

# **Columbia River Gorge Commission**

## **Meeting Minutes**

**August 10, 2004**

***A complete record of this meeting is available on audiotape***

Location: Hood River County Administration Building  
601 State Street, Hood River, OR

Time: 8:30 a.m.

### ***MEMBERS IN ATTENDANCE***

Kenn Adcock

Doug Crow

Judy Davis

Dan Harkenrider

Jane Jacobsen (8:30 a.m.-3:25 p.m.)

Walt Loehrke

Joe Palena

Kathy Sheehan (8:30 a.m.-4:00 p.m.)

Anne Squier

Wayne Wooster

### ***MEMBERS ABSENT***

Dave Robertson (excused)

Michael Farrow (excused)

Joyce Reinig (excused)

### ***STAFF PRESENT***

Martha Bennett

Brian Litt

Jeff Litwak

Kathy Obayashi-Bartsch

### ***AUDIENCE PRESENT***

Andersen, Steven. Cascade Planning Associates

Anderson, Eric. U.S. Fish and Wildlife Service (USFW)

Borland, Stacy. Skamania County Planning Department

Casseseka, Clifford. Yakama Nation

Collier, David. Oregon Department of Environmental Quality (ODEQ)

Cornelison, Peter. Friends of the Columbia Gorge (FOCG)

Daily, Katy. FOCG

Dreyer, Curt. Klickitat County Planning Department

Elliott, Bob. Southwest Clean Air Agency (SWCAA)

Fisher, Mark. ODEQ

Fredrick, Glenn. USFW

Frothingham, Peter. Hood River Valley Residents Committee (HRVRC)

Goodman, Linda. U.S. Forest Service (USFS)

Hall, Priscilla. Portland, Oregon  
Hess, Jurgen. Columbia Gorge Institute  
Islam, Mahbubul. Environmental Protection Agency (EPA)  
Karabut, Diana. Portland, Oregon  
Keillor, Scott. Hood River County Planning  
Koprowsky, Paul. EPA  
Lang, Michael. FOCG  
Lee, Rose. Yakama Nation  
Lichtenthaler, Eric. Corbett, Oregon  
Liebe, Annette. ODEQ  
Mairose, Paul. SWCAA  
Miller, Bobbie. Columbia Gorge United (CGU)  
Norville, Kent. Air Sciences Incorporated-Klickitat County  
Owen, Wendy. The Oregonian  
Quinn, Bud. Skamania County Commission  
Thiemann, Phyllis. Columbia River Gorge Visitors Association  
Walker, Eric. Hood River County Planning Department  
Winter, Cynthia. Corbett, Oregon

Others were present during the day.

The meeting was called to order at 8:32 a.m. and roll was called.

Chair Squier called an executive session to order pursuant to Commission Rule 350-11-006 (1)(g) at 8:35 a.m. and Jeff Litwak, Counsel provided a review of current litigation. Chair Squier closed the executive session at 9:18 a.m. and noted that no deliberation or decisions occurred in the executive session, and no follow-up actions were needed. The regular meeting was called back to order at 9:20 a.m.

### **Approval of Minutes**

Chair Squier asked the Commission to review and comment on the draft minutes.

June 23, 2004- Commissioner Wooster made a motion to adopt the minutes as drafted and Commissioner Jacobsen seconded the motion. A voice vote was taken and passed unanimously.

July 13, 2004-Commissioner Wooster referred to page 8 and asked that his comments related to the hiring of a new planner be placed in the same paragraph that this was discussed in the Director's Report. Commissioner Wooster made a motion to adopt the minutes with this change and Commissioner Sheehan seconded the motion. A voice vote was taken and passed unanimously.

### **Public Comment**

Cynthia Winter of Corbett, Oregon expressed her concern in allowing commercial events in the National Scenic Area (NSA) and read from prepared testimony (see attachment A). She shared her experience as a neighbor of the Viewpoint Inn and told

the Commission how disruptive their operations have been. Chair Squier said this issue is in litigation and the Commission cannot comment on the issue at this time.

Bennett explained Multnomah County has an active enforcement proceeding against the owner of the Viewpoint Inn. She said commercial events are not allowed until the individual county has adopted an appropriate land use ordinance and then the individual must obtain a use permit issued by the county.

Eric Lichtenthaler of Corbett, Oregon addressed the issue of commercial events in the NSA (see attachment B). He said allowing this use was not consistent with the National Scenic Area Act (Act). He provided a review of the Commission's history of deliberation on the issue and asked what information or data caused the Commission to determine that this type of use is consistent with the Act. He requested the Commission implement only the sections of the revised Management Plan (Plan) that are not under legal dispute, provided the Regional Forester concurs with the revised Plan.

Commissioner Adcock asked for clarification of the public comment policy. He said the public comments are addressing an issue that is not on the agenda. He said the past practice for public comment has been to allow comments for starred items on the agenda during the time the item is addressed by the Commission, and any items not on the agenda during the public comment period. He added that the topic addressed by Winters and Lichtenthaler is on the agenda but that it is not starred for comments.

Litwak said this item is not starred on the agenda, so anyone who wishes to speak on this subject is allowed to. The Commission allows time in public comment to speak on items that there are no other means for them to speak to the Commission about. His understanding is that the Commission has a public comment period that allows people to express what's on their mind. Commissioner Adcock said this is the case if the item is not on the agenda. Commissioner Sheehan noted that public comment policy is printed on the agenda and does not squarely answer the question raised by Commissioner Adcock. Bennett said she would prefer not to create an environment where people could not speak on issues they were prepared to present to the Commission. Commissioner Sheehan and Chair Squier said more discussion is needed on this issue.

Michael Lang of FOCG said as a follow-up to the previous comments questioning the consistency of allowing commercial events in the NSA, he asked that status quo be maintained until the legal issues are resolved. He said this would save the counties from extra work involved in adopting revisions that are being challenged.

### **Consistency Determination for Hood River County Ordinance**

Brian Litt, Senior Planner introduced Eric Walker, Hood River County Principal Planner and Scott Keillor, Hood River County consultant. Litt provided a review of the proposed Hood River County amendment (see attachment C) to its National Scenic Area ordinance. The amendment revises guidelines on lands zoned Large-Scale Agriculture for determining if a farm for which a new farm dwelling is proposed is a commercial

enterprise. It raises the farm income requirement for a new farm dwelling from \$40,000 gross annual income capability to \$60,000 or \$80,000 actual annual income, depending on the nature of the resource land.

Commissioner Loehrke asked for clarification about the affected property in Hood River County and Walker provided this information. There were no additional questions from the Commissioners and no additional comments from county staff. Chair Squier called for public comment on the item.

Michael Lang of FOCG read from prepared testimony (see attachment D) in support of the ordinance amendment.

Peter Frothingham of Hood River Valley Residents Committee said the amendment was needed. He thanked Litt and Hood River County for their work on the amendment and noted the support of FOCG.

Commissioner Davis said she supports the amendment and moved to approve the amendment to Hood River County Ordinance 257 as consistent with the Management Plan. Commissioner Palena seconded the motion.

Commissioner Adcock said this amendment creates more difficulty for a small scale farmer. He said that he disagrees with the County's changes, but he finds that the new ordinance is consistent with the Plan because it is more restrictive than the Plan and the counties have the right to do this. He added that he would vote for the motion even though he disagrees with the County's policy.

Commissioner Sheehan commended the Hood River County staff for their work. There being no other Commissioner comment, a vote was taken and passed unanimously.

Kenn Adcock-aye  
Doug Crow-aye  
Judy Davis-aye  
Jane Jacobsen-aye  
Walt Loehrke-aye  
Joe Palena-aye  
Kathy Sheehan-aye  
Anne Squier-aye  
Wayne Wooster-aye

### **Presentation on the Comprehensive Conservation Plan for Gorge National Wildlife Refuges**

Glenn Fredrick, Refuge Planner and Eric Anderson, Wildlife Technician of the U.S. Fish and Wildlife Service provided a summary the Draft Comprehensive Conservation Plan (see attachment E) for the Steigerwald, Franz Lake and Pierce National Wildlife Refuges. The plan addresses resource management and land use activities on the

refuges for a 15-year planning horizon. The draft plan is being circulated for public review and comment starting in early August.

Commissioner Crow asked what efforts are being made to incorporate and coordinate the work with other agencies in the Gorge. Fredrick responded that other agencies have been involved and all area plans are incorporated in this Management Plan, such as a fire management plan.

Commissioner Jacobsen thanked them for their presentation and said she was impressed at how the Conservation Plan encompasses the private owners, agencies and other stakeholders in the area.

Commissioner Davis said the issue of target species was of particular interest to her as the Commission needs to develop a monitoring plan and would need to identify which species to monitor.

Bennett said Commission staff would be reviewing the Conservation Plan and would provide input to the Forest Service if appropriate. She noted the Forest Service has the responsibility to review the Conservation Plan as an action of another Federal Agency. Chair Squier said any of the Commissioners should contact Commission staff to submit their comments.

Commissioner Adcock asked for comments on mosquito management and how treatment impacts native species. Anderson and Fredrick said the study on the impact of treatment would be complete in a year and would be a subject that is revisited as new information is available. Chair Squier thanked them for the presentation.

Chair Squier recessed the meeting for a break at 11:00 and called the meeting back to order at 11:10 a.m.

### **Presentation on Review of Revisions to Management Plan**

Commissioner Harkenrider introduced Linda Goodman, Regional Forester and thanked her for attending the meeting. Goodman outlined her analysis and decision on the Revisions to the Management Plan (see attachment F). Under authority delegated to her by the United States Secretary of Agriculture, the Regional Forester determined whether the revisions to the Management Plan are consistent with the purposes of the National Scenic Area Act and the standards for the Management Plan included in section 6 of the Act. The Regional Forester concurred that the Revisions are consistent with the Act. She thanked the Commission and the staff for the work on the Plan and said she looks forward to continuing the relationship with the Commission.

Chair Squier thanked Goodman and said she appreciates Commissioner Harkenrider and commends the Forest Service staff for their work. Commissioners Adcock, Crow and Jacobsen thanked her for concurrence and support. Commissioner Crow said the Discovery Center Board of Directors also appreciates the ongoing support of the Forest Service.

### **Commission Discussion of Next Steps in Implementation of the Management Plan**

Bennett said there are some technical corrections that were submitted with Ms. Goodman's letter of concurrence and a summary will be provided to the Commission. She said there are no policy questions involved in this analysis. She said staff met with all of the Gorge Counties with the exception of Klickitat County to discuss the potential impact of a lawsuit and the Plan adoption process. Jeff Litwak, Counsel, provided a review of Scenic Area Act section "Revision of the Plan". He said it doesn't give a specific procedure but staff reviewed the procedures in 1991, when the original Management Plan was adopted for guidance. He said the Commission will transmit the Plan to the counties and has the opportunity to give the counties some instruction. The counties will have 60 days after receipt of the Plan to send a letter stating what their intentions are as to adopting land use ordinances that are consistent with the revisions. The counties have 270 days after receipt of the revisions to adopt their land use ordinance and promptly submit their ordinance to the Commission. The Commission will have 90 days to review the ordinance and the Secretary of Agriculture will have 90 days to review the Special Management Area (SMA) portion for concurrence. The total process is 450 days to get the revisions in effect. He said in the past, the Commission allowed additional time for the counties to adopt their land use ordinance, if needed. The timeline of 60 days to submit letters to the Commission helps Commission staff plan for the development of a land use ordinance for any of the counties which will not adopt land use ordinance. As Klickitat County does not administer its own land use ordinance, the Commission staff will prepare this.

Commissioner Loehrke asked if a document is ready to transmit to the counties. Bennett said the document will be ready, once minor corrections are made and a narrative with instructions to the counties is developed. This will be ready to transmit to the counties in three to four weeks.

Bennett said staff met with the five counties about the impact of the lawsuit and initially there was a range of responses. After discussion with Commission staff, the generally preferred solutions involved the counties moving ahead toward ordinance adoption with some level of interaction with the Commission and staff as the litigation proceeds. Litwak said the counties have two reasons for wanting to move ahead. The first reason is the Oregon counties receive Department of Land Conservation and Development (DLCD) grants for revising their ordinances to be consistent with the revised Management Plan and believe they are assured of these grants. The second reason is all the counties have staff that are very familiar with the revisions and are concerned if too much time elapses due to litigation, they will lose this level of familiarity and experience.

Bennett outlined the four options available to the Commission:

1. transmit within three to four weeks with a time line and very little instruction to the counties.

2. transmit within three to four weeks with a request to the counties to provide an adoption timeline and process. The Commission would then provide direction to Commission staff to keep the counties posted and perhaps have formal dialog with the Commission prior to the first formal adoption steps taken by any of the counties. The Commission could then provide the counties with different modified adoption instructions as needed.

3. transmit the revisions in part with instruction not to implement any of the revisions pertaining to issues identified in the lawsuit. We have a 60- day notice that identifies approximately 30 issues of concern. The issues of concern in the lawsuit would impact 19-25 items that the counties would be instructed to defer on. Some of the issues have a singular, specific impact, some affect items throughout the Plan and some have a much broader impact. Several counties indicated they would use the Plan adoption of the revisions as an opportunity to update their county codes in general and streamline their Scenic Area ordinances to make them more like the development codes. This gets tricky as there are issues of concern that cut across the Plan and these are items that they can't update under this option.

4. delay transmittal to the counties. Bennett said there is no specific timeline in the Act as to when it must be transmitted. The Commission could choose this option and delay transmittal until a certain event occurred, such as resolution of the lawsuit.

Bennett said staff recommends option #2 as it allows counties to move forward, gives them some specific direction and allows some flexibility to respond to the issues raised in the lawsuit.

Commissioner Sheehan clarified the transmission is three to four weeks for options #1 and #2. Bennett said this is correct and the difference between the two is that option #2 acknowledges the lawsuit and the need to update the counties as the litigation proceeds.

Commissioner Crow asked what type of dialog or feedback loop is envisioned. Bennett responded that there are two types of events that we are concerned about, when the counties enter into their formal process and the litigation timeline.

Commissioner Davis asked what options the counties have to respond to the transmittal. Bennett said the counties through their adoption process would have the ability not to adopt some of the changes if they truly believe that not adopting is more restrictive.

Commissioner Harkenrider asked whether any of the options are mutually exclusive. Litwak said that option #3 is the one that staff is steering away from as it would be difficult to adopt the Plan in part.

Commissioner Loehrke asked for clarification as to how the counties would respond in the 60-day time frame. Bennett said within the 60 days, the counties must acknowledge

whether they plan to adopt the revisions or not. She said based on her discussions with the counties, most of the counties have already done a lot of the internal processing but need to formally respond to the transmittal.

Commissioner Jacobsen asked how the Commission will be updated on the status. Bennett said staff would provide regular updates.

Chair Squier asked for clarification as to whether any of the counties indicated that they did not intend to adopt the revisions. Bennett said none of them indicated they did not want to adopt the revisions. Squier asked for clarification about option #2 in terms of how altered or revised direction would be provided to the counties. Bennett said that option #2 allows for additional instruction to be given to the counties as more information is available and the counties risk level is minimal until they formally adopt.

Commissioner Palena made a motion to adopt option #2 and Commissioner Jacobsen seconded the motion.

Commissioner Adcock asked for clarification of option #2 and Chair Squier restated the option as follows:

- Staff would transmit as soon as ready, within next three to four weeks.

- Counties would reply in 60 days whether they intend to adopt and would provide their schedule for considering the Revisions to the Management Plan.

- The Commission would be committed to checking back with the counties before they get to any formal action or at any time that significant new information might affect the schedule.

- One of the purposes of option #2, is to reserve the possibility of revising instruction to the counties.

Commissioner Sheehan said this option provides a continuing dialog with the counties as new information is available. A vote was taken and passed unanimously.

Kenn Adcock-aye  
Doug Crow-aye  
Judy Davis-aye  
Jane Jacobsen-aye  
Walt Loehrke-aye  
Joe Palena-aye  
Kathy Sheehan-aye  
Anne Squier-aye  
Wayne Wooster-aye

Commissioner Wooster said countless hours have been spent by County staff and Commissioners, the Tribes, various groups and individual citizens to develop the Revised Management Plan. He said all should share in the recognition of completion of the revised Plan.

## **Directors Report**

### **-Oregon Department of Transportation (ODOT) Agreement**

Bennett provided a brief review of the Oregon Department of Transportation (ODOT) bridge replacement program and a proposed agreement between ODOT and the Commission (see attachment G). She said more than 20 of the bridges scheduled for replacement are in the Scenic Area. Commission staff and ODOT have discussed design issues and ODOT proposes to fund a part-time planner to work for 10 months to expedite the work needed.

Bennett requested the Commission authorize her to sign the Intergovernmental Agreement with ODOT, request Washington general funds to match the Oregon funds and hire a part-time planner.

Commissioner Loehrke asked what the impact these funds have on the budget. Bennett stated that it would not affect the current budget as it would be treated as a grant from Oregon and the Washington funds have already been appropriated. The matching funds from the Washington appropriation would then be accessible to the agency. Commissioner Jacobsen asked whether the amount was sufficient for the proposed scope of work. Bennett said the amount would be sufficient.

Commissioner Wooster asked for clarification as to how staff resources would be used. Bennett said Litt would be assigned to the project and a part-time planner would be hired to complete more routine work.

Commissioner Sheehan made a motion to authorize Bennett to sign the agreement, request Washington to allot matching funds (from un-appropriated status) and hire a part-time planner. Commissioner Crow seconded the motion and a voice vote was taken and passed unanimously.

### **Building Block project-**

Bennett said consultant, Sue Dicile has completed interviews with staff, Commissioners and other agencies. She said an Executive Committee meeting will be scheduled during the week of August 23rd to develop an agenda for the September training.

### **Fire Wise Plans-**

Bennett said staff have reviewed approximately 30 plans and have only found one conflict, which was resolved. She said these plans are funded by Washington grant

program for fire wise planning. She said Skamania County has processed at least the same amount, identified and resolved the few conflicts that were found.

Chair Squier recessed the meeting for a lunch break at 12:10 p.m. and called the meeting to order at 1:25 p.m.

### **Annual Report on Columbia River Gorge Air Quality Work Plan**

Litt provided a brief review of the project and introduced the various agencies involved. He referred to the staff report and the Southwest Washington Clean Air Agency (SWCAA) progress report (see Attachments H1-H2) and recommended the Commission find the Redesigned Technical Study Plan consistent with the Management Plan.

The Southwest Washington Clean Air Agency (SWCAA) and Oregon Department of Environmental Quality (ODEQ) provided a report on implementation of the Air Quality Work Plan approved by the Commission in August 2003. The report included an update on technical work done today, a description of additional work that was funded by a Federal Fiscal Year 2004 appropriation, and the public outreach and decision-making portions of the work plan.

Bob Elliott of SWCAA (see attachment H3-H4) highlighted the project milestones in 2004, including the congressional appropriation of \$422,500. He noted the status of Washington Department of Ecology's involvement had not changed as they withdrew from the project in 2003 due to funding cuts. He said the monitoring study began in winter 2004. He said they are hoping for a congressional appropriation to fund strategy development, which would begin in summer 2007.

Paul Mairose of SWCAA provided a review of the technical aspects of the project and provided a map of the monitoring areas. Commissioner Jacobsen asked whether airport emissions are monitored in Washington. Mairose said measurements are made at ground level but not at flight level. Elliott said jet emissions are not within the jurisdiction of the agencies involved in the project.

Commissioner Sheehan asked how big haze event data would be collected if there are no big haze events. Mairose said they monitor an entire year's worth data, which likely will include a big haze event.

Commissioner Crow asked how the data collection sites were selected and whether these sites can be moved to capture events such as forest fires. Mairose explained how the sites were selected and noted that this data was to create modeling as opposed to gathering data for each specific location. Elliott explained the pros and cons of using fixed and mobile data collection strategies.

David Collier of ODEQ provided a presentation on the public outreach aspects of the project. Chair Squier noted Annette Liebe of ODEQ was also present. Collier said a

third party facilitator, Sam Imperati, was selected to assist in the development of the schedule and content of the public outreach meetings.

Commissioner Crow asked for more details about the facilitator and how he was selected. Sam Imperati provided a summary of his qualifications. Collier also provided details of the selection process.

Commissioner Sheehan said the final modeling report is scheduled to be released in January 2007 but the strategy development starts in summer 2007. She asked why there is a gap in time. Collier said the initial modeling report will be available to the public but it takes some time to get initial ground work done for the strategy development committee.

Chair Squier thanked the agencies for their presentation. As there were no further questions, she acknowledged representatives from the Tribes and asked for their comments.

Rose Lee of the Yakama Nation said based on direction provided at last year's August Commission meeting, the lead agencies were to develop a clear plan for how the data would be used to develop a regional strategy and standards. She said today's presentation now proposes a longer timeline and more data collection which is a concern. She referenced the staff report (see attachment H-1) and commented on items #1, #2, #3 and #5 as follows:

#1. Redesigned Technical Study Plan is not consistent with the Management Plan's air quality provisions or the purposes of the Act as there is no development of an air quality strategy or any connection with an air quality standard.

#2. Agency report in August 2005 is yet another update on their progress in developing a strategy. She recommends an update every 3 months with clear indications of the progress being made, to assist in having an air quality strategy in place "sooner than later".

#3. An addendum to the work plan is due by January 2006. Lee agreed with the elements outlined, such as the structure and process for public involvement but does not agree with the timeline. She said that the project would already take over six years, which goes against the request that the Tribes put forth to the Commission, EPA and the Forest Service to ensure the process is not extended.

#5 Washington State involvement. Lee said she would like to see Washington involved again but the Tribes look to the Commission, EPA and the Forest Service to uphold their trust responsibilities. She said her expectations lay with the Commission, EPA and the Forest Service.

The Tribes have participated by sending letters and attending meetings. Lee said the Tribes remain concerned that an air quality strategy is needed sooner rather than later,

with standards that protect natural and cultural resources. She also said that Tribes need appropriate participation and a role in the decision-making process. She said what has been presented fails to protect or enhance air quality and continues to further defer the process.

Commissioner Crow asked what her ideas were to expedite the process and how the Tribes would be involved. She responded that considerable work to develop a strategy may be done before all the data is collected and a final model is complete. The issue of Tribal involvement can be developed. The Tribes have gone back and forth with their level of involvement in the past and are now prepared to hire a project planner that will have consistent involvement with this project.

Commissioner Jacobsen suggested an ad hoc committee could be developed to meet quarterly or every six months to receive regular updates on the project. Lee said in the past, all meetings have been at the request of the Tribes and when they have not had the resources to push this forward, nothing has been done. She would support an established meeting schedule.

Commissioner Palena said if data collection is not complete, how can they proceed with the project and make progress. Lee said much of the ground work may be done while data collection is occurring.

Chair Squier thanked Lee for her testimony and asked the next Tribal representative for his comments.

Clifford Casseseka of the Yakama Nation said even with the budget constraints of 2003, the project was supposed to move forward with the available data. All the agencies are using funding constraints as an excuse for a slower pace. He said even if the reports are issued quarterly, he is concerned about Tribal involvement. The Scenic Area Act is a federal mandate and Washington State needs to follow the mandate as well. He said it's confusing to understand the relationship between the Commission, the federally mandated law and the individual states. During the past year, studies are going on without any real results or available information, which creates difficulty in making informed decisions. He expressed concern that the advisory committee would be developed later in the project process and those members would not be up to date on the information to make good recommendations.

Chair Squier thanked Casseseka for his testimony and asked the next Tribal representative for his comments.

John Cox, air quality staff for the Confederated Tribes of the Umatilla Indian Reservation said he is a technical staff member and does not speak for the Tribal government. He is concerned that haze is being used as an indicator of air quality because it is a very limited air quality issue. He asked that air quality be evaluated from a holistic point of view as all forms of life are affected by air quality. He said his concerns include: (1) scope of the project is limited, (2) length of the project is getting

longer and (3) progress seems to be getting slower even with additional funding. He suggested a midpoint review is needed to assess whether the final model is going to meet the needs and address the problems at hand.

Commissioner Crow noted the group is giving itself a 30-month timeline to collect the data and create a model and asked his opinion of this timeline. Cox said to create a model, resources such as funding, staff and data need to be evaluated. He said a model could be completed more quickly depending on the resources available.

Chair Squier thanked Cox for his testimony and called for public comment.

Michael Lang of FOCG provided a review of the project's history and noted that a strategy was to be completed in 2004 and an advisory group was to be established. He read from prepared testimony (see attachment 1) outlining FOCG's concern about the project. Commissioner Loehrke said he agrees with Lang's assessment of the situation overall and asked Lang what his suggestions were to get Washington Department of Ecology involved again. Lang said FOCG had worked with Washington staff requesting funding for their involvement in the project.

Kent Norville of Air Sciences Inc. and representing Klickitat County said he has worked with agencies on the technical aspects of the project. He said a very strong data set is needed to understand the issues at hand, especially in the winter months. Commissioner Crow asked if a 30-month time frame is reasonable to create a model or could something meaningful be developed in a shorter amount of time. Norville said developing a model requires a considerable amount of data and preparation. He said he could not comment on the 30-month time frame without a more complete review.

Phyllis Thiemann of Columbia River Gorge Visitors Association (CGRVA) asked whether the Commission or the study group has any input with the Port of Portland and the proposed inter-modal railroad project. Bennett said there is a NEPA document being prepared that would address air quality. She said it's uncertain whether air quality may get better or worse as the cumulative impact may actually improve air quality with fewer trucks driving through the Gorge.

Elliott said the Gorge and the metropolitan areas create some of the most complex terrain in model development.

Chair Squier recessed for a break at 3:20 p.m. and called the meeting back to order at 3:25 p.m. for Commission discussion and deliberation.

Commissioner Davis said her first meeting was one year ago and its discouraging that more details have not been provided, especially in terms of public involvement on the project. Commissioner Sheehan said the technical aspects are progressing well but she is concerned about postponing the strategy development process. She suggested create two scenarios -- one with full funding and one at a lower funding -- to be implemented as the funding issue is resolved.

Commissioner Harkenrider said it is critical that meaningful data is gathered and it may be premature to create a committee before meaningful data is ready. He said we can do a better job, collectively to keep the Tribes involved and up to date. As to the issue of what the Tribal involvement should be in the decision making role, he said both the federal government and the Tribes need to work on this issue.

Commissioner Crow congratulated the agencies for the progress made in data collection. He suggested the Washington Department of Ecology be engaged again and that the facilitator could work to better involve the Tribes.

Chair Squier referenced Mr. Cox's suggestion for a mid-point check and asked the parties to comment on his suggestion. Elliott explained the modeling supported by the current level of funding, will only answer the question of whether air quality will be better or worse in 10 years. The model as currently budgeted will not allow for additional scenarios. Chair Squier asked for clarification that the limitation is the funding for the model not the monitoring data. Elliott said this was correct.

Commissioner Adcock suggested Bennett write a letter to the Governor of Washington to reinstate the Department of Ecology's involvement. He suggested that the Environmental Protection Agency be involved as well.

Commissioner Sheehan moved to adopt the five staff recommendations as outlined with the following changes:

#3 an addition to the specific items in the work plan- include an appropriate role for Tribal participation

#5 an addition- Commission staff to contact the Governor's office to reinstate the involvement of the Washington Department of Ecology.

Commissioner Crow seconded the motion and asked Commissioner Sheehan to consider the addition of a May 2005 interim report. Commissioner Sheehan said she was reluctant to add another report requirement as a report is required in August 2005.

Commissioner Crow noted that the first public meeting in spring 2005 would also be an appropriate time to provide an update. Commissioner Davis said clarification is needed that the Tribes are involved in developing their role in the project. Commissioner Wooster concurred. Commissioner Harkenrider said a starting point would begin with the Forest Service and the state agencies also need to be involved. There being no further discussion a vote was taken and passed unanimously.

Kenn Adcock-aye  
Doug Crow-aye  
Judy Davis-aye  
Walt Loehrke-aye  
Joe Palena-aye  
Kathy Sheehan-aye

Anne Squier-aye  
Wayne Wooster-aye

### **Approve Report and Request for \$30,000 Special Purpose Appropriation to Oregon Legislative Emergency Board**

Bennett provided a brief review of the report (see attachment I). She asked the Commission to authorize staff to submit a report and request to the Emergency Board as directed by the 2003 Oregon Legislature in a Budget Note included in SB 5508-A. The Budget Note directed the Commission to provide a work plan for six work items defined by the Legislature, a substantial part of which was not otherwise part of the Commission's projected work load for the biennium. The Commission was directed to make a report of progress on the work plan and request the remaining \$30,000 in September 2004.

Commissioner Adcock asked for clarification on Budget note item #4 in terms of fee collection for Klickitat County. Bennett said we have the option to explain to Oregon that we can't collect enough fees to warrant the costs involved in this activity but don't have the option not to research the issue.

Commissioner Wooster made a motion to authorize staff to submit the report and a request to the Oregon Legislative Emergency Board and Commissioner Davis seconded. A vote was taken and passed 6 to 1.

Kenn Adcock-no  
Doug Crow-aye  
Judy Davis-aye  
Walt Loehrke-aye  
Joe Palena-aye  
Anne Squier-aye  
Wayne Wooster-aye

### **NSA Manager's Report**

Commissioner Harkenrider announced the Multnomah County amendments have been concurred with by the regional forester. Commissioner Crow asked whether the local fire services are able to access old logging roads and other roadways. Commissioner Harkenrider responded all of the pertinent agencies have plans to access areas and should be aware of which roads are accessible. He said he would follow up on this issue to clear up any misunderstanding.

### **Other Business**

Bennett thanked Commissioner Harkenrider for his assistance with the Multnomah County ordinances. There being no other business, Chair Squier adjourned the meeting at 4:20 p.m.

The next regular meeting is scheduled for 10/12/04 at the Rock Creek Recreation Center in Stevenson, Washington at 9:00 a.m.

The Commission will engage in a training session on 9/10/04 and 9/11/04 at the Menucha Retreat and Conference Center in Corbett, Oregon. The session on 9/10/04 is scheduled to begin at 1:00 p.m.

Minutes taken by Kathy Obayashi-Bartsch  
Minutes approved on October 12, 2004