



CAPITOL LAKE — DESCHUTES ESTUARY

Long-Term Management Project Environmental Impact Statement

FUNDING AND GOVERNANCE WORK GROUP

July 26, 2022

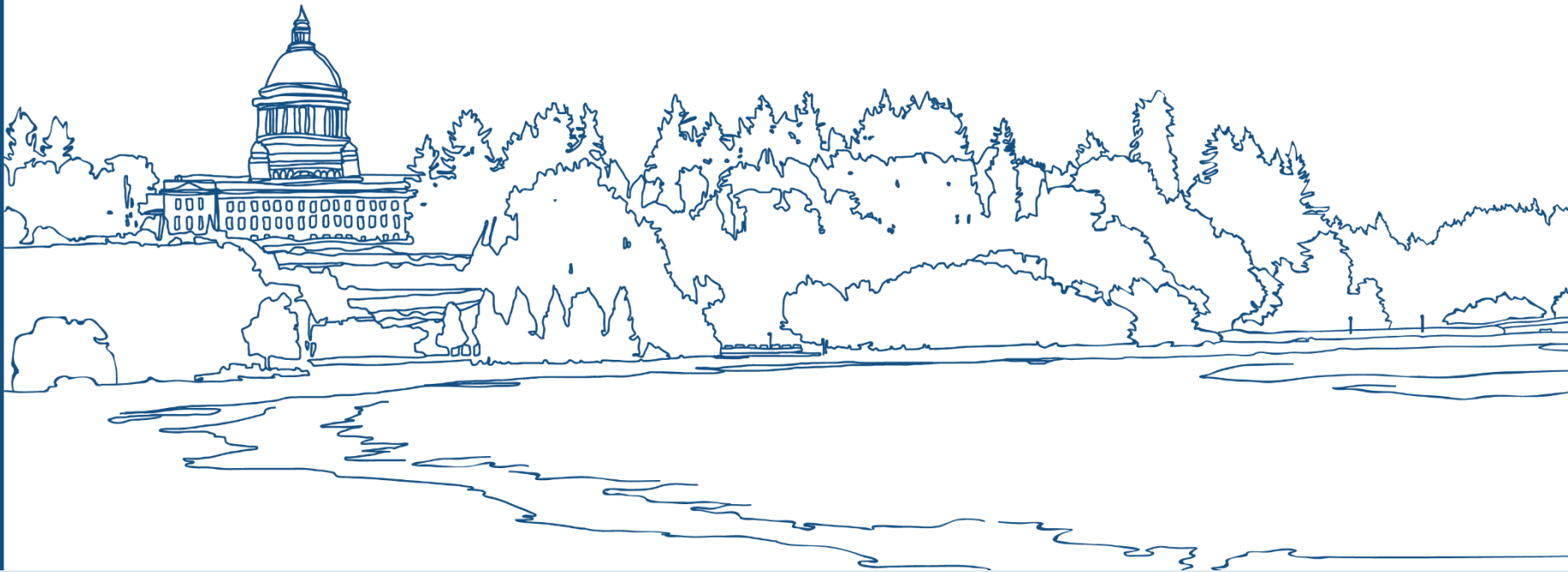
Meeting Objectives

✦ Objectives

- Review purpose of MOU and its key content
- Discuss key comment themes from FGWG initial review of draft MOU
 - Identify primary areas of revision for second draft MOU
- Revisit process for MOU reviews, revisions and signatures



MOU Overview



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Goal and Purpose of MOU

- ✦ Goal: Execute the MOU this fall and attach to Final EIS
 - MOU is a non-binding agreement
- ✦ Purpose:
 - MOU signals support and areas of agreement to the Legislature
 - MOU can help move forward toward estuary restoration, for shared benefit
 - MOU is a bridging document to a future ILA

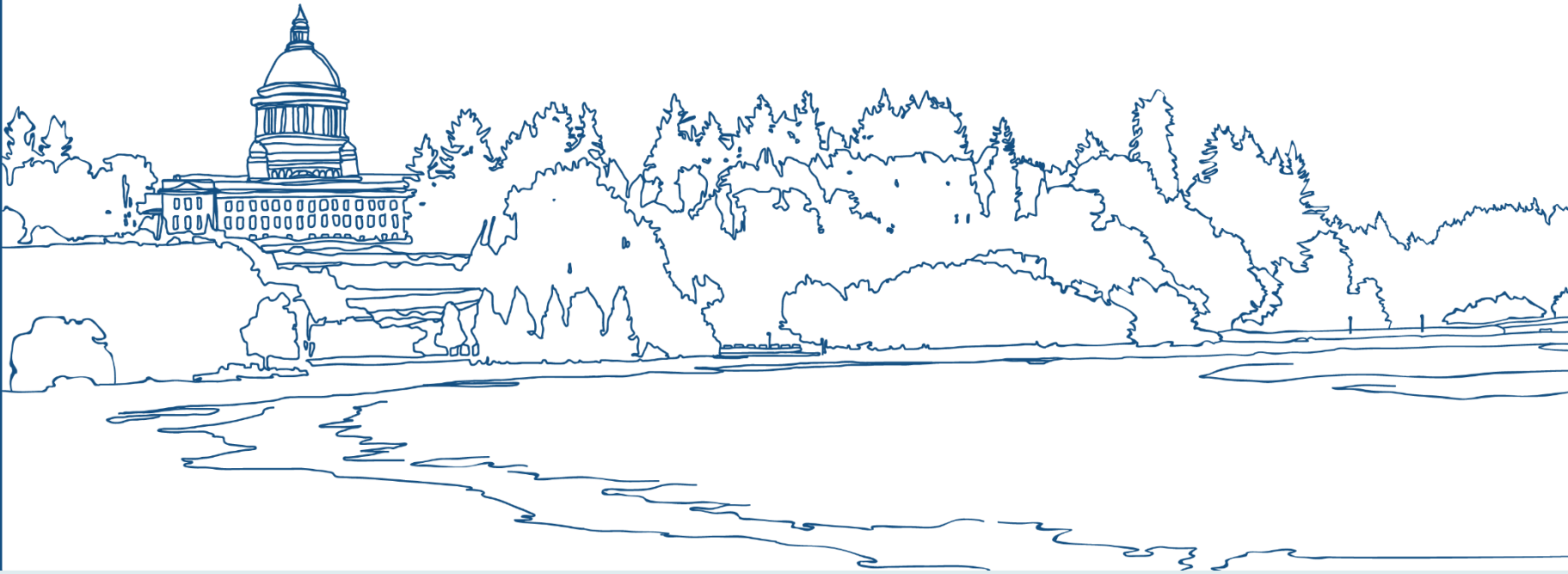


Primary Content in Draft MOU

- ✦ Project background and FGWG recommendations
- ✦ Pre-project conditions, and pursuit of funds for design, permitting & construction
- ✦ Transfer of assets and/or contract responsibilities
- ✦ Term of agreement
- ✦ Renegotiation events
- ✦ Funding allocations for sediment management, and planning-level cost estimates
- ✦ Issues remaining under discussion



Key Comment Themes



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Key Comment Themes

✦ Asset Transfer

- Does transfer of a constructed asset provide the receiving entity a role in the design; and if so, should that be defined in the MOU?
- Consider separating the discussion of constructed assets (i.e., 5th Avenue Bridge, in perpetuity) and ILA oversight (i.e., dredge design and finance management, for the duration of the agreement).

✦ Cost Allocation

- Should cost allocation percentages be included in the MOU?
- Does the estimated total and annual payment for each FGWG member need to be included in the MOU? Alternatively, can the FGWG define a percentage allowable increase of the total sediment management cost estimate?

✦ Finance Management

- Include a section for return of funds if project isn't constructed, surplus funds remain, etc.
- Discuss preferred timing for annual payment (e.g., March 31).

✦ Renegotiation

- Is a separate renegotiation clause needed for upland disposal and subsequent increase in cost?
- Consider a clause to address non-compliance with ILA obligations.

✦ Agreement Term & Signatories

- Does the renewal duration need to be defined?
- Reminder to coordinate internally on who will sign the MOU.



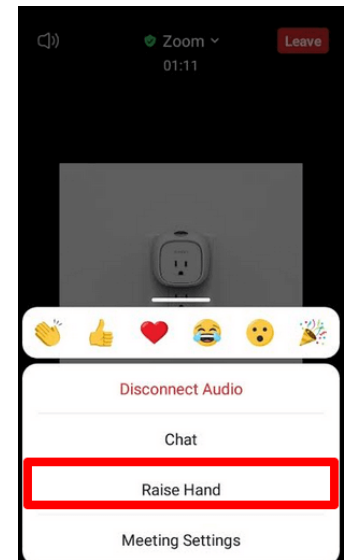
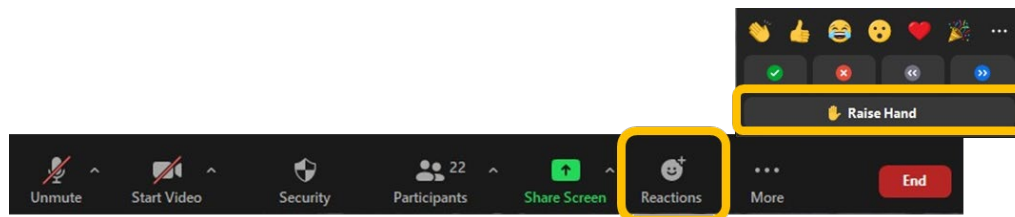
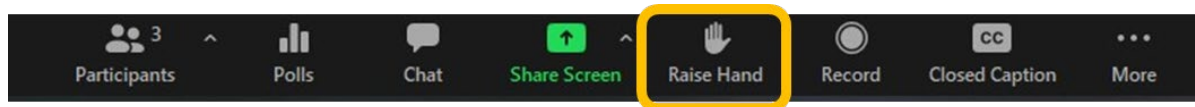
Next Steps

- ✦ **July 26:** FGWG meeting to discuss key comment themes
- ✦ **Week of August 8:** circulate revised draft MOU (v2) for broader review within FGWG member entities
- ✦ **Throughout August:** legal reviews of MOU and remaining FGWG feedback
- ✦ **August XX:** FGWG second round review comments due
- ✦ **Early September:** circulate final MOU (v3) for final FGWG review
- ✦ **End of September/Early October:** MOU finalized and signed



Public Comment

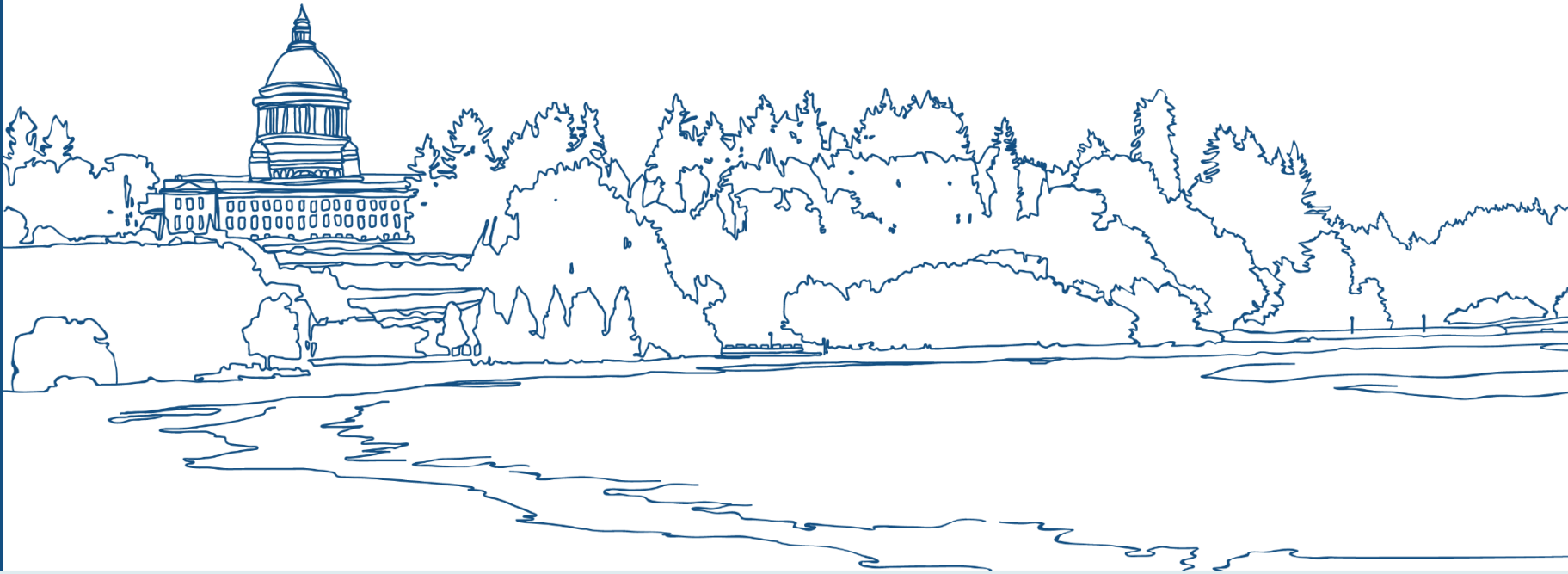
✦ To virtually “raise your hand”



✦ Comments on agenda items may also be emailed:
info@CapitolLakeDeschutesEstuaryEIS.org



Thank you!



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