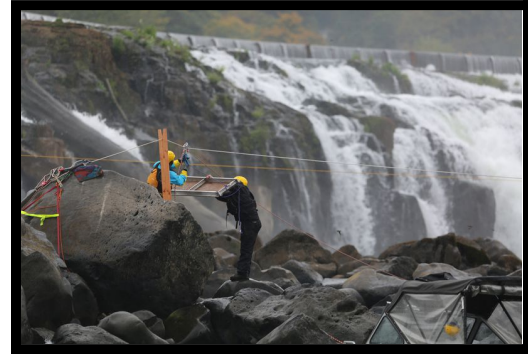


Grand Ronde win right to keep Willamette Falls fishing scaffold

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By Molly Harbarger | The Oregonian/OregonLive



The state has upheld the right of the Confederated Tribes of the Grand Ronde to build a scaffold at Willamette Falls to catch 15 salmon.

The Grand Ronde people see the scaffold as a crucial cornerstone to revitalize their cultural legacy as a tribe that faced termination from the federal government nearly 35 years ago.

“Our ceremonial fishing platform restores an important cultural practice for the Grand Ronde Tribe, our community and our fishermen,” Chairwoman Cheryle Kennedy said Monday.

But the scaffold is a flash point for some Northwest tribes who cast suspicion on the intentions of the Grand Ronde leaders. The Warm Springs, Umatilla and Yakama tribes filed formal objections to the scaffold, saying Grand Ronde should have consulted with the other tribes and that the Oregon Department of State Lands was hasty in its decision to allow the scaffold without that consultation.

Portland General Electric, which owns the land around the proposed scaffold, also filed an objection after at first cooperating with Grand Ronde officials. The company said it reversed course after the other tribes brought up concerns.

John Ogan, attorney for Warm Springs, said the tribe plans to appeal the decision last week by the lands department reaffirming its original approval.

Next week, they will file formal documents that request a hearing with an administrative law judge. From there, they could continue to appeal to the Oregon Court of Appeals if they lose.

Ogan said State Lands Director Vicki Walker’s decision “was just a rubber stamp of her original decision.”

The two others tribes will likely also appeal.

Walker said she hoped the Grand Ronde tribal council will work with leaders from the three tribes and Portland General Electric to come to an agreement on how to move forward.

Grand Ronde construction crews finished the scaffold in late October. The 100-square-foot scaffold is temporary and will only stand as long as it takes to catch the 15 fish each year. It will be erected at one of three spots in the spring on a rocky outcropping near the foot of the falls. Grand Ronde officials have extended the offer for other tribes to use the scaffold in the future.

At the heart of the debate is who were the main people of the falls. Grand Ronde historians say their tribe is made up of bands and tribes who lived at the falls and controlled who fished there. The other tribes assert that they have historical ties to the fishing grounds independent of the Grand Ronde and don't need permission to fish at the falls.

The answer to that debate could determine development of casinos in the Portland area.

An unofficial policy started under former Gov. John Kitzhaber limits each tribe to one casino in Oregon. The tribes must prove the land they want to develop is unequivocally theirs -- a hurdle most developers don't face.

While most tribes place casinos on reservation land, that is often rural and harder to access.

If Grand Ronde establishes that the Oregon City stretch of the Willamette River is its traditional fishing grounds since time immemorial, that could give the tribe leverage to move into the Portland market down the road.

Grand Ronde leaders say they have no plans to close the Spirit Mountain Casino west of Salem. But Kennedy didn't rule out any future developments.

She said in the past that she will do what's best for her people, just as she expects the opposing tribes to do.

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