

TO: Columbia River Gorge Commissioners

FROM: Krystyna U. Wolniakowski, Executive Director
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DATE: October 11, 2016

SUBJECT: ACTION ITEM: Roadmap and Timeline for Proposed “Gorge 2020” Management Plan Review and Update

Background

The legal requirements for Management Plan Review is described in Section 6(g) of the National Scenic Area Act which states:

“Revision of plan. No sooner than five years after adoption of the management plan, but at least every ten years, the Commission shall review the management plan to determine whether it should be revised. The Commission shall submit any revised management plan to the Secretary for review and concurrence, in accordance with the provisions of this section for adoption of the management plan.”

There are three things to note about this requirement. First, the Act requires the Commission review the entire Plan; this is not discretionary. Second, the Act does not require the Commission revise the plan. Whether to revise the plan and what to revise are at the discretion of the Commission. Finally, the Act specifies a detailed process for developing the initial plan, but does not require the Commission to use the same process to make revisions to the Plan.

In litigation involving the last Plan Review process, the Oregon Court of Appeals concluded that the Commission’s process “did precisely what the law requires—it reviewed the entirety of the Management Plan and developed a process for determining which of the Plan’s provisions should be targeted for revision.” The Court of Appeals described the Commission’s process succinctly as follows:

“In response to the Act’s directive, the commission produced a series of monitoring reports, which evaluated the extent to which the existing management plan and guidelines met the requirements of the Act. [T]he commission produced seven such monitoring studies, including reports concerning scenic, cultural, recreational, and natural resources, and concerning agricultural and forest lands. The commission then solicited comments from, and held public hearings on, whether any provisions of the existing management plan were in need of revision. There is no contention that the commission limited the scope of its request for comments to any particular provisions of the management plan.”

Based on its monitoring studies and on the comments that it received from the public, the Commission developed a list of 26 specific topics for more detailed examination. The Commission then held further public hearings on that proposed list and on its adequacy to meet its obligations under the Act.”

The last Management Plan review was initiated in 2000 and completed in 2004. The Commission is currently 2 years past due to begin the review process, but lack of staff and resources since 2014, delayed this effort. However, given the importance of compliance with the NSA Act, current staff are initiating the review as soon as the Commission approves the timeline and process.

General Considerations for the 2016-2019 Management Plan Review

Attachment 1 is staff’s recommended “roadmap”—a proposed timeline for reviewing the Management Plan and revising the Management Plan if the Commission determines that it should be revised.

In developing the process to initiate the 2016 Plan Review, staff considered a number of factors:

- The Commission will complete Plan Review and necessary revisions at about the end of the 2017-19 biennium.
- The Gorge Commission and Forest Service will work together to do joint data collection, scoping, and policy development as much as possible in reviewing and revising the Management Plan.
- The Commission empowered the Assessment Committee to be the Commission’s lead for the Commission staff to consult and get general direction through the process. The Assessment Committee does not guide the Forest Service’s work for the SMA portion of the Plan, but the Assessment Committee may want the Forest Service to explain specific SMA issues, and the Forest Service may choose to take account of Assessment Committee ideas, concerns, and direction to Commission staff.
- The Commission’s staffing and financial resources do not allow the Commission to hold multiple Commission workshop-style hearings on drafting specific text revisions as it did during the last 2000-2004 Plan Review process.
- All of the Assessment Committee and Commission meetings will have opportunities for public input.
- The Commission will create a page on its website for posting Plan Review documents and create an alert to notify the public when it posts new documents.

Staff Recommendation

Staff has recommended that Plan Review proceed in five phases.

<p style="text-align: center;">Phase 1 Review and Update Resource Inventories, Economic Opportunity Study and Recreation Assessments</p>
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Instead of developing “monitoring reports” as in the last Plan Review, staff recommends that the Commission review and update the resource inventories, economic opportunity study and recreation assessments that the Act required for developing the initial plan (sections 6(a), 8(c) and 8(d)). Some of these information

sources are consistently updated, or have current or recent information, but some have not been updated since developing the initial plan.

The data collected in this phase will help the Commission decide whether to revise identified concerns with the Plan. Later, the staffs will likely need to collect or develop specific data that the Commission and Area Manager need to decide on new policy.

- This step starts with the Commission and Forest Service planning staff reviewing what information exists. This is necessary because the Commission and Forest Service staffs are almost entirely new in the past year. For example, the staffs have current natural resource information from their own inventory work and other state and federal agencies; in contrast, the staffs anticipate needing to update the land use inventory.
- After the staffs review existing information, the Assessment Committee will discuss needed updates. This discussion will happen concurrently with public scoping of the plan, so the staffs will have received many comments that will help shape the type and scope of needed updates. The staffs will also review current VSI information, and may be able to plug new information developed for Plan Review into the VSI project.
- Midway through updating the existing information, the Commission will host a public workshop on the updates. The staffs will report on progress and may have questions or request additional direction from the Commission. As the staffs finish this initial data collection, Commission staff will again check in with the Assessment Committee for any final direction before presenting the information to the full Commission. The full Commission and Area Manager will then hold workshops and a public review and discussion of the information.

Approximate completion date will be November 30, 2016

<p style="text-align: center;">Phase 2 Public Input-Scoping-Identify Issues to be Addressed in Plan Revision</p>

Concurrent with collecting data, the Commission and Forest Service will review the Management Plan and decide the topics that it wants to address in revising the plan.

- This step begins with the staff doing an internal review of the Management Plan concurrent with the Commission holding a workshop to discuss issues that the Commission is already aware of and has already expressed interest in addressing.
- Sources of the staff's internal review include notes about the Plan that past planning staff have made; specific issues that the Commission did not address in the last Plan Review; standards that the staffs and counties have needed to interpret in the past; and broad issues identified in the Future Forum, 25th Anniversary, Collaborative Engagement and Administrative Assessment projects, as well as issues/themes identified at the June 2014 Commission retreat. See ***Attachment 2*** for a list of these topics previously identified. Commission staff will report to the Assessment Committee after the internal review and the Assessment Committee may provide additional input to the staff.
- Public scoping to gather a complete list of issues and concerns about the current Management Plan and the National Scenic Area will occur through a series of meetings and open invitations to submit comment at any time. The Forest Service and Commission staff will meet with county and city staff. The Executive Director, Commission Chair and NSA Manager will formally consult with the four treaty tribes. The Executive Director, the county appointee and NSA Manager will meet with County Commissioners (at a County Commission meeting or other county preferred format). The two staffs will also host three public scoping

workshops—one in the east end of the Gorge; one in the middle Gorge, and one in the west end—these are likely going to be late afternoon and evening workshops. The staffs will check in with the Assessment Committee to report on progress, and the Commission will host a workshop at one of its Commission meetings.

- The two staffs will continually collect, summarize, and present the issues as these meetings and workshops and are occurring. The staffs will produce a final summary of the issues and a recommendation of issues for revision. The Commission and NSA Manager will hold workshops on the summary of issues and recommendations for revisions and decide on a final set of issues to consider for revision.

Approximate completion date will be June 30, 2017

<p style="text-align: center;">Phase 3 Revise Goals and Objectives</p>
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The goals and objectives in the Management Plan are high-level statements of the future condition for the National Scenic Area and broad means of achieving that future condition. The Commission did not revise any goals and objectives in the last Plan Review. In the 2016 Plan Review, the staffs anticipate the Commission will need to revise goals and objectives if it chooses to address broad topics that it has already expressed some interest in considering, such as effects of climate change, transportation challenges, and new recreation use.

- This phase begins with a Commission retreat in which it will plan for addressing the topics that it decides to revise with the primary purpose of keeping the Commission focused and on schedule.
- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and the staff will do most of the drafting. The Commission does not have the resources for commissioners to be heavily engaged in developing the text.
- Midway through this phase, the two staffs will host a public workshop to present progress and receive input. This will be a staff-led, rather than a Commission-led workshop, with the idea that the workshop will be collaborative in nature. The workshop may take place over a few days as needed to work through the material. The Commission may discuss sending a few representatives to the workshop.
- Following the workshop, Commission staff will check in with the Assessment Committee and may ask for additional direction.
- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings. At the end of this phase, the Commission will hold a workshop and approve the goals and objectives.
- Also at the end of this phase, as resources allow, the staffs may discuss with the Commission a changed format to the Management Plan. Currently, the plan is in book form—essentially text—and has had several amendments and one revision grafted into the original form. The Commission may hold a workshop to discuss converting the plan to a web-based format or making structural changes for readability.

Approximate completion date will be February 28, 2018

Phase 4
Revise Policies and Implementation Measures

The policies and implementation measures in the Management Plan are focused action items that implement the goals and objectives. In the current plan, these include the policies and guidelines for new development in Parts I and II and the provisions, strategies and statements of partner roles in Parts III and IV. The Commission will need to revise existing guidelines and enact new policies and implementation measures for topics that the Management Plan does not address.

- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and the staff will do most of the drafting. The Commission does not have the resources for commissioners to be heavily engaged in developing the text.
- Midway through this phase, the two staffs will host one or two public workshops to present progress and receive input. These will be staff-led and collaborative in nature. Right now, the timeline shows two workshops; each workshop may take place over a few days as needed to work through the material, and the need for a second workshop will be evaluated after completing the first. The Commission may discuss sending a few representatives to the workshops.
- After the first workshop, Commission staff will check in with the Assessment Committee and may ask for additional direction.
- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings and may seek direction on specific points. At the end of this phase, the Commission will hold a workshop and approve the policies and implementation measures.

Approximate completion date will be October 31, 2018

Phase 5
Prepare and Adopt Final Plan

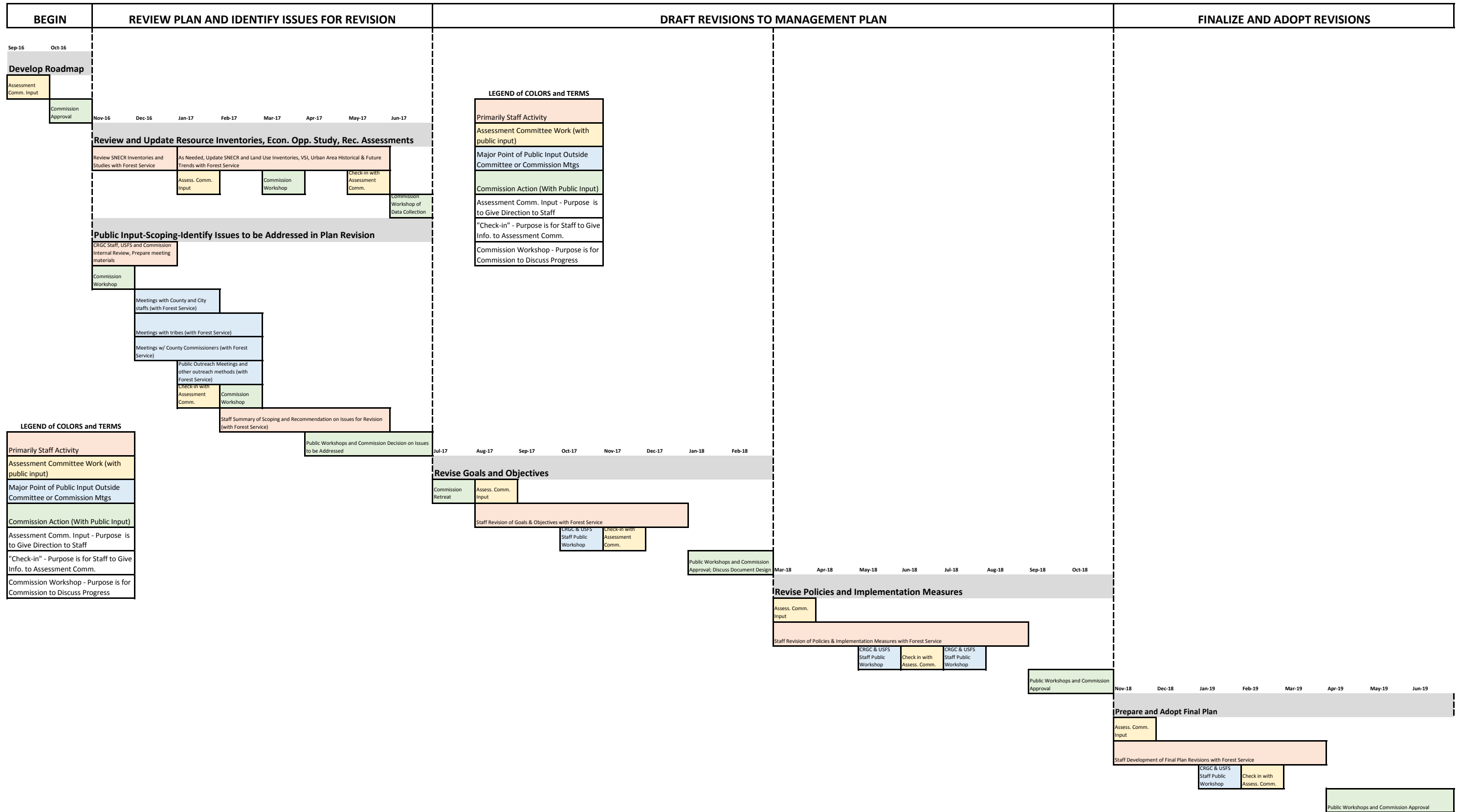
In this phase, the staffs will integrate the revised goals, objectives, policies, and implementation measures into the Management Plan. This phase mostly involves staff drafting of the final plan text using the revisions that the Commission already adopted.

- The Assessment Committee will give the Commission staff high level direction at the beginning of this phase, and again, the two staffs will do most of the drafting. The staffs will give careful attention to internal consistency of the revisions with unchanged portions of the plan. The staffs may also change the format of the Management Plan as discussed in the workshops at the end of Phase 3.
- Midway through this phase, the two staffs will host a public workshop to present progress and receive input. This will be a staff-led collaborative workshop.
- Following the workshop, the staff will check in with the Assessment Committee and may ask for additional direction.
- Throughout this phase, the staff will give progress reports to the Commission at its regular meetings. At the end of this phase, the Commission will hold a workshop, likely over two or three months and approve a final revised plan.

Approximate completion date will be June 30, 2019

Commission Action

Staff requests that the Commission adopt the roadmap/timeline as presented.



COMPILATION OF MANAGEMENT PLAN UPDATE ISSUES FOR CONSIDERATION

FOR OCTOBER 11, 2016 COLUMBIA RIVER GORGE COMMISSION MEETING

INVENTORY OF PREVIOUSLY IDENTIFIED ISSUES FOR DISCUSSION/RESOLUTION IN PLAN REVIEW

The list on the following five pages, divided as Scenic, Economic, Cultural, Recreational, and Natural Resource issues, are derived from the following three sources:

- 1) Management Plan Revision “tabled” issues list (2003) – “20040325 Short and Long-Term Items” Appended; “20030812 Long-Term Plan Review Issues Gorge Commission Action” provides additional explanation. These items are listed below as “2003 deferred,” and consist of issues in the original work program for the 2004 Management Plan update that the Commission was unable to complete due to limited resources.
- 2) Staff identified issues - Brian Litt’s top 12 issues table (2010). These items are listed below as “Brian Litt issues.”
- 3) Staff issues database – A compilation of issues identified by Gorge Commission staff since the last management plan update. These items are listed below as “staff database.”

Additional clarifying information from current staff, county planners, and the Commission’s 2016 retreat minutes was incorporated throughout.

POLICY THEMES DISCUSSED BY THE COMMISSION AND ASSESSMENT COMMITTEE FOR THE MANAGEMENT PLAN UPDATE

Changes to urban area boundaries – The management plan should provide a procedural framework for consideration of urban area boundary changes, and include policies for consideration of urban area boundary changes that promote healthy and vibrant urban communities in the Columbia River Gorge.

Foster economic development opportunities – The management plan should include policies, either in the context of consideration of urban area boundary changes or in other appropriate contexts, which result in the increase of diverse employment opportunities in the Columbia River Gorge.

Oversight of rail operations that threaten Columbia River Gorge resources – During development of the management plan the Commission should investigate potential methods within its jurisdiction to ensure that rail operations involving transport of fossil fuels and other potentially hazardous materials do not pose a danger to humans and nature in the Columbia River Gorge.

Provide sufficient amounts of affordable housing for all populations - The management plan should include policies, either in the context of consideration of urban area boundary changes or in other appropriate contexts, which result in the ability of Columbia River Gorge residents to have suitable and affordable housing opportunities.

Determine carrying capacity of lands within the General and Special Management Areas - Assess development potential remaining outside of urban areas and determine whether such development would exceed the carrying capacity of these lands and degrade the scenic, natural, cultural, and recreational resources of the Columbia River Gorge.

Analyze and upgrade regional transportation systems – Determine shortfalls in the existing transportation system in serving the needs of both residents and visitors, and determine needed improvements and changes.

Better manage increasing recreational use of the Columbia River Gorge – Analyze changes and increases in recreational use within the Columbia River Gorge, and develop policies and measures in response to those changes.

Determine feasibility for and facilitate restoration of natural and historic features and resources in the Columbia Gorge that are degraded or destroyed.

Determine impacts climate change will have on Columbia Gorge natural resources and take action in response to those projected changes.

Update the Columbia River Gorge cultural resources inventory – review and, if necessary, revise protection measures and procedures.

NOTE: All of these policy themes involve cooperation and coordination with the treaty tribes for the mutual achievement of common objectives.

NOTES ABOUT EXISTING PLAN POLICIES AND GUIDELINES

SCENIC RESOURCES

Key Viewing Areas – review intent of Commission regarding some key viewing areas, notably Tom McCall point and the SR 14 rest areas. (2003 deferred)

Key Viewing Areas – review areas that meet the criteria, but are not designated, to determine if they should be designated; delete obsolete or redundant key viewing areas. (2003 deferred)

Consolidate scenic provisions between the General Management Area and Special Management Area. (2003 deferred)

New guidelines clarifying visual subordination in developed settings. (2003 deferred)

Revise guidelines related to cumulative impacts and develop monitoring program for scenic qualities at an overall level. (2003 deferred)

Create new guidelines for color that apply throughout the NSA, not just in key viewing areas. (2003 deferred)

Review effectiveness of adopted corridor plans (if they have been adopted) for roadways and areas close to key viewing areas. (2003 deferred)

Clarify applicability of outdoor lighting guidelines. (2003 deferred)

Clarify and consolidate signage guidelines. (2003 deferred)

Revise guidelines relating to small additions to existing buildings – allow them to be the same materials. (Brian Litt list)

Revise visual subordination guidelines to encourage renewable energy and “green design.” (Brian Litt list)

Review and revise guidelines for situations with very limited key viewing areas visibility. (Brian Litt list, staff database)

Applicability of design guidelines to structures other than buildings. (Brian Litt list)

Revise guidelines requiring new buildings to be compatible to the general scale of existing nearby development in areas with limited or nonexistent visibility from key viewing areas. (Brian Litt list)

Reconcile scenic guidelines and fuel breaks in general management area forest zones. (staff database)

Refine determination of “compatibility” to make the determination more consistent throughout the National Scenic Area. (staff database)

Clarify and streamline process for replacement of buildings destroyed in disasters, and in-kind replacements of existing buildings. (staff database)

Refine definition for maintenance vs. vegetation removal in public rights of way. (staff database)

Review criteria for onsite and offsite scenic resource mitigation for projects that can't meet visual quality objective. (staff database)

ECONOMIC RESOURCES

Review and revise cluster development guidelines/standards. (2003 deferred, Brian Litt list)

Review effectiveness of current provisions for regulating various land uses, including temporary uses, home occupations, cottage industries, schools, religious institutions, cemeteries, forest harvesting in the special management area, horse boarding, commercial composting, septic replacements, wind energy development, hardship dwellings, utility facility fences, underground utilities, agricultural buildings, cideries, community parks and playgrounds. (2003 deferred, staff database)

Review existing land use designations for various properties. (2003 deferred)

Review income test for new farm dwellings. (2003 deferred, Brian Litt list)

Regulation of new farm cultivation. (2003 deferred)

Criteria for non-farm dwellings in agriculture designations. (2003 deferred)

Clarify "current use" criteria for farm dwellings. (2003 deferred)

Regulation of uses allowed in the Columbia River. (Brian Litt list)

Introduce more flexibility to lot line adjustment guidelines. (Brian Litt list)

Review and institute guidelines for winery development. (Brian Litt list)

Review and revise guidelines for accessory buildings. (Brian Litt list)

Revise emergency response guidelines – this item crosses over into other subject areas. (Brian Litt list)

Clarify guidelines for life estates. (staff database)

Address issue of temporary dwellings during home construction/renovation. (staff database)

Review and revise guidelines for regulation of signs. (staff database)

CULTURAL RESOURCES

Review of standards for treatment of historic structures re: development permits. (2003 deferred)

Revise guidelines relating to cumulative impacts upon cultural resources. (Brian Litt list)

Generally review current provisions for protection of traditional cultural properties, and improve coordination with tribes. (current staff input)

RECREATION RESOURCES

Revise recreation intensity classes to reflect new facilities and recreational activities, focusing on private lands. (2003 deferred, Brian Litt list)

Redesignate privately-owned lands that are currently designated "public recreation. (Brian Litt list)

Generally review and revise recreational intensity classes map to reflect changes in recreational use and to improve compatibility of adjacent uses/zoning. Clarify class definitions with less reliance on USFS ROS concepts (current staff input)

Consider allowing land divisions that don't meet minimum lot sizes if purpose is to facilitate public purchase. (staff database)

NATURAL RESOURCES

Revise guidelines related to cumulative impacts of development activity upon natural resources. (Brian Litt list)

Update natural resource protection measures to reflect new natural resources data, such as mapped oak habitat, newly listed sensitive species, and new analysis methods, such as fire risk mapping, connectivity modeling, fragmentation statistics. (current staff input)

Streamline guidelines and processes for fish enhancement projects. (current staff input)

Review deer and elk winter range inventory and revise standards, based upon current data. (current staff input)

Review and potentially revise prescriptive ratios for stream/wetland mitigation and enhancement. (staff database)