

# Intergovernmental Review Memorandum

**To:** Debbie Bischoff

**From:** Oregon State Marine Board

**Attn:** River Plan/South Reach Intergovernmental Review Draft

Thank you for the opportunity to participate in the intergovernmental review process, as well as for keeping us informed throughout the planning process for the City of Portland's update to the River Plan for the South Reach.

The Oregon State Marine Board (OSMB) is an advocate for recreational boating safety, navigation and access pursuant to Oregon Revised Statutes chapter 830 and Oregon Administrative Rules chapter 250. The Boating Facilities Program provides engineering services, technical assistance and grant funding for public recreational boating access facilities. The Marine Board has previously provided boating facility grant funding to City of Portland for recreational boating facilities at Sellwood Park, Willamette Park, Duckworth Memorial Dock, Swan Island Boat Ramp and Cathedral Park. In addition, the city receives grant funding annually as part of the Maintenance Assistance Program for maintaining the boating facilities on the Willamette River.

The Marine Board comments are made in part based on a comprehensive review of the boating activities, waterway rules, conflict and congestion on the Willamette River in Portland. The Marine Board comments will focus on recreational boating facilities and recreational boating use of the river. According to the 2017 Triennial Survey of Boaters; the Willamette River in Portland, from the confluence with the Columbia River to the Willamette Falls, received 250,776 use days, making it the most used waterbody section in the State of Oregon. Boating activities on the Willamette River in Portland include angling, cruising, paddling, and watersports such as waterskiing, tubing, wake boarding and wake surfing. The peak boating season is April-June with approximately 40% of all boating activity occurring. January-March is also a popular shoulder season with 32% of all boating activities.

The Marine Board comments are organized by volume as they appear in the South Reach River Plan. Volume 1, page 8 of the Intergovernmental Draft discusses the topic of liveaboard boaters on the Willamette, including the use of public docks. Liveaboard boaters utilizing public docks are subject to those rules and regulations established by the dock owner/operator. Additionally, liveaboard boaters are subject to statewide and local regulations relating to mooring requirements (ORS 830-700, OAR 250-010-0050) and registration requirements (ORS 830.770, ORS 830.780) established by OSMB and enforced by public enforcement agencies. The Marine Board has an abandoned and derelict vessel (ADV) program that develops policy to prevent the recreational and environmental impacts of abandoned and derelict boats and establishes procedures for seizing and removing these vessels from state lands and waters. The program works with law enforcement agencies to address abandoned boats, as the Marine Board does not have law enforcement staff. Oregon law also authorizes the Oregon State Marine Board to establish and maintain a Salvaged Vessel sub-account under Oregon Revised Statutes

(ORS) 830.948. Funds from this account, which are collected from certificate and registration fees under ORS 830.790 and ORS 830.850, can be used to reimburse public enforcement agencies for expenses related to the removal of abandoned or derelict vessels. Under ORS 830.948, the Oregon State Marine Board may set aside \$150,000 each biennium in order to assist with costs associated with investigating, salvaging, towing, removing, storing or disposing of abandoned or derelict vessels. The South Reach Plan correctly identifies the growing issue of abandoned and derelict vessels on the Willamette. The Marine Board will continue to dedicate resources to this problem, but partnerships with local law enforcement are required. We would like the City of Portland to empower its law enforcement personnel to provide assistance to the state agencies with authority to take on this difficult social, recreational, and environmental challenge.

Chapter 3, Volume 1 discusses watershed health, recreation, and riverfront communities. We agree that development and associated activities can have a significant impact on natural resources if not managed properly and appreciate that a key purpose of the river plan/south reach project is to provide direction on where and how development activities can be conducted in the study area. It is noted that Statewide Planning Goal 15 directs development that is not river-dependent or river-related must be set back from the river. OSMB funded recreational boating facility grant projects are river-dependent or river-related and we ask for clarification for what is defined as river-dependent or river-related development in the context of the South Reach River Plan. Examples of such river related amenities at a public boating facility include, boat ramps, gangways, docks, signage, sanitation and parking. Additionally, it is not clear the differentiation between site improvements and new development or if exemptions are established for site improvements. We recommend that further analysis be given to the zoning overlays around recreational access. The setbacks may severely impact the development of recreational access, because of its inability to provide ADA accessible routes, parking or sanitation.

Objective 1 of Chapter 3, Volume 1; provides actions to apply river general and environmental overlay zones to new development and redevelopment projects, however it is stated in the previous section that landscaping requirements do not apply to existing development. Can you provide clarification for when landscaping requirements are activated? Development impacts in a river environmental overlay zone require mitigation; how is the mitigation process defined or evaluated?

Volume 1, Part 2 Implementation Tools, page 56 of the river plan; provides residential dock guidelines developed by the Oregon Department of Fish and Wildlife (February 2016). These guidelines were developed to minimize the impacts of overwater structures on critical fish habitat and endangered species in waters across the State of Oregon. The guidelines do not include any information for applying these criteria to river conditions and loading criteria such a wind, wave, wake, current, debris, impact etc. Many parties are purchasing docks following this guideline and are frustrated when the docks do not perform to their expectations. As previously described in this river plan, the Willamette River is dynamic and subject to fluctuations in flow and water elevations. The Marine Board recommends that the City of Portland revisit residential dock guidelines to clearly identify that floating structures must be designed and engineered for the waterway conditions and their intended use of the floating structure. The Marine Board would recommend the City include language on any permit or approval such as; the Willamette River is a public highway and public access to the Willamette River must be maintained. Has

the City considered establishing waterway floating structure zones such as; shallow water habitat zones where structures would not be installed or have additional mitigation requirements, outside bend scour zones etc.?

Shoreline erosion is discussed in Objective 3 of Chapter 3, Volume 1; but does not mention naturally occurring erosion on an outside bend of a waterway. Meandering rivers erode sediment from the outer curve of each meander bend and deposit it on an inner curve further downstream. The deepest part of the channel is on the outside of each bend. The water flows faster in these deeper sections and erodes material from the river bank. The water flows more slowly in the shallow areas near the inside of each bend. The slower water can't carry as much sediment and deposits its load on a series of point bars. This information is important to note when evaluating and planning for new development in areas of naturally occurring deposition and erosion of river bank. When evaluating areas for anthropogenic erosion, we encourage the writers of the plan to consider all sources of erosion, including those related to riparian development.

The south reach plan identifies the sensitivity of shallow water habitat and as identified above the inner curve of the river is a natural area for sedimentation. The City may want to further evaluate or zone areas where natural shallow water habitat is occurring. This type of habitat is also attractive for swimming areas where a gentle slope exists or is forming.

Recreation is discussed in section C of Chapter 3, Volume 1. We appreciate that the city recognizes the importance of boating recreation, both current and historic. We agree that efforts to minimize conflicts between different recreational users in the river are needed and see opportunities to separate use through design and mitigate conflict through education and enforcement of existing regulations. More access in an area seeing increased use and conflicts should be carefully considered so as to not increase conflict in already congested areas. The plan calls for limited retail uses in structures at a few parks. We ask that careful considerations be used for placement of such structures so as they do not add to congestion or take away from the function of existing facilities, amenities and current and historic use of those facilities. When planning for where commercial vendors would become established, the Marine Board would also suggest locating them away from the boat ramp, docks and parking that serves those facilities. Doing so would minimize the impact on launching and retrieving at the boat ramp and lessen the impact of additional vehicle access from impeding the flow of traffic for vehicles with trailers to access the boat ramp and parking area.

With increased use on the water facilitated by the actions within this plan, we foresee a need for more on-water law enforcement to provide for the safety of all users. Unfortunately, water-related fatalities are not uncommon in the lower Willamette River, and law enforcement presence is key to stopping these instances. The Multnomah County Sheriff's Office River Patrol is already stretched thin, and is often unable to patrol the south reach area. Therefore, we would like to see a plan to provide for the safety of the users recreating in the south reach, whether through increased local law enforcement or by some other means.

Throughout this plan, there seems to be the assumption that the implementation will require substantive changes to boating regulations in the area. Because of the proliferation of on-water structures and increased boating activity, boat-able water in the south reach is already constricted. Due to this fact, the Marine Board may not be compelled to further restrict boating despite the intentions of plan architects. By statute, only the Marine Board may promulgate rules relating to boating. If regulatory changes are indeed the intent of this plan, we encourage the City of Portland to engage Marine Board staff.

In Volume 1, page 42; it is noted to incorporate a “riparian buffer area” adjacent to the river where development that is not river-dependent or river-related is required to achieve beneficial gain, as achieving no net loss in all habitat functions and significant improvement of at least one functional value. The Marine Board sees an opportunity to include similar language in the plan with a goal for no net loss of boatable waterway and a focused effort spent in creating a beneficial gain of public recreational boatable water when considering development in the project area.

Also discussed as part of the Recreation section of Chapter 3, Volume 1 is the topic of riverside trails. While OSMB supports the objective of trails and connectivity; please note that boating facilities were not designed for or intended to be used as a trailhead. We recommend that a trail system does not cross the boat ramp, obstruct the maneuvering area, or impede traffic flow at boating facilities. This would pose as a serious safety concern for vehicles when launching and retrieving at the boat ramp and pedestrians traveling through the facility. The expansion and inclusion of a riverfront trailhead should include designated trailheads with parking to accommodate and disperse that use.

Establishment of public swim areas is stated as a goal in the recreation section of Chapter 3, Volume 1. The Marine Board would not recommend the promotion or encouragement of swimming as an activity at a boating facility. Swimming in proximity to a boat ramp or docking system is a serious safety concern. An example of this unsafe activity is seen in the photograph of “children wading at Sellwood Riverfront Park” on page 54. We recommend either removing this photo, or using this photo as an example for an opportunity to lessen user conflicts and improve public safety through design by offering swim areas in a safely designated location away from boating facilities. Additionally, this plan should give further consideration to swimming locations in proximity to marinas, boating facilities, residential docks, floating homes or other floating structures and the risk associated with electric shock drowning.

In-river recreation is discussed in section 6 of Chapter 3, Volume 1, page 51. It is noted that “People who canoe, kayak, sail, stand up paddleboard, fish and swim in the South Reach have remarked about the natural beauty of the South Reach.” The Marine Board would recommend changing the wording of this statement so as to not specifically exclude people who enjoy the South Reach by way of power boating. Consider inclusive language such as “People who enjoy paddling, fishing, swimming and power boating have remarked about the natural beauty of the South Reach”. This section also discusses key issues and opportunities for in-river recreation. The examples of issues are largely aimed at the motorized boating community, which casts an imbalanced view on user conflicts in the South Reach. The plan states that there are opportunities to address existing and potential conflicts between in-river recreationalists through education and partnerships that promote education and public safety. These

opportunities exist for all in-river recreationalists. Waterways have "lanes of travel" similar to a highway system. The depth of the channel limits where deep-draft vessels are able to go. Non-motorized boats are mobile and agile and are required by law to yield to larger vessels. It is recommended that non-motorized boaters stay close to shore, travel in groups, and limit activities in the highly trafficked channel whenever possible. In general, the entire South Reach Plan ignores the past, present, and future use of this stretch of the Willamette by many types of motorized watercraft. The Marine Board cautions against this approach, as the lower Willamette River is a busy area with diverse motorized and non-motorized use, and that is not likely to change.

Volume 3, page 12 identifies the area of the Willamette River that is currently being dredged by the U.S. Army Corps of Engineers, it should also recognize the authorizing legislation and project features for the Willamette River above Portland that includes federal navigational channel to below Cedar Island (West Linn) that is 200 feet wide and then continues to the Willamette Falls at 150 feet wide. Even though those portions are not currently being dredged the recognition of the established navigational channel should be included in the plan.

The previous section on in-river recreation also states that "wake action may cause erosion to the shoreline." There are many factors attributed to shoreline erosion, both natural and anthropogenic. Throughout the south reach plan, shoreline erosion is often described as being caused specifically by wake activities while failing to take into consideration the natural causes of shoreline erosion in this region, and the bevy of other anthropogenic influences. At the very least, the plan should identify areas where erosion has been established as a problem. The causes of such can then be evaluated and potentially mitigated.

Riverfront Communities; discussed in part E of Chapter 3, Volume 1, mentions river transit for river commuter transportation. It is important to note, when planning for commercial boating activities; that public boating facilities were not designed for structural loading of commercial boats or intended for commercial use or commercial boat use. The public recreational boating facilities identified in the south reach plan were designed for recreational boats up to 26 feet in length. Take this into consideration and please consider this and be aware that commercial use of recreational boating facilities may cause damage resulting in expensive repairs, replacement or lengthy closures while permits are being obtained and may be in conflict with previous grant agreements.

It is mentioned in the river plan on page 75, that the City of Portland owns the site that includes Macadam Bay Moorage. It has been observed that some private moorages and floating home communities have boats that do not meet current registration requirements. The City could enforce and require moorages like Macadam Bay only moor currently registered boats. This type of enforcement could be seen as an important preventative step in reducing the number of boats from becoming transient liveaboard boats or abandoned and derelict vessels in the south reach area.

The Marine Board supports the idea mentioned on page 79, regarding a "floating porta potty" installation near Ross Island. Floating restrooms are a great way to compliment existing upland sanitation facilities and/or to provide sanitation amenities for areas experiencing high recreation use on

the water. Under the current Clean Vessel Act rules federal funding would not be available for a floating restroom to principally serve liveaboards. U.S. Fish and Wildlife Service is planning to initiate rulemaking in 2020 and this type of situation is anticipated to be addressed.

The Marine Board strongly recommends that any recreational boating development, replacement or improvements be implemented and operated through Portland Parks and Recreation for consistency and better alignment with City of Portland bureau's mission and vision statements.

With the passage of Senate Bill 47 in 2019, a Waterway Access Account was established to provide grant funding to public boating facility managers to improve or develop access specific to the needs of non-motorized boaters and replaces the Aquatic Invasive Species (AIS) Permit. All of the existing requirements for the AIS permit still apply. The additional revenue generated by this new permit will fund both the AIS program and Waterway Access fund. The cost is \$17 for an annual permit and \$30 for a two-year permit. There is also a new, one week purchasing option for \$5, which is great for paddlers from out-of-state or people new to paddling. The Waterway Access fund will also help fund staging areas; expand single car parking, low freeboard docks and kayak launches, restrooms, etc. The fund also allows for education grants to non-profits and public bodies to develop safety education courses and purchase boating equipment to help reduce barriers for underserved communities. The bill goes into effect January 1, 2020. We anticipate the first grant awards to be made October 2020. We encourage the City to engage Marine Board staff for funding opportunities and projects related to non-motorized recreational boating access.

The South Reach is heavily used by all recreational boaters and riparian landowners. As a result we strongly recommend that the City of Portland carefully evaluate any amenities, infrastructure, new or increased use that would compound or exacerbate these conditions. The Marine Board would like to remain informed on this planning process. We look forward to discussing alternative solutions or concepts and for future partnering opportunities. Thank you for this opportunity to comment.

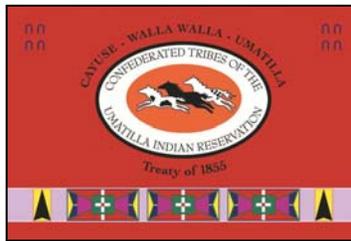
Joe Severson, GISP

Oregon State Marine Board

Planning and GIS Coordinator

Boating Facilities Program

503.378.2629



September 11, 2019

Sallie Edmunds,  
Central City, River and Environmental Planning Manager  
City of Portland Bureau of Planning and Sustainability  
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Portland, OR 97201

Transmitted electronically to: [Sallie.Edmunds@portlandoregon.gov](mailto:Sallie.Edmunds@portlandoregon.gov)

**Subject: Comments on the River Plan / South Reach Intergovernmental Review Draft**

Dear Sallie Edmunds,

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) appreciates the opportunity to comment on the Intergovernmental Review Draft of the River Plan / South Reach (River Plan). Due to the length of the document and existing staff commitments we were unable to review the plan in the level of detail we would have preferred, however we do have preliminary comments on the document and intend to review the entirety of the plan when it is released for public review. Overall, the plan is good and we have provided some history of CTUIR usual and accustomed use of the Willamette River, as well as language that directly makes the connection between tribal historic use and contemporary use of the Willamette River.

**Background on the CTUIR:**

The CTUIR is a federally recognized tribe with rights and authorities reserved in our Treaty of 1855, 12 Stat. 945, between the United States and the Umatilla, Walla Walla and Cayuse Tribes. In the Treaty, the CTUIR ceded 6.4 millions of acres of land to the federal government and in exchange received assurances that pre-existing tribal use rights exercised in wide-ranging traditional and usual and accustomed geographic areas would be protected, and our interests would be respected, in perpetuity. A paramount objective in the Treaty was protecting and maintaining our tribal First Foods—water, fish, big game, roots and berries—and the habitats and environmental conditions that support and sustain them, and our access to them then, now, and forever. That remains a paramount objective of the CTUIR.

In 1982, the CTUIR created the Department of Natural Resources to “have the responsibility of enforcing policy; planning, refining projects and providing technical assistance to appointed tribal bodies and federal affiliates...” In furtherance of addressing our responsibilities to protect tribal resources, DNR adopted our mission which is:

To protect, restore, and enhance the First Foods - water, salmon, deer, cous, and huckleberry - for the perpetual cultural, economic, and sovereign benefit of the CTUIR. We will accomplish this utilizing traditional ecological and cultural knowledge and science to inform: 1) population and habitat management goals and actions; and 2) natural resource policies and regulatory mechanisms.

The Treaty of 1855 explicitly guarantees to the CTUIR and its members the right of gathering our First Foods, including “taking fish” as well as “hunting, gathering roots and berries.” These rights were reserved in perpetuity in the Treaty. The rights were “reserved” because, as the Supreme Court of the United States has repeatedly explained, the rights preexisted the existence of the United States; the Treaty was not a grant of rights to tribes but a grant of rights from tribes to the United States with a reservation of those rights not granted. Associated with the Treaty fishing right is the implicit, concurrent assurance that there will be fish to take—they will exist, that those fish will be safe to eat—their habitat will be free from degradation, and that they will be accessible to tribal members.

The continued existence, health, and availability of the First Foods are essential for tribal people to preserve and maintain our culture, traditions, and religious practices—our entire way of life. Tamánwit, an unwritten law of the Tribes, decrees that the tribes and traditional subsistence foods, like salmon, are integrally linked. These traditional foods made a promise to the Creator to take care of the people. The centrality of fish to tribal life and culture is one of the reasons the Tribes made sure to reserve their right to the fish in the Treaty negotiations.

From pre-contact time to the historic era to contemporary times, CTUIR tribal members know their relational ties, history, and cultural connections to the Lower Columbia River and Willamette Falls area. These ties primarily center around fishing. This fishing included travels to the lower Columbia River fisheries, a necessity in terms of subsistence as well as in terms of faith.

With the advent of the fur trade in the historic era, ancestors of modern day CTUIR tribal members would include Fort Vancouver on the Lower Columbia in their travels. They also fished for subsistence on these travels. Fort Vancouver intensified the travel and presence of tribal members in that area. This presence reflects the reality that there were no strict boundaries adhered to by tribal people along the Columbia River prior to the treaty era.

Fishing continues, and with it, the culture of Plateau Tribes. However, significant hurdles to fishing remain. Dams have inundated the vast majority of fishing sites. Those that remain are at a premium. Where there used to be continuous occupation and innumerable fish, now there are very few fish, limited accessible places to catch them, and many tribal members trying to follow

the traditional law of Tamánwit in their ancestors' footsteps. As one informant said, "there's limited sites on the Columbia River that are good fishing sites. And so you can't just, I guess they can describe it more than I can, about, you know, how they find a site to go fishing. Once they find a good site, they don't want to let it go". This reality extends to the Willamette River as well.

Fishing occurred with traps, weirs, gaffs, gigs, and nets at The Cascades near "Bridge of the Gods" and at other rapids, and at large falls in the Columbia watershed, such as Willamette Falls, which made it difficult for salmon to pass beyond them. According to Ruby and Brown, "Since large numbers of Indians gathered to fish at those points, they were good places for concourse".

Annual fishing trips to Willamette Falls and family ties among Plateau tribes continue to connect the CTUIR to the region. For generations and beyond, tribal members travel to the area for to engage in fishing and other First Foods-related practices, and to trade with native and non-native groups in the surrounding region.

#### **Specific Comments on the River Plan:**

In Chapter 1, Chapter 3, Section B(4), page 36, Policy 7.9 references providing "culturally important food sources, including those associated with Native American fishing rights." This should be reworded to "Provide culturally important food sources, including those associated with Native American fishing rights **as well as traditional foods including plants and wildlife.**" Traditional foods do not relate exclusively to fishing rights. This should also be changed in Chapter 3, page 24.

In Volume 1, Chapter 3, Section D(1), Page 58, the River Plan references treaty rights as well as cultural practices along the river without actually acknowledging use of the river and its resources. The chapter should acknowledge tribal continuing use in more direct ways rather than documenting historic use and then documenting current use separately. For instance, we recommend changing the first paragraph in Section D(2) to read (deleted text struck through and new text in bold):

The South Reach area has been part of numerous ~~NW~~ **northwest** tribes' lifeways since time immemorial. Tribal members have camped, fished, hunted and gathered First Foods like salmon, lamprey, deer, camas, Wapato, nuts and berries in the South Reach area. **Tribes have, and continue to this day,** ~~They have also~~ carried out cultural traditions in and around the Willamette River, such as traveling to Willamette Falls for fishing and trade with others.

Further, in Section D(3), the paragraph should be rewritten to read:

The South Reach of the Willamette River is and has long been a critical waterway for Pacific Northwest tribes. As stated above, members of Northwest tribes have fished, hunted and gathered in the area. Salmon and lamprey that travel up and down the Willamette River have served as a cultural foundation for millennia **and continue to serve to this day**. Other first foods, such as deer, camas, Wapato, nuts and berries, have, **and are, also been** harvested in the area.

In Volume 1, Section D(4), page 64, it states: “For Native Americans, desired recreation often involves carrying out cultural traditions.” It is important to recognize that tribal fishing and gathering is generally not recreational, it is subsistence. It is a way of life gathering traditional first foods according to tribal religion, Tamánwit. Other portions of the River Plan acknowledge the importance of subsistence gathering and fishing, but the language employed here and all other references to Native American “desired recreation” should be changed to reflect this. If the phrase “desired recreation” has another meaning, perhaps the word “use” could be used instead.

In Chapter 3, page 10, it does recognize historic and current traditional use of the lower Willamette River by Native Americans in stating:

Prior to European settlement of the Willamette Valley, the river was used by Native Americans for travel, trade, hunting, fishing and gathering of plant materials. Permanent and seasonal villages existed on both sides of the river to facilitate these uses and many of these traditional uses are carried on today by local Native Americans.

This section might benefit from the acknowledgement that the lower Willamette River is a city today for precisely the same reasons it was a city thousands of years ago; a temperate climate, access to food and water, as well as transportation for trade and social interaction.

In Chapter 3, page 68, the River Plan identifies tribal use of the Willamette between 6,000 and 9,000 years. The CTUIR generally refers to tribal occupation of our territory from “time immemorial” as it is in Chapter 1 quoted above, rather than assigning an arbitrary date. Tribal presence in the Willamette Valley has not been well studied or documented due to the lack of federal lands which mandates archaeological study prior to development. Much of the Willamette Valley has been developed over the last two centuries without archaeological study. However, if a time frame is required to tribal use of the Willamette Valley the CTUIR would recommend using a time horizon of over 10,000 years for occupation of the area. With the discovery of the Ancient One (AKA Kennewick Man) and other tribal ancestors dating back over 9,000 years in the Northwest and sites dating back over 15,000 in Idaho, it is likely tribal occupancy of the Willamette Valley goes back far beyond 10,000 years.

CTUIR DNR Letter to City of Portland

Subject: Comments on the River Plan / South Reach Intergovernmental Review Draft

September 11, 2019

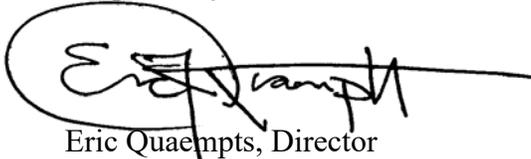
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This paragraph goes on to identify the tribes that “likely lived in the Portland area to include a number of Chinook tribes, Clatsop, Clatskanie, Cascades, Kalapuya, and Cathlamet.” This list neglects a number of tribes that likely lived in the area, including the Cowlitz, Klikitat, Wishram, Molala, Wasco and Cascade Indians. Willamette Falls was a major trade area similar to Celilo Falls and tribal members from around the northwest traveled there to fish, gather and trade, residing as necessary as well as intermarrying amongst tribal groups. The Umatilla tribes, the Umatilla, Walla Walla and Cayuse, have a documented history traveling to Willamette Falls to gather first foods and continue to do so to this day.

**Conclusion:**

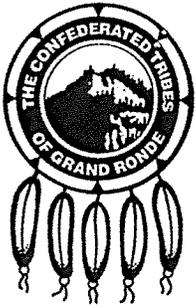
As noted, the River Plan itself is generally well done and the CTUIR DNR appreciates the opportunity to provide comments on it. We look forward to reviewing the public draft released shortly. If you have any questions, please feel free to contact Audie Huber, DNR Intergovernmental Affairs Coordinator, at 541-429-7200.

Respectfully,

A handwritten signature in black ink, appearing to read "Eric Quaempts", is written over a circular stamp. The signature is fluid and cursive.

Eric Quaempts, Director  
Department of Natural Resources

Cc: Laura John, Tribal Relations Director, [Laura.John@portlandoregon.gov](mailto:Laura.John@portlandoregon.gov)  
Jeff Caudill, City Planner II, [Jeff.Caudill@portlandoregon.gov](mailto:Jeff.Caudill@portlandoregon.gov)



## The Confederated Tribes of the Grand Ronde Community of Oregon

*Umpqua Molalla Rogue River Kalapuya Chasta*

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August 29, 2019

City of Portland  
Bureau of Planning and Sustainability  
1900 SW 4<sup>th</sup> Avenue, Suite 7100  
Portland, OR 97201

RE: Comments on River Plan—South Reach

Dear Bureau of Planning and Sustainability:

On behalf of the Confederated Tribes of the Grand Ronde Community of Oregon (“Grand Ronde” or “Tribe”), thank you for this opportunity to comment on the City of Portland’s Proposed River Plan—South Reach (“Plan”). Grand Ronde is a sovereign Tribal nation made up of more than 30 different antecedent tribes and bands, including the Multnomah, Clackamas and Cascades bands of Chinookan people who originally inhabited the Portland area from time immemorial and signed the Willamette Valley Treaty of January 22, 1855, ceding their lands to the U.S. in exchange for certain rights and benefits. Our antecedent tribes and bands were subsequently removed from their homelands and relocated to the Grand Ronde Indian Reservation.

The lower Willamette River, which the Plan directly affects, is an area of important Tribal cultural, natural, and treaty resources. The ancestral, treaty, and cultural importance of this place to the Tribe cannot be overstated; it was a determining factor in the Tribe’s decision to purchase the nearby Blue Heron Property fronting the lower Willamette River. Tribal members dipnet for salmon from a platform here, as they have done for thousands of years as the caretakers of the Willamette Falls and River. The City of Portland recognized the Tribe’s deep historical and cultural ties to the area when it entered into a Memorandum of Understanding with the Tribe in 2016.

As part of the Tribe’s commitment to improving salmon populations and habitat Basinwide, Grand Ronde has committed significant Tribal resources toward the recovery of spring Chinook, fall coho, and winter steelhead in the Willamette and its tributaries. Habitat restoration is a high priority in the Tribe’s management of its lands and waters, which has paid off in terms of returning salmonid numbers in tributaries of Tribal management. This benefits the resource and the Willamette Basin as a whole, and Grand Ronde looks forward to continuing in this commitment, both as a land & resource manager on Tribal lands and in collaboration with its partners on their lands.

Regarding the River Plan—South Reach, Grand Ronde has concerns about the draft Plan which the Tribe would like to address through government-to-government consultation with the City. Grand Ronde defines consultation as an equal dialogue between sovereigns or their agencies at the highest levels of decision making. Consultation is an ongoing and meaningful dialogue; this means that consultation takes place until project or plan completion, not just until the comment window is over.

### *Treaties*

*Rogue River 1853 & 1854 ~ Umpqua-Cow Creek 1853 ~ Chasta 1854 ~ Umpqua & Kalapuya 1854  
Willamette Valley 1855 ~ Molalla 1855*

Grand Ronde hereby requests one-on-one consultation with the City on the Plan, in the form of an in-person meeting between Tribal Council and City leadership at Tribal offices in Grand Ronde. As the sole Tribe with treaty homelands (ceded lands) in the Portland area, the sole Tribe with traditional salmon fishing on the lower Willamette River, and the sole Tribe with land ownership fronting the lower Willamette River, we feel one-on-one consultation is warranted.

The Plan mentions instances of the City conducting tribal outreach: Columbia River Inter-Tribal Fish Commission (CRITFC); liaisons at federal agencies; a 2018 Tribal Nations Summit consisting of multiple tribes from Oregon, Washington, and Idaho; and the Affiliated Tribes of Northwest Indians (ATNI). While Grand Ronde is a member of ATNI, Tribal Council and appropriate Tribal staff are not always available to attend sessions. The same is true of the Tribal Nations Summit. No tribal liaisons from any federal agencies have reached out to Grand Ronde regarding the Plan. Finally, Grand Ronde is not a member of CRITFC and did not have the opportunity to attend the presentations to CRITFC. Therefore Grand Ronde has not had the same opportunities to engage with the City on the Plan that other Pacific Northwest tribes have. More importantly, the City's outreach here, while appreciated, cannot substitute for government-to-government consultation between the Tribe and the City.

Once again, thank you for this opportunity. We look forward to consultation on the Plan, to further cultivating our relationship with the City, and to partnering with the City on the stewardship and restoration of the lower Willamette River and its priceless resources. Please contact Stacia Hernandez, Chief of Staff, at (503) 879-2304 or at [Stacia.Martin@grandronde.org](mailto:Stacia.Martin@grandronde.org), to schedule this government-to-government consultation meeting.

hayu-masi (Many thanks),



Chris Mercier  
Tribal Council Vice-Chair

Cc: Tribal Council  
Stacia Hernandez, Chief of Staff  
David Fullerton, General Manager  
Tribal Attorney's Office  
Office of Portland Mayor Ted Wheeler