

Columbia River Gorge Commission

Meeting Minutes

January 13, 2009

A complete record of this meeting is available on compact disc

Location: Hood River County Administration Building-601 State Street, Hood River, Oregon

MEMBERS IN ATTENDANCE

Harold Abbe
Jeffrey Condit
Judy Davis
Sara Grigsby
Dan Harkenrider
Walt Loehrke
Lonny Macy
Carl McNew
Jim Middaugh
Joe Palena
Joyce Reinig
Honna Sheffield

MEMBERS ABSENT

STAFF PRESENT

Jill Arens, Executive Director
Angie Kenney, Planner
Brian Litt, Planning Manager
Jeff Litwak, Counsel
Kathy Obayashi-Bartsch, Specialist

AUDIENCE PRESENT

Andersen, Steven. Gorge Landowners United for Equity (GLUE)
Baker, Nathan. Friends of the Columbia Gorge (FOCG)
Benedict, Mike. Hood River County Planning
Cornelison, Peter. Friends of the Columbia Gorge (FOCG)
Crow, Doug. Mosier, OR
Hollatz, Nikki. Skamania County Planning
Leipper, Bob. Troutdale, OR
Nichols, Rodger. *The Dalles Chronicle*
Phillips, Page. Congressman Brian Baird's office
Repar, Mary. Stevenson, WA
Thiemann, Phyllis. West Columbia Gorge Chamber of Commerce & Columbia River Gorge
Visitors Association
Tolfree, Jamie. Skamania County Commission
Tryens, Jeff. Portland, OR
Wagner, Theresa. US Senator Patty Murray's office

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Others were present during the day.

Call to Order

Chair Reinig called the meeting to order at 10:05 am. She said the Commission will be in an executive session and the public may not observe executive sessions.

Executive Session

The Commission consulted with counsel concerning current litigation and to consider information exempt from public inspection (350-11-006(1)(e) and (g)).

Chair Reinig opened the meeting to the public and said the Commission did not make decisions during executive session. She said the Commission would take a short break.

Break-10:37-10:50 am

Chair Reinig called the meeting to order at 10:50 am and made several statements about the work that the Commission has before it this year. She noted the ethics training and the Code of Conduct that the Commissioners created, and set the tone for public comment and Commissioner behavior. She said she wants to hear from a broad variety of perspectives and would be happy to meet with those who request a meeting. Role was called. She said Washington Commissioner Jane Jacobsen submitted a letter of resignation, effective January 1st, 2009.

Approval of Minutes-December 9, 2008

Chair Reinig asked the Commission to review the draft minutes. Commissioner Abbe made a motion to adopt the minutes as drafted. Commissioner Condit seconded the motion. A voice vote was taken and unanimously approved.

Public Comment

Jamie Tolfree of the Skamania County Commission addressed the Commission regarding the Portland General Electric (PGE) proposal to Oregon Department of Environmental Quality (DEQ) concerning the Boardman coal-fired power plant. She asked the Commission to submit a comment letter about the PGE proposed compliance schedule in support of the Southwest Clean Air Agency (SWCAA) recommendations (see attachment A1-A3).

Commissioners discussed options to prepare and submit a comment letter. Chair Reinig said it's important that Commissioners and staff have sufficient time to review the information in order to respond appropriately.

Commissioner Davis suggested the Commission discuss this issue under "other business" on today's agenda. Commissioner Condit said the Commission may also delegate this item to the Executive Committee for review.

Mary Repar of Stevenson, WA commented on the cumulative impacts of development in the Gorge.

Bob Leipper of Troutdale, OR commented on the Multnomah County rule that allows the Planning Director to reduce or eliminate all debts related to violations. He said this rule will allow the Planning Director to take this action without any public announcement or review.

Opportunity for Treaty Tribe Nations to address Commission

As part of the consultation process treaty tribe members may speak about any issue on the agenda or any other matter. There were no members present wishing to offer testimony.

Assessment Committee Report and Update by Staff

Jeff Tryens, Consultant provided a summary of the Assessment Committee meeting held earlier in the day. Brian Litt, Planning Manager reviewed the draft strategies and agency performance measures (APMs) that were presented to the Committee (see attachment B1-B2). He noted the goal is to create one set of improved measures the Commission can use to report its performance regularly to the states and stakeholders, as well as for adaptive management of the agency. The APMs focus on: 1) did the Commission do what it set out to do? ; and 2) are the strategies effective? Most strategies reflect management plan policy and how they have been implemented. Litt discussed the opportunities for public input and stakeholder participation. He said the action requested today is to accept these draft measures for further consideration, public comment and stakeholder input.

Public Comment

Peter Cornelison of Hood River, OR said the graphic model provided by Mr. Tryens of the proposed KPMs is very useful. He said recreation has an impact, uses resources and has a carrying capacity. He said when funds are sought for the area, recreation is used a selling point for the area and developing a recreation measurement is important. He said it's also important to consider urban areas and their impact on the Gorge. The Management Plan (Plan) should not be used as a basis for developing indicators rather the Scenic Area Act (Act) should be the basis.

Bob Leipper of Troutdale, OR said the Commission should be measuring enforcement and addressing the consistent application of the Plan. He said the Commission's enforcement of county violations and resolutions should be measured.

Mary Repar of Stevenson, WA said the performance measures should not be based on the Plan but on the Act. She expressed support of a performance measure that includes measurement of urban areas.

Commissioner Condit made a motion to accept the draft agency performance measures for further discussion, public comment and stakeholder input. Commissioner Sheffield seconded the motion.

A vote was taken and unanimously approved.

Harold Abbe-aye

Jeffrey Condit-aye

Judy Davis-aye
Sara Grigsby-aye
Walt Loehrke-aye
Lonny Macy-aye
Carl McNew-aye
Jim Middaugh-aye
Joe Palena-aye
Joyce Reinig-aye
Honna Sheffield-aye

Lunch 12-1:20 pm

Rules Committee Report

Commissioner Davis said the Rules Committee met to discuss the proposed temporary and emergency rules that Counsel will review as the next agenda item. She said the committee discussed the concept of minor revision to an urban area boundary, regional analysis and prioritization of lands. The committee focused on generating options with emphasis on the concept of minor revision. She said if time allows, the committee will discuss regional analysis and prioritization of lands after today's Commission meeting.

Temporary/Emergency Rulemaking

Jeff Litwak, Counsel summarized the temporary/emergency rulemaking related to plan amendments and urban area boundary revisions. The Commission considered the adoption of temporary rules clarifying that consideration of applications for plan amendments and urban area boundary revisions are discretionary, and specifying that the Commission will decide how many such applications it will consider when it does its biennial work planning. These rules will be temporary for 120 days, during which time the Commission will propose the same or similar permanent rules (see attachment C1).

Litwak said the other item for the Commission to consider is whether to initiate rulemaking for the economic development certification rule (see attachment C2-C3). He said the action requested today is to initiate rulemaking and the final rule will be developed with public input and further deliberation.

Public Comment

Steven Anderson of GLUE expressed concern about the Commission's potential interpretation of Section 4(f) of the Act (see attachment D).

Mary Repar of Stevenson, WA said the definition of minor revision needs to be determined. She said the concept that urban area boundaries can only increase rather than decrease should be addressed.

Nathan Baker of FOCG expressed support for the temporary/emergency rulemaking related to plan amendments and urban area boundary and making permanent rules on these issues. He offered a revision to the economic development certification rules, specifically 350-120-040.

Dave Berger of Lyle, WA expressed support for the proposed temporary rules pertaining to urban area boundary revisions and plan amendments.

Litwak said in regard to economic development certification rule, these issues were raised at the Rules Committee for further discussion. He said by initiating rulemaking, the Commission would provide a starting point for additional review and comment.

Commissioner Condit said the purpose of the proposed rule changes is to maintain some level of control over workload and is not intended to deny an opportunity.

Commissioner Middaugh made a motion to initiate economic development certification rulemaking and Commissioner Davis seconded the motion.

A vote was taken and unanimously approved.

Harold Abbe-aye
Jeffrey Condit-aye
Judy Davis-aye
Sara Grigsby-aye
Walt Loehrke-aye
Lonny Macy-aye
Carl McNew-aye
Jim Middaugh-aye
Joe Palena-aye
Joyce Reinig-aye
Honna Sheffield-aye

Commissioner Davis made a motion to adopt amendment to 350-40 and 350-50 as temporary rules and authorize staff to initiate rulemaking for the same or similar permanent rules. Commissioner Condit seconded the motion.

A vote was taken and unanimously approved.

Harold Abbe-aye
Jeffrey Condit-aye
Judy Davis-aye
Sara Grigsby-aye
Walt Loehrke-aye
Lonny Macy-aye
Carl McNew-aye
Jim Middaugh-aye
Joe Palena-aye
Joyce Reinig-aye
Honna Sheffield-aye

Election of Vice Chair

Chair Reinig asked the Commission for Vice Chair nominations. She said in order for a nomination to be approved, there must be a majority of votes from each state.

Commissioner McNew nominated Walt Loehrke and Commissioner Palena seconded the motion.

A vote was taken and was not approved with 6 aye, 4 no and 1 abstain.

Harold Abbe-aye
Jeffrey Condit-no
Judy Davis-no
Sara Grigsby-abstain
Walt Loehrke-aye
Lonny Macy-no
Carl McNew-aye
Jim Middaugh-no
Joe Palena-aye
Joyce Reinig-aye
Honna Sheffield-aye

Commissioner Palena nominated Harold Abbe and Commissioner Condit seconded the motion.

A vote was taken and approved with 10 aye and 1 abstain.

Harold Abbe-abstain
Jeffrey Condit-aye
Judy Davis-aye
Sara Grigsby-aye
Walt Loehrke-aye
Lonny Macy-aye
Carl McNew-aye
Jim Middaugh-aye
Joe Palena-aye
Joyce Reinig-aye
Honna Sheffield-aye

Director's Report

Jill Arens, Executive Director said at next month's Commission meeting, the Oregon and Washington Transportation Commissions will provide a summary of their plans which impact the Gorge.

The economic outlook in Washington is projected to be a 7 billion dollar deficit for 2009-2011. Oregon's impacts lag several months behind Washington's currently. The Oregon state economist will be releasing an interim report soon.

In the quarterly meetings with Washington Office of Financial Management, agency issues related to accounting, auditing and personnel issues with financial impacts are discussed. An

issue that was raised is the agency personnel policy that was adopted in 2004. She said an update of the personnel policy related to overtime and compensation is needed to ensure compliance with the Federal Fair Labor Standards Act.

There is no update about the Oregon budget hearings but as soon as this schedule is released, the Commission will be informed. In the past, the hearing schedule was released by this time but Oregon may be waiting for updated fiscal information.

She said one of the Oregon legislature's mandated performance measures is a best practices measure for boards and commissions. She said the Commission developed a statement of values and staff also developed a statement. The staff statement of values was initially developed by the planning staff under Litt's direction. All agency staff have been involved in developing this statement and with the Commission's approval, staff would like to adopt this statement and post it on the website (see attachment F).

She said the agency complied with a public record request from FOCG regarding all communications related to agency contracts since August 2008.

She said staff will attend a meeting next week which will review the economic impacts of the PGE Boardman facility compliance schedule.

She said one person from the Nez Perce Tribe has expressed interest in participating in a Cultural Advisory Committee but there has been no other response. Chair Reinig said she discussed this issue with Arens and will be sending a letter to check on participation interest. Commissioner Middaugh suggested asking Roy Sampsel to assist as well.

NSA Manager's Report

Commissioner Harkenrider said the Washington Department of Natural Resources and Plum Creek Timber Company held an open house to explain a statewide land exchange that affects Scenic Area lands in the upper Major Creek area. He said the Forest Service was approached about purchasing or exchanging land some time in the future. He said the Forest Service cannot make any financial commitments at this time and it is not being actively worked on. He said the Forest Service is interested in the area because of existing Forest Service land holdings and the importance of the wildlife habitat in this area.

He said the Wilderness bill was passed by the Senate and a decision from the House is pending. If the bill is passed, there will be 1,200 acres of new Wilderness area on the Oregon side. He said this will not make a significant impact but may be more difficult and expensive to maintain trails due to the restrictions of mechanized management practices.

He said a recreation forum will be hosted by FOCG and this was an opportunity to begin a dialogue discussing recreation in the Gorge particularly the unmanaged recreation. He said the balance between resource protection and recreation use/access can be very challenging.

Briefing on National Scenic Area Act's Standards for the Management Plan

This was the second in a series of monthly briefings summarizing the Management Plan to assist Commissioners in future decision-making. Litwak provided an overview of the Scenic Area Act's standards for the Management Plan (see attachment F).

Other Business

Commissioner Condit said that his nomination by Governor Kulongoski for a second term on the commission was not confirmed by the Senate in December, and so expired at the end of the year. After discussions with the governor's office, he will not seek re-nomination. The governor will nominate a new candidate by the end of February. Under the Oregon constitution, Condit said that he will continue to serve in office until his successor is duly confirmed.

Chair Reinig thanked him for his work and dedication to the Commission and the Scenic Area. The Commission recognized his service with a plaque.

Chair Reinig asked the Commission to discuss the request from Skamania County to submit a comment letter regarding the PGE proposed schedule. She said the Executive Committee could meet to discuss this issue and draft a letter. She said staff will be attending a meeting next week that should provide more information about fiscal impacts.

Commissioner Middaugh said he supports having the Executive Committee review this issue.

Commissioner Grigsby said she supports submitting a comment letter by the deadline unless some other compelling reason exists that would defer this comment.

Arens provided background on the issue and the partnership of the various agencies involved. She said these issues are complex and the Commission lacks the technical skills to provide an independent analysis. She supported improving air quality as soon as possible. Commissioner Condit said SWCAA has the resources to make such a determination and tends to support their recommendations. He supports the idea that cleaning up the air sooner is better than later.

Commissioner Harkenrider said he supports directing the Executive Committee to draft a letter, preferably in support of the SWCAA recommendations.

Commissioner Middaugh made a motion to direct the Executive Committee to draft a comment letter in response to the request from Skamania County and the letter from SWCAA for full Commission review within the comment period. Commissioner Sheffield seconded the motion. A voice vote was taken and passed unanimously.

Adjourn

Chair Reinig adjourned the meeting at 3:05 p.m

Minutes approved 2-10-09

KOB