



## Columbia Development Authority

### CDA Board Meeting MINUTES

Date: September 5, 2019

Time: Noon-1pm

Stafford Hansell Government Building D3 Conference Room

915 SE Columbia Dr., Hermiston, Oregon

Welcome and greetings from Chairman Don Russell

1. General Introductions in person and joining by phone

**Members Present:** Don Russell, Morrow County  
Alternet Lisa Mittelsdorf, Port of Morrow  
Bill Tovey, CTUIR  
Kim Puzey, Port of Umatilla  
Bill Elfering, Umatilla County

Jim Doherty, Alternate Morrow County

Gail Nelson, Alternate Umatilla County

**CDA Staff Present:** Greg Smith, CDA Director

Debbie Pedro, CDA Admin

**Guests Present:**

Michele Lanigan, BRAC

Sam Pambrun

Dan Clark, OHTAC and OCTA

Tamra Mabbott, City of Umatilla

Kathleen Cathy w/Senator Wyden's office

Byron Smith City of Hermiston

Joe Franell/EOT

Jade McDowell EO Media

**Joining the meeting by conference phone:**

Wendall Baskins/OHTAC

Ed Orloski/BRAC

Tim Robert/OEA

Loren Snow CDA Attorney

Stan Hutchinson/OR Military Department

Teara Farrow Ferman/CTUIR

William Sigo/CTUIR Alternate Board Member

Nolan Ahern with Congressman Greg Walden's office

- **Old Business**

1. Approval of Meeting Minutes from July 31, 2019. Moved by Bill Elfering, 2<sup>nd</sup> by Kim Puzey all in favor; the motion passes unanimously.

- **New Business**

Greg Smith Executive Director Update:

1. Review of CDA's **Financials Statements** and Balance of \$115,533.64 on hand reconciles with the CDA Quickbook accounting system.



2. **Sub-Committee on Infrastructure update:** Laying out a plan for what the infrastructure would need to look like for the Depot property. Mr. Puzey said that there were a lot of interested parties present including electrical, fiber, water, Cities, Umatilla County, ODOT all utilities were present as well as Anderson Perry who may be able to provide engineering services. Director Smith said the goal would include a design of what the infrastructure would look like and that all communities and economic benefit for all and to develop a strategic plan. Mr. Elfering suggested to invite the Union Pacific RR to be involved at the next meeting. Ms. Mabbott asked if this is a master plan and what is it for. Director Smith shared that this would be a strategic plan for infrastructure and utilities for the CDA property. Director Smith shared that the legislature provided \$7 million and an additional \$2 million to the Port of Umatilla to build road infrastructure. Director Smith shared that a professional will need to be hired, such as a local engineering firm with an estimated cost of about \$25,000 to compile the data that has been done in the past and planning for future infrastructure. We will have another infrastructure meeting for further discussion. Director Smith said that the CDA will be reaching out to Business Oregon and Matching funds programs.
3. **Sub-Lease-Modification** to be discussed in Executive Session. Master Lease is going to expire December 1<sup>st</sup>. The CDA will be in discussions with BRAC and will follow up on modifications to both.
4. **CDA Board of Directors Economic Development Update** as of August 1, 2019: Morrow County, Umatilla County, Port of Umatilla, Port of Morrow and CTUIR. *There was no update at the meeting.*
5. **Section 106/Oregon Trail Discussions**— Director Smith introduced Mr. Clark. Mr. Clark gave the group a short bio of himself as an attorney and an historian, sharing his professional background. Mr. Clark is here with the OHTAC to advocate for the trails being adversely effected, and to encourage protective deed covenants as a mechanism to protect the trails on depot property.  
Referring to the 2013PA in regards to the North and South Trails and the determination of those trails to be listed on the National Historical Registry listing. It's clear beyond a doubt that the only way that the trails would be protected is by deed covenants and in July of 2018 it was circulated with in the consulting parties at that time, then the Section 106 was cancelled by the Army, referring to the monitoring of the trails. The current Section 106 process has no provisions for covenants. OHTAC believes that this is unacceptable and that this situation is subject to a legal challenge. They would like to explore ways that when the land transfers to the CDA that the preservation and monitoring of such trails and would like to recommend at no cost monitoring agency such as the Archiological Conservancy could be the agency and include protective covenants of the Oregon Trail. Historic Resources can be protected and Restore Oregon could monitor the protective covenants. The trails group would like to discuss options with the CDA. Mr. Pambrun said this has been going on for so long, and that he has known about the trails going across the depot and he is not an active member of any trails associates. He has wondered about the what kind of research has really been done in the past. He has been involved in a couple goofy things and was cut off at a Section 106 meeting. He would like to get everyone together and look at where the trails go and get some



experts with us and use that as a way to go forward. Mr. Smith stated that the group has done a tour of the trails. Where they 1840's trails or 1820 trails. Mr. Pambrun is not an active member of the trails association. He asked do we know where the trails went and where they came from. These questions were what got him interested the trails. Mr. Pambrun and Mr. Baskins has made a suggestion to take a walk on the trails together, to bring experts to help us determine what to do with the trails, bulldoze them or try and preserve some of them. Mr. Elfering asked Mr. Pambrun about walking part of the Oregon Trail and a old telex line was buried there when the Army was at the depot, Mr. Pambrun said that they found the trail was actually a couple hundred yards to the south from that buried telex line. The thought was to preserve all the trails when we started talking about the trails. Mr. Russell shared that the primary Oregon Trail came through Echo crossed Finley Buttes into Well Springs across Gilliam County, that is the route that most of the people passed through in this area. There are many trails that early settlers used and the CDA has worked to preserve sections of two trail on the depot. What do we save all of the trails or just some of it, we understand not every one will not be happy with what we do here. Do we preserve every trail that people crossed through? The CDA has agreed with the protection of these properties that will be set aside. In doing so the board expected that the property will be protected forever. OHTAC and NWOHTAC shared that in a perfect world we understand that economic development is important and that the process of identifying a section of the OT that would have the very best protection for future generations. Also, when the seven years are up what will happen with those properties? Will those areas continue to be protected? Mr. Russell: The idea of the protection of the trails, by Protective Covenants, this would undo all the work that has been accomplished through Section 106. The CDA board did expect that the OT sections would be protected for ever.

Mr. Smtih wasnted to give everyone a chance to share with us and introduced Mr. Baskins now speaking for OHTAC and NWOCTA, both organizations are willing to allow this to happen, to preserve the signifigant section of the southern trail. Identifing the significant section of the trail that would be protected. Identify a signicant section of the trail so that it has the very best protection it can have. He is concerned that when the CDA transfers property over to other entities that the trails would be protected in perpatuity. They would like to ensure that these sections would be preserved forever. We could relieve the CDA of the responsibility of the protection of the trails. Mr. Baskins agrees we are all doing great work here. Cost saving responsibility of those trails and the protective covenenants so that all the work we are doing here.

Director Smith shared that over the last 18 months there have conversations as it relates to mitigation or covenants and what the Army decided that the OT should be mitigated, the transfer of the property in Umatilla County to CTUIR that will include significant portions of the wildlife habitat area and key properties including the northern OT. Southern OT goes through key industrial area, the CDA will be setting aside a significant section of the Southern Oregon Trail of 600 ft in length , buffers, with an picket fence, kiosk, parking and picnic tables, in Morrow County. The CDA develop a sub-committee and ask for local historians, tribes and OHTAC to share their expertise in the development of a video and panels. We believe we have done our best to mitigate the for



any potential issues of the preservation of these historical and significant properties through the Section 106 mitigation.

Mr. Puze asked Mr. Clark is 600 ft significant enough? When you say significant what does that mean is it qualitative significance or a quantitative significance? The CDA has been acting in good faith during this process, I am interested in what you think significant means to OHTAC.

As we work toward economic development at the depot we will need to keep in mind that there is a legislative mandate to expand trade and diversify the economy after the transfer of the property from the Army to the CDA. We do not want to go through litigation, it would be a big cost for everyone concerned. We have lawyers on the phone.

Mr. Clark in regard to the northern portion of the trail the tribes have recognized that unless there are covenants with the deed on tribal lands would be an acceptable way to protect tribal areas of historical significance. He stated that is OHTAC's bottomline, protective covenants of the trails as a path forward.

Mr. Puze said that the notion of protective covenants in perpetuity makes him as a CDA partner uncomfortable when decisions are made in perpetuity when the future experts may have better resources than we do today.

Mr. Orloski said the Section 106 negotiations in 2018 were a struggle. So thanks to the CDA specifically Mr. Smith's work with CTUIR to their credit on development of a good solution to include the management of the Wildlife Habitat area and develop a workable utility corridor. Both the CDA and CTUIR were able to work together to resolve much of the issues, the process that would cultivate an agreement between the Tribes and CDA as I referenced with the wildlife habitat area, and would then set the stage to reconvene the Section 106 Consultation. When Section 106 consultation resumed in the winter of 2019 some of the consulting parties still had difficulty with the idea of protected covenants in the deed. Mr. Orloski shared that during the section 106 consultation there was no group at the time who wanted to step up to the table to take on the work and expense of monitoring and protecting these properties, so the Army decided to mitigate the adverse effects of transfer. The Army is confident that this mitigation was the best way to move through this process and with the best outcomes. The Army has made a decision in this regard and is moving forward with the successful work of the mitigation. Mr. Clark said, that now there is a group Archeological Conservancy that would take on the monitoring responsibility at whatever the costs may be, we did understand that there was not a group willing to do this at the time you were working through the Section 106 mitigation, but, now there is a group willing to take it on. Which is National Trust for Historic Preservation, they would like to oversee the protective covenants of the Oregon Trail as stated in the letter they sent to Mr. Lederle. BRAC would like to see the letter and the Army would have review and make that decision in that regard. Mr. Orloski shared I cannot agree to something I haven't seen, there is no guarantee, shared that the Army decided to take the route of mitigation as a section 106 package and that all the consulting parties agreed to in the end. Mr. Clark asked if they could go back to the Section 106 to discuss this as well as additional sections of the south OT. Mr. Clark will send the letter that was written to Tom Lederle to Mr. Orloski. Mr. Orloski cannot make any guarantees of what the Army would do.



Director Smith shared about mitigation on the South and North Oregon Trail as well as the mitigation of the Explosion Site, Coyote Coulee, preservation certain Igloos and Fall-out Shelter. As we move forward we will want to put together a small subcommittee to help us with the historical data.

- **Public Comments:**
- **Ms. Lanigan** shared that there was a rumor about the **recharge project** that the Army said they did not want to do it, but that is not correct, the Army is open to it. Mr. Cook was working on the recharge area at the depot and that the Army is open to the recharge project and ground water project. The Army would need to verify the impact. Including the Army and NEOWA and Army Corp of Engineers Hydrogeologist, EPA as they will have questions on the impact of the ground water project at the depot. Ms. Lanigan would like to see if the CDA wants to go forward with this project. Mr. Elfering said some testing still needs to go on with the county.
- Ms. Mabbott said that the **City of Umatilla** is well positioned and able to provide a variety of services sanitary services, potable water, non-potable and industrial waste water and would like to know if this is something that the CDA would be interested. They can be ready for the CDA when the land is transferred. When you have a development it would not be 3 years out but could be 3 months out, to make infrastructure investment. Mr. Puzey. asked if the city of Umatilla would be independent of Umatilla County's proposal. Ms. Mabbott said yes. Mr. Elfering said that the county is still working on their new water project investment and testing that will still need to happen with pipeline project. The county would not have potable water.
- Director Smith shared that the goal of the **sub-committee on infrastructure** is to hear input from everyone and to determine the very best strategic planning for the CDA property and that nothing has been determined yet from the CDA board, the input from everyone is appreciated and that no decisions have been made.
- Mr. Byron Smith said that the **City of Hermiston** is willing to help and assist in providing services. The city has done the work with the regional water they are happy to help and assist and willing to provide any services as the CDA may need.
- Mr. Puzey update his visit with **Senator Merkley's** office, they have been in contact and are aware of these issues.
- Mr. Pambrun asked is this a done deal referencing the **Section 106** process and asked if there would be opportunity to reopen the negotiations again or is it a done deal. Are you going to provide a opportunity to open negotiations again? Mr. Pambrun said that if there is not going to be protective covenants, then they would be wasting their time here today.
- Mr. Smith suggested that the CDA may need to develop a letter that would show exactly what has been mitigated, since we have heard many scenarios today, none of which is completely accurate. And it would be upto the Army to see how they want to proceed.
- Dan Clark will send the letter that he sent to Mr. Lederle/BRAC and get it to the CDA. The letter states what group/s the Oregon Trail folks recommend to monitor and enforce the protections and covenants of the OT.



Director Smith would like to move to Executive Session so that we can discuss property negotiations.

- **Adjournment** of the regular board meeting

Recess for Executive Session: **12:57pm**

Chairman Don Russell

- **Recess for Executive Session Announcement**

The Columbia Development Authority may meet in executive session pursuant to ORS 192.660(2)(e), which allows the CDA to meet in executive session to discuss property negotiations.

**Note:**

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced.

**CDA Regular Board meeting did not reconvene. No vote was taken.**