



DECLARATION OF COOPERATION

D R A F T

THE WILLAMETTE FALLS LOCKS' OREGON SOLUTION March 2009

The Willamette Falls Locks bridge the upper and lower stretches of the Willamette River, without which the Willamette becomes two disconnected rivers for navigational purposes.

In fall 2005, following a Willamette River United conference convened by then U.S. Representative Darlene Hooley, the effort to keep the Willamette Falls Locks open was designated an Oregon Solutions project by Governor Theodore R. Kulongoski. A project team of more than 20 public and private-sector organizations, led by convener and former Oregon State Senator Verne Duncan, signed a Declaration of Cooperation in May 2006 outlining its collective commitment to keep the Locks operating in 2006 and 2007 and to establish more permanent operations.

Willamette Falls Locks remains the oldest continuously operating multi-lock system in the nation and is a critical historic and cultural resource for Clackamas County and the region. With the development of the Willamette Water Trail, the Locks became an important recreational resource as well; a part of Oregon's quality of life that will serve to attract high-quality jobs for the entire state. In 2006 and 2007, the Willamette Falls Locks operated from May through September, serving recreational, commercial, and industrial traffic. Locks traffic actually increased during this time from 703 to 1270 vessels per year.

Moreover, industries that shifted their transport mode from barge to trucks as recently as 20 years ago began to hedge those strategies when fuel prices climbed well beyond \$4 per gallon in 2008. The Willamette is again being seen as a *transportation* link that can complement other modes of transportation.

I. ACCOMPLISHMENTS SINCE THE MAY 2006 DECLARATION

- The U.S. Army Corps of Engineers entered into an agreement with Oregon Department of Transportation (ODOT) and a Partnership Agreement with Clackamas County (on behalf of the coalition) to accept additional local and state funds so that the Locks were able to operate five days per week from late May through September of 2006 and 2007.

- Clackamas County served as the administrative lead providing administrative and financial oversight for collective funding from the various partners.
- For the last three years, the City of West Linn submitted Congressional Budget requests for Lock funding, with the support of the Congressional delegation. The FY 2008 Appropriations for Locks operation and maintenance were \$157,000, a significant increase over previous years.
- The Willamette Falls Heritage Foundation has continued to sponsor the annual Lock Fest celebration, which has included very popular rides through the Locks on the Willamette Sternwheeler. (Subsidized both by Transportation Enhancement funds and donation from Willamette Sternwheeler.)
- Private sector donations from the team, managed by the Willamette Falls Heritage Foundation, in 2007 funded the preparation and submittal of an updated National Register nomination, to position the Locks for nomination as a National Historic Landmark. The nominations, once accepted, will create a robust position for the Locks when pursuing federal and other funding for future rehabilitation and restoration efforts. Clackamas County has now taken on the responsibility and cost of pursuing those nomination processes.
- A \$50,000 engineering study of the Locks was conducted by Inca Engineering, providing the first assessment of the condition of the locks, and the estimated cost of capital expenses over the next 15 years. The study provided a relatively positive view of the condition of the locks, although its conclusions were made without the benefit of a more thorough Hydraulic and Steel Structures (HSS) inspection. Clackamas Heritage Partners provided the administration for this vitally important study. Funding came from:
 - The Kinsman Foundation
 - Metro
 - Oregon Department of Parks and Recreation
 - Oregon State Marine Board
 - Columbia River Yachting Association
 - Clackamas County
 - City of Keizer
- Travel Oregon provided \$26,000 in funding for Maxwell PR to provide assistance with public communications about the Willamette Falls Locks. A Public Outreach sub-committee led by Clackamas County Tourism and working with Maxwell PR developed an outreach strategy for the locks effort, tracking of earned media and a new name for the collaborative partners working on this project (adopted at the February meeting): The One Willamette River Coalition.

- In late summer of 2007, the U.S. Army Corps of Engineers notified the coalition that for safety purposes, a long-postponed HSS Inspection would need to be conducted before the Locks could operate again. After Congressional direction in the FY 2008 Budget, the Corps of Engineers has dedicated \$511,000 to initiate this inspection, supplemented by \$118,000 in ODOT funding. The HSS inspection began in late January 2009.
- A \$29,000 study of potential transfer of the Locks to a local entity was conducted by the Center for Economic Development and Research (CEDER), the non-profit arm of The Pacific Northwest Waterways Association. Clackamas Heritage Partners served as the contract administrator for this work. Funding was provided by the Kinsman Foundation, Portland General Electric, Wilsonville Concrete, City of Oregon City, City of West Linn, and an in-kind donation by the Pacific Northwest Waterways Association. The Kinsman grant-writing was contributed by Willamette Falls Heritage Foundation.

II. NEXT STEPS TO ENSURE FUTURE LOCKS OPERATION

- Verify/upgrade the condition of the locks.

The first and most important step, upon which all other actions depend, is completion of the Congressionally authorized HSS Inspection and necessary capital improvements. The Corps of Engineers has already performed a portion of this work, but is currently \$800,000 short of the required amount.

This inspection will verify the earlier engineering study's conclusions about the hydraulic and steel structures and will ideally include a base level of repairs to the hydraulic and steel structures. A request has been submitted to the Corps and to Congress – related to the economic stimulus program – for \$2.7 million for the inspection and repairs that go beyond the minimum amount for safe operations.

- Historic Preservation and Cultural Benefits

The State Historic Preservation Office is following the Lock's status as the State's official steward of properties on the National Register of Historic Places. The Lock went on the Register in 1973.

A two-year-old County, city and State partnership known as the Willamette River Heritage Area Coalition is commissioning a strategic planning process that will lead to a significant Heritage Area designation of the Willamette Falls area. An anchor heritage attraction for that effort will be the 1873 lock. This heritage coalition, which includes representation from the Oregon Solutions team, is working with State Parks and the University of Oregon's School of Architecture and Allied Arts throughout the 2008-2009 academic year.

Clackamas County will be re-submitting the Historic Status nomination, enabling the Coalition to apply for Save America's Treasures funds for Locks restoration.

In addition, the Willamette Falls Heritage Foundation will continue to serve as a public advocate for the locks restoration and operations.

- Recreational Use

Recreational use of the locks by both motor boats and non-motorized craft increased while the locks operated in 2006 and 2007. Once the locks are inspected, re-conditioned, and then re-opened for use, recreational users need to be informed of this opportunity by the Corps of Engineers, Oregon State Parks, the Oregon Marine Board, and Willamette Riverkeeper.

- Freight Mobility and Navigability

Work is needed to further develop and protect the Willamette as a supplemental part of the region's freight transport system. This includes:

- Support of a pilot project involving freight transport, currently being developed by Wilsonville Concrete Production.
- Inclusion of the Willamette and the Willamette Falls Locks in regional and national planning processes, such as designation of the Willamette as an official part of the National Marine Highway system, which is a new initiative co-sponsored by the Maritime Administration and the National Waterways Foundation

- Interim and Long Term Operations

Once the HSS Inspection and repairs are completed, continuing operations of the locks can be addressed. The One Willamette River Coalition will:

- Work with the Oregon Congressional delegation to secure sufficient Congressional funding for "interim" operations.
- Continue to work with the Corps of Engineers for either continued Corps operation or transfer of the locks.

The U.S. Army Corps of Engineers is willing, within applicable authorization and Congressional funding to explore either of the following long term options with the Coalition:

(1) Transfer of Locks ownership, with lump-sum payment by Congress to a local entity

(2) A long-term partnership between the Corps (who would remain the owner) and local/state partners who could provide gap funding to provide a desired level of operations.

Either the Clackamas County or Metro may convene the appropriate parties to negotiate and administer any agreements with the Corps of Engineers toward the goal of future operations. Clackamas County offers legal assistance to draft legislation that would transfer the locks to a local authority.

III. RECONVENING

The One Willamette River Coalition will re-convene after the HSS Inspection and repairs are completed, or in November 2009, with staff support from Oregon Solutions. The intent of the re-convening is to review implementation of this Declaration of Cooperation and see if any updates or changes are needed.

IV. DECLARATION OF COOPERATION AND AGREEMENT

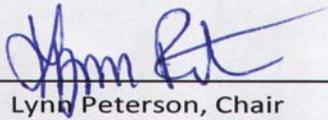
This Declaration of Cooperation, while not a binding legal contract, is evidence to and a statement of the good faith and commitment of the undersigned parties. The undersigned parties to this Declaration of Cooperation have, through a collaborative process, agreed and pledge their cooperation to the above findings and actions:

Clackamas County

Clackamas County has been an active supporter and participant in the One Willamette River Coalition. We have provided administrative services for the Coalition, including the signing and administration of a Partnership agreement with the U.S. Army Corps of Engineers in 2007 for operation of the locks. In addition, Clackamas County has provided financial assistance to several Coalition projects.

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Convene the One Willamette River Coalition, as necessary, for future planning, studies, or other efforts necessary to resume operation of the locks.
2. Providing a letter of support for the use of Economic Stimulus funds for completion of the HSS inspection and necessary repairs.
3. Provide staffing and financial assistance in completion of the expanded historic status nomination.
4. Provide legal support should the Coalition decide to propose federal legislation and/or funding to effect a transfer of the locks to a local operating authority.
5. Continue, through Clackamas County Tourism, to participate in the planning for a Heritage Area in the Willamette Falls area.
6. Provide administrative services, including serving as the single repository for local funds, as needed, by the Coalition.

By: 
Lynn Peterson, Chair
Clackamas County Commission

Wilsonville Concrete

Wilsonville Concrete has been an active supporter and participant in the One Willamette River Coalition. We have provided financial support to the Coalition, and have supported proposals to Congress for federal funding .

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Participate in future One Willamette River Coalition meetings, to help ensure continued operation of the locks.
2. Continue to support and help develop the increased industrial use of the Willamette River and the Willamette Falls Locks for freight transport.
3. Help in funding specific studies or efforts identified by the Coalition for continuing Locks operation, as needed.



Dave Bernert
President, WCP

Governor's Economic Revitalization Team (ERT)

The ERT has been an active supporter and participant in the One Willamette River Coalition. We will continue to assist the Coalition in coordinating with Oregon state agencies for future operation and improvements to the Willamette Falls Locks.



Mark Ellsworth, Northwest Region ERT Coordinator

Oregon Department of Transportation

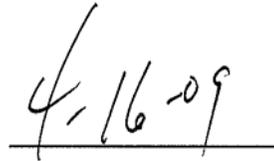
The Oregon Department of Transportation has been an active supporter and participant in the One Willamette River Coalition. We have provided financial support to keep the locks operating, developed an intergovernmental agreement with the Corps in 2006 and 2007 for Locks operations, and have provided staff technical assistance to the Coalition.

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Participate in future One Willamette River Coalition meetings, to help ensure continued operation of the locks.
2. Work to coordinate with the U.S. Army Corps of Engineers, using existing agreements, for the utilization of any current or future Transportation Enhancement funds to conduct maintenance inspection and repairs on the Willamette Falls Locks.
3. ODOT will notify the Coalition of potential ODOT or Federal Transportation funding related to improvement, operation, or utilization of the locks for industrial purposes.



Matthew Garrett, Director
Oregon Department of Transportation



Date

Clackamas Heritage Partners

Clackamas Heritage Partners has been an active supporter and participant in the One Willamette River Coalition. We helped in the heritage planning for the Willamette Falls Locks, and provided administrative services for two contracts on behalf of the Coalition.

We are willing to make the following commitments, within the limitations of our budgetary and staffing constraints:

1. Continue to actively participate in the planning for a Heritage Area in the Willamette Falls area, including taking the lead in planning for public observation facilities for the Willamette Falls themselves.
2. Participate in future meetings of the One Willamette River Coalition for planning or decision-making purposes, as the project goes forward.
3. Provide administrative services and contract management, as needed, similar to those provided for two previous contracts on behalf of the Coalition. (The Engineering Study, and the CEDER study on potential transfer issues).



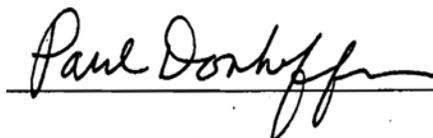
David Porter, Executive Director, Clackamas Heritage Partners

Oregon Marine Board

The Oregon Marine Board has been an active supporter and participant in the One Willamette River Coalition. We have provided financial support to the Coalition, and written letters of support for funding operations and repair of the Willamette Falls Locks.

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Participate in future One Willamette River Coalition meetings, to help ensure continued operation of the locks.
2. Once the HSS Inspection and necessary repairs are completed, we will work with the Coalition and regional boaters to notify boaters of any changes in locks operational status.
3. Inform the Coalition of any potential funding for either operations or boating-related improvements to the Willamette Falls Locks and adjacent areas.



Paul Donheffner, Oregon State Marine Board

City of Oregon City

The City of Oregon City has been an active supporter and participant in the One Willamette River Coalition. We have provided financial support on several Coalition projects, and have written letters encouraging federal funding.

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Participate in future One Willamette River Coalition meetings, to help ensure continued operation of the locks.
2. Providing a letter of support for the use of Economic Stimulus funds for completion of the HSS inspection and necessary repairs.
3. Continue to provide leadership in the planning for a Heritage Area in the Willamette Falls area.



Mayor Alice Norris, City of Oregon City

Oregon Department of Parks and Recreation

The Oregon Department of Parks and Recreation has been an active supporter and participant in the One Willamette River Coalition. We have provided financial support to the Coalition, have provided staff technical assistance, and have written letters in support of the Willamette Falls Locks.

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Participate in future One Willamette River Coalition meetings, to help ensure continued operation of the locks.
2. Continue, as needed, to provide staff assistance and coordination with the effort to establish a heritage area near the Willamette Falls.
3. Provide promotional support, user information, and planning for recreational boaters using the Willamette Falls Locks as part of the Willamette River Trail.
4. Provide technical assistance and coordination in any future efforts to enhance the historic status and/or features of the Willamette Falls Locks.



Tim Wood
Director

Pacific Northwest Waterways Association

Pacific Northwest Waterways Association, through our non-profit arm the Center for Economic Development, Education, and Research, has participated in meetings of the One Willamette River Coalition and provided a study of potential transfer issues, with an in-kind donation toward the cost of that study.

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Participate in future One Willamette River Coalition meetings, as needed.
2. Provide periodic information about Congressional actions or developments that may pertain to future operations of, or improvements to, the Willamette Falls Locks.

*Signature in process

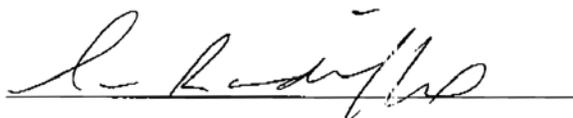
Glen Vanselow, Pacific Northwest Waterways Association

Portland General Electric

Portland General Electric Company has been an active supporter and participant in the One Willamette River Coalition. We have provided financial support to the Coalition, and have assisted in submittal of proposals to Congress for federal funding.

We are willing to make the following commitments, subject to the limitations of future budgetary and staffing constraints:

1. Participate in future One Willamette River Coalition meetings, to help ensure continued operation of the locks.
2. Continue, as needed, to assist with gaining Congressional and/or State support for Willamette Falls Locks operation to Congress
3. Help in funding specific studies or efforts identified by the Coalition for continuing Locks operation.
4. Participate in any local efforts to design or develop a local operating authority, including provision of information of property boundaries or environmental information that may be helpful to a local authority.



Portland General Electric



March 24, 2009

Travel Oregon provided financial assistance to the One Willamette River Coalition in the form of \$26,000 worth of services from Maxwell PR to assist in putting together a public relations strategy and presentation piece.

We continue to believe that recreational boating use (both motorized and non-motorized) and commercial tourist boating on the Willamette River will grow and could become a significant tourism asset for Oregon and the Willamette Valley region.

We are committed to continuing our participation as a part of the One Willamette River Coalition, and will look for opportunities to utilize our expertise, and funding when appropriate, to help promote the Willamette Locks as a necessary and historically important part of recreational and commercial navigation.

A handwritten signature in blue ink, appearing to read "Scott West", is written over a light blue horizontal line.

Scott West
Chief Strategy
Officer

OREGON. WE LOVE DREAMERS.

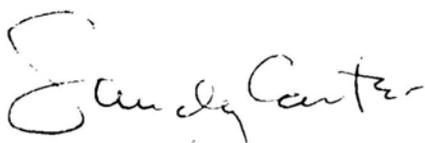


March 21, 2009

Declaration of Cooperation-- One Willamette River Coalition
Willamette Falls Heritage Foundation
March 2009

Willamette Falls Heritage Foundation is willing to contribute \$250 during the period April '09 to April '10 towards the joint efforts of the coalition to identify and stabilize funding for Willamette Falls Navigation Canal and Locks operations and maintenance.

In addition, Executive Director Sandy Carter is committed to continuing as an active member of the Steering Committee and to making herself available for Locks VIP tours, presentations and/or orientations on the 1873 canal's historic setting and past and future importance to Clackamas County and to the Willamette Valley as a whole.


Sandy Carter

Northwest Oregon RC&D

The Northwest Oregon Resource Conservation & Development Council has provided technical support for the Willamette Falls Locks project, including potential funding sources for continuing operations. We will continue support for the Willamette Falls Locks project and will refer to Clackamas County any new funding sources we become aware of.



Lyell Gardner - President
Northwest Oregon Resource Conservation & Development Council, Inc

Port of Portland

The Port of Portland has been a participant in the One Willamette River Coalition because we believe that an eventual return of high petroleum prices will make resurgence of commercial navigation between the upper and lower Willamette a very real possibility. An essential element in this possibility is having the Willamette Falls Locks infrastructure upgraded and maintained

Further, we believe that it is in the region's interest to maintain this potential, from a transportation security, economic, and environmental standpoint. There are clear environmental benefits to commercial water navigation when compared to the various alternatives. A ton of cargo requires many times less fuel per mile if moved on a barge, as opposed to moving the same cargo by truck or even by rail.

The Port of Portland has advocated for the Willamette to be designated a Marine Highway, and will continue to be an advocate for keeping the locks operational.

We also commit to working with any industrial clients who may want to barge material in either direction between upriver points and terminals at the Port of Portland.

*Signature in progress

Port of Portland

U.S. Army Corps of Engineers

The Portland District office of the Corps of Engineers has engaged in a partnership with members of the One Willamette River Coalition over the last 3 years, to provide operations and maintenance of the Willamette Falls Locks. It is the federal agency assigned and responsible for operation and maintenance of the locks.

The Corps of Engineers will be utilizing federal stimulus funding to complete the Hydraulic and Steel Structures (HSS) inspection of the locks, and perform repairs such that, subject to budget limitations, the locks will be safe and able to operate.

The District office is committed to maintaining a constructive working relationship with the Coalition and its members, and will assign staff to attend future periodic meetings or reconvening of the Coalition.

The Corps will notify Clackamas County, or other designated Coalition contact, as the HSS inspection proceeds and any major problems or key decision points are encountered.

If and when funding becomes available for operations and maintenance, the Corps will also notify and work with a designated representative from the Coalition related to public information and outreach.

*Signature in progress

U.S. Army Corps of Engineers

Convener

As the Governor-appointed Convener for the Willamette Falls Locks Oregon Solutions project, I support and applaud the partners for this Declaration of Cooperation. The completion of the HSS inspection and necessary repairs provide a basis for the future of the locks.

I commit to re-convening the Coalition in six months, to review progress toward the goals of this Declaration.



Verne A. Duncan, Convener