Exhibit A.10

PORTLAND WATER BUREAU
FROM FOREST TO FAUCET

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RE: Cottrell Pond SEC Review (Case # T2-2025-0067) – Response to public comments

Ms. Shank-Root,

Please find below the applicant's responses to the indicated public comments. Please do not hesitate to let us know if any additional information would be helpful as you consider the application.

CPO Comments

1. *This application only provides preliminary renderings of potential restoration work. There are no final plans provided in this application.*
2. *[The application] fails to provide detail on:*
    - *impacts to existing vegetation and wildlife as it relates to Johnson Creek and its riparian area. In the case that there are threatened or endangered plant, amphibian, mussel, and fish species, how will the applicant salvage these species. Additionally, what are the in water work windows?*
    - *a plan to replace existing trees if they are removed since the the purpose of this work is to restore Johnson Creek to decrease temperatures. The applicant simply and vaguely describes the application of native seeds. No detail is provided on where and what kind of seed.*
    - *there is no description of benefit following restoration. How does this compare to previous conditions?*
    - *a key or legend for the renderings. It is difficult to tell what exactly will be completed*
    - *work times and any lighting that will be needed for the project*.

Response: The County deemed the Cottrell Pond Site Restoration SEC application complete on January 8, 2026. In doing so, the County "confirms that [they] received the materials required to process [this] land use application." These materials include all the applicable application submittal requirements listed under MCC 39.5590(B), as described on pages 6 and 7 of the application.

The plans provided are not "preliminary renderings of potential restoration work"; far from it, they are detailed plans showing stream restoration, amphibian ponds, log placement spacing, and other habitat enhancement features, with proposed topographic grading at one foot contour intervals.

Existing vegetation and wildlife are documented at length in the application (Appendix B). Surveys were done for rare, threatened, or endangered plants during the course of the site assessment and none were found. The application demonstrates how the proposed project will restore the SEC riparian area from the existing degraded corridor condition to a good corridor condition. Limited tree removal will be necessary, but the extensive native plantings proposed by this restoration project will replace tree removals at a 48:1 ratio. Staff biologists will conduct fish and amphibian salvage prior to construction, using salvage best practices that will also be reviewed, approved, and authorized under ODFW permits. The jurisdictional in-water work window for Johnson Creek is July 15-August 31. Implementation of this restoration project, including schedule constraints, is described in the Cottrell Pond SEC Type II Review Narrative, page 12.

The 23-page *Riparian Area Inventory, Assessment and Restoration Plan* provided in Appendix B of the application describes proposed tree, shrub, and herbaceous plantings in detail. Indeed, this document does much more than "simply and vaguely describe the application of native seeds." For example, as discussed in Appendix B, three riparian ponds will be established within a riparian bench adjacent to mainstem Johnson Creek to provide breeding habitat for native amphibian species such as the red-legged frog (Rana aurora) while discouraging invasive bullfrogs. Native vegetation will be planted to provide riparian shade and habitat connectivity, stabilize exposed soil, and discourage reed-canary grass throughout the project disturbance limits. Upland plantings will enhance native oak savannah and upland meadow habitat.

Regarding native plantings, the project proposes dense native tree, shrub, and herbaceous plantings – nearly 1,000 trees, over 6,000 native shrubs, and 6,000 emergent plants in total – that will help shade and reduce stream temperatures. As documented in the application, by far the biggest factor in stream temperature reduction is the removal of the existing 1.05 acre, shallow, largely unshaded pond, which increases water temperature by up to 8 degrees Celsius.

This application and its supporting appendices describe in detail the "benefit following restoration [and how] this compares to previous conditions." The proposed project has multiple environmental benefits, one of which is to restore the riparian area from the existing Degraded Corridor condition to a Good Corridor condition, as defined by MCC 39.5590(D)(1). The key benefits of this project are highlighted in the letter of support from the Johnson Creek Watershed Council (Appendix A), which considers this a "high-priority project."
The site plans provided in the application, including those in Appendices B and G, all contain keys or legends. These plans are available in digital and printed format from the County.

Details related to construction hours are not relevant to any approval criteria for this SEC review, but the applicant notes that the construction hours are anticipated to be weekdays between 7 AM and 6 PM. No outdoor lighting will be incorporated into the proposed project, as stated in the Cottrell Pond SEC Type II Review Narrative, page 12.

In sum, the County has verified that the application is complete and meets all submittal requirements. The application provides detailed plans and extensive documentation that address all concerns raised by the Cottrell CPO.

Kristy McKenzie
Tamara Wensenk
Ron Roberts

1. The application fails to meet SEC-wr approval criteria under MCC 39.5590

The proposal does not comply with MCC 39.5590, which requires that development within a Significant Water Resources overlay avoid degradation of water resources and demonstrate that impacts are minimized and necessary. The removal of an existing, functioning pond that provides flood storage, sediment retention, and ecological value constitutes a net degradation of the water resource.

The applicant characterizes the proposal as "restoration," yet the need for pond removal arises solely from hydrologic impacts created by Portland Water Bureau's upstream construction activities. This pond was not included in the originally approved project scope, and its removal is being proposed only after PWB altered site hydrology to the extent that overtopping now poses a risk. MCC 39.5590 does not allow destruction of an existing water resource to compensate for impacts created by the applicant's own project.

Further, reliance on downstream mitigation does not satisfy MCC 39.5590 where upstream impacts remain unaddressed. Mitigation proposed elsewhere in the system does not replace the lost function of an existing pond at this location and does not avoid or minimize impacts as required by code.

Response: The application complies with MC 39.5590, as described in detail in the Cottrell Pond SEC Type II Review Narrative (Pages 6-16). The purpose of the proposed project is to restore water quality in upper Johnson Creek and to restore fish passage. As described in the Review Narrative, the existing artificial, in-line pond increases water temperature in the stream by up to 8 degrees Celsius. As a direct result of the existing pond, Johnson Creek downstream of the existing pond fails to comply with DEQ water temperature criteria within ½ mile of its headwaters. This project aims to improve that temperature loading in Johnson Creek by removing the man-made dam that created the existing pond, which dam also inhibits upstream passage of aquatic species.

The existing pond does not provide meaningful flood storage, as detailed in the BES Hydraulic Analysis Memo (submitted as an attachment on the County Permit Portal). Because the reservoir is overwhelmed well before peak inflow, the pond provides no attenuation of the base flood. That is, a full reservoir during peak flow conditions offers the same flood storage as no reservoir. Accordingly, the flood carrying capacity for the subject portion of the watercourse will be maintained with this project.

Removal of the dam and associated impoundment, as proposed in this application, will restore natural sediment transport. Channel-spanning dams inhibit sediment movement by trapping material upstream, and while commenters characterize this sediment storage as a benefit, it is widely recognized as detrimental to channel stability. Streams function as conveyor systems for sediment, and when sediment supply is artificially restricted, downstream reaches experience channel degradation, including downcutting and incision, which can result in perched culverts and exposed utilities that were once buried below the channel bed. This project is located near the headwaters of Johnson Creek in a reach that is sufficiently steep to function as a sediment transport reach rather than a depositional

environment such as a floodplain or low-gradient wetland. The health of the Johnson Creek riparian system depends on continued sediment delivery to downstream low-gradient areas, and the existing dam and pond interrupt, rather than support, this essential stream function. The proposed project will restore natural form and function to the stream and riparian system on the property.

Rather than removing "*ecological value*" or causing "*net degradation of the water resource,*" restoration planned on this site will dramatically improve the primary functions of the site for native aquatic wildlife and restore functions that were lost after the construction of the dam. For example, as discussed in Appendix B, three riparian ponds will be established within a riparian bench adjacent to mainstem Johnson Creek to provide breeding habitat for native amphibian species such as the red-legged frog (*Rana aurora*) while discouraging invasive bullfrogs which are known predators of the red-legged frog. ODFW fish distribution data verify that resident cutthroat trout are present in Johnson Creek up to the very base of the subject dam. This project will restore fish passage into the headwaters of Johnson Creek through the property.

The second and third paragraphs in the above comments reference a set of separate, approved Portland Water Bureau land use permits for the Bull Run Filtration Facility (BRFF), which are not relevant to the approval criteria for this SEC review. Arguments concerning the impacts of the BRFF were fully considered and resolved by the County during that project's own land use permitting process and are not subject to reconsideration in this proceeding. The Cottrell Pond Site Restoration work proposed by this application can be performed without the BRFF project.

2. The proposal fails to comply with MCC 39.6235 (Stormwater Drainage Control)

Approval of this permit would also violate MCC 39.6235, which requires that development manage stormwater in a manner that prevents increased runoff, erosion, flooding, or adverse impacts to downstream properties and water resources.

Portland Water Bureau previously represented, in permits that are currently contested, that the project would not discharge water into Johnson Creek and would not create additional groundwater beyond pre-construction conditions. Those representations are contradicted by existing conditions on the ground. The project has created tens of acres of impervious and compacted surface—including lined ponds, gravel roads, parking areas, staging zones, trailers, and offices—making increased runoff unavoidable.

Recent rain events demonstrate that stormwater volumes now exceed the capacity of existing features, prompting this application to remove the pond to manage flood risk to Cottrell Road. This is clear evidence that stormwater has not been adequately controlled as required by MCC 39.6235. Removing the pond does not correct the underlying stormwater failure; it merely transfers risk downstream and further degrades Johnson Creek.

Response: The proposed restoration project does not create or replace impervious surfaces; therefore, MCC 39.6235 does not apply to this proposal (see MCC 39.6235(A)). Additionally, prevention of erosion and flood impacts is addressed under separate project permits, including the ESC and Flood Development permits.

As explained above, arguments concerning the impacts of the BRFF (including the potential for stormwater runoff, erosion, or flooding) were fully considered and resolved by the County during that project's own land use permitting process.

3. Improper segmentation and retroactive justification of impacts

This permit represents improper segmentation of environmental review. The impacts necessitating pond removal are the direct result of upstream project components that were previously approved based on inaccurate or unrealistic assumptions about hydrology. MCC Chapter 39 does not permit applicants to retroactively modify water resources to accommodate impacts that should have been avoided through proper project design and stormwater management from the outset.

Response: As explained above, arguments concerning the impacts of the BRFF were fully considered and resolved by the County during that project's own land use permitting process. Conditions at the Filtration Facility site have been or are being addressed through separate construction or land use permitting processes and are not relevant to this project or the applicable approval criteria in this proceeding.

4. Request for denial or pause pending oversight and appeals

Because the proposal fails to meet the approval criteria of MCC 39.5590 and MCC 39.6235, the County must deny this application. At a minimum, the County should suspend approval and halt all related activity until independent oversight is established and all appeals related to the broader project and its permits are fully resolved.

Failure to deny or pause this permit would result in continued degradation of a Significant Water Resource and would undermine the purpose and enforceability of the County's water resource and stormwater protections.

Response: As documented at length in the SEC application and in these responses to public comment, the proposal meets the applicable approval criteria of MCC 39.5590. The standards of MCC 39.6235 do not apply to this proposal, as explained above. Neither set of code standards provides grounds for denial or pause of this application.

Tamara Wensenk

I respectfully urge the County to deny this permit or suspend any approval until proper oversight and full environmental accountability are established. The treatment of Johnson Creek throughout this project reflects a profound disregard foran existing natural resource that provides measurable environmental benefits, including flood attenuation, water quality protection, and habitat value.

Cottrell Pond was not proposed for removal in the original project approvals. Its inclusion now is a reaction to hydrologic problems created by Portland Water Bureau's construction activities, not a bona fide restoration effort. The increased flood risk exists because PWB fundamentally altered site conditions while maintaining that no additional water would be generated or discharged into Johnson Creek.

That claim is indefensible given the scale of impervious surface created during construction. Lined ponds, roads, parking areas, and facilities have replaced permeable land, accelerating runoff and delivery of water to the creek. The resulting impacts cannot be erased by relabeling destruction as restoration.

The County has a responsibility under the Significant Water Resources overlay to prevent further degradation of Johnson Creek. At a minimum, all work associated with this permit should be paused until independent oversight is in place and all appeals related to the project and its permits have been fully exhausted.

Response: As explained above, arguments concerning the impacts of the BRFF (perceived "hydrologic problems" or "increased flood risk") were fully considered and resolved by the County during that project's own land use permitting process and are not subject to reconsideration in this proceeding. Conditions at the Filtration Facility site have been or are being addressed through separate construction or land use permitting processes and are not relevant to this project or the applicable approval criteria in this proceeding.

This application is a separate permitting process intended to restore water quality in upper Johnson Creek and to restore fish passage. As described above and in the SEC Type II Review Narrative, the pond increases water temperature in Johnson Creek by up to 8 degrees Celsius through dramatically increased residence time and unshaded water surface. The impounding dam is also a barrier to upstream fish passage, blocking resident cutthroat trout. For these reasons, removal of the pond has been a priority of the Johnson Creek Watershed Council (see JCWC Letter of Support, Appendix A).

The proposed restoration of the Cottrell Pond site is consistent with the County's SEC water resources overlay and will improve Johnson Creek from its current Degraded Corridor condition to a Good Corridor condition as defined by MCC 39.5590(D)(1) and as described in the SEC Type II Review Narrative and *Riparian Area Inventory, Assessment and Restoration Plan* (Appendix B).

Ron & Mary Roberts

I submit this comment in strong opposition to approval of the above-referenced permit application. The proposal to remove an existing in-line pond and dam within Johnson Creek represents a significant change in scope that was not included in Portland Water Bureau's originally approved project, and it is being advanced only in response to impacts created by that project.

Mitigation proposed downstream does not absolve Portland Water Bureau (PWB) of the damage it is causing upstream. Cottrell Pond currently provides flood storage, sediment capture, and ecological function within a system that is already impaired. Its removal would worsen hydrologic instability and water quality impacts in Johnson Creek rather than restore them.

Recent rain events demonstrate that the underlying motivation for this permit is to prevent pond overtopping and potential flooding of Cottrell Road due to the large volumes of water now being discharged into Johnson Creek as a result of PWB's construction activities. This directly contradicts representations made in PWB's originally approved—and currently contested—permits, in which PWB

stated it would discharge no water into Johnson Creek and would not create additional groundwater beyond pre-construction conditions.

Those representations are impossible to reconcile with reality. PWB has created over 40 acres—and likely closer to 80acres—of impervious surface through lined ponds, compacted gravel roads, parking areas, staging yards, trailers, and offices. Increased runoff and altered hydrology are inevitable consequences of this level of disturbance.

The County should not approve a permit that attempts to retroactively justify environmental harm created by unrealistic assumptions or permit violations. At a minimum, approval should be withheld and all related work paused until independent oversight is established and all pending appeals are resolved.

Response: As explained above, arguments concerning the impacts of the BRFF were fully considered and resolved by the County during that project's own land use permitting process and are not subject to reconsideration in this proceeding. Conditions at the Filtration Facility site have been or are being addressed through separate construction or land use permitting processes and are not relevant to this project or the applicable approval criteria in this proceeding.

The "underlying motivation" for the proposed project, however, is not "to prevent pond overtopping and potential flooding of Cottrell Road," as suggested. The purpose of the proposed project is to decrease water temperature in Johnson Creek by up to 8 degrees Celsius and to remove a barrier to fish passage. Johnson Creek, as pointed out, is impaired. Major impairments include seasonally warm water temperatures far above DEQ's water temperature criteria (TMDLs for the Willamette Subbasins—Temperature), barriers to fish passage (ODFW Fish Habitat Distribution and Barrier Database), and sediment transport. The proposed project addresses each of these impairments and will not further degrade the stream.

As was further explained above, the existing pond does not provide meaningful flood storage and removal of the dam will restore natural sediment transport stream function. Rather than degrading water quality or hydrologic stability, the project will re-establish natural stream and riparian processes that have been disrupted by the existing impoundment and will restore natural form and function to this reach of Johnson Creek.

In addition to the restoration of natural ecological characteristics and form and function, such as water temperature and aquatic organism passage, the proposed project will also address major infestations at the site of invasive species (American bullfrogs and reed-canary grass) while preserving breeding habitat for native amphibians and returning both the riparian zone and adjacent upland areas to largely native plant communities.

Thank you for providing an opportunity to respond to these comments. Please note that the project's Restoration Team helped prepare the response to these comments. The team members include Roslyn Gray, P.E., Burke A. Strobel, and Angie Kimpo, who are authors of supporting documents in the application and whose resumes are provided as attachments on the County Portal.

Sincerely,

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