Tide Gate Grant and Loan Program
League of Oregon Cities Spring Conference
April 25, 2023
Background

- 2016/2017, Creation of the Oregon Tide Gate Partnership
- 2019, Business Oregon was allocated funds for a “Tide Gates and Culverts Program”
- 2020, Proposal was sent to Legislature for the program
- 2020, HB4304 establishes funds ($2.9K) with sunset date
- 2021, Rules and regulations were created and filed
- 2021-2022, Various application openings for planning and construction grants. Final early Summer of 2022
- 2023, Sunset at the end of the Biennium
Tide Gate Program Objectives

- Invest in tide gate drainage infrastructure to protect communities from flooding
- Shovel ready construction projects
- Planning project investments to develop shovel ready tide gate construction projects
- Efficiently support multiple project sizes
- Providing coordination assistance for tide gate permitting, and investing in technical studies.
Current Projects

• $2.3 Million Currently Obligated
• 20 Projects
• 3 construction projects, 16 planning/design projects, Technical Study (Pipe-Sizing Tool)
  – 2 Projects finished and closed-out
• Counties, Special Districts, Non Government Entities, Cities, Corporations
Construction Projects

• Tillamook County – City of Neskowin
  – Construction of an egress route along Hawk St. which was unable to support emergency vehicles
  – Removal of a failing and undersized tide gate and culvert.
  – Construction of bridge and emergency route road
  – Help with the final phase of this project
  – Status: Project is finished and grant is closed out
### Neskowin Emergency Egress Funding Sources

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Walton Family Land Donation for Right of Way</td>
<td>$120,000.00</td>
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<tr>
<td>Community of Neskowin</td>
<td>$100,000.00</td>
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<tr>
<td>North Coast Regional Solutions Team</td>
<td>$150,000.00</td>
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<tr>
<td>Tillamook County Public Works</td>
<td>$550,000.00</td>
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<tr>
<td>Nestucca, Neskowin &amp; Sandlake Watersheds Council</td>
<td>$7,700.00</td>
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<tr>
<td>ODFW Screening and Passage Program</td>
<td>$102,200.00</td>
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<tr>
<td>USFS Salmon SuperHwy Fish Passage Partnership Grant</td>
<td>$38,400.00</td>
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<tr>
<td>U.S. Fish and Wildlife Service (USFWS)</td>
<td>$3,000.00</td>
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<tr>
<td>USFWS National Fish Passage Program (NFPP)</td>
<td>$40,000.00</td>
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<tr>
<td>USFWS Pacific Marine and Estuarine Fish Partnership (PMEP)</td>
<td>$50,000.00</td>
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<tr>
<td>2019 House Bill 5050 Section 61</td>
<td>$1,000,000.00</td>
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<tr>
<td>Tillamook County Transient Lodging Tax</td>
<td>$450,000.00</td>
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<tr>
<td>Oregon Business Development Department with Oregon State Lottery Funds</td>
<td>$97,500.00</td>
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</tbody>
</table>

**Project Cost:** $2,708,800.00
Conclusion and Analysis

• Program is set to sunset June 30, 2023
• Most projects will not be finished by that date
  – Length of time to get materials
  – High bids on engineers and contractors, available ones push out close out date
  – Staff turnover and capacity
  – Permitting process is complicated
Other Resources

• Business Oregon
  – Levee Funding: Special Public Works Fund

• OWEB
  – Technical Assistance for Design and Engineering
  – Restoration

• Natural Resources Conservation Services – USDA

• Regional Conservation Partnership Program – USDA
Special Public Works Fund: Levee Funding

Special Public Works Fund
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Levee Funding under Special Public Works Fund (SPWF)

• Levee Project Eligibility:
  – Planning, development, or other project that is directly related to and necessary for construction, capital improvement, inspections, levee certification, accreditation, or repairs of levees, flood control embankments or flood control facilities.
  – Municipalities, including drainage districts, for-profit or non-profit entities, individuals engaged in the ownership

• SPWF has two sub-accounts related to Levee Funding
Levee Grant Funding

- Grants for planning projects are limited to $2M per applicant per biennium.
- Grants for construction or capital improvements may not exceed an amount equal to 80% of total cost of the project.
- Grant may not be awarded from the fund unless the applicant pledges matching funds to the project of at least 20% of the amount of the grant fund.
- At least 50% of the dollar value of the grants awarded from the fund in any biennium shall be used to provide assistance to projects in rural or distressed areas.
- Fund Availability.
CITY OF WARRENTON LEVEES
CITY OF WARRENTON LEVEES
National Flood Insurance Program (NFIP)

• Local Governments required to adopt flood hazard regulations at least as stringent as FEMA minimums.
• Property owners must have flood insurance to qualify for disaster relief in a flood event
• Local communities are required to participate in NFIP if they wish to qualify for certain disaster relief
• Federally backed mortgages require flood insurance purchase for life of mortgage
• RESULT: Voluntary Program is de facto Mandatory
NFIP FEMA BiOp

• Lawsuits regarding fish and whales were settled with FEMA agreeing to “consult” regarding the effect of NFIP on Threatened and Endangered species and their habitat

• NOAA Fisheries issued Biological Opinion stating NFIP in OR:
  – Jeopardizing 16 ESA listed species and southern resident Orcas
  – Caused or will cause the destruction or adverse modification of designated or proposed habitat
  – Included “reasonable and prudent alternative”
    • Imposes “no net loss or beneficial gain standard on ALL floodplain development in 30 OR counties, including all cities inside those.

Shifting the burden from FEMA to local jurisdictions to adopt more restrictive development standards for floodplain areas.
FEMA RPA Implementation Plan

• Calls for “no net loss” of 3 floodplain functions:
  – Flood storage = further restriction of placement of fill beyond DSL requirements
  – Water quality = restricts addition of impervious surfaces like concrete or pavement
  – Riparian habitat = restricts removal of any vegetation within a 170’ buffer around rivers or streams

• Cities will have to comply or be removed from NFIP, effectively halting all development in floodplains
Issues Now and in the Future

• Levee certification makes the difference between building a house on grade, or being required to fill several feet to be a foot above base flood elevation
  – Results in houses flooding neighbors due to elevation differences
  – Results in unevenly built neighborhoods and infrastructure
  – RPA will shift that to likely require building on pilings or other methods to retain permeable surfaces
  – Altogether drives development costs high