

Columbia River Gorge Commission

Meeting Minutes

December 8, 2009

A complete record of this meeting is available on compact disc

Hood River County Administration

601 State Street, Hood River OR

10:00 am

MEMBERS IN ATTENDANCE

Harold Abbe

Don Bonker

Judy Davis

Sara Grigsby

Dan Harkenrider

Walt Loehrke (10:32-11:45 am)

Lonny Macy

Jim Middaugh

Carl McNew

Joe Palena

Barbara Roberts

Joyce Reinig

MEMBERS ABSENT

STAFF PRESENT

Jill Arens, Executive Director

Brian Litt, Principal Planner

Jeff Litwak, Counsel

Kathy Obayashi-Bartsch, Specialist

AUDIENCE PRESENT

Benedict, Mike. Hood River County Planning and Building Services

Briggs, Barbara. Hood River County Commission

Cheatham, North. Hood River, Oregon

Cleveland, Keith. Wasco County Planning and Development

Cornett, Todd. Wasco County Planning and Development

Davenport, Jessica. Skamania County Community Development

Goddard, Travis. Clark County Planning

Grimmett, Michael. Multnomah County Code Compliance Specialist

Hansen, Susan. Oregon Department of Transportation

Lang, Michael. Friends of the Columbia Gorge (FOCG)

Leipper, Bob. Troutdale, OR

Meyer, Maui. Hood River County Commission

Reinig, Don. Hood River, OR

Repar, Mary. Stevenson, WA

Thompson, Michael. Yakama Nation

Till, Rick. FOCG
Witherspoon, Karen. Skamania County Community Development

Others were present during the day.

Call to Order and Role Call

Chair Reinig called the meeting to order at 10:00 am and role was called.

Approval of Minutes- November 10, 2009

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

Chair Reinig said the Commission will discuss a request for federal funding and letter of support for economic development in the Scenic Area during the "Other Business" section.

Public Comment

Mary Repar of Stevenson, WA provided comments on protecting the environment and cumulative impacts (see attachment A1, A2 and A3).

Michael Lang and Rick Till of Friends of the Columbia Gorge provided comments on Management Plan compliance and enforcement (see attachment B). Litwak said this may be an enforcement issue that may come before the Commission in the future and advised the Commissioners to make no comment at this time.

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. No tribal members were present to offer testimony.

Tribal Affairs Committee

Commissioner Palena said the committee visited the Warm Springs Tribe and discussed the cultural advisory committee, communication strategies, Vital Signs Indicators Project, support of the Commission's budget, the Canada/USA Columbia River treaty and the 25th Anniversary. He said meetings are scheduled in January with the Yakama, Nez Perce and Confederated Tribes of the Umatilla.

Director's Report

Jill Arens, Executive Director provided an update as follows:

-December 15th- Arens has federal jury duty and may be out of the office for a week but will check e-mail and messages.

-January 14th- Arens will report to the Oregon Interim Ways and Means to report on the agency's budget notes. This is an opportunity to request the release of the \$25,000

Emergency Board funds that were held back from the Commission's budget. If these funds are released, there will be a matching \$25,000 released from Washington.

- There is an opportunity for the Commission to have pro-bono lobbyist work in Washington. There will be no General Funds expended and there appear to be no conflicts after checking with Counsel and the Washington Ethics Board. Congressman Bonker emphasized the need for due diligence prior to engaging any lobbyist. The lobbyist will educate legislators about the Commission and its work. Arens will send a list of the lobbyist's client base and resume. She asked the Commissioners to provide her with a list of messages that they believe are important for the consultant to convey. The Commission generally agreed there could be great benefit if due diligence about the lobbyist is completed and a work plan is clearly defined. This matter will be discussed in January.

It was announced that the Director's Report would be continued later in the meeting.

Hood River County – Current and Future

County Administrator Dave Meriwether and Hood River County Commissioners, Barbara Briggs and Maui Meyer discussed the state of the County. Mr. Meriwether said the county will provide a letter of support to the Oregon legislature for the Commission's efforts to receive the \$25,000 withheld from the budget. The topics reviewed included current projects, fiscal issues facing the county, future plans, demographic changes, and work force issues. A frank discussion of the hard choices for the county and residents revealed the extensive thought and planning that has been done to guide the county's future. Collaborative efforts were encouraged by the county, with more frequent meetings between the county and the Gorge Commission.

The Commission asked questions of the Hood River County Commissioners and County Administrator and discussed these issues. The Commission and staff thanked the Hood River County representatives for their work and support of the National Scenic Area and Gorge Commission.

Break 11:40-11:45

Election of Chair and Vice Chair

The Commission conducted the election of Chair and Vice-Chair.

Chair Reinig turned the meeting over to Vice-Chair Abbe for the election of Chair. Commissioner Abbe asked for nominations; Commissioner Palena nominated Joyce Reinig to serve as Chair. Commissioner McNew seconded the nomination. Commissioner Roberts requested that in the future, all motions be stated verbatim by the Chair before a vote and recorded as such. She asked if Commissioner Reinig would agree to this, and Chair Reinig agreed that this would be done.

A vote was taken and approved with ten ayes and one abstention.
Harold Abbe-aye

Don Bonker-aye
Judy Davis-aye
Sara Grigsby-aye
Walt Loehrke-aye
Lonny Macy-aye
Jim Middaugh-aye
Carl McNew-aye
Joe Palena-aye
Barbara Roberts-aye
Joyce Reinig-abstain

Chair Reinig asked for nominations for Vice-Chair. Commissioner Davis nominated Harold Abbe to be Vice-Chair and Commissioner Palena seconded the nomination.

A vote was taken and approved with ten ayes and one abstention.

Harold Abbe-abstain
Don Bonker-aye
Judy Davis-aye
Sara Grigsby-aye
Walt Loehrke-aye
Lonny Macy-aye
Jim Middaugh-aye
Carl McNew-aye
Joe Palena-aye
Barbara Roberts-aye
Joyce Reinig-aye

Lunch

Commissioner Palena introduced Michael Thompsen of the Yakama Nation who is filling the position formerly staffed by Clifford Casseseka.

Scenic Area Compliance and Enforcement Panel Discussion

Principal Planner Brian Litt facilitated a panel discussion with Gorge county representatives about their Scenic Area code compliance and enforcement programs. Litt provided a review of the Commission's role and the Commission's enforcement process and prioritization criteria (see attachment C).

The discussion highlighted Gorge-wide collaborative efforts. The panel included the following:

Mike Benedict, Hood River County Planning and Building Services Director
Keith Cleveland, Wasco County Code Compliance Officer
Todd Cornett, Wasco County Planning and Development Director
Michael Grimmett, Multnomah County Code Compliance Specialist
Karen Witherspoon, Skamania County Community Development Director
Travis Goddard, Clark County Community Development, Development Services Team Leader

The representatives provided a review of their program jurisdictions, code compliance enforcement programs (see attachment D) and the relationship with the Commission. The panel answered the following four questions:

1) What percent of your county is in the Scenic Area and what percent of the overall enforcement case load is in the NSA? How is Scenic Area work staffed? Responses varied considerably, with some counties seeing a lower percent of Scenic Area cases in proportion to the percent of land in the NSA (Clark, for example), while others such as Wasco County noted a higher percentage of their total case load attributed to the NSA compared to the relative land base in the NSA. Staffing varies from dedicated code enforcement staff to planners distributing the case load.

2) What is your agency's philosophy and overall approach to compliance and enforcement? A philosophy of voluntary compliance and a complaint-driven response approach is commonly shared among the agencies. Some of the agencies inspect all permits for compliance with conditions of approval.

3) What is your basic process for compliance and enforcement and what tools are available to resolve documented violations? How do you prioritize this work? A common theme was that agencies first seek voluntary compliance, and go to formal proceedings if that does not work. Some can levy fines and record unresolved violations in deeds; others can go straight to court to resolve cases. All the agencies described some way of prioritizing the case load.

4) How is the partnership with the Commission working for enforcement work and do you have suggestions for improving this or other aspects of NSA enforcement work in the future? There was positive feedback from the counties about the working relationship with the Gorge Commission, and several noted improvements in the partnership in recent years. Several panelists said they want to continue to increase meetings and collaborative efforts.

The Commissioners asked panel members questions and discussed these issues with the representatives. The Commission and staff thanked the panel members for their participation in the discussion and their efforts.

Break 2:41-2:52 pm

Other Business

The Commission discussed the strategy to request federal funding through the appropriation process and as part of the federal administration budget. Chair Reinig said the discussion was triggered by the Washington and Oregon Investment Boards' request for a letter of support of their federal economic development request.

Several Commissioners expressed a strong preference for limiting the letters of support, so as not to dilute the Commission's requests and not to confuse the Northwest

delegation with differing support. There is also the aspect of whether to request funding for several items or to hone in on specific items.

Commissioner Abbe said there is a difference between requesting funds for previously requested items, such as the funding that was authorized but not appropriated and funding requests for new items.

Commissioner Bonker said there is a traditional two step process which includes authorization of funds and appropriation of funds. He agrees with the distinction that Commissioner Abbe makes. He believes the Commission should focus on appropriation of funds already authorized, while exploring other avenues of federal funds.

Commissioner Davis said the Commission should not back out of any expressed support of the Washington and Oregon Investment Boards' request without discussing this with them.

Commissioner Roberts asked if authorized funds that have not been appropriated are less legitimate because of the time that has passed since the authorization. Commissioner Bonker said that may be used as an excuse but it is a very competitive process and having the authorization in place provides standing. He said a strategy is needed that incorporates developing personal contact..

Commissioner Middaugh suggested the following approach:

1. request appropriation of authorized funds for economic development and supporting the Washington and Oregon Investment Boards' request for additional economic development funds
2. coordinate with local agencies on recreation projects to ensure the Commission's request reflects their priority projects and include this in the appropriation request
3. contact the federal administration for support of the Commission's work through agencies such as Bonneville Power Administration, Forest Service, etc.
4. develop a thoughtful approach for continued financial support of the Commission's work including many different components.

Commissioner Abbe discussed the possibility that if the federal government funds the Commission, the states may use this as an excuse to reduce state funding. He said the states need to fund the Commission according to the Interstate Compact and not as a state agency.

Arens summarized the Commission's direction on the matter as follows:

- Request appropriation of authorized funds of \$1.8 million for economic development with a reference to the Washington and Oregon Investment Boards additional request but focus on the authorized amount.
- Request appropriation of authorized funds for \$5.5 million for recreation projects.
- External Affairs Committee will meet in early January for a strategy discussion to address federal funding and a long range plan for funding the Commission.

Director's Report (continued)

Jill Arens, Executive Director continued the Director's Report with the following items:

- January meeting will include discussion of the federal funding strategy, lobbyist work and an appeal
- February meeting will include a work session on cumulative effects, discussion of language changes from the OR Supreme Court decision, an update on the Interim Ways and Means Committee and may include an appeal.

Arens said considerable time has been spent preparing for the report on the budget notes for the Interim Ways and Means Committee, litigation work, tribal work and annual audit. Staff received the brief on the Recreation Resort litigation and will be responding. The 25th Anniversary planning is proceeding with more collaboration and will be engaging in more formal outreach to the Tribes. A logo for the event is being developed as well.

National Scenic Area (NSA) Manager's Report

Dan Harkenrider, NSA Manager provided an update on the following items:

- Cape Horn Environmental Assessment and decision will be issued next week.
- Catherine Creek and Coyote Wall decision should be issued in mid-late January.

Chair Reinig provided an update on a meeting with several FOCG staff and members to discuss common issues. She said this was a great opportunity to build relationships and thanks them for their participation.

Adjourn

Approved on 1-12-10

KOB