

## **Columbia River Gorge Commission**

Meeting Minutes

July 13, 2021

via Zoom Webinar

### ***COMMISSION MEMBERS PRESENT***

Sondra Clark  
Lorrie DeKay  
Robin Grimwade  
Tamara Kaufman  
Robert Liberty  
Jerry Meninick  
Donna Mickley  
Carina Miller  
Michael Mills  
Jim Morgan  
Rodger Nichols  
Pah-tu Pitt ~ 8:35 a.m.  
Dr. Ashley Thompson

### ***COMMISSIONER MEMBERS ABSENT***

### ***STAFF PRESENT***

Connie Acker, Administrative Analyst  
Aiden Forsi, Land Use Planner  
Bryce Guske, Klickitat County Land Use Planner  
Joanna Kaiserman, Senior Land Use Planner  
Jeff Litwak, Counsel  
Lisa Naas Cook, VSI Planner  
Jessica Olson, Senior Natural Resources Planner  
Mike Schrankel, GIS Planner  
Krystyna U. Wolniakowski, Executive Director

### ***AUDIENCE PRESENT***

Lynn Burditt – US Forest Service  
Elaine Clegg – City of Boise  
Keith Cleveland – Hood River County  
Peter Cornelison – Friends of the Columbia Gorge  
Kaylee Crosby – Wild Wood Tours  
Sheila Dooley  
Deborah Ferrer  
Casey Gatz, US Forest Service  
Ilene Le Vee  
Terra Lingley – ODOT  
Matt Ransom  
Mary Repar  
B Rogers  
Michael Sallis – Clark County Community Development  
Anna Shank-Root – Port of The Dalles

Tyler Stone – Wasco County  
Judy Todd  
Janet Wainwright  
Armando Zelada

Others were present during the meeting.

**Call to Order and Roll** (8:30 a.m.) Chair Liberty called the meeting to order and Connie Acker called roll.

**Approval of June 8, 2021, Commission Meeting Minutes** (8:31 a.m.) Commissioner Grimwade moved to adopt the June 8, 2021, Minutes and Commissioner Kaufman seconded. The June 8, 2021, Minutes were approved by unanimous voice vote.

**Land Acknowledgment** (8:32 a.m.) The Land Acknowledgment was read by Chair Liberty.

**Treaty Tribe Word of the Day** (8:34 a.m.) Commissioner Meninick shared the Yakama Nation word of the day, which is *Sahaptian/Sahaptin*. Commissioner Meninick mentioned that both his mother and father were Small Hawk Palouse. Small Hawk is located at the south end of Lake Wallowa in the valley where there are thousands of little hawks. Sahaptian/Sahaptin means “stranger in the land”. Academics have identified Sahaptian/Sahaptin as the language of the region, but Commissioner Meninick offered that the language spoken is Ichishkín.

**Opportunity for Treaty Tribe Nations to Address Commission** (8:38 a.m.) As part of the Government-to-Government consultation process, the Commission welcomes input from Treaty Tribe Nations on any issue on the agenda and any other matters. The Treaty Tribe Nations did not offer testimony.

**Opportunity for Public Comment:** (8:45 a.m.) The following provided public comment to the Commission on items not listed on the agenda:

- **Mary Repar** – Provided a letter that was distributed to Commissioners and uploaded to the Commission website regarding baselines for the Vital Sign Indicators (VSI) project, increasing the Gorge Commission planning staff, and extending the Gorge Commission’s jurisdiction. Ms. Repar summarized the contents of the letter during her comment period. (Attachment A)
- **Peter Cornelison** – Provided two photographs that were distributed to Commissioners and uploaded to the Commission website that he took from Old Hwy 8 of the Fowler home under construction just east of Catherine Creek. The project is not yet completed. (Attachment B) Mr. Cornelison also shared that the Lyle Hill Fire, just east of Lyle, is burning in and towards the Lyle Cherry Orchard.
- **Dave Thies, President of the Columbia Gorge Audubon Society** – Provided a letter that was distributed to Commissioners and uploaded to the Commission website regarding Synergy Resources LLC forest practice approved in the Burdoin Mountain Special Management Area. The letter requested a moratorium on the Synergy project and urged the Commission to ask the Forest Service to reconsider the plan. (Attachment C)

**Liberty:** Reported that he, Commissioner Nichols, and former Commissioner Bowen Blair traveled to view the Fowler home from the key viewing area (KVA) on Hwy 8 and took photos. Chair Liberty also reported that counsel Litwak urged the parties to keep a record of what was said and to whom.

**Nichols:** Mentioned that in the pictures taken, the house does not look visible at all. In reality, there is a bit more visibility. Commissioner Nichols went on to say that the camera foreshortens everything, and it makes a difference in how it is seen.

**Mills:** Asked what stage the house is currently in in terms of construction and whether there was another floor being added.

**Liberty:** Offered that no additional floors will be added and mentioned that there are important elements of the conditions of approval to be completed, including painting, construction of the rock facing, and planting trees in the back of the house.

**Wolniakowski:** The project is about three months away from completion.

**DeKay:** Impressed at how well the house is blending in although there is still work to be completed. Hope that the staff's continuing work on the project and the Commission's decision is respected and that the project is completed before more is heard on the subject.

**Liberty:** Mentioned that the letter from Dave Thies, President of the Columbia Gorge Audubon Society expressed some serious concerns about the Synergy Resources LLC logging project. Believes a site visit is appropriate and suggested that Commissioners Morgan and Kaufman might like to participate with the Forest Service.

**Casey Gatz:** Due to ongoing litigation, legal counsel will need to be contacted regarding this request. Important to remember that this is not Forest Service land, so the landowner will have to give permission for a site visit.

**Morgan:** Believes a response from the Commission to Mr. Thies is warranted and is willing to participate in a site visit.

**Kaufman:** Agreed with Commissioner Morgan and is willing to participate as well.

**Liberty:** Leave it to the Executive Director to coordinate the site visit.

**Gatz:** Will provide Commission staff with landowner's contact information so the visit can be coordinated. Not sure how much involvement Forest Service can have until legal counsel is consulted.

**Clark:** Asked for counsel Litwak's opinion on a site visit.

**Litwak:** Offered that the Commission is welcome to ask for a site visit but mentioned that there is not much the Commission can do with the information obtained other than write letters. Believes there is nothing inherently wrong from a legal perspective with asking to view the property.

**Liberty:** Believes that since the Commission is a co-administrator with the Forest Service in managing the National Scenic Area and developers of the Management Plan, it is the Commission's responsibility to understand whether the Act is being properly implemented.

**Executive Director's Report:** (8:56 a.m.) Krystyna U. Wolniakowski, Executive Director, and staff provided updates on:

**Mike Schrankel** – Krystyna informed the Commission that Mike Schrankel, GIS Manager, has joined the Commission as a full-time staff person. Mike worked for the Commission on contract half-time for the last three years while continuing to work for Hood River County where he worked for 20 years. He will be performing half-time GIS work and will be assisting with coordination of the Access Database Replacement project.

**Klickitat County Compliance Study** – Aiden Forsi, Land Use Planner, reported that he is making progress on the compliance study. He has a few remaining documents to request from Klickitat County, and will begin the site visit process soon. He expects that there will be a substantial amount of work to prepare for site visits to check on conditions of approval for lots with issued Director's Decisions, but that the site visit process should be fairly straightforward once that preparation is done. Aiden is preparing for a more in-depth update on the project at the August Commission meeting.

**Liberty:** Inquired if the specific records of decisions would be included in the update or the final report as an appendix.

**Aiden:** Stated that he was not intending to include any specific records in either report, but that he would be willing to discuss this further with Commissioner Liberty.

**Climate Change Action Plan** – Jessica Olson, Senior Natural Resources Planner, shared an update on the Climate Change Action Plan since the June Commission meeting:

- Incorporating the Commission’s input to update the vulnerability snapshots and starting to draft the first sections of the CCAP – that summarize vulnerabilities.
- Lisa Naas Cook and Jessica met with Erik Beever, a pika researcher who has been working in the Gorge for over ten years to learn more about talus and talus-dependent species. Working to gather the latest information on pika distribution and talus habitats in the gorge.
- Coordinating with partners on transit and other transportation emissions mitigation actions.
- Continuing to track Oregon’s statewide climate change vulnerability assessment – they are scoping now what that effort will entail, focusing on identifying the most vulnerable people and connecting state and federal resources to help offset impacts to those people.

Next steps

- Work with the Review Committee and others to refine potential actions for adaptation and mitigation.
  - Apply prioritization criteria that was discussed last month to those actions.
- Organize webinar discussions around topics that need further discussion – those might be water quality; forests and wildfire; carbon storage; agriculture; transportation.

**Pitt:** Perhaps the temperature of the Columbia River should be part of the climate change conversation.

**Vital Sign Indicators** – Lisa Naas Cook, VSI Planner, shared an update on the Vital Sign Indicators program since the June Commission meeting:

- Completed joint USFS/CRGC work sessions to discuss key management questions and identify priority topics for scenic and recreation Vital Signs.
- Coordinated with partners to learn more about existing monitoring programs and available datasets for natural resources, climate change, scenic resources, and recreation.
- Completed initial outreach and work planning for the VSI Economic Vitality Indicators W Group that will serve in an advisory capacity during the indicator review and update process. This group includes representatives from Mid-Columbia Economic Development District, WA and OR Investment Boards, Skamania County planning department, Gorge Grown, Thrive, Friends of the Columbia Gorge, WA and OR state economists, and others.
- Next steps:
  - Staff will convene the first VSI Economic Vitality Indicators Work Group session to explore management questions and possible economic Vital Sign topics in early August.
  - Staff will provide a progress report on scenic and recreation Vital Signs and gather feedback at the August Commission meeting.

- **Diversity, Equity, and Inclusion Initiative** – Joanna Kaiserman, Senior Land Use Planner, reported that Commission staff continues to work with extern Tina Patterson. Ms. Patterson plans to complete a crosswalk document with DEI components identified in the Meyer Memorial Trust Survey that was completed a few months ago. The DEI components will be used as a lens to evaluate how to apply DEI principles to each of the Commission’s workplan priority projects.
- Received funding to work with The Next Door. Have had initial conversations about partnering with The Next Door to convene outreach meetings with different representatives of communities in the Gorge to better understand how the Commission can be serving those communities.

**Pitt:** Suggested looking at multiple options before The Next Door is selected to help with DEI process.

- **Future Commission Agenda topics** – Krystyna Wolniakowski asked for additional ideas for upcoming agenda topics:
  - **Wolniakowski:** Pursuant to the Commission workplan, will be talking about economic indicators in October. Believe it would be appropriate to ask MCEDD to provide its annual economic update during that meeting.
  - **Grimwade:** Start discussion on clarifying priorities for 2022.
  - **Liberty:**
    - Equity and inclusion in economic development.
    - Review of the changes in economies of Gorge counties since adoption of the National Scenic Area Act. Invite two state economists to comment on Gorge economy trends.
    - Overview of the National Scenic Area Act and structure of the Management Plan.
  - **Olson:** EPA has offered to share cold-water refuge work with the Commission.

**Progress Report: Draft Klickitat County Land Use Ordinance:** (9:30 a.m.) Joanna Kaiserman, Senior Land Use Planner, presented a progress report on draft updates to the Klickitat County Land Use Ordinance that incorporates the approved policy and guideline revisions from the Gorge 2020 Management Plan update. **(Attachment D)**

In accordance with sections 7(c) and 8(l) of the National Scenic Area Act, the Gorge Commission must enact a National Scenic Area ordinance for counties that do not enact their own ordinance. Klickitat County has never enacted its own National Scenic Area land use ordinance, so the Gorge Commission has always enacted its own land use ordinance for Klickitat County.

Staff began drafting the new land use ordinance several months ago. A tracked changes in-progress draft of the ordinance was provided to Commissioners. **(Attachment E)** Staff has made many non-substantive changes to the text from the Management Plan, but staff has not completed all of the drafting and significant tasks that remain include:

- Final numbering - the rule numbers in the current draft are mostly the same as in the current land use ordinance (Commission Rule 350-81). A few rule numbers are duplicated, and a few temporary new numbers were inserted to keep the text in the right order.

- Cross-references - all of the cross-references need to be updated to reflect the final numbering. Staff has highlighted many cross references in green highlights as it has worked on the draft text as a reminder.
- Resolving questions and clarifications - there are several comment bubbles with questions and clarifications that staff has not yet resolved.
- Final editing - staff has a long final checklist of grammar, punctuation, word choice, formatting, etc. that it will go through as a final edit.

## **Next Steps and Adoption Timeline**

Staff will continue working on the land use ordinance to address issues and concerns discussed. During the September 14, 2021, meeting, staff will present a final draft ordinance and ask the Commission to approve starting the rulemaking process by publishing the draft in the Oregon Bulletin and Washington State Register. At the December 14, 2021, meeting, the Commission will hold a public hearing and may adopt the ordinance.

After adoption, staff will transmit the ordinance to the Secretary of Agriculture for concurrence. That process may take up to 90 days. After concurrence, staff will do a final notice of rule adoption in the Oregon Bulletin and Washington State Register, and the ordinance can be effective 30 days after filing the final notice. Following this schedule, staff expects the ordinance will be effective on May 1, 2022.

## **Commissioner Questions and Comments**

**Clark:** Asked whether other counties are following the same timeline for completion and whether each county ordinance needs to be completed before it is sent to the Secretary of Agriculture.

**Kaiserman:** Responded that each county has slightly different timelines based on their planning commission's schedule.

**Litwak:** Responded that the ordinances do not need to go to the Secretary as a package of six ordinances. The Forest Service will be asked how they want to receive the ordinances but, in the past, the ordinances have been passed to the Forest Service as one package or a couple at a time. It depends on when the counties are able to complete the ordinances and provide them to the Gorge Commission for review and approval.

**Nichols:** Asked whether Klickitat County land use planners were engaged in the process of drafting of the ordinance. Commissioner Nichols' thought was that if Klickitat County was involved with the process, they will be more familiar with it if they ever adopt the ordinance.

**Kaiserman:** Responded that staff has had informal talks with Klickitat County after the Gorge 2020 Plan was approved. Staff has not been working with Klickitat County while drafting the land use ordinance.

**Schrinkel:** Presented a land use designation map to the Commission. (Attachment F)

**Morgan:** Mentioned that the expedited process seemed confusing to understand the difference between full review and expedited, other than the time period (10 days versus 30). Asked whether there was a significant difference between the two.

**Litwak:** Offered that the expedited review process is for certain types of land uses that are likely to have a lesser impact. When the expedited review process was developed, it did two things: It gave a shortened timeline for public comment but also gave different standards for review. The current land use ordinance has an entire chapter on expedited review. The review process is basically a duplication of the review process for all other land uses. In the new ordinance those will be collapsed into one review process but the standards for expedited review will remain the same.

**Liberty:** Mentioned that although it is frustrating that Klickitat County has not adopted the land use ordinance, having staff implement the ordinance is a good practice and insight as to what other county planning staff must do.

**U.S. Forest Service NSA Manager's Report:** (9:47 a.m.) Donna Mickley, US Forest Service Area Manager, and Casey Gatz provided an update on Forest Service activities in the National Scenic Area including:

- **Multnomah Falls Permitting** – Thanked CAT for their assistance in implementing the permitting process. Permitting will begin July 20, 2021.
- **Cascade Locks Trail Project** - NEPA 45-day objection period closed, and no objections were received to the NEPA review and analysis. The project will be scheduled, and implementation will begin in the near future.
- **Woodard Creek Restoration** - Similar to the Bridal Veil Creek restoration project that was reported to the Commission at the May 11, 2021, Commission Meeting, phase one of the Woodard Creek restoration project will start the week of July 19, 2021. The first phase includes plantings, as well as helicopters transporting large diameter trees and placing them into the stream to create stream habitat. Phase two of the project is in pre-planning.

#### **Other Business** (9:55 a.m.)

**DeKay:** Mentioned that during the April OneGorge meeting, there was a discussion about transportation in the Gorge and coordination with Earl Blumenauer's office. The draft information letter of support included the Gorge Commission being the convenor of all things transportation. Commissioner DeKay related that this was concerning to both she and Commission Kaufman, so they alerted the Executive Director who then provided input. The letter asking for support was recently sent out by OneGorge but did not include the input from the director. The Commission should be respectful of the entities that are performing the work. There is a signing period, and the matter will be discussed at the next OneGorge meeting. The steering committee of OneGorge should understand what the Commission's role is versus the roles of other entities.

**Liberty:** Asked DeKay to share the letter from Blumenauer's office.

**DeKay:** Responded that the letter was from OneGorge and agreed to email it to Commissioners.

**Kaufman:** Mentioned that OneGorge's intent of the transportation plan guidance for Congressman Blumenauer is very well intended, but the order of the process is concerning. Wanted to make sure that those entities working in the region on transportation are recognized and this was not part of the Commission's workplan for 2021.

**BREAK** – 10:00 a.m. – 10:28 a.m.

**Information Item\*: Re-establishing Passenger Rail to Connect Rural Communities – Reviving Amtrak along the Southern Columbia River:** (10:45 a.m.) Elaine Clegg, President, City Council, Boise, Idaho, presented an overview of the Greater Northwest Passenger Rail Working Group and efforts to create a plan for Amtrak passenger service along the Columbia River to support connections between rural communities and alternative transportation options to mitigate for climate change. (Attachment G)

#### **Commissioner Questions and Comments**

**Mills:** Asked what Ms. Clegg believed was the biggest obstacle to reviving passenger rail.

**Clegg:** Offered that Amtrak is very leery of being asked to do more because they have been historically underfunded.

**Nichols:** Passenger rail would reduce pollution and increase transportation, which fits in with the Commission's climate change action plan.

**DeKay:** Appreciates the effort but one of the issues is competing with freight lines through the Gorge.

**Clegg:** Double tracking would be required to make the plan work. Passenger rail must share with freight rail. The \$25 Billion in the House Bill specifically for passenger rail infrastructure and improvements is the first time Congress has recognized that in order to make the plan work, they have to invest in the actual rail itself and not just passenger rail operation. If agreement can be reached on siting double tracking, there will potentially be money to build them.

**Pitt:** Offered appreciation for leadership on the issue. Passenger trains used to stop at Celilo Village and represented great economic opportunity.

**Liberty:** Three things intersect with Commission's work: 1) Potential for emissions reduction, help alleviate congestion at tourist sites and provide access to those sites, 2) access to social services and economic development not related to tourism, and 3) connection to opportunities with cruises on the Columbia.

**Clegg:** Resolution should be ready within the month.

**Public Comment on Re-establishing Passenger Rail to Connect Rural Communities (11:08 a.m.)** No person in attendance provided public comment on this Agenda item.

**Adjourn – (11:08 a.m.)**

Meeting Attachments:

- Attachment A – Public Comment – Mary Repar
- Attachment B – Photographs (2) – Peter Cornelison
- Attachment C – Public Comment – Dave Thies, President of the Columbia Gorge Audubon Society
- Attachment D – Staff Report- Draft Klickitat LUO
- Attachment E – DRAFT Klickitat County Land Use Ordinance – Tracked changes version
- Attachment F – Klickitat County Land Use Designations Map
- Attachment G – Greater Northwest Rail Working Group Presentation

**Approved – 8/10/2021**