

# Willamette Falls

◦ LEGACY PROJECT ◦

## PARTNERS GROUP QUARTERLY MEETING AGENDA

Wednesday, June 30, 2021

9:00 – 11:00AM

Virtual Meeting (Zoom)

<https://us02web.zoom.us/j/87047647338?pwd=ajV1N1BtdW45Z003eGtBdFNpQjRuQT09>

Passcode: 743148

Time	Topic	Lead Presenter
9:00 – 9:10AM	Welcome & Introductions	
9:10 – 9:55AM	Draft Project Tribal Engagement Framework - informational presentation	
9:55 – 10:40AM	Discussion: Request for Addition of Willamette Falls Trust to the Partners Table	
10:40 – 10:50AM	Project Next Steps - Updates	
10:50 – 11:00AM	Next Partners Meeting Date/Round Table Updates	
11:00AM	Adjourn	

Note: Public testimony will not be heard at this meeting; however, the Willamette Falls Legacy Project always accepts written comments. Email [info@willamettefallslegacy.org](mailto:info@willamettefallslegacy.org)

## **Partner Meeting Packets**

### **Project Update** (Included in Framework Packet)

1. 2021.06 Budget Status Memo

### **Project Tribal Framework**

2. WFLP Tribal Community Engagement timeline June 2021
3. WFLP Tribal Engagement Framework Partner Briefing 06.30.2021 NF
4. Invitation for Feedback and Comment WFLP TEF Email
5. 2021.05.10 Draft WFLP tribal engagement framework v1 (002)
6. Draft Tribal Engage Framework v1\_All comments received

### **WFT Trust Request**

1. WFLP WFT Request to Join Partnership Agreement Partner Briefing NR
2. 2021.6.16 Tribal Representation Via Willamette Falls Trust
3. CTUIR BOT 4.14.2021 Letter to WF Partners
4. 2021.04.19 Siletz Tribe Ltr re Willamette Falls Legacy Project
5. Yakama Nation's Letter Request for WFT to WF Partners 04.21.2021
6. Signed CTWS Letter of Support for WF 04.28.2021
7. CTUIR BOT 6.14.2021 Letter to WFLP Partners



**LEGACY PROJECT**

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Portland, OR 97232-2736  
[www.willamettefallslegacy.org](http://www.willamettefallslegacy.org)

Memo

June 30, 2021

**To:** WFLP Partners

**From:** Brian Moore, WFLP Manager

**Subject:** June 30, 2021 Willamette Falls Legacy Project Budget Status

As of March 26, 2021, the project accounting report provided the following updates to revenues and expenditures for the Willamette Falls Legacy Project.

Cash Position

Revenue through March 2021	\$ 20,518,742
Restricted Funds	\$ 14,226,100
Expenses through March 2021	\$ 5,770,417
Remaining Funds March 2012	\$ 522,225

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Projected Revenue and Expenditures

Outstanding Contracts (5 total)	-\$ 2,647,349
Project Staffing	-\$ 125,000
Unfulfilled Contribution (1 promised)	+\$ 5,912,939
Net Projected Revenue and Expenditures	+\$ 3,265,590

Note: Outstanding contracts include contracts with OTAK, Lease Crutcher Lewis, Willamette CRA, AECOM, and MFA. The one unfulfilled contribution is from the Willamette Falls Trust and has been on hold until there is clarity on moving forward with Phase 1. Due to a number of conflicting factors, no design work has been done on phase one or beyond. However, the contract with OTAK has been extended in hopes that the understanding of tribal engagement and resolution of Phase 1 support from CTGR can result in initiation of design work and contribution of funds from the WFT.



## A WFLP Tribal Community Engagement timeline –

This draft project timeline begins with our engagement of the Willamette Falls Trust for help with Tribal Community Engagement. Prior to this date, the project had worked with the Tribal Advisory Board, which was put on hold at the request of the Tribal Advisory Board Participants until we submitted our Joint Permit Application to the Army Corps of Engineers for the development of the riverwalk. Ongoing conversations and exchange of comments has occurred throughout this time period. The timeline ends with the June 2021 Partners meeting. Next steps are expected to be developed based on the outcome of the June 2021 Partners meeting.

- WFLP Contracts with WFT for Tribal Community Engagement Plan & Programming Planning (June 2019)
- Partners Direct Project to identify feasible Phase 1 of the riverwalk (November 2019)
- WFT Forms Tribal Leadership Committee (December 2020)
- Partners Approve Phase 1 Conceptual Approach contingent on a Resolution of support from CTGR (February 4, 2021)
- WFT Requests to be made a partner (February 8, 2021)
- CTGR Publicly announces vision for the property (March 24, 2021)
- WFLP Requests Tribal Community Engagement Plan from WFT (April 8, 2021)
- CTGR Leaves WFT Board and WFT Tribal Leadership Committee (April 22, 2021)
- WFT Begins Hosting Tribal Community Engagement Plan Collaborative Workshops with WFLP (May 7, 2021)
- WFLP circulates Draft WFLP Tribal Engagement Framework (May 10, 2021)
- WFT is formally delegated as Tribal consultation representative for CTUIR (and possibly other Tribes) (June 14, 2021)
- CTGR provides comments to WFLP's Draft Tribal Engagement Framework (May 27, 2021)
- WFT provides comments to WFLP's Draft Tribal Engagement Framework (June 16, 2021)
- Partners Meeting (June 30, 2021)

## **Willamette Falls Legacy Project Tribal Engagement Framework**

### **Background**

A foundational element of the Willamette Falls Legacy Project is the understanding that Tribal Governments have a unique and distinct role in the success of this project. This is documented in the four core values of the project, the roles and responsibilities of the Partners, the creation of the Tribal Advisory Board, and engagement efforts during and after the master planning process. Over the last 8 – 10 months a growing number of questions and concerns from Tribes engaged in the project have been raised to project staff and Partners. These questions and concerns have highlighted lack of clarity, deficiency, or disagreement about the effectiveness and approach of the Tribal engagement efforts to date.

Project staff have worked to provide answers, but have often struggled to effectively answer questions in a manner that built trust. The Partners and the project staff are firmly committed to multi-tribal engagement with (alphabetically): the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Grand Ronde, the Confederated Tribes of the Siletz, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Indian Reservation. However, the project lacked documentation that outlined and clarified previous approaches, areas for tribal input, decision making structures, communication expectations, and desired outcomes.

### **Current Status**

In early 2021, project staff consolidated previous tribal engagement documentation, project decision-making structures, current efforts for tribal government and tribal community engagement, and anticipated needs for future decision making as it relates to informal and formal consultation needs. This effort was an attempt to create a draft document that created space for shared discussion and dialogue with project staff and staff from Tribes who had interest in the project. The intent was to use this draft document to help answer previously asked questions and create an opportunity for greater understanding of gaps, deficiencies, or additional work areas to create alignment and understanding of the Tribal engagement and input throughout the project. The framework is intended to be iterative, adding new understanding from Tribes and the efforts of the Willamette Falls Trust as they are available.

To date project staff have received comment from the Confederated Tribes of the Grand Ronde (05/27/21), and the Willamette Falls Trust representing the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Indian Reservation (06/16/21). Project staff are working to collate and address the comments. These comments highlight significant work that needs to be done in order to meet the needs of Tribes and tribal community for effective and meaningful engagement. These comments also highlight the project's challenges to create a structure and approach for multi-tribal engagement which is has alignment or agreement from all five Tribes participating in the project.

## Next Steps

Project staff will collate and address comments in development of a second round draft framework. Staff will also provide a response to all comments received from all parties. The second draft document will be shared with all Tribes with interest in the project and the Willamette Falls Trust for additional input and refinement. The project will also coordinate with the Willamette Falls Trust to confirm receipt and approval of Willamette Falls Trust grant agreement deliverables which are pertinent to completion of the draft framework.

Prepared by MG Devereux

Information

## Brian Moore

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**From:** MG Devereux  
**Sent:** Monday, May 10, 2021 1:03 PM  
**To:** MG Devereux  
**Cc:** Brian Moore; Katie McDonald; Laura Terway <lterway@orcity.org>; Alex Gilbertson  
**Subject:** Invitation for feedback and comment Willamette Falls Legacy Project Tribal Engagement Framework  
**Attachments:** 2021\_05\_10 Draft WFLP tribal engagement framework v1.pdf

**\*This email is being sent on behalf of the Willamette Falls Legacy Project. The email and attachment are intended for Tribal Staff who have participated in or have expressed interest in the Willamette Falls Legacy Project, as well as staff from the Willamette Falls Trust and members of the Trust Tribal Leadership Committee. Willamette Falls Legacy Project Technical Advisory Committee participants will also be updated on this email.**

Good Day.

Over the past three months, the Willamette Falls Legacy Project (WFLP) has been exclusively focused on responding to a number of concerns identified by Tribes including: the need to provide clarity about the opportunities for multi-Tribal engagement throughout the riverwalk project, details of the multi-tribal community engagement process, and a response to the request by the Trust to become a project Partner. You are invited to review and provide feedback on the enclosed initial draft copy of the project's "Tribal Government and Tribal Community Engagement Framework" which outlines the variety of opportunities for multi-Tribal engagement at multiple levels of the project before the draft document is shared with ).

Briefly, the project seeks to have multiple opportunities available for participating Tribes to engage with the project so that engagement can be comprehensive and flexible to meet the Tribes' and Tribal communities' needs. There are currently three options identified by the WFLP for the Tribes to engage with the project: Formal Consultation with State and Federal permitting agencies, tribal government consultation led by the project, and tribal community engagement led by the Willamette Falls Trust (WFT) with support from MASS Design Group. The attached draft framework document is intended to capture information on these approaches to provide greater clarity to the multi-tribal engagement efforts and processes of the project.

The project would like to highlight this is an initial draft document being developed by the WFLP project including staff from each of the partnering agencies. The project welcomes input, questions and comments from participating Tribes to help further clarify and document the project's multi-tribal engagement approach before the document is shared with and reviewed by the WFLP Partners at an upcoming meeting in mid-June.

The project is also sharing the draft framework with the Willamette Falls Trust to request review and input to reflect the multi-tribal community engagement work they are leading for the project. The draft framework will be further developed and completed with deliverables outlined in the Willamette Falls Legacy Project Willamette Falls Trust Grant Agreement 2020-2022 after approval by the Willamette Falls Legacy Project Manager on behalf of the public Partners.

Nothing in the attached document is intended to preclude any of the participating Tribes' ability to contact and work with the WFLP Partner governments directly to provide input to the project. Development, review and completion of the tribal engagement framework is also distinct from the Willamette Falls Trust's request to join the Partners table. Please look for forthcoming communications from the project regarding the Willamette Falls Trust's request to join the partners table and the project's approach to respond to this request later this week.

The project would like to request written comments, input and feedback from all participating Tribes and the Willamette Falls Trust by close of business Monday, May 24<sup>th</sup>, 2021. This review period is the first of three total anticipated review and input opportunities with the public Partners staff, all participating Tribes and the Willamette Falls Trust. More



information on the anticipated schedule and sequencing of producing a final framework can be found in the attached document.

To help track comments, input and feedback, the project requests written feedback via email. Please share your written comments via reply to this email or in a direct email to MG Devereux ([MG.devereux@oregonmetro.gov](mailto:MG.devereux@oregonmetro.gov)), Laura Terway ([Iterway@orcify.org](mailto:Iterway@orcify.org)), Brian Moore ([Brian.moore@oregonmetro.gov](mailto:Brian.moore@oregonmetro.gov)), Alex Gilbertson ([Alex.gilbertson@oregonmetro.gov](mailto:Alex.gilbertson@oregonmetro.gov)), and Katie McDonald ([Katie.mcdonald@oregonmetro.gov](mailto:Katie.mcdonald@oregonmetro.gov)). In the meantime, the project will focus on the request from the Willamette Falls Trust to become a WFLP Partner, and supporting the Trust in the development of the Tribal Community Engagement Plan.

Sincerely,

MG Devereux

MG Devereux  
Deputy Director  
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May 10, 2021

## WFLP Tribal government and Tribal community engagement Framework Draft v 1.0

### Preface – Commitment to multi-tribal engagement

The Willamette Falls Legacy Project (WFLP) seeks to honor native peoples' stories and relationships to the Willamette Falls, past, present and future while planning for a long term approach to tribal engagement and interpretation at the public riverwalk.

The public partners are committed to multi-tribal engagement as a core component of the WFLP. The WFLP seeks to create an engagement approach that provides a clear and ongoing opportunity for all Tribes who have interests at the Willamette Falls and interest in the project to provide input on the public riverwalk while respecting the rights of the private property owner.

The WFLP Partners seek to build positive relationships with each of the Tribes to understand tribal interests, explore opportunities for collaboration, and create an approach to address and be responsive to tribal interests within the project scope. It is hoped that through these efforts relationships with the Tribes are fostered that extend beyond the WFLP and provide benefit to all participating governments. It is the project's goal that multi-tribal engagement will help to ensure successful delivery of the Willamette Falls Legacy Project's four core values and the public riverwalk.

Defining tribal-related key uses is an ongoing process and will need to be coordinated through the project with participating Tribes. In addition to meeting legal obligations through the federal permitting Section 106 consultation process, the Partners fully intend to continuously work with the Tribes, form agreements with the tribal governments to explore opportunities for implementation and operations of the riverwalk, and work to develop interpretive elements for the riverwalk that respectfully convey the tribal connections to the site.

Successful engagement with Tribes is strongly influenced by the presence of existing, productive and trustworthy relationships. The WFLP Partnership recognizes the need to improve relationships between the Partner governments and each of the Tribes with interests in the project area. The project also recognizes the need for clarity, improvement and consistency in the tribal government consultation activities of the project which are described in greater detail below. The project commits itself to following through on these approaches to ensure all Tribes with interests in the project are afforded an opportunity to participate.

### Document Development Process

This is a draft document being developed and under review by the WFLP project and Partners staff. The project welcomes input, questions and comments from participating Tribes to help further clarify and document the project's multi-tribal engagement approach. The document will be further developed with deliverables outlined in the Willamette Falls Legacy Project Willamette Falls Trust Grant Agreement

2020-2022 after approval by the Willamette Falls Legacy Project Manager on behalf of the public Partners. The document will be following the approximate schedule below for development, review, and adoption for the WFLP.

- Project Draft v1.0 development complete – May 7, 2021
- Circulate Draft v1.0 for Review with Tribes, Willamette Falls Trust, and Partners staff – May 10, 2021
- Draft input and comments due – May 24, 2021
- Project review of input and comments – May 24-June 4, 2021
- Project Draft v2.0 completion – June 4, 2021
- Circulate Draft v2.0 for additional comments (all previous parties) – June 7, 2021
- Draft comments due – June 21, 2021
- Project review of input and comments – June 21-24, 2021
- Incorporate Willamette Falls Trust + MASS Design Group Multi-Tribal Community Engagement Plan deliverable – anticipated June 30, 2021
- Final Draft – date TBD
- Circulate Final Draft for final comments (all previous parties) – date TBD
- TAC Final Review – date TBD
- Partner’s Review and Adoption – date TBD

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DRAFT

## Introduction

The Willamette Falls Legacy Project Partnership (WFLP) has committed to work with all Tribes who have interest to develop, refine, and implement the WFLP public riverwalk (project). The WFLP recognizes the importance of the Willamette Falls as a cultural gathering place for Native American Tribes and values input of tribal nations, their governments and community members have to offer this project.

Engagement with Native American Tribes is different from the engagement that the public agencies conduct with local communities and neighborhoods. Tribal governments are independent sovereign entities that have treaties with the federal government. In many of these treaties with the US government, Tribes ceded millions of acres of their lands to the United States in exchange for peace and certain terms including the legal rights of tribal members to hunt and fish in their usual areas, both inside and outside of reservation land. These treaties are relevant to this project because Willamette Falls is a place where Native Americans historically fished and gathered and still do today.

To generate broad support and minimize project challenges, the Partners seek to engage Tribes to build an understanding of their interests at the site and in particular how these interests should be considered in the development, design, construction and operation of the public riverwalk. Further, Tribes have expertise the project and public Partners seek to learn from, especially regarding protection and preservation of natural and cultural resources. These areas of tribal expertise align with and are reflected in several of the project's four core values including but not limited to "Healthy Habitat" and "Historic and Cultural Interpretation."

Tribes currently participating in the WFLP include: The Confederated Tribes of Grand Ronde (CTGR), the Confederated Tribes of Siletz Indians (CTSI), the Confederated Tribes of the Warm Springs Reservation (CTWS), the Confederated Tribes and Bands of the Yakama Nation (CTBYN), and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

Because of the Tribes' sovereign status, the project will develop and use tailored approaches to work with tribal governments and tribal communities which are distinct from general public community engagement processes to inform the project. These approaches are summarized below and will be completed by multiple parties including: regulatory agencies, the project and the Willamette Falls Trust (WFT) with support from MASS Design Group. A summary of activities completed to date by the project can be found in Appendix A.

### Project Structure and History

The Willamette Falls Legacy Project is a partnership between four public agencies to guide the use of public funds to help catalyze the redevelopment of the former Blue Heron Paper Mill Site. The four public agencies are Oregon City, Clackamas County, Metro, and the State of Oregon. The Partners identified four core values: Healthy Habitat, Public Access, Cultural and Historic Interpretation, and Economic Redevelopment. These core values guide all decision making for the project and for the completed project, all should be fully expressed.

The WFLP identified a multi-dimensional experience of the site and river as the signature investment. This signature investment is referred to as the riverwalk. The riverwalk is envisioned to support the core values by providing physical infrastructure for public access, spaces for cultural and historic interpretation, space for healthy habitat, and meaningful interface between public space and private space that supports

(catalyzes) economic activity. The riverwalk was first conceptualized in 2014. The ultimate redevelopment of the site will take time, money and well-coordinated public and private support.

Design for the riverwalk over the past few years resulted in a Master Plan that was formally adopted by both Oregon City and Metro in 2018. The Master Plan identifies the major elements of the riverwalk, and articulates the overall look and feel for the completed riverwalk. Input received through the Tribal Advisory Board informed the Master Plan. The planning process helped refine the 2014 Framework Master Plan that determined what parts of the site will become riverwalk and public open space versus private development. Key concepts of the riverwalk include elements such as a public yard, habitat restoration, river access, explorer trails and viewpoints. Moving forward, the Master Plan provides the baseline for the riverwalk. It is anticipated that there will be modifications to the Master Plan over the many years it takes to implement the full vision of the project.

Upon the project Partner's approval of the riverwalk Master Plan work began to identify a Phase 1 project. The original Phase 1 approach utilized access from Main Street from 99E and included a parking lot at the entrance. The path would use a bridge connection through the Yard to reach the Phase 1 building complex, which included the Mill H viewpoints, the Stock Cylinder, the Boiler Building and the Recovery Boiler at the southwest corner of the property. This version exceeded the funds available and an alternative approach was evaluated. The alternative approach was very similar, but with the Main Street approach extending to the end of Main Street and to the PGE dam. In this approach, the Mill H complex would be accessed from the PGE dam, which provided a significant improvement in flexibility to deliver the project. Access along the PGE dam would allow development to focus on building the viewpoint and then the Stock Cylinder, Boilers, and Yard access could be added in future phases or sequences. This approach would allow for trimming the Phase 1 budget to focus on a single area (the Mill H viewpoint). Plans were underway to design and engineer Phase 1 access via Main Street and the PGE dam.

Upon purchasing the property, the Confederated Tribes of Grand Ronde indicated an interest in building out the first phase of the riverwalk via a riverfront approach. In their proposal, the alignment would take off from the existing sidewalk (the pedestrian walkway that is along 99E) and come into the site. The alignment would work its way south past the water filtration plant. There would be a bridgehead at the end of Water Street and a bridge would work its way across the property and land at the north end of the pipe chase, which is also the corner of the Mill O building. Ultimately it would continue to reach the Mill H overlook.

It was clear that there was support for the approach in concept, but building the entire approach and viewpoint that was previously designed (Mill H) exceeded the available funds. Scaling back the approach resulted in a Phase 1 that would focus on establishing the initial access into the property plus a bridge that would get from the end of the parking lot to the corner of the Mill O building. This conceptual alignment was approved at the February 4, 2021 project Partners meeting.

#### [Site ownership](#)

The Blue Heron property is privately owned. Falls Legacy LLC purchased the former mill property in 2014. Portland General Electric (PGE) owns the dam on the site. The Partners were granted an easement from Falls Legacy LLC to construct the riverwalk on its property and PGE granted the Partners and easement option that would allow the public to walk on the dam as part of the planned riverwalk. The Partners adopted an Intergovernmental Agreement that placed Metro in charge of holding the easement and

designing the riverwalk, with support and close coordination from all the Partners. The Intergovernmental Agreement established a decision making process that relied on the consensus of all four partner agencies, at the staff level and by elected officials. In 2019 the Confederated Tribes of Grand Ronde purchased the site from Falls Legacy LLC and became the site's new property owner.

### Multi-Tribal engagement

The WFLP hopes to provide a variety of options for Tribes to interact, engage, and inform the development of the project. There are currently three options identified by the WFLP for the Tribes to engage with the project; Formal Consultation with State and Federal permitting agencies, tribal government consultation led by the project, and tribal community engagement led by the Willamette Falls Trust (WFT) with support from MASS Design Group. The project seeks to have multiple opportunities available for the Tribes to engage so that engagement can be comprehensive and flexible to meet the Tribes' and tribal communities' needs. The project will coordinate with the Willamette Falls Trust and MASS Design Group to ensure complimentary approaches that minimize redundancies. Further, the project will also coordinate with State and Federal agencies and the Tribes to share pertinent information to help successfully facilitate necessary permitting processes.

The public Partners recognize the importance of maintaining clear expectations and boundaries regarding consultation and engagement efforts with the participating Tribes. The Partners also recognize the need for a culturally informed approach to working with each of the Tribes and their communities that acknowledges their unique historical and ongoing interests and connections to the Willamette Falls. This culturally informed approach should create an environment which fosters opportunities for the Tribes to share about their respective interests, goals and priorities and also their traditional and cultural lifeways that are interconnected and linked to the Willamette Falls. To this end, it is envisioned that information may be shared with the Partners or project which is sensitive in nature and not appropriate for public disclosure. The Partners and project staff will work with each of the Tribes to establish the appropriate agreements or other necessary approaches to respect sensitive information and the Tribes' intellectual properties. While the Partners are listening and learning from the Tribes, the Project understands that it is not appropriate for the project or Partners to repeat or share their input with the public.

### Formal Consultation with State and Federal permitting agencies

The most established opportunity for tribal government input in the project is available through existing formal Consultation processes and responsibilities of regulatory agencies who will issue formal permits and approvals for the riverwalk to be constructed at the site. Tribal input in formal Consultation will be incorporated through existing processes facilitated by the State and Federal permitting, as applicable. In this body of work, it is anticipated most if not all tribal input will be provided to the regulatory agencies directly and not to the project applicant. Formal Consultation is expected to be initiated upon submission of project permit applications to the Army Corps of Engineers (ACOE) and the Oregon Department of State Lands (DSL).

Oregon City's Land Use Permit process also provides an opportunity to comment on all Land Use Applications. This is another opportunity for the Tribes to provide input to Oregon City.

### Tribal government consultation:

In addition to formal Consultation described previously and in recognition of the Tribes' sovereignty, the Partners and their project support staff, the "Project", will coordinate and



collaborate with participating Tribes through government-to-government relations and activities. It is important to note, the Project's tribal government-to-government efforts are separate and distinct from formal Consultation responsibilities and activities that will occur in State and/or Federal permitting necessary for the project. For State and Federal permitting, the agency issuing the permit, not the permit applicant or project, has the duty to Consult with Tribes.

To help distinguish between these two types of government-to-government activities that will occur in the project with the Tribes, the Project will use "c" for Partner-led consultation activities and "C" for formal Consultation activities and responsibilities of State and Federal agencies.

The project affirms the following principles and recognizes their importance to facilitating successful tribal engagement and relations within the project:

- Early and often communication;
- Continuous and ongoing communication;
- Open and transparent communication channels which are maintained;
- Timely initiation and sharing of information to facilitate meaningful opportunities for input from Tribes in advance of project decision making activities;
- Opportunities for meaningful dialogue where the interests of the Tribes and the project can be shared, discussed and evaluated together throughout project completion;
- Opportunities for input and dialogue across the technical staff and policy leadership levels of the project; and
- An approach and specific communications which foster trust and respect tribal sovereignty.

The Project's tribal government consultation will be accomplished through ongoing communications, meetings and coordination activities between the project and each of the Tribes. Communications, meetings and activities will keep the Tribes apprised of the project status and updates, and also provide timely opportunities to solicit input from the Tribes on the project (areas of input described below).

- **Monthly coordination meetings:** The project seeks to establish a monthly check-in with each of the Tribes participating in the project. These monthly coordination meetings have been established with some but not all of the participating Tribes in the project. More efforts will be taken by the project to establish monthly coordination meetings with all Tribes who are interested. The project is open to convening multi-tribal consultation activities in the project and will arrange these as requested by interested Tribes including for the monthly coordination meetings. Monthly coordination meetings will be used to provide project updates including presentations, discuss upcoming project actions and/or decisions, solicit input from the Tribes and respond to questions, concerns or interests in the project. Monthly coordination meetings are also an opportunity for project staff to learn about tribal history, priorities and interests at the Willamette Falls and other pertinent information the Tribes would like to share with the project. The project will coordinate with the Tribes two weeks in advance of each monthly meeting to establish an agenda for the meetings. The project will work with

each Tribe to identify tribal staff and project Partners staff who should participate in the monthly meeting series.

- **Project Technical Advisory Committee (TAC) meetings:** The TAC team includes staff from each participating Partner Agency; meetings provide a regular coordination opportunity twice per month for management oversight of project progress and Partner agency-specific work completion. Decision making in the TAC meetings is assigned to project Partner staff per the project's governance as described in the project's IGA. The project has invited all Tribes to participate in the project TAC meetings to provide an opportunity for tracking project progress and transparency, and to also allow tribal staff to provide input for consideration by the TAC team members on TAC business. The invitation to the TAC meetings is intended to help provide an additional opportunity to engage in the project and is not intended to limit or replace other consultation or engagement activities described in this document.
- **TAC meeting notes distribution:** Upon completion and approval of the TAC meeting notes, the project will distribute the notes with all participating Tribes and their staff for project tracking and transparency.
- **Special meetings as requested:** The project will, as requested, attend tribal meetings and be available for presentations to tribal committees, leadership and other policy or decision making bodies to keep the Tribes apprised of project progress and engaged in a meaningful way.
- **WFLP Partners meetings:** The project recognizes the importance of providing meaningful opportunities for Tribes to be engaged from the technical staff to policy and elected leadership level based on their sovereignty and interests. The project has received multiple feedback indicating the current approach and structure of the WFLP Partners meetings does not recognize or provide an opportunity for tribal leadership to engage with the WFLP Partners. The project's current approach to the Partners meetings is under evaluation.
- **Tribal Advisory Board:** Previous Tribal Advisory Board meetings occurred in July and November 2016 and January 2017, which provided opportunities for participating Tribes to engage with project staff on riverwalk site programming (activities and uses) and design.

The project will include appropriate project staff who are knowledgeable of the matters at hand and are authorized to speak for the project in project consultation meetings and activities with the Tribes. The WFLP Partners need to identify and coordinate the key person/people who will serve as the WFLP Partners tribal liaison(s) for the Project's tribal consultation and outreach. This is an outstanding resource need.

The Willamette Falls Legacy Project is committed to continuing to work with tribal leaders and communities. Project consultation with the Tribes began in 2013 and is expected to continue through implementation of site programming.

While the Partners are listening and learning from the Tribes, it is not appropriate for the project or Partners to repeat or share Tribal input until indicated by the Tribe to do so. As requested, the project will coordinate with participating tribes to establish appropriate agreements and/or

processes that project sensitive information and intellectual properties of the Tribes that are disclosed for purposes of the project.

#### Tribal community engagement:

[WFT to help add content to this section that is appropriate to share prior to receipt of grant deliverables anticipated June 30, 2021]

The WFT's indigenous community engagement plan and approach will be incorporated into this document upon approval by the Legacy Project Manager on behalf of the public Partners as identified in the 2020-2022 WFLP WFT Grand Agreement.

The project has established a grant agreement with the WFT for the following Tribal Community engagement activities<sup>1</sup>:

- Leading initial planning for active programming of the riverwalk which will define the scope of active programming and articulate design requirements associated with programming needs or goals. The programming planning will include approaches and recommendations for curating narratives and options for scaling programming in conjunction with completion and opening of each phase of the riverwalk;
- Participating in the design of Phase 1 of the riverwalk to ensure physical design does not preclude future programming and interpretation opportunities;
- Collaborating with Indigenous people and Tribes to understand how they may be included in future programming of the riverwalk;
- Producing an engagement plan which will describe the approach for Indigenous community engagement; and
- Producing design recommendations that reflect Indigenous Community needs.

In addition to the approaches summarized above, each of the four public Partners has the opportunity to engage participating Tribes directly regarding the public riverwalk and to share any input received with the project.

#### Opportunities for tribal input:

At a high level, the Project seeks to discuss and gather input from participating Tribes on the following areas of the WFLP and public riverwalk development:

- Visioning and desired future use of the public riverwalk to be reflected in the project Master Plan, refinements to the Master Plan and phase-specific design and implementation;
- Refinement of the project's Cultural Landscape Report;
- Implementation of the project's four core values to be reflected as refinements to the Master Plan, phase-specific design and implementation, and interpretation and programming opportunities;
- Habitat regeneration, restoration and preservation priorities for the public riverwalk;
- Interpretation and programming opportunities for the public riverwalk;

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<sup>1</sup> Willamette Falls Legacy Project, Willamette Falls Trust 2020-22 Grant Agreement

- Tribe-specific interests and priorities at the site that interface with the development, design, construction and future operation of the public riverwalk to ensure protection of tribal interests and successful project permitting.

It is important to state that the project will not solicit or request input on any topics or decisions outside of the purview of the Partners in the development, design and implementation of the public riverwalk at the Blue Heron site. If instances arise where any participating Tribes or stakeholders share input or highlight questions or concerns that are outside the scope of the public riverwalk, the project will clarify its role and endeavor to connect the Tribes with the appropriate other partner or agency. The Project will not solicit input on private development activities at the Blue Heron site.

Each of the areas of desired tribal input are described in greater detail below:

#### Riverwalk Master Plan development

The role of the [riverwalk Master Plan](#) is to guide overall design decision making. It serves as a guide for future decisions, captures and documents considerations and serves as a record of decisions. In general, the riverwalk master plan includes the following:

- Vision, goals, and project background;
- Description of the existing physical landscape and cultural context;
- Identification of existing conditions, opportunities and constraints;
- Documents community conversations;
- Documents decisions;
- Articulates long term vision, recommendation for phasing and prioritization;
- Long term operations and maintenance considerations; and
- Rough cost.

The project Master Plan was completed in summer of 2017 and adopted by Oregon City and Metro 2018. The Master Plan was informed by multiple facilitated conversations with members of the Tribal Advisory Board and through direct meetings and presentations with the Tribes that were actively participating in the Tribal Advisory Board.

**Meeting #1:** July 2016 (attendance from Confederated Tribes of Umatilla Indian Reservation, Confederated Tribes of Grand Ronde, Confederated Tribes of Warm Springs)

**Meeting #2:** November 2016 (attendance from Confederated Tribes of Umatilla Indian Reservation, Confederated Tribes of Grand Ronde)

**Meeting #3:** January 2017 (attendance from Confederated Tribes of Umatilla Indian Reservation, Confederated Tribes of Grand Ronde)

Below is a summary of what project staff heard in the first two Tribal Advisory Board Meetings:

Lamprey Harvest, Access, and Habitat:

- Can the riverwalk provide access that is easier and safer to do the harvest?
- Elements of the riverwalk should be restricted to public access during harvest time or time of ceremonies in order to give tribes privacy.

- There are certain natural areas that shouldn't be disturbed. Public experience should not be prioritized over restoration/protection.
- There are concerns about noise and lighting on lamprey migration and habitat.

How Tribal Culture is described and portrayed:

- Request to describe white settlement differently. The tribal stories are not linear – tribes did not go away after white settlement.
- Description of spirit of place – it is not appropriate to use Roman explanation in the Cultural Landscape Study. Reframe language using tribal lens.
- The petroglyphs should be protected (*these are known to be on rocks at the falls outside of the riverwalk boundary*).
- The riverwalk should not be littered with signage.

Ideas for Tribal Uses and Interpretation on the mill site:

- The lifecycle of lamprey could be featured.
- First foods and plant species grown on building rooftops – camas, etc.
- Salmon bakes
- Washuat – ceremonial drumming
- A fisheries lab: water quality testing; fishery research; cultural use; place to operate out of that allows activities
- A place where Tribes can gather
- A memorial for the Cayuse Five is desired, but not necessarily on the project site. Somewhere in Oregon City.
- Get some hands on skills training, summer internship opportunities at the Falls. American Indian Clubs, like the National Parks Service, to provide cultural interpretation.

Input from the Tribal Advisory Board had a major impact on the project including language, communications, and design. For example, one of the key items identified early was the need to use language that acknowledged present ties and use of the Willamette Falls, not just historic. This shift was made in 2016 and has since been part of the fabric of how the project talks about Tribal interests in the area (present and ongoing relationship). Additionally, input identified the Willamette Falls as a sacred place, and identified that the riverwalk should work to heal the industrial intrusion on the landscape by promoting open space, habitat restoration and *visual* access to the Willamette Falls for all people.

The input the Partners heard from the Tribes is reflected in the design and in other project work. Some of these items have implications for the means and methods of construction as well. We plan to continue incorporating this information in project decisions throughout project completion.

### Refining the Master Plan

The WFLP seeks further input from the Tribes to inform refinements to the Master Plan as the project advances, particularly with regard to footprint, scope and design of individual phases of the project. For example, a riverside alignment concept was approved by the Partners in February, 2021. The specifics of this approach including design are open to input and comment from the Tribes.

High level efforts are underway to identify a Phase 2 footprint and scope. This is an area for additional tribal input. Tribal input on Phase 2 is envisioned to be initiated during construction of Phase 1.

Work beyond Phase 2 will begin once specifics are identified for Phase 2, the specifics include funding, scope, and footprint. When work beyond Phase 2 begins, it will include finalizing the total number of project phases, clarifying the footprints and scope of each phase. This will be an additional opportunity for tribal input.

### Cultural Landscape Report

[The Cultural Landscape Report](#) (CLR) is a place-based research and planning document that ties information from the public record— documents, photographs, illustrations, and oral histories—to a place, focusing on how it has developed and changed over time. Developing the CLR respects and supports the task of revealing and honoring a complex history and its relationship to the landscape. The draft Willamette Falls CLR was developed in 2014 based on guidelines established by the National Park Service, a leading agency for cultural resource planning and management. Following those guidelines, a mixture of primary and secondary research materials was gathered, and key stakeholders were engaged as part of the research phase. The CLR serves as a primary source of information for those interested in telling the site’s story, specifically through means addressed in an Interpretive Framework Plan. The CLR is one key place for the project to develop an understanding of the universe of stories that relate to the project area, which will inform historic and archeological related permitting and project programming once complete.

Currently, the CLR includes a narrative summary of the site’s history that is supported by thousands of primary and secondary resources and hundreds of historic illustrations and photographs, a set of historic era plans that provide a snapshot of the site at different moments in time depicting its transformation and an annotated chronology that provides additional details about the site’s metamorphosis. It also includes period plans from 1851, 1884, 1900, 1925, 1950, and 1970, which are maps showing what was present on the site at each point in time.

The project reached out to the Tribes regarding the development of the project’s Cultural Landscape Report early on the project. The project received input on the CLR from Confederated Tribes of Grand Ronde and the Confederated Tribes of the Umatilla Indian Reservation which was directly incorporated into the CLR. The CLR is currently draft, and remains available for further review and input from the participating Tribes. It is anticipated that the CLR will be further refined and finalized as part of the Federal Section 106 permitting process.

### Implementing the Four Core Values

The vision for the project is based on four core values, which remain the guiding principles for the riverwalk project.

- **Public Access:** Ensure access to the Falls and places for people to gather.
  - **Goals:**
    - Provide a front-row seat to experience the majestic Willamette Falls
    - Expand opportunities for public spaces along the river in an area limited to the public by industrial development for over 150 years.
    - Create connections for people to the river, downtown and natural environment in Oregon City.
- **Economic Redevelopment:** Provide jobs and prosperity.
  - **Goals:**

- Create jobs and prosperity.
  - Develop a hub of economic activity.
  - Attract visitors from across the region, state and beyond.
  - Develop a mix of uses.
- **Healthy Habitat:** Maintain, restore and protect the unique ecosystem of fish, wildlife and plants along the river.
  - **Goals:**
    - Increase the presence and condition of native habitats.
    - Protect and improve water quality for fish, lamprey and other native species.
    - Re-establish unique native plants that thrive in Willamette Falls’ mist-created microclimates.
    - Improve and sustain natural systems that support a healthier environment.
- **Historic and Cultural Interpretation:** Provide opportunities to connect to history as well as current cultural practices related to the Falls.
  - **Goals:**
    - Provide opportunities for visitors and residents to learn about one of the most important historical sites in the West.
    - Create opportunities to connect to Native American heritage, history and current cultural practices related to the Falls.
    - Connect with the end of the Oregon Trail, the birthplace of the State and the beginning of a new era in industrialization and electricity generation.
    - Establish a statewide legacy opportunity.

The project seeks input from the Tribes regarding opportunities, approach and other recommendations on how to implement and realize the four core values. More specifically, the project seeks input from participating Tribes regarding if the designs to date and any future refinements can better honor the core values. This effort would involve better understanding what the four core values mean to each of the Tribes, how the core values could be reflected in design of the public riverwalk and what activities or future uses of the public riverwalk could realize the four core values.

#### Habitat regeneration, restoration and preservation priorities

The site is located within the Willamette Greenway and serves as a linkage to other natural areas in the lower Willamette River such as the Canemah Bluff Natural Area, Camassia Nature Preserve, Coalca Landing, West Linn White Oak Savanna, Willamette Islands and the Willamette Narrows. These natural areas, including the project site, provide linkages from central and south Willamette valley north to the Portland metropolitan area and are essential to regional biodiversity conservation in an area of urbanization. The riverwalk must include riverbank restoration/stabilization to be eligible for natural areas bond funds through Metro and other funding sources.

Currently, habitats on the site are relatively small and highly fragmented due to the historic site development, highways (I-205 and 99E) and the adjacent railroad. Historic fill and grading of the site have further decreased the amount of natural habitat available. Remaining habitat in natural or semi-natural condition includes areas wetted by tidal action and seasonally high waters of the Willamette River, areas of seasonal or perennial spring seepage and basalt outcrops with varying exposures.

Due to these processes and existing site conditions, six major habitat types are present or potentially present at the site including: in-channel river, off-channel alcove, riparian basalt, riparian forest, upland forest and oak woodland savanna. A more in-depth description of these habitat types, their condition and examples of plants and animals that are native to each habitat type are found in the [Baseline Habitat Conditions Report](#).

Over many generations, tribal peoples have formed unique bonds with the Willamette River and Willamette Falls' natural resources and the services provided by such natural resources. The project recognizes the importance of these onsite habitats to culturally important biota including plants, aquatic species such as salmon and lamprey, and wildlife. Many of these species are recognized as First Foods, and provide sustenance to tribal peoples through numerous cultural, traditional, and religious activities. In recognition the Tribes' expertise as natural resource managers and time immemorial-stewards of the landscape and region, the project seeks input from the Tribes to help identify priorities and best practices for implementation and long term stewardship of habitat-focused activities associated with the public riverwalk on the site.

### Design

There are design aspects of the project that have only been addressed at a conceptual level. After completion of the project Master Plan, there remains opportunity for input in the areas of design, aesthetics and refinement – particularly in areas where the riverwalk Master Plan presented options or very little design detail.

Input received by the project to date has been incorporated into the riverwalk design in the following ways:

- 1) Natural habitat restoration emphasis;
- 2) Shielded and reduced lighting to prevent unnatural light on river and in habitat areas;
- 3) Routing of pathways that allows closing off sections during lamprey harvest or ceremonial/private activities that occur within view of the riverwalk and where privacy is desired;
- 4) Minimizing impacts to the river and riverine habitat; and
- 5) Minimizing new infrastructure and minimizing demolition that may disturb habitat areas.

Opportunities for tribal input into specific project design processes are described below.

### Design Guidelines

The material selection and design style of the riverwalk have been conceptually addressed in the project's design guidelines. Input and comment on the design guidelines to build upon and further refine material selection and design style is welcome.

### Concept Design

Two tracks of work will occur in parallel in the Concept Design phase: 1) site investigations, and 2) meetings with each Tribe to present the proposed phasing and alignment of the riverwalk; diving further into discussion with the aim of understanding interests and priorities around habitat, spaces, desired future use, programming and interpretation. Before advancing into the Schematic Design phase, the project desires to have an in-depth understanding of tribal interests and priorities at the site to ensure preliminary design and other critical aspects are informed by



as much input from the Tribes as possible. The earlier the input is received, the greater likelihood it can be evaluated for application in design and/or operations.

### *Schematic Design*

Schematic Design (SD) is a critical phase where the program, budget and schedule for any given phase is fully established. Schematic Design determines the scope, design, scale, and relationships among the components of the project to a degree that allows for decisions around means and methods for construction. The primary purpose of the SD phase is to illustrate the site development scope, scale, sizes, materials, and relationships. Project team members desire to be equipped with as thorough understanding of tribal interests and priorities at the site to further ensure the designs and site relationships between project components proposed in the SD phase are designed consistent with/in a manner to eliminate or reduce and mitigate any potential impacts to cultural, historic, or other interests or resources at the site. The project would like to prioritize time for tribal government consultation to have necessary conversations regarding cultural, historic and other resources and interests at the site in advance of initiating formal permitting.

### *Design Development*

The primary purpose of the Design Development (DD) phase is to shift focus away from massing and arrangement of site features towards development and resolution of all design decisions, including materials and three-dimensional relationships between assemblies and components. The DD phase identifies the proposed site features and describes the size, character, and disciplines associated with the entire project, including earthwork, paving systems, storm water management, planning design, and electrical systems. Somewhere near the end of the SD phase and at the beginning of the DD phase is where the project will likely submit drawings to the state and federal authorities having jurisdiction (AHJ), which will trigger Formal Consultation with the Tribes. This will also be the time the land use application will be submitted to the local jurisdiction (Oregon City). Ideally, the Project's goal is to consult with all Tribes and identify all major impacts and interests and document them in the drawings before they are submitted to the AHJ.

### *Construction Documents*

Following review and approval of the Design Development drawings and outline specifications, most basic design decisions should be made by the lead planner, Core and TAC teams. The purpose of the Construction Document phase (CD) is to develop the design to a level of clarity that can be understood by a contractor, bid on and inserted into a legally binding contract. Attention to detail is critical at this point in the project but wholesale changes affecting project scope are typically difficult to accommodate at this phase given schedule and budget.

The project is open to identifying key milestones or states of progress (e.g. 30% design) in the Design process for tribal government staff to review design and engineering of the project.

The Formal Consultation process may also require refinements or changes to the project design. The project will work with the AHJ to address any required changes.

### *Interpretation & Programming*

The project's goal for interpretation and programming is to provide space to allow people to tell their stories of the place in some format. With the simultaneous goal of limiting permanent signage, it is

expected that much of the story telling related to this site will be expressed through programming, temporary signage and/or web-based applications or resources. The project is open to creative ideas and approaches that can maximize opportunities for all stakeholders and tribal partners to participate in identifying the best form, format, and approach to sharing what amounts to limitless stories and experiences. It is likely that the project will go through many solicitations for community-based (Tribal and otherwise) art, storytelling, and experiences over the life of the project.

Tribal input is requested on interpretation and programming. Interpretation and programming covers a few items including: 1) specific permanent signage and artistic elements that reflect different cultural experiences of the space (these are intended to be highly limited in order to maximize flexibility and opportunities for different stories to be told and different artistic expressions to be made), 2) temporary signage or artistic installations (a greater opportunity than permanent signage), and 3) real time programming of events, activities, or experiences of the space (the most significant opportunity for in-depth storytelling and cultural expression). If tribal input on interpretation and/or programming requires space at the public riverwalk this input is also desired so it can be considered early in the design process.

## Roles, responsibilities and decision making

The WFLP was established with the core requirement of consensus in order to advance the project. The roles and decision making responsibilities of the WFLP are summarized below.

### WFLP Partners

The Partners have budgetary approval for the project. They also are responsible for providing unified recommendations to each of the governing bodies of the parties.

With regard to the project, internally, the Partners set policy direction for the Legacy Project, approve Legacy Project Milestones and the Legacy Project Budget on a quarterly basis, sets direction in response to significant threats or opportunities, recommends future intergovernmental agreements among the parties, and makes recommendations that involve any material trade-offs among the four core values. In addition, the Partners Group shall consider decisions that lack consensus at the TAC.

Partner Group representatives include the following:

- State: State Senator, State Representative, Regional Solutions, Oregon State Parks
- Metro: Metro Council President, Metro Councilor, Metro Chief Operating Officer
- Clackamas County: County Commissioner, County Commissioner, County Administrator
- Oregon City: Mayor, City Commissioner, City Manager

### Technical Advisory Committee

The TAC team includes staff from each participating Partner Agency and provides regular coordination opportunity for management oversight of the project progress and Partner agency-specific work completion. Decision making in the TAC meetings is assigned to project Partner staff per the project's governance as described in the project's IGA.

The TAC shall consider for approval individual contracts, scopes of work, requests for proposals or bids, budgets, contract modifications, Legacy Project Milestones, responses to significant external opportunities or threats, and decisions whether to recommend future

intergovernmental agreements among the parties to the Partners Group or to pursue grant or funding opportunities. The TAC shall prepare the agenda of the Partners Group.

Members of the TAC shall have the responsibility to communicate with their representatives on the Partners Group in between Partners Group meetings and with regard to agendas of the TAC and the Partners Group, to ensure each party is internally apprised of Legacy Project direction, as each party deems necessary. The TAC does not vote.

### Legacy Project Manager

The Legacy Project Manager will manage the Legacy Project by, among other things, coordinating the work of the TAC, and collaborating with PGE, the Owner, Willamette Falls Trust, and other third parties. The Legacy Project Manager shall track the Legacy Project Budget and provide reporting on the Legacy Project Budget to the TAC and the Partners Group. The Legacy Project Manager may request that a party lead a portion of the work of the TAC, with the approval of such party.

The Legacy Project Manager has day-to-day management authority of the Legacy Project in order to lead the Legacy Project forward consistent with the approvals provided by the Partners Group and the TAC, and consistent with the Legacy Project Budget.

The Legacy Project Manager shall have the authority to approve de minimus changes to scopes of work or spending within the Legacy Project Budget (including contingencies), without the need for further consideration at the TAC or by the Partners Group; provided that the Legacy Project Manager shall keep the TAC apprised if multiple de minimus changes may have a cumulative impact on the Legacy Project.

### Core Team

The Core Team (or working group) was created to guide the conceptual and schematic design efforts of the riverwalk and is the review body for the riverwalk design body of work. This group has technical representation from each partner agency and WFT. The group will provide feedback on key design elements and take on tasks as necessary for the project. These meetings are internal staff meetings of the project which provide all participants the opportunity to share status updates on the daily work of the project, make requests of other team members, and provide reminders of work necessary to complete tasks. Participation in the Core team meetings is limited to Partner staff with assigned roles for the project's development, coordination, delivery and completion. It is anticipated that each team member will communicate outside of the team regarding the project's progress and outcomes to their respective agency to ensure clear communication among all parties. The primary role of this team is to review products from Metro's consultants and provide recommendations to the TAC for design concepts. For example, at key decision points, such as scope of work approvals, the Core Team will make a recommendation to the TAC. The Core Team also builds and maintains commitment for the project by encouraging stakeholder, community and tribal involvement. The Core Team meets on a weekly basis.

In addition to the WFLP roles described above, several of the public Partners have distinct roles within the project including the following:

## Shared Responsibilities

**Procurement:** Contract procurement is shared among the Partners. Project staff work with the TAC to help determine the appropriate agency for leading any specific project that is needed to deliver the project.

**Funding:** Funds contributed to the project by any partner are typically constrained in some way, or have specific requirements around how the funds can be used. Each agency contributing funds is responsible for informing the Legacy Project Manager of the constraints as well as defining expectations around tracking expenditures to ensure compliance with any funding restrictions.

## Oregon City

**Land Use:** The riverwalk is located within the city limits of Oregon City and is subject to Oregon City's development code. The riverwalk is a component of the 2014 Land Use Framework Master Plan (CP 14-02) that rezoned the site from Industrial to the new site-specific Willamette Falls Downtown District. Development onsite (public open space or private development) will be reviewed through the Detailed Development Plan process set forth in Oregon City Municipal Code 17.65- Master Plans and Planned Unit Developments for compliance with city code and the framework plan's Conditions of Approval. The Oregon City Building Division will review Building Permits for the riverwalk.

**Maintenance & Operation:** The riverwalk is anticipated to be maintained by multiple government agencies. The City of Oregon City will be responsible for management of riverwalk hardscape, including the operations and programming on the riverwalk. Management may be accomplished through direct management or through a third party contract. Programming can be anything which activates the space such as temporary displays, cultural events, classes, speakers, markets, or concerts that are planned in ways that honors the four core values as well as the expectations of the community. Programming of events and activities support the vibrancy of Oregon City's downtown and citywide tourism throughout the year by creating a four-season destination.

## Metro

**Easement Holder and Project Owner:** Metro holds the easement that creates the public property interest required for the public riverwalk project and spending of Metro natural areas bond funding. Although ultimately Oregon City will manage, operate and maintain the fully constructed trail through the easement area, Metro will own the public improvements and will retain ongoing management responsibility for associated habitat within the riverwalk area.

Following several years of preparation, planning and investigation, Metro and its public agency partners, in cooperation with tribal governments, local and regional stakeholders procured a contract with a consultant to provide professional planning and design services to obtain initial land use approval and permits for future phases of public improvements, guide future programming, maintenance and operations, and support potential economic development opportunities. Metro also procured a contract with a Construction Manager/General Contractor (CM/GC) in anticipation of demolition and construction services for the initial public

improvements. Until final completion of the project, Metro is the designated project manager responsible for design and capital construction procurement, oversight and implementation.

**Project Manager:** Metro is also the designated project manager for the project. The work of this project will be subject to numerous federal, state and local permits. Metro will be responsible for submitting applications and payment of fees to all permits other than trade permits on behalf of the four Project Partners.

**Construction Manager:** Metro is the lead agency for capital construction procurement and oversight and implementation.

**Primary Public Funder and Grant Recipient:** Metro holds, manages, and tracks all funds committed to the project. In addition to the existing project budget of \$12.5 million, Metro has earmarked funds from Metro's 2019 Nature for All Bond for future phases of the riverwalk. The \$475 million property tax measure will be used to purchase land, restore fish and wildlife habitat and complete trails through Metro's parks and nature system. The following principles will guide the approved bond measure:

- Serve communities through inclusive engagement, transparency and accountability,
- Advance racial equity through bond investments,
- Protect clean water for people, fish and wildlife,
- Protect and restore culturally significant native plant communities,
- Protect, connect and improve habitat for native fish and wildlife,
- Take care of what we have,
- Make parks and natural areas more accessible and inclusive,
- Connect more people to the land and rivers of our region,
- Invest in trails for biking and walking,
- Support community-led parks and nature projects, and
- Make communities more resilient to climate change

There are six bond program areas including protect and restore land, local parks and nature projects, Nature in Neighborhood capital grants, Metro park improvements, walking and biking trails, and Large-scale community visions. The large-scale community visions program area will help deliver large-scale projects that uplift communities by leveraging nature to achieve benefits such as affordable housing and safe and reliable transportation. This program includes \$20 million for the Willamette Falls Legacy Project.

### Clackamas County

Clackamas County's priorities continue to be focused on economic redevelopment of the site and is prepared to support the property owner in exploring economic development opportunities and supporting the private redevelopment of the property.

### State of Oregon

The State of Oregon is represented on the project in two capacities. One as State Parks, the designated pass-through agency for funding committed to the project by the state legislature; and two, the Governors Regional Solutions office, whose role is helping to assist in the coordination of State agencies that will be providing input on the project and/or be involved in

permitting of the project. For example, the State Historic Preservation Officer, the Department of State Lands, and the Department of Environmental Quality, as well as any other agencies that may have an interest in the project.

### Property Owner

The Property Owner has an important role in the project; the project recognizes the legal rights of the property owner set forth in the Oregon land use system. The Property Owner has a right to review and provide input on the riverwalk design. All permits necessary for the construction of the riverwalk must be signed by the Property Owner. The Property Owner retains full control of the property outside of Metro's easement area, and has limited rights to develop within Metro's easement area in accordance with the process set forth in the easement. The easement assumes the Property Owner and Easement Holder will cooperate and collaborate in order to successfully complete the riverwalk.

### Tribes with Interests in the Area

Federally recognized Tribes have inherent rights and a political relationship with the United States government codified through treaties, acts of Congress, Presidential executive orders, or other federal administrative actions or federal court decisions. The Tribes, as sovereign nations, have the choice of whether or not they would like to provide input and participate in the design and development of the project. It is the responsibility of the project to seek input from the Tribes with interests at the Willamette Falls and in the project, and to make best efforts to incorporate input that seeks to protect those tribal interests. The project will use the approaches described above to engage the Tribes and seek their input within the project.

### Decision making process

The Partners and the WFLP recognize that the decision making approach of the project is of interest to the Tribes for transparency, and that this is an area that requires more definition and development within the project. At a high level, the project scope, four core values (which are project guiding principles), available funding, project schedule and permitting and legal compliance and risks will be evaluated by the project when making decisions.

Intricate planning and coordination between Metro, Partner agencies, property owners and the large consultant team shaped a public process to meet the needs of the project's many stakeholders during the Master Planning process for the public riverwalk. The Project utilized the following approach to incorporate feedback received from tribal representatives, stakeholders and the general public in the Master Plan development:

- Gathering input:
  - Stakeholder meetings and focus groups met to discuss specific riverwalk elements.
  - The Tribal Advisory Board was established between the Tribes and state and local governments, in an effort to build relationships and ensure tribal involvement and guidance as the project progressed.
  - Engagement and collaboration with the property owners: PGE and then property owner, Falls Legacy LLC.
- Community engagement opportunities:
  - In addition to the groups mentioned above, there were also multiple community engagement opportunities; including input on programming and desired activities, design options, site tours, community check-ins, three open houses

and exit-surveys after each event, and a community celebration unveiling the concept plan.

- Technical studies:
  - Technical studies provided critical information to help inform decision making.
- Alternatives evaluation:
  - The riverwalk design was a culmination of a complex two- year planning process, underpinned by a robust community engagement effort, technical investigations and consideration of a variety of concept alternatives for the public riverwalk.
  - The project Core Team evaluated each alternative based on the following criteria:
    - Public access to Willamette Falls and the river
    - Public gathering and event space
    - Historic and cultural interpretation
    - Engagement of the river experience
    - Accommodation of upland mixed-use development
    - Minimization of cost for structure removals
    - Floodplain protection and natural river conditions
    - Removal-fill below ordinary high water elevation (OHWE)
    - Protection and enhancement of fish and wildlife habitat
    - Relation to developable areas
  - The riverwalk project Core Team selected alternative designs that best met the criteria while minimizing environmental impacts.
  - The design alternatives were then further refined after hearing tribal, stakeholder, property owner and partner feedback.
- Decision making:
  - Multiple alternatives were developed and the alternatives with the most consensus were cobbled together to create a base plan, which was refined into the final riverwalk design.
  - The project Core Team made a design recommendation to the TAC to support the final riverwalk design. The TAC approved the design recommendation which was then moved up to the Project Partners for approval.
  - The final riverwalk design was unveiled to the community following the two-year planning and engagement process.

The Project envisions following this or a similar framework and will work to re-evaluate the decision making process to see if it still applies moving forward. Any updates or alterations to the decision making process will be shared with the Tribes.

The project is committed to meaningful tribal engagement and seeks to have multiple opportunities available for the Tribes to engage so that engagement can be comprehensive and flexible to meet the Tribes' and tribal communities' needs. The project will coordinate with the Willamette Falls Trust and MASS Design group to ensure complimentary approaches that minimize redundancies including input evaluation by the project in project decision-making activities. The project commits itself to transparent decision-making in all decisions and to communicating with participating Tribes regarding input that is and isn't able to be addressed with supporting rationale.

## Next steps

At the time of completion of this document, the following items are necessary to advance consultation and engagement in order to reach the point where permits are submitted and the appropriate State and Federal agencies begin formal Consultation.

1. Drafting and review of the Tribal government and Tribal Community Engagement Framework;
2. Receipt, review and approval of the WFT Indigenous Community Engagement Plan;
3. Update and approval of the Tribal government and Tribal Community Engagement Framework;
4. Project and WFT/MASS Design Group coordination to ensure complimentary approaches to gathering project input (on-going);
5. Project and WFT/MASS Design Group coordination to inform update of Phase 1 timeline and project schedule based on completeness and availability of Phase 1 design recommendations from Tribal Community input;
6. Project and Tribes coordination to inform update of Phase 1 timeline and project schedule based on desired and anticipated tribal input;
7. On-site technical investigations and feasibility studies by Metro design contractors;
8. Project develops updated Phase 1 timeline and project schedule with input from WFT/MASS Design Group, tribal coordination activities and on-site investigations;
9. Review riverwalk Phase 1 design concept for initial input and design development;
10. Iterative Phase 1 design development process with the project, participating Tribes and WFT/MASS Design Group;

This list of items will be updated as more information becomes readily available to inform project progress and decision making including through coordination with the Tribes and WFT/MASS Design Group. Once design begins, more information will be shared about how the riverwalk project will be permitted.



## Appendix A: Activities to date

The project has held multiple tribal government consultation meetings and visits about with the Tribes to date:

### 2013

- CTGR Tribal Council visit and site tour (September 2013)
- CTUIR site tour with Chair Minthorn (November 2013)

### 2015

- CTWS site tour and visit (May and October 2015)
- Cultural Landscape Report meeting with CTGR (May 2015)
- Cultural Landscape Report meeting and site tour with CTSI (October 2015)
- Cultural Landscape Report meeting with CTUIR (July 2015)
- Cultural Landscape Report meeting with CTWS (October 2015)

### 2016

- Columbia River Intertribal Fish Commission meeting and site tour (May 2016)
- Tribal Advisory Board (July 2016)
- Tribal Advisory Board (November 2016)
- CTGR visit (November 2016)
- CTUIR visit – Board of Trustees (November 2016)

### 2017

- Tribal Advisory Board (January 2017)
- Cultural Landscape Report meeting with CTUIR (January 2017)
- Cultural Landscape Report meeting with CTGR (January 2017)
- CTUIR visit – Cultural Resources Commission (March 2017)
- CTUIR visit – Fish Commission (May 2017)
- CTGR visit (May 2017)
- CTUIR site tour and cultural investigations in Oregon City (May 2017)

### 2018

- On-going coordination CTGR (February, March, August, September, October 2018)
- WFLP Site visit with CTGR (August 2018)
- WFLP Site visit with CTGR (October 2018)
- JPA/Section 106 permit submittal (May 2018)

### 2019

- Attendance at CTGR Salmon Ceremony (May 2019)
- Negotiation of the new ownership relationship with CTGR (Summer/Fall 2019)
- Interpretive Kick-off Planning workshop, attendance by CTUIR and CTGR (June 2019)

- Check in with CTSI (June 2019)
- Check in with CTUIR (June, July 2019)
- Attendance at Government to Government Introductory meeting CTBYN (September 2019)
- Presentation of the riverwalk status and change of ownership to the CRITFC (September 2019)
- WFLP Leadership to CTGR Council Meeting (September 2019)
- Presentation of the riverwalk status and change of ownership to CTWS (November 2019)
- Attendance at 36<sup>th</sup> Annual CTGR Restoration Celebration (November 2019)
- Check in with CRITFC (November 2019)
- CTUIR site visit, Blue Heron site (November 2019)
- Presentation of the riverwalk status and change of ownership to CTSI (December 2019)
- Presentation of the riverwalk status and change of ownership to the NPT (December 2019)
- Attendance at the CTSI Nee-Dash Dinner and Dance (December 2019)
- WFT multi-tribal engagement initiated

## **2020**

- Community Engagement Update with CTGR (October 2020)
- WFLP/CTGR Check-in (October 2020)
- On-going monthly coordination with CTUIR (April 2020, monthly)
- Virtual Gathering with CTUIR, WFT, and Mass (May 2020)
- Tribal Strategies and Correspondence CTUIR (August 2020)
- Post Partners meeting follow up with CTUIR (November 2020)

## **2021**

- Ongoing coordination meetings with CTGR (bi-monthly)
- On-going monthly coordination CTUIR (monthly)
- On-going monthly coordination CTSI (April, monthly)
- Post Partners meeting follow up with CTUIR (February 2021)
- Traditional Use Study Presentation from CTUIR (April & May 2021)

Project: Willamette Falls Legacy Project Tribal Engagement Framework

Review: comments received, text in red indicates a revised change to the original sentence

Name	Comment	Date	Action Taken	Reason	Respondent	Person to Follow-Up
<b>Willamette Falls Trust (includes all comments from CTBYN, CTSI, CTUIR, CTWS)</b>						
Willamette Falls Trust	Not all Tribes have the capacity to engage more than the leadership on the WFT board and their support staff	5/10/2021, via email				
	Provide a written communication to WFT Tribal Leadership Committee and Gerard Rodriguez outlining the next steps toward discussing Partnership	5/10/2021, via email	email coorespondence sent on behalf of WFLP on 5/13/2021	the memo outlines the process, general timelines needed to process the request	MG Devereux, on behalf of the WFLP project manager	
	Provide written communication stating WFLP's intent to continue working with WFT's Tribal Leadership Committee as the space that makes the most sense for leadership engagement to the Tribes, given its avenue for streamlined communication to each participating Tribe	5/10/2021, via email				
	We need to work collectively to identify longer term workflow and utilize this space as the desired communication channel.	5/10/2021, via email				
	For CTWS, CTBYN and CTSI it would be important to not create another avenue, asking for these Tribes to regularly meet with WFLP/Metro staff directly. This was confirmed by leaders this morning (5/10/2021). These efforts have been perceived as a work around or even disrespectful, given that the Tribes have stated they would like for their conduit to the WFLP to be WFT. We see and understand that CTUIR has the capacity for this, so I am leaving	5/10/2021, via email				
	Tribes expect that even while we wait to see what conversations take place leading up to formal Partnership on the Legacy Project, they have clearly communicated that they would like to engage through their participation at WFT in their letters and in their meetings with the agencies. I understand offering to keep all doors open. For some, it can actually be more difficult to handle another touchpoint and detrimental given their request to work through the one existing Inter-Tribal channel.	5/10/2021, via email				
	Overall document comments: capitalize "Riverwalk" and "Project". Lowercase "consultation"	6/16/2021, via email and attachments				
	Page 5 - <b>Introduction</b> second paragraph, second sentence, adjust wording to read: Tribal governments are independent sovereign entities that have treaties and executive orders with the United States. In many of these treaties with the US government, Tribes ceded millions of acres of their lands to the United States in exchange for peace and certain term including the legal rights of tribal members to hunt and fish in their usual and acustomed areas, both inside and outside of reservation land.	6/16/2021, via email and attachments				
	Page 7 - <b>Multi-Tribal engagement</b> first paragraph edits include: "There are currently three options identified by the WFLP for the Tribes to engage with the Project; Formal Consultation with State and Federal permitting agencies, tribal government consultation led by the Project through Willamette Falls Trust, and tribal community engagement led by the Willamette Falls Trust (WFT) with support from MASS Design Group...The Project will coordinate with the Willamette Falls Trust to minimize redundancies. Further, the Project will also coordinate with State and Federal agencies, the Tribes and WFT to share pertinent information..."	6/16/2021, via email and attachments				

	Page 7 - <b>Multi-Tribal engagement</b> last paragraph: "To this end, it is envisioned that information may be shared with the <b>WFT</b> which is sensitive in nature and not appropriate for public disclosure. The <b>WFT</b> will work with each of the Tribes to establish the appropriate agreements or other necessary approaches..."	6/16/2021, via email and attachments				
	Page 7 - <b>Multi-tribal engagement</b> add two new sentences to the last paragraph: " <b>The WFT will share information approved by the Tribes to the Project or Partners. Individual Tribes may also elect to share this information directly to the Project or Partners.</b> "	6/16/2021, via email and attachments				
	Page 8 - <b>Tribal government consultation</b> "In addition to formal consultation described previously and in recognition of the Tribes' sovereignty, the Partners and their Project support staff <b>will coordinate with WFT for tribal government consultation relations and activities.</b> "	6/16/2021, via email and attachments				
	Page 8 - <b>Tribal government consultation</b> "The Project's tribal government consultation will be accomplished through ongoing communications, meetings, and coordination activities between the Project and each of the Tribes <b>through the WFT Tribal Technical Working Group and the Tribal Leadership Committee.</b> "	6/16/2021, via email and attachments				
	<p>Page 9 - <b>Monthly technical coordination meetings</b> "The Project seeks to establish a monthly check-in with <b>the WFT Tribal Technical Working Group, represented by the CTUIR, Siletz, CTWSRO, and CTBYN (and CTGR if they rejoin the WFT), each of these Tribes participating in the Project and have requested coordination of Project consultation through the WFT. Efforts will be taken by the Project to establish monthly coordination meetings with WFT for coordination with all Tribes who are interested in participating in these monthly technical meetings.</b>"</p> <p>Suggested removal: "<b>The project is open to convening multi tribal consultation activities in the project and will arrange these as requested by interested Tribes including for the montly coordination meetings.</b>"</p> <p>"Monthly coordination meetings are also an opportunity for Project staff to learn about tribal history, priorities and interests at the Willamette Falls and other pertinent information the <b>WFT and Tribes</b> would like to share with the Project. The Project will coordinate with <b>the WFT and Tribes</b> two weeks in advance of each monthly meeting to establish and agenda for the meetings. The Project will work with <b>WFT</b> to identify tribal staff and Project Partners staff who should participate in the monthly meeting</p>	6/16/2021, via email and attachments				
	Page 9 - <b>Project Technical Advisory Committee (TAC) meetings</b> "The Project has invited <b>WFT and</b> the Tribes to participate in the Project TAC meetings to provide an opportunity for tracking Project progress and transparency, and to also allow <b>WFT and</b> tribal staff to provide input."	6/16/2021, via email and attachments				
	Page 9 - <b>TAC meeting notes distribution</b> Include WFT in the distribution of notes	6/16/2021, via email and attachments				
	Page 9 - <b>WFLP Partners meetings</b> The tribal leadership represented at WF Trust re-inerates the points made in our ongoing communications. As the project acknowledges here, it is necessary to include the Tribal representation at the governance table of the WFLP. Anything less would be disingenuous and not meaningfully represent Tribal collaboration.	6/16/2021, via email and attachments				

	Page 10 - <b>Tribal Advisory Board</b> Add new sentence " <b>The Tribal Advisory Board was disbanded.</b> "	6/16/2021, via email and attachments				
	Page 10 - <b>Tribal government consultation</b> "The WFLP Partners will coordinate with WFT's Director of Tribal Affairs and Engagement on tribal consultation and outreach. The WFLP Partners may choose and identify a key person who will serve as the WFLP Partners tribal liaison for the Project's tribal consultation and outreach and this person will coordinate with WFT." "While the Partners are listening and learning from the WFT and Tribes, it is not appropriate for the Project or Partners to repeat or share...As requested, the Project will coordinate with WFT and participating tribes to establish appropriate agreements and/or processes for sharing or disclosing sensitive information and intellectual properties of the Tribes for purposes of the Project."	6/16/2021, via email and attachments				
	Page 14 - <b>Cultural Landscape Report</b> last paragraph, last sentence: add "...the CLR will be further refined and finalized as part of the federal <b>National Historic Preservation Act</b> Section 106 permitting process."	6/16/2021, via email and attachments				
	Page 16 - <b>Design</b> "Opportunities for tribal input into specific Project design processes are described below and will be coordinated with the WFT."	6/16/2021, via email and attachments				
	Page 18 - <b>WFLP Partners</b> bullet point added to the Partner Group representatives " <b>Willamette Falls Trust: Board members representing the Tribes, Executive or Associate Director</b> "	6/16/2021, via email and attachments				
	Page 22 - <b>Tribes with Interests in the Area</b> "Federally recognized Tribes have inherent rights and a sovereign government relationship with the United States government...The Project will coordinate with the WFT to use the approaches described above to engage."	6/16/2021, via email and attachments				

<b>Confederated Tribes of Grand Ronde</b>						
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	Page 1 – There is a need to better define the term “interests”, this term is used throughout the document as a way of describing numerous Tribe’s link to the Falls. All tribes connection to the Falls are not the same and that should be reflected in the language used. For example, tribes’ connections to the treaty of the area are different from those who historically visited the Falls. The term “interest” does not distinguish between the two. There is a need to call out each Tribe by name that has expressed an interest, then abbreviate to Tribe’s from that point forward.	5/27/2021, via email (Attachment A)				
	Page 1 – Paragraph 5 states, “WFLP Partnership recognizes the need to improve relationships between the Partner governments and each of the Tribes that have expressed interest in the project area.” The Framework does not state how WFLP plans to handle conflict resolution, the document needs to include language on how WFLP will manage conflict resolution and where it will be applicable, and who has ultimate decision making authority.	5/27/2021, via email (Attachment A)				
	Page 1 – ‘Tribal Governments’ and ‘Tribal communities’ may not speak with the same authority or positioning. Suggest clarification and expectations of how each tribal voice will be weighted. In determining the “interest” of a Tribe, consideration should be given to how interests align with the Treaty(s), ratified or unratified for the area.	5/27/2021, via email (Attachment A)				

	Page 1 – Where is/are the state/ federal/ local regulatory nexus that further tribal engagement is anticipated for? Many Regulatory processes like section 106 are prescribed processes that delineate process triggers, extents and agency applicability, including roles and responsibilities of all parties.	5/27/2021, via email (Attachment A)				
	As private land (Fee simple) owners, the Tribe is a required signatory for submittal of permits (ACOE, State Archaeology permits, and disposition of artifacts, etc.) a point that seems missing when discussing roles and responsibilities and needs to be included.	5/27/2021, via email (Attachment A)				
	Page 5 – The Introduction needs major refinement to better discuss the site and history of the site. Grand Ronde advises inclusion of the Willamette Valley Treaty of 1855 and its applicability to the project area.	5/27/2021, via email (Attachment A)				
	Page 5 & 6 – The project details are not typically included in tribal consultation processes so therefore we recommend that the details be omitted.	5/27/2021, via email (Attachment A)				
	Page 6 – Site Ownership should acknowledge the dual roles and responsibilities that CTGR plays within this Framework, as both private property owner and a Tribe with strong connection to the site, this section should be expanded to acknowledge this.	5/27/2021, via email (Attachment A)				
	Page 9 – “The WFLP Partners need to identify and coordinate the key person/people who will serve as the WFLP Partners tribal liaison(s) for the Project’s tribal consultation and outreach. This is an outstanding resource need.” It is common practice to name the appropriate contact. Add Metro’s Tribal Liaison Katie McDonald here.	5/27/2021, via email (Attachment A)				
	Page 10 – Tribal Community Engagement, there is no information in the Grant Agreement 2020-2022 that allows the Trust to create and implement a Multi-Tribal Engagement Framework. None of the bulleted items are listed in the Grant Agreement 2020-2022. The Trust appears to be performing work that is outside the scope of this agreement. Grand Ronde has previously stated that the Trust lacks the expertise or requisite governmental status to perform these functions and therefore requests that the new bulleted items listed in this section be omitted.	5/27/2021, via email (Attachment A)				
	Page 11 - Summary of previous meetings with Tribal Advisory Board are not relevant for a document that should simply be outlining process for Tribal engagement. Delete all paragraphs related to summarizing previous meetings.	5/27/2021, via email (Attachment A)				
	Page 12 – Refining the Master Plan, what is the approval process and who has that authority when it comes to incorporating comments/input from all Tribal governments listed in this document. Need to capture in this document what the process is, including authority for Tribal Input on the design and construction stages and how that will work in relationship with Grand Ronde’s position as the property owner and stakeholder.	5/27/2021, via email (Attachment A)				

	<p>Page –13 The Cultural Landscape Report is useful as a reference document or an appendix to a report addressing Section 106 needs. It has previously been suggested by the project manager that this document could serve the needs of Section 106. We would like to reiterate that a Cultural Resources report directly addressing the resources of the project area is needed for Section 106 actions. Further, the Cultural Landscape Report or an improved/edited version is not the path forward to addressing the cultural resources regulatory needs such as those under Section 106.</p>	<p>5/27/2021, via email (Attachment A)</p>				
	<p>Page 16 – Schematic Design, Design Documents, and Construction Documents relates to Architectural work, this is a public infrastructure project, therefore these terms do not apply to this project. Use terms like, Concept Design (Project Development), Final Design (Plans, Specs &amp; Estimate), and Contract Administration (Advertisement, Bid and Award).</p>	<p>5/27/2021, via email (Attachment A)</p>				
	<p>Page 16 – The Final Design stage should be broken for various stages i.e. 30% Design, 60% Design, 95% Design and Final Design. There is a need to clarify what opportunities for input and/or authorization will be offered to each of the Tribes seeking engagement and how that will work in relationship with Grand Ronde’s position as the property owner and stakeholder.</p>	<p>5/27/2021, via email (Attachment A)</p>				
	<p>Page 16 – The decision making process for Interpretation and Programming are missing in this draft Framework. Grand Ronde recommends that the process, including the goals, be included.</p>	<p>5/27/2021, via email (Attachment A)</p>				
	<p>Page 16- The process so far of providing information in the areas of interpretation and content for programming has been viewed by Grand Ronde as extractive. Our comments and input have been taken and then generalized as coming from generally “the Tribes” by this action, the information loses its attribution to us and enables a third party to provide tribal voice without our participation. This is one of the reasons why Grand Ronde has withdrawn from providing further input to interested parties on interpretation and programming.</p>	<p>5/27/2021, via email (Attachment A)</p>				
	<p>Page 16 – Grande Ronde disagrees with the engagement framework extending to opportunities for other Tribes to provide input on areas that directly impact Grand Ronde’s rights as a property owner. Page 19 – The Section labeled “Metro” mentions the easement for the project. The easement or holder of easement has no relevance to the Tribal Engagement Framework. Therefore all reference to easements should be deleted.</p>	<p>5/27/2021, via email (Attachment A)</p>				
	<p>Page 19 – Any reference to the future Operations and Maintenance (O&amp;M) of the public riverwalk has no relevance to the Tribal Engagement Framework. Therefore any paragraphs related to O&amp;M should be deleted.</p>	<p>5/27/2021, via email (Attachment A)</p>				
	<p>Page 21 – Paragraph 3, Decision-making process refers to the work completed for Master Plan. Grand Ronde is unclear why this is relevant to the Tribal Engagement Framework, especially as this work has already been completed. This section should just outline how decisions will be made going forward on this project.</p>	<p>5/27/2021, via email (Attachment A)</p>				

## **Willamette Falls Trust Request to Join Partnership Agreement**

### **Background**

In February of 2021, the Willamette Falls Legacy Project received a request from the Willamette Falls Trust to change the governance agreement of the project. The proposed change would add the Willamette Falls Trust, a philanthropic non-profit, to the Partnership Intergovernmental Agreement established to implement the WFLP. In April of 2021, the project received letters of support for this request from: the Confederated Tribes and Bands of the Yakama Nation Confederated, the Confederated Tribes of the Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Indian Reservation. The Confederated Tribes of Grand Ronde withdrew their participation from the Willamette Falls Trust in April of 2021.

Project staff were focused on developing the Project Tribal Framework and subsequent questions following the February Partner meeting. The WFT and subsequent Tribal letters of support were acknowledged in writing. In May of 2021, project staff were able to provide the WFT a written process for evaluation of this proposal and process for moving the request to next Partner meeting. The process includes identifying areas of analysis and key questions which should be considered by the Partners over the course of two Partners meetings. This is the first formal request to change the WFLP Partnership IGA, and the agreement does not contain a process or procedure for the addition of new parties.

### **Current Status**

The request is intended to elevate the voices of the four Tribal Governments represented on the WFT Board and WFT Tribal Leadership Committee in project decision making. The four Tribes (Confederated Tribes and Bands of the Yakama Nation, Confederated Tribes of the Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation and Confederated Tribes of the Warm Springs Indian Reservation) have expressed confidence in the approach and efforts of the WFT. The WFT and the four Tribes have also submitted additional comments and letters delegating their informal consultation responsibility with the WFLP to the WFT.

The project Technical Advisory Committee (TAC) has been working to identify areas of consideration regarding the Trust's request. Areas of consideration fall generally into five thematic areas:

- The importance and necessity of Tribal Government voice in the project
- Areas where future technical or legal work may be needed to change the IGA or develop new agreements
- Understanding the shared commitments to project outcomes and efforts
- Decision making, roles and responsibilities, and communication protocols for project business and potential dispute resolution
- Other agreements or models that can help guide understanding



The Partners will hear directly from the WFT and WFT Tribal Leadership Committee at the June Partners meeting. Several issues have been clarified in writing since the initial request and the presentation is an opportunity to hear directly from those that have submitted the request. Implementation of the WFT request will require clarity around the structure and roles within the Partnership. Though there are a variety questions about what implementation may look like, the purpose of the June meeting is to highlight the importance of the request, listen to the WFT and Tribes, listen to the thoughts of the Partners, and identify if there is a consensus of the direction of the Partnership to allocate staff resources in advancing the details of the request.

The formal process to respond to the Trust's request was shared in May of 2021 (attached). Following the June Partners meeting, a comment period will be open to anyone who would like to provide comment for 14 days after the meeting, and a special second Partners meeting will be held with-in 45 days of the first meeting, for an official decision.

Prepared by: MG Devereux

Information



June 16th, 2021

**To:** Willamette Falls Legacy Project  
**From:** Willamette Falls Trust – Tribal Leadership  
**RE:** Tribal Representation and Informal Consultation at Willamette Falls Trust

Dear WFLP Staff,

The following statements represent excerpts from Letters of Support issued by the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Umatilla Indian Reservation, the Confederated Tribes of Warm Springs, and the Confederated Tribes and Bands of Yakama Nation. These statements reflect also the position of the Tribal Leadership Board, members of which were assigned to the Trust to represent our Tribes' input and interests.

The Willamette Falls Trust's request for Partnership to the WFLP is to provide an efficient vehicle for informal consultation by the structure of the Tribal Leadership Committee. The Tribal Governments still expect the WFLP to honor its duty of separate, formal consultation as required by State and Federal laws.

For clarity as to our request, please direct your attention to the language below. The quoted language reflects communications already shared with the WFLP from each respective Tribe. Each quote outlines that Tribe's support for, and expectations of, the Trust in its role as a Partner.

Letter of Support from CTUIR, April 14, 2021:

"The Trust Board's proposal to have a seat as a full Partner on the WFLP is the best way to formalize and assure an inter-tribal voice on the WFLP, and that the other tribes' histories and interests are not abandoned or otherwise obscured by the WFLP. The Willamette Falls Trust is an essential group for the success of the Willamette Falls Legacy Project and to date has been the only avenue for inter-tribal participation for the WFLP. The Willamette Falls Trust has listened to our thoughts and concerns, assisted in addressing our concerns, and coordinated our interactions with MASS Design. Thus far, the Willamette Falls Trust has been an effective organization to work through and we will continue to support our involvement with them."

Letter of Support from CTSI, April 19, 2021:

"The Willamette Falls Trust recognizes the importance of this regional approach and is

an important element of why our leadership is invested in this organization as the only Inter-Tribal, collaborative space on this important place.”

“We have limited resources available for project coordination and have relied on the Trust's effective support for collaboration with the multiple entities with an interest in the falls.”

Letter of Support from CTBYN, April 21, 2021:

“Willamette Falls Trust has provided this space. The Yakama Nation stands impressed with the Trusts' ability to listen and absorb numerous tribes' multi-faceted concerns. The Trust has gained the hard-earned confidence of multiple Native Nations, including the Yakama Nation, and provides a unilateral funnel for our collective messages. In that, the Yakama Nation remains assured that the Willamette Falls Trust can meaningfully provide our Tribal perspectives to the Willamette Falls Legacy Project.”

“Through the Tribal Leadership Committee, the Trust has demonstrated cultural sensitivity that includes relationship building, environmental compassion, and a genuine effort to both collaborate and represent our perspectives. The Trust may take what we communicate within this space and provide these aspects to the Project, an effort that typically requires time and resources. As the Yakama Nation may provide only limited resources for project coordination, the Trust represents a clear and valuable asset. As a Partner, the Trust will provide the necessary connection between our respective leadership and may represent our interests without incurring the typical difficulties of government-to-government conflicts.”

“The Trust's participation as a full partner within the governance of the Willamette Falls Legacy Project will therefore formalize and funnel these important multi-tribal interests.”

Letter of Support from CTWS, April 28, 2021:

“We have found a vehicle in the Willamette Falls Trust, and the Tribal Leadership group therein, that has earned our trust and confidence for hearing and carrying forward the Warm Springs Tribes' sovereign perspective. And importantly, the Willamette Falls Trust has demonstrated a spirit and action-oriented ability to bring the sovereign perspectives of other Tribes to our Warm Springs representatives.

“We urge the Legacy Partners to pay heed to our request that the Legacy Project accept the Willamette Falls Trust as a full partner to the project so that it can move forward from this point in time to serve us as a trusted and effective conduit of all Tribal voices to the Legacy Project and each Partner involved.

“To us, notwithstanding good intentions, the balkanized consultation approach used to date is extremely burdensome. The Willamette Falls Trust tribal leadership group

provides a single and direct place for the tribal nations to discuss our views with one another, collaborate, educate, and, ultimately, forge a united path forward for the benefit of the Legacy Project and the region as a whole. This function is a critical and necessary part of moving forward as Tribal Nations with varying perspectives in the region, working through disagreements, and the best way to provide opportunity for Inter-Tribal alignment in the future of the Project.”

Each Tribe made their message clear: The Tribes believe the Trust should obtain formal Partnership for the benefit of the Project as a whole. The response WFLP provided, however, further strains the relationship between WFLP and our tribal nations through continued questioning and alternative proposals. This lack of response to our policy leadership can be interpreted as a message of disrespect. As a matter of capacity and clarity, the Tribes have no interest in engaging in multiple touchpoints for the WFLP, but instead support the Trust’s capacity to coordinate alongside each of our Tribal Representatives in its position as a formal Partner.

As delegates of our Tribal Governments that represent the Willamette Falls Trust Board, we will continue to engage in these discussions and protect our Tribal interests. The Board is where we are authorized to represent our Tribes, and that is where we plan to engage from. The Trust will then communicate our voices from its position as a Partner. Our letters and investments remain clear and parallel to this structure. **In an effort to provide clarity without increased burden on our Tribal Nations, we expect this message and our delegates’ statements on the need for partnership to suffice.** We appreciate your stated commitment to Tribal collaboration and look forward to seeing this formalized through the support of our requests.

Respectfully,

Willamette Falls Trust Tribal Leadership Committee:

Chief Delvis Heath, Confederated Tribes of Warm Springs

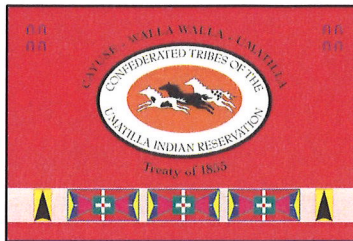
Council Treasurer Robert Kentta, Confederated Tribes of Siletz Indians

Tribal Delegate Davis Washines, Confederated Tribes and Bands of Yakama Nation

Board Member At-Large Armand Minthorn, Confederated Tribes of the Umatilla Indian Reservation

**Confederated Tribes of the  
Umatilla Indian Reservation**

Board of Trustees



46411 Timine Way • Pendleton, OR 97801  
www.ctuir.org • email: info@ctuir.org  
Phone 541-276-3165 • Fax: 541-276-3095

April 14, 2021

**Willamette Falls Legacy Project Partners**

Paul Savas, Board of County Commissioners  
Martha Schrader, Board of County Commissioners  
Gary Schmidt, County Administration  
Clackamas County  
2051 Kaen Road  
Oregon City, OR 97045

Frank O'Donnel, Commissioner  
Tony Konkol, City Manager  
City of Oregon City  
625 Center Street  
Oregon City, OR 97045

Raihana Ansary  
Office of Governor Brown  
1600 SW Fourth Avenue, Suite 109  
Portland, OR 97201

Ross Kihs, Parks District Manager  
Oregon Parks and Recreation Department  
725 Summer Street NE, Suite C  
Salem, OR 97301

Lynn Peterson, Council President  
Christine Lewis, Councilor  
Juan Carlos Gonzales, Councilor  
Marissa Madrigal, Office of the COO  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

Senator Alan Olsen  
Oregon State Legislature  
900 Court Street NE, S-425  
Salem, OR 97301

Representative Mark Meek  
Oregon State Legislature  
900 Court Street NE, H-478  
Salem, OR 97301

Re: CTUIR Support for Willamette Falls Trust to serve on the Partners for the Legacy Project

Dear Willamette Falls Legacy Project Partners,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) supports the Willamette Falls Trust proposal, as outlined in their February 2, 2021 letter, to be a full partner with a seat on the Willamette Falls Legacy Project (WFLP) because the Willamette Falls Trust works with all tribes with histories, rights and interests at Willamette Falls. The Willamette Falls Trust takes an inclusive approach to telling the history of the Falls, and recognizes that multiple tribes have connections to the Falls and that they should have a voice in what happens to this important cultural resource. The Trust works with multiple tribes, including the CTUIR, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Siletz Indians of Oregon, and the Yakama Nation along with the Confederated Tribes of the Grande Ronde Community. All of these tribes have demonstrated histories at the Falls, and the Trust joining the WFLP would allow for an inter-tribal presence in your important discussions about the future of the Falls.

CTUIR BOT Letter to Willamette Falls Legacy Project Partners

Re: Support of Willamette Falls Trust

April 14, 2021

Page 2 of 3

While the CTUIR has worked with Metro and the other Partners on the WFLP for over five years, there remains no space for an inter-tribal presence at the WFLP Partners meetings. To date, the only tribal voice the CTUIR has witnessed at your meetings is the Confederated Tribes of the Grand Ronde (CTGR) as the landowner. This is not for lack of desire or effort by the other tribes with rights and interests at Willamette Falls. Rather, the other tribes must sit idly by as frustrated observers. We have found that the Partners are in regular communication with CTGR but do not engage with the CTUIR nor any of the other tribes to our knowledge. At what point is the WFLP Partners going to engage with tribes other than CTGR?

For example, during the February 4, 2021 WFLP Partners meeting we were not allowed to speak. This is the second Partners meeting we attended that was dominated by the CTGR while we were precluded from participating. Furthermore, at that meeting the WFLP announced that it had reached a new Phase I plan with the CTGR. This announcement completely caught us and the other tribal parties by surprise as we had not been informed of it in our staff level meeting with Metro's WFLP staff the week before. Indeed, the last we had been told about work on the Phase I design was that it was still stalled due to disagreement. Not only had we not been informed that a new design and compromise was in the works, but immediately after its surprise presentation at the February 4 meeting, the Partners accepted the proposal as the new plan. It is frustrating to learn after the fact about negotiations between Metro and the CTGR that may impact our rights and interests at Willamette Falls. This is another example of the need for an inter-tribal voice at the WFLP.

While the CTUIR did eventually get to meet with WFLP Core staff on April 7, 2021 to provide an overview of our Traditional Use Study from our perspective, this occurred four months after we provided the Traditional Use Study and requested to present to the WFLP Partners. Since that time CTGR has continued their false narrative that they are the only tribe that should have a voice at Willamette Falls and that they are the only tribe with rights there, a narrative that they have repeated in front of the Partners.

The Trust Board's proposal to have a seat as a full Partner on the WFLP is the best way to formalize and assure an inter-tribal voice on the WFLP, and that the other tribes' histories and interests are not abandoned or otherwise obscured by the WFLP. The Willamette Falls Trust is an essential group for the success of the Willamette Falls Legacy Project and to date has been the only avenue for inter-tribal participation for the WFLP. The Willamette Falls Trust has listened to our thoughts and concerns, assisted in addressing our concerns, and coordinated our interactions with MASS Design. Thus far, the Willamette Falls Trust has been an effective organization to work through and we will continue to support our involvement with them.

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CTUIR BOT Letter to Willamette Falls Legacy Project Partners

Re: Support of Willamette Falls Trust

April 14, 2021

Page 3 of 3

The CTUIR would like to meet with the WFLP Partners at your earliest convenience. Please contact Matthew Johnson, Interim Deputy Director, to arrange a meeting. Mr. Johnson can be contacted at [MatthewJohnson@ctuir.org](mailto:MatthewJohnson@ctuir.org) or 541-429-7393.

Sincerely,



N. Kathryn Brigham  
Chair, Board of Trustees



## Confederated Tribes of Siletz Indians Tribal Council

P.O. Box 549

Siletz, Oregon 97380

(541) 444-8203 • 1-800-922-1399 ext. 1203 • FAX: (541) 444-8325

April 19, 2021

Paul Savas, County Commissioner  
Martha Schrader, County Commissioner  
Gary Schmidt, County Administrator  
Clackamas County  
2051 Kaen Road  
Oregon City, OR 97045

Lynn Peterson, Council President  
Christine Lewis, Councilor  
Juan Carlos Gonzales, Councilor  
Marissa Madrigal, COO  
Metro Regional Center  
600 NE Grand Avenue  
Portland, OR 97232

Frank O'Donnell, Commissioner  
Tony Konkol, City Manager  
City of Oregon City  
625 Center Street  
Oregon City, OR 97045

Ross Kihs  
Parks District Manager  
Oregon Parks & Recreation Department  
725 Summer St. NE, Suite C  
Salem, OR 97301

Raihana Ansary  
Office of Governor Brown  
1600 SW Fourth Avenue, Suite 109  
Portland, OR 97201

Representative Mark Meek  
Oregon State Legislature  
900 Court Street NE, H-478  
Salem, OR 97301

Re: Tribal Endorsement of the Request for Partnership of Willamette Falls Trust to the Willamette Falls Legacy Project

Dear Legacy Project Partners,

I write to you on behalf of the Confederated Tribes of Siletz Indians (Siletz Tribe) to endorse the work being done by the Willamette Falls Trust (Trust) on the Willamette Falls Legacy Project (Legacy Project) and to support the request of the Willamette Falls Trust for formal partnership to the Legacy Project.

The Siletz Tribe is a federally-recognized tribe and a successor in interest to seven ratified treaties including the January 22, 1855 Treaty with the Kalapuya et al., 10 Stat. 1143, which ceded the area of Willamette Falls. We greatly appreciate Metro's acknowledgment in its letter dated August 31, 2020 of its responsibility to engage in government-to-government consultation with federally recognized Tribes and "recognizing that consultation and engagement help Metro to honor the indigenous connections to the landscape as well as informing all aspects of our work.



Multiple tribes have rights, interests, resources and significant cultural ties to the Willamette Falls.” This commitment to multi-Tribal collaboration around Willamette Falls is an essential feature of meaningful engagement through both community and leadership with Metro and the Legacy Project.

Since time immemorial Siletz tribal members have relied upon the bounty of the Falls, harvesting eels, dog bane fiber, salmon, steelhead, sturgeon, and other resources from this special place, while also serving as stewards of the land, water quality, flora and fauna that reside or pass through here. Our relationship with and cultural values around Willamette Falls as a Traditional Cultural Property continues to this day. Today, much of the flora, fauna, and related traditional lifeways are threatened. We must work with all the communities with interests in the Willamette Falls to caretake this place for many generations to come.

The Siletz Tribe supports the Willamette Falls Trust’s efforts to meaningfully bring forward Tribal perspectives to the Falls. The Willamette Falls Trust recognizes the importance of this regional approach and is an important element of why our leadership is invested in this organization as the only Inter-Tribal, collaborative space on this important place. We support the Trust’s vision to make this exceptional experience available to everyone. As a sovereign nation, the Siletz Tribe is responsible for our relationship to the Falls and to our government-to-government relationship with Metro and the individual governments that constitute the Willamette Falls Legacy Project. As a member of the broader Willamette community, we strongly support and endorse the Trust’s collaborative efforts to bring many varied communities together at the Falls to create a shared vision.


The Trust’s approach demonstrates cultural sensitivity that includes relationship building, respect for Tribal intellectual property, environmental sensitivity, and whole community vision—a genuine effort to collaborate and represent many communities and many perspectives. This effort requires time, effort, and skill, as well as the support of the leadership that represents us in efforts around this important site. We have limited resources available for project coordination and have relied on the Trust’s effective support for collaboration with the multiple entities with an interest in the falls.

We support making the Trust a full partner to the Legacy Project to ensure tribal input through its Tribal representation on the Willamette Falls Trust Board itself, and the Tribal Leadership Committee that are both necessary components of Tribal relationship building, and Tribal perspectives sharing. This avoids interference in the government-to-government relationship that we hold with each of the governments that currently comprise the WFLP. This critical part of success is stated in the Trust Letter of Support for Willamette Falls Trust, dated February 2, 2021: “This supports a more meaningful approach than the limited, governmental advisory capacity that exists under the current structure.”

Willamette Falls Trust’s participation within the governance of the Willamette Falls Legacy Project formalizes multi-Tribal collaboration through leadership and a decision-making space, expanding beyond the current, informal role of community engagement which could be tokenized or dismissed. Elevating the collaborative voice of Tribes through the Trust creates necessary pre-government space for all Tribal views to be shared. In order to ensure the success

at the Willamette Falls Legacy Project to reflect all of the peoples who have connections to the Falls, we ask that you bring the Willamette Falls Trust on as a Partner in the Willamette Falls Legacy Project. We share your optimism for a better future for Willamette Falls.

Respectfully,

  
Delores Pigsley  
Tribal Chairman

Cc: Willamette Falls Trust



Confederated Tribes and Bands  
of the Yakama Nation

Established by the  
Treaty of June 9, 1855

---

April 21, 2021

Paul Savas, Board of County Commissioners  
Martha Schrader, Board of County Commissioners  
Gary Schmidt, County Administration  
Clackamas County  
2051 Kaen Road  
Oregon City, OR 97045

Frank O'Donnell, Commissioner  
Tony Konkol, City Manager  
City of Oregon City  
625 Center Street  
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Raihana Ansary  
Office of Governor Brown  
1600 SW Fourth Avenue, Suite 109  
Portland, OR 97201

Ross Kihs, Parks District Manager  
Oregon Parks and Recreation Department  
725 Summer Street N.E., Suite C  
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Lynn Peterson, Council President  
Christine Lewis, Councilor  
Juan Carlos Gonzales, Councilor  
Marissa Medrigal, COO  
Metro  
600 N.E. Grand Avenue  
Portland, OR 97232

Senator Alan Olsen  
Oregon State Legislature  
900 Court Street N.E., S-425  
Salem, OR 97301

Representative Mark Meek  
Oregon State Legislature  
900 Court Street N.E., H-478  
Salem, OR 97301

**Re: Yakama Nation Requests that the Willamette Falls Trust be Admitted as a Full Partner to the Willamette Falls Legacy Project**

Dear Willamette Falls Legacy Project Partners:

I write on behalf of the Confederated Tribes and Bands of the Yakama Nation (the "Yakama Nation") to ask that you support the Willamette Falls Trust's (the "Trust") request for admission as a full partner to the Willamette Falls Legacy Project. The Yakama Nation's interest in this is significant given our history and relationship to the natural and cultural resources associated with Willamette Falls and the surrounding area.

The Treaty of June 9, 1855, between the United States and the Yakamas ("1855 Treaty"), 12 Stat. 951 (June 9, 1855, ratified March 8, 1859, proclaimed April 18, 1959), reserved to the Yakamas fishing rights on the Columbia River and its tributaries. These rights, which our ancestors consciously preserved by treaty, remain protected by the United States

Constitution and enforceable as federal law.<sup>1</sup> Our reserved rights are also not geographically limited to the lands we ceded to the United States. In *Seufert Bros. v. United States*, 249 U.S. 194 (1919), the Supreme Court of the United States affirmed that although the Yakama Nation's ceded territory may lie north of the Columbia River in what is now the State of Washington, the Yakama Nation nevertheless had "usual and accustomed fishing places" in Oregon and their treaty right to fish there stood intact. In *State v. James*, 72 Wn.2d 746, 435 P.2d 521 (1967), the court recognized that Yakama tribal members retained the right to fish below Bonneville Dam. In *U.S. v. Winans*, 198 U.S. 371 (1905), the Supreme Court of the United States affirmed that the Yakama Nation retained the right to make use of the land surrounding their usual and accustomed sites, as required by its members, to exercise their Treaty rights.

As briefly noted above, litigation spanning more than a century was necessary to hold the United States to its promises, and to ensure that the States did not interfere with the Treaty-reserved right of Yakama people to exercise their culture and traditions at their usual and accustomed places. The subject of that litigation was the very same practices that our people exercise today, and that their ancestors – the original, free, and independent people that were later confederated as the Yakama Nation – have exercised since time immemorial.

The Yakama and their ancestors have always held ties to the Willamette valley, the Willamette River system, and Willamette Falls, giving thanks and thriving on the lands and natural resources handed down from Tamanwáá, the Creator.<sup>2</sup> Accordingly, we own deep roots to the Willamette Falls, and we remain dedicated to protecting and enhancing the area to ensure it can be enjoyed by our future generations, both as a place to exercise our Treaty-reserved right to harvest fish and lamprey at Willamette Falls as we traditionally have for thousands of years, and also as a place where our history will be told.

While the Yakama Nation's history with Willamette Falls is unique, we acknowledged it is by no means exclusive. Multiple tribes possess ancient interests, resources, and cultural ties to Willamette Falls that predate Oregon City's young colonization. Therefore, any project that may impact this important area must provide a sincere and careful space for multi-tribal collaboration.

Willamette Falls Trust has provided this space. The Yakama Nation stands impressed with the Trusts' ability to listen and absorb numerous tribes' multi-faceted concerns. The Trust has gained the hard-earned confidence of multiple Native Nations, including the Yakama Nation, and provides a unilateral funnel for our collective messages. In that, the Yakama Nation remains assured that the Willamette Falls Trust can meaningfully provide our Tribal perspectives to the Willamette Falls Legacy Project.

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<sup>1</sup> U.S. Const. art. VI, cl. 2

<sup>2</sup> See Report of Mr. George Gibbs to Captain Mc'Clellan, on the Indian Tribes of the Territory of Washington, March 4, 1854, published as *Indian Tribes of the Washington Territory* 3 (1978) (remarking that in 1839 the Yakamas crossed the Columbia and "overran the Willamette valley, attracted by the game with which it abounded").

YAKAMA NATION'S ENDORSEMENT OF  
WILLAMETTE FALLS TRUST PARTNERSHIP  
APRIL 21, 2021

Through the Tribal Leadership Committee, the Trust has demonstrated cultural sensitivity that includes relationship building, environmental compassion, and a genuine effort to both collaborate and represent our perspectives. The Trust may take what we communicate within this space and provide these aspects to the Project, an effort that typically requires time and resources. As the Yakama Nation may provide only limited resources for project coordination, the Trust represents a clear and valuable asset. As a Partner, the Trust will provide the necessary connection between our respective leadership and may represent our interests without incurring the typical difficulties of government-to-government conflicts.

The fact remains that tribes represent the original stewards of Willamette Falls. Our members honor our ancestors through each visit and with each fish caught within the area. Listening to and honoring our long-standing knowledge of Willamette Falls proves necessary as you continue to develop our traditional territory. The Trust's participation as a full partner within the governance of the Willamette Falls Legacy Project will therefore formalize and funnel these important multi-tribal interests. Indeed, elevating the collaborative voice of Tribes through the Trust will provide the necessary pre-government space for Tribal views to be shared and represented.

As an important part of success at the Willamette Falls Legacy Project, we therefore ask that you admit the Willamette Falls Trust to full partnership status in the Willamette Falls Legacy Project.

Respectfully,



Delano Saluskin, Chairman

The Confederated Tribes and Bands of the Yakama Nation



THE CONFEDERATED TRIBES OF WARM SPRINGS, OREGON

April 27, 2021

Willamette Falls Legacy Project Partners

Paul Savas, Board of County Commissioners  
Martha Schrader, Board of County Commissioners  
Gary Schmidt, County Administration  
Clackamas County  
2051 Kaen Road  
Oregon City, OR 97045

Frank O'Donnel, Commissioner  
Tony Konkol, City Manager  
City of Oregon City  
625 Center Street  
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Raihana Ansary  
Office of Governor Brown  
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Ross Kihs, District Manager  
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Lynn Petersen, Council President  
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Senator Alan Olsen  
Oregon State Legislature  
900 Court Street NE, S-425  
Salem, OR 97301

Representative Mark Meek  
Oregon State Legislature  
900 Court Street NE, H-478  
Salem, OR 97301

Re: Request that the Willamette Falls Trust be Added as a Full Partner to the Willamette Falls Legacy Project

Dear Willamette Falls Legacy Project Partners:

As Chairman, and on behalf of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon (Warm Springs Tribes) I write to formally request that the current Partners to the Willamette Falls Legacy Project provide full "Partner status" to the Willamette Falls Trust (Trust) on the Willamette Falls Legacy Project (Legacy Project).

The Warm Springs Tribes are a federally recognized Indian Tribe. The history and culture of our people have been expressed since time immemorial over most of the land that became the State of Oregon in 1859. Our legal rights, sovereignty, and culture were reserved and secured to us in our pre-statehood Treaty with the Tribes of Middle Oregon, June 25, 1855. In exchange for our cession of 10 million acres of our territory, Article I of that Treaty provides that the Warm Springs Tribes will forever have the absolute right to hunt, gather, and pasture stock off of the Warm Springs Reservation at unclaimed traditional hunting and gathering areas, and that our off-

reservation Treaty-reserved fishing rights will continue in perpetuity at all usual and accustomed fishing areas, regardless of whether others “claim” the waters or shores or our fishing areas.

The Willamette Valley is a traditional use area of the Warm Springs Tribes. Our ancestors built and used ancient trails from the Columbia Plateau to the Valley. Our ancestors had many crossings over the Cascade Mountains to the Willamette Valley, frequently used to secure the gifts of our Creator – fish, game, plants, medicines – that were presented to us a bit further distant from our permanent villages and homes. The Willamette Falls was, and remains still, and will always be, a vital and sacred usual and accustomed fishing area of the Warm Springs Tribes.

The Warm Springs Tribes confederation is a sovereign. Sovereignty of federally recognized Tribes is embedded in Article 1, Section 8 of the Constitution of the United States of America. The United States Supreme Court declared that Tribes are sovereign nations in the early 1800’s. The essence of Tribal sovereignty is ***the right to govern, protect, defend, and care for the people, land, water, and resources of the Tribe and to do so in a manner deemed by the Tribe and Tribe alone as most beneficial for current and future generations.*** The Warm Springs Tribes have a sovereign interest in Willamette Falls. This is as a treaty-reserved usual and accustomed fishing area, and the Valley at-large is one of many areas to which our people resorted to for sustenance and maintenance of our way of life. As the Legacy Project endeavors to rehabilitate, protect, and amplify the many values of Willamette Falls to the non-Indian citizenry, the Warm Springs Tribe insists that it carry on this important work fully mindful and respectful of the Warm Springs Tribes sovereign interest in Willamette Falls.

The Warm Springs Tribes do not now and have never claimed exclusive use, rights, or sovereign status relative to other Tribes at Willamette Falls. There are other Tribal nations with rich histories that rightfully claim in their own Nation’s names a similar sovereign right to shape the future of the Falls and how its history is shared. We have found a vehicle in the Willamette Falls Trust, and the Tribal Leadership group therein, that has earned our trust and confidence for hearing and carrying forward the Warm Springs Tribes’ sovereign perspective. And importantly, the Willamette Falls Trust has demonstrated a spirit and action-oriented ability to bring the sovereign perspectives of other Tribes to our Warm Springs representatives. This demonstrates the unique skillset, cultural understanding, and capacity necessary to carry out Inter-Tribal work of this scale that we have not seen in the Legacy Project Partners. We urge the Legacy Partners to pay heed to our request that the Legacy Project accept the Willamette Falls Trust as a full partner to the project so that it can move forward from this point in time to serve us as a trusted and effective conduit of all Tribal voices to the Legacy Project and each Partner involved. Frankly, it is inconceivable to us how the Legacy Project can succeed in its endeavors without doing so. There is no other existing forum, proposal, or means by which the Warm Springs Tribe can effectively and efficiently communicate with each individual Project Partner and the other tribal sovereigns involved.

The Warm Springs Tribe appreciates the efforts of the Partners individually to learn and understand our history, rights, and vision for the Legacy Project. But the balkanized model that requires Warm Springs to meet individually with each Partner is unsustainable, and we fear,

ineffective. To us, notwithstanding good intentions, the balkanized consultation approach used to date is extremely burdensome. The Willamette Falls Trust tribal leadership group provides a single and direct place for the tribal nations to discuss our views with one another, collaborate, educate, and, ultimately, forge a united path forward for the benefit of the Legacy Project and the region as a whole. This function is a critical and necessary part of moving forward as Tribal Nations with varying perspectives in the region, working through disagreements, and the best way to provide opportunity for Inter-Tribal alignment in the future of the Project. We ask why the Legacy Project, why each current Partner, would not quickly and eagerly agree to bring this tribal nation collaborative to its table through the Willamette Falls Trust. If doing so would require amendment or adjustment to the organizational agreements with the Willamette Falls Trust, we are confident you have the ability to make any needed adjustments. The only thing set in stone regarding Willamette Falls are the images our ancestors have carved there. We believe that *if there is a will* of the Partners to provide an effective place at its table for coordinated tribal nation input by making the Willamette Falls Trust an equal partner, the Partners will *find the way* to make it happen. It is a matter of willingness of each Partner.

On behalf of the Warm Springs Tribes, I appreciate your consideration of these comments and our request. I urge you to consider our declaration of sovereignty and what that means directly for our Willamette Falls usual and accustom fishing area and other traditional and cultural use history there and in the Willamette Valley.

Sincerely,

*Brigitte McConville, vice chair*

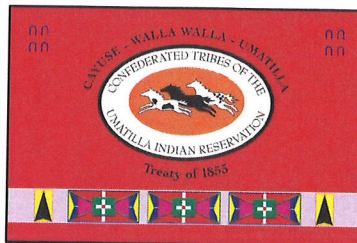
for Raymond Tsumpti, Sr., Chairman,

Warm Springs Tribal Council



**Confederated Tribes of the  
Umatilla Indian Reservation**

Board of Trustees



46411 Timine Way • Pendleton, OR 97801  
www.ctuir.org • email: info@ctuir.org  
Phone 541-276-3165 • Fax: 541-276-3095

June 14, 2021

**Willamette Falls Legacy Project Partners**

Paul Savas, Board of County Commissioners  
Martha Schrader, Board of County Commissioners  
Gary Schmidt, County Administration  
Clackamas County  
2051 Kaen Road  
Oregon City, OR 97045

Lynn Peterson, Metro Council President  
Christine Lewis, Councilor  
Juan Carlos Gonzales, Councilor  
Marissa Madrigal, Office of the COO Metro  
600 NE Grand Avenue  
Portland, OR 97232

Frank O'Donnell, Commissioner  
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1600 SW Fourth Avenue, Suite 109  
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Representative Mark Meek  
Oregon State Legislature  
900 Court Street NE, H-478  
Salem, OR 97301

Ross Kihs, Parks District Manager  
Oregon Parks and Recreation Department  
725 Summer Street NE, Suite C  
Salem, OR 97301

Re: CTUIR Delegation to Willamette Falls Trust of Consultation Function with the Willamette Falls Legacy Project Partnership

Dear Willamette Falls Legacy Project Partners,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) hereby provides notice to the Willamette Falls Legacy Project that the CTUIR delegates to the Willamette Falls Trust its tribal consultation on the Willamette Falls Legacy Project (WFLP). This delegation is reflected in the attached Board of Trustees Resolution 2021-051. By this delegation, the CTUIR formally requests that the WFLP perform its consultation with the CTUIR through the Willamette Falls Trust.

As you know, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes of the Siletz Indians of Oregon and the Confederated Tribes and Bands of the Yakama Nation have made similar delegations to the Trust regarding the WFLP. As with those tribes, the CTUIR does not make this delegation lightly. We have found that the Trust has an inter-tribal, inclusive approach to tribal consultation. It further has a superior communication network for receiving, compiling and incorporating and disseminating tribal information. As we stated in our April 14, 2021 letter supporting the Trust's request to join the WFLP Board, "the Willamette Falls

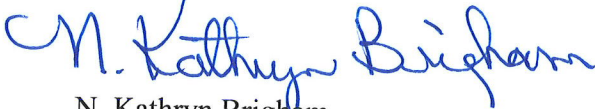
CTUIR BOT Letter to Willamette Falls Legacy Project Partners  
Re: Delegation of CTUIR Consultation to Willamette Falls Trust  
June 14, 2021  
Page 2 of 2

Trust has been an effective organization to work through and we will continue to support our involvement with them.”

While we intend to consult with the WFLP through the Trust and delegate that consultation function to the Trust, we do not delegate statutorily-required consultation obligations such as under Section 106 of the National Historic Preservation Act.

We also continue to support the WFT request to join the WFLP as a Partner. Should you have any questions regarding this delegation, please contact Matt Johnson, Interim Deputy Executive Director, at [MatthewJohnson@ctuir.org](mailto:MatthewJohnson@ctuir.org) or (541) 429-7393.

Sincerely,



N. Kathryn Brigham  
Chair, Board of Trustees

Enclosure: CTUIR Resolution No. 2021-051

Cc: Willamette Falls Trust Tribal Leadership Committee

**C E R T I F I C A T E**

The undersigned, N. Kathryn Brigham and Sally Kosey hereby certify that they are the Chair and Secretary, respectively, of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, and at a regular meeting of said Board of Trustees at the Board Chambers of the Nixyáawii Governance Center, Mission, Oregon, on the 14<sup>th</sup> day of June, 2020, a quorum of said Board was present and the following Resolution was regularly moved, seconded, and adopted by a vote of 7 for, 0 against, and 0 abstaining.

**R E S O L U T I O N**

**WHEREAS,** the Board of Trustees is the governing body of the Confederated Tribes of the Umatilla Indian Reservation (Confederated Tribes) by the authority of Article VI, Section 1 of the Constitution and Bylaws of the Confederated Tribes, adopted on November 4, 1949 and approved on December 7, 1949, as amended; **AND**

**WHEREAS,** pursuant to Article VI, Section 1(a) of the Constitution and Bylaws, the powers of the Board of Trustees include the authority “to represent the Tribes and to negotiate with Federal, State and local governments”; **AND**

**WHEREAS,** pursuant to Article VI, Section 1(b) of the Constitution and Bylaws, the powers of the Board of Trustees include the authority “to manage all affairs of the Confederated Tribes, including the administration of tribal lands, funds, timber and other resources, under appropriate contracts, leases, permits and loan or sale agreements”; **AND**

**WHEREAS,** pursuant to Article VI, Section 1(e) of the Constitution and Bylaws, the powers of the Board of Trustees include the authority “to exercise any rights and powers heretofore vested in the Confederated Tribes, but not expressly referred to in this Constitution, or any powers that may in the future be delegated by an agency of local, state or Federal government”; **AND**

**WHEREAS,** members of the Cayuse, Umatilla and Walla Walla Tribes have traveled to Willamette Falls to hunt, fish, and gather the First Foods, and have interacted with tribal allies and neighbors there since time immemorial and members of the Confederated Tribes continue to travel to the Falls for First Foods to this day; **AND**

**WHEREAS,** Willamette Falls is an usual and accustomed fishing area of the Confederated Tribes; **AND**

**WHEREAS,** the State of Oregon, Oregon City, Clackamas County, and Metro have formed the Willamette Falls Legacy Project (WFLP), a public partnership, to develop the Willamette Falls area and to secure public access, including a Riverwalk Project along the eastern side of Willamette Falls; **AND**

**RESOLUTION NO. 21-051**  
**TOPIC: Delegation of Consultation to Willamette Falls Trust**  
**Department: DNR and OLC**  
**Page 2 of 4**

- WHEREAS,** Confederated Tribes staff originally participated in the WFLP through a now disbanded Tribal Advisory Board, and more recently through consultation with Metro staff that support the WFLP; **AND**
- WHEREAS,** that Consultation through Metro and the Partners has not resulted in the level of input and consideration to the WFLP that the Confederated Tribes and other tribes have expressed a desire for; **AND**
- WHEREAS,** the Willamette Falls Trust is an organization formed to raise funds and develop programming design and content for the Riverwalk Project that reflects the deep cultural significance and meaning for all tribes that traditionally used the Falls; **AND**
- WHEREAS,** in 2020, in keeping with its inclusive approach to telling the history of Willamette Falls, the Willamette Falls Trust established the Tribal Leadership Committee within the Board of Directors that included policy representatives of the Confederated Tribes, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of Siletz Indians of Oregon and the Confederated Tribes of the Grand Ronde Community of Oregon. By letter dated May 11, 2020, the Confederated Tribes nominated Armand Minthorn as its representative on the Willamette Falls Trust Board, with Jeremy R. Wolf as alternate, and Audie Huber as the staff technical representative; **AND**
- WHEREAS,** Willamette Falls Trust, with their contractor MASS Design Group, have engaged in open, transparent and robust communication with all tribes that have rights and interests at Willamette Falls in an attempt to develop programming that relays the many tribal histories and stories around the Falls. In so doing, the Willamette Falls Trust has developed a Tribal Leadership Committee that directs its efforts in this regard; **AND**
- WHEREAS,** by letter dated February 2, 2021, the Willamette Falls Trust requested to join the Board of the WFLP. By letter dated April 14, 2021 the Confederated Tribes supported that request to join the WFLP Board; **AND**
- WHEREAS,** the involvement and consultation with the Willamette Falls Trust has been the most thorough and efficient because the Willamette Falls Trust has demonstrated its ability to work with the Confederated Tribes to represent the Confederated Tribes' history, rights and interests at Willamette Falls; **AND**
- WHEREAS,** in a letter provided to the Trust on April 22, 2021, the Confederated Tribes of the Grand Ronde Community of Oregon withdrew from the Trust due to failure to resolve concerns raised by Grand Ronde; **AND**

**RESOLUTION NO. 21-051**  
**TOPIC: Delegation of Consultation to Willamette Falls Trust**  
**Department: DNR and OLC**  
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**WHEREAS,** the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon and the Confederated Tribes of the Siletz Indians of Oregon all of whom also sit on the Tribal Leadership Committee of the Willamette Falls Trust Board, have delegated their Tribes' consultation with WFLP to the Willamette Falls Trust; **AND**

**WHEREAS,** Confederated Tribes staff recommend that the Board of Trustees approve delegating the Confederated Tribes' consultation function to the Willamette Falls Trust for the WFLP so that tribal consultation with and among the tribes can be handled more efficiently; **AND**

**WHEREAS,** Confederated Tribes staff also recommend examining whether there may be a larger role for the Willamette Falls Trust as a regional inter-tribal consultation center to collaborate and consult with regional organization and agencies with regards to tribal consultation at Willamette Falls and the surrounding region; **AND**

**WHEREAS,** on June 8, the Fish and Wildlife Commission reviewed and recommended approval of this resolution and accompanying letter by polled vote; **AND**

**WHEREAS,** on June 9, the Cultural Resources Committee reviewed and recommended approval of this resolution and accompanying letter by polled vote; **AND**

**WHEREAS,** the Board of Trustees held a work session on June 9, 2021 to review these staff recommendations; **NOW, THEREFORE, BE IT**

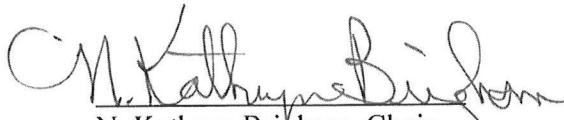
**RESOLVED,** the Board of Trustees delegates the consultation function regarding the Willamette Falls Legacy Project to the Willamette Falls Trust on behalf of the Confederated Tribes; **AND BE IT FINALLY**

**RESOLVED,** the Board of Trustees supports staff exploring a larger role for the Willamette Falls Trust as a regional inter-tribal consultation center for the Confederated Tribes to collaborate and consult with regional organizations and agencies regarding Willamette Falls and the surrounding region;


**AND,** that said Resolution has not been modified amended or repealed and is still in full force and effect.

**RESOLUTION NO. 21-051**  
**TOPIC: Delegation of Consultation to Willamette Falls Trust**  
**Department: DNR and OLC**  
**Page 4 of 4**

**DATED** this 14<sup>th</sup> day of June, 2021.

  
 N. Kathryn Brigham, Chair  
 Board of Trustees

**A T T E S T:**

  
 Sally Kosey, Secretary  
 Board of Trustees

NAME	YES	NO	ABSTAIN	LEAVE
N. Kathryn Brigham, BOT Chair				
Jeremy Wolf, BOT Vice Chair	X			
Sandra Sampson, BOT Treasurer	X			
Sally Kosey, BOT Secretary	X			
Armand Minthorn, BOT Member	X			
Jill-Marie Gavin, BOT Member				Personal
Corinne Sams, BOT Member	X			
Boots Pond, BOT Member	X			
Lindsey X. Watchman, General Council Chair	X			

# Willamette Falls

## LEGACY PROJECT

### PARTNERS GROUP MEETING MINUTES

June 30, 2021

Via Zoom, 9:00 – 11:00AM

#### Attendees

<b>Clackamas County</b>	Commissioners Paul Savas, Gary Schmidt, Martha Schrader
<b>Metro</b>	Metro Council President Lynn Peterson, Counselor Christine Lewis
<b>Oregon City</b>	Mayor Rachel Lyles Smith, Tony Konkol
<b>State</b>	Jim McKenna, Ross Kihs, Senator Bill Kennemer
<b>Absent</b>	Marissa Madrigal, Juan Carlos Gonzalez, Rep. Mark Meek, Frank O'Donnell
<b>Metro Staff</b>	MG Devereaux, Brian Moore, Alex Gilbertson, Carrie Belding
<b>Guests</b>	Gerard Rodriguez, Robert Kentta (CTSI), Davis Yellowash Washines (CTBYN) Chairwoman Cheryle Kennedy and Stacia Hernandez (CTGR), Armand Minthorn and Audie Huber (CTUIR), and Chief Delvis Heath and Louie Pitt (CTWS)

MG Devereaux welcomed everyone to today's meeting, and noted this meeting is being recorded and that the chat has been disabled. Members of the public can submit any comments or questions to [info@willamettefallsproject.com](mailto:info@willamettefallsproject.com), and will be accepted within 14 days following this meeting. MG introduced voluntary chair of the meeting, Mayor Rachel Lyles Smith of Oregon City.

**The Special Partners meeting was called to order by meeting Chair, Mayor Rachel Lyles Smith at 9:06AM. Chair Smith asked the Partners to introduce themselves.**

MCP Lynn Peterson noted it is clear that navigating a path forward will take more direct involvement from the Metro Council; forging relationships with members of the Partners table, listening in, might have helped to weather the last year and a half to two years of this project. The inability to meet in person over the last year and a half has made it very difficult to develop those relationships and very challenging. Coming out Covid and becoming more comfortable with in-person meetings, she looks forward to meeting and learning more from everyone working together on this and other projects, policies and programs at Metro.

Commissioner Paul Savas noted perhaps all the Partners should have been more involved up to this point. Surprised at the amount of the materials presented today, and had no idea of there was that much work being done in the background. He appreciated all of that; however, some greater involvement or more frequency of meetings might be needed to navigate the next steps.

**Chair Smith turned to MG for the first agenda item.** MG noted the Budget update and wanted to highlight that a lot of work has been going on during the last eight years, there was a certain amount of funding dedicated towards this phase of outreach design prior to construction. There is cash in the bank to get to the construction phase, but until the project is able to do so, staff resources have been shifted to other assignments at Metro to preserve place of limitation until ready to being the next phase.

### **1) Update and informational Briefing: Draft Project Tribal Engagement Framework**

The goal is to highlight the work and publicly acknowledge the importance of multi-Tribal engagement efforts to the project, that have a shared understanding of where the project is in the work that highlights the issues around Tribal engagement. Meaningful Tribal government engagement has been a foundational element of this project, which recognizes that Tribal governments have a unique and distinct role in how the project manages the work going forward. This has been a difficult challenge to develop a multi-Tribal engagement strategy that is acceptable to all five Tribes participating in the project. Over time, staff have been working to provide answers to developing questions and concerns, and those answers have often not lead to clarity or the ability to create shared understanding, and in some cases, have broken down trust in relationships. In the last eight to ten months, these questions and communication break-downs have necessitated an increase in staff response and ability to gather this information. Unfortunately, because it is a difficult topic and conversation, it has created harm to the project's relationships with Tribal governments and the Tribes themselves. The project seeks to do better.

The draft project engagement framework was an effort to document understanding about how the project made decisions early on, what attempts were made to create opportunities for meaningful Tribal engagement, and create a discussion place for all five Tribes participating in the project about how to share that understanding. A number of comments have been received from the Confederated Tribes of Grand Ronde and through the Willamette Falls Trust for the four Tribes represented by the Trust. The project is in the process of evaluating these comments, looking at how to update the draft document, and have that discussion about incorporating the suggested changes, and the framework moving forward.

The document and subsequence communication included in the packet are represented as *very draft*. Normally, this would not be highlighted to the Partners, but it very important to confirm the original project goals of meaningfully engaging all five Tribes and to acknowledge the hard work that the Tribes have done to provide comments, and also to acknowledge there is a lot of work that will be needed to move this conversation forward. The big part of the project's work in the next couple of months is to meet, review and incorporate the draft comments. Working with Tribal representatives to develop that understanding, to improve the decision-making process, and how to guide future choices for the public riverwalk development, and create a new document that has shared agreement, and incorporates all of the work being done, both from the Tribal governments, government to government outreach, and also the Tribal community engagement work the Trust has been doing, so all of those things can fit together and help guide the project's process, discussion and decision-making.

What would helpful today, would be to make sure there is not a disagreement among the Partners about the need for meaningful Tribal engagement with all five Tribes. And, to ask if there are any questions about what the next steps would be.

**Chair Smith recognized MCP Lynn Peterson:** Looking forward to hearing more feedback from the representatives of the Tribal government, about what works and what doesn't work as we move forward in this. And I want to emphasize that feedback here is not only important for this project but also for all the work we're doing at Metro as we evolve as a government with our Tribal relations. So, I am on this call for listening for understanding.

**Chair Smith recognized Senator Kennemer:** It is good to be with the group and appreciates the opportunity. There is some homework to do to restore relationships and get things going. I am excited about it. I represent Oregon City and a great deal of the surrounding territory. Pleased to be with the group and thank you.



**Chair Smith acknowledged there is more to come on the draft project engagement framework. She then turned to MG for the second agenda item.**

## **2) Request from Willamette Falls Trust to Join Partners Table**

MG introduced Gerard Rodriguez, Tribal Affairs and Engagement, with the Willamette Falls Trust, who then introduced David Yellowash Washines (CTBYN) and Robert Kentta (CTSI). Regarding the information distributed in the meeting packets, the work has taken place over the last year, before engagement with the Trust, as continued through the Legacy Project since its inception. Following the presentation, Gerard will ask Mr. Yellowash and Mr. Kentta to continue to share about Tribal perspectives towards the Willamette Falls Trust request for partnership. Then, discussion will open for questions and moving the request forward.

### **Willamette Falls Trust Partnership Request**

#### ***Power Point Presentation***

Gerard explained that first and foremost, the Trust would like to share the importance of the partnership request. There has been a lot of conversation that has led to this point, with the Trust formally requesting partnership in February, engaging to discover best practices. Apparently, this request is the first of its kind, but also an important one considering the value the Trust hopes to add to the Legacy Project, supporting it since the Trust first began its work in 2015, by elevating philanthropic voice through private fundraising, and with the work of Tribal community engagement, being able to carry out Tribal representation for participating Tribes as well.

#### ***Slide One: Proposal for Partnership***

- Support for the Willamette Falls Legacy Project
- An amendment to the existing agreement, to be able to include Trust non-profit as a formal Partner.
- Representation, support and voice of four Tribal Nations
- An opportunity to set precedence for Tribal and local government collaboration and serve as a model.

These are the main goals for the Trust's proposal for partnership, one of which is to support of the Willamette Falls Legacy Project, expressing support for the adopted Master Plan as well as for the project as a whole. This proposal will entail an amendment to the existing IGA, to think about how to incorporate a non-profit as a formal partner, seeking to find other models that have carried this out in the past, what are some of the opportunities to build something new, and think about MOU's in addition to or as a re-thinking of the current Partnership agreement. This proposal also includes representation, support and voice for four Tribal Nations, which are the Confederated Tribes of Warm Springs Indian Reservation, Confederated Tribes of Siletz Indians, Confederated Tribes of Bands of Yakima Nations, and Confederated Tribes of Umatilla Indian Reservation. Most importantly, this is an opportunity to set precedence for Tribal and local government collaboration and serve as a model for future projects and also the region, understanding that many Tribal Nations and local governments work across the entire U.S. to discover how to form collaborative models that serve all communities involved in these landscapes.

#### ***Slide Two: Willamette Falls Trust Background***

- Willamette Falls Trust formed by the WFLP as a philanthropic and community engagement entity.
- In April 2019, identified the need for Tribal community engagement, a responsibility then carried out by the Trust with MASS Design Group
- From June to December 2020, we received Tribal Council appointed representatives to the Willamette Falls Trust Board

The Trust felt the need to provide background of how the Trust was formed by the Willamette Falls Legacy Project, as a philanthropic and community engagement entity to enhance the Legacy Project's impact through the addition of private philanthropic and community engagement work. The Trust today has been successful in securing private funds, having raised over \$7 million dollars of leadership investment, even without a firm project commitment in the form of a permit, demonstrating the broad community's interest in this project. Moving forward through a feasibility study in 2018, the Trust learned two key things that prospective donors wanted to know before making gifts: 1) The community is extremely concerned about the long-term vision for the broader fall's region and has a clear investment in that, and 2) that people want to know what they will do when they get to the riverwalk. These two issues led the Trust to engage in conversations with many people and organizations with interest in the falls, as well as to conduct a review of community engagement to date that had defined a vision for possible activities on the riverwalk. In the course of that review, the community came together and made it clear to the Trust in an event held in April of 2019 that the Tribal voices had been significantly missing from giving input into the project. At that point, the Trust retained MASS Design Group for community engagement, beginning an effort not just to engage the five Tribes with connections to the falls, but also to bring those Tribes into the Trust government structure to address the work of the Trust. In June to December of 2020, that effort continued and the Trust received Tribal Council appointed representatives to the Willamette Falls Trust Board.

***Slide Three: Willamette Falls Trust Background con't***

- In December 2020, the WFT Board formalized the Tribal Leadership Committee
- In February 2021, out letter requesting Formal Partnership was sent to WFLP
- In April of 2021, received Letters of Support from four Tribes, supporting the Partnership Request and delegating representatives and informal consultation to the WFT Board through the Tribal Leadership Committee

By December, the Board formalized the Tribal Leadership Committee to help elevate and structure how those voices could work together collaboratively to best support the project and inform its design and programming. Largely successful in building relationships brings the Trust where it is today, where the missing voices are no longer missing. The community building and trust built together with participating Tribes has led to the honor and investment of their leadership and the Trust's board, and a voice to the organization and to the project. Shared perspectives as communities with significant connections to the falls, as representatives of sovereign Nations and board members for Willamette Falls Trust. As a continuation of that, in April the Trust received Letters of Support regarding the Partnership Request from the four Tribes, supporting the work previously done, but also delegating informal consultation to the WFT Board through the Tribal Leadership Committee.

***Slide Four: Benefits to the Legacy Project***

- Strengthen overall collaborative structure of project: relationships are reflected in the built environment, for our children and grandchildren
- Strengthen role of Philanthropy
- Formalize the role of the Tribes in the project
- Tribal statements of the effectiveness of Trust as the vehicle for multi-Tribal engagement

Some of the benefits brought by the Trust through all of the work to date, and this broad philanthropic effort that continues, as well as the Tribal representation, is to strength the overall collaborative structure of the project. And to ensure that these relationships which are an important for grounding, and where the project moves forward, are reflected in the built environment, to be left for Tribal children and grandchildren. Being included as a Partner will also strengthen the role of philanthropy and help elevate opportunities to garner major gifts to advance the project. The Partnership will also formalize the

importance of the voice of Tribes in an effort to move forward. The investment and statements from those Tribal governments regarding the Trust, shares how important it is for these structures to be a vehicle for multi-Tribal engagement, and expand the capacity of the Tribes to inform sites and projects.

***Slide Five: Conversations with WFLP TAC Group***

- The importance and necessity of Tribal government voice in the project
- Areas where future technical or legal work may be needed to change the IGA or develop new agreements
- Understanding the shared commitments to project outcomes and efforts
- Decision making, roles and responsibilities, and communication protocols for project business
- Other agreements or models that can help guide understanding

Having these conversations, trying to explore what this could look like, has brought forward different possibilities and technicalities that will have to be resolved, but also the importance and necessity of Tribal government voices in the project, seeking to identify areas where future technical or legal work may be needed to change the IGA or develop new agreements. The Group has explored understanding shared commitments and what that means bringing in a new agency or new organization that is not a government. New structures to be developed around communication, roles and responsibilities, and decision-making and sharing the facilitation of four separate Tribes. Also looking towards other agreements and models that can help guide what that looks like, or building something ultimately new and needed for the Tribes.

Gerard then passed the conversation to Mr. Yellowash Washines for Tribal perspective towards the Partnership Request and its importance of this decision for the Partners today.

Mr. Yellowash noted that even though the Yakama Nation is not physically at the falls, or in the area, the Tribe has its connections, historical and cultural connections, and spiritual. Speaking through oral traditions, there is a responsibility to share information so others fully understand “perspective” and why it is important for Tribal governments to have a voice in the Legacy project. Through oral tradition, there is an opportunity to work with neighbors, with people who also share this vision. The members of the Tribal Leadership Committee of WFT Board, share the Four Core Values of a healthy habitat, public access to Willamette Falls, economic development, and historic and cultural interpretation. “Narrative sovereignty” is expressed in many ways, but each Tribe is unique in their own government and affairs. The historical, cultural and spiritual law says that the Tribes cannot forget these places that have an importance. The narrative sovereignty of voices are saying to the Partners, “make that table longer for us” because the Tribes have much to offer to improve the advancement of the project. Not just to commemorate the legacy of the Willamette Falls, but to show that when people come together and are willing to listen and share ideas, that good things happen. Working through the Trust Board is the most efficient way to get voices at the table. The Tribes come with a friendly and amicable request. There is an opportunity for continued collaboration, and am grateful to the work of the Willamette Falls Trust and the membership of our Board, and being able to come together and address these issues, and would like to emphasize that hopefully there will be many more discussions. Mr. Yellowash is willing to sit down with anyone and explain perspective, and do it in a way that builds on the collaboration. When you collaborate, you create, and when you create you have success. There may be other projects down the road and this may serve as a model, bringing individuals together with leadership for this project, to make a decision, but must have all the information. Everyone will one day be proud of this project, and celebrate with the community, job well done. But, need to come to understanding here regarding why it is important to have Tribal voice, Tribal government acting through the Trust Board Tribal Leadership committee. Everyone has interests going back centuries in this natural wonder, there will always be this connection. Working together is the best way forward. Mr. Yellowash appreciates this opportunity to share this perspective.

Gerard introduced Mr. Kentta and will then open up for discussion.

Mr. Kentta expressed his agreement with Mr. Yellowash. All of the Tribes that have a connection to Willamette Falls, feel very strongly about it for hundreds, if not thousands, of generations, before there were turbines, with water running through them, there was power at Willamette Falls, and it is still there for Tribal people. There are traditions around people training for gambling luck; the importance of gambling luck was an expression of your ability to acquire luck through good living and clean practices. People would take their gambling deck to places like Willamette Falls with little alcoves, a shelf with water pouring over it. They would put their deck in the alcoves, go up to the sweat house, fast and train, then come back and get their deck and go gamble. There is different kinds of power in that water that flows over the falls, and spiritual power our people have always depended upon to get by in this world. Thirty years ago, one of Mr. Kentta's objectives was to identify these sacred places, traditional cultural properties that Tribal people managed for countless generations, to engage in conversations around in the protection of those things. He hopes to be around to encourage and advise those who take my place in Tribal membership, those younger ones coming behind me. The story of Tribal peoples at Willamette Falls is so important that the work should not be done without us in close concert, our advisement at all levels of the project is that important. Many times Tribal people have been in the marginalized role in important issues, and this is an opportunity to correct that with this situation. The Tribes and our stories can only benefit the moving forward of this project in the appropriate way. Thank you.

Gerard thanked Mr. Yellowash and Mr. Kentta; it is an honor to be able to support your work. Gerard also thanked all Tribal staff, as well as the leadership here, and staff at WFT, countless hours to have these conversations, bringing everyone to this point. Being able to work out where the Trust can support these voices, where the input lines up at every level of the project, brings everyone to this Partnership Request. Acknowledge those who have given all of these efforts and this model of collaboration so much time. The three of us are here to provide clarity and answer questions.

**Chair Smith thanked everyone** for the presentation, sharing and insight. Today's goal is not necessarily to make a decision or solve all of the issues. This meeting's goal is to ask clarifying questions, find out is anything outstanding that the Partners need in order to make a decision on this item, so that information can be prepared leading for the next meeting. Are there any outstanding questions as a result to prepare for a future meeting where we get to a decision. Continue to be collaborative and move things forward.

From Oregon City's perspective, we definitely want to have Tribal input on this project, it is absolutely imperative and important that we have that input and collaboration, working over some of the technical details, currently it is an IGA, Willamette Falls Trust is a non-profit, they are not a government entity, things that need to be discussed. If the Tribes fully want to put their representation into the Trust, contractual agreements, what happens if a year later the Tribes are no longer comfortable and want to have a different arrangement? If the Tribes are giving their representation to the Trust, is there a formal relationship, are these letters the formal relationship between the Trust and the Tribes. For Gerard, does the Trust anticipate having something more formal between the Trust and Tribes, planning how to come together and represent. Most contracts have mutual agreement for wanting out thirty day or work out disagreements. Has the Trust come to that understanding with the Tribes?

Gerard explained that thinking about conflict resolution, thirty day notice, those levels of detail have not been worked out yet, it does speak to the cultural grounding that this committee has had so far, being able to execute on these visions. As far as formal relationship, this is something to clarify and open up to the Tribal leadership here today. Those letters absolutely formalize the relationship, as well as the action of

delegating these representatives from their Tribal Council appointments, and those actions are never taken lightly and are about as official as can get for any Tribal leadership. In partnership with the Letters of Support, lines out some of those rules of engagement, and has been the driver for where this relationship can go for these Tribes. One point of clarification that formalizes it more, is that CTUIR issued a separate resolution that, directly, specifically, and in very clear linear language, delegates informal consultation responsibility to the Trust. The letters from other Tribal Councils, does that to varying degrees and in different languages, but ultimately carries those same authorities and responsibilities. As these conversations continue, that might expand or contract, and no one is locked into a permanent agreement of any kind. Some of the details can be worked out in a way that can line up and inter lock with the Partners Group.

Mr. Kentta noted when the Tribes make the decision to engage, it is considered a true commitment for the long term to see this project through to completion. That is the Tribe's commitment. There may be details to work out in the language of an amended IGA or whatever the vehicle is. Mr. Kentta hopes everybody is comfortable with the Tribes' commitment to follow this route.

Mr. Yellowash confirmed these are accurate statements from both Gerard and Mr. Kentta. [The Trust], as a non-policy entity, went through the process of going to the oversight committees of Yakama and the other 14 chiefs, who made the decision to delegate an important project to a non-policy entity. That demonstrates the commitment to be fully engaged and support all Four Core Values, support everything that will lead to success of the Legacy Project. The Tribes have skilled attorneys on Tribal staffs, as does everyone, to be able to come up with an agreement. That will take time, but with the opportunity to create something that will work for everyone, keep our eye on the prize. It should be discussed and worked out to solidify what the Tribes' intent is. Mr. Yellowash wants to be able to go back to his Tribal Council, saying these truly are going to be our partners. Everyone will have to depend on each other, communicate with each other, and have trust in each other. We have the capability and the wherewithal to work out those important details.

**Chair Smith recognized Commissioner Paul Savas.** Paul truly appreciates all the work referenced earlier, and feels it demonstrates that everyone is committed, to making sure all are engaged: full Tribal engagement and public engagement. Everyone is to be commended for all the work and effort, because embedded in that is that is our commitment. There are nine governments: the five Tribes, Clackamas County, State of Oregon, Metro, and Oregon City governments that are really the whole framework of this picture in this place. There are many pieces of the puzzle that do not mesh together, and when things are not in alignment, but with good intentions and working in good faith, everyone should take the time to sit down in person, work together to develop this project and shape the vision, as governments and stewards of the land. Moving forward, ought to consider how to engage one another, consider everyone as equals, all here in good faith, working together. All nine governments need to strive to be present and work together.

**Chair Smith recognized Mr. Yellowash,** who asked to respond, noting his appreciation of observations, and ability to take in information, written or virtual. Native People have unwritten laws that have been in place for centuries, and are instructed to live by those laws. One of those unwritten laws is what the Creator has put here, we are to share. In that teaching, it was the decision of the Willamette Trust Board meeting, to have an open seat for the Grand Ronde Tribe, at the Willamette Trust Board, in perpetuity, because everyone has a connection, historical, cultural and spiritual, to the falls and the area. Yakama Nation has never told the other four Tribes that no one else belongs here, and will never say that. That was the reason for the motion for the seat. This shows the level of commitment of the Tribal Leadership Committee, but also the entire Trust Board, of the desire to be the new diversity, equity and inclusion, plus justice. Wanted to clarify and make sure everyone fully understands the intent of the motion that passed, we are open to indigenous communities that have a connection in this area, including Grand Ronde.

**Chair Smith recognized MCP Lynn Peterson.** Lynn would like to take a moment to reflect on the stories and lived experiences that have been shared both inside this meeting and outside by all those who have an interest in the falls. And just say thank you because it is a gift; all of that information and understanding provided is truly a gift; thank you. The key takeaway today is the need to support the request for a new model of collaboration between local government and all the Tribes on the public investment portion of this project. The ask is for a model that takes action to better understand Tribal viewpoints experiences and world views in order to shape the understanding of the right way to do the work on this project. The four Tribes that are part of the Tribal Leadership Committee have taken a significant effort, including time and resources, to coordinate among staff leadership community and elected officials to participate and support this project through the Willamette Falls Trust, and Metro respects that work through the Willamette Falls Trust. This ask makes it clear that change is needed. Conversations outside of this meeting have made it clear that change is needed from all parties that have, not just an interest, but as Yellowash stated, cultural and religious spiritual connections to the falls. Metro came to this project to support the Four Core Values of public access, historic and cultural interpretation, habitat protection, and economic development.

Metro is now learning what authentic and genuine engagement on cultural and historical interpretation and relationship really means. Metro does not have the Tribes' sacred connection to the falls and are still grappling with how to adjust process and way of thinking to appropriately recognize and respect the Tribes' interests as sovereign nations, and the depth of that relationship to the falls, and how that interest is fundamentally different than Metro. She noted she is truly sorry for the harm that Metro has caused to all parties in this process and structure. The project was not resourced or developed to adequately hear Tribal voices. Metro has been late to understand what true consultation and relationship building requires, and certainly the pandemic did not help identify or take corrective action with any sort of speed. In case it is unclear to anybody, this partnership process is not working for anyone, and [this group] needs to evolve the way [this group] is doing this project. There is a need to be much more clear about roles and responsibilities and processes for the different parts of this entirety of decision making. She further stated, "we are here and is still here because we believe with your help we can make an investment in the Public Riverwalk Easement, that honors the role of all the Tribes who have ties to the falls, including access and education for the general public of this natural wonder, and its human history in our region, and aligns with economic development interests of the property owners and Oregon City."

Lynn wants to be clear that Metro's role derives from the public investment in the project and is therefore limited. The work between the private property owner, the Grand Ronde, and Oregon City, Metro highly respects that process and any work that goes on there for engagement. She wants to be very clear about that Metro's role is not in that private development process. Also needs to be clear about the separate and unique role of The Confederated Tribes of the Grand Ronde as the property owners embarking on this much larger project of which Metro's public investment is important, but not a controlling part.

Lynn would like to thank the Tribes working through the Willamette Falls Trust for this proposal, which she hears as an earnest effort toward creating a better process, one that is responsible, responsive, and respectful to their needs. "I look forward to hearing more as we evolve in our way of thinking about how to make this public investment in our region. We need your guidance and advice. Despite the challenges and very real mistakes we at Metro have made in regards to this project in the past, I remain optimistic that if we follow where our values lead, and understand that this isn't just about a capital project but it is about creating relationships and processes that will be mutually beneficial, in the future, we can find that path forward. With that, I want to say thank you, again for all the time and effort that has already been spent on this and recognize that it is not for naught, we need to evolve and do a better job and we commit to that and you'll be seeing a lot more of me to that end."

**Chair Smith recognized Jim McKenna.** Reflecting on MCP Peterson's statement, the State of Oregon is also sorry if creating any harm or discord; that was never the intent, and the State is committed to bringing the resources necessary to this project to make sure it is successful. Tying into the theme from Mr. Yellowash, that "collaborate leads to create leads to success". Working with many Tribes for 20 years on the Portland Harbor Site, and collaboration is the key to success. Currently working with Governor Brown to help build the Columbia Basin Collaborative, working with all of the northwestern Tribes, who recently got together and came out with a joint proclamation seeking federal legislature and funding to restore salmon throughout the NW. Collaboration is the key, and want to make sure that happens here in a format and a framework that truly leads to creating an outcome that leads to success. Not just looking at the governments represented, but the level of representation seeing on this call, reflects how this issue has risen to the top of respective governments' concern. Mr. McKenna reports to the Governor each week regarding this project. There is commitment to finding a collaborative fix. When working with four governments includes bureaucratic machines, and to pull something together will take time. Will work earnestly to make it happen, in a reasonable amount of time to work it through the State's machinations, coordinating together to come out with a singular output that will work for all. From the State of Oregon's perspective, the State will never do anything that undermines, obviates or infringes on Tribal rights or Treaty rights. The State fully respects that, and are committed to finding a fix to this, to end up with a riverwalk that does not in any way infringe on Tribal or Treaty rights, and recognize the supreme law of the land of Treaties, and recognize and appreciate the Tribes as well. Governor Brown is committed to finding an avenue of success, and that success is through collaboration and creating an end product to be proud of.

**Chair Smith recognizes Commissioner Schrader.** The Commissioner has been working on these issues since 2003, and Willamette Falls is a sacred and special place, not only to the Tribes, but many who are trying to be culturally resilient and understanding, realize the sacredness of this beautiful place, that is not like any other in the state. She has observed that [governments] are very good solving technical problems, coming up with IGA's and MOU's, looking at structures and plans and pathways. This is a different situation, this is an adaptive issue. It is not a technical piece that seems to be a barrier or a challenge; it seems to be an adaptive problem of inter-relationships and healing. Working with Grand Ronde, one of the areas they have added to the Core Values, is healing. Looking at the human perspective of kindness, respect, depth of understanding with one another, inter-relate, how to collaborate, the observation is someone who would never pretend to be culturally competent in Native American history. As a learner, there is a lack significant knowledge in that area, but it appears as if there needs to be healing between the all five Tribes in order for the project to move forward. Need to collaborate with one another, building relationships with one another, and that love, shared history of this beautiful place seems to have been lost. Where will that healing come in moving forward with the four partner Tribes in the Trust as well as partnership with Grand Ronde, and how will we heal those relationships.

**Chair Smith recognized Mr. Kentta.** It is the elephant in the room, but it is not the Partners' role to heal those relationships. Grand Ronde was a member of the WFT Board, John George served very well, he was respectful and gave good input, and at some point, they decided to back away from the table. They may have created a bit of a conflict of interest for themselves, when they purchased the property. As property owner, they want to maximize their development interests, and to some extent, their wish was to control the whole story of riverwalk, as well. They have publically stated that they and only they that has interest in the interpretation of Willamette Falls, no other Tribe has really significant historical or cultural or spiritual interest there. That is counter to WFT Board's mission of diversity, inclusion, and Yellowash included justice. Our Tribes are used to working together and sometimes there is not an opportunity to see eye-to-eye and work together on certain things. That is a good observation, that they have basically created a conflict of interest for themselves by both purchasing the property and wanting to be involved in the riverwalk.

**Chair Smith recognized Mr. Yellowash.** Each Tribe is sovereign and can make their own decisions. We cannot speak for another sovereign Nation and their decisions. Regarding working together and being together, in an effort to promote healing in 1994, Mr. Yellowash came down to Oregon City and the Leadership put on a huge salmon dinner and did not turn anyone away, regardless of their feelings about treaty fishing rights. These are things done to demonstrate willingness. When the Grand Ronde Tribe became the private landowner, as far as the Yakama Nation is concerned, they just became another landowner who has to regard our interests also, based on the Treaty. Commissioner Shrader would like to discuss this more. How do you move forward with heart? Mr. Yellowash noted, “As one bird said to another bird, “What’s wrong with opening another can of worms?”

**Chair Smith recognized Gerard Rodriguez.** Gerard would like to add, there is a lot that goes into these conversations. No other Tribe or Partnership would be able to dictate the governance or government decisions of any other entity. The Trust wants to have these conversation, keep communication open, and rebuild the relationship. Everyone is distinct, everyone is their own Tribal government, and everyone does make their own government decisions, including how to manage their affairs in regards to a project. Each of the four Tribes has chosen the same path, that’s important. If there had been four different paths, if everyone chose a completely different structure that would have to be worked as well. There is healing, conversation, and always the invitation to collaborate. These requests are specific to the way each of the four Tribes want to show up, individually. If CTGR decides they want to create a different structure that is a very important thing to be able to respond to, as well. How these things come together honors everyone’s sovereignty and responsibility to their community.

Chair Smith noted the Partners recognize the Confederated Tribes of Grand Ronde as the property owner, and that private development will continue forward through the land use process with Oregon City. The outstanding question is, how does the Grand Ronde want to participate with the Partners and be a part of the riverwalk project. She would like to hear from Grand Ronde regarding how they would like participate. This may be a conversation for the future.

**Chair Smith recognized Councilor Lewis.** Ironic that the entities involved are titled “Trust” and “Partners” when that is at the core of what is still missing from a project that is exciting and has the potential to do all of the great things discussed today. Look forward to building trust and partnership. It is our role to respect the Tribes’ sovereignty. Self-determination means that as a government need to identify how folks want to talk with us, and we need to listen through those channels. Four Tribes have highlighted the path they have chosen, but must also consider the other Tribe that is not on that path. Metro needs to recognize where structures have not been built to support and care for these relationships. Looking forward to continued discussion, have some clarity that we all are committed to working through these channels. But, also have some unanswered questions as to the Confederated Tribes of Grand Ronde, particularly as a property owner so essential to development moving forward.

**Chair Smith recognized Mr. Yellowash.** As a leader in several leadership positions, to define the reality and give hope. We have defined the reality of the situation, and with the words of everyone today, we have given the hope that we are going to continue to follow our Mother, this earth, as it moves forward. We will get through it together, we will have that healing ceremony, that celebration with the community, and we will gain something from that time.

**Chair Smith thanked Mr. Yellowash, Mr. Kentta and Gerard. She then turned the meeting over to MG.** Finding a way to collaborate and build consensus is key, governance of this project, the Partners do operate on consensus. The work of the project staff between now and the next meeting is to understand where we have consensus. We have heard very clearly that elevating the voice of all Tribes is important, and four



Tribes have spoken as to how they would like to their voice elevated. Finding the way to have that conversation to honor that request, and how we make that work to build that shared alignment and continued conversation will be one of the challenges. Knowing that throughout this conversation it has been difficult to navigate a way that works for all Tribes in the same way, but we have heard that all Tribes are not the same. Honoring this request is going to be very important. It also means that we will need to look at the current structure of the IGA, and find where it does work and, maybe through our Partners, identify ways that it can be changed and/or re-evaluated to make sure we are comfortable with resources and structures we have in place. Then staff will be preparing a recommendation to structure the next meeting where the Partners can come to consensus.

### **Project Update**

The major update is the budget. The budget for this project comes from several major sources: Bond funds from the State of Oregon and Metro, and Oregon City and Clackamas County have also provides funds. The majority of the funding for project staff has come from budget allocation from the Bonds funds that was approved at a certain level to get the project through the Master Planning process and early design and construction phases. Because there have been a lot of changes in this project with previous property owner and negotiations with current property owner, we have exhausted that limitation. Moving forward, depending the future of the project, will have to re-evaluate that budget. But, in order to remain within spending limits, the capacity for project staff is greatly diminished. Alex Gilbertson, who has been doing a great job in helping to design will be moving to support the Local Share program for Metro. And, Brian Moore, who has also been doing an outstanding job on the project management side for a number of years will be moving to support the Metro Bond in Community Visions, and will be updating the Partners in the future about what recommendations we have for budget changes and how to move that forward.

**Chair Smith recognized Commissioner Savas.** In the materials, there was a reference to the Section 106 process, and is this project is subject to that? MG noted that yes, the project would need to apply for permits for construction to the Corps of Engineers which would trigger a Section 106 review of the project. Paul then asked if it would be beneficial to have an understanding of what the 106 process offers, the duration the process would take, and how that folds into the timeline. MG noted that at a future meeting, we could bring that forward as a group discussion or provide some background materials prior to a meeting, whatever the Partners feel is most appropriate. Definitely, it impacts the project's ability to get through the permitting and construction, and has a time implication when ready for construction.

**Chair Smith recognized MCP Peterson.** Thank you Commissioner Savas for making a note of a big part of being able to move forward. I just want to note, and I am sure you would agree, we have a lot of work to do before we get to that type of moment because we need to get clearer about roles and responsibilities and empowering through a decision making process and resetting this table and while the partners around this formal agreement right here may not agree with this statement, I will speak on behalf of myself, Setting the table and renaming and rethinking the roles and responsibilities is the primary objective, I think, going forward. And I, because we have limited time for staff and I don't want to put a timeline on decision making regarding resetting that table and getting clear about how we move forward not what we move forward on necessarily yet, is probably the primary objective and because we are running out of money I would request that we actually put off a technical presentation on that until we can get clear about where we are going, with whom, and how.

Chair Smith asked with the budget dwindling for the administrative piece, is there anticipation of a proposal that the Partners would have a larger share or input, more of a budget impact? Is there a proposal on the table that the Partners should know about regarding budget? MG explained that is not a question of available cash, the project has a significant bank account, it is more that the previous authorization to spend

that cash has reached its limit. Until we figure how this structure will work and where we're going, it is premature to suggest a budget update to tap into those funds until there is a clear plan of how to complete the remaining construction drawings. This includes conversations with the property owner to finalize the alignment, and negotiate through the easement that Metro holds for the project. Those things will be the key determination on how to access those funds that remain. The urgency of staff in the next 30 days will be to be able to respond effectively to the presentation heard today, and we definitely have the staff capacity built in to gather that and get answers out as soon as possible.

**Chair Smith recognized Commissioner Savas.** We're at this point in time that this group can give some direction or involvement into how we navigate forward, on this higher level relationship standpoint. For consideration, maybe it is time for a strong role next steps to be collaborative.

**Chair Smith recognized MCP Peterson.** Thank you very much Commissioner Savas, I appreciate the thought. It is a very good thing to put on the table. I guess I believe next steps are listening to what works for every single one of those with interests and um all of the, I am going to go back to what Yellowash said about the different layers of legality vs spirituality vs cultural significance. We need to know what will work for every single interest coming to a table to know what will make them feel comfortable and I don't want to get down into the tools too finely about how to set that table. We need to ask open ended questions and listen to understand not set a new structure up too quickly.

Chair Smith asked MG if there were any additional updates. MG indicated there are none.

#### **Roundtable Updates**

- Commissioner Schrader have a new public corporation to form, and we have the money from the State to help with the repair, and know there are more hoops to jump through with the Army Corp of Engineers. After working on the project since 2003, she is hoping the Legacy project will be successful as well.
- Tony Konkol noted the City Commission of Oregon City adopted two year biennial goals that included improving relationships and formal agreements with the five recognized Tribes, as well as working on a very important memorial, recognizing the Cayuse Five. The City has been in consultation with CTUIR, had the honor of having several members of their Tribal Council coming to look at the preferred location for this memorial and are moving forward with that. While it is not directly related to this project, it does show the overlap and the spirituality and healing that this outreach provides to these Tribes being involved and incorporated into our decision-making and thought process in a more thorough way. From Oregon City standpoint, this has been a long time coming, this should have happened a long time ago. I appreciate that our Commission has taken the lead to finally acknowledge this and invest to make this happen.

#### **ACTION**

**Will be sending out availability dates for the next meeting.**


































**Next Meeting: TBD to occur within the next 30 to 45 days.**

**Adjournment: Chair Mayor Smith adjourned the meeting at 11:01AM.**

6/30/21, 9:20 a.m.

**Panelists (14)**      Attendees (43)

Find a participant

- CB** Carrie Belding, Metro (Me)  
-  Willamette Falls Legac... (Host)  
- AG** Alex Gilbertson (sh... (Co-host)  
-  MG Devereux  
- BK** Bill Kennemer  
- CL** Christine Lewis  
- GS** Gary Schmidt  
- JM** Jim McKenna  
-  Jon Blasher (he/him)  
-  Lynn Peterson  
- OM** OC Mayor Rachel Smith  
-  Paul Savas  
- RK** Ross Kihs  
- TK** Tony Konkol  

6/30/21, 9:20 a.m.

Panelists (14)

Attendees (44)

Q Search

Total 4 phone call-in listeners



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15419693181



19715336198



Alexis Ingram



Alice Norris



Andrew Mason



AS



Ashley McCarron



Audie Huber - CTUIR



bill dolan



Brian Moore



carol mayer-reed



Cheryle Kennedy



Colette Tipper (she/her) - Rep. Meek



Davis Washines



Elena Baranes (she/her)



Geraldene Blackgoat



Gerard Rodriguez



James Graham

6/30/21, 9:20 a.m.

Panelists (14)


Attendees (44)


Q Search


Total 4 phone call-in listeners


- J** jong
- JK** Joseph Kunkel
- JC** Juan Carlos Gonzalez
- KM** Katie McDonald
- KH** KC Harrison
- KB** Kristin Brown, OC she/her
- KD** Kristin Dennis (she/her)
- LA** Lea Ann Easton
- LC** Leslie Carlson (she/her)
- LM** Leslie Mason
- LF** Lucy F
- NB** Nancy Bush (she)
- NC** Nathaniel Corum
- OC** Oregon City Planning
- PK** Pamela Knowles
- RM** Ramona, Metro (she/her)
- RR** Robert R. Kentta
- RM** Rosie McGown (she/her)
- RW** Ryan Webb
- SP** Samara Phelps

6/30/21, 9:20 a.m.

 Simone Auger

 Tracy Moreland

 Tribal Council

 yz (she/her)