



## INFORMATION ITEM

**TO:** Columbia River Gorge Commission

**FROM:** Jessica Olson, Sr. Natural Resources Planner  
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**DATE:** December 11, 2018

**SUBJECT:** Status Update\*: Gorge 2020 Natural Resources Technical Review and Initial Recommended Revisions

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### **EXECUTIVE SUMMARY:**

Columbia River Gorge Commission staff, in coordination with the Forest Service, is providing the Gorge Commission a status update on the Natural Resources review and revision portion of Gorge 2020. At this stage, staff has drafted several technical edits and updates. We provide them to you for your initial review of our progress to date. After our discussion today, we will seek additional input from the Natural Resources Technical Team and the public, and then return to the Gorge Commission for a final review and approval of our proposed revisions.

### **BACKGROUND:** *Technical Update Approach*

The National Scenic Area Act directs the Gorge Commission and the Forest Service to inventory, protect, and enhance natural resources. New residential and commercial development, mineral operations, and other development may not adversely affect natural resources. The National Scenic Area Act also requires the Management Plan to protect and enhance open spaces. Open spaces include "fish and wildlife habitat; lands which support plant species that are endemic to the scenic area or which are listed as rare, threatened, or endangered species pursuant to State or Federal Endangered Species Acts; ecologically and scientifically significant natural areas; . . . water areas and wetlands . . ."

The Gorge Commission and Forest Service are using the term Gorge2020 to identify the current Management Plan review and revision process. Gorge2020 public scoping from October 2016 through April 2017 generated a list of potential issues for the Gorge Commission and Forest Service to consider. Natural resources related scoping comments were reported to the Gorge Commission in April 2017. A full summary of the scoping comments is available on our website:

<http://www.gorgecommission.org/management-plan/gorge2020/>

The Gorge Commission at its October 2017 meeting approved staff's recommendation to direct attention to four focus topics – Urban Area Boundary policy; Recreation; Economic Vitality; and

Land Use and Development Reviews – and also to assign technical teams to suggest corrections and targeted improvements to the Scenic and Natural Resources chapters of the Management Plan. One consideration in this decision was that the Natural Resources Chapter received staff attention during the 2004 Plan update, while other updates were deferred until this review and revision opportunity.

The Gorge Commission approved goals and direction for the Natural Resources Technical Team in June 2018: The goals of the Natural Resources Technical Team are to provide input to the Gorge Commission and the Forest Service 1) *to ensure current information and resource protection needs are reflected in the Commission's policies; and 2) to improve clarity and consistency in the process for GMA and SMA natural resources review with appropriate agencies.*

Participants included: Columbia River Inter-Tribal Fish Commission, Confederated Tribes of the Umatilla Indian Reservation Natural Resources, Klickitat County Planning Department, Multnomah County Planning Department, Oregon Biodiversity Information Center (ORBIC), Oregon Department of Fish & Wildlife, US Forest Service, Wasco County Planning Department, Washington Department of Ecology, Washington Department of Fish & Wildlife, Washington Department of Natural Resources, Washington Natural Heritage Program, Yakama Nation Fisheries.

**METHODS:** *Steps completed in Natural Resources technical review and draft revisions*

1. Reviewed inventory data and documents incorporated by reference with agencies.
2. Convened in-person meetings (3) and conference calls (4) with the Natural Resources Technical Team to discuss and review items.
3. Convened members of the team to review the fire related policies in the Plan.
4. Captured initial recommendations for programs, partnerships, implementation improvements, and enhancement strategies.

*Steps in progress*

5. Cross-walk GMA and SMA policies to identify redundancies and intentional policy differences. Draft formatting and text changes to streamline where possible.
6. Seek additional input from experts and staff to prepare final revisions for the Gorge Commission's review. See **Next Steps** below.
7. Provide input to other Focus Topic workgroups/Technical teams where there is a nexus with natural resources.
8. Provide public opportunity for review and comment.

**INFORMATION BEING SHARED TODAY**

The two attachments reflect a representation of technical clarifications, corrections, updates, and initial recommendations that the technical team identified. These are not complete lists of the items staff will request the Commission approve in a future meeting. Staff will request the Gorge Commission to approve final recommendations in mid-2019.

- **Attachment A** includes initial recommended revisions to the Natural Resources Chapter.
- **Attachment B** includes draft updates of the Fire Protection Policies, which appear in the Forest Land designation chapter.

The Natural Resources Technical Team contributed valuable feedback about how their respective organizations are approaching climate change. Climate Change will be presented to the Gorge Commission as a separate workshop item in Spring 2019, as requested.

**NEXT STEPS**

Staff are completing the GMA/SMA text cross-walk with the Forest Service to eliminate redundancies where possible. Formatting revisions to make the plan more easily navigable will be

proposed at a future Gorge Commission meeting in mid-2019.

Staff are relaying additional Natural Resources Technical Team feedback to the other Focus Topic workgroups/Technical teams as we work through those items.

Final draft revisions will be presented to the Gorge Commission at a future meeting for approval, following an opportunity for team member review and public review and comment.

**ATTACHMENT A: INITIAL RECOMMENDED REVISIONS FOR DISCUSSION**

The following initial proposed revisions reflect our Gorge 2020 approach to strive for clear and objective standards, streamlined language and process, and updated references. Any suggested additional revisions, including a draft revised chapter will be brought to a future meeting for discussion. Revisions proposed here include general corrections, and specific text updates in the GMA and SMA policies.

*Italicized font in black* is original language from the current Management Plan and **red font is the proposed revision**. Staff commentary related to draft edits appears in boxes.

**GENERAL**

- Several maps are referenced as being available at the Commission office. Staff proposes including electronic maps as plan appendices, available on our website.
- Staff proposes formatting **glossary terms** in a unique manner when they occur in the Plan. Glossary terms which occur in the text will be linked to their definitions.
- Utilize text boxes or similar features to explain procedures such as the No Practicable Alternatives Test steps and the Field Survey procedures.
- Include titles or captions on all tables and figures to clarify context and purpose. Consider deleting tables that are redundant with glossary terms or are outdated.
- Update the name of Oregon Natural Heritage program to the Oregon Biodiversity Information Center (as of 2007).
- Correct spelling and grammar.

**DEFINITIONS IN REVIEW**

Wetlands function

Sensitive

Priority Habitats

Special Habitat Area

Low-intensity uses

Ephemeral stream (currently SMA only)

**INTRODUCTION**

Key Issues (Beginning page I-3-1)

Staff is drafting revisions to the current introduction text to achieve a tone that is proactive and solutions-based. The draft text will include new discussion of climate change and planning for resiliency.
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Wetlands GMA Objective (Beginning Page I-3-3)

*Promote public programs that offer incentives to landowners who protect and enhance wetlands. The Gorge Commission shall ~~notify~~ **provide information to** landowners whose property ~~has been designated Large Scale or Small Scale Agriculture, Commercial Forest Land or Large or Small Woodland and, contains or is adjacent to~~ wetlands. It shall inform landowners about the values of wetlands and the rationale for regulating new uses in wetlands and wetlands buffer zones, including cultivation.*

Text now reflects common practice that staff inform landowners of all natural resources known or likely to be on a landowner's property, regardless of Land Use Designation. Similar language appears in other Objectives sections of the Chapter.

GMA Policies (Beginning Page I-3-3)

2. All wetlands, regardless of their size or functions, warrant protection from new uses that may alter or destroy **wetlands functions**. *This includes altered or manmade features that display wetland characteristics.*

The above draft edit provides clarification of current implementation practices, consistent with the Plan's current definition of wetlands.

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6. **Low-intensity uses** may be allowed in wetlands and wetlands buffer zones. Uses that may impact wetlands acreage and functions may be allowed in wetlands or wetlands buffer zones, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and the approval criteria in this section.

"Low-intensity uses" are not defined in the current plan. Staff is developing a definition or examples for those activities allowed in wetland buffer zones. This term appears in several places throughout the Chapter.

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~~11. Within 6 months of the date that the State of Oregon or Washington adopts a comprehensive wetlands ordinance, the Gorge Commission shall complete an evaluation that compares the state ordinance to the wetlands policies and guidelines in the Management Plan.~~

~~If the Gorge Commission determines that the state ordinance provides equal or greater protection to wetlands than the policies and guidelines in the Management Plan, local governments may adopt the state ordinance in lieu of the wetlands policies and guidelines in the Management Plan.~~

Paragraph 11 refers to policies that have not been adopted in Oregon or Washington. The current plan includes policy in II-7-10 Uniform Application of the Management Plan: "The Gorge Commission, Forest Service, and counties should strive to apply Management Plan provisions uniformly throughout the National Scenic Area, except when a county has adopted a more restrictive provision." The Plan in its Administration Chapter also states that "Counties may adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area. Notwithstanding the designation policies in Part II of the Management Plan, the Gorge Commission shall, upon request from a local government, apply a more restrictive designation." The potential state policies that are described in this provision are implemented or coordinated by the county planning departments. Staff is recommending this policy be removed from the Natural Resources Chapter, as it is specific to a policy-in-development that has not been realized, and is redundant with policies elsewhere in the Management Plan.

Rules for Delineating Wetland Boundaries (Beginning on page I-3-9)

1. *The approximate location and extent of wetlands in the Scenic Area is shown on the*

*National Wetlands Inventory (U.S. Department of the Interior ~~1987~~), as well as local wetlands inventories produced by state or local governments. In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.*

### **Streams, Ponds, Lakes, and Riparian Areas**

#### **GMA Policies (Beginning on I-3-11)**

3. **Low-intensity uses** may be allowed outright in streams, ponds, lakes, and their buffer zones. Uses that may affect water quality, natural drainage, or wildlife habitat may be allowed in streams, ponds, lakes, and their buffer zones, subject to compliance with guidelines for the protection of scenic, natural, cultural, and recreation resources and the approval criteria in this section.

“Low-intensity uses” are not defined in the current plan. Staff is developing a definition or examples for those activities allowed in streams, ponds, lakes, and riparian buffer zones.

### **GMA Guidelines Approval Criteria for Other Review Uses in Aquatic and Riparian Areas**

#### **(Beginning on I-3-14)**

(1) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. In Oregon, work in streams, ponds, and lakes shall be conducted during the periods specified in Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources (Oregon Department of Fish and Wildlife ~~2000~~ 2008 or most recent), unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife. In Washington, the Washington Department of Fish and Wildlife shall evaluate specific proposals and specify periods for in-water work.

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(6) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata, and structural habitat features. ~~Structures include~~ including large woody debris and boulders.

### **Wildlife Habitat**

#### **GMA Objective (I-3-18)**

(2) Promote public programs that offer incentives to landowners who protect and enhance sensitive wildlife habitat. The Gorge Commission shall ~~notify~~ provide information to landowners whose property ~~has been designated Large Scale or Small Scale Agriculture, Commercial Forest Land or Large or Small Woodland and~~ contains a sensitive wildlife area or site. It shall inform landowners about the rationale for regulating new uses near sensitive wildlife habitat, including cultivation.

### **GMA Guidelines Review Uses: Approval Criteria for Review Uses Near Sensitive Wildlife Areas and Sites (I-3-20)**

9. In the event that any new sensitive wildlife locations are discovered during the review process, the local government shall submit this information to the Washington Department of Fish and Wildlife or to the Oregon Department of Fish and Wildlife and Oregon Biodiversity Information Center to be updated in their sensitive species databases.

### **GMA Guidelines Approval Criteria for Review Uses Near Sensitive Wildlife Areas and Sites (I-3-21)**

(3)B. Published guidelines regarding the protection and management of the affected

wildlife species. The Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron. The Washington Department of Fish and Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Roderick and Milner 1991 Management Recommendations for Washington's Priority Species).

#### **GMA Guidelines Wildlife Management Plans (I-3-22)**

B. All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past and present use of the subject parcel, and ~~the~~ useful life habitat value of the wildlife area or site.

C. Where applicable, ~~t~~The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes, or key components that are essential to maintain the long-term use and integrity of the wildlife area or site.

#### **Rare Plants GMA Objectives (I-3-25)**

2. Promote public programs that offer incentives to landowners who protect and enhance sensitive plants. The Gorge Commission shall ~~notify~~ provide information to landowners whose property ~~has been designated Large Scale or Small Scale Agriculture, Commercial Forest Land, or Large or Small Woodland and~~ contains sensitive plant species. It shall inform landowners about the values of sensitive plants and the rationale for regulating new uses near sensitive plant sites, including cultivation.

#### **Site Plans and Field Surveys for Review Uses Near Sensitive Plants (I-3-26)**

2. A field survey to identify sensitive plants shall be required for (1) land divisions that create four or more parcels; (2) recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities; (3) public transportation facilities that are outside improved rights-of-way; (4) electric facilities, lines, equipment, and appurtenances that are 33 kilovolts or greater; and (5) communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. They shall be conducted when plants are expected to be flowering or most easily detectable. Field surveys shall identify the precise location of the sensitive plants and delineate a 200-foot buffer zone. The results of a field survey shall be shown on the site plan map.

Newly discovered rare plant locations shall be provided to the Oregon Biodiversity Information Center, Washington Natural Heritage Program, or other appropriate entity for updating their spatial databases.

The proposed new text to require reporting plant locations codifies what is common practice; planners cannot accept a plant survey conducted during the dormant season when plants are not readily observed. This addition is consistent with our approach to provide guidance upfront to landowners that helps them anticipate the process. The reporting requirement reflects the Commission's responsibility to maintain updated natural resources information.

**SMA** (Beginning I-3-31)

**SMA Guidelines Water Resources** (I-3-36)

D. *Wetlands Boundaries shall be delineated using the following:*

*(1) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U.S. Department of the Interior ~~1987~~). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.*

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*(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the ~~1987~~ 'Corps of Engineers Wetland Delineation Manual (on-line edition)' and Regional Supplements.*

**SMA Guidelines Wildlife and Plants** (I-3-37)

*3(D)(6) The site plan is consistent with ~~the published guidance documents such as~~ "Oregon Guidelines for Timing of In- Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife ~~2000 2008~~) and ~~the Washington guidelines when they become finalized~~ Department of Fish and Wildlife's Aquatic Habitat Guidelines.*

## **Attachment B: Initial Draft Revisions of Existing Fire Policies**

Gorge 2020 scoping and the Natural Resources Technical Team identified the increasing frequency and scale of wildfire in this region as an item to be examined during the Management Plan review process. Commissioners have directed staff to consider the issue. The Management Plan contains policies to protect forest lands from the potential increased fire risk associated with new development. These policies are intended to protect forest resources and forest uses.

We gathered feedback on these policies from the full Natural Resources Technical Team, as well as individuals currently working on community wildfire protection planning. During the meeting, we discussed at length the unique role that the National Scenic Area provisions serve to protect forest resources. The following recommended revisions are the product of a work session with agencies and local planners, and of multiple independent expert reviews. Input has been compiled by staff from the Gorge Commission and the Forest Service to reflect our recommended revisions.

General recommendation: We received recommendations to consider applying the following criteria to additional Land Use Designations and developments.

### Specific recommendations:

#### **Approval Criteria for Fire Protection (Beginning II-2-12)**

1. *All uses, as specified, shall comply with the following fire safety guidelines:*
  - A. *All buildings shall be surrounded by a maintained fuel break of **at least 50 feet**, **adjusted for site slope and resource protections**. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.*
  - B. *Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure(s).*
  - C. *A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.*
  - D. *Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. **Vegetation should be pruned to a height of 13.5 feet**. Turnouts shall be provided at a minimum of every 500 feet **and at the building site**. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road guidelines may be made only after consultation with the local rural fire district and the Washington Department of Natural Resources in Washington or the Oregon Department of Forestry in Oregon.*
  - E. *Within 1 year of the occupancy of a dwelling, the local government shall conduct a review of the development to assure compliance with these guidelines.*
  - F. *Telephone and power supply systems shall be underground whenever possible.*

- G. *Roofs of structures ~~shall should~~ be constructed of fire-resistant materials such as metal, fiberglass or asphalt shingle or tile. Roof materials such as cedar shake and wood shingle should not be used.*
- H. *Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than ~~3/4~~1/8-inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.*
- I. *All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the ~~Uniform~~ International Building Code. Structural projections shall be set back from slopes.*
- J. *Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than ~~3/4~~1/8-inch mesh metal screen that is noncombustible and corrosion resistant.*

### **Approval Criteria for Siting of Dwellings on Forest Land**

- 1. *The approval of new dwellings and accessory structures on forest lands shall comply with the following guidelines:*
  - A. *The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.*
  - B. *The amount of forest land used to site dwellings, structures, access roads, and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for forestry. Areas may not be suitable for forestry because of existing non-forest uses, adjacent dwellings, or land productivity.*
  - C. *Dwellings shall be located to minimize the risks associated with wildfire. Dwellings should be located on gentle slopes and in any case not on slopes that exceed 40 percent. Dwellings should be set back from slopes. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty of gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.*

According to our experts, fire behavior tends to increase at 30% slopes. Some building codes require 30-foot setbacks from slopes. This is something staff is continuing to review with county planners and fire experts.

- D. *A local government may grant a variance to the siting guidelines contained within this section upon a demonstration that the guidelines in "Variances from Setbacks and Buffers" (Part II, Chapter 7: General Policies and Guidelines) have been satisfied.*

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