

April 28, 2020

VIA EMAIL

Columbia River Gorge Commission
c/o connie.acker@gorgecommission.org

Re: Comments on Gorge 2020 Economic Development Chapter Revisions

Dear Chair Liberty and Commissioners:

On behalf of the Port of The Dalles (“Port”), we are providing comments on the draft Gorge 2020 Economic Development Chapter revisions presented to the Columbia River Gorge Commission (“CRGC”) for its work session on April 28, 2020. These comments supplement the comments filed by the Port on April 27, 2020.

The noticed purpose of this April 28 work session is to “review the draft amendments to the Gorge Management Plan [Chapter 2] and for the Commission to either endorse the language as prepared by staff or modify it to reflect its preferences. The Commission will then present the draft language which it has endorsed for public comment during the final comment review period, June 1-30, 2020.” Unfortunately, the April version of the Economic Development chapter now before the CRGC significantly deviates from the version previously noticed and circulated for public comment in December (e.g., the December version). The Port provided formal comments on the December version during the public comment period, which closed February 1, 2020, after the CRGC extended the filing deadline due to confusion regarding the notice.

There is a standing concern regarding the CRGC’s approach to the plan amendment revisions, version control, and the treatment of public comments and stakeholder input in its process. After a formal public comment period, the April version (the revised draft supposedly resulting from that comment process) varies considerably, and substantively, from the December version circulated for public input by formal public notice. Simply, the expectation of the public and stakeholders is that the April version considered by the CRGC should be informed by the public comments received on the December version and be based on the December version circulated for public comment. A side-by-side comparison of the April version and the December version illustrate that this is not the case. Administrative law proceedings, like legislative proceedings, rulemakings, code amendments, plan amendments, and zoning text amendments, are based generally off a prior draft for transparency. Draft versions document, and reflect, the decision-

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making points in developing administrative law. The CRGC does not need to include specific and detailed findings and conclusions in every instance, but the record must enable observers “to see what major issues of policy were ventilated . . . and why the agency reacted to them the way it did. *Alvarado Community Hosp. v. Shalala*, 155 F.3d 1115, 1122 (9th Cir.1998). The CRGC can best serve its constituencies by sharing the reasoning behind its decisions, articulating an explanation and “connection between the facts found and the choices made,” so that its decision-making “path may reasonably discerned” by stakeholders and the general public alike. *See Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2125, 195 L. Ed. 2d 382 (2016) (opinion of Kennedy, J.) (internal marks omitted); *see also id.* at 2127 (concurrency of Ginsburg, J.) (“I agree in full that, in issuing its [new rule, the agency] did not satisfy its basic obligation to explain that there are good reasons for a new policy.”) (internal marks omitted); *id.* at 2129 (dissenting opinion of Thomas, J.) (“I agree with the majority’s conclusion that . . . deference is not warranted where a regulation is procedurally defective. But I disagree with its ultimate decision to punt on the [substantive regulatory] decision before it.”) (internal marks omitted).

While we understand the CRGC and its staff may (and should) revise their chosen approaches in response to new information, the CRGC is currently doing so without explanation of the reasoning used or the information reviewed. Such steps only deepen the standing concern that the CRGC process lacks transparency. Further, there is a concern that the CRGC is intentionally making it difficult for the public to participate and track what appears to be the continual refinement of policy under the guise of “direction to staff” and work sessions (rather than formal sessions).

To that point, there are substantive changes to policy proposed in the April version that were not contemplated in the December version of the Economic Development chapter. Of particular concern to the Port is the deletion of GMA Policy 5 (Role of Ports). In the December version, there was discussion over the role of the ports being “special” or “unique.” Now, the April version proposes to eliminate the GMA policy altogether, completely disregarding ports’ role in economic development through the Gorge and the local jurisdictions surrounding it. This proposed revision deletes original policy from the management plan and does not even replace it with revised policy or rearticulated policy. Similarly, the April version proposes to delete GMA Policy 5. Again, this proposed revision deletes original policy from the management plan and does not replace it with revised policy or rearticulated policy. These two wholesale changes to the Economic Development chapter could work to undercut the second purpose of the Act. When read together, these two changes could suggest an intent by the CRGC to overhaul the entire plan to reflect a new “no growth” policy. Alternatively, it could be interpreted to allow growth outside of urban areas, which is a concern for the Friends of the Gorge. Therefore, keeping the original language seems to strike the right balance.

The purpose of the Act is twofold and the Economic Development chapter must reflect that legislative intent. People have lived in the Gorge for centuries, and now more than ever, people

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are striving to build communities, create connections, and thrive. The Port appreciates the need for balance, and for that reason supports and appreciates the revised language in the introduction section of the chapter about balancing and harmonizing among different uses and goals. This is why the Port encourages the CRGC to not only to recognize the rural economies in the introduction but to also include more typically urban industries like high tech, manufacturing and processing (particular related to agricultural products), and healthcare.

In addition to the comments above, the Port provides a redline comments on the April version of the Economic Development chapter, which is included as Attachment 1 to this letter. We also provide the December version of the chapter (Attachment 2), the public notice of the public comment period (Attachment 3), the CRGC minutes regarding the public comment period extension (Attachment 4), and the Port's public comments on the December version (Attachment 5). Please include this letter and its attachments in the formal record of this proceeding.

Thank you for your consideration and the opportunity to provide these comments. We appreciate the hard work of the CRGC and its staff throughout this process.

Very truly yours,

Davis Wright Tremaine LLP



Elaine R. Albrich

Enclosures

cc: Andrea Klaas

Attachment 1

CHAPTER 2

Economic Development

~~The Columbia River Gorge is home to nearly 55,000 people.~~ The Columbia River Gorge National Scenic Area spans 85 miles of the Columbia River and includes 292,500 acres of diverse landscapes and 13 urban communities. *It is home to nearly 55,000 people.* Congress intended the National Scenic Area Act to support the ~~economy of their~~ economies of the communities in the National Scenic Area. ~~The second of the Act's two stated purposes~~ One of the Act's two stated purposes is “to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources [Section 3(2)].”

The term “economic vitality” as used in this chapter, refers to a strong and diverse economy that contributes to increased prosperity, job opportunities, and an enhanced quality of life. ~~As stated in the National Scenic Area Oregon and Washington Economic Vitality Plan (2016): “The purpose of the National Scenic Area Oregon and Washington Economic Vitality Plan is to set forth a vision and strategies for enhancing the economy and quality of life of Oregon and Washington communities located within the National Scenic Area”.~~ The economic vitality of the National Scenic Area and the health of the scenic, natural, recreational, and cultural resources of the Columbia River Gorge are interdependent. The goals and policies in this chapter support the vision of a thriving economy supporting diverse business opportunities that operate in harmony with the National Scenic Area’s ~~rural~~ qualities, values, and resources, especially with the the Gorge’s principal economic sectors, such as agriculture, forestry, ~~and~~ tourism, *high tech, manufacturing and processing, and healthcare.* ~~while allowing new commercial uses on lands designated Rural Center, Commercial, and Commercial Recreation. Climate change directly and indirectly affects many of the region’s current economic sectors. Addressing climate change will improve the viability of those economies into the future. *In addition, the necessity of adapting to changing conditions and the interest in mitigating effects create new opportunities for a natural resource-based economy.*~~

This chapter focuses on the General Management Area as the primary location for commercial development. The Special Management Areas (SMA) include the region’s most sensitive lands and resources. In the Act, Congress explicitly limited new development in the SMA, and directed that commercial development take place outside of the SMA.

GMA PROVISIONS

GMA Goals

1. Protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing Urban Areas.
2. Protect and support the economy of the Columbia River Gorge area by allowing future economic development in a manner that is consistent with the protection and enhancement of the scenic, cultural, recreation, and natural resources of the Columbia River Gorge.

GMA Policies

1. The Gorge Commission shall consult with the States of Washington and Oregon in the States' updates to their coordinated Economic Vitality Plan developed pursuant to Section 11 of the National Scenic Area Act.~~development and implementation of their state and regional economic development plans.~~ [Port comment: revert to original language]
2. The Gorge Commission recognizes the importance of their participation in updates to the regional Comprehensive Economic Development Strategy (CEDS) as may be requested by Mid-Columbia Economic Development District, the bi-state economic development entity that coordinates the CEDS planning process.
23. The Gorge Commission shall support the economic development efforts of the States of Oregon and Washington pursuant to their Economic Vitality Plan~~economic development plans established under the National Scenic Area Act.~~ [Port comment: revert to original language for first sentence]. The Gorge Commission recognizes and supports the importance of the economic vitality efforts of regional and community organizations and the four treaty tribes, pursuant to their economic development strategic plans and as consistent with the purposes and standards of the Act and the Management Plan.
3. ~~The Gorge Commission shall encourage the States of Washington and Oregon to coordinate their economic development planning in order to maximize the benefits of federal dollars to all Gorge communities.~~
4. Agriculture and forest industries in the Columbia River Gorge shall be protected and supported by:
 - ~~preventing fragmentation of the land base and by;~~
 - ~~minimizing interference with agricultural and forest practices from conflicting uses;~~
 - enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses;
 - being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these industries;
 - encouraging conservation efforts such as renewable energy and water efficiency; and
 - allowing commercial uses and events on GMA agriculture lands that are incidental and subordinate to the agricultural use.
5. ~~The economic vitality of the Gorge economy shall be enhanced by encouraging growth to occur in Urban Areas.~~ [Port comment: revert to original language]
6. ~~New commercial uses shall be allowed outside Urban Areas on lands designated:~~

~~Rural Center.~~

~~Commercial.~~

~~Commercial Recreation.~~

75. The following commercial uses may be allowed outside Urban Areas:
- A. Home occupations ~~and cottage industries~~ in all designations except Open Space.
 - B. Commercial recreation in appropriate recreation intensity classes throughout the Scenic Area.
 - C. Commercial uses in conjunction with public recreation on lands designated Public Recreation.
 - D. Conversion of existing industrial sites to commercial use.
 - E. ~~Wineries and farm produce stands~~ Wine sales/tasting rooms, in conjunction with a lawful winery, on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.
 - F. Commercial events in all GMA designations except Open Space and Agriculture Special, in conjunction with a lawful winery, wine sales/tasting room, ~~bed and breakfast inn~~ overnight accommodation, commercial use or dwelling listed in the National Register of Historic Places.
 - G. Commercial uses in all GMA designations except Open Space and Agriculture Special on a property with a building either on or eligible for the National Register of Historic Places, and that was 50 years or older as of January 1, 2006.

[Port comment: accept revisions as presented in December Version of Chapter 2, which reflects prior public input and a cleaner policy statement than as proposed.]

PART III-Action Program

86. The Gorge Commission shall support the economy of Gorge communities by ~~encouraging integrating~~ integrating recreation development at appropriate rural locations with adequate infrastructure and coordinating with appropriate organizations.
7. The Gorge Commission recognizes the importance of adequate efficient and reliable infrastructure (such as water, sewer, roads, energy, telecommunications, and broadband) to protect the health and safety and to support the economic vitality of Gorge communities.

~~9. The Gorge Commission shall recognize the special role of the five ports in the Scenic Area as providers of river transportation and recreation facilities in Urban Areas, and support their efforts to stimulate urban waterfront economic development by:~~

- ~~• Assigning priority for revisions to Urban Area boundaries to those requests involving port properties or projects.~~
- ~~• Relying upon existing state and federal wetlands regulations on the Columbia River and exempting urban waterfronts from wetland and riparian area guidelines in the Management Plan.~~

~~[Port comment: revert to original language.]~~

8. The Oregon Investment Board and the Washington Investment Board review economic development proposals for loans and grants in the National Scenic Area and recommend the projects for federal funding appropriated for this purpose. The Gorge Commission encourages the States of Washington and Oregon to coordinate their economic development efforts in order to maximize the benefits of federal dollars to all Gorge communities.

A. Prior to the approval of any grant under the states' plans for economic development projects pursuant to Section 11 of the National Scenic Area Act, the Gorge Commission shall certify that all activities undertaken under the grant are consistent with the purposes of the National Scenic Area Act, the Management Plan, and land use ordinances adopted pursuant to the National Scenic Area Act.

B. If such activities would take place wholly within an urban area, the Gorge Commission shall, after consultation with the appropriate city or county, certify that the activities are consistent with the National Scenic Area Act, the Management Plan, and land use ordinances. The Gorge Commission shall maintain this certification process so that it is simple, efficient, and speedy to not delay consistent activities. The details of economic development projects shall be confidential consistent with Gorge Commission rules on disclosure of public records.

~~11. In consultation with the States of Washington and Oregon and Gorge counties, and after public hearings, the Gorge Commission established a process for certifying that activities to be undertaken under a grant pursuant to Section 11 of the Scenic Area Act are consistent with the purposes of the Scenic Area Act, the Management Plan, and land use ordinances adopted pursuant to the Scenic Area Act. The Gorge Commission shall maintain this certification process so that it is simple, efficient, and speedy to not delay consistent activities. The details of economic development projects shall be confidential consistent with Gorge Commission rules on disclosure of public records.~~

Attachment 2

Gorge2020 Focus Topic: Economic Vitality

Background on the Economic Vitality Focus Topic

Role of the Commission to date in Economic Development:

The two purposes of the National Scenic Area (NSA) Act passed in 1986 by Congress are:

- (1) to establish a national scenic area to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge; and*
- (2) to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with paragraph (1).*

The Commission is involved in activities and partnerships that serve to support economic development in the Columbia River Gorge in several ways, including but not limited to: approval of local Economic Loan Certifications that are consistent with the goals of NSA Act; encouraging and supporting bi-state cooperation, collaboration and innovation on initiatives of regional significance; and developing methods to better track and measure economic vitality using the Vital Sign Indicators initiative process.

Role of the Economic Vitality Work Group:

In 2018, Commission and Forest Service staff organized an Economic Vitality Work Group (EVWG) with 28 representatives from Oregon and Washington businesses, non-profits involved with tourism and recreation, and other economic interests. EVWG participants were invited to join because they have expertise and represent different economic sectors or organizations that specialize in economic development/coordination in the NSA. The three main tasks asked of the Economic Vitality Work Group are:

- Review the Chapter 2 Economic Development part of the Management Plan and provide input on information that needs to be updated/revised, added or deleted because it is no longer relevant, and to identify the “gaps”;
- Discuss the Vital Sign Indicators for Economics recommended in 2009 and determine if these are the most relevant indicators in the NSA that can be monitored over the next decade and identify who might be the entity to monitor and track outcomes; and
- Provide input to the Commission about staff’s current role implementing the two purposes of the NSA Act and identify if any changes should be considered.

The staff requested that each EVWG participant review the Economic Development Chapter of the Management Plan and provide initial thoughts on what is and is not working in the current chapter, as well as what gaps may exist that should be considered in the updated version. Staff requested that the updates to the chapter be strategic and provide concrete examples for how the Commission supports economic development, while protecting the resources.

Through the EVWG meetings, the participants provided input to the staff of the Gorge Commission and the Forest Service, and suggested changes to the Chapter. These suggested edits represent the views of the EVWG members and are subject to reviewed for consistency by the Commission staff and the Forest Service staff before they are brought to the Commission as final recommendations.

Economic Development Chapter Draft Edits (as of 12/01/19)

Background: This is a compilation of input received from the Economic Vitality Work Group (EVWG) on the Economic Development Chapter of the Management Plan. Below is the original language in each section of Chapter 2 in black, with suggested edits and proposed new language in blue, compiled from the EVWG meetings on June 13, August 15, October 10, November 28, 2018 and January 23, and September 24, 2019.

All the suggested edits below are *draft edits* provided by the EVWG. These draft recommendations will be presented to the Commission on December 10, 2019 for discussion and guidance.

Black = original language

~~Strikethrough~~ = language proposed for removal by EVWG

Blue text = new suggested text agreed upon by workgroup participants

Economic Development

~~The Columbia River Gorge is home to 55,000 people. The second of the Act's two stated purposes~~ **The Columbia River Gorge National Scenic Area spans 85 miles of the Columbia River and includes 292,500 acres of diverse landscapes and 13 urban communities.** Congress intended the **National** Scenic Area Act to support the economy of their communities in the **National** Scenic Area. ~~The second of the Act's two stated purposes~~ **One of the Act's two stated purposes** is “to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources [Section 3(2)].”

The term “economic vitality”, as used in this chapter, refers to a strong and diverse economy that contributes to an enhanced quality of life. As stated in the National Scenic Area Oregon and Washington Economic Vitality Plan: “The purpose of the National Scenic Area Oregon and Washington Economic Vitality Plan is to set forth a vision and strategies for enhancing the economy and quality of life of Oregon and Washington communities located within the National Scenic Area”. The economic vitality of the National Scenic Area and the health of the scenic, natural, recreational, and cultural resources of the Columbia River Gorge are interdependent. The goals and policies in this chapter support the Gorge's economic sectors, such as agriculture, forestry, and tourism, while allowing new commercial uses on lands designated Rural Center, Commercial, and Commercial Recreation.

This chapter focuses on the General Management Area as the primary location for commercial development. The Special Management Area includes the region's most sensitive lands and resources. In the Act, Congress explicitly limited new development in the SMA, and directed that commercial development take place outside of SMA.

GMA PROVISIONS

GMA Goals

1. Protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing Urban Areas.
2. Protect and support the economy of the Columbia River Gorge area by allowing future economic development in a manner that is consistent with the protection and enhancement of the scenic, cultural, recreation, and natural resources of the Columbia River Gorge.

GMA Policies

1. The Gorge Commission shall consult with the States of Washington and Oregon in the ~~development and implementation of state and regional economic development plans.~~ [States' updates to their coordinated Economic Vitality Plan developed pursuant to Section 11 of the National Scenic Area Act.](#)
2. [The Gorge Commission recognizes the importance of their participation in updates to the regional Comprehensive Economic Development Strategy \(CEDS\) as may be requested by Mid-Columbia Economic Development District, the bi-state economic development entity that coordinates the CEDS planning process.](#)
3. The Gorge Commission shall support the economic development efforts of the States of Oregon and Washington pursuant to their economic development plans established under the [National Scenic Area Act.](#) [The Gorge Commission will support and recognize the importance of the economic vitality efforts of regional and community organizations and the four treaty tribes, pursuant to their economic development strategic plans and subject to consistency with the purposes and standards of the Act and the Management Plan.](#)
4. The Gorge Commission shall encourage the States of Washington and Oregon to coordinate their economic development [planning efforts](#) in order to maximize the benefits of federal dollars to all Gorge communities.
5. Agriculture and forest industries in the Columbia River Gorge shall be protected and supported by:
 - preventing fragmentation of the agricultural and forest land base,
 - minimizing interference with agriculture and forest practices from conflicting uses
 - [enhancing agricultural lands for agricultural uses, forest lands for forest uses and forest lands for agricultural uses](#)

- being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these industries.
 - encouraging conservation efforts such as energy and water efficiency.
6. The economic vitality of the Gorge economy shall be enhanced by encouraging growth to occur in Urban Areas.
 7. The Commission shall provide a clear process for urban area boundary revisions and shall coordinate with land use management agencies in the General Management Area (*cite reference in new 2020 Management Plan after Urban Area Boundary Policy adopted*).
 - ~~6. New commercial uses shall be allowed outside Urban Areas on lands designated:
 - A. Rural Center
 - B. Commercial
 - C. Commercial Recreation~~
 - ~~7. The following commercial uses may be allowed outside Urban Areas:
 - A. Home occupations and cottage industries in all designations except Open Space.
 - B. Commercial recreation in appropriate recreation intensity classes throughout the Scenic Area.
 - C. Commercial uses in conjunction with public recreation on lands designated Public Recreation.
 - D. Conversion of existing industrial sites to commercial use.
 - E. Wineries and farm produce stands on lands designated Large-Scale or Small-Scale Agriculture, Commercial Forest Land, or Large or Small Woodland.
 - F. Commercial events in all GMA designations except Open Space and Agriculture Special, in conjunction with a lawful winery, wine sales/tasting room, bed and breakfast inn, commercial use or dwelling listed in the National Register of Historic Places.
 - G. Commercial uses in all GMA designations except Open Space and Agriculture Special on a property with a building either on or eligible for the National Register of Historic Places, and that was 50 years or older as of January 1, 2006.~~
 8. The Gorge Commission shall allow commercial uses that are consistent with land use designations contained within this document and consistent with the resource protections policies and guidelines.
 9. The Gorge Commission shall support the economy of Gorge communities by encouraging integrating recreation development at appropriate rural locations with adequate infrastructure and coordinating with appropriate organizations.
 10. The Gorge Commission shall acknowledge the importance of adequate infrastructure (such as water, sewer, roads, telecommunications, and broadband) to protect the health and safety and to support the economic vitality of Gorge communities.

11. The Gorge Commission shall recognize the ~~special~~ **unique** role of the ~~five~~ ports in the **National** Scenic Area as providers of river transportation, and recreation facilities, ~~in Urban Areas, and support their efforts to stimulate urban waterfront economic development by:~~ **and as developers of infrastructure to support economic vitality. The Gorge Commission shall support their efforts to stimulate economic development by:**

- Assigning priority for revisions to Urban Area boundaries to those requests involving port properties or projects.
- Relying upon existing state and federal wetlands regulations on the Columbia River and exempting urban waterfronts from wetland and riparian area guidelines in the Management Plan.

12. Prior to the approval of any grant under the states' plans for economic development projects pursuant to Section 11 of the **National** Scenic Area Act, the Gorge Commission shall certify that all activities undertaken under the grant are consistent with the purposes of the **National** Scenic Area Act, the Management Plan, and land use ordinances adopted pursuant to the **National** Scenic Area Act.

If such activities would take place wholly within an Urban Area, the Gorge Commission shall, after consultation with the appropriate city or county, certify that the activities are consistent with the **National** Scenic Area Act, the Management Plan, and land use ordinances. *(moved up from 11)* The Gorge Commission shall maintain this certification process so that it is simple, efficient, and speedy to not delay consistent activities. The details of economic development projects shall be confidential consistent with Gorge Commission rules on disclosure of public records

~~11. In consultation with the States of Washington and Oregon and Gorge counties, and after public hearings, the Gorge Commission established a process for certifying that activities to be undertaken under a grant pursuant to Section 11 of the Scenic Area Act are consistent with the purposes of the Scenic Area Act, the Management Plan, and land use ordinances adopted pursuant to the Scenic Area Act.~~

Attachment 3

NEWS RELEASE

For Immediate Release

Contact: Joanna Kaiserman, Columbia River Gorge Commission Land Use Planner
joanna.kaiserman@gorgecommission.org, (509) 493-3323 ext. 226

Public Comment Period and Open House on Draft Updates to Economic Development Chapter of the Columbia River Gorge National Scenic Area Management Plan

White Salmon, Wash. — November 26, 2019 – The Columbia River Gorge Commission and Forest Service invite the public to comment on draft updates to the Economic Development chapter of the Columbia River Gorge National Scenic Area Management Plan. The public comment period begins December 1, 2019 and continues through January 15, 2020. The public can engage in the following ways;

- Sending comments by email to planreview@gorgecommission.org;
- Attending a public open house on December 4, 2019; or
- Providing public comment at the December 10, 2019 or January 14, 2020 Commission meetings.

The Gorge Commission will host a public open house on December 4, 2019 to present draft updates to the Economic Development chapter of the Columbia River Gorge National Scenic Area Management Plan and receive feedback on the proposed draft updates. The Economic Development chapter of the Management Plan addresses one of the National Scenic Area Act’s two stated purposes: “to protect and support the economy of the Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that is consistent with protection of scenic, cultural, recreation, and natural resources [Section 3(2)].”

The draft revisions are part of an effort called Gorge 2020, in which the U.S. Forest Service and Columbia River Gorge Commission are fulfilling their obligation under the National Scenic Area Act to review and revise the management plan every ten years.

Gorge 2020 began with a [2017 public scoping](#), followed by the two agencies completely reviewing the plan for areas that may need revision. Last year they [announced that “Economic Vitality” would be one of the focus topics](#) included in the revision process. Gorge Commissioners and the six Gorge county planning departments have helped identify potential policies in need of update or revision.

The Commission and Forest Service staff convened a work group of local community leaders and members of the four treaty tribes to review and provide input on revisions needed to the Economic Development chapter in the Plan and discuss the Commission’s role related to economic development. Now, the Gorge Commission and Forest Service are asking local residents to provide feedback on the draft policy updates at a public open house on December 4th. All interested members of the public are welcome to attend.

WHAT: Gorge2020 Economic Development Chapter Draft Updates Open House
DATE: Wednesday, December 4, 2019
TIME: 5:30 pm to 7:30 pm
LOCATION: Hood River Fire Dept, 1785 Meyer Pkwy, Hood River, OR 97031

Participants may want to familiarize themselves with background documents for the Economic Vitality focus topic on the Gorge Commission’s [Gorge 2020 website](#).

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Columbia River Gorge Commission



Forest Service

Attachment 3

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The Columbia River Gorge National Scenic Area Act was passed by Congress in 1986 to protect and provide for the enhancement of the scenic, cultural, recreational and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge area by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner consistent with the goals of the Act. More information on the Gorge Commission is available on the web at www.GorgeCommission.org.

The Columbia River Gorge National Scenic Area encompasses 292,500 acres of Washington and Oregon, where the Columbia River cuts a spectacular river canyon through the Cascade Mountains. The USDA Forest Service manages National Forest lands in the National Scenic Area and works with the Gorge Commission, states, counties, treaty tribes, and partners to protect and enhance scenic, natural, cultural, and recreational resources of the Columbia River Gorge while encouraging local economic development consistent with that protection. Learn more at www.fs.usda.gov/crgnsa or follow updates at facebook.com/crgnsa or www.twitter.com/crgnsa.



Columbia River Gorge Commission



Forest Service

Attachment 3

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Attachment 4

Columbia River Gorge Commission

Meeting Minutes
December 10, 2019

White Salmon Fire Hall
220 NE Church Avenue, White Salmon, Washington

MEMBERS IN ATTENDANCE

Bridget Bailey – Arrived 9:54 am
Bowen Blair
Lynn Burditt
Keith Chamberlain
Sondra Clark
Lorrie DeKay
Dan Ericksen
Robin Grimwade
Robert Liberty
Meninick Jerry
Carina Miller
Rodger Nichols
Janet Wainwright

MEMBERS ABSENT

STAFF PRESENT

Connie Acker, Administrative Assistant
Aiden Forsi, Land Use Planner
Bryce Guske, Land Use Planner
Joanna Kaiserman, Senior Land Use Planner
Jeff Litwak, Counsel
Mike Schrankel, GIS Specialist
Krystyna Wolniakowski, Executive Director

AUDIENCE PRESENT

Albrich, Elaine – Davis Wright Tremaine
Berger, Dave
Brewer, Angie – Wasco County Planning
Bromham, Lottie – Hood River Valley Highschool Earth Action Club
Cornelison, Peter – Friends of the Columbia Gorge
Cross, Brad – Hood River/Wasco County Surveyor
Granville, Tycho – Wasco County Planning
Heger, Andy – Klickitat County Planning
Klaas, Andrea – Port of The Dalles
Lang, Michael – Friends of the Columbia Gorge
Lingley, Terra – Oregon Department of Transportation
Parker, Vawter
Perron, Bradford
Rittenhouse, Ryan – Friends of the Columbia Gorge
Sauter, Dave – Klickitat County Board of Commissioners Chair
Staten, Heather – Thrive Hood River
Tsumpti, Raymond – Confederated Tribes of Warm Springs
Wu, D Pei – Oregon DEQ
Others were present during the day.

Call to Order and Roll (9:00 a.m.) Chair DeKay called the meeting to order and Connie Acker called roll.

Welcome (9:05 a.m.) Dave Sauter, Klickitat County Board of Commissioners Chair welcomed the Commission.

Approval of Minutes for November 12, 2019 Commission meeting (9:06 a.m.)

Commissioner Liberty moved to adopt the November 12, 2019 meeting minutes with suggested changes. Commissioner Ericksen seconded the motion. The minutes were approved with the suggested changes by a voice vote of 11 Yes votes and 1 No vote from Commissioner Chamberlain.

Opportunity for Treaty Tribe Nations to Address Commission (9:12 a.m.)

As part of the Government-to-Government consultation process the Commission welcomes input from treaty tribe members on any issue on the agenda and any other matters. The Treaty Tribe Nations did not offer testimony.

Opportunity for Public Comment (9:12 a.m.)

The following provided public comment to the Commission on items not listed on the agenda:

- Bradford Perron – Commented on ADUs and short-term rentals (Attachment A)
- Peter Cornelison, Columbia Gorge Climate Action Network – Commented on the City of Hood River Climate Resolution, and provided a petition signed by Hood River Valley High School students entitled “Climate Change Threatens the Gorge” (Attachment B)
- Lottie Bromham, Hood River Valley High School Student – Read a climate change statement
- Dave Berger – Commented on climate change and racial awareness

Work Session*: Land Use Designations in Each NSA County: (9:30 a.m.) Mike Schrankel, GIS Manager, presented information about the LUD boundaries in each of the counties.

Opportunity for Public Comment: Land Use Designations in Each NSA County (10:00 a.m.)

- Angie Brewer, Wasco County Planning – Notified the Commission that Wasco County will provide landowner notification of clarification to land use designations.
- Tycho Granville, Wasco County Planning, GIS Coordinator – Read a memo dated 12/10/2019 entitled “LUD Clarification Project Feedback”. (Attached C)

Work Session: (10:10 a.m.) The Commission continued discussion on Urban Area Boundary revision concepts, building on the November 12, 2019 discussion. Commissioner Liberty outlined the items of discussion as:

- Identifying the issues in the 4(f) criteria
- Process for making revisions
- The Commission’s process for getting the work done

Commissioner Clark requested that Dave Sauter explain the Dallesport Airport and the agreement between Klickitat County and the City of The Dalles.

Sauter explained that the Columbia Gorge Regional Airport at Dallesport is owned jointly by the City of The Dalles and Klickitat County and encompasses approximately 1,000 acres. Sauter stated that due to FAA regulations, the property is not available for development in a meaningful way other than airport uses. Sauter also stated that adjacent properties also have other FAA restrictions.

Commissioner Nichols asked that if the Commission did not intend to discuss “minor” during today’s meeting, would there be a discussion in the future? Commissioner Liberty stated that there would be an opportunity next year to continue this discussion.

Commissioner Blair read the four 4(f) criteria:

- (A) A demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;

- (B) Revision of urban area boundaries would be consistent with the standards established in the management plan and the purposes of the Act (paraphrasing)
- (C) Revision of urban area boundaries would result in maximum efficiency of land uses within and on the fringe of existing urban areas; and
- (D) Revision of urban area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces.

Taking into consideration the 4(f) criteria, Commissioner Blair asked for Commission discussion to answer:

1. What is a demonstrable need?
2. What is maximum efficiency?
3. What is a significant reduction?

Commissioner Liberty also mentioned “long range” and suggested that as another term for discussion.

After the Commission discussed the 4(f) criteria, Commissioner Liberty had questions and statements for the Commission:

1. Is there a hard limit to expansions?
2. Is it a growth management law or a scenic preservation law?
3. Should we consider pre-identifying areas where expansions might be possible or very unlikely because of the scenic resources?
4. Should we treat partially developed areas differently than areas that aren’t developed?
5. Statement: 2(B) and 2(D) are dissimilar from Oregon law so reliance on the Oregon process to answer them would not be possible.
6. Is demonstrated need for population growth and economic need addressed by the Oregon process?
7. What is a significant reduction as used in 2(D)? Is it different from the minor standard question?

BREAK – (11:13 – 11:23)

Building on the discussion presented by Commissioners Blair and Liberty, Commissioner Nichols asked the Commission how it felt about asking for advance notice from counties and cities if they were going to apply for urban growth expansion. All Commissioners raised their hands in agreement with this concept.

Commissioner Nichols asked the Commission how it felt about pre-mapping areas where it might be easier to justify an urban area boundary revision. Commissioner Blair stressed that the Commission should prioritize types of lands. Commissioner Blair thought that the Commission would agree that it is better to expand into rural center land rather than cultural areas or open space. Commissioner Blair commented that he wants to make sure that the Commission does not set up the expectation on the part of counties or cities that these are the areas that should be expanded into. Commissioner Blair said he would be against “urban reserves.”

Commissioner Nichols asked, in general, whether the Commission believed that it would be more likely to approve, whatever degree of movement, into an area that is already developed or partially developed more so than AG lands, forest lands, etc. All Commissioners agreed, except for Commissioners Bailey, Clark and Grimwade. Commissioner Miller abstained.

Commissioner Nichols asked whether the Commission agreed with the process of a 6-month notification, preapplication, application, independent review, and determination. All Commissioners agreed, except for Commissioners Ericksen and Clark.

Work Session and Public Comment on Chapter 2 Economic Development*: (11:50 a.m.) Joanna Kaiserman, NSA Planner, provided a brief overview on the results of the September 24, 2019 Economic Vitality Work Group meeting (Attachment D) and the current draft of the Economic Development Chapter (Attachment E).

Opportunity for Public Comment: Work Session and Public Comment on Chapter 2 Economic Development

- Michael Lang, Friends of the Columbia Gorge – Questioned the comment period public notice to revisions on economic development.

Commissioner Blair stressed his concerns about language in the draft Economic Development Chapter:

- 3. Page 2 - The Gorge Commission will support . . . the economic vitality efforts of regional and community organizations . . .
- 8. Page 2 – The Gorge Commission shall allow commercial uses that are consistent with land use designations . . .
- 7. Page 2 – The Commission shall provide a clear process for urban area boundary revisions and shall coordinate with land use management agencies . . .
- The Gorge Commission shall recognize the unique role of ports in the National Scenic Area . . .

Commissioner Blair addressed his concern about the words “will” and “shall”. He went on to state that he agreed with 7. on page 2 but he did not believe it should be in the economic vitality plan. He stated that revising urban areas has little if anything to do with economic vitality.

With regard to ports, Commissioner Blair questioned why the draft recognized their unique role as opposed to many other entities’ unique roles.

As written, Commissioner Blair stated that he could not support the draft. Commissioner Blair offered the word “may” rather than will or shall.

Commissioner Liberty stated he could not support the draft without changes to 3, 8 and 11.

After Commission discussion, it was decided that the public comment period would be extended to February 1, 2020. The notice for public comment period will be emailed again and reposted on the Commission website.

LUNCH (12:22 p.m.)

Action Item*: **Gorge Commission Risk Register as part of the WA State Audit:** (1:07 p.m.) Aiden Forsi, NSA Planner, presented the risk register as required by the State of Washington. (Attachment F)

Commissioner Blair offered a couple of changes:

1. Page 1 – Risk Descriptions – “If we do not follow the rules, we will get sued” – “If we do not enforce our rules, we will get sued.”

Commissioner Blair thought that a better statement would be, “If we do not follow our rules, we will get sued and we will not be able to accomplish our mission or the resources will be damaged.”

2. Page 3, third one down, Risk Description – “Reviewing county decisions too strictly could damage our relationships with county planners who implement our resource protections.” Commissioner Blair offered that the other side of that coin is that if we essentially review county decisions too leniently, it could damage the resources. Commissioner Blair thought some small wordsmithing was appropriate.

Commissioner Wainwright asked that perhaps the four Treaty Tribes should be included somewhere under “Proactive Outreach Coordination Partnerships”. Commissioner Wainwright stressed that tribal outreach is very important.

Commissioner Grimwade moved to accept the risk register as presented with the changes requested and acknowledge that the register is a living document and will change periodically. Commissioner Wainwright seconded the motion. The motion to accept the risk register passed on a unanimous voice vote.

Executive Director's Report: (1:30 p.m.) Krystyna U. Wolniakowski provided updates on the status of other "Gorge2020" topics, the annual workplan and other topics.

- Gorge2020 update
- Climate Change
- Possible need for two-day Commission meeting (April 28/29?). Unanimous consensus on one two-day meeting. The Commission agreed the regular commission meeting would be held on the first day and that the second day would be Commission work session only.
- Litigation report
- Federal legislation and outreach

U.S. Forest Service NSA Manager's Report: (2:01 p.m.) Lynn Burditt provided an update on Forest Service activities in the National Scenic Area.

- Presented PowerPoint presentation on the Gorge and NSA
 - Tracy Hill Firewood Event
 - Hazard tree removal at Herman Creek, Larch Mt. Trail
 - Invasives
 - Bridges at Catherine Creek, Fern Creek, High Creek, Wahkeena Trail repair, Larch Mt. Bridge
 - Hood River to Bonneville BPA lines
 - National Public Lands Day
 - Congestion
 - Wild and Scenic Rivers
 - FLAP Activities
 - Sandy River Delta fee implementation
 - Cascade Locks trail system
 - Drano fuels reduction
 - Intentional investments in youth & partnership

Other Business (2:36 p.m.)

Thank you to Chair DeKay for her dedication and service as the Commission Chair.

EXECUTIVE SESSION: (2:44 p.m.) The Commission held an executive session pursuant to Commission Rule 350-11-006(1)(g) to consult with counsel concerning the Commission's legal rights and duties regarding current litigation or litigation likely to be filed. The Commission did not make any decisions in executive session.

Adjourned (3:31 p.m.)

Approved 1/21/2020

Attachment 5

31 January 2020

Krystyna Walniakowski
National Scenic Area Gorge Commission
PO Box 730
White Salmon, WA 98672

Dear Krystyna:

Thank you for the opportunity to comment on the draft edits to the Economic Development section of the updates to the Management Plan. I appreciate the work that was done by the work group. As a general comment there are several references to the Economic Vitality Plan - *“As stated in the National Scenic Area Oregon and Washington Economic Vitality Plan: “The purpose of the National Scenic Area Oregon and Washington Economic Vitality Plan is to set forth a vision and strategies for enhancing the economy and quality of life of Oregon and Washington communities located within the National Scenic Area”..* Have these plan(s) been developed/adopted, and where are they located?

My comments:

1. First paragraph:

1. We need to keep language in the introduction that indicates that people currently live here, and have lived here for 10,000's of years.

- Possible language: *The Columbia River Gorge has been a home and an economic trade center for people for thousands of years. Today, families, retirees, new-comers, and peoples who have lived here for generations make up the 50,000+ people that call this area home.*

2. Second sentence of the introduction language change suggestion:

- *The Columbia River Gorge National Scenic Area spans 85 miles of the Columbia River and includes 292,500 acres of diverse landscapes and 13 ~~urban~~ communities, each located within an urban area boundary.*

2. Second paragraph: I like defining “economic vitality”, but who decides what a “strong and diverse” economy is and what an “enhanced quality of life” is?

3. Page 2 - GMA Policies:

1. “The Gorge Commission shall consult with the States of Washington and Oregon in the ~~development and implementation of state and regional economic development plans~~. States’ updates to their coordinated Economic Vitality Plan developed pursuant to Section 11 of the National Scenic Area Act.”

Comment: When I read cited Section 11 of the Act, there is no mention of “Economic Vitality Plan”. This language needs to be clarified so there are no inconsistencies.

2. The Port supports this addition.

3. The Port supports this addition.

4. The Port supports this addition.

5. - bullet point 4: “being consistent with the strategies listed in the Economic Vitality Plan to provide ongoing support for these industries.”

Comment: Where is the Economic Vitality Plan and what are the strategies? The Port can not support this language until we see a draft of the Plan and would recommend that the Economic Vitality Plan, and this re-write of the Economic Development section be adopted together.

6. No change - Port supports

7. The Port supports this language. It is important to keep a link between Economic Development and Urban Area Policy.

8. Port supports. We appreciate that it is challenging to know what opportunities might present themselves to us in the future and this language gives some flexibility.

9. Port supports, although I did wonder what defines “rural”?

10. Proposed language change:

The Gorge Commission shall ~~acknowledge the importance of~~ **support** adequate infrastructure (such as water, sewer, roads, telecommunications, and broadband) to protect the health and safety and to support the economic vitality of Gorge communities.

This proposed language tracks the structure of language used in other policies.

11. The Port supports. Ports are unique in their roles for economic development in each of their communities. Also, the State of Oregon recognizes the development of port facilities as a state economic goal of high priority. Ports are granted certain rights through the State for economic development and commerce, and will also be a critical component of the Cascadia recovery scenario as distribution points for food, fuel, and other goods to Portland and surrounding areas after the event. Ports' ties to the Columbia River and their communities does put them in a unique position for economic development.

Sincerely,

Andrea Klaas