Welcome Back
CRGC Authority/States & Urban Areas (Jeff Litwak)
Oregon Goal 14 Briefing (Kevin Young)
Washington GMA UGA Briefing (Scott Kuhta)
Discussion Item: What’s Different in the NSA?
Schedule Future Workshops
Roundtable
CRGC Authority/States


§ 544c(a)(1)(A) – states shall create the Gorge Commission

§ 544c(a)(1)(B) – states shall give the Commission, state agencies, and local governments authority to carry out their respective functions and responsibilities specified in the Act and Compact.
CRGC Authority/States

Columbia River Gorge Compact
- ORS 196.150 & RCW 43.97.015

Grants of Authority
- ORS 196.155 & RCW 43.97.025
A compact with consent and that is a proper subject for federal legislation is itself federal law.


*Columbia River Gorge United v. Yeutter*, 960 F.2d 110 (9th Cir. 1992) (Gorge Compact would be appropriate for federal legislation under Property and Commerce clauses).
CRGC Authority/States

“A state can impose state law on a compact organization only if the compact specifically reserves its right to do so.”

Oregon counties exempt from “periodic review.”
  ◦ ORS 196.107

Washington: exercise of any power pursuant to planning commissioner, county commissioner, Growth Management Act and Shoreline Management Act statutes must be in conformance with NSA authorities.
  ◦ 36.53.150; 36.32.550; 36.70.980; 90.58.600
CRGC Authority/Urban Areas

Management Plan does not apply to urban areas.
  ◦ 16 U.S.C. § 544d(c)(5)(B)
(A) a demonstrable need exists to accommodate long-range urban population growth requirements or economic needs consistent with the management plan;

(B) revision of urban area boundaries would be consistent with the standards established in section 544d of this title and the purposes of sections 544 to 544p of this title;

(C) revision of urban area boundaries would result in maximum efficiency of land uses within and on the fringe of existing urban areas; and

(D) revision of urban area boundaries would not result in the significant reduction of agricultural lands, forest lands, or open spaces.

16 U.S.C. § 544b(f)
What is Different In the NSA?

Section 4(f):
the term “minor”
use of plural “urban areas”
protection of SNCRS/prioritization

Values:
tribal housing
Next Workshops

**Sept. 17** – Briefings on planning in urban areas—recent BLIs, what planning is dependent NSA urban area policy

**Oct. 15** – Briefing on local government planning for climate change

**Nov. 19** – Briefing on possible forms of NSA urban area policy (guidance, rule, Mgt. Plan, etc.)

**Dec. 17**
Roundtable

Your thoughts?
◦Comments on Today’s Discussion
◦Comments on Anything Else
◦Concerns?