

FRIENDS OF THE COLUMBIA GORGE

Spring 2002 Newsletter



Casino Gamble in Doubt *Political and legal obstacles could save Gorge lands*

By Michael Lang, Conservation Director, michael@gorgefriends.org

Gambling advocates with the Confederated Tribes of the Warm Springs have wagered that no one would challenge their claim to an unfettered right to build a 200,000-square-foot casino within the heart of the Columbia River Gorge National Scenic Area. The Tribes have also wagered that their application to withdraw 197 acres of land from the Scenic Area for a resort, parking areas and other

casino-related development is a near certainty. These appear to be wagers the Tribes may lose.

Significant legal and political hurdles stand in the way of withdrawing land from the National Scenic Area for the purpose of establishing a casino and resort. The proposal would violate federal laws and the gaming compact between the State of Oregon and the Tribes. Indeed, one of the biggest

obstacles for the Tribes is the very law that authorizes and regulates Indian gaming: the Indian Gaming Regulatory Act (IGRA).

Gaming Law May Prohibit Gorge Casino

The Indian Gaming Regulatory Act (IGRA) limits the right to build a casino on trust lands that fit the definition of "Indian lands." The Hood River trust land fails to meet the definition of Indian lands because the Tribes have never asserted "governmental control" over the land. The isolated, undeveloped parcel is nearly 100 miles away from the Warm Springs Reservation. Federal courts have routinely rejected attempts by other Tribes to construct casinos on similar trust lands.

Even if the trust land fit the definition of Indian land under IGRA, the Tribes' gaming compact limits it to one casino on the existing reservation. In order to establish another casino, the State of Oregon would have to agree to amend the compact and the federal government would have to approve the amendment. Currently, this is very unlikely because Governor Kitzhaber opposes off-reservation casinos.

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preserving scenic areas

As seen above, forested slopes toward the west end of the Historic Columbia River Highway Trail between Hood River and Mosier would be dominated by the proposed casino development. photo © Darryl Lloyd

INSIDE
Gorge Hiking Weekend
Brochure

Executive Director's Letter

One of the more vexing challenges we face in the Columbia Gorge today is the threat of a casino just east of Hood River. For more than 20 years, Friends of the Columbia Gorge has worked with the Confederated Tribes of the Warm Springs in supporting Gorge protection. Friends has worked to ensure that private lands rich in cultural resources were purchased by the Forest Service for protection. Warm Springs tribal members have traveled to Salem to testify in support of Gorge Commission funding and upholding the standards of the management plan.

But here we are today, traditional allies, at opposite ends of the table. Fortunately, we are both still at the table, and have continued talking throughout this difficult process. Talking about our very real concerns with the site. And talking about alternatives to the proposed sites that would address both concerns.

In the meantime, the Tribes have adamantly moved forward on the Hood River site. They recently regraded and added 700 feet to an abandoned road without going through the required permitting process. The Tribes were required to follow the Scenic Area laws just as any landowner would. To date, the Tribes and Hood River County have refused to remedy this situation.

Friends of the Columbia Gorge is determinedly moving forward to stop the Hood River proposal. We traveled to Washington, D.C. to meet with the Bureau of Indian Affairs and key members of the Congressional delegation, asking them to oppose the Tribes' request to bring 197 acres of newly acquired land into trust status, thus exempting the lands from the protections of the Columbia River Gorge National Scenic Area.

As this chess match continues, I hope Friends and the Warm Springs Tribes can continue to talk and show respect for each other's opinions. Will we find a solution that serves both sides? I don't know. Will we rebuild a relationship founded on protecting this beautiful and sacred place? I truly hope so.

It's not always easy being a "friend" of the Columbia Gorge, but it is always necessary when such a magnificent asset is at stake.

Sincerely,



Kevin Gorman
Executive Director



Kevin Gorman (second from right) prepares to head out on Friends' Memaloose Hills hike with his daughter, Meghan. The outing drew 75 hikers.
photo: Diana Karabut

Mission Statement

Friends of the Columbia Gorge shall vigorously protect the scenic, natural, cultural and recreational 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 November 20, 1997



Citizen Involvement Update

Friends' Outreach & Volunteer Happenings

By Betsy Toll, Volunteer Coordinator, betsy@gorgefriends.org

Stewardship in the Gorge

AmeriCorps member Amy Brown in our Hood River office has been scheduling monthly stewardship projects in the Gorge. Amy's term will be finished in late July, but here are upcoming projects she has scheduled:

- **June 27** – removing knapweed at the Columbia Gorge Discovery Center in The Dalles, OR.
- **July 13** – removing English ivy and Himalayan blackberry at Bridal Veil Falls, in partnership with REI and Oregon State Parks.

Check our website each month for details on upcoming projects. ■

Final 2002 Shepherd Training

Spring Wildflower Hikes are still going, and Gorge Hiking Weekend is coming up June 13-16 (see Gorge Hiking Weekend brochure insert for a full list of events). Every hike needs shepherds as well as designated leaders to ensure a safe and enjoyable hike for everyone.

Be a Hike Shepherd!

Training details:

Tuesday, May 28

5:30 to 7:00 p.m.

522 SW 5th Ave., #916, Portland

Please RSVP so we're sure to have plenty of pizza! Email Amy at amy@gorgefriends.org, or call her at 541-386-5268. ■



Hiking hero Bev Linde greets a hiker out on the trail with a basket of treats.

photo: Ken Denis

Thanks to our Hiking Heroes

Friends' volunteer hike leaders and shepherds provide wonderful Gorge experiences for hundreds of people each spring. We greatly appreciate everyone who contributes time and energy to make these hikes available to the public.

Special mention this spring goes to hike regulars Bev Linde, Ken and Caroline Bailey, Ray Hayden, Carlton Olson, Nancy Russell and Ken Denis for their generous spirits out on the trails. These "Hiking Heroes" are always there for other hikers, making sure everyone's hike is safe and rewarding. Great thanks to all of you. We couldn't do it without you. ■

Autumn Hikes

Autumn is a wonderful time to experience the Gorge, as green turns to gold and the hillsides and forests begin preparing for winter.

This year our autumn hiking schedule will begin on Saturday, September 14 and continue for six weekends, through October 19. Look for all the details in our August newsletter, or on our website after August 25. ■

Gorge Lovers' Email List

Our activists' email list is the best way to get announcements of upcoming stewardship events, hikes and other programs. Email betsy@gorgefriends.org or call 503-241-3762 x107 to join our low-volume list of Gorge action alerts and Friends' activity updates. ■



Stewardship volunteers at Bridal Veil load ivy and blackberry onto a dump truck to be hauled away.

photo: Betsy Toll



Conservation and Legal Program Highlights

In the Courts and in the Field...

By Michael Lang, Conservation Director, michael@gorgefriends.org,
and Nathan Baker, Staff Attorney, nathan@gorgefriends.org

U.S. Supreme Court Denies Review

Friends' last newsletter stated that Chris Woodall and the Gorge Commission were asking the U.S. Supreme Court to review a matter involving the bi-state compact that created the Gorge Commission. Friends provided legal assistance to Mr. Woodall because of the potential of the case to weaken regional planning in the National Scenic Area.

Skamania County opposed review, arguing that the case only sets a precedent for a narrow area of law involving nonconforming land uses.

On April 2, 2002, the Supreme Court denied review. Friends assumes that the Court's unwillingness to hear the case means that Skamania County's narrow interpretation of the case is correct. Hopefully the Gorge Commission will clarify the rules regarding nonconforming land uses in the near future. ■

Condit Dam Removal Plans Move Forward

On March 13, the Federal Energy Regulatory Commission held a hearing in Hood River on the environmental impacts of various options for the future of Condit Dam. More than 150 supporters of dam

removal, including Friends' staff, attended the hearing.

Condit Dam has blocked salmon and steelhead passage in the White Salmon River since 1913. In 1999, Pacificorp (the dam owner) entered into an agreement with regulatory agencies, environmental groups, and Tribes to remove the dam beginning in 2006. At 125 feet high, it will be the largest American dam yet removed.

The FERC staff has concluded that Pacificorp's dam removal proposal with modifications "would provide the best and most cost-effective means of removing the project facilities and reservoir sediments while concurrently providing for the protections of environmental resources." Eventually, the FERC Commissioners will officially decide whether to accept Pacificorp's proposal. ■

Gorge Commission Ignoring Public Comments

The Columbia River Gorge Commission is heading on a path toward weakening Gorge protection rules.

Rather than listening to the overwhelming majority of people who wrote letters supporting improved protection of scenic, natural, cultural and recreation resources, the Commission seems more interested in quieting opponents of Gorge protection. The Commissioners are being encouraged by staff to consider allowing more development in the Gorge.

Here are some examples of recent Commission actions:

- Refusal to examine existing rules allowing open pit mining;

- Refusal to place limitations on residential development in dangerous landslide areas;

- Adoption of plans to consider allowing more commercial uses in the National Scenic Area;

- Adoption of plans to consider allowing industrial uses, including fish processing plants;

- Supported consideration of allowing new public and private schools within the National Scenic Area, outside of urban areas;

- Considered weakening zoning restrictions in 11 areas;

- Refusal to strengthen scenic resource protection standards.

Take Action to protect the Columbia Gorge:

Write to the Gorge Commissioners and tell them that you oppose weakening the Management Plan to allow more residential and commercial development in the National Scenic Area. Let them know you are disappointed that the Commission refused to even consider placing more restrictions on open pit mining and also refused to limit residential development in geologic hazard zones.

Anne Squier, Chair
Columbia River Gorge
Commission
P.O. Box 730
White Salmon, WA 98672
Fax: 509-493-2229
Email: crgc@gorge.net

Since the Gorge Commission has omitted some comments from the record, please send a copy of your letter to Friends of the Columbia Gorge so we can track comment letters submitted. ■



School children paraded through the FERC hearing on Condit Dam in support of dam removal.

photo ©Daniel Dancer

THE LEWIS & CLARK LANDSCAPES PROJECT

By Tiffany Newton, Field Organizer, tiffany@gorgefriends.org

On April 4, 2002—exactly 196 years after the Lewis & Clark expedition camped at the western gateway to the Columbia Gorge en route back to St. Louis—Friends of the Columbia Gorge, along with Carl Pope, National Executive Director of Sierra Club, and the Trust for Public Land, launched our Lewis & Clark Landscapes Project to the media. Media coverage was widespread, with stories in *The Sunday Oregonian*, the *Seattle Post-Intelligencer*, and the *Columbian*, and also on Oregon Public Broadcasting Radio, KEX Radio, and KPAM Radio.

The goal of the Lewis & Clark Landscapes Project is to ensure public protection of approximately 4,000 acres of Gorge lands by 2004, about the time that the Pacific Northwest will begin commemorating the Lewis & Clark Bicentennial.

We estimate that \$30 million in federal funds will be needed to purchase these lands. In January 2002, President Bush called for \$10 million for Gorge land acquisition in his budget. This is the largest land-acquisition request in the country. In February, Friends' staff visited Congressional offices in Washington, D.C. to firm up support for Gorge land acquisition. Representatives Earl Blumenauer and David Wu have signed on as Lewis & Clark Landscape Project supporters.

What You Can Do:

Please contact your elected officials and ask them to support funding of \$10 million for Gorge land acquisition program. Sample letters, contact information, maps and photos of the Lewis & Clark Landscapes are available at www.lewisandclarklandscapes.org ■



Ken Karsmizki, Curator of History at the Columbia Gorge Discovery Center, and Nancy Russell at the Major Creek landscape. Lewis & Clark camped at the mouth of Major Creek on April 14, 1806.

photo: Kevin Gorman

Lewis & Clark Landscapes Project Official Supporters as of May 2002, include:

Annz Panz

Apeasay Organic Farms

Bart's Better Boards

Bicycle Transportation Alliance

Central Cascades Alliance

Chinook Trail Association

City of Mosier

Columbia Gorge Audubon Society

Columbia Gorge Discovery Center & Museum

Ecumenical Ministries of Oregon

Endless River Productions

Fair Deal Committee

Friends of Multnomah Falls

Friends of the White Salmon River

Marys Peak Group – Sierra Club

Mazamas

Native Plant Society: Mid Columbia Chapter

Native Plant Society of Oregon

Northwest Jewish Environmental Project

Oak Ridge Organic Farms

Oregon Historical Society

Oregon Natural Resources Council

Oregon Parks & Recreation Department

Oregon State Parks Trust

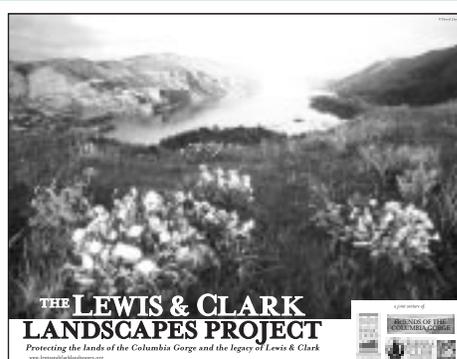
Oregon Zoo Foundation

Representative Earl Blumenauer

Representative David Wu

Save Our Wild Salmon

Washington Environmental Council



A full-color Lewis & Clark Landscapes Project booklet, with photographs of key landscapes, a map and legend, and information about the program, is available on request.

To receive a copy of this 16-page booklet, contact Tiffany Newton at 541-386-5268, or email tiffany@gorgefriends.org.



Funding Gorge Protection

Development Director's Report

By Jane Haley, Development Director, jane@gorgefriends.org

Lewis & Clark Come to Life at Annual Meeting

The excitement and passion of self-made collector and historian Roger Wendlick filled Friends' Annual Meeting as Roger described his 18-year sojourn amassing one of the finest collec-

tions of Lewis and Clark documents in the world.

Dressed in authentic clothing and trade beads like those used on the expedition, Wendlick's authoritative and vibrant lecture helped Friends kick off our Lewis & Clark Landscapes Project. Executive Director Kevin Gorman introduced the Project using slides highlighting key landscapes we hope will be purchased into public ownership by 2004, when

the Bicentennial Commemoration is in full swing.

The setting for the meeting and luncheon was Lewis and Clark

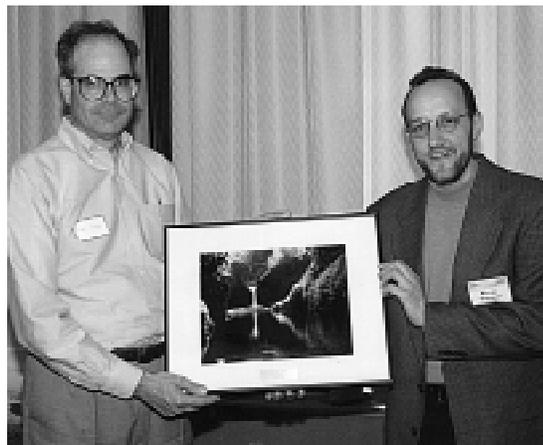
College, where 120 of our members helped us celebrate our 22nd year working to protect the treasured Columbia River Gorge. ■

Come to Friends' Picnic in the Gorge

Mark your calendars for Sunday, July 21. That's the date for our 2002 Annual Summer Picnic. This year's event will be at another beautiful private residence in the Gorge. Invitations with full details will be mailed in mid-June, so watch your mailbox for further information. ■

Meyer Memorial Trust Supports Friends' Work

In March 2002, Friends of the Columbia Gorge received a three-year \$185,000 grant from the Meyer Memorial Trust. The grant supports our public outreach efforts for the Lewis & Clark Landscapes Project, our work on the Gorge Commission's plan-review process, and our efforts to promote new parks and trails in the Columbia Gorge prior to the Lewis & Clark Bicentennial Com-



Executive Director Kevin Gorman presents attorney Phil Jones with an award for outstanding volunteer service. photo: Ken Denis

memoration. We are deeply appreciative of the Meyer Trust's support and their continued interest in protecting and enhancing the Columbia River Gorge. ■

Friends' Wish List

To keep ahead of the challenges of Gorge protection, we need the following:

A computer with Windows 2000 Pro, 20 GB drive, and a minimum 400Mhz processor.

Please call us at 503-241-3762 if you can help! ■



Collector and historian Roger Wendlick captivated the audience with stories amassing his world-class collection of expedition documents. photo: Ken Denis



Creating a Lasting Gift

"I wish I could make a significant gift that would have a lasting impact." That sentiment expresses how many of our members feel. The fact is there are several ways to make gifts of enduring significance to our future.

Planned giving is the key to making a gift that at first blush may seem beyond reach. Learn how gifts of stocks, life insurance policies or real property can be designated for Friends' endowment fund to provide long-term support for Gorge protection. Please call our development department at 503-241-3762 x102 for more information. ■

Casino Gamble in Doubt

(continued from page 1)

Proposal Violates Environmental Laws

If a future governor agrees to amend the gaming compact, an environmental review under the National Environmental Policy Act is required for both the fee-to-trust transfer and subsequent casino and resort development. The Tribes are asking for a limited "environmental assessment" as opposed to a more comprehensive "environmental impact statement." Recently, the Bureau of Indian Affairs (BIA) determined that a much smaller proposal in southern California had the potential for significant impacts on the environment and is now requiring the preparation of an environmental impact statement.

The Warm Springs' proposal would also violate the National Scenic Area Act (Act) by withdrawing lands from the congressionally designated area for the purpose of large-scale commercial development. Pursuant to Section 14(d) of the Act, the Forest Service has notified the BIA that the withdrawal of these lands would violate the Act "in that protection of the scenic, natural, cultural and recreation resources within those 175 acres would no longer be assured."

In a March 13, 2002 letter to the BIA, gambling advocates for the Tribes asked the BIA to ignore the Forest Service determination. If the BIA were to accept the Tribes' position, then, hypothetically, all remaining private land in the Gorge could be purchased by the

Tribes, withdrawn from the Scenic Area and subjected to unregulated logging, mining and development. Surely, Congress did not intend this outcome when it passed this landmark federal legislation.

The Public Opposes the Land Transfer and Casino

To their credit, the Department of Interior and the BIA have moved the decision-making authority on these issues to Washington, D.C. and away from the regional office of the BIA at the Warm Springs Reservation. This action occurred following the outpouring of opposition from local, state, and federal officials; environmental groups; other tribes; and the public. This list includes but is not limited to the City of Hood River, City of White Salmon, Hood River County, Klickitat County, Columbia River Gorge Commission, U.S. Forest Service, Governor Kitzhaber and key members of the state legislature and the northwest congressional delegation. In Hood River County, 73% of voters polled oppose a casino in Hood River.

Casino advocates have tried to force the public to choose between a poorly placed casino on land within the National Scenic Area and a poorly placed casino on Government Rock in Cascade Locks. Friends rejects this choice. Decisionmakers should refuse to be put in this box and instead evaluate each proposal on its own. ■

Take Action Now

Write a letter to the Department of Interior today. Ask the Department to deny the Warm Springs' application to withdraw land from the National Scenic Area for casino and resort development. At a minimum, the Department should require the preparation of an environmental impact statement in order to fully consider the environmental harm that will result from this proposal.

Fax your letter to 202-208-5320, Assistant Secretary Neil McCaleb, United States Department of Interior.

Friends of the Columbia Gorge

www.gorgefriends.org

Portland Office

522 SW Fifth Avenue, #820
Portland, Oregon 97204
503-241-3762

Gorge Office

416 Oak Street
Hood River, OR 97031
541-386-5268

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* Gorge residents

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Know Your Gorge



Map courtesy of Oregon State Parks and Recreation

Visit the Historic Columbia River Highway Trail

There are many reasons to visit the newly reopened section of the Historic Columbia River Highway between Hood River and Mosier, including looking at the potential tragic consequences of placing a casino complex just above it.

In 1999, the five-mile stretch of the Historic Columbia River Highway between Hood River and Mosier was reopened to the public, but not to automobiles. A state trail for hikers, bikers, strollers and rollerbladers, it is one of the premier recreation areas in the Gorge.

The Warm Springs tribes are proposing to reopen portions of the Historic Highway to automobile traffic. They project the casino will draw 2.2 million visitors annually, in more than 2,000 cars every day.

To see the proposed casino site: Take exit 65 off I-84 and head south to I-35. At the blinking red light, turn left (east) onto the Historic Columbia River Highway; follow signs to the Mark O. Hatfield State Park (\$3 day charge). From the trailhead, walk or bike along the Highway for 1/3 mile, until the Highway bends slightly to the right and then veers due east. The proposed casino site is 200 feet above that bend. ■

Cyclists rounding curves on the Historic Columbia River Highway Trail east of Hood River.

photo: Diana Karabut