

**Columbia River Gorge Commission**  
Meeting Minutes  
December 8, 2015

Best Western – Hood River Inn, Riverview Room  
1108 East Marina Way, Hood River, Oregon

***MEMBERS IN ATTENDANCE***

Gorham Blaine  
Bowen Blair  
Lynn Burditt  
Keith Chamberlain  
Lorrie DeKay  
Dan Ericksen  
Robert Liberty  
Carl McNew  
Antone Minthorn  
Rodger Nichols  
Janet Wainwright  
Damon Webster

***MEMBERS ABSENT***

Don Bonker

***STAFF PRESENT***

Nancy Andring, Administrative Analyst  
Terry Cullen, Principal Planner  
Ray Joseph, Planner  
Jeff Litwak, Counsel  
Riley Marcus, Klickitat County Planner working with the Gorge Commission  
Krystyna Wolniakowski, Executive Director

***AUDIENCE PRESENT***

Baker, Nathan - Friends of the Columbia Gorge  
Barney, Casey – Yakama Nation Cultural Resource Program  
Cornelison, Peter – Friends of the Columbia Gorge  
Kramer, Rick – City of The Dalles  
Lang, Michael – Friends of the Columbia Gorge  
Nicolai, Tom  
Reynolds, Mark  
Runyon, Rod – Wasco County Commissioner  
Savery, Meridith – Friends of the Columbia Gorge  
Shoal, Robin – US Forest Service

Others were present during the day.

***AGENDA***

**Call to Order and Roll (9:03 AM)**

Chair Chamberlain called the meeting to order and Nancy Andring called roll. All Commissioners present except Commissioners Blaine and Bonker.

**Welcome from local officials - Hood River Port Commissioner, Brian Shortt (9:04 AM)**

Port Commissioner Shortt welcomed the Gorge Commission and provided remarks. Commissioners Ericksen and Liberty raised questions and comments.

**Approval of Minutes for November 10, 2015 Commission meetings (9:16 AM)**

Commissioner Dekay moved to adopt the November 10, 2015 meeting minutes. Commissioner Wainwright seconded the motion. The motion passed 11-0 on a voice vote with Commissioner Blaine absent.

Executive Director Wolniakowski introduced Riley Marcus, new planner from Klickitat County working with the Gorge Commission. Riley Marcus provided introductory comments.

**Opportunity for Treaty Tribe Nations to address Commission (9:18 AM)**

As part of the Government to Government consultation process the Commission welcomes input from treaty tribe members on any issue on the agenda and any other matters. Casey Barney, Yakama Nation Cultural Resources Program provided comment.

**Opportunity for Public Comment (9:20 AM)**

The following provided public comment to the Commission on items not listed on the agenda:

- Michael Lang, Friends of the Columbia Gorge

**Discussion and Approval of 2015-2017 Workplan (9:26 AM)**

Public comment received first. Comment was provided by:

- Rick Kramer, City of The Dalles. Follow-up comment provided by Commissioners Ericksen, Blair, Liberty.
- Michael Lang, Friends of the Columbia Gorge.

Executive Director Wolniakowski provided an updated version of the 2015-2017 workplan that incorporates comments that the Commission made at its November 2015 meeting. (see attachment A)

Discussion by Commissioners Liberty, Executive Director Wolniakowski, Commissioners Wainwright, Blair, Blaine, Chamberlain, Nichols, and Ericksen.

Commissioner McNew made a motion to approve the work plan and Commissioner Ericksen seconded it. Discussion by Commissioner Blair and Executive Director Wolniakowski. Motion passed on a roll call vote 11-0 with Commissioner Bonker absent.

**Break (09:56 AM)**

**Discussion of the Management Plan Remand for Natural Resources and Guidance for Cultural Resources (10:20 AM)**

Public comment was received first. Public comments were provided by:

- Nathan Baker, Friends of the Columbia Gorge. (see attachment B) Follow-up comments and questions by Commissioner Chamberlain, Liberty, Ericksen and Nichols.

Executive Director Wolniakowski presented a summary of the issues and comments submitted by the Columbia River Treaty Tribes to the Commission received from July through December for the Commission's consideration, in response to the Oregon Court of Appeals remand of the management plan. (see attachment C) Comments and questions were provided by Commissioners Burditt, Blair, Liberty, Nichols, Chamberlain, Webster, Dekay, Minthorn, Ericksen and McNew.

Commissioner Minthorn made the motion to rescind the June 9, 2015 Commission motion regarding the Court remand and Commissioner Ericksen seconded it. Motion passed 10-0 with Commissioners Chamberlain and Nichols voting no and Commissioner Bonker absent.

Comments and questions by Commissioners Chamberlain, Wainwright and Legal Counsel Litwak.

Commissioner Blair made a motion for staff to craft language similar to SMA language approved earlier by Commission including adverse effect definition and Commissioner McNew seconded the motion. Discussion by Commissioners Liberty, Blair. Motion passed 10-0 with Commissioner Nichols abstaining and Commissioner Bonker absent.

Commissioner Ericksen made a motion to adopt new language prohibiting adverse cumulative effects to cultural resources. Discussion by Commissioner Liberty. No second. Motion died for lack of a second. Comments by Commissioner Burditt, Executive Director Wolniakowski, Legal Counsel Litwak, Commissioner Liberty and Blair.

Commissioner Liberty made a motion to direct staff to add a provision to the plan that addresses the protection of cultural resources in the land division process (generalized; refer to audio recording for specific wording). Comments provided by Legal Counsel Litwak. Motion seconded by Commissioner McNew. Discussion by Commissioners Nichols, Liberty, Legal Counsel Litwak, Commissioners Chamberlain, Burditt and Executive Director Wolniakowski. Motion passed 11-0 with Commissioner Bonker absent.

**Information Item: Measure 91 (Oregon) and I-502 (WA) Legal Analysis and Application in the National Scenic Area (11:46 AM)**

Item introduced by Executive Director Wolniakowski.

Planning Director, Angie Brewer, Wasco County and Planning Director, John Roberts, Hood River County provided comments. Comments and questions were provided by Commissioners Chamberlain, Liberty, Blaine, Ericksen and Legal Counsel Litwak.

Legal Counsel Litwak presented legal issues related to the application of Oregon and Washington's marijuana laws in the National Scenic Area. (see attachment D)

Comments and questions were provided by Executive Director Wolniakowski, Legal Counsel Litwak, Commissioners Wainwright, Liberty, Nichols, McNew, Ericksen, Blair, Webster.

Agenda item continued after lunch.

**Lunch (12:34PM)**

**Information Item: Presentation on 2015 Developments in Compact Law (12:55 PM)**

Legal Counsel Jeff Litwak gave a brief information only presentation during the lunch break on new case law involving interstate compacts and relevance of those cases to the National Scenic Area.

**Information Item: Measure 91 (Oregon) and I-502 (WA) Legal Analysis and Application in the National Scenic Area - Continued (1:33 PM)**

Further comments and questions were made by Commissioners Liberty, Blair, Nichols, Chamberlain, Ericksen, Wainwright and Burditt.

Commissioner Liberty made a motion directing Executive Director Wolniakowski to:

- Prepare a memo that explains Gorge Counsel's legal recommendation to the Gorge Commission regarding marijuana in the National Scenic Area as presented at the 12/8/15 Gorge Commission meeting; and
- Send that memo to local County Attorneys and/or County Commissioners, the Governors Offices for each State and issue that memo as a press release.

Motion seconded by Commissioner Nichols. Further discussion by Commissioners Chamberlain Ericksen, Blair, Blaine, Liberty. Motion passed 11-0 with Commissioner Bonker absent.

Further discussion by Commissioner Ericksen and Legal Counsel Litwak.

**National Scenic Area Manager's Report (2:01 PM)** Commissioner Burditt reported on:

- Rain event 12/7/15 and closing Multnomah Falls.
- YouTube video about accessibility and Wahkeena Falls.
- Recreation staff position available.
- Public affairs/community engagement and landscape architect positions pending.
- Addressing congestion issues near term around Multnomah Falls.
- Mid-term (2-4 year) project addressing congestion with transit solutions.
- Historic Columbia River Highway 100<sup>th</sup> anniversary.

**Gorge Commission Executive Director's Report (2:08 PM)** Director Wolniakowski reported on:

- Update on the WA Governor's Meeting with Tribes and Fossil Fuel Transport.
- Staff transitions.
- Gorge-ous Night Out in Salem (2/2/16) and Olympia (2/9/16). Discussion by Commissioners Dekay, Wainwright, Webster, Nichols, Liberty and Legal Counsel Litwak.
- Annual Holiday "Toys for Tots" Drive: please bring unwrapped gifts for boys and girls ages 1-12 (educational and practical items please) to donate to the Toys for Tots Foundation on behalf of the Commission. Comments made by Ray Joseph, CRGC Planner.

Comments and additional comments were made by Commissioners Burditt, Blair.

**Other Business (2:21 PM)**

- Commissioner Dekay provided information about a recently attended CRGVA meeting and the Gorge Tourism Studio.
- Commissioner McNew regarding Mr. Jaffey's report that was referenced by Michael Lang earlier in today's meeting. Comments by Commissioner Nichols.

**Adjourn (2:26 PM)**

Approved 1.12.16