

Columbia River Gorge Commission

Meeting Minutes
September 14, 2021
via Zoom Webinar

COMMISSION MEMBERS PRESENT

Sondra Clark
Lorrie DeKay
Robin Grimwade
Tamara Kaufman
Robert Liberty
Jerry Meninick ~ 8:33 a.m.
Donna Mickley
Carina Miller ~ 8:54 a.m.
Jim Morgan
Rodger Nichols
Pah-tu Pitt
Dr. Ashley Thompson ~ 9:04 a.m.

COMMISSIONER MEMBERS ABSENT

Michael Mills

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
Krystyna U. Wolniakowski, Executive Director

AUDIENCE PRESENT

Kim Allen
Mike Beck – Skamania County
Lynn Burditt – US Forest Service
Jeanette Burkhardt
Keith Cleveland – Hood River County
Peter Cornelison – Friends of the Columbia Gorge
Sheila Dooley
Kathy Fitzpatrick – MCEDD
Kelly Howsley Glover – Wasco County
Scott Kuhta – Washington State Dept. of Commerce
Michael Lang – Friends of the Columbia Gorge
Ilene Le Vee
Terra Lingley – ODOT
Steve McCoy – Friends of the Columbia Gorge
Keenan Ordon-Bakalian
Alan Peters – Skamania County

Mary Repar
B Rogers
Michael Sallis – Clark County Community Development
Derek Scheurer – Skamania County
Elizabeth Smith
Elie Steinberg
Tyler Stone – Wasco County
Janet Wainwright
Troy Watlamet
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 August 10, 2021, Commission Meeting Minutes (8:31 a.m.) Commissioner Nichols moved to adopt the August 10, 2021, Minutes and Commissioner DeKay seconded. The August 10, 2021, Minutes were approved by unanimous voice vote.

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

Opportunity for Treaty Tribe Nations to Address Commission (8:35 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: (8:35 a.m.) The following provided public comment to the Commission on items not listed on the agenda:

- **Mary Repar**
 - Stevenson Grange #121 invites all planners and interested parties to the September 28th program "How to live sustainably: An Overview of The Doughnut Economic Theory," presented by Kyle Diesner, the Climate Action Program Coordinator for the City of Portland Bureau of Planning and Sustainability. Diesner will give an overview of economist Kate Raworth's 2017 book, "Doughnut Economics: 7 Ways to Think Like a 21st Century Economist". The September 28th program begins at 6:30 p.m. (Attachment A)
 - Voiced concern about a logging operation at Sweeney's Corners in Skamania County.

Forsi: There is an approved Forest Practices application associated with the logging operation at Sweeney's Corners.

Executive Director's Report: (8:39 a.m.) Krystyna U. Wolniakowski, Executive Director, and staff provided updates on:

- **Climate Change Action Plan** – Jessica Olson, Senior Natural Resources Planner, reported:
 - We are preparing for a climate change webinar later this month. It will be an evening public meeting on September 29th from 6:00 to 8:00 p.m. focused on forests in the gorge. The audio will be posted on the website for those who are unable to attend.

- This event is in part a response to the Commission’s feedback on the initial vulnerability snapshots. Many Commissioners encouraged staff to look at forests beyond old-growth and forestry uses, more comprehensively as an ecological system to be addressed in the Plan.
- We are finalizing speakers for the webinar now and will send final materials about one week prior to the meeting. The meeting will focus on forest resilience – both in terms of ecological resilience to drought, fire, and pests that are resulting from climate change, and also in terms of community resilience and preparedness.
- There is a lot of interest from partners and residents – 50 people registered.
- Commissioners are welcome to attend in listening mode.
- We discussed the CCAP with the IRT earlier this month and got some wonderful feedback from the recreation managers who make up that group.
- Preparing for the October Commission meeting.
- Thank you to Commissioner Pitt for sharing information about an upcoming webinar hosted by the Northwest Climate Adaptation Center in October about stream drying in the Northwest. Appreciate opportunities to learn from others who are taking on issues like this one, water quantity, quality, and streams, that are important to the Commission and our climate work.
- **Diversity, Equity, and Inclusion Initiative** – Joanna Kaiserman, Senior Land Use Planner, reported:
 - Making progress on partnership with the Next Door for community outreach support. The Next Door will be organizing and facilitating two Listening Sessions with members of the Gorge Community to better understand their values, interests, and needs. The Next Door will provide the Commission with a summary and analysis of those sessions. Staff anticipates that the key themes from these discussions will help to inform the development of a Diversity, Equity, and Inclusion (DEI) Plan for the Commission and help the Commission to communicate more effectively with all communities in the Gorge, especially those we have had little or no interaction with before. Also still working with extern Tina Patterson as she develops a crosswalk document applying the 12 DEI Components of the Meyer Memorial Trust DEI Assessment to each of the Commission Workplan Priorities. Staff is reviewing a draft of the report now.
- **Vital Sign Indicators Initiative** – Lisa Naas Cook, VSI Planner, shared an update on the VSI program since the August Commission Meeting:
 - **Natural Resources and Climate Change:** Conducted several meetings to gather input from partners on existing monitoring programs and available datasets:
 - **Streams and Riparian Areas Vital Sign:** Met with John Palmer at EPA (lead on Columbia River Cold Water Refuges Plan) to discuss monitoring goals for the primary CWR tributaries included in this plan which informed the stream buffer policy change included in the revised Management Plan. Staff have been compiling information on past and current temperature and flow monitoring locations and will be following up with EPA, WA Department of Ecology, OR Department of Environmental Quality, and others to explore how we might leverage resources to monitor the ten tributaries within the NSA included in the CWR plan.
 - **Oak Woodlands Vital Sign:** Met with East Cascades Oak Partnership to discuss how an oak condition rapid assessment tool they are developing might be useful for us to start building an oak condition dataset for VSI. Will be

coordinating with ECOP this fall on a grant proposal that could help support this work, along with developing Best Management Practices for landowners in oak systems.

- **Recreation:** Working closely with USFS staff to refine a list of potential indicators and datasets to share with recreation partners for feedback as part of a VSI discussion at the next Interagency Recreation Team meeting in early October.
 - **Scenic:** Continuing to work on scenic indicators. Will be prioritizing work on other topics first in the next few months based on USFS staff availability. Morai Helfen, USFS Landscape Architect, is on a detail this fall.
 - **Economic Vitality:** Following the first VSI Economic Vitality Indicators Work Group session in early August, staff are coordinating individual meetings with some work group members to follow-up on priority VSI topics.
 - **Next steps:**
 - Coordinate a joint USFS/CRGC staff work session to discuss management questions and Vital Sign topics for cultural resources in early October. Will provide a brief update as part of the Executive Director's report at an upcoming Commission meeting.
 - Provide a brief VSI Economic Vitality update as part of the October Executive Director's report.
- **Access Database Replacement Project** – Krystyna U. Wolniakowski, Executive Director, reported that the project is progressing. With assistance from the WA OCIO, staff completed the Technology Budget, and it was approved by OFM and OCIO. This approval releases the first gate's funding for the first six months of the project. The funding is allocated 85% at approval with a 15% holdback until the first gate's deliverables are met. This first gate funding will allow the agency to hire a project manager, who will provide a current workflow analysis and determine options for the information technology system design platform. Staff continue to coordinate all information with Oregon EIS. Mike Schrankel has taken a leadership role as assistant project manager and will gradually take on more responsibility as the project continues. A more extensive report will be provided in two to three months after the project manager is hired.

Acker: Working on the solicitation and contract documents, which are quite extensive. Projected to post those to WEBS in the next two weeks. Mike Schrankel and I have completed numerous courses in purchasing and procurement and contract management required by WA OCIO.

Morgan: Asked whether the new database will enable better service to counties and public.

Wolniakowski: The current database requires manual entry and information is very difficult to obtain and then communicate. Ultimately the goal is to better serve stakeholders by being able to provide more accurate information without extensive staff time to gather the information. The database will be cloud based, searchable, and will also have a GIS component. The public and counties will have better online access to information. It might be helpful for next month's meeting to provide a summary that outlines the goals of the project.

Nichols: The program will also allow much greater ease in producing public records requests.

- **Annual Risk Register** – Krystyna U. Wolniakowski/Aiden Forsi, Risk Manager, reported on the background of the Commission's Enterprise Risk Management Program and the updates

made this year. The updated Risk Register and an updated ERM Policy were submitted to the Washington Office of Risk Management on September 1, 2021. (Attachments B and C)

Grimwade: Commented that the transitional risks and physical risks associated with climate change should be included more explicitly in the risk register.

Forsi: Responded that climate change is incorporated in the background of several risks but that he would review and include more explicit climate change risks.

Grimwade: Stated that staff should develop a “risk appetite statement” for the Commission to review and approve.

Liberty: Commented that staff should evaluate the risks associated with wildfire and other natural hazards as well.

- **Fall Meeting Topics and Roadmap/Timeline Adjustments** – Krystyna U. Wolniakowski previewed fall meeting topics:
 - Climate Change Action Plan and Natural Resources Indicators.
 - Cultural, Economic, and Scenic Draft Indicators on 2022 timeline.
 - October – MCCED presentation and OR and WA Investment Boards Economic Development Plans.
 - Progress report on Economic Vital Signs.
 - Update of draft MOUs. Meeting with planning directors scheduled for next week.
 - Progress report and work session on Climate Action Plan
 - November – Appeal Hearing
 - December – Draft Natural Resources and Climate Indicators

Liberty: The roadmap lists identification of issues and topics as a prologue to the discussion in December about the workplan for 2022. Suggested staff allow an appropriate amount of time in November and December for discussion.

Treaty Tribe Word of the Day (9:17 a.m.) Commissioner Carina Miller shared the Confederated Tribes of the Warm Springs word of the day, which is *tiyam*, which means Fall. Fall turns the vine maple beautiful in flaming color.

Action Item*: Draft Klickitat County Ordinance: (9:20 a.m.) Joanna Kaiserman, Senior Land Use Planner, presented the draft Land Use Ordinance for Klickitat County and requested action from the Commission to begin the rulemaking process. (Attachments D and E)

Schrankel shared a Klickitat County Land Use Designations map. (Attachment F)

Today is the first step in the adoption of a draft revised land use ordinance that incorporates revisions to the Management Plan. Staff developed this draft rule, and the Commission now must decide whether it is ready for public notice and comment.

Staff apologized that the draft rule sent out to Commissioners for review did not include the redline edits, so what Commissioners received was a clean version of the draft. If the Commission agrees today that the revised ordinance is ready and authorizes staff to start the rulemaking process, then staff will prepare the forms necessary to publish in the Oregon Bulletin and the Washington State Register.

Liberty: For those in attendance, there are substantive requirements that were changed in the Management Plan that are already reflected in the draft ordinance. Staff highlighted things that were not in the Management Plan that are clarifications for consistency. We do not want to give the impression that the Commission is not implementing the substantive requirements.

Kaiserman: All of the revisions made in the Management Plan are reflected now in the ordinance. Staff just did not reflect those as redline edits to the ordinance.

In the staff report, changes are grouped in the ordinance into two tables: the first being changes to the development review process relative to the development review process in the current land use ordinance. The second group of changes are what staff considers clarifications to the Management Plan language. Many of the changes are simply typos – things missed in the Management Plan. Others are edits to make text consistent throughout the ordinance so there is no question that staff intend the same meaning in different provisions. Others are clarifications of guidelines that staff or counties have identified as having more than one possible meaning.

If the Commission agrees the ordinance is ready, staff will prepare the required notices so that the Commission may hold a hearing to adopt the final land use ordinance at the December 14th Commission meeting. Staff expects that there will be a few more changes as the rulemaking notices are prepared and might recommend changes after the draft is published with the states – things that staff continue to find and things that are learned from public comments. Those will be included in the staff report for the final adoption hearing in December.

Commissioner Comments and Questions:

Meninick: Have had the opportunity to read many development review reports and county government reports. One thing that is consistent with the reports is that the states and feds have hired what they perceive to be “cultural resource experts”. These experts have generated reports that describe the practice of gathering as being in the past but not done today. Want to inform the Commission that our people continue to gather. Our people have challenged the access to resources and have won, but local governments, counties and metropolitan areas will side 100% with individual landowners. It is very uncomfortable to approach the multi-levels of authority just to be able to gather what is natural and God given. Suggest that the wording be very carefully scrutinized regarding cultural resources so that it is not something that can be challenged. Thanked the Commission for its effort and offered support for any changes or suggestions making development reviews more concise.

In the Columbia Gorge, there are public domain allotments - the Vancouver allotments, The Dalles allotments, and the Walla Walla allotments. These allotments are assigned to the Corps of Engineers and the Department of Interior. Yakama still maintains ownership of these properties.

Kaufman: Thanked staff for work on the land use ordinance and thanked Commissioner Meninick for the reminder.

Liberty: The staff report noted that adjustments were made to minimum parcel and lot size guidelines in rural land use designation. The minimum size parcels within the rural center for residential use is one acre. Was the one acre added or preexisting? One acre is little bigger than the minimum lot size in some cities. How was that determined to be rural? Is that consistent with policy on the south side of the river?

Litwak: The one acre is legacy from the original Management Plan. Staff did not review all the minimum parcel sizes as a matter of policy in Plan update. That is the minimum parcel size in the rural center. A change would require an amendment to the Management Plan.

Liberty: Would like to flag this as an issue for analysis in the future because the one-acre densification in my opinion is at urban level. The implication for some of the rural centers and high fire risk areas or the impact on natural resources is pretty significant.

Public Comment on Draft Klickitat County Ordinance: (9:41 a.m.) The following provided public comment to the Commission on the Draft Klickitat County Ordinance:

- **Mary Repar** – Asked when Klickitat County would be required to be part of the National Scenic Area and stop receiving special treatment.

Wolniakowski: Klickitat County is part of the National Scenic Area but did not choose to adopt the ordinance to implement the National Scenic Area Act and Management Plan. Because the county made that choice, the work then falls to the Gorge Commission to adopt and implement the ordinance.

Liberty: Additional funding was provided by the State of Washington to handle aspects of administration for Klickitat County.

Wolniakowski: Every other National Scenic Area County has planners that specialize in the National Scenic Area. The Commission did receive additional funding during the last legislative session to have a Klickitat County Planner dedicated to this work.

Kaufman: It is the Commission’s responsibility to make sure that all of the areas within the National Scenic Area are covered by land use ordinance. This ordinance is for Klickitat County because it is the one county at this point that does not do that work. If any other county chose not to implement land use ordinance, the responsibility to perform that work falls to the Commission.

Liberty: Assume that the clarifications and improvements in the Klickitat County ordinance have been shared with the other counties.

Wolniakowski: Staff have been working with the county planning directors and planners in each of the counties to help clarify some of the issues that have emerged from the updated Management Plan.

- **Michael Lang, Friends of the Columbia Gorge**
 - Friends will be submitting detailed comments during the public comment period on the draft ordinance.
 - One acre minimum lot size was based on existing land use patterns prior to the development of the Management Plan. There are R1 zones in the National Scenic Area, for better or worse.
- **Ilene Le Vee** – Urged the Commission to be very particular about the choice of words within the draft ordinance using present tense and an active voice.

Pitt: Glad for the robust opportunity for comment. Asked for clarification on implementation of:

- (A) The ED shall make a final decision on whether the proposed use would be consistent with 350-082-0640. If the final decision contradicts the comments submitted by the State Historic Preservation Officer or a tribal government, the ED shall justify how an opposing conclusion was reached.

Litwak: There are four places in the draft ordinance with a similar title. The changes were made in two or three places, but staff noticed that there needs to be a change to one more. The Management

Plan left out the phrase “or a tribal government”. The Executive Director, using just the language of the Management Plan, would be obligated to only consider whether her decision contradicts with the decision of the State Historic Preservation Officer. This is not our practice and that is not what was intended, so we added in the words “or a tribal government”. The Executive Director must justify how she would reach an opposing conclusion. There is a presumption that comments submitted by SHPO or tribal governments are to be observed unless the Executive Director can justify otherwise.

Pitt: Explanation totally clears up the ambiguity.

Liberty: There has never been a time when tribal government comments were not respected?

Litwak: Unaware of any decision that Commission staff has made where a tribal government comment was received and the Executive Director decided not to follow that.

Motion – Commissioner Nichols moved to ***Approve the Draft Klickitat County Land Use Ordinance and begin the rulemaking process.*** Commissioner Grimwade seconded the motion.

Roll Call for Vote on Motion:

	Yes	No	Abstain
Clark	×		
DeKay	×		
Grimwade	×		
Kaufman	×		
Meninick	×		
Miller	×		
Mills			
Morgan	×		
Nichols	×		
Pitt	×		
Thompson	×		
Liberty	×		
Total	11	0	0

BREAK – 10:02 a.m. – 10:17 a.m.

U.S. Forest Service NSA Manager’s Report: (10:17 a.m.) Forest Service National Scenic Area Manager Donna Mickley provided an update on fires, and Casey Gatz provided an update on Forest Service activities in the National Scenic Area (Attachment G):

- **Field Ranger Program**
 - Established to better connect visitors with the forest.
 - The Scene – Monthly publication during summer and bi-monthly publication during off season. The Scene may be accessed on the Forest Service website at <https://www.fs.usda.gov/detail/crgnsa/learning/?cid=fseprd629401>
 - Pacific Northwest Virtual Ranger Program video series - <https://vimeo.com/showcase/8251256/video/524010349>
- **Larch Mountain Trail** – The trail is sliding away from Larch Mountain. Will be installing micro tiles in the trail for emergency stabilization towards the end of September for a few weeks. May be short, temporary trail closures while work progresses. More extensive trail stabilization may be conducted in the coming years.
- Multnomah Falls permitting ends September 19th.

Commissioner Training: Handling Appeals of County Decisions: (10:37 a.m.) Jeff Litwak, Legal Counsel, discussed the Commission's authority to hear appeals and how that authority fits into the overall National Scenic Area Act, and the Commission's process for hearing appeals. of county decisions. (Attachments H and I)

Nichols: Has the Commission ever heard civil actions?

Litwak: The Commission has sought injunctions but has not done so in many years.

Other Business (11:15 a.m.)

Kaufman: The MCEDD Comprehensive Economic Development Strategy Meetings are coming to a close. The next meeting is scheduled for October 7th to be held at the Hegewald Center in Stevenson if social distancing rules allow. This meeting will be on measuring success and implementation. A wrap-up of the project will be the Gorge Economic Symposium scheduled on November 5th to be held at the Readiness Center in The Dalles.

DeKay: A meeting will be scheduled this Fall to finalize the environmental impact work on the Hood River Bridge replacement project. The Columbia Gorge Tourism Alliance meeting was canceled in August but there is a meeting scheduled this week.

Executive Session: (11:17 a.m.) Executive Session pursuant to Commission Rule 350-11-006(1)(g) to consult with counsel concerning the Commission's legal rights and duties with regard to current litigation or litigation likely to be filed.

Adjourn (11:55 a.m.)

Meeting Attachments:

- Attachment A – Stevenson Grange #121 Press Release – Kyle Diesner Presentation scheduled for 9/28/2021
- Attachment B – Risk Register
- Attachment C – Enterprise Risk Management Policy
- Attachment D – Staff Report – Klickitat County Land Use Ordinance
- Attachment E – Klickitat County LUO DRAFT
- Attachment F – Klickitat County LUD Map
- Attachment G – USFS Presentation
- Attachment H – Staff Report – Appeal Training
- Attachment I – Appeal Training Presentation
- Attachment J – Public Commission Meeting Protocol

Approved – 10/12/2021