

Southeast Uplift Neighborhood Coalition
Board Meeting
Monday, January 5th, 2015 – 7 to 9pm
SE Uplift Fireside Conference Room
3534 SE Main St.
Portland OR 97214

<i>Time</i>	<i>Item</i>	<i>Presenter(s)</i>	<i>Info</i>	<i>Disc</i>	<i>Action</i>
7:00 (10 min)	Welcome Introduce new Outreach Coordinator – Katy Asher. Approve Agenda and Minutes	McCullough, Dufay	X	X	X
7:10 (15 min)	Neighborhood Reports	All	X	X	
7:25 (10 min)	The Excomm unanimously voted to put the following motion before the full board, “Should the fees charged by PBOT to provide the records requested as part of SEUL’s public record request for street fee information be upheld Southeast Uplift will pay those fees up to \$2720.00, minus any donations from the public to cover this expense.” Discussion to include an update on current Street Fee Advocacy Action Status	McCullough, Excomm	X	X	X
7:35 (10 min)	Request from Mt Tabor NA for SE Uplift board to support their letters to the Historic Landmarks Commission and the State Historic Preservation Office.	All	X	X	X
7:45 (15 min)	Treasurers Report	All	X	X	
8:00 (10 min)	Break				
8:10 (20 min)	Comp Plan Update	Kellett	X	X	
8:30 (20 min)	Board Training – Our ONI Grant Contract	Dufay	X	X	
8:50 (10 min)	Approve Communication Policy	Dufay	X	X	X
9:00	Adjourn	McCullough			

Next Board Meeting: 2/2/2015
SE Uplift Fireside Room 3534
SE Main St

MINUTES OF MEETING OF THE BOARD
SOUTHEAST UPLIFT (SEUL) NEIGHBORHOOD COALITION

MONDAY Nov. 03, 2014, 7:00PM @ 3534 SE Main Street, Portland Oregon 97214 (Fireside Room)

There was sufficient attendance to constitute a quorum, listed as follows:

SEUL Board Members Present (P) / Not Present (N)

P - Ardenwald-Johnson Creek - Marianne Colgrove
P - Brentwood-Darlington - Jacob Sherman
P - Brooklyn - Wendy Miller
P - Buckman - Greg Moulliet
P - Creston-Kenilworth - Tyler King
P - Eastmoreland - Robert McCullough (Chair)
N - Foster-Powell - *vacant*
P - Hosford-Abernathy - Bill Crawford
N - Kerns - G.T. Meili
P - Laurelhurst - Don Gardner
P - Montavilla - Peter Maris (Treasurer)
P - Mt. Scott Arleta - Scott Vala
N - Mt. Tabor - Paul Leistner
P - North Tabor - Cathy Riddell
N - Reed - James Hager
N - Richmond - Cliff Hutchinson
N - Sellwood-Moreland - Vacant
P - South Tabor - Eric Lozano
P - Sunnyside - Jeff Cole (Secretary)
P - Woodstock - Moshe Lenske

Draft

At large:

A - Mandy Heaton
P - Mary Ann Schwab
P - Michael Sonnleitner

Guests:

Karen Tosi - Eastmoreland Neighborhood Association

Staff:

P - Anne Dufay - Executive Director
P - Bob Kellett - Land Use, Sustainability, and Transportation Manager
N - Ashe Urban - Community Outreach Coordinator
P - Kelly Feddersen - Community Outreach Coordinator
N - Jay Derderian - Administrative Assistant

Agenda Items:

1) Approve Agenda & Minutes, McCullough

Minutes for Oct meeting were approved.

2) Seat New Member - Tyler King, Creston-Kenilworth

Motion to seat approved.

3) Proposed City Street Fee, Q & A with Mark Lear, Portland Bureau of Transportation

Extended discussion.

4) Update Neighborhood Small Grants Program, Feddersen

Call for board member to serve on the selection committee: Tyler King volunteered.

5) Board Training 101, Kellett - Review of Advocacy Request Process, rational.

6) Proposed Street Fee Letter from Board, McCullough

Motion to adopt letter for submission to Portland City Council with revisions agreed to by board, to be written by subcommittee - approved with one abstention.

7) Executive Director Report - In My Opinion, Oregonian piece by McCullough. Authorize for Chair, SE Uplift to submit on behalf of Board of Directors. Pass unanimously.

8) Neighborhood Reports

There being no further business, the meeting was adjourned on time with approval of all.

_____/Secretary

Draft

MINUTES OF EMERGENCY MEETING OF THE EXECUTIVE COMMITTEE (SEULXCOMM)
SOUTHEAST UPLIFT NEIGHBORHOOD COALITION

Wednesday November 26, 2014, 6:00 PM @ 3534 SE Main Street, Portland Oregon 97214 (Fireside Room)

SEULxcomm Members Attending: Jeff Cole, Scott Vala, Robert McCullough, Don Gardner, Peter Maris

SEULxcomm Members Not Attending:

Also attending: Anne Dufay, Mary Ann Schwab, Ethan Krow (from Rob Nosse's Office, State Rep. District 42)

A sufficient number of SEULxcomm members were present to constitute a quorum. Robert McCullough (President) chaired the meeting.

Agenda Item: Proposed action to launch a public documents appeal against PBOT for the calculations behind the street fee commercial table.

The facts are as following as submitted by Robert McCullough.

1 On Monday, November 3, 2014, Mark Lear, PBOT's spokesman promised the SEUL board the calculations behind the commercial table.

2 All of the calculations have already taken place, so our request is a very simple one that can be responded to as an attachment to an email.

3 On Wednesday, November 12, 2014, Ramon Cabauatan of my office made a formal documents request.

4 On Wednesday, November 12, we received two responses -- one from Dylan Riviera and one from Cevero Gonzalez acknowledging our request. The two responses were essentially form letters, but Dylan Riviera's included the sentence "You have asked for a very broad list of documents including spreadsheets and formulas that contain information exempt from disclosure."

5 The basic problem is that the allocation of street fees between different classes -- commercial and non-commercial plus within the commercial class is essentially a function of "trips". These apparently have been taken from the ITE Manual based on information for the Portland Business License Database.

6 Under Oregon's existing use tax, the Transportation Sector (NAICS 48) provides approximately 40% of total revenue. Under the new proposal this has fallen to less than 1%. A careful review of the documents, plus discussions with PBOT staff and consultants, indicates that no major transportation companies or agencies were included in the calculations. This has shifted a large amount of tax to small business and non-commercial taxpayers.

7 The partial explanation is that major fuel and road users are not entered into the Business License Database or has been entered incorrectly. Examples include TriMet (no business license) and the UPRR (misidentified as NAICS 58.)

A proposed letter has been written to Mr. Rod Underhill District Attorney, Multnomah County and copies distributed to the SEULcomm board.

Motion to send letter made and approve unanimously.

There being no further business, the meeting was adjourned.

Secretary

MINUTES OF MEETING OF THE EXECUTIVE COMMITTEE (SEULXCOMM)
SOUTHEAST UPLIFT NEIGHBORHOOD COALITION

Wednesday December 17th, 2014, 6:00 PM @ 3534 SE Main Street, Portland Oregon 97214 (Fireside Room)

SEULxcomm Members Attending: Jeff Cole, Scott Vala, Robert McCullough, Don Gardner, Peter Maris

SEULxcomm Members Not Attending:

Also attending: Anne Dufay, Mary Ann Schwab

Agenda Items:

- 1) **Fee for Street Fee Public Records Request (Robert):** The XCOMM unanimously voted to put the following motion before the full board, " Should the fee's charged by PBOT to provide the records requested as part of SEUL's public record request for street fee information be upheld Southeast Uplift will pay those fees up to \$2720.00, minus any donations from the public to cover this expense. Unanimous approval.
- 2) **Put on agenda letter from Mt. Tabor Neighborhood Association if submitted for possible vote of support (Mary Ann Schwab).** Approved unanimously.
- 3) **Put on agenda letter from Friends of Reservoirs if submitted for possible vote of support (Mary Ann Schwab).** Approved unanimously.
- 4) **Report on press releases, releases (Anne)**
- 5) **Building update (Anne) - problem tree taken down.**
- 6) **Lighting, parking lot lighting to be fixed. (Anne)**
- 7) **Security camera update -**

There being no further business, the meeting was adjourned.

to be continued.

_____ Secretary



Anne Dufay <anne@seuplift.org>

MTNA letters for SEUL board members to read

Stephanie Stewart <stewartstclair@gmail.com>

Wed, Dec 17, 2014 at 8:35 PM

To: Anne Dufay <anne@seuplift.org>, Robert McCullough <Robert@mresearch.com>, "e33maschwab@gmail.com" <e33maschwab@gmail.com>

Hello Anne, Robert and Mary Ann -

Mary Ann Schwab informed me that the SEUL Executive Board agreed to add my support request to the January SEUL Board meeting agenda.

I am passing along MTNA's letters again, to make it easy for you to circulate them among your board members before your meeting. Attached are PDF files of MTNA's comments to the Historic Landmarks Commission (HLC) and to the State Historic Preservation Office (SHPO) regarding the tabor disconnect project. The substance of these two letters is almost identical, although they are organized completely differently. If you can only read one, read the HLC comments. MTNA would love to have SEUL write to both HLC and SHPO, in support of our comments. **The deadline is January 12, 2015.**

Here are links to online versions of those letters, in case you want to share them with people that cannot receive attachments.

MTNA's HLC letter from Nov 20, 2014:

<https://drive.google.com/file/d/0BwjTV06zgxKYcTILZC1maGJkNU0/view>

MTNA's SHPO letter from Nov 21, 2014:

<https://drive.google.com/file/d/0BwjTV06zgxKYdFotR25uZUg4UjA/view>

And, here is a link to a petition that any person or organization can sign to show support for MTNA's comments. I will deliver this petition to SHPO on Friday, and to HLC on Jan 5.

https://docs.google.com/forms/d/1hagzRy2Ko3ZNdHNSZTUDkg6lnrCSPobARGBWfEveEuY/viewform?usp=send_form

Stephanie Stewart
MTNA land use
503-230-9364

2 attachments

**OnlineCommentsSHPO.pdf**

641K

**OnlineCommentsHLC.pdf**

711K

For those reading a printed copy of this document, you can access a digital copy with live hyperlinks here:
<http://www.mtna-landuse.blogspot.com/2014/11/hlc-comments.html>

Case file # LU 14-218444 HR

Comments for the record, sent as an attachment via email Nov 20, 2014

To: BDS staff and the Historic Landmarks Commission (HLC)

From: Stephanie Stewart, on behalf of the Mt. Tabor Neighborhood Association (MTNA);

The Portland Water Bureau (PWB) plans construction that will affect two significant historic resources in the City of Portland: the historic Mt. Tabor Park and the Mt. Tabor Park Reservoirs Historic District. This construction will disconnect the Tabor reservoirs from their historic function in the drinking water system. This project significantly impacts both the historic reservoir structures and the historic park within which they sit. As these resources are within the boundaries of the Mt. Tabor Neighborhood Association, our constituents are educated about Tabor Reservoir and Tabor Park matters. Our comments offer our own historical experiences and focus mainly on the failure to meet the first two HR Approval Criteria (*historic character* and *record of time, place and use*). We find that PWB repeatedly fails to understand and protect these resources, we assert that proper preservation will not come naturally to PWB, and that actions will need to be mandated and supervised. We submit suggestions for conditions, mitigations, and mandates to improve the proposal. The Mt. Tabor Neighborhood Association seeks assistance from the Historic Landmarks Commission to carefully shepherd these historic resources through this chapter of City history.

MTNA's comments are organized like this:

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A BIT OF SITE HISTORY

To provide stewardship to the historic, nationally registered resources that are our Mt. Tabor open reservoirs and our Mt. Tabor Park, City employees and volunteers should, at a minimum, read the entire National Register of Historic Places listings for the Mt. Tabor Park Reservoirs Historic District and the Mt. Tabor Park Historic Landmark (submitted into official record, links available at the end of this document).

The story preserved by these registrations is a captivating tale of American innovation, remarkable even by today's standards. Researchers of the history of the Tabor reservoirs are regaled with stories of... how engineers had to bushwhack their way by hand through much of the territory between here and Bull Run, because the wild was too thick to travel by horse... how those same engineers devised a plan to carry mountain water from 50 miles away, all under the force of gravity alone... how these engineers crafted to carefully place that water in reservoirs at specific elevations, so gravity could again be the sole force required to move that water all over town... how engineers employed such innovations as Ransome's reinforced concrete, and Ransome's hand-tooled surfaces that mimic stone... and how all of this was designed within the ethics of the City-Beautiful movement, which brought about a period of American development that purposefully made public works beautiful as a means to raise living standards. The Tabor reservoirs dramatically improved the quality of Portland's public drinking water, but they also gave citizens a beautiful place to visit for a reprieve from industrialized America. On two fronts, these reservoirs improved a Portlander's standard of living.

On their website, the Friends of the Reservoirs non-profit offers the following summary of Mt. Tabor's open reservoir history:

All of the reservoirs were built during the period in American history known as the Progressive Era. A burgeoning population and an unbridled free-enterprise system coupled with shrinking resources, including available land, fostered the development of a reform movement that created many public institutions such as parks, libraries and schools...

Engineering of the reservoirs illustrate wise use of resources and good planning that has carried Portland into the 21st century. The reservoirs were the primary storage and delivery receptacles for the water from the Bull Run watershed approximately 50 miles east of Portland. Separate from the glaciated run-off of Mount Hood, Bull Run Lake, River and the tributaries offered Portland the opportunity to have access to high quality mountain water. Prior to the municipal Bull Run system, the City's water was provided by private companies with the bulk being pumped from the Willamette River. Pollution concerns, even by the 1880's, and the high costs of pumping helped to spur on the development of a city-owned, high-quality water system. Another goal of the Water Committee was to find a water source that would allow a gravity delivery system. When the relatively simple yet sophisticated system was completed in 1894, large conduit pipes brought the water to the reservoirs in Mount Tabor for east side water use and the Mount Tabor reservoirs gravity fed the Washington Park reservoirs for west side service. The entire system was built to utilize gravity with the Mount Tabor and Washington Park sites chosen for their elevation and proximity to the population served. In 1911, as Portland's east side was rapidly expanding, two more reservoirs were added at Mount Tabor. Though the butte was referred to as a park as early as the 1880's, Mount Tabor became an official city park in 1909 when land was acquired for the creation of the two 1911 reservoirs.

The high quality of the engineering and construction has been noted throughout the history of the reservoirs. The City of Portland Water Bureau Open Reservoir Study, Facilities Evaluations from 2001 states, "No waterborne disease outbreak or water quality incident of public significance has ever been recorded in connection with Portland's open reservoirs. All features in good condition. A detailed maintenance program could extend the useful life of the open reservoirs to the year 2050."

Architecturally the reservoirs and their amenities reflect the design goals of the national City Beautiful movement. The City Beautiful movement emerged during the industrial era as concerns for unmitigated urban expansion grew. Part of this trend included coupling utility with beauty. The reservoirs were sited in parks and were planned with great attention to aesthetic detail using old-world craftsmanship and design elements including the romantic tower-like gatehouses, the original wrought iron lampposts and fences. The 1894 fences and lampposts are especially ornate and crafted by an award-winning local ironsmith utilizing a design created by the noted architectural firm Whidden and Lewis who went on to design many buildings in Portland including Portland's City Hall in 1895 now on the National Register of Historic Places. The concern for quality caused Reservoir 1 in Mount Tabor to be constructed of the highest-grade concrete available that was imported from Antwerp, Belgium by ship before the creation of the Panama Canal. The 1894 reservoirs are stamped with two Ransome patent numbers. Ernest Ransome, deemed the "father of reinforced concrete," is famous for a variety of buildings in the country, including the Academy of Sciences Building in San Francisco and the Stanford Museum. He was a pioneer of reinforced concrete in the U.S. His father developed the system in Great Britain. The Bull Run system and the reservoirs are some of the early noted work using his patented systems that included the twisted iron rod reinforcements, an aesthetic hand-tooled finish that mimicked rockwork and the concrete mixer itself. The reservoirs and the Bull Run system are perhaps the earliest large application of reinforced concrete in the State and helped to establish concrete as a viable building material.

The reservoirs were designed as recreational destination sites, as this quote from the January 1, 1895 Oregonian illustrates, "These walks provide a delightful promenade for visitors who are separated from the basin itself by a concrete wall surmounted by a neat fence. All the reservoirs have been constructed in the most substantial manner and the effect of harmony it was possible to obtain by a little attention to the adornment of the finished works.

This story is justly captured, and its status is appropriately elevated by the listing of these resources on the National Register of Historic Places. Their value has been established. It is your task under this Historic Resources review, to protect these valuable assets and the story they tell. It is your responsibility to carefully scrutinize this proposal, ensuring that all aspects are thoughtful and employ preservation best practices.

The Friends of the Reservoirs "Reservoir Panel Book" published 2004, highlights the following notable historic features of the reservoirs, by those categories of significance used in the National Register of Historic Places:

Community Planning and Development: The conception of the Bull Run water system in the 1880's, including the reservoirs, was the first major effort to municipalize what

otherwise were private enterprises supplying inferior water from the already polluted Willamette River.

The Water Committee of 1885 showed a commitment to cooperation between government and the private sector to manifest a public work that put Portland firmly on the map as Oregon's predominant city. The abundant good water was a hallmark of Portland. The carefully planned, simple, sophisticated gravity system is one of Portland's finest examples of the concept of a sustainable system. The water came to rest and be delivered in the showpiece reservoirs that stand still in service 108 years (Reservoirs 1,3 and 4) and 93 years (Reservoirs 5 and 6) later.

Completion of the Bull Run system and the reservoirs was made possible only through enactment of landmark state legislation authorizing the revenue bonds needed to fund the project.

Engineering and Architecture: By utilizing gravity, the Bull Run system brought water to the reservoirs and the reservoirs delivered water to the community. The fall between the reservoirs was also used to operate an 1894 Pelton wheel water pump and to generate electricity. Much of the ironwork, such as valves and piping, is original and functional. The concrete work utilized the patented techniques of a notable early master referred to as the "father of reinforced concrete." The patented finish on the older buildings was hand-tooled to emulate rock -- the technique of an English master. The ornamental black fences that surround the reservoirs atop the parapet walls are wrought iron. The fence was designed by notable architects Whidden and Lewis, responsible for many of the finer buildings in Portland including City Hall completed in 1895 the first year Portland received its water from the reservoirs. The ornate fences were crafted by another old-world, award winning German ironmaster.

Entertainment/Recreation: The reservoirs were never designed to be simply utilities. Integral in their design was the notion of people meeting and enjoying the deep open water views. Lighted pathways and drives around the reservoirs were designed for access and enjoyment of the resource.

The Friends of the Reservoirs Panel Book explains that Mt. Tabor's Historic Reservoirs are also significant as recreational resources:

Portland Parks and Recreation's Master Plans for Mount Tabor Park and Washington Park emphasize the significance of the reservoirs to the parks. Reports from consultants to the Water Bureau also emphasize the importance of the aesthetic components of the reservoirs, especially the water as this quote illustrates: "Portland's open reservoirs are an integral aesthetic component of two prominent City parks: Mount Tabor and Washington Park.... Several of the qualities which are inherent to all reservoirs are the attributes of water, architectural detailing and their educational value. However, each reservoir is experienced uniquely based on site-specific conditions," as quoted from Portland Open Reservoir Study, Technical Memorandum, Significance of the Open Reservoirs to Park Uses by Murase Associates, 1997. This entire memo is included in this report.

Designed during the City Beautiful movement at the turn of the 20th century, the reservoirs blend utility with beauty offering an irreplaceable beauty. The deep open water and romantic design of the gatehouses, fences, lampposts and other amenities

enrich the vistas available from the grand parks that surround the reservoirs. Mount Tabor was rated as having two of the top seven views in the city in Portland's Scenic Resource Inventory. Pertinent excerpts from the inventory are included in this report. Portland's reservoirs stand out as some of the most important representatives of "living" water works from the period of the City Beautiful movement in the nation.

The Friends of the Reservoirs Panel Book cites multiple listings for protected scenic views that include the reservoirs and their water views:

The upper reservoirs, at an elevation exceeding 400 feet, offer grand vistas of the City and the lower reservoir. Numerous vista points exist and the original dam design of Reservoir 5 was to provide a viewpoint for visitors. The City has formally acknowledged and provided protection for these views. This is a quote from the Mount Tabor section of the document East Buttes, Terraces and Wetlands Conservation Plan, "The City of Portland's Scenic Resource Inventory identifies two panoramic views from Mt. Tabor, one from above the reservoir and the other from the summit. These two views were rated among the top seven in the city. The ESEE {Economic, Social, Environmental, and Energy} analysis for the Scenic Resource Protection Plan concludes that these views are fully protected through the park's Open Space zoning, and hence, no specific view regulations are needed."

"The viewpoint affords a panoramic view of the west hills and downtown. The reservoir in the foreground creates an unobstructed view and adds the element of water to the view," reports the document, Scenic Views, Sites and Drives Inventory, Portland Bureau of Planning, March, 1989.

PWB FAILURES to STEWARD THESE RESOURCES

Portland's Water Bureau has chosen the most destructive, least community-supported construction option available for compliance with a Federal rule, and when examined in concert with Water Bureau's anti-preservation culture, we believe this project demands careful scrutiny and oversight from HLC. As evidence to support our claim about PWB's anti-preservation culture, and the necessity for HLC's diligence in this proposal, we cite 1) the City's failure to take a leadership role in registering these resources with the National Registry of Historic Places, 2) the Water Bureau's 2002 attempt to destroy the historic reservoirs, 3) the Portland Water Bureau's current habit of neglect of these historic reservoirs (now rising to the level of demolition by neglect), and 4) specifics from the first version of this LUR, in which the narrative falsely minimized historic value and construction impact.

PWB failures of leadership

In 1984, the City won grant funding to conduct a city-wide inventory of historic resources -- 5,158 assets were identified and each asset was assigned a Rank I, II, or III status. Only 52 assets were given the highest Rank I status, and of those, the Tabor and Washington Park open reservoirs made up 5. While it was assumed the City would seek federal recognition and protection for all Rank I historic resources, in the almost 20 years that followed this study the City did not initiate a National Register of Historic Places nomination for these 5 reservoirs. This, despite several facilities evaluations done by Water Bureau consultants, quoted here:

"All of the open reservoirs are historically significant, and thus are eligible for inclusion in the National Register of Historic Places and for local landmark status." – *Open Reservoir Study, Technical Memorandum*, Montgomery Watson Harza, 2001. Contracted by PWB

“The reservoirs are historically significant as examples of early engineering, and serve as monuments to the social history of the City’s growth and development. They provide an early example of a planned landscape, including the views and vistas into and out of the landscape.” -- *Open Reservoir Study, Facilities Evaluation*, City of Portland, 2001.

For almost 20 years these historic resources were left unprotected by the City and the Water Bureau. This massive responsibility was shouldered by volunteers and by 2004, both the Mt. Tabor Reservoirs and Mt. Tabor Park were listed on the National Register of Historic Places.

But had there not been a mechanism by which the community could bypass a local bureau that was unresponsive to community-will, these reservoirs and the story they tell might never have received national recognition and protection. Please remember this as we ask HLC to take a leadership role in protecting these historic resources.

Prior attempt to destroy

In 2002, the Water Bureau inserted in their budget a line item to destroy and bury Mt. Tabor’s historic reservoirs, and they did so without public discussion. There were no Federal mandates requiring them to do so. This project was on the docket because it appeared in a long-term planning document written for the City, by one of the construction companies that make money on big-build projects like reservoir burials. When the City hosted community meetings to discuss what citizens might like to do with the historic park after the historic reservoirs were torn out, citizens insisted on first having a discussion as to why the City was abandoning the reservoirs. Pressure from the community – which came from citizens and preservation organizations like the Historic Landmarks Commission and the Bosco-Milligan Foundation -- brought about an intense public process with an Independent Review Panel (IRP), now referred to as the “Reservoir Panel”. With the IRP, citizens launched into hundreds of hours of research and were able to refute each claim made by the Water Bureau. This panel discussed everything from terrorist threats, to environmental contamination risks, to age and condition of structures. As the science on each subject was examined, the case for abandoning the open reservoirs dissolved. This 2004 Reservoir Panel, after three months of research and public debate, voted to maintain the open reservoirs. Eventually the Mayor and the Commissioner in charge of the Water Bureau decided to withdraw the project proposal. To be clear, it was community intervention that protected these historic resources in 2002. We submit into the record the “Friends of the Reservoirs 2004 IRP Panel Book”, which contains letters from preservation organizations, news clippings, and much research. (Available from Friends of the Reservoirs for \$60 per copy, contact Floy Jones: 503-238-4649, allow reproduction time).

In 2002-2004, citizens began to understand that the Portland Water Bureau might not support community-will as it relates to the historic reservoirs. So citizens started combing through Water Bureau documents and practices and they recognized a striking pattern: despite the fact that they’d inherited a well engineered water system with spare capacity for decades of new growth, PWB repeatedly neglected maintenance to instead embark on big-build projects recommended by the very contractors that profit from the planning and construction of those projects. Citizens noticed conflicting interests in the relationships between water bureau managers and the contractors that profit from the biggest contracts. And they noted practices that undercut the citizens PWB serves. Citizens discovered that PWB was advocating for big-build techniques while serving on an EPA Federal Advisory Panel tasked with crafting new drinking water regulation. This regulation, when finally published in 2006, heavily favored big construction options over lower-impact mitigation protections as the best means to achieve clean water – this despite Portland’s example of the remarkable water purity achievable through protection and mitigation. That EPA regulation is now known as LT2, and it is the rule ostensibly forcing upon Portland the destructive disconnect project before us today.

Examples of current neglect

The most dramatic example of current and ongoing neglect can be seen at Reservoir 1. The reservoir wall has been left to deteriorate almost beyond repair on the south elevation. Here, the iron rebar has been left exposed and as a result, the concrete has spalled away in large chunks leaving even more iron exposed.



Example of exposed rebar, along Reservoir 1 perimeter wall.

Much of the raised decorative diamond pattern has been lost. The wall cap has been lost in places and more is lost every day. The concrete sits in chunks on the ground. Much of this south wall will need to be reconstructed.



Other examples of neglect include the lack of periodic cleaning to remove damaging mold on the reservoir walls and neglect in patching holes in the masonry.



In 2008, PWB contracted the services of a professional preservation firm to evaluate preservation measures necessary for the proper care of the historic Mt. Tabor reservoirs. Robert Dortignacq's resulting 2009 *Reservoirs Historic Structures Report* (RHSR), provides, in its own words:

"expert advice on the condition, maintenance, rehabilitation and preservation of the historic features within the Mount Tabor Park Reservoirs Historic District.

The work on this RHSR included a review of existing historic research and documentation of the features, review of prior alterations, visual observations to physically determine the condition of the resources, assessment of the findings, and development of recommendations for preservation. A Tabular Summary (included at the end of this section) was developed and includes preservation recommendations that are noted sufficiently to define the overall scope of the project, uncover significant unknowns, and provide a basis for establishing a construction planning budget. They are not defined to a construction bid level in nature, but rather are intended to provide a comprehensive, overall condition assessment of the historic features, and to provide a strategy for their continued preservation."

As our photos attest, PWB has not followed the advice provided by this report even though these structures have been a critical part of drinking water infrastructure. PWB absolutely will not recognize nor will they fund their stewardship responsibilities at this site moving forward, unless an outside authority mandates them to do so.

Undervaluing the resources – Specific examples from the first submission of this LUR

Water Bureau's first LUR narrative related to the Tabor Disconnect construction project regularly minimized the historic value of assets impacted in the park and at the reservoirs. (That first LUR was dated Dec 2013; it was filed with BDS in January 2014; and it was withdrawn by PWB in February 2014 under community pressure regarding the lack of public involvement, but a copy of the narrative is available online here: <https://drive.google.com/file/d/0BwjTV06zgXKYUlg0LXBqQ1JQMUK/edit?usp=sharing>)

That narrative provides a glimpse of PWB's inadequate understanding of these historic resources and the bureau's stewardship responsibilities. Let us cite just some examples from that first LUR narrative:

- That narrative asserted the reservoirs were *not* "contributing elements" to the historic registration of the park. This is false and it minimizes the significant, negative impact to be absorbed by the historic park with major reservoir changes. We submit into the record the official National Registry of Historic Places paperwork for Mt. Tabor Park, which clearly cites the reservoirs as contributing elements to the story of the Park. Additionally, we offer this quote from a June 2003 letter from the City of Portland Historic Landmarks Commission, regarding reservoir changes:

"These reservoirs are inexorably entwined with the rich daily experience and memories held by generations of Portlanders. Furthermore, they are the major large-scale element defining Mount Tabor Park as a city-wide treasure. We are strongly concerned that the work can not be accomplished without permanently damaging these Historic Resources, thereby irreparably reducing their cultural value to Portland's community and to the nation."
- That narrative characterized the intentionally natural setting of the historic park as "highly disturbed." Thusly they excused further "disturbances" to the historic landscape including their (then) plan to impact 81 trees (19 of them over 30" in size). That mischaracterization reflects a lack of understanding as to the fundamental character of the historic park, which was from its establishment prized as a natural, maturely forested location. (To see MTNA's documentation of the tree count from the first LUR, visit here:

<https://docs.google.com/file/d/0BwjTV06zgxKYRGI4aFdDYUN5YU0/edit>)

- That first narrative undervalued construction approaches that would minimize historic asset destruction. For instance, the proposal cut and plugged *all inlet pipes* to the reservoirs leaving them without water, an element essential to preserving their historic function, form and use. It proposed blocking the historic weirs in a manner that would obscure visibility and an understanding of the weirs' important function. It proposed filling pipe openings in the historic basins with concrete (instead of metal caps) – a decidedly non-reversible and damaging choice for the reservoirs. It ignored the value of mature trees, and did not evaluate construction options for alternatives that would reduce the number of trees impacted.
- That narrative mischaracterized the project's impact as only disturbing an element here and there, much the way natural processes would, **when in fact, PWB plans to cut and keep bare a 20-foot wide swath, the entire length of the pipe through the park.** This represents a policy change for managing pipe in this historic park. It takes PWB's standard no-trees-near-pipes rule and applies it cookie-cutter style to a historic, non cookie-cutter setting, and PWB does so without offering evidence to support that this change is imminently necessary for our water supply. On Mt. Tabor, trees grow over pipes – that is the very nature of this mixed purpose site, and it has been since its creation more than 100 years ago. The no-trees-near-pipes rule is a best practice policy, but best-practice policies are not meant to be applied without regard to site-specific needs and workarounds, especially when that site is of historic value. A blanket application of PWB's no-pipes-near-trees policy going forward will have a massive effect on Mt. Tabor's future, as PWB takes the liberty to cut trees all over Tabor's web of pipes. Tabor-specific workarounds must be planned and mandated here, so that damage to pipes is managed in a more creative way.

We believe these examples are enough evidence of PWB's inadequate stewardship, to support a mandate for historic-preservation specific oversight through all phases of the project, which should include better preservation-plan documentation.

Community intervention improved this LUR

To be clear, there are major differences between the Jan 2014, LUR and the Sept 2014, LUR that is before us now. But the improvements found in the Sept 2014, LUR are a result of hard-fought community intervention and oversight, they are not improvements PWB came to on their own. Here is a glimpse at how the community helped evolve this LUR:

- The Mt. Tabor Neighborhood Association argued (Feb 2014) that the first LUR was inappropriately classified as a Type II review, and that the project clearly demanded a Type III review (see that letter here: <https://drive.google.com/file/d/0BwjTV06zgxKYeDg4MjdqRjhsc2s/edit?usp=sharing>). PWB claimed that only \$103,000 worth of the multi-million-dollar Tabor Disconnect project was reviewable under the Historic Resources code, because only the work affecting "exterior alterations to structures" was mandated. They failed to recognize, either ignorantly or willfully, the review due the historic park assets – and BDS accepted PWB's Type II application, deeming it complete without examining PWB's assertion. Active community oversight has made for a better class of review.
- The MT. Tabor Neighborhood Association called the attentions of Commissioners Fritz and Fish to the fact that PWB did not follow the [City's public involvement principles](#) when writing this land use proposal, because PWB failed to seek any public input from neighborhood associations *before* they submitted the Jan LUR.
- The Mt. Tabor Neighborhood Association sought and won the support of Commissioner Fritz to insert community outreach into this land use process, and **it was the Mt. Tabor Neighborhood Association who convened the Community Advisory Committee -- not PWB, as is asserted in the Sept LUR narrative.**

- Commissioner Fritz put the Community Advisory Committee and PWB staff at a table together, and while PWB staff responded well, this was not something they initiated on their own. In this rushed and intense community process (April 21 – June 11), the Mt. Tabor Neighborhood Association did their best to articulate community concerns and to negotiate improvements in the construction plan. You can see our list of Community Requests, and progress notes here: <https://drive.google.com/file/d/0BwjTV06zgxKYc09yeDMzeF9sd0U/view?usp=sharing>

While we were able to secure, in consensus, major improvements to this construction proposal, we did not make progress on every point. Given our lack of expertise, our lack of power in negotiations, and the transient nature of volunteers, our efforts should not be seen as proper replacement for outside, long-term oversight by HLC or other bodies. HLC and BDS can achieve better planning for these resources from here on out by *mandating it now*; you can mandate it now, because those plans will provide more adequate evidence that PWB will meet the Approval Criteria.

Our request for a Section 106 and long-term outside oversight

Given what we've seen historically and from the various iterations of this LUR, we cannot assume PWB will accurately value historic resources, or competently identify impacts of the project on those resources, or adequately plan and manage mitigations for those impacts.

We therefore request a formal, detailed, impact study (Section 106) for this site before the project moves forward. This will more adequately support all of the Approval Criteria.

We also request formalized, outside oversight from HLC or other bodies through completion of the project to ensure all resources are given due protection. This will more adequately support all of the Approval Criteria.

We request HLC require an updated, formal preservation plan be crafted between SHPO and PWB for the Park and Reservoir resources, as a condition of approval of this LUR. This will more adequately support all of the Approval Criteria.

INADEQUATE PLANNING and FUNDING

Inappropriate isolation of the various LT2 related projects (hydro plant disconnect, Tabor Disconnect, Tabor Adjustments W01524, Tabor PS Improvements W01757, Tabor "future use", etc.) is creating an unnaturally narrow review of impacts at this site, and that drives inadequate preservation planning and funding for this site.

This project is insufficiently planned to meet Approval Criteria and assure preservation. This LUR informs readers that a future effort will engage the public regarding potential future uses of the site... and that an understanding of the future-use is beyond the scope of this proposal. PWB attempts to separate issues that cannot and should not be wholly separated. Without reviewable plans and secured funds, we cannot confirm Approval Criteria #1 and 2 will be met. This project should not move forward at its current planning level.

This project is insufficiently funded to mitigate Approval Criteria failures. The Federal LT2 Rule is driving construction mandates all across Portland's drinking water system, with one goal = to shift water storage away from our historic, open reservoirs. LT2 projects at two other sites, Powell Butte and Washington Park, included major funding for historic preservation and park amenities mandated in the land use processes, and these improvements are meant to mitigate deleterious effects on site caused by LT2 changes. Yet similar funding is denied to the nationally recognized Mt. Tabor historic site, while the

LT2 impact is every bit as great there. City employees have justified the disparity between the mitigation funding offered in these projects thusly: if viewed in isolation, the slice of the LT2 project happening on Tabor – disconnecting and capping a limited number of pipes -- costs relatively little, so the City will not offer a preservation/mitigation budget for Mt. Tabor. We assert that all LT2 projects should be looked at as a unit when setting mitigation budgets. The overall expense of the LT2 mandate should provide the mitigation scale and budget to be *spread between* impacted sites according to the site needs and harm done. Damage to the Mt. Tabor historic sites is far greater than the cost of pipe capping, and the funding should not be so arbitrarily scarce. The resources protected at Mt. Tabor are not being appropriately cared for. Preservation work/mitigation funding can and should be commensurate with the site impact, not just with the budget of this one little slice of the large LT2 mandate.

Allowing these massive historic basins central to the character of a historic crown-jewel park to be disconnected from their historic use -- and therefore their existing maintenance/ preservation/ security protocols -- without first clearly defining responsibilities and funding for future use, preservation, maintenance and security, leaves Approval Criteria #1 and 2 unmet. Empty and uncared for is a possibility unless the HLC and BDS mandate water and solid plans.

For historical reference, during the 2002-2003 attempt by PWB to demolish Tabor's reservoirs, a funding set-aside was established to fund "park amenities" that would be needed to replace the anchor-to-the-park function previously provided by the reservoirs. Initially, the City committed \$2 million for park restoration and new features; pressure from community organizations like Friends of the Reservoirs raised the City commitment to \$13.4 million. Historian Chet Orloff reported that \$30 million was the minimum the City should expect to spend for a replacement feature that would properly respect the Olmstead-era park design. There was a design competition winner from the 2002-2003 discussion, and that plan was expected to cost about \$27 million. Today's proposal offers no plan for HLC to review, and no funding for what happens next at Mt. Tabor once PWB no longer uses and maintains these structures for active drinking water use.

We request HLC to require, as a condition of approval, PWB to articulate maintenance and security responsibilities/protocols for the reservoirs after disconnection. Without solid plans, the reservoirs may not be maintained to a level that maintains the historic character of the park. Better documentation better assures Criteria # 1 will be met.

We request HLC mandate preservation work, site "amenities", and a funding set-aside for both as part of the approval for this LUR. This will more adequately support all of the Approval Criteria, by mitigating for Approval Criteria failures.

We request that HLC require the future-use plan (to be drafted Dec 2014) be included as an appendix to this LUR before HLC renders a decision, so that HLC can review the future-use plan in concert with this disconnection plan to insure best-practices for the historic resources. This would better assure Criteria # 1 and #2 will be met.

WATER SHOULD BE MANDATED

Water is essential to the story preserved at Mt. Tabor. Water is essential to understanding the historic use of this site – these basins were intentionally engineered to showcase the region's cleanest water, gravity fed from Bull Run **while also** beautifying the city with their deep-water vistas. These dual-functioning, deep-water vistas are part of the Progressive-Era, City-Beautiful story of America, and without water that story line is obscured.

Water is essential to the park's historic space design -- when a world famous, Olmstead trained park designer crafted Mt. Tabor Park, he made these water views the anchor of that park.

Water is essential to the protected view corridors on Tabor, listed in the "City Scenic Resources Protection Plan" (all relevant City Scenic Resources Protection Plans submitted into official record, one example, *1988 Scenic Views, Sites and Drives Inventory* available here:

<https://drive.google.com/file/d/0BwjTV06zgxKYUJaa3pwMGdsdGM/edit?usp=sharing>).

Yet, the City (through this LUR) does not offer a firm commitment to water at this site in the future.

In recent years PWB has quite plainly ignored the significance of the Park's historic story, and its protected views, and they've ignored the significance of the reservoirs' historic function as deep-water vistas, and they've left these reservoirs empty for **long** stretches of time. PWB will leave these basins empty if not mandated otherwise.

The proposal as written does not meet HR Approval Criteria #2, "Record of its time -- The historic resource will remain a physical record of its time, place, and use," as the proposal does not adequately protect the record of this site's use as a deep-water vista and anchor for the Historic Park. This proposal does not meet HR Approval Criteria # 1, "Historic Character," because it does not adequately protect the site's historic character from the deleterious effects of removing water from these massive, deep-water basins. This proposal does not meet HR Approval Criteria # 9, "Preserve the form and integrity of historic resources," nor does it meet HR Approval Criteria #5, "Historic Materials -- Historic materials will be protected," because the proposal does not adequately mitigate for the degradation caused to the form and the historic materials by the elimination of water. This proposal does not meet the generally accepted best practice of "protect, maintain and preserve" as outlined by the *Secretary of Interior's Guidelines For Rehabilitating Historic Buildings* (found in the *Secretary's Standards for Rehabilitation*). The "protect, maintain and preserve" treatment seeks to limit deterioration, and is cited as an interim step employed between other treatment strategies. The City does not offer a commitment/plan for what happens next at these historic resources, and they should. But, they also don't commit to keeping water as the interim between disconnection, the future-use public process, and the funding of a future plan.

We request that authorities mandate water at this site, both as a feature central to any future-use, and as an interim step between this disconnection and future-use fruition. This would better assure Criteria # 1 and #2 will be met.

REVERSIBILITY

MTNA requests that a premium be placed on the "reversibility" concept inherent in preservation ethics and represented in Approval Criteria #9, "Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired."

The projects represented in this proposal force upon this community the disconnection of the open reservoirs from our water system. That disconnection is largely unsupported by the community. Separate from this process, the community continues to pursue options that may allow these reservoirs to return as functioning parts of our water system. Their in-town location and extra capacity may indeed prove useful in the event of an emergency, or as climate change impacts our region. The

reversibility ethic is especially important in this preservation case. The proposal must endeavor to preserve significant historic features like the patented reinforced concrete, and the intentionally designed deep-water vistas. But it should also respectfully preserve the site's historic functionality. Where possible, destruction should be avoided. Historic structures (such as vaults) and historic features (such as valves, levelers, and weirs) should not be destroyed, damaged or removed unless strictly required by the LT2 regulation. Historic connections, inlets, outlets, and pipes should not be filled with concrete, as has been proposed off and on in the evolution of this LUR.

We request HLC carefully review the details of this proposal to verify best practices regarding the preservation ethic of reversibility, expressed in Approval Criteria #9.

We request HLC issue to PWB a clear directive regarding preservation of historic objects, and reversibility of measures. This will assure better support of Approval Criteria #9.

A NOTE ABOUT TIMELINE DELAYS

As HLC and BDS seek more information and better documentation regarding this proposal, PWB will cite the Dec 2015 disconnect deadline they set with EPA. It is important to remember that delays due to complex City processes were anticipated and introduced in the LT2 compliance plan filed by PWB and approved by EPA.

The documentation level should be good for the historic resources, and the timeline can flex to accommodate it. PWB has been slow to begin the land use process on this project, which reflects either a willful disregard for, or a basic lack of understanding of, the significance of these historic resources and the processes they are due. City bureaus shouldn't be allowed to short-circuit community respected processes because of an emergency of the bureau's own making.

Note that the Powell Butte II Reservoir was months late according to the approved LT2 timeline on file with EPA/OHA. The agencies charged with deadline enforcement did not fine Portland for this delay in schedule; in fact, they didn't begin the complex warning process that must happen before fines can be levied.

SUMMARY of REQUESTS for CONDITIONS and MITIGATION MEASURES

The community seeks to improve this proposal with the following conditions and other measures, so that Approval Criteria are met or better supported.

1. We request authorities mandate water at this site, both as a feature central to any future-use, and as an interim step between this disconnection and future-use fruition. This would better assure Historic Resource Approval Criteria #1 and #2 will be met.
2. We request authorities require, as a condition of approval, PWB to articulate maintenance and security responsibilities/protocols for the reservoirs after disconnection. Without solid plans, the reservoirs may not be maintained to a level that maintains the historic character of the park, or of the reservoirs themselves. Better documentation better assures HR Approval Criteria # 1 will be met.
3. We request that HLC require the reservoir future-use plan (to be drafted Dec 2014) be included as an appendix to this LUR before HLC renders a decision, so that HLC can review the future-use plan in concert with this disconnection plan to insure best-practices for the historic resources. This would better assure HR Approval Criteria # 1 and #2 will be met.
4. We request a current, formal, detailed, impact study (Section 106) for this site before the project moves forward. This will more adequately support all of the Approval Criteria.
5. We request authorities require an updated, formal preservation plan be crafted between SHPO and PWB for both the Park and the Reservoir resources, as a condition of approval of this LUR. This will more adequately support all of the Approval Criteria.
6. We request HLC carefully review the details of this proposal to verify best practices regarding the preservation ethic of reversibility, expressed in HR Approval Criteria #9.
7. We request authorities issue to PWB a clear directive regarding preservation of historic objects, and reversibility of measures. This will assure better support of HR Approval Criteria #9.
8. We request authorities mandate preservation work, site “amenities”, and a funding set-aside for both as part of the approval for this LUR. This will more adequately support all of the Approval Criteria by mitigating for Approval Criteria failures.
9. We request formalized, outside oversight from HLC or other bodies through completion of the project to ensure all resources are given due protection. This will more adequately support all of the Approval Criteria.

DOCUMENTS FOR THE RECORD

Please submit into official record all documents mentioned in our comments. Please also enter into official record documents listed here:

- National Registry of Historic Places listing for Mt. Tabor Park Reservoirs Historic District, a courtesy copy available here: <https://drive.google.com/file/d/0BwjTV06zgXKYbklIUTVkbmRZRWM/edit?usp=sharing>
- National Registry of Historic Places listing for Mt. Tabor Park Historic Landmark, a courtesy copy available here: <https://drive.google.com/file/d/0BwjTV06zgXKYOGd2S1k4eFUzR1k/edit?usp=sharing>
- *The Secretary of the Interior Standards for Rehabilitation; Guidelines for Rehabilitating Historic Buildings*
- *The Secretary of the Interior Standards for Rehabilitation; Guidelines for the Treatment of Cultural Landscapes*
- Mt. Tabor Reservoirs Historic Structures Report 2009 and all appendices, written by Robert Dortignacq, courtesy copy (lacking the submitted appendices) available here: <https://drive.google.com/file/d/0BwjTV06zgXKYM0Zjc2hzb05hVmM/edit?usp=sharing>
- All relevant City Scenic Resources Protection Plans, including the 1988 “Scenic Views, Sites and Drives Inventory”. A courtesy copy of the 1988 Inventory is available here: <https://drive.google.com/file/d/0BwjTV06zgXKYUJaa3pwMGdsdGM/edit?usp=sharing>
- Friends of the Reservoirs “2004 Reservoir Panel Book” and all appendices (available from FOR, \$60 per book, call Floy Jones at 503-238-4649, allow reproduction time)
- The entire original park plan, and subsequent Mt. Tabor Park Master Plans. One page of the original park plan available here: <https://drive.google.com/file/d/0BwjTV06zgXKYUXVXOEZVc2FZd2c/edit?usp=sharing>
- The narrative from the first submission of the Tabor Disconnect LUR (filed Jan 2014, withdrawn Feb 2014): <https://drive.google.com/file/d/0BwjTV06zgXKYUlg0LXBqQ1JQMUK/edit?usp=sharing>
- MTNA’s tree count from the first LUR: <https://docs.google.com/file/d/0BwjTV06zgXKYRGI4aFdYUN5YU0/edit>
- MTNA complaint regarding the initially very limited, 13-day public comment period for the Jan 2014, LUR and our appeal for a public comment period extension. View it here: <https://drive.google.com/file/d/0BwjTV06zgXKYbjRUNEh0b3UwSWM/edit?usp=sharing>
- MTNA complaint regarding Type II classification of the Jan 2014, LUR and our appeal for reclassification to Type III. View it here: <https://drive.google.com/file/d/0BwjTV06zgXKYeDg4MjdqRjhsc2s/edit?usp=sharing>
- City of Portland Public Involvement Principles: <https://www.portlandoregon.gov/oni/61272>
- The *Community Stakeholders’ Requests* as articulated by the Community Advisory Committee, used in negotiations with PWB between April and June 2014. This list captured community concerns so they could be negotiated with PWB regarding improvements to the construction plan revealed in the first LUR. This doc was updated with progress notes for each point. This document reflects the work community members poured into this process, and explains many of the differences between the Jan 2014, LUR and the Sept 2014, LUR. View it here: <https://drive.google.com/file/d/0BwjTV06zgXKYc09yeDMzeF9sd0U/view?usp=sharing>
- The full letter written by MTNA’s land use chair to the State Historic Preservation Office (SHPO) in November, regarding this LUR, is available here: <http://www.mtna-landuse.blogspot.com/2014/11/tabor-disconnect-letter-to-shpo.html> This letter discusses less-destructive alternatives to this construction plan, that still bring Portland into LT2 compliance.

Appendix A

Portland Historic Resource Review Approval Criteria Used

Zoning Code Section 33.846.060.G - Other approval criteria.

Requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria have been met. The approval criteria are:

1. Historic character. *The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;*

2. Record of its time. *The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;*

3. Historic changes. *Most properties change over time. Those changes that have acquired historic significance will be preserved;*

4. Historic features. *Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;*

5. Historic materials. *Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;*

6. Archaeological resources. *Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;*

7. Differentiate new from old. *New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old;*

8. Architectural compatibility. *New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource;*

9. Preserve the form and integrity of historic resources. *New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired; and*

10. Hierarchy of compatibility. *Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.*

Appendix B

Excerpt from SHPO letter regarding less destructive alternatives

In November 2014, the Mt. Tabor Neighborhood Association wrote the State Historic Preservation Office (SHPO) requesting their involvement in the construction plan to disconnect Tabor's reservoirs. That full letter is available via a link provided in the "Documents for the Record" section of these comments. Excerpted here is one section of that letter. In it we assert there are less-destructive alternatives to the construction plan presented in this LUR.

Excerpt (3 pages long):

...We ask SHPO to question the underlying assumptions of the proposal, specifically examining alternatives that both 1) meet the goal of the project (to come into technical compliance with the Federal LT2 regulation) and 2) *also* maintain the integrity of the historic resources. The best possible approach to protecting these historic resources is to keep these historic reservoirs as functioning, useful facilities in our drinking water system. This approach conserves scarce public resources, as core utility maintenance dollars also serve as preservation dollars and vice-versa. In this way, the reservoir structures are properly maintained AND their significant presence as a major water feature of the historic park is sustained. The scientific data collected at our open reservoirs proves they meet all water standards, and that they already meet the goal of the projects imposed by the Federal LT2 regulation. Other, less destructive and less intrusive approaches are being used in other cities with similar in-town, historic reservoirs and these other approaches should be thoroughly examined for use at Portland's own historic resources. In this letter we speak to both of these points -- our proven clean water, and the less destructive approaches taken by other cities (see Section III. Examining alternatives to PWB's proposal).

...

III. Examining alternatives to PWB's proposal

LT2 and its less-destructive compliance options

The Portland Water Bureau (PWB) cites the Long-Term2 Enhanced Surface Water Treatment Rule ("LT2") promulgated in 2006 as the basis for the Mt. Tabor reservoir disconnect project. While this regulation was developed primarily as a *source water* regulation (responsive to the Cryptosporidium outbreak associated with the unprotected source water in Milwaukee, WI) the rule does include provisions related to open reservoirs. The LT2 rule as it stands today does not mandate disconnecting open reservoirs, rather it requires large water providers, those serving over 100,000 customers, to either "further treat or cover" open reservoirs.

In initial draft form (2003), the LT2 rule included less onerous compliance options beyond "treating or covering" open reservoirs, including a risk-reduction or "mitigation" option. The "risk-mitigation" option allowed cities to employ site-specific, measurably-successful modifications, instead of the prescribed treat or cover approaches. The risk-mitigation option was inexplicably eliminated when the LT2 rule was promulgated in 2006. This "risk-mitigation" option could be reinstated when EPA completes their now-underway LT2 revision process (scheduled to be completed Dec 2016). Other cities like New York City and Rochester are actively advocating for just such revisions, as risk-mitigation options would positively impact their ability to keep their own open reservoirs online. (See our discussion of LT2 Deadline Extensions below for more on the positive impact this rule revision could have on Portland's historic resources.)

In March of 2009, the PWB brought an LT2 “reservoir compliance plan” to City Council just days before that plan was required to be filed with EPA. Waiting until the filing deadline to share with City Council and the community their approach to reservoir compliance, significantly constrained the ability of Portland’s City Council and community stakeholders to have a say in that compliance plan. This plan also established Portland’s compliance *schedule* for LT2 reservoir projects – the deadlines Portland Water Bureau faces today for LT2 are all self-imposed, and written into this plan. The plan submitted by PWB on April 1, 2009, was negotiated between PWB staff and EPA without City Council or community stakeholder participation and it did not reflect community will.

The Water Bureau chose the most invasive and destructive compliance strategy available for these historic resources: to decommission and forcibly disconnect the Tabor reservoirs. The Water Bureau could have chosen either of two, less destructive, community supported options: 1) to additionally “treat” the Mt. Tabor open reservoirs at the outlets or 2) to install floating covers.

Rochester, NY, is a city with similarly placed, historic reservoirs nestled in urban parks. Their reservoirs face the same “treat or cover” mandate as ours. While their water system differs from our water system, their reservoir situation is remarkably similar. Their initial review of alternatives concluded that options to “further treat” the water as it left their historic reservoirs were problematically large and expensive. However, the years brought new technologies and discoveries that made the option to “further treat” at the outlets both very small (24 inch UV treatment plants) and affordable. We submit into the record a comparison of Rochester’s and Portland’s approaches to LT2 reservoir mandates, from an article titled “A Tale of Two Cities’ LT2 Victories and Missed Opportunities” linked here:

<http://www.mtna-landuse.blogspot.com/2012/10/a-tale-of-two-citys-lt2-victories.html> **We ask that SHPO requests to review PWB’s latest study on options to “further treat” at the outlet. If Water Bureau does not have a study, we ask SHPO to contact the Rochester Water Bureau for details on their UV treatment strategy. This less-destructive option is supported by Rochester’s citizens, and it would likely benefit our own historic resources better than the current proposal.**

Two summers ago, community stakeholders here in Portland gathered a stunningly broad base of community voices and successfully aligned them all behind a single compliance alternative for the reservoirs. These voices included major public health, environmental, equity, business and neighborhood organizations. These voices all supported a new compliance plan that involved floating covers for our open reservoirs. Installing floating covers on open reservoirs is an accepted compliance technique for the LT2 rule that allows open reservoirs to continue their traditional function in the water system. Floating covers are both the least invasive and the least destructive option available, and they are supported by the community. We submit into the record the signed letter stakeholders provided City Council in August 2012, when we requested City Council substitute floating covers into PWB’s reservoir compliance plan (letter linked here: <http://mtna-landuse.blogspot.com/2012/08/letter-wins-sweeping-community-support.html>). That City Council rejected the community supported proposal, saying they didn’t believe the community would really prefer floating covers over deconstruction. **We request that SHPO dialogs with Portland’s new City Council regarding the previous Council’s rejection of this community-preferred strategy. We request that SHPO dialogs with City Council to reopen the floating cover compliance strategy option because it is today’s best option for these historic resources.**

LT2 rule revision and local deadline extensions

Thanks to the efforts of New York City's water department, Mayor, New York's Governor and New York’s Senator Chuck Schumer, EPA has decided to review LT2 to determine whether it should be “modified, streamlined, expanded, or repealed” to make LT2 “more effective and less burdensome.” (President Obama's Executive Order 13563 linked here for the record:

<https://drive.google.com/file/d/0B0FLHRhrA9yaNTdjYTk3NDEtNzgxZi00ZjY1LWI2ZjltYzY3ZTIyMDNiNDQz/edit?usp=sharing>).

New York City's elected officials took the above Executive Order as an opportunity to advocate for their historically significant, functional reservoirs. As such, on March 18, 2011, NYC submitted substantive comments and very specific objections to LT2 open reservoir requirements (linked here for the record: https://docs.google.com/file/d/0BzH1qBHNhE0_NTUzZDI4ZDMtNGJhYS00ZDA4LWJiYjctYmZmYWwFIMjRmMmNi/edit?hl=en). Portland's Water Bureau and the City's lobbying team failed to submit any comments advocating for our historic reservoirs, despite having recently collected significant scientific sampling data at the outlets of Portland's open reservoirs. That data should have been widely shared, as it clearly supports modification of the EPA LT2 reservoir requirements. (This data was collected as a part of PWB's participation in the American Water Works Association Research Foundation's #3021 Cryptosporidium Study. With this study, PWB sampled 7000 liters at the outlet of Portland's open reservoirs in 2008-09. Results detected zero Cryptosporidium.)

In addition to actively participating in regulatory reform opportunities like the one mentioned above, other municipalities have diligently advocated for their reservoirs at other levels. NYC and Rochester both submitted highly substantive, data-supported appeals to their local primacy agencies and as such each city secured significant timeline extensions in their reservoir compliance plans. These extensions were carefully designed to allow these cities and their historic reservoirs to benefit from pending regulatory reforms. NYC's newest timeline delays the start of reservoir projects until one month after LT2 revisions will be published. It is clear that NYC openly negotiated their compliance timeline in relation to the regulatory reform schedule. In one document NYC officials state, "US DOJ and the City have agreed to defer negotiations over revised dates until US EPA completes its review." (linked for the record, "The New York City Municipal Water Finance Authority, Fiscal Year 2013 Consulting Engineer's Report" here: <https://drive.google.com/file/d/0BwjTV06zgXKYaVVIZTFpM0dEems/edit?usp=sharing>)

Portland has twice approached our agency of primacy -- the Oregon Health Authority (OHA) -- seeking to slow the LT2 construction timeline PWB set in motion in 2009. Internal communications between OHA reviewers regarding these extension requests, reveal opportunities for better documentation and a more favorable response. First, the PWB could provide more of the supporting data they possess -- this would positively impact the reception among reviewers. As one OHA reviewer states: "the City of Portland supplied very limited information supporting their request...The city of Rochester provided extensive documentation supporting their request." Second, there is no limit to the number of times the City can ask for a timeline extension. And third, as is revealed in one email exchange, there is no limit as to *who* can ask for this extension on behalf of these historic structures. **We request SHPO to intervene on behalf of these historic structures and inquire both with the Governor and with OHA as to what it would take to secure an LT2 compliance timeline that delays the start of reservoir project construction until January 1, 2017.** This would allow our historic resources to take advantage of regulatory revisions that happen in 2016. Those revisions could have a major impact on the future of these historic reservoirs, essentially, allowing them to have a future.

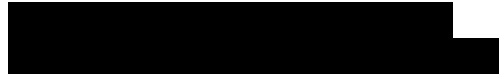
MOUNT-TABOR

NEIGHBORHOOD ASSOCIATION

November 20, 2014
sent via email

From:

Stephanie Stewart on behalf of the Mt. Tabor Neighborhood Association (MTNA)



To:

Jason M. Allen, M.A., Historic Preservation Specialist
Oregon State Historic Preservation Office (SHPO)
725 Summer St. NE Ste C; Salem, OR 97301
503.986.0579; Jason.allen@oregon.gov

RE: Portland's Tabor Disconnect project, LUR Case file # LU 14-218444 HR

I. Introduction

The Portland Water Bureau (PWB) plans construction that will affect two significant historic resources in the City of Portland: the historic Mt. Tabor Park and the Mt. Tabor Park Reservoirs Historic District. This construction will disconnect the Tabor reservoirs from their historic function in the drinking water system. This project significantly impacts both the historic reservoir structures and the historic park within which they sit. As these resources are within the boundaries of the Mt. Tabor Neighborhood Association, our constituents are educated about Tabor Reservoir and Tabor Park matters. Our comments offer our own historical experiences, which influence our requests and advice. The Mt. Tabor Neighborhood Association seeks assistance from the State Historic Preservation Office (SHPO) to carefully shepherd these historic resources through this chapter of City history.

First, we will comment on this specific proposal and then ask SHPO to 1) provide outside oversight, 2) facilitate a detailed, formal Section-106-type survey of project impact before the proposal moves any further, 3) mandate water as an essential feature for the future of this site, 4) emphasize the preservation ethic of reversibility, and 5) engage PWB in an updated preservation plan for the reservoir site, that clearly establishes roles and responsibilities for maintenance, security and preservation once the reservoirs no longer function as drinking water infrastructure. In this letter we offer specific justifications for these steps by SHPO. We cite a pattern of undervaluing these resources, by the City, as justification for extra oversight and formal planning. We cite the Parks and Water Bureaus' failure to take a leadership role in registering these resources with the National Registry of Historic Places, the Portland Water Bureau's prior attempt to destroy the historic reservoirs, and the Portland Water Bureau's current habit of neglect of the historic structures, as evidence to support SHPO's intervention in this project. In this letter we speak to all of these points -- Bureau devaluation and neglect of the resources,

requests for improved documentation, and requests for conditions/mitigation (See section “II. Examining this specific PWB proposal”).)

Second, we ask SHPO to question the underlying assumptions of the proposal, specifically examining alternatives that both 1) meet the goal of the project (to come into technical compliance with the Federal LT2 regulation) and 2) *also* maintain the integrity of the historic resources. The best possible approach to protecting these historic resources is to keep these historic reservoirs as functioning, useful facilities in our drinking water system. This approach conserves scarce public resources, as core utility maintenance dollars also serve as preservation dollars and vice-versa. In this way, the reservoir structures are properly maintained AND their significant presence as a major water feature of the historic park is sustained. The scientific data collected at our open reservoirs proves they meet all water standards, and that they already meet the goal of the projects imposed by the Federal LT2 regulation. Other, less destructive and less intrusive approaches are being used in other cities with similar in-town, historic reservoirs and these other approaches should be thoroughly examined for use at Portland’s own historic resources. In this letter we speak to both of these points -- our proven clean water, and the less destructive approaches taken by other cities (see Section III. Examining alternatives to PWB’s proposal).

II. Examining this specific PWB proposal

Portland’s Water Bureau has chosen the most destructive, least community-supported construction option available for compliance with a Federal rule, and when examined in concert with Water Bureau’s anti-preservation culture, we believe this project demands careful scrutiny and oversight from SHPO. As evidence to support our claim about PWB’s anti-preservation culture, and the necessity for SHPO’s diligence in this proposal, we cite 1) the City’s failure to take a leadership role in registering these resources with the National Registry of Historic Places, 2) the Water Bureau’s 2002 attempt to destroy the historic reservoirs, 3) the Portland Water Bureau’s current habit of neglect of these historic reservoirs (now rising to the level of demolition by neglect), and 4) specifics from the first version of this LUR, in which the narrative falsely minimized historic value and construction impact.

PWB failures of leadership

In 1984, the City won grant funding to conduct a city-wide inventory of historic resources -- 5,158 assets were identified and each asset was assigned a Rank I, II, or III status. Only 52 assets were given the highest Rank I status, and of those, the Tabor and Washington Park open reservoirs made up 5. While it was assumed the City would seek federal recognition and protection for all Rank I historic resources, in the almost 20 years that followed this study the City did not initiate a National Register of Historic Places nomination for these 5 reservoirs. This, despite several facilities evaluations done by Water Bureau consultants, quoted here:

“All of the open reservoirs are historically significant, and thus are eligible for inclusion in the National Register of Historic Places and for local landmark status.” – *Open Reservoir Study, Technical Memorandum*, Montgomery Watson Harza, 2001. Contracted by PWB

“The reservoirs are historically significant as examples of early engineering , and serve as monuments to the social history of the City’s growth and development. They provide an early example of a planned landscape, including the views and vistas into and out of the landscape.” -- *Open Reservoir Study, Facilities Evaluation*, City of Portland, 2001.

For almost 20 years these historic resources were left unprotected by the City and the Water Bureau. This massive responsibility was shouldered by volunteers and by 2004, both the Mt. Tabor Reservoirs and Mt. Tabor Park were listed on the National Register of Historic Places.

But had there not been a mechanism by which the community could bypass a local bureau that was unresponsive to community-will, these reservoirs and the story they tell might never have received national recognition and protection. Please remember this as we ask SHPO to take a leadership role protecting these historic resources.

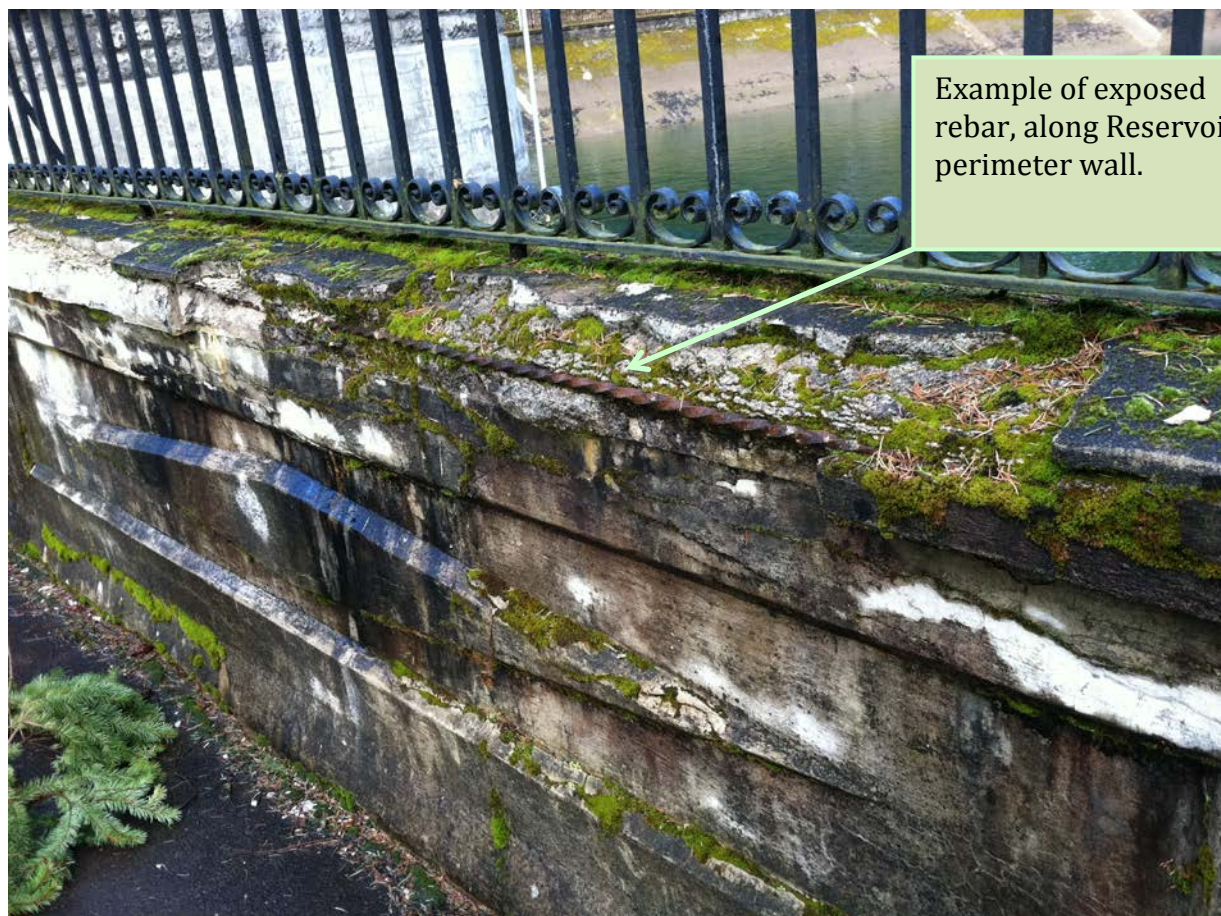
Prior attempt to destroy

In 2002, the Water Bureau inserted in their budget a line item to destroy and bury Mt. Tabor's historic reservoirs, and they did so without public discussion. There were no Federal mandates requiring them to do so. This project was on the docket because it appeared in a long-term planning document written for the City, by one of the construction companies that make money on big-build projects like reservoir burials. When the City hosted community meetings to discuss what citizens might like to do with the historic park after the historic reservoirs were torn out, citizens insisted on first having a discussion as to why the City was abandoning the reservoirs. Pressure from the community – which came from citizens and preservation organizations like the Historic Landmarks Commission and the Bosco-Milligan Foundation -- brought about an intense public process with an Independent Review Panel (IRP), now referred to as the "Reservoir Panel". With the IRP, citizens launched into hundreds of hours of research and were able to refute each claim made by the Water Bureau. This panel discussed everything from terrorist threats, to environmental contamination risks, to age and condition of structures. As the science on each subject was examined, the case for abandoning the open reservoirs dissolved. This 2004 Reservoir Panel, after three months of research and public debate, voted to maintain the open reservoirs. Eventually the Mayor and the Commissioner in charge of the Water Bureau decided to withdraw the project proposal. To be clear, it was community intervention that protected these historic resources in 2002. We submit into the record the "Friends of the Reservoirs 2004 IRP Panel Book", which contains letters from preservation organizations, news clippings, and much research. (Available from Friends of the Reservoirs for \$60 per copy, contact Floy Jones: 503-238-4649, allow reproduction time).

In 2002-2004, citizens began to understand that the Portland Water Bureau might not support community-will as it relates to the historic reservoirs. So citizens started combing through Water Bureau documents and practices and they recognized a striking pattern: despite the fact that they'd inherited a well engineered water system with spare capacity for decades of new growth, PWB repeatedly neglected maintenance to instead embark on big-build projects recommended by the very contractors that profit from the planning and construction of those projects. Citizens noticed conflicting interests in the relationships between water bureau managers and the contractors that profit from the biggest contracts. And they noted practices that undercut the citizens PWB serves. Citizens discovered that PWB was advocating for big-build techniques while serving on an EPA Federal Advisory Panel tasked with crafting new drinking water regulation. This regulation, when finally published in 2006, heavily favored *big construction* options over lower-impact mitigation protections as the best means to achieve clean water – this despite Portland's example of the remarkable water purity achievable through protection and mitigation. That EPA regulation is now known as LT2, and it is the rule ostensibly forcing upon Portland the destructive disconnect project before us today.

Examples of current neglect

The most dramatic example of current and ongoing neglect can be seen at Reservoir 1. The reservoir wall has been left to deteriorate almost beyond repair on the south elevation. Here, the iron rebar has been left exposed and as a result, the concrete has spalled away in large chunks leaving even more iron exposed.



Example of exposed rebar, along Reservoir 1 perimeter wall.

Much of the raised decorative diamond pattern has been lost. The wall cap has been lost in places and more is lost every day. The concrete sits in chunks on the ground. Much of this south wall will need to be reconstructed.



Other examples of neglect include the lack of periodic cleaning to remove damaging mold on the reservoir walls and neglect in patching holes in the masonry.



In 2008, PWB contracted the services of a professional preservation firm to evaluate preservation measures necessary for the proper care of the historic Mt. Tabor reservoirs. Robert Dortignacq's resulting 2009 *Reservoirs Historic Structures Report* (RHSR), provides, in its own words:

"expert advice on the condition, maintenance, rehabilitation and preservation of the historic features within the Mount Tabor Park Reservoirs Historic District.

The work on this RHSR included a review of existing historic research and documentation of the features, review of prior alterations, visual observations to physically determine the condition of the resources, assessment of the findings, and development of recommendations for preservation. A Tabular Summary (included at the end of this section) was developed and includes preservation recommendations that are noted sufficiently to define the overall scope of the project, uncover significant unknowns, and provide a basis for establishing a construction planning budget. They are not defined to a construction bid level in nature, but rather are intended to provide a comprehensive, overall condition assessment of the historic features, and to provide a strategy for their continued preservation."

As our photos attest, PWB has not followed the advice provided by this report even though these structures were a critical part of drinking water infrastructure. PWB absolutely will not recognize nor will they fund their stewardship responsibilities at this site moving forward, unless an outside authority mandates them to do so.

Undervaluing the resources – Specific examples from the first submission of this LUR

Water Bureau's first LUR narrative related to the Tabor Disconnect construction project regularly minimized the historic value of assets impacted in the park and at the reservoirs. (That first LUR was dated Dec 2013, it was filed with BDS in January 2014, and it was withdrawn by PWB in February 2014 under community pressure regarding the lack of public involvement, but a copy of the narrative is available online here:

<https://drive.google.com/file/d/0BwjTV06zgxKYUlg0LXBqQ1JQMUK/edit?usp=sharing>)

That narrative provides a glimpse of PWB's inadequate understanding of these historic resources and the bureau's stewardship responsibilities. Let us cite just some examples from that first LUR narrative:

- That narrative asserted the reservoirs were *not* "contributing elements" to the historic registration of the park. This is false and it minimizes the significant, negative impact to be absorbed by the historic park with major reservoir changes. We submit into the record the official National Registry of Historic Places paperwork for Mt. Tabor Park, which clearly cites the reservoirs as contributing elements to the story of the Park. Additionally, we offer this quote from a June 2003 letter from the City of Portland Historic Landmarks Commission, regarding reservoir changes:
"These reservoirs are inexorably entwined with the rich daily experience and memories held by generations of Portlanders. Furthermore, they are the major large-scale element defining Mount Tabor Park as a city-wide treasure. We are strongly concerned that the work can not be accomplished without permanently damaging these Historic Resources, thereby irreparably reducing their cultural value to Portland's community and to the nation."
- That narrative characterized the intentionally natural setting of the historic park as "highly disturbed." Thusly they excused further "disturbances" to the historic landscape including their (then) plan to impact 81 trees (19 of them over 30" in size). That mischaracterization reflects a lack of understanding as to the fundamental character of the historic park, which was from its establishment prized as a natural, maturely forested location. (To see MTNA's documentation of the tree count from the first LUR, visit here: <https://docs.google.com/file/d/0BwjTV06zgXKYRGI4aFdDYUN5YU0/edit>)
- That first narrative undervalued construction approaches that would minimize historic asset destruction. For instance, the proposal cut and plugged *all inlet pipes* to the reservoirs leaving them without water, an element essential to preserving their historic function, form and use. It proposed blocking the historic weirs in a manner that would obscure visibility and an understanding of the weirs' important function. It proposed filling pipe openings in the historic basins with concrete (instead of metal caps) – a decidedly non-reversible and damaging choice for the reservoirs. It ignored the value of mature trees, and did not evaluate construction options for alternatives that would reduce the number of trees impacted.
- That narrative mischaracterized the project's impact as only disturbing an element here and there, much the way natural processes would, **when in fact, PWB plans to cut and keep bare a 20-foot wide swath, the entire length of the pipe through the park.** This represents a policy change for managing pipe in this historic park. It takes PWB's standard no-trees-near-pipes rule and applies it cookie-cutter style to a historic, non cookie-cutter setting, and PWB does so without offering evidence to support that this change is imminently necessary for our water supply. On Mt. Tabor, trees grow over pipes – that is the very nature of this mixed purpose site, and it has been since its creation more than 100 years ago. The no-trees-near-pipes rule is a best practice policy, but best practice policies are not meant to be applied without regard to site-specific needs and workarounds, especially when that site is of historic value. A blanket application of PWB's no-pipes-near-trees policy going forward will have a massive effect on Mt. Tabor's future, as PWB takes the liberty to cut trees all over Tabor's web of pipes. Tabor-specific workarounds must be planned and mandated here, so that damage to pipes is managed in a more creative way.

We believe these examples are enough evidence of PWB's inadequate stewardship, to support a mandate for historic-preservation specific oversight through all phases of the project, which should include better preservation-plan documentation. To be clear, there are major differences between the Jan 2014, LUR and the Sept 2014, LUR that is before us now. But the improvements found in the Sept 2014, LUR are a result of hard-fought community intervention and oversight, they are not improvements PWB came to on their own. Here is a glimpse at how the community helped evolve this LUR:

- The Mt. Tabor Neighborhood Association argued (Feb 2014) that the first LUR was inappropriately classified as a Type II review, and that the project clearly demanded a Type III review (see that letter here: <https://drive.google.com/file/d/0BwjTV06zgXKYc09yeDMzeF9sd0U/view?usp=sharing>). PWB claimed that only \$103,000 worth of the multi-million-dollar Tabor Disconnect project was reviewable under the Historic Resources code, because only the work affecting “exterior alterations to structures” was mandated. They failed to recognize, either ignorantly or willfully, the review due the historic park assets – and BDS accepted PWB’s Type II application, deeming it complete without examining PWB’s assertion. Active community oversight has made for a better class of review.
- The Mt. Tabor Neighborhood Association called the attentions of Commissioners Fritz and Fish to the fact that PWB did not follow the [City’s public involvement principles](#) when writing this land use proposal, because PWB failed to seek any public input from neighborhood associations *before* they submitted the Jan LUR.
- The Mt. Tabor Neighborhood Association sought and won the support of Commissioner Fritz to insert community outreach into this land use process, and **it was the Mt. Tabor Neighborhood Association who convened the Community Advisory Committee -- not PWB, as is asserted in the Sept LUR narrative.**
- Commissioner Fritz put the Community Advisory Committee and PWB staff at a table together, and while PWB staff responded well, this was not something they initiated on their own. In this rushed and intense community process (April 21 – June 11), the Mt. Tabor Neighborhood Association did their best to articulate community concerns and to negotiate improvements in the construction plan. You can see our list of Community Requests, and progress notes here: <https://drive.google.com/file/d/0BwjTV06zgXKYc09yeDMzeF9sd0U/view?usp=sharing>

While we were able to secure, in consensus, major improvements to this construction proposal, we did not make progress on every point. Given our lack of expertise, our lack of power in negotiations, and the transient nature of volunteers, our efforts should not be seen as proper replacement for outside, long-term oversight by SHPO or other bodies. SHPO can achieve better planning for these resources from here on out by *mandating it now*; you can mandate it now, because those plans will provide more adequate evidence that PWB will meet the Approval Criteria.

Our request for a Section 106 and long-term outside oversight

Given what we’ve seen historically and from the various iterations of this LUR, we cannot assume PWB will accurately value historic resources, or competently identify impacts of the project on those resources, or adequately plan and manage mitigations for those impacts. The Section 106 report type is used by the federal government and recommended by the Oregon SHPO under Statute ORS358-653. Good preservation starts with a complete understanding of the area of impact. That understanding guides choices and mitigation strategies throughout the planning and execution of a project, so that a community’s preservation goals can be met in the midst of a complicated, engineering public works project.

We therefore request a formal, detailed, impact study (Section 106) for this site before the project moves forward.

We also request formalized, outside oversight from SHPO or other bodies through completion of the project to ensure all resources are given due protection.

Additionally, we request SHPO engage PWB in an updated, formal preservation plan for the Park and Reservoir resources, before projects move any further.

This proposal is inadequately planned and funded

Inappropriate isolation of the various LT2 related projects (hydro plant disconnect, Tabor Disconnect, Tabor Adjustments W01524, Tabor PS Improvements W01757, Tabor “future use”, etc.) is creating an unnaturally narrow review of impacts at this site, and that drives inadequate preservation planning and preservation funding for this site.

This project is insufficiently planned to assure preservation. This LUR informs readers that a future effort will engage the public regarding potential future uses of the site... and that an understanding of the future-use is beyond the scope of this proposal. PWB attempts to separate issues that cannot and should not be wholly separated. Without reviewable plans and secured funds, the future of these historic resources is not assured. This project should not move forward at its current planning level.

This project is insufficiently funded to assure preservation or to provide adequate mitigation. The Federal LT2 Rule is driving construction mandates all across Portland’s drinking water system, with one goal = to shift water storage away from our historic, open reservoirs. LT2 projects at two other sites, Powell Butte and Washington Park, included major funding for historic preservation and park amenities mandated in the land use processes – these improvements are meant to mitigate deleterious effects on site caused by LT2 changes. Yet similar funding is denied to the nationally recognized Mt. Tabor historic site, while the LT2 impact is every bit as great there. City employees have justified the disparity between the mitigation funding offered in these projects thusly: if viewed in isolation, the slice of the LT2 project happening on Tabor – disconnecting and capping a limited number of pipes -- costs relatively little, so the City will not offer a preservation/mitigation budget for Mt. Tabor. We assert that all LT2 projects should be looked at as a unit when setting mitigation budgets. The overall expense of the LT2 mandate should provide the mitigation scale and budget to be *spread between* impacted sites according to the site needs and harm done. Damage to the Mt. Tabor historic sites is far greater than the cost of pipe capping, and the funding should not be so arbitrarily scarce. The resources protected at Mt. Tabor are not being appropriately cared for. Preservation work/mitigation funding can and should be commensurate with the site impact, not just with the budget of this one little slice of the large LT2 mandate.

Allowing these massive historic basins central to the character of a historic crown-jewel park to be disconnected from their historic use -- and therefore their existing maintenance/ preservation/ security protocols -- without first clearly defining responsibilities and funding for future use, preservation, maintenance and security, leaves the historic character and use of both resources unprotected. Empty and uncared for is a possibility unless authorities mandate water and solid planning.

For historical reference, during the 2002/3 attempt by PWB to demolish Tabor’s reservoirs, a funding set-aside was established to fund “park amenities” that would be needed to replace the anchor-to-the-park function previously provided by the reservoirs. Initially, the City committed \$2 million for park restoration and new features; pressure from community organizations like Friends of the Reservoirs raised the City commitment to \$13.4 million. Historian Chet Orloff reported that \$30 million was the minimum the City should expect to spend for a replacement feature that would properly respect the Olmstead-era park design. There was a design competition winner from the 2002/3 discussion, and that plan was expected to cost about \$27 million. Today’s proposal offers no plan for authorities to review, and no funding for what happens next at Mt. Tabor once PWB no longer uses and maintains these structures for active drinking water use.

We request SHPO to require PWB to articulate maintenance and security responsibilities/protocols for the reservoir resources after disconnection.

We request SHPO mandate preservation work, site “amenities”, and a funding set-aside for both.

We request that SHPO require the future-use plan (to be drafted Dec 2014) be included as an appendix to this LUR before HLC renders a decision, so that HLC and SHPO can review the future-use plan in concert with this disconnection plan to insure best practices for the historic resources.

Water should be mandated

Water is essential to the story preserved at Mt. Tabor. Water is essential to understanding the historic use of this site – these basins were intentionally engineered to showcase the region’s cleanest water, gravity fed from Bull Run **while also** beautifying the city with their deep-water vistas. These dual-functioning, deep-water vistas are part of the Progressive-Era, City-Beautiful story of America, and without water that story line is obscured.

Water is essential to the park’s historic space design -- when a world famous park designer crafted Mt. Tabor Park, he made these water views the anchor of that park.

Water is essential to the protected view corridors on Tabor, listed in the “City Scenic Resources Protection Plan” (all relevant City Scenic Resources Protection Plans submitted into official record, one example, *1988 Scenic Views, Sites and Drives Inventory* available here:

<https://drive.google.com/file/d/0BwjTV06zgXKYUJaa3pwMGdsdGM/edit?usp=sharing>).

Yet, the City (through this LUR) does not offer a firm commitment to water at this site in the future.

In recent years PWB has quite plainly ignored the significance of the Park’s historic story, and its protected views, and they’ve ignored the significance of the reservoirs’ historic function as deep-water vistas, and they’ve left these reservoirs empty for **long** stretches of time. PWB will leave these basins empty if not mandated otherwise.

The proposal as written does not meet Portland’s Historic Resource Approval Criteria #2, “Record of its time -- The historic resource will remain a physical record of its time, place, and use,” as the proposal does not adequately protect the record of this site’s use as a deep-water vista and anchor for the Historic Park. This proposal does not meet HR Approval Criteria # 1, “Historic Character,” because it does not adequately protect the site’s historic character from the deleterious effects of removing water from these massive, deep-water basins. This proposal does not meet HR Approval Criteria # 9, “Preserve the form and integrity of historic resources,” nor does it meet Approval Criteria #5, “Historic Materials -- Historic materials will be protected,” because the proposal does not adequately mitigate for the degradation caused to the form and the historic materials by the elimination of water. This proposal does not meet the generally accepted best practice of “protect, maintain and preserve” as outlined by the *Secretary of Interior’s Guidelines For Rehabilitating Historic Buildings* (found in the *Secretary’s Standards for Rehabilitation*). The “protect, maintain and preserve” treatment seeks to limit deterioration, and is cited as an interim step employed between other treatment strategies. The City does not offer a commitment/plan for what happens next at these historic resources, and they should. But, they also don’t commit to keeping water as the interim between disconnection, the future-use public process, and the funding of a future plan.

We request that authorities mandate water at this site, both as a feature central to any future-use, and as an interim step between this disconnection and future-use fruition.

Reversibility

MTNA requests that a premium be placed on the “reversibility” concept inherent in preservation ethics and represented in Portland’s Historic Resources Approval Criteria #9, “Preserve the form and integrity of historic resources -- New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.”

The projects represented in this proposal force upon this community the disconnection of the open reservoirs from our water system. That disconnection is largely unsupported by the community. Separate from this process, the community continues to pursue options that may allow these reservoirs to return as functioning parts of our water system. Their in-town location and extra capacity may indeed prove useful in the event of an emergency, or as climate change impacts our region. The reversibility ethic is especially important in this preservation case. The proposal must endeavor to preserve significant historic features like the patented reinforced concrete, and the intentionally designed deep-water vistas. But it should also respectfully preserve the site's historic functionality. Where possible, destruction should be avoided. Historic structures (such as vaults) and historic features (such as valves, levelers, and weirs) should not be destroyed, damaged or removed unless strictly required by the LT2 regulation. Historic connections, inlets, outlets, and pipes should not be filled with concrete, as has been proposed off and on in the evolution of this LUR.

We request authorities carefully review the details of this proposal to verify best practices regarding the preservation ethic of reversibility.

We request authorities issue to PWB a clear directive regarding preservation of historic objects, and reversibility of measures.

III. Examining alternatives to PWB's proposal

LT2 and its less-destructive compliance options

The Portland Water Bureau (PWB) cites the Long-Term2 Enhanced Surface Water Treatment Rule ("LT2") promulgated in 2006 as the basis for the Mt. Tabor reservoir disconnect project. While this regulation was developed primarily as a *source water* regulation (responsive to the Cryptosporidium outbreak associated with the unprotected source water in Milwaukee, WI) the rule does include provisions related to open reservoirs. The LT2 rule as it stands today does not mandate disconnecting open reservoirs, rather it requires large water providers, those serving over 100,000 customers, to either "further treat or cover" open reservoirs.

In initial draft form (2003), the LT2 rule included less onerous compliance options beyond "treating or covering" open reservoirs, including a risk-reduction or "mitigation" option. The "risk-mitigation" option allowed cities to employ site-specific, measurably-successful modifications, instead of the prescribed treat or cover approaches. The risk-mitigation option was inexplicably eliminated when the LT2 rule was promulgated in 2006. This "risk-mitigation" option could be reinstated when EPA completes their now-underway LT2 revision process (scheduled to be completed Dec 2016). Other cities like New York City and Rochester are actively advocating for just such revisions, as risk-mitigation options would positively impact their ability to keep their own open reservoirs online. (See our discussion of LT2 Deadline Extensions below for more on the positive impact this rule revision could have on Portland's historic resources.)

In March of 2009, the PWB brought an LT2 "reservoir compliance plan" to City Council just days before that plan was required to be filed with EPA. Waiting until the filing deadline to share with City Council and the community their approach to reservoir compliance, significantly constrained the ability of Portland's City Council and community stakeholders to have a say in that compliance plan. This plan also established Portland's compliance *schedule* for LT2 reservoir projects – the deadlines Portland Water Bureau faces today for LT2 are all self-imposed, and written into this plan. The plan submitted by PWB on April 1, 2009, was negotiated between PWB staff and EPA without City Council or community stakeholder participation and it did not reflect community will.

The Water Bureau chose the most invasive and destructive compliance strategy available for these historic resources: to decommission and forcibly disconnect the Tabor reservoirs. The Water Bureau could have chosen

either of two, less destructive, community supported options: 1) to additionally "treat" the Mt. Tabor open reservoirs at the outlets or 2) to install floating covers.

Rochester, NY, is a city with similarly placed, historic reservoirs nestled in urban parks. Their reservoirs face the same "treat or cover" mandate as ours. While their water system differs from our water system, their reservoir situation is remarkably similar. Their initial review of alternatives concluded that options to "further treat" the water as it left their historic reservoirs were problematically large and expensive. However, the years brought new technologies and discoveries that made the option to "further treat" at the outlets both very small (24 inch UV treatment plants) and affordable. We submit into the record a comparison of Rochester's and Portland's approaches to LT2 reservoir mandates, from an article titled "A Tale of Two Cities' LT2 Victories and Missed Opportunities" linked here: <http://www.mtna-landuse.blogspot.com/2012/10/a-tale-of-two-citys-lt2-victories.html> . **We ask that SHPO requests to review PWB's latest study on options to "further treat" at the outlet. If Water Bureau does not have a study, we ask SHPO to contact the Rochester Water Bureau for details on their UV treatment strategy. This less-destructive option is supported by Rochester's citizens, and it would likely benefit our own historic resources better than the current proposal.**

Two summers ago, community stakeholders here in Portland gathered a stunningly broad base of community voices and successfully aligned them all behind a single compliance alternative for the reservoirs. These voices included major public health, environmental, equity, business and neighborhood organizations. These voices all supported a new compliance plan that involved floating covers for our open reservoirs. Installing floating covers on open reservoirs is an accepted compliance technique for the LT2 rule that allows open reservoirs to continue their traditional function in the water system. Floating covers are both the least invasive and the least destructive option available, and they are supported by the community. We submit into the record the signed letter stakeholders provided City Council in August 2012, when we requested City Council substitute floating covers into PWB's reservoir compliance plan (letter linked here: <http://mtna-landuse.blogspot.com/2012/08/letter-wins-sweeping-community-support.html>). That City Council rejected the community supported proposal, saying they didn't believe the community would really prefer floating covers over deconstruction. **We request that SHPO dialogs with Portland's new City Council regarding the previous Council's rejection of this community-preferred strategy. We request that SHPO dialogs with City Council to reopen the floating cover compliance strategy option because it is today's best option for these historic resources.**

LT2 rule revision and local deadline extensions

Thanks to the efforts of New York City's water department, Mayor, New York's Governor and New York's Senator Chuck Schumer, EPA has decided to review LT2 to determine whether it should be "modified, streamlined, expanded, or repealed" to make LT2 "more effective and less burdensome." (President Obama's Executive Order 13563 linked here for the record:

<https://drive.google.com/file/d/0B0FLHRhrA9yaNTdjYTk3NDEtNzgZi00ZiY1LWI2ZjltYzY3ZTIyMDNiNDQz/edit?usp=sharing>).

New York City's elected officials took the above Executive Order as an opportunity to advocate for their historically significant, functional reservoirs. As such, on March 18, 2011, NYC submitted substantive comments and very specific objections to LT2 open reservoir requirements (linked here for the record: https://docs.google.com/file/d/0BzH1qBHNhE0_NTUzDI4ZDMtNGJhYS00ZDA4LWJiYjctYmZmYWFlMjRmMmNi/e_dit?hl=en). Portland's Water Bureau and the City's lobbying team failed to submit any comments advocating for our historic reservoirs, despite having recently collected significant scientific sampling data at the outlets of Portland's open reservoirs. That data should have been widely shared, as it clearly supports modification of the EPA LT2 reservoir requirements. (This data was collected as a part of PWB's participation in the American Water Works Association Research Foundation's #3021 Cryptosporidium Study. With this study, PWB sampled 7000 liters at the outlet of Portland's open reservoirs in 2008-09. Results detected zero Cryptosporidium.)

In addition to actively participating in regulatory reform opportunities like the one mentioned above, other municipalities have diligently advocated for their reservoirs at other levels. NYC and Rochester both submitted highly substantive, data-supported appeals to their local primacy agencies and as such each city secured significant timeline extensions in their reservoir compliance plans. These extensions were carefully designed to allow these cities and their historic reservoirs to benefit from pending regulatory reforms. NYC's newest timeline delays the start of reservoir projects until one month after LT2 revisions will be published. It is clear that NYC openly negotiated their compliance timeline in relation to the regulatory reform schedule. In one document NYC officials state, "US DOJ and the City have agreed to defer negotiations over revised dates until US EPA completes its review." (linked for the record, "The New York City Municipal Water Finance Authority, Fiscal Year 2013 Consulting Engineer's Report" here:

<https://drive.google.com/file/d/0BwjTV06zgXKYaVVIZTFpM0dEems/edit?usp=sharing>)

Portland has twice approached our agency of primacy -- the Oregon Health Authority (OHA) -- seeking to slow the LT2 construction timeline PWB set in motion in 2009. Internal communications between OHA reviewers regarding these extension requests, reveal opportunities for better documentation and a more favorable response. First, the PWB could provide more of the supporting data they possess -- this would positively impact the reception among reviewers. As one OHA reviewer states: "the City of Portland supplied very limited information supporting their request...The city of Rochester provided extensive documentation supporting their request." Second, there is no limit to the number of times the City can ask for a timeline extension. And third, as is revealed in one email exchange, there is no limit as to *who* can ask for this extension on behalf of these historic structures. **We request SHPO to intervene on behalf of these historic structures and inquire both with the Governor and with OHA as to what it would take to secure an LT2 compliance timeline that delays the start of reservoir project construction until January 1, 2017.** This would allow our historic resources to take advantage of regulatory revisions that happen in 2016. Those revisions could have a major impact on the future of these historic reservoirs, essentially, allowing them to have a future.

IV. Conclusion

We recognize we are asking a lot of SHPO, in our requests for SHPO to intervene on behalf of these historic resources. But we ask SHPO to provide one more set of eyes, to ensure government provides the best possible treatment of these historic resources.

As SHPO seeks more information and better documentation regarding this proposal, PWB may cite the Dec 2015 disconnect deadline they set with EPA. It is important to remember that delays due to complex City processes were anticipated and introduced in the LT2 compliance plan filed by PWB and approved by EPA. The documentation level should be good for the historic resources, and the timeline can flex to accommodate it. PWB has been slow to begin the land use process on this project, which seems to reflect a lack of understanding of the significance of these historic resources and the processes they are due. City bureaus shouldn't be allowed to short-circuit respected State-level processes because of an emergency of the City's own making.

Note that the Powell Butte II Reservoir was months late according to the approved LT2 timeline on file with EPA/OHA. The agencies charged with deadline enforcement did not fine Portland for this delay in schedule; in fact, they didn't begin the complex warning process that must happen before fines can be levied.

V. Useful Links

Please submit into official record all documents mentioned in our comments. Please also enter into official record documents listed here:

- National Registry of Historic Places listing for Mt. Tabor Park Reservoirs Historic District, a courtesy copy available here: <https://drive.google.com/file/d/0BwjTV06zgXKYbklIUUVkbnRZRWM/edit?usp=sharing>
- National Registry of Historic Places listing for Mt. Tabor Park Historic Landmark, a courtesy copy available here: <https://drive.google.com/file/d/0BwjTV06zgXKYOGd2S1k4eFUzR1k/edit?usp=sharing>
- The *Secretary of the Interior Standards for Rehabilitation; Guidelines for Rehabilitating Historic Buildings*
- The *Secretary of the Interior Standards for Rehabilitation; Guidelines for the Treatment of Cultural Landscapes*
- Mt. Tabor Reservoirs Historic Structures Report 2009 and all appendices, written by Robert Dortignacq, courtesy copy (lacking the submitted appendices) available here: <https://drive.google.com/file/d/0BwjTV06zgXKYM0Zjc2hzb05hVmM/edit?usp=sharing>
- All relevant City Scenic Resources Protection Plans, including the 1988 “Scenic Views, Sites and Drives Inventory”. A courtesy copy of the 1988 Inventory is available here: <https://drive.google.com/file/d/0BwjTV06zgXKYUJaa3pwMGdsdGM/edit?usp=sharing>
- Friends of the Reservoirs “2004 Reservoir Panel Book” and all appendices (available from FOR, \$60 per book, call Floy Jones at 503-238-4649, allow reproduction time)
- The entire original park plan, and subsequent Mt. Tabor Park Master Plans. One page of the original park plan available here: <https://drive.google.com/file/d/0BwjTV06zgXKYUXVXOEZVc2FZd2c/edit?usp=sharing>
- The narrative from the first submission of the Tabor Disconnect LUR (filed Jan 2014, withdrawn Feb 2014): <https://drive.google.com/file/d/0BwjTV06zgXKYUlg0LXBqQ1JQMUK/edit?usp=sharing>
- MTNA’s tree count from the first LUR: <https://docs.google.com/file/d/0BwjTV06zgXKYRGI4aFdDYUN5YU0/edit>
- MTNA complaint regarding the initially very limited, 13-day public comment period for the Jan 2014, LUR and our appeal for a public comment period extension. View it here: <https://drive.google.com/file/d/0BwjTV06zgXKYbjRUNEh0b3UwSWM/edit?usp=sharing>
- MTNA complaint regarding Type II classification of the Jan 2014, LUR and our appeal for reclassification to Type III. View it here: <https://drive.google.com/file/d/0BwjTV06zgXKYeDg4MjdqRjhsc2s/edit?usp=sharing>
- City of Portland Public Involvement Principles: <https://www.portlandoregon.gov/oni/61272>
- The *Community Stakeholders’ Requests* as articulated by the Community Advisory Committee, used in negotiations with PWB between April and June 2014. This list captured community concerns so they could be negotiated with PWB regarding improvements to the construction plan revealed in the first LUR. This doc was updated with progress notes for each point. This document reflects the work community members poured into this process, and explains many of the differences between the Jan 2014, LUR and the Sept 2014, LUR. View it here: <https://drive.google.com/file/d/0BwjTV06zgXKYc09yeDMzeF9sd0U/view?usp=sharing>

Draft Policies of the SE Uplift Neighborhood Coalition
Board Member Communications – When Speaking as/for the Board

Adopted by the SE Uplift Board on

Overview: This policy has been created to support an effective, responsive and transparent communication process. Communications issued by SE Uplift - regardless of who is the signatory of such communication - represent the SE Uplift Board as a whole in terms of policy and character, so it is important that reasonable protocols be followed.

1. The official spokespersons for the board are the Executive Director (ED), the Board President and any board member or staff person delegated by the board or ED to speak on a particular issue/subject area.
2. The ED, the Board President and/or any designated board member or staff person who represents SE Uplift in any communications with the public and/or media will ensure all communications from SE Uplift represent actions/policy directions or advocacy positions taken by the board and documented by the board minutes.
3. When Board Members, Staff and/or the ED exercise their first amendment free speech rights and speak on issues as individuals, they will make it clear that is what they are doing, and that they do not speak for SE Uplift at that time.
4. When the board assigns the Ed, a board member, or a staff person to handle written communications for a specific issue, that individual will submit draft letters/press releases/memos to the ED and the Executive Committee for approval before they are sent out – unless time constraints make that unreasonable, in which case the ED and/or the President/Vice President will authorize distribution – if the author of the communication is the ED, President or Vice President they will get authorization from at least one other on this list.
5. All final authorized communications shall be sent out from SE Uplift. Copies of all official board correspondence shall be maintained by SE Uplift and are available for public inspection at any time.
6. This policy should be reviewed by the Board for relevance and content and amended, as necessary at least every two years.
7. First violation of this policy will result in a warning and review of the rules with the individual. Second violation is grounds for removal from the board or termination of employment for a staff person.