

No. 48423-4

**COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON**

JOHN ROSKELLEY, FAYETTE KRAUSE, SPOKANE AUDUBON
SOCIETY, SPOKANE MOUNTAINEERS, and THE LANDS
COUNCIL,

Appellants,

v.

WASHINGTON STATE PARKS AND RECREATION COMMISSION,
and MT. SPOKANE 2000,

Respondents.

**WASHINGTON STATE PARKS AND RECREATION
COMMISSION'S RESPONSE TO BRIEF OF APPELLANTS**

ROBERT W. FERGUSON
Attorney General

JAMES R. SCHWARTZ, WSBA No. 20168
Senior Counsel

MICHAEL M. YOUNG, WSBA No. 35562
Assistant Attorney General

OID No. 91033

PO Box 40100

Olympia, WA 98504-0100

(360) 586-4034

Attorneys for Respondent Washington State
Parks and Recreation Commission

TABLE OF CONTENTS

I. INTRODUCTION.....1

II. ISSUES RELATED TO ASSIGNMENT OF ERROR AND ISSUES.....3

III. COUNTER-STATEMENT OF THE CASE.....3

IV. ARGUMENT11

 A. Legal Standard11

 B. The Natural Resource Policy Does Not Preclude Recreational Use12

 C. The Policy Must Be Considered in Its Entirety18

 D. The Commission Must Follow Its Own Statutory Mission19

 E. The Commission and Staff Applied the Law and Policy.....20

 F. A Difference of Opinion Does Not Make a Decision Arbitrary.....27

V. CONCLUSION32

TABLE OF AUTHORITIES

Cases

<i>Blueshield v. Office of the Ins. Comm'r</i> , 131 Wn. App. 639, 128 P.3d 640 (2006).....	30
<i>CBS Corp. v FCC</i> , 663 F.3d 122 (3rd Cir. 2011).....	22
<i>City of Des Moines v. Puget Sound Reg'l Council</i> , 98 Wn. App. 23, 108 Wn. App. 836, 988 P.2d 27 (1999).....	30
<i>Hillis v. Dep't of Ecology</i> , 131 Wn.2d 373, 932 P.2d 139 (1997).....	12, 27, 30
<i>Norquest/RCA-W Bitter Lake P'ship v. City of Seattle</i> , 72 Wn. App. 467, 865 P.2d 18 (1994).....	19
<i>Port of Seattle v. Pollution Control Hearings Bd.</i> , 151 Wn.2d 568, 90 P.3d 659 (2004).....	27
<i>Postema v. PCHB</i> , 142 Wn.2d 68, 11 P.3d 726 (2000).....	30
<i>Probst v. Department of Retirement Systems</i> , 167 Wn. App. 180, 271 P.3d 966 (2012).....	23, 24
<i>Puget Sound Crab Ass'n v. State</i> , 174 Wn. App. 572, 300 P.3d 448 (2013).....	29, 30
<i>Ramaprakash v. Federal Aviation Administration</i> , 346 F.3d 1121 (D.C. Cir. 2003).....	22, 23
<i>Rios v. Washington Dept. of Labor and Industries</i> , 145 Wn.2d 483, 39 P.3d 961 (2002).....	25, 26
<i>State v. Brannan</i> , 85 Wn.2d 64, 530 P.2d 322 (1975).....	28

<i>State v. Garrett</i> , 80 Wn. App. 651, 910 P.2d 552 (1996).....	15
<i>Wash. Indep. Tel. Ass'n v. WUTC</i> , 148 Wn.2d 887, 64 P.3d 606 (2003).....	11, 26, 27

Statutes

RCW 77.04.012	29
RCW 79A.05.....	3
RCW 79A.05.030.....	14, 26

Regulations

WAC 352-16.....	3, 13
WAC 352-16-010(4).....	26
WAC 352-16-020.....	3, 5, 13
WAC 352-16-020(1).....	5
WAC 352-16-020(2).....	5
WAC 352-16-020(3).....	5
WAC 352-16-030(2).....	13

The Parks Commission's classification decision that allows expansion of a ski facility in Mount Spokane State Park should be affirmed because it was thoughtful and thorough as demonstrated by the extensive record that supports it. The Commission grappled with a land-use decision to classify a unique landscape that contained significant habitat features and that had also served state and local recreation needs for many decades. After significant public input and review of numerous technical and scientific reports, including an environmental impact statement, the Commission chose a land classification for the 800 acres at issue, striking a compromise that allows the ski facility to expand to a 279-acre area with stringent restrictions on development and use acres while preserving 521 acres in conservation classifications. The decision was not arbitrary or capricious because it was based on a thorough consideration of all relevant factors, was well articulated and was within the legal framework of the governing rules and statutes.

I. INTRODUCTION

The Commission was presented with a proposal by Mt. Spokane 2000 (MS2000) to extend an existing ski operation to a portion of the mountain that had historically been used for outdoor recreation, including skiing, for many decades. The Commission's decision was preceded by over a decade of planning, public comments and

meetings, and numerous studies of the area habitat and potential impacts to that habitat from increased recreational activity. The community was divided with a significant number of the commenters supporting the expansion of recreational activities allowed in the area. ARSUPP00148. The public comments by each Commissioner on the day of their decision reflect how thorough and complete the review process was and how soul-searching the decision was for each Commissioner.

Ultimately, five of the seven members approved a compromise classification that kept the vast majority of the area (approximately 521 acres) in low-intensity recreational activity to preserve the area, while classifying 279 acres for more intensive recreational use. Within the 279-acre recreation classification, the Commission imposed additional restrictions in a development plan limiting disturbance to 75 acres for ski runs and significantly limiting the activities that could occur within the tree areas located between the ski runs. AR00888. The record reflects the decision was not arbitrary and capricious. Rather, it indicates the decision was thoughtful, in full consideration of the facts and applicable rules and policies, and guided by the agency's dual mission to balance the community's recreational needs with habitat protection.

II. ISSUES RELATED TO ASSIGNMENT OF ERROR AND ISSUES

Where the record indicates the Commission reviewed a tremendous amount of information before the decision, the record includes specific references to all laws, regulations, and an applicable agency policy affecting the decision, and the record includes specific commissioner comments reflecting the matters considered and the information supporting the ultimate decision, was the decision arbitrary and capricious simply because the commissioners did not provide detailed references to or analysis of the applicable policy?

III. COUNTER-STATEMENT OF THE CASE

By law, the Commission is charged with managing state park lands for both recreation and conservation. *See generally* RCW 79A.05. In order to aid its management of lands under its control, the Commission classifies lands based on use. *See* WAC 352-16-020. The land-use classification process is very public and seeks input from the community, other agencies, and scientific experts on the appropriate mix of land uses for different parts of the state park system. WAC 352-16. Mount Spokane State Park itself is very large, containing over 13,000 acres. AR00859. The majority of the park went through a land classification process in 1999. *Id.* The 1999 process resulted in most (over 80%) of the park being classified for low-to-moderate recreational use under the

natural or resource recreation classes.¹ Classification of the area subject to this appeal was delayed to allow further study and community input.

Mount Spokane has an active history as a destination for skiing. AR00859. Construction of the first ski amenities began in the 1930s. By the 1950s, alpine skiing, a ski lodge, and a restaurant all operated on the mountain until the lodge burned to the ground in 1952. *Id.* These historic features were located just south of the area at issue. *Id.*²

The area under review is commonly known as the PASEA (Potential Alpine Ski Expansion Area), a name that attached to the area during early planning in the 1990s. The PASEA is approximately 800 acres in size and sits on the backside of an existing ski area that has operated on the eastern side of the mountain for many decades. AR00007. As mentioned, recreational activities have occurred in and near the PASEA for decades: some examples are snowshoeing (AR00789), biking (AR00797), backcountry skiing (AR00797), snowmobiling (AR00119), and birding (AR00596). AR00667, AR00688. Because the PASEA enjoys higher snow quality and excellent tree glading [skiing through trees], it has become a popular destination for skiers seeking lift-served backcountry experience. AR00068. As a result, the concessionaire has

¹ See color-coded map attached to Declaration of Lisa Lantz (Lantz Decl.) at Exhibit A. CP295 (ARSUPP00203) (Attachment A to this brief).

² See color-coded map attached to Declaration of Lisa Lantz (Lantz Decl.) at Exhibit B. CP297 (ARSUPP00205) (Attachment A to this brief).

provided emergency response in the PASEA to lost and injured skiers on a weekly basis. AR00068, AR00189.

The concessionaire, which operates the ski area on the front of the mountain, had previously put forth a plan to develop 400 acres of the PASEA. AR00777. Due to Commission and public concerns raised, the concessionaire modified that proposal in favor of a smaller footprint with a more restrictive range of activities. The current proposal would allow high-intensity recreation in an area of 279 acres within the PASEA. AR00007. Only 75 acres will be disturbed for ski runs with tree islands between the runs having very stringent management prescriptions. AR00757. The remainder of the PASEA is classified as Resource Recreation (351 acres) and natural area (170 acres) with limited activity. AR00862.

The land classification categories are defined by rule. There are six categories of state park areas, three of which are at issue here. WAC 352-16-020. Recreation permits high-intensity outdoor use. WAC 352-16-020(1). Resource Recreation areas permit medium- and low-intensity outdoor use. WAC 352-16-020(2). Natural Areas permit low-intensity recreation but focus on preservation of significant ecological values. WAC 352-16-020(3). Parks staff recommended the mix of these classifications stating as follows:

Staff believes that Alternative 4 [the approved alternative at issue] advances the Commission's mission by addressing the desire for active recreational use of Mount Spokane and opportunities for expanded winter recreation activities as expressed by participants in the public planning and environmental review process. This alternative also provides a suitable balance of protection to natural resources by limiting uses and development in the majority of the PASEA.

AR00865.

The planning process has been long, starting in 1999, and extensive. AR00017. For over a decade, the concessionaire has contracted studies of the need for more intense recreation within the PASEA and the potential environmental impacts of such activities. AR00066. There have been numerous meetings to invite public comment. AR00580. Public comment had been received 12 times during the process. *Id.*

The Commission prepared an Environmental Impact Statement (EIS). The scoping notice for that document generated over 600 comments. AR0009. The Draft Environmental Impact Statement (DEIS) alone received 157 individual comment letters, eight responses from public agencies and non-profits, and 153 pre-formatted comment cards. AR00069. A total of 444 letters were received from the public. AR00010. The summary of the wide variety of comments and the responses to each comment are in the record at AR00420-573. Transcripts

from the public hearings and Commission meetings are in the record from AR00574-858 and ARSUPP00087-102. The last public meeting was scheduled for the night before the Commission took action. That meeting was scheduled from 6:30 to 8:30 pm. AR00724. Due to the intense interest and number of people seeking to comment, the meeting was continued to 10:00 pm, at which time the Commission was informed the public facility was to be closed. AR00721.

At the beginning of that public comment meeting, Commissioner Whaley stated as follows:

In addition to the public comments to be given tonight, the Commission has received and has read all of the EIS statements, all of the scoping document statements, all of the web comments, all of the letters that were submitted for the Draft EIS, all the letters that were submitted by 5:00 p.m. Friday [a cut-off date previously published for written comment].

AR00579.

The following day the Commission took action. The Commissioners, in turn, expressed their thinking about the proposal.

Commissioner Brown stated as follows:

And in my mind I have to remind myself and colleagues that there is the word "and," a-n-d, between parks and recreation. They are both part of our name, and they're both part of our charge.

AR00767.

On the other hand [from habitat value], and part of this balancing act, there's a question of enhanced recreational opportunities . . . if the question before us was first ever developed alpine skiing at Mount Spokane, the introduction for the first time of lifts and runs, I think it's a pretty easy no vote for me. But that's not the question before us, and it certainly is not the history.

AR00769.

And, you know, this picture on the cover of the lodge and skiing, it stated 1940, although it's my understanding that the ski club there goes back to the early 1930s. And so there's been skiing there, developed skiing there, for a long, long time, and interestingly enough to me, and I think to all of you, almost all of that within what's now the PASEA.

AR00770. *See also* CP323 (ARSUPP00231) for picture.

I've weighed all of this [evidence] in my mind, and it is a damn tough decision. . . . I'm going to come down on the side of history that includes a mountain that has been an active-use playground for Spokane people for decades. . . . I'm going to come down on the side of the preponderance of public comments and public testimony and the fact that the two major legislative bodies in this region, both the City of Spokane and the County of Spokane, are supporting expansion. And I'm going to come down on that side of the question with absolute confidence that we have an adequate EIS and that in partnership with Mount Spokane 2000 [the concessionaire] we're going to be able to minimize and mitigate the environmental impacts that are inevitable.

AR00774-75.

Commissioner Milner stated:

It came as no surprise to learn that our allied natural resource agencies do not support the staff's recommended action for the PASEA. This reflects differences in missions, programs, projects and roles each agency plays in

the matrixed approach to public land management in this country.

The role of state parks, no matter what state you're in, includes absorbing the footprint of low, medium and high-intensity outdoor recreation . . . while sustaining to the extent possible its natural function.

AR00777.

Commissioner Milner noted the original expansion area was downsized from 400 acres to 279 acres with high standards of protection in a plan of development. AR00777.

Commissioner Lantz, who voted against the expansion, acknowledged the difficulty of the decision and that the decision must reflect the dual mission of State Parks:

We're here in a really interesting situation because it, of course, is a dual mission. We are to protect the natural resources, and we are to provide recreation. Both of these benefits accrue to all Washingtonians What we're doing today is making a value judgment. There is competing goods, recreation and preservation of natural resources. There's not one good that trumps the other.

AR00782.

Commissioner Bounds, who also voted against the proposal, acknowledged that the selected alternative was "certainly a legitimate conclusion." AR00791. He further stated that adding a chairlift in the PASEA would address a safety concern by enabling the ski patrol to get people out of the area [the PASEA]. AR00793.

Commissioner Whaley acknowledged the historic recreational uses within the PASEA, noting a ski lodge once existed there and backcountry skiing and biking continue there. AR00796-97.

In the PASEA we have cell towers, we have transportation -- the State Patrol just put a new cell tower in there. We have the remnants of pre-existing ski lodges, ski lodges that -- I take that back. We don't have the existing remnants of ski lodges, but we had ski lodges on the back side paid for by this Commission, \$152,000 in 1952, I believe, or '51, to develop a ski lodge on the back side of the mountain.

AR00796-97.

The historical uses of the PASEA are extensive. Located just outside the PASEA were significant structures, including alpine skiing facilities, a ski lodge, and a restaurant that operated until the lodge was destroyed in 1952. AR00859, AR00863. In addition, a portion of two historic rope tows passed through the southeast corner of the PASEA. AR00863.

The historical uses on the back side of the mountain were illustrated in a color map developed for this project by staff. Lantz Decl., Exhibit B, CP297 (ARSUPP00205) (Attachment A to this brief). That map illustrates the location of the former lodge (Cook's Cabin), roads, rope tows, and trails, some of which were mentioned by Commissioner Whaley. *Id.* A more thorough discussion of the historical recreational uses on the back side of the mountain is contained in the Cultural

Resource Management Plan developed for the park. Lantz Decl., Exhibit C, CP310-35 (ARSUPP00218-35). That document indicates that the historical uses for skiing and other recreational activities started at the rear of the mountain (near to what is now called the PASEA) during the 1920-1950 period. *Id.* On page 16, CP323 (ARSUPP00231), of that document is a picture of skiers lined up near Cook's Cabin, which is identified on the map at CP297 (ARSUPP00205). A general overview of the historical use is also located in the EIS. AR00241-43.

The Commission approved the land classification. AR00799. The Commission also unanimously approved the restrictive plan of development that accompanied the project proposal passed the same day. AR00812.

IV. ARGUMENT

A. Legal Standard

This Court reviews this matter de novo applying the arbitrary and capricious standard to an agency action. That standard has been defined as follows: An "agency action is arbitrary and capricious if it is willful and unreasoning and taken without regard to the attending facts or circumstances." *Wash. Indep. Tel. Ass'n v. WUTC*, 148 Wn.2d 887, 905, 64 P.3d 606 (2003). When there is room for two opinions, a reviewing court will not substitute its own judgment for the agency, but the agency

action must be taken after due consideration of the facts and circumstances. *Hillis v. Dep't of Ecology*, 131 Wn.2d 373, 383, 932 P.2d 139 (1997).

The essence of Appellants' argument is that the arbitrary and capricious standard required the Commission to make detailed citations to and detailed explanation of a policy that guided this process. See ARSUPP00177-200 (Policy 73-04-1). Appellants argue that the Commission deviated from the policy and failed to explain in detail why it made the deviation. They argue that absent such explanations in the record, the decision is arbitrary no matter how well supported or reasoned the decision was. As demonstrated below, the policy did not dictate any particular result as suggested by appellants, and the Commission did not deviate from the policy: the Commission applied the policy. Under the arbitrary and capricious standard, the record need only show the decision was not unreasoning and not taken without regard to the attending facts or circumstances.

B. The Natural Resource Policy Does Not Preclude Recreational Use

Appellants allege that the Commission deviated from its laws and an existing policy by approving an action that strikes a compromise between preserving natural resources and allowing some more intense

recreational use within a limited portion of the PASEA. To the contrary, neither the rules nor the policy prohibit such a decision.

As a preliminary matter, WAC 352-16 authorizes the Commission to engage in a planning process to classify its lands; it does not require any particular result.

WAC 352-16-020

Land classification system.

State parks areas are of statewide natural, cultural and/or recreational significance and/or outstanding scenic beauty. They provide varied facilities serving low-intensity, medium-intensity, and high-intensity outdoor recreation activities, areas reserved for preservation, scientific research, education, public assembly, and/or environmental interpretation, and support facilities. They **may** be classified **in whole or part** as follows: Recreation . . . Resource recreation . . . Natural areas

Emphasis added.

WAC 352-16-030(2)

Nothing in this section shall be construed to allow uses that are otherwise prohibited, nor prohibit uses that are otherwise expressly allowed, by the commission, this code or by statute.

As to the Natural Resource Management Policy cited by Appellants, it too uses a flexible approach to sustain natural resources while classifying and managing state parks. The 20-page policy, as a whole, addresses many aspects of park management to ensure that natural resources are considered in making a wide variety of management

decisions affecting use of a state park. *See* CP265-88. The policy is far more extensive than the single paragraph in Subsection E relied upon by Appellants.

In the general principles, the policy indicates that recreation and preservation are acknowledged goals. The policy does not foster preservation over recreation. It fosters preservation consistent with recreation, the dual statutory mandate for the Commission. RCW 79A.05.030. The policy reads as follows:

A. Biodiversity Protection

1. Biological resources – general principles

State Parks will maintain native plants and animals (biodiversity) that currently occur **When consistent with recreation use**, cultural resources integrity, and other agency objectives, native plants and animals will also be preserved in lands classified in Recreation and Heritage Areas.

ARSUPP00181 (emphasis added).

The term classification is mentioned in two other subsections of the policy. First, there is the subsection on Resource Use:

D. Resource Use

1. Recreational facilities / activities

State Parks has a mission of protecting resources of the system **while providing for recreational use** by the public. Given the need to **balance** these goals, State Parks' staff will carefully analyze on a system-wide and / or park specific basis the long-term impacts to natural processes

and resources resulting from facilities development . . . and recreational uses. A Commission-approved land classification will be developed for all parks to preserve the integrity of significant natural resources through the identification of appropriate recreation uses and developments. New developments will seek to minimize the impact of recreational activities.

ARSUPP00189 (emphasis added).

Subsection E of the policy, argued by Appellants as mandating a particular classification, reads as follows:

E. Planning

1. Land classification

Areas of a park containing natural resources of regional or statewide significance . . . **should** be classified restrictively to allow only low-intensity uses and minor facilities development. **Typically**, one of three natural area classifications should be applied to such areas. . . .

CP281 (emphasis added).

Note the policy uses the word “should” in Subsection E, which courts have held to mean permissible and expresses a desire or request, especially where it occurs in a document that also uses the mandatory “shall.” *State v. Garrett*, 80 Wn. App. 651, 653, 910 P.2d 552 (1996). In Subsection A, Biodiversity, quoted above, the policy uses the mandatory word “will” repeatedly. The Commission distinguishes in the policy when an activity is mandatory “will” versus discretionary “should.” The policy also uses the word “typically” in Subsection E in the context of

recommending what classifications might be considered for such unique areas. It does not say the Commission can only choose from one of the recommended classifications as suggested by Appellants. Appellants are reading into the policy words that are not there.

Because the policy does not mandate any particular classification, the Commission was free to choose a compromise classification that protects the natural areas in the majority (521 acres) of the 800 acres and that allows high intensity recreation on 279 acres with restrictions.

The Commission's decision is not rendered arbitrary simply because the Commission did not offer a written explanation tying its decision to one paragraph of a 20-page policy, especially where the record demonstrates the Commission and agency staff thoroughly wrestled with and considered the competing values and resources that informed the agency's natural resource policy. The record is replete with references to studies and public processes. The policy itself was referenced three times in the EIS. AR00020, AR00079, and AR000532.

When a member of The Lands Council commented on biodiversity, Parks staff mentioned the biodiversity portion of the applicable policy when they responded as follows:

The Washington State Parks Commission has also provided direction regarding the management of natural resources within areas classified as "*Recreation*" [which] is discussed

in *Commission Policy 73-04-1 Protecting Washington State Parks Natural Resources*. For clarity, Subsection A(1) states that “State Parks will maintain native plants and animals (biodiversity) that occur, or seek to re-establish them where they historically occurred, within those park lands classified by the Commission as Resource Recreation Areas, Natural Areas, Natural Forest Areas, or Natural Area Preserves. *When consistent with recreational use, cultural resources integrity, and other agency objectives, native plants and animals will also be preserved in lands classified as Recreation and Heritage Areas.*”

AR00532 (emphasis in original).

As Appellants indicate, the policy was also brought to the attention of the Commission the night of public comment that preceded the decision: Mr. Bricklin told the Commission that the policy legally prohibited alternative 4 [the alternative ultimately selected]. Commissioner Brown called upon staff at the Commission meeting the following day to address Mr. Bricklin’s comment. Parks’ staff person, Lisa Lantz, recited the policy explaining the process that would be followed in a typical natural area. AR00755. Essentially, Mr. Bricklin had misstated the legal effect of the policy in his public comment to the Commissioners. The policy does not legally mandate any particular result with respect to Subsection E. The record shows the Commissioners were aware of the policy and, contrary to ignoring it, applied that policy to this unique area which, based on its historical recreational activities in the

PASEA, was not a **typical** natural area. Parks staff and the Commission fully considered the policy.

The policy is designed to deal with, in a sensitive manner, the dual statutory mission of state parks as articulated by the Commissioners at the final meeting: provide recreation and preserve natural resources. The policy specifically deals with a request to add recreation [Subsection D] and preservation of unique areas [Subsection E]. This was the specific policy contrast addressed by the Commissioner comments, including Commission Lantz on the day of the meeting:

What we're doing today is making a value judgment. There is competing goods, recreation and preservation of natural resources. There's not one good that trumps the other.

AR00782.

C. The Policy Must Be Considered in Its Entirety

Subsection E of the policy does not stand in isolation, nor does it dictate a particular result. The Commissioners had to consider several subsections of the policy that applied to the decision. Appellants argue Subsection E trumps the remainder of the policy and its underlying legal authority. Such an interpretation would require the Commission to ignore the underlying proposal: to extend the ski operation. That proposal was supported by a significant part of the community and is consistent with the Commission's delegated authority. The Commission considered all the

facts and attending circumstances and its decision applied the policy in its entirety as was intended.

Appellants ask this Court to essentially find that Subsection E dictated the results of all classifications at the time the policy was adopted. Such an interpretation leaves the Commission with no discretion when, in fact, the policy specifically used the word “should” to express flexibility. Discretion ensures the Commission has the ability to look at the unique nature of any area under consideration in connection with all the attending facts and circumstances at the time of the decision.

Agencies are frequently tasked with finding solutions that bridge competing objectives. The purpose of the arbitrary and capricious standard is to ensure that decisions are reasoned and made after consideration of the facts and circumstances relevant to that decision. *Norquest/RCA-W Bitter Lake P'ship v. City of Seattle*, 72 Wn. App. 467, 476, 865 P.2d 18 (1994) (citation omitted). Such decisions are not made in a vacuum years earlier without regard to the present facts and circumstances.

D. The Commission Must Follow Its Own Statutory Mission

Appellants suggest that the Commission and staff did not give adequate consideration to the comments from the Departments of Natural Resources and Fish and Wildlife. To the contrary, the comments section

of the DEIS is replete with specific responses. *See generally* AR00526, AR00528, AR00533, AR00534, AR00559, AR00560, AR00561, AR00562, AR00565, and AR00566 for examples.

More informative are the comments made by Commissioner Milner at the Commission meeting in specific regard to the perspectives of the other natural resource agencies.

It came as no surprise to learn that our allied natural resource agencies do not support the staff's recommended action for the PASEA. This reflects differences in missions, programs, projects and roles each agency plays in the matrixed approach to public land management in this country.

The role of state parks, no matter what state you're in, includes absorbing the footprint of low, medium and high-intensity outdoor recreation . . . while sustaining to the extent possible its natural function.

AR00777.

The Commission was guided by the requirements set forth in its legislative authority and its policy. It could not subordinate nor relegate that responsibility to the perspectives of other agencies, no matter how well intentioned those perspectives might be.

E. The Commission and Staff Applied the Law and Policy

Appellants argue that if the Commission deviated from an existing management policy, it must explain why it was deviating from the policy. Appellants misrepresent the Commission's decision. The record

demonstrates the Commission applied the policy; it did *not deviate from established methods of applying it*. The action before the Commission included both a request for development and protection of habitat. That action brought into play both Subsections D and E of the policy, as well as other provisions.

While there is no legal requirement that each document or law considered by a decision maker be specifically addressed, the policy was cited several times in the EIS, and the record shows that the Commissioners reviewed the EIS. The EIS specifically addressed the habitat features of the area and the potential impacts of development.³ The Commission read and considered that EIS. The policy was mentioned during the hearing the night before by counsel for Appellants and at the hearing the next day. At the Commission meeting, the individual Commissioners addressed both the development aspects of the action and the environmental aspects as provided under Subsections D and E. There is no legal precedent requiring a decision maker to specifically cite to a policy, subsection by subsection, when the record demonstrates the Commission was addressing the substance of those subsections.

³ Appellants allege the expansion will destroy 300 acres of sensitive habitat by fragmentation. The EIS does not support the allegation. Although the Department of Fish and Wildlife did express a concern about the potential for fragmentation, the EIS specifically includes numerous mitigation measures to address the concern.

Appellants attempt to analogize this case to agency actions that deviate from established policy. The analogy is not appropriate because the Commission was not deviating from the policy. The policy here summarizes competing agency priorities and guides the agency regarding the complicated task of balancing these priorities. Appellants' reliance on *CBS Corp. v FCC*, 663 F.3d 122 (3rd Cir. 2011), is therefore misplaced. CBS was penalized \$550,000 by the FCC after Janet Jackson fleetingly exposed herself indecently during the super-bowl halftime event. The FCC prohibits indecent behavior in the airwaves. The agency adopted an enforcement policy exempting fleeting words and images to cover the occasional unplanned and uncensored expletive that might come from an impromptu action. CBS argued the unplanned incident fell within the FCC's policy, in effect for 36 years, exempting fleeting words and images. The Third Circuit agreed. The Court ruled that before the agency could deviate from such a well-established enforcement policy, the agency had to provide a reasoned explanation. This rule makes sense when an agency is deviating from a practice established over 36 years and when the agency has the power to penalize such behavior. The public has a right to rely on established agency interpretation or application of policies.

There is nothing in the record indicating that the Commission had deviated from past precedent, which was the concern in *Ramaprakash v.*

Federal Aviation Administration, 346 F.3d 1121, 1125 (D.C. Cir. 2003). *Ramaprakash* involved a case where the National Traffic Safety Board (NTSB or Board) deviated from prior precedent in administering one of its enforcement rules: the stale complaint rule. The purpose of the rule was to ensure timely prosecution of violations of rules affecting competence to fly. Ramaprakash was a pilot who had been convicted of driving under the influence. The stale complaint rule required the agency to take action within six months of the violation. The agency did not take action within six months and argued that the delay was justified because it experienced changes in staff and that public safety was more important than timely prosecution. The Court looked at the past practice of the NTSB and found the Board's current action deviated from its prior precedent in three respects: the Board had previously indicated it would not bend its procedural rules even if the violation was serious; the Board, in another case, indicated that the public interest could not create an exception; and the Board had in prior cases repeatedly stated that diligent investigation of possible violations was essential to a finding of good cause for any delay. The facts supporting delayed enforcement in Mr. Ramaprakash's case was inconsistent with past practice.

Nor did the Commission engage in decision making that would lead to an unfair result, which was the concern in *Probst v. Department of*

Retirement Systems, 167 Wn. App. 180, 191 n.9, 271 P.3d 966 (2012) (method of calculating interest on retirement fund could affect retirement income of teachers). The *Probst* case is instructive on the degree of indifference needed to demonstrate arbitrary behavior. The case involves a challenge to the method of calculating interest on retirement plans. Teachers switched their retirement plan from one plan type to another plan type (plan 2 to 3). Interest was routinely paid on each plan quarterly. The agency did not pay interest on the amount transferred between plans that had accrued but not been paid since the last interest payment. Although the Court found the agency had legal authority to establish the method of calculating interest, it also found the decision not to pay accrued interest to be arbitrary and capricious. Over the prior 20 years, the agency had looked at its method of calculating interest and its impact on transfers and found that continuing to use the historical method of quarterly payments might be unfair because it might lead to employees being denied interest. Despite these past concerns by the agency, the agency never really thoughtfully addressed the issue of denied interest; rather, it opted to continue using the historical approach. The Court felt the agency acted without really considering the impact of its past practices on the transfer between retirement plans. This was unfair to the beneficiaries.

By contrast, there is no evidence in this record the Commission applied this policy in any way inconsistent with its past application of the policy. Lastly, the Commission did not ignore important information which was the basis for remanding a decision not to initiate rulemaking in *Rios v. Washington Dept. of Labor and Industries*, 145 Wn.2d 483, 39 P.3d 961 (2002). In *Rios*, the agency had already made the chemical of concern to the workers a priority and assigned experts to draft guidelines to identify essential components of a monitoring program. Those experts recommended monitoring. By not engaging in rulemaking to require monitoring of the chemical, the Court held the agency had acted arbitrarily by ignoring the new recommendation of its experts.

By contrast, the record indicates that the Commission required extensive environmental analysis of the impacts and used that report to guide its decision. As Commissioner Brown indicated:

I've weighed all of this [evidence] in my mind, and it is a damn tough decision. . . . I'm going to come down on the side of history that includes a mountain that has been an active-use playground for Spokane people for decades. . . . I'm going to come down on the side of the preponderance of public comments and public testimony and the fact that two major legislative bodies in this region, both the City of Spokane and the County of Spokane, are supporting expansion. And I'm going to come down on that side of the question with absolute confidence that we have an adequate EIS and that in partnership with Mount Spokane 2000 [the concessionaire] we're going to be able to

minimize and mitigate the environmental impacts that are inevitable.

AR00774-75.

As the Court in *Rios* reiterated, “[t]he court must scrutinize the record to determine if the result was reached through a process of reason, *not whether the result was itself reasonable in the judgment of the court. . . .*” *Id.*, 145 Wn.2d at 501.

As Appellants pointed out, the instant case deals with a proprietary management decision affecting the use of state-owned land, not regulation of peoples’ behavior. Decisions regarding management of these lands was entrusted to the seven members of the Commission by the Legislature. RCW 79A.05.030; WAC 352-16-010(4). They are held to the standard that their decision must not be “willful and unreasoning and taken without regard to the attending facts or circumstances.” *Wash. Indep. Tel. Ass’n*, 148 Wn.2d at 905. The record demonstrates that the Commission was fully apprised of the facts and attending conditions by the EIS, numerous public hearings, and written comments.

Appellants argue that the public was disadvantaged by this action. The affected public served by the Commission in this case included both appellants and the recreational community. Both interests have a right to full consideration under the policy. An interest group might be

dissatisfied with the decision, but the legal standard requires only that the decision be made without disregarding the attending facts and circumstances. Park stewardship involves complex and challenging decisions on balancing public resources. While the Commission considers the variety of perspectives, their ultimate decision is required to be within their delegated authority and reasoned, but it is not required to appease every interest group.

F. A Difference of Opinion Does Not Make a Decision Arbitrary

A decision is not arbitrary unless it is “willful and unreasoning and taken without regard to the attending facts or circumstances.” *Wash. Indep. Tel. Ass’n*, 148 Wn.2d at 905. A decision is not arbitrary if the decision maker differs from the opinion of others: “Where there is room for two opinions, an action taken after due consideration is not arbitrary and capricious even though a reviewing court may believe it to be erroneous.” *Hillis*, 131 Wn.2d at 383. This rule applies even where the reviewing court believes it might have reached a different conclusion. *Port of Seattle v. Pollution Control Hearings Bd.*, 151 Wn.2d 568, 589, 90 P.3d 659 (2004).

The exercise of judgment in the context of using state-owned resources should be left to the expertise of the agency administering the land. There is no case in Washington directly on point as to application of

the arbitrary standard in the context of state land management. The case of *State v. Brannan*, 85 Wn.2d 64, 530 P.2d 322 (1975), however, may be helpful.

In *Brannan*, the matter before the Court was an order of public use for a new highway to redirect traffic around the outskirts of Pullman. The Appellants owned land located within 100 feet of the proposed route. Appellants claimed a different route should have been chosen. Appellants alleged the Washington State Department of Transportation Commission decision was arbitrary and capricious. Appellants claimed the commission failed to consider environmental impacts related to the new route. There was evidence that wildlife inhabited the area to be impacted. The evidence also showed the project designers were aware of the wildlife habitat in the vicinity of the petitioner's property and had taken steps in the overall alignment of the project to avoid a wildlife refuge in another part of the project. While the trial court indicated it would have given more weight to the importance of preserving wildlife and less to economic engineering and land use, which the commission weighted heavily, the court correctly recognized the decision that the commission had made was within the proper exercise of its authority and could not be said to be arbitrary and capricious. The decision was affirmed.

The case of *Puget Sound Crab Ass'n v. State*, 174 Wn. App. 572, 300 P.3d 448 (2013), is also instructive. In *Puget Sound Crab*, an association of licensed crab harvesters challenged the validity of a revised policy and rule. The effect of the policy and rule was to expand the recreational crab season which the commercial harvesters alleged affected their ability to harvest crab. The crabs are actually a state-owned resource. RCW 77.04.012. The trial court dismissed the action, and the Court of Appeals affirmed.

The crab harvesters alleged the action was arbitrary because they claimed the agency should have projected the impact beyond the year that was the subject of the policy and rule. The agency responded it was difficult to predict future fisher outcomes. The Court acknowledged the agency had a duty to balance the interests of the commercial and recreational crab harvesters. Mandatory harvest reviews each year would give the agency the ability to make adjustments. The commercial crab harvesters also alleged the agency did not adequately address harvest violations by recreational crabbers or the negative effects of the expanded season. The Court found that the agency had looked at the evidence relating to the matters presented, and the Court concluded the agency action was not arbitrary.

“When an agency is presented with conflicting expert opinion on an issue, it is the agency’s job, and not the job of the reviewing appellate body, to resolve those differences.” *City of Des Moines v. Puget Sound Reg’l Council*, 98 Wn. App. 23, 37, 108 Wn. App. 836, 852, 988 P.2d 27 (1999); *see also Blueshield v. Office of the Ins. Comm’r*, 131 Wn. App. 639, 646 ¶ 13, 128 P.3d 640 (2006) (court “accord[s] substantial deference to agency views when an agency determination is based heavily on factual matters, especially factual matters that are complex, technical, and close to the heart of the agency’s expertise”) (citing *Hillis*, 131 Wn.2d at 396).

In our case, the Commission adopted the natural resource policy, and the Commission should be given deference as to its interpretation and application. Deference to an agency’s interpretation is particularly appropriate where its own regulations are concerned. *Postema v. PCHB*, 142 Wn.2d 68, 86, 11 P.3d 726 (2000). In *Puget Sound Crab*, the agency had to balance the competing interests of commercial and recreational crabbers. In this case, the Commission had to balance competing goals of both preserving the land and providing recreation. Parks staff and the Commission thoroughly reviewed studies indicating the area contained significant natural resources and the same area had been subject to significant recreational activity for a very long time. There was nothing

arbitrary about the Commission's effort to balance those competing interests.

Was this a reasoned decision? The brief excerpts of Commissioner comments highlighted in the fact section speaks for itself. Each Commissioner discussed the dual mission and the need to balance competing interest: recreation and preservation. The Commissioners fully explained their reasoning.

Appellants argue the arbitrary and capricious standard should not be a rubber stamp. The State agrees, but the standard does not mandate an agency to expressly cite and discuss in detail how its discretionary decisions relate to every applicable agency policy. The arbitrary and capricious standard was established to ensure agencies made reasoned decisions based on the facts and circumstances. It was never intended to create a trap for agencies by requiring agencies to cite every applicable policy, section by section, at the risk of having its decisions invalidated by the courts. Such an interpretation only frustrates the difficult task of seeking solutions that serve the needs of all the affected public.

Was there room for differing opinions with this factual context? Of course. The community was divided on the appropriate land use based on differing personal beliefs and needs, and the Commissioners were divided after a thorough review of the facts. As Appellants stated in their

brief, the Commissioners were well aware of the characteristics of the habitat and considered those factors in the final meeting prior to taking action.⁴ The proposal forced each Commissioner to search their souls for an acceptable land use that appropriately balanced the competing interests and that complied with their statutory mandate and agency rules. This was not arbitrary behavior; it was the type of agency action that best reflects the proper role of government in managing state-owned lands.

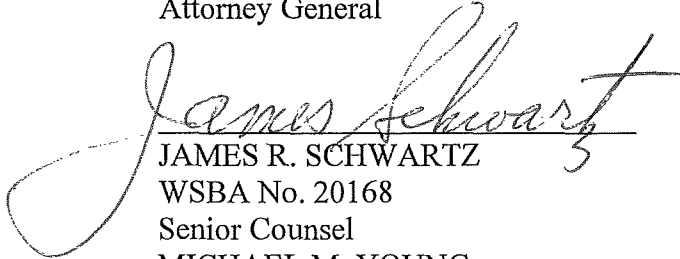
V. CONCLUSION

The Commission's decision was thorough, thoughtful, and challenging. The decision is supported by an extensive record with no indication the Commissioners ignored the facts or circumstances or deviated from prior practice in applying any rule or policy. The decision should be affirmed.

⁴ Appellants' Brief at 21.

RESPECTFULLY SUBMITTED this 16th day of March, 2016.

ROBERT W. FERGUSON
Attorney General

A handwritten signature in cursive script that reads "James Schwartz". The signature is written in black ink and is positioned above the printed name of James R. Schwartz.

JAMES R. SCHWARTZ
WSBA No. 20168
Senior Counsel

MICHAEL M. YOUNG
WSBA No. 35562
OID No. 91033

Assistant Attorney General
PO Box 40100

Olympia, WA 98504-0100
Telephone: (360) 586-4034

jims@atg.wa.gov

michaely@atg.wa.gov

PROOF OF SERVICE

I certify that I served a copy of this document on all parties or their counsel of record on the date below as follows:

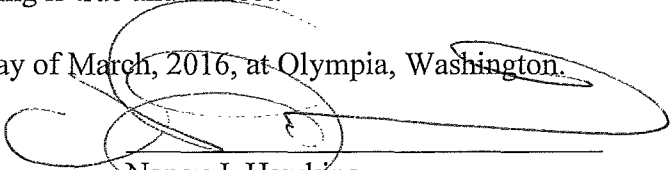
- US Mail Postage Prepaid via Consolidated Mail Service and email

David A. Bricklin
Jacob Brooks
Bryan Telegin
Bricklin & Newman, LLP
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154
bricklin@bnd-law.com
brooks@bnd-law.com
telegin@bnd-law.com
cahill@bnd-law.com
miller@bnd-law.com

Nathan G. Smith
Matthew A. Mensik
Witherspoon, Kelley, Davenport & Toole, P.S.
422 W. Riverside Avenue, Suite 1100
Spokane, WA 99201-0300
ngs@witherspoonkelley.com
mam@witherspoonkelley.com
karinah@witherspoonkelley.com
shannayd@witherspoonkelley.com

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 16th day of March, 2016, at Olympia, Washington.



Nancy J. Hawkins
Legal Assistant

ATTACHMENT A

TO RESPONDENT'S BRIEF

1 EXPEDITE
2 No Hearing Set
3 Hearing is Set
4 Date: November 20, 2015
5 Time: 1:30 pm
6 The Honorable Mary Sue Wilson

FILED
OCT 23 2015
Superior Court
Linda Myhre Enlow
Thurston County Clerk

7
8 **STATE OF WASHINGTON**
9 **THURSTON COUNTY SUPERIOR COURT**

10 JOHN ROSKELLEY; FAYETTE
11 KRAUSE; SPOKANE AUDUBON
12 SOCIETY; SPOKANE
13 MOUNTAINEERS; and THE LANDS
14 COUNCIL,

15 Petitioners,

16 v.

17 WASHINGTON STATE PARKS AND
18 RECREATION COMMISSION; and
19 MT. SPOKANE 2000,

20 Respondents.

No. 15-2-00527-5

DECLARATION OF LISA LANTZ

21 I, LISA LANTZ, declare under the laws of the State of Washington, that the following
22 statements are true based on my personal knowledge.

23 1. I am over the age of 18 and am otherwise competent to provide testimony in
24 this matter and do so based on my personal knowledge.

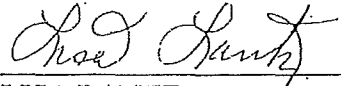
25 2. I am an employee of the Washington State Parks and Recreation Commission
26 and have been so employed for 15 years. I hold the position of Stewardship Program Manager.

3. I personally participated in preparation of the record to be considered by the
Washington State Parks and Recreation Commission, which held a meeting on November 20,

1 2014, at Spokane Washington, to discuss the agenda item relating to classification of the area
2 commonly known as the PASEA within Mt. Spokane State Park.

3 4. Attached as Exhibit A to this declaration is a true copy of a map showing the
4 existing classifications for the entire park prior to the November 20, 2014, action. I presented
5 this map to the Commission in July 2014 as part of a briefing on the Mt. Spokane proposal.
6 Attached as Exhibit B is a true copy of a map identifying historical structures and recreational
7 trails at the mountain known as Mt. Spokane. I presented this map to the Commission as part
8 of a briefing on the Mt. Spokane proposal in September 2014. The structures and trails
9 identified on the map are more fully described in a document entitled "Cultural Resources
10 Management Plan, Mount Spokane State Park." This document describes the historical uses
11 at the park. Those uses were described, in part, at pages II-24 and III-119 of the EIS for the
12 Mt. Spokane proposal. The entire document was referenced on page III-137 of the EIS.
13 Attached as Exhibit C is a true copy of that Cultural Resources Management Plan:

14 DATED this 22nd day of October, 2015.

15 

16 _____
17 LISA LANTZ
18 Stewardship Program Manager
19
20
21
22
23
24
25
26

1 **PROOF OF SERVICE**

2 I certify that I served a copy of this document on all parties or their counsel of record
3 on the date below as follows:

4 via e-mail to:

5 David A. Bricklin
6 bricklin@bnd-law.com
7 cahill@bnd-law.com
8 miller@bnd-law.com

9 Nathan G. Smith
10 Matthew A. Menski
11 ngs@witherspoonkelley.com
12 mam@witherspoonkelley.com
13 karinah@witherspoonkelley.com
14 shannayd@witherspoonkelley.com

15 ABC/Legal Messenger

16 State Campus Delivery

17 Hand delivered by _____

18 I certify under penalty of perjury under the laws of the state of Washington that the
19 foregoing is true and correct.

20 DATED this 23rd day of October, 2015, at Olympia, Washington.

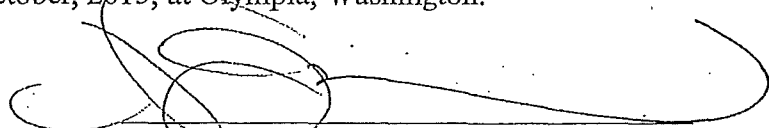
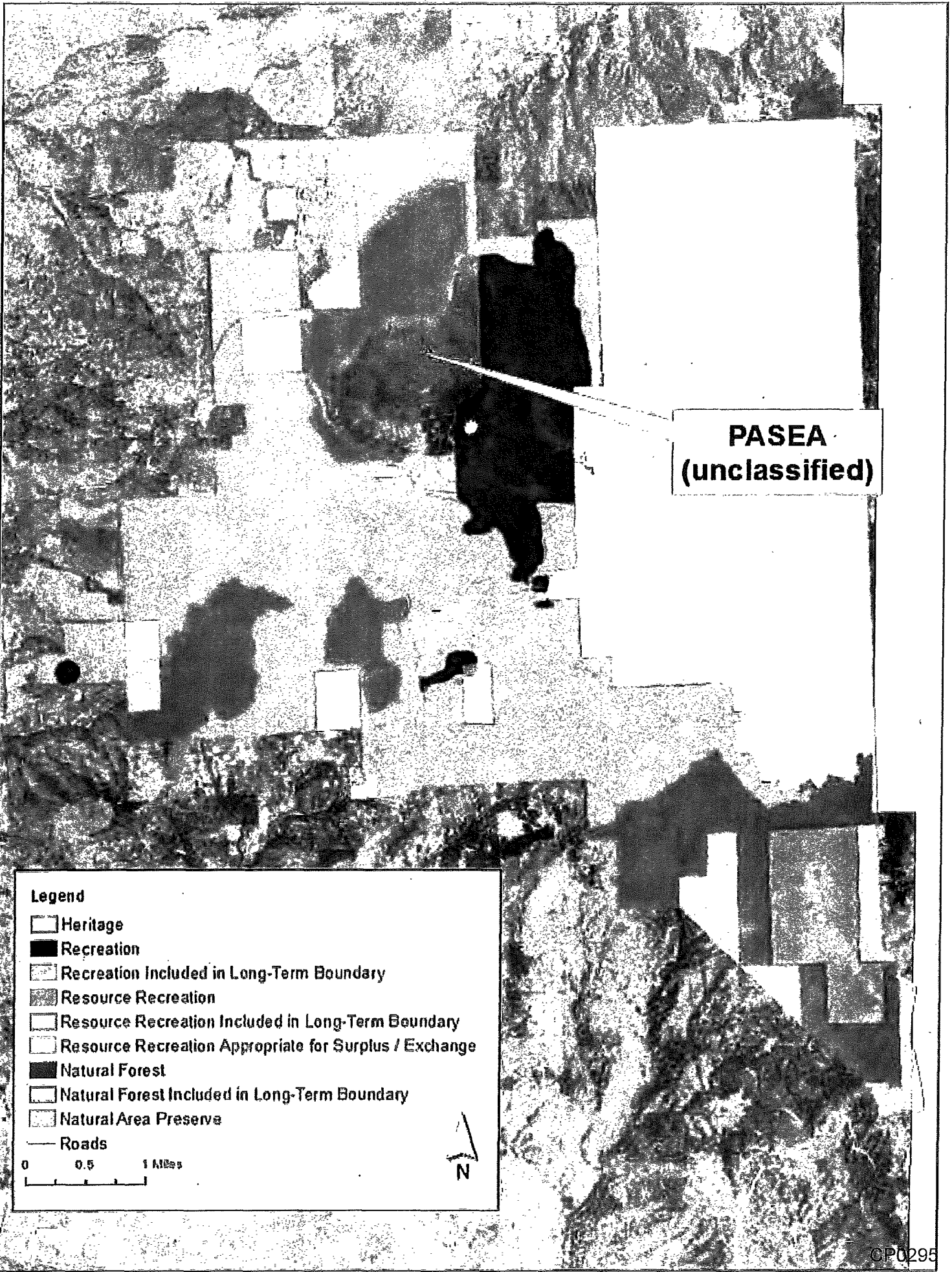










21 
22 Nancy J. Hawkins
23 Legal Assistant

EXHIBIT A



**PASEA
(unclassified)**

Legend

-  Heritage
-  Recreation
-  Recreation Included in Long-Term Boundary
-  Resource Recreation
-  Resource Recreation Included in Long-Term Boundary
-  Resource Recreation Appropriate for Surplus / Exchange
-  Natural Forest
-  Natural Forest Included in Long-Term Boundary
-  Natural Area Preserve
-  Roads

0 0.5 1 Miles

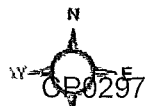
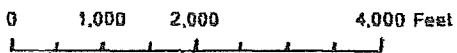
N

EXHIBIT B



Legend

- ◆ Historic Public Lodge
- Historic Cook's Cabin
- ▭ Concession Area
- ▭ PASEA
- Park Road
- Trail
- Historic Rope Tows
- Historic Ski Area Footprint
- Spokane Ski Club Chairlift



ARSUPP00205

EXHIBIT C

SELECTED EXCERPTS

Cultural Resources Management Plan

Mount Spokane State Park

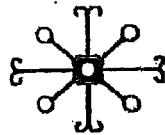


July 2009

Prepared in compliance with Washington State Parks and Recreation Commission
Policy 12-98-01 on Cultural Resources Management

Washington State Parks

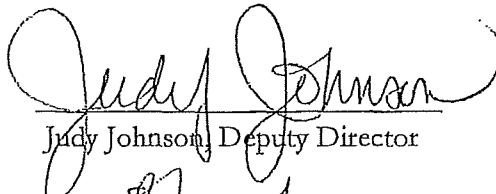
Historic
Preservation Program



**Cultural Resources Management Plan
Mount Spokane State Park**

Approval and Adoption

Approved and adopted as provided by Commission Policy #12-98-01, Section D.2, and issued for implementation on the date below.



Judy Johnson, Deputy Director
Date 8/25/09

This cultural resources management plan was prepared with a five-year horizon. The plan should be reevaluated, new information integrated, and reissued in 2014.

Contributors

Authors

Alex McMurry, Historic Preservation Planner, Olympia

Charles Luttrell, Parks Archaeologist, Olympia

Reviewers

Tom Ernsberger, Assistant Region Director, Eastern Region

Larry Fairleigh, Assistant Director, Resources Development Division, Olympia

Ted Smith, Stewardship Program Manager, Olympia

Bill Koss, Parks Planner, Olympia

Robert Fimbel, Chief, Natural Resources Stewardship, Olympia

Jim Harris, Region Director, Eastern Region

Peter Herzog, Environmental Planner, Olympia

Dan Meatte, Archaeologist

Mark Schulz, Environmental Specialist, Eastern Region

Ryan Karlson, Interpretive Program Manager, Olympia

Steve Christiansen, Manager, Mount Spokane State Park

Chris Regan, Environmental Program Manager, Olympia

Andrew Fielding, Resource Stewardship, Eastern Region

2001 Edition Authors

David Hansen, Historic Preservation Officer (retired)

Dan Meatte, Archaeology Program Manager

Executive Summary

Mount Spokane is a park that has a long history with Native American, as well as European American peoples in the Spokane area. While the prehistory of the park has not yet been fully established, its more recent past has been marked by many events that indicate its importance to the community as a notable destination. Mount Spokane's initial development as a park was pursued privately, then by county and state park departments in succession.

The older developed areas of the park owe much of their present appearance to the work of the Civilian Conservation Corps (CCC) and contractors working for the Washington State Parks and Recreation Commission (State Parks) in the 1930s. The original site of the CCC camp remains largely intact, as do important structures such as the Vista House and the stone latrine at the Cook's Cabin area. Also included in the important work of the CCCs are improved roads throughout the park.

This Cultural Resources Management Plan identifies 24 individual resources significantly associated with the history of Mount Spokane and specifies a range of treatments for them from preservation to demolition to limited restoration. Many of these identified resources contribute to the cultural landscape within the park, which is separately identified as a historic feature. It also identifies the priority for these treatments, from primary to supplemental.

The 2001 edition of this plan, authored by David Hansen and Dan Meatte, served as the agency prototype Cultural Resource Management Plan (CRMP) for parks containing cultural resources. This type of management plan is intended to be a living document, requiring periodic review and updating. This document has a revision horizon of 2014 to incorporate new and revised information. Since the completion of the original CRMP for Mount Spokane, significant work on the park's historic buildings has taken place, notably the Vista House and Cook's Cabin Latrine Preservation Project in 2003. This 2009 plan update focuses on incorporating new information and providing additional information regarding cultural landscapes and archaeology. This update also includes information regarding park resources constructed during the 1950s.

TABLE OF CONTENTS

Approval and Adoption	ii
Your Responsibilities	iii
Contributors	vi
Executive Summary	vii
Section 1: Introduction	
Purpose and Scope	1
Summary of Existing Reports and Surveys	1
Historical Context of Park Lands	2
Section 2: Historic Development of Mount Spokane	
Initial Park Development, 1890 – 1932	4
Formal State Park Development, 1933 – 1960	10
Section 3: Identification of Cultural Resources	
Archaeological Sites and Traditional Cultural Properties	22
Cultural Landscapes	27
Buildings, Sites, and Structures	31
Section 4: Impacts to Cultural Resources	
Archaeological Sites and Traditional Cultural Properties	84
Cultural Landscapes	84
Buildings, Sites, and Structures	84
Section 5: Range of Treatments	
Range of Treatments Table	87
Section 6: Other Considerations	
Design Standards for New Construction	92
Decision Making Criteria	92
Relationship with Other Planning and Policy Documents	92
Reporting and Record Keeping	92
Section VII: Glossary	
Glossary	93

Section I

Introduction

Purpose and Scope. The purpose of the Cultural Resources Management Plan (CRMP) is to identify properties related to the human use and occupation of Mount Spokane and to describe methods of managing those properties for future generations. The scope of the June 2009 revision and update of the CRMP includes all historic properties identified in the 2001 version, as well as information regarding the cultural landscapes within the park and most buildings constructed after 1950 to be a more complete representation of the resources present in Mount Spokane State Park.

The plan generally divides cultural resources into three types: archaeological sites, cultural landscapes, and buildings and structures. *Archaeological sites* are those that contain the material evidence (artifacts or objects) of a culture that can add to our understanding of a people, either historic or prehistoric; traditional cultural properties (as a type of archaeological site) are associated with the cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. It must be noted that detailed information regarding traditional cultural properties is still lacking for the park as a whole, and this information may not be readily shared by tribes with an interest in the area. However, some information does exist regarding traditional uses of park lands. *Cultural landscapes* are geographic areas associated with an historic event, activity, or person, or are areas that exhibit other cultural or aesthetic values. *Buildings and structures* are constructed features, typically habitable, but not always. The majority of this document focuses on these constructed resources.

Summary of Existing Reports and Surveys. A limited number of reports and surveys covering the resources within the park are on file with the Park Development Service Center. These reports, along with other important documents related to the history of the park are listed in the Section I Bibliography and the Section II References. The archaeological reports are typically associated with specific projects and, as such, are not intended to be comprehensive but are intended to provide a snapshot of the types of resources that may be expected within the park.

The 1997 Historic Properties Condition Assessment identified and evaluated structures and sites associated with the development of Mount Spokane during the 1930s. The assessment called out the Vista House and the CCC camp as the most notable properties associated with the Depression-era work, but also included other resources constructed during this era. The assessment concluded that the composition and configuration of the park had been much changed since this era of development.

Historical Context of Park Lands. Mount Spokane has always been a destination. For select Native Americans, the mountain was the goal of spiritual pilgrimage, and it remained the destination for pilgrimages of a different sort when the Spokane Valley filled with Euro-American settlers. Once admired for its prominence in the landscape and its quality as a natural viewpoint, early recreational skiers galvanized the future of Mount Spokane as a winter playground valued more for its slopes than its summit.

Section II

Historic Development of Mount Spokane

Initial Park Development 1890 - 1932

It is difficult to think what might have become of Mount Spokane without Francis H. Cook. Cook was a figure of legend – a newspaper man with experience on both sides of the Cascades, delegate to the territorial legislature, real estate developer and street railroad promoter, visionary, and a man of wealth whose estate collapsed in the Depression of 1893. However, his view of the future was not withered by a troublesome present. There were only 100 people in the area when he founded his Spokane paper in 1879, and not all of them could read.¹ Similarly, the wooded flanks of Mt. Carleton (the predecessor name for Mount Spokane) created impressions that only Cook could ignore. A traveler to the mountain in the early 1890s recalled the “...black caverns where all manner of unknown evils might lurk [or be] tenanted with unearthly spirits; it was such a lonely, far-away spot . . .” No roads led to the top, only “the narrowest possible zig-zag path . . . back and forth, from side to side, not more than the length of a horse in one direction, then doubling back again.” Cook thought this was the grandest place on earth.²

Cook may not have had much cash after the depression, but he did have land. He owned a farm of 640 acres on the Little Spokane River that he landscaped with artificial lakes and streams to support 100,000 trout. He also owned the very top of Mt. Carleton. Cook was inspired by the views from the summit. While he was not the first to speak of their beauty and extent, his appreciation carried with it an increment of profit. Cook declared it was the world’s finest viewpoint, the slopes freshened by the purest air and springs of the coldest water. Here was a place of quiet and rest in an invigorating atmosphere; Cook invited all to his mountain top as a pilgrimage of health and as an opportunity to see at a glance an area covering some 100,000 square miles. And it would cost only 50 cents.³

In 1909, Cook began the construction of a road to a site on the mountain he called Paradise Camp. Following the Cook Auto Road, a route that Cook himself declared to be “that wonderful feat of clever engineering and surpassingly easy grades”, travelers arrived at the camp with their half-dollars in hand. The entrance fee purchased the opportunity to climb a steep three-quarter mile trail

¹ “Francis Cook; The Mountain Named Spokane.” *Spokane Spokesman-Review*, October 30, 1974.

² Beth Bell, “On Top of Mount Carlton,” *The Northwest Magazine*, June 1895, 24.

³ Mount Spokane promotional flyer, n.d., Mount Spokane clipping file, Northwest Room, Spokane Public Library; Jonathan Edwards, *History of Spokane County*, (San Francisco? W. H. Lever, 1900), 494.

to the summit and access to camping sites with free wood and water. Saddle ponies were available for another 50 cents, and each additional day's stay was a quarter.⁴

Cook encouraged locals to take their family, friends, and business associates to the top of the mountain so they could see the best viewpoint on earth and appreciate the greatness of the Spokane country. He urged the Chamber of Commerce to make it a destination for visitors of prominence. He promoted not just his enterprise, but in emphasizing the rightness of the destination for businessmen, he promoted also the commercial possibilities of the Spokane area at large. Cook couldn't lose. He made money if people came to Paradise Camp, and if some of those chose to invest in Spokane businesses, he made money if they or their workers chose to build homes in Cook's Addition near town. His platted addition featured the first streetcar line in Spokane, powered by steam. To make sure the connection between his mountain and the city was clear, he changed the name in 1912 from Mt. Carleton (also referred to locally as Old Baldy) to Mount Spokane.⁵

To Cook's credentials as the Father of Mount Spokane must be added his innovation of the Mount Spokane media event. To ensure that the renaming got the attention that he felt it was due, he put together a "christening" ceremony at the summit. A seven-car convoy carrying the Governor, the Spokane Mayor, Margaret Motie (a beauty who had been named Miss Spokane), and other notables made the dusty three-hour trip through the August heat up to Paradise Camp. The daughters of Francis Cook prepared a praiseful lunch for the assembly, and afterwards they all made their way up the trail to the top. Miss Motie poured the christening water from a vase loaned by Cook for the occasion (the water itself coming from the spring behind Cook's cabin), the governor and the mayor gave their official blessing, and the flags of the United States and the City of Spokane were sent snapping in the afternoon sky. Cook had made special arrangements recognizing the presence of the governor; lacking a cannon, he fired a salute by setting off dynamite cartridges hung in the branches of the surrounding trees.⁶

Others saw the community value of Mount Spokane and fell in with the thought of the Mount Spokane summit as a major park, perhaps a national park, because of the belief that its great panorama must constitute one of America's scenic wonders. A host of prominent Spokane citizens

⁴ "Motor Road up Mount Spokane," promotional flyer, n.d., Mount Spokane clipping file.

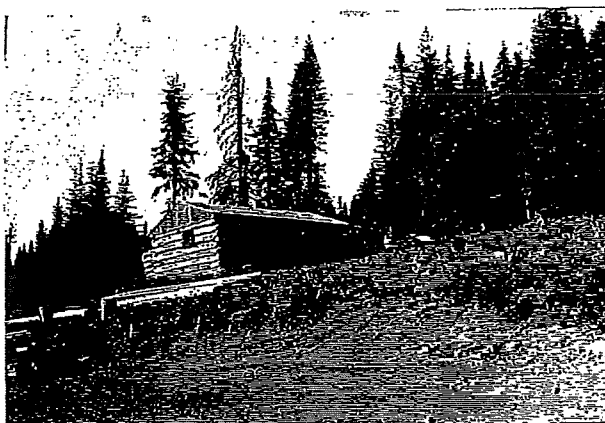
⁵ "Old Baldy' now Mount Spokane," *Spokesman-Review*, August 24, 1912.

⁶ Both the spring and Francis Cook were the subjects of hagiography some 20 years after the event. By the middle 1930s, the spring was celebrated as a "sacred shrine," for it was here that Cook prayed and "held tryst with the God of

collected behind the idea, including Frank W. Guilbert of the Inland Automobile Association and the Good Roads Association, City Park Board President Aubrey L. White, hotelier Louis Davenport, as well as the Chamber of Commerce and the county commissioners. Their promotion was effective, and in May 1919 the county purchased Cook's land on Mount Spokane. Louis Davenport held the deed in trust for the community and the City Parks Department agreed to help care for the new acquisition.⁷

The dedication of the new publicly owned park lands took place in 1922. There was another automobile convoy from the city, the members of Automobile Association and the Spokane County Good Roads Association pooling their vehicles to carry celebrants up the mountain. There was lunch and a hike up the trail to the summit for speeches, declarations, and proclamations.⁸

The key point on any journey to Mount Spokane was Cook's Cabin. It was there that Cook's Auto Road terminated, and although the county graded and improved Cook's route, no attempt was made to extend it to the summit. Cook's Cabin was a resting spot and picnic ground for those who chose not to hike to the very top, and it was also a reminder of the man who had started it all. Cook had built the cabin after the renaming of the mountain, and it was there that he and his family would retreat for several months during the summer. By 1926 the cabin was in disrepair. The chinking had fallen out, the logs were rotted, the roof was covered by a sheet of tin, and the interior filled with mud and water every spring. County engineer Harry S. Baker declared that saving the cabin for historical purposes was "almost an utter impossibility." The county commissioners declared their intent to tear the old cabin down and build a new one. However, the opinion of Baker and the commissioners was not shared by all.⁹



Cook's Cabin, August 1933. WSPRC Photo SP10-3

the high places." The spring also was promoted as an appropriate source of baptismal waters. Fathers' Day Silver Anniversary Program, 1935, Northwest Room.

⁷ "Mount Spokane for National Park," *Spokesman-Review*, January 9, 1916; "Mount Spokane Now State Park, Washington's Highest Auto Road," *Spokesman-Review*, July 9, 1927. Other sources place the purchase in 1920.

⁸ Clyde Stricker, "Purchasing a Mountain", (Spokane: Stricker 1975) not paginated

⁹ Why Tear Down the Little Old Cabin on Mount Spokane?" Daughter of Late Francis H. Cook Protest at Plan" Spokane Daily Chronicle May 19, 1926

Clara Cook Fuson, one of Cook's daughters, supported both a new building and the retention of the original cabin. "Why should the cabin be torn down?" she asked in a Spokane paper.

Has it not served as a beacon light to Boy Scouts and others who have taken the long hike over deep, drifted snows? The little log cabin with its fireplace, at which every visitor has felt free to boil his pot of coffee, is surely dear to the hearts of thousands of Spokane and Inland Empire people.

It seems only yesterday that [representatives of the Spokane Chronicle] came to the family home, just 20 minutes before Mr. Cook passed away, telling of the promise given by the commissioners to keep as a memorial to Francis H. Cook the little log cabin. Why let it be only a memory?¹⁰

Chagrined and embarrassed, the commissioners let the proposal drop. The cabin stayed and no other structure was built as a replacement or supplement until the early-1930s. Organizations and individuals continued to purchase or donate lands to expand the park holdings. For reasons that are not now clear, by 1927 the county commissioners had determined that they would no longer seek to develop Mount Spokane as a park, and in July of that year, the State Park Committee accepted deeds to some 500 acres, including the summits of Mount Spokane and Mt. Kit Carson. Additional acreage was also donated shortly thereafter for a total of 1,500 acres as Mount Spokane joined the six other state parks east of the Cascades.¹¹

There was another hot August pilgrimage to the summit to celebrate the event, and there was much to celebrate. For some, state park ownership meant that Mount Spokane would be preserved for all time and be developed as a tourist-oriented resort and recreation center, a future that would have been heartily endorsed by Francis Cook. For others it was another christening on the mountain top. A convoy of cars left the city once again, and drove up the mountain road, this time patrolled by Boy Scouts and highway police. The scouts stood by to help water any overheating engines and to caution drivers about the steep grades and hairpin turns. In the saddle between the two heights at the summit, the army band from Fort George Wright took up position on a specially prepared platform while some 400 attendees stood or sat to hear both the band and a parade of speakers. Clark V. Savidge, Chair of the State Park Committee, was there as were Secretary of State J. Grant Hinkle and Lieutenant Governor W. Lon Johnson. The county engineer

¹⁰ Ibid

¹¹ Minutes of the Washington State Parks Committee, May 24 and August 2, 1927, Washington State Parks and Recreation Commission, Olympia, Washington

was present and so too a former chair of the board of county commissioners, the state parks superintendent, and a clutch of state and local elected officials.¹²

Savidge noted the need for places like Mount Spokane to provide refuge and sanctuary from the demands of modern life. Lieutenant Governor Johnson took advantage of the opportunity to note the need for preserving the scenic assets of the state while providing a supply of merchantable timber. Secretary Hinkle recalled that the state now had 26 state parks, all acquired without cost to the taxpayer, and he wanted things to stay that way. "We want to maintain these parks," he said, "but do not come to us with plans for bond issues or withdrawals from the general fund." State Senator Oliver Hall then stood up and declared his intent for an appropriation bill in the next legislative session.¹³

Improvements for the new state park were slow in coming. In 1928, the State Parks Committee authorized community kitchens, flagpoles, sanitary provisions, and the cleaning of springs, but in the years that followed, the only real expenditures appeared to be for road improvements. With the veto of the state parks budget in 1929, there were no funds to support a caretaker at Mount Spokane; the park became a dumping ground, and the decaying garbage became so severe that the Committee asked the Department of Health to step in to correct the polluted condition. The Committee and several Spokane organizations discussed ways in which the park could be open at least in the summer through local efforts, but those discussions did not lead to an agreement.¹⁴

Although as a state park Mount Spokane was stagnating, it was still hallowed ground for the Spokane community and it remained the destination of special events. Spokane County soldiers and sailors killed during World War I were memorialized there in 1925 and five years later, in June of 1930, another ceremony dedicated the mountain to all fatherhood.¹⁵

The dedication would recognize Mount Spokane as Father Mountain, the ever-watchful sentinel of Spokane. From its summit lay "a broad panorama of rivers, crystal lakes, valleys of orchards, fields of grain, and many cities with smoke curling from the chimneys of their dwelling

¹² "Mount Spokane Becomes State Park," unsourced newspaper clippings, August 19, 1927; "Decade Dream Realized Here," *Spokesman-Review*, August 21, 1927, Mount Spokane clipping file

¹³ "Decade Dream Realized Here"

¹⁴ Minutes of the State Parks Committee, May 10, 1928; April 2, 1929; June 28, 1929, and July 15, 1929

¹⁵ "Spokane Honors Its Dead with Mountain Memorial," *Spokesman-Review*, July 28, 1925

places at dawn, and with lights beckoning to those happy homes at eventide. Thus, from Father Mountain, may be seen life in its fullness.”¹⁶

The Federation of Women’s Clubs, the International Fathers’ Day Association, and the Chamber of Commerce arranged the program, which featured Spokane resident and the originator of Father’s Day, Mrs. John Bruce Dodd. Between 300 and 400 gathered to witness the liberation of rose petals that were carried on the breeze to the young evergreens and to hear the laudatory addresses. There was another picnic, the celebrants pitched horseshoes, and then they went home.¹⁷

The 1932 Father’s Day celebration easily trumped the event of two years before. The Spokane City Federation of Women’s Organizations, the Chamber, and the Spokane Tribe joined forces in the dedication of the Sun Ball, a chrome-plated copper sphere four feet in diameter that rested at the top of a ten-foot tall stone spire. The Sun Ball celebrated not only fatherhood, but also the bicentennial of the birth of George Washington, the father of the nation.

Yet another convoy left the city, 150 cars carrying 700 people to the summit. There, Chief Willie Andrews of the Spokanes gave an invocation to the sun, a Congregational minister offered a prayer, and a Gold Star mother led the flag salute. There were remarks, Mrs. John Bruce Dodd unveiled the Sun Ball, and Alvin H. Collin accepted the presentation on behalf of Secretary of State Hinckle. The Camp Fire Girls, the Boy Scouts, the



Sun Ball. WSPRC Photo 78.2003.1.P617A.O2

American Legion, and the Veterans of Foreign Wars all played a part as well. They saw, as did the others at the event, a small plane circling low overhead, and watched as the pilot dropped flowers above them, the blooms drifting down and sliding off the glistening surface of the Sun Ball.¹⁸

The ceremony also marked a change for the future of Mount Spokane. From this point forward, the development of the park would be the result of the activities of both the Civilian Conservation Corps, guided by professional planners and architects, and the State Parks Committee. Visitors to

¹⁶ Silver Anniversary Program

¹⁷ “Honor Fathers on Mount Spokane,” unsourced clipping, June 6, 1930, Mount Spokane clipping file

¹⁸ “Unveil Sun Ball on Mount Today,” *Spokesman-Review*, June 26, 1932; “Sun Ball Draws Valley Crowd,” *Spokesman-Review*, June 24, 1932

the park would increase in the years ahead, but these were visitors drawn principally to the excitement of downhill skiing rather than to the tempering effects of clean air and spectacular vistas.

Significant Improvements Related to Initial Park Development, 1890 – 1932

Cook's Cabin Site

Cook's Auto Road

Boy Scout Monument

Sun Ball Site

Memorial to Spokane County War Dead

View Tubes

Formal State Park Development, 1933 – 1960

The long-awaited appearance of something to indicate that a state park was present on Mount Spokane came with the federal dollars made available through programs designed to counter the Depression. For the first time, the State Parks Committee had the capital necessary to field a true park system. Also for the first time it had to deal with the expectations of federal program managers and designers, and a new recreational community that had its own idea of how the park should be developed.

Because the work in State Parks was guided by the National Park Service (NPS), the naturalistic designs that had been adopted earlier by the NPS became the foundation for the designs used in state parks throughout the United States. Stone and timber structures were meant to emerge from their surroundings as if they were expressions of the site, rather than foreign improvements that had been imposed upon them. The State Park Committee had no architect of its own to prepare any plans or guide the construction, and as the winter of 1933 turned to spring, the committee brought in new skills. The members hired Charles Saunders as the parks architect, and they also brought on W. G. Weigle as parks superintendent. Weigle would turn out to be an excellent choice, a person equally at ease with well diggers as he was with politicians, and with a remarkable capacity for work. Where plans called for major construction, the committee retained a local architect; at Mount Spokane they hired Spokane architect Henry C. Bertelsen.

Bertelsen (1888 – 1963) was well established in Spokane. He had arrived there in 1905 following study at the Chicago Institute of Fine Art, and was the chief draftsman for Kirtland Cutter in the design of the Davenport Hotel. He also designed, or had a part in the design, of the Spokane

Coliseum, the Inland Automobile Association Building, the Shrine Hospital, and several buildings on the campus of Gonzaga University. He was prominent in charitable and civic betterment projects, and was a member of the Spokane Club and the Inland Empire Boy Scout Council.¹⁹

The initial plan described by Secretary of State Hutchinson contained all that had been wanting in the past. There would be a year-round keeper and a residence for him, Cook's Cabin would be retained, roads would be improved, and a water system installed. First priority would be a "suitable, massive, but economically operated outlook" to capitalize on the views that had made a name for Mount Spokane. This was to be a park for the masses, Hutchinson said, and one that would increase in value by virtue of an expanding tourist economy that would ultimately become the state's greatest income. He also gave a nod in the direction of winter sports, acknowledging that Mount Spokane could be a "great center" for those activities.²⁰

Hutchinson had identified the two forces that would guide construction on the mountain: the NPS interpretation of park lands as passive areas for the appreciation nature and the view of a growing number of downhill skiers who found the same area well suited for active recreation. The park builders erected one kind of park, but they found by accident that the facilities could be used successfully in ways other than intended.

It would be difficult to fault anyone for underestimating the interest of skiers. It emerged as a popular sport in Washington about 1930, and certainly the Spokane area provided one of its most active cores. In 1930, there were two ski clubs in the state. Nine years later the number had grown to 30 clubs affiliated with the Pacific Northwestern Ski Association alone. Two of the earliest organizations were in Spokane: the Spokane Ski Club, formed in 1931, and the Selkirk Ski Club formed in 1933. These groups weighed in to ensure that their interests were accounted for as park construction began.²¹

In July 1933, the State Parks Committee approved the construction of the Vista House and of the retention of the original Cook's Cabin, as well as a more functional caretaker's cabin adjacent to it.²² These two projects were completed by the winter of 1933 using outside contractors in a competitive bid process. Both buildings were designed by Bertelsen, and Elmer Highberg was the low bidder of the new Caretaker's Cabin while E.O. Fieldstad won the contract for the Vista House.

¹⁹ Finding Aid, H. C. Bertelsen Collection, Eastern Washington State Historical Society, Spokane

²⁰ "Form Big Plans for Mount Spokane," *Spokesman Review*, July 25, 1933

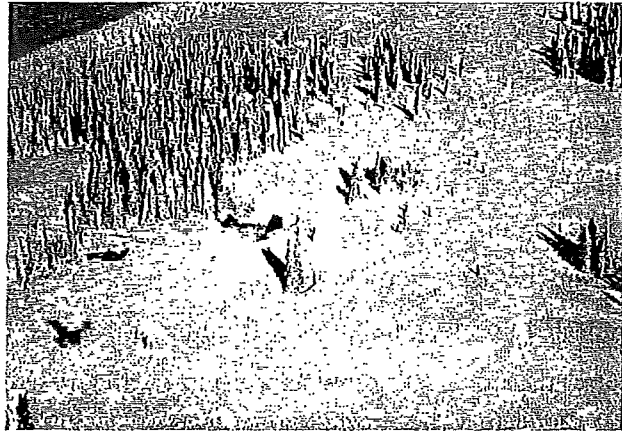
²¹ Washington State Planning Council, *A Study of Parks, Parkways, and Recreational Areas, 1941-44*; Stricker

²² Minutes of the State Parks Committee, July 27, 1933

What to do with Cook's Cabin caused rancor within the committee. Parks superintendent Weigle had looked at it and had come away unimpressed with the possibility of putting it into useful repair. It was in bad shape. He felt it would be better to construct a new cabin of about the same design. Chairman Hutchinson had his own idea. He understood the historic importance of the cabin and advocated removing the rotted portions and replacing them with cement, with more cement in any logs that were cracked, a little more cement in the chinking, and finally cement under a corner of the cabin to hold it up. After all, he told his fellow commissioners, he had seen plenty of log cabins elsewhere in the United States; surely they could retain this one.²³

Commissioner A. C. Martin didn't agree, and buttressed with the support of some of Spokane's own citizens, called for the replacement of the old cabin with a new structure. The committee resolved the impasse by electing to retain Cook's Cabin and by putting up nearby a new building as well.²⁴

By the end of 1933, both the Vista House and the new cabin adjacent to the pioneer Cook's Cabin were complete and ready for use. The Spokane Ski Club had supported the idea of a new cabin, although the members were particularly interested in the capacity of the Vista House design to meet their needs. They were pleased that the main room would be large enough to accommodate the members and guests, and



Aerial view of Cook's Cabin (far left) and Caretaker's House (left center). Latrine in cluster of trees at center. WSPRC Photo 78.2003.1.P975A.K4

asked for two additions: furnishings, including a table of a size sufficient to hold skis for waxing; and alcoves or partitions (Hutchinson called them "withdrawing rooms") for men and women should they be forced to spend the night on the summit.²⁵

In the spring of 1934, the ski club was enthusiastic about the results of the first season. The registration book at Cook's Cabin contained over 500 names, many of them members of the club, and a good portion of those had participated in or were spectators at the club's first slalom race near the cabin. The premier season indicated that the center for skiing would not be at the summit and

²³ Report of Ernest H. Hutchinson, Chair, State Parks Committee, contained in the Committee minutes of July 27, 1933.

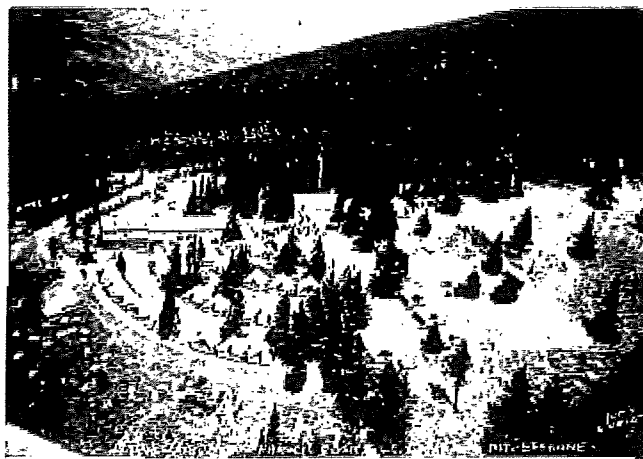
²⁴ Ibid

²⁵ "Mount's Vista House Rushed," Spokesman-Review, October 8, 1933; Hutchinson Report

the Vista House, but at the lower elevation of Francis Cook's Paradise Camp and both the old and new cabins at that location. The only item that was wanting to make the experiences of the skiers first-rate was a good road.²⁶

The State Parks Committee and the Spokane Chamber of Commerce had petitioned for a camp of the Civilian Conservation Corps to be placed at Mount Spokane, a necessary precursor to any extensive road construction in the park. They were successful, and in March 1934, Weigle and others picked out the site for the camp on Beauty Mountain, a rise of about 5,000 feet elevation just west of Mount Spokane and about one road mile from Cook's Cabin. Here would be created the tent camp for 200 young men of the CCC, in operation for six months out of each year, and the center of developments on Mount Spokane through the remainder of the 1930s.²⁷

The camp was laid out as a series of tiers in a quarter circle, approximating the contours of the even slopes of Beauty Mountain. Low rock walls separated each tier, and the tiers themselves were



Aerial view of Camp Francis Cook. WSPRC Photo 78.2003.1.P1062D.V4

connected by a long flagstone path running from west to east. At the highest point of the camp, a shorter flagstone path running north to south crossed the first path, and at the intersection was the camp flag pole and the symbolic focal point of camp activities. A long and narrow mess hall built of milled timber flanked the main pathway. The flagstone path with its cascade of stairways dominated the setting and provided a grand entrance for those that saw it for the first time. "They give great swank to this camp," reported one visitor, adding that a "general could feel most important making his entrance there."²⁸

The enrollees had hardly put up their tents along the gently arcing tiers when Major George S. Clarke, District Commandant of the CCC, announced that the camp would be named for and dedicated to Francis Cook. The dedication ceremony would take place on June 17, the day before a similar ceremony at Grand Coulee dam, and no doubt Major Clarke sought to capture some of that.

²⁶ Geo. Ingraham, Jr., President, Spokane Ski Club, to Hutchinson, March 10, 1934, W. G. Weigle Papers, Washington State Archives, Olympia, Washington

²⁷ Weigle to State Parks Committee, March 26, 1934, Weigle Papers

²⁸ "Mount Spokane and Its CCC Camp Two Subjects for City's Pride," *Spokesman-Review*, October 15, 1934

dedicatory fervor for Mount Spokane. Several local organizations planned to present gifts to the camp in commemoration of Cook, and the Major wrote to Park Superintendent Weigle on June 8 asking that a log cabin be put up to house those gifts. The cabin, offered Major Clarke, could be used afterward as a shelter.²⁹

The request placed Weigle in an awkward position. There was no mention in the camp plan for the cabin that Major Clarke wanted, and that meant that there was no money in the budget. Even if Weigle had the money, it was not likely that a CCC crew could put up the cabin in the nine days that remained before the dedication ceremony. In addition, the local inspector from the National Park Service was pressuring Weigle to find some way to comply with Major Clarke's expectation, even to the extent of having the State Parks Committee donate the funds necessary to have the cabin built by a crew of workmen. Weigle asked the committee for 300 dollars so he could hire five or six carpenters, reluctantly commenting that perhaps Major Clarke's general enthusiasm for the CCC might be of some unspecified benefit throughout the state. The committee agreed, and the cabin, built of peeled tamarack logs, was put up in a few days just east of the flagpole and looking out over the camp.³⁰

The dedication ceremony was a mixture of the old and the new. There was the auto convoy, the dusty trip, the long climb up the steep grades. As in the past, the band from Fort George Wright was present, as was Chief Willie Andrews and a party from the Spokanes, two sons of Francis Cook, and members of the Grand Army of the Republic, and various other patriotic organizations. Superintendent Weigle was there, as were two members of the State Parks Committee, a representative of the National Park Service, and a collection of other dignitaries. Also present was Mrs. John Bruce Dodd, for the dedication was also to be another commemoration of Father's Day. One thousand people gathered to hear the speeches and witness the events.³¹

The dedication of the camp and the celebration of Father's Day took place on the small flag pole plaza, immediately in front of the new cabin. The walls were up, the roof complete, and the windows fitted, but it was not finished. The logs were not chinked and work on the masonry fireplace, located on the back of the building and not visible to the celebrants, had yet to start. Major Clarke was happy since he had the repository for the dedicatory gifts, and the CCC members no doubt were pleased since the cabin would serve as the camp headquarters. The response of the

²⁹ Weigle to A. C. Martin, June 8, 1934, Weigle Papers

³⁰ Weigle to State Parks Committee, June 23, 1934, Weigle Papers

³¹ "Mount Spokane Father's Day Fete Also Honors Pioneers and CCC," Spokesman-Review, June 18, 1934

State Park Committee is more difficult to assess. It had been the unexpected financier of the construction and by virtue of that role, the park would have a permanent building after the camp departed, even though there was no understanding of how the cabin might be used.³²

While the ceremony had a familiar look and a familiar gathering, it was the first pilgrimage to Mount Spokane that did not terminate at the summit. The venue had changed to the CCC camp, a subtle recognition that the development of the mountain as a park was what was important, not the summit with its views of great renown. There would be no more pilgrimages of remembrance. Auto traffic to Mount Spokane would increase, but more and more, the cars would carry recreational skiers.

The major projects of the CCC camp were to improve the existing road to Cook's Cabin and to cut a new road from the Cook's Cabin area down the east side of the mountain to intersect with the existing Deadman Creek Road. The new road had a better chance of being free of snow for much of the season and would permit easier access to skiing at Cook's Cabin. There were construction delays – Weigle fussed at the NPS for burdensome and slow approvals – but in the end he declared the road “splendid,” adding that “the Spokane people are wild about it.” It was completed in the summer of 1937, making possible for the first time a loop through the mountain while also adding a new entrance to the park. It was also a shorter and more direct route for people leaving Spokane to visit the park, and increasing numbers were doing just that. The year before the new road opened, 25,000 people had visited Mount Spokane, and the number was expected to rise as a result of the improved access.³³

Most of those making the trip were skiers. They headed to Cook's Cabin and the nearby rope tow for skiing on the sparsely treed slopes near the summit, the same area that had once given the mountain the name of Old Baldy. To supplement the runs, the Spokane Ski Club identified an area lower on the mountain that was well suited for a ski jump and ski tourneys. The club hoped that the development of the site could be added to the CCC projects already in progress, but that proved not possible. Sometime in the 1930s, according to one source as early as 1931 but after 1934 is more plausible, the club itself purchased the property and developed a ski facility for its own

³² Mount Spokane CCC Photo Collection, Interpretive Services, Washington State Parks and Recreation Commission, Olympia

³³ Weigle to State Parks Committee, July 28, 1934 and October 13, 1934, Weigle Papers

members. Improvements included a log clubhouse, two rope tows, a lighted area for night skiing, a small jump hill, and a 100-meter jump hill.³⁴

Meanwhile, Superintendent Weigle and NPS officials were trying to determine the best place for a campground, kitchen, and latrine within the park. The facilities would be for summertime campers rather than skiers, and the desire of state park and NPS officials to locate these improvements is an indication of the sway held by ideas of outdoor recreation that had been developed in the 1920s. They selected a site on Beauty Mountain just east of the CCC camp and began the construction of the latrine, but their additions were modest compared with what was coming next.³⁵

Skiers crowded the slopes around Cook's Cabin. By 1938, the name had come to indicate the caretaker's residence built a few years before, and the new structure that was intended to supplement the original cabin of Francis Cook, which by this time had disappeared. Up to 50 people in the 1937 season slept over in the small building that was meant to house the caretaker and his wife, and happily for the skiers, people of great charity. The Spokane Ski Club urged that a lodge be built for overnight stays. The



Skiers at the Caretaker's House near Cook's Cabin.
WSPRC Photo 78.2003.1.P990A.K4

group was equally eager for a ski lift at an estimated cost of 6,000 dollars, and although there were no ideas how to cover the amount, they pressed hard during the summer of 1938 to get it built.³⁶

Weigle thought that the NPS might be persuaded to use the CCC to construct the ski lift towers, and then might be persuaded yet again to sponsor a Public Works Administration (PWA) project for the balance of the project. Fifty-five percent of the PWA project would have to be raised locally since there were no public dollars available. Any fund-raising would find the desire for a lodge and the wish for a ski lift competing with each other. Work on other Mount Spokane CCC

³⁴ Stricker; "Locate Ski Hill on Mount Spokane", February 3, 1934

³⁵ Weigle to State Parks Committee, August 7, 1937, Weigle Papers

³⁶ Weigle to State Parks Committee, February 19, 1938 and May 28, 1938; minutes of the State Parks Committee, June 2, 1938

projects slowed as crews devoted more time to developing a detailed topography of the area prompted by the interest of the ski club in its lift.³⁷

Politics had always played a large part in the administration of state parks and CCC projects, and Mount Spokane was no exception. By the next summer, the State Parks Committee suddenly found itself with enough money to build the lodge and the ability to lease a ski lift back to the ski club should the club build a lift. The materials for the new lodge were purchased through the CCC as a cost-saving measure and the construction would be done by skilled masons and carpenters from the area. The site selected was adjacent to Cook's Cabin.³⁸

The lodge opened to the public in October 1940. It was quickly labeled as a chalet and its broad shingled roof overhanging the frame and stone superstructure that rose from a plinth of cyclopean masonry recalled as well the principles of naturalistic design. The interior was grand and made an immediate impression on the first of those to see it. A natural granite fireplace dominated a big central living room that led in turn to a waxing room, four dormitories, showers, and quarters for the caretakers. One visitor said that he had seen the great buildings at Yellowstone and Glacier national parks, but nowhere had he witnessed a cozier building than the one at Mount Spokane.³⁹



View of Mt. Spokane Lodge. WSPRC Photo 78.2003.1.P1075A.S4

The ski club got its lift during the war years as the result of a gift arranged through a local bank. The club acquired an ore bucket mining tram, and with the help of the locally headquartered Riblet Aerial Tramway Company, converted it to what was then considered the world's first double chair lift. It operated for three seasons and then closed in 1949 because of high cost.⁴⁰

The lodge proved popular and was frequently filled to capacity. Immediately after the war, the Mount Spokane Association, an affiliation of local outdoor and business groups, pressed for an expansion. The association hosted an all-day tour of the park for members of the Legislature,

³⁷ Weigle to State Parks Committee, July 30, 1938 and August 13, 1938

³⁸ Weigle to State Parks Committee, June 9, 1939; minutes of the State Parks Committee, September 28, 1938

³⁹ "Mountain Lodge Opening Thrills," *Spokesman-Review*, October 21, 1940

county commissioners, and state park officials, following it up with a dinner meeting where they urged more road construction, consolidation of land ownership within the park boundaries, and the operation of all facilities in the park by the state. The work of the group was effective. Land consolidation and road improvements followed, and in 1950 so did a major addition to the lodge.⁴¹

The long and narrow three-story wing of the addition stretched south toward Cook's Cabin, its floor to ceiling windows providing a view over central Washington with the Cascades beyond. It housed a dining room for 250, 16 private rooms, a dormitory for 40, and an additional dormitory in the cavernous third floor attic. The design was by the Spokane firm of Funk, Murray, and Johnson.⁴²

The addition heralded for some a future for Mount Spokane as one of the world's most visited mountains, the top ski resort west of the Rockies, and the destination of airline ski tours, an engine of local commerce fueled by tourist dollars. Those dreams ended in a sudden and spectacular fire in January 1952 that consumed the lodge and its addition just weeks before the scheduled opening.⁴³

The following summer, John Vanderzicht, the director of the Washington State Parks and Recreation Commission (the State Parks Committee having succumbed to government reforms in 1947), announced that a modest warming and eating cabin would be built on Bald Knob (then under lease to the ski association) as an interim replacement. The single-story structure would be capable of expansion later, said Vanderzicht, and the location was in keeping with the recently adopted master plan for the park. The road above Bald Knob would not be kept open in the winter and the rope tows at Cook's Cabin would be relocated to Bald Knob. Since the road leading to the cabin would be closed, a new residence for the park superintendent would be built at the park entrance.⁴⁴

Those plans were modified at the request of the ski association. Instead of a new warming cabin on Bald Knob, Cook's Cabin received an addition to shelter skiers, accommodate the ski patrol, and house a coffee bar. Two new rope tows would also be put up at Cook's Cabin. Bald Knob received a kitchen and comfort station for summer use only; the sweeping angular forms of the kitchen shelter made it an interesting counterpoint to the design concepts expressed in the buildings erected two decades earlier. The Cook's Cabin addition, the kitchen shelter, and the new

⁴⁰ Stricker

⁴¹ "Mount Spokane Park Is Favored," *Spokesman-Review*, February 2, 1948

⁴² "Lodge Planning Started in 1939," *Spokesman-Review*, January 24, 1952

⁴³ "Spokane to Have \$200,000 Mountain Top Inn," *Spokesman Review*, June 29, 1950

⁴⁴ Minutes of the Washington State Parks and Recreation Commission meeting of June 30, 1952

superintendent's residence were the designs of D. M. Sibold, an Olympia architect retained by the Parks Commission.⁴⁵

The fire prompted one more change, one that brought to Mount Spokane the features that remain today. Al Mettler, the concessionaire who had planned to operate the lodge prior to its destruction believed strongly in the future of winter recreation at Mount Spokane and began to plan the development of a completely new complex on the east slope.⁴⁶

Properties Related to Formal State Park Development 1933 - 1960

Vista House

Caretaker's Residence Site

Latrine at Cook's Cabin

Wood Shed at Cook's Cabin (sometimes called Cook's Cabin today)

Mount Spokane Lodge Site

Reservoir above Lodge Site

CCC Camp or Camp Francis Cook

Community Building, CCC Camp Headquarters

Beauty Mountain Latrine

Bald Knob Kitchen Shelter

Bald Knob Comfort Station

Roadway Improvements

Quarry #1

Spokane Ski Club

Camp Fosseen

Lodge #1

Superintendent's Residence

Quartz Mountain Fire Lookout (constructed post-1960)

⁴⁵ Minutes, Parks Commission, July 28, 1952; Mount Spokane State Park, drawings, Resources Development Division, Washington State Parks and Recreation Commission

⁴⁶ Stricker

Cultural Landscapes. A cultural landscape is defined by the National Park Service in *Preservation Briefs 36: Protecting Cultural Landscapes* as “a geographic area, including both cultural and natural resources... associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.” Mount Spokane has served as a destination for both traditional and recreational use. This 2009 update of the park’s Cultural Resources Management Plan examined historical records and land use patterns to determine the degree of integrity of various areas used during the historic period. The primary cultural landscape present in the park encompasses a large area near the summit and includes resources from various eras of development. This area is extensive, but retains a high level of integrity and is significant as the early focus of recreational activities on the mountain. Other cultural landscapes, or landscape elements, considered include the Spokane Ski Club area, Bald Knob, roads (including the Summit Road, the Day – Mt. Spokane Road, and Mt. Kit Carson Road), roadway features, and circulation networks (foot and ski trails).

The cultural landscape identified includes the area of Cook’s Paradise Camp, also known as Cook’s Camp with its associated building sites, extant buildings and building remains, the spring with its developed reservoir, the trail to the summit area, and CCC-constructed features along the Summit Road. The area extends to the west to include the site of CCC Camp Francis Cook around the summit of Beauty Mountain and to the north to include the summit area of Mount Spokane and its historic features. See page 30 for a map identifying the boundaries of this cultural landscape. The open area above Cook’s Paradise Camp is the source of the earlier names of Mount Spokane – Old Baldy and Mount Carleton – and was a key feature in differentiating the mountain from surrounding elevations. This area was the focus of initial park development by Cook, which also became the focus for CCC efforts and an early focus for recreational skiing on the upper reaches of the mountain. This area is shown on the accompanying map for reference. Individual features are documented in the following pages identifying the contributing features and providing treatment strategies for each.

The landscape surrounding the Spokane Ski Club building was also evaluated as a potential cultural landscape. This area, located in the northeast quarter of Section 28 (T28N R45E) developed in the early 1930s, and continued to develop as a lower elevation center for skiing. The Ski Club landscape contains the remains of the lodge, but does not continue to convey its historic appearance due to the continued growth of vegetation. The Ski Club had a rope tow in the vicinity as well as a large ski jump; neither of these resources are present today. The area was noted in the 1905 GLO survey of the Township as having been recently burned, resulting in an open landscape well suited to skiing. The Ski Club may have also undertaken limited clearing to enlarge the open area. Today, this area is covered with dense stands of trees, and does not retain sufficient integrity to be considered a significant landscape. However, it does present an opportunity for the restoration of the landscape by limited clearing if desired.

Circulation routes, especially roads, are reminders of the early work done by Cook and improvements constructed by the CCC. The current road alignment of the Day – Mt. Spokane Road, the Kit Carson Road, and the Summit Road all reflect the condition that existed during the historic period as indicated in a 1922 log of a trip to the summit as well as the 1940 Master Plan for the park. This network links the various areas of the park and is in itself a cultural landscape feature. The road system retains integrity with the exception of the main park road (Mount Spokane Park Drive), and must be managed as a historic cultural landscape feature to retain its historic character.

Key trails for both hiking and skiing are noted on the 1940 Master Plan for the park, portions of which are still designated as hiking, skiing, or snowmobiling trails. This includes portions of the 1940 "Teakettle Trail" now designated as Trail 101; portions of the 1940 "Tumble Trail" now designated as Trail 124; the 1940 "Trail #1" now designated as portions of Trails 100, 102, and 103; the 1940 "Trail #2" now designated as Trail 160; and portions of the 1940 "Trail #3" now designated as Trail 110. The current alignments do not exactly follow the historic routes shown, which may be due to either more precise mapping or a change in the trail alignment to more closely follow the natural contours of the site. However, the termini are generally the same and lead to key points within the park.

A general location map of the cultural landscape features and boundary within the park is provided on page 30, yet individual elements within the landscape are further detailed in Part C of this section.

Cultural Resources Management Plan
Mount Spokane State Park

Identification of Cultural Resources – Cultural Landscapes

Paradise Camp/Summit Area Cultural Landscape: The landscape consists of a collection of features, structures, and sites associated with popular interest in the mountain dating from the early 1900s to the 1950s. Its component built elements, are further identified in this section, but no identification has been made of natural elements, which have evolved and matured over time. At its southern perimeter, it embraces the site of Francis Cook's Paradise Camp and the CCC development of the same site, its northern extremity includes the summit area reaching to the Vista House, and to the east and west it includes the untreed slopes that first attracted the skiing public. The boundary also extends eastward to the CCC Camp site at Beauty Mountain. Cook's Road is also considered a part of the cultural landscape within the park, as it was the primary route to both the mountain and the summit prior to the construction of the current Summit Road.

The present identified elements of the landscape include Cook's Cabin site, Sun Ball site, memorial to Spokane County war dead, latrine at Cook's Cabin area, woodshed at Cook's Cabin area, caretaker's residence site at Cook's Cabin area, and Mount Spokane Lodge site.

Character-Defining Features: The character defining features of the landscape include the features of individual components that are identified elsewhere in this section. Spatial relationships, circulation patterns, and topography are also considered important characteristics of the landscape.

Historic Photographs: Various photographs of the component elements of the landscape are identified elsewhere in this section.

Plans: The cultural landscape is a contemporary identification, and therefore no plans exist for it.

Current Use: See component elements.

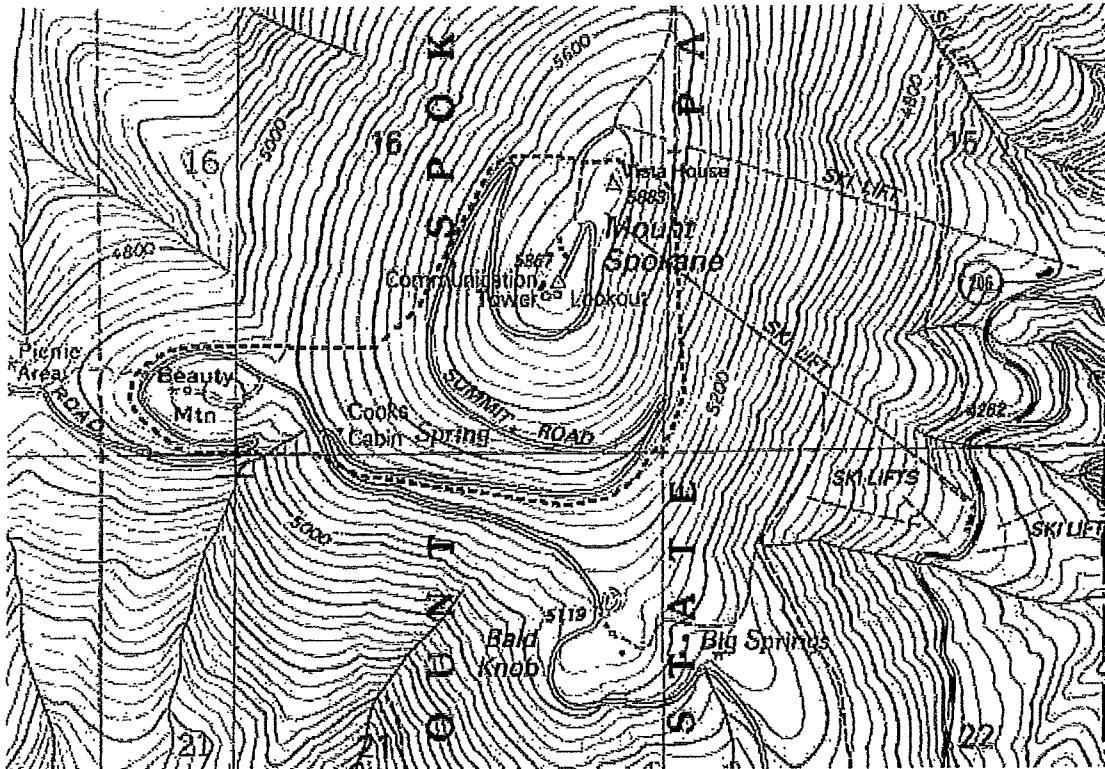
CAMP Classification: **Heritage, Resource Recreation**

Treatment: **Preservation**, see individual components for more specific treatments.

Priority: **Supplemental**, see individual components for more specific treatments.

Cultural Resources Management Plan
Mount Spokane State Park

Paradise Camp/Summit Area Cultural Landscape



General overview of area considered as the cultural landscape within the park, excluding Cook's Road.
See individual component elements for further detail.

Buildings, Sites, and Structures. The identification component for buildings, former building sites, and structures concludes in the early 1950s. To date, only a few of the primary existing buildings, sites, and structures within the park have been formally evaluated for potential National Register eligibility. In 2002, the Vista House, Cook's Cabin Area Latrine, the Cook's Cabin Area Woodshed, and the CCC Camp Site were determined eligible for the National Register under Criteria A and C for association with significant broad patterns of history (Criterion A) and for their design and construction type (Criterion C). It is possible that remaining buildings from the formal park development era (ending in 1960) could be considered significant. The work of prominent Spokane architects is featured within the park, including Bertelsen's design for Vista House and the Caretaker's Residence as well as Kenneth Brooks' design for Lodge One.

Similarly, architect D. M. Sibold (based out of Olympia) designed the Bald Knob cooking shelter and superintendent's residence at the park entrance in 1953; these buildings were not included in the original version of this document but are included here as they have reached an age where they could be considered significant. Sibold's angular plan of the cooking shelter owes little to the naturalistic designs favored in park buildings of the 1930s, and is more an example of post-war Modernism at work in a natural setting. It also anticipates some of the architectural forms of Mission 66, the major building program of the National Park Service that introduced non-traditional forms into park settings. Sibold's work in the park is representative of the new Modern or Northwest Regional style incorporated into State Parks architecture during the 1940s and 1950s. Sibold worked in other parks during his career, but a comprehensive study of his work in the State Parks system has not been completed. He is known to have completed at least two other buildings at Wenberg and Camano Island State Parks.

All identified historic resources are detailed further in the following pages. The individual pages provide a summary history and description of each property, notable character-defining features, and the location of any plans or historic photographs.

The identification also includes current use and the CAMP classification, as well as a recommendation for treatment and priority. The glossary includes definitions for the treatment and priority terms, and all the treatments are summarized in Section IV.

Cultural Resources Management Plan
Mount Spokane State Park

Identification of Cultural Resources – Building and Structures

Cook's Cabin Site: Francis H. Cook built the cabin that bore his name in 1912. It was the central feature of the area Cook called Paradise Camp, and it was removed in the 1930s sometime after 1934. Located near the caretaker's residence that was built in 1933, an aerial photo from early 1934 shows the cabin near the intersection of the Summit Road and the Mt. Kit Carson Loop Road. A 1940 drawing of the site surrounding the Caretaker's House shows a small cabin directly adjacent to the house, but this was apparently a smaller secondary structure and not Cook's Cabin as it was rectangular in plan.

It was a single story log structure, L-shaped in plan, and intended for occupation during the summer months only. The design for the caretaker's residence does not seem to have been based on Cook's Cabin, although there was discussion prior to and at the time of the later cabin's construction that the building should recall the original Cook's Cabin. Cook's Cabin was primarily of log construction with squared lap corners. Gable ends were clad with either shakes or board and batten siding. In the broadest sense, the log constructed Caretaker's House does recall Cook's Cabin, but was far from a duplicate.

Character-Defining Features: Resource not extant; Archaeological materials may remain.

Historic Photographs: Multiple views are located in the Oestreicher Collection owned by State Parks. Five views, plus an aerial photo, provide a good level of detail regarding the exterior appearance of the building. The photos are catalogued as 78.2003.1.P44B.U4, 78.2003.1.P68B.O2, 78.2003.1.P625A.O2, 78.2003.1.P640A.O2, 78.2003.1.P989A.K4, and the aerial providing the location is 78.2003.1.P975A.K4. One view is also contained in the CCC collection maintained by Interpretive Services.

Plans: No plans of Cook's Cabin have been located.

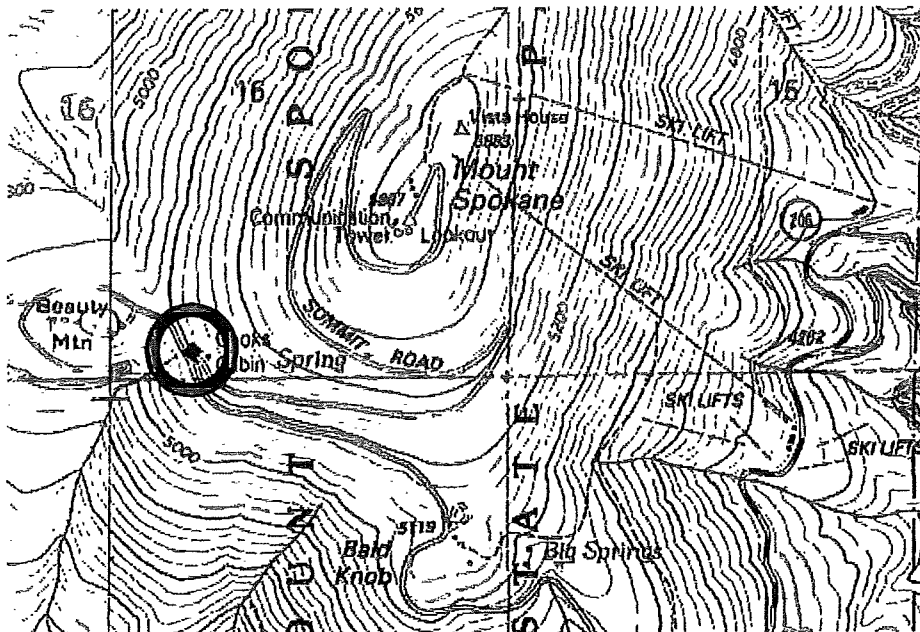
Current Use: There is no current use of the cabin site; it may still exist as an archaeological site and may be at least partially beneath the road leading to the lodge site and Beauty Mountain.

CAMP Classification: **Heritage**

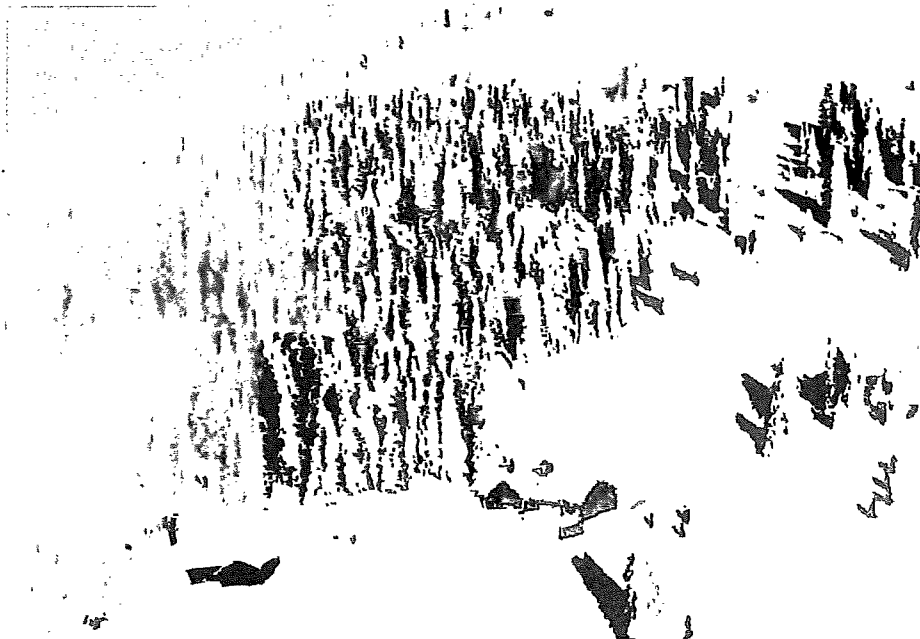
Treatment: **Preservation** – No ground disturbance should take place in the area of the cabin prior to an archaeological evaluation of the site to determine the existence of potentially significant deposits.

Priority: **Primary** – the above treatment standard is to be applied immediately.

Cultural Resources Management Plan
Mount Spokane State Park
Cook's Cabin Site



Cook's Cabin Site location (conjectural based on aerial photograph).



1934 aerial photo showing Cook's Cabin (lower left) and Caretaker's House (center).
WSPRC Photo 78.2003.1.P975A.K4.



Undated photo showing Cook's Cabin (view to north). WSPRC Photo 78.2003.1.P989A.K4.



Undated photo showing Cook's Cabin (east side). WSPRC Photo 78.2003.1.P44B.U4.

Cultural Resources Management Plan
Mount Spokane State Park

Identification of Cultural Resources – Buildings and Structures

Caretaker's Residence Site: The caretaker's residence, also designed by Bertelsen, served as the home of the chief state park employee in the park from the time of its construction in 1933 to the erection of a new residence at the park entrance 20 years later. It was immediately adjacent to Cook's Cabin, and occupied the site between the woodshed and the latrine. Park superintendent W. G. Weigle was well pleased with the construction, so much so that he wanted Elmer Highberg, the builder of the cabin, transferred to Rainbow Falls to take charge of construction there.

The cabin was a single story log building erected over a stone and concrete foundation with a roof of intersecting gables. Notable features included a concrete garage that was apparently accessible from the residence, and extensive dry-laid stone construction, including retaining walls, steps, and walkways. The original building was expanded according to drawings produced in 1952 to add additional public space within the building.

The building was destroyed and burned in 1980, and the site obliterated. The only visible remnant is a small fragment of retaining wall as well as the flat graded area once containing the main building.

Character-Defining Features: Resource not extant except small portion of stone wall; archaeological materials may remain.

Historic Photographs: Several photos are part of the Mount Spokane CCC series and the Oestreicher Collection maintained by Interpretive Services.

Plans: H. C. Bertelsen Collection, Eastern Washington State Historical Society. These pencil drawings depict the floor plan as a combination residence and public cabin. Subtle variations are noted between the drawings and historic photographs. An addition was designed in 1952 and constructed shortly thereafter. Plan copies located at WSPRC HQ, Drawing set S650-29.

Current Use: There is no current use of the site other than passive recreational use.

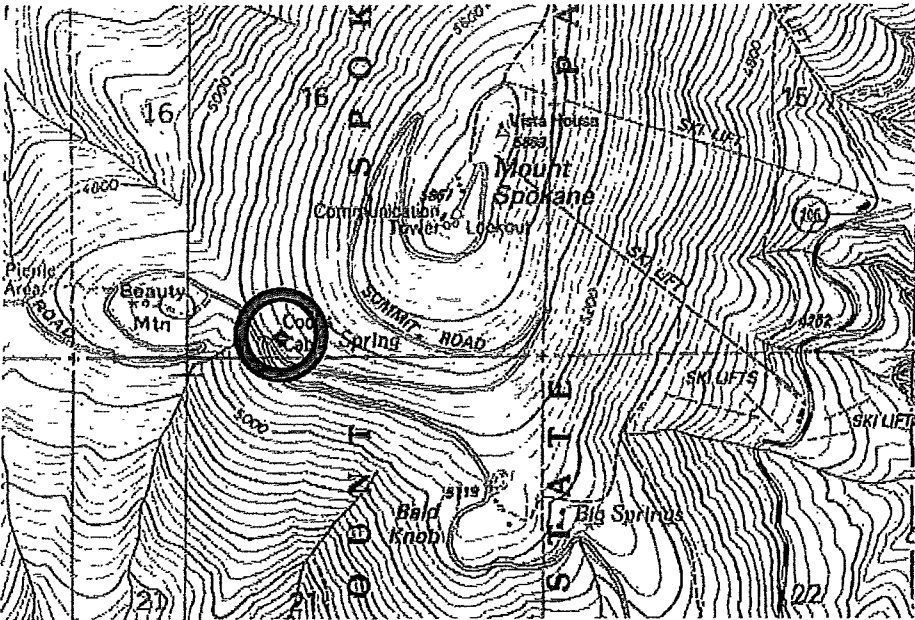
CAMP Classification: **Heritage.**

Treatment: **Preservation;** no ground disturbance should take place in the area of the cabin prior to an archaeological evaluation of the site to determine the existence of potentially significant deposits.

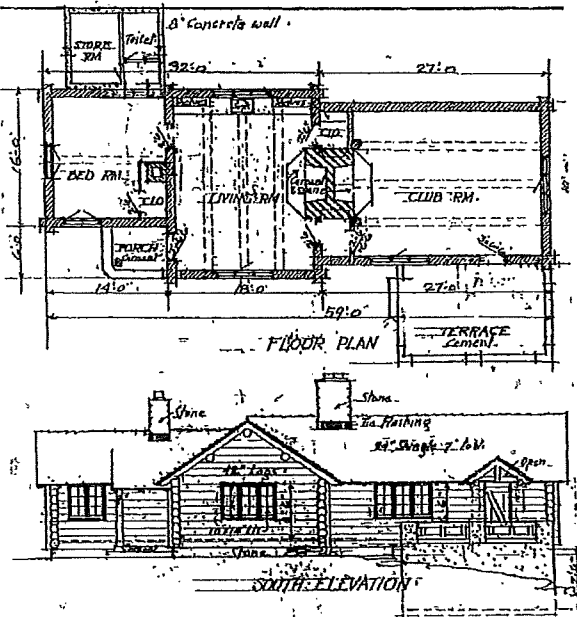
Priority: **Primary;** the above treatment is to be applied immediately.

Cultural Resources Management Plan
Mount Spokane State Park

Caretaker's Residence Site



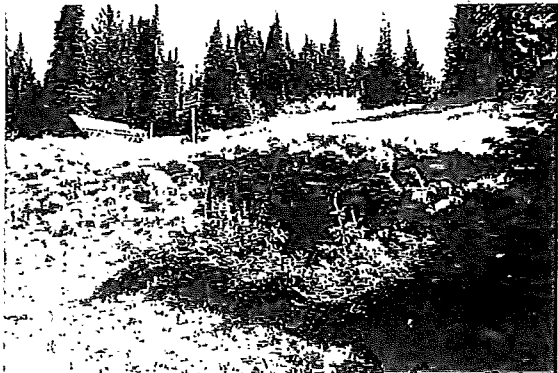
Caretaker's Residence location.



Caretaker's Residence, partial elevation and plan, 1933.
Courtesy H.C. Bertelsen Collection, Eastern Washington
State Historical Society, Spokane.



Caretaker's Residence, October 1934. Photo-SP10-79.



Contemporary view of Caretaker's Residence site (right).

Cultural Resources Management Plan
Mount Spokane State Park

Identification of Cultural Resources – Buildings and Structures

Latrine at Cook's Cabin Area-- The latrine at the former site of Cook's Cabin was a portion of the work completed by the CCC in the Cook's Cabin area and was added soon after the completion of the caretaker's residence. A roadway connects the latrine with the woodshed to the northwest; the roadway does not appear to extend beyond the latrine. Because of its location, it is a distinctive landmark in the park. Its masonry work is much less practiced than that of the Vista House, a result of work done by enrollees rather than contract masons.

The latrine is a small stone structure divided into two sections by a stone wall. Access to each section is through a doorway in the end-wall; the door is no longer in place. The interior accommodated two toilets of a special design, a part of what appears to be the same proprietary septic system that was used at the Vista House. No other interior fittings are apparent. A small window adjacent to the doorway provided illumination. Four vents penetrated the front roof slope for ventilation of the proprietary septic system. The building was rehabilitated in 2003, with work including roof replacement, limited roof member replacement, and masonry repairs.

Character-Defining Features: Rubble masonry construction using half-man and smaller stones, hip roof with shingles, rafter poles, hip rafters and ridge of dimensioned lumber, log collar tie or plate, proprietary septic system, door and window openings.

Historic Photographs: A single view of the latrine is included as image #64 in the Mount Spokane CCC photo series maintained by Interpretive Services.

Plans: No plans of the building have been located.

Current Use: None.

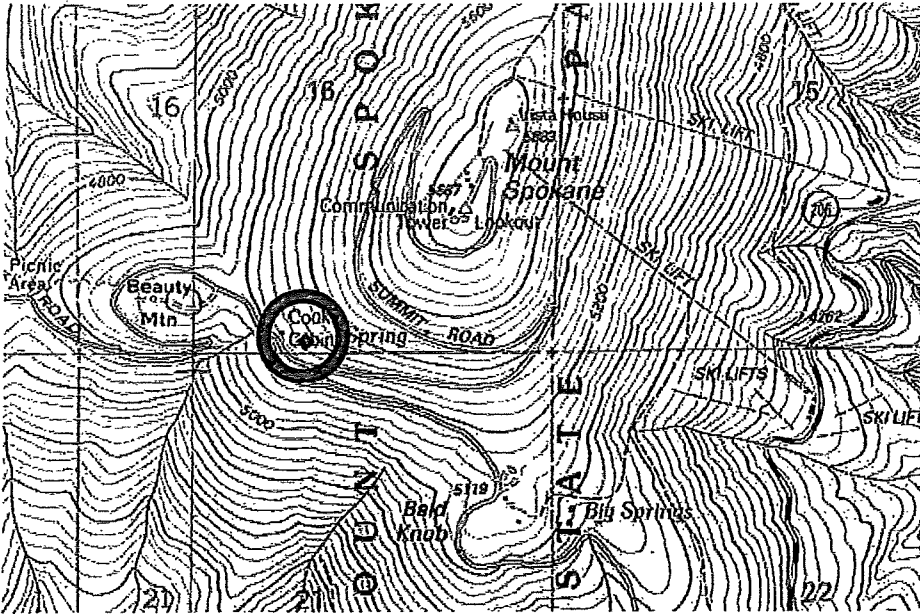
CAMP Classification: **Heritage**

Treatment: **Preservation** – clean and maintain roof as required, repoint as necessary.

Priority: **Primary**

Cultural Resources Management Plan
Mount Spokane State Park

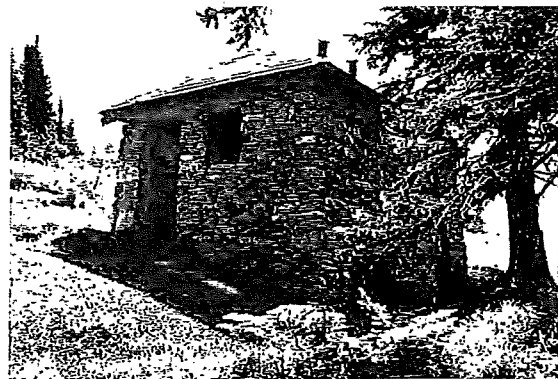
Latrine at Cook's Cabin Area



Cook's Cabin area Latrine location.



Looking east about 1934. WSPRC Photo SP10-64.



2008 view of Latrine.

Cultural Resources Management Plan
Mount Spokane State Park

Identification of Cultural Resources – Buildings and Structures

Woodshed at Cook's Cabin Area: The woodshed was erected by the CCC soon after the caretaker's residence and was intended to serve as the storage facility for that building.

It is a single story log and stone building set well into the slope of the site. The log walls rise above a stepped rubble foundation wall that follows the contour of the slope. An offset single leaf door in the front gable provides entry; small windows in the front and rear gable ends originally provided illumination. Log roof beams and smaller log rafters carry milled lumber nailers for the shake roof; the roof is significantly deteriorated and provides no protection for the interior. The interior is a single room floored with heavy boards, now collapsing. At some point in the past, the exterior of the logs walls were covered with milled boards, probably in an attempt to make the cabin suitable as a shelter. The windows have also been boarded over. Earth and duff has accreted around the exterior walls and is contributing to the continuing deterioration of the building.

Character-Defining Features: Stone rubble foundation walls supporting upper log walls, offset front entry gable form with shake roof, plank floor, slope-engaged site.

Historic Photographs: The Mount Spokane CCC photo collection maintained by Interpretive Services has three views of the wood shed: #72, #73, and #74.

Plans: No plans of the woodshed have been located.

Current Use: None

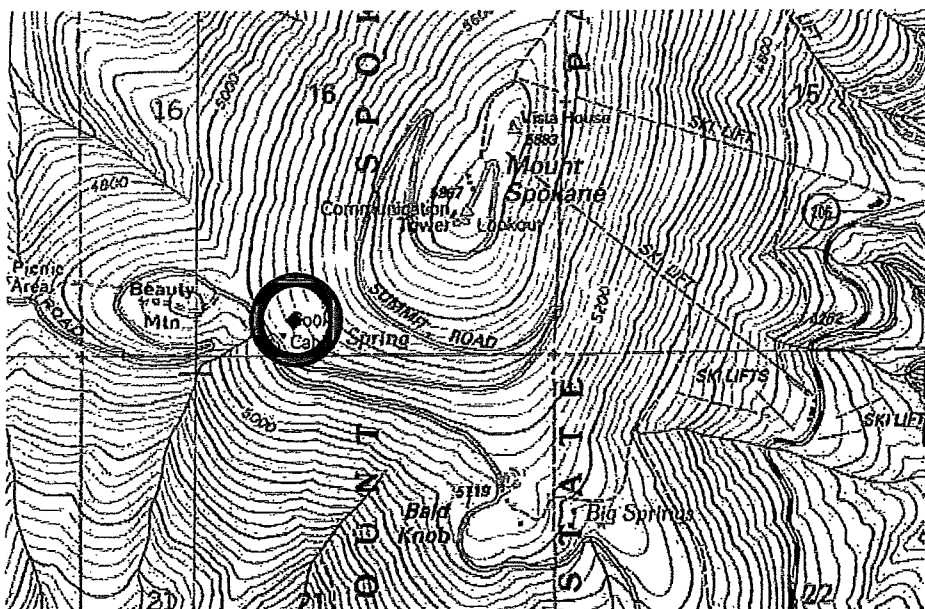
CAMP Classification: **Heritage**

Treatment: **Preservation** - reroof, repair and repoint masonry, replace plank floor, replace or consolidate deteriorated logs (primarily rafters, cap logs, and log ends), remove vegetation.

Priority: **Primary**

Cultural Resources Management Plan
Mount Spokane State Park

Woodshed/Storehouse at Cook's Cabin Area



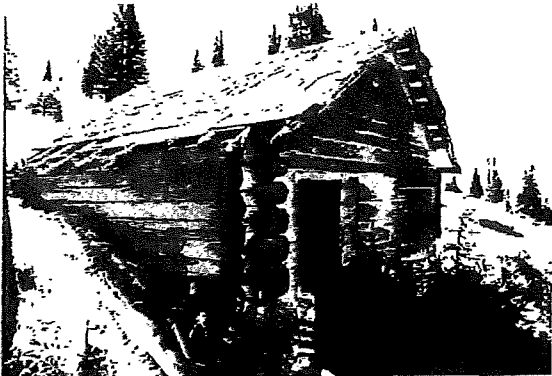
Woodshed location.



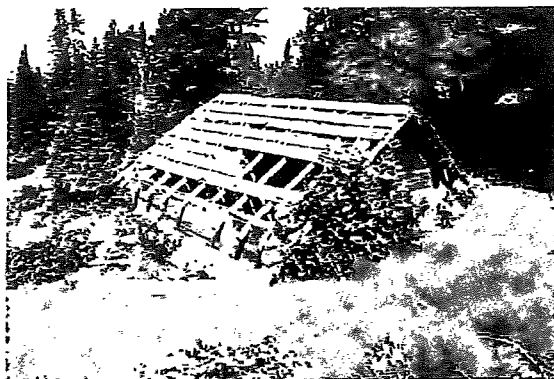
1934 view of Woodshed. WSPRC Photo SP10-74.



1934 view of Woodshed. WSPRC Photo SP10-73.



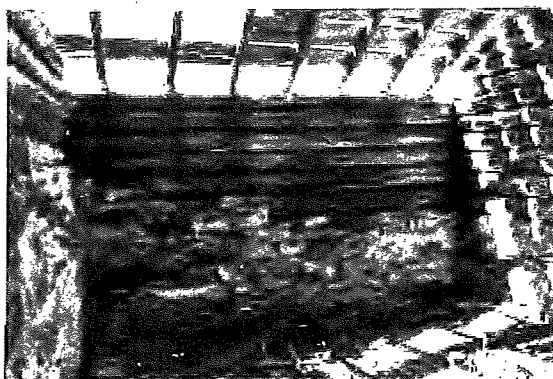
2008 view of Woodshed.



2008 view of Woodshed.



2008 view of Woodshed interior.



2008 view of Woodshed interior.

Cultural Resources Management Plan
Mount Spokane State Park

Identification of Cultural Resources – Buildings and Structures

Mount Spokane Lodge Site: The Mount Spokane Lodge was a handsome building first put up in 1940 and expanded by a significant addition in 1952. Both the original lodge and the addition were destroyed by fire in 1952, just prior to the opening of the building with its new addition.

Only the concrete basement and a rear wall survive as the most visible reminders of the building. It is a large ruin, and contains possibly one reusable space in the former basement. The only significant element remaining is the cyclopean masonry retaining wall that ran in front of the building; the wall is artfully done, but is obscured by a growth of small Fir trees.

Character-Defining Features: The concrete remains of the lodge are not character-defining of themselves although they serve to mark the site of a popular destination. The surviving character-defining feature is the retaining wall with its large, well-fitted stones.

Historic Photographs: Views of the building are located in the Oestreicher Collection held by Interpretive Services.

Plans. No source of plans was identified, although they were certainly retained by designing architects Funk, Murray and Johnson. The firm or its successors were not contacted to determine if the plans are available.

Current Use: There is no current recreational use; the site appears to be used informally for debris storage.

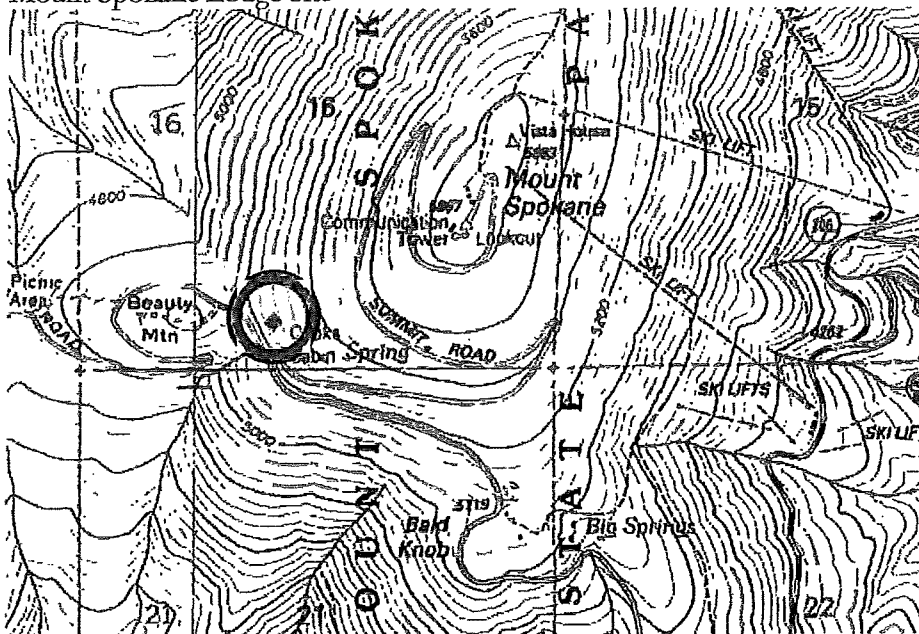
CAMP Classification: **Heritage**

Treatment: **Preservation;** remove tree growth from area of retaining wall and monitor for signs of deterioration. No specific treatment is necessary for the concrete foundation, walls, and floor, but potential hazards should be identified and addressed for reasons of public safety.

Priority: **Supplemental**

Cultural Resources Management Plan
 Mount Spokane State Park

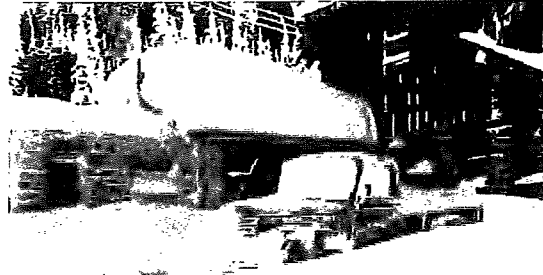
Mount Spokane Lodge Site



Lodge Site location.



View of Lodge prior to addition. WSPRC Photo 78.2003.1.P1075A.S4.



Garage at east side of Lodge. WSPRC Photo 78.2003.1.P319A.U1 (January 3, 1944).



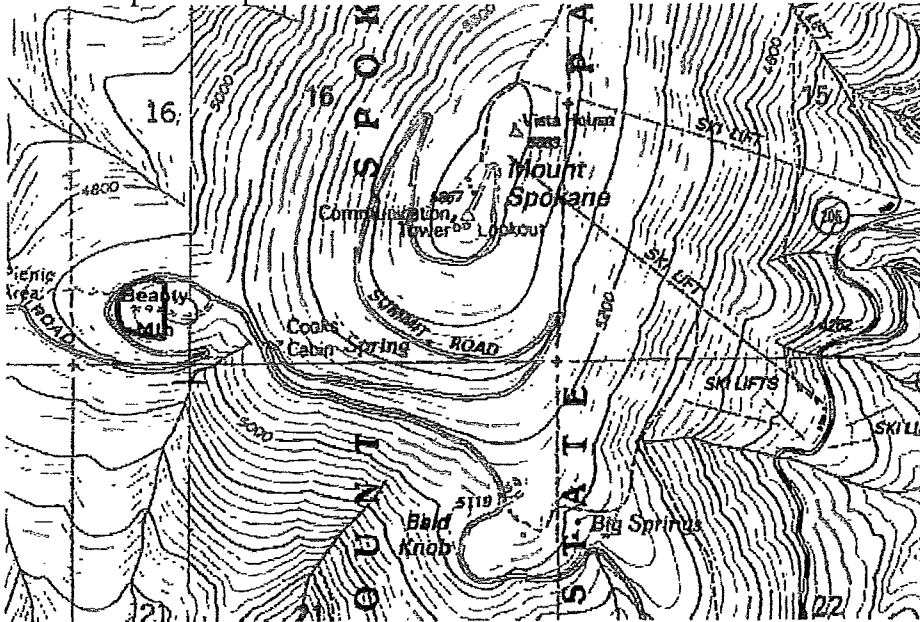
2008 view of Lodge remains.



2009 view of stone wall.

Cultural Resources Management Plan
 Mount Spokane State Park

CCC Camp or Camp Francis Cook



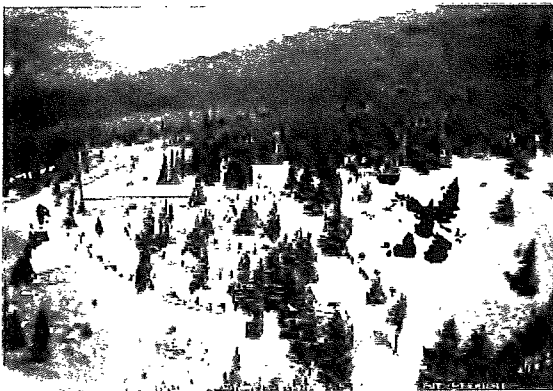
CCC Camp Francis Cook location.



Camp construction, July 1934. Photo SP10-143.



Completed camp segment, July 1934. Photo SP10-7.



Aerial view of Camp Cook. WSPRC Photo 78.2003.1.P1062D.V4.



FRANCIS COOK CCC CAMP
SP-10, Mt. Spokane
Photo by Lee's Studio - M-075

Historic view of CCC Camp "Main Street". WSPRC Photo 78.2003.1.P129E.Y4.



2009 view of "Main Street".

Cultural Resources Management Plan
Mount Spokane State Park

Identification of Cultural Resources – Buildings and Structures

CCC Camp Headquarters: The camp headquarters was constructed rapidly over a period of a few days in 1934 to be ready for the camp dedication ceremony. Its original purpose was to house materials presented during the ceremony that honored Francis Cook, but it served as camp headquarters and was also referred to as the community building. In 1974, it was converted for use as a warming hut for snowmobile users, but by the early 1990s, it had deteriorated significantly. The original building was rehabilitated in 1998, using both new materials and selected logs from the original around the original fireplace and chimney.

The rehabilitated building is of the same size and proportions as the original. It is a single room log building fitted with a gable roof and shakes. A single leaf entry door with original hardware is located centrally in the long wall facing the flag pole plaza of the CCC camp; it opens onto the fireplace in the opposite wall. Large window openings fitted with double and triple sash with single lights appear regularly on all four elevations.

Character-Defining Features: The present building has a great deal of new fabric, however, it is faithful to the original design and construction. The building retains its original entry door and hardware, and the features that characterize the building are its construction type, spatial arrangement, log detailing, entry door, door hardware, and fireplace.

Historic Photographs: Several construction views are part of the Mount Spokane CCC photo collection maintained by Interpretive Services. A partial view of the completed structure is in photo no. 28 of the same series.

Plans: No plans of the building have been located, and due to the circumstances of its construction it is unlikely that any were prepared.

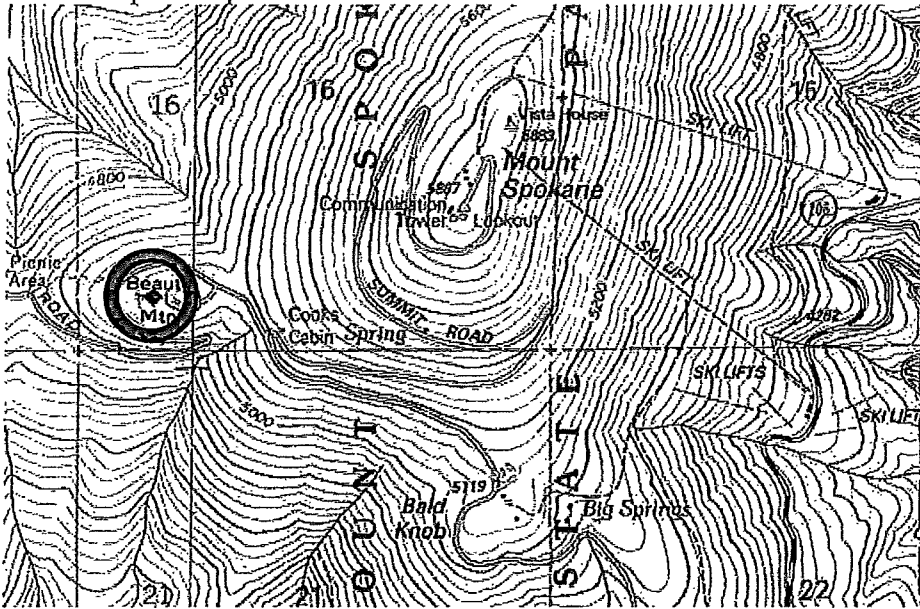
Current Use: Seasonal shelter, actively used by snowmobile groups during winter.

CAMP Classification: **Heritage**

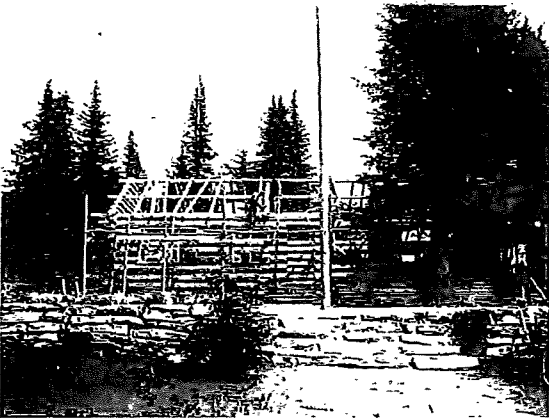
Treatment: **Preservation**; routine maintenance is required.

Priority: **Supplemental**

Cultural Resources Management Plan
Mount Spokane State Park
 CCC Camp Headquarters



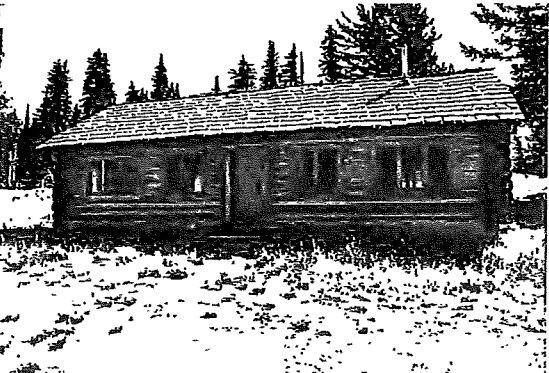
CCC Camp Headquarters location.



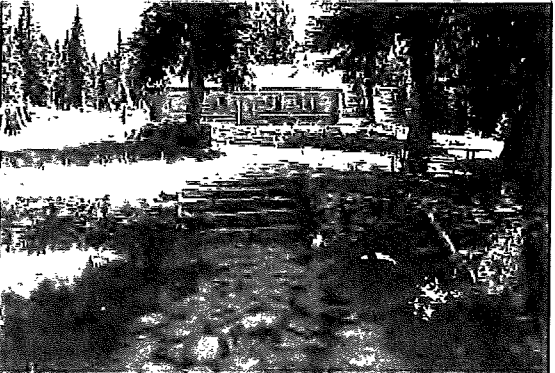
Under construction, 1934. WSPRC Photo SP10-60.



As completed, August, 1934. WSPRC Photo SP10-63.



2008 view of CCC Camp Headquarters.



2008 view of Headquarters with "Main Street".

WASHINGTON STATE ATTORNEY GENERAL

March 16, 2016 - 3:27 PM

Transmittal Letter

Document Uploaded: 7-484234-Response Brief~2.pdf

Case Name: Roskelley v. Washington State Parks

Court of Appeals Case Number: 48423-4

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: _____

Answer/Reply to Motion: _____

Brief: Response

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: _____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

Washington State Parks and Recreation Commission's Response to Brief of Appellants

Sender Name: James R Schwartz - Email: jims@atg.wa.gov

A copy of this document has been emailed to the following addresses:

bricklin@bnd-law.com

brooks@bnd-law.com

telegin@bnd-law.com

cahill@bnd-law.com

miller@bnd-law.com

ngs@witherspoonkelley.com

mam@witherspoonkelley.com

karinah@witherspoonkelley.com