



PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

CALL TO ORDER

Commissioner Skip Novakovich called the Special Commission meeting with the Board of Trustees of the Confederated Tribes of the Umatilla Reservation Indian Reservation (CTUIR) to order at 1:08 p.m. GESA Carousel of Dreams 2901 Southridge Boulevard Kennewick, Washington.

The following were present:

Board Members: Skip Novakovich, President
Thomas Moak, Vice-President
Don Barnes, Secretary

Staff Members: Tim Arntzen, Chief Executive Officer
Tana Bader Inglima, Deputy Chief Executive Officer
Amber Hanchette, Director of Real Estate and Operations
Nick Kooiker, Chief Financial Officer/Auditor
Larry Peterson, Director of Planning and Development
Lisa Schumacher, Special Projects Coordinator
Bridgette Scott, Executive Assistant

CTUIR Members: Jeremy Wolf, Vice-Chairman
N. Kathryn Brigham, Secretary
Armand Minthorn, Member
Debra Crosswell, Interim Executive Director

OPEN WITH INVOCATION

Member Armand Minthorn led the Invocation.

PLEDGE OF ALLEGIANCE

Tim Arntzen led the Pledge of Allegiance.

INTRODUCTIONS

Confederated Tribes of the Umatilla Indian Reservation (CTUIR) and Port of Kennewick members and staff introduced themselves.

PUBLIC COMMENT

Ernie Hall, 2895 South Grant Street, Kennewick. Mr. Hall is new to the area and attended the amazing presentation at Clover Island.

No further comments were made.

PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

BOARD OF TRUSTEES COMMENTS

Mr. Wolf appreciates partnerships and the partnership with the Port of Kennewick is pretty special, especially when the CTUIR has such a connection to the area. Mr. Wolf stated for the Port to step forward and recognize the Tribe's historical connection to the area is good to see and it is a wonderful feeling to have a welcome relationship with the Port. At times, the Tribes must fight for their history and Treaty Rights and trust that the U.S. Government Agencies will protect their rights.

Mr. Novakovich stated the Port highly values the partnership with the CTUIR.

Ms. Brigham stated Raquel Crowley, Senator Murray's staff representative, stated the Senator is pleased with the support of The Gathering Place and it is a good example for school curriculum. The state of Washington requires that Tribal History is taught and the Port may want to share The Gathering Place and Clover Island with the school districts.

BOARD OF COMMISSIONERS COMMENTS

Mr. Moak stated the Port and CTUIR has a genuine partnership and this morning's event was a beautiful example of our partnership.

Mr. Barnes is very pleased with the partnership with the CTUIR and stated there is so much more that can be accomplished through strong partnerships. Mr. Barnes stated one of the basic fundamentals for a strong partnership is communication and our partnership is an example of a genuine, honest and frequent communication and hopes that we continue with strong communication because it will help our partnership last and be enduring. Mr. Barnes is mindful of the need of our partnership to adapt to changes brought by the future. Mr. Barnes hopes our future decisions will be guided by our history, traditions, knowledge, and wisdom from the past.

Mr. Novakovich stated the Port and CTUIR meet periodically to discuss various items and future projects and it is important to apprise the CTUIR of Port plans, which enables the CTUIR to guide us and find partnership opportunities.

THE GATHERING PLACE

Ms. Bader Inglima thanked the CTUIR for their participation earlier today and for making the event such a special day for the community. Ms. Bader Inglima felt very honored to be involved in bringing The Gathering Place to fruition for the community.

Mr. Novakovich thanked Ms. Bader Inglima and staff for their effort on the event today.

Mr. Arntzen stated it has been seven years since the Port began working on the concept of The Gathering Place. Mr. Arntzen stated Ms. Bader Inglima, Bobbie Conner and Malissa Minthorn Winks of the Tamastlikt Cultural Institute and Barb Carter Port art liaison worked together to ensure that The Gathering Place exceeded all expectations. Mr. Arntzen stated the information panels and "The Exchange" bronze sculptures will be very educational for everyone and highlight the CTUIR history. Mr. Arntzen appreciates the opportunity and is very honored to be part of the project and believes it is truly monumental.

Ms. Brigham stated the Nixyaawii Dance troop and chaperones were thrilled to be a part of the celebration

PORT OF KENNEWICK

SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

and will go home and share their experience with their family and friends. Ms. Brigham stated the members who attended the celebration today have an opportunity to express to our friends and family how the Port partnered with us and recognized our culture and will encourage everyone to visit The Gathering Place. The *Confederated Umatilla Journal* was on site today for the celebration and an article will be featured in next month's edition, which will bring even more people to Clover Island and The Gathering Place.

Mr. Moak stated the concept for The Gathering Place has evolved over the past seven years with Ms. Conner's assistance and the Port listened to the desires of the CTUIR. Through communication and understanding the Port was able to bring the CTUIR's vision to fruition.

1135 SHORELINE PROJECT

Ms. Bader Inglima has been working with the U.S. Army Corps of Engineers (USACE) in Walla Walla on the Port's Clover Island 1135 shoreline project, which would improve the shoreline for endangered and listed species habitat, and enhance public recreational access to the shoreline. Several years ago, the Port, with assistance from the City of Kennewick and funding from state grants, the Port made improvements to the west causeway from the entrance of Clover Island to the lighthouse. When the grant dollars were depleted the Port looked for other avenues to continue the shoreline improvements and the Port approached the USACE. The Port and the USACE signed a contract to explore if salmon would benefit from the 1135 habitat restoration, and it was determined there would be a benefit to the salmon and other riparian species. Recently, the USACE completed their 30 day public comment period and are working through the environmental compliance and detailed cost estimates. The Port and USACE look to sign the contract for Phase Two, which includes the design and construction later this fall. Ms. Bader Inglima stated once the contract is executed, the implementation may be scheduled for late 2018. Once the cost estimates have been completed, the report will go through a second review and then the Port will know the cost on the project. Ms. Bader Inglima stated the 1135 is a federal program that funds 75% of the project with federal dollars, and 25% will be funded by the Port, and the recreational elements for the trail would be split 50/50. USACE received three comments during comment period: two public comments requesting trail access to the river and the third comment was from the Fish and Wildlife Service who supported the project. Ms. Bader Inglima stated in the past, the Board of Trustees has provided the Port with letters for the state granting agency in support of continuation of the shoreline restoration work. Ms. Bader Inglima thanked the Board for their continued support.

Ms. Brigham inquired if it is Washington Department of Fish and Wildlife.

Ms. Bader Inglima confirmed it was the Washington Department of Fish and Wildlife who made the comment, but that the USACE is working on their environmental compliance with National Marine Fisheries. Ms. Bader Inglima stated at the joint meeting in 2016, Mr. Minthorn offered his assistance on the 1135 project and Ms. Bader Inglima appreciates that past support. Ms. Bader Inglima reported that USACE would be happy to make a full presentation to the Board of Trustees, if that were the desire of the Board.

Mr. Wolf believes it would be a good idea for the Board of Trustees to hear the USACE presentation.

Mr. Minthorn inquired how many federal agencies are involved in the 1135 project.

PORT OF KENNEWICK

SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

Ms. Bader Inglima stated USACE is the lead agency and will go through the regular permitting process and consultation for the construction phase with the National Marine Fisheries, Department of Ecology, and the CTUIR.

Mr. Minthorn inquired if the 1135 project is an Environmental Assessment or an Environmental Impact Statement.

Mr. Peterson stated the previous work the Port completed on the west causeway was an environmental assessment and believes USACE is following that same route. Mr. Peterson stated many of the agencies contacted have indicated that the project is a habitat restoration project.

Mr. Minthorn stated the handout features a pathway connection to the existing causeway and inquired how much public access will there be to the river.

Ms. Bader Inglima stated the trail will connect along and above the habitat restoration, to the existing sidewalk. Ms. Bader Inglima envisions there will be an increase in people using Clover Island, and part of the USACE assessment report includes the recreational use and potential increase, however, the Port has not seen that report yet.

Mr. Minthorn expressed his concern about potential cultural resources on Clover Island, which may be exposed by weather or looting. Mr. Minthorn suggested the public needs to be educated about the laws that protect the sites and cultural resources.

Mr. Peterson stated the general nature of the 1135 project, is that it is a fill project, where the USACE will add additional material over the bank extending out into the water, as opposed to removing existing material on the river bank. In addition to the fill material, USACE will be placing heavy landscaping, similar to that seen on the west causeway, which will deter public access to the shoreline.

Mr. Minthorn stated the Native American Graves Protection and Repatriation Act (NAGPRA) has an Inadvertent Discovery Policy and state law protects these resources as well.

Mr. Peterson stated the Port has required Cultural Resource Monitoring on all of construction projects for the past ten years and if something is found, we halt construction.

Mr. Minthorn stated the CTUIR consults with federal agencies and we stated support for these kinds of projects, and we can certainly do it again on this project.

Mr. Arntzen asked Mr. Peterson if the Cultural Resource Monitoring would be used on this project as part of the construction process.

Mr. Peterson stated the Port includes CTUIR Cultural Resource Monitoring on all construction projects that require excavation and has for the past ten years, and will continue to do so in the future, including the 1135 project.

Mr. Arntzen stated if the Board of Trustees would like to hear a detailed presentation on the 1135 by the

PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

USACE, then Port staff will work on setting up a meeting. Mr. Arntzen appreciated the comments and stated the Port will enlist the same standards on the shoreline work that was done on the west causeway and ensure that the lines of communication with the CTUIR remain open.

Mr. Novakovich thanked Mr. Minthorn for his questions and support and hope that he continues to remain involved as we move forward with the 1135 project.

Mr. Wolf stated the CTUIR has done many mitigation projects before and this project is very much a mitigation project. Mr. Wolf stated the CTUIR recently assisted with the removal of the Dillan Diversion on the Umatilla River. When you are restoring the natural habitat, you need to ensure that you are able to recapture the natural elements and make sure it is done right. Mr. Wolf stated those discussions will be important for planning and what the end result will be.

Mr. Wolf added that there are a number of projects that the CTUIR is working on, including removal of the obstruction at Bateman Island and if the Port were to meet with the City of Richland, to relay that the CTUIR is still interested in Bateman Island.

Mr. Arntzen stated Bateman Island is in the Port district, but under the jurisdiction of the City of Richland. Many times the Port meets with our jurisdictional neighbors before moving forward on any action. Mr. Arntzen will continue to impress upon our neighbors the benefit of early and meaningful dialogue with the CTUIR.

Mr. Novakovich stated Ms. Bader Inglima will work with USACE on a presentation for the CTUIR Board of Trustees and inquired if it should be joint meeting.

Ms. Bader Inglima stated the USACE is happy to speak with CTUIR Board of Trustees and staff and the Port would set up such a meeting.

Mr. Arntzen will work with Ms. Croswell on a path forward and then report back to the Board of Trustees and Port Commission.

Ms. Brigham stated one of the things the CTUIR does on the Columbia River is work with the USACE on an educational brochure regarding the fishing rights below the Bonneville Dam. Ms. Brigham suggested that the Port speak to the Walla Walla or Portland USACE about an educational panel or brochure on Tribal Fishing Rights for Clover Island. Ms. Brigham inquired how much will the 1135 project cost.

Ms. Bader Inglima stated the USACE is currently working on the cost estimating, however, the estimated cost is \$4,500,000. The Port has applied for state grants to leverage the project, however, the state capital budget has not been passed at this time.

Ms. Brigham stated the Board appreciates the Port trying to address our interests and concerns.

Mr. Minthorn stated the Board has a lot of experience working with the USACE and other federal agencies and offered the Port assistance with the 1135 project.

PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

Mr. Wolf stated one of his first jobs with the Tribes was at Living History, where the elders taught the youth how to make Tule mats and other important customs. The program lasted a few weeks and then the group did tours and presented the Tule mats. Mr. Wolf wondered if a grassy area could be added to The Gathering Place for the placement of a temporary Tule Mat Long House, where live demonstrations could be held and it could serve as a memorable educational endeavor.

Mr. Arntzen is excited by the comments and stated when the Port and Board hold another joint meeting we can capture more ideas. Mr. Arntzen stated with the 1135 project there needs to be an emphasis on the educational elements which highlight the history and treaty rights of the tribes. Furthermore, Mr. Arntzen would like to continue the dialogue of the potential to add elements to The Gathering Place.

Mr. Novakovich believes additional education on the Island is of critical importance.

It is the consensus of the Port Commission and the Board of Trustees for staff to coordinate a meeting for the USACE to present the 1135 project to the CTUIR's Board of Trustees and staff.

VISTA FIELD REDEVELOPMENT

Mr. Peterson reported the Port recently worked with the CTUIR Cultural Resource Department on performing a site assessment on the 103 acres of land at Vista Field. Additionally, the Port contracted with SWA to perform a historical analysis on the site. Mr. Peterson stated the Cultural Resource Monitoring team performed almost fifty shovel probes on the site and did not find anything of significance. Additionally, the Port performed some geotechnical work on the site this spring and enlisted the Cultural Resource Monitoring to observe the work, and again found nothing culturally significance. Mr. Peterson stated 20 acres will be developed for Phase I in 2018 and there may be a suitable site for the CTUIR, if they were interested in exploring opportunities to have a space in the Tri-Cities.

Mr. Minthorn commended the Port for having such a property to redevelop and the Tribes are always interested in economic development and how economic development can benefit the Tribes. In the past, the CTUIR has performed a needs assessment for projects and considers the benefit for the entire population. These kinds of properties have a lot of potential and if the Tribes were offered an economic development opportunity, they would discuss it, furthermore, many tribal members live, shop and work in the Tri-Cities.

Mr. Novakovich stated Vista Field may present another opportunity for partnership and we can discuss this as we move forward. Mr. Novakovich asked Mr. Peterson to send Ms. Crowell the executive summary on Vista Field and include Phase I drawings for distribution to their Board of Trustees.

Mr. Arntzen appreciates the discussion and the potential of new ideas for Vista Field. Mr. Arntzen stated the Tribes and Port desires to be as inclusive as possible and it is important to capture as much enthusiasm and interest as possible from the community and he would like to follow up on Vista Field opportunities.

TRI-CITIES SHORELINE TRANSFER PROPOSAL

Mr. Arntzen reported in 2017, three local residents; former Congressman Doc Hastings, Brad Fisher, and Gary White, began working with federal legislators to transfer a portion of the shoreline from USACE to local jurisdictions. The stretch of land includes Columbia Park in Kennewick, Richland and parts of Pasco

PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

and Franklin County. Many of the Port's jurisdictional partners supported the proposal with the objective to get federal legislators to pass a law turning over the shoreline to the local jurisdictions. When the proposal was brought to the Commission the Port of Kennewick expressed their reservations about the transfer and asked that group to engage in additional dialogue with the CTUIR and the regional community citizens. Mr. Arntzen stated the Port of Kennewick is not attempting to acquire land through this process.

Mr. Novakovich stated the Commission wrote a letter asking the land transfer group to speak with the CTUIR. Mr. Novakovich stated the Port is respectful of the partnership with the CTUIR and did not endorse the land transfer, furthermore, the Port does not receive land if this transfer were to go through.

Mr. Arntzen stated the shoreline transfer is a complex issue and there are no simple answers.

Mr. Minthorn stated the CTUIR met with the Richland City Council several months ago and the shoreline transfer was discussed. The City of Richland did not want to take a position until they heard from the Tribes. The CTUIR expressed their concerns over the land transfer and also discussed other considerations if the land transfers were to occur, such as covenants or deed restrictions. The CTUIR explained if the land transfers occur, the Tribes would lose their treaty rights and resources with those transfers. The federal agency's job is to protect the Tribe's Treaty rights and resources and that is why partnership is key with the federal agencies. The Tribes help the agencies protect what is important to the tribes, according to federal law. The CTUIR have expressed their concerns to the City of Richland and the Walla Walla District Office of the USACE, however, the CTUIR needs to arrange meetings with cities of Pasco and Kennewick and Franklin County. If land transfers do occur through legislation, covenants and deed restrictions will need to be in place as part of the legislation. The Tribe's foremost responsibility is to protect their treaty rights.

Mr. Wolf inquired if there is a list of specific lands.

Ms. Crowell stated the USACE was directed to complete an extensive compilation of all the lands, including all the deeds, titles and other documents. The CTUIR recently received a copy of the report, however, the document is very large, and staff has yet to disseminate the document.

Mr. Wolf stated the CTUIR has been actively working with the USACE on those lands and will need to review the report thoroughly before responding. Mr. Wolf stated every square foot of the river bank is in some altered state and the Tribes are trying to protect and enhance the shoreline as much as possible.

Mr. Novakovich stated the Port will continue to maintain their position and inquired if the CTUIR can update the Port as they disseminate the assessment.

Mr. Wolf inquired if there was a time limit attached to the land transfer.

Mr. Arntzen stated the Port and CTUIR received the USACE report approximately three weeks ago, however, he believes the intention of the land transfer group is to package the document up as quickly as possible and forward to Congressman Newhouse. Mr. Arntzen stated, beyond the Port's concerns of the Tribe's treaty rights, Mr. Moak has also championed for community outreach to see if it is something the Tri-City citizens desire.

PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

Mr. Minthorn stated as of today, the Tribes have not heard of the city's plan for the shoreline property and if a decision was made, the Tribes could determine the impacts to the cultural resources and Treaty rights. Furthermore, if the cities were to take on the shoreline, where would the funds to maintain the property come from? Mr. Minthorn stated any lands that are removed from federal control require an Environmental Impact Study (EIS).

Ms. Brigham stated the land transfer is an issue for the Tribes and the community, if the group is not forthcoming and transparent, then there will be more issues and problems. Ms. Brigham stated if the private individuals were looking to improve and protect the shoreline like the Port did on the west causeway, there would not be an issue; however, if they are looking to build commercial and residential, there would be issues and concerns. Ms. Brigham stated it is important to figure out what the group is looking to do, which will determine how the Tribes will respond. In general, the Tribes have concerns with federal lands being transferred into local ownership because federal agencies are responsible for protecting the Treaty Rights. It is important to continue communicating with the local jurisdictions and make them aware of the pros and cons of transferring the shoreline. Ms. Brigham stated if the private individuals reach out to the community regarding the shoreline transfer, please relay that information to Ms. Croswell, as it would be a good opportunity to have a representative there to express their concerns.

Mr. Moak believes that the proponents think local control is better than federal control and that thinking surpasses what the needs of the people are, or the needs of the land. Mr. Moak has been part of local government for many years and stated in certain areas, the federal government has the training and expertise that local government does not. Mr. Moak does not agree that the land should be turned over to institutions that do not have the capabilities to manage the lands. Mr. Moak stated the community is very vocal about open space and access to the river and may not want any kind of commercial development on the Columbia. Mr. Moak does not believe it is the Port's role to start the community dialogue, but would like to maintain our interest in the dialogue. Mr. Moak stated the Port has expressed numerous times to the proponents and local jurisdictions that there needs to be dialogue in the community about the shoreline transfer. Mr. Moak stated the Port needs to continue being vigilant and continue communicating with the CTUIR.

Mr. Barnes stated he is concerned about whether or not there is public support of the shoreline transfer. One of the items that troubles Mr. Barnes is the statement made by the proponents is that the City of Kennewick is spending approximately \$1,000,000 a year to maintain Columbia Park and that they do so without equity in the land. Mr. Barnes stated the notion that the City should be entitled to some equity in the land, because they are maintaining it and enjoying the benefits is not a reason to transfer the shoreline. Mr. Barnes stated this is a complex issue and there are many different ways to view the issue and many different positions to consider. There are many other interested parties, whose rights and resources merit the proper handling and respect.

Ms. Brigham stated currently the shoreline is federal land which people have access to, however, if the transfer were to go through, would the community still have access to the shore? Ms. Brigham stated there are many questions that need to be addressed before moving forward.

Mr. Moak inquired if Mr. Arntzen has discussed the shoreline transfer in his meetings with the city managers of Kennewick and Richland.

PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

Mr. Arntzen stated the shoreline transfer has not been discussed during any meetings. Mr. Arntzen stated it is not the practice of the Port of Kennewick or the CTUIR to take on a project without considering the options and have open, transparent discussions with the community and jurisdictions and CTUIR partner. Mr. Arntzen reported that the "Letters to the Editor" in the *Tri-City Herald*, do not show support for the land transfer. The biggest concern the Port has, is the attempt by the proponents to bypass the citizenry and CTUIR in this effort.

Mr. Minthorn stated this is where partners can support partners and convince and garner support from other groups, partners and individuals. Mr. Minthorn stated the CTUIR opposed the Department of Energy land transfer that was supported by former Congressman Doc Hastings and TRIDEC; however, the Tribes were unsuccessful. Mr. Minthorn stated Congress is the only one who can take away the Tribe's Treaty rights and in this instance, Congress did that with the land transfer. The Tribes will need to consider all of the factors if the shoreline transfer makes it to Congress.

Ms. Brigham inquired if the CTUIR and the Port might send a joint letter to the USACE and Congressman Newhouse expressing our concerns about the shoreline transfer from federal to local government, and outlining the issues that have not been addressed.

Mr. Novakovich inquired if the Commission could discuss composing a joint letter with the CTUIR expressing the concerns of the shoreline transfer.

Mr. Arntzen suggested the Board of Trustees have the first opportunity to discuss drafting a joint letter. Mr. Arntzen stated this would be a policy matter that the Commission could weigh, however, if the Commission and CTUIR agree that a joint letter is the course of action they want to take, he would work with Ms. Crosswell on the direction of a letter.

Mr. Moak would rather the Port and CTUIR have a conversation with Congressman Newhouse or Senators Murray and Cantwell to determine what is the plan of action or what the understanding is before a letter is composed. Mr. Moak appreciates Ms. Brigham's suggestion and believes the Board of Trustees and the Commission should discuss it prior to a letter being written.

Ms. Brigham is amiable to that suggestion and stated it is important to voice their concerns.

Mr. Novakovich inquired if today's meeting is on an agenda for future Commission discussion.

Ms. Scott stated the Special Joint Meeting can be added to a future Commission Meeting.

Mr. Wolf would like to review and assess the USACE report prior to discussing a joint letter.

Mr. Barnes agrees with Mr. Wolf and believes it would be prudent to contact Congressman Newhouse's office as a first step.

Mr. Arntzen appreciates the direction of today's meeting and the pledge of continuing to work closely on partnership opportunities.

PORT OF KENNEWICK SPECIAL COMMISSION MEETING

AUGUST 4, 2017 MINUTES

Mr. Moak stated the Port also partners with the cities of Kennewick and Richland and it is important to understand their point of view while maintaining our dialogue with the Tribes.

OTHER TOPICS OF INTEREST

Mr. Novakovich was approached by Jim Rodriguez during The Gathering Place event and mentioned he had been discussing with Fred Hill a Pow Wow to be held in the Tri-Cities.

Mr. Wolf has not heard anything regarding a future Pow Wow.

Mr. Peterson thanked the Cultural Resource Protection Department; Tara Farrow-Firman, Carey Miller and Bambi Rodriguez for their professionalism and providing assistance to the Port in our projects. Mr. Peterson stated Arthur, the Port's standard CTUIR observer is a very good ambassador for CTUIR and we appreciate his efforts.

No further comments were made.

PUBLIC COMMENT

No comments were made.

CLOSING PRAYER

Mr. Minthorn led the closing prayer.

ADJOURNMENT


With no further business to bring before the Board; the meeting was adjourned 3:08 p.m.

APPROVED:

**PORT of KENNEWICK
BOARD of COMMISSIONERS**


Skip Novakovich, President


Thomas Moak, Vice President


Don Barnes, Secretary