AGENDA COVER MEMO

Memorandum Date:	September 25, 2023
Order Date:	October 17, 2023
TO:	Board of County Commissioners
DEPARTMENT:	Public Works
PRESENTED BY:	Melanie O'Hara, Natural Resource Specialist, Road Maintenance Division
AGENDA ITEM TITLE:	ORDER/In the Matter of Delegating Authority to the County Administrator to Execute One Grant Agreement: National Culvert Removal, Replacement, and Restoration Grant Program (Culvert Aquatic Organism Passage (AOP) Program) For the Failing Culvert at the Shaw Creek Crossing on Siuslaw Rd, MP 36.8

I. MOTION

Move to approve delegating authority to the County Administrator to execute the grant agreement totaling $2,348,000.00, obtained through the Federal Highway Administration's (FHWA) National Culvert Removal, Replacement, and Restoration Grant Program (Culvert Aquatic Organism Passage (AOP) Program) for design and construction costs to replace the failing culvert at the Shaw Creek crossing on Siuslaw Road (5358-00) at milepost 36.8.

II. AGENDA ITEM SUMMARY

The Board is being asked to delegate authority to the County Administrator to execute the grant agreement awarded to Lane County Public Works through the FHWA Culvert AOP Program in the total of $2,348,000.00 to replace the failing culvert at the Shaw Creek crossing on Siuslaw Road at milepost 36.8. This funding has been awarded to cover design and construction costs associated with replacing the undersized culvert with an appropriately sized road crossing that meets fish passage requirements set forth by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) and the Oregon Dept of Fish and Wildlife (ODFW). This culvert replacement will not only increase public safety but open up access to nearly five miles of designated critical habitat for the federally Threatened Coastal Coho.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Public Works, Road Maintenance Division presented to the Board of County Commissioners a motion to approve efforts to obtain grant funding for design, construction and related services in response to the failing culvert on Siuslaw Road on August 9, 2022. This motion was approved and the Road Maintenance Division moved forward with submitting the application for the Culvert AOP Program in February 2023. The Road Maintenance Division received notice on August 16, 2023, that we were one of nine recipients awarded funding totaling over $19 million for the improvement and restoration of safe fish passage for anadromous species within the State of Oregon.

The culvert on Siuslaw Road at milepost 36.8, as documented on July 7, 2022, is failing structurally, causing a road grade failure and additional hazards for fish passage. The crossing at Shaw Creek is currently a corrugated metal pipe, 84 inches in diameter. Extensive rust and corrosion along the bottom of the pipe has allowed water to flow underneath, resulting in the loss of supporting soils which created a nearly 2 ft by 11 ft void at the outfall end of the culvert. Road Maintenance crews have since stabilized the affected area, allowing the road to remain open while keeping close attention to maintenance needs at the location until the road restoration and culvert replacement can take place.

This culvert crossing was identified by the ODFW as a partial fish passage barrier due to the undersized nature of the crossing. This means that upstream migration was available only to some species some of the time. The undersized crossing creates high velocity flows through the culvert that prevent the passage of various aquatic species depending on their life stage and flow levels during winter rain events. This replacement project will open up access to nearly five miles of Department of State Lands (DSL) designated Essential Salmonid Habitat, critical to the recovery of the Coastal Coho salmon populations, as well as benefit other anadromous species such as Steelhead, Chinook, Cutthroat trout and Pacific Lamprey.

A stream crossing culvert replacement need triggers fish passage review by the ODFW under ORS 509.580-910. This review determines current and historic native migratory fish presence and defines expectations for improving passage based on stream hydrological and morphological characteristics. Due to the presence of the federally listed Coastal Coho in Shaw Creek and the Siuslaw River watershed, additional stringent fish passage requirements set forth by the NMFS must also be met.

B. Policy Issues

This request for motion by the Board is being presented in order to meet Lane County grant award acceptance policies as described in Lane Manual 20.600.300 - Delegation of Authority to Execute Grant Applications and Accept Grants.

Additional Board acceptance procedures are outlined in APM Chapter 1, Section 2a, Issue 2: Agenda Process for Approval of a Grant Application or Acceptance.

C. Board Goals

Lane County's Strategic Plan states under Strategic Priority #3 that County goals are to "Maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success." Moving forward with accepting the awarded grant monies to begin the replacement of the compromised culvert on Siuslaw Road allows the County to meet Objective E, investing in infrastructure to the highest and best use in order to have safe and usable infrastructure for years to come.

D. Financial and/or Resource Considerations

With replacement funding currently unavailable, acceptance of the Culvert AOP Program grant monies awarded to Lane County Public Works would allow the timely replacement of the undermined culvert on Siuslaw Road. Without these monies, Lane County cannot feasibly meet expected costs, nor the time sensitive requirements triggered following an in-kind emergency culvert replacement as set forth in the Fish Passage Statutes of ORS 509 should a full road failure occur.

E. Health Implications

Replacement of the compromised culvert will allow Lane County to continue to ensure the safety of the traveling public while keeping open an important transportation corridor for intra-county travel, connecting residents with schools, parks, recreational access and serving as an important haul route for the timber industry.

In addition, replacing the undersized culvert at the Shaw Creek crossing on Siuslaw Road will assist in promoting continued ecosystem services and functions within the Siuslaw Watershed through increased connectivity and the flow/exchange of energy and materials that supports both aquatic and terrestrial organisms. Benefits can be expressed through improvements to water quality, flood control, and genetic diversity which increases population resiliency during periods of environmental and climatic uncertainties.

F. Analysis

The awarded funding is in excess of $150,000 and requires Board approval and delegation to the County Administrator to sign.

In addition, aging transportation infrastructure is becoming a larger and more prevalent issue for Lane County, as well as across the nation. Many assets installed decades ago are beginning to show their age and increasing pressure on municipalities to keep up with repairs and replacements prior to failure. Project costs have increased tremendously with increases in fees for services, materials and

in meeting associated agency regulations. Acquiring funding for these projects is a challenge. County programs and processes focusing on obtaining grant funding is an opportunity that should not be overlooked for the benefit of all Lane County residents.

G. Alternatives/Options

There are no feasible alternatives or options available to accepting the grant monies awarded through the Culvert AOP Program for the culvert replacement on Siuslaw Road.

IV. RECOMMENDATION

Staff recommends delegating authority to the County Administrator to execute the grant agreement awarded through the Culvert Aquatic Organism Passage (AOP) Program for design and construction costs to replace the failing culvert at the Shaw Creek crossing on Siuslaw Road. This will ensure the safety of the traveling public while benefiting salmonid species and habitats within the Siuslaw Watershed.

V. TIMING/IMPLEMENTATION

Upon execution of the grant award, Lane County Public Works staff will begin the processes required for obtaining the funding, design services and construction needs for the culvert replacement.

VI. FOLLOW-UP

None at this time.

VII. ATTACHMENTS

None.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO: 23-10-17-03	In the Matter of Delegating Authority to the County Administrator to Execute One Grant Agreement: National Culvert Removal, Replacement, and Restoration Grant Program (Culvert Aquatic Organism Passage (AOP) Program) For the Failing Culvert at the Shaw Creek Crossing on Siuslaw Rd, MP 36.8

WHEREAS, Lane Manual Chapter 20 sets forth County policies regarding award, submission, acceptance and amendment of grants and contracts in excess of $150,000; and

WHEREAS, the Board of Commissioners approved efforts to obtain grant funding for design, construction and related services in response to the failing culvert on Siuslaw Road on August 9, 2022; and

WHEREAS, Lane County Public Works moved forward with submitting a grant application to the Culvert AOP Program for the failing culvert on Siuslaw Road and was awarded $2,348,000.00 for culvert replacement costs associated with design and construction.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

Delegates authority to the County Administrator to approve and execute all documents in acceptance of the grant agreement awarded through the Culvert AOP Program for design and construction costs associated with the failing culvert on Siuslaw Rd (5358-00) at the Shaw Creek crossing, totaling $2,348,000.

ADOPTED this 17th day of October, 2023.

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Pat Farr, Chair
Lane County Board of Commissioners