

WILLAMETTE FALLS LOCKS AUTHORITY

Authority Meeting  
October 25, 2023 – 2:00-3:30 PM  
DRAFT Meeting Minutes  
(Minutes: Pat Vivian and Sandy Carter)

**Authority Board Members Present:**

Russ Axelrod  
Sandy Carter  
Christine Lewis [*Metro Council*]  
Chris Mercier [*Confederated Tribes of Grande Ronde*]  
Mini Sharma Ogle [*PGE*]  
Tootie Smith [*Chair, Clackamas County Board of Commissioners*]  
David Penilton [*Clackamas County Tourism*]  
Sen. Mark Meek  
Rep. Jules Walters  
John Williams [*West Linn City Manager*]

Staff:

Reed Wagner [*WFLA Executive Director*]

**Others Present:**

Neil Maunu [*Director, Pacific Northwest Waterways Association*]  
Turner Odell [*Oregon Solutions*]

**1. Welcome, Agenda Review, Minutes Approval and Treasurer's Report**

Chair Christine Lewis called the meeting to order and reviewed the agenda. A quorum was present. Russ Axelrod made a motion to accept the September meeting minutes as final. The minutes were unanimously approved with no abstentions.

Executive Director Reed Wagner gave the treasurer's report for Sandy Carter, who hadn't arrived yet. In September there were revenues of \$7.62, which represents a dividend, and \$14,004.00 in expenses. WFLA received a check in October of \$30,000. A motion was made, seconded, and approved to accept the treasurer's report.

**2. WFLA Director's Report**

Reed Wagner reported on his recent attendance at the National Waterways conference in Sacramento, followed by the Pacific Northwest Waterways Association (PNWA) conference in

Vancouver, Washington. He said his message advocating restoration of the Locks was well received.

### **3. Introduction of Neil Maunu, PNWA Director**

Reed introduced PNWA Director Neil Maunu. PNWA is a nonprofit trade association with diverse membership that advocates for federal policies and funding for navigation, transport, recreation and environmental protection along waterways in the Pacific Northwest. It lobbies for projects that will benefit waterways. This includes lobbying USACE to fund projects. PNWA has a close relationship with the USACE district and division offices involved in managing the Locks. PNWA also works closely with the 18 House members and six senators who represent the Pacific Northwest in Congress. PNWA has direct connections with people forming national policies that affect the waterway management budget. PNWA representatives are directly involved in advising legislative subcommittees. It has a close connection with the White House on issues that include funding, navigation, flood control, recreation, and environmental protection. Neil invited questions:

**Q:** What are PNWA's priorities?

**A:** Our members meet to vote on policy priorities. Our website [pnwa.net] has a policy and priorities list, supplemented with fact sheets. Restoration of the Willamette Falls Locks is on the list.

Neil said the PNWA intends to schedule tours of lock outages on the Snake and Columbia River system as they occur, and possibly a tour of the Willamette Falls Locks as a way of eliciting support for restoration.

### **4. Section 106 of the National Historic Preservation Act**

Prior to the meeting, Authority members received Turner Odell's draft report and a memo from the Cable Huston law firm outlining the options to consider for Section 106 compliance.

Chair Christine Lewis noted that USACE would like a decision by the end of the year from the Authority on the Section 106 approach. Turner led a Section 106 review and discussion. Both memos emphasize that understanding what USACE can transfer in terms of title and ownership is crucial to the decision. There are many possibilities for ownership of the Locks to be transferred in part or as a whole, in terms of the title. Questions and discussion followed:

Russ Axelrod said it's important for the Board to understand the implications of what is being transferred along with ownership of the Locks. The Authority needs clarity on this. Hopefully

USACE has made progress on this aspect of the transfer since the Willamette Falls Locks Commission raised it in 2019.

Mini Sharma Ogle said USACE will hold a meeting on the current MOA November 15. Another option for dealing with Section 106 and the transfer would be to submit comments on the MOA.

There was a question about City or County involvement in decision making regarding preservation. Mini said she believes USACE's process should cover the interests of the City or County, but local entities will have opportunities to concur with the instrument used to achieve compliance.

John Williams was asked whether the West Linn Historic Review Board is involved in Section 106. Has the city taken a position on this in the past? Is there an ordinance? John said he would look into this and report back.

Turner encouraged the Authority to have a conversation soon with USACE regarding their preferred approach to Section 106 (at one point, they favored an easement). Confirming the property interest held by USACE will be a crucial aspect of the decision.

A fourth option would be for the Authority to receive the property with no restriction on the title, leaving USACE solely responsible for compliance. This possibility should also be discussed with them.

Sandy Carter said the Manual of Built Resources (MBR) will play an important role.

Clackamas Chair Tootie Smith asked whether the USACE deed goes back to 1910. She emphasized that the Authority should not accept a federal easement without knowing what the deed entails. She said that because it's unclear who owns the Locks (or even if ownership is defined), how far can the restoration process go without establishing who the owners are and how to acquire ownership? She added that the Authority should seek a deed, possibly with the state of Oregon.

Russ presented a bullet-list of issues he compiled from previous meetings for today's discussion. He suggested the Authority consider the following topics for discussion:

- Local government involvement in the 106 process. The Authority will probably need an agreement with the city of West Linn for compliance.
- It's important that the Authority acquire a manager manual (MBR) to operate the Locks.
- The preservation agreement approach seemed to be of greatest interest to Authority board members. Next was the covenant approach, with SHPO playing a major role.

- A key concern is long-term preservation of the Locks.
- Functional maintenance of the Locks should inform all preservation approaches. This will be especially important for technology changes.
- We need to strike a balance between maintaining public access and historic preservation. Consult with affected Tribes on this.
- We need to find out where USACE is in the process of locating the deed after they've been working on it for four years.

Discussion followed. Russ Axelrod, Mini Sharma Ogle, and Sandy Carter volunteered to serve on a Section 106 task force, with help from Chair Lewis. A primary goal is to get a clear timeline of when things need to happen. Russ said he will refine his notes on WFLA priorities and is willing to join in the meetings with USACE.

## **5. Wrap Up and Adjourn**

Reed will send out a Doodle poll to ask whether Monday Nov. 20, would work for the next WFLA meeting; Tuesday Nov. 21 is also a possibility.

Upcoming agenda items include a USACE presentation in December on the outcome of construction and WFLA board reappointments in January.

The meeting adjourned at 3:16 pm.