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# COLUMBIA RIVER GORGE COMMISSION

## *Meeting Minutes*

May 14, 2002

City Hall, Cascade Locks, Oregon

### *COMMISSIONERS PRESENT*

Kenn Adcock	Doug Crow
Don Dunn	Michael Farrow (9:25)
Dan Harkenrider	Jane Jacobsen
Walt Loehrke	Joe Palena
Joyce Reinig (excused early)	Dave Robertson
Kathy Sheehan	Anne Squier
Wayne Wooster (9:15)	

### *STAFF PRESENT*

Martha Bennett  
Keith Fredrickson  
Jeff Litwak  
Bob McIntyre

### *AUDIENCE PRESENT*

Grichel, Steve. Skamania County Planning Department  
Lang, Michael. Friends of the Gorge. Portland, Oregon  
Newton, Tiffany. Friends of the Columbia Gorge. Hood River, Oregon  
Quinn, Bud. Skamania County  
Sauter, Dave. Klickitat County  
Sims, Pat. Portland, Oregon  
Thiemann, Phyllis. Corbett, Oregon  
Wilkins, Maxine. Portland, Oregon

Others may have been present.

### *CALL TO ORDER*

The meeting was called to order at 9:05 a.m. Roll was called.

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### *APPROVAL OF MINUTES*

The minutes of February 26, 2002 were reviewed. No changes were suggested. Commissioner Reinig moved to adopt the minutes as written. Commissioner Jacobsen seconded the motion. The minutes were approved unanimously by voice vote.

The minutes of March 12, 2002 were reviewed. No changes were suggested. Commissioner Sheehan moved to adopt the minutes as written. Commissioner Jacobsen seconded the motion. The minutes were approved unanimously by voice vote.

The minutes of April 9, 2002 were reviewed. Chair Squier requested changes on pages 8 and 9. Commissioner Adcock moved to adopt the minutes with the changes requested. Commissioner Palena seconded the motion. The minutes were adopted with the noted amendments.

### *COMMISSION E-MAIL POLICY*

Martha Bennett noted that the Commission had discussed the need to develop an e-mail policy at the July 2001 meeting. The Commission gave direction in October 2001 about topics for the policy. Staff did research of governmental bodies in Oregon and Washington, resulting in the proposed e-mail policy before the Commission for discussion.

Jeff Litwak said the proposed policy was modeled after typical government prohibitions, and it covers Commissioners, staff, volunteers and anyone else who might use the system, which is to be used for business purposes only. Litwak reviewed the draft policy for the Commission.

Commissioner Crow asked who the system administrator would be. Bennett replied that it is a responsibility of the Commission's Administrative Assistant, Bob McIntyre. Crow said it would be a good idea to have the network administrator duties written into the job description. Bennett replied that the job descriptions are in the process of being re-written at this time, and it will be included.

Crow also asked who would be responsible for finding "violations", referencing the section of the policy that notes that violation of the policy is grounds for discipline. Bennett noted that this section applies to employees.

Martha Bennett stated that the agency Internet connection had been changed to a wireless system to permit a full-time connection to the Internet. Very soon all Commissioners will have the ability to have an e-mail

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account on the Commission's network, meaning that they will not need to use their personal e-mail for Commission business.

Commissioner Sheehan asked about drafts of documents, and whether they need to be saved. Litwak replied that the general rule is once a final document has been prepared, drafts are no longer necessary and may be deleted. In response to a question about the need for preserving emails, Bennett stated that e-mail is not like telephone conversations. E-mails need to be treated similar to paper correspondence. Commissioner Adcock stated that when he has e-mail he thinks should be saved, he prints it and saves it. Litwak replied that this is a good practice.

Commissioner Robertson moved to adopt the policy with the changes suggested by Commissioner Crow. Commissioner Crow seconded the motion. Chair Squier suggested some additional changes, including changing "may" to "shall" in the first line of section A-2; and inserting a new #2 in section C to the effect that Commissioner e-mails written to staff that are policy or task related be copied to the Executive Director. Bennett said that would be a good practice. Squier also suggested that in the first line of section D-1, "in either electronic or hard copy form" be inserted after the word "messages".

Jeff Litwak said if Commissioners chose to do their work on the agency system, then they would not be required to copy their files to the Commission files. Commissioner Sheehan asked whether Commissioner Crow's concern about the reference to the personnel policies needs to be addressed here, for she would prefer to handle it when the personnel policies are updated. Bennett said she takes this discussion as direction to ensure the reference is clear in the personnel policies. Commissioner Robertson re-offered the motion with all of the changes discussed. Commissioner Crow seconded this.

Commissioner Adcock said that a new draft should be drawn up with the corrections and reviewed again before adoption. The Commissioners discussed this. Martha Bennett stated that staff will revise the policy to reflect the changes, and the Commissioners will each receive a copy of it. If any Commissioner is concerned that the changes are not accurate, they can bring up their concerns. As with all policies, the Commission has the ability to change it at any time. The Commissioners voted on the motion to adopt the policy. The Commissioners voted as follows:

Loehrke—Yes	Jacobsen—Yes	Farrow—Yes
Dunn—Yes	Crow—Yes	Adcock—No
Wooster—Yes	Sheehan—Yes	Reinig—Yes

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Robertson—Yes

Palena—Yes

Squier—Yes

The motion to adopt the e-mail policy passed 11 to 1.

#### *ECONOMIC DEVELOPMENT GRANT CERTIFICATION*

Martha Bennett reviewed an economic grant certification request by Hood River School District (see attachment A). Bennett stated staff had found the request consistent with the Act and Management Plan.

Tiffany Newton, Friends of the Gorge, spoke in support of certification of the request. She reviewed the positive impacts of the grant, and stated that it is consistent with both purposes of the Act.

Commissioner Reinig moved to approve the certification request. Commissioner Adcock seconded this motion. A vote was taken, and the certification was approved unanimously by voice vote.

#### *COMMITTEE REPORTS*

Scenic Resources Committee. Commissioner Wooster stated that the second meeting of the committee had occurred on April 22<sup>nd</sup>, and was well attended. He remarked that staff had done a good job in laying out the groundwork. The Committee will be making several recommendations including:

- That the higher scenic standards (currently “visual subordination” and “retention”) should apply only from Key Viewing Areas.
- That projects in the middle ground and background will meet the same policy standard, although different guidelines may apply, and
- The standards for projects on or close to a Key Viewing Area will be reexamined and changed as necessary.

Commissioner Crow asked if the committee was expecting action from the Commission today. Commissioner Wooster said no, this was an update, and it will be brought to the Commission at a later meeting. Commissioner Adcock expressed concern that the subcommittee is moving too slowly. He stated that he feels the public is anxious to get into the details. Commissioner Robertson asked how much longer scenic will take. Martha Bennett said the goal is to be done with the committee by the end of October and bring this to the Commission in November. Robertson asked

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if that would be the first Plan Review issue for the Commission to decide. Bennett said the work on natural resources should be complete by late summer, so the Commission will see that issue before it deals with the scenic resources issue.

#### *PLANNING/FINANCE COMMITTEE*

Commissioner Reinig distributed a summary of the current fiscal year projected year-end budget balance, by category (see attachment B). It is projected to have a positive ending balance of approximately \$62,400. The reasons for this condition include delayed hiring for the GIS position, lower than anticipated legal expenses, and revenue from a federal monitoring grant. She stated that this situation comes as a bit of a surprise, and the committee intends to monitor the budget more closely next year to ensure priority work is done. Chair Squier emphasized that this is not a budget "surplus", but rather an amount anticipated to remain due to lower than anticipated expenditures in this first year of the biennium. Because due to Washington fiscal management principles we cannot "carry over" funds into the second year of the biennium, we are now in a situation where we are able to purchase some critically needed equipment, such as the telephone system to replace the inadequate 1970's model currently in use with a system with sufficient lines and with voice mail capability.

#### *DIRECTOR'S REPORT*

Martha Bennett provided the monthly Plan Review update. She said in the Land Use Area, the Technical Advisory Committee met. All counties and three tribes attended. They covered nine topics, and it is clear that this is going to be more difficult than first thought. She said the county planners had excellent ideas and input. There is currently a list of options under construction, which will go out for public review.

The natural resources staff is in the final stages of creating a white paper to be presented to the county, tribal and natural resources agencies at a meeting on May 22, 2002. A public meeting to review the Natural Resources issues is scheduled for June 20, 2002 from 6:00 p.m. to 8:00 p.m. at the library in White Salmon. She said the public would be asked to comment on the options for changes. Martha Bennett discussed an informational flyer to be distributed to the public in Gorge area newspapers. She asked the Public Outreach Committee to review the document and provide feedback to Keith Fredrickson.

Bennett stated that it is nearing the end of the fiscal year, and it is important for Washington Commissioners to get their expense sheets in. Washington only allows a short time after the close of the fiscal year for expense reimbursements for June.

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Bennett then detailed the resolution through agreement between the Gorge Commission, Friends of the Gorge and Bronson/Boaz. She provided a handout that details some of the major points of agreement (see attachment D). Commissioner Adcock asked for more information about the donation aspect of the agreement. Bennett stated that no party desired a civil penalty, –in part because civil penalty funds would have been credited to the state general fund. Agreeing to a donation speeds the process, and earmarks the funds for a purpose related to protection of gorge resources. Litwak noted that this was voluntarily agreed to by the landowner.

Bennett spoke of an article in the *Hood River News* about the Tunnel Point project. Multnomah County has requested the aid of the Gorge Commission in dealing with the Oregon Department of Transportation, which plans to replace a section of jersey barriers with ones that are higher along I-84 at a spot on the river that has an unobstructed view from the highway, and is a historic spot. She said ODOT has constructed many projects that fit into the landscape and she is hopeful that can happen on this project.

Jeff Litwak discussed a recent US Supreme Court decision about takings. The Tahoe Regional Planning Agency is a bi-state compact agency similar to the Gorge Commission. A lawsuit was brought by a group of landowners who could not use their land for a thirty-two month period due to a moratorium. There were hundreds of plaintiffs, and this was very much like a class action lawsuit. The landowners wanted compensation for the “takings” during the moratorium. The court decided that there were no takings for the temporary moratorium. Litwak said the theory is that government could not operate if it had to compensate everyone during the planning stage. There are only two situations constituting a taking: physical invasion of the land or if regulation prohibits all economic use of the land. Litwak added that the second important point in the ruling is that the court said you treat parcels as a “whole” both geographically and in time. Litwak said the implications of the case for the Gorge Commission are not clear since the Commission has never imposed a moratorium and already treats parcels as a whole.

Commissioner Crow complimented staff on the Putnam decision. Crow also asked what the Commission was doing given that Washington State Parks may release its lease on the Spring Creek Hatchery. Bennett said Commission staff has met with Skamania County.

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*NSA MANAGER'S REPORT*

Dan Harkenrider provided the NSA Manager's Update. His first topic was air quality. He said the Forest Service is interested in the participation of all of the tribes for roles on the air quality advisory committee.

He stated that there is a rumor circulating that the Gorge is under consideration for designation as a Class I airshed. This is not true. He stated also that there is a rumor that the Forest Service will seek to establish interim guidelines. This is also not true. He stated that the Forest Service remains committed to the work plan adopted by the Gorge Commission in 2001.

Harkenrider stated that there is a project underway regarding fire hazard protection on Burdoin Mountain. Harkenrider said the Forest Service is also constructing a day use facility on the Starr property in Lyle. Commissioner Adcock asked if the community of Lyle supports this. Harkenrider responded that both the city and the community supports this project.

Commissioner Harkenrider stated that there is an agreement between the Forest Service and the Oregon State Parks to honor each other's passes.

Harkenrider reminded the Commission of a transition party for Jurgen Hess to be held at the Hood River Hotel on May 18.

Commissioner Crow asked about the Spring Creek Fish Hatchery. Harkenrider responded that he has also met with Skamania County. The Forest Service supports efforts to continue providing support for windsurfer use of this site.

*OTHER BUSINESS*

Commissioner Sheehan stated there was a 6-county coalition meeting, in which Martha Bennett gave a series of briefings, Dana Peck gave an update on air quality, and the group had a discussion of the role of the public outreach coordinator.

Chair Squier distributed a draft of a brief policy regarding professional conduct of Commissioners (see attachment C). She said that all public actions should be professional and civil, and it is good policy to consider putting this into writing. She read the policy and asked the Commission to consider it.

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Commissioner Dunn moved to adopt the policy. Commissioner Jacobsen seconded the motion. Commissioner Sheehan stated she supports the motion, and that it puts into words the principles that the Commission had agreed upon verbally at a previous meeting. Commissioner Crow asked if there are such standards for staff. Martha Bennett stated she had no problem extending this policy to staff.

Commissioner Adcock asked what had established the need for this policy. He said he wants other Commissioners to hear when he has a concern with staff performance, and he believes full interaction with the Commission is appropriate.

Martha Bennett responded that when a Commissioner brings up a concern about a staff member in public, it has negative consequences. It limits a supervisor's ability to follow up on the complaint because any investigation has been corrupted. Also, staff have an interest in their professional reputation. If a Commissioner airs a complaint in public about a staff member that casts aspersions on a staff members reputation, then that becomes a legal liability issue. It also causes morale problems. If staff performance is a problem, that should be shared with the Executive Director. If the Executive Director does not follow up to that Commissioner's satisfaction, then that is a performance problem for the Director, which should be handled by the Commission.

Commissioner Jacobsen stated that this is just good policy. Commissioner Crow said he did not see this policy as restricting his ability to question staff about pertinent issues in public, and it does not restrict the ability of the Commission to call an Executive Session.

Chair Squier stated that this policy does not speak to any particular previous behavior. It is simply a statement of the commitment the Commissioners have previously agreed to orally, to be respectful and professional. Squier said she believes the policy will be a good reminder to current Commissioners, and helpful to new Commissioners in the future in understanding the relationship between the Commissioners and the staff. Commissioner Dunn said the board would be going astray if it was to consider this policy anything but good.

Commissioner Loehrke moved the previous question. The motion was seconded. A vote was taken on whether to end the discussion, and the Commissioners voted as follows

Loehrke—Yes  
Dunn—Yes

Jacobsen—Yes  
Crow—Yes

Farrow—Yes  
Adcock—No

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Wooster—No  
Palena—Yes

Sheehan—No  
Squier—No

Robertson—No

The motion to close debate passed 6 to 5.

A vote was then taken to adopt the policy as written. The Commissioners voted as follows:

Loehrke—Yes  
Dunn—Yes  
Wooster—Yes  
Palena—Yes

Jacobsen—Yes  
Crow—Yes  
Sheehan—Yes  
Squier—Yes

Farrow—Yes  
Adcock—No  
Robertson—Yes

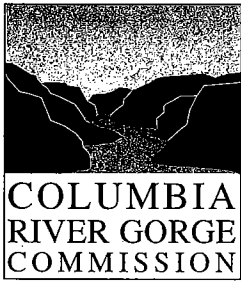
The motion to adopt the policy as written passed 10 to 1.

*ADJOURNMENT*

Being no further business, the meeting adjourned at 12:45 p.m.

Notes take by Bob McIntyre

Date approved by Commission: June 11, 2002



288 E. Jewett Blvd. • PO Box 730 • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229  
[www.gorgecommission.org](http://www.gorgecommission.org)

## **DIRECTOR'S REPORT**

**TO:** Columbia River Gorge Commission

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

**DATE:** May 1, 2002

**SUBJECT:** Economic Development Grant Request: -- FILE NO: H02-0081

**APPLICANT:** Hood River School District

### **ACTION REQUESTED:**

Staff recommends that the Commission certify the subject grant request, H02-0081, by the Hood River School District, 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 H02-0081. The request will be heard at the March 14, 2002 Commission meeting at the City Hall, City of Cascade Locks, Oregon.

### **PROJECT DESCRIPTION:**

The Hood River School District is requesting a \$10,000 National Scenic Area economic development grant to establish a service work crew to provide workforce development and training for four to six disabled persons and a supervisor to develop skills that will help them transition to future employment. The grant will be used to pay the participants' wages and for part of the cost of transportation to the project sites. All project sites will be on federal land in the National Scenic Area, and selection of the sites will be under the direction of U.S. Forest Service staff. The project will occur in the summer of 2002.

ATTACHMENT A

The total project cost is \$17,630. Cash and in-kind contributions from the Hood River School District will match the Oregon Investment Board grant.

The Oregon Investment Board gave preliminary approval of the grant request at its April 11, 2002 meeting.

## **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 the protection of the resources of the Gorge.

The proposed work crew project would occur on federal land owned by the U.S. Forest Service in Hood River County within the National Scenic Area, for example, the Eagle Creek Overlook site. The project involves repair and maintenance activities including, for example, removing moss from historic rock walls in recreation sites. The proposed repair and maintenance activities would not affect scenic, cultural, natural, or recreation resources, consistent with the first purpose of the Scenic Area Act.

The project offers workforce development training and increases employment opportunities for the disabled. Although the project activities would occur outside urban areas, the project allows workforce training and development in a manner consistent with the protection of the resources of the Gorge, consistent with the second purpose of the Scenic Area 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 proposed grant 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 grant would be used in Hood River County, which has in effect ordinances found consistent by the Commission and concurred on by the Secretary.

**Conclusion:** The subject grant would be used for activities consistent with the purposes and the provisions of Section 11(c) of the Scenic Area Act.

### CONSISTENCY WITH THE MANAGEMENT PLAN

The subject grant would fund maintenance activities that would occur on Forest Service land in Hood River County. The project activities would occur on Forest Service land designated Public Recreation or Open Space in both the General Management Area (GMA) and Special Management Area (SMA). Repair and maintenance is allowed without review in these land use designations in both the GMA and

SMA. Therefore, the proposed maintenance activities are 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 *Oregon Economic Development Plan* includes Goals, Strategies and Action Plans. “Workforce training/development to employ citizens of the Gorge counties” is a Key Investment Principle in the Action Plan. The subject grant would be used for activities consistent with this principle.

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

#### CONSISTENCY WITH LAND USE ORDINANCES

The subject grant will be used for maintenance activities on federal land. Therefore, the activities proposed under the grant are not subject to a Scenic Area land use ordinance or a Forest Service consistency review.

#### **RECOMMENDATION:**

The subject grant request, H02-0081, from the Hood River School District, is recommended for certification.

**Columbia River Gorge Commission  
 Planning/Finance Committee  
 Budget Status Report  
 Joint Program Summary (Excludes Commissioner Expenses)  
 May 2, 2002**

**Budget/Expenditure Status  
 March 31, 2002  
 Numbers are rounded**

<b>Category</b>	<b>Allotted to Date</b>	<b>Expended to Date</b>	<b>(Over)/ Under Allotment</b>
Salaries and Benefits	\$380,000	\$323,000	\$57,000
Goods, Services and Contracts	\$129,000	\$117,000	\$12,000
Travel	\$5,800	\$5,100	\$700
Other	\$0	\$0	\$0
<b>Total</b>	<b>\$514,800</b>	<b>\$445,100</b>	<b>\$69,700</b>

**Projected Expenditures for FY 2002  
 March 31, 2002**

	<b>Total Budget</b>	<b>Projected Expenditure</b>	<b>(Over)/ Under Budget</b>
Salaries and Benefits	\$467,000	\$454,000	\$13,000
Goods, Services and Contracts	\$171,000	\$155,000	\$16,000
Travel	\$7,300	\$6,700	\$600
Other	\$0	\$0	\$0
Adjustments (Klickitat County program)	-\$7,200	-\$40,000	\$32,800
<b>Total</b>	<b>\$638,100</b>	<b>\$575,700</b>	<b>\$62,400</b>

**Reasons for Projected Level of Expenditures**

1. Delayed hire of GIS Coordinator. Position was filled in October 2001, resulting in 3 months of salary savings
2. Lower than anticipated level of expenditures for legal and attorney costs.
3. Final year of revenue remaining in Federal Monitoring Grant (one-year bump in revenues).

Policy on professional conduct adopted at the May 14, 2002 meeting:

The Columbia River Gorge Commission commits to conducting all of its business in a manner that is professional, courteous, civil and respectful of all persons. A Commissioner having a concern about any aspects of performance of its own staff shall bring that concern to the attention of the Executive Director in private. A Commissioner having a concern about performance of the Executive Director shall bring that concern to the Commission Chair or to the Chair of the Human Resources Committee.

**ATTACHMENT C**