primarily on protecting economic investment. At the time the decision was made to enroll Levee Ready Columbia in the Corps program, Portland Audubon expressed strong concern that Levee Ready Columbia would lose control of this process and that the Corps would return with a project plan that was inconsistent with natural resource, environmental justice and climate resiliency goals of Levee Ready Columbia. Levee Ready Columbia decided to enroll in the Corps program despite these concerns.

The Feasibility Study (FS) and Draft Environmental Assessment that are the subject of these comments is the product of this Corps program.

## **SPECIFIC CONCERNS WITH THE US ARMY CORPS OF ENGINEERS FEASIBILITY STUDY AND TENTATIVELY SELECTED PLAN (TSP)**

Our organizations have many significant concerns with the Tentatively Selected Plan (TSP) as well as the two other action alternatives considered by the Corps and the process by which these alternatives were developed. The scope and scale of these concerns is such that we cannot support any of the action alternatives and are instead recommending selection of the No Action Alternative. Unfortunately, we consider the three action alternatives developed by the Corps to all be deficient in ways that cannot be remedied by reconfiguration, consolidation or small cosmetic improvements. In order to meet its legal mandates to integrate environmental restoration, environmental justice and climate resiliency, Levee Ready Columbia must develop a new alternative.

Levee Ready Columbia should seriously consider whether the Corps Program is a viable pathway to achieving these goals or whether it should develop its own strategy as was originally intended when Levee Ready Columbia was launched. While expeditious modernization of the levee system is of critical importance, we strongly believe that the fastest, most economical and most effective strategy to achieve modernization is to retool this process now rather than charging forward and expending additional tens of millions of dollars and wasting twelve to eighteen months building on a fatally flawed foundation that is highly likely to collapse under its own weaknesses.

### **Our specific concerns are as follows:**

#### **A. The Corps failed to conduct adequate outreach in developing the FS and provided inadequate time for the community and local jurisdictions to review this plan:**

The Corps provided a total of 40 days including weekends and holidays (29 business days) for the public and local jurisdictions to review a plan that extends for over 1,000 pages (including appendices) and which will cost an estimated \$165 million to implement. This short review and comment period comes after a Corps process that was remarkably inaccessible in terms of public participation. During the better part of two-years that the study was under development, stakeholder organizations such as Portland Audubon that were part of the Levee Ready Columbia were not included in deliberations and workshops to develop the plan.<sup>1</sup> Iterative updates regarding plan development were minimalistic and there was little or no opportunity for feedback. The Corps initially insisted that it could only provide a thirty-day comment period to be completed prior to December 31, 2019, because of regulatory constraints, but then moved the comment period into 2020 in order to accommodate its own internal process challenges. Each step of the way, the Corps has done the minimum possible to engage the public in this process.

40-days is simply not sufficient to engage the public and review and comment on a \$165 million, 1,000+ page plan that impacts \$16 billion in economic activity, 7,500 residents, 59,000 jobs, and critically important built infrastructure and natural resources.<sup>2</sup> Nor is it sufficient for local municipalities who will ultimately be responsible for paying for significant portions of this plan, to do their due diligence. The

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<sup>1</sup> A total of 28 people attended the Corps poorly advertised and inaccessibly located scoping meetings (FS, Section 2.7, page 21) and Corps “kickoff meetings” failed to include any community groups (FS, Section 2.7, page 21).

<sup>2</sup> <https://www.leveereadycolumbia.org/whats-at-risk/>

Portland Metro Region has seen too many megaprojects, including the Columbia River Crossing, Portland Water Treatment Facility and I-5 Rose Quarter Widening Project, that balloon in costs by hundreds of millions of dollars and fail to achieve core objectives due to inadequate due diligence in the early planning phases of the project. We take no solace in vague assurances by the Corps and Levee Ready Columbia that there will potentially be future opportunities for input---The Corps has proven itself in this and other projects to be remarkably insular. Our experience is that once these types of megaprojects move beyond their initial planning phases, they tend to take on lives of their own and become remarkably difficult to modify. Advancing this plan now will not only require that taxpayers continue to invest significant funding resources towards developing a fatally flawed plan; it will also preclude meaningful investment of resources into developing a plan that more closely aligns with the needs and values of our community and the legal mandates of Levee Ready Columbia.

We would call particular attention to Levee Ready Columbia’s mandate to “promote equity and social justice in all aspects of the district’s operations.” SB 431 further includes in its purpose section the statement that “*This area also represents a significant cultural and community history of flooding, displacement and loss, a history that should be remembered so that it is not repeated.*”<sup>3</sup> This mandate is not something that can be achieved by tacking on auxiliary outreach efforts or auxiliary projects after the plan is selected. It must be infused into the DNA of the project from the start and it must inform every aspect of the process including plan development. To this end, it is imperative that the Corps and/ or Levee Ready Columbia engage frontline communities in development of a new plan. It is also imperative that the Corps engage Tribes with treaty rights in the Levee Ready Columbia study area.

We would also call attention to the concerns of the Bridgeton Neighborhood which turned out in large numbers at a Corps public meeting on the FS to protest a proposed sea wall in the TSP which would bisected their neighborhood. The scale of their concerns also reflects the inadequacy of outreach efforts during plan development.

**B. The FS/ DEA fails to meet the natural resource mandates of the new Urban Flood Safety and Water Quality District.**

The enabling legislation for the new Flood Safety and Water Quality District that will supersede Levee Ready Columbia and the existing drainage districts includes in its purposes section the mandates to “contribute to improved water quality, fish and wildlife habitat, floodplain restoration and landscape resilience” and to “Prepare for and adapt to the impact of climate change in relation to the managed floodplain.” The legislative summary for SB 431 highlighted the legislative intent of this legislation in stating that the legislation:

*“Creates urban flood safety and water quality district in portion of Multnomah County within urban growth boundary adopted by Metro, for purposes of acquiring, purchasing, constructing, improving, operating and maintaining infrastructure in order to provide for flood safety **and contribute to water quality, floodplain restoration and habitat and landscape resilience**”<sup>4</sup> (emphasis added).*

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<sup>3</sup> SB 431 <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB431/Enrolled>

<sup>4</sup> <https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB431/B-Engrossed>

The FS and TSP fail entirely to meet these environmental mandates and thus fail to achieve the purposes of the new Urban Flood Safety and Water Quality District.

First the FS begins with a remarkably Malthusian vision of the baseline environmental conditions in the study area. The Corps writes,

*Under the Future Without-Project Alternative, biological resources would decline incrementally due to factors related to urbanization, population growth, etc. ....With this continued development, the small areas of remaining natural habitat will continue to shrink in size and biodiversity, become fragmented and disconnected, sustain increased invasive plant and animal populations, and provide fewer ecosystem functions for the animals that remain. Urban runoff that delivers nutrients to the surrounding vegetation and enters surface water will continue to increase development increases; resulting in further growth of non-native aquatic plants....<sup>5</sup>*

The FS concludes that the natural resource impacts of the TSP basically do not matter since the area was going to degrade anyways. The Corps writes,

*The geographic area for biological resources includes the area in which construction would result in water quality and noise impacts or permanent loss of habitat. This area generally includes Columbia Slough and associated riparian zones, the southern half of the Columbia River along the study area, and the levee-protected area. This geographic area has been highly altered by settlement and conversion to agricultural and industrial uses. The TSP, in combination with reasonably foreseeable future actions, will further reduce the habitat available to wildlife in the geographic area. However, most areas that will be modified are already extensively developed and managed and provide minimal habitat value. Where levees are to be widened or raised, floodwalls installed, or systems to be modified, the existing habitat is generally of poor or no value...<sup>6</sup>*

The Corps approach to environmental impacts in the FS can essentially be summarized as “we have already degraded the natural resource values on this landscape, it is only going to get worse, and so what we do simply does not matter.” In taking this approach, the Corps ignores decades of effort by governmental entities, NGOs and individuals to restore environmental health within the study area. It ignores literally billions of dollars of investment in protecting and restoring habitat, creating access to nature and improving air and water quality in the study area. It ignores local and regional plans that clearly anticipate increased ecological health rather than further degradation within the study area. Finally, the Corps ignores its own responsibility for creating much of the environmental degradation we are experiencing today due to its past levee development practices as well as its responsibility to mitigate for new impacts caused by this project.

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<sup>5</sup> FS, Section 4.9.3.1, page 152.

<sup>6</sup> FS, Section 4.19.3, page 209.

Specific environmental concerns with the FS and TSP include the following:

**a. The FS fails to meaningfully acknowledge an environment component to this project:**

The Corps fails to adequately acknowledge either environmental opportunities or impacts associated with this project. This deficiency is writ large throughout the FS. For example, although the study area includes significant natural resource areas as well as parks and open space, the FS ignores any audiences associated with natural resource values including visitors to open spaces and natural areas, recreational users, anglers, tribes with treaty rights, and even water users who depend of the well fields located within the study area. Instead the section on intended audiences focuses exclusively on people living and working in the area, businesses and travelers.<sup>7</sup> This narrow focus perhaps explains the Corps abysmal outreach efforts toward major stakeholder groups associated with the study area. In a section on problems addressed by the FS, the Corps fails to include any natural resource areas in the list of resources that may be impacted.<sup>8</sup> In a section on opportunities created by the FS, the Corps fails to identify any natural resource benefits that will be accomplished by the project.<sup>9</sup> In the project planning objectives, environmental benefits are treated as an afterthought: The FS includes five definitive planning objectives related to reduce risks of flooding, human health and safety, infrastructure and then adds, almost as an afterthought, the catchall “to the extent practicable, provide opportunities for recreation, natural resources, and cultural resources.”<sup>10</sup> The driver for the Corps FS is maximizing national economic development (NED) rather than the more holistic mandate of Levee Ready Columbia and the new Urban Flood Safety and Water Quality District.<sup>11</sup>

**b. The Corps fails to analyze any action alternatives that included environmental benefits:**

The FS includes three action alternatives. None of the three alternatives includes a single strategy or measure that could be considered an environmental enhancement. This is remarkable since in its “Initial Array of Flood Risk Development Measures” the Corps did include a number of measures that would have significantly improved environmental health including: improved permeability, increased wetlands, setback levees to increase flood areas, increased flood storage in the basin, increasing the size of the floodplain, and reduction of invasive plants in waterways.<sup>12</sup> All of these measures were screened out from further consideration in the initial round of review by the Corps which occurred internally without any meaningful engagement by Levee Ready Columbia or the public at large.

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<sup>7</sup> FS, Section 1.5-Intended audiences and uses, page 16.

<sup>8</sup> FS, Section 2.1.1-Problems, page 18

<sup>9</sup> FS, Section 2.1.2, Opportunities, page 18.

<sup>10</sup> FS, Section 2.4-Planning Objectives, page 19.

<sup>11</sup> FS, Section 2.2-Purpose and Need, page 19.

<sup>12</sup> FS, Table 3-13-Initial Array of Flood Risk Reduction Measures, pp49-50.

The Corps failed at any stage of this process to consider green stormwater strategies such as trees, green roofs, green streets and increased natural areas for addressing precipitation inside the levee system despite the fact that the Corps clearly recognizes precipitation as a major risk factor. It writes, "In addition to flood risk posed by levee failure from riverine sources, the PLMS also faces a hazard generated by large precipitation events....Many of the pump stations were designed for lesser flows prior to full development of the drainage area, and have difficulty managing relatively frequent rain events."<sup>13</sup> The Portland Metro Region is a nationally and internationally recognized leader in the use of green infrastructure to address stormwater while also achieving multiple other community and environmental benefits. Green infrastructure strategies have also proven in many instances to be more cost effective than grey infrastructure strategies. The omission of green infrastructure as a potential strategy, even in the initial array of measures, represents an inexplicable omission and major missed opportunity that could have potentially better met the objectives of Levee Ready Columbia and reduced the costs of the project.

The Corps also failed at any stage of this process to consider strategies that could have provided benefits to federally listed salmon and steelhead. The Columbia River levee system eliminated thousands of acres of historic Columbia River floodplain and miles of riparian and shallow water habitat critical for salmon survival. Modernizing of the levee system presents a once in a lifetime opportunity to restore salmonid habitat along the levees. The Corps should have included in its FS/ EA alternatives that included restoration of salmonid habitat. Advancing this project without consideration of alternatives that incorporated salmon habitat restoration will perpetuate one of the most salmon hostile stretches of the Columbia River for generations to come and represents a fatal flaw in the FS.

The Corps also eliminated Alternative 2 (Non-Structural Strategies) from further consideration early in the process before Levee Ready Columbia or the general public had a meaningful opportunity for review and provide input. Alternative 2 included consideration of reconnecting portions of PEN 1 to the Columbia River, a strategy advocated for by environmental stakeholders. This alternative, if feasible, would have resulted in by far the most significant ecological lift for the study area and the most effective way to remediate ecological damage done by the historic installation of the levee system. It also potentially would have significantly reduced the costs associated with this project. Preliminary reports detailing the relatively low amount and value of existing infrastructure within PEN 1 indicated that this alternative merited further consideration. The Corps basis for eliminating this alternative in the early internal phases of developing the FS was predicated on the fact that reconnecting PEN 1 to the Columbia River would not substantially reduce flood risk along the rest of the levee system. If reducing flood risk were the sole objective of Levee Ready Columbia, this might be a legitimate basis for elimination. However, given Levee Ready Columbia's

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<sup>13</sup> FS ,Section 3.2.5-Interior Drainage and Pump Stations, page 36.

broad mandate to also accomplish natural resource restoration and landscape resiliency, as well as potential cost savings associated with this alternative, advancing this alternative to the public review stage of the process was fully warranted. The decision to remove this alternative from consideration without meaningful analysis and public review represents a fatal flaw in the FS.

Alternative 3 which was carried forward in the FS does include one notable measure which would have helped reduce the risk of future negative impacts to the environment: instituting new zoning regulations for hazardous material and other structures that could cause hazards for the community in the event of a flood.<sup>14</sup> However, this measure was ultimately not included in the TSP either.

Rather than integrating environmental restoration strategies into the alternatives advanced for public review, the Corps either failed to consider them at all or systematically eliminated these strategies from further consideration at the outset of the process without meaningful analysis or public participation. Instead the Corps advanced three alternatives that failed individually and collectively to incorporate meaningful environmental strategies and then defaulted to its traditional structural approach to water management: building bigger levees, taller flood walls and larger pump stations.

- c. The FS fails to adequately mitigate for negative environmental impacts of the TSP:** We disagree strongly with the Corps assertion that the environmental impacts of the TSP are insignificant.<sup>15</sup> In fact the environmental impacts of this proposed action are highly significant.

First, we believe that the Corps errs in assuming that it is not liable for floodplain impacts caused by this project. We believe that the impacts of this project will trigger mitigation measures outlined in the 2016 FEMA Biological Opinion for the National Flood Insurance Program in Oregon<sup>16</sup> which found that floodplain modifications implemented to qualify for NFIP adversely impacts federally listed salmonid species and resident killer whales. Given the scale of this project and the fact that one of its primary drivers is recertification by FEMA in to remain eligible for the NFIP Program, we believe that it is highly likely that in fact mitigation associated with the FEMA BiOp will be required. The Corps indicates that NOAA Fisheries will provide a Biological Opinion for the proposed action prior to finalization of the Final IFR/ EA.<sup>17</sup> Until that BiOp is produced, Corps dismissal of potential for ESA related mitigation is at best premature and misleading.

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<sup>14</sup> FS, Section 3.3.2.3-Alternative Strategy 3: Prioritize Public health and Safety, page 58.

<sup>15</sup> FS, Section 5.5-Minimization Measures for Adverse Environmental Impacts, page 218.

<sup>16</sup> <https://www.oregon.gov/lcd/NH/Pages/BiOp.aspx>

<sup>17</sup> FS, page 232.

Second, we believe that the Corps errs when asserts that its TSP will not be liable for mitigation obligations required by local environmental codes such as Portland’s Tile 11 Tree Code<sup>18</sup>, Portland’s environmental overlay zones<sup>19</sup> and Portland’s stormwater manual.<sup>20</sup> The Corps indicates that it can escape liability based on federal preemption. However, the Corps fails to acknowledge that its local partners including the local sponsor are in fact bound by these codes.

Third, the Corps fails to acknowledge the very significant environmental issues associated with contaminated properties that will be directly impacted by the proposed action. The FS states:

*Prior to construction, each of these sites will need to be further evaluated and if warranted, fully remediated. The non-Federal sponsor is responsible for providing all real estate for the project; and all real estate provided for the project must be acceptable and free of substantial concentrations of hazardous material. No construction will occur where known hazardous wastes may be released or exposed and cause a human health risk. In the event that undocumented hazardous wastes are discovered during construction, all further activity would cease until an assessment and any necessary remediation was complete.*<sup>21</sup>

The FS anticipates that the project will impact 108 acres including 135 individual parcels, and 48 property owners.<sup>22</sup> Of these, the FS has determined that 23 sites are likely contaminated with two representing a low level of environmental concern, four with a medium level of environmental concern, and 17 with a high level of environmental concern.<sup>23</sup> <sup>24</sup>The FS states that risks from properties contaminated with hazardous, toxic or radioactive waste (“HTRW”) impacted by the project include “health risks to workers, potential of releases...into the environment, and the possibility of exacerbating HTRW contamination or interfering with ongoing remediation.”<sup>25</sup>

The FS also understates the risk of finding additional unknown contaminated sites stating,

*It is possible that unreported disposal of waste or illegal activities impairing the environmental status of properties may have occurred, which could not be identified. Such cases are likely to have been high profile and most likely cleaned up quickly given the proximity to the river.*<sup>26</sup>

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<sup>18</sup> <https://www.portlandoregon.gov/citycode/66002>

<sup>19</sup> <https://www.portlandoregon.gov/bps/article/53343>

<sup>20</sup> <https://www.portlandoregon.gov/bes/64040>

<sup>21</sup> FS, Section 4.11.2.2, page 164.

<sup>22</sup> FS, Section 5.1.1, page 215.

<sup>23</sup> FS, Section 4.11.2.4, page 166.

<sup>24</sup> Defined as “high impacts on the proposed alternative are likely.” FS, Appendix F, page 5.

<sup>25</sup> FS, Appendix F-Hazardous, Toxic, and Radioactive Waste (HTRW), page 1.

<sup>26</sup> FS, Appendix F-Hazardous, Toxic and Radioactive Waste (HTRW), page 4.

Such a conclusion is highly unrealistic given the long history of contamination in this area and our community's experience with the nearby 2000+ acre Portland Harbor Superfund site, a cleanup process that has already spanned decades and which is still at least a decade and a half from resolution. The credibility of this statement is further undermined by the fact that Corps relies entirely on existing data bases and did not conduct site inspections, analysis of aerial photos, or review of property records.<sup>27</sup>

It is highly likely that both known sites and sites as of yet unidentified will require both remediation and mitigation, potentially costing tens of millions of dollars, and that those liabilities will fall on local jurisdictions.

**d. The Corps does an inadequate job of describing both natural resources in the study area and impacts to these resources by the proposed action:**

Descriptions of biological resources in the study area are surprisingly incomplete and inaccurate. Examples include, but are not limited to the following:

- The FS significantly understates the habitat value of sites found in the study area. In multiple locations the FS described the habitat within the study area as highly degraded and likely to degrade further in the future. In fact, the study area is home to a remarkable array of natural resource areas including Vanport Wetlands, the Columbia Slough, Heron Lakes Golf Course, Colwood Golf Course, Broadmoor Golf Course, Catkin Marsh, the Children's Arboretum, Whitaker Ponds, Blue Lake, Fairview Lake, Big Four Corners Natural Area, Port of Portland mitigation sites and multiple other sites. The Study area is located adjacent to one of the largest urban wetlands in the United States at Smith and Bybee Lakes to the west, directly across from large intact natural areas on West Hayden Island and Government Island to the north and adjacent to the Sandy River and 1,000 Acres Natural Area to the east. This area, taken as a whole, should be legitimately considered one of the premier urban natural area complexes in the United States.
- The FS specifically understates the ecological value of golf courses.<sup>28</sup> While golf courses can be managed in a manner that limits their ecological value, several of the golf courses in the study area are managed in a way that prioritizes natural resource values. Notable for example are the City of Portland's Colwood Golf Course which includes two arms of the slough and a large restored wetland and Heron Lakes Golf Course, also owned by the City of Portland which takes its name from the large heron rookery located in its northwest corner.
- The FS asserts that there are only 15 bird species protected by the Migratory Bird Treaty Act found in the study area. In fact, this is an area rich in avian biodiversity. There are upwards of 200 avian species found in Portland, most of

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<sup>27</sup> *Id.*

<sup>28</sup> FS, Section 4.9.1.1-Habitats, page 139.

which are protected under the MBTA and most of which can be found in the study area.

- Of the 15 bird species actually listed in the FS, several including the Golden Eagle and California Thrasher are actually not associated with this area.
- The FS repeatedly mentions the state listed sensitive western pond turtle as occurring in the study area but fails in multiple locations to mention the state listed sensitive western painted turtle which is also found in the area.

Examples of situations where the Corps fails to accurately or completely describe the natural resource impacts of the proposed action include but are not limited to the following:

- The FS fails to quantify or identify the size or species of hundreds of trees that will be removed at Heron Lakes Golf Course by the proposed action.
- The FS fails to include even a cursory description of impacts at other sites such as tree loss along the Peninsula Canal Cross levee and along the Slough.
- The FS did not conduct basic due diligence on potential impacts on the Great Blue Heron Colony from which Heron Lakes Golf Course derives its name. The FS simply states that the heron rookery appears to be outside the direct construction area. In fact, it appears based on the Corps maps that it would be cutting trees and constructing levees in immediate proximity to the colony. Based on best management practices for heron colonies, the construction appears to be well within the potential impact zone.<sup>29</sup>

While these some of these errors and omissions may seem minor, in fact, these types of errors are prolific in the FS. They are the types of mistakes that should have escaped early internal review. That they made it all the way to a public review draft undermines the credibility of the report.

### **C. The FS/ DEA fails to meet the environmental justice mandates of the new Urban Flood Safety and Water Quality District**

The enabling legislation that created the new Urban Flood Safety and Water Quality District that will supersede Levee Ready Columbia and the four existing drainage districts includes in its purposes section the mandate to “Promote equity and social justice in all aspects of the district’s operations.”<sup>30</sup>

Additionally, the FS recognizes that minorities comprise 40% of the population in the study area, significantly higher than the Metro Area as a whole (26%) and Oregon (23%) and more commensurate with national averages (39%).<sup>31</sup> The FS also notes that the study area is home to specific vulnerable populations including seven mobile home facilities, two prison facilities and a shelter facility (Dignity Village).<sup>32</sup> The combination of a mandate for the new district to promote equity and social justice in all aspects of its operations and the presence of what appear to be very high concentrations of frontline

<sup>29</sup> <http://m.olympiawa.gov/~media/Files/CPD/Planning/CAO/DraftHeronMgmtGuidelines.pdf?la=en>

<sup>30</sup> SB 431 (2020), Section 4(f): <https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB431>

<sup>31</sup> FS, Appendix B-Economics, page 13.

<sup>32</sup> FS, Section 4.13.1.1, page 183.

communities in the study area should result an amplified focus on environmental justice issues. Instead, the FS and TSP virtually ignore environmental justice issues.

For example, the FS blatantly ignores a long and ongoing history of displacement of communities of color in the Metro region and makes the completely unsupported assertion that age, sex and race composition of the study area is “unlikely to change substantially from current conditions” over time.<sup>33</sup> The FS devotes less than a page to analyzing the environmental consequences of all four of the alternatives under consideration on environmental justice communities<sup>34</sup> and concludes simply that environmental justice communities would not be disproportionately impacted and would benefit along with the rest of the community from increased flood protection.<sup>35</sup> In a section devoted to avoidance and mitigation measures for environmental justice impacts, the FS proposes three measures: 1) “To the extent practicable, design selected alternative to avoid disproportionate effect on low income communities found in tract 75,” 2) “Design traffic control patterns to protect resident’s access to uninterrupted transportation services,” and 3) “Applying water to dirt surfaces as needed to control fugitive dust.”<sup>36</sup> It is difficult to imagine an environmental justice analysis that is more superficial, cursory and utterly indifferent to environmental justice issues than what is contained in this FS.

Even if environmental justice were not part of the mandate for the new Urban Flood Safety and Water Quality District, the level of analysis of environmental justice issues contained in the FS is far below what we would expect of any federal project of this scope and scale. Given that the new Urban Flood Safety and Water Quality District does have a clear mandate to “promote equity and social justice in all aspects of the district’s operations,” we fully expect that the Levee Ready Columbia board will reject this analysis as failing to meet a core purpose of the new District. The words “promote equity and social justice in all aspects of the district’s operations” were chosen carefully in the enabling legislation to ensure that in fact, all aspects of the district’s operations would integrate these values. It is unacceptable and offensive that the FS for the project that was the catalyst for the creation of the new district and which will define the new district for years to come, would for all intents and purposes ignore these values.

We expect a full and robust, multidimensional analysis of environmental justice issues in the FS and a TSP that fully achieves the environmental justice mandate of the new district. This includes robust analysis of environmental justice communities located in the study areas, detailed descriptions of potential impacts to these communities, meaningful inclusion of environmental justice communities in the development of the alternatives, and selection of an alternative that integrates environmental justice into all aspects of the project including but not limited to job training, hiring practices, mitigation for impacts, anti-displacement policies, etc.

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<sup>33</sup> FS, Section 4.13.2.1, page184.

<sup>34</sup> FS, Section 4.14-Environmental Justice Communities, pp. 185-186.

<sup>35</sup> *Id.*

<sup>36</sup> FS, page 106.

**D. The FS inaccurately projects the costs of this project in ways that could result in cost overruns of tens to hundreds of millions of dollars**

We view the cost estimates included in the FS as overtly unrealistic and unreliable. The Corps chose the most expensive of the three action alternatives that it considered. Alternative 5 costs an estimated \$165,093 million, more than twice the cost of Alternative 4 at \$77,129 million and more than three times the cost of Alternative 3 at \$49,581 million.<sup>37</sup> Notably, Alternative 5 also has the lowest cost/benefit ratio (2.24 for Alternative 5 versus 2.93 for Alternative 4 and 3.24 for Alternative 3).<sup>38</sup>

Despite the complexity and exorbitant costs of this plan, the Corps gave local jurisdictions, which will be responsible for covering 35% of project costs, only 40-days to review and comment on the plan. This is inadequate time for local jurisdictions to conduct a meaningful staff review, let alone conduct any sort of formal review process that allows decision-makers to hear from constituents and make an informed decision. We are deeply concerned that local jurisdictions will be blinded by the appeal of a 65% cost share by the Corps and allow this process to advance into the next stages with without the type of rigorous review that a project of this cost, scale and impact warrants.

We view this process as a case study in how megaprojects can result in both mega cost overruns and failure to achieve project goals. Decision-makers fail to exercise adequate due diligence at pivotal early stages of a project and allow concepts that are fundamentally flawed to advance in the hopes that later stages of the process result in needed course corrections. Instead, fundamental flaws become cemented into the foundation of the process undermine the integrity of everything that follows.

There are multiple reason for concern regarding the cost estimates for this project:

**a. The preferred alternative requires that the local project sponsor to deliver contaminated properties necessary to accomplish the project to the Corps fully remediated.**

The Corps anticipates that the TSP will directly impact 108 acres including 135 individual parcels, and 48 property owners.<sup>39</sup> Of these, the Corps has determined that 23 sites are likely contaminated with hazardous, toxic or radioactive waste (HTRW). Two of these sites represent a low level of environmental concern, four sites represent a medium level of environmental concern, and seventeen represent a high level of environmental concern.<sup>40 41</sup> The risks from these contaminated properties include “health risks to workers, potential of releases...into the environment, and the possibility of exacerbating HTRW contamination or interfering with ongoing remediation.”<sup>42</sup>

The FS makes it clear that the local jurisdictions are responsible for delivering these sites to the Corps fully remediated. The FS states:

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<sup>37</sup> FS, Section 3.3.11, page 94.

<sup>38</sup> *Id.*

<sup>39</sup> FS, Section 5.1.1, page 215.

<sup>40</sup> FS, Section 4.11.2.4, page 166.

<sup>41</sup> Defined as “high impacts on the proposed alternative are likely.” FS, Appendix F, page 5.

<sup>42</sup> FS, Appendix F-Hazardous, Toxic, and Radioactive Waste (HTRW), page1.

*Prior to construction, each of these sites will need to be further evaluated and if warranted, fully remediated. The non-Federal sponsor is responsible for providing all real estate for the project; and all real estate provided for the project must be acceptable and free of substantial concentrations of hazardous material. (emphasis added) No construction will occur where known hazardous wastes may be released or exposed and cause a human health risk. In the event that undocumented hazardous wastes are discovered during construction, all further activity would cease until an assessment and any necessary remediation was complete.<sup>43</sup>*

While the costs of acquiring properties are included in the FS cost estimates, costs of cleanup of contaminated sites are not included. To the degree that local jurisdictions endorse the TSP, they will be assuming liability for the completely unknown costs of fully remediating 23 known contaminated sites. They will need to either compel responsible parties to remediate these sites or remediate these sites themselves. Based on the costs of other local cleanup actions, it is not unrealistic to think that these costs could run tens or even hundreds of millions of dollars.

Furthermore, the 23 known contaminated sites identified in the FS may just be the tip of the iceberg. The Corps relied entirely on existing databases to identify potentially contaminated sites and did not conduct any site inspections, analysis of aerial photos, or review of property records.<sup>44</sup> The Corps significantly understates the risk of finding additional contaminated sites once the project is underway writing the following:

*It is possible that unreported disposal of waste or illegal activities impairing the environmental status of properties may have occurred, which could not be identified. Such cases are likely to have been high profile and most likely cleaned up quickly given the proximity to the river.”<sup>45</sup>*

Such a conclusion simply is not credible. The study area has a long history of industrial use and environmental contamination including the nearby 2,000 plus acre Portland Harbor Superfund Site. It is highly likely that there are additional contaminated sites among the 135 parcels local jurisdictions will have to secure for the Corps. Additionally, the conclusion that contaminated sites are likely to have been cleaned up quickly due to their proximity to the river is absurd on its face. The proximal Portland Harbor Superfund site stands as testament to the fact that contamination in this area can date back nearly a century and the cleanup process, even for sites listed on the National Priorities List under CERCLA, can take decades to complete.

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<sup>43</sup> FS, Section 4.11.2.2, page 164.

<sup>44</sup> *Id.*

<sup>45</sup> FS, Appendix F-Hazardous, Toxic and Radioactive Waste (HTRW), page 4.

Some local officials have suggested that it is property owners rather than local jurisdictions that will be accountable for remediating contaminated sites.<sup>46</sup> This strikes us a naïve position. The language in the FS is clear: It is the local non-federal sponsor, not the property owner that is responsible for delivering these sites fully remediated. While there may be instances where the property owner or other responsible party can be held accountable, it is also frequently the case that responsible parties can be difficult to identify, sites are “orphaned,” and the process for conducting site characterization, site design, actual cleanup and assigning liability can take years and potentially decades. The TSP is anticipated to move forward on a timeline that is far more accelerated than typical contaminated site cleanup processes. Local jurisdictions would in fact be assuming an extraordinarily liability risk by endorsing this plan.

The TSP creates a liability for local jurisdictions that is shocking in its potential scope and scale. It is not difficult to imagine a scenario in which the costs to local jurisdictions for remediation of contaminated sites could exceed the entire projected cost of the TSP. It is all the more shocking for the fact that the FS glosses over this liability in literally a single short paragraph and fails altogether to reveal that these costs are not included in the cost estimate for the TSP. The fact that there are already 23 known contaminated sites and an undetermined number of additional contaminated sites within the study area not only raises fundamental concerns about the TSP, but also causes us to wonder whether consideration should be given to adding this area to the National Priorities List and designating it as a second local Superfund Site along with Portland Harbor.

**b. The FS fails to address all of the projects identified by Levee Ready Columbia as necessary to achieve compliance with FEMA recertification requirements:**

It is important to note that the purpose of the Corps New Start Program under which this FS was developed is not specifically designed to meet FEMA reaccreditation requirements. In fact, of the nine projects identified by Levee Ready Columbia and acknowledged by FEMA as necessary to meet reaccreditation requirements, the Corps TSP only addresses four. While some within Levee Ready Columbia have speculated that the Corps TSP may ameliorate the need for some of the additional five projects, there is no certainty regarding this supposition. Of particular concern are low spots proximal to the I-5 Interchange which are considered to be among of the more significant and challenging weak spots in the levee system. These projects could add millions and potentially tens of millions of dollars to the cost of this project. The costs for these additional projects would be borne entirely by the local jurisdictions. The Corps fails entirely to address these unresolved issues---they simply ignored in the TSP.

Despite choosing by far the most expensive alternative under consideration, the Corps TSP, based on the work done to date by Levee Ready Columbia, would not meet the

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<sup>46</sup> <https://www.oregonlive.com/environment/2020/02/the-pricey-problem-with-portlands-levees.html>

standards necessary to meet FEMA reaccreditation and would leave our communities at risk both of flooding and becoming ineligible for the National Flood Insurance Program. Before any jurisdiction supports moving the TSP forward, it is essential that a clear and binding determination be made that in fact, the TSP does meet both Corps and FEMA requirements and is sufficient to protect our communities.

**c. The FS fails to adequately analyze or incorporate the costs of environmental mitigation that is likely to be required for this project:**

Both Levee Ready Columbia and the Corps appear to conflate the costs of environmental enhancements (i.e. environmental projects that can be done separate from the TSP) and environmental mitigation (i.e. mitigation for the actual negative environmental impacts of the TSP). These are very different things—environmental enhancements are voluntary activities while mitigation for the actual negative environmental impacts of the project are largely a legal obligations. While Levee Ready Columbia has assured stakeholders that it will consider “environmental enhancement projects” though a supplemental process separate from Corps process, this is in no way a surrogate for legally mandated mitigation obligations triggered by negative environmental impacts caused by the Corps project.

A review of the geographic areas impacted by projects identified in the TSP indicates that natural resource impacts may be far more extensive than described in the FS. Even where natural resource impacts are described, such as along the railroad levee at Heron Lakes Golf Course, descriptions are exceedingly vague. As a result, the FS provides little confidence that the full scope and scale of natural resource impacts has been accurately described. It is critical that the Corps fully and accurately describe negative environmental impacts that will occur as a result of its TSP.

With the exception of direct impacts to jurisdictional wetlands, the Corps assumes that environmental mitigation will not be required. In fact, additional mitigation is highly likely to be required. For example, among the most significant potential sources of mitigation liability are floodplain impacts covered by the [FEMA Floodplain Biological Opinion](#). We believe the Corps makes a significant and potentially very expensive error in assuming that the existing levy system can serve as the environmental baseline impacts and therefore is not subject to these mitigation requirements.

Further, the Corps errs in assuming that local environmental regulations (e.g. Portland’s Title 11 Tree Code, Stormwater regulations, environmental zones, etc.) will not apply to this project due to preemption. While the Corps may not be subject to local codes, the local sponsors will not be covered by preemption and will be liable for mitigation required under these local codes.

Due to both incomplete descriptions of actual natural resource impacts and inaccurate assessment of potential mitigation obligations, significant potential hidden costs of the Corps TSP are not included in the FS.

**d. The FS does not achieve the environmental restoration, environmental justice and recreational goals of Levee Ready Columbia or the new Urban Flood Safety and Water Quality District. Levee Ready Columbia proposes to address these deficiencies through a parallel process that will add additional costs.**

Levee Ready Columbia has already acknowledged that the Corps TSP fails to meet the mandates of the new Urban Flood Safety and Water Quality District in terms of environmental restoration, environmental justice and recreational opportunities. Levee Ready Columbia proposes to remedy these deficiencies by conducting a supplemental process to augment the TSP with additional projects designed to achieve these objectives. In fact, Levee Ready Columbia has already proposed a series of workshops over the next year to design these supplemental projects. While we appreciate Levee Ready Columbia's efforts to remedy these deficiencies and we agree that the new Flood Safety and Water Quality District vis-à-vis Levee Ready Columbia must meet its mandates, this approach fails for two reasons.

First, natural resource, environmental justice and recreational goals should be directly integrated into the TSP, not added like ornaments atop the levee via a supplemental process. Achieving the multiple objectives of the Urban Flood Safety and Water Quality District should be a holistic process accomplished in by an Alternative which integrates these multiple mandates in the most efficient, cost effective manner possible. As proposed however, these projects, to the degree they move forward at all, will be done in addition to rather than as part of the Corps process, and will generate additional costs in terms of planning, technical analysis, public outreach and implementation that are entirely outside the scope of the TSP and which will be incurred entirely by the local jurisdictions.

**e. The FS fails to account for potential delays that could increase the costs of the TSP:**

While the Levee Ready Columbia process to date had flown largely below the radar screen, we expect that the release of the TSP will generate substantial levels of controversy and opposition as the public becomes more familiar with its contents. The Corps' expedited public notice and review process may have effectively muted the public's ability to engage before the public comment deadline, but the substantial impacts on our community and environment and failure to consider other viable alternatives that would better meet community aspirations, will generate ongoing opposition that could significantly delay the project. The lesson from other local megaprojects, such as the recent I-5 Rose Quarter Expansion Process and the Columbia River Crossing, is that failure to daylight and address legitimate community concerns early in the project ultimately results in significant delays later in the project when they are much more difficult to correct. Continuing forward with the TSP creates a significant risk that jurisdictions will invest tens of millions of dollars on a process that will

ultimately fail or require major revisions in later stages, driving up costs while simultaneously leaving communities vulnerable to flooding and risking accreditation necessary to retain eligibility for the National Flood Insurance Program.

- f. The failure of the TSP to achieve the Urban Flood Safety and Water Quality District's environmental justice and environmental restoration mandates will make it much more difficult to enact the funding mechanisms that the District will ultimately need to achieve its goals in the future.**

One of the primary funding mechanisms identified by Levee Ready Columbia to fund the new Urban Flood Safety and Water Quality District is a county-wide bond measure that would require passage by the voters of Multnomah County. Passage of this tax is at best an uphill battle in that it will be competing with a raft of new taxes already passed by voters in recent years and it will require the district to make a compelling case to voters who live outside the flood district that they should be contributing to its protection. We believe that the odds of passing this measure will go down substantially if the plan for levee upgrades is mired in controversy, increases in costs in ways that demonstrate a lack of fiscal accountability, results in outcomes that fail to meet the environmental restoration and environmental justice mandates of the new district and potentially fail to even meet the reaccreditation requirements of FEMA. Levee Ready Columbia is flirting with a situation in which it may be simultaneously advancing a project that is far more expensive than it needs to be while also reducing the odds that it will have the resources to pay its share.

- g. All three of the action alternatives in the FS/ EA fail to evaluate green infrastructure strategies that have significantly increased the benefits and reduced the costs of other large infrastructure projects in our region and across the country.**

In failing to consider green infrastructure strategies, there is strong reason to believe the Corps is pursuing an alternative that has unnecessarily high costs and low benefits.

In summary, the Corps fails to adequately analyze project costs in multiple ways that are likely to cause actual project costs to increase by tens of millions of dollars and potentially hundreds of millions of dollars. Even with a 65% cost share absorbed by the Federal Government, it is likely that local costs will far exceed the costs that would have been incurred if Levee Ready Columbia had stuck with its original plan of developing this project on its own, independent of the Corps, in a manner that actually met the multiple mandates of the new Urban Flood Safety and Water Quality District.

**E. The FS/ EA failed to include the railroad embankment in the analysis, an omission that significantly increases both the cost of the project and the environmental impacts.**

The cross levee at the western edge of Pen 1 represents one of the most significant potential weaknesses in the Columbia River Levee System. In a situation that we find deeply troubling, the owners of this cross levee, Union Pacific Railroad and BNSF Railroad, have simply refused to engage with the Levee Ready Columbia process. This includes refusing to allow access to test, repair or maintain the levee. In section 2.5 of the FS (Planning Constraints), the document reads:

*The railroad embankment will not be considered a levee for purposes of analysis. This segment of the system has been a long-standing vulnerability and an area for past levee failures since it has unknown untested structure materials compounded by railroad ownership and an associated policy that will not allow for routine operation and maintenance consistent with Corps policies. It is assumed to offer some resistance to floodwaters, but the embankment materials are estimated to be relatively weak since little information is available.<sup>47</sup>*

As a result of the intransigence of the railroads, the Corps is instead proposing to build a second levee immediately adjacent to the existing railroad embankment. This second levee will cost tens of millions of dollars, and result in the consumption of as much as 16 acres of public land at Heron Lakes Golf Course<sup>48</sup>, the removal of hundreds of mature protected trees, the filling of 0.75 acres of wetland<sup>49</sup> and the potential disruption/ displacement of the Heron Lakes Great Blue Heron colony.

This situation is simply outrageous. The railroads have been repeatedly allowed to give a stiff arm to the Levee Ready Columbia process in a way that puts our community at risk and results in profound increases in the cost and ecological impacts of TSP. This situation is so bizarre that it causes us to question what the railroads are trying to hide. Are there contamination issues or additional structural deficiencies in the railroad embankment that may be putting our communities at risk? If the railroads are able to cloak their tracks in so much secrecy at this site, what other potential risks are going unattended along the network of tracks that bisect our community? This situation not only undermines the integrity of the Levee Ready Columbia process; it also severely undermines confidence in the regulatory oversight of the railroad system in general.

Given the collective political clout of the parties affiliated with Levee Ready Columbia including the congressional delegation, the governor's office and regional, county and local governments, we view this situation as unacceptable. These entities must use their collective leverage to force the railroad companies to the table to play a constructive, transparent and good faith role in the Levee Ready Columbia Process.

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<sup>47</sup> FS, Section 2.5, page 20

<sup>48</sup> FS, Section 4.12.4.2, page 181

<sup>49</sup> FS, Section 4.9.3.4, page 156.

**F. The FS Fails to address the role that condemnation may play in this process:**

The FS states that local project sponsors will be responsible for delivering 135 individual parcels necessary to implement the TSP to the Corps.<sup>50</sup> The FS contains no information regarding the mechanism that will be used to acquire these properties. It is unlikely that local jurisdictions could obtain these properties exclusively through utilization of a willing seller program, especially on the timeline on which this project is expected to be implemented. It is highly likely that local jurisdictions will be required to use their powers of condemnation. The FS should detail how acquisition of these properties is expected to occur, community impacts that may occur as a result of these acquisitions, and any social justice/ environmental justice issues that may be triggered.

**G. The Corps should have developed an Environmental Impact Statement (EIS) rather than an Environmental Assessment (EA) for this project:**

An environmental assessment may either result in a finding of no significant impacts (FONSI) or a determination to proceed to a full environmental impact statement (EIS). An agency must prepare an EIS if it is proposing a major action with a federal nexus which will “significantly affect the human environment.” In determining whether an action will significantly affect the human environment, the Council on Environmental Quality (CEQ) advises that an agency must look at both the context and intensity of the proposed action.

We believe that this project clearly meets the criteria for a full EIS. The project will cost approximately \$165 million (and potentially much more.) The construction period will last 42-months and will require more than 50,700 truck trips.<sup>51</sup> It directly impacts Oregon’s busiest airport, its second largest well field, the Expo Center, the Air National Guard Base, Oregon’s busiest highway, \$16 billion in economic activity, more than 7,500 residents and 59,000 jobs, and \$7.3 billion in assessed property values.<sup>52</sup> The levee system is also represents the most significant anthropogenic impact on the natural environmental within the study area. The context and intensity of this project require the deeper level of analysis provide by and EIS.

**CONCLUSION**

Repairing the Columbia River Levee System that extends from Portland to Troutdale is of critical importance to our community. The groups on this letter do not question the need to ensure that our communities are protected from flooding. The Vanport Floods stand as tragic testament to the importance of advancing the work of Levee Ready Columbia. However, this project also represents a once in many generations opportunity to move beyond outdated 20<sup>th</sup> century gray infrastructure based flood control strategies and towards innovative 21<sup>st</sup> century flood management strategies that integrate environmental restoration, environmental justice and landscape resiliency. This project and the new Urban Flood Safety and Water Quality District have the potential to be truly transformative for one of the most ecologically important and ecologically degraded areas in the region. They have the potential to elevate environmental justice communities. And they have the potential for setting a new standard for managing flood risk in a way that restores rather than degrades the natural function of our landscape.

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<sup>50</sup> FS, Section 5.1.1.1, page 215.

<sup>51</sup> FS, Section 4.18.2.4, 204

<sup>52</sup> <https://www.leveereadycolumbia.org/whats-at-risk/>

Unfortunately, the Corps FS and TSP are fatally flawed. The Corps has completely failed to consider the environmental restoration, environmental justice and landscape resiliency mandates of the new Urban Flood Safety and Water Quality District. It has produced a plan that relies entirely on larger levees, taller walls and bigger pumps and ignores both environmental opportunities and impacts inherent in this project. It has selected an alternative that is extraordinarily expensive, contains significant hidden costs, and which none-the-less, fails to fully protect our community or meet reaccreditation requirements.

The Corps has repeatedly asserted that environmental restoration and environmental justice goals remain outside of its mandate.<sup>53</sup> We are not convinced, based on our reading of the statutes governing the Corps activities, that this assertion is accurate. However, regardless of whether the Corps is prohibited, or simply unwilling, to integrate Levee Ready Columbia's mandates into their plan, they appear to be the wrong entity to lead this project. We respectfully urge Levee Ready Columbia to remain true to the environmental restoration and environmental justice mandates contained in SB 431 and develop an inclusive, cost effective plan which truly protects our community and our environment.

Thank you for your consideration of these comments

Respectfully,

Bob Sallinger  
Conservation Director  
Audubon Society of Portland

Tony DeFalco  
Executive Director  
Verde

Paul Ward  
Manager  
Yakama Nation Fisheries

Damon Motz-Storey  
Healthy Climate Program Director  
Oregon Physicians for Social Responsibility

Ted Labbe  
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Urban Greenspaces Institute

Noah Greenwald  
Endangered Species Director  
Center for Biological Diversity

Lauren Goldberg  
Legal and Program Director  
Columbia Riverkeeper

Travis Williams  
Executive Director  
Willamette Riverkeeper

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<sup>53</sup> <https://www.oregonlive.com/environment/2020/02/the-pricey-problem-with-portlands-levees.html>  
"Valerie Ringold, the Corps planning chief for the project, said that, based on the federal funding they receive, their primary criteria in evaluating the options was flood safety and economic benefit. "The authority we are working under is specifically flood risk, not multipurpose,"

Taren Evans  
Environmental Justice Director  
Coalition of Communities of Color

Troy Clark  
President  
Friends of Smith and Bybee Lakes

Lenny Dee  
President  
Onward Oregon

Cassie Cohen  
Executive Director  
Portland Harbor Community Coalition

Whitney Dorer  
Interim Executive Director  
Friends of Trees

Danielle Moseur  
Wildlife Program Coordinator  
Oregon Wild

Doug Moore  
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Quinn Read  
Director, Northwest Program  
Defenders of Wildlife

Kimberley Priestley  
Senior Policy Analyst  
WaterWatch of Oregon