



CITY OF JOHN DAY
Request for Council Action

Date Submitted: May 22, 2023
Meeting Date: May 23, 2023
To: Mayor and City Council Members
From: Aaron Lieuallen, Senior Project Manager
Through: Rick Allen, Interim City Manager
Subject: **Supplemental Environmental Project.**

TYPE OF ACTION REQUESTED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Public Hearing (Enter Type) |
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Consent Agenda | <input type="checkbox"/> No Action - Report Only |

MOTION FOR COUNCIL CONSIDERATION:

“I make a motion to approve the proposal from Field’s Tree Service for the Supplemental Environmental Project for up to \$42,100.00”

OVERVIEW:

Malheur Lumber reached a settlement with DEQ over an environmental dispute resulting in a \$42,100 fine. Malheur had the option to pay DEQ or transfer the settlement to a separate local project that did not directly benefit Malheur. Malheur contacted that City to see if any current projects would be a good fit for the Supplemental Environmental Project (SEP) application. The attached SEP is the DEQ approved project. Also attached is a proposal from Field’s Tree Service to perform the work of the SEP.

STAFF ANALYSIS:

This project will provide the environmental benefits required by DEQ, plus aesthetic benefits our community and visitors alike will realize. Project is designed to require no additional funding from the City, minimal maintenance and reporting.

SUMMARY:

A. General Coordination:

Department Review	Reviewed By	Date	Not Required
City Manager	Rick Allen		
Public Works	Casey Meyers		
City Attorney			
City Recorder	Anna Bass		
Finance			NA
Community Development			
Sheriff			
Other			

B. Fiscal Impact:

- Cost (If none, enter 'N/A') \$N/A, no matching dollars and no additional project dollars.

C. Funding Source:

- Enter Cost Center Code; if "N/A", enter N/A Malheur Lumber settlement
- Other funding sources? NA

D. Explanation of Impact:

- This has been budgeted in the 2023/2024 budget.
- Positive impact to community? Allows settlement money to stay local. Project provides environmental benefits along with aesthetic benefits along the John Day River Trail.

E. Supporting Documentation:

- Supplemental Environmental Project Application
- Field's Tree Service proposal.

RECOMMENDATION:

Motion to approve Field's Tree Service proposal to complete the Supplemental Environmental Project.



Supplemental Environmental Project Application

Oregon Department of Environmental Quality
Office of Compliance and Enforcement
700NE Multnomah St., Suite 600
Portland OR 972

Case Name and No.: **Malheur Lumber Company, Case No. WQ/SW-ER-2022-513**

Project Contact:

Aaron Lieuallen, Senior Project Manager
City of John Day
450 East Main Street
John Day, OR 97845
Phone: 541-620-2360
Email: lieuallena@grantcounty-or.gov

Type of Project (choose one):

- ☐ **Pollution Prevention** – preventing waste or pollution at the source, by conserving energy or natural resources, or by making process changes (such as chemical substitutions) or by making a process more efficient so that less waste is created for a given amount of product.
- ☐ **Pollution Reduction** – reducing the amount and/or danger presented by some form of pollution, often by providing better treatment and disposal of the pollutant.
- ☐ **Public Health Protection** – an example is the medical examination of residents in a community to determine if anyone has experienced any health problems because of the violations at issue.
- ☒ **Environmental Restoration and Protection** – improving the condition of the land, air or water in the area damaged by the violation. For example, restoring a wetland or planting trees along a riparian zone to reduce erosion and provide shade for improved water quality.
- ☐ **Emergency Planning and Preparedness** – providing assistance to a responsible state or local emergency response or planning entity. Such assistance may include the purchase of computers and/or software, communication systems, chemical emission detection and inactivation equipment, HAZMAT equipment or training.

Attachment A

- ☐ Assessments and Audits to determine if the Respondent is causing any other pollution problems or can run its operation better to avoid future violations.
- ☐ Environmental Compliance Promotion – providing training or technical support to other members of the regulated community to achieve, or go beyond, compliance with applicable environmental requirements.
- ☐ Other Projects that have environmental merit but do not fit within the categories listed above.

Who is conducting the project? City of John Day (the City)

For a number of years, the City of John Day has been working to revitalize former industrial areas and degraded riverbanks. The City has developed a series of integrated revitalization, restoration and economic development plans. This redevelopment plan is described in the *City of John Day Innovation Gateway Area Plan*, November 2019 (https://www.cityofjohnday.com/sites/default/files/fileattachments/planning/page/3089/innovation_gateway_area_plan.pdf). In summary, the John Day Innovation Gateway Project is an integrated community development, transportation and design plan that envisions the revitalization of the former Oregon Pine mill site and adjacent riverfront properties as a dynamic, thriving and welcoming public space. The John Day River is a central, cohesive element of the Innovation Gateway, with public trails winding through restored habitat along the riverbanks, creating the connective tissue for a wide range of new land uses and a bold vision for the use of reclaimed wastewater.

Location where project will take place: City of John Day, along a historically dredge mined portion of the John Day where a timber mill operated for decades. Specifically, the SEP will benefit and enhance the environmental aspects (improve stormwater quality, reduce erosion, and stabilize bank and upland soils) of the John Day Multi-Use Path between Patterson Bridge Road, the Oregon Pine Bridge and 7th Street Park in John Day. This is a current Brownfield site.

Project description: As described above, the City of John Day is actively working on redevelopment of a brownfield site. The City is working to rehabilitate the waterfront by remediating site conditions and restoring native flora to stabilize the river bank and improve water quality (which has been significantly degraded from a century of dredge mining and industrial operations), and developing community space, including multi-use paths along the river.

The Supplemental Environmental Project (the Project) provides the City the ability to improve water quality by increasing planting density along the John Day Multi-Use Path between Patterson Bridge Road, the Oregon Pine Bridge and 7th Street Park in John Day. The Project specifically involves accelerating and increasing the density of plantings and the reintroduction of native flora along the river bank. This work will improve drainage, reduce erosion and maintain river bank stability along this stretch of river, which was significantly impacted from

historical mining activity. The Project allows the City to take actions that would not otherwise have been possible and improve water quality.

What environmental benefits are expected?

Increasing urban green infrastructure, through efforts such as river bank restoration and planting native vegetation, improves stormwater quality, bank stability (reducing erosion), as well as air quality, and provides numerous social, physical, and mental health benefits to the local community.¹ The upland area is a brownfield impacted by decades of industrial activity, with river embankments damaged by stormwater erosion, historical dredge mining, and neglect, resulting in problems with bank stabilization, erosion, stormwater flows impacted by industrial practices and flooding. Re-introducing native flora remediates contaminated stormwater, reduces stormwater erosion, and supports topsoil and bank stability.² Overall, the Project enhances part of the City's redevelopment effort to reduce erosion, improve bank stabilization and mitigate stormwater runoff.

Community-based SEPs, such as supporting the John Day Multi-Use Path, meet the required SEP criteria while simultaneously benefitting the local community and addressing environmental justice concerns. Beyond the cleaner air benefits, a river path and improved water quality would support health outcomes through increased access to exercise, fresh water, and food. Additionally, the John Day Multi-Use Path necessitates the continual input of the community. The community will use the pathways to come to the City Park, to venture to the mountain bike trails, and venture through town center, creating community wellness and connectivity. Studies indicate that creating more greenspaces (such as a river pathway) assists in keeping urban areas cooler and improving storm water quality, which ultimately supports a city's resilience to the impacts of climate change.³

How will you measure/assess the benefits?

The benefits of the planting and bank stabilization project will be measured and assessed in the following ways:

- **Flora Count:** Counting the number of plants that survive over the course of one (1) year. Measuring the number of plants that survive demonstrates the rooting and thus durability of the plants. The sustainability of the plants results in the water quality benefits and ecosystem restoration.

¹ See, e.g., Heather L. Knizhnik, *The Environmental Benefits of Urban Agriculture on Unused, Impermeable and Semi-Permeable Spaces in Major Cities with A Focus on Philadelphia, PA*, (Aug. 2012) (Master of Environmental Studies Capstone project, University of Pennsylvania) (on file with the University of Pennsylvania Library); Jean C. Bikomeye, et al., *Positive Externalities of Climate Change Mitigation and Adaptation for Human Health: A Review and Conceptual Framework for Public Health Research*, 18 Int'l J. Env't Rsch. Pub. Health 2481 (2021).

² "Trees and Stormwater Runoff," Center for Watershed Protection, [Online]. Available: <https://www.cwp.org/reducing-stormwater-runoff/>.

³ See fn. 1.

Attachment A

- **Specie restoration:** By planting native plants, the Project will encourage biological diversity and improve the local biomass. Plants and trees are much more effective at capturing carbon, filtering and neutralizing some air and soil toxins, and mitigating surface heat from industrial surface. By building new and improving existing green spaces, the City is able to directly mitigate some of the impacts of being located in a highly industrialized area and transportation corridor. At the end of one (1) year, we will assess the return of invasive or non-native species and, if so, whether those non-native species risk interfering with the benefits from specie restoration.

What is the total projected cost of the project? Explain. (Qualifying costs are all reasonable costs of executing the SEP and may include costs of preparing the SEP proposal, costs of materials and services, wages paid to employees (appropriate to the work), and wages and proportional overhead for employees of a third party executing the project. Qualifying costs do not include entertainment or refreshment costs related to the SEP.)

Cleanup of Brownfield Site: \$120,000 to date

Multi-Use Trail: \$168,478 to date

SEP Planting Project: \$42,100 (if approved)

	Totals
Native Flora (shrubs, grasses, trees)	\$18,000
Soil amendments	\$4,100
Labor & equipment	\$20,000
Total:	\$42,100

This project budget assumes administrative expenses will be covered by the City.

What is the timeframe for the project (most projects are completed within one year)?

Include milestones and final completion date.

When the SEP application is approved, work will begin as follows:

- April supplemental budget: City staff will integrate SEP funding and Project into John Day Innovation Gateway Project budget cycle and procure appropriate flora.
- May: Continue construction of multi-use trail.
- May-September:* Planting of flora adjacent to river and trail.
- June-September: Hand-watering of plants until dormancy in autumn.

** Planting during 2023 growing season depends upon availability of native plants at nurseries. If appropriate flora is not available this spring, City will secure plants to ensure 2024 planting.*

Attachment A

Reporting to DEQ:

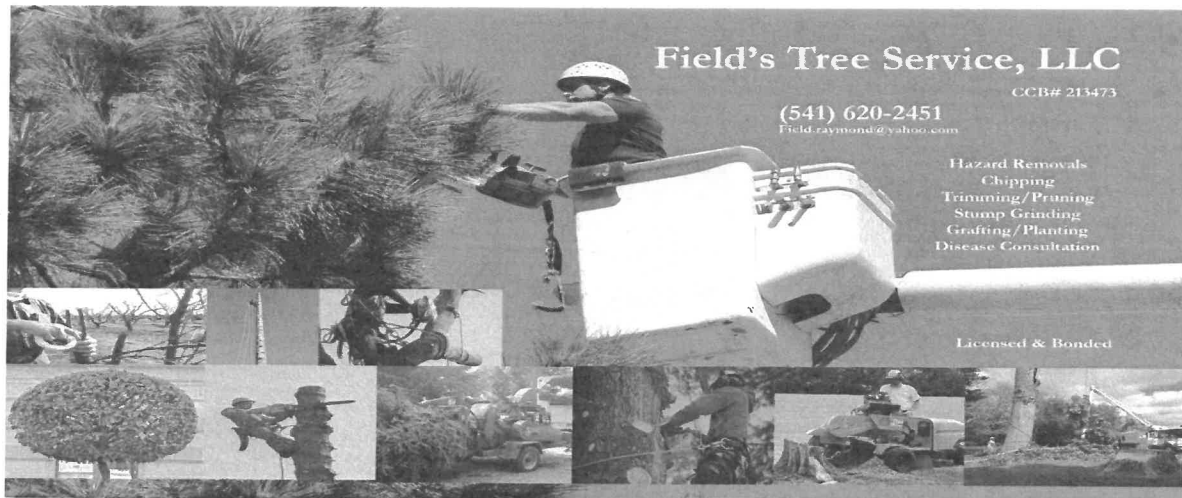
The City will submit an interim report to DEQ by November 2023, which will include invoices (or similar evidence of use of SEP funds) demonstrating use of SEP funds for the Project. The final Program Report will be provided to DEQ in July 2024. The final report will include a copy of the interim report, any additional invoices (or similar evidence of use of SEP funds) since the interim report and the results of the plant count (as described above).

Date : 3/29/2023 Signature Wanda Rasmussen

Work Estimate

Field's Tree Service, LLC
(541) 620-2451
P.O. Box 370
John Day, OR 97845
Field.raymond@yahoo.com

Aaron Lieuallen
City of John Day
(541) 620-2360
lieuallen@grantcounty-or.gov



Job location:

Hill Park bridge to newly installed bridge at diversion in the Oregon Pine property. Planting will take place on both sides of the path from bridge to bridge, and will transition into a mass planting area on the west end of the trail.

Job summary:

Planting native flora along paved path to mimic a natural, native landscape. Key focuses will be selecting true native species that will thrive in their natural environment without maintenance, along with using a specifically selected plant design that will not only help with erosion and natural flora and fauna, but will create a peaceful viewing experience for outdoor enthusiasts.

Plants used:

Blue Bunch Wheat Grass
Bottlebrush and Squirrel tail Grass
Big Sage
Rabbit Brush

Blue Flax
Pineleaf Penstemon
Showy Penstemon
Lowly Penstemon
Yarrow
Blanket Flower
Oregon Sunshine
Scarlet Globemallow

Plant counts:

Grasses 350
Sage and Rabbit Brush 650
Wild flowers 350

Job budget/breakdown:

Do not exceed \$42,100

Plants \$21,800
Amendments \$4,100
Labor/planting/Nursery hauling \$16,200