

# **Columbia River Gorge Commission**

## **Meeting Minutes**

**September 12, 2006**

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

Location: Best Western Columbia River Inn at Bridge of the Gods  
735 WaNaPa Street, Cascade Locks, Oregon

Time: 9:00 a.m.

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

Kenn Adcock  
Doug Crow  
Judy Davis  
Dan Harkenrider  
Walt Loehrke  
Jim Middaugh  
Joyce Reinig  
Honna Sheffield

### ***MEMBERS ABSENT***

Harold Abbe (excused)  
Jeffrey Condit (excused)  
Jane Jacobsen (excused)  
Roberta Kirk (excused)  
Joe Palena(excused)

### ***STAFF PRESENT***

Tom Ascher, Planner  
Jill Arens, Executive Director  
Jennifer Kaden, Planner  
Brian Litt, Senior Planner  
Jeff Litwak, Counsel  
Kathy Obayashi-Bartsch, Administrative Assistant  
Al Wright, Interim Executive Director

### ***AUDIENCE PRESENT***

Baker, Nathan. Friends of the Columbia Gorge (FOCG)  
Barbour, Hillary. Representative Earl Blumenauer  
Bass, Amy. World Affairs Council  
Beamer, Kelley. FOCG  
Benedict. Mike. Hood River County Planning Department  
Berger, Dave. Lyle, Washington  
Breen. David. Port of Portland, Oregon  
Bryan, Peggy. Skamania County Economic Development Commission  
Calkins, Larry. Oregon Department of Environmental Quality (ODEQ)

Cassese, Clifford. Yakama Nation  
Canon, Mike. Klickitat County, Washington  
Cole-Duncan, MaryAnn. City of Stevenson, Washington  
Collier, David. ODEQ  
Corson, Steve. Portland General Electric (PGE)  
Davenport, Jessica. Skamania County Planning  
Elliott, Bob. Southwest Regional Air Quality Agency (SWCAA)  
Flint, Doris and Lewis. Gorge Landowners United Equity (GLUE)  
Foster, Brent. Columbia River Keeper  
Gassman, Dick. City of The Dalles, Oregon  
Gaul, Willard. GLUE  
Ginsberg, Andy. ODEQ  
Gorman-Hayes, Linda. ODEQ  
Gorman, Richard. FOCG  
Graw, Rick. United States Forest Service (USFS)  
Ford, Jeff. Hood River, Oregon  
Hippert, Dona. Oregon Toxics Alliance  
Jewell, Richard. Tidewater  
Krikava, Richard. Senator Gordon Smith  
Leipper, Bob. Troutdale, Oregon  
Mairose, Paul. SWCAA  
Miller, Bobbie. GLUE  
Norville, Kent. Air Sciences Incorporated  
Norton, Dennis. PGE  
Norville, Kent. Air Sciences Incorporated  
Phillips, Page. Representative Brian Baird  
Repar, Mary. Stevenson, Washington  
Ryan, Sue. *The Hood River News*  
Sills, Kelly. Clark County, Washington  
Simione, Angelo. GLUE  
Struck, Don. Klickitat County Commission, Washington  
Swyers, Rita. GLUE  
Till, Richard. FOCG  
Thompson, Geoff. GLUE  
Wooster, Wayne. Klickitat County, Washington

Others were present during the day.

### **Call to Order**

Chair Davis called the meeting to order at 9:00 a.m. and role was called.

### **Election of Officers**

Chair Davis said the first order of business is the election of officers. She said because several Commissioners are absent and a majority from each state is needed to take action on this item, it will be postponed until the October meeting.

### **Public Hearing on Wasco County Ordinance-Historic Buildings**

Chair Davis said the Commission intended to conduct a hearing to determine consistency of amendments to Wasco County's Scenic Area Ordinance with the Management Plan. As several Commissioners are absent and a majority from each state is needed to take action on this item, it will be postponed until the October meeting.

### **Approval of Minutes**

Chair Davis asked the Commission to review and comment on the draft minutes for July 11, 2006. Commissioner Reinig made a motion to adopt the draft minutes and Commissioner Crow seconded the motion. A voice vote was taken and unanimously approved.

Chair Davis asked the Commission to review and comment on the draft minutes for August 2, 2006. Commissioner Reinig made a motion to adopt the draft minutes and Commissioner Adcock seconded the motion. A voice vote was taken and unanimously approved.

### **Introduction of New Executive Director**

Chair Davis introduced Jill Arens as the Commission's new Executive Director. Arens said she was pleased to be in the Gorge and is looking forward to working with everyone.

### **Introduction of New Klickitat County Economic Development Director**

Don Struck, Klickitat County Commission Chair welcomed Jill Arens to the Commission and commended the previous Executive Director, Martha Bennett for her service to the Commission. He introduced Michael Canon as the Economic Development Director for Klickitat County. Mr. Canon said he is looking forward to working with Ms. Arens and the Commission.

### **Public Comment**

Geoff Thompson of the Viewpoint Inn commended the Commission for hiring Ms. Arens and provided an update on the Viewpoint Inn. He said a Multnomah County public hearing is scheduled for October 3<sup>rd</sup> and if approved, he will open the Viewpoint Inn as an inn and restaurant. He said there are 52 exchange of vows ceremonies planned outdoors with no amplification and all reception activities will be conducted inside the facility. He said there is rumored opposition to the outdoor ceremonies and asked for the Commission's support.

Angelo Simione of the Viewpoint Inn said that State Historic Preservation Office visited the facility and approved of the plans to renovate the facility. He asked Commissioner Middaugh to attend the October 3<sup>rd</sup> Multnomah County hearing and provide support of the Viewpoint Inn.

Bob Leipper of Troutdale, Oregon read from prepared testimony (see attachment A) regarding enforcement issues in Multnomah County. Chair Davis asked staff to check these issues.

Rita Swyers said she is the chair of a new organization, Gorge Land Use Equity (GLUE) and said the organization was originally Gorge Landowners United (GLU). She said the principal activity of the group will focus on promoting land use fairness for Gorge landholders and communities (see attachment B1-B2).

Bobbie Miller of GLUE read from prepared testimony (see attachment C1-C2) reviewing the history of property rights groups formed in response to the Scenic Area Act. She also distributed a news article and photos of the Bea House (see attachment C3-C4) to illustrate how previous Commission actions have impacted people residing in the Gorge.

Willard Gaul of GLUE asked for a response to his concern that the Commission has unfairly implemented the rules. Al Wright, Interim Executive Director said he researched the issue regarding Mr. Gaul's properties and did so without staff support to remain as impartial as possible.

Wright said he compared similar properties to the parcels owned by Mr. Gaul in Skamania and Klickitat counties within the Special Management Area (SMA). These parcels were denied development of a single family residence because development is not allowed on parcels within this designation that are less than 40 acres. Wright said he could not find any exceptions made to the rule of allowing a development on less than 40 acres in the same designation.

Wright said he also searched for activities that may have led Mr. Gaul to believe that the rules were unfairly applied. He said there is a parcel of 60 acres in Klickitat County near Mr. Gaul's property and it was approved for development of a home. He said in Skamania County there were several properties with development on less than 40 acres but this was due to structures that existed prior to the Scenic Area Act. He said rebuilding is allowed on these properties and may have been viewed as an unfair or unequal application of the rules.

Commissioner Crow asked how close Mr. Gaul's property is to the boundary of the SMA. Wright said the property in Klickitat County is well within the SMA boundary and while the Skamania County parcel is closer to the boundary, it is not on the edge of the SMA boundary.

Mr. Gaul asked if Chair Davis would resign from the Commission due to past involvement with the Friends of the Gorge as he believes this will not allow her to be impartial. He also provided information about the Friends of the Columbia Gorge (see attachment D).

Mary Repar of Stevenson, Washington read from prepared testimony (see attachment E). She expressed concern over the exchange of land in the Scenic Area, referred to as the Wind River Nursery, potential development of casinos and air quality in the Gorge. Commissioner Harkenrider said he would have to look into the land exchange issue brought forth by Ms. Repar.

Commissioner Reinig said the Commission should remain impartial as issues such as the land exchange may come before the Commission as an appeal.

Kelly Beamer of Friends of the Columbia Gorge provided an update of the proposed Gorge casino including a press packet and a public opinion study addressing the issue of a Gorge casino by Mercury Public Affairs (see attachment F1-F2).

### **Opportunity for Tribal Nations to address Commission**

Louie Pitt of Confederated Tribes of the Warm Springs said the Tribe is working to effect off site treaty rights to fish, gather and graze livestock. He reported on various in-lieu activities and said there are only four tribal treaty groups recognized in the Gorge.

Clifford Casseseka of the Yakama Nation said he is disappointed that the Commission did not consider past Tribal experience when selecting a new Executive Director and that Ms. Arens neglected to mention the Tribes in her first press statement. He said one of the purposes of the Act is the development of economic opportunities in the Scenic Area and the development of a casino affects the economic well being of the Tribes. He said it's important that the Commission and the Executive Director conduct meetings on the reservation as it is difficult for the members of the Tribes to attend Commission meetings in the Gorge.

Chair Davis said the Commission asked candidates in their interviews about their experience working with Tribes. Arens said she apologizes that in her first press interview she did not mention that she is looking forward to working with the Tribes. Commissioner Middaugh said he looks forward to a meeting on the reservation to meet with staff and or Tribal leaders as soon as possible.

### **Economic Development Certification of W06-0137 Crestline Enterprises**

Tom Ascher, Planner said after reviewing the Crestline Enterprises request, he recommends the Gorge Commission certify a \$368,316 National Scenic Area Act loan to Crestline Enterprises (see attachment G). The loan will fund construction of two buildings at the Crestline headquarters in The Dalles, Oregon. The application has been reviewed and approved by the Mid-Columbia Economic Development Department and Oregon Investment Board.

Commissioner Adcock asked about what type of work Crestline Enterprises does. Stephen Schafroth of the Mid-Columbia Economic Development

Department said the company engages in commercial construction projects such as site and infrastructure preparation.

### **Public Testimony**

Geoff Thompson of Corbett, Oregon said he hopes these funds will be used to promote economic growth and development in the Gorge through businesses that operate within the National Scenic Area (NSA).

Commissioner Crow said he believes the economic investment boards' policies should limit funding to businesses that are unable to qualify for conventional business loans, such as start-up businesses. He asked how much funding was available.

Mr. Schafroth said there is at least a million dollars available, not including this loan, and repayments from other loans continue to be collected.

Chair Davis said the matter before the Commission is the certification of the application; whether it meets the standards and purposes of the Scenic Area Act.

Chair Davis said it would be helpful to have a presentation from the economic investment boards for better understanding of the process and criteria used for a reviewing a loan or grant application.

Commissioner Adcock made a motion to certify the loan and Commissioner Sheffield seconded the motion. A voice vote was taken and was unanimously approved with the exception of Commissioner Crow who abstained from voting.

### **Break 10:20-10:35 am**

### **Annual Air Quality Report**

Brian Litt, Senior Planner said before the Commission hears the annual air quality report by representatives of Southwest Clean Air Agency (SWCAA) and Oregon Department of Environmental Quality (ODEQ), a separate study provided by Klickitat County will be presented.

Don Struck, Klickitat County Commission Chair introduced Kent Norville of Air Sciences, Inc. and Wayne Wooster of Klickitat County who summarized the results of a report commissioned by Klickitat County on Gorge air quality trends (see attachment H). Mr. Norville said all the long-term stations with data collected for more than seven years indicate an improving trend in air quality. The short-term stations with data collected from three to seven years indicate a flat trend or an improving trend in air quality.

Bob Elliott of SWCAA with Andy Ginsberg and David Collier of the ODEQ provided their annual progress report on implementation of the Gorge air quality

work plan. They summarized the current status of technical studies and anticipated milestones over the next year (see attachment I1-I2).

Chair Davis thanked the representatives for their reports and asked the Commission for their questions.

Commissioner Sheffield asked Mr. Norville why his study shows a downward trend in particulate matter and yet there is more haze visible in the air. Mr. Norville said that may be an issue of perception but the study of particulate matter supports a downward trend.

Commissioner Crow said he was troubled that the data points were not in the Gorge and asked about the data collection sites. Mr. Norville said there are data points from Wishram, Zion and The Dalles. He said there are long term data sets for Pendleton and Portland but not from other areas that people may be concerned about.

Commissioner Loehrke concurred with Commissioner Sheffield and said there is a cloud of haze that seems to be getting worse rather than better. Mr. Elliott said there is metropolitan haze that is impacting the Gorge.

Commissioner Loehrke asked how the term "pristine" is defined. Mr. Ginsberg said the term "pristine" does not apply to the Gorge due to the development in the area. The term pristine really means natural background conditions and is more appropriate for wilderness areas.

Commissioner Middaugh said he appreciated the Klickitat County study. He said determining the source of the particulate matter needs further analysis. He said while a flat or down ward trend is not bad, it has yet to be determined what such a trend really indicates.

Mr. Elliott said the air quality agencies will be reviewing the Klickitat County report and providing an analysis of the study to the Commission.

### **Public Testimony**

Clifford Casseseka of the Yakama Nation said he has seen drastic changes in the air quality during his lifetime in the Gorge. He expressed concern about the effect of air quality on other resources, such as soil and water which impacts all other forms of life. He said the ground work needs to begin as continued data collection is not saving the rock art or other resources affected by air quality. He said rather than depending on human assumptions and reports, people should look at the effects on natural resources and cultural resources.

Bob Leipper of Troutdale, Oregon said he concurs with Commissioners Sheffield and Loehrke. He believes a contributor of the air quality problem is open air burning, particularly illegal open air burning. He thanked Klickitat County for

hosting the air quality study and expressed concern that the most populated and well funded county, Multnomah County is not participating more actively.

Bobbie Miller of The Dalles, Oregon said she has addressed the Commission before about the air quality and the study. She said the Commission should not be involved in this issue but each affected county should be involved as air quality policies directly affect the economy of the counties.

Brent Foster of the Columbia River Keeper said he concurs with the perception that the air quality is deteriorating and expressed concern about the impact on human health. He said he does not agree with the message that there is no reason to be concerned and no reason for people to change the way they do business. He urged the Commission to do more to improve air quality in the Gorge.

Ellen Grover, representative of the Confederated Tribes of the Warm Springs said the Tribe is very concerned about environmental quality in the Gorge and their ability to exercise their Tribal treaty rights. She said the proposed casino is going through the National Environmental Protection Agency (NEPA) process and the draft Environmental Impact Statement (EIS) is in process. She said the Tribe feels very strongly that the casino project is performed in an environmentally sound manner.

Nathan Baker of FOCG expressed concern that the Klickitat County study and report was only made available at today's meeting and whether the report was peer reviewed. He said the state air quality agencies adopted some of the findings from the Klickitat County study but believes the study needs further review before adopting these findings.

Angelo Simione of Corbett, Oregon said he supports the collaborative approach outlined in the annual progress report. He suggested groups coordinate carpooling and/or bike riding for hikes and recreational pursuits in the Gorge.

Geoff Thompson of Corbett, Oregon said everyone has a responsibility to promote clean air through personal choices and practices.

John Cox, representative of the Confederated Tribes of the Umatilla Indian Reservation said the Tribes would like the air quality projects and plans expedited. He urged the Commission to maintain a balanced approach between natural resources and economic development.

Kevin Gorman of FOCG said the group has been promoting car pooling for many of their events, such as hikes and Sternwheeler cruises. He said the air quality study is showing that communities to the east and west of the Gorge are affecting air quality in the Gorge. He said while voluntary efforts to reduce emissions are ideal, regulatory action may be needed as well. He said the

Commission's predecessors did not have regulatory capacity and it was determined that this was not effective.

Kent Norville of Air Sciences Incorporated said the report was prepared in early August and as a courtesy the report was held for presentation to the Gorge Commission but was shared with the air quality agencies prior to today's meeting. The report was not shared with the media prior to the meeting. The information is available to the public.

Mary Repar of Stevenson, Washington said it's important to monitor air quality in communities within the Gorge, such as Stevenson, White Salmon and Hood River and that pollution affects the health of humans and wildlife.

Dave Berger, Gorge resident said he is concerned about the findings in the Klickitat County study. He expressed his concern that Klickitat County funded their own study rather than engaging in a collaborative approach with other agencies. He concurred with the testimony of others expressing concern with haze in the Gorge and the effect of air quality on natural resources.

**Lunch at 12:45 p.m.**

#### **Management Plan Text Update**

Jennifer Kaden, Planner and Virginia Kelly, Forest Service provided an update on the Plan Amendment to consolidate the original Management Plan and 2004 *Revisions to the Management Plan* and to make minor text changes. The consolidation of the two documents also includes removing outdated non-regulatory language, removing outdated or obsolete tables, restructuring or relocating several chapters, correcting oversights, and making other minor changes to bring the entire document up to date (see attachment J).

Commissioner Loehrke said several charts and tables such as natural endangered wildlife lists are useful to the public and asked if this information would be available to the public.

Kaden said Commission staff would print out any tables or reference materials for applicants as needed.

Jeff Litwak, Counsel said the tables in the Management Plan are from 1991 and in order to update the tables, this requires a Plan Amendment. He said by taking the tables out of the Management Plan document, the agency fulfills the policy without requiring a Plan Amendment to update this information.

Commissioner Loehrke asked whether the counties would have to update their ordinances and whether the costs for the counties were calculated.

Kaden said the counties would have to adopt a new ordinance and the costs have not been calculated.

### **Management Plan Amendments Update**

Brian Litt, Senior Planner updated the Commission on the status of five plan amendment applications that are currently pending (see attachment K). He said the Commission adopted two categories of plan amendments, quasi-judicial and legislative amendments.

Commissioner Loehrke asked if there will be any information about the proposed urban boundary revision for Hood River. Kaden said there has been no development or timeline released by the City of Hood River. Litt said Hood River County has expressed concern about the impact from changing parcel size from ten acres to two acres.

Commissioner Middaugh said he understands the plan amendments will take Commission resources and hopes the Indicators Project will not be delayed as these amendments are processed.

### **20th Anniversary Event**

Chair Davis provided an update of the ideas generated by the ad-hoc committee to recognize the anniversary of the Scenic Area Act (see attachment L). She said more participants are welcome and the next meeting is scheduled for September 25th.

Commissioner Reinig said funding also must be considered when planning these activities.

Commissioner Adcock suggested the event be postponed to celebrate a 25<sup>th</sup> anniversary as it would conserve funds and could provide good interest in the next Plan Review.

Commissioner Harkenrider said he believes the 20<sup>th</sup> anniversary is a good way for the Commission to look forward and can be used as a launching point for the Indicators Project.

Commissioner Loehrke, Sheffield and Crow indicated their support of some sort of inexpensive celebration with a focus on the future that would provide a good launching point for the Indicator's Project.

### **Director's Report**

Jill Arens, Executive Director said the final budget request has been submitted to both Oregon and Washington and urged the Commission to contact the Governor's office and their legislators in support of the Commission's budget request.

Litwak provided a brief update on legal issues. He said FOCG and several residents filed an appeal of the Multnomah County ordinance and the historic buildings ordinance. He said the brief has not yet been received and he will keep the Commission updated.

Commissioner Crow expressed concern that the Sandy River tree cutting issue was not brought before the Commission. He said this is the sort of issue that a briefing would be very helpful. He also expressed concern regarding a vineyard in the Dalles Mountain Ranch area with regard to landscape settings. Litt said in the past the Commission considered landscape settings from the perspective of new development and not agricultural use, such as a vineyard.

Commissioner Reinig said the Sandy River issue was discussed at a Commission meeting by Commissioner Harkenrider. Commissioner Adcock said he believes a vineyard is a beautiful landscape setting and appropriate in the Gorge. Commissioner Reinig concurred and said the mix of agriculture and open grassland can be seen along the river in areas like Maryhill, Washington with orchards near the river and grasslands above.

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

Commissioner Harkenrider said Mike Ferris, Public Affairs Officer accepted a new position with the National Incident Management Agency and a farewell event will be scheduled in the next month. He recognized Mr. Ferris's outstanding service to the area and said he will be greatly missed.

Commissioner Harkenrider said the Troutdale Airport and related Sandy River tree cutting was discussed at a Commission meeting. He said there was a series of unfortunate events that delayed implementation, so that it became more of a crisis. He said the Scenic Area was portrayed negatively in an editorial by the media and that was regrettable.

Commissioner Harkenrider said Senators Wyden and Smith have proposed a new wilderness proposal, called the Gorge Ridgeline. The bill does include land exchange with Cascade Locks and will be deliberated in Congress.

Commissioner Harkenrider said there was a plan to improve sections of the Klickitat Rails to Trails. A grant request was submitted to the Washington Interagency for Outdoor Recreation but did not receive funding. The USFS will continue to work with Washington State Parks to seek funding for this project.

Commissioner Harkenrider said the USFS has completed the 8.(o) acquisition for this year and he is hoping for at least a half million to one million in next year's appropriation.

**Other Business**

Commissioner Middaugh asked for a presentation from the Oregon Investment Board outlining their policies and practices. He also asked staff to draft a letter from the Commission to the Governors expressing support of the air quality budget request.

Commissioner Adcock asked about revising the Commission by-laws. He suggested a selection of the chair could occur in January rather than July. He also suggested that the Commission consider making the chair a revolving position.

Litwak said these items were recently discussed and a schedule to update the by-laws is being reviewed. He said the Commission may want additional information from other interstate compact agencies regarding a revolving chair position.

**Adjourn**

Chair Davis adjourned the meeting at 3:15 p.m.

The next regular meeting is scheduled for 10/10/06 at Rock Creek Recreation Center in Stevenson, Washington.

Minutes taken by Kathy Obayashi-Bartsch

Minutes approved on 10-10-06