

## **SB1517 Mediation and Additional Analysis**

### **Kilchis Porter Restoration Project**

The Nature Conservancy

July 7, 2022

Application materials for the Kilchis Porter Restoration Project were submitted to Tillamook County by The Nature Conservancy (TNC) in October 2019. In January 2020, TNC was notified that the application would be remanded to the Planning Commission due to receipt of several letters in opposition to the project. The Planning Commission was delayed in reviewing the project in early 2020 due to a hacking attack on County computer services and the COVID 19 pandemic. This necessitated TNC withdrawing the application as there was insufficient time for the County to meet its review deadlines.

The Kilchis Porter Restoration Project is subject to SB1517 provisions as it takes place, in part, on F-1 farmland in Tillamook County and was initiated after the bill was enacted. Section 4(3) of SB 1517 provides for the applicant (TNC) to request a project-specific collaborative process for settling disputes among the applicant, neighbors and stakeholders, government agencies and others with technical expertise. TNC requested the collaborative process to provide a forum to foster better understanding of the proposed project.

The mediation process was initiated by Tillamook County and began with a meeting of participants in October 2020 that was facilitated by Six Rivers Agricultural Mediation Program. Over a dozen participants were present at the meeting with many providing verbal comments. Additional smaller group meetings and one-on-one meetings with the facilitator occurred over the next four months seeking solutions to issues raised. No formal resolution was reached through the mediation. A summary of the mediation proceedings drafted by Six Rivers is included with the County permit application materials.

In April 2021 following the facilitated mediation process, a path forward was agreed upon by the primary participants including TNC, Tillamook County Creamery Association (TCCA) and the Tillamook Bay Flood Improvement District (TBFID). A dialogue between the TCCA, representing Association farmers, and The Nature Conservancy was begun to investigate ideas and seek solutions to issues that were raised. Others involved included Leo Kunz, a consultant with experience in riparian and wetland projects and neighboring landowners participated several meetings as well.

In April 2021, Northwest Hydraulic Consultants (NHC) was hired to do an independent assessment of the Kilchis restoration projects beginning with the initial restoration project of 2015 on the Doohar tract, and the proposed Kilchis Porter project. All relevant engineering plans, hydrologic modeling data, and water level data collected by TNC were made available to NHC. An assessment report was completed by NHC in October 2021; the assessment was jointly

funded by TNC and TCCA. The assessment report is included with the County permit application materials. Findings of the assessment included:

- The hydraulic analyses conducted to date have assessed flood impacts adequately but have not fully assessed normal flow impacts.
- Hydrologic modeling for both projects has accurately portrayed expected impacts with model improvements made over time.
- The Doohar restoration project lowered Kilchis flood water levels upwards to 1 foot upstream of the project area, as predicted by project engineering modeling.
- Reconnection of Stasek Slough to the Kilchis River has resulted in normal winter flow increases in the Slough to approximate tidal levels. This has occurred when river flows are above 400 cfs.
- Water levels changes in Hathaway Slough are less clearly attributed to the existing project but may have increased 0.1 foot during normal winter flows.
- The Porter restoration project will lower winter water levels in Stasek Slough by 0.4-0.8 feet; effects in Hathaway Slough will be minimal with possible 0.1foot increases.
- The Porter restoration will not affect Kilchis River water levels.
- The assessment made recommendations for a few modifications to the hydrologic modeling.

The recommended modeling work was completed by Wolf Water Resources, and results were presented to TNC, TCCA and other participants in May 2022 (video meeting) and during a Kilchis field tour in June 2022. TNC's engineering consultants, Wolf Water Resources, also drafted a Technical Memorandum to the Hydraulic Review by NHC (7-5-2022). Additionally, Wolf Water Resources drafted a memo dated 7-16-22 addressing the requested scenarios and modifications to the hydrologic modeling. The revised models showed relatively minor effects from these suggestions. Both memos are included with the County planning submittals.