

# The Columbian | Serving Clark County, Washington

## Pearson solution in holding pattern

While congressional intervention remains an option in air museum controversy, a new effort is being made toward mediation between trust, Park Service



Photo by [Zachary Kaufman](#)

School children visit the Fort Vancouver book store, a joint venture of the Park Service and Fort Vancouver National Trust.

By [Sue Vorenberg](#)  
Columbian Staff Reporter

Sunday, April 21, 2013



By Zachary Kaufman

A.J. LaFaro and his wife Lydia, of Tempe, Ariz., visit Pearson Air Museum on Wednesday. The couple, who have visited aviation museums big and small across the country, described their visit to Pearson as "disappointing."



By Zachary Kaufman

National Park Service park guide Roman Len walks through an interior door Wednesday at Pearson Air Museum.



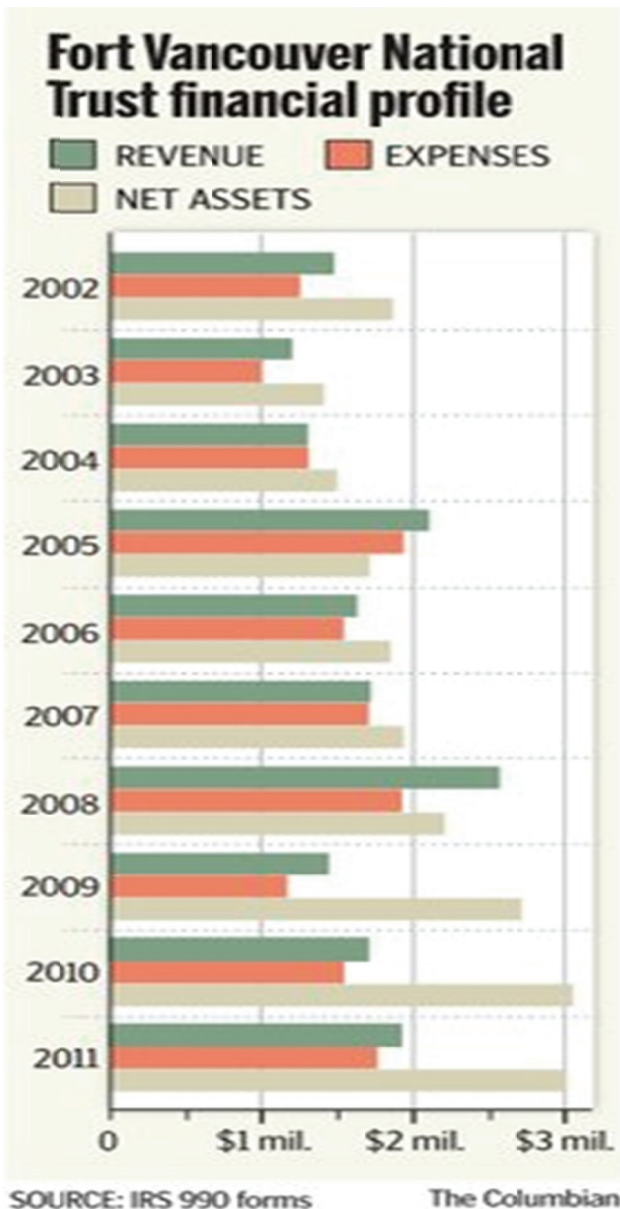
By Zachary Kaufman

Pearson Air Museum volunteer and Army Maj. Chip Sell walks into the facility on Wednesday. Sell, who was wounded while serving in Iraq, said that he felt a personal connection to the museum after receiving his Purple Heart in a ceremony there in 2003. "This is part of the Northwest's history, and I hope people come together to embrace it," he said.



By Zachary Kaufman

School children visit the Fort Vancouver book store on Friday April 12, 2013. (Zachary Kaufman/The Columbian)



Strong language, finger-pointing, community outrage and even congressional action has surrounded the operations of Pearson Air Museum since its management switched from the Fort Vancouver National Trust to the National Park Service earlier this year.

Talks between the groups to create a new joint management strategy for the museum failed dramatically, resulting in the trust moving out and taking the exhibits with it.

But the relationship between the parties may not be as irreparably broken as it seems. The two still have partnerships in place and continue to work together on other projects.

The trust runs the bookstore at the historic site's visitor center, and it is working together with the Park Service on the annual Independence Day at Fort Vancouver celebration.

Of those arrangements, Tracy Fortmann, superintendent of the Fort Vancouver National Historic Site, said, "I believe they're working fine."

And even as legislation moves ahead to transfer the museum and surrounding 7 acres from the Park Service to the city of Vancouver, Rep. Jaime Herrera Beutler, who authored the bill, says there's still time for compromise.

In part, that may be because she's gone over the heads of local and regional officials -- to Jonathan B. Jarvis, director of the Park Service, and asked him to try to get parties back to the negotiating table.

"What (Jarvis) told me is that they think this can be resolved," said Herrera Beutler, R-Camas. "I said to them 'great.' My reaction is trust, but verify."

The issue wasn't a high priority for Jarvis last year, but as the tensions have grown, he's become more interested in a resolution, she said.

"My guess is he's going to be paying much closer attention," Herrera Beutler said. "It's on his radar now. And he's brought in some new people (including Park Service officials from Seattle)."

Fortmann confirmed that there is a new effort toward mediation, although she couldn't provide many details. She said the Park Service is talking to both the city of Vancouver and the trust on possibly creating a new contract.

"We're in the early stages," Fortmann said. "Where there's a will, there's a way."

Elson Strahan, president of the trust, also confirmed that the parties are once again talking.

"The trust has met with NPS staff at the regional level and is currently exploring a framework that would facilitate discussions to develop a workable agreement," he said.

The cautious optimism is a new development that has only cropped up in the past few weeks.

Strahan noted that "we have not initiated any direct contact" with the Park Service.

And Fortmann at the same time seemed intent on simply moving forward without any involvement by the trust.

"It's not a question about who is better, and there is no competition (between the trust and Park Service over management of the museum)," Fortmann said. "Our goal is to keep the air museum open and accessible to the public, and we are doing that now."

## **Differing opinions**

If you look at correspondence between the Park Service and the trust during the contract negotiations, it appears as if each side believed it was in the right. But it's also apparent each was working under a different set of rules.

Fortmann said she considered the entire museum complex to be under the authority of the Park Service, which therefore makes permitting of events -- which was the center of the controversy -- her responsibility.

None of the parties disputes that the land beneath the museum is owned by the Park Service.

As part of that, "all requests to permit a special event in a national park must be reviewed and evaluated by the park superintendent," Fortmann said in an email to The Columbian.

And if you go by National Park Service policies and not the agreements the agency signed with other partners, she's following the rules of her job.

Asked for clarification about how she determined that she had that authority, Fortmann cited several Park Service regulations in detail. The two main rules are the 1916 Organic Act, which, she said, "directs the service

to conserve park resources 'unimpaired' for the enjoyment of future generations," and the 1970 National Park System General Authorities Act, which "prohibits the service from allowing any activities that would cause derogation of the values and purposes for which the parks have been established."

Those two laws "establish for National Park Service managers a strict mandate to protect park resources and values; a responsibility to actively manage all park uses; and, when necessary, an obligation to regulate park uses in amount, kind, time and place in such a way that future generations can enjoy, learn and be inspired by park resources and values."

But part of the problem is that the 1995 cooperative agreement to manage the museum was between the city of Vancouver and the Park Service. It's not simply a Park Service document.

And it has somewhat different criteria for event approval, which are what Strahan said he had been operating under.

Under terms of that agreement, Strahan said he didn't need Park Service approval to host events inside the museum or on the museum's paved grounds.

A 2005 document on "Special Events Policy," which is signed by Fortmann, Strahan and other parties, notes that "outdoor events on the (Fort Vancouver National Historic Site) are required to obtain a special events permit. The only exception is an event held by one of the Reserve Partners on property that is owned by the partner hosting the event."

That may sound like the trust didn't have authority, but the document continues: "Permits for events on the grounds of Pearson Air Museum can be obtained by contacting (the) museum director."

It doesn't mention the need for approval by the superintendent.

An August 2010 email from Chief Ranger Greg Shine to other Park Service officials also seems to support Strahan's belief, although it notes issues starting to arise with the trust going beyond its authority: "As you have noticed and shared with us, the footprint for special events set up and managed by the trust in the Pearson area has grown well beyond the immediate structures and patios under their management via agreement through the city."

Shine, who was the liaison to the trust, said he talked to Strahan and that "we all agree that as of now the policy has changed. The trust shall be responsible only for permitting events within -- and in the immediately adjacent paved areas of -- the Pearson buildings leased to the city. Any queries for use of outdoor space shall be forwarded to the NPS (Shine) and all NPS special events, policies, guidelines and procedures shall apply."

## **Tension grows**

After 2010, the language on both sides gets stronger -- with neither the Park Service nor the trust willing to back down on what each felt was the correct policy.

By about 2012, the Park Service's language seems to indicate that it considers the trust to be not much more than a fundraising group for the historic site or a simple "vendor," rather than a partner.

But the trust wasn't set up as a Park Service friends group. It was built as an independent entity designed to work with several groups to develop and expand the story of the historic site.

"While the trust has provided support to the NPS, as would a 'friends group,' the trust's role has always been much more comprehensive to meet the many diverse needs of the entire site, which both the NPS and the city have certainly understood and encouraged," Strahan said.

According to emails released through a Freedom of Information Act request by The Columbian, Park Service officials outside of the area don't seem to understand that the trust has taken on a large role in the community, or that it does more than act as a friends group for the park.

Chip Jenkins, deputy regional director of the Park Service Pacific West Region, in an April 2012 email to Chris Lehnertz, director of the region, described what he thinks the trust should be doing. His language sounds a bit like a parent scolding an errant child.

"We need to clearly state what we need partners to do with us at (Fort Vancouver)," Jenkins wrote, adding that the Park Service "need(s) clear and consistent expectations about good partner behavior. Mutual respect for each others' roles, constraints and opportunities. This needs to go both ways. Need mechanism to act when inappropriate behavior happens."

From his perspective, the Park Service seemed more interested in dictating a new cooperative agreement with the trust, rather than negotiating, Strahan said.

For example, after getting a draft agreement from the Park Service, a member of the trust executive committee suggested that the trust's already existing educational programs be grandfathered in to the new agreement, rather than subjecting them to a time-consuming re-approval process, Strahan said.

"The response was not only that all current and future programs were going to be reviewed, (but) the trust was to turn over all current educational programs and 'relationships' for management by the NPS," he said.

And Herrera Beutler said she agrees with Strahan that the Park Service had been unbending during the talks.

"I really didn't feel like what the trust was asking was unreasonable," Herrera Beutler said. "And from the Park Service, some of their contracts had lines that actually said 'you have to figure out how to decrease attendees at your event.'"

## **How did we get here?**

In the late 1940s, the War Assets Administration transferred land it had used for air and military purposes to the civilian sector. The Department of Interior got 53,453 acres to set up the Fort Vancouver National Historic Site; the city of Vancouver, for its airport, got everything south of Evergreen Highway not retained by the Army or the National Park Service.

In 1972, though, the city decided to relocate the airport so it could be improved and expanded, said Jan Bader, the city's program and policy manager.

As a means to fund the relocation, the city sold the Park Service 72 acres of airfield property for \$544,500, including the 7-acre site of the museum complex, which hadn't been built yet. One of the Park Service's objectives in the deal was to get rid of some hangars so it could further develop the park.

But plans to move the airport failed, with complaints from neighborhood associations and threats of legal action barring the way to a new location, Bader explained.

"Everybody wanted a new airfield, but nobody wanted it sited near them," she said.

So the city went to the Park Service and leased back its old runway so it could continue to operate the airport.

"In hindsight, it seems like a not-so-well-thought-out plan," Bader admitted. "But at the time, it did make sense to somebody."

In 1995, the city signed an agreement with the National Park Service to jointly build the museum on that leased land. A community group ran it for the first several years, until the trust subcontracted with the city to take over management in 2005.

And things at the museum ran fairly smoothly until 2010, when issues with event permitting started to escalate.

## **What's next?**

It will be an uphill battle to get the two sides to compromise with one another on a new agreement over management of the museum.

If they can come together, the result could be smoother operations, the return of some key events and perhaps -- most importantly -- the museum could have its exhibits and historic aircraft back on display.

But that's a big "if."

Arguments with the Park Service and other entities over the land around the museum and Pearson Air Field go back decades, and flare-ups haven't been uncommon.

Herrera Beutler said she's been informally trying to get the trust and Park Service to work together over the past year, without much success.

"Generally, senators, congresspeople, they work through their staffs on things like this, but this is one that caused me to get directly involved," Herrera Beutler said, noting that she personally called officials from both sides repeatedly during the process. "I was surprised. I wasn't even able to get results."

And if an agreement isn't reached soon, her bill is still very much on the table. It passed out of committee markup on March 20 and is waiting to be heard on the House floor.

Herrera Beutler said she hopes to meet with House Majority Leader Eric Cantor, R-Va., soon to move it forward as quickly as possible.

But until that happens, there's still time to work out a deal, she said.

"I'm not going to wait six months or eight months for some sort of formal process," Herrera Beutler said. "We'll know in a month or so whether this all can be resolved. And (Jarvis) seemed amenable to that."

And if it is resolved before the bill makes it to the floor, she said that would be just fine with her.

"If the trust, the city and the Park Service are satisfied, we'll pull it," Herrera Beutler said. "My interest isn't in who owns the property; it's how the public gets to use it."

Sue Vorenberg: 360-735-4457; [sue.vorenberg@columbian.com](mailto:sue.vorenberg@columbian.com)