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# COLUMBIA RIVER GORGE COMMISSION

## Meeting Minutes

March 12, 2002

Best Western Inn, Hood River Oregon

### *COMMISSIONERS IN ATTENDANCE*

Kenn Adcock	Doug Crow
Don Dunn	Michael Farrow
Dan Harkenrider	Walt Loehrke
Joe Palena	Dave Robertson
Kathy Sheehan	Wayne Wooster
Anne Squier	

### *COMMISSIONERS EXCUSED*

Jane Jacobsen

### *COMMISSIONERS ABSENT*

Joyce Reinig

### *STAFF IN ATTENDANCE*

Martha Bennett, Executive Director  
Jeffrey Litwak, Counsel  
Bob McIntyre, Administrative Assistant

### *AUDIENCE IN ATTENDANCE*

Curtis, Lee. MCEDD

Hall, Priscilla.

Jervey, Gay. Mosier, Oregon

Lang, Michael. Friends of the Columbia Gorge. Portland, Oregon

Newton, Tiffany. Friends of the Columbia Gorge. Hood River, Oregon

Pitt, Louie. Confederated Tribes of the Warm Springs.

Sauter, David. Klickitat County, Washington

Sims, Pat. Portland, Oregon

Thiemann, Phyllis. Brickhaven. Corbett, Oregon

Wilkins, Maxine. Portland, Oregon

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Winchel, MacKenzie. Mosier, Oregon

*ROLL CALL*

The meeting began at 9:15 a.m. Roll was called.

*PUBLIC COMMENT*

No member of the public signed up to speak to the Commission.

*ADMINISTRATIVE RULES*

Jeffrey Litwak, agency counsel, presented a report about potential changes that may be needed in the Commission's administrative rules. He stated he recommends that the Commission make changes to its administrative rules where necessary to reflect changes in state law. Litwak stated that he audited all of the administrative rules, and provided a list of suggested changes to the rules for the commissioners. He said that he is not asking the commission to make decisions at this point, but rather changes will be forwarded to the Rules Committee for their review. The Rules Committee will then make recommendations to the full Commission.

Litwak provided examples of rules that will need changing. He discussed administrative procedures, and said the commission might wish to adopt rules dealing with declaratory rulings. He urged the Commissioners to look over his list of proposed changes, and contact him with comments, questions or suggestions.

*ECONOMIC DEVELOPMENT CERTIFICATION REQUESTS*

Gary Pagenstecher introduced three economic grant certification requests. He stated these had been reviewed and deemed consistent with the Scenic Act. (see attachments A, B and C).

Tiffany Newton, Friends of the Gorge, expressed support for the Sand Hill grant under the Skamania County micro loan fund, and expressed support for the application by Skamania County.

Commissioner Wooster moved that all three of the certification requests be approved. Commission Adcock seconded this. The Commissioners voted unanimously to certify all three requests by voice vote.

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### *DIRECTOR'S REPORT*

Martha Bennett provided the Director's Report. She stated that a federal appropriations request had been sent to the Oregon and Washington Congressional delegation, and thanked the Commissioners who assisted her for their help.

Bennett stated that the letter to FERC as directed by the Commission at a previous meeting had gone out. FERC's comment period expires on March 25.

Bennett noted that the chair had also sent a request to all six Gorge counties and to the tribes asking them to delegate representatives to participate in Plan Review.

### *NSA MANAGER'S REPORT*

Commissioner Harkenrider stated that the Forest Service has completed a draft of the consistency determination of Condit Dam, and he will be presenting the findings to the Regional Forester. He said he is trying to get on the agenda at the FERC public meeting on March 13 to discuss the Forest Service's role in the process.

Harkenrider said the Advisory Committee for Air Quality has been put together and will meet to discuss fund raising.

### *PRESENTATION ON PLAN REVIEW, NATURAL RESOURCES CHAPTER*

Gary Pagenstecher, Planner, and Robin Dobson, Forest Service, discussed the Natural Resources portion of Plan Review. Pagenstecher said this project is expected to last about four months, and requested the Commission confirm the scope and process for the Natural Resources Review.

Pagenstecher then outlined the Management Plan provisions on Natural Resources. He displayed a list of natural resource inventories, including wetlands, stream ponds, lakes, and riparian areas, wildlife habitat areas, wildlife sites, and rare plant species.

Pagenstecher provided a diagram of the natural resources review processes for the GMA and SMA areas. He explained the GMA process, and Robin Dobson explained the SMA process. Commissioner Sheehan inquired about county involvement in the process. Dobson explained that the county involvement comes before the beginning of either of these processes.

Commissioner Farrow asked if there are places set aside for fire regimes. Dobson replied that would be up to whoever is managing the particular land base,

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and he is not sure how that would be included in the Management Plan. He stated that the topic of fire is not likely to be discussed until other issues, such as air quality, are solved.

Pagenstecher stated that between 1992 and 2001 about 51% of development proposals were located close to a natural resource. Only 8% of the total approvals were in buffer zones. Pagenstecher then reviewed the proposed scope:

- Clarify the SMA site plan/application and review process for natural resources;
- Simplify GMA and SMA resource protection and mitigation plans;
- Consider expedited review of proposed developments.

Pagenstecher and Dobson reviewed various "cleanup" tasks, and differentiated the processes for proposed process issues and cleanup tasks.

Public comment was then taken.

Louie Pitt talked about wetlands and their importance. He said we do not have the skill to create a man-made wetland that functions as well as a natural wetland. He underscored their importance to young fish. He said he is worried about the balance between natural resources and development. He said flexibility is important in the plan.

Michael Lang reviewed comments made by Friends of the Gorge at a previous meeting. He said the scope presented does not include those comments raised previously by Friends of the Gorge and other members of the public. He said it makes sense to allow updates to incorporate listings of threatened and endangered species as they change. He said Friends of the Gorge supports larger buffer zones.

Lang then discussed cumulative impacts, and he believes that the test of the Management Plan is how well it is or is not protecting the resources or addressing cumulative impacts.

The Commission then discussed the issue. Commissioner Palena, concerning wetlands, stated that there are some things that can be done by man to improve the land, and not everything man does is wrong. Commissioner Robertson asked if there are any restoration incentives in the Plan. Dobson said there is some encouraging language.

Chair Squier noted that several of the issues raised in this discussion pertain to the enhancement section of the Management Plan. She added that Plan Review

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does not really have an issue related to enhancements. She asked Martha Bennett to schedule a discussion of the enhancement section of the plan at a future meeting.

Chair Squier asked Bennett about the size of buffer zones, and if there is anything in the scope about this. Bennett stated that if the Commission wished to add that, it would need to specifically do so. Commissioner Harkenrider stated that there is science behind why buffer zones are the size they are, and to change things would require a great deal of work.

Commissioner Dunn moved to accept the recommendations as presented by staff. Commissioner Wooster seconded this. Commissioner Robertson offered an amendment to the motion to include a fifth item regarding state and federal stream buffer regulations. Commissioner Wooster seconded this.

The Commissioners discussed this, and Chair Squier called for a vote on whether to accept the amendment to the motion. A vote was taken, and the Commissioners voted as follows:

Palena—Yes	Loehrke—Yes
Farrow—Yes	Dunn-No
Crow—Yes	Adcock—Yes
Wooster—Abstained	Sheehan—Yes
Robertson—Yes	Squier—Yes

The motion to amend the motion passed, eight yes, one no and one abstention.

The Commissioners then turned to the full motion, which now read: to adopt the written recommendations presented by staff, with one amendment: to include a fifth category (under natural resource laws) “state and federal stream buffer regulations”.

A vote was taken, and the Commissioners voted as follows:

Palena—Yes	Loehrke—Yes
Farrow—Yes	Dunn-Yes
Crow—Yes	Adcock—Yes
Wooster—Yes	Sheehan—Yes
Robertson—Yes	Squier—Yes

The motion passed unanimously.

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### *UPDATE ON THE MOSIER WATERFRONT PROJECT*

Gay Jervey of Mosier presented an update on the Mosier waterfront project to the Commission. She said the project was approved by the Gorge Commission in 2001, and was supported by the Columbia Gorge Recreation Coalition. The primary purpose of the project is to enhance recreation uses and wildlife habitat. She introduced MacKenzie Winchel, an Americorp volunteer, who is a landscape architect, and a volunteer, and is working on the property. She thanked many of her partners in the project who have been extremely helpful.

She said all planning grants have been closed out. Construction documents are complete and await review by the Steering Committee. She stated that funding matches are considerable.

She then went over some dates: March 30 is the April Fool celebration, April 20 is the youth service day, April 21<sup>st</sup> is Earth Day and May 18 is the statewide SOLV cleanup effort.

She presented a map used at the beginning of the waterfront project, and reviewed some of the tasks that have been completed thus far. She then detailed some of the other donations that have been made, and discussed the Wildflower café, and its contribution to the local economy.

### *PREPARATION FOR LEGISLATIVE OVERSIGHT*

Martha Bennett discussed budget issues. The agency budget was reduced in Oregon by \$13,619, and both houses in Washington have made similar cuts. Funding to Washington counties for implementation of the Scenic Area Act, was cut early in the process. She urged the Commission to continue to work with Washington legislators to restore funding for the counties.

Chair Squier noted that in looking at the agency historical budget, it is clear that the agency budget has not kept pace with inflation. Bennett stated that the current cuts will not result in layoffs, but there will be other impacts, such as a slowdown of plan review. She stated that some expenses are uncontrollable, and she stated that further discussions might be necessary regarding the budget. Both states are facing enormous revenue shortfalls, and although the agency has suffered modest cuts to this point, if further cuts are made it will be important to look at all programs. It would not make sense to maintain several under funded programs at the expense of accomplishing highest priority functions.

Commissioner Wooster stated that he is not sure what we can do, given the current state of things. Martha stated that it is estimated that it would take about \$125,000 per year to take on the Skamania County workload, if that was necessary.

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Bennett then discussed the oversight committee, stating that the purpose of this committee is to establish what jurisdiction the state legislature has over the Commission, and to determine what the states committed themselves to when they signed the compact. They are going to examine general operation, the Commission, the Act, the Compact and working relationships with the counties.

Commissioner Palena asked if it would be appropriate for the county commissioners to send letters if they cannot attend. Bennett encouraged that. She stated that generally, the Act is working, and she cited some development statistics, and said the Act is unique because it is trying to preserve land with different patterns of ownership. In Oregon, the land use record of accomplishment is very similar to other Oregon counties, with similar rates of appeals.

Commission Crow believes that this is an important point. Critics are critical of land use planning in general. Commission Farrow stated that a lot of people in his area do work for the six counties and the National Forest, and he believes the need to stress that the planning is not just done for the counties, it is done in a national interest. Commissioner Harkenrider stated that he would be present at the meeting to express those national interests.

#### *OTHER BUSINESS*

Chair Squier emphasized the impending due date for Oregon and Washington Commissioner financial disclosure forms.

Commissioner Sheehan mentioned that the next six county coalition meeting was on March 15, 2002 and all commissioners are invited. She added that she would appreciate knowing which other Commissioners wanted to attend to avoid a quorum.

Commissioner Wooster gave a brief overview of the material that was presented in a recent public meeting presented by the Washington Department of Transportation on the replacement options of the Hood River Bridge.

#### *ADJOURNMENT*

The meeting adjourned at 2:37 p.m.

Notes taken by Bob McIntyre

Date minutes approved by Commission:

**DIRECTOR'S REPORT**

**TO:** Columbia River Gorge Commission

**FROM:** Martha Bennett, Executive Director  
Gary Pagenstecher, Planner

**DATE:** December 31, 2001

**SUBJECT:** Economic Development Loan Request: -- FILE NO: S01-0077

**APPLICANT:** Rolf and Astrid Diek/Wind Mountain Resort

**BACKGROUND:**

Section 11(c)(1) of the Columbia River Gorge National Scenic Area Act (P.L. 99-663), and Commission Rule 350-120, require the Commission to certify that all activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Act, the Management Plan, and a land use ordinance adopted pursuant to the Act. Commission Rule 350-120-030 requires the Commission's Executive Director to prepare a report and recommendation on each certification request received by the Commission. This is the Executive Director's Report for certification request S01-0077. The request will be heard at the January 22, 2002 Commission meeting at the Rock Creek Center in Stevenson, Washington.

**PROJECT DESCRIPTION:**

Rolf and Astrid Diek are requesting a \$30,000 National Scenic Area economic development loan under the Skamania County Micro Loan Fund (The Micro Loan Fund was established in 1994 under a Scenic Area economic development grant to the Skamania County Economic Development Council). The loan would be used to complete construction of the small Wind Mountain Resort located on the north side of State Route 14 just west of Wind Mountain Road in the Home Valley Urban Area. The Resort currently includes a two-story 3,326 square foot building, which houses a gift shop, mini-mart, and three unfinished lodging rooms. The project would complete the interiors of the unfinished lodging rooms, and develop four recreational vehicle (RV) campsites on two adjoining parcels.

The Skamania County Economic Development Council's Micro Loan Fund Committee approved the subject loan request at its December 17, 2001 meeting.

ATTACHMENT A

## **CRITERIA FOR CERTIFICATION:**

### CONSISTENCY WITH THE PURPOSES OF THE NATIONAL SCENIC AREA ACT

The purposes of the Act are to: 1) protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and 2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

The proposed Wind Mountain Resort improvements would occur completely within the Home Valley Urban Area. The subject parcel is zoned Community Commercial. The loan would fund the completion of interior spaces of the existing resort building and construction of four RV campsites including gravel roads and utilities. Staff consulted with the Skamania County Planning office and found that the applicants received a building permit for construction of the resort building and that the four RV sites proposed for two adjoining parcels are allowed (two per parcel) in the Community Commercial zone without permits.

Finishing the room interiors of the existing building and development of the RV campsites as proposed would not adversely affect scenic resources. Mike Boynton, Archeologist with the US Forest Service NSA, reviewed the Columbia Gorge Cultural Resource Site Inventory Map and found no cultural resources identified within the project area. A review of the Gorge Commission's natural resource inventories showed no sensitive plant or wildlife resources within 1,000 feet of the project area, and no water resources on, or in the vicinity of, the subject parcels. There are no recreation resources adjacent to the subject parcel.

The subject loan would support the Gorge economy by funding tourist and recreation development activities within an existing urban area in a manner consistent with the protection of scenic, cultural, recreational, and natural resources.

Section 11(c)(2) of the Scenic Area Act states that economic development funds may not be used to relocate a business from one community to another. Section 11(c)(3) of the Scenic Area Act states that economic development funds are not to be used for program administration. The subject loan request is consistent with these sections of the Scenic Area Act.

Section 11(c)(4) of the Scenic Area Act states that economic development funds are to be used "only in counties which have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary." The proposed loan would be used in Skamania County, which has in effect ordinances found consistent by the Commission and concurred on by the Secretary.

**Conclusion:** The subject loan is consistent with the purposes and the provisions of Section 11(c) of the Scenic Area Act.

### CONSISTENCY WITH THE MANAGEMENT PLAN

The subject Loan will be used in the Home Valley Urban Area, and therefore is not subject to Management Plan land use and resource protection guidelines.

Management Plan economic development policies (Management Plan, Economic Development, Goals, pg. III-53 - III-54) support the strategies in the *Economic Development Plan 1999 Update*, written by the two states. Within the *1999 Update* the *Washington Economic Vitality Plan* includes five strategies. Strategy 1: Business Development and Retention, focuses on maintaining and developing new job and business opportunities. Strategy 2: Tourism and Retail Development, focuses on strengthening the region's ability to capture visitor and local retail dollars. The subject loan would be used for activities consistent with these strategies.

**Conclusion:** The subject loan is consistent with applicable provisions of the Management Plan.

#### CONSISTENCY WITH LAND USE ORDINANCES

The subject loan will be used for activities in the Home Valley Urban Area, and therefore is not subject to Scenic Area land use review.

#### **RECOMMENDATION:**

The subject loan request, S01-0077, from Rolf and Astrid Diek, is recommended for certification.



**MEMORANDUM**

**TO:** Gorge Commissioners

**FROM:** Martha Bennett, Executive Director  
Brian Litt, Senior Planner

**SUBJECT:** Description of Scenic Resources Working Group Proposal for Plan Review

**DATE:** January 18, 2002

**ACTION REQUESTED:**

Commission staff is requesting that the Commission approve the next steps to establish a scenic resources working group for plan review.

**WHAT IS THE SCENIC RESOURCES WORKING GROUP?:**

The scenic resources working group would consist of approximately 16 individuals working together to develop recommendations for revising scenic resources provisions of the Management Plan. The group would include representatives of key implementing agencies and a cross-section of citizens. They would bring a combination of lay, technical and political perspectives to the table.

**WHAT WOULD THE WORKING GROUP'S CHARGE BE?:**

The working group's charge would be to review the issue white papers and policy options; provide feedback on the options; and develop recommendations for revisions to the plan's scenic resource policies that:

- 1) are consistent with the Scenic Area Act;
- 2) are based on the scope of scenic resource plan review issues adopted by the Commission; and
- 3) make the plan easier for citizens and applicants to use and understand.

**WHY A WORKING GROUP?:**

Staff recommends a working group because: 1) the scenic issues will require people to "come up to speed" and we can take advantage of the expertise the group develops; 2) we will need the type of creative thinking that can be generated when people with different perspectives share their ideas about an issue.

ATTACHMENT B

**WHAT IS THE TIME LINE?:**

Staff recommends the working group be formed and commence meeting in March 2002. Once established, the working group would have approximately 6-7 months to fulfill its charge.

**WHO WOULD BE ON THE WORKING GROUP?:**

The working group would include a representative (and alternate) from each of the six Gorge counties and the four tribal governments. In addition, it is proposed that four citizens (and alternates) be selected, representing a diversity of interests/perspectives and geographic areas. In addition, staff recommends that two Gorge Commissioners also sit on the working group. Staff recommends the chair and vice chair of the Commission appoint the citizen and Gorge Commission members. Counties and tribal governments would be invited to appoint a member to the working group, and an alternate in case the member is unavailable to attend a meeting.

The invitation to partner agencies would make clear that the working group member must: 1) be familiar with the Management Plan, (someone with implementation experience is preferable); 2) be able to make policy recommendations on behalf of the group they are representing; 3) be willing to commit to an intensive effort, involving lengthy meeting several times a month over a several-month period; 4) be willing to consider all viewpoints, and work towards agreements that may require some compromise of their initial positions.

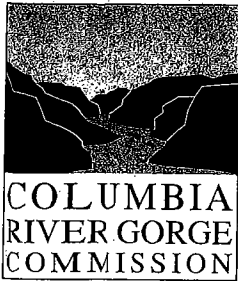
**OTHER OPPORTUNITIES FOR PUBLIC INVOLVEMENT:**

Staff recognizes that the working group will not include every stakeholder. As we further develop the work plan, additional public involvement opportunities for all stakeholders will be developed. They may include open houses and workshops focused on specific subtopics.

**NEXT STEPS:**

If the Commission agrees to the proposed working group approach, staff would work with the Commission chair and vice chair to develop a list of potential candidates for the four citizen positions and alternates. The chair and vice chair can then discuss their appointments with the Commission at the February 26 meeting.

In the next few weeks, the Commission chair would send a letter to the chairs of the six county boards of commissioners and four tribal governments. The letter would formally request the participation of these governments in the scenic resources working group, and ask them to select a working group member and alternate. It would also outline the time frames, meeting frequency, and other important details of the working group.



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[www.gorgecommission.org](http://www.gorgecommission.org)

## DIRECTOR'S REPORT

**TO:** Columbia River Gorge Commission

**FROM:** Martha Bennett, Executive Director  
Gary Pagenstecher, Planner

**DATE:** March 4, 2002

**SUBJECT:** Economic Development Loan Request: -- FILE NO: S02-0080

**APPLICANT:** Sand Hill Cottages/Jay Crum and Karen Howerton

**ACTION REQUESTED:**

Staff recommends that the Commission certify the subject grant request, S02-0080, by Jay Crum and Karen Howerton, as consistent with the purposes of the Act, the Management Plan, and a land use ordinance adopted pursuant to the Act.

### BACKGROUND:

Section 11(c)(1) of the Columbia River Gorge National Scenic Area Act (P.L. 99-663), and Commission Rule 350-120, require the Commission to certify that all activities undertaken under a National Scenic Area economic development grant and/or loan are consistent with the purposes of the Act, the Management Plan, and a land use ordinance adopted pursuant to the Act. Commission Rule 350-120-030 requires the Commission's Executive Director to prepare a report and recommendation on each certification request received by the Commission. This is the Executive Director's Report for certification request S02-0080. The request will be heard at the March 12, 2002 Commission meeting at the Hood River Inn, Hood River, Oregon.

### PROJECT DESCRIPTION:

Jay Crum and Karen Howerton own Sand Hill Cottages, which is a small resort consisting of ten cabins situated on just over an acre in Carson, Washington. They are requesting a \$30,000 National Scenic Area economic development loan under the Skamania County Micro Loan Fund (The Micro Loan Fund was established in 1994 under a Scenic Area economic development grant to the Skamania County Economic Development Council). The loan would be used for working capital to complete the interior renovation of four cabins, and to market the resort.

The Skamania County Economic Development Council's Micro Loan Fund Committee approved the subject loan request at its February 14, 2001 meeting.

ATTACHMENT C

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**CRITERIA FOR CERTIFICATION:**

CONSISTENCY WITH THE PURPOSES OF THE NATIONAL SCENIC AREA ACT

The purposes of the Act are to: 1) protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and 2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).

The Sand Hill Cottages were built in the early 1930s to house overflow customers from Carson Hot Springs Resort. The property consists of 10 cottages, which range in size from 260 square feet to 350 square feet, a 950 square-foot house, and a 500 square-foot shop. The loan would fund the completion of interior spaces of four cabins and marketing of the resort.

Because the cottages are more than 50 years old, staff contacted the Washington State Historic Preservation Office (WSHPO) to determine whether the structures are historically significant. WSHPO found that the Sandhill Cottages Resort is eligible for the National Register of Historic Places. WSHPO based its opinion on the resort being a good, intact, and rare example of a tourist auto court from the first half of the 20<sup>th</sup> Century. WSHPO also found that that the proposed renovation would be consistent with the *Secretary of the Interior's Standards for Rehabilitation* and would have no adverse affect on characteristics that qualify the resort for National Register listing.

Because the project involves interior restoration and marketing activities there would be no adverse effects to scenic, natural, or recreation resources.

The subject loan would support the Gorge economy by funding tourist and recreation development activities within the Carson Urban Area in a manner consistent with the protection of scenic, cultural, recreational, and natural resources, consistent with the second purpose of the Act.

Section 11(c)(2) of the Scenic Area Act states that economic development funds may not be used to relocate a business from one community to another. Section 11(c)(3) of the Scenic Area Act states that economic development funds are not to be used for program administration. The subject loan request is consistent with these sections of the Scenic Area Act.

Section 11(c)(4) of the Scenic Area Act states that economic development funds are to be used "only in counties which have in effect land use ordinances found consistent by the Commission and concurred on by the Secretary." The proposed loan would be used in Skamania County, which has in effect ordinances found consistent by the Commission and concurred on by the Secretary.

**Conclusion:** The subject loan is consistent with the purposes and the provisions of Section 11(c) of the Scenic Area Act.

CONSISTENCY WITH THE MANAGEMENT PLAN

The subject Loan will be used in the Carson Urban Area, and therefore is not subject to Management Plan land use and resource protection guidelines.

Management Plan economic development policies (Management Plan, Economic Development, Goals, pg. III-53 - III-54) support the strategies in the *Economic Development Plan 1999 Update*, written by the two states. Within the *1999 Update* the *Washington Economic Vitality Plan* includes five strategies. Strategy 1: Business Development and Retention, focuses on maintaining and

developing new job and business opportunities. Strategy 2: Tourism and Retail Development, focuses on strengthening the region's ability to capture visitor and local retail dollars. The subject loan would be used for activities consistent with these strategies.

**Conclusion:** The subject loan is consistent with applicable provisions of the Management Plan.

CONSISTENCY WITH LAND USE ORDINANCES

The subject loan will be used for activities in the Carson Urban Area, and therefore is not subject to Scenic Area land use review.

**RECOMMENDATION:**

The subject loan request, S02-0080, from Jay and Karen Howerton, is recommended for certification.



# FRIENDS OF THE COLUMBIA GORGE

January 18, 2002

Michael Benedict, Director  
Hood River County Planning and Community Development  
309 State Street, Room 101  
Hood River, OR 97031-2093

Subject: Alleged NSA land use violation on land owned by the Confederated Tribes of the Warm Springs Reservation (CTWSR)

Dear Mr. Benedict:

Friends of the Columbia Gorge requests that the Hood River County Planning Department take necessary actions to remedy an apparent violation of Hood River County's National Scenic Area ordinance. The alleged violation involves road grading activity on land recently acquired by the CTWSR adjacent to their trust lands on the east side of Hood River.

Last November, contractors for the CTWSR graded 700 feet of new road across steep terrain, creating a visible scar that can be seen from as far away as White Salmon. Side cuts on the new road are estimated to be ten feet high. The road grading occurred without a permit from Hood River County. The purpose of the road building was to conduct geologic testing for a proposed casino and resort.

The new road is on land recently purchased by the Tribe and is subject to Hood River County's National Scenic Area land use ordinance. New road building is a use that must be reviewed and approved by the County. However, the Tribes' engineering consultant, Terry Angle of Brussard Engineering, claims that the contractor only repaired an existing logging road and that a permit is not required (See enclosed letter). For the following reasons, this is not true.

1. Though there may have been an old abandon logging road on the property, the road was no longer in usable condition. Repair and maintenance only applies to serviceable structures (Article 75.040). Serviceable is defined as "presently useable" (Article 75.040). In Angle's letter he admits that portions of the road were washed out. Other portions of the road had soil that had sloughed from an old cut. Rocks and logs that had accumulated over the years blocked other

ATTACHMENT D

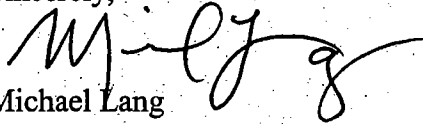
sections of the road. In summary, if there was an old abandoned logging road it was no longer in serviceable condition, therefore a permit was required.

2. If there was an old logging road on the property, its use had been abandoned years ago. In the National Scenic Area, a use that is discontinued for one year or more loses its legal status. A permit would be required to reestablish the road. Unless used for logging, the road would be required to meet all relevant provisions of the NSA ordinance.
3. The Tribes' use of the road was not for logging. The road was used for geological testing for the purpose of siting a casino and resort. Even if the logging road legally existed, repairing the road for a different use requires approval by Hood River County. Saying that an old logging road can be graded and repaired for site preparation for a casino is like saying that a house can be repaired for use as a casino.

Based on my recent conversations with you, I understand that your office is considering taking no further action to enforce the NSA ordinance and remedy this violation. Friends of the Columbia Gorge requests that you take all necessary actions to address this violation and bring the CTWSR lands into compliance with the NSA ordinance. This may include restoring this landscape by removing the road and replanting the area with native vegetation.

Thank you very much for considering this request to uphold the National Scenic Area ordinance in Hood River County.

Sincerely,



Michael Lang  
Conservation Director

Enclosure