

# **Columbia River Gorge Commission**

## **Meeting Minutes**

**November 10, 2009**

***A complete record of this meeting is available on compact disc***

Hood River Best Western Inn, Gorge Room

1108 East Marina Way, Hood River, Oregon

9:00 am

### ***MEMBERS IN ATTENDANCE***

Harold Abbe

Judy Davis

Sara Grigsby

Dan Harkenrider

Walt Loehrke (9:05 am-12:35 pm)

Lonny Macy

Jim Middaugh

Joe Palena

Joyce Reinig

### ***MEMBERS ABSENT***

Don Bonker-excused

Carl McNew-excused

Barbara Roberts-excused

### ***STAFF PRESENT***

Jill Arens, Executive Director

Tom Ascher, Planner

Michele Dailey, GIS Analyst

Brian Litt, Principal Planner

Jeff Litwak, Counsel

Kathy Obayashi-Bartsch, Specialist

### ***AUDIENCE PRESENT***

Baker, Nathan. Friends of the Columbia Gorge (FOCG)

Barney, Casey. Yakama Nation.

Berger, Dave. Lyle, WA

Bryan, Peggy. Washington Investment Board (WIB)

Cornelison, Peter. Friends of the Columbia Gorge (FOCG)

Davenport, Jessica. Skamania County Community Development

Fitzpatrick, Kathleen. Mosier, OR

Gorman, Kevin. Friends of the Columbia Gorge (FOCG)

Hall, David.

Hess, Jurgen. Hood River, OR

Jacobsen, Jane. Vancouver, WA

Jackson (Chief), Johnny. Cascade Tribe

Kahn, Gary. Friends of the Columbia Gorge (FOCG)

Kalberer, Jennie. Kahnaway Art and Ecology  
Lang, Michael. Friends of the Columbia Gorge (FOCG)  
Leipper, Bob. Troutdale, OR  
Lichtenwald, Daniel. Goldendale, WA  
Pitt, Jr. Louie. Confederated Tribes of the Warm Springs  
Remington, Amanda. Oregon Investment Board (OIB)  
Repar, Mary. Stevenson, WA  
Rousseau, Tom. Hood River, OR  
Sampson, Simon. River Chiefs Council  
Silver, Joan. Oregon Investment Board (OIB)  
Till, Rick. Friends of the Columbia Gorge (FOCG)  
Weiler, Bill. Lyle, WA

Others were present during the day.

### **Call to Order and Role Call**

Chair Reinig called the meeting to order at 9:00 am and role was called.

### **Approval of Minutes- September 8, 2009**

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

### **Public Comment**

Dave Berger of Lyle, WA commented on a previous presentation about economic development in the Gorge. He said a balanced vision for the future of the Gorge includes environmental and cultural issues as well as economic development.

Michael Lang, Friends of the Columbia Gorge commented on the Scenic Area's designation by the National Geographic's sustainable destinations survey. He also provided a letter signed by members of Congress to the federal administration in support of the Scenic Area. The letter requests funds for land acquisition and economic development grants (see attachment A).

### **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.

Simon Sampson of the Columbia River Chiefs Council said an Oregon tribe is requesting inclusion as one of the recognized tribes in the Columbia River National Scenic Area Act. He does not support this request.

Chief Johnny Jackson of the Cascade Tribe said he does not support the inclusion of another tribe. He said their claim is based on ancestral land but they were compensated for this land. He said this tribe terminated any claims on the Scenic Area and do not have rights associated with ceded tribal land.

Ruth Jim of the Yakama Tribal Council asked the Commission if the Bonneville Power Administration contacted the Commission about proposed transmission lines. She said during the last Government to Government Summit the inclusion of another tribe in the National Scenic Area Act was discussed. She said there is an enrollment process for each tribe and rights from one tribe are not transferred.

Louie Pitt, Jr. of the Confederated Tribes of the Warm Springs provided an update on in-lieu fishing sites at Wyeth, OR and Dallesport, WA. He said the tribe requesting inclusion in the National Scenic Area Act has not contacted the Confederated Tribes of the Warm Springs about this issue.

### **Oregon and Washington Investment Boards request letter of support**

Amanda Remington and Joan Silver of the Oregon Investment Board (OIB) and Peggy Bryan of the Washington Investment Board (WIB) presented information to the Commission about the past successes of the economic development monies that were part of the Scenic Area Act. Despite the progress that has been made by these entities, the program is seriously affected by the diminishing funds available for grants and loans. The presenters have drafted a letter of support (see attachment B) that the Commission might use to send to federal legislators, encouraging an appropriation of \$25 million for economic development.

Jill Arens, Executive Director said the Commission's role in economic development issues needs further discussion and a review of our commitments. A conversation about this has not happened in several years. The Commission's involvement may also include filling an ex-officio position with the Washington Investment Board. She said the coordination and cooperation between the Oregon and Washington investment boards is evident.

Commissioner Middaugh would like to see one letter from the Commission with all associated issues.

Chair Reinig and Commission members expressed their support of the Oregon and Washington Investment Boards' request. The Commission directed the Executive Director to prepare a letter of support for review by Commissioners via email prior to sending.

### **Break 10:25-10:32**

### **Economic Grant Certification: Multnomah County RFPD #14**

The Commission considered certification of consistency for a grant approved by the Oregon Investment Board to Multnomah County Rural Fire Protection District #14 for design and engineering plans for a new emergency response facility in Corbett, Oregon (see attachment C).

#### Public Comment

Bob Leipper of Troutdale, OR expressed his support of this project.

Commissioner Abbe made a motion certifying the grant for consistency with the Columbia River National Scenic Area Act. Commissioner Loehrke seconded the motion.

A voice vote was taken and the motion was unanimously approved.

#### **Economic Loan Certification: Clock Tower Ales**

The Commission considered certification of consistency for a loan approved by the Oregon Investment Board to Clock Tower Ales for construction costs associated with the conversion of the historic second Wasco County Courthouse building as a brewpub in downtown The Dalles (see attachment D).

Public Comment- there was no public comment

Commissioner Abbe made a motion certifying the loan for consistency with the Columbia River National Scenic Area Act. Commissioner Davis seconded the motion.

A voice vote was taken and the motion was unanimously approved.

#### **Changes in Management Plan language per the OR Supreme Court decisions**

As directed by the Commission at its October meeting, Jill Arens, Executive Director provided a review of the options available to the Commission based on the Oregon Supreme Court decision (see attachment E).

The Commission discussed revising the Management Plan to address the Oregon Supreme Court decision. The Commission did not discuss proposed language changes. Jeff Litwak, Counsel said there is no time specified by the court to make changes.

#### Public Comment

Sherry Meier of Hood River, OR provided written testimony (see attachment F). Dave Berger of Lyle, WA commented on the importance of cumulative impacts and strengthening protections of geological resources. Tom Rosseau of Hood River, OR provided testimony urging the Commission to protect natural resources. Mary Repar of Stevenson, WA supports a case by case analysis of geologic features and cumulative impacts of proposed projects. Bill Weiler of Lyle, WA supports a review of cumulative impacts and geologic resources. Daniel Lichtenwald of Goldendale, WA said protection of resources should be the Commission's primary focus. Kathleen Fitzpatrick of Mosier, OR supports analysis of cumulative impacts. She urged the Commission to adopt guidelines to manage cumulative impacts to all natural and geologic resources.

Michael Lang of Friends of the Columbia Gorge provided testimony (see attachment G) recommending temporary measures and eventually reopening plan review or amending the Management Plan. Chair Reinig asked if the county's ordinances on geological hazards are insufficient. Mr. Lang said the Commission has the sole authority to zone

non-federal land and should provide guidance for the counties. Jurgen Hess of Hood River, OR provided testimony (see attachment H) on cumulative effects and geologic resources. Mark Buser of the Ice Age Floods Institute supports protection of geologic resources of the Columbia River Gorge. He urged the Commission to protect geologic resources and to address cumulative impacts in the Management Plan and provided a letter from the National Park Service (see attachment I). Gary Kahn of Friends of the Columbia Gorge supports protection of geologic resources (see attachment J). Rick Till of Friends of the Columbia Gorge supports protection of geologic resources. He suggested interim measures to manage geologic resources and a more comprehensive plan review process.

Brian Litt, Principal Planner provided a review of existing protections of geologic features. He discussed the protection afforded by Management Plan elements such as land use designations, minimum lot sizes, scenic, cultural and natural resource protections, and the Scenic Area Interpretive Strategy.

Jeff Litwak commented on geologic hazard zoning. He said residential zoning changes would be outside the scope of the Oregon Supreme Court's direction.

Commissioner Abbe said he supports a limited re-opening of the management plan review process to make necessary changes to satisfy the Oregon Supreme Court.

Chair Reinig said a vote is not necessary but general direction for staff is needed.

Jeff Litwak said the Oregon Supreme Court did not direct the Commission to address geologic features but the Commission may do so if desired.

The Commissioners agreed that the task before them was to guide staff on the approach that would satisfy the four changes that need to be made in the Management Plan due to the Oregon Supreme Court decision.

The Commission discussed options and provided the following direction to staff:

***Issue 1 Existing Uses and Discontinued Uses***

The Gorge Commission must comply with the direction and delete this provision.

***Issue 2 Definitions of Natural Resources***

Relating to geologic resources, the Commissioners agreed to Option 1, plus considering addition of a plan provision explaining how the plan protects geologic features, and considering 'significant geologic features.'

Relating to geologic hazards, the Commissioners agreed to Option 1, making no change in current practice.

***Issue 3 Eliminating Adverse Effect to Natural Resources or Case by Case Analysis***

Commissioners agreed to Option 1 which would adopt a guideline requiring case by case analysis, and provide guidance for what considerations should be made.

Commissioners agreed that a work session on cumulative impacts would be instructive to their understanding prior to making any decision on direction or language.

#### **Issue 4 Eliminating Adverse Effect to Cultural Resources or Case by Case Analysis**

Commissioners agreed to Option 1 which would adopt a guideline requiring case by case analysis, and provide guidance for what considerations should be made.

Commissioners agreed that a work session on cumulative impacts would be instructive to their understanding prior to making any decision on direction or language.

Before the staff brings these issues back to the Commission, a work session on cumulative effects will be brought forward, tentatively in February 2010.

#### **Lunch 12:35-1:50 pm.**

Chair Reinig called the meeting to order at 1:50 pm

#### **The Ice Age Floods Institute**

Mark Buser Ice Age Floods Vice President described the geologic history of the Gorge, the legislation that created the Ice Age Floods National Geographic Trail, and cooperative efforts involved in this project (see attachment K).

#### **NSA Boundary: Official maps, GIS data, and Surveys**

Michele Dailey, GIS Analyst provided a review of what was learned from Forest Service Surveyor Berta Romio and how the various depictions of the exterior NSA boundary relate (see attachment L).

#### **Assessment Committee Report**

Commissioner Harkenrider provided an update on the Assessment Committee's work. He said the Vital Signs Project is in the second stage which includes ranking of the indicators. The indicators were placed in one of four categories which prioritized the indicators (see attachment M). The data collection and methodology work is now underway.

#### **Tribal Affairs Committee Report**

Commissioner Palena provided an update on the work of the Tribal Affairs Committee. He said they plan to schedule meetings well in advance and will focus on the issues of importance to the tribes.

#### **Director's Report**

Jill Arens, Executive Director provided an update on several items.

- Some of the tribes would like more time to discuss the Cultural Advisory Committee.
- The Commission received the first quarterly report for FY10 and are currently on target. If further funding reductions occur, staffing will likely be reduced.
- The Oregon Interim Ways and Means Committee will meet in January 2010. She said staff prepared draft documents to bring before the Committee

and will be requesting release of the \$25,000 held back in the Emergency Board fund. If this funding is released, there are Washington funds that will also be released from un-allotted status.

- One of the Oregon budget notes relates to work with Klickitat County. She said last week several Gorge Commissioners met with Klickitat County Commissioners and that the meeting went well.
- Oregon's legislative fiscal office requested reduction options of 5% and 10%. The Commission's budget was cut 28% in the last legislative session, which is a greater reduction than other agencies. Hopefully this will be considered if further reductions are required.
- 25<sup>th</sup> Anniversary- A DVD with Gorge stakeholder interviews will increase awareness of the National Scenic Area and the 25th anniversary. This DVD will be shown at the 25th anniversary meeting this afternoon and will be sent to legislators and posted on the Commission's website.
- Commission reimbursement rates were increased for items such as meals but there is no additional state funding. Mileage rates have not been increased.

Brian Litt, Principal Planner provided a review of the enforcement report which covers an 18 month period. He said all future reports will cover 12 months based on the fiscal year. He discussed the collaborative efforts with county planning agencies and the new process with Klickitat County which features more coordination and greater efficiency.

#### **National Scenic Area (NSA) Manager's Report**

Dan Harkenrider, NSA Manager provided an update on several items. He said the Cape Horn Environmental Impact Assessment has been released for public comment and a public meeting is scheduled in Stevenson, WA. He said the Catherine Creek Area Management Plan may be released as early as mid-December or may be postponed for release in January 2010. He said the Sandy River Dam work is continuing and a meeting regarding the Lyle spit area is planned. The meeting with County Commissioners, community and recreation representatives will discuss access and other issues related to this area. There have been some conflicts with user groups, safety and access issues with the railroad.

#### **Other Business**

Commissioner Middaugh distributed copies of Metro's "Strategies for a sustainable and prosperous region" and noted similarities between urban and rural area land use issues.

#### **Adjourn 3:15**

Chair Reinig adjourned the meeting at 3:15 pm.

Approved on 12-8-09

KOB