

WILLAMETTE FALLS LOCKS COMMISSION

Commission Meeting #3 June 6, 2018, 1:00 – 4:30 PM

*West Linn City Hall Council Chambers
22500 Salamo Road, West Linn, Oregon 97068
and
The Willamette Falls Locks Facility*

Meeting Minutes (Minutes: Pat Vivian)

Commission Members Present:

Russ Axelrod (*City of West Linn*), Joe Bernert (*Wilsonville Concrete and MIC*), Sam Brentano (*Marion County*), Kevin Brice, *Ex Officio* (*USACE Portland District*), Chad Brown (*Soul River, Inc.*), Sandy Carter (*Willamette Falls Heritage Foundation*), Danielle Cowan (*Clackamas County Tourism and Cultural Affairs*), Jack Giffen Jr. (*Confederated Tribes of Grand Ronde*), Karen Homolac (*Business Oregon*), Rep. Mark Meek, Rep. Andrea Salinas, Paul Scarlett (*Oregon Department of Transportation*), Scott Starr (*City of Wilsonville*), Sen. Rob Wagner

Facilitation and Project Team:

Kristine Evertz (*Summit Strategies*), Michelle Giguere (*Summit Strategies*), , Lance Heisler (*Coates Kokes*), Lisa Naito (*Naito Public Affairs*), Turner Odell (*Oregon Solutions*), Gary Schmidt (*Clackamas County*), Ayreann Colombo (*John Southgate LLC*), John Southgate (*John Southgate, LLC*), Sue Van Brocklin (*Coates Kokes*), Pat Vivian (*Wordsmith*), John Williams (*City of West Linn*),.

Other Attendees:

Brooke Berglund (*PGE*), Lisa Brick (*National Trust for Historic Preservation*), Marcus Cis (*Rep. Meek's office*), Pat Duyck (*USACE Portland District*), Sheri Freemuth (*National Trust for Historic Preservation*), Audie Huber (*Confederated Tribes of the Umatilla Indian Reservation*), Denyse McGriff (*National Trust for Historic Preservation*), Mini Sharma Ogle (*PGE*), Mark Ottenad (*City of Wilsonville*), Doug Riggs (*City of West Linn*), Laura Terway (*City of Oregon City*), Dennis Wiley (*Oregon Parks and Recreation*).

1. Welcome, Agenda Overview and Introductions

Turner Odell, Oregon Solutions, welcomed everyone to the third meeting of the Willamette Falls Locks Commission, established in 2017 when the Oregon Legislature passed SB 256.

Prior to around-the-room introductions, Turner announced that several Commission members had let him know in advance that they were unable to attend today: Martha Schrader (*Clackamas County*), Betty Dominguez (*Metro*), Dan Holliday (*City of Oregon City*), and MG Devereux (*Oregon Parks and Recreation*) could not attend. A quorum of the Commission was present.

Sheri Freemuth and a Denyse McGriff from the National Trust for Historic Preservation also attended. Turner noted that the National Trust declared the Willamette Falls Locks a national treasure in 2012 and that the Trust has been an important source of resources and advocacy for repairing and reopening the Locks since the U.S. Army Corps of Engineers Portland District closed them in 2011.

Turner gave an overview of the meeting agenda and kicked off the discussion by reiterating the Commission's primary goals as set forth on the agenda:

1. Negotiate agreement with the U.S. Army Corps of Engineers to allow transfer of the Locks to a willing public or private recipient (or, in the alternative, allow the Corps to permanently close the Locks with a concrete bulkhead);
2. Develop agreement on a transferee and a governance model for owning and operating the Locks; and
3. Develop agreement on a fiscal structure and funding to allow for (1) repair and restoration, and (2) ongoing maintenance and operation of the Locks.

2. Project Support Team Update

The main agenda item today was for the Commission Project Support Team to update the Commission on their efforts to do outreach, develop requested information, and generate options based on the brainstorming session at the second meeting, which occurred in May.

Michelle Giguere, Summit Strategies, introduced members of the project support team. The team reported on three main topics:

1. A communications and outreach plan, including review and approval of the proposed Willamette Falls Locks Commission logo;
2. Development of governance and finance options with criteria for evaluating the options; and
3. Update on Corps due diligence, i.e. engineering review and assessment of the Locks.

2a. Communications and Outreach Plan

Coates Kokes has been working to augment information available to the public on the Oregon Solutions web page. SB 256 specifies that two Commission meetings a year must include an invitation for public comment. The support team plans to hold the first public comment session at the next meeting on July 18.

The support team felt that a WFLC logo would be helpful for the Commission's outreach efforts. Six options were developed and narrowed down to a preferred logo which was presented to the Commission. It was noted that the logo, which is in the shape of a W, resembles the 145-year-old timbers that form the Locks.

Scott Starr, City of Wilsonville, made a motion to approve the logo, which was seconded. The logo was adopted by all Commissioners present, with no opposition.

Lisa Naito discussed the outreach effort that is planned to draw public participation on July 18. The support team has drafted a letter inviting participation at the next meeting in the form of written testimony or public witness format.

The outreach effort includes inviting stakeholders along the river. It was offered to mail the draft outreach list to Commission members before doing any advance publicity. The newly adopted logo will be on all materials presented to the public for this outreach.

The project team invited questions about the public outreach effort:

- **Q.** Sandy Carter, Willamette Falls Heritage Foundation: Will there be guidelines for public testimony, or does the Commission need to design them? Will written testimony be archived? **A.** The guidelines will depend on how many people show up. If there are a lot of people, testimony might be limited to 2 minutes apiece. Written testimony will be encouraged. Turner Odell will be listed as the contact person on the information sheet. The project team will archive copies of all correspondence. Furthermore, the Commission's dealings with the public will be posted to the Oregon Solutions website.
- **Q.** Turner Odell: What is the status of the state designation of historical significance to mirror national recognition of the Locks as a historic site? Will the designation fall under the purview of Oregon Parks and Recreation? **A.** The Locks met the first marker established by the National Parks Service to be considered a national treasure, but that is subject to Congressional approval. Following that precedent, the project team has applied for a state designation. It falls under the purview of the Heritage Commission, which is part of Parks and Recreation. *[Clarification: The Locks are already listed on the National Register of Historic Places (added in 1974). The Willamette Falls Heritage Area was recently designated as Oregon's first state heritage area. Current efforts are underway to have the area designated as Oregon's first National Heritage Area, and the National Park Service has concluded it meets their adopted criteria. Congressional designation is pending.]*

As part of public outreach, the support team will request an updated fact sheet on the projects related to the Willamette Falls area. There is much confusion because of the four separate projects that are underway. A fact sheet is needed to differentiate them and help sort out confusion among the public and the media. The projects are:

1. Willamette Falls Locks Commission – The WFLC will be the primary driver in the transfer of Locks ownership from the Corps to a new entity or coalition of entities.
2. Willamette Falls Legacy Project – A partnership between the state of Oregon, Clackamas County Metro and Oregon City are working on restoring the industrial site across the river from the Locks in Oregon City. It includes plans to build a public walkway to Willamette Falls.

3. West Linn Waterfront Project - This master plan envisions trails connecting 2.5 miles of riverfront, from the Arch Bridge to the falls and the Tualatin River.
4. Willamette Falls Heritage Coalition – The coalition has submitted a request to the National Parks Service to designate Willamette Falls as Oregon’s first heritage area. It meets the criteria to be designated a National Heritage Area.

At some point in future, these four separate projects could be joined together, especially if the Corps transfers ownership of the Locks to a public or private entity.

In addition to working with Oregon Solutions on material for the website, the project team has prepared a list of FAQs as requested at the last Commission meeting. It will include a note that all voting Commission members were appointed to serve by Gov. Kate Brown.

2b. Development of Finance Options

Michelle introduced John Southgate who is working on what may be one of the most challenging aspects of the Commission’s work – preparation for the Corps to transfer ownership of the Locks to another entity. Whether it’s a new entity, an existing entity or a combination, documentation will be required. The project team will need to ensure that there is broad representation in decision making.

Revenue/funding is needed to repair the locks to operational status and for ongoing operations and maintenance. One of the project team’s main goals is to develop a menu of options for potential revenue by fall 2018.

John Southgate gave a “sneak preview” of the draft document the team plans to send the Commission members a few weeks prior to the July meeting. The list of stakeholders on the first page includes some 50 entities, which reflects the political complexity of the undertaking. The Willamette Falls area has a significant number of stakeholders, including cities, counties and environmental organizations. After reviewing literature from other precedents, John emphasized that strong support and advocacy will be essential to success.

The second page of the draft is a blueprint of potential funding sources. At this early stage, it’s important to identify as many potential sources as possible – federal, state, regional, local, private.

Because the Locks can serve as part of Oregon’s resiliency plan in case of a major seismic event, the draft list includes Corps funds for closure and seismic disposition, as well as other potential federal sources such as the Water Resources Development Act (WRDA). It includes the Harvard Trust Fund. Potential state sources include ODOT, the Office of Economic Development, the Oregon Marine Board, Business Oregon, the Historic Preservation Office, and Travel Oregon.

Potential regional sources include a 2020 Metro transportation bond, and other sources. Now is the time to work on getting Locks restoration added to the list of potential projects in Clackamas County. The more support there is within different jurisdictions, the more likely voters are to approve a bond. Another regional option is forming a Local Improvement District. The parties would join the LID while improvements to the Locks are being made.

Because reopening the Locks would reduce truck traffic on regional arterials, local transportation funds are also a potential source of dollars. This could serve as a basis for the cities of West Linn and Wilsonville to contribute something. Urban renewal is another possibility, although West Linn itself does not have an urban renewal department.

Recreational groups could be a funding source. For example, a kayaking group would get free access to the Locks if they give the Commission a grant to help fund restoration.

2c. Development of Governance Options and Criteria for Transferring Ownership

This section of the draft document identifies possible entities, assuming the Corps would allow ownership to transfer to an existing entity or coalition. The list of potential entities includes Metro, TriMet, Clackamas County, and the City of West Linn. Transfer of ownership will be complicated and could require state legislation.

The document also includes criteria for the transfer. For example - does the receiving entity have legal authority to take on these operations? Or will the transfer require partnership and funding to restore and operate the Locks?

Commission members made the following points:

- Scott Starr, City of Wilsonville, said private trusts, businesses such as Nike, and local trucking companies might contribute. There are advantages to private ownership, such as eligibility for tax credits, John Southgate added.
- Karen Homolac, Oregon Business Development Department, made two points. First, impact investing and large nonprofit foundations could become investors. Second, she'd like a clearer understanding of why it would be easier to transfer ownership to an existing form of government or entity, as opposed to founding a new one that might not have political issues. There might be a new Port district formed to serve Wilsonville, Newberg, and possibly Canby, John noted. If that comes to pass, restoration of the Locks could become essential to commerce in the area.
- Russ Axelrod, City of West Linn, said the government funding approach is specifically oriented to repair and reopening of the Locks, and there could be more funding from the Corps for that phase. But what about long term operating and maintenance costs? We need to look at ways for local governments to form a district. The project team will look at O&M as well as restoration, John replied. The Locks could become part of the Port of Portland, or a jointly managed Willamette River district.

The project team will supply a draft document to Commission members about a week prior to the next meeting, Michelle said. It will contain substantive details.

2d. Engineering Assessment and Due Diligence

An important part of the Commission's process is hiring engineering consultants to take another look at the condition of the Locks before the Corps transfers ownership, Michelle said. It's

imperative to make sure they are sufficiently repaired before another entity assumes the responsibility and the risk for a structure this old. What are the options for repairing the Locks? Is there a faster, cheaper way to do it than the Corps proposed? Are there viable options the Corps isn't free to consider due to federal statutes and regulations?

Michelle thanked Kevin Brice and Pat Duyck of the Corps for their courtesy and time the prior week in allowing engineers from KPFF to inspect the Locks and observe their operation.. When the aged structures were operated after being dormant for a while, it stirred up sediment, including an oil sheen that raises concerns about possible contamination. The project team needs to ensure the consultant engineers will have access to Corps documents; Michelle is working with Pat Duyck on that.

The project team is working with USACE and KPFF to ensure transfer of needed engineering documents, and depending on the timing of transfer, there could possibly be a presentation at the July meeting but perhaps not until a subsequent meeting.

WFLC Member Chad Brown, Soul River, asked whether the settlement with the Corps will include responsibility for potential contamination. The Corps has looked at the site and not found anything worrisome, Michelle replied. The Commission will need to look at whether the entity will be able to accept environmental responsibilities from the Corps.

It's important to figure out how the oil sheen would affect fish if the Locks are reopened, Pat Duyck, USACE, said. There's usually a small cloud of sediment released when the gates are opened monthly for lubrication of the seals, Kevin Brice, USACE, said. A few years ago, RM&E sampling was done of the oil sheen, but the source could not be located. It might be creosote; the timbers have been creosoted.

Before the deed transfer, the Corps will do seven final investigations, but these are only effective for six months. So the plan is to wait until the transfer is imminent before doing final inspection for hazardous materials and chemicals on site. There are no known sources at present.

WFLC Co-Vice Chair Sandy Carter, Willamette Falls Heritage, said the rock channel has been cleaned by the flow every season. It will be critical to find out what the source of the oil sheen is, Chad Brown said. If we don't know, the situation would probably call for more testing. Pat Duyck, who is serving as USACE supervisory project manager, agreed.

The meeting adjourned at approximately 2:15 p.m. for a site visit to the Locks, which has been closed to the public since 2011. The tour was led by Brooke Berglund and Mini Sharma Ogle of PGE, which operates the Sullivan power plant, PGE's first and oldest, built in 1895.