

Employees risked safety on project

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of Tribal Council. It doesn't just happen."

Kennedy spoke to approximately 60 Tribal members, government officials and Tribal employees gathered at the McLean House. She praised the efforts of employees who risked their safety to ferry supplies across the Willamette River in rafts to complete the platform and worked nonstop to do so.

"It took a huge effort to get to this place," she said. "I'm thankful to our employees who helped us stay strong."

The Tribe applied for and received approval for a waterway structure registration application from the Department of State Lands in August. The fishing platform at Willamette Falls was completed on Tuesday, Oct. 23.

On Sept. 21, Portland General Electric revoked permission allowing Grand Ronde use of its land to access and build a platform, which meant Tribal Natural Resources Department employees had to undertake the tedious and more dangerous task of hauling supplies across the river from the Oregon City side of the falls to the West Linn side.

Previously, the Tribe was allowed to access the site from PGE property on the West Linn side to conduct ceremonial fishing and perform blessings, a much safer option than crossing the river. However, PGE maintains that the area where the



Photos by Timothy J. Gonzalez

Cultural Advisor Bobby Mercier, center, and Tribal member David DeHart, right, leave the dock to dipnet fish off the newly installed Tribal fishing platform at Willamette Falls on Thursday, Oct. 25.

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Tribal Council Secretary Jon A. George uses binoculars to watch members dipnet fish off the newly installed Tribal fishing platform at Willamette Falls on Thursday, Oct. 25.



Tribe built the removable platform is its land, not the state's. The company is currently appealing the process to the state Land Use Board of Appeals.

The celebration occurred on the same day that *The Oregonian* ran a front-page story entitled "Fight springs up over falls." The Portland daily newspaper reported that

three Northwest Tribes – Warm Springs, Umatilla and Yakama – contest Grand Ronde's dominion over the falls and want the Department of State Lands to repeal the fishing platform permit.

However, Kennedy addressed that issue at the Wednesday, Oct. 24, Tribal Council meeting, where she said the Clowewalla band of Tumwaters were year-round residents at the falls and were "the gatekeepers of the falls."

"They were responsible for the management of the fishery and visiting Tribal members would share with them a percentage of their catch as a type of tax on the fishery," she said. "It is a part of our ancestral homelands and is an important location for fishing and gathering here. To this day, Grand Ronde Tribal members continue

to fish for lamprey and salmon at Willamette Falls. ... Claims by other Tribes to supremacy in the area are simply inaccurate."

Despite the land use disagreement between the state and PGE and flak from other Northwest Tribes, Grand

Ronde Tribal employees started construction of the fishing platform

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PGE appeals to state Land Use Board regarding fishing platform approval

By Danielle Frost

Smoke Signals staff writer

WEST LINN — Portland General Electric has filed an appeal regarding West Linn's land use decision about an application by the Confederated Tribes of Grand Ronde to build a fishing platform at Willamette Falls.

The Tribe applied for and received approval of a waterway structure registration application from the Department of State Lands in August. The fishing platform was completed on Tuesday, Oct. 23.

PGE filed an Oct. 12 intent to appeal with the state Land Use Board of Appeals. In it, the utility company is objecting to West Linn's decision not to regulate the structure.

"The appeal was related to a separate prerequisite, not the registration (application) itself," PGE spokesperson Melanie Erdmann said. "As part of the DSL granting the registration, they have to establish compatibility with local land use laws. DSL sought a decision from West Linn, and we are appealing the decision from West Linn, as they didn't follow their local land use and zoning code."

In the Tribe's Aug. 7 waterway structure registration application, West Linn Planning Manager John Boyd said that the fishing platform project is not regulated by the local comprehensive plan and zoning ordinance.

"The city's present understanding of (Oregon Administrative Rule) 635-041-0610 is that it is intended to preempt the regulatory authority of the city with respect to structures

permitted by the rule," he wrote.

Boyd was referring to the Oregon Department of Fish and Wildlife's April 2016 decision to allow the Grand Ronde Tribe ceremonial salmon and steelhead harvesting rights at Willamette Falls. The ruling also states fishing can occur from the shore or a single platform erected within the designated fishing area to be constructed in a location "mutually agreed upon between the director and the Tribe."

Tribal Attorney Rob Greene said the Tribe filed a motion to intervene in the case.

In a Sept. 14 letter from Greene, released by PGE to *Smoke Signals*, he states that an extensive ownership study was conducted by a Department of State Lands consultant and it found that the areas on which the Tribe wants to install platform footings are indeed state lands. PGE disagrees.

"In order to allow any outside activity (on PGE property), an agreement needs to be recognized by the Federal Energy Regulatory Commission," PGE spokesperson Steve Corson said previously.

FERC is an independent agency that regulates the interstate transmission of natural gas, oil and electricity. FERC also regulates natural gas and hydropower projects, such as Willamette Falls.

PGE has said it has a "longstanding dispute" with the state regarding ownership of the fishing platform site and has "been working through this property issue for years."

The Umatilla and Warm Springs Tribes also are threatening to challenge the state permit in court, claiming the Grand Ronde platform will interfere with their treaty rights to harvest lam-

prey at the falls.

On Sept. 21, PGE revoked permission allowing Grand Ronde Tribal use of its land to access and build a fishing platform, which has meant Tribal Natural Resources Department employees have had to undertake the tedious and more dangerous process of hauling supplies across the river from the Oregon City side of the falls to the West Linn side.

Previously, the Tribe was allowed to access the site from PGE property on the West Linn side to conduct ceremonial fishing and perform blessings, a much safer option than crossing the river.

According to its website, the Land Use Board of Appeals was created in 1979 and has exclusive jurisdiction to review governmental land use decisions. The Board of Appeals was created to simplify the appeals process, speed up resolution of land use disputes and provide consistent interpretation of state and local land use laws.

The three-member board, appointed by the governor, serves four-year terms. Members, who are confirmed by the Oregon Senate, must be members of the Oregon State Bar.

Despite the land use disagreement between the state and PGE, Grand Ronde Tribal members started construction of fishing platform on Oct. 3 and have worked throughout the month on the project.

The Tribe held a reception Friday, Oct. 26, to fete the completion of the Willamette Falls fishing platform and honor those who worked to make it a reality at the McLean House, 5350 River St., in West Linn. ■