

Columbia River Gorge Commission
Meeting Minutes
October 10, 2006

A complete record of this meeting is available on audiotape

Location: 710 SW Rock Creek Drive, Stevenson, Washington

Time: 1:00 p.m.

MEMBERS IN ATTENDANCE

Harold Abbe

Kenn Adcock

Jeffrey Condit

Doug Crow (1:12 pm)

Judy Davis

Dan Harkenrider

Jane Jacobsen (1:30 pm)

Walt Loehrke

Jim Middaugh

Joe Palena

Honna Sheffield

MEMBERS ABSENT

Joyce Reinig (excused)

Roberta Kirk (excused)

STAFF PRESENT

Tom Ascher, Planner

Jill Arens, Executive Director

Jennifer Kaden, Planner

Jeff Litwak, Counsel

Kathy Obayashi-Bartsch, Administrative Assistant

AUDIENCE PRESENT

Cornett, Todd. Wasco County Planning

Curtis, Lee. Oregon Investment Board (OIB)

Elwood-Hawk, Rebecca. Yakama Nation

Flint, Doris and Lewis. Gorge Landowners United Equity (GLUE)

Hollatz, Nicole. Skamania County Planning Department

Lang, Michael. Friends of the Columbia Gorge (FOCG)

Leipper, Bob. Multnomah County resident

Miller, Bobbie. GLUE

Nicolai, Tom. Portland, OR

Pearce, Paul. Skamania County Commission

Remington, Amanda. Mid-Columbia Economic Development Department

Ryan, Sue. *The Hood River News*

Silver, Joan. OIB

Swyers, Rita. GLUE
Thiemann, Phyllis. Columbia River Gorge Visitors Association (CRGVA)
Others were present during the day

Call to Order

Chair Davis called the meeting to order at 1:07 p.m. and role was called.

Approval of Minutes – September 12, 2006

Chair Davis asked the Commission to review and comment on the draft minutes.
Commissioner Adcock asked for a grammatical correction on page 10.

Commissioner Middaugh made a motion to adopt the draft minutes with the correction as follows: “Commissioner Adcock suggested the event **be** postponed to celebrate a 25th anniversary as it would conserve funds and could provide good interest in the next Plan Review.” Commissioner Palena seconded the motion. A voice vote was taken and unanimously approved.

Public Comment

Chair Davis said the Commission could not hear testimony regarding the Multnomah County decision on the Viewpoint Inn as it may be appealed to the Commission.

Bob Leipper of Troutdale, Oregon read from prepared testimony summarizing problems with enforcement in Multnomah County (see attachment A). He said the Commission and staff have not taken proper action to consistently enforce the rules of the National Scenic Area and Management Plan. He said, “in accordance with section 15(b)(2) of the Scenic Area Act, I have the right to commence a civil action to compel compliance with the Act against the Commission and Multnomah County and intend to do so.”

Commissioner Adcock said the staff have not followed through on the issues Mr. Leipper has raised. He said the previous Executive Director believed the Commission should not become involved in county issues and he does not agree with this position.

Bobbie Miller of The Dalles, Oregon referred to past testimony of Mr. Willard Gaul and said the Commission should consider his experience with the Commission and the impact of their decisions on individuals.

Michael Lang of Friends of the Columbia Gorge (FOCG) expressed concern regarding the proposed casino in the Scenic Area. He said FOCG completed a feasibility study about the option to develop a casino east of Hood River. He provided a press release about the study and an Executive Summary from the study (see attachment B1-B2). He said the study confirms that it is virtually impossible to develop a casino on the property east of Hood River.

Mr. Lang said FOCG has nearly completed their buildable lands study which will provide data about new subdivisions in the Scenic Area, outside of the urban areas.

Commissioner Adcock asked why Mr. Lang has brought information about the proposed casino to the Commission. He said Mr. Lang is aware that the Commission cannot comment on the issue or prescribe what the Tribes can or cannot do. Mr. Lang said in the past the Commission commented on fee to transfer issues to the Bureau of Indian Affairs and the Forest Service has jurisdiction over the Scenic Area.

Commissioner Loehrke asked how the buildable lands survey was developed and if FOCG would share this information with other agencies, such as Skamania County. Mr. Lang said the parcel information came from county, Forest Service and Commission records. He said FOCG will meet with Commission staff to discuss the survey and believes this information is more complete than the Commission's GIS data. Mr. Lang said the survey will be shared with all interested parties.

Opportunity for Tribal Nations to address Commission

Louie Pitt Jr. of the Confederated Tribes of the Warm Springs said Commissioner Kirk will be submitting her resignation due to family issues. He said the Tribe is speaking with the Governor's office to replace Commissioner Kirk. He said due to the short tenure of Commissioner Kirk's appointment, they hope the Governor will appoint another candidate from the Warm Springs Tribe.

Mr. Pitt said there has been significant vandalism at an in-lieu access site (see attachment C) which is very disturbing. This particular site is not in the Gorge. He said many of the in-lieu sites are shared and the Tribe is very concerned with protecting its Tribal Treaty rights.

Mr. Pitt said he welcomes the opportunity of a workshop on treaties and Tribal treaty rights with the Commission. He thanked the Commission for the opportunity to address the Commission.

Commissioner Crow said it's unfortunate that Ms. Kirk is unable to complete her term and offered to discuss the Commission with any prospective candidates. Chair Davis concurred with Commissioner Crow and said any of the Commissioners will discuss the Commission with potential candidates.

Rebecca Hawk Elwood of the Yakama Nation said the Affiliated Tribes of Northwest Indians adopted a resolution addressing air quality in the Gorge. She said the resolution has passed to a national level that will eventually proceed to Congress. She said the resolution calls for air quality in the Columbia River basin to become a priority through sufficient funding for air quality work and will hold major polluters accountable for their actions. She said the Yakama Nation responded to the Commission's request to develop communication and

consultation procedures in a letter was sent to the Commission in July. She said a key contact person is Mathew Tomaskin.

Election of Officers

Chair Davis said the election of officers for the upcoming year is the next order of business. In order for a motion to carry it is necessary that a majority from each state approve the motion. She passed the gavel to Vice-Chair Condit.

Commissioner Middaugh nominated Judy Davis as Chair and Commissioner Palena seconded the motion. The motion carried with 8 ayes (4 from Oregon and 4 from Washington) and 2 nos.

Harold Abbe (WA)-aye
Kenn Adcock (WA)-no
Jeffrey Condit (OR)-aye
Doug Crow (OR)-aye
Judy Davis (OR)-aye
Jane Jacobsen (WA)-aye
Walt Loehrke (WA)-no
Jim Middaugh (OR)-aye
Joe Palena (WA)-aye
Honna Sheffield (WA)-aye

Chair Davis asked for nominations for Commission Vice-Chair. Commissioner Middaugh nominated Jeff Condit for Vice-Chair and Commissioner Abbe seconded the nomination. The motion carried unanimously.

Harold Abbe (WA)-aye
Kenn Adcock (WA)-aye
Jeffrey Condit (OR)-aye
Doug Crow (OR)-aye
Judy Davis (OR)-aye
Jane Jacobsen (WA)-aye
Walt Loehrke (WA)-aye
Jim Middaugh (OR)-aye
Joe Palena (WA)-aye
Honna Sheffield (WA)-aye

Discussion of By-Laws Update

Jeff Litwak, Counsel said he is working to develop a process to update the by-laws with the Rules Committee Chair, Commissioner Reining. He said the Rules Committee will take the lead on the project and may consider involving the Executive Committee and additional professional assistance to develop a recommendation. He said the earliest that the full Commission may receive a recommendation will be in December. He said another issue to consider is

whether counties or the Governor's offices will be involved as Commissioners are appointed by Gorge counties or the Governors of Oregon and Washington.

Commissioner Adcock referred to article 9, addressing amendment by-laws. He said it's a simple process to amend the by-laws. He suggested the election of officers take place at the beginning of the year rather than in July and Commissioner attendance requirements are needed. He said there is reference to the Committees in the bylaws but the Committee names were changed and should be updated.

Commissioner Middaugh said he would like a list of the issues that Litwak has compiled, and short explanations. Several Commissioners agreed that this would be helpful. Litwak said he has compiled a list of items raised by the Commissioners and the public in the past, and would send it to commissioners for comments. He said additional public input is welcome.

Public Hearing on Wasco County Ordinance-Historic Buildings

Jennifer Kaden, Planner provided a summary (see attachment D) of the amendments to Wasco County's Scenic Area Ordinance that incorporate provisions of the Historic Buildings Plan Amendment (PA-05-02).

The Gorge Commission held a hearing to determine consistency of amendments to Wasco County's Scenic Area Ordinance with the Management Plan.

Public Comment

Bobbie Miller asked whether Wasco County's ordinance is a verbatim copy of Multnomah County's ordinance. Kaden said Wasco County developed its own ordinance.

Commissioner Abbe asked why no buildings are listed in the report. Kaden said Wasco County reviewed the list of buildings provided in the Gorge Commission's report, developed by Donovan and Associates.

Commissioner Adcock said he will abstain from voting on this item as he is opposed to the manner in which it was introduced and included in the work plan.

Commissioner Loehrke said the language addressing public service criteria is not in the Scenic Area Act. Kaden said Wasco County's public service criteria are part of the county's conditional review process.

Commissioner Crow made a motion to find the ordinance consistent with the Management Plan as detailed in the revised staff report dated September 27, 2006. Commissioner Jacobsen seconded. A vote was taken and the motion carried with 9 ayes and 1 abstention.

Harold Abbe-aye
Kenn Adcock-abstain
Jeffrey Condit-aye
Doug Crow-aye
Judy Davis-aye
Jane Jacobsen-aye
Walt Loehrke-aye
Jim Middaugh-aye
Joe Palena-aye
Honna Sheffield-aye

Litwak said the order will be ready for the Chair's signature at the conclusion of today's meeting.

Break 2:10-2:15 pm

Invasive Plants Environmental Impact Study (EIS)

Robin Dobson, Botanist/Ecologist for the United States Forest Service provided a presentation on the Forest Service's environmental impact statements underway to treat invasive plants on national forest lands in the National Scenic Area (NSA) and in the Mount Hood and Gifford Pinchot National Forests. Mr. Dobson's primary focus is the national forest lands in the NSA (see attachment E).

Commissioner Adcock asked him to define 'invasive species.' Mr. Dobson said an invasive species is very aggressive and will take over an entire area. Examples of invasive plants are Himalayan Blackberry, Yellow Star Thistle or English Ivy.

Commissioner Adcock asked if grazing of cattle is an effective control measure. Mr. Dobson said most invasive plants are not grasses and cattle feed on grasses. He said the grazing of goats is used because they will feed on woody stemmed plants. Grazing is just one step in an integrated management system.

Commissioner Adcock asked what is being done to work with other agencies and private landholders. Mr. Dobson said there is a new group being developed that will use a collaborative approach to coordinate the efforts of private landowners, federal, state and county agencies.

Commissioners Crow and Harkenrider said this is important work as it protects the natural resources of the area and the collaboration of agencies and private landowners is critical.

The Commission thanked Mr. Dobson for the presentation.

Break 2:55-3:15 p.m.

Director's Report

Jill Arens, Executive Director said Mr. Leipper addressed the Commission at the last meeting regarding Multnomah County decision T206005. She said there is an appeal hearing on Friday so the Commission may not comment on this item at this time.

Litwak provided a litigation update as follows:

-The Oregon Court of Appeals will hear the Commission's Measure 37 case on December 7th.

-The briefs and the records for the Plan Review lawsuit will be submitted on November 20th. A hearing date will be announced.

-An appeal was filed by the Friends of the Columbia Gorge and In Defense of Animals versus Hood River County. It concerns a letter written by Hood River County stating the release of mountain goats on non-federal lands does not require a Scenic Area review. This is a precautionary appeal and Commissioners should abstain from comment on this issue.

-The Burlington Northern Santa Fe (BNSF) settlement is being finalized. Commissioner Jacobsen asked about the working relationship with BNSF and Litwak said it was a positive experience working with Phil Bender and others representing BNSF.

Arens congratulated the Columbia Gorge Discovery Center on their accreditation from the American Association of Museums. There are only 4% of museums that are accredited.

Arens said she continues to meet with various stakeholders and will be meeting with Mike Carrier, Natural Resources Policy Advisor in Oregon and fiscal officers in Oregon and Washington about the budget for the next biennium. She said a meeting is scheduled with the Warm Springs and a tentative meeting scheduled with Clifford Casseseka of the Yakama Nation. Arens said she seeks input on issues or topics for meetings and is very interested in accommodating any requests. Lastly, all the Gorge Counties have adopted ordinances consistent with the Management Plan revisions.

NSA Manager's Report

Commissioner Harkenrider said the Forest Service continues its collaboration efforts to reduce wildfire fuel. The Rowena project was completed this summer so field work may begin this Fall. A decision on the upper Catherine Creek area was made and this is the third project of its kind. A public meeting was held to discuss development of a management plan for the Coyote Wall area.

Commissioner Harkenrider said the Forest Service is working with the Confluence Project and Oregon Department of Transportation to address parking

issues at the Sandy River Delta. The tree cutting in the area related to the airport is complete.

Commissioner Harkenrider said it's unfortunate that vandalism occurs as attested to by Mr. Pitt's testimony and photos. He said Forest Service fee boxes were broken into and there have been car break-ins in the past at trail heads. He said trail improvements will occur this Fall at the Klickitat Rails to Trails site.

Update from the Oregon Investment Board

Chair Davis introduced Lee Curtis, Executive Director of the Mid-Columbia Economic Development District (MCEDD) and staff to the Oregon Investment Board (OIB). She provided an update (see attachment F1-F2) on the OIB's economic development strategies and the status of their loan and grant fund.

Commissioner Adcock asked what happens to the funds collected from interest on the loans. Ms. Curtis said the interest pays for administration costs and any excess is used in the loan program.

Chair Davis asked for examples of success stories. Ms. Curtis said while many of the infrastructure projects are not glamorous, these projects have a significant impact on businesses in the area. She indicated that some of the business activities in The Dalles may have been significantly influenced by the "shovel ready" sites at the Port and other infrastructure improvements. She cited examples of small businesses that have been successful and referred to the OIB's Annual Report (see attachment F3).

Commissioner Adcock said counties that have not adopted their own Scenic Area land use ordinance cannot apply for these funds and Ms. Curtis concurred.

The Commission thanked Ms. Curtis for the presentation and Chair Davis said an update from the Washington Investment Board will be scheduled.

Other Business

Commissioner Condit said having a seminar on Tribal treaties would be helpful. Commissioner Middaugh asked for a Tribal Committee meeting with an opportunity to review the letter that the Yakama Nations sent to the Commission.

Adjourn

Chair Davis adjourned the meeting at 4:00 p.m.

The next regular meeting is scheduled for 11/14/06 at the Hood River Best Western Inn in Hood River, Oregon.

Minutes taken by Kathy Obayashi-Bartsch
Minutes approved on November 14, 2006