

**Historic Columbia River Highway Advisory Committee**

**August 13, 2001**

**ODOT Region 1-Telephone Conference**

**123 NW Flanders Street**

**Portland, Oregon**

Members Attending:	Bill Pattison, Carolyn Wood, Sally Donovan, Julie Curtis, Jack Wiles, James Hamrick
Staff Present:	Jeanette Kloos, Robert Hadlow, June Carlson
Others Attending::	Nancy Russell, Friends of the Columbia Gorge; Bus Gibson.

Bill Pattison, chair, called the meeting to order.

**WARM SPRINGS CASINO, HOOD RIVER**

Jeanette Kloos read the August 8 letter from Bureau of Indian Affairs to Hood River County and comments from Jeffery Plummer on the draft recommendation letter (all three attached). The letter proposes to transfer newly purchased land surrounding the Senator Mark O. Hatfield West Trailhead on the south into Tribal Trust status.

Julie Curtis asked if ODOT could restrict traffic. Can the tribal access to east of the gate?

Jack Wiles asked if the HCRH AC has "effective notice" of the proposed action. Is the letter to Hood River County the required formal notice from the Tribal Government to the State of Oregon? The letter to Hood River County does not describe the process that will be followed by the U.S. Department of the Interior. Is this the beginning of a bigger process? The letter to the County indicates that they could request a time extension, but it may or may not be accepted. Jack Wiles suggested that the HCRH AC should request a time extension. He also suggested that we should request additional information on proposed access and land uses.

Carolyn Wood mentioned that the letter, while on Bureau of Indian

Affairs letterhead, is from the Tribal Agent for the Warm Springs Reservation, not a regional or district office.

James Hamrick suggested that the HCRH AC should ask how the action of taking lands into Trust status affects the National Historic Landmark status of the HCRH, which would presumably be used for access to the lands. James, the State Historic Preservation Office, and the HCRH AC have not dealt with this situation before. Is the transfer into Trust status an action that provides the Federal nexus for Section 106? If so, would this trigger direct intervention by the Secretary of the Interior, pertaining to the effect on the Historic Landmark district?

Sally Donovan asked if a more detailed plan is needed before affects can be determined.

James Hamrick said that the currently available information gives us some indication of the scope of the action. Should the Advisory Council on Historic Preservation be asked if this action trigger's Section 106?

Julie Curtis asked which state agency should ask this question.

June Carlson said that the Assistant Attorneys General assigned to ODOT are looking at many of these issues. The Governor's Office is responsible for the Tribal Gaming Compact, while ODOT's role is mostly restricted to providing access to state highways.

Robert Hadlow asked whether the land transfer was considered a "Federal action" that required documentation under the National Environmental Policy Act (NEPA) and other federal laws.

Nancy Russell said that she had received a report that Chip Lazenby from the Governor's Office had said that the State would not comment on the request. Later, when asked by OPRD Director Michael Carrier, Chip Lazenby changed this statement to say that the State would comment, but the response had not been sent. Jack Wiles said he understood that the question was whether or not the State had received "effective notice"; once that was received, comments would be forthcoming. The letter to Hood River County from the Warm Springs Agency was not the same as the required notice from Bureau of Indian Affairs to the State of Oregon.

Jack Wiles recommended that the HCRH AC make recommendations to ODOT Director Bruce Warner that ODOT make recommendations to the Governor's Office. James Hamrick added that the USDA Forest Service-CRGN SA should receive a courtesy copy of the letter. He also said that the letter should ask about triggering the Section 106 process for a

National Historic Landmark.

Bill Pattison asked if any changes should be made to the draft letter. Sally Donovan suggested that a summary paragraph be added.

June Carlson suggested that the HCRH AC should recommend that all development go through the CRGNSA Management Plan review process.

Julie Curtis said that the funds were spent for the development of the Hood River to Mosier segment of the HCRH State Trail, assuming in good faith that the CRGNSA protections would be in place. The decision to change newly purchased land into Tribal Trust status could reverse this work. The letter should be extremely strong.

James Hamrick cautioned that the letter should not include any language that might be perceived as attacking the Tribes or being disrespectful to them.

Julie Curtis stated her opinion that the casino proposal was quite inappropriate for the site.

Jack Wiles said that there are a lot of questions about the future plans, including the quantity of material to be removed and the proposed future uses. For instance, would they include lodging, gas stations, etc.? Lacking much more detailed information, the HCRH AC must assume that there will be serious impacts to the HCRH. A 30-day extension should be requested. This was made in the form of a motion and was approved by the HCRH AC, as the recommendation to include in the letter to ODOT Director Bruce Warner. June Carlson, Jack Wiles, and James Hamrick agreed to review the revised letter to assure that the letter captures the agreement of the AC (see attached recommendation letter).

Bus Gibson complemented the HCRH AC on their actions and thanked the Committee.

#### **NEXT MEETING**

The next regularly scheduled HCRH AC meeting will be October 31, 2001, at the Columbia Gorge Discovery Center, in The Dalles.