



## MEMORANDUM

**TO:** Columbia River Gorge Commission

**FROM:** Jessica Olson, Natural Resources & Land Use Planner, CRGC  
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**DATE:** April 29, 2020

**SUBJECT:** **Work Session\***: Gorge 2020 – Natural Resources chapter technical revisions

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### Summary

The Natural Resources chapter of the National Scenic Area Management Plan has been reviewed for technical revisions, with a focus on updating content and clarifying implementation of natural resources provisions for water resources, wildlife and habitats, and plants. Throughout the technical update process, and as part of staff work to incorporate climate change in all aspects of its work, the Commission has requested additional information about related policy issues which are summarized here.

Staff is seeking Commission agreement that the proposed revisions to the Natural Resources Chapter are ready to be shared for public comment June 1 – June 30, 2020 as part of the Draft Revised Plan.

### Memo Outline

- I. Background
- II. Summary of Additional Technical Chapter Updates (since May 2019)
- III. Climate Change Resilience Technical Updates in The Natural Resources Chapter
- IV. Natural Resources and Climate Impacts Policy Discussions – streams and forests
- V. Next Steps for the Natural Resources Chapter

## **I. Background**

In October 2016, the Gorge Commission and Forest Service National Scenic Area Office initiated the Gorge 2020 process to cooperatively review and determine necessary revisions to the National Scenic Area Management Plan. Informed by broad scoping, the agencies identified a set of focus topics and technical reviews to prioritize during the effort. The deep dive focus topics are Urban Area Boundary policy, Recreation, Economic Vitality, and Land Use and Development Reviews. The technical topics are Scenic and Natural Resources; staff consulted resource experts and county planners to suggest corrections and targeted improvements to these two chapters. Commissioners also identified climate change as a topic to prioritize in all aspects of Gorge 2020.

Staff convened a series of meetings with a Natural Resources Technical Team in 2018 and 2019. In December 2018, staff presented to the Commission an update on the technical revision, including some examples of the corrections and updates being considered. At the Commission meeting on May 14<sup>th</sup>, 2019, staff presented an initial draft chapter for Commission input and public comment. The draft presented today addresses feedback received during and after that meeting.

Throughout the Gorge 2020 process, climate change has been considered a “lens” through which staff is approaching the focus topics and technical updates. The Commission produced a climate change impacts report (October 8, 2019) and a draft set of potential climate change strategies and actions to pursue during and after the Gorge 2020 process (February 11, 2020). Staff also convened a technical group to review and update the fire protection policies in the plan’s Forest Lands chapter (Part II, Ch 2). In the Natural Resources chapter, staff added introductory language about the impacts of climate change on protected resources and reviewed the policies and guidelines with climate change impacts in mind. Staff investigated two policy suggestions that emerged from climate change discussions and public comments that are described in this memo: stream buffers and forest protections.

## **II. Summary of Additional Technical Chapter Updates**

Incorporating Commission input, oral and written public comment, staff suggests additional technical updates that are reflected in the attached Draft Revised Natural Resources Chapter, alongside the draft revisions previously presented. In this memo, we describe the nature of new edits proposed in each section of the chapter. This is not an exhaustive list of all proposed staff revisions and staff recommends reading the full attached chapter.

## Formatting

- The final version will include formatting to indicate terms that are glossary definitions and link those in digital versions. For ease of reading, glossary terms do not appear in bold type in the Attachment.

## Throughout the Chapter

- When referencing separate documents, such as the Wetland Delineation Manual, added the phrase “as may be revised from time to time” to allow for future updates.
- Consistent with the intent discussed at the May 14, 2019 Commission meeting, and in response to comments received, made additional changes to “shall”, “should”, and “may” language to reflect what is required and what is discretionary.
- Made additional changes to address water resources collectively, when appropriate (removed redundant policies that apply both to wetlands and to streams, lakes, and ponds).

## Introduction, Key Issues, Provisions

- Minor edits to proposed new introductory language, primarily for brevity
- Addition of climate change references

## Goals

- Moved definitions of sensitive wildlife and rare plants out of their respective Goals sections and into Policies. The definitions are not management goals, but rather clarify how the resource provisions are to be applied.

### *Goals - Water resources*

- Removed the goal phrase to “increase the quantity” of wetlands. The only time the Plan requires the creation of new wetlands is as a last mitigation option to compensate for wetland loss. The preferred approach is to protect existing wetlands and encourage proactive improvement of wetland habitats (improve the quality and function of wetlands over time).

## Objectives

- Updated objectives to describe the approaches and tools the Commission currently uses to achieve resource protections, including using regulation, promoting incentives, and supporting conservation easements that protect natural resources.

Example addition:

*Water resources (p5)* - Use regulations to avoid adverse effects of new structural development, cultivation, forest practices, mineral resource development, landform alterations, and use of land within and near water resources.

## Policies

### *Policies – streams, ponds, lakes, and riparian areas*

Staff proposes a change to water resources policy #6, shown below, to require enhancement to improve degraded water resources and riparian areas.

6. When uses are authorized in degraded streams, ponds, lakes, and riparian areas ~~aquatic and riparian areas~~, rehabilitation shall ~~return~~ enhance the project area to its natural condition to the maximum extent practicable.

### *Policies – rare plants*

Definition of rare plants (moved from Goals to Policies), added “This includes designated native plant communities” to make clear that where the plant database in either state identifies representative or sensitive native plant communities, those are treated in the same way that mapped rare plant locations and populations are treated.

## **III. Climate Change Resilience Updates in The Natural Resources Chapter**

Priority Habitats are an essential component of the Plan’s approach to conserving biodiversity in the face of environmental pressures. These habitats include aspen stands, old growth forests, riparian, Oregon white oak woodlands, and talus slopes. They are sensitive to climate change and support a number of climate sensitive species, including salmon, lichen, and pika. The Management Plan, prior to Gorge 2020, listed these habitats only in the SMA section of the plan.

During the technical update process, staff consulted with state wildlife agencies and the technical team to review the lists of wildlife areas and sites (GMA) and priority habitats (SMA). Staff concluded that Priority Habitats are inclusive of the wildlife areas and sites and are consistent with both Oregon and Washington state priority habitats for conservation. In the GMA, state fish and wildlife agencies’ data on priority species are used to inform the Natural Resources review required for a proposed project. The proposed chapter revisions initially presented in May 2019 require review of impacts to Priority Habitats in GMA project proposals subject to natural resources provisions. Staff believes this change makes expectations more clear and predictable. New development in the National Scenic Area must not adversely affect native vegetative communities and wildlife that are sensitive to climate change.

## **IV. Natural Resources and Climate Impacts Policy Discussions**

### Streams

As part of the technical chapter review, staff reviewed the current NSA buffers. Staff received input from water resource specialists, summarizing relevant literature and

comparing similar state and federal buffer policies intended to protect aquatic habitat and regulate stream temperatures. The current NSA buffers (50, 100, and 200 feet for streams, depending on type and location) are within the range of recommended buffers and are generally larger or more protective than other required buffers in the region. Specialists noted that effectiveness depends both on size and the nature of activities that are allowed or prohibited within a buffer. Staff concluded there is insufficient evidence to indicate National Scenic Area buffers are out of date or that they are inadequate to achieve resource protection goals. A change to current buffers would not be within the scope of Gorge 2020 technical revisions to the chapter, and would constitute a substantive policy change.

The Commission received public comments urging a policy change and the Commission's climate change impacts report (October 8, 2019) highlights the vulnerability of stream habitats to warming temperatures. To address these concerns, Commission staff began examining policy options for stream buffer widths in the General Management Area.

Staff brought this item for discussion to the Commission on February 11, 2020.

Commissioners voiced several questions, concerns or support for adjusting stream buffers. A summary of Commissioner feedback:

- *We should have a clear intent and goal for expanding buffers.*
- *What is the current condition of streams and stream buffers in the NSA? How effective are the current buffers?*
- *What is more effective for benefitting fish – stream buffers or restoration? Restoration on or off-site could be an option for GMA landowners in lieu of expanded buffers.*
- *What is the nature of the lands that would be affected by a change? Are they agricultural lands, etc?*
- *Potentially affected landowners (1,359 taxlots) should be notified and invited to comment.*
- *Clarification: A buffer would prevent new development within the buffer, including new buildings, new cultivation, recreation developments and would not be retroactive.*
- *Support increasing buffers for the streams and for habitat to many wildlife and plants.*
- *Desire for consistency between GMA and SMA buffer widths. This should extend to wetlands and to the no loss goal language.*
- *Larger buffers could force difficult trade-offs on agricultural lands (e.g. high-value farmlands, labor housing sites). Variances for stream habitat restoration seems like a good idea.*

A majority of Commissioners supported staff proposing a policy change to increase the GMA stream buffer width for perennial and fish-bearing streams (including intermittent streams that are used by anadromous or resident fish species), with a variance option to reduce the buffer width if beneficial stream improvements or offsite restoration is achieved. They requested additional analysis to address the questions and comments described above.

The Commission directed staff to prepare a summary of what the staff commitment would be to complete this analysis for the March Commission meeting. However, COVID-19 began affecting schedules and agency operations at that time and the March meeting was cancelled. The Commission has since moved to all virtual meetings, with an adjusted meeting schedule and sequence of agenda items. Staff is providing a summary of the anticipated workload now.

### **Steps/tasks and estimated *minimum* additional workload to pursue this item**

1. Literature review to determine relative benefits of buffers, riparian restoration, and other policy approaches – *8 hours Planner.*
2. Summary of current condition of streams in the NSA – *uncertain; min 20 hours to locate and summarize existing information for a cursory summary.*
3. Finer-scale GIS analysis of properties affected – *8-10 hours GIS, 4 hours Planner (General description was presented on February 11<sup>th</sup>).*
4. Notice to affected landowners – *3 hours Planner, 2 hours GIS, 4 hours Administrative.*
5. Draft policy language revisions – *4 hours Planner, 2 hours Legal.*
6. Review and summary of comments received from landowners – *5 hours Planner.*
7. Coordination throughout with USFS (CRGC time only) – *3 hours x 4 staff = 12 hours.*
8. Special session for public input on revisions – *6 hours Planner, 3 hours Executive Director, 1 hour Commission meeting agenda time (x9 staff) = 18 hours.*

The minimum estimated staff time investment required to complete the Commission's request is in excess of 100 hours. Staff is mindful of the full remaining Gorge 2020 workload and offers the following recommendations on this issue.

### **Staff recommendations:**

#### **Gorge 2020**

- Accept the proposed chapter revisions, to be shared for public comment in June 2020. The Natural Resources chapter, including proposed revisions, protects streams and riparian habitats. It provides direction requiring enhancement of riparian areas that have been degraded. It also encourages voluntary restoration of water resources, including streamside riparian areas.

#### **Outside Gorge 2020**

- Dedicate staff resources to VSI long-term monitoring to track and evaluate streams, wetlands, land use change, and riparian vegetation (in progress). Leverage VSI to support entities with water resource restoration objectives.
- Finalize and implement the Commission's climate change agenda (in progress).
- Work outside the management plan to implement EPA recommendations for cold water refuge tributary streams and their management. This could include developing management plan implementation guidance for managing riparian vegetation and sustaining river flows.

- Support local, state, and regional stream restoration efforts that benefit NSA water resources, with technical assistance, letters of support, and in-kind match.

### Forest Conversion and Loss

Forested lands are protected by the National Scenic Area Act and are important for a variety of reasons including scenic character, wildlife and plant habitat, recreation values, economic benefits, and climate change regulation. The Act requires protecting designated forest lands for forest uses and requires the Management Plan allows forest land to be converted to agriculture or open space. Forest harvest is allowed in the National Scenic Area, except in Open Space and Agriculture-Special, subject to state regulations in the GMA and the Management Plan in the SMA. Limited residential, recreation, and other developments are allowed on forest lands.

The Commission has received public comments encouraging greater protection for forest lands, by limiting forest harvest, prohibiting conversion to other uses, and limiting non-agricultural uses on forest lands.

The Commission's Buildable Lands Inventory (2017) showed the largest change in land cover type from 2001-2011 in the National Scenic Area was a loss of 1,637 acres of forest land. In more recent years, the expansion of vineyards has visibly changed the appearance and function of some forested lands in the National Scenic Area.

The current plan includes approval criteria for new developments in forest land use designations to protect forest resources from human-caused ignitions. Staff worked with several agency experts to review and update the fire protection policies in the Plan and presented those during the December 2018 Commission meeting.

Staff has begun considering policy approaches to address the concern that forest lands in the National Scenic Area are being lost and altered. Initial steps to resolve these concerns will involve an investment of staff resources and coordination with other responsible agencies and interested stakeholders. At this time, staff proposes the following steps, outside of Gorge 2020, to address this issue.

### **Staff recommendations to protect forest lands:**

#### Outside Gorge 2020

- Determine at a finer level of detail how forested lands are changing in the National Scenic Area. VSI will inform this analysis; staff is gathering historical and updated vegetation data, LiDAR, and existing analyses of land use cover change over time.
- Consult with fish and wildlife agencies and others to consider impacts and thresholds for sensitive habitats.
- Consider future policy approaches to improve protection of forest resources.

- Engage with Oregon Department of Forestry and Washington Department of Natural Resources to recommend improvements to policies and implementation of Forest Practices Acts.
- Continue active participation in the East Cascades Oak Partnership, a public-private partnership to promote oak protection and conservation practices on all lands.

## **V. Next Steps for the Natural Resources Chapter**

Following the presentation and today's public comment opportunity, staff requests agreement among Commissioners that the proposed revisions are ready to be included with other proposed revisions to the Management Plan for public comment June 1 – June 30, 2020.

Staff is also providing an update on climate change today, as a separate agenda item, introducing draft language to describe the Commission's vision and intent for addressing climate change.