Meeting Objectives

Objectives

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

Goal: Execute the MOU this fall and attach to Final EIS
  • MOU is a non-binding agreement

Purpose:
  • MOU signals support and areas of agreement to the Legislature
  • MOU can help move forward toward estuary restoration, for shared benefit
  • MOU is a bridging document to a future ILA
Primary Content in Draft MOU

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

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

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

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

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

- **Agreement Term & Signatories**
  - Does the renewal duration need to be defined?
  - Reminder to coordinate internally on who will sign the MOU.
Next Steps

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

❖ To virtually “raise your hand”

❖ Comments on agenda items may also be emailed: info@CapitolLakeDeschutesEstuaryEIS.org
Thank you!