

# FRIENDS OF THE COLUMBIA GORGE

Summer 2001 Newsletter

photo: Public record, Columbia River Gorge Commission



and failure by Skamania County to enforce the scenic area rules.

In July 1998, upon learning of the violations, the Gorge Commission began an enforcement action. After a public hearing, the Commission ordered the County to issue a stop-work order and to bring the development into compliance with the scenic area rules. This order was upheld by Judge Ladley of Washington State Superior Court. Friends intervened on the behalf of the Gorge Commission in the enforcement action and in subsequent court challenges.

The state supreme court rejected the path that the Commission had chosen for addressing the violations, and reversed Judge Ladley's decision. The decision focused specifically on procedural issues relating to the Gorge Commission's enforcement authority.

Despite this outcome, the Bea house, as well as Skamania County's decision, are still in violation of the National Scenic Area Act. Friends is concerned that if these violations are not corrected, a negative precedent will be set for the rest of the Columbia Gorge. It is fundamentally unfair to the hundreds of Gorge landowners who followed  
*(continued on page 7)*

## Bea Decision Reversed State Supreme Court Focuses on Process, Sidesteps Violations

By Nathan Baker and Michael Lang

On June 28, the Washington State Supreme Court reversed Superior Court Judge James Ladley's decision on the Bea house. The supreme court's decision acknowledges that the Columbia River Gorge Commission is required to enforce the National Scenic Area Act, but states that the Commission used the wrong method for correcting the violations in the Bea case.

The Beas and Skamania County have committed numerous violations of the scenic area rules in association with the 4,000-square-foot, 35-foot-tall house, perched on a bluff across from Multnomah Falls. The violations have included constructing the house in the wrong location, removal of required screening vegetation, construction without a building permit,

Above: An Aug. 22, 1998, photo of Bea house shows house and outbuilding sited on most prominent portion of property, exposed to full view of the Gorge.

preserving scenic areas

INSIDE

NEW! Summer and  
Fall Hike Schedule

# Executive Director's Letter

*"You can't always get what you want. But if you try sometimes, you just might find, you get what you need."* -M. Jagger/K. Richard

After several days of ruminating on the Washington Supreme Court's decision on the Bea House, those Rolling Stones' lyrics summed up my feelings. Friends may not have received what it wanted, but the Columbia Gorge got what it needed. Look beyond the media hype and you'll understand what I mean:

*The Bea house:* Despite the court decision, the house is still in violation and needs to be brought into compliance with the National Scenic Area Act. That effort has already started as several steps have been taken to blend the house into the surrounding landscape. Without the Gorge Commission's enforcement action, I don't believe any of these efforts would have occurred and the house would still be thumbing its nose at everyone.

*Skamania County:* Since this case rose to national prominence, the county planning office has often referred to their world as "pre-Bea" and "post-Bea." In the "post-Bea" world, they have been more careful in writing development decisions as they realize they are under closer scrutiny than ever.

*The Gorge Commission:* The court decision affirmed that the Gorge Commission needs to take a more active role in reviewing development applications in the early stages of the permitting process. Hopefully, the decision will give the Commission leverage during budget time in the Oregon and Washington legislatures to pursue funding for monitoring and enforcement.

*The Columbia River Gorge National Scenic Area:* The case introduced more people to the beauty of the Gorge and also showed just how landscape-altering one house can be. One Washington Supreme Court justice wrote that the Gorge is a "pristine national treasure," and that protection efforts should be "nurtured not thwarted."

Of course, there will be negative consequences from the decision. Our job is to minimize those and also to look to other means of protection, such as public-land acquisition. Our last two newsletters covered Gorge land acquisition efforts and the progress being made. It now appears that after significant efforts from Friends and others, Congress will appropriate \$6 million for Gorge land acquisition in the coming year. The timing couldn't be better.

Sincerely,



Kevin Gorman  
Executive Director

## 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 and Deirdre Murray, AmeriCorps Staff Member

### Gorge Hiking Weekend Wrap-up

**E**xcellent hiking weather, abundant wildflowers and magnificent views greeted more than 600 hikers, bikers, horseback-riders, and rafters during our 21st Annual Gorge Hiking Weekend events.

The 46 events drew participants from age two to age 80, in a celebration of the beauty and splendor of the Gorge. Hikers on the High Valley hike with Roy Stout and Julia Ferreira observed two black bears across a creek on a hillside, and those on the Steigerwald Wildlife Refuge with Jim Clapp watched in awe as a river otter raided a duck nest. These are just two examples of memorable Gorge experiences that were shared during the weekend.

A very special thank-you to all the expert hike leaders and hike shepherds who made Gorge Hiking Weekend possible for everyone! And many thanks to PGE for funding the hiking weekend brochure. ■

### We Need Your Help!

• **Volunteers needed to begin planning our hiking programs for 2002.** Required: interest, enthusiasm and love of the Gorge.

• **Friends' Speakers Bureau invites new speakers.** Training is scheduled for 5:30 pm, Tuesday, September 18. Present our beautiful slide show, and help educate the public about the challenges and the importance of protecting the Columbia Gorge.

• **To join our volunteer team** and get active in autumn, contact Betsy at 503-241-3762 x107, or e-mail to [betsy@gorgefriends.org](mailto:betsy@gorgefriends.org). ■

### NEW Summer & Fall Hikes!

This year, we've extended opportunities to enjoy Gorge hiking with Friends through summer and into early fall. For carpool details, meeting places and other specifics, check "Outdoor Programs" at [www.gorgefriends.org](http://www.gorgefriends.org). Call 503-241-3762 x107 or e-mail Betsy at [betsy@gorgefriends.org](mailto:betsy@gorgefriends.org) to have a flyer posted or mailed to you.

**Sat., Aug. 25 HORSETAIL FALLS, OR**  
This family-friendly hike showcases one of Oregon's favorite waterfalls. Cool and shaded, the trail leads around behind Ponytail Falls, and continues to the ridge beyond. Hike will be about three miles, with 700-ft elevation gain.

**Sat., Sept. 8, WAHCLELLA FALLS, OR**  
A family-oriented hike along cascading

Tanner Creek leads through tall groves opposite basalt cliffs, to one of the Gorge's most breathtaking falls. Hike will be about three miles, with approx. 750-ft elevation gain.

### Sat., Sept. 22, DALLES MOUNTAIN RANCH, WA

Come for a day's outing to hike trails amid beautiful oak and pine groves, high above the golden eastern end of the Gorge. Hike will be about six miles, with approx. 1200-1500-ft elevation gain (specific trail to be determined).

**Sat., Oct. 6, McCALL POINT, OR**  
This Rowena hike in the beautiful Tom McCall Preserve offers splendid views as the oaks and hillsides are changing colors for autumn. Hike is about six miles, with over 1200-ft elevation gain. ■



*Hikers enter High Valley view point.*

*photo: Ken Denis*



## Conservation and Legal Program Highlights

# In the Courts and in the Field...

By Michael Lang, Conservation Director, [michael@gorgefriends.org](mailto:michael@gorgefriends.org),  
and Nathan Baker, Staff Attorney, [nathan@gorgefriends.org](mailto:nathan@gorgefriends.org)

### Air Pollution Threatens Scenic, Natural and Cultural Resources

State and federal agencies have determined that air quality in the Columbia River Gorge is significantly degraded by pollution sources both inside and outside the Gorge.

Visibility in the scenic area is impaired 95% of the time. Sulfur is the dominant pollutant causing visibility impairment. Nitrogen and carbon are also problematic. Metals, sulfur and nitrogen concentrations found in the Gorge are comparable to concentrations found in polluted urban areas. Levels of lead detected in lichen samples are extraordinarily high. Cultural resources, such as rock

art, may be adversely affected by acid rain resulting from sulfur oxide and nitrogen oxide emissions. The air pollution sources are in the Portland/Vancouver area, industrial sources in the Columbia Basin and other sources within the scenic area.

### We need solutions, not more delays

Last year, the Gorge Commission voted to strengthen the Gorge Management Plan by requiring state air quality agencies to develop a strategy to protect and enhance air quality in the Gorge. The Oregon Department of Environmental Quality (DEQ), Washington Department of Ecology and the Southwest

Washington Clean Air Agency have spent the last year developing a work plan that sets up a five-year study that actually delays implementing any air pollution reduction measures for at least five more years.

Already, the DEQ is on record insisting that “no action” may be a reasonable result of this five-year, multi-million dollar study.

Meanwhile, at least 20 new gas-fired power plants have been proposed in or near the Columbia Gorge airshed. It is very probable that the cumulative effects of these power plants will further degrade air quality in the Columbia Gorge. This includes long lasting visibility impairment and ecosystem damage from nitrogen oxide emissions, which cause acid rain. The draft work plan will allow the problem to worsen for at least five years without taking any additional action reduce air pollution in the Gorge.

We know there is an air pollution problem in the Gorge. Our air quality agencies must take action NOW to halt further harm and improve air quality in the Gorge or we will lose the scenic beauty of the Columbia Gorge because of air pollution. Friends supports a moratorium on emissions growth, a thorough scientific analysis of air pollution in the Gorge, and phased implementation of air pollution reduction strategies that address sources both outside and inside the Gorge.

For more information, contact Michael Lang, 503-241-3762 x105, or check [www.gorgefriends.org](http://www.gorgefriends.org). View the Draft Air Quality Work Plan at [www.gorgeair.org](http://www.gorgeair.org). ■



*Gorge air pollution can be attributed to sources both within and outside the Scenic Area, such as this papermill in Camas, WA.*

*photo: Kevin Gorman*

# Activists Support Strong Gorge Protections in Plan Review

By Tiffany Newton, Field Organizer

Since early spring, Friends has worked with our members and other organizations to get the word out that public comments on the Gorge Commission's Management Plan Review are vital to the long-term vision of protecting the National Scenic Area.

We applaud and thank all our members who took time to send in comments on Plan Review. The Gorge Commission received more than 85% positive written comments in support of strengthening the Management Plan to continue strong protection for the scenic, natural, cultural, and recreational resources within this national treasure. Your scoping forms, letters, postcards and emails carried the message that a strong Management Plan is the key to continued protection for the Gorge.

Throughout the coming year, continued public input on the Plan Review process will be critical. From offering testimony at Gorge Commis-

sion meetings to writing letters and emails to the Commission regarding specific provisions of the Plan, there will be numerous opportunities to press for stronger protections for the Gorge.

For more information about how to become involved in Plan Review, please contact Tiffany Newton at 541-386-5268 or [tiffany@gorgefriends.org](mailto:tiffany@gorgefriends.org). Or check [www.gorgefriends.org](http://www.gorgefriends.org) for updated information. ■

photo: Kevin Gorman



*We applaud and thank all our members who took time to send in comments on Plan Review.*

## Gorge E-Activists List!

Email Activism is an excellent way to stay engaged in Gorge protection between newsletters.

Our Email Activists List makes it easy for you to get the information you need to help keep the Gorge protected.

E-Activists Alerts and Updates are posted once or twice monthly on issues affecting the Gorge. The Alerts include information, sample comments or letters, who to contact, and what you can do to ensure that Gorge protections stay strong. Updates offer reminders about upcoming hikes, events, and other activities as well.

To subscribe to our E-Activists list, if your email address is new or has changed, please send a post [betsy@gorge.friends.org](mailto:betsy@gorge.friends.org). We'll update our records so you become an E-activist for the Gorge. ■



## Kidney Lake Update

Friends and seven other conservation and hiking organizations have settled the appeal of the Kidney Lake Timber Sale along the Pacific Crest Trail (PCT). The Washington Department of Natural Resources (DNR) has agreed to revegetate an area that it clearcut in 1991, remove a timber road DNR built across the PCT in 1997, and provide an adequate buffer for a sensitive Native American vision-quest site near the DNR's rockpit.

Friends will work with the Yakama Indian Nation and Washington State agencies to ensure

that the vision-quest site is fully protected as agreed.

Unfortunately, since the settlement, several large clearcuts have been planned on private lands south of the Kidney Lake Sale. This makes protection of the Kidney Lake publicly owned land even more important. You can help by writing the Washington State Commissioner of Public Lands, asking for protection of the public land along the Pacific Crest Trail. See our Gorge Activism page at [www.gorgefriends.org](http://www.gorgefriends.org) for more details. ■

Left: "Leave" trees are marked in a portion of the Kidney Lake Timber Sale, along the Pacific Crest Trail in WA.

Photo: Michael Lang



## Funding Gorge Protection

# Development Director's Report

By Jane Haley, Development Director

### Innovative Program Benefits Friends & Members

**S**horeBank Pacific, the nation's first environmental bank, enables our supporters to share the interest on their certificates of deposit, called EcoDeposits, with Friends of the Columbia Gorge.

This Partnership CD program allows our members to earn interest on federally insured time deposits, and make a contribution to Friends at the same time. The program is simple: open a one-year EcoDeposit and designate whatever portion of the interest you wish to be donated to Friends. Investors receive a charitable contribution receipt for tax purposes, and have the satisfaction of knowing these FDIC-insured deposits are helping support protection of the Columbia Gorge.

ShoreBank Pacific's mission is to develop sustainable economies in the Pacific Northwest, extending credit to environmentally sustainable local businesses, especially in rural Northwest communities.

For information on how you can support Friends of the Colum-

bia Gorge with a protected investment, call Lucy Brehm, 503-916-1552, or Laurie Landeros, 360-642-1166, at ShoreBank Pacific. ■

### On-line Renewal: Less Hassle, Saves Trees

**R**enewing your Friends membership on-line is easy for members with Internet access. Just send us your email address and we will notify you electronically when your renewal is due. You can then renew your membership, using our secure membership renewal site at [www.gorgefriends.org](http://www.gorgefriends.org). This saves resources, time and money, making it possible for us to put those savings to work protecting the Gorge. Send your e-address to [michele@gorgefriends.org](mailto:michele@gorgefriends.org). And thank you! ■

### Friends Wish List

We need the following items to keep ahead of the challenges of Gorge protection. Please let us know if you can help:

- One full-size desk with file drawer for our Portland office.
- One PC Pentium II or better.

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



*Above: Paul Lestock (l), Larry Wyatt (m) and Rick Campbell (r) played bluegrass music all afternoon at Mayerdale. Right: Dancing was part of the Annual Picnic fun!*

*photos: Ken Denis*

## Summer Fun in the Gorge



**O**ur 22nd Annual Summer Picnic was the best ever, or at least that's what many members had to say about the event. Beautiful weather complimented the spacious grounds at Mayerdale Estate and Cherry Orchard where Friends' members and supporters gathered for games, music and a sumptuous potluck lunch.

Planning is already underway for next year's picnic, so remember to save the fourth Sunday in July. ■

# Bea Decision Reversed

(continued from page 1)

the rules to allow one landowner to flout the laws that protect the scenic beauty of the Gorge. If these violations are not addressed, it will give the green light for future developers to ignore the law. Justice Faith Ireland wrote in a concurring opinion that “[t]he majority decision fosters delay and rewards violators to the frustration of citizens concerned with the preservation of this unique and irreplaceable landscape.”

Justice Ireland also affirmed the importance of Gorge protection:

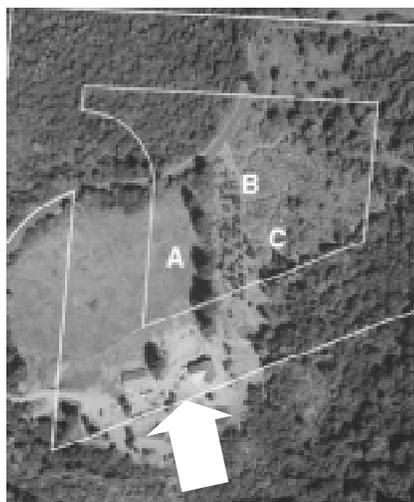
“The Columbia River Gorge is a pristine national treasure. Congress and the states of Washington and Oregon struggled mightily to create a vehicle to resolve competing economic, scenic, recreational, cultural and natural resources clashes to protect and support this area and its economy. The Act, ratified by the states of Washington and Oregon marks an unrivaled commitment to the environment which should be nurtured, not thwarted.”

Justice Phil Talmadge, who along with Justice Ireland appeared most concerned about the violations in this case when the court heard oral arguments, resigned from the court only seven days before the court issued its decision.

The Bea matter is not over yet. Skamania County officials have acknowledged that the house is in violation and that county enforcement has been lax. Mr. Bea has also acknowledged that violations have occurred. It is time for county officials and the landowner to “walk their talk” and bring the house into compliance with the law. If they do not, the court did point out several other options that are available when counties and landowners break the law. Friends is currently evaluating these options and others for the next step.

The Supreme Court’s decision also called on the Gorge Commission to keep Skamania County under much tougher scrutiny in the future. The court’s decision implored the Commission to closely monitor the development review process step-by-step to make sure that erroneous land use decisions, like the approval of the Bea house, are not approved in the future.

To be consistent with the direction given by the court, the Gorge Commission’s budget will have to be increased to carry out an enhanced role in monitoring Skamania County and ensuring compliance with the Act. Every two years, the Oregon and Washington legislatures approve the budget of the Gorge Commission. In past sessions, members of the Oregon and Washington legislatures worked to cut the Commission’s budget and eliminate funding for monitoring and enforcement. This is the exact role that the Washington Supreme Court said should be enhanced. ■



Inside line indicates mandatory 200-foot setback from adjacent properties. Letters indicate alternative building sites where house would be in full compliance with all siting requirements. Arrow shows house location, 15 feet from property line, unshielded by vegetation.

photo: Public record, Columbia Gorge Commission

## Friends of the Columbia Gorge

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\* Gorge residents

### Additional Support

**Legal Counsel:** Gary Kahn  
**Newsletter Design:** Kathleen Krushas

# Thank You for your special contributions

## IN MEMORY OF EDITH SPADY

ELOISE MATLACK  
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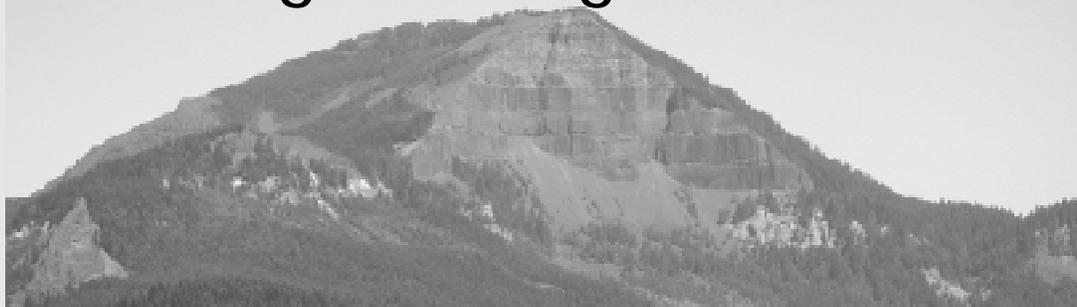
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## Know Your Gorge

# Creating the Bridge of the Gods



**T**he man-made bridge connecting Cascade Locks, Oregon and Stevenson, Washington takes its name from a Native American legend that may relate to a tremendous landslide that occurred 300 to 500 years ago, known today as the Bonneville Slide.

The landslide started when half of the face of Table Mountain broke away and tumbled into the Columbia, shoving a three-mile stretch of the river nearly a mile to the south. The slide pushed enormous rocks up to 800 feet long into the river to create an earthen dam more than 200 feet high—three times the height of Bonneville Dam.

According to legend, area inhabitants could then cross the river on foot, giving rise to tales about the “bridge of the gods.” One version relates how Coyote’s sons Wy’east (Mt. Hood) and Pahto (Mt. Adams), two powerful braves, both fell in love with beautiful Loowitt (Mt. St. Helen’s). The rivals frequently crossed the bridge, battling each other mercilessly. Eventually, Coyote intervened to keep the feuding brothers apart, collapsing the “bridge” and releasing the river to once again run free. ■

Sources: USGS website; The Oregonian, Sept. '99; various versions of Bridge of the Gods legends. To learn more, visit [http://landslides.usgs.gov/html\\_files/Bonneville/](http://landslides.usgs.gov/html_files/Bonneville/)

Above: The face of Table Mountain, just north of Bonneville Dam, shows where the south slope slid down, pushing the Columbia River a mile to the south.

photo: Kevin Gorman

*According to legend, area inhabitants could then cross the river on foot, giving rise to tales about the “bridge of the gods.”*