

DEQ plans early August decision on Blue Heron agreement

By Dean Rhodes

Smoke Signals editor

OREGON CITY – The state Department of Environmental Quality plans on reaching a decision in early August on a prospective purchaser agreement with the Grand Ronde Tribe regarding the 23-acre Blue Heron Paper Mill site after holding a public meeting on Wednesday, July 17, at the Museum of the Oregon Territory.

A prospective purchaser agreement would release the Grand Ronde Tribe from liability regarding existing hazardous substance releases at or from the property, which has a long history of industrial usage dating back to the mid-1800s.

The public meeting was attended by approximately 30 people with about half of the audience being either Department of Environmental Quality or Tribal government staff members.

Three public comments were accepted after an hour of presentations, including one from Grand Ronde Tribal member Ann Lewis.

Cheryl Grabham, Regional Solutions Team liaison with the Department of Environmental Quality, called the Blue Heron Paper Mill site a high priority project.

Prospective Purchaser Program Coordinator Cheyenne Chapman said there are currently more than 200 prospective purchaser agreements in effect statewide. Approved by the Legislature in 1995, the agreements are designed to expedite the cleanup of contaminated properties and encourage property transactions that would otherwise not occur because of liabilities associated with purchasing a contaminated site.

Chapman said the two-party, government-to-government agreement between the state and Tribe is a “very good fit” and will provide a substantial public benefit since it will clean up and redevelop the property, which has not been in use since 2011.

Grand Ronde Ceded Lands Manager Michael Karnosh gave a brief history lesson of the Grand Ronde Tribe’s connection to Willamette Falls from time immemorial to current-day dipnet fishing and Pacific lamprey harvesting. His presentation was titled “A Plan for Tribal Re-acquisition and Stewardship at Willamette Falls” and explained why the Tribe is culturally interested in purchasing the property.

Mark Pugh, project manager with the Department of Environmental Quality, reviewed the potential cleanup activities that will be required at the Blue Heron site, which includes more than 50 buildings and structures.

Environmental concerns range from asbestos and lead-based paints in the buildings to mercury and polychlorinated biphenyls in the soil. However, Pugh said, intermittent flooding of the property over the years has keep soil contamination lower than one might expect.

According to a Scope of Work released by DEQ on July 1, the Tribe “intends to conduct investi-



Photos by Timothy J. Gonzalez

Ceded Lands Program Manager Michael Karnosh makes a presentation about the history of the Willamette Falls area and plans for cultural re-engagement during the Department of Environmental Quality public meeting on the Grand Ronde Tribe’s proposed prospective purchaser agreement to buy the former Blue Heron Paper Mill site in Oregon City on Wednesday, July 17.

gation and remediation utilizing cleanup standards most applicable to the type of development, and in a phased approach over the course of the property’s future redevelopment and reuse.”

High priority remedial actions include cleaning up a waste pile beneath a bleach plant, two catch basins with tailrace sediment and leaking underground storage tanks.

After signing a consent order with DEQ, the Tribe will have 60 days to prepare an initial summary report, a year to create an “overarching” work plan, 18 months to start work on the high priority remedial actions and two years to start working on other potential remedial actions.

“The levels are generally acceptable for occupational use,” Pugh said. “If the site were to be developed for residential use, there would probably be more cleanup needed.”

The order of consent lists Tribal Engineering and Public Works Manager Jesse White, who attended the meeting, as the project manager.

The Grand Ronde Tribal Council voted to purchase two properties in Clackamas County, including the Blue Heron Paper Mill site, on Wednesday, July 10, and approved a supplemental budget of \$17 million to acquire both properties. During the July 10 meeting, Tribal Council Chief of Staff Stacia Hernandez said the Tribe is initially planning to spend up to \$3 million on cleanup activities.

During a question-and-answer session at the DEQ

hearing, one attendee inquired if the Grand Ronde Tribe plans on building a casino at the Blue Heron site.

Hernandez said that the Tribe has had no conversations about building a casino in Oregon City and reiterated that the Tribe has invested millions into Spirit Mountain Casino in recent years and has no intention of abandoning that gaming facility. In addition, Oregon’s one casino per Tribe on Tribal land policy would make building a new gaming facility in Oregon City politically difficult.

During the public comment period, Oregon City resident Jim Nicita said that he could not “express the joy and happiness of myself and my neighbors in this community that the Grand Ronde Tribe is coming home.”

Nicita also said that he thinks the Tribe should not have to bear any of the costs of cleaning up the site since Native Americans keep the Willamette Falls area pristine and that it was only after the arrival

of Euro-American settlers that the area became contaminated. He suggested that either the federal government, state or Metro regional government, or a combination thereof, foot the bill.

Lewis said she was most concerned about what would occur if Tribal artifacts or remains are found on the site as demolition and development occurs and whether federal guidelines would be followed.

Chapman said any finding of artifacts or human remains would require an immediate work stoppage and confidentially contacting the Tribe under an inadvertent discovery plan.

“As a descendant of the Clackamas and the Molalla Tribes, I would say there is a really good chance that my ancestors were here,” Lewis said. “I understand that the development is taking place and I am happy to see that a cleanup is going to happen. My concern is for artifacts and possible remains. ... Our people, we all know, were at the falls and were fishing there and were camping there. I am concerned about the artifacts and the sacred things that are going to be under those buildings. ... I would like to see that remains be removed and taken back to Grand Ronde where they can be handled the way they should be because they weren’t for the last two centuries.”

Other Tribal government employees in attendance besides Hernandez, Karnosh and White were Deputy Press Secretary Sara Thompson, Senior Staff Attorney Jennifer Biesack, Historic Preservation Manager Briece Edwards and Senior Archaeologist Jessica Curteman. Tribal member Tracy Moreland also attended, but did not publicly comment.

Additional public comments regarding the proposed prospective purchaser agreement were accepted through Wednesday, July 31, after which the Department of Environmental Quality will consider the comments and issue a decision.

Chapman said after the meeting that it is rare for the Department of Environmental Quality to receive a comment that grinds the prospective purchaser agreement process to a halt. ■



Tribal Council Chief of Staff Stacia Hernandez answers a question during the Department of Environmental Quality public meeting on the Grand Ronde Tribe’s agreement to purchase the former Blue Heron Paper Mill site in Oregon City on Wednesday, July 17.