Exhibit A

CHAPTER 21.36

Bull Run Watershed Protection

Sections:

21.36.010 Designation of Bull Run Watershed Closure Area
21.36.020 Prohibition of Entry Without Permit
21.36.030 Prohibited Actions Within the Bull Run Watershed Closure Area
21.36.040 Enforcement
21.36.050 Bull Run Watershed Protection Policy

21.36.010 Designation of Bull Run Watershed Closure Area

Pursuant to authority granted by ORS 448.295 to ORS 448.325 and the Portland City Charter, there is hereby designated a Bull Run Watershed Closure Area (Closure Area) within which the limitations and restrictions of this Chapter 21.36 of the Portland City Code shall apply. The Closure Area shall consist of all land, by whomever owned, within the Closure Area boundaries outlined on a map dated February, 2008, entitled "Portland City Code Chapter 21.36, Bull Run Watershed Closure Area" and attached to Ordinance No. XXXXX as Exhibit B. The map has been created, shall be maintained, and shall be made available for public review by, the Water Bureau.

21.36.020 Prohibition of Entry Without Permit

A. Except for authorized employees of the U.S. Forest Service and Portland Water Bureau or as provided in Subsection B below, it is unlawful for any person to enter into or be upon land within the Closure Area without a valid entry permit issued by the U.S. Forest Service or the Portland Water Bureau. The Water Bureau shall post suitable signs of this limitation at all points of road entry into the Closure Area and at such other locations along the boundary of the Closure Area as it deems advisable.

B. Entry permits are not required:

1. To hike on the Pacific Crest National Scenic Trail #2000 and the Huckleberry Trail #617;

2. For law enforcement or emergency response personnel on official business; or

3. For persons accompanied by authorized employees of the U.S. Forest Service or Portland Water Bureau.

C. The Water Bureau Administrator shall designate those Water Bureau employees who are authorized to enter the Closure Area and those employees who are authorized to issue entry permits.

21.36.030 Prohibited Actions Within the Bull Run Watershed Closure Area

A. Except to hike on the Pacific Crest National Scenic Trail #2000 and the Huckleberry Trail #617, it is unlawful to engage in any activities in the Closure Area that are not authorized by:

1. An entry permit or;

2. An employee of the Water Bureau or U.S. Forest Service authorized to issue permits or to be in the Closure Area.

B. It is unlawful for any person to permit domestic animals to run at large within the Closure Area.

21.36.040 Enforcement

A. Violation of Sections 21.36.020 or 21.36.030 on land owned by the federal government within the Closure Area is punishable upon conviction by a fine of not more than $100 or by imprisonment for not more than 30 days or both. Each unlawful act is chargeable as a separate violation for each occurrence. (Entry into federal land within the Closure Area is also a violation of 18 USC §1863, which carries punishments of imprisonment up to 6 months and fines up to $5,000.)

B. Violation of Sections 21.36.020 or 21.36.030 on land owned by the City lying within the Closure Area is punishable upon conviction by a fine of not more than $500 or by imprisonment for not more than 30 days or both. Each unlawful act is chargeable as a separate violation for each occurrence.

C. The Administrator of the Portland Water Bureau may appoint Water Bureau employees as Closure Area enforcement officers as provided for in ORS 448.315 to enforce Code Sections 21.36.020 and 21.36.030. Prior to assuming his or her duties, each employee designated as a Closure Area enforcement officer shall take an oath of office specified by the Administrator. While on duty, the employees authorized to enforce this Code shall wear in plain sight a badge as required by ORS 448.315. Appointment by the Administrator as a Closure Area enforcement officer shall also make the employee appointed a “person in charge” of City

property within the Closure Area for purposes of Code Section 5.36.115 and grant the employee authority to order persons to leave City property.

D. Closure Area enforcement officers shall have authority to order persons to leave the Closure Area and to issue citations for violation of this Code.

E. The Circuit Court of Multnomah County shall have jurisdiction to try and determine any prosecution brought under this Code. The Circuit Courts of Clackamas County and Hood River County shall have jurisdiction to try and determine any prosecution brought under this code for a violation occurring in the respective counties.

21.36.050 Bull Run Watershed Protection Policy

A. **In General.** The primary purpose of City management of City lands and facilities within the Closure Area shall be the continued production of pure, clear, raw, potable water for municipal purposes. Subject to the limitations of Subsection 21.36.050 B, management for other purposes and objectives, such as generation of hydroelectric power, transmission of electric energy or telecommunications, protection of environmental quality and wildlife habitat, conservation education, and scientific inquiry, is allowed, only if such management is consistent with the accomplishment of the primary management purpose, consistent with the special forest protection standards of adjacent federal lands found in the federal Bull Run Management Act, P.L. 95-200, as amended, and performed in compliance with obligations imposed by federal, state, and local law.

B. **Specific Land Use Limitations.** City lands in the Closure Area shall not be developed or used for recreational purposes. Except as necessary for protection, enhancement, operation or maintenance of the water supply system and facilities for electric power generation and transmission, City lands shall not be developed or used for residential, industrial or commercial purposes.

C. **Tree Cutting Limitation.** Tree cutting or removal, including salvage, shall not occur on City lands within the Closure Area except for the following purposes:

1. For the protection or enhancement of water quality; or

2. For the protection, enhancement, or maintenance of water quantity for City use; or

3. For the construction, expansion, protection or maintenance of municipal water supply facilities; or

4. For the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or of hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities.

D. Ownership of Bull Run Land and Infrastructure. City land and infrastructure within the Bull Run Watershed Closure Area that is integral to the delivery of municipal water shall not be transferred to any private entity. City land and infrastructure within the Bull Run Watershed Closure Area that is integral to the deivery of municipal water shall not be transferred to any public entity unless the transfer is approved by ordinance approved by City Council.

E. Public Notice of Bull Run Watershed Activities

1. Each quarter the Water Bureau shall update as necessary and make publicly available a list of ongoing, routine activities conducted or permitted by the Water Bureau involving the presence of persons in the Closure Area. A non-exclusive exemplary list of such activities includes activities to divert, test, and protect water for municipal supply and for hydroelectric power generation, construction and maintenance of facilities, including roads and trails, educational or management tours, and data collection for regulatory or management purposes. At a minimum, the Bureau shall post the list of routine activities on its government web site, along with a contact number or email address by which citizens can obtain additional information on listed activities.

2. Each quarter during the fiscal year, the Water Bureau shall update as necessary and make publicly available a list of:

a. All Water Bureau capital projects within the Closure Area that are in the planning or design stage or whose construction has already commenced;

b. All non-routine City activities or activities permitted by the City that involve or will involve the presence of persons in the Closure Area and which are in the planning or design stage or which have already commenced.

3. At a minimum, the Bureau shall post the list of projects and activities described in Subsection 21.36.050 E.1 and Subsections 21.36.050 E.2.a. and b. on its government web site, along with a contact number or email address by which citizens can obtain additional information on listed projects.