

COLUMBIA RIVER GORGE COMMISSION
Meeting Minutes
December 10, 2002
Rock Creek Recreation Center. Stevenson, Washington

MEMBERS IN ATTENDANCE

Kenn Adcock	Doug Crow
Don Dunn	Michael Farrow
Jane Jacobsen	Walt Loehrke
Joe Palena	Joyce Reinig
Dave Robertson (11:45)	Kathy Sheehan
Anne Squier	Kim Titus
Wayne Wooster	

STAFF PRESENT

Martha Bennett	Keith Fredrickson
Allen Bell	Brian Litt
Jeffrey Litwak	Bob McIntyre
Gary Pagenstecher	

AUDIENCE PRESENT

Casseseka, Clifford. Yakama Nation. Toppenish, Washington
Davis, Judy. League of Women Voters. The Dalles, Oregon
Heath, Norma. Confederated Tribes of the Warm Springs
Huntington, Robin. The Dalles, Oregon
Johnson, Patrick. Skamania County Planning Department. Stevenson, Washington
Kalama, Viola. Confederated Tribes of the Warm Springs
Lemons, Nancy. The Dalles Chronicle. The Dalles, Oregon
McInturff, Madeline. Confederated Tribes of the Warm Springs
Miller, Bobbie. Columbia Gorge United. The Dalles, Oregon
Swyers, Rita. Property Rights Advocates. Hood River, Oregon
Thiemann, Phyllis. Columbia River Gorge Visitors Association. Corbett, Oregon.
Wanemuka, Emily. Confederated Tribes of the Warm Springs
Wilkins, Maxine. Portland, Oregon

The meeting began at 10:30 a.m. Chair Squier announced that Commissioner Robertson and Executive Director Martha Bennett would arrive later, as they were attending a Legislative Oversight Committee meeting in Salem, Oregon.

EXECUTIVE SESSION

Chair Squier announced that the Commission would be going into executive session to review the Cultural Resources Probability map. There were no members of the press present for the meeting. Executive session began at 10:35 a.m. The Commission returned to regular session at 11:20 a.m. There were no decisions made, and no deliberations.

APPROVAL OF MINUTES

The Commission reviewed the minutes of November 12, 2002. No changes were suggested. Commissioner Sheehan moved to adopt the minutes as written. Commissioner Palena seconded. All Commissioners voted to approve the minutes by voice vote.

PRESENTATION ON CULTURAL RESOURCES PROBABILITY MAP

Chair Squier stated that the probability strategy and map contain information on the location of cultural resources and, therefore, the presentation would be general because information regarding cultural resources is confidential.

Allen Bell, Senior Planner introduced himself and Michael Boynton, lead archeologist for the Forest Service National Scenic Area. Mr. Bell said the probability map would be a key part of the Development Review process. It will be used to help determine when a cultural resource reconnaissance survey is needed for proposed development. The Management Plan requires a survey for many types of development, and sometimes a survey of a site may not be necessary. With impending budget cuts, resources must be managed as efficiently as possible, and the map will assist in this process by identifying areas that have little chance of containing a cultural resource. He stated that the Forest Service provides these surveys to landowners at no cost, except to developers of large-scale projects, who must hire their own archeologist to do the survey. Mr. Bell then explained when a survey is not required, when surveys are required in low probability areas, exceptions, and the policy as stated in the Management Plan.

Mr. Bell explained that the strategy addresses Policy 6.A(6) in the Management Plan. It also contains information and recommends standards that the Forest Service plans to use to manage cultural resources on federal lands in the Scenic Area. Thus, the strategy contains information and standards that do not pertain to Policy 6.A(6) or the Commission's responsibilities. He said that the Commission will only consider adopting the strategy and map as a means to fully implement Policy 6.A(6). Its action will not affect federal lands or change the GMA guidelines in the Management Plan for archaeological surveys, evaluations of significance or other measures to protect cultural resources.

Mr. Bell explained that the probability map is based on surveys conducted by Mr. Boynton and other archaeologists over the past 15 years. Several thousand surveys have been performed, and the information collected was compiled to create the map. Bell then described the timeline and process for creating the map. He noted that representatives from the four tribes and two state historic preservation offices had more than 10 months to comment on draft versions of the strategy and map.

Mr. Bell said that representatives from the Confederated Tribes of the Warm Springs Reservation and the Oregon State Historic Preservation Office had submitted additional comments on the final draft strategy within the past three days. He said staff reviewed and responded to the comments, and had drafted appropriate responsive changes to the final draft strategy.

Mr. Boynton talked about the technical aspects of the map and strategy. He said the map was based on actual site surveys, and not random sampling. The map is divided into areas of "high" and "low" probability. All areas that might possibly contain archeological resources are in areas considered "high". If there is virtually no chance of presence of a resource, or if the resources would be impossible to discover, then the area is rated "low" probability. He said the strategy was submitted to other archeologists for peer review, and the map was not developed until the strategy had been reviewed. He said comments were received from some of the tribes and both of the state historic preservation offices. He then summarized the classification codes and presented a generalized cultural probability map. He stated that urban areas are not shown, as they are exempt.

Commissioner Sheehan asked about the approximate percentage breakout between "high" and "low". Mr. Boynton responded that the map contains approximately 1/3 high probability and 2/3 low probability. Commissioner Adcock thanked Mr. Boynton, and asked if the comments by the state historic preservation offices were included in the document. Mr. Bell stated that the recommended changes were presented in the two memos dated December 9, 2002, and would be recommended for inclusion in the final strategy. Commissioner Reinig thanked Mr. Boynton for his years of work, stating that his work was sometimes hotly debated, and he took a lot of flack, yet has remained thorough and professional. She expressed appreciation for his work, thanked him and wished him well in his new position. Commissioner Crow said he was impressed with the map and its detail, and asked for clarification on the human remains policy. Mr. Bell said the Management Plan contains standards for treating human remains and the probability map does not affect these standards.

PUBLIC COMMENT

Public comment was then taken on the staff's request for the Gorge Commission to adopt the probability map. Chair Squier stated that this map attempts to deal with a resource problem, but there are no limitations on the ability to make changes to the map in the future, and the map does not preclude further surveys in low probability areas.

Chair Squier read a letter submitted by Louis Pitt of the Warm Springs Tribe, supporting adoption of the probability map. (Please see attachment A).

Clifford Casseseka of the Yakama Nation stated that he believed the Commission should not adopt the map because many of the low probability areas have not been fully surveyed. He stated that the tribes have each been given money to survey areas that were inundated when Bonneville Dam was created. He stated that the tribes have found archeological resource material that had not been previously known. He expressed displeasure that only one tribal member was allowed to participate in the executive session (note: only Gorge Commissioners and staff attended the Executive Session. While one Gorge Commissioner is a member of the Umatilla Tribes, that member serves as an Oregon Governor appointee and not as a tribal representative). Casseseka said all tribes should have an opportunity to look at those maps. He stated he is grateful for the help of the scientists, but they cannot accurately interpret prior indigenous people, and he believes all must work together to protect resources.

Commissioner Crow suggested the Commission allow a 60-day comment period to allow staff to work with the tribes in comparing the map to their known information. Mr. Casseseka replied that all four tribes need to work with the scientists.

Madeline MacInturff, of the Confederated Tribes of the Warm Springs, said she does not agree with many things she hears, and she does not agree with the archeologists doing what they do. The Gorge is the home of her ancestors, and she does not like that many of their remains have been removed or disturbed. She said things were put where they are for a reason. She said this is a scenic area, and doesn't understand why new homes are being built.

Emily Wahenika, of the Confederated Tribes of the Warm Springs, said she agrees fully with all that was said by Mr. Casseseka, and stated that all four tribes should be notified of these meetings. Commissioner Squier said if there was a problem with the Commission's current notice to the Warm Springs Tribes not being passed on to the appropriate cultural resource committee representative she apologizes, and would be glad to arrange for an additional direct notice to that person. Ms. Wahenika said Sally Berg should have been in attendance.

Chair Squier asked for clarification from Mr. Bell about the river area and the pools. He said the map does not include inundated land. Mr. Boynton said he does not remember any area on the map along the river that does not have high probability. All areas within 200 feet from the river are considered high probability. Commissioner Farrow stated that all four tribes have divided up areas along the river for exploration of cultural resources, and many of the areas will not be surveyable until the dams collapse, and by then they will be covered in much debris.

Commissioner Dunn moved to adopt the map and strategy, including the recommended changes presented in the two memos from staff dated December 9, 2002. Commission Reinig seconded.

Commissioner Farrow said he understands the points made by the elders, but believes to not adopt this map only puts more archeological resources at risk for inadvertent discovery, and he supports the adoption of the map, although it is not perfect.

Commissioner Robertson arrived at this point in the meeting.

Commissioner Crow said he did not oppose the map and respects how important it is to the tribes, and reiterated his suggestion of a 60-day time period for the staff to redouble their efforts at working with the tribes. Commissioner Dunn disagreed, stating that the map is a necessary first step, and the map can be changed at any time.

The Commissioners voted as follows:

Crow—No	Adcock—Yes	Wooster--Yes
Sheehan—Yes	Robertson--Abstain	Reinig—Yes
Palena—Yes	Loehrke—Yes	Jacobsen--Yes
Farrow—Yes	Dunn—Yes	Squier—Yes

The motion to adopt the map passed, 10 yes, 1 no and 1 abstention.

Chair Squier stated that she would like to work with staff to have a letter that describes in very clear detail how this map fits with the other parts of the Management Plan, and have this sent to the tribes. She said also it is past time to find a way to convene everyone together (tribes and others) to talk about the process to be used when there is additional information, and she will pursue that personally.

GORGE LANDOWNER SURVEY BY BOBBIE MILLER AND RITA SWYERS

Bobbie Miller began by stating that she initiated this survey to gather information about the concerns of property owners in the Gorge. She said many property owners are very concerned about things that have happened to them as a result of the Scenic Area Act.

Rita Swyers introduced herself, and provided some background about the survey. Ms. Swyers then read a report of the survey (Attachment B)

Commissioner Dunn expressed appreciation, and stated that he is also a Gorge landowner. He said the Commission has no control over many of the issues expressed, including whether or not board is elected or appointed. He said there are three entities: the law, the Management Plan and the Commission. He asked them to please make a distinction between the Management Plan and the Commission. The Commissioners are volunteers, and are all good people who are trying to do their best, and he is proud of the people on the Commission, and to be one of their neighbors.

Swyers said the Commission should express sensitivity to undo some of the things that have been done. She would like to see the Gorge Commission say these things should not have happened and make them right.

Commissioner Reinig stated that she appreciated the report. She stated that Hood River County was very committed to letting all landowners know about the Scenic Area Act and its implications. She said the current Commission is a very committed and well meaning group of people, and they cannot undo the past. The Executive Director is very committed to making things work better. The agency is currently under budgetary pressure. She said she hopes people will begin to work together and stop fighting.

Commissioner Jacobsen said she loves the Gorge, and said all groups need to find a way to work together and move forward toward the future. Commissioner Adcock thanked them and said the return on the survey at 4% was better than average. He stated also that he had expressed to present and previous chairpersons and previous Executive Director to have a future meeting where landowners could express their

feelings and tell stories about how they have been hurt by staff decisions involving the Management Plan and Scenic Act. This might have precluded the legislative oversight hearings, and he urged all property owners to attend the Scenic Committee meetings.

Commissioner Palena stated that he would be interested in seeing how many responses came from Gorge Reality members. Miller stated that the survey was sent to all landowners.

Chair Squier noted that the title of the survey pointed to a select group (those who believe their property rights have been violated). Squier also pointed out that the Commission rules create a specific process through which individuals can make their case if they believe regulation under the Act has gone too far, eliminating all economic or beneficial use of the property. Additionally, there is the public comment period at each meeting where anyone can approach the Commission on any issue. The perception exists that the Commission is always in court, but in reality a very high percentage of issues are resolved before getting to that stage.

Commissioner Robertson thanked the two for their thoughts and comments. He pointed out that the Commission has done a number of things that are in direct benefit to property owners, stating that it is not fair to say that the Commission has not tried to achieve balance. Specifically, he pointed to three different decisions that were recently made by the Commission. All of these decisions set precedent for future decisions that will benefit the property owner. The Commission has also removed language regarding possible Class 1 Airshed designation from the Management Plan.

Miller stated that she intends to continue to work with the legislators, and that the Forest Service buyout is affecting the counties. Chair Squier said the responses will be sorted and further information may be needed. She said she appreciates the sharing of the detail. Ms. Swyers thanked the Commission, and said she appreciates their responsiveness.

UPDATE ON PLAN REVIEW

Bennett stated that many things are nearing completion, and will be brought to the Commission for consideration soon. She reviewed the current status, stating that Land Use is approximately 40% complete, Scenic 75%, Natural Resources 90%. She said the overall project is about six to twelve months behind schedule. She said the most challenging issues would be coming to the Commission in the first five months of 2003. She reviewed the timeline and meeting content for upcoming meetings. Land Use and Agriculture issues will be dealt with at the February meeting. Land Use issues, part two, will be considered in March, and the Commission will receive the staff recommendation. At the March 25th meeting the Commission will consider Scenic Resource issues and receive the report of the Scenic Resources Committee and review all recommendations. On April 8 the Commission will hold a public hearing, deliberate and adopt. On April 22nd a public hearing will be held on Scenic Resource issues. On May 13 the Commission will adopt Scenic Resource issues and scope additional Land Use issues. At the June meeting the Commission will scope recreation issues.

Bennett then reviewed potential "after plan review" work such as the monitoring program, updating resource inventories, updating the recreation development plan, creating a visual subordination handbook and developing highway corridor plans.

Commissioner Reinig said she would like the Commission to make a commitment to the staff to stay on target and show some action. It is important to stop hashing over minor issues and spend the time on the bigger issues. Chair Squier noted that some of the hardest issues faced by the Scenic Resources Committee have been among the quickest to resolve. Commissioner Reinig stated that the planners do have expertise and the Commission needs to utilize it when they identify an issue.

Commissioner Reinig stated that it would be good to make a record of opportunities the Commission makes available for the public to come and talk, which the Commission has been very dedicated to doing.

AIR QUALITY UPDATE

Martha Bennett provided an update on air quality. She said a significant amount of money has been made available by the federal government for this project. The amount will be between \$500,000 and \$750,000 depending on a final Congressional Committee. However, in response to Governor Locke's request for cuts, the Department of Ecology has proposed to cut all visibility work in the state, including the Gorge. Bennett will be working with other stakeholders to ensure that phase I of the work plan stays on track.

NSA MANAGER REPORT

Kim Titus stated that the planning and land acquisition programs are not fully funded for '03. Dan Harkenrider will return for the January meeting. There will be a meeting on the 12th regarding the Klickitat Rails-to-Trails program.

The State Parks and Recreation Programs for Oregon and Washington met with the Forest Service to discuss the possibility of having just one park pass for the Gorge. There was discussion of having a reciprocal agreement among all agencies. Washington State is not open to that yet as they have not been collecting fees long enough to know what the budgetary impact would be. Oregon Parks and Forest Service will continue working towards a joint pass for the Oregon side of the Scenic Area.

Commissioner Wooster asked about a decision to burn on Burdoin Mountain, and when that would occur. Titus replied that this would be late fall of next year. Commissioner Crow said there would be a fire hazard due to drying. Titus stated that crews would do some clearing before then, and that she was hopeful that much of the cleared timber and fuel would be removed prior to the burn.

Commissioner Crow asked if it would be possible to get a land appraisal for some land adjacent to Willard Gaul's property. Titus stated that it would, but that he would have to utilize the Freedom of Information Act. Commissioner Palena asked about the Rails-to-Trails project, and the difficulty in getting landowners to participate. Titus replied that

Washington State has control of the land, and is trying to decide whether to turn it over to the Rail Conservancy. She stated that the Forest Service has offered to manage part of it, but is interested specifically in the first 11 miles. Commissioner Adcock stated that part of the problem is that nobody knows where the property is located, due to prior flooding, and that Washington Parks needs to come up with a survey.

DIRECTOR'S REPORT

Martha Bennett stated that there is a slide show script for an emerging speakers bureau program. She asked the Commissioners to try the presentation and provide feedback, and requested names of organizations that might be interested in a presentation.

Bennett told the Commissioners that they all received copies of the recently revised rules, and those should be put in their administrative rule binders to replace the old versions.

Bennett said the Oregon revenue forecast is down another 110 million dollars. The agency has been notified that it will face another \$8,300 reduction this year. There is no more surplus on the Oregon side, and Washington will likely match this reduction.

Michael Huston of the Oregon Attorney General's office retired as of the end of November. Chair Squier said he was involved in legal issues from the early days of the Gorge Act, including work on drafting the Compacts and will not be replaced easily.

Martha Bennett provided an update on the Legislative Oversight Committee. She said the Committee is trying to be more of a partner with the Commission. She said many recommendations have been put on the agency to which it has no jurisdiction. Martha said the comments, overall, were encouraging.

Jeff Litwak discussed a decision from the Superior Court regarding a revision of the Stevenson Urban Area Boundary, which was upheld. The Court deferred to the expertise of the Commission in land use planning matters.

OTHER BUSINESS

There was no other business

EXECUTIVE SESSION

Chair Squier announced that the Commission would be going into Executive Session under Commission rule 350-11-006 1(g) to talk about matters of pending litigation, and rule 350-11-006 1(d) to talk about matters of real property transactions. Executive Session began at 3:45 p.m. The Commission went back to regular session at 4:30 p.m.

ADJOURN

The meeting adjourned at 4:30 p.m.

Notes taken by Bob McIntyre

Date minutes adopted by Commission: February 11, 2003.

THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON



P.O. Box C, Warm Springs, Oregon 97761

December 10, 2002

Ann Squier, Chairman
Columbia River Gorge commission
P. O. Box 730
White Salmon, Washington 98672

Dear Ann and Commissioners:

I understand that the Probability Map is to be adopted showing areas that have a low probability of containing archaeological artifacts. The map also has a strategy that would further saving time and less expenditure of diminishing appropriations.

Limited focus, technical assistance (real people on the ground), lack of funds have pushed us to this point. I realize this situation dictates focusing on what we can do to protect what will be the highest jeopardy to cultural resources. The approval of the map will formalize what has to be done anyway at this time.

I would concur with the technical statements about the probability map and strategy, and support our comments from Program Manager Sally Bird. Existing laws with processes have to be honored, especially the Gorge management plan.

The Gorge Commission knows of my push for protection of our off-reservation treaty rights and other rights reserved in our treaties. Cultural resources have been an area that has little focus by all concerned, except a few dedicated individuals. The call for support for more technical assistance where it would be effective to protect resources in the Gorge has not been heard.

The acceptance of the probability map maybe necessary under the present situation, we must encourage on-going discussion on cultural resource protection strategies, get more leadership involvement (especially the tribes), and keep pushing to protect the finite cultural resources of our beloved Gorge.

With respect,

Lewis E. Pitt, Jr.
Lewis E. Pitt, Jr.
Director
Government Affairs
And Planning

ATTACHMENT A

SURVEY OF RESIDENTS OF THE GORGE SCENIC AREA FOR FUTURE GENERATIONS

This survey was conducted by Property Rights Advocates made up of three organizations. They are Columbia Gorge United represented by Bobbie Miller, Gorge Reality, Inc. represented by Janis Sauter and Oregonians in Action represented by Rita Swyers.

The purpose of the survey is to create a record of property rights violations by the Gorge Commission (GC).

Our reason for the survey is to learn if there are serious property rights violations in the gorge resulting from the National Scenic Act, which is managed by the GC.

We began by getting a mailing list for these residents and were surprised that one did not exist. We find it somewhat curious that the residents were not considered more important in the whole implementation process. At the very least, these people should have been informed about changes in the land use regulations on their property; especially those who owned property prior to the passage of the Act in 1986. We went to the six individual counties for our lists.

We raised private funds to cover the cost of the survey. All work was done by volunteers. We mailed approximately 5500 surveys. We did not get a big return. We believe the reasons are:

1. People hate to fill out forms
2. We put a deadline date on the form so when it expired, they may have believed it was too late.
3. They may have been uncomfortable if they did not know the sponsors of the survey.
4. Some have given up hope that our government will be responsive to the rights of it's citizens and
5. Some people feared retribution should they ever want to do anything with their property.

265 Letters were returned due to incorrect addresses.

235 Surveys were returned completed.

218 Surveys were victims of property rights violations.

3 Surveys reported their land values increased.

14 Surveys strongly support the Act. 7 of those do not live in the Scenic Area.

A few more surveys have come in and are not included in the above record.

Most respondents said we could use their information and encouraged us to do so. A few expressed reluctance and even fear. We sincerely hope you will not scoff at this idea because it is very real. **It is a sad thing when U. S. citizens fear their government.**

**SURVEY OF RESIDENTS OF THE GORGE SCENIC AREA
FOR FUTURE GENERATIONS**

QUESTIONS WE WERE ASKED

- 1 **Why all women?** We had the help of many good men.
- 2 **Why such a biased survey?** To create a standardized written record of property rights violations.
- 3 **Why don't you get a life?** We all have one. Thank you.

We prepared a draft report and presented it to the Oregon Legislative Oversight Committee on October 14, 2002. The report included quotes from the surveys and recommendations for change. Copies were given to the Committee. A copy was sent to the GC so it would be available to you at this time. At that meeting, Chairman Senator Ted Ferrioli requested copies of the surveys be sent to the GC, which we did.

We are not opposed to the Scenic Act and believe it could have been implemented without violating property rights.

Why do we give such importance to property rights? Because property rights are a vital part of the Constitutions of the United States and the states of Oregon and Washington. These rights are what make us a free nation. These rights are the basis of our free society. If we allow government to constantly encroach upon these rights, we will lose our precious freedoms. **We believe our freedoms are more important than protection of a plant, an animal or a view.** So, to preserve the beauty of the Gorge, it is important to respect the constitutional rights of the residents. The GC has failed to do that. This must change.

We are aware that the structure of the GC is not your responsibility but it would be helpful if you requested a change. What we have here is "government by committee". With the best of intentions, it would be difficult to answer to Congress, Two states and Six Counties. It is important that we place the ultimate authority of the GC with **elected public officials**. We believe the Counties are most appropriate because they are closest to the people. We did note that GC members, who represent counties, submitted a minority report in 1991.

We know that when we speak of the GC, we are talking about **some good and responsible people** and perhaps only a few with an agenda of their own. We know the positions have changed over the years. Perhaps some of you in present positions believe the GC has been out of line and you are committed to correct that in the future. **That would be a great change but it is not enough. The crimes of the GC are now in your court and you are the ones that must correct the atrocities.** Yes, this is strong language. We strongly believe you are the people that must put this law straight and respect the American citizens that have been violated.

While many of the residents have lost their rights, others have made money on this law. When property is sold, it is often sold to the Trust for Public Lands (TPL) and then it is purchased by the Forest Service. The TPL makes a significant profit on these

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transactions which can happen in a matter of minutes. We believe this profit belongs to the resident that sold the property.

In our research, we find there is an incestuous relationship among the GC, the Friends of the Gorge (FOG) and the TPL. FOG lobbied for the law. FOG members have become GC members and TPL members. Residents who have lost their rights find this very troubling. These residents have been burdened with tremendous added cost to building or repairing their homes due to the need for planners, attorneys, more expensive building materials and required plantings. Also, costs have been added due to the GC "changing its mind" after a project is approved and is being built.

Friends of the Gorge (FOG) are a self-imposed entity. Most of the FOG members do not live in the Gorge. Eastern Foundations heavily fund their activities. Our surveys indicate the FOG are a major problem. Many residents believe FOG have far too much influence on the GC and the states of Oregon and Washington.

At the time of the resident's purchase or when the property was inherited, land in the Scenic area had more lenient regulations than the GC allows. Yet there was no notification of this change to the residents. Most respondents had their land prior to the Act, which passed in 1986. Those that acquired their land after 1986 were less offended by the rules of the GC although they believe the house colors, roof colors and planting requirements are too rigid. They also believe that the FOG have too much influence on the GC.

Many residents reported that the GC staff are arrogant, their response is not timely and their rules are not consistent. A church wanted to purchase property for a school and a church. The GC made them wait a year before they denied the request. Why should it take so long if it is based on known policy?

One of the criticisms of our survey was that we did not have a question dealing with emotional trauma. Some of these people were quite creative and wrote at length about the heartbreak and even illness, the GC has caused their families.

This is a quote from one survey: "We lost it all. There was financial loss but the loss of dignity was worse. Our solution was to get away from the playground bullies. We are small, weak and poor. We could not fight. They were mentally, economically and most of all, emotionally beating us too death. So we did what the bullies wanted. In order to save our marriage and sleep at night, we sold to them. It took us a long time, a lot of money and a lot of heartache, but we finally learned. These people have all the cards. We were slow learners."

We have prepared the following recommendations to correct the property rights violations of the past:

SURVEY OF RESIDENTS OF THE GORGE SCENIC AREA FOR FUTURE GENERATIONS

Views

- 1 The viewable area of the Act **must** be from the original intent of the Act, viewable from the river, I-84 and Hwy 14.
- 2 Viewing areas must not interrupt local county and/or port endeavors or industrial functions.
- 3 Visibility of a home must not be criteria for placement of a home. This issue can be modified with color.
- 4 Establish a chart of allowable colors for homes and roofs and allow residents to make their selection from that chart.
- 5 Planting requirements must be modified to allow a view. Planting requirements must be financially reimbursed. Plantings must not interfere with home or farm functions.

Taxes and Money

- 1 Where the Act restricted development of property, the resident must be allowed to build one home. Taxes must be adjusted due to loss of rights to develop. This loss of revenue must be reimbursed to the counties.
- 2 Where residents have spent their savings on attorneys to protect their rights, residents must be reimbursed for that loss.
- 3 Government must purchase acres made useless; to cut taxes if the resident wishes.
- 4 All financial adjustments must come from federal dollars. Counties cannot absorb these costs. The Scenic Act will benefit the whole country. The counties and residents cannot make all of the financial sacrifices.
- 5, All money paid for property must go to the resident and not to a middle Organization.

Agriculture

1. Land that is zoned "agricultural" must be appropriate for farming. The \$40,000 gross annual income criteria is unrealistic. Such residents must be allowed to build a home on their property.

Other Issues

- 1 GC must not interfere with house plans.

**SURVEY OF RESIDENTS OF THE GORGE SCENIC AREA
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2. Modifications or expansion of existing residences should not have to go through a lengthy process. We had someone denied the ability to add a couple of bedrooms to their house as their family was growing.

Ombudsman

1. Provide an ombudsman for the residents of the Gorge who has no ties to the GC, GC staff or FOG.
2. Hire an independent, investigative panel to review property rights violations.

Wipe the slate clean

People that have subverted the law need to be held accountable for their actions.

It may be well to return the Scenic Act to Congress for reconsideration, going through the customary hearing process, or find some other way to initiate local control of the Act. Local control means the members of the GC are elected by the affected residents of the Gorge. **The county elected public officials must govern the GC and receive adequate funding for doing so.**

The Gorge Commission is a body of appointed members that is responsible for the actions of GC staff. Therefore, **you are the people who can make this law work. We recommend that you call a halt to all activities at the present time,** giving necessary consideration to residents in mid-projects at the present time. **Do a thorough investigation of the allegations of the residents and do everything possible to correct their grievances.** Monitor the influence of the FOG. If it is not appropriate, you are the people that can correct that connection. **If you don't do this, you are viewed as good people being used to allow them to achieve their "hidden" goals.** Do not allow the FOG attorneys to gang up on residents attorneys to win their cases. We know that some GC members are closely linked to FOG. It should be an easy decision for GC members to support our Constitutions in preference to the special interests of the FOG. The decision may be easy while implementation will be difficult but **that is your responsibility.**

We will not settle for doing better in the future. You must go back and correct prior violations. As you do, others will surface and that is as it should be. Your mission is to preserve the beauty of the gorge. It is not to run people out of the gorge. We are fighting for future generations of American citizens. If this slows your process, so be it. You could even work on economic development and help create jobs that will not destroy our beautiful area. Challenge your skills in this area and you will become a friend of the residents.

**SURVEY OF RESIDENTS OF THE GORGE SCENIC AREA
FOR FUTURE GENERATIONS**

To date, the GC has failed miserably. It has pitted neighbor against neighbor, friend against friend and family against family. We beg you to hear our report and take the necessary action to make the appropriate corrections. We are convinced that most freedom loving Americans would agree with our recommendations--even those that fully support the Scenic Act. If we allow this to happen to our neighbors in the Gorge, there will be nothing to prevent it from happening to each and every one of us. Remember, our forefathers gave their wealth and their lives that we might be a free people. It is our duty to be constantly vigilant and protect those freedoms.

We may need to make additional recommendations to this report. We have not had adequate time to communicate with the residents, but this is certainly a good start. **We pray you will NOT say, "these represent so few residents that it is not significant. Every single U.S. citizen deserves justice. 218 require urgent action.**

We know we can preserve the beauty of the gorge, respect the rights of the residents and protect our freedoms. Let us begin. We will anticipate a written response to this document in a reasonable time, not to exceed one month.

**Property Rights Advocates
2000 Eastside Road
Hood River, OR 97031
Fax 541-386-7244**

Bobbie Miller _____
541-296-5286

Janis Sauter _____
509-365-4350

Rita Swyers _____
541-386-4961