

## WILLAMETTE FALLS LOCKS COMMISSION

**Commission Meeting #4  
July 18, 2018, 1:00 – 4:30 PM**

*West Linn City Hall Council Chambers  
22500 Salamo Road, West Linn, Oregon 97068*

**Meeting Minutes**  
(Minutes: Pat Vivian)

### **Commission Members Present:**

Russ Axelrod [*City of West Linn*], Brooke Berglund [*PGE, ex officio*], Joe Bernert [*Wilsonville Concrete and Marine Construction*], Sam Brentano [*Marion County*], Gary Burke [*Confederated Tribes of the Umatilla Indian Reservation*], Sandy Carter [*Willamette Falls Heritage Foundation*], Danielle Cowan [*Clackamas County Tourism and Cultural Affairs*], MG Devereaux [*Oregon Parks and Recreation*], Betty Dominguez [*Metro*], Jack Giffen Jr. [*Confederated Tribes of Grand Ronde*], Dan Holladay [*City of Oregon City*], Karen Homolac [*Business Oregon*], Rep. Mark Meek, Rep. Julie Parrish, Stan Primozich [*Yamhill County*], Bill Ryan [*Department of State Lands, ex officio*], Rep. Andrea Salinas, Martha Schrader [*Clackamas County*], Paul Scarlett [*ODOT*], Stan Watters [*Port of Portland, ex officio*].

### **Facilitation and Project Team:**

Andy Contugno [*Metro*], Kristine Evertz [*Summit Strategies*], Michelle Giguere [*Summit Strategies*], Dan Hartford [*KPFF, by phone*], Lance Heisler [*Coates Kokes*], Carolyn Miller [*University of Oregon*], Lisa Naito [*Naito Public Affairs*], Turner Odell [*Oregon Solutions*], Bob Riley [*KPFF by phone*], John Southgate [*John Southgate LLC*], Pat Vivian [*Wordsmith*], John Williams [*City of West Linn*], Trent Wilson [*Clackamas County*].

### **Other Attendees:**

Greg Archiletta [*Confederated Tribes of Grand Ronde*], Troy Bowers [*Willamette Falls Heritage Coalition*], Pam Brown, Jody Carson [*Clackamas Tourism Development Council*], Marcus Cis [*Rep. Meek's office*], Stan Cowley, Pat Duyck [*for Kevin Brice, USACE, ex officio*], John Gustavson [*Willamette Falls Heritage Coalition*], Stan Halley [*Oregon River Safety and Preservation Alliance*], Tom Huber, Michael Karnosh [*Confederated Tribes of Grand Ronde*], Cheryl Kennedy [*Confederated Tribes of Grand Ronde*], Mark Matthews [*City of Wilsonville*], Gov. Barbara Roberts, Peggy Sigler [*Clackamas County resident*], Sheri Vallee, Terry Williams, Dan Yates [*Portland Spirit River Cruises*].

### **1. Welcome, Agenda Overview and Business Items**

Turner Odell, Oregon Solutions, introduced the agenda including the objectives for the Commission process and for today's meeting.

In addition to the agenda, copies of four documents were distributed at the meeting:

1. A memorandum from KPFF, the engineering consulting firm hired to provide the Commission with an engineering assessment on the condition of the Locks.
2. A one-page public information sheet describing four separate projects currently under way in the Willamette Falls area.

3. A report prepared by John Southgate and Aryeann Columbo that captures the early stages of an investigation of governance and finance options for ownership of the Locks, along with proposed criteria for evaluating the options.
4. A packet of written public testimony submitted to date. (The meeting ended with a public testimony session.)

Dan Holladay, Oregon City, proposed that a representative of the city of Canby be invited to join the Commission. Turner said there are other representatives of other organizations participating in the process because they have a stake in the fate of Willamette Falls and the Locks including the U.S. Army Corps of Engineers and PGE. The mayor of Newberg has likewise expressed interest in the effort to save the Locks. While the Commission can't add new members in a voting capacity without gubernatorial appointment as specified in SB 256, some stakeholders are participating in an ex officio capacity as non-voting members. Turner proposed that Bill Ryan, Department of State Lands, become an ex officio member because the Department owns the river bottom underneath the Locks unless there are objections (there were none). Turner also welcomed Commission member Stan Watters, Port of Portland, to the table.

The next order of business was to finalize the minutes for the Commission's third meeting on June 6. There were two comments today on those minutes:

1. Sandy Carter, Willamette Falls Heritage Foundation, said the discussion of historic status on page 3 in response to Turner's question about the state designation needs to be revised so it clearly distinguishes between national heritage efforts and the fact that the Locks are already on the National Register of Historic Places (they were added in 1974).
2. Karen Homolac, Business Oregon, said the discussion of impact investing on page 5 should say "investors" not "donors" in the second sentence.

With these changes, the June 6 minutes were approved as final.

## ***2. Locks Status – Report from Project Support Team Engineers***

Turner and Michelle Giguere, Summit Strategies, introduced Dan Hartford and Bob Riley of KPFF, the engineering firm hired to investigate the condition of the Locks and serve as consultants to the Commission.

Reporting by phone, Dan and Bob gave an update on findings to date, which are summarized in a memorandum from KPFF dated July 13, 2018. The draft report covers the status of the locks, the state of repairs needed, and capital needed over the short- and long-term to restore and maintain the Locks. KPFF engineers have begun reviewing historic documents from the Corps, particularly the more recent design reports.

The draft report was prepared after a preliminary site visit on May 30. Kevin Brice and Pat Duyck of the Corps were present and were able to operate most of the gates. Everything appeared to be in working order. The site visit allowed KPFF engineers to examine the gudgeon mechanisms. Overall, the Locks appeared to be in relatively good condition, given their age.

Two concerns need to be addressed:

1. It appears the condition of the Locks has deteriorated slightly from previous reports. Leakage was found adjacent to the wall by Lock 4 and through the chamber, along with a loss of backfill material. This condition has not been documented before.
2. Lock control station 3, which is adjacent to lock gate 6, was taken out of service because of concerns about the structural safety of the station.

Otherwise, the Locks appeared to be in similar condition to what was reported previously; there were no big surprises. The next step is to finalize the site visit report. Then KPFF will dig deeper into all the documents the Corps has provided, giving each a thorough review.

The end result will be a list of recommended capital improvements to the Locks, identifying capital improvements that could be done later or handled on an ongoing basis as part of operations and maintenance. KPFF plans to finalize its recommendations and cost estimates in time for the October meeting.

Commissioners asked questions and commented on the KPFF draft report:

- Sandy Carter, Willamette Falls Heritage Foundation – Sandy clarified that the draft report says a preliminary review of capital costs was prepared for Clackamas Heritage Partners, but it was actually prepared for Oregon Solutions under a contract managed by Clackamas Heritage Partners.
- Russ Axelrod, City of West Linn – The report mentions loss of backfill in chamber 4. Is that referring to the base elevation of the lock? **A.** It's not chamber 4, but the section of lock chamber wall - specifically on the western side. The backfill between two structures washed out, occluding the sidewalk adjacent to the lock wall, which has washed away. The concern is that, when the chamber is full, water can pass through the hole and continue to erode the lock.
- Russ Axelrod, City of West Linn – Will KPFF do a closer inspection of the integrity of materials that make up the walls, especially with regard to seepage at higher elevations? Is KPFF planning to inspect backfill through remote sensing techniques, geotechnical drilling, or borings around the locks to assess their condition? Or does the Corps plan to do that? **A.** Part of KPFF's scope of work is to use the Corps' reporting to date as a baseline for site investigations, as well as any additional information. So KPFF does not plan to use remote sensing techniques or geotechnical drilling to further assess the condition of the Locks. The Corps will probably have the facilities inspected, or that might be a recommendation from KPFF going forward. Another option would be for the Corps to perform a PCP cap test.
- Stan Primozich, Yamhill County – Does KPFF believe the \$16 million initial cost estimate to get the Locks up and running is still accurate? **A.** The study is preliminary, so any opinion would be based only on information the Corps has provided. It's too early to address this.
- Rep. Mark Meek – What is the timeline? **A.** KPFF will provide a final report in October.
- Russ Axelrod, West Linn – What about additional study evaluations if data gaps are identified in the Commission process? **A.** The Oregon Legislature established the Commission for a four-year period and funded it (so far) for one biennium; also, Summit Strategies put together a two-year plan to support the Commission's decision making. So the Commissioners will still be on board if additional needs are identified.
- Sandy Carter, Willamette Falls Heritage Foundation – What about a seismic evaluation of the remainder of the locks? **A.** That is part of the work PGE is doing as part of its analysis of the Locks to be completed by the end of October. There might be additional information then.

### ***3. Summary of Ongoing Willamette Falls-Related Efforts***

Andy Cotugno, Metro, described the four separate projects now underway in the Willamette Falls area, of which the Locks Commission is one. In past sessions, legislators have confused these projects when funding

was requested, so it is important to set the record straight. That was part of the impetus for producing the one-pager distributed at today's meeting.

Andy reviewed the first three projects:

1. **Willamette Falls Heritage Coalition** – For the past 10 years this group has been working to get the Willamette Falls area designated as a national heritage area with the National Park Service. The feasibility study has already been approved by the National Park Service. The next step is for the Northwest delegation to initiate Congressional action. In addition, a state heritage area has been established.
2. **Willamette Falls Legacy Project** – This project has both a public and private component. The planned river walk is the public component. It is already partially funded, and the permit for the public walkway is under review by the Corps. Construction is expected to start in a few years. Private property owners will determine what to do with the rest of the site.
3. **West Linn Waterfront Project** – This planning process sponsored by the City of West Linn is will be influenced by PGE's decisions as property owner. The process currently under way will address not only the paper mill but the adjacent two-mile stretch of river.
4. **Willamette Falls Locks Commission.** There is coordination taking place to integrate the first three projects with the work of the Commission. The four projects combined might offer more funding possibilities than each initiative does by itself.

Dan Holladay, Oregon City, asked whether PGE still holds the long-term lease for the land where the former papermill and Locks sit. Yes, it's a 30 year lease, Brooke Berglund replied. Karen Homolac, Business Oregon, asked what the lease provisions are for the locks. The lease is for operation of public works, Brooke replied. Brooke agreed to check on the status of the lease now that the mill has shut down.

### ***3. Options for Governance and Financing of Locks***

A draft report on options for governance and financing of the Locks was the central item on today's agenda. John Southgate and Ayreann Colombo gave a PowerPoint presentation and distributed copies of the draft report, dated July 18.

At this point, all possibilities are being examined. John urged the Commissioners to provide feedback. If there's a funding mechanism or an interaction of agencies that aren't identified, now is the time to get it on the record. The goal is to establish a definitive idea of governance methodology by December. Any legislative component of how the Locks will be restored and maintained needs to be clarified by the next Commission meeting on September 5.

John's presentation covered introductory observations, guiding principles, governance options, operation and funding options, capital funding, and next steps. John observed that based on his experience with other projects, combining all four projects into a single funding ask might have a better chance of success.

The benefits of such collaboration are multi-faceted for the economy, transportation, recreation and culture. In talking with public officials, John heard agreement that restoration efforts in the Willamette Falls area could have major long-term economic benefits. Businesses might profit from reopening of the Locks, and they might help recruit employers to the area.

The costs of restoring, operating and maintaining the Locks are unknown. Probably the costs of operation can be deferred or diminished by creative cooperation with the private sector. Costs will depend on how

many hours the Locks are in operation and whether a private operator will be able to maintain them at lower expense than a government agency.

John's presentation elicited the following questions and comments from Commissioners:

- Sam Brentano, Marion County – Somebody needs to oversee operation of the Locks to ensure they are continuing to work under variable weather conditions. **A.** Perhaps in exchange for free or discounted use of the Locks, a company would agree to be on call for maintenance issues, John said.
- Dan Holliday, Oregon City – Is there a commercial association of barge operators in the Portland metro area? **A.** Tugboat operators are certified like train operators are, replied Joe Bernert, Wilsonville Concrete and Marine Industrial Construction.
- Sandy Carter, Willamette Falls Heritage Foundation – We can't assume there will be tolling or fees for using the lock. The Commission hasn't made that decision yet, and it's a hot topic. **A.** Particularly for recreational users, John agreed. The Commission has discussed charging large-scale commercial users.

John then introduced draft guiding principles for governance, based on input from Commissioners in prior meetings. He asked whether the Corps will perform an ongoing regulatory function at the Locks. Pat Duyck, Corps Portland office, said future construction activities at the site may require permitting, but oversight of operations will no longer be a federal function.

Michelle Giguere, Summit Strategies, suggested that initially the Commission could enter into a partnership with the Corps for operating costs and training. Pat assured everyone that there will definitely be a transition period in which the Corps works collaboratively with whoever takes ownership of the Locks, despite the lack of federal oversight at that point.

Whoever owns and operates the Locks should have a deep abiding interest in keeping them open, not just for political reasons, John emphasized. This will be essential as the process evolves.

Under the special district model, should the Locks be operated by a large district or a small one? A large enough district could raise sufficient funds for a minimal cost per household, but it might be hard to justify why a taxpayer in Marion County, for example, should support operation of the Locks in Clackamas County.

John offered the Commission several options and strategies to consider:

1. **Owner option 1. State ownership, with operator to be determined.** A smaller entity might have trouble coping financially with a crisis as opposed to a sovereign entity. The challenge here is: Does any state entity logically meet the test of being motivated to operate the Locks without being forced into it politically? Could it be the Department of State Lands, which owns the river bottom under the Locks?
2. **Owner option 2. Local ownership and operation.** This could include the Port of Portland, Metro, Clackamas County, and the city of West Linn. And more than one Native American tribe has expressed interest in ownership.
3. **Operator option A. ORS §190 agency.** This would allow for the creation of an operator composed of all local entities that have an interest in keeping the Locks open – including several already represented on the Commission.

4. **Operator option B.** This would create a new port district to serve the city of Newberg and Marion County.
5. **Operator option C.** This would form a new special district such as (1) an infrastructure, resiliency, habit, or recreation organization; (2) a parks and recreation or water improvement district; (3) a county service district; or (4) a transportation district. The advantage of a large district is low cost per resident, but this option might not be politically viable. In the short term, agencies are needed, but forming a special district could be a long-term solution. It's not a task for the faint of heart.

Commissioners had the following questions and comments:

- Rep. Julie Parrish – Do we have a state agency that can do both mechanical management of the Locks and also handle collection of fees from users? This could require a merger of two state agencies. **A.** That's the principle of the ORS §190 agency concept, John said. The best combination of skill sets might involve multiple agencies.
- Scott Starr, City of Wilsonville – The City of Wilsonville has not identified a possible port in several decades. Wilsonville would have a strong interest in sharing a combined port with Newberg and Marion County. Would the Port of Portland have financial backing to solely own and operate the Locks? Are ports limited to a single county? **A.** The Port of Portland serves Washington, Multnomah and Clackamas counties. As a previous example, Wilsonville and Canby formed their own transit district. These are just possibilities, John said.
- Russ Axelrod, City of West Linn – Regarding option C, which calls for the formation of a large local district, it could be argued that the Locks have a broad role regionally, not just locally. So many aspects of the Locks tie in with other aspects such as regional tourism. Cities are having financial problems, and it might be hard to generate enough financial support without forming a district that is very broad-based.

As for capital funding, John advised the commissioners to pay close attention to details on page 12 of the draft report. Potential sources include federal, state, and regional/local/other entities. There are a number of options to consider, including impact investing.

Further comments and questions were:

- Danielle Cowan, Clackamas County Tourism and Cultural Affairs – Tourism will be a big component in terms of funding infrastructure. Through a regional program, \$100,000 has already been allocated for this operation. Travel Oregon has large, small and medium grants.
- Stan Watters, Port of Portland – There's a lot of government pressure on budgets these days, and the Port is involved in cleaning up the Superfund site on the lower river which will be expensive. It's not hard to imagine agencies saying "no" to ownership until they understand where the funds are coming from. There hasn't been a property tax increase for the Port of Portland in 45 years. A new source of funding will be needed to pay for the Locks. Developing funding sources is the most important part of the Commission's work.
- Rep. Julie Parrish – This would be a good Connect Oregon project. Validations are done every two years, and lottery money is available. She recommended asking the Legislature for a one-time fix, a combination of tax and user fees. It would be difficult to establish a special district to pay for reopening the Locks. Repairs, maintenance and operations should be budgeted separately. How

much in user fees would be needed? **A.** The costs of maintenance will depend heavily on how often the Locks are open, John pointed out.

- Dan Holladay, Oregon City – As part of the Council of Mayors that partners with business, it's important to reach out to the larger private sector to see if there are corporations interested in funding this effort. Perhaps a large barge or shipping organization would be able to contribute capital or resources. This is why it's important to portray the Locks as part of a larger whole, John noted.
- Russ Axelrod, West Linn – We have reasonably accurate numbers to use as a model for long term operations and maintenance, which will help us evaluate potential operations. There's reason to be optimistic about meeting long term operations and maintenance. The big question is, how much is needed initially? As far as city contributions go, small local governments are under a lot of fiscal restraint, but will no doubt participate in a broader context. **A.** There will be more concrete numbers to work with in October, John said.
- Sandy Carter, Willamette Falls Heritage Foundation – How would the Legislature determine funding allocation for the Locks? When they were in full operation, the cost was around \$500,000 a year. The Commission should reassure the new owner that the cost is not on them. The Corps had different models in which user fees were insubstantial in covering the costs of management and administration. We don't have a model we could use for the commercial potential of the Locks, and we might have trouble finding a model for fees.
- Danielle Cowan, Clackamas County Tourism and Cultural Affairs – Keep in mind there are different colors of money – a private entity probably would not get public funding. We've assumed the different mechanisms would support all the models, and hopefully that's true, but further analysis of funding sources is needed before we vote for a particular option. We also should distinguish between capital funds and operational funds. **A.** By the September 5 Commission meeting, the support team will do a deeper analysis of which options go with which types of funding. There may be an opportunity to create subcommittees at that point to do more intensive work on funding, Turner said.
- Karen Homolac, Business Oregon – We should focus on what the Locks can do for the Willamette watershed. That will drive how we seek funding and the kind of money available. For example, the Chesapeake Bay Foundation was formed because people recognized that the bay is important to the region. Issues that have to be addressed for economic development would also support commerce on the river. Our mission has a broad focus.
- Russ Axelrod, West Linn – A core element of funding the Locks could be state resiliency and conservation of vital infrastructure. After a Cascadia subduction earthquake, the Locks could be critical to move gravel upriver to rebuild bridges and roadways. That could justify a broad tax for all of western Oregon that would cost almost nothing per household.
- Rep. Julie Parrish – We have a variety of potential sources at the state level, but it will require a broader conversation to raise sufficient funds. There could be a combination of user fees and commercial support for diverting truck traffic. We could add a few dollars to a boating license fee. In a \$21 billion budget, there's a way to get there. The upcoming deadline for submitting a Connect Oregon grant request for lottery proceeds is September 28.
- Dan Holladay, Oregon City – We need to be wary of creating a new organism that eats tax dollars. For that reason, an ORS §190 agreement between several government agencies would be preferable

to a new tax entity with potential scope creep. Let's stay as focused as possible on opening, operating and maintaining the Locks.

Discussion turned to the timing of a legislative request for funding, in particular Connect Oregon dollars. Danielle Cowan advised action now. Rep. Julie Parrish advised drafting a request to operate the Locks publicly, without identifying the governance structure, and submitting it to legislators in September. It would be an easier ask in the short session of 2019 than in the longer session of 2020-1. John Southgate will connect with Rep. Julie Parrish and Danielle Cowan to flesh out the details of asking the Oregon Legislature for financial support.

An issue has come up that requires an immediate response from the Commission, Turner announced. This morning, Mayor Axelrod of West Linn attended a subcommittee meeting of the Clackamas County Coordinating Committee which is reviewing a regional transport plan Metro is putting together. With no mention of the Locks in the current plan, Mayor Axelrod urged the Commission to comment officially on the regional transport plan, requesting that restoration of the Willamette Falls Locks be included as an element of the plan. This is an important opportunity, and the comment deadline is August 18.

- **Motion** – Mayor Axelrod proposed that the budget team, chair and vice chairs draft a letter from the Commission by August 18 saying the Locks should be part of the long-term transportation plan. Sam Brentano, Marion County, seconded the motion, and it passed without opposition (Metro Councilor Betty Dominguez abstained).

#### ***4. Public Testimony on the Future of the Locks***

The fourth meeting of the Willamette Falls Locks Commission concluded with public testimony – spoken, written, or both. Copies of all written comments submitted as of 10:00 am today were distributed and copies of subsequent comments will be provided to the Commission. All written comments will be posted to the Willamette Falls Locks Commission website maintained by Oregon Solutions.

Several stakeholders who provided written comments were not able to present them in person:

- Sheri Freemuth, National Trust for Historic Preservation
- Susanna Campbell Kuo, Lake Oswego Preservation Society
- Robinson Foster, Steel Interstate Coalition
- Susan Bladholm, Frog Fairy
- Gerald Fox, retired engineer
- John and Catherine Davis, Canby residents

Some people gave oral testimony only:

- Stan Halley, Oregon River Safety and Preservation Alliance
- Cheryl Kennedy, Confederated Tribes of Grand Ronde
- Greg Archiletta, Confederated Tribes of Grand Ronde
- Dan Yates, Portland Spirit River Cruises
- Troy Bower, Willamette Falls Heritage Foundation
- Peggy Sigler, Clackamas County resident

A few presented their testimony both in person and in writing.

Oral comments are summarized below for the record.



## ***5. Next Steps***

Following public testimony, there was some brief additional dialogue. The next meeting is September 5. Between now and then, the project team will create a work plan for the September, October and November meetings, aimed at helping the Commission reach a decision by the December deadline. The team will email materials to the Commission one week in advance of the September meeting.

Russ Axelrod recalled there was a request for additional information on governance, specifically any involvement the Commission had in defining the options and criteria presented in the report. He suggested a deadline of end August for the Commission to give the project team feedback on governance.

Betty Dominguez asked whether it made sense to conduct a Doodle poll for an August meeting; Turner said that might be challenging given people's availability. Sandy Carter expressed appreciation for the tour of the Locks PGE provided after the June meeting. Brooke Berglund said PGE would be willing to lead another tour for those who couldn't make it in June.

Rep. Julie Parrish announced she is available for consultation in August to help the Commission and the support team prepare a draft report for the September meeting. She reminded the Commissioners that anyone who represents a county or city is empowered to direct legislative members of the Commission to act. When the Oregon Legislature issues bonds for projects that aren't ODOT-specific, such as for community college, it typically places an earmark bond in the annual budget. Funding for the Locks needs to come from a general obligation bond, and it's contingent on the Commission continuing to develop a plan to manage the Locks. It's also contingent on user fees and operational plans. The request should be made during the long session of 2019, so it doesn't get postponed to the 2020 session of only 35 days, with a presidential election that year. She recommended the Commission draft a budget ask in time for the 2019 session, with the stipulation that the Commission will bring its final bond request back to the Legislature in 2020.

The meeting adjourned at approximately 4:30 pm.

**Summary of Oral Public Testimony**  
**Delivered at the July 18<sup>th</sup> 2018 Willamette Falls Locks Commission Meeting**

**Gov. Barbara Roberts (*written testimony provided*):**

I convened the Willamette Falls Locks task force that met in 2016-2017 and reported its findings to the 2017 legislative session. It is in the interest of the state of Oregon that the Locks be repaired rather than permanently decommissioned. The Corps has made clear that if we fail to identify a responsible entity, they will be forced to close the Locks permanently. The time for answering these questions is now. The Commission faces a huge workload and big decisions to make that happen. Engineering issues, environmental consequences, cost and funding will be big issues. The Commission is entrusted to come up with a workable, positive solution for Oregon. The Willamette Falls Locks are a 145-year-old treasure, and we are the stewards of this treasure. With the repair of the Locks, the Willamette River would once again be navigable above Willamette Falls. We cannot let this opportunity slip through our fingers. Timing is absolutely critical.

**Stan Halley, Oregon River Safety and Preservation Alliance:**

Our recently formed alliance focuses on the upper Willamette River from Ash Island to Willow Island [river mile 50 to mile 30]. At that point, the river is about 500 ft wide and 30 ft deep. Reopening the Locks would impact this portion of the river because increased boat traffic would probably lead to significant erosion problems. On the positive side, reopening the Locks would allow commercial and recreational watercraft to go upstream, facilitating movement of goods and services when a Cascadia subduction event occurs. However, the down side of reopening the Locks is a potential increase in boat traffic, particularly wind surfing, which tends to create large wakes at slow speeds with waves as high as 4 feet. This erodes shorelines, destroys docks, capsizes boats and creates a public safety issue. The Alliance has contacted many different agencies – the Department of State Lands, DEQ, ODFW, the Marine Board, and others – in an effort to determine who’s responsible for managing shoreline erosion. The Commission has an opportunity to establish a long-term plan to ensure that diverse users of the river can conduct their activities safely without posing a risk to shoreline, property and other river users.

**Cheryl Kennedy, Confederated Tribes of Grand Ronde:**

Under the Calapooya treaty of 1855, the Confederated Tribes of Grand Ronde became keepers of Willamette Falls. We negotiated with all the other tribes that came here and maintained the fish bounty of the area. This made us a prosperous, astute and business-minded people. The Willamette Falls gathering is one of the largest gatherings of Native peoples on this continent. With our historic ties to the area, we want to continue to be part of the process of reviving the Willamette Falls Locks. Our role is to make sure the condition of the river is maintained as well as it can be, and that we maintain as pollution-free an environment as possible. We believe the Corps has a role and a stake in what happens here. Willamette Falls could be a well-managed place that’s inviting for everyone, but the infrastructure needs to be developed.

**Greg Archiletta, Confederated Tribes of Grand Ronde:**

We have stories of how Coyote created the falls for the benefit of our people so we could fish and gather salmon and eels. He built a magical fish trap for us but we insulted the trap, so now we use dip nets. When the Calapooya treaty, a.k.a. the Willamette Valley treaty, was signed in 1855, our people moved to the Grand Ronde reservation. We helped portage others over the falls as other tribes came to visit the area and sought passage to the Willamette Valley. We were expected to farm the reservation but that didn’t work out, so we continued to fish for salmon and eels at Willamette Falls. The Confederated Tribes of Grand Ronde helped build and construct the Locks, which allowed sternwheelers and barges to haul our catch upriver to the Grand Ronde reservation to help us survive. Today the locks are still essential to our people. The Willamette River is our highway. With the Locks closed, we work with the Corps to obtain access to the fishing site for ceremonial activities. The tribes support restoration and reopening of the Locks. Mitakuye Oyasin.

**Dan Yates, Portland Spirit River Cruises (*written testimony provided*):**

Our company uses five vessels to take about 150,000 people a year on some 2,000 Willamette River cruises. We support reopening the Locks. Here are three suggestions for raising the needed funds:

1. About 12-15 years ago the federal government designated the Willamette River a national marine highway in an effort to relieve congestion on I-5. Instead of keeping the Locks open to river traffic, we closed them. There's a big effort around the country now to move traffic onto rivers because of a lack of space to expand roads. With the federal government having designated the Willamette River as a national marine highway and ODOT negotiating for federal funds to set up a tolling system, it would make sense to claim a portion of the income from tolling to help operate and maintain the Locks. A mile of freeway expansion would cost significantly more than rebuilding the Locks.
2. Barge operators have been paying a self-imposed tax of 10 cents a gallon to help the Corps maintain the Locks. Barges are the most environmentally friendly way of moving freight in terms of carbon footprint. Every barge that passes through the Locks could substantiate a claim for that 10 cents per gallon to help fund a new operating entity.
3. With the Corps no longer operating the Locks, a user fee such as \$5 a day could be charged.

A significant amount of money could be raised if all three of these funding approaches are combined, Dan said.

Rep. Julie Parrish asked, if the Locks were open, how would that impact your business? Would you add more trips downriver? Should we allow hotels on the Willamette River to charge lodging taxes?

Many enterprises could benefit from the business opportunities the Willamette wine country offers, Dan replied. Oregon has decided to allow hotels in wine country. Europeans run small barges into their wine regions, and European operators see the Willamette Valley as an investment opportunity. Our wine region has become famous, but tour buses can't go there because there's no place to stay. The revenue enhancement of reopening the Locks wouldn't be limited to lodging taxes, but would include moorage fees for tour boats that tie up on the river. Another benefit of reopening the Locks would be diverting trucks from being caught in downtown traffic. If freeway tolling is part of the picture, it becomes even more economically feasible to drive trucks onto barges. This portion of the Willamette River offers a big development opportunity.

**John Gustavson, Willamette Falls Area Heritage Coalition:**

The Willamette Falls Area Heritage Coalition is composed of representatives from local governments, including the Confederated Tribes of Grand Ronde. For the past decade the coalition has been working to obtain national heritage status for the Falls. The national designation requires an act of Congress, and we've been working with our delegation on that effort. The area tells the story of the Ice Age, Native Americans, fur trading, the end of the Oregon Trail, visions of industrial and agricultural growth, and the origins of the state of Oregon. We promote river tourism of the falls and historic sites and communities along the 56 river miles that make up the area. Without the Locks restored and reopened, the coalition's vision of the heritage area will be severely limited. A critical component to a robust national heritage area status is for Oregon to have one Willamette River instead of the two we have with the Locks closed. With the Locks operational, we can plan for river boat trips, even off-river trips to wineries. While access to the heritage area is currently available on land, only the river can give a sense of what pioneers experienced when waterways were the highways for travel and commerce.

**Jody Carson, Clackamas Tourism Development Council, Mt. Hood Territory (*copies of testimony distributed at the meeting*):**

The Locks are critical to future tourism in the Willamette Falls heritage area, as well as to development on both sides of the river. Restoration of the Locks offers a huge opportunity for commercial traffic as well as tourism. Before the Locks closed, the Corps tracked only commercial tonnage and did not include the large number of recreational vessels using the Locks on an annual basis in its calculation of which facilities to

maintain. Several studies predict increased recreational use and tourism if the Locks reopen. We advocated for the passage of SB 131 to establish the Willamette Falls Task Force, and we supported SB 256 in 2017 that created the Willamette Falls Locks Commission. We've helped secure funding for these efforts, including \$100,000 in regional tourism funds to support the Commission's work. We've worked with Travel Oregon, which spent \$25,000 on media outreach concerning the Locks. We urge the Corps to contribute more money to make the Locks operational again, or else pick up more of the cost than they're currently offering.

**Troy Bowers, Willamette Falls Heritage Foundation:**

Our mission is to advocate preservation of the industrial and economic heritage of Willamette Falls, including the Locks. For the past 15 years our foundation has been extremely active in advocacy, fundraising, and providing tours of the Locks. They are a historic landmark, with huge economic value and an important role in resiliency when the earthquake does happen. I encourage the Commission to find a solution for transferring ownership.

**Peggy Sigler, Clackamas County resident:**

For three decades I've been involved in heritage and historic preservation projects in Clackamas County and around the state. I worked as a resource planner for the county, retired as Oregon field officer for the National Trust for Historic Preservation, and served on the Willamette Falls Locks Task Force. After closure of the Locks in 2011, I worked with Sandy Carter and others to recognize the Locks as a national treasure. We knocked on doors and started a growing movement. There is a lot of public support for the Locks, for seeking action from the Legislature, the Congressional delegation and the voter.

In 1974, the Corps placed the Locks on the National Register of Historic Places. The Corps is obligated to abide by the 1966 National Historic Preservation Act section 10, which requires federal agencies to preserve and maintain their historic properties, as well as section 106, which requires agencies to avoid, minimize and mitigate any adverse impacts. By allowing the Locks to deteriorate, the Corps has not adhered to section 10. By not addressing adverse impacts prior to closing the Locks, the Corps has not adhered to section 106. Led by National Trust expertise and nearly two dozen partners, we began working with the Corps in July 2012, urging them to initiate a process. Two years later, the Corps officially determined that the closure of the locks to vessel traffic had adverse effects on the features and qualities that made them eligible for National Historic Register listing. In October 2016, the Corps state historic preservation office, along with 17 concurring parties, signed a Memorandum of Agreement re: the Willamette Falls Locks in relation to section 106 of the National Historic Preservation Act. I believe the Corps has not followed through on its MOA stipulations and intends to pass that responsibility on to a new owner. If the Corps does not meet the obligations of the MOA, the funds to cover those obligations should be provided as part of the transfer agreement. I urge the Commission to hold the Corps accountable for adhering to the MOA stipulations of section 106 of the National Historic Preservation Act.