

FRIENDS OF THE COLUMBIA GORGE

APRIL-JUNE 1995 NEWSLETTER

319 S.W. Washington Street, Suite 301, Portland, Oregon, 97204

Telephone: (503) 241-3762

FOCG Expands Land Use Program

Prepares for Gorge Management Plan Review in 1996

In October 1991, the Columbia River Gorge Commission adopted the Gorge Management Plan. The Friends was disappointed that the Plan was not stronger. We believe that the Plan allows more development in the Gorge than is appropriate.

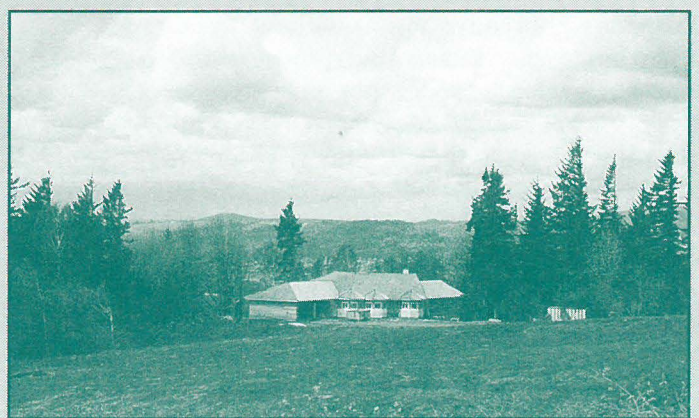
Even so, the vision of the Gorge provided by the Management Plan is important. The Plan "calls for protection of the grandeur of one of America's great landscapes. . . Wild areas. . . will remain wild. Forests and farms will come and go, and come again. They will not be replaced by residential subdivisions. . . Rural settlements will retain their existing character and rural way of life. . . The Management Plan envisions healthy populations of sensitive plant and wild-life species throughout the Gorge, accomplished by protecting and enhancing their habitat. . . Regulation of density will limit the cumulative effect of development to acceptable levels." (Management Plan, pages 5-6)

Is this vision being achieved? Is the Plan protecting Gorge forests and farm lands and its rural way of life? Will wild areas remain wild? Has habitat been protected and enhanced? Or has the Gorge already been unacceptably compromised by the cumulative effects of development?

The Gorge Commission is required to monitor development in the Gorge and gather information that would answer these questions. Unfortunately, the Commission has never put in place a monitoring program.

This lack of information is troubling, and very dangerous to future protection for the Gorge. In 1996, the Gorge Commission will be reviewing the Gorge Management Plan for possible amendment. While the Friends believe the Management Plan is too weak, opponents of the Plan believe it is too strong. **We expect serious efforts by opponents of Gorge protection to significantly weaken the Management Plan to allow even more inappropriate development in the Gorge.**

Continued on page 4



Should taxpayers be forced to pay the owner of this new home in the Gorge because only one home can be built on the property instead of condominiums or a commercial shopping center? Initiative 164 in Washington state answers "yes," threatening Gorge protection.

Photo by Lauri Aunan

Will Initiative 164 End Gorge Protection in Washington?

On April 18, the Washington Senate passed Initiative 164. The initiative requires taxpayers to pay landowners for any decrease in property values resulting from existing laws, including the Columbia Gorge National Scenic Area Act. If the landowner is not paid, then the laws cannot be enforced.

The Governor cannot veto this initiative. Although the initiative is poorly written and will result in expensive lawsuits, courts could rule that the initiative overturns Gorge protection in the state of Washington.

The people of Washington should have the right to vote on whether they want to overturn all land use planning laws, including laws that protect the Gorge. A coalition of Washington groups is gathering signatures for a statewide referendum on Initiative 164. **Your help is needed. Please call the Friends' office at (503) 241-3762 for information on what you can do.**

Executive Director's Letter

Should you have the right to develop anything you want on your property? Many people might answer "yes" to this question. Should all of your neighbors have the right to develop anything they want on their property? Many people might be uneasy about answering "yes" to this question.

If land use restrictions don't allow your neighbors to develop anything they want, should your taxes be increased in order to pay the neighbors for any decrease in their property values as a result of the restrictions? "Property rights" advocates would answer "yes" to this question, and they are working hard to make this the law.

H.R. 9 and S. 605 in Congress, Senate Bill 600 in Oregon and Initiative 164 in Washington would require taxpayers—you and me—to pay landowners who claim that development restrictions prohibit them from making as much money as possible from their land.

"Property rights" advocates argue it is only fair to pay landowners when government restrictions on development decrease property values. But what about landowners whose property values decrease because the government *allows* development, such as apartment buildings or an adult movie store in a neighborhood of single-family homes? If property values *increase* as a result of government action funded by taxpayers (a new freeway, sewers, schools, etc.), why shouldn't landowners repay taxpayers for the windfall gains received by the landowners? "Property rights" proposals don't speak to these situations.

"Property rights" proposals ignore that land use laws protect and in many cases increase the monetary value of property. Many Gorge landowners can sell their property at inflated prices because of high demand for property in an area that cannot be overdeveloped.

"Property rights" proposals also ignore the value of land for *what it is, not what can be done to it*. Gorge land use laws limit urban sprawl and prevent conversion of forests and farm lands into just another suburb of Portland and Vancouver. There are many suburbs, but there is only one Columbia Gorge. If we allow the Gorge to be paved over in the name of "property rights," a few more people will have homes overlooking the Columbia River and more developers will make more money—but we will have lost all of the things that make the Gorge unique. We will have lost the wild places, native plants and wildlife, forests, farms and untouched scenic vistas.

These things do matter. H.R. 9, S. 605, Senate Bill 600 and Initiative 164 would throw them all away for the almighty dollar—and would leave us all far less rich.

Lauri Aunan

Lauri Aunan
Executive Director



Aquilegia formosa, Red Columbine Photo by Russ Jolley

Mission Statement

Friends of the Columbia Gorge shall vigorously protect the scenic, natural and cultural resources within the Columbia River Gorge National Scenic Area.

We fulfill this mission by ensuring strict implementation of the National Scenic Area Act; promoting responsible stewardship of Gorge lands and waters; encouraging public ownership of sensitive areas; educating the public about the unique natural values of the Columbia River Gorge and the importance of preserving those values; and working with groups and individuals to accomplish mutual preservation goals.

—Adopted February 3, 1994

FOCG is proud to be a member of the **Environmental Federation of Oregon**. Protect the environment through payroll deduction.

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Contributors: Lauri Aunan, Julia Ferreira, Gary Kahn, Michael Lang, Joe Walicki
Editor and Layout: Kathleen Krushas

Deadline for the July newsletter is May 26.

Gorge Watch

Citizen Involvement Update

Membership Survey Results

Thanks to all of you who returned our membership survey. Respondents ranked the listed issues in the following order of importance:

1. protection of the Gorge from overdevelopment;
2. defend/strengthen the National Scenic Area Act;
3. protect forests in the Gorge;
4. defend/strengthen the Management Plan;
5. protect plants and animals;
6. anti-environmental groups;
7. need for more citizen involvement;
8. protection/creation of Gorge hiking trails;
9. quarries in the Gorge;
10. air quality in the Gorge; and
11. recreation/public access to Gorge lands.

More than half of the respondents have been members for more than five years. Thanks for your continued dedication to Gorge protection! ▲

10th Anniversary of Gorge Scenic Area in 1996

Friends of the Columbia Gorge is planning its celebration of the 10th anniversary of the National Scenic Area in 1996. We are forming a 10th Anniversary Steering Committee. If you have experience in organizing events, or would like to help the Friends plan a celebration of the 10th anniversary, please call Marna at 241-3762. ▲

Gorge Photos Wanted for Newsletter

Please send your newsletter-worthy Gorge photos to Marna at the Friends' office, along with your name and phone number. ▲

Thanks to Adopt-A-Highway Volunteers

Thanks to Board member Ken Denis and our fabulous Adopt-a-Highway



The March 25 Adopt-a-Highway Litter Pick-up Party. L to r: Nancy Russell, Pat Sims, Mitch Newharth, Annie Windsor, Liane Brown, Felice Denis, Marlene Schmitt, Renee Scott, Burt Burton.

Photo by Ken Denis

volunteers! On March 25, 10 volunteers filled more than 15 bags with litter and carted away four abandoned tires from the Historic Columbia River Highway from Multnomah Falls to the Oneonta Trail head. ▲

FOCG Works with PSU Planning Students

The Columbia Gorge Management Plan is an innovative approach to land use planning for a complex regional area of national significance.

Portland State University Planning Workshop students Lynn Peterson, Barbara Cartmill and Jill Grenda worked with Executive Director Lauri Aunan to prepare "A Plan for Evaluation: the Columbia River Gorge Scenic Area Management Plan." Their work will help our Land Use Audit Project (see page 1) as we conduct research and analysis to prepare for the Gorge Commission's review of the Management Plan in 1996.

Thanks to Lynn, Barb and Jill, and Professors Deborah Howe and Connie Ozawa. ▲

Welcome to New FOCG Volunteers

We are happy to announce four new FOCG volunteers. Bob Hoffman and Tarpley Vest will work on our Land Use Audit Project. Bob is the Director of Planning for the City of Canby, Oregon. Tarpley is a graduate of Scripps College and will be attending a Master's program in Urban and Regional Planning this fall.

Anita Roessmann is a graduate of the University of Oregon Law School and recently passed the Oregon State Bar. She will conduct legal research on a Management Plan amendment proposed by the staff of the Gorge Commission.

Anne Norwood of Gresham is designing a FOCG action alert and fact sheet format. ▲

Friends' Wish List

- 14400 Modem (will get us on the Information Superhighway —Internet and e-mail!)

- Donations to pay for Internet installation (new phone jack for modem; installation of modem) ▲

Mosier Twin Tunnels Project Moves Ahead

by Joe Walicki

This spring, construction bids will be opened for the first phase of the project to restore the historic Mosier Twin Tunnels, bringing the project a step closer to realization after more than 10 years of work by the Friends and other supporters.

The project will go forward as a hiking/bicycling trail and will be closed to cars. As reported in our November-December 1994 newsletter, the Friends opposed the use of Oregon gas taxes to help fund the project. Use of gas taxes would have required automobile use of this section of the Historic Columbia River Highway, which has long been planned as a unique "linear park" for people to enjoy without the noise, pollution and danger from cars.

Fortunately, an anonymous donation of private funds enabled the project to proceed without state gas tax funds. As an added benefit, the cost of the project has been reduced by eliminating automobile access. ▲

Friends Comments on Sandy River Delta DEIS

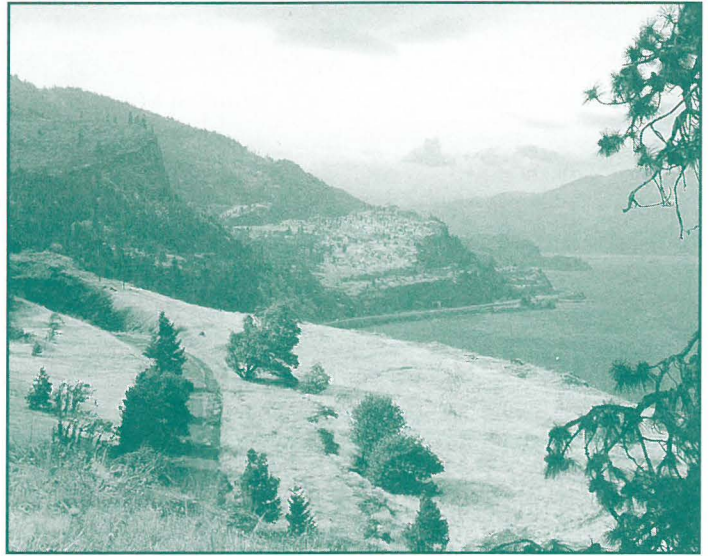
FOCG commented on the U.S. Forest Service's draft environmental impact statement (DEIS) for development of the Sandy River Delta, the western

Oregon gateway to the National Scenic Area.

We feel strongly that the Sandy River Delta should remain a natural area, with minimal development, where families can hike, bird watch, fish, and learn about restoration of the ecosystem. FOCG generally supports Alternative 5 of the DEIS, but asked the Forest Service to minimize adverse impacts by reducing and relocating parking lots; keeping the area closed to grazing; and restricting hunting and mountain bike use.

The Oregon Department of Transportation plans to reconstruct the Jordan Road freeway interchange for the Delta. We generally oppose new interchanges in the National Scenic Area, but recognize that safety concerns with the existing interchange may make this one of the few circumstances where

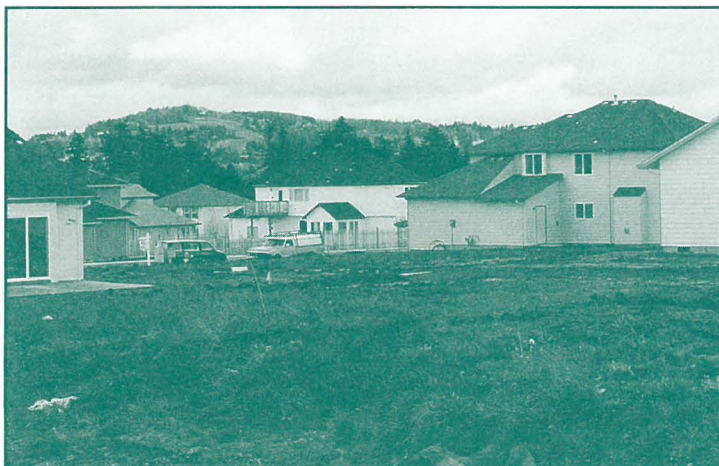
minor reconstruction of an existing interchange may be appropriate. ▲



The Mosier Twin Tunnels will be the focal point for a hiking and bicycling trail along the Historic Highway. This view from the east shows the Highway leading toward the Twin Tunnels to the west.

Photo by Ken Denis

The Friends is sponsoring hikes to the Mosier Twin Tunnels and Sandy River Delta the weekend of June 17 and 18. See the enclosed Hiking Weekend schedule for details.



This Troutdale subdivision replaced raspberry fields less than 5 miles from the Scenic Area. Initiative 164 may make such "cut-and-fill" subdivisions common throughout the Gorge in Washington state.

Photo by Lauri Aunan

FOCG Expands Land Use Program

—continued from page 1—

The Friends recently received seed funding from the Laird, Norton Foundation to help support a Gorge Land Use Audit Project that will monitor development levels and trends in the Gorge during 1995 and 1996. The Friends will use this information to prepare for the 1996 Plan review.

Land use planning programs like the Management Plan are under intense attack at the federal, state and local levels (see Executive Director's Letter, page 2). We will need all of our resources and more to successfully defend and increase Gorge protection in 1996. Additional support will help us carry out the Land Use Audit Project in the most effective way. Special contributions from members and supporters will be greatly appreciated. ▲

FOCG Urges Hood River County to Complete Land Trade

And Adopt Consistent Gorge Ordinance

by Michael Lang

Hood River County is one of three Gorge counties that has not yet adopted a land use ordinance under the Gorge Scenic Act. Over the past few years, the Friends has urged Hood River County to adopt an ordinance consistent with the Gorge Management Plan, and complete a land trade that will address some of the County's objections to the Scenic Act and Plan.

In 1988, the U.S. Forest Service determined that Hood River County's East Pit Quarry, directly adjacent to the Historic Columbia River Highway, is inconsistent with the National Scenic Area Act, and recommended phase-out of the quarry. The County was concerned at this loss of a local source of construction material. The County was also concerned about Management Plan restrictions on timber harvest in its County forest lands along the Historic Highway.

In an effort to resolve these concerns, Hood River County, the Forest Service, the State of Oregon and the Gorge Commission entered into a Memorandum of Understanding to work on a land exchange. The goal was to exchange County forest lands and the East Pit Quarry for forest lands and other land of equal value from the Forest Service and State of Oregon.

The Friends supported this cooperative approach and has been hopeful that the land exchange would be completed and a consistent Gorge ordinance adopted. Unfortunately, recent actions by Hood River County place resolution of this matter in grave doubt.

The County Board of Commissioners recently adopted a Gorge ordinance that is completely inconsistent with the Management Plan. The



The ravaged ground of the East Pit Quarry is a stark contrast to the forests and fields along the Historic Columbia River Highway. Hood River County wants to keep the quarry open despite a decision that the quarry, clearly visible from the Historic Highway, is inconsistent with the National Scenic Act.

Photo by Michael Lang

ordinance would allow the County to continue to operate the quarry in violation of the Gorge Management Plan. On April 12, the Gorge Commission found Hood River County's ordinance inconsistent with the Management Plan, and rejected the ordinance.

The Board of Commissioners also recently asked Congress to exempt the quarry from the Gorge National Scenic Area, and issued plans to remove 18,000 tons of rock from the quarry. If the County proceeds to re-open and operate the quarry it will

violate the Gorge Management Plan.

The Friends has asked the County to complete the land exchange that has been years in the making. The County is currently conducting its own appraisal, scheduled for completion in April. We hope the County will use the results of its appraisal to finalize a trade at fair market value. We also hope the County will join Wasco County and Multnomah County by adopting a Gorge ordinance that is consistent with the Management Plan. ▲

The goal was to exchange County forest lands and the East Pit Quarry for forest lands and other land of equal value from the Forest Service and State of Oregon.

Legal Update

FOCG monitors activity in three cases where land use laws in the Gorge are under fire

by Gary Kahn

Gorge "Taking" Case Dismissed by Skamania Court

In March, the Skamania County Superior Court granted the Friends' and Gorge Commission's Motion to Dismiss the "taking" lawsuit filed by Lois Jemtegaard. Mrs. Jemtegaard, who lives on over 300 acres in Skamania County across the river from Crown Point, had applied for a permit to build a house on a 20-acre parcel of the 300 acres. The Gorge Commission denied the application because the proposed house would not be used for forest or farm operations of the land. In dismissing her lawsuit, the court agreed with the Friends' and the Gorge Commission's position that "all beneficial use of [Mrs. Jemtegaard's] land is not prohibited." (Emphasis added)

Mrs. Jemtegaard is being used by "property rights" advocates in Washington state to promote Initiative 164 (see Executive Director's Letter, page 2). In a recent *Seattle Times* article, she claimed that Gorge land use regulations prohibit her from selling or building on her land. Mrs. Jemtegaard's claims are unfounded. The regulations do not prohibit her from selling or developing residences on her land as long as she meets the conditions for approval. In fact, she has applied to Skamania County for a permit to build a new house to replace her old home. In addition, in 1993 she gained approval to sell 1.25 million board feet of timber logged on her property. At that time the market was roughly \$600 per 1,000 board feet—approximately \$750,000.

Mrs. Jemtegaard's attorneys have filed a motion to reconsider the case. The Friends will continue to be involved with this case at every stage. ▲

Special Review Variance Appeal Rejected by Gorge Commission

The "special review" variance rule allows the Commission to approve development that is prohibited by the Management Plan. The Friends believes the rule will result in more inappropriate development in the Gorge, and filed a lawsuit against the "special review" rule. How-

ever, the Commission has kept the rule on its books while the lawsuit is pending.

The rule was recently invoked by applicants who want to develop a 10-acre parcel of "Special Management Area" (SMA) land. The Scenic Act prohibits residential development on SMA parcels smaller than 40 acres. Skamania County properly denied the application.

The applicants appealed to the Gorge Commission for a use variance under the "special review" rule. The Friends intervened in the appeal and argued that allowing the land use would violate section 8(o) of the Scenic Act.

Section 8(o) was crafted by Congress to give landowners relief, while offering the public a chance to protect some of the most significant scenic and natural resource lands in the Gorge. Under section 8(o), owners can offer SMA land to the Forest Service at fair market value. If the land is not purchased in three years, the land converts to less-restricted General Management Area land. Allowing a "special review" variance to change the land use before expiration of the three-year period would violate the Scenic Act.

The Gorge Commission denied the appeal on the ground that the applicants failed to show that they have no other use of the land. Because the Commission failed to address the issue of whether the "special review" rule violates section 8(o), we expect the applicants to bring this issue back to the Commission on another "special review" appeal. The Friends will continue to be involved with this important issue. ▲

Quarry Phase-Out Upheld

The Oregon Court of Appeals recently upheld the Gorge Commission's decision requiring phase-out of the "George Quarry" east of Hood River. The Friends supported the Commission's decision, and participated in the case at the Court of Appeals. Attorneys for the quarry owner have filed a petition seeking review by the Oregon Supreme Court. ▲

FOCG News

1995 Annual Meeting

On March 5, the Friends' Annual Meeting was held at Skamania Lodge. Members enjoyed the wonderful hospitality of the Lodge and were treated to A. Clair Siddall's slide presentation, "Columbia River Gorge: Flowers in the Landscape."

Board member Debbie Craig received a Special Recognition Award for her years of work to protect the Columbia Gorge. Debbie has served as Board Chair, fundraiser, hike leader and attorney for the Friends, and has been a leader in the work to protect the Gorge.

After the meeting, Nancy Russell led members on a tour of The Shire, John Yeon's nature preserve in the Gorge. ▲

Conservators' Weekend at Skamania Lodge

On March 4 and 5, nine Friends of the Columbia Gorge Conservators enjoyed a relaxing weekend at beautiful Skamania Lodge in the Gorge. The Conservators were treated to a tour of John Gray's art collection on display at the Lodge. "We can thank the Gorge Scenic Act for such a wonderful place to enjoy the beauty of the Gorge," said conservator Kitty Wheeler. ▲



Friends members enjoy sweeping views of Multnomah Falls, across the Columbia River from The Shire.

Photo by Ken Denis

Friends' Farewell to Conservation Director Joe Walicki

Joe Walicki, Friends' Conservation Director since October 1993, announced his resignation in March. Joe is staying in Portland and will continue to be a friend of the Gorge.

He is leading a hike of the Sandy River Delta for the Friends' 15th Annual Hiking Weekend June 17 and 18. The Friends' Board and staff send their thanks and best wishes to Joe. ▲



Nancy Russell leads Friends members on a tour of The Shire, John Yeon's nature preserve in the Gorge.

Photo by Lauri Aunan

Nancy Russell Receives Conservation Award

Friends co-founder and Chairman Emeritus Nancy Russell is a recipient of the 1995 Chevron-Times Mirror Magazines Conservation Award for her years of dedicated work to protect the Columbia River Gorge.

Others honored this year are Harriet Burgess of the American Land Conservancy, photographer Robert Glenn Ketchum, and The Peninsula Open Space Trust. Marty Rosen of the Trust for Public Land nominated Nancy for the award. ▲

HIKING NEWS

Great Turnout for First Spring Hikes

Sensational wild flowers and mild spring weather rewarded hikers on the first Friends of the Columbia Gorge hikes of 1995. The Friends' free hikes provide education on the Columbia River Gorge, a great part of the Northwest's quality of life.

Join the Friends for our 15th Annual Hiking Weekend on June 17 and 18. The schedule of hikes is enclosed in this newsletter. ▲



Photo by Ken Denis

Hikers at Fairy Falls.

Memorial Contributions

Friends of the Columbia Gorge wishes to thank the following people who have made memorial contributions since our last newsletter:

*In memory of Donald McGraw
Richard & Molly Kohnstamm*

*In memory of Nona Taft
Joe & Dodie Harrison
Betty C. Boyd
The Mains Family
Julius & Donna Massey
John & Myra Gevurtz
Cedar Hills Garden Club
Alice Mary Jensen
Ruth & Kenneth Berger
Neita & Bob Green
Clarice, Ella & Jean MacDonald
Sherlie Gade*

*In memory of Tom Sherrard
Beatrice Werble*

Photo by Ken Denis



Hikers on Wahkeena Falls Trail.

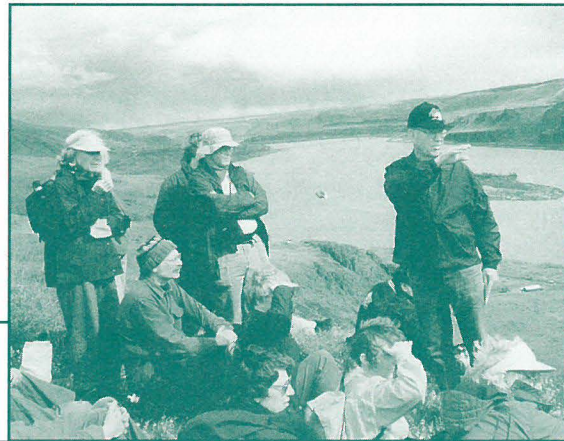
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Pat Bleakney explains some geology to hikers from a high point on Dalles Mountain Ranch on the April 8th hike.

Photo by Gayle Hammond

Gorge Calendar

April - June 7

Historic Bridges of the Columbia River Highway
A collection of photographs and glass lantern slides taken in 1915 by Tacoma, Washington, photographer Albert Barnes. On view at the Maryhill Museum of Art. For more information call (509) 773-3733.

Saturday-Sunday
June 17-18

Friends' 15th Annual Hiking Weekend
Please see the hiking brochure enclosed in this newsletter.

Saturday, July 1

Adopt-a-Highway Litter Pick-Up
Friends will help keep the Historic Columbia River Highway free from litter. Meet at the ODOT parking lot, NE 60th and Glisan, at 8 a.m. Second meeting place at Multnomah Falls Historic Highway parking area, 8:30 a.m. Bring leather gloves and hiking boots. You will be finished by noon. Call Marna at the Friends office for more information, 241-3762.

Sunday, July 23

Friends' Summer Picnic
Mark your calendar! Time and place to be announced. Call Marna at the Friends' office for more information, 241-3762.