



DECLARATION OF COOPERATION

WILLAMETTE FALLS LOCKS PROJECT May 2006

Preamble:

The Willamette River, one of 14 nationally designated American Heritage Rivers, has in many respects been the economic and environmental engine driving Oregon's history. Early developers constructed a navigational lock past the extraordinary 42-foot waterfall at Oregon City, opening up bulk commerce between the Willamette Valley and the population and shipping center of Portland in 1873. The Willamette Falls Locks have played a central role Oregon's history ever since.

Today, the Willamette Falls Locks remain a remarkable resource, serving a range of watercraft from recreational boats and kayaks to commercial tour traffic, to large commercial barges. As the oldest continuously operating multiple lift lock system in America, they are also a critical element of the important historic and cultural resources now being developed in Clackamas County.

Oregon's Governor, like others before him, has made the Willamette a top priority in his conservation agenda. Likewise, communities all along the river have recently re-discovered their waterfronts, reclaiming the Willamette's natural beauty and attributes as a tourist and recreational attraction; an economic asset to be enhanced, and one of the showpieces of Oregon's quality of life that will serve to attract high-quality jobs for the entire state.

Moreover, industries that shifted their transport mode from barge to trucks as recently as 20 years ago are re-thinking those strategies, as fuel prices climb beyond \$3 per gallon. The notion of the Willamette as a continuous *transportation link* is regaining favor: an important strategic asset for the Portland metropolitan area and for the state. If we could hear voices from the past, and future, they would urge us to protect and preserve the locks for both their utilitarian and heritage value.

Unless something is done, the locks face closure and probably ultimate abandonment. When that happens, many economic, recreational, and cultural opportunities will be permanently lost. We, the undersigned parties, have formed an extraordinary alliance of economic, civic, environmental, and cultural interests to preserve those opportunities.

I. Background

The Willamette Falls Locks, operated by the U.S. Army Corps of Engineers, provide the only passage for boats around the Willamette Falls. The Corps' operating budget has been steadily decreasing in recent years, and the Federal FY 2006 budget put the locks in "caretaker status", essentially closing the locks for all uses, with the exception of rare emergencies. The locks are in imminent danger of being *permanently* closed unless local or state funding and operation can be arranged.

The state and region now face an historic decision about the future of the Willamette River: One choice, closure of the locks, will irretrievably result in two rivers for recreational and commercial purposes; upstream and downstream of Willamette Falls. In addition to other economic consequences of closure, the region will lose an important historical asset. The Willamette Falls Locks are the oldest continuously operating multi-lock system in America, and an important part of Oregon's cultural heritage. Recent efforts have been made to take advantage of that status and highlight the locks as a visitor destination.

In addition, permanent closure of the locks would:

- Block recreational boat traffic from Portland to areas upriver from the falls, inhibiting the Governor's Willamette Legacy Program, which recently celebrated the opening of the Willamette River Water Trail. This at a time when, according to a study commissioned by Clackamas County Tourism Development Council, the projected increase in the region's population to nearly 3 million by 2025 will stimulate additional demand for water-based recreation.
- Permanently eliminate the more-efficient option of barging material between upper and lower river communities for the aggregate, pulp and paper, and other industries, just as fuel prices are projected to significantly increase.
- Prevent owners and operators of large commercial upriver vessels such as tug and barge operators, the Willamette Queen riverboat and the Canby automobile ferry from getting their boats to dry dock for Coast Guard inspection every five years. They will have to either find more much more expensive alternatives or be forced out of business.

- Impair the maintenance and repair of dock facilities, the Sullivan Power Station, and other on-river facilities up river from the falls – now done by companies who go through the locks.

In 2005 Congresswoman Darlene Hooley convened a multi-agency Steering Committee began planning a forum to connect the efforts for economic revitalization of river communities along the Willamette, *Willamette River United*. From that forum the continuation of Willamette Falls Locks operation was designated as an *Oregon Solutions* project by the Governor, with former Superintendent of Schools Verne Duncan named as convener. Funding for the Oregon Solutions process was provided by Portland General Electric, Wilsonville Concrete, Bernert Towing, Clackamas County Tourism Development Council, City of Lake Oswego, City of West Linn, City of Oregon City, West Linn Paper Company, Willamette Falls Heritage Foundation, and West Linn Chamber of Commerce. Technical assistance was also received from the Willamette American Heritage Rivers Initiative through the Bureau of Land Management

Since October 2005, a group of more than 30 local, state, federal, and private-sector collaborative partners has been meeting to consider various alternatives for continued operation and funding of the Locks. We, the signers of this Declaration of Cooperation, believe that a solution can be devised to accomplish this goal, and commit to the following plan of action.

II.. The long-term challenges

Long-term operation of the Willamette Falls Locks will likely require some sort of local/state/federal/partnership to finance, manage, and operate the locks. The Corps of Engineers has indicated their willingness to work with a local/state group to develop a transition plan toward local/state operation. Issues and challenges that will need to be addressed include:

1. *Capital improvements needed.* An engineering study is needed to ascertain the structural integrity of the locks, and identify any major capital investments required in the next 15-20 years. Such costs could easily be in the \$ millions. However, a number of potential sources of funding for these capital improvements have been identified as well: State and Federal transportation funds, national historic and cultural preservation funds, the State Marine Board, and State or local government Park and Recreation funds.
2. *Institutional framework for future operations.* The institutional framework for legal and financial responsibilities needs to be determined for the long term; What entity should take over operational responsibility for the Locks? Should it be an existing institution or should a new separate authority be developed? How will money be collected (and from whom) on an annual basis for Locks operation? Are intergovernmental agreements or contracts needed? What legal and/or

environmental liabilities need to be addressed? A study of potential alternatives is needed as a first step.

3. *Financing Annual Operations.* At what level should the locks be operated, and how should operations be financed on an annual basis? What percentage of the funding should come from users through tolls?
4. *Historical/Cultural Tourism Promotion.* How best to develop and promote the historic importance of the locks and their remarkable natural and historical setting as part of larger cultural tourism destination.

III. The Short-Term (2-year) Strategy

While the longer-term issues are being addressed, the priority is to keep the locks operating during the next two years during the heavy-use months (May through September). This effort has been referred to as “keeping the patient alive” so that the locks are not permanently closed.

The Willamette Falls Locks Oregon Solutions partners have successfully put in place the following short-term strategy:

- The U.S. Army Corps of Engineers will enter into an agreement with Oregon Department of Transportation for utilization of Transportation Enhancement funds, and a 2007 Challenge Partnership Agreement to accept additional local and state funds so that the Locks can continue to operate 4-5 days per week from late May through September of 2006 and 2007.
- Clackamas County will be the administrative lead and “partner of record”, representing the other public- and private-sector partners and providing administrative and financial oversight for collective funding from the various partners. In that role, the County will develop a Challenge Partnership Agreement with the Corps of Engineers for 2007 operations
- A total budget of \$419,300 has been developed for operation, maintenance, and public education of the historic importance of the Willamette Falls Locks, covering the period May 2006 to September 2007. Of this total budget, \$15,000 has been dedicated toward project management for the next two years (see below).
- The Oregon Department of Transportation and the Oregon Transportation Commission have agreed to provide \$318,300 from the Director’s Discretionary Transportation Enhancement funds (approved by the Federal Highway

Administration) toward the \$419,300 budget noted above. This amount has been supplemented by over \$100,000 in contributions from the following public- and private-sector financial partners:

- Portland General Electric
 - The Oregon Marine Board
 - Willamette Falls Heritage Foundation
 - Clackamas County
 - City of West Linn
 - City of Oregon City
 - Wilsonville Concrete
 - West Linn Paper Company
 - Willamette Riverkeeper
 - West Linn Chamber of Commerce
 - Willamette Sternwheelers
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- Per above, the U.S. Army Corps of Engineers, in addition to working with the other partners in signing the Partnership Agreement, will provide labor in the form of operations and maintenance as authorized by Congress and as possible within the fiscal and administration limitations of “caretaker status”.

 - A Congressional Budget Request has been submitted by the City of West Linn, with the support of Congresswoman Darlene Hooley, Senator Gordon Smith, and Senator Ron Wyden. The fiscal year 2007 request was for full operations, totaling \$450,000.

 - A public celebration of the Locks and the success of the collaborative process at the 2006 Lock Fest organized by the Willamette Locks Heritage Foundation.

IV. Remaining Project Tasks for Resolving Long-Term issues:

- *Leadership and Project Support for the continuing collaborative process:*

The Willamette Falls Locks Oregon Solutions collaborative partners will continue to oversee the efforts toward establishing long-term solutions to locks operation

and management. Staffing support for the collaborative partners will be provided by Oregon Solutions, with \$15,000 raised from the partners so far for that purpose.

- *Capital Improvements*

A work group will be assigned to design, oversee, and pursue funding for a study of the structural integrity of the Willamette Falls Locks, and any capital improvements needed to ensure long term operation of the locks. This would lead, in turn, to pursuit of funding for the actual capital improvements themselves. In addition, this group will continue to pursue funding for a similar study to identify the long-term costs of permanent closure of the locks.

- *Institutional and financial structure for long term operations:*

A work group will be assigned to design, pursue funding for, and oversee a study to evaluate options for institutional sponsorship and leadership for long term locks operation. These options will address operations, liability, potential closure responsibility, etc. In addition, this group will explore long term financing options for operations, including tolls, fees, tax revenues, etc.

This workgroup will be assisted through a consultant report, to be paid for, in part, through funding from Oregon State Parks and Recreation Dept.

- *Historical preservation and tourism promotion:* A workgroup will be charged with developing and implementing a coordinated plan to enhance the cultural tourism potential of the locks, in collaboration with the other historic/cultural opportunities in the West Linn-Oregon City area. Part of this effort will include developing a nomination for national significance on the National Register of Historic sites. In addition, nomination for Historic Landmark status will be investigated.

- *Willamette River United II:*

The office of Representative Darlene Hooley will sponsor and convene a second conference of stakeholders interested in connecting economic and community revitalization efforts along the Willamette, working with members of a Steering Committee to hold this conference in fall 2006.

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:



U.S. Corps of Engineers



Oregon Dept. of Transportation



City of West Linn



Columbia R. Yachting Assn



Clackamas County



Oregon Marine Board



Will Falls Heritage Foundation



Oregon Gov's Office - ERT



Portland General Electric



West Linn Paper Co.



City of Gladstone



City of Oregon City



Willamette Riverkeeper



Willamette Sternwheelers



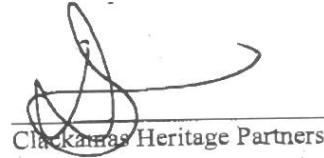
West Linn Chamber of Co.



Clack. County Tourism Commission



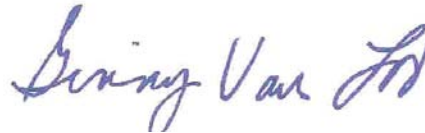
Metro



Clackamas Heritage Partners



BLM Willamette American
Heritage Rivers Program



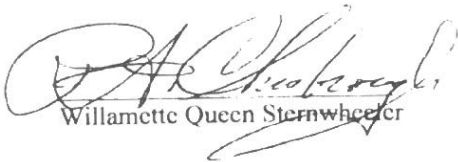
Northwest Oregon RC&D Council



Oregon Tourism Council



Wilsonville Concrete



Willamette Queen Sternwheeler