

# Oregon Parks and Recreation Commission

June 12, 2024

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Agenda Item:	<b>5d</b>	<b>Information</b>
Public Comment Allowed:	<b>Yes</b>	
Topic:	<b>Fort Yamhill State Heritage Area Transfer</b>	
Presented by:	<b>Matt Rippee, Deputy Director – Heritage Division</b>	

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## **Background:**

Fort Yamhill State Heritage Area is a 110-acre property in Polk County.

The park was developed and opened as part of the Park-A-Year program under Governor Kulongoski, welcoming public use with a trail, parking area, and kiosk in 2006.

This historic site has been the focus of archaeological research associated with the Coast Range fort and restoration of the one building on-site dating to the fort's active period; the officer's quarters.

The park is surrounded by lands that are owned and managed by the Confederated Tribes of the Grand Ronde Community of Oregon, and the CTGRCO assisted OPRD in developing interpretive material. Their adjacent lands are used for community events and functions.

In June 2023, OPRD and CTGRCO entered into a Memorandum of Understanding that created a formal agreement that memorializes the basis, intention and collaborative effort to protect and manage Ft. Yamhill. The parties desire to establish the nature of the coordination and consultation that will occur between them as to the management and use of Ft. Yamhill. Since that time, the two parties have worked cooperatively to manage Ft. Yamhill with the intent to eventually transfer the property from OPRD to CTGRCO.

The arrangement has been very successful. Operations are going well; CTGRCO would like to assume ownership and use the site as a hub for celebration in addition to keeping the property open to visitors.

Department staff will complete due diligence associated with a no-cost transfer of land and expect to bring a proposal to the Commission for action in September.

**Prior Action by Commission:** September 2022 Informational

**Action Requested:** None

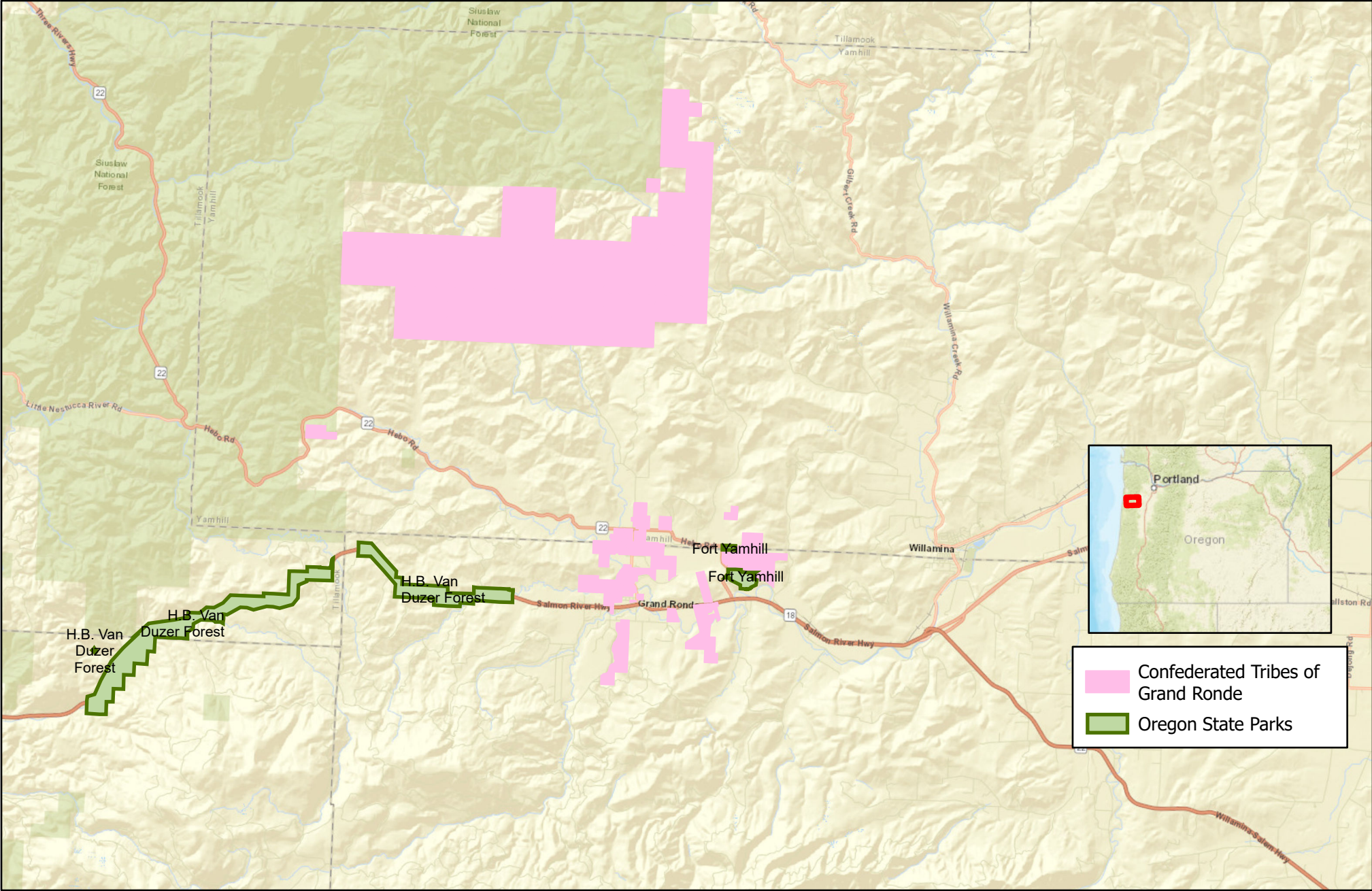
**Attachments:** 5e - Maps

**Prepared by:** Matt Rippee

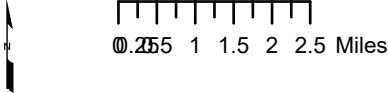
# Fort Yamhill SHA and CTGR Property

5d Attachment A

Oregon Parks and Recreation Dept.  
725 Summer St. NE, Suite C  
Salem OR, 97301



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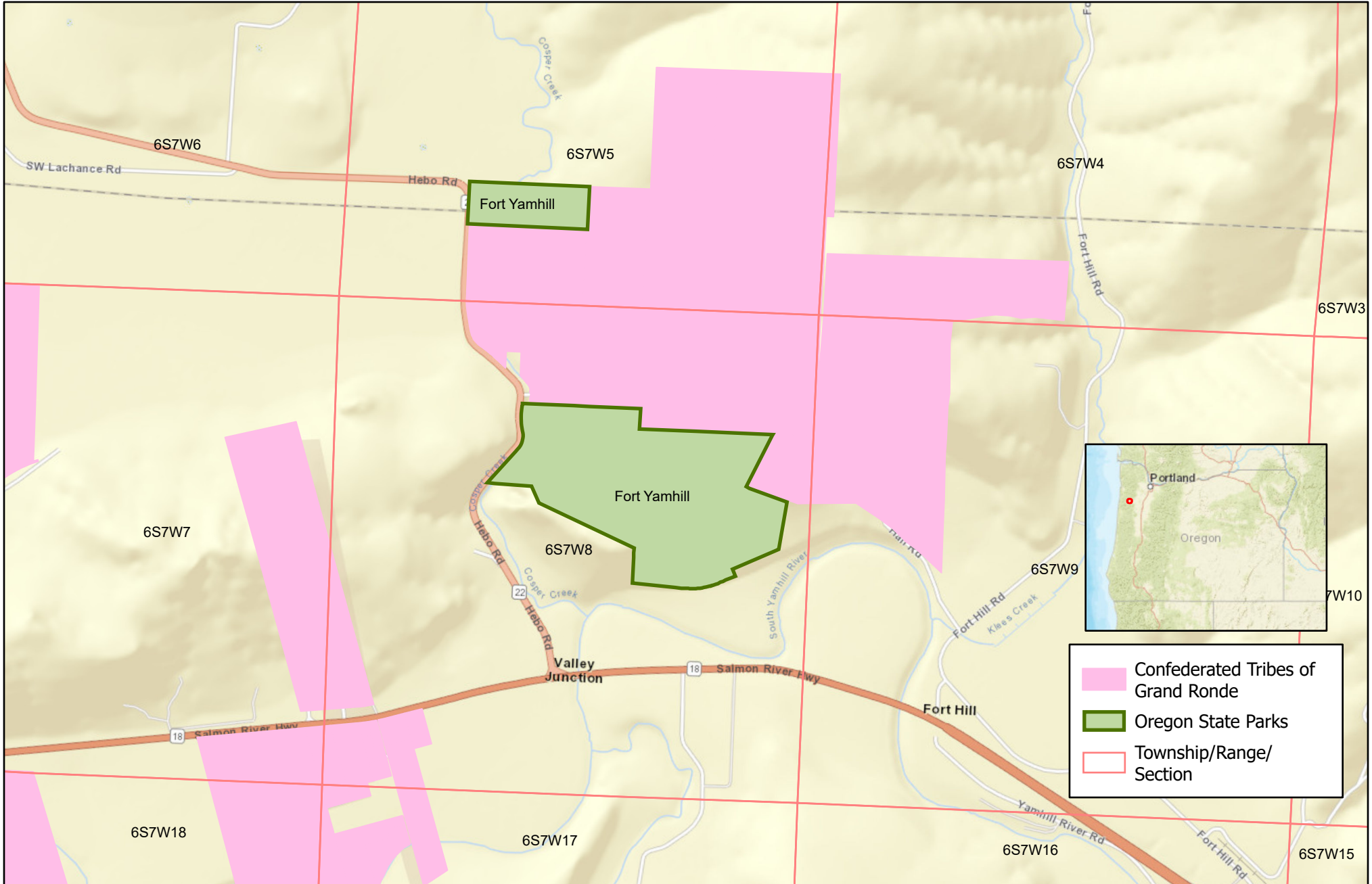


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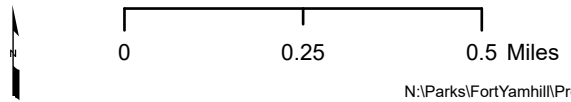
# Fort Yamhill SHA and CTGR Property

## 5d Attachment B

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725 Summer St. NE, Suite C  
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## 5d Attachment C

# Memorandum of Agreement Between the Confederated Tribes of the Grand Ronde Community of Oregon and Oregon Parks & Recreation Department On Fort Yamhill State Heritage Area in Grand Ronde, Oregon

This memorandum of agreement (MOA or Agreement) is executed by the Confederated Tribes of the Grand Ronde Community of Oregon (Tribe) and the State of Oregon (State), by and through its Parks and Recreation Department (OPRD), on the dates set out below. These entities are collectively referred to below as the Parties.

### RECITALS:

Whereas, the Tribe is a sovereign government and a federally recognized Indian Tribe dedicated to the preservation and protection of their reserved rights, whether based on treaty or any other source of law, and of their cultural heritage both within their reservation boundary and within their ceded lands and traditional use areas;

Whereas, OPRD currently owns and manages the Fort Yamhill State Heritage Area (Ft. Yamhill) and as a State agency, has requirements and authority under state law to ensure protection and care for the property's resources under ORS 390.111;

Whereas, the Tribe considers the land including and adjacent to the property, known as Fort Yamhill State Heritage Area in Grand Ronde, Oregon, to be sacred. The Tribe has vigorously worked toward protecting these lands since time immemorial;

Whereas, the State has authority to enter into cooperative agreements with Indian Tribal Governments under ORS 190.110, which provides that in performing a duty imposed upon it, in exercising a power conferred upon it, or in administering a policy or program delegated to it, a state agency may cooperate for any lawful purpose with an American Indian Tribe. This includes the protection of the resources at Ft. Yamhill;

Whereas, the Tribe has authority to enter into cooperative agreements with the State of Oregon, pursuant to the Constitution of the Tribe, under Article III, Section I, which provides authority to the Grand Ronde Tribal Council to negotiate with federal, state, and local governments;

Whereas, the Parties have expressed their mutual desire to memorialize their roles in future planning, protection and management of the Ft. Yamhill; and

Whereas, the Oregon Governor's Executive Order Number 96-30 and Oregon Revised Statutes (ORS) 182.162 to 182.168 recognize the importance of Government-to-Government relations between Indian Tribes and the State.

**NOW THEREFORE, the Parties agree that:**

**I. AUTHORITY.**

- A. Agency has the authority to enter into this Intergovernmental Agreement pursuant to ORS 190.110, which provides that in performing a duty imposed upon it, in exercising a power conferred upon it, or in administering a policy or program delegated to it, a state agency may cooperate for any lawful purpose with an American Indian Tribe. Pursuant to ORS 390.111, OPRD has complete jurisdiction and authority over Ft. Yamhill.
- B. Tribe has authority to enter into this Agreement pursuant to the Constitution of the Tribe, under Article III, Section I, which provides authority to the Grand Ronde Tribal Council to negotiate with federal, state, and local governments.

**II. INTENT.** By entering into this MOA, the Parties desire to memorialize the basis, intention and collaborative effort to protect and manage Ft. Yamhill. The parties desire to establish the nature of the coordination and consultation that will occur between them as to the management and use of Ft. Yamhill. This agreement is collaborative; however, nothing in this agreement changes OPRD's authority as described in ORS 390.111 unless or until Ft. Yamhill is no longer the property of the State. The Parties recognize each other as partners in the management of the Ft. Yamhill and will continue to promote and develop that partnership in the future.

**III. COLLABORATIVE COMMITTEE.** The Parties will form a Collaborative Committee (Committee) under this MOA to provide an opportunity for shared stewardship, perspectives and understanding of how each Party approaches overall property management.

- A. The intention of the Committee is to provide an opportunity for shared stewardship, perspectives and understanding of how each Party approaches facility, grounds and resource management and protection.
- B. The Committee will establish process(es) or provide recommendations including but not limited to artifact(s) transfer, grounds and facilities maintenance, property review and future needs.
- C. The Parties may choose to establish subcommittees and organize as needed. Each Party will provide representatives on Committee and subcommittees. A list of Committee members will be provided to each Party.
- D. Attachment 1 to this MOA provides the framework for this Committee. The framework may be changed by mutual agreement of the Parties and without amendment to this MOA.

**IV. RESPONSIBILITIES.**

**A. STATE.**

- i. Maintain statutory and management requirements, staffing and financial obligations, and external consultation with other agencies.
- ii. Consult with Tribe regarding new projects, modifications of property, permissions and new agreements (i.e. easements, ROW, permits, etc.) prior to OPRD action.
- iii. Work to resolve outstanding property issues, such as boundary encroachments; as identified through collaborative meetings and through the course of this agreement.

- iv. Provide inventory of all artifacts and related items; such will be transferred with the property. Further, any such items later identified will also be transferred.
- v. Work and collaborate with Tribe to draft future transfer agreement, to include providing information that may be necessary for transfer agreement.

**B. TRIBE.**

- i. Work with state to review and provide input on operations and management of property.
- ii. Prior to termination of this agreement, provide property management plan that provides how the tribe will operate the property after transfer agreement is in effect. Tribe is sharing information only. This plan is not subject to OPRD approval and is unrelated to any future transfer of property.

**V. ONGOING COLLABORATION.** OPRD and the Tribe will have ongoing collaboration, including but not limited to (1) determine if/how the Tribe can have input on the reallocation of funds currently allocated to the Fort Yamhill operation and management during the 23-25 biennium, and (2) return of artifacts or related items found in the State's custody following the initial transfer.

**VI. NOTICES.** The Parties agree to use the following points of contact as defaults for communication necessary to carry out the purposes of this MOA. Upon designation of representative of the Committee, communications between the Parties through the Committee may occur directly between those authorized individuals.

**A. Confederated Tribes of Grand Ronde**

Jan Looking Wolf Reibach  
Self-Governance and Tribal Lands Manager  
9615 Grand Ronde Rd  
Grand Ronde, Oregon 97347  
Office: 503-879-2394  
Cell: 971-241-9804  
Email: [Lands@GrandRonde.org](mailto:Lands@GrandRonde.org)

**B. Oregon Parks and Recreation Department**  
Clay Courtright  
Columbia District Manager  
11321 S. Terwilliger Blvd.  
Portland, Oregon 97219  
Cell: 503-969-8260  
Email: [Clay.Courtright@opr.oregon.gov](mailto:Clay.Courtright@opr.oregon.gov)

**VII. GENERAL PROVISIONS.**

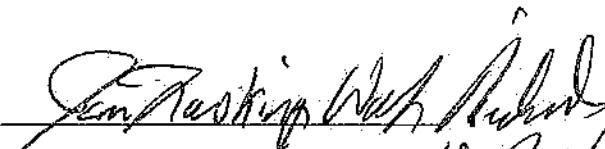
- A. Nothing in this MOA constitutes a waiver of the sovereign immunity of the Tribe or the State of Oregon through Oregon State Parks.
- B. This MOA may be modified or supplemented with the unanimous written consent of the signatories or successors of the Parties.
- C. The effective date of this MOA is the date of the latest signature below. Each of the signatories warrants that he, she or they is authorized to enter into this MOA on behalf of the Party for whom he, she or they has executed this MOA.

- D. There is no exchange of funds under this agreement.
- E. Any action taken by OPRD under this MOA is subject to and contingent on funding, appropriations, limitations, allotments, or other expenditure authority.

VIII. TERMINATION. Excluding the provisions of Section V (Ongoing Collaboration), this Agreement shall terminate upon transfer of Fort Yamhill from OPRD to the Tribe, or upon mutual agreement by the Parties.


**AUTHORIZED APPROVALS**

**Confederated Tribes of Grand Ronde**

Signature   
Printed Name Jan Looking Wolf Bebach

Date June 14th 2023

**State of Oregon through Oregon Parks and Recreation Department**

Signature   
Printed Name Matt Lynne

Date 06/07/2023

## Attachment 1 – COLLABORATIVE COMMITTEE FRAMEWORK

<b>Administration and Realty</b>	<p><u>OPRD Members:</u>            Lisa Sumption, Director            Matt Rippee, Deputy Director – Field Services            Clay Courtright – Columbia District Manager (Committee Coordinator for OPRD)</p> <p><u>CTGRCO Members:</u>            Jan Looking Wolf Reibach – Self-Governance and Tribal Lands Department Manager            Tess Brocksen – Realty Coordinator</p>
<b>Member Roles:</b>	Members will be the overall main point of contact for each entity, as well as provide overarching coordination and support for the administration of the agreement. This includes the review and resolution of real property transactions.
<b>Meeting Topics</b>	Property review(s). Contract administration. Related Legislation. Commission. Decision making.
<b>Meeting Attendance</b>	Once MOA is finalized, meeting attendance for this team will be limited to the regularly scheduled, quarterly check-in's unless needs for additional meetings arise.
<b>Member Responsibilities</b>	Ensure the successful management and transfer of Fort Yamhill State Heritage Area.
<b>History &amp; Culture</b>	<p><u>OPRD Members:</u>            Helena Kesch – Tribal Coordinator            Guy Rodrigue – Central Resources Manager            Stacy Scott – Coastal Region Archeologist</p> <p><u>CTGRCO Members:</u>            Breece Edwards – Historic Preservation Manager            Michael Lewis – Senior Archaeologist</p>
<b>Member Roles</b>	Members will review inventory of artifacts and related documentation associated with Fort Yamhill. This includes determining process(es) and making recommendation for eventual transfer of artifacts and related documentation.
<b>Meeting Topics</b>	Artifact inventory and transfer process (short-term and long-term). SHPO requirements.
<b>Meeting Attendance</b>	Meeting attendance for this team will be quarterly with additional meetings scheduled as needed.
<b>Member Responsibilities</b>	Ensure the successful and appropriate transfer of artifacts and related documentation. This will include determining process for materials found after successful property transfer of Fort Yamhill.
<b>Operations &amp; Management</b>	<p><u>OPRD Members:</u>            Clay Courtright – Columbia District Manager            Ryan Sparks – Valley Region Resources Manager</p> <p><u>CTGRCO Members:</u>            Tyson Mercier – Facilities Manager            Gary LaChance – Maintenance Technician</p>
<b>Member Roles</b>	Members will review current operations and management, including but not limited to staffing, budget, maintenance planning, natural resources and projects. Determine process and make recommendation for transfer of responsibilities, including identifying future needs.
<b>Meeting Topics</b>	Grounds, facilities and natural resource management. Project identification and management. Staffing & budget.
<b>Meeting Attendance</b>	Meeting attendance for this team will be quarterly with additional meetings scheduled as needed.
<b>Member Responsibilities</b>	Ensure the successful transfer and long term management of Fort Yamhill.



