



TO: Columbia River Gorge Commission

FROM: Krystyna U. Wolniakowski, Executive Director
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DATE: September 8, 2020

SUBJECT: **Work Session and Action Item*:** Gorge 2020 Management Plan Proposed Amendments and Final Edits for Commission Approval

Background

On August 11 and August 12, 2020, the Commission held work sessions to discuss and deliberate proposed amendments submitted by Commissioners for the Draft Gorge 2020 Management Plan. The Commission approved 18 amendments that are described in the August 11-12, 2020 minutes. The Commission asked Commission and Forest Service staff to follow-up and provide additional clarifications for the following topics:

- “No loss of wetlands”: Commissioners requested staff to incorporate the new language in the revised Gorge 2020 Management Plan and clarify other sections in the Water Resources section that would need to be changed to address this goal.
- Agricultural Products and Processing: A motion adding cideries, breweries, distilleries, and other agricultural products to the provision for wineries was not approved. The Commission asked staff to provide alternate language that could allow some additional agricultural products to be processed on agricultural land in the National Scenic Area.
- Commissioner Carina Miller offered to develop policy language on Diversity, Equity, and Inclusion to be included in the final Gorge 2020 Management Plan and to work with staff to insert it in the appropriate section of the new Plan.
- Non-controversial and minor edits: The Commission requested that staff continue to review the Management Plan and make clarifying, non-controversial, and minor edits to address consistency in language and to remove outdated information.

Guide to Edits in the Draft Gorge 2020 Management Plan

In the attached final Draft Gorge 2020 Management Plan, staff have color coded the edits so that the origin of the changes are easier to follow:

Original text is in black, unchanged in the Management Plan

~~Original text, moved from this location~~

Original text, moved to this location

[First Round Deletion in Draft Management Plan presented for Public Comment, June 1, 2020](#)

[First Round Addition in Draft Management Plan presented for Public Comment, June 1, 2020](#)

[Second Round Deletion in Draft Management Plan, available August 26, 2020](#)

[Second Round Addition in Draft Management Plan, available August 26, 2020](#)

[Second Round Addition or Deletion that responds to Commissioner motions from August 11 and 12, 2020 Commission meetings, available August 26, 2020](#)

Natural Resources Chapter: Wetlands

On August 12, 2020, the Commission approved the following amendment: Change “no overall net loss” to “no loss” in Goal 1 for wetlands under GMA Goals: Water Resources on page 107 in the Draft Management Plan released for public comment. The language in the final Draft Management Plan that accompanies this staff report now reads:

Page 113: 1. Achieve no ~~overall net~~ loss of wetlands acreage and functions.

Staff reviewed language throughout Part I, Chapter 3: Natural Resources, GMA Provisions, Water Resources: Wetlands, Streams, Ponds, Lakes, and Riparian Areas (pages 113-128 in the Draft Management Plan) to determine where modifications were needed to align existing GMA objectives, policies, and guidelines with the revised “no loss of wetlands” goal. Staff only changed the minimum language required to achieve consistency across sections, and to clarify the limited uses that may occur in wetlands to meet public safety needs, while meeting the management intent of the revised goal. Originally, wetlands were part of a consolidated “Water Resources” section that also included streams, ponds, etc. However, the new policy change required separating out wetlands from other water resources to address specific provisions that only related to wetlands. These changes include:

- Page 113: Modified Objective 1 to broadly describe the Commission’s use of regulations to avoid adverse effects of development and land use within and near water resources, rather than list out specific development types or land uses. This objective is included in all resource chapters.
- Page 114: Eliminated “be sited to” in Policy 5 to reflect intention of the “no loss” wetlands goal and to more accurately capture the scope of considerations for a proposed project in a wetland. While siting is a major factor, broader language ensures consideration of other possible solutions for avoidance.
- Page 114: Modified language in Policy 6 to clarify that impacts to wetlands may be allowed only when all practicable measures have been applied to “avoid” (rather than minimize) impacts and the use is in the public interest.
- Page 116: Under Review Uses in Water Resources and Buffer Zones, staff created Guideline 1 to separate wetlands from other water resources and water resource buffer zones guidelines to align with the revised no loss of wetlands goal. Under 1.A, 1.B, and 1.C, the new language describes the limited types of projects that may still be allowed under this revised goal. The main change here is removing “structures,” which is a broad term, and replacing it with

limited uses that may need to be located in wetlands for public safety reasons (A) or because they occur in wet areas (B) and (C). Added language to 1.B and 1.C to clarify the types of work, beyond “construction,” that may be allowed, while meeting the intent of the no loss goal. This new Guideline 1 is based on the existing Guideline 2, but is tailored to satisfy the revised goal.

- Page 117: To remain consistent with reorganization of Review Uses Guideline 1 for wetlands, added text under Guideline 2 to clarify that this applies to water resources (except wetlands) and water resources buffer zones (including wetland buffer zones).
- Page 118: Text changes to Guideline 3 also reflect the reorganization of this section. Overall, Guidelines 1, 2, and 3 are now more clear in their distinctive scopes: 1 is for wetlands; 2 is for other water resources and all buffers; and 3 is for other uses not listed in 1 and 2. Each is subject to its own set of approval criteria.
- Page 118: Moved the previous Guideline 3 to each of the approval criteria sections. This existing guideline shows up in yellow highlight to reflect reorganization and is not new language: “Proposed uses in water resources and their buffer zones shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.”
- Page 118: Created an “Approval Criteria for Uses in Wetlands” section to align with the revised no loss goal. Except for 1.E, this is existing language adapted from the “Approval Criteria for Modifications to Serviceable Structures and Minor Water-Dependent and Water-Related Structures in Water Resources” section that follows. Added criterion 1.E to clarify that uses occurring in wetlands would be subject to mitigation requirements.
- Page 119: Added a few clarifying edits to this section, including fixing the typo that Commissioner Kaufman caught.
- Pages 121-122: Added “improve” and “improvement” to reflect that restoration, creation, and enhancement are means of improving existing conditions, rather than achieving “no net loss” which is no longer included in Goal 1.
- Page 125: Public Interest Test section: The modified language narrows what constitutes public need for uses in wetlands. Public need has many facets. Public safety is narrower and consistent with the revised goal. This allows necessary projects.

Land Uses

At the August 12, 2020 Commission work session, the Commission proposed a motion to add a series of agricultural products to wineries that would allow cideries, breweries, distilleries and perries to be approved within the National Scenic Area. Although the motion did not pass, the Commission requested staff to return with proposed language that would support small scale agriculture with products grown on-site but could be supplemented with “locally grown produce” to make the use economically viable, while not qualifying as an “industrial level” use. Staff proposed the following amendment to include cideries with wineries. Produce such as apples and pears are grown in orchards located in the National Scenic Area, similar in scale to vineyards with wine grapes. Staff believe that with fruits grown in the National Scenic Area, the purpose and process is similar and should be allowed. However, other types of uses such as distilleries and breweries are more appropriate to be located in urban areas.

Staff propose that where “wineries” are referred to, “cider” or “cideries” should be added.

1. Anywhere the following guideline exists:

“Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.”

Change to:

“Wineries and cideries, in conjunction with an onsite viticulture vineyard or orchard, upon a showing that processing of wine or cider is from ~~grapes grown~~ fruits harvested on the subject farm ~~or in~~ and the local region.”

2. And this guideline:

“Wine sales and tasting rooms, in conjunction with an on-site winery.”

Change to:

“Wine or cider sales and tasting rooms, in conjunction with an on-site winery or cidery.”

Pages these guidelines are found in the Final Draft of the Management Plan:

Part II, Ch 1

p. 205: 2.D. & 2.E.

Part II, Ch 2

p. 229: 2.D. & 2.E.

Part II, Ch 4

p. 266: 2.J. & 2.K.

p. 267: K.(1)(b): The wine or cider sales and tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

p. 267: K.(1)(c): The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine or cider sales and tasting room.

3. Add “or cider” to these land use policies in Part II, Ch 1 on p. 199:

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

A. Home occupations.

B. Bed and Breakfast Inns.

C. Wine or cider sales and tasting rooms in conjunction with a lawful winery or cidery.

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

4. And these places in Part II, Ch 7:

p. 354: 2.A.:

The use must be in conjunction with a lawful wine or cider sales or tasting room, bed and breakfast inn or commercial use. If the use is proposed on a property with a building on or eligible for the National Register of Historic Places, it shall be subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7: General Policies and Guidelines), and not the guidelines of this section.

p. 369:

- D. Wineries and cideries upon a showing that processing of wine or cider is from ~~grapes~~ fruit grown on the subject parcel and the local region, within a historic building, as the building existed as of January 1, 2006.
- E. Sales/tasting rooms in conjunction with an on-site winery or cidery, within a historic building, as the building existed as of January 1, 2006.

5. In Part III, Ch 3 Economic Development:

p. 391: Policy 6:

- E. Wine or cider sales or tasting rooms, in conjunction with a lawful winery or cidery, 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 or cidery, wine or cider sales or tasting room, bed and breakfast inn, commercial use, or dwelling listed in the National Register of Historic Places.

Diversity, Equity and Inclusion Policy

Commissioner Carina Miller is developing proposed language to include in the Gorge 2020 Management Plan to address systemic inequities in the Commission's policies, and workplan. The proposed language will be available for review by September 1, 2020 and posted on the Commission's website.

Clarifications, Non-Controversial and Minor Edits

After the June 1-30, 2020 public comment period and the August 11-12, 2020 Commission work sessions, staff reviewed the entire Draft Gorge 2020 Management Plan to incorporate Commissioners' approved amendments and to continue making clarifying edits that would provide consistency in terminology throughout the Plan, including removing redundant or outdated information. These edits do not include policy-level changes. Staff reviewed public comments again as part of this process to clarify meanings and streamline language. Where possible, staff incorporated public comment suggestions into the text of this final Draft Management Plan. As mentioned above, any staff edits that were completed after August 12, 2020 are shown in either ~~red strikethrough~~ or additions in **red font**.

Staff Recommendations for Final Edits

Staff recommends that the Commission accept each of the amendments proposed by staff. You may make separate motions on each or adopt these as a package.

Revised Land Use Designation Map

Staff has produced a revised Land Use Designation Map as part of the revisions to the Management Plan. A prior staff report, attached again to this staff report, explains the revisions to the map.

The Commission must adopt a paper copy of the map. Staff has produced that map and can hold it up prior to the Commission's vote on the final revisions to the Management Plan. Because the Commission cannot be in the same room as the paper copy of the map, staff is providing a true and

correct reduced electronic version of the paper map to each member of the Commission with this staff report.

Incorporating the Secretary of Agriculture's Revisions for Use of Federal Land and SMAs (crafted by the Forest Service under delegated authority)

Sections 6(c)(4) and (5) of the National Scenic Area Act require that the Commission incorporate the Secretary's revisions for use of federal land and the special management areas without change. The final revisions to the provisions for use of federal land and the special management areas are shown in the August 26, 2020 draft.

Final Commission Motion

When the Commission is ready to vote on the final Gorge 2020 Management Plan, you may use the following motion:

I move to adopt the revisions to the Gorge 2020 Management Plan as shown in the August 26, 2020 draft, [and the changes that the Commission voted to approve during the September 8, 2020 meeting], including the revised Land Use Designation Map, and the provisions for use of federal land and the special management areas, which the Commission has not changed.

The Commission must adopt the revisions to the Management Plan by a majority vote of the Commission members appointed and at least three from each state. This means you need 7 votes to approve the Management Plan, and you need 3 or more votes from each state.

Next Steps

Once the Commission has adopted the Management Plan revisions, the staff will send the final revisions to the Secretary of Agriculture for concurrence. The Secretary has 90 days to review and concur or return the plan with a finding of non-concurrence. If the latter happens, staff will advise the Commission of possible next steps at that point.