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April 3, 2019

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RE: Proposed "Q'alya ta Kukwis scichdii me" Traditional Cultural
Property Historic District ("Proposed TCP Historic District")

Dear State Advisory Committee on Historic Preservation ("SACHP"):

I am writing on behalf of the City of Coos Bay, to express the City's opposition to the creation of the proposed TCP Historic District sought by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians ("CTCLUSI").

While CTCLUSI has been working on this project for at least three years, the City of Coos Bay, and the private property owners in the City whose property would be affected by this proposal, first became aware of the Tribe's request in mid-December 2018. It was then, for the first time, that public knowledge of the breadth and scope of this proposal, which involves over 16,000 acres, and hundreds of discrete parcels of real property, became public knowledge. Since that time, the City has been attempting to discern the effects that such a

designation will have on the involved properties in terms of development, both substantive and procedural. Unfortunately, because of the short window of time, and the fact that the scope of this project is unique to the State of Oregon (and most of the rest of the United States), questions remain unanswered. I direct your attention to the response submitted by the Coos Bay Landmarks Commission's response to the Tribe's proposal, in which the Commission raises a number of concerns, none of which have truly been answered.

It has been pointed out that the map submitted by CTCLUSI in its application for the TCP erroneously designates a number of properties in the TCP Historic District, which even CTCLUSI acknowledges should not be in the District. Other inaccuracies were identified during the recent SHPO hearing as well. In light of these errors, it would seem appropriate under the circumstances to at least delay any further consideration of this TCP request, until these errors are addressed, if not requiring this proposal to start over.

One of the most basic concerns the City has with regard to the granting of the TCP, will be the increased level of procedural process necessary for the development of properties within the District. Generally throughout the United States placement of a property on the National Register of Historic Places is honorific in nature, without the imposition of additional duties and responsibilities. Unfortunately, this is not the case in Oregon. As you are undoubtedly aware, once a property is listed in the National Register, additional procedural requirements are mandated under Goal 5. If a development will demolish or relocate a significant historic (and cultural) resource, a public hearing is required in order to determine whether the development should be approved or modified in some respect to protect the historic/cultural resource. At present, while consideration of proposed development already requires a review of its effect on historic/cultural significant resources, a public hearing is not required. Imposing such a requirement through the granting of the TCP will increase the time and expense associated with any such development. Who is going to pay for that expense? The Tribe? Most likely it will be the property owner, which will have a chilling effect on development in the area encompassed by the TCP district.

A final point, which is related to the discussion in the preceding paragraph, concerns the already existing requirements placed on property owners to protect historic and cultural resources when developing property. The Coos Bay estuary plan requires that CTCLUSI be advised in advance of any development in the area in question. The obvious purpose of this notice is to provide the Tribe the opportunity to determine if the area which is to be developed contains historic/cultural resources that need to be preserved. Under existing state law, if such resources are present, the property owner is required to develop a plan to preserve the resources. Given these existing protections, the City of Coos Bay sees no overall additional benefit with regard to preserving historic/cultural resources by creating the proposed TCP district, but does see the imposition of additional regulatory hurdles to property owners if the Tribe's request is granted.

The City of Coos Bay believes it is very important to our community as a whole, that the historic and cultural resources of the local native Tribes, including that of the CTCLUSI, be preserved, and that reasonable land use regulations are integral to this process. However, creating more layers of regulations which impact local property owners is not what is needed.

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As such, the City of Coos Bay respectfully objects to the creation of the proposed TCP Historic District.

Sincerely,

NATHAN B. McCLINTOCK

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c: Rodger Craddock (email only)
Mayor and Council (email only)