



**TO:** Columbia River Gorge Commission

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**SUBJECT: Work Session: “Gorge 2020” Draft Management Plan Review**

The following staff report provides a summary of the public comment process, staff Analysis, and questions for Commissioners for the four deep-dive focus topics, two technical topics, and climate change. The topics are organized as follows:

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## I. PUBLIC OUTREACH AND ENGAGEMENT PLAN 2016 THROUGH 2020

### Overview

The “Gorge 2020” Management Plan Review and Update initiative started in 2016 and will be wrapping up with Commission approval of a revised plan in September 2020 followed by Secretary of Agriculture concurrence by December 2020. For today’s Commission work session, Commission and Forest Service staff prepared three reports for Commission review:

- **Background on the Gorge 2020** process and an inventory of the engagement with the public, agencies, and the four Treaty Tribe governments during the four-year review process (see Attachment A);
- **Staff Report that covers each technical and deep-dive focus topic** summarizing public comments and presenting issues for Commission consideration to continue to make revisions and decide on final Gorge 2020 Management Plan revision language; and
- **Gorge 2020 Public Comment Table** that is a comprehensive summary of oral and written public comments received during the June 1-30 comment period sorted by resource area in order to view them “at a glance” (see Attachment B). All letters and comments were posted on the Commission’s website on a weekly basis throughout the public comment period. In addition to tabs for each deep dive or technical topic, this table includes a tab labeled “**Equity**” describing comments received regarding the need for revisions that address equity and racial bias. General comments on the public process have a separate “**General Public Process**” tab. In addition, staff received many comments that were not specifically related to a focus topic. Some were clarifying edits, some addressed a topic outside of the purview of the Gorge 2020 Management Plan, and some comments related to the Cultural Resources Chapter from Tribal governments. These are summarized in the table under a separate “**Other**” tab. All commenters who provided written and/or oral comment are listed in alphabetical order under a separate “**Commenters**” tab. This table should be considered comprehensive of comments received by the Commission, but not final, since staff and the Commission will continue to review and process the received comments and may make updates to the table up until the adoption the Gorge 2020 Management Plan in September.

### Background on Gorge 2020

The Gorge Commission and Forest Service began planning the process for the “10 year” Management Plan review as required by the National Scenic Area Act at the October 11, 2016 Commission meeting. Staff named it “Gorge 2020” and designed a five-phase program that included:

- **Phase 1** – Review Resource Inventories, Economic Opportunity Study and Recreation Assessments: Identify any new information needed to inform technical and policy revisions
- **Phase 2** – Public Input Scoping: Listening sessions with the four Treaty Tribes, public, counties, and agency partners to learn about their concerns and suggestions for any clarifications or improvements needed to be addressed in Plan revision
- **Phase 3** – Revise Goals and Objectives: Deep dive strategic engagement of the four Treaty Tribes, experts, public and partners to review and develop revised policies on four focus topics and two technical topics identified as high priority during scoping, with frequent presentations and updates to the Commission
- **Phase 4** – Draft a Revised Plan: Based on research, workshops, public meetings, committee work and Commission discussion and input, staff would revise the plan as needed and present to the public and Commission
- **Phase 5** – Prepare and Adopt Final Plan

Originally, staff developed a road map and timeline with a projected completion date in June 2019. However, due to delays resulting from the Eagle Creek fire in 2017, federal furloughs in 2018 and 2019, and several appeal hearings between 2018 and 2020, the timeline needed to be adjusted so that final approval of the Gorge 2020 Management Plan could be completed in summer 2020. However, all the phases and processes as originally developed and approved by the Commission have proceeded as planned. The “Roadmap and Timeline” for Gorge 2020 was presented at most Commission meetings and any adjustments to the schedule were re-approved by the Commission.

To kick off the Gorge 2020 process, staff conducted scoping meetings called “Listening Sessions” in January through March 2017 throughout the Gorge and compiled a list of themes that emerged from discussions with the public, counties, agencies, ports, regional economic development entities, and the four Columbia River Treaty Tribes. These themes were presented at the April 2017 Commission meeting. In October 2017, the Commission approved staff’s recommendation to move forward with six topics. Two topics would be technical updates only – the Scenic and Natural Resources Chapters – and four would be “deep dive” focus topics that required more in-depth analyses, stakeholder and expert engagement, with possible policy level changes. These were Recreation Resources, Economic Vitality, Urban Area Boundaries and Land Uses. Climate change was also identified as a key theme. Because climate change impacts all resources and economic vitality in the National Scenic Area, the Commission initially chose to approach climate change as a lens to look through for all topics. Staff hosted additional public workshops in early 2018 to share back to the public “Here is What We Heard” and the proposed themes to address during Plan review.

Gorge Commission and Forest Service staff worked closely together to review each of the six topics and provided updates and overviews to the Commission since 2018 (refer to

Attachment A). The lead staff planner for each topic used different approaches for their particular section of the plan. These approaches included hosting public workshops or convening workgroups, conducting outreach to technical experts and the public, and requesting public comment throughout the process to assure the public had a chance to weigh in early and often. Quarterly meetings with county planners focused on addressing ways to improve implementation of the Plan and regular meetings with County Planning Directors provided valuable insights and recommendations for policy level changes. Preliminary draft language for revisions to each of the six focus topic chapters were presented individually to the Commission from December 2019 through May 2020. The Commission deliberated on the chapters, and endorsed draft language that staff used to prepare the “red-line” Draft Gorge 2020 Management Plan for public review. Based on public comment, staff presentations, and Commission discussion, the Commission also endorsed creating a new Climate Change chapter to be included in the draft plan. Proposed revisions for Natural Resources, Economic Vitality, and Land Uses were completed early enough that staff conducted independent 30-day comment periods for public review of those chapters before they were shown to the Commission for endorsement as draft language.

The Gorge 2020 Draft Management Plan also included proposed edits to other parts of the Plan for the purpose of streamlining, reducing redundancies, correcting inconsistent terminology, updating the glossary, and removing information that is no longer relevant.

Staff presented a “Public Comment Plan” that was discussed and approved by the Commission at the May 12, 2020 Commission meeting and staff conducted public outreach as follows:

- The Gorge 2020 Draft Management Plan public comment period began on June 1, 2020 and ended June 30, 2020
- A press release about the public comment period was sent to all the Gorge media contacts and an email was sent out to the Commission mailing list
- The Gorge Commission website was updated with easy, direct access to all Gorge 2020 information on the home page
- A special email in-box dedicated to public comment was established as [Gorge2020@gorgecommission.org](mailto:Gorge2020@gorgecommission.org)
- An informational Zoom Webinar was held on Thursday June 11, 2020 for staff to present summaries of the changes proposed to the Gorge 2020 Draft Management Plan and the audio was posted on the Commission website
- A public comment Zoom Webinar was held June 25, 2020 specifically to hear oral comments from the public who did not wish to submit written comments and the audio was posted on the Commission website

- All letters and emails received during the public comment period were posted weekly on the Commission website-- a few comments were submitted on July 2, 2020 but were also included for consideration.

### **Comments Received regarding Public Comment, Equity**

**Comment Summary:** As mentioned above, comments the Commission received are summarized in the Public Comment Table (Attachment B) by focus topic. An additional tab was included to capture comments related to the process the Commission followed to solicit public review and comment. These include:

- Several respondents commented that the 30-day comment period was too short to thoroughly review the 500-page draft Plan and requested an extension;
- A few respondents said there was no public engagement process nor direct mail public notice about Gorge 2020 and they only heard about Gorge 2020 Plan review through a Wasco County postcard sent to residents. These respondents said the process the Commission followed is not consistent with Goal 1 of the Oregon Statewide Land Use Planning Goals;
- One respondent suggested that the Commission consider taking each chapter or part individually, and review and adopt those one at a time, rather than reviewing and adopting the entire plan at once;
- One respondent stated that the Commission did not address or acknowledge written comments and outright rejected input of partners, stakeholders and the public; and
- A few respondents stated that there was lack of transparency in the revision process, and there was not an adequate and meaningful opportunity for review and comment, citing the pandemic during the public comment period which severely limited public engagement in the process.

**Staff Analysis:** Staff followed the Public Comment Plan approved by the Commission and attached the inventory of public outreach efforts that were conducted as part of Gorge 2020 since 2016 in Attachment A. In addition, the Commission tried to remain fully operational consistent with the direct orders of both Governor Inslee and Governor Brown to fulfill all agency obligations while working safely from home during the pandemic. Staff used the Zoom Webinars during June to be as inclusive as possible during the public comment period. Staff believe that the public outreach and participation process has been robust and has encouraged informed public participation throughout the process.

**Equity Lens:** Several respondents questioned why the Commission did not use an equity and racial bias “lens” when reviewing the Plan. Staff concurs and would appreciate direction from the Commission about addressing equity to determine how best to move forward with the work of the Commission given the importance and relevance of this topic.

## **Next Steps**

The following sections of staff report are aimed at assisting the Commissioners to review public comments received for each technical and focus topic. The public comment table (Attachment B) provides additional comprehensive details and context that supports the preparation work of the Commissioners. Each section of the staff report includes discussion items and questions about topics that staff would like additional direction from the Commission on before crafting final language.

This staff report does not include summaries or analyses for comments that staff believes are clarifications. Public comments are captured in the table and are being reviewed and considered by staff and Commissioners. Based on public comments and Commission deliberation, the staff will draft the final Gorge 2020 Management Plan language for approval at the September 2020 Commission meeting. Once the final Gorge 2020 Management Plan is approved, it will be submitted to the Secretary of Agriculture for concurrence and then transmitted to the counties to adopt into their ordinances.

## II. CLIMATE CHANGE

This report summarizes comments received on the new Climate Change Chapter during the Gorge 2020 public comment period from June 1 through June 30, 2020. These key topic themes requiring Gorge Commission discussion are the focus of this report: Climate Change Action Plan target date, stream buffer protections, and forest land protections. Other topics related to climate change action planning are noted in the concluding section. For more details on comments included in this summary, as well as other suggested edits, please see the public comment spreadsheet that accompanies this report.

### **Overview**

The new Climate Change Chapter elicited a variety of comments with most focused on developing a Climate Change Action Plan. At a high level, comments fall broadly into several categories: the need for a Climate Change chapter in the revised Gorge 2020 Management Plan, requests for increased protections and immediate action, and concerns about how proposed policies will impact landowners and particular land uses. Whether respondents called for adding or eliminating policies, they emphasized the importance of public and stakeholder engagement, such as coordinating with cities and counties on climate change action planning and reaching out to landowners affected by any proposed policies.

Comments on this chapter ranged from support with recommendations for specific adaptation and mitigation polices to be included immediately, to requests that the chapter be omitted to provide more time for policy analysis and public comment. Those calling for stronger protections emphasized the urgency of climate change and that adequate information currently exists to implement policy changes, such as expanded buffers for fish-bearing streams in the General Management Area (GMA), as part of Management Plan revision, rather than later during the climate change action planning process. Others requested that Special Management Area (SMA) policies addressing climate change be included in this chapter. Additional comments include deferring adoption of the chapter or not including specific policies.

### **Climate Change Action Plan target date (p. 380)**

#### **Language Provided for Public Comment:**

A foundational component of this framework is a Climate Change Action Plan with a target completion date, clear objectives, and integrated monitoring that supports adaptive management through amendments and revisions to the Management Plan.

**Comment summary:** Many respondents recommended that the revised Management Plan include a one-year target date for completion of the Climate Change Action Plan, highlighting the need for immediate action to address threats posed by climate change. Others acknowledged the need to address climate change, while noting concerns about the Gorge Commission's capacity and resources to develop a Climate Change Action Plan given uncertainty around state budgets and COVID-19.

Some comments focused not explicitly on the target date, but rather on the overall process and timeline for adopting the chapter and Climate Change Action Plan. Recommendations include: prioritize work with counties to incorporate adopted Management Plan revisions into local ordinances in the coming year and include a Climate Change Action Plan in the next review cycle; defer adopting specific language in the Climate Change chapter until after the Gorge Commission has developed the Climate Change Action Plan; and re-release the Climate Change chapter in redline for public comment since the new chapter was not initially shown in red text, though Gorge Commission outreach materials indicated the chapter was new.

**Staff Analysis:** During the May 12, 2020 Gorge Commission meeting, Commissioners provided direction to staff to set a target date of one year to complete climate change action planning, using the draft strategies and actions included in the February 2020 staff report as a starting point. At that time, Commissioners supported having a one-year timeline to guide staff work planning, rather than a deadline included in the plan. Given state budget limitations and uncertainty around COVID19, staff and the Commission will need to thoughtfully prioritize projects for 2021, including the vital work of assisting counties to develop new ordinances after the revised Management Plan is adopted. A well-informed assessment of staff time and resources required to complete the Climate Change Action Plan would be important when considering whether to include a specific target completion date in the revised Management Plan.

**Topic for Possible Commission Discussion:** Should a one-year target completion date for the Climate Change Action Plan be included in the revised Gorge 2020 Management Plan or as part of the Annual Workplan for the Gorge Commission?

### **Stream buffer protections (p. 381)**

Under GMA Policy 1 (Climate Change Action Plan), several planning topics are listed including stream and riparian area protections. This preliminary language is included below.

#### **Language Provided for Public Comment:**

Streams and riparian areas – protecting and enhancing aquatic and riparian systems. This includes expanding stream buffers, requiring vegetation enhancement, protecting cold water refuge habitats, and other approaches.

If the Gorge Commission has not completed its evaluation of appropriate stream buffer protections by one year after adoption of revisions to the Management Plan, the Gorge Commission will implement the following interim stream buffer protection standard: apply the existing SMA buffer width (200 feet) to cold water refuge streams within the GMA. Streams affected by this policy change include the Sandy River, Wind River, Little White Salmon River, White Salmon River, Hood River, Klickitat River, Fifteenmile Creek, and Deschutes River.



**Comment Summary:** Comments on stream buffers ranged from support for applying a 200-foot buffer to all fish-bearing streams in the GMA to retaining the existing 100-foot buffer. A primary reason mentioned for increased buffers is the need to protect cold water refuges (CWR) for fish, such as salmon and other anadromous species, in the face of warming water temperatures resulting from climate change. Respondents supporting change to buffer widths also noted findings from other federal and state agency reports that were developed since the GMA buffer standard was created thirty years ago and an interest in consistency with the current SMA fish-bearing stream buffer standard of 200 feet. One comment urged the Gorge Commission to incorporate 2009 Vital Signs Indicators (VSI) report information that rated eight of the thirteen assessed watersheds as having “impaired” stream habitat quality. Recommendations for changing current policy focused on which streams should be affected, buffer zone widths, and timeline for implementation.

Comments from the U.S. Environmental Protection Agency (EPA), Washington Department of Fish and Wildlife (WDFW), and Washington Department of Ecology support 200-foot buffers on priority CWR streams within the GMA. Referring to the EPA 2019 Draft Columbia River Cold Water Refuge Plan that was used to identify the eight CWR streams included in the draft Climate Change chapter, the EPA clarified that Fifteenmile Creek was not listed as a “primary CWR,” but rather as having the potential to provide CWR if restored. WDFW recommended that the Gorge Commission consider the concept of site potential tree height (SPTH) detailed in the WDFW Priority Habitat and Species (PHS) Riparian Volume 2: Management Recommendations. They suggested that, based on several characteristics including soil type, slope, forest type, SPTH can be used to determine the buffer width sufficient to provide riparian habitat for fish and aquatic wildlife, as well as riparian habitat for terrestrial wildlife (spatial data for most of Washington may be accessed through WDFW’s public online mapping tool).

Comments opposing changes to current policy or requesting further analysis focused on these topics: need for landowner outreach before any decisions are made; clarification on which streams and landowners would be affected, including implementation details (whether a new policy would be retroactive and variances provided); and challenges posed by a one-year “default” buffer for counties in the process of updating Land Use Ordinances to be consistent with the approved Management Plan. Additional suggestions were to consider factors other than buffer width when addressing habitat quality and water temperature for fish: streambank restoration efforts, improved agricultural practices and soil food webs, and external forces (topography and land uses outside of the GMA) that limit the effectiveness of Gorge Commission stream buffer policies.

Suggested stream buffer policies include:

- Increase buffer width to 200 feet for all fish-bearing streams in the GMA.
- Increase buffer width to 200 feet for EPA priority CWR streams in the GMA.
- Implement 1997 WDFW recommendations to require 150-foot buffers for fish-bearing streams 5 feet wide and smaller, and 200-foot buffers on all other fish-bearing streams.

- Implement 2018 WDFW recommendations to require buffers according to the site-specific Riparian Management Zones (RMZ). These distances would likely vary between 100 and 250 feet.
- Designate buffers of at least 100 feet for all streams in the NSA (including intermittent, non-fish-bearing streams), and designate buffers of 200 feet for all streams in the network of EPA priority CWR streams.
- Do not increase GMA stream buffers without adequate outreach to landowners and consideration of economic loss to property owners.
- Do not increase GMA stream buffers.

Suggestions regarding the timeline for implementation include:

- Implement new buffers with revised Management Plan adoption.
- Implement new buffers within one year of revised Management Plan adoption if stream buffer evaluation is not completed as part of climate change action planning (current language provided for public comment).
- Implement a temporary, 200-foot GMA stream buffer with revised Management Plan adoption to be modified, as needed, when stream buffer evaluation is complete.
- Do not change current GMA stream buffer policy.

**Staff Analysis:**

Implementation and legal considerations:

If the Commission adopts a new provision that would automatically change the buffer width to 200 feet for EPA priority CWR streams in the GMA one year after the Commission adopts the revised Management Plan, staff need to better understand the rationale for this decision.

If the Commission intends the 12-month delay in applying the 200-foot buffer because it has not yet completed its stream buffer analysis (science, landowner input, etc.) and to help ensure the Commission completes its stream buffer analysis quickly, this suggests the Commission does not have all the analysis it needs to support the 200-foot buffer, and the Commission should wait to change the buffer until it has the analysis it needs and not designate a specific 12-month timeline.

If the Commission believes it has the information it needs to apply the 200-foot buffer at this time, including comments received during the June 1-30 comment period from the EPA, WDFW, and WA Ecology in support of a 200-foot buffer for CWR streams, the Commission may apply that buffer without a 12-month delay. Staff acknowledge that the Commission intended to analyze stream buffers as part of climate change action planning, but the Commission could discuss whether it has the information that it needs about buffers for CWR streams at this time.

If the Commission intends the 12-month delay in applying the 200-foot buffer to ensure time to reach out and inform affected landowners before the wider buffer goes into effect, then the timing for counties to adopt their land use ordinances will accomplish that delay.

Section 6(f) of the Act allows 90 days for the Secretary's review and concurrence on the Management Plan. Section 7(b) of the Act allows counties 270 days to enact a revised land use ordinance, 90 days for the Commission to review and approve (or disapprove) the ordinance, and 90 days for the Secretary's review and concurrence. These time periods total a maximum of 540 days from the Commission's adoption of the Management Plan until the completed implementation of the Plan. In the first Plan Review in 2004, the first land use ordinance (the Gorge Commission's ordinance for Klickitat County) became effective approximately 14 months after the date the Commission adopted the 2004 revised Management Plan.

Clarification affecting stream buffer policy discussion:

Based on comments from the EPA, staff suggest removing Fifteenmile Creek from the Draft Management Plan reference to priority CWR streams. In their letter, the EPA clarified that Fifteenmile Creek, along with a few others, demonstrates potential to provide CWR habitat, but requires restoration to be considered a priority stream. The remainder of streams currently referenced in the Draft Management Plan are considered primary CWR refuge streams by the EPA.

Who would be affected by a policy change to fish-bearing stream buffers in the GMA?

To provide an *estimate* to answer this question, staff performed a GIS analysis. The analysis uses the most current maps of each stream, but these are not always precise and may show only a thin line in places where the stream is many feet wide. The estimates provided should be viewed as such; implementing any resource buffer requires a more detailed look at each property and identification of the resource on the ground.

- A change from 100 feet to 200 feet in all fish-bearing streams would affect an estimated 1,341 number of tax lots. Of these, 1,160 are tax lots that are located within the current 100-foot buffer from the mapped stream and would have a larger buffer requirement going forward. Staff identified 181 tax lots that are located within 200 feet of a mapped stream, but do not have a buffer requirement under the current Management Plan. These 181 taxes lots would have buffer requirements if the 200-foot buffer was adopted.
- A change from 100 feet to 200 feet in ONLY the EPA-identified primary cold-water refuge (CWR) streams would affect an estimated 207 tax lots. Of these, 168 are tax lots that are located within the current 100-ft buffer from the mapped CWR stream and would have a larger buffer requirement going forward. Staff identified 31 tax lots that are located within 200 feet of mapped CWR streams, but do not have a buffer requirement under the current Management Plan. These tax lots would have buffer requirements if the 200-foot buffer was adopted. Since several tax lots are owned by a common landowner, the total number of new landowners affected by this change is 25, located in Hood River, Klickitat, Multnomah, and Skamania counties.

### Important considerations for affected tax lots:

- A change to the current stream buffers would not be retroactive. Only new proposed development, replacements, and additions to existing development would be subject to buffer requirements.
- Variances are allowed in the current Management Plan under two circumstances:
  - Setbacks or buffers specified for the protection of scenic, cultural, natural, recreation, agricultural, or forestry resources that overlap or conflict can be varied to achieve, to the greatest extent possible, the overall protection of the affected resources; and
  - Setbacks and buffers shall not be applied in the GMA in a manner that deprives the owner of the parcel of land the opportunity to establish a residence on the land if that opportunity is otherwise authorized by the land use designation.
- The Commission expressed interest in allowing for an additional variance option for stream buffers that would require riparian enhancement along the stream.
- For state-regulated forest practices, the state buffer guidelines would apply.

**Topic for Possible Commission Discussion:** Should the Commission include a 200-foot buffer for EPA priority CWR streams in the GMA now within the revised Gorge 2020 Management Plan or focus on this as part of climate change action planning?

### Forest land protections (p.381)

Under GMA Policy 1 (Climate Change Action Plan), several planning topics are listed including forest land protections. This preliminary language is included below.

#### **Language Provided for Public Comment**

**Forest resources – protecting forested lands for carbon storage. This includes siting and development standards, forest practices policies, land conversion policies, and other approaches.**

**The Gorge Commission shall prohibit conversion of forest lands to any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, the Management Plan should require full mitigation.**

**Comment Summary:** Comments on the “forest resources” topic for climate change action planning varied widely. Some called for explicitly prohibiting conversion of forest lands to residential use or any use other than agriculture, recreation, and open space, while others suggested that the preliminary language in the Draft Management Plan be removed entirely. Those supportive of either limiting or prohibiting residential development in forest land cited increased risk of wildfire resulting from climate change, threat of human-caused fires, and carbon storage as primary reasons for considering a policy change. Other respondents expressed concerns about the possibility of limiting some forest practices for carbon storage purposes, stating that restrictions would impact

existing forest management activities on county and private lands and conflict with Oregon and Washington Forest Practices Acts. Comments also included questions about the implications for residential development: Would residential development currently allowed in the Small and Large Woodland zones no longer be allowed? Calls for the Gorge Commission to directly notify affected property owners accompanied such questions.

Suggested forest land protections include:

- Prevent the conversion of forest lands to residential and agricultural uses. If agricultural conversions are allowed, require full mitigation for the loss of forest land.
- Prohibit conversion of forest lands to residential use or any use other than agriculture, recreation, and open space. For conversion to agriculture or recreation, require full mitigation.
- Prohibit new dwellings in Large Woodland zones and in Small Woodland zones on parcels that are eligible for, or enrolled in, the forest tax assessment program.

For a summary of wildfire comments, including the request to incorporate Firewise recommendations in the revised Management Plan, see the Natural Resources Public Comment staff report.

**Staff Analysis:** Section 6(d)(2) of the Act states that the Management Plan “shall . . . to allow, but not require, conversion of forest lands to agricultural lands, recreation development or open spaces.” The Management Plan thus currently allows for the conversion of forest land to agriculture, open space, or recreation (Part II, Chapter 2, GMA Land Use Policies 1 and 2). The Plan also protects forest land from conversion to residential or other use by establishing minimum sizes for the creation of new parcels, and by specifying the uses that may occur and the conditions of approval on lands designated Commercial Forest Land or Large or Small Woodland (Part II, Chapter 2, Land Use Policy 4). The suggestions noted above would require changes to these policies.

Protecting forest lands for carbon storage is a complex issue that requires adequate time to complete spatial and needs analyses, identify targets, and conduct public and stakeholder outreach prior to implementing policy changes. By identifying forest protections as a planning topic under Policy 1 in the Climate Change Chapter, the Commission may choose to prioritize this work to inform their discussion of strategy and action options for carbon storage as part of the climate change action planning process in the next year. Limiting residential development in forest lands is one strategy within a suite of options to protect forest lands that the Commission may choose to explore. Changing land use designations is within the Commission’s authority and could also be an option, should the Commission decide this is necessary based on analysis. Staff suggest that the Commission consider whether these issues are better addressed as part of the climate change action planning effort, rather than as language included in the revised Gorge 2020 Management Plan.

**Topic for Possible Commission Discussion:**

- What are the Commission’s primary concerns related to forest land protections—rate or extent of forest harvest, limiting development, others?
- Should the Commission include a policy in the Climate Change Chapter or elsewhere in the Management Plan to prohibit conversion of forest lands to any use other than agriculture, recreation, and open space, and require full mitigation for conversion to agriculture or recreation? Or conduct an evaluation of forest land protections currently in the Plan and identify new strategies needed as part of climate change action planning in the next year?

**Other topics related to climate change action planning**

Comments noted a variety of additional topics and process suggestions to be incorporated in climate change action planning. Some recommendations would require policy changes in other chapters and are summarized in corresponding staff reports. For more details on the following topics, please see the public comment spreadsheet and the staff reports noted here: transportation; invasive species; wildlife habitat and water resources, including wetlands (*Natural Resources staff report*), and wildfire and recreation (*Recreation Resources staff report*). One topic mentioned, fossil fuel transport and infrastructure, was determined during the public scoping period to be outside the scope of Management Plan revision and the Gorge Commission’s authority.

### III. URBAN AREA BOUNDARY REVISIONS

#### Overview

The Gorge Commission received updated Urban Area Boundary revision policy at its meetings in May 2020, after discussing aspects of the policy at its meetings in November 2019, January 2020, and February 2020. Several comments were received in May, in addition to comments received on this topic as part of the thirty-day public comment period in June. For this topic, all of these comments were considered together. As the proposed revisions to UAB policy were completely new, comments touched on every aspect of the new policy. Four primary themes emerged from comments for Commission discussion.

Another theme that emerged more in reference to clarifying edits made to the Introduction, but that applies to the UAB revision policy discussion, came from several comments stating that the proposed revisions to the Management Plan were “removing recognition” of the economic purpose of the Act from the Plan. This perspective was also present in several resolutions passed by cities, counties, and ports in the National Scenic Area opposing the revisions to the Management Plan. These comments and resolutions do not propose specific changes to the UAB revision policies and therefore are not discussed in detail here but are highlighted for Commission consideration at this time.

#### **Policy 8 – Defining Minor Revisions (p. 416)**

##### **Language Provided for Public Comment:**

The Gorge Commission will determine whether a proposed Urban Area boundary revision is minor pursuant to section 4(f) of the National Scenic Area Act on a case-by-case basis and as provided in subsections (A) and (B) below.

A. A revision to an Urban Area boundary is minor if:

- i. the revision involves no net change in the total area of the Urban Area, or
- ii. if the revision is cumulatively 20 acres or 1% of the total area of the Urban Area, whichever is less, or

B. An urban area boundary revision that cumulatively, over time, expands the size of an Urban Area by more than 20 acres or 1%, whichever is less, is not minor.

**Comment Summary – Policy 8(A):** Comments in support of Policy 8(A) were general, and they primarily focused on the inclusion of the hard cap in Policy 8(B). Comments in opposition to Policy 8(A) generally supplied other concepts for defining “minor revisions,” including setting a predetermined, non-cumulative limit for a minor revision at 7-10% of the existing Urban Area acreage, allowing for Urban Areas to “swap” acreage so that the ratio of Urban Area land in the NSA remained the same, or stating that a minor revision is one that is consistent with the criteria in Section 4(f)(2).

**Comment Summary – Policy 8(B):** Several comments addressed the Commission’s motion at its May 26 meeting to revise Policy 8 to include a cumulative 20-acre or 1% of

existing Urban Area acreage hard limit to what the Commission would consider a “minor” revision. Comments in support were general, approving of the hard cap policy as written or with minor edits. Comments in opposition stated that the hard cap was an arbitrary limit, and that predetermining the maximum allowable revision for any community would preclude any meaningful planning for long-range population growth or economic need. Comments in opposition requested that Policy 8(B) be removed.

**Staff Analysis:** Staff has not analyzed comments on defining minor revisions beyond summarizing them here. Staff notes that if the Commission chooses to remove or revise Policy 8(B), the Commission will still have to consider whether any individual request for revision is “minor.”

**Topic for Possible Commission Discussion:** Staff recommends the Commission continue its discussion on the definition of “minor revision.”

### **Policy 10(B) – Regional Approach to Demonstrating Need (p. 416)**

#### **Language Provided for Public Comment:**

Urban Areas that adjoin or are near to one of the three Columbia River bridges in the National Scenic Area must, at a minimum, consider land supply and need of the other Urban Areas that adjoin or are near to that bridge and other nearby Urban Areas.

**Comment Summary:** Comments in support of this policy stated other specific factors that should be considered regionally such as water infrastructure, or that consideration for land supply and need should include all thirteen urban areas, rather than just those adjoining or near to the Columbia River bridges. Comments in opposition to this policy generally expressed concern about community capacity to plan effectively for future growth if forced to consider land supply and need outside of their jurisdiction and questioned the Commission’s ability to require communities to consider land supply and need outside of their jurisdiction. One comment stated that this policy was drafted more like a rule, and that consideration of the specifics included in the policy should be deferred to a rulemaking process.

**Staff Analysis:** Staff has not analyzed comments on the regional approach to demonstrating need beyond summarizing them here. Staff notes that the Commission’s discussion leading to this policy suggested that the purpose of this regional analysis is to ensure that urban areas are not each planning for and competing for large-scale regional developments. By doing regional planning, each urban area can focus on its own competitive advantages for development.

**Topic for Possible Commission Discussion:** Staff recommends the Commission continue its discussion on the regional approach to demonstrating need under criteria 4(f)(2)(A) of the NSA Act.



## **Clear, Objective Standards; Delaying Adoption of Revised UAB policies (p. 415-417)**

**Language Provided for Public Comment:** All proposed UAB Revision Policies

**Comment Summary:** The Commission received public comment in May and June that stated that, as a whole, the proposed policies were too vague to provide clarity or objective standards for counties applying for revisions to urban area boundaries. Policies 12, 13, and 14, addressing three of the four criteria in Section 4(f)(2) were specifically identified as incomplete and in need of further discussion, either referring to the use of the phrase “case-by-case” as used in policies 12 and 13, or to express a desire that the Commission establish an explicit priority of lands in policy 14. Policies 1, 4, 5, and 6 were also specifically identified as problematic in some comments, especially policy 1 which describes the Commission’s discretion in considering applications for revision to urban area boundaries.

Comments expressed concern that the lack of clarity in these policies would effectively preclude communities from applying for revisions, due to the uncertainty of whether they would be able to apply or qualify for a revision, and due to the substantial financial investment required to go through what may be an unsuccessful process. Comments stated that the Commission should either address the specifics of all these policies in the Management Plan or should delay adoption this section of the Plan until all of the policies are sufficiently addressed.

**Staff Analysis:** Issues with policies 4, 5, and 6 are primarily administrative, and can be addressed at the staff level at this time. The Commission’s discretion expressed in policy 1 is already contained in the Commission’s Revision of Urban Area Boundaries rule, No. 350-40-020(1). This statement was added to the rule in 2011 in response to concerns about having the resources needed to take on the workload of reviewing an application for a boundary revision. Adding this statement here was intended to support the Commission’s continuing concern about resources to review applications to revise urban area boundaries.

The Commission had not discussed the urban area boundary revision criteria in Section 4(f)(2)(B), (C), or (D) of the NSA Act; as such, staff does not have proposals for the Commission to consider in order to clarify policies 12, 13, and 14. The Commission intends to revise the Revisions to Urban Area Boundaries rule. That rulemaking will clarify the application of the urban area boundary revision criteria.

**Topic for Possible Commission Discussion:** The Commission may discuss clarifications to policies 12, 13, and 14, but staff recommends the Commission leave that task to rulemaking.

## **Policy 11, 13 – Enforceable Conditions of Approval (p. 417)**

### **Language Provided for Public Comment:**

The Gorge Commission may require the local government to adopt enforceable conditions of approval to ensure land added to an Urban Area is used only to satisfy the demonstrated needs that were the basis for adjustment.

**Comment Summary:** Comments on this topic have stated that the Gorge Commission does not have the authority under the NSA Act to apply its standards within Urban Areas. Staff did not receive many comments on this concept during the May Commission meetings or the June public comment period, but this topic emerged during the staff's working group meetings and has been heard by the Commission previously.

**Staff Analysis:** This policy ties in with the Commission's discretion to approve revisions to urban area boundaries. Without it, Urban Areas may apply for and receive approval for revisions to meet a demonstrated need for population growth, and then use that land for other purposes. The Commission has expressed a desire to only approve revisions that are guaranteed to meet the needs that were the basis for adjustment. The Commission intends to revise the Revisions to Urban Area Boundaries rule. That rulemaking will clarify the extent and applicability of these conditions of approval.

**Topic for Possible Commission Discussion:** The Commission may discuss the structure and limits of Policy 11 and the similar language in Policy 13, but staff recommends that the Commission leave that task to rulemaking.

## IV. NATURAL RESOURCES

### Overview

Gorge 2020 included a technical review and revision of the Natural Resources Chapter. The draft revised chapter appears on pages 103-137 of the revised Management Plan released for public comment on June 1, 2020. During the 30-day comment period, we received comments of a technical nature and also comments suggesting policy changes to this chapter or other sections of the Plan. Additionally, many of the comments relate to the topics described in the draft Climate Change Chapter and the anticipated climate change action plan.

The following public comment themes are discussed in this section: Forest management – healthy forests and fuels reduction; Wetlands; Agricultural practices – impacts to natural resources; Stream buffers. Following these discussions, we list several additional comments received and clarifying and correcting edits in the section that follows.

### Forest Management – Healthy Forests and Fuels Reduction

**Comment Summary:** Several comments noted the importance of managing to improve forest health and address increasing fire risk, severity, and frequency for resource protection and economic support. The only specific suggestion made was to incorporate Firewise recommendations into the Plan’s policies and guidelines.

**Staff Analysis:** While active forest management in the GMA is managed by the two States Forest Practice Acts or agency fire management plans, several elements of the Plan relate to wildfire and forest health. The following summarizes locations in the Plan relating to this topic and how the draft revisions begin to address the concerns raised in public comments.

- Fire risk provisions – Part II Chapter 2 Forest Lands (p. 230-232)  
Summary of Plan policies: For all parcels in and adjacent to Forest Land Use Designations, the provisions require design standards, siting, access for fire equipment, onsite water, and specific building materials to minimize fire risk to forest resources.  
Staff Analysis: Staff consulted with several agencies, counties, and others to update the Approval Criteria for Fire Protection to align with the latest studies and area standards. Nothing in these approval criteria conflicts with Firewise, a voluntary program that landowners can choose to pursue in order to protect their homes from fire. Agencies like Washington Department of Natural Resources have dedicated staff to support landowners who wish to implement Firewise.
- Expedited Uses – Part II, All Chapters “Uses Allowed Through the Expedited Development Review Process”
  - Counties and other commenters urged the Commission to add Resource Enhancement Projects, including forest thinning to reduce fire risk.

Comments are described in the Land Uses focus topic section of this staff report.

- Forest health and related enhancement projects – Part III, Chapter 3 Enhancement Strategies
  - Language provided for public comment:* Natural Resources Enhancement Strategies (p. 399) “H. Encourage the use of forest management and fire, as appropriate, to restore and perpetuate natural ecosystems.”
  - Language provided for public comment:* Forest Land Enhancement Strategies Objective (p. 402) “1. Enhance the ability of forest land to ensure continued productivity and to provide scenic, natural, cultural, recreation, and economic benefits over time.”
- Climate Change Action Plan
  - The draft Climate Change Chapter describes the issue and importance of addressing increasing fire risk, intensity, and frequency. The action planning process will include further consideration of the issue and what actions are best addressed by the Commission, under its authorities and in partnership with other entities.

**Topic for Possible Commission Discussion:**

- Are there additional edits needed to the Forest Land policies on pages 230-232?
- Can the Commission address wildfire through the climate change action planning process?

**Wetlands (p. 107-120)**

**Comment Summary:** Several public comments request policy-level changes in the Natural Resources chapter related to wetlands. The comments include:

- Ensure no loss of wetlands in GMA. The current plan requires no *overall net* loss of wetlands in GMA and no loss in SMA.
- Change draft revised GMA Policy 6. (p. 108)
  - Language provided for public comment:* “New uses shall be sited to avoid wetlands to the greatest extent practicable. New uses that are not water-dependent or water-related shall may be allowed in wetlands when less environmentally damaging practicable alternatives do not exist.”
  - Suggested change:* “New uses shall be sited to avoid wetlands and any adverse effects to wetlands to the greatest extent practicable. New uses that are not water-dependent or water-related may be allowed in wetlands when less environmentally damaging practicable alternatives do not exist.
- Delete GMA Policy 7
  - Language provided for public comment:* “Impacts to wetlands shall may be allowed only when all practicable measures have been applied to minimize those impacts that are unavoidable and in the public interest.” (p. 108)

- Extend wetland buffers in Western pond turtle range to 330-feet, the distance research indicates is needed for nesting.

**Staff Analysis:** These are policy level suggestions, beyond the scope of the chapter technical revision.

The plan limits uses in water resource buffers to modifications to existing structures, water-dependent or water-related uses, and other review uses that have no practicable alternative and employ best management practices to minimize impacts. For new development, public interest must also be demonstrated. Implementing a change to “no loss” would require updating the GMA goal for wetlands, and several GMA policies and guidelines that would require additional policy discussions and internal consistency review. Language added in 2016 to GMA Guidelines – Review Uses states “3. Proposed uses in wetlands and wetland buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.”

No net loss is currently achieved when any proposed on-site loss of wetland acreage or function is:

- Avoided through design measures and best management practices, or
- Offset through required compensatory creation/restoration/enhancement.

Some recent examples of approved development in wetlands or wetland buffers include public road realignment, a boat launch replacement and relocation, and modification of existing dwellings or access drives.

The suggestion to increase wetland buffers for Western pond turtles has not been received previously. The wildlife and habitats section of the chapter requires consultation with state and federal wildlife agencies to establish any measures needed to prevent adverse effects to species like Western pond turtle. Measures could include expanded buffers or habitat enhancement on a case-by-case basis. This approach is less prescriptive than a buffer and requires input from state wildlife agencies, which the Plan already requires.

**Topic for Possible Commission Discussion:**

- The Commission will be discussing water resources buffer policies as part of its climate action planning. Does the Commission want to change wetland buffers at this time?
- The Plan does not have a species-specific buffer for any plants and animals. Should the Plan use a species-specific buffer in addition to existing water resource buffers?

## **Agricultural Practices – Impacts to Natural Resources**

**Comment Summary:** Commenters suggested that agricultural practices should be a key consideration for natural resources and developing water resource buffers. Concerns included herbicide use and other practices that impact water quality and water use. Commenters encouraged agricultural practices that promote healthy soils and native plants while managing invasive plants. One stated that flexible, non-regulatory approaches can be more effective than stream buffer regulation. Commenters encouraged the Commission to consider more specific best management practices for agriculture to protect water quality. Department of Ecology encouraged the Commission to review Washington’s state water quality assessment and incorporate considerations of the water quality issues it describes into the Management Plan. They urge the Commission to convene a stakeholder water quality program to address issues with current land uses.

**Staff Analysis:** The Commission and Forest Service support implementation improvements and voluntary measures, along with the Management Plan and ordinances, to achieve the purposes of the Act. The comments we received are helpful suggestions we can incorporate when working with landowners, conservation districts, and other partners to improve outcomes for natural resources.

The comments also inform climate change action planning. The draft strategies and actions Commissioners have identified as important for climate change action planning include several related to improved agricultural practices, water conservation, pollinators and habitats on working lands, and voluntary natural resources enhancements. Commissioners discussed these during the May 26th Commission meeting.

Some of the suggestions would best be addressed in the Land Use Designation Chapters of the plan. These chapters describe allowed review uses, including new cultivation and agricultural structures. In the Agriculture-Special land use designation, range conservation plans are required for new grazing.

Staff is concerned that determining best practices for the Management Plan will require experience from state extension programs, local farmers, natural resource professionals, and others and cannot be addressed at this time.

### **Topic for Possible Commission Discussion:**

- Should the Management Plan require or encourage best practices, and what should those be?
- Would the Commission prefer to defer discussion on best practices to work with producers, extension and other stakeholders outside the plan process?

### **Stream buffers (p. 117)**

**Comment summary:** Several comments addressed stream buffer distances in the GMA. The range of comments include:

- Increase GMA fish-bearing stream buffers to 200 feet.
- Increase GMA fish-bearing stream buffers for EPA priority Cold Water Refuge streams to 200 feet.
- Implement 1997 WDFW recommendations to require 150-ft buffers for fish-bearing streams 5 feet wide and smaller, and 200-ft buffers on all other fish-bearing streams.
- Implement 2018 WDFW recommendations to require buffers according to the site-specific Riparian Management Zones (RMZ). These distances would likely vary between 100 and 250 feet.
- Designate buffers of at least 100 feet for all streams in the NSA (including intermittent, non-fish-bearing streams), and designate buffers for all streams in the network of Cold Water Refuge streams of 200 feet.
- Do not increase stream buffers.
- Do not increase stream buffers without adequate outreach to landowners and consideration of economic loss to property owners.
- Concerns for the timing and process suggested in the draft climate change chapter related to stream buffers.

**Staff Analysis and Topic for Possible Commission Discussion:** Please see the climate change section of this staff report for a more in-depth discussion of this theme. For the Natural Resources Chapter, changing stream buffer requirements is considered a policy-level change, outside the scope of a technical revision.

## V. ECONOMIC DEVELOPMENT

### **Overview**

At the Commission meeting on April 28, 2020, the Commission reviewed the draft Economic Development chapter and provided feedback. Staff incorporated that feedback into the draft chapter, and the latest version of the Economic Development chapter was presented for public comment on June 1, 2020.

During the 30-day public comment period, staff received a few comments that explicitly referenced policies in the Economic Development chapter. Staff received many comments about economic development in relation to Urban Area Boundary policy and Land Uses. The comments about the Urban Area Boundary policy focus topic and Land Uses focus topic, were assigned to those sections. The remaining comments that directly addressed policies in the draft Economic Development chapter are summarized below.

### **GMA Policy 7 – Recreation Development (p. 392)**

#### **Language Provided for Public Comment:**

**87.** The Gorge Commission shall support the economy of the Gorge **communities** by **encouraging integrating** recreation development at appropriate rural locations **with adequate infrastructure and by coordinating with appropriate organizations.**

**Comment Summary:** A comment was received requesting clarification about what is meant by “appropriate organizations” and suggested providing examples.

1. Unclear who would qualify as “appropriate organizations”. Would helpful to amend the policy further such as: “.. by coordinating with appropriate **government agencies, special districts, or other** organizations **specializing in recreational development.**”  
(Hood River County)

**Staff Analysis:** This is a clarifying edit that staff can make. Staff agrees that specifying the organizations provides clarity to the intent of the policy and suggests amending the policy to read: “...by coordinating with appropriate **government agencies or other** organizations **specializing in recreational development.**”

### **GMA Policy 8 – Infrastructure Development (p. 392)**

#### **Language Provided for Public Comment:**

**7.8** **The Gorge Commission recognizes the importance of adequate, efficient and reliable infrastructure (such as water, sewer, roads, energy, telecommunications, and broadband) to protect health and safety, and to support the economic vitality of the Gorge.**

**Comment Summary:** Staff received comment requesting a change in the language of this draft policy to be more inclusive of different types of transportation infrastructure.



1. Replace “roads” with “transportation network” to include items wider than just a specific strip of asphalt (broadening to network acknowledges the role of transit, bridges, or cycling, for example). (ODOT)

**Staff Analysis:** This is a clarifying edit that staff can make. This edit will make this policy consistent with other policies in the Plan that encourage alternative transportation.

### **GMA Policy 9 – Role of the Ports (p. 392)**

#### **Language Provided for Public Comment:**

The Gorge Commission ~~shall~~ recognizes the special role of the five ports in the National Scenic Area as providers of river transportation and recreation facilities in Urban Areas and supports 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.~~

**Comment Summary:** Comment was received about leaving in the two bullets in the original policy about prioritizing development on Port properties.

1. The Port requests that the Commission add back the two bullets deleted from the Policy 9 language. The bullets recognized the important role of ports in the Gorge and are needed to carry out the legislative directive contained in ORS 777.065. (Port of the Dalles)

**Staff Analysis:** The Commission voted on April 28, 2020 to remove these bullets from the policy because they referred to policies in other chapters. The first bullet relates to Urban Area policy and the second to policy in the Natural Resources chapter.

## VI. LAND USES

### **Overview**

The Gorge Commission reviewed and discussed proposed changes to Part II, Chapter 7 of the Management Plan in at its meeting on April 29, 2020. The policies and guidelines in this chapter provide detailed guidance for the uses allowed in the land use designations, as well as for uses which either are exempt from regulation under the National Scenic Area Act or allowed without a National Scenic Area review. Staff reviewed this Chapter for both policy and technical revisions, with a focus on clarifying policies and improving implementation of the guidelines.

Comments about the draft revisions to the Land Uses policies and guidelines were received during the 30-day public comment period in June 2020. Several comments received were in reference to key themes from the Land Uses Focus Topic that were previously discussed by the Commission during Commission meetings in 2019 and 2020. The remaining non-policy related comments are summarized at the end of this report.

### **Overnight Accommodations (p. 347)**

#### **Language Provided for Public Comment:**

In the draft Plan, provisions for Bed and Breakfast Inns in the GMA were removed and replaced with the new “Overnight Accommodations” use, with new draft guidelines.

### **OVERNIGHT ACCOMMODATIONS**

#### **GMA Policies**

1. Overnight accommodations associated with residential use shall be allowed, subject to guidelines to minimize adverse effects on scenic, cultural, natural, and recreation resources.
2. Overnight accommodations shall remain rural in character and scale and distinct from motels or restaurants, which can locate in Urban Areas.

#### **GMA Guidelines**

1. Overnight accommodations may be established in a legal single-family dwelling, in the GMA Rural Center, Rural Commercial, and 5-acre and 10-acre Residential land use designations, consistent with the following conditions:
  - A. The owner of the subject parcel may rent the dwelling for up to 90 room nights per year.
  - B. Parking areas shall be screened so they are not visible from key viewing areas.
  - C. The use is incidental and subordinate to the primary use of the property.
  - D. The dwelling must be the permanent residence of the owner and occupied by the owner during rental.
  - E. Commercial events are not permitted at overnight accommodations.

- F. The overnight accommodation may employ up to three employees other than the residents of the dwelling.
- G. Land use approvals for overnight accommodations shall be valid for no more than two years. Landowners must reapply for the use after a land use approval expires, demonstrating compliance with conditions of approval through financial and other records. Permits will not be renewed if there have been past violations, including failure to file.
- H. The owner shall notify all owners of land within 500 feet of the perimeter of the subject parcel of intent to operate an overnight accommodation.

**Comment Summary:** Comments were received in favor of adding back the guidelines that allow Bed and Breakfast Inns in the GMA, in addition to the proposed Overnight Accommodations. Several comments were about specific proposed guidelines for Overnight Accommodations.

1. Retain allowances for Bed and Breakfast Inns in single-family dwellings in the GMA.
  - Bed and Breakfasts provide additional rooms to support the region's primary tourism and agricultural industries.
  - Bed and Breakfasts are another means to support family farms that do not impact resources.
2. Clarify proposed guidelines for Overnight Accommodations.
  - How do you enforce the 90 room nights per year?
  - Limiting the opportunity to only 90 nights a year could have a significant impact on the livelihoods of landowners.
  - Allowing three employees per accommodation only adds to the wear and tear and congestion on a private road.
  - Allow Overnight Accommodations in conjunction with any existing single-family dwelling or accessory building.
  - Allow in all Residential land use designations.
  - Consider whether additional information should be required to be submitted by the applicant either as part of the application, or as a condition of approval, to ensure the room night per year limit will not be exceeded.
  - Instead of room nights, consider a limit on the number of rooms which can be rented at one time in a dwelling and highlight this for the Commission's consideration to determine if a limit should be established to ensure any temporary rental component remains accessory to the primary use of a structure as a single-family dwelling.
  - County monitoring and enforcement can occur without requiring a permit renewal every 2 years.
  - Do not require owner occupancy during rental.
  - 500 ft. notice is redundant with requires public notice of development review.

(Individuals, Wasco, Hood River, and Multnomah counties, Mt. Hood and Columbia River Gorge Regional Tourism Alliance, The Dalles Area Chamber of Commerce)

**Staff Analysis:** Bed and Breakfast Inns are allowed in the GMA in the Rural Center, Commercial, 5-acre Residential, and 10-acre Residential Land Use Designations and in the SMA in registered historical structures. The proposed change to the Plan involves replacing Bed and Breakfasts in the GMA with Overnight Accommodations. Overnight Accommodations, as proposed, are allowed in the same LUDs, must also be in a single-family dwelling and be owner occupied at the time of the rental. The differences between Bed and Breakfast Inns and Overnight Accommodations are:

- Overnight Accommodations have no limit on the number of rooms that can be rented, but are limited to 90 room nights per year while Bed and Breakfast Inns are limited to 3 to 5 rooms rented out for a maximum of 14 consecutive days;
- Bed and Breakfast Inns are allowed one non-animated, non-illuminated sign, not exceeding 4 square feet in area, while Overnight Accommodations are not allowed a sign;
- Permits for Overnight Accommodations expire after 2 years, after which the landowners must reapply. Permits will not be renewed if there have been past violations, including failure to file. Permits for Bed and Breakfast Inns do not expire.
- Owners of Overnight Accommodations are required to notify all landowners within 500 feet of the perimeter of the subject parcel of intent to operate an Overnight Accommodation. Bed and Breakfast Inn owners are not required to do this.
- Commercial events are allowed in conjunction with Bed and Breakfast Inns. Commercial events are not allowed at Overnight Accommodations.

Staff recommends the Commission consider these differences between the two uses and decide whether to continue allowing Bed and Breakfast Inns in the GMA, while also allowing Overnight Accommodations, or to disallow Bed and Breakfast Inns in the GMA and instead allow Overnight Accommodations. The Commission should also consider whether the current proposed guidelines for Overnight Accommodations are necessary, appropriate, and clear, or if changes and clarifications are needed based on the comments received.

**Topic for Possible Commission Discussion:**

- Should Bed and Breakfast Inns in the GMA be retained as a land use?
- Should Overnight Accommodations be allowed in all Residential LUDs (including 2-acre Residential)?
- How does limiting "room nights" or requiring a "permanent residence" avoid adverse effects to SNCRs resources?
- Should owner occupancy be required during the time of rental?
- What is the intent of having permits expire after 2 years? Is there another way to achieve the Commission's intent for monitoring Overnight Accommodations?

**GMA Policies 6 & 7 – Commercial Uses on Large-Scale and Small-Scale Agriculture Land Use Designations (p. 199)**

**Language Provided for Public Comment:**

6. The following commercial uses shall be allowed in areas designated Large-Scale or Small-Scale Agriculture:

A. Home occupations.

B. Wine sales and tasting rooms in conjunction with a lawful winery.

7. Commercial events shall be allowed in areas designated Large-Scale or Small-Scale Agriculture in conjunction with a lawful wine sales or tasting room, commercial use, or dwelling listed in the National Register of Historic Places.

**Economic Development Chapter GMA Policies 4 & 6 (p. 391, 392)**

The following comments specifically focus on policies in the Economic Development chapter, but are relevant to proposed revisions in the Land Uses chapter.

**Language Provided for Public Comment:**

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 uses;
- encouraging conservation efforts such as renewable energy and water efficiency; and
- allowing commercial uses on GMA agriculture lands that are incidental and subordinate to the agricultural use.

76. 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 National 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 or 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 ~~/or~~ 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.

**Comment Summary:** Several comments received were concerned that Policies 6 and 7 favor one type of agricultural product, limiting the abilities of producers of other products to earn income from their products. Many comments were related to the importance of agritourism for the economy in the area and encouraged the Commission to consider allowing a wider variety of uses to support agritourism beyond just wineries and wine sales. Commenters raised questions about why wine and wine sales seem to be favored in the Plan over other farm products and why wine sales and tasting rooms are considered commercial, but fruit and produce stands are not.

1. Include allowances for similar beverage production of cider and distilled alcohol.
2. Agritourism is a growing industry and activities that are allowed under state laws are prohibited here.
3. It is not clear why a fruit and produce stand is not considered commercial in nature and this has potential to conflict with Oregon state laws that protect agriculture uses.
4. The proposed changes would reduce the ability for agricultural producers (other than wine) to sell direct to consumers or process their own crops to add value and generate additional income.
5. The language for allowed value-added agricultural uses should be stated in generic terms and not be specific to any single product or occupation. Wine and wine sales are important but there are several similar products that would have similar if not the same impacts on the National Scenic Area. They all should be treated the same.
6. Commercial activities on rural resource lands can be carried out consistently with the SNCRs.
7. Delete text allowing commercial uses in agricultural zones. The draft Policy 4 could be interpreted in a way that conflicts with the limited commercial uses allowed in agricultural zones.
8. In GMA Policy 7, add “When compatible with adjacent land uses.” Change “shall” to “may” to indicate that commercial events may be allowed when compatible to land use in the area.

(Individuals, Runcible Cider Co., Wasco County, MCEDD, The Dalles Area Chamber of Commerce, Port of the Dalles, Wasco County Economic Development Commission, Friends of the Columbia Gorge)

**Staff Analysis:** Staff recommends that the Commission consider changing policy to reflect the current and projected future conditions of agriculture in the National Scenic Area. This can be achieved by acknowledging and allowing the production and commercial sale of other agricultural products beyond wine. By making fruit and produce stands a commercial use, agricultural producers of products other than wine would be able to generate income in a way similar to that afforded by the currently allowed wine sales and tasting rooms. At the April 14, 2020 Commission meeting, the Commission took a poll about whether to

support staff in developing draft language to treat cideries in a manner similar to wineries in the Management Plan. The majority of Commissioners were uncomfortable with this. Staff wants the Commission to consider that there is a permitted cidery currently operating in the National Scenic Area. The cidery was permitted by Wasco County in 2015 as an agricultural product processing and packaging facility in a previously-approved accessory building, and a mobile fruit and produce stand was also permitted. If the intention of the Commission is to not allow cideries, then this needs to be clearer in the Plan.

**Topic for Possible Commission Discussion:**

- How does the Commission distinguish the differences in resource impacts between a winery, cidery, and distillery? If there is not a meaningful distinction, why not allow these uses in addition to wineries?
- What are the potential adverse impacts to resources by allowing fruit and produce stands to be a commercial use (and therefore allowed to hold commercial events)?

**Commercial Events Guidelines (p. 355)**

**Language Provided for Public Comment:**

- I. Land use approvals for commercial events shall not be valid for more than two years. Landowners must reapply for the use after a land use approval expires.
- K. A yearly report shall be submitted to the reviewing agency by January 31st reporting on the events held the previous year. This report shall include the number of events held, how many people were in attendance, and copies of catering contracts or other vendors used to verify.
- L. Permits will not be renewed if there have been past violations, including failure to file.

**Comment Summary:**

1. Existing county regulations and noise ordinances already address reported issues with commercial events.
2. Counties should not be mandated to revoke or not renew permits because of past violations.
3. Two-year renewals should be allowed through expedited review.
4. An annual report is unnecessary and burdensome to staff. Simply require that operators maintain records of events and event attendance.
5. Modify the guidelines to allow for ministerial or expedited review to renew approved commercial event sites instead of a new application, which involves unnecessary staff review.

(Individuals, Hood River and Wasco Counties)

**Staff Analysis:** County planners expressed that requiring a yearly report as well as a full review of permits for commercial events every two years is not necessary for resource protections and places undue burden on staff and landowners. Staff recommends that Guideline J be modified to allow for full review of new applications for commercial events,

but expedited review for the renewal of permits. Staff also recommends that draft Guideline K be modified to say that operators shall keep a record of all events and attendance, but not require that the report is submitted to the reviewing agency ever year, but perhaps submitted at the time of re-applying for a permit. Additionally, staff recommends removing Guideline L, as past violations are addressed through the development review process.

**Topic for Possible Commission Discussion:**

- Should the guidelines be modified to allow for the expedited review of commercial event permit renewals?
- Should the draft Guideline K be modified to not require that the report is submitted to the reviewing agency ever year, but require that the report be submitted at the time of re-applying for a permit?
- Should the draft Guideline L be removed?

**Expedited Development Review Process (p. 318)**

**Comment Summary:** Staff received comments from the counties about allowing particular uses to be reviewed through the expedited development review process, rather than a full review, to help streamline the permitting process.

1. Accessory buildings up to 200 square feet. (Allow residential accessory buildings outright allowed if no plumbing and electricity)
2. Accessory buildings and structures up to 1,500 square feet, at least within Landscape Settings that already include development (such as residential or rural residential).
3. Resource enhancement projects on private or public lands by federal, state or local agencies charged with natural resource protection should have an expedited path to allow streamlined permitting.

(Skamania, Hood River, Wasco Counties)

**Staff Analysis:** For proposed developments with little risk of impacting resources, the expedited review process is a helpful tool for both planners and the applicants because it helps to streamline the process. The expedited review process still looks at the SNCRs impacts of the proposed development but allows for a shorter public notice period and is less costly for the applicant than a full development review. Examples of resource enhancement projects that might be considered eligible for expedited review include: noxious weed treatments, fish screens on agriculture irrigation features, hazard fuel reduction in high risk timber stands to reduce wildfire risks, recasting of existing wells, etc. Staff recommends considering allowing expedited review for some resource enhancement projects for both private and public landowners, and for accessory buildings and structures 200 SF or less and up to 10 feet high, which is common in many jurisdictions.

**Topic for Possible Commission Discussion:**

- Should accessory buildings and structures up to 200 SF and 10 feet in height be eligible for expedited review?
- Should resource enhancement projects be eligible for expedited review?



## VII. SCENIC RESOURCES

### Overview

The CRGNSA Management Plan protects scenic resources and identifies goals, objectives, policies, and guidelines for resource protection and enhancement of the scenic resources by regulating viewsheds from Key Viewing Areas (KVAs), maintaining diversity in the scenic beauty and rural character of Gorge landscapes, establishing guidelines for scenic travel corridors, and regulating signs necessary for commerce, recreation, safety, and public information.

The goal of the technical review is to update, clarify, and provide consistency within the language and tools of the chapter so the Management Plan can consistently protect, enhance, assess and monitor the existing natural resources and ensure efficiency in carrying out purposes of the Act.

During the initial scoping period for the Gorge 2020 Management Plan review and revision, Scenic Resources were identified as being reviewed for technical revisions. After scoping, outreach to county planners helped identify additional areas where clarity was needed to implement the Scenic goals, objectives, policies and guidelines. A team of technical experts organized by the Columbia River Gorge National Scenic Area Forest Service office reviewed public and stakeholder comments. These comments and technical review provided the foundation of the technical review topics and proposed revisions. Iterative outreach to county planners and implementers, Commission perspective, and further public comments helped guide the technical review and revision process.

The Gorge 2020 Draft Management Plan was released for public comment on June 1, 2020 for 30 days of public comment. Additionally, a presentation providing summaries of the changes to each chapter was held during the evening on June 11, 2020. In addition to the opportunity to submit public comments via traditional methods such as phone, letter and e-mail, a listening session was held on June 25<sup>th</sup>. This provided additional methods to submit comments on the Draft Management Plan. Themes of comments received are summarized below for the Commission to review and discuss.

### Skyline Definition (p. 485)

#### **Language Provided for Public Comment:**

**Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, ~~and is topographically visible as viewed~~ from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). ~~The skyline is formed where the surface of the earth meets the sky. In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.~~

**Comment summary:** The proposed revisions provide less clarity and are more restrictive than the existing language and may be perceived as a taking.

**Staff Analysis:** A technical review to bring the definition in general alignment with other working definitions of skyline and add clarity on how to apply the guideline. In the heavily vegetated western portions of the National Scenic Area, this would have likely affected the ability of new developments to occur in areas that would be allowed under the current definition where areas of thick, unbroken tree cover can form the skyline. To reduce confusion on what constitutes thick, unbroken tree cover, additional language is proposed to clarify this technical revision:

**Skyline:** The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, **and is topographically visible as viewed** from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). **The skyline is formed where the surface of the earth meets the sky except in naturally occurring, densely forested landscapes** ~~areas~~ with thick, unbroken tree cover, the skyline **may be** ~~is generally~~ formed by the top of the vegetative canopy. ~~In treeless areas or with more open tree cover, the skyline is formed by the surface of the ground.~~

**Topic for Possible Commission Discussion:** Should the definition of Skyline be clarified to reduce confusion of thick-unbroken tree cover, or should it be reverted to its pre-draft language?

### **Skyline Variance (p. 42)**

#### **Language Provided for Public Comment:**

The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from key viewing areas. ~~Variances to this guideline may be granted if application of the guideline would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the guideline have been made.~~

**Comment Summary:** Removal of existing variance language may result in taking claims if this standard prohibits any viable economic use of a property.

**Staff Analysis:** There has been varied approaches to how to assess “without reasonable economic use” in applications. This has permitted developments that have broken the skyline that may have been denied with a different reviewer. The Commission’s rules for appeals addresses possible taking claims, allowing the Commission to permit a use that may not meet all guidelines to prevent a taking.

**Topic for Possible Commission Discussion:** Should the proposed draft language remain and prohibit variances where the application would leave the owner without reasonable economic use?

## **Compatibility Test (p. 36)**

### **Language Provided for Public Comment:**

New buildings shall be compatible with the general scale (~~height, dimensions and overall mass~~) of existing nearby development. Expansion of existing development shall comply with this guideline to the maximum extent practicable. ~~Findings addressing this guideline shall include but are not limited to:~~

- ~~A. Application of the landscape setting design guidelines, if applicable.~~
- ~~B. A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within Urban Areas or outside the National Scenic Area.~~
- ~~C. Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:
  - ~~(1) All finished above ground square footage;~~
  - ~~(2) Total area of covered decks and porches;~~
  - ~~(3) Attached garages~~
  - ~~(4) Daylight basements~~
  - ~~(5) Breezeways, if the breezeway shares a wall with an adjacent building~~
  - ~~(6) Height, based on information from the application or on Assessor's records~~~~
- ~~D. An overall evaluation demonstrating the proposed development's compatibility with surrounding development. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.~~

**Comment Summary:** Multiple comments were received regarding the addition of more explicit criteria on determining new buildings compatibility.

1. Require compatibility studies only for the largest development proposals. Homes under a certain size limit (2,500 sq. ft. for example) should be deemed compatible outright.
2. Land use designations already limit accessory building size to 1,500 sq. ft. No compatibility study should be required for buildings that comply with this limit.
3. Expressly require compatibility in exterior visible volume and exclude buildings that are significantly larger than the rest of the buildings from the compatibility analysis.
4. The term "maximum extent practicable" should be deleted

**Staff Analysis:** Removing the compatibility requirement for new developments under a certain square footage would reduce analysis required to determine consistency with the

Management Plan where it is unlikely that the development would be denied based on compatibility analysis alone.

Removing the allowance for “maximum extent practicable” was not considered during the technical review and revision because it would represent a shift in policy from how Scenic resources are currently protected. Similarly, the proposed clarifications to the compatibility analysis guideline reflects and standardizes the existing process among Commission and county planners, allowing for more consistent review throughout the National Scenic Area. Requiring analysis for exterior visible volume would represent a shift in policy.

**Topic for Possible Commission Discussion:** Should compatibility be determined only for new buildings over a certain square footage?

### **Expansion of Existing Quarries (p. 39)**

**Language Provided for Public Comment:** Expansion of existing quarries on sites visible from key viewing areas ~~shall~~ **may** be permitted if visually subordinate to its setting as seen from key viewing areas. Existing quarries are those determined not to be discontinued, pursuant to Guideline 4.D in "Existing Uses and Discontinued Uses" (Part II, Chapter 7: General Policies and Guidelines). Expansion refers to lateral expansion (expansion of mining activities into land surfaces previously unaffected by mining).

**Comment Summary:** The revisions have replaced the word “shall” with “may” in the provisions relating to the new production and/or development of mineral resources, and the expansion of existing quarries. The Act unambiguously provides for the exploration, development, and production of mineral resources. 16 U.S.C. § 544d(d)(9).

**Staff Analysis:** The Management Plan is clear in stating that the expansion of existing quarries, and new production and/or development of mineral resources, are review uses that must be consistent with the all resource guidelines in the Management Plan. Replacing “shall” with “may” in this policy provides clarity that expansion of existing quarries and new production and/or development of mineral resources are both subject to review for the protection of natural, cultural, and recreation resources, as well as subject to the other applicable scenic review guidelines in the Management Plan. The term “may be permitted” is the common terminology for guidelines where development may be permitted when consistent with the goals, objectives, policies and guidelines of the Management Plan.

**Topic for Possible Commission Discussion:** None needed

### **Topographic Screening (p. 41-42)**

**Language Provided for Public Comment:** “New development shall be sited using existing topography and ~~or~~ existing vegetation as needed to achieve visual subordination from key viewing areas. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:”

**Comment Summary:** Topography should be given to higher priority than existing vegetation because when screening new developments to achieve visual subordination from KVAs because it is more permanent.

**Staff Analysis:** The current plan allows for “topography and/or vegetation” to provide screening to achieve the scenic standard. This change would provide additional protection measures for scenic resources and would allow vegetation to continue to be used where limited topographic screening available. GMA Guideline 4 establishes a priority and prioritizes an order of condition, starting with siting, followed by retention of existing vegetation, design, and finally new landscaping.

**Topic for Possible Commission Discussion:** Should siting to achieve visual subordination from key viewing areas prioritize existing topography over vegetation and planting?

### **Roofing Materials on Additions (p. 43)**

**Language Provided for Public Comment:** Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of dark earth-tone colors found at the specific site or in the surrounding landscape. The specific colors ~~or list of acceptable colors approved by the reviewing agency~~ shall be included as a condition of approval. ~~The Scenic Resources Implementation Handbook will include a recommended palette of colors.~~

**Comment Summary:** Applicants should be allowed to use the same roofing material on additions smaller in total square area than the existing building.

**Staff Analysis:** This was not reviewed during the technical review and revision. However, additions may currently be painted the same color as the existing building even if not consistent with the dark earth-tone colors found at the specific site or in the surrounding landscape. This would allow currently non-consistent roofing materials (such as untreated, reflective metal) on additions where it would not currently be allowed.

**Topic for Possible Commission Discussion:** Should non-conforming roofing materials be allowed on additions smaller in total square area than the existing building?

### **Developed Settings and Visual Subordination Policies (p. 60)**

**Language Provided for Public Comment:** No Change from existing plan

**Comment Summary:** Murray’s Addition subdivision, Foley Lakes, and lands located inside the Urban Growth Boundary of the city of The Dalles west of Chenoweth Loop Road should be added to the list of areas where new developments shall be compatible with the landscape setting, but not necessarily require visual subordination.

**Staff Analysis:** These areas represent some of the more developed lands outside of Urban Areas and are mostly topographically screened from nearly all KVAs outside of Urban Areas. However, this would represent a policy shift and was not reviewed during the technical review and revision of the chapter. There has not be a full analysis of the implications of making these changes.

**Topic for Possible Commission Discussion:** Should additional areas be included in the list of areas where new developments shall be compatible with the landscape setting, but not necessarily require visual subordination?

## **VIII. RECREATION RESOURCES**

### **Introduction**

The CRGNSA Management Plan protects recreation resources and identifies goals, objectives, policies, and guidelines for resource protection and enhancement. In the GMA, this is for protection of resources, scenic appreciation and scenic travel corridors, resource-based recreation, river access and protection of treaty rights, interpretation/education, trails and pathways, transportation and coordination. The SMA focuses on resource protection.

### **Overview of the Public Engagement Process**

At the March 2019 Gorge Commission meeting, Forest Service and Commission staff led a presentation about the existing protection and enhancement measures for Recreation Resources in the Management Plan. The presentation included a summary of the recreation-based themes that emerged from scoping comments and professional technical review.

Forest Service and Commission staff held four meetings with technical recreation experts in spring 2019 to discuss the Recreation chapter, evaluate scoping comments and assess the best available science and recreation management approaches. Staff and technical experts drew on experience with other recreation management models to explore how the Management Plan could be improved to address some of the themes identified during scoping.

In August 2019, staff convened a stakeholder meeting which included public and private land managers, state agencies and county planners. This meeting provided an opportunity to discuss both strengths and limitations within the existing plan.

In September 2019, Forest Service and Commission staff presented four key questions to get perspective from the Commission in order to move forward with the next round of agency and public meetings and further develop recommendations for plan revisions.

Stakeholder and public meetings were held in October 2019. The stakeholder meeting provided land and recreation managers an update on the September CRGC Meeting and further clarified areas for potential revision. The public meeting featured a presentation on the overview of the process and recreation chapter, and asked questions similar to the ones presented to the Commission in September.

A third stakeholder meeting was held February 2020. This work session built on the comments and feedback from the Commission, public and stakeholders on draft revisions.

The Commission meeting scheduled for March 10, 2020 was canceled due to Covid-19. Staff continued to make progress to draft revisions to Recreation Chapter of the Management Plan, including various updates, clarifications, and technical revisions based on previous Commission feedback and technical and stakeholder expertise which were presented to the Commission during their virtual meeting on May 12, 2020.

The Gorge 2020 Draft Management Plan was released for public comment on June 1, 2020 for 30 days of public comment. Additionally, a presentation providing summaries of the changes to each chapter was held during the evening on June 11, 2020. In addition to the opportunity to submit public comments via traditional methods such as phone, letter and e-mail, a listening session was held on June 25<sup>th</sup>. This provided additional methods to submit comments on the Draft Management Plan. Themes of comments received are summarized below for the Commission to review and discuss.

### **Supporting Temporary Recreation Closures (p. 160)**

**Language Provided for Public Comment:** Encourage and support sustainable recreation management practices to protect scenic, natural, or cultural resources from recreation use.

**Comment Summary:** Require coordinated temporary closure of recreation sites and trails when there is an extreme risk of fire

**Staff Analysis:** The Commission has discussed this topic at previous Recreation Focus Topic meetings and proposed the language provided for public comment. Currently there are high levels of coordination between the recreation managers throughout the CRGNSA. Examples include the Interagency Recreation Team (IRT) which meets monthly, as well as more informal communication between agencies. The Recreation chapter also includes policies that describe coordinated and regional approaches to ongoing operation and management problems.

Public recreation managers have received varying degrees of support in their decisions to temporarily close or restrict access to sites in the National Scenic Area for public safety or resource considerations. The Commission has the opportunity to develop a policy to support public recreation managers choosing to temporarily restrict use and access to sites during periods of high risk to protected resources. This would allow public recreation managers to link temporary closures and restrictions to policies in the Management Plan and provide flexibility for agencies and organizations to manage use during critical periods to protect resources. The draft revision includes a new policy that that provides this support.

**Topics for Possible Commission Discussion:** Proposed revisions to the Management Plan outlined above provide the Commission the opportunity to explicitly support and encourage land and recreation managers to use their available tools to protect resources.

### **Comprehensive Planning (p. 185)**

**Language Provided for Public Comment:**

**SMA Policy 6 (p 185):** Comprehensive recreation resource planning shall be encouraged to foster a unified, regional approach and de-emphasize jurisdictional divisions.

Collaborate with partner agencies and stakeholders to develop management strategies and actions to protect and enhance recreation opportunities/experiences and natural, scenic and cultural resources from overuse at popular recreation sites and trails.

**GMA Policy 1 (p 171):** Coordinated, regional approaches to solving ongoing operational and management problems (such as emergency response, law enforcement, and

~~coordinated fee/permit systems congestion, etc.) shall be pursued in planning new recreation uses and for comprehensive plan updates and revisions, to the maximum extent practicable. Such efforts shall include exploring additional revenue sources to defray the costs of law enforcement and public safety services provided by local government service providers.~~

**Comment Summary:** SMA Policy encouraging regional recreation planning should be included in the GMA.

**Staff Analysis:** The Policy statement above is within the SMA policies for overall recreation management. The GMA chapter already includes a similar provision regarding coordination. If the Commission feels that the SMA policy provides clarity that the existing GMA policy does not cover it can replace GMA Policy 1 to match SMA Policy 6.

**Topics for Possible Commission Discussion:** Should the Commission replace GMA Policy 1 with SMA Policy 6?

### **Review During Expansion of Existing Sites (p. 178)**

**Language Provided for Public Comment:** Accommodation of facilities for mass transportation (bus parking, etc.) ~~shall be required for all new Recreation Intensity Class 4 day-use recreation sites, except for sites predominantly devoted to boat access. The number and size of the mass transportation facilities shall reflect the physical capacity of the site.~~

**Comment Summary:** It is recommended that the proposed transportation standard be modified to also apply to certain new and existing sites that would have the potential to increase a recreation site's overall use.

**Staff Analysis:** Example would be the expansion of an existing site that would likely increase the use of the site and surrounding area. Currently during project review, there would be limiting ability to give consideration for requiring bus parking or other facilities for mass transportation because the improvements involved an existing, and not a "new," recreational site. This could be addressed in part by adding the language that "...~~shall be required for all new Recreation Intensity Class 4 day-use recreation sites and~~ improvements to existing Class 4 day-use recreation sites where the improvement would increase the use of the site, ~~except for sites predominantly developed to boat access.~~" This addition would add similar language to the other Recreation Intensity Class guidelines.

**Topics for Possible Commission Discussion:** Should improvements to new and existing sites that have the potential to increase a recreation sites overall capacity be required to consider adding mass transportation type facilities similar to new development?



## **IX. EQUITY**

### **Overview**

Staff received comments from individuals related to the topic of equity. Commenters urged the Commission and staff to consider the racist history of the Columbia River Gorge area, how the Commission and the Management Plan upholds and perpetuates systemic racism, and how to begin addressing this and dismantling racism and white supremacy through the Commission's work and policies in the Plan. From these comments, staff identified two overall themes: the creation of an equity plan and making the Management Plan anti-racist.

### **Equity Plan**

**Comment Summary:** Commenters encouraged the Commission to develop an equity plan and provided references to resources for how to go about creating one.

1. At this point any document that is written by our government institutions should include an equity plan. This needs action steps to redress the hundreds of years of systemic racism and white supremacy that has excluded communities of color from the area. It also needs to talk and create steps about how white supremacy and systemic racism is being dismantled within the Management Plan.
2. The Management Plan should include an Equity Plan to address how this government institution and management of resources will include communities of color who have historically faced systemic racism and exclusion. This work needs to be done with communities of color both in Portland/Vancouver and the Gorge, as many of the communities of color in the cities have not been allowed to be part of the gorge and those in the gorge have been moved, relegated and oppressed within the community.

**Recommendations made by commenters:** Make this a regular agenda item and encourage staff to support a team that can lead this work. This team should be reflective of our community and incentive the participation of local folks. There are many local groups who are doing this work such as The Next Door, Inc., Latinx en Accion, Abogadores de la Comunidad, Radio Tierra KZAS, WorkSource Columbia Gorge, One Community Health – we should collaborate to work on this plan together.

### **Making the Plan Anti-Racist**

**Comment Summary:** Individuals commented on the need for the Plan to be reviewed through an anti-racist lens and for changes to be made to the language and policies in the Plan to make it racially just.

1. Overall, the Plan needs to strive to be anti-racist. The management of natural resources in the Columbia Gorge involves a current and historical exploitation of Indigenous people both in the 1961 Columbia River Treaty as well as land management today. It is important to make sure the current Columbia River Gorge

Management Plan is anti-racist. The draft as it stands is lacking in acknowledgement and planning around racial justice.

2. How and why does [the Plan] impact people of various race and ethnicity, economic disparities, including physical and mental health impacts? There must be a place for this in your decision making as well as acknowledgement of the “winners and losers” the policy enables.
3. The History section/Introduction (pg. 11-12) should include conversation about Indigenous tribes, sacred and historical sites and influence of Indigenous tribes on National Scenic Area Act. The history section is very white-sided and written from the white person point of view of history.
4. The Management Plan should include a Land Acknowledgement that the land being managed was stolen from Native and Indigenous people so this history can be recognized and understood by those now managing and utilizing the land.

**Staff Analysis:** Staff concurs that we have not focused on equity during this plan review. Staff agrees with the importance of addressing equity in the Management Plan and that the Plan needs to be reviewed through an anti-racist and equity lens. During this process, staff expects to find systemic biases and unintentional effects within the Plan. Staff recommends the Commission recognize this and commit to developing a strategy with goals and actions for how the Gorge Commission is going to address systemic inequities through its work and policies. Jurisdictions throughout the country have gone through this process by developing equity plans, from local governments to regional planning agencies. These plans set racial equity goals and outline actionable steps to understand and dismantle institutional and structural racism and biases.

The Plan acknowledges the indigenous communities of the Columbia River Gorge but lacks mention of any communities of color beyond members of the treaty tribes. The Plan was established with the intent of protecting tribal treaty rights and indigenous culture. Since then, we’ve significantly expanded upon that by modifying the Treaty Rights section to ensure the uninhibited exercise of treaty rights in the National Scenic Area and including more requirements for consultation with the treaty tribes during the development review process. More can and should be done to acknowledge the Gorge Commission’s obligations to the indigenous communities and other communities of color in the Gorge. If the Commission agrees, staff will craft a policy consistent with the Gorge Commission’s mission and role to add to the Plan.

**Topic for Possible Commission Discussion:** Does the Commission want to add a policy to the Plan committing itself to addressing systemic inequities in its work and policies?

## **X. LAND USE DESIGNATION MAPS**

As part of Gorge 2020 Management Plan Review and Update process, GIS staff reviewed each of the land use designation layers in the National Scenic Area after the legal descriptions of the exterior boundary, thirteen urban area boundaries, and the GMA/SMA boundaries were approved by the Commission in 2018. GIS staff consulted with county planners and made slight corrections to line up with the approved legal descriptions. Staff did not change any land use designations. These corrected land use designation layers will be presented to the Commission for adoption as part of the Gorge 2020 Management Plan.