



Brownsville Canal Company, Inc.

Past & Present

The Brownsville Woolen Mills factory, circa 1863



Brownsville Canal Company, Inc.

Filed Articles of Incorporation – April 15th, 1965

Purpose:

1. Water and canal privileges include flood control, irrigation, and livestock.
2. Purchase real estate.
3. Borrow money and other indebtedness instruments and enter into agreements & contracts.
4. Canal services and water shall be provided at associated costs on a non-profit basis.

*The Canal Company has revised their bylaws in 1975, 1988 & 1991,
but no revisions changed the purpose of the Company.*

Brownsville Canal Company, Inc.



Flood Control & Irrigation



Vector Control



Livestock Watering

Brownsville Canal Company, Inc.

Practice:

- ★ Members assisted each other controlling irrigation and water use for livestock.
- ★ Members used to dam the Calapooia River annually.
- ★ Members share duties and, in some cases, money was collected to make improvements and repairs.



Brownsville Canal Company, Inc.

Recent History (2004-2008):

1. Members disagreed over the removal of the dam proposed by the Calapooia Watershed Council.
2. The Calapooia Watershed Council forged ahead with multiple State & Federal agencies to remove the dam and install pumps to force water into the canal.
3. The City of Brownsville secured an easement from John Holbrook and passed two Resolutions, 605 & 611, regarding the disposition of the canal; entered into agreement with Pacific Power.
4. Members grew concerned about personal liability by being a member or owning land adjacent to the canal.
5. Membership no longer cooperates with each other which has led to divisions that are unresolved to date.



Brownsville Canal Company, Inc.

Recent History (2008-Present):

1. The City of Brownsville has had Staff keep the canal operational over the last seventeen years at the City's expense.
2. Officers worked with a several attorneys to redefine membership.
3. Officers purchased liability insurance for membership and did their best to answer liability questions & concerns.
4. Officers made repairs to the canal at their own expense both monetarily and in sweat equity.



Brownsville Canal Company, Inc.

Recent History (2008-Present):

5. Officers determined the Company owns a forty-foot (40') strip of land from the Calapooia River to the Eagle Woolen Mill site on Millhouse Street.
6. The canal has rarely been cleaned or re-established for years.
7. Officers have considered standards for culverts and crossings of the canal, but nothing has been implemented.
8. Officers & members temporarily entertained dissolution of the Company.



Brownsville Canal Company, Inc.

Future



The City & the Company

Options:

1. Do nothing.
2. Propose an ORS Drainage Taxing District.
3. Create a partnership agreement with the Company. The City would act as fiduciary agent, continue operations, and begin re-establishing the canal through third-party contractual arrangements made by the Company as funding allows.
4. Create a partnership agreement with the Company. Create a city-wide stormwater utility encompassing all property owners of Brownsville. Establish a division that pertains to the agreement with the Company.
5. Other Variations.



The City & the Company

Obstacles & Challenges:

1. Lack of General Public Knowledge & Purpose.
2. Lack of Cooperation.
3. Strong Personalities.
4. Personal Histories.
5. Historical Differences.
6. Financial Concerns.
7. Ownership Disputes.
8. Lack of Leadership.
9. Political Will.
10. TMDL & State Agencies.



The City & the Company

Benefits:

1. City taxpayers are not footing the entire bill for the Company.
2. The people benefitting are the people paying for the service.
3. Maintenance is easier to contract.
4. Operational funds pay for insurance & future maintenance.
5. Standards are established for culverts & crossings.
6. A long-standing source of contention is resolved.
7. Water will be drained properly and more efficiently.
8. Clear lines of responsibilities are established.





Brownsville Canal Company, Inc.

Proposed Numbers

Brownsville Canal Company, Inc.

Benefitting Brownsville Properties

of Properties | \$ per Year | *Subtotal*

230	\$50	\$11,500
230	\$60	\$13,800
230	\$70	\$16,100
230	\$80	\$18,400

Brownsville Canal Company, Inc.

Water Right Properties

of Water Rights | \$ per Year | *Subtotal*

13	\$200	\$2,600
13	\$250	\$3,250
13	\$300	\$3,900
13	\$350	\$4,550

Brownsville Canal Company, Inc.

Annual Revenue Yield Range

Total

<i>City</i>	230	<i>Rights</i>
\$50	\$14,100	\$200
\$60	\$17,050	\$250
\$70	\$20,000	\$300
\$80	\$22,950	\$350

Brownsville Canal Company, Inc.



The Canal Company determines how the money will be distributed between the three funding categories, Annual Operating Expenses, Immediate Repairs, and Future Improvements.



Brownsville Canal Company, Inc.

1

Annual Operating Expenses:

Insurance - \$850/year

Electricity - \$2,500/year.

2

Immediate Repairs:

Leaks, breaches,
problem trees,
keeping the ditch
free & clear.

3

Future Improvements:

Savings toward major
improvements like
surveying the ditch,
preparing for a major
cleaning. Saving for
future pump
replacement costs.



Brownsville Canal Company, Inc.



	2020	2021	2022	2023	2024
	\$26.70	\$26.79	\$26.75	\$26.40	\$26.29
	\$26.79	\$26.79	\$26.43	\$26.29	\$26.29
	\$26.79	\$26.79	\$26.43	\$26.29	\$26.29
	\$26.79	\$26.79	\$26.43	\$26.29	\$26.29
	\$26.79	\$26.79	\$26.43	\$26.29	\$26.29
	\$26.79	\$26.79	\$26.53	\$689.58	\$26.29
	\$537.55	\$493.03	\$436.14	\$944.25	\$650.58
	\$1,042.36	\$842.45	\$939.20	\$920.39	\$1,459.72
	\$663.73	\$355.77	\$891.70	\$100.19	\$1,035.10
	\$143.45	\$246.40	\$776.53	\$26.29	\$154.76
	\$26.79	\$26.82	\$313.95	\$26.29	\$26.29
	\$26.79	\$26.82	\$26.43	\$26.29	\$26.29
	\$2,601.32	\$2,152.03	\$3,542.95	\$2,864.84	\$3,510.48



Brownsville Canal Company, Inc.



	2019	2018	2017	2016
	\$26.68	\$26.68	\$34.09	\$43.06
	\$26.68	\$26.68	\$34.09	\$43.06
	\$417.92	\$26.68	\$34.09	\$43.06
	\$848.05	\$242.08	\$803.75	\$627.50
	\$1,035.71	\$923.22	\$970.48	\$1,288.77
	\$256.61	\$699.83	\$518.56	\$1,372.99
	\$26.68	\$171.52	\$174.24	\$26.68
	\$26.68	\$34.09	\$43.17	\$26.68
	\$26.68	\$34.09	\$43.17	\$26.68
	\$26.68	\$34.09	\$43.06	\$26.68
	\$26.68	\$34.09	\$43.06	\$26.68
	\$26.68	\$34.09	\$43.17	\$26.68
	\$2,771.73	\$2,287.14	\$2,784.93	\$3,578.52



Brownsville Canal Company, Inc.



	2015	2014	2013	2012
	\$26.68	\$42.89	\$41.91	\$43.47
	\$26.68	\$42.89	\$576.21	\$85.76
	\$26.68	\$63.13	\$994.72	\$1,209.98
	\$250.09	\$649.30	\$593.35	\$1,118.77
	\$712.45	\$931.10	\$1,185.55	\$1,134.69
	\$539.95	\$852.27	\$799.31	\$40.52
	\$42.75	\$40.42	\$41.77	\$41.58
	\$42.75	\$40.42	\$41.77	\$41.48
	\$42.75	\$40.42	\$41.77	\$41.58
	\$42.87	\$40.42	\$41.77	\$41.48
	\$42.89	\$40.42	\$41.77	\$41.48
	\$42.89	\$41.59	\$43.13	\$41.55
	\$1,839.43	\$2,825.27	\$4,443.03	\$3,882.34



Brownsville Canal Company, Inc.



	2011	2010	2009	2008
	\$41.54	\$34.48	\$32.22	\$43.33
	\$211.42	\$430.88	\$32.97	
	\$839.87	\$697.23	\$545.70	
	\$819.43	\$665.77	\$593.26	
	\$1,018.31	\$823.63	\$788.73	
	\$502.95	\$516.11	\$634.86	
	\$57.37	\$484.59	\$24.82	
	\$36.77	\$34.98	\$29.36	
	\$36.77	\$34.97	\$29.36	
	\$36.77	\$34.97	\$29.36	
	\$36.77	\$32.34	\$29.36	
	\$34.76	\$32.15	\$29.36	
	\$3,672.73	\$3,822.10	\$2,799.36	\$43.33





City Concerns

Brownsville Canal Company, Inc.

Why is the City getting involved?



Over 200 residents benefit from the proper maintenance of this drainage canal. All Brownsville taxpayers have been paying for the costs since 2008. The City has an aesthetic water right.

New Requirements

No longer voluntary

Required:

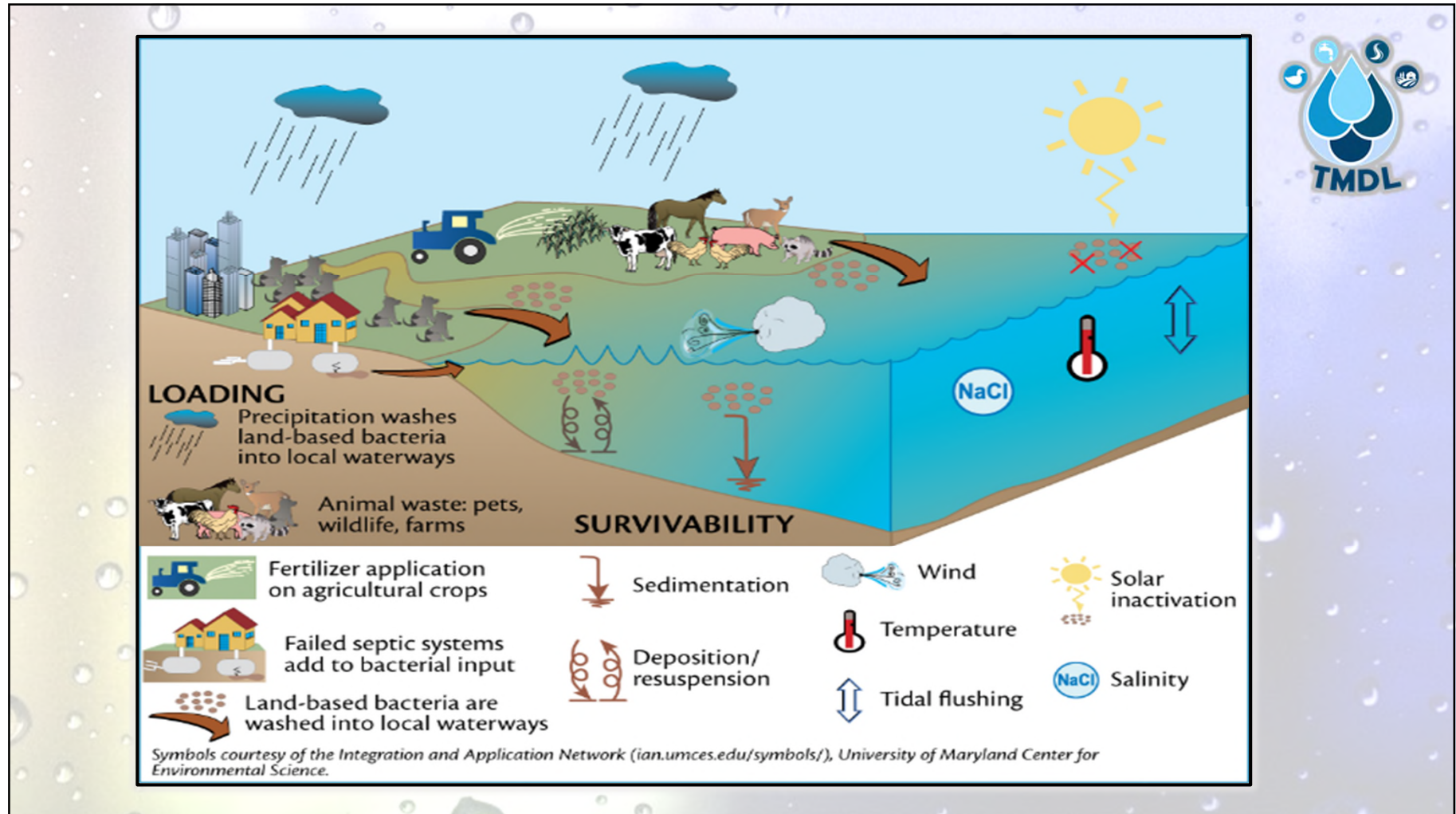
ORS

OAC

Total Maximum Daily Loads

Federal Code







TMDLs – Total Maximum Daily Loads



- TMDLs calculate how much pollution can be in a stream while maintaining all beneficial uses.
- Amounts divided up among Designated Management Agencies (DMAs).
- DMAs represent all sectors urban, forestry, agriculture, irrigation districts.

Non-profit Groups +



Designated Management Agency (DMA)

FINAL U.S. EPA RULING



Oregon

Kate Brown, Governor

Department of Environmental Quality
Agency Headquarters
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5696
FAX (503) 229-6124
TTY 711

Certified Mail 7017 0530 0000 7760 7367

March 3, 2021

Brownsville City Council
255 N Main St.
Brownsville, OR. 97327

Re: EPA takes final action on *Revised Willamette Basin Mercury Total Maximum Daily Load*

Dear City Council Members:

RECEIVED
City of Brownsville
MAR 9 2021
Clerk *J. Hill*



Designated Management Agency (DMA)

FINAL U.S. EPA RULING



The EPA's TMDL says that the required reasonable assurance of implementation for the TMDL relies on DEQ's Water Quality Management Plan. The WQMP was issued on Nov. 22, 2019 as part of the DEQ *Final Revised Willamette Basin Mercury Total Maximum Daily Load*. You received this letter because DEQ listed the City of Brownsville as a Designated Management Agency in the WQMP. Therefore, the City of Brownsville is responsible for implementing strategies to reduce mercury according to requirements identified in the WQMP that are specific to the City of Brownsville.

Designated Management Agency (DMA)

As a DMA, the City of Brownsville is required under OAR 340-42-080 to prepare a TMDL implementation plan to incorporate implementation requirements in the WQMP based on several criteria. TMDL implementation plans must be submitted to DEQ for review and approval by **September 3, 2022**, which is 18 months from the date of this letter. Should the City of Brownsville fail to submit the plan by this date, this matter may be referred to the Department's Office of Compliance and Enforcement for formal enforcement action, including the assessment of civil penalties and/or a Department Order. Please note that civil penalties can be assessed for each day of violation.



Designated Management Agency (DMA)



4.3. Limitations to TMDL Implementation

The City of Brownsville recognizes and understands the programmatic efforts being made to reduce overall pollutant loading by the Environmental Protection Agency (EPA) through the DEQ under the Clean Water Act. The City is interested in promoting these programmatic efforts as local funding allows. Public education is a major component of the City's TMDL Plan. The other major components of the plan include implementation of best management practices (BMPs) and stormwater management concerns.



WMCP



The City of Brownsville completed a Drainage Master Plan in 1996 in response to the flood of 1996. The outcome of the report was that the City did not have an adequate drainage system (as previously discussed in Section 3.3.3. stormwater is primarily conveyed to waterbodies via open drainage ditches). The Drainage Master Plan also provided an estimated cost of over \$3 million to implement a skeletal stormwater system, with design based off the Rational Method for a 5-year storm event. The City has not yet created a stormwater utility due to the major needs the City has for existing water and sanitary systems improvements.



Oregon Department of Environmental Quality

Willamette Basin Toxics Monitoring Summary

Sample Collection:

- **Water samples:** 180 samples, 31 locations
- **Sediment samples:** 22 samples, 22 locations
- **Tissue samples:** 36 samples, 24 locations
- **Chemical groups included:**
 - Current-use pesticides, consumer use products, combustion by-products, dioxins and furans, flame-retardants, industrial chemicals, legacy pesticides, PCBs, and metals



Key Findings:

- DEQ did not find evidence of toxics that pose an immediate risk to human health or the environment
- It is safe to swim in the Willamette River
- Oregon Health Authority issues fish advisories about when its safe to eat fish
- DEQ staff selected 11 monitoring locations to become a part of the Water Toxics Monitoring Program's trend network



Forever Requirements



Temperature

1. Riparian Vegetation, 2. Public Education, 3. WWTP – NPDES, 4. Tree City, and 5. Park Master Plan*

Bacteria

1. Pet & Animal Waste, 2. Stormwater BMP's – Development, 3. I & I - Maintenance & Costs, 4. Erosion & Sediment Control, and 5. WWTP - NPDES

Mercury

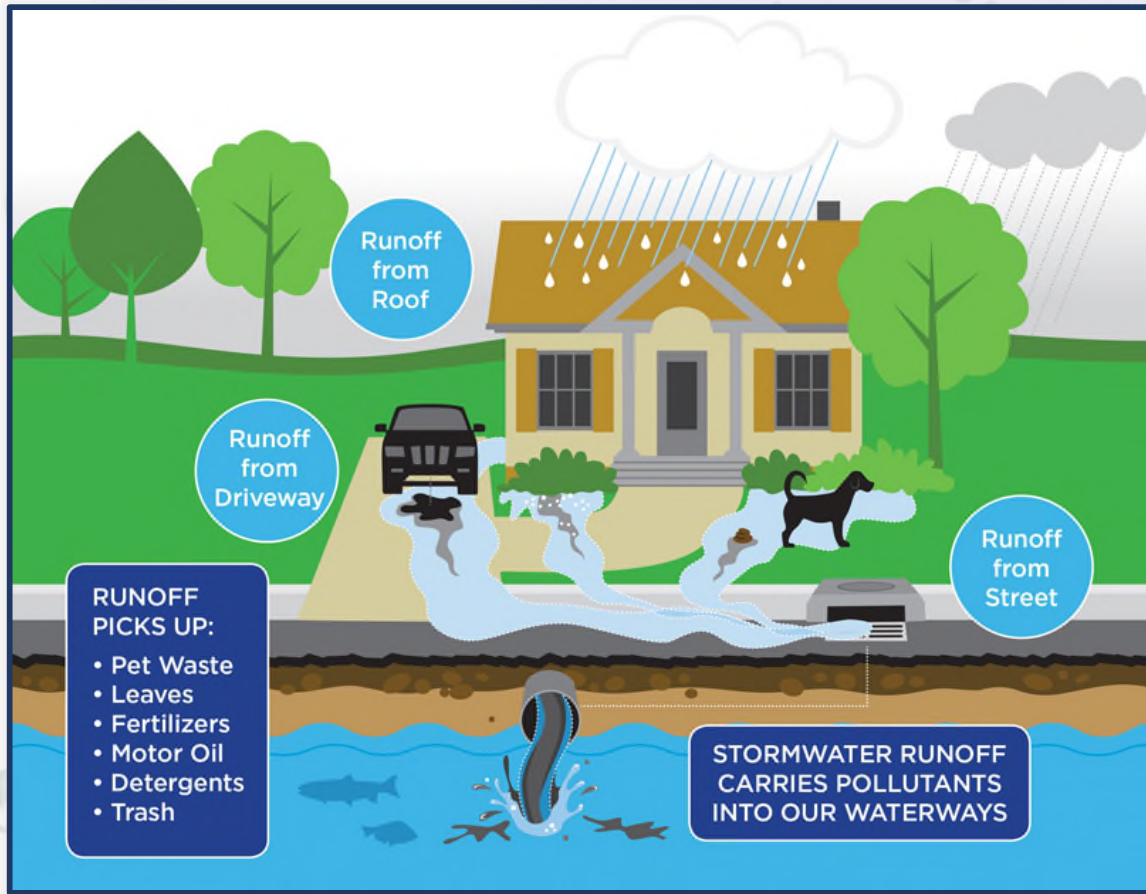
1. Erosion & Sediment Control, and 2. Stormwater BMP's – Public Education

IDDE

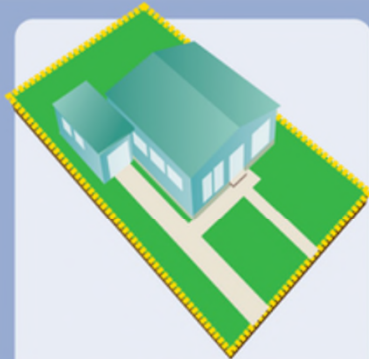
1. Public Reporting & Staff Tracking

All Pollutants

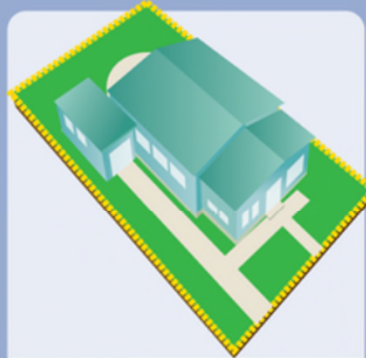
1. Housekeeping: Street Sweeping; Leaf Collection, 2. Council Support, 3. Staff Reporting & Promoting, and 4) Watershed Support*



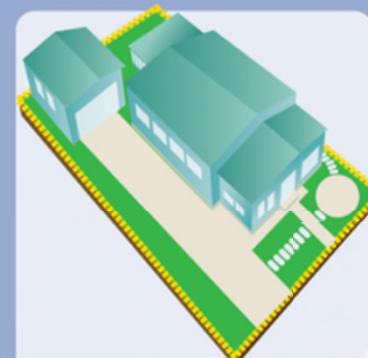
Designated Management Agency (DMA)



SMALL



STANDARD



LARGE

Small Category

*1,500 square feet or less of stormwater billable area.

- Old bill: \$95.98 (per 90 days)
- New bill: \$66.53 (per 90 days)
- Change in bill: -\$29.45

Standard Category

1,501 to 2,700 square feet of stormwater billable area.

- Old bill: \$95.98 (per 90 days)
- New bill: \$115.78 (per 90 days)
- Change in bill: \$19.80

Large Category

2,701 square feet or more of stormwater billable area.

- Old bill: \$95.98 (per 90 days)
- New bill: \$165.02 (per 90 days)
- Change in bill: \$69.04



Designated Management Agency (DMA)



Potential Storm Water Fees

Month		\$145/month		\$185/month
sq. ft.		1,800-2,999 sq. ft.		3,000 – 4,199 sq. ft.



THEORETICAL

EXAMPLE

Designated Management Agency (DMA)



Monthly Water Fees

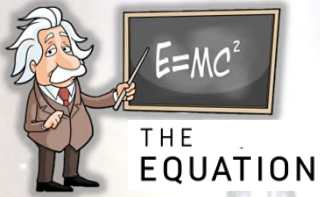


Monthly Sewer Fees

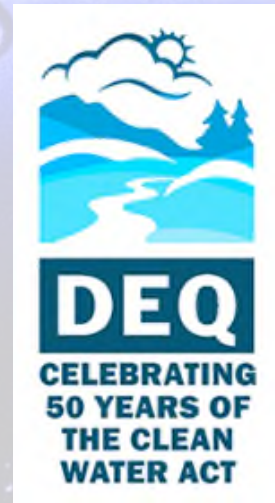


The State does not consider these fees high until they exceed \$350/month.





A Cut Above



Capital Improvements

**Water Treatment
Plant & Distribution
\$5M to \$7M**

**Rec Center
\$2.1M**

**Sewer Lagoon+
\$2.5M to \$3.5M**

**Downtown Sewers
\$512k**

**GR 12 Waterline
\$568k**

**Kirk Avenue Paving
\$2.2M to \$3M+**

**Pavilion
\$800k to \$1M**

**Calapooia Riverbank
\$2.2M to \$2.9M+**



Brownsville Canal Company, Inc.

Questions



Brownsville Canal Company, Inc.

How will I be notified for maintenance to the Canal?



The Board will develop policies that attend to these details. More than likely, it will be a phone call for an immediate repair. For larger projects, annual and as-needed meetings will be held to inform residents.



Brownsville Canal Company, Inc.

What about placing a fence or a shed?



You would need to locate your property line as encroachments on Canal property would not be allowed.



Brownsville Canal Company, Inc.

What if I need to install a culvert?



The Company will create standards and policies for installing culverts and other appurtenances as may be needed by the membership.

Brownsville Canal Company, Inc.

What about the Tail Races are they included in this?



There are two diversions that act as 1) a diversion channel to direct water flow before the water gets to Brownsville, and 2) to return the water back to the Calapooia River. Both are a vital part of the Mill Race.

Brownsville Canal Company, Inc.

Past Arguments & Points of Discussion



Fill it in | Filling in the ditch would adversely impact many lots. It would also violate Oregon Drainage Law.

Brownsville Canal Company, Inc.



West Nile
Zika
& More



Past Arguments & Points of Discussion

Abandon it | Allowing the ditch to be abandoned would lead to arguments as to who is responsible for fixing problems and would not allow for the proper operation of the Mill Race.



Brownsville Canal Company, Inc.

Annual Revenue Yield Range

<i>Annual Charge</i>	Total	
<i>City</i>	230	<i>Rights</i>
\$50	\$14,100	\$200
\$60	\$17,050	\$250
\$70	\$20,000	\$300
\$80	\$22,950	\$350





Brownsville Canal Company, Inc.

Next Steps

Brownsville Canal Company, Inc.

1. Hold a Canal Company meeting to vote on whether to move forward with an agreement with the City.
2. Council would draft an ordinance and assist in finalizing the agreement with the Company.
3. The agreement & ordinance would determine time frame for charges to be levied and other operational details.





Brownsville Canal Company, Inc.

Thank You